

**EDGERTON CITY COUNCIL
REGULAR MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
June 27, 2013**

Call to Order

1. **Roll Call** ___ Roberts ___ Longanecker ___ Crooks ___ 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 June 13, 2013

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.

Business Requiring Action

8. **CONSIDER REQUESTING A SIX-MONTH EXEMPTION FROM THE PROVISIONS OF HB 2052 CONCERNING CONCEALED CARRY OF HANDGUNS IN MUNICIPAL BUILDINGS**

Motion: _____ Second: _____ Vote: _____

9. **CONSIDER AN APPEAL TO GOVERNING BODY REGARDING REVOCATION OF SOLICITOR LICENSES**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER ORDINANCE NO. 938 REGARDING AN APPLICATION FOR CONDITIONAL USE PERMIT, CU-11-20-2012 , FOR A BILLBOARD SIGN AT 20080 HOMESTEAD LANE**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER APPLICATION P-05-21-2013 FOR LOGISTICS PARK KANSAS CITY, SECOND PLAT (ELHC II)**

Motion: _____ Second: _____ Vote: _____

12. **Report by the City Administrator**

o Presentation of the Recommended 2014 General Fund Budget

- o Presentation of the Recommended 2014 Vehicle and Equipment Replacement Schedule

13. Report by the Mayor

14. Future Meeting/Event Reminders:

- July 3rd – Edgerton Third of July Celebration at Martin Creek : Picnic at 7PM; Fireworks between 9:45 – 10PM
- July 4th – City Hall Closed
- Week of July 4th – Trash Pickup on Friday
- July 11th 7 PM – City Council Meeting
- July 17th Noon – Senior Lunch
- July 25th 7 PM – City Council Meeting

15. Adjourn Motion: _____ Second: _____ Vote: _____

**City of Edgerton, Kansas
Minutes of City Council Regular Session
June 13, 2013**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on June 13, 2013. The meeting convened at 7:00 p.m. with Mayor Donald Roberts presiding, and City Clerk Janeice L. Rawles recording.

Council members in attendance: Frances Cross
Cindy Crooks
Heidi Wiseman
Clay Longanecker

Council members absent Jody Brown

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

Consultants in attendance: Captain Shaine Pennington, Johnson County Sheriff
Scott Anderson, Edgerton Bond Counsel

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 Longanecker, second by Wiseman to approve the consent agenda.
Motion carried 5-0-0.

PUBLIC COMMENTS

Jack Livella, 513 W. Shanandoah, addressed the council about the train whistles, and inquired about quiet zones.

DECLARATIONS BY COUNCIL MEMBERS

There were none

MEETING RECESS

The meeting recessed for 10 minutes, at 7:13 p.m.

MEETING CALLED BACK TO ORDER

City of Edgerton Regular Session Minutes
June 13, 2013

The meeting was called to order at 7:23 p.m.

PRESENTATION -Updated Job Descriptions

The Administrative Services Director presented the current job descriptions. She explained that staff had evaluated and reviewed all current job descriptions within the organization over the past several months as well as made a comparison of similar job descriptions with other local government agencies of similar size and/or population. This comparison was made in part by the City's relationship with the Mid-America Regional Council (MARC). As a result, all current job descriptions have been amended and/or updated as required.

BUSINESS REQUIRING ACTION

Financial Audit for Fiscal Year 2012

Abram Chrisilip, CPA with Mize Houser & Company P.A. auditor for the City of Edgerton presented the financial audit for fiscal year 2012. Mr. Chrisilip reviewed the audit with council and discussed the findings. According to Mr. Chrisilip, the audit procedures include tests of documentary evidence supporting the transactions recorded in the accounts and may include direct confirmation of certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. The audit also included obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

According to Mr. Chrisilip, there were no findings in regards to the federal program portion of the audit and only a few management recommendations. He was very pleased with the improvement he has seen over the past couple of years and anticipates the audit running very smoothly in the future.

Motion by Wiseman, second by Longanecker to approve the Financial Audit for Fiscal Year 2012.

Motion carried 4-0-0

Ordinance No. 938 regarding an application for conditional use permit, CU-11-20-2012, for a Billboard sign at 20080 Homestead Lane was considered.

The City Administrator reviewed the background and description of the billboard sign. There was one home owner asking if there were other ways to promote the land. Tim Gates with Agnes Gates Realty was present to represent his clients, Jeffrey and Jennifer Thorp and discussed the height and size of the sign and described where the sign would be erected. Mayor Roberts asked Mr. Gates bring a drawing to show where the sign is being put.

Motion by Crooks, second by Longanecker to table Ordinance No. 938 regarding an application for conditional use permit, CU-11-20-2012, for a Billboard sign at 20080 Homestead Lane until the June 27th, 2013 meeting.

Motion carried 4-0-0

PUBLIC HEARING

Mayor Roberts opened a public hearing regarding the partial assignment of a resolution of intent from Edgerton Land Holding Company, LLC to ELHC II, LLC, or its successors in interest.

Scott Anderson, Edgerton Bond Counsel was present to answer any questions that might arise. There were no public comments,

Mayor Roberts closed the public hearing, and regular meeting resumed.

Resolution No. 06-13-13A consenting to the partial assignment of a resolution of intent from Edgerton Land Holding company, LLC to ELHC II, or its successors in interest was considered.

Motion by Cross, second by Wiseman to approve Resolution No. 06-13-13A consenting to the partial assignment of a resolution of intent from Edgerton Land Holding company, LLC to ELHC II, or its successors in interest.

Motion carried 4-0-0

Report by the City Administrator

None at this time

Report by the Mayor

None at this time

Adjourn

Motion by Wiseman, second by Cross to adjourn

Motion carried 4-0-0

The meeting adjourned at 8:00 p.m.

Janeice L. Rawles, CMC

Approved by the Governing Body on XXXXXXXXXXXXXX

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Requesting a Six-Month Exemption from the Provisions of HB 2052 Concerning Concealed Carry of Handguns in Municipal Buildings

Department: Administration

Background/Description of Item: The 2013 Kansas Legislature passed, and Governor Brownback signed, HB 2052, which authorizes the carrying of concealed handguns in state and municipal buildings by appropriately licensed individuals. The new legislation allows municipalities to exclude people licensed to carry conceal carry handguns if the municipal building has "adequate security measures." Adequate security is defined in the bill as "the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building." The bill goes into effect on July 1, 2013.

Attached to this agenda item is a summary of this legislation prepared by the Kansas Legislative Research Department.

Based on the definition of adequate security including the use of electronic equipment and personnel, staff does not anticipate recommending the Governing Body implement measures to exclude conceal carry of handguns by members of the public into municipal buildings after January 1, 2014. However, staff would recommend approval of the six-month exemption to allow time for examination of existing city personnel regulations with regard to conceal carry for employees. The exemption would allow time for staff to research Edgerton and other cities' personnel regulations with regard to conceal carry and present those to the Governing Body for discussion.

Enclosure: Summary of HB 2052 prepared by the Kansas Legislative Research Department
Draft Letter to Kansas Attorney General to request Six Month Exemption

Related Ordinance(s) or Statute(s): House Bill 2052

Recommendation: Approve the submittal of notification to the Kansas Attorney General of the six-month exemption from the provisions of House Bill 2052 concerning carry of handguns in municipal buildings owned by the City of Edgerton

Funding Source: N/A

Prepared by: Anna-Marie Keena, Administrative Services Director
Date: June 25, 2013

Concealed Carry of Handguns and Other Firearms Amendments; Senate Sub. for HB 2052

Senate Sub. for HB 2052 enacts new law and amends existing law concerning firearms, criminal law, and the Personal and Family Protection Act (concealed carry of handguns).

Specifically, the bill:

- Prohibits the unlawful discharge of a firearm within or into the corporate limits of any city. The bill provides exemptions for when a firearm may be discharged within or into a city and also classifies the unlawful discharge of a firearm as a class B, nonperson misdemeanor;
- Modifies the Personal and Family Protection Act to allow the possession of firearms on certain governmental property, including in state and municipal buildings;
- Defines, for the purposes of the bill, the terms “adequate security measures,” “municipality,” “restricted access entrance,” “state and municipal building,” and “weapon”;
- Excludes school districts from the definition of “municipality”;
- Excludes the State Capitol from the definition of “state and municipal building”;
- Requires adequate security measures at public entrances of state and municipal buildings in order to prohibit the carrying of any weapon into a building;
- Prevents a state agency or municipality from prohibiting a licensed employee from carrying a concealed handgun at the employee’s workplace, unless the building has adequate security measures and adopted personnel policies prohibit such concealed carry by employees who are licensed;
- Provides that it will not be a violation of the provisions in the bill for a licensed person to carry a concealed handgun through a restricted access entrance into a state or municipal building with adequate security measures;
- Establishes that it is not be a crime for a person to carry a concealed handgun into a public building if properly posted and allows for the denial to a building or removal of such person from a building where concealed carry is prohibited;
- Provides liability protections for entities allowing concealed carry in state or municipal buildings;



June 27, 2013

Honorable Derek Schmidt
Kansas Attorney General
120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612

RE: Exemption of Municipal Buildings

Dear Attorney General Schmidt:

On June 27, 2013, the Governing Body of the City of Edgerton, Kansas, pursuant to Section 2 (i) of Senate Substitute for House Bill 2052, approved the exemption of all municipal buildings from the requirements of said bill, including:

	<u>Name</u>	<u>Address</u>
1.	City Hall	404 E Nelson Street
2.	Public Works	710 E Nelson Street
3.	Big Bull Creek Wastewater Treatment Facility	20600 Homestead Lane
4.	Public Works Maintenance Shop	307 E Nelson Street
5.	Edgerton Bank of Knowledge	319 E Nelson Street

The City understands that this exemption will end on January 1, 2014, unless further action is taken by the Governing Body to extend the exemption.

Respectfully submitted,

Donald Roberts, Mayor

CC: Sheriff Frank Denning, 588 East Santa Fe, Olathe, KS 66061



- Allows corrections facilities, jail facilities, or law enforcement agencies to prohibit the carrying of handguns or firearms, concealed or unconcealed, into the secured areas of such buildings, except any other area of such building, outside a secured area and readily accessible to the public, shall be subject to provisions in the bill;
- Permits the chief judge of each judicial district to prohibit the carrying of a concealed handgun into courtrooms or ancillary courtrooms within the district provided other means of security are employed;
- Allows the governing body or chief administrative officer of any state or municipal building to exempt the building for four years, subject to developing a plan for security measures and filing notification of the exemption;
- Provides a specific four-year exemption for any state or municipal building if the governing body or chief administrative officer follows specified procedures for exempting certain entities identified in the bill: public medical care facilities, public adult care homes, community mental health centers, indigent health care clinics, and post-secondary educational institutions;
- Permits school districts, post-secondary educational institutions, public medical care facilities, public adult care homes, community mental health centers, and indigent health care clinics to allow a licensed employee to concealed carry a handgun if the employee meets the entity's general policy requirements and if the entity does not have a personnel policy prohibiting employees from concealed carry of a handgun;
- Excludes the buildings of the Kansas School for the Blind and School for the Deaf from application for a designated institutional exemption;
- Removes a specific listing of buildings in current law where concealed carrying is prohibited and inserts the new phrase "any building";
- Strikes language prohibiting the possession of a firearm on the grounds of certain government buildings, including the State Capitol, and retains existing law prohibiting "open carry" in state and municipal buildings;
- Exempts the State Capitol from provisions of the bill on and after July 1, 2014, and allows a licensee to carry a concealed handgun in the State Capitol, unless the Legislative Coordinating Council determines the Statehouse does have adequate security measures;
- Updates a statute by striking an outdated reference to the Ombudsman of Corrections which no longer exists;
- Unless otherwise required by law, prohibits the release of records that would disclose the name, home address, zip code, e-mail address, phone number or

cell number, or other contact information of any person licensed to carry concealed handguns. The provision also applies to applicants for a license;

- Deletes a reduced fee for a concealed carry license obtained by retired law enforcement officers;
- Allows corrections officers, parole officers, and corrections officers employed by the Federal Bureau of Prisons to apply professional firearms certification toward training requirements for a concealed carry license;
- Adds law enforcement officers from other states and qualified retired law enforcement officers to a list of individuals exempted from the law prohibiting the criminal carrying of a weapon;
- Allows law enforcement officers from other states and qualified retired law enforcement officers to possess handguns within buildings where concealed carry may be prohibited;
- Provides liability protections regarding concealed carry for private businesses either allowing or prohibiting concealed carry in private buildings;
- Changes all references in the bill for either premise or premises and facility or facilities to either building or buildings; and
- Makes most provisions in the bill effective on July 1, 2013, and the provisions pertaining to the State Capitol effective on July 1, 2014 (unless the Legislative Coordinating Council determines the Statehouse does not have adequate security measures as defined in the bill).

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider an Appeal to Governing Body Regarding Revocation of Solicitor Licenses

Department: Administration

Background/Description of Item: Chapter V, Article 2 of the Edgerton Code defines Solicitation. Section 5-201 defines who can be a solicitor and Section 5-202 states that it is unlawful for anyone to engage in solicitation within the corporate limits of the City of Edgerton without a license. Currently the City of Edgerton remains one of the few communities to require a license for solicitation.

Section 5-205; states the City Clerk shall refer all non-Johnson County applications to the chief of police who shall conduct a background investigation, an additional \$50 fee for the background investigation is to be collected by the City Clerk in addition to the \$25.00/daily license fee.

On April 26, 2013 the Account Clerk issued two (2) City of Edgerton Solicitor Permits to representatives of Clear Satellite, Inc. A \$50.00 fee (\$25.00/day) was collected from each applicant as each applied for two (2) day permits. Both applicants provided out-of-state addresses, so background checks were requested on each. This required coordination with the Johnson County Sheriff's Office, who provided authorization to approve the licenses that same day.

On April 26, 2013, the Johnson County Sheriff agency dispatched a deputy in regards to a complaint of a suspicious person. The complaint was that while on behalf of Clear Satellite, Inc., a solicitor presented his City of Edgerton license, stated he was with the City and needed to gather information about this citizen's satellite. During this time, City Hall received telephoned complaints of a similar nature. These were reported to the Administrative Services Director who determined to cancel the permits and asked the deputy to assist the City in doing so by contacting the solicitors on behalf of the City of Edgerton.

On May 9, 2013 Paul Southam of Clear Satellite, Inc. filed an appeal with the City Clerk as per Edgerton Code Article 2, Section 5-210(b). The Governing Body set the appeal hearing for June 27, 2013 at 7:00 p.m. Because no mailing address was available, notice of hearing was sent on behalf of Mr. Paul Southam to his representative; Brig Richards on June 9, 2013. Mr. Richards confirmed receipt of notice on June 10, 2013.

Based on Edgerton Code, there are two options available to the City Council:

- 1) Refund each \$50.00 licensing fee (\$100.00) as per request of Clear Satellite; or
- 2) Deny the request for refund from Clear Satellite.

Attachments: Chapter V. Edgerton Code Business Regulations
Application dated 4/25/2013 Collin Busselberg
Application dated 4/25/2013 Brian Potter
Receipt dated 4/25/2013 for Business License (2 peddler/2 days)
Receipt dated 4/25/2013 for Background check (2 peddlers)
City of Edgerton Restricted Solicitor Permit for Collin Busselberg dated 4/26/2013
City of Edgerton Restricted Solicitor Permit for Brian Potter dated 4/26/2013
Johnson County Sheriff's Office Incident/Investigation Report dated 4/26/2013
Notice of Appeal from Clear Satellite, Inc. dated May 9, 2013
Statement from Deputy Becker regarding incident

Notice of Hearing dated June 9, 2013
Confirmation of receipt of Notice of Hearing dated June 10, 2013

Related Ordinance(s) or Statute(s): Chapter V, Edgerton Code, Article 2

Recommendation: Deny the request for a refund for revocation of solicitor licenses for Clear Satellite.

Funding Source: N/A.

Prepared by: Anna-Marie Keena, Administrative Services Director
Date: June 25, 2013

CHAPTER V. BUSINESS REGULATIONS

Article 1. General Regulations and Licenses

Article 2. Solicitors, Canvassers, Peddlers

Article 3. Adult Entertainment

ARTICLE 1. GENERAL PROVISIONS

- 5-101. **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation, either as principal or agent or employee, to conduct, pursue carry on or operate any calling, trade, profession or occupation in the city without first paying the license fee prescribed and procuring such a license from the city clerk whenever the procuring of the license is required by the city. (Code 1995)
- 5-102. **APPLICATION FOR LICENSE.** Every person, firm or corporation desiring to do business in the city shall apply to the city clerk for a license to operate such business, and in the case of new licenses, shall appear before the governing body before the commencement of business and issuance of the license. Upon approval by the governing body, the city clerk shall issue to the applicant a license which shall be signed by the city clerk. It shall be the duty of the city clerk to pay over the amount so collected on each license issued, to the city treasurer of the city. (Code 1995)
- 5-103. **NOT ASSIGNABLE OR TRANSFERABLE.** No license granted by the city shall be assignable or transferable; nor shall such license authorize any person to do business or act under it but the person named therein, nor at more than one place. There shall be no refunds except as specifically provided. (Code 1995)
- 5-104. **LICENSE PERIOD; DURATION.** Unless otherwise provided, licenses shall commence and endure from January 1 and expire on December 31 of the same year, except that all semi-annual licenses issued as provided in this chapter shall expire on the 30th day of June or the 31st day of December, next following the date of their issuance. (Code 1995)
- 5-105. **EXEMPTION OF FARMERS.** No producer or grower, or his or her agents or employees, selling in the city, farm or garden products or fruits grown by him or her in the state shall be required to pay any license fee or occupation tax imposed by any law of this city, and he or she, his or her agents or employees, are hereby exempt from the payment of any such fees or taxes, or the securing of a license. (K.S.A. 12-1617; Code 1995)
- 5-106. **LICENSE FEES.** (a) Unless otherwise provided, the annual license fee for each occupation, business, or profession shall be Five Dollars (\$5.00).

- (b) The provisions of (a) above shall not apply to any business required to be licensed as under the provisions of Chapter 3, Article 3, 4 or 7 of the Code of the City of Edgerton. (Ord. 669, 1996; Code 1995)

5-107. SAME; WHEN PAYABLE; TIME PERIOD. (a) All license fees shall be due and payable before the commence of a trade, occupation, business or profession for which license fees are required.

- (b) No license shall be issued until the fee is paid.
- (c) Licenses shall be renewed on or before the expiration date of the current licenses.
- (d) If the license prescribed is for an annual, quarterly, monthly, weekly or daily period, the license shall not be issued for any part or fraction of the year, quarter, month, week or day, respectively.
- (e) The license for a day shall expire at midnight. (Code 1995)

5-108. PAYMENT OF FEES; RECEIPT. The city clerk shall, upon payment of any license fee specified, give a receipt therefor stating the amount paid, the nature of the licenses issued, for what time, and to whom issued, and if possible, the exact location where the business is to be carried on, and the kind of business. (Code 1995)

5-109. CONTENTS OF LICENSE. Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the licensee, the kind of business he or she desires to engage in and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named. (Code 1995)

5-110. RECORD BOOK. The city clerk shall keep a book in which shall be entered the name of each person licenses, his or her address, the date of the license, the purpose for which it is granted, the amount paid therefore, and the time the same shall expire and within 24 hours after any license has expired, the city clerk shall notify the chief of police of such expiration, unless the same shall have been renewed. (Code 1995)

5-111. DISPLAY OF LICENSE. All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them and any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city. (Code 1995)

ARTICLE 2. SOLICITORS, CANVASSERS PEDDLERS

5-201. DEFINITIONS. For the purpose of this article, the following words shall be considered to have the following meanings:

(a) Soliciting shall mean and include any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuff, services, of any kind, character or description whatever, for any kind of consideration whatever; or
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

(b) Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(c) Canvasser or Solicitor shall mean any individual, whether resident of the city or not, whose business is mainly or principally carried on by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

(d) Peddler shall mean any person, whether a resident of the city or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicle or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler.

(e) Transient merchant, itinerant merchant or itinerant vendor are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods,

wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

- (f) Street salesman shall mean any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this city. (Code 1995)

5-202. LICENSE REQUIRED. (a) It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this article, within the corporate limits of the city without them having an unrevoked and unexpired license therefore in his or her possession and issued by the city clerk.

- (b) The governing body may waive the license requirements of this section for any person, firm or corporation exempt from the payment of a license fee under section 5-207 (d). (Code 1995)

5-203. SAME; APPLICATION REQUIRED. Before the city clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the city clerk which shall give the following information:

- (a) Name and description of applicant;
- (b) Permanent home address and full local address of applicant;
- (c) Identification of applicant including drivers license number, date of birth, expiration date of license and description of applicant;
- (d) Identification of vehicle used by applicant including license therefore used by applicant in conducting his or her business;
- (e) A brief description of nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;
- (f) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent he employers in conducting business;
- (g) The length of time which business is proposed to be carried on;
- (h) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- (i) A photograph of the applicant, taken within 90 days prior to the date of making application which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and

distinguishing manner; or in lieu thereof, the fingerprints of the applicant may be taken by the chief of police and filed with the application;

- (j) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (Other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers and giving the nature of the offenses, the punishment assessed therefor, if any, and the city and state where conviction occurred.
- (k) The applicant's Kansas Sales Tax number. (Code 1995)

5-204. ISSUANCE; COUNTY RESIDENTS. (a) Except as provided in section 5-209, if the applicant is a current resident of Johnson County, Kansas, upon receipt of any application for a license and payment of the license fee, the city clerk shall issue the license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times.

- (b) If the applicant is not a current resident of Johnson County, Kansas, a license will not be issued until after investigation and payment of the investigation fee as provided in sections 5-205;206.

5-205. SAME; INVESTIGATION AND ISSUANCE; NON-COUNTY RESIDENT.

- (a) Upon receipt of the above application from an applicant who is not a current resident of Johnson County, Kansas, the city clerk shall refer the same to the chief of police who shall cause an investigation of the facts stated therein to be made within not to exceed five days.
- (b) If as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory or the facts stated therein to be untrue, the chief of police shall endorse on such application his or her findings and endorse his or her disapproval of the application and the reasons for the same and shall return the application to the city clerk who then shall notify the applicant that his or her application is disapproved and that no license will be issued.
- (c) If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the chief of police shall endorse his or her findings and approval on the application and return the same to the city clerk who shall, upon payment of the license and investigation fees prescribed, issue a license to the applicant to engage in the business described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall keep a permanent record of all such licenses issued and submit a copy of

such license to the chief of police. The licensee shall carry the license certificate at all times. (Code 1995)

5-206. SAME; INVESTIGATION FEE. At the time of filing the application, a fee of \$50.00 shall be paid to the city clerk to cover the cost of investigation of the facts stated in the foregoing application. (Code 1995)

5-207. LICENSE FEE; TIME LIMITS; EXEMPTIONS. (a) Except as provided in subsection (c), the fee for the license required pursuant to section 5-202 shall be in the amount of \$25.00 per each day, or portion thereof, that the licensee shall operate within the city limits. In no event, however, shall fees in excess of \$250.00 be collected from a licensee during any six-month period of time.

- (b) Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m.
- (c) Persons and firms not having a permanently established place of business in the city, but having a house-to-house or wholesale business shall receive a license as required by section 5-202 upon the payment of \$250.00 for any year, and may make solicitations or sales only between the hours of 8:00 a.m. and 9:00 p.m., or upon invitation at any hour.
- (d) No license fee shall be required of: (1) any person selling products of the farm or orchard actually produced by the seller; (2) any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city and any other governmental subdivision, or the state, or when part of all of the expenses of the fairs or celebrations are paid for by the city, any other governmental subdivision, or the state; and (3) any not-for-profit or charitable organization as determined by the governing body. (K.S.A. 12-1617; Code 1995)

5-208. RENEWAL. All licenses issued shall be subject to renewal upon a showing of compliance with sections 5-202;203 of this article within a six month period prior to the renewal date. The city clerk need not require an additional application under section 5-203 or an additional investigation and investigation fee under sections 5-205;206 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The city clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license. (Code 1995)

5-209. DENIAL, REVOCATION OR SUSPENSION OF LICENSE; NOTICE.

- (a) The city clerk or chief of police may deny any application or may revoke or suspend for a period of not to exceed 30 days any license issued under this article, for any of the following causes;

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on the business.
- (3) Any violation of this article.
- (4) Conducting a business as defined in section 5-201 in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the city. Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address and the city clerk shall set forth the grounds of such denial, revocation or suspension.
- (5) Conviction of the crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date. (Code 1995)

5-210. APPEAL TO GOVERNING BODY. (a) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.

- (b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.
- (c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.
- (d) The decision and order of the governing body on such appeal shall be final and conclusive. (Code 1995)

5-211. REGULATIONS. (a) It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality of nature of his or her goods, wares and merchandise for the purpose of inducing another to purchase the same.

- (b) Licensees are required to exhibit their license at the request of any person to whom they attempt to sell their goods, wares and merchandise or take orders for future delivery of the same. (Code 1995)

5-212. USE OF STREETS AND SIDEWALKS. Except when authorized in writing by the city clerk, no peddler, solicitor or canvasser or any other person shall have exclusive right to any location in the public streets for the purpose of selling or soliciting sales, nor shall any person be permitted a stationary location in the public streets, nor shall any person be permitted to operate in the sidewalks and streets within the fire limits of the city or any congested area where his or her operations might impede or inconvenience the public. (Code 1995)

5-213. DISTURBING THE PEACE. Except when authorized in writing by the city clerk, no licensee nor any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the

CITY OF EDGERTON, KANSAS
APPLICATION FOR SOLICITORS, CANVASSERS, PEDDLERS
LICENSE

Applicant's Name: Brian Potter

Date of Birth: 09/15/86

Physical Description: 5' 11" 190lbs Dark hair, tan skin

Home Address: 486 West 2nd Ave Midvale UT 84047

Employer's Name and Address: Clear Satellite
135 South Mountainway Drive Orem UT 84058

Kansas Sales Tax Number: 21676836

Nature of Business or Goods to be Sold: DirectTV sales

Number of days for which license is requested: 2 days
(Fee \$ 25.00 per day) (Annual Fee \$ 250.00)

Place or Address where Goods are Manufactured: received through
Arkansas

Proposed Method of Delivery: freight - Fedex
If a vehicle is used, give brief description of same with license number: _____

NOTE: APPLICATIONS BY NON-COUNTY RESIDENTS: AN ADDITIONAL INVESTIGATION FEE IN THE AMOUNT OF \$ 50.00 SHALL BE PAID AT THE TIME OF APPLICATION.

I, the above named applicant, affirm that the information contained in this application is true and correct and that I have not been convicted of any crime, misdemeanor, or violation of any municipal ordinance regulating peddlers or transient merchants, except those stated below:

Nature of Offense

Punishment or Penalty Assessed

Signature of Applicant

Date of Application

04/25/2013

CITY OF EDGERTON, KANSAS
APPLICATION FOR SOLICITORS, CANVASSERS, PEDDLERS
LICENSE

Applicant's Name: Collin Busse/berg

Date of Birth: 11/17/91

Physical Description: 6'0" 170lbs Dark hair, tan

Home Address: 503 South Main St. Gallatin MO 64640

Employer's Name and Address: Clear Satellite

135 South Mountainway Drive Orem UT 84058

Kansas Sales Tax Number: 21676836

Nature of Business or Goods to be Sold: DirectTV sales

Number of days for which license is requested: 2 days
(Fee \$ 25.00 per day) (Annual Fee \$ 250.00)

Place or Address where Goods are Manufactured: received through Arkansas

Proposed Method of Delivery: freight - Fedex
If a vehicle is used, give brief description of same with license number: _____

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I, the above named applicant, affirm that the information contained in this application is true and correct and that I have not been convicted of any crime, misdemeanor, or violation of any municipal ordinance regulating peddlers or transient merchants, except those stated below:

Nature of Offense

Punishment or Penalty Assessed

Signature of Applicant

04/25/2013
Date of Application

City of Edgerton

Receipt #23371

Date: 5/2/2013
Time: 2:00 PMStation: 1
Cashier: 1

Name: Paul Southam

Trancode	Description	Account	Amount
BUSLICENSE	BUSINESS LICENSE		\$100.00
	GL 0 0		
	2 peddler permits for 2 days		

Total Due: \$100.00

Tendered: \$100.00

Credit Card of: \$100.00

Change Given: \$0.00

Thank you! Visit us @ www.edgertonks.org

Transaction Successful

CITY OF EDGERTON - (EDGERTON, KS)

04/25/2013 4:27:28 PM CDT

1869848245

Card Settle

Keyed

100.00

Credit Card Information

Mastercard

*****9823

01905Z

Edgerton - Retail

Shipping Information

US

Order Information

Order ID:

2 peddler permits for 2 days

Cardholder Authorization

I agree to pay the above total amount according to card issuer agreement.

Customer Signature

Transaction Successful

City of Edgerton

Receipt #23376

Date: 5/2/2013
Time: 2:02 PMStation: 1
Cashier: 1

Name: Paul Sch

Trancode	Description SYNOPSIS	Account	Amount
BUSLICENSE	BUSING LICENSE		\$100.00
	GL 0		
	2 year background checks		

Total Due: \$100.00

Tendered: \$100.00

Credit Card: \$100.00

Change Given: \$0.00

Thank you! Visit us @ www.edgertonks.org

CITY OF EDGERTON - (EDGERTON, KS)

04/25/2013 10:37:25 AM CDT

1869581244

Card Settle

Keyed

100.00

Credit Card Information

Mastercard

*****9823

01802Z

Edgerton - Retail

Shipping Information

US

Order Information

2 peddler permits

Cardholder Authorization

I agree to pay the above total amount according to card issuer agreement.

Customer Signature



Restricted Solicitor Permit

No. 4/26-27/2013

\$ 50.00

By Authority of the
City of Edgerton, State of Kansas

License is hereby granted to:

Owner: Collin Busselberg
Business: Clear Satellite
Location: 135 South Mountain Drive, Orem, UT 84058
Type: Direct TV Sales

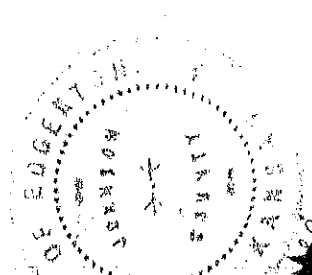
The above named merchant has completed all requirements as specified in Chapter 5 of the Code of the City of Edgerton and is hereby permitted to operate within the City of Edgerton. Given under my hand and the corporate seal hereon this 26th day of April, 2013.

Expiration Date: April 27, 2013

Janice L. Hawley

City Clerk

THIS LICENSE IS NON TRANSFERABLE





Restricted Solicitor Permit

No. 4/26-27/2013

\$ 50.00

By Authority of the
City of Edgerton, State of Kansas

License is hereby granted to:

Owner: Brian Potter

Business: Clear Satellite

Location: 135 South Mountain Drive, Orem, UT 84058

Type: Direct TV Sales

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Expiration Date: April 27, 2013



Janeen L. Lawler

City Clerk

THIS LICENSE IS NON TRANSFERABLE



404 East Nelson
Edgerton, KS 66021
P: 913.893.6231
EDGERTONKS.ORG

Date: April 30, 2013

To: JOCO SO

From: Anna-Marie Keena

RE: Request for Records

Requesting copy of Field Incident Contact made by Deputy Becker on behalf of the City of Edgerton on Friday April 24, 2013.

Thanking you in advance,

INCIDENT / INVESTIGATION
REPORT

I N C I D E N T D A T A	Agency Name Johnson County Sheriff's Office		OCA 13001770						
	ORI KS0460000		Date / Time Reported FR Apr 26, 2013 15:56						
	#1	Crime Incident MISC. REPORT - ALL OTHER CALLS FOR SERVICE	UCR: 999 Local Statute: MI4	☐ Att ☒ Com	Last Known Secure FR Apr 26, 2013 15:56				
	#2	Crime Incident	UCR: Local Statute:	☐ Att ☐ Com	At Found FR Apr 26, 2013 15:56				
M O	#3	Crime Incident	UCR: Local Statute:	☐ Att ☐ Com					
	Location of Incident 208 W McDonald St, Edgerton, KS 66021		Premise Type Single Residence...	Offense Tract					
	How Attacked or Committed Instrument Used For(Not Applicable), Point Of Entry(Not Applicable), Point Of Exit(Not Applicable), Premise...								
	Weapon / Tools Forcible Entry ☐ Yes ☐ No ☒ N/A								
V I C T I M	# Victims	Type	Injury	Residency Status					
	V1	Victim/Business Name (Last, First, Middle)		Victim of Crime #	Age / DOB				
				Relationship to Offenders	Race Sex				
	Home Address			Home Phone					
	Employer Name/Address			Business Phone					
	VYR	Make	Model	Style	Color	Lic/Lts	VIN		
O T H E R S I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) I = Other Involved								
	Code	Name (Last, First, Middle)			Victim of Crime #	Age / DOB	Race Sex		
	RP	Johnson, Casey				00	W F		
	Home Address 208 W McDonald St, Edgerton, KS 66021					Home Phone (913) 475-0433			
	Employer Name/Address					Business Phone			
	Code	Name (Last, First, Middle)			Victim of Crime #	Age / DOB	Race Sex		
	IO	Busselberg, Colin J				21 11/17/1991	W M		
	Home Address 503 S Main St Apt. 11a, Gallatin, MO 64640					Home Phone			
	Employer Name/Address					Business Phone			
	Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown (Check "OJ" column if recovered for other jurisdiction)								
P R O P E R T Y	Victim #	UCR	Status - Date	Value	OJ	QTY	Property Description	Make/Model	Serial Number
Number of Vehicles Stolen		0		Number Vehicles Recovered		0			
ID	Officer (31262) BECKER, KAREN L			Officer Signature		Supervisor Signature (30382) BROWN, BRAD K			
Complainant Signature			Case Status: Closed/cleared April 26, 2013		Case Disposition: Not Applicable Apr 26, 2013				

Printed at: 4/30/2013 16:14

Page: 1

DISSEMINATED TO:
CITY OF EDGERTONTHE INFORMATION IS RESTRICTED AS TO USE AND
DISSEMINATION CIVIL AND CRIMINAL PENALTIES
EXIST FOR MISUSE, COMPLETENESS AND ACCURACY
EXPIRES IN 90 DAYS IT IS RECOMMENDED IT BE
DESTROYED AFTER THAT TIME.

Incident / Investigation Report

Johnson County Sheriff's Office

OCA: 13001770

Status Codes L - Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown												
D R U G S	Status	Quantity	Type Measure		Suspected Drug Type							
O F F E N D E R	Offender(s) Suspected of Using ☐ Drugs ☒ N/A ☐ Alcohol ☐ Computer		Offender 1 Age: Race: Sex:			Offender 2 Age: Race: Sex:			Offender 3 Age: Race: Sex:			Primary Offender Resident Status Resident Non-Resident Unknown
			Offender 4 Age: Race: Sex:			Offender 5 Age: Race: Sex:			Offender 6 Age: Race: Sex:			
S U S P E C T	Name (L, F M) AKA					Home Address			Home Phone			
	Occupation				Business Address				Business Phone			
	DOB. / Age		Race	Sex	Hgt	Wgt	Build	Hair Color		Eye Color		
							Hair Style	Hair Length		Glasses		
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)											
	Hat		Shirt/Blouse			Coat/Suit			Socks			
	Jacket		Tie/Scarf			Pants/Dress/Skirt			Shoes			
	Was Suspect Armed?		Type of Weapon				Direction of Travel		Mode of Travel			
	VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin					
	Suspect Hate / Bias Motivated: ☐ Yes ☒ No					Type:						
W I T N E S S	Name (Last, First, Middle)					D.O.B.	Age	Race	Sex			
	Home Address					Home Phone		Employer	Phone			
N A R R T I V E	Case # 13001770											
	On 042613 at approximately 1556 hours, I was dispatched to the area of 1st and McDonald for a suspicious person. Dispatch advised a citizen, Casey Johnson, from 208 W McDonald, called and told them a white male, with a clip board, knocked on her door and told her he was with the city and he needed to gather information about her satellite.											
	Upon arrival in the area of 1st and Martin Streets, by the city park, I observed a black Honda Civic with an unusual tag parked facing westbound along the north side curb. As I drove closer to the vehicle, I identified the tag as Y739UV, UT. I exited my patrol vehicle and started to walk up to check the Honda. However, I noticed a white male walking across 1st Street from E Martin Street and he was carrying a clip board. He was later identified as, Colin J. Busselberg, WM, 111791.											
I asked Colin if the Honda belonged to him. Colin told me the car belonged to his friend. I asked Colin for identification and if he had been going door to door trying to sell satellite systems.												

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DISSEMINATED TO:
CITY OF EDGERTON

Page 2
 THE INFORMATION IS RESTRICTED AS TO DISSEMINATION CIVIL AND CRIMINAL PENALTIES EXIST FOR MISUSE, COMPLETENESS AND ACCURACY EXPIRES IN 90 DAYS IT IS RECOMMENDED IT BE DESTROYED AFTER THAT TIME.

Incident / Investigation Report

Johnson County Sheriff's Office

OCA: 13001770

Officer's Narrative (continued)

Colin showed me his city permit and told me he had been knocking on doors. I asked Colin if he had been telling people he was with the city or in any way represented himself as working with or through the city. Colin said he had been mentioning the city within his introduction and would show them his permit.

I told Colin a citizen called and filed a complaint because he represented himself as working for the city. I asked Colin to wait by the curb while I checked his license through dispatch. Colin began to use his cell phone while I was calling dispatch. Colin returned negative through dispatch.

As I was handing Colin his license back, another darker skinned white male approached our location from the east. He was later identified as, Brian Potter, WM, 091586. I asked Brian if he was canvassing the neighborhood. Brian spoke with a heavy unidentifiable accent and appeared confused by the common sales term "canvassing". I rephrased and asked him if he had been going door to door and he advised he had.

I told Brian a citizen called to complain and express concern that he and Colin had represented themselves as working for the city. I asked him if he had told any of the people he contacted he worked for the city. Similar to Colin, Brian could not give a straight forward answer. Rather he turned it back onto the citizen and said they must not have understood him.

I asked Brian how long they planned to be in town and he told me for two days. I made it very clear to both Brian and Colin that in no way were they to represent themselves as working for, with or through the City of Edgerton. I told them if they did it was likely the permit would be pulled and they would no longer be welcome to solicit in Edgerton. They both advised they understood and drove away quickly.

I contacted the reporting party, Casey Johnson, and told her I located the individuals she reported.

I asked Casey about her contact with them. Casey told me the subject never mentioned he was selling anything. Rather, she advised he told her he worked for the city and needed to gather information about her satellite. Casey told me she thought it was very strange the city would want to know anything about her satellite. She said she was on the phone with her mother when she answered the door and her mother overheard the conversation and told her it was suspicious as well.

Casey said she called city hall to see if they had anyone working for them that was gathering information on satellites. Per Casey, the city told her, "No."

Casey told me she was concerned because she thought their tactics were more in line with casing houses and checking to see who was home than those of someone trying to sell satellite systems or services. I told Casey I could understand her concern and would follow up with City Hall.

I went to City Hall and asked if they had issued any permits for solicitors and they advised they did. In addition, they advised they received a few calls and a complaint about the solicitors. I obtained a copy of the permits for my reference and met with the city Administrative Services Director, Anna-Marie Keena. We discussed the incident and contact with the solicitors. I told Anna-Marie that Brian and Colin had been less than truthful with me. Whereas, the citizen had been very clear in how they had approached her and told her they "worked for" the city and they did not even indicate they were selling anything.

It was agreed that rather than risk any more misrepresentation by this company (Clear Satellite) and it's representatives, the city would pull the solicitor permits.

I told Anna-Maria I would attempt to locate Brian and Colin and notify them of the decision.

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DESTROYED AFTER THAT TIME.

Incident / Investigation Report

Johnson County Sheriff's Office

OCA: 13001770

Officer's Narrative (continued)

Anna-Maria advised if they had any questions or to contact the office on Monday during business hours.

I was able to contact Colin via his cell phone. I told him, given the citizen complaints and the misrepresentation the city had pulled his company's solicitor permits. I advised Colin to contact city hall on Monday if he had any question. Colin began to argue and then the line disconnected. I do not know if he hung up or if the connection was lost. I tried to call him back and left a voice message.

I contacted the home office in Utah and spoke with, Briggs Richards (801-885-1747). I explained the incident to Briggs and told him based on the complaints and misrepresentation the city pulled the permit. Briggs asked if I was sure it was his representatives and I advised they were. Briggs advised the sales tactics were not in line with company practices. I told Briggs he could call city hall on Monday morning if he had any questions.

Please forward a copy of this report to Edgerton Administrative Services Director, Anna-Marie Keena for information purposes.

Deputy Becker 1262
Traffic and Patrol Division
Johnson County Sheriff's Office

Related to: Potter, Brian - DRIVER
2001 HONDA CIVIC (CRX, DEL SOL) SEDAN, 2 DOOR - BLACK
Owner: MCCARTHY, JOSEPH MICHAEL
VIN: 2HGES16581H615533 License: UT/Y7390V

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CITY OF EDGERTON

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Incident / Investigation Report

Johnson County Sheriff's Office

OCA: 13001770

Additional Victims, Owners, Reporting Persons and Other Involved

NameCode/#	Name (Last, First, Middle)	Crime # Victim of	DOB	Age	Race	Sex
IO2	Potter, Brian		9/15/1986	26	W	M
Address 486 W 2nd Ave, Midvale, UT 84047			H:			
Empl/Addr Clear Satellite / 135 S MOUNTAINWAT DR, UT 8405			B: (801) 885-1747			

THE INFORMATION IS RESTRICTED AS TO USE AND
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DESTROYED AFTER THAT TIME. Page: 6

CODES V = Victim O = Owner (if other than Victim) R = Reporting Person (if other than Victim)
DISSEMINATED TO:
CITY OF EDSON 6:14

Janeice Rawles

From: Brig Richards <Brig@clearsattv.com>
Sent: Thursday, May 09, 2013 4:35 PM
To: Janeice Rawles
Subject: Appeal of revocation of solicitors permits
Attachments: KS Edgerton appeal.docx

Hello Janiece,

I have been trying to discuss or work out a problem regarding some solicitors permits that were revoked with Anna Maria Keena, but have not heard back from her. I have attached our formal appeal of the revocation of two permits that were issued on April 26, 2013. Thank you for your help in this matter, and please let me know if I can help in anyway. Feel free to contact me at (801)885-1747.

Brig Richards

Clear Satellite, Inc. would like to formally dispute the revocation of solicitors permits that were issued on April 26, 2013, to Brian Potter and Collin Busselberg, according to Chapter 5 Article 2, 5-210 of the city ordinances.

5-210. APPEAL TO GOVERNING BODY. (a) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.

(b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.

(c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.

(d) The decision and order of the governing body on such appeal shall be final and conclusive. (Code 1995)

There were no reasonable grounds for the revocation, which occurred extremely quickly after the issuance of said permits. The sales representatives in this incident did not break any rules or regulations regarding the permit, and represented themselves accordingly.

Paul Southam

Clear Satellite, Inc.

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I told Colin a citizen called and filed a complaint because he represented himself as working for the city. I asked Colin to wait by the curb while I checked his license through dispatch. Colin began to use his cell phone while I was calling dispatch. Colin returned negative through dispatch.

As I was handing Colin his license back, another darker skinned white male approached our location from the east. He was later identified as, Brian Potter, WM, 091586. I asked Brian if he was canvassing the neighborhood. Brian spoke with a heavy unidentifiable accent and appeared confused by the common sales term "canvassing". I rephrased and asked him if he had been going door to door and he advised he had.

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It was agreed that rather than risk any more misrepresentation by this company (Clear Satellite) and it's representatives, the city would pull the solicitor permits.

I told Anna-Maria I would attempt to locate Brian and Colin and notify them of the decision. Anna-Maria advised if they had any questions or to contact the office on Monday during business hours.

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Please forward a copy of this report to Edgerton Administrative Services Director, Anna-Marie Keena for information purposes.

Deputy Becker 1262
Traffic and Patrol Division
Johnson County Sheriff's Office

Anna-Marie Keena

From: Anna-Marie Keena
Sent: Sunday, June 09, 2013 12:24 PM
To: 'Brig@clearsattv.com'
Cc: Janeice Rawles
Subject: Notice of Hearing regarding Revocation of Solicitor Licenses

Dear Mr. Richards,

An appeal was provided by Paul Southam to City Clerk Janeice Rawles on May 9, 2013. The City Clerk presented this notice to the City of Edgerton Governing Body on Thursday May 23, 2013.

As per Edgerton Code; a date was set for hearing as **Thursday June 27, 2013 at 7:00 p.m. at 404 East Nelson, Edgerton Kansas 66021.**

This email is to provide notice of hearing; the City has no contact information for Mr. Southam, or mailing address for you, and therefore requests you please accept this notice and reply with confirmation.

Sincerely,

Anna-Marie Keena

Anna-Marie Keena • Administrative Services Director
City of Edgerton, KS
404 East Nelson • Edgerton, KS 66021
913.893.6231 x116 • 913.893.6232 (f)
www.edgertonks.org



Anna-Marie Keena

From: Brig Richards <Brig@clearsattv.com>
Sent: Monday, June 10, 2013 1:38 PM
To: Anna-Marie Keena
Subject: Re: Notice of Hearing regarding Revocation of Solicitor Licenses

Ms. Keena,
I received your email and the notice of hearing, thank you.

On Jun 9, 2013, at 11:19 AM, "Anna-Marie Keena" <akeena@edgertonks.org> wrote:

Dear Mr. Richards,

An appeal was provided by Paul Southam to City Clerk Janeice Rawles on May 9, 2013. The City Clerk presented this notice to the City of Edgerton Governing Body on Thursday May 23, 2013.

As per Edgerton Code; a date was set for hearing as **Thursday June 27, 2013 at 7:00 p.m. at 404 East Nelson, Edgerton Kansas 66021.**

This email is to provide notice of hearing; the City has no contact information for Mr. Southam, or mailing address for you, and therefore requests you please accept this notice and reply with confirmation.

Sincerely,

Anna-Marie Keena

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City of Edgerton, KS
404 East Nelson • Edgerton, KS 66021
913.893.6231 x116 • 913.893.6232 (f)
www.edgertonks.org

<image002.jpg>

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Application CU-11-20-2012 for a Conditional Use Permit for Billboard Sign at 20080 Homestead Lane

Department: Administration

Background/Description of Item: The City has received application CU-11-20-2012 requesting a conditional use permit for the installation of a billboard sign at 20080 Homestead Lane. The subject property is located on the southwest corner of 199th Street and Homestead Lane. The subject property is zoned C-2 Heavy Commercial. Section 12.10 of Article 12 of the City of Edgerton Unified Development Code (UDC) permits the issuance of a sign permit for signs that exceed a total (single face) area of 125 square feet in C-2 (Heavy Commercial) or Industrial districts as a Conditional Use Permit. All billboards shall be a metal monopole type sign.

The applicant has provided a map of the subject property with the location of the sign indicated and schematic of the type of sign to be constructed.

The public hearing for this application was first opened by the Edgerton Planning Commission on February 12, 2013. At that time, Mr. Gates, agent representing the property owners, requested the Planning Commission continue the public hearing until more information regarding the illumination of the billboard was available. He indicated the desire to illuminate both sides of the board, adding he was waiting for coordination with the Kansas Department of Transportation (KDOT). The item was tabled to the March 12, 2013 Planning Commission meeting to allow the applicant the opportunity to present information regarding the illumination of the billboard sign.

On March 12, 2013, the public hearing was reopened and Mr. Gates requested the item be tabled until the May 14, 2013 Planning Commission meeting to allow time to meet with surrounding residents regarding concerns with the application. The Planning Commission reopened the Public Hearing again on May 14, 2013. The Planning Commission heard testimony from Mr. Gates, agent for the property owners, and several surrounding property owners. The draft minutes from that meeting are included with the packet.

Please find enclosed with this packet the Staff Report prepared for the Planning Commission meeting on May 14, 2013. In order to recommend approval or disapproval of a proposed conditional use permit (CUP), the Planning Commission and Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, Section 7.1 (C) of Article 7 of the UDC states that the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City. The analysis of these factors is detailed in the attached staff report.

The City of Edgerton has received a valid protest petition for this application. Therefore, according to Section 8.1 of the Edgerton UDC, the conditional use permit requires at least three fourths (3/4) vote of all the members of the Governing Body.

In addition, the Edgerton Planning Commission recommended to deny the application. Based on all of these factors, staff has not included a recommendation.

Enclosure: Staff Report from May 14, 2013 Planning Commission
Application including Map of Subject Property and Schematic of Proposed Sign

Written Testimony from Tim Gates, Agent for Applicant
Email from Jacki Alsup, adjacent property owner
Petition in Protest
Planning Commission Minutes February 12, 2013
Planning Commission Minutes March 12, 2013
Planning Commission Minutes May 14, 2013 (draft)

Related Ordinance(s) or Statute(s):

Recommendation:

Funding Source: N/A

Prepared by: Beth Linn, City Administrator
Date: May 21, 2013

ORDINANCE NO. 938 (Approval)

AN ORDINANCE OVERRIDING THE PLANNING COMMISSION'S RECOMMENDATION TO DENY A CONDITIONAL USE PERMIT TO ALLOW USE OF LAND, IN THE C-2 HEAVY COMMERCIAL DISTRICT GENERALLY LOCATED AT 20080 HOMESTEAD LANE IN EDGERTON, KANSAS, FOR CONSTRUCTION AND MAINTENANCE OF A BILLBOARD SIGN

WHEREAS, the Edgerton Planning Commission did hold a public hearing on May 14, 2013 (originally opened on February 12, 2013), in accordance with the requirements as set forth in Section 5.3.C. of the Edgerton Zoning Ordinance to consider the Conditional Use Permit for use of a billboard sign on the real property described in Section One below; and

WHEREAS, the public hearing was closed on May 14, 2013; and

WHEREAS, a sufficient and timely protest petition has been filed with the office of the City Clerk; and

WHEREAS, after reviewing all written and oral testimony presented at said hearing, the Planning Commission did on May 14, 2013 recommend that the City Council deny the Conditional Use Permit; and

WHEREAS, the City Council, after reviewing the Conditional Use Permit and considering the criteria set forth in Section 7.1 of Article 7 of the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. The proposed Conditional Use Permit for use of the following land for a billboard is hereby approved:

The East One-Third (1/3) of the Northeast Quarter (NE ¼) except 1.66 acres and in highway and 9.22 acres in Highway, Section 9, Range 15, Township 22

(Address and general location: 20080 Homestead Lane, Edgerton, Kansas; southwest corner of 199th Street and Homestead Lane)

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the following:

1. All Sign application requirements of the City shall be met.
2. Application and construction plans must be in compliance with all applicable building codes.
3. Sign must be kept in good repair in accordance with the City of Edgerton Unified Development Code.
4. Prior to issuance of a building permit for the construction of the billboard sign, Property Owner must construct a buffer that is agreed to by the owners of the property now owned by the Coles, all as agreed to during the annexation process.
5. Any major modifications to the billboard sign [as defined by City Staff] would require a new or amended conditional use permit.
6. Conditional Use Permit will be subject to review in one year.
7. Conditional Use Permit will be valid for no more than five years, and applicant understands that the granting of the application does not create any vested property right that the billboard can remain on the property.

Section 3. The effectiveness of this Conditional Use Permit is conditioned upon the strict compliance by the applicant with the provisions contained herein and in the City of Edgerton Zoning Regulations. Should applicant fail to comply with any term or provision thereof and shall such failure continue following notice from City to applicant specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, applicant will be notified that this Conditional Use Permit is revoked and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only be effected by action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. Applicant agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

Section 4. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning and Regulations of Edgerton, Kansas, affecting the use of the real property heretofore described which are inconsistent with this ordinance are hereby made inapplicable to said property until the Conditional Use Permit is vacated or is declared null and void.

PASSED by the Governing Body of the City of Edgerton, Kansas, by a $\frac{3}{4}$ majority and approved by the Mayor on the 13th day of June, 2013.

Donald Roberts, Mayor

(Seal)

ATTEST:

Janiece Rawles, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney

ORDINANCE NO. 938 (Denial)

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S
RECOMMENDATION TO DENY A CONDITIONAL USE PERMIT TO ALLOW USE
OF LAND, IN THE C-2 HEAVY COMMERCIAL DISTRICT GENERALLY LOCATED
AT 20080 HOMESTEAD LANE IN EDGERTON, KANSAS, FOR CONSTRUCTION
AND MAINTENANCE OF A BILLBOARD SIGN**

WHEREAS, the Edgerton Planning Commission did hold a public hearing on May 14, 2013 (originally opened on February 12, 2013), in accordance with the requirements as set forth in Section 5.3.C. of the Edgerton Zoning Ordinance to consider the Conditional Use Permit for use of a billboard sign on the real property described in Section One below; and

WHEREAS, the public hearing was closed on May 14, 2013; and

WHEREAS, a sufficient and timely protest petition has been filed with the office of the City Clerk; and

WHEREAS, after reviewing all written and oral testimony presented at said hearing, the Planning Commission did on May 14, 2013 recommend that the City Council deny the Conditional Use Permit; and

WHEREAS, the City Council, after reviewing the Conditional Use Permit and considering the criteria set forth in Section 7.1 of Article 7 of the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit is not appropriate.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF EDGERTON, KANSAS:**

Section 1. The proposed Conditional Use Permit for use of the following land for a billboard is hereby denied:

The East One-Third (1/3) of the Northeast Quarter (NE ¼) except 1.66 acres and in highway and 9.22 acres in Highway, Section 9, Range 15, Township 22

(Address and general location: 20080 Homestead Lane, Edgerton, Kansas; southwest corner of 199th Street and Homestead Lane)

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 13th day of June, 2013.

Donald Roberts, Mayor

(Seal)

ATTEST:

Janiece Rawles, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney



EDGERTON
global routes. local roots.

404 East Nelson
Edgerton, KS 66021
P: 913.893.6231
EDGERTONKS.ORG

STAFF REPORT

May 10, 2013

To: Edgerton Planning Commission
Fr: Beth Linn, City Administrator
Mike Mabrey, Zoning Administrator
Re: CU-11-20-2012 Conditional Use Permit for Billboard Sign at 20080 Homestead Lane

APPLICATION INFORMATION

Applicant/Property Owner: Jeffrey and Jennifer Thorp

Agent: Tim Gates, Agnes Gates Realty

Requested Action: Conditional Use Permit for Billboard Sign

Legal Description: The East One-Third (1/3) of Northeast Quarter (NE Y,) excluding 1.66 acres in Highway of Section 9, Township 15, Range 22

Site Address/Location: 20080 Homestead Lane, southwest corner of 199th Street and Homestead Lane

Existing Zoning and Land Uses: City of Edgerton C-2 (Heavy Commercial) on vacant land

Existing Improvements: None

Site Size: Approximately 42.33 acres

Reason For Conditional Use Permit Request: The City of Edgerton has received an application for a Conditional Use Permit (CUP) to locate a billboard sign at 20080 Homestead Lane in Edgerton, Kansas.

BACKGROUND INFORMATION

The subject property, 20080 Homestead Lane, is located on the southwest corner of 199th Street and Homestead Lane. The subject property is zoned C-2 Heavy Commercial. Section 12.10 of Article 12 of the City of Edgerton Unified Development Code (UDC) permits the issuance of a sign permit for signs that exceed a total (single face) area of 125 square feet in C-2 (Heavy Commercial) or Industrial districts as a Conditional Use Permit. All billboards shall be a metal monopole type sign.

The applicant has provided a map of the subject property with the location of the sign indicated and schematic of the type of sign to be constructed.

The public hearing for this application was first opened on February 12, 2013. At that time, Mr. Gates, agent representing the property owners, requested the Planning Commission continue the public hearing until more information regarding the illumination of the billboard was available. He indicated the desire to illuminate both sides of the board, adding he was waiting for coordination with the Kansas Department of Transportation (KDOT). The item was tabled to the March 12, 2013 Planning Commission meeting to allow the applicant the opportunity to present information regarding the illumination of the billboard sign.

On March 12, 2013, the public hearing was reopened and Mr. Gates requested the item be tabled until the May 14, 2013 Planning Commission meeting to allow time to meet with surrounding residents regarding concerns with the application. The minutes for both Planning Commission meetings are included as reference.

Mr. Gates, on behalf of the applicants, has met with several surrounding property owners to discuss the application and their concerns. Mr. Gates has also submitted a written response to the March 12, 2013 Staff Report. That additional information has been considered in updating the staff analysis.

STAFF ANALYSIS

Staff has reviewed this conditional use permit application with respect to the Edgerton Unified Development Code. The following is staff's review.

In order to recommend approval or disapproval of a proposed conditional use permit (CUP), the Planning Commission and Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, Section 7.1 (C) of Article 7 of the UDC states that the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following:

- a. The extent to which there is a need in the community for the proposed use.
The applicant indicates that a billboard sign could direct travelers and commuters to newly developed businesses, coming businesses and properties available. In addition, the applicant believes the sign would be very beneficial to the property and business owners, travelers and commuters and the community as a whole by providing more exposure to the newly developing area. Staff determination: ***Positive.***
- b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
The proposed use will be located in an existing C-2 Heavy Commercial District and will be adjacent to Interstate 35. The proposed use is compatible with heavy commercialized zones and the heavily trafficked interstate highway system. There are homes on acreage immediately to the west with others farther to the southwest. Additional surrounding parcels to the north and east are currently being used as rural acreage, farming and/vacant land. If a conditional use permit is approved as requested, a separate site plan would be necessary with the submittal of plans for issuance of a building permit. The property owner directly to the south and west has

submitted written testimony in support of the application. The applicant has submitted a statement that the property owner directly to the west who is most visible to the sign has agreed to the approval of the application pending installation of buffering on the subject property agreed to during the annexation process. The City of Edgerton received a valid petition in protest of this application. Based on conflicting views from surrounding residents, staff is unable to determine if this criteria supports an approval or denial of the application. Staff determination: ***Neutral.***

- c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.

According to documentation submitted by the applicant, the proposed billboard sign would be 57' tall. The sign face is two-sided with illumination on both sides. The sign face is 14 foot by 48 foot or 672 square feet of sign on each side. Because of the tremendous amount of construction and significant change of both Homestead Lane and Interstate 35, it is difficult to gauge based on the sign location noted on the map provided by the applicant how the elevation of the sign would compare to surrounding parcels. The applicant states that the sign height was recommended by the sign company to allow vehicles traveling south bound on I-35 to have a line of site over the interchange, which is common to billboard adjacent to interchanges. The City of Edgerton received a valid petition in protest of this application. Based on conflicting views, staff is unable to determine if this criteria supports an approval or denial of the application. Staff determination: ***Neutral.***

- d. Suitability of the uses of the property without the proposed conditional use permit.

This property was rezoned to C-2 Heavy Commercial in 2011 in anticipation of the opening of the BNSF Intermodal and Logistics Park KC. In addition, the location of the sign is adjacent to the new Homestead Lane Interchange along Interstate 35. The applicant indicates that the diverging diamond design of the Homestead interchange has pushed the frontage of the subject property a good distance from I-35 decreasing the visibility. Decreasing the visibility provides less time for travelers and commuters to see the property at highways speeds. With this being a new developing area and the property zoned for commercial development which is heavily dependent upon travelers and commuters, the applicant states the visibility and awareness of the businesses and property are essential to its success, especially in the early years of establishing the businesses and area. Based on this testimony from the applicant and future topography of the interchange, staff understands the request by the property owner for visibility of the sign to reach the patron while still able to exit I-35. Staff determination: ***Positive.***

- e. Length of time the subject property has remained vacant without the proposed conditional use permit.

The property has been vacant since being annexed into the City of Edgerton in 2011 and many years prior. However, this criteria presumes that, without the granting of the Conditional Use Permit, the property will remain vacant and not put to its highest and best use. The applicant submits that this billboard will help bring attention to the property, the area and businesses that locate there. The agent stresses importance

that the billboard will initially provide awareness to commuters, travelers and potential business owners that the property is available and/or the businesses who locate there are open and ready to serve. The applicant currently has a 7' X 40' semi-trailer sign advertising the property which is somewhat dwarfed by the setback distance, elevation of the interchange/overpass and short timeline commuters and travelers have to see it. The applicant reports this has been mentioned by several prospective tenants for the property while showing them the property and area. Specifically potential tenants are worried about visibility which is essential in the highway service industry, especially when competing with well-established communities and interchanges like those in Gardner and Olathe only a few miles away. Staff determination: ***Positive***.

f. The extent to which the proposed use may detrimentally affect nearby property.

The City's Future Land Use Plan (see attached) designates this area for commercial development. The property is zoned as Heavy Service Commercial. Planned buffering on the subject property agreed to during the annexation process would provide a buffer to the nearby residence. The applicant has agreed to install that buffer prior to construction of the billboard. In an effort to understand and mitigate any concerns from nearby properties, the applicant met with several property owners. The applicant indicates two of the property owners most adjacent to the subject property acknowledge the need for the sign and have agreed to its placement. Another objected only to the lighting, which the applicant feels has been addressed as it is heavily screened by dense trees and submission of the lighting plan. Other owners nearby are further distance from the proposed sign location and many have substantial natural buffering already. To address concerns regarding the illumination of the billboard, the applicant has submitted a lighting plan that shows sign meets City standards for spillage of light onto adjacent properties. That plan has been included for your reference. The City of Edgerton did receive a valid petition in protest. However, the petition did not indicate the reasons for protest. Without knowing the specific concerns for that property owner, it is difficult for staff to determine if there is a detrimental effect. Staff determination: ***Positive***.

g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.

A billboard sign does not need frequent ingress or egress from the site so this criteria is inapplicable. The applicant confirms the billboard will be along the edge of the property line as shown in the updated site plan and will not impact the ingress and egress or traffic within the site once developed. Staff determination: ***Positive***.

h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.

The proposed billboard would not require sanitary or storm sewer, water or gas utility services. It would not require additional services from police, fire, schools or parks and recreation. The billboard would require electrical service which is available to the site. Staff determination: ***Positive***.

- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.
The proposed billboard would not adversely affect the road network or require any parking. Staff determination: ***Positive.***
- j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
Billboards are generally a passive use of land, and consequently do not increase the storm-water run-off from the site. Water, air, and noise pollution will not be added to the environment. To address concerns regarding the illumination of the billboard and excessive nighttime lighting, the applicant has submitted a lighting plan that shows sign meets City standards for spillage of light onto adjacent properties. That plan has been included for your reference. Staff determination: ***Positive.***
- k. The economic impact of the proposed use on the community.
Staff is unable to speculate on how, or to what extent, a billboard sign may increase commerce within the City of Edgerton. The applicant states that while the actual dollar economic impact is not easily determined, the ability to promote the property and businesses on it or in the area is very important. The applicant believes the sign will help promote the area similar to promotion of the area by other partners including the City, County, State, BNSF and NorthPoint Development. Staff determination: ***Positive.***
- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.
This criteria is intended to weigh the benefit to the public from a denial of the application, and how that benefit compares to the hardship on the applicant from such denial. Based on information presented by the applicant regarding the impact to the visibility of the subject property from the construction of the new interchange, staff recognizes the hardship in reaching the targeted consumer travelling southbound on I-35 in sufficient time to exit the highway. Denial of this application would bring no gain to the public health, safety or welfare but would bring hardship on the applicant due to loss of exposure of the property and future businesses on the subject property. Installation of the buffering along the west edge adjacent to the residential neighborhood would mitigate concerns of impact to the public health, safety and welfare of that resident. Staff determination: ***Positive.***
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.
The Comprehensive Plan has designated the area of the proposed use as a commercial area adjacent to Interstate 35 but does not directly address billboards. Billboard signs are not directly inconsistent with the long-term heavy commercial development along a heavily traveled interstate, and could be viewed as a typical use for such an area. Staff determination: ***Positive.***
- n. The recommendation of professional staff.

See Recommendation below.

Recommendation

City staff recommends **approval** the Conditional Use Permit to allow the construction of a billboard in the C-2 Heavy Commercial District generally located at 20080 Homestead Lane in Edgerton, Kansas with the following conditions:

1. All Sign application requirements of the City shall be met;
2. Application and construction plans must be in compliance with all applicable building codes;
3. Sign must be kept in good repair in accordance with City of Edgerton UDC;
4. Property Owner must construct buffer agreed to during annexation process prior to issuance of a building permit;
5. Any major modifications would require a new or amended conditional use permit;
6. Conditional Use Permit will be subject for review in one year; and
7. Conditional Use Permit will be valid for no more than five years, and applicant understands that the granting of the application does not create any vested property right that the billboard can remain on the property.

Reasons for Recommendation for Conditional Use Permit: (Incorporate all or part of #1-7 above in motion)

Attachments:

Application including Map of Subject Property and Schematic of Proposed Sign

Written Testimony from Tim Gates, Agent for Applicant

Email from Jacki Alsup, adjacent property owner

Petition in Protest

Planning Commission Minutes February 12, 2013

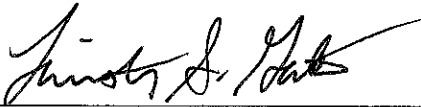
Planning Commission Minutes March 12, 2013 (included at beginning of packet)

CITY OF EDGERTON, KANSAS
APPLICATION FOR CONDITIONAL USE PERMIT

Please print or type

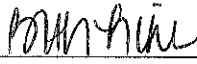
REQUESTING CONDITIONAL USE PERMIT FOR: Billboard Sign
LOCATION OR ADDRESS OF SUBJECT PROPERTY: 20081 Homestead Lane
Edgerton, Kansas 66021
LEGAL DESCRIPTION: 9-15-22 E 1/3 NE 1/4 53.33 Acres
Except 1.66 Acres in Highway & 9.22 Acres in Highway.
ZONING ON SUBJECT PROPERTY: C-2 CURRENT LAND USE: Agriculture

PROPERTY OWNER'S NAME(S): Jeffrey & Jennifer Thorp PHONE: 913-710-7924
COMPANY: _____ FAX: _____
MAILING ADDRESS: 23946 Crescent Hill Rd. Edgerton KS 66021
STREET CITY STATE ZIP
APPLICANT/AGENT'S NAME(S): Tim Gates PHONE: 913-645-3579
COMPANY: Agnes Gates Realty FAX: 1-866-716-6972
MAILING ADDRESS: P.O. Box 4057 Overland Park KS 66204
STREET CITY STATE ZIP
ENGINEER/ARCHITECT'S NAME(S): _____ PHONE: _____
COMPANY: _____ FAX: _____
MAILING ADDRESS: _____
STREET CITY STATE ZIP

SIGNATURE OF OWNER OR AGENT: 

If not signed by owner, authorization of agent must accompany this application.

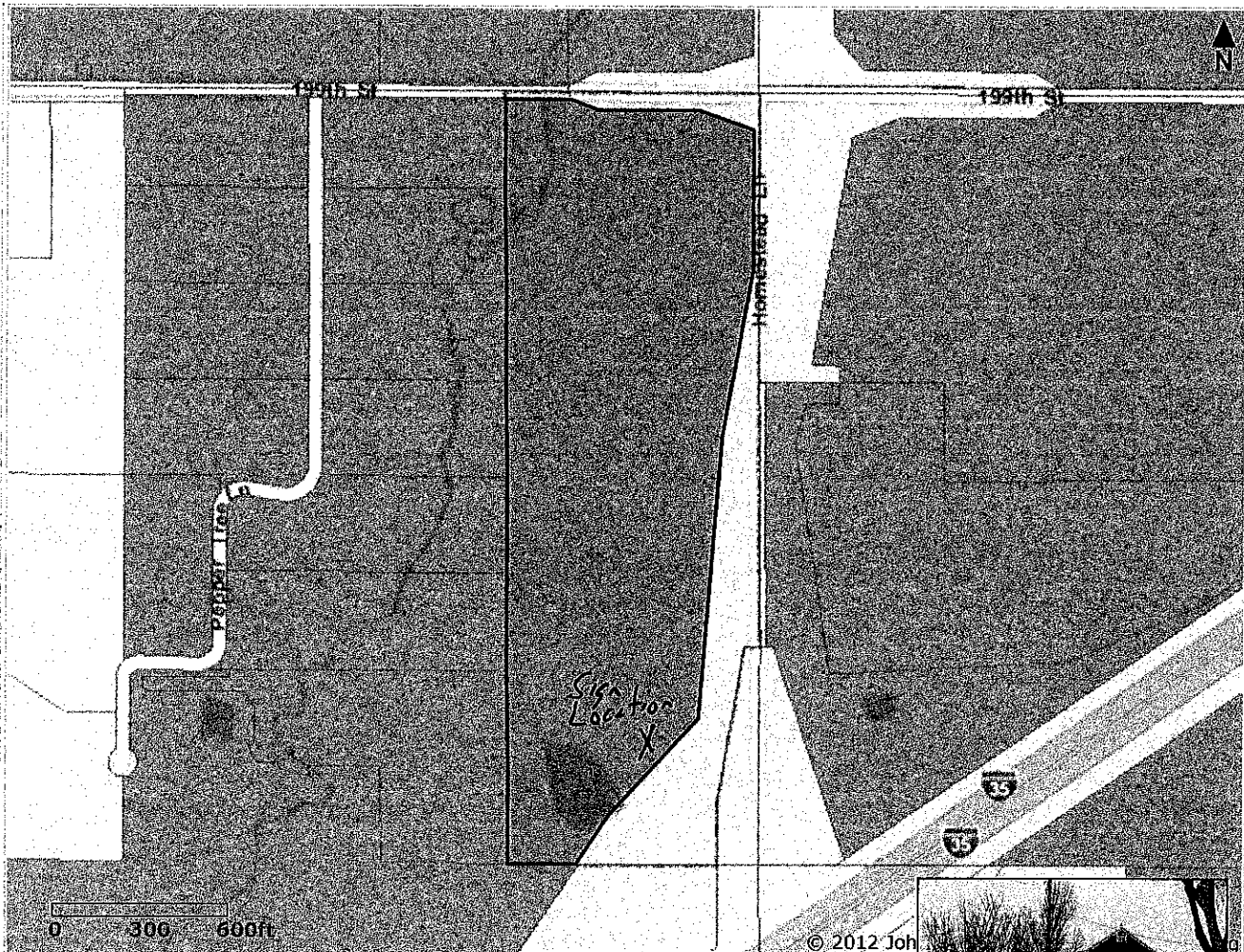
FOR OFFICE USE ONLY

Case No.: CU- 11-20-12 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 11/20/12
Received By:  Date of Hearing: 1/8/12
2/12/12

Property Information for BF221509-3002

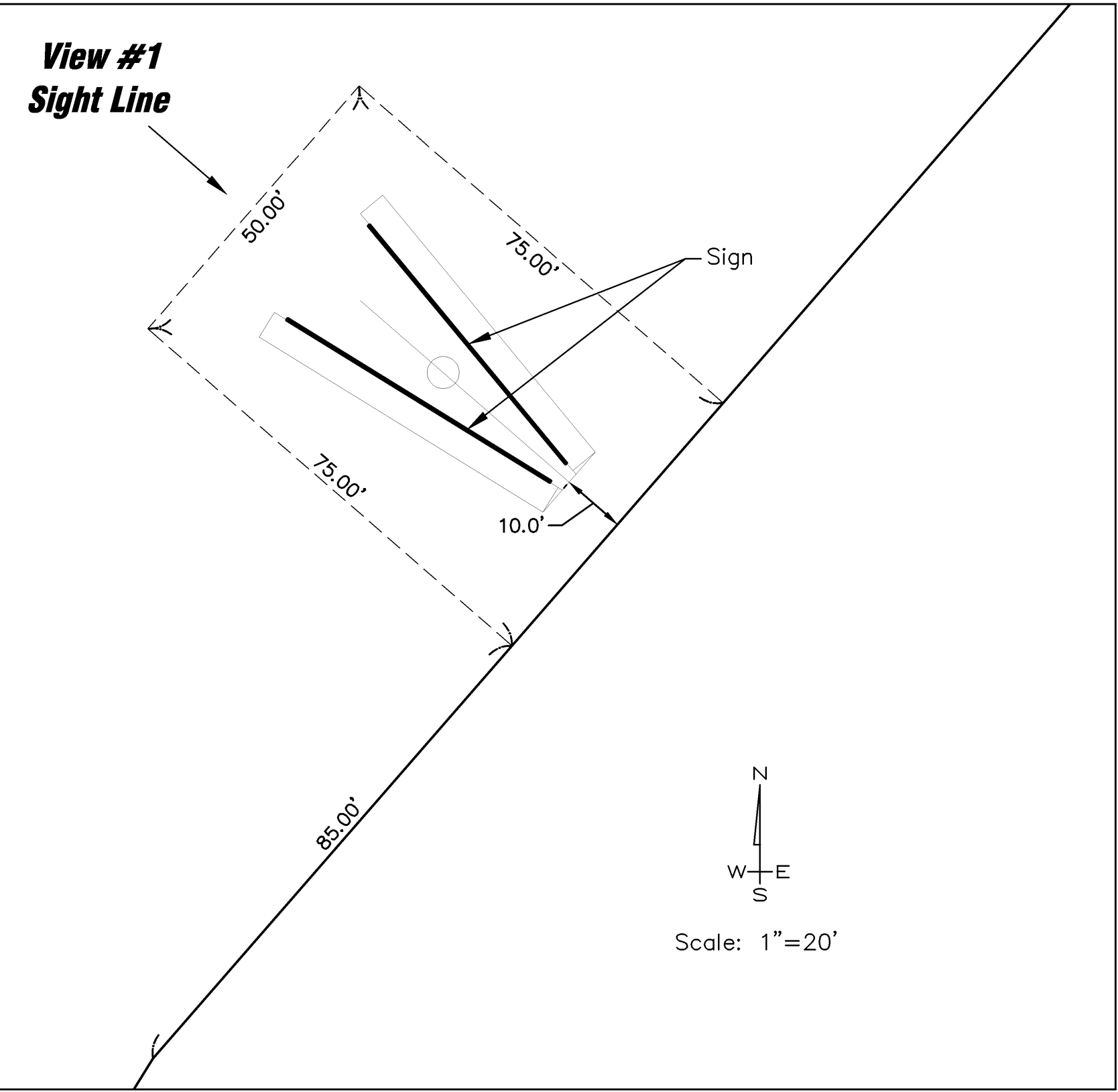
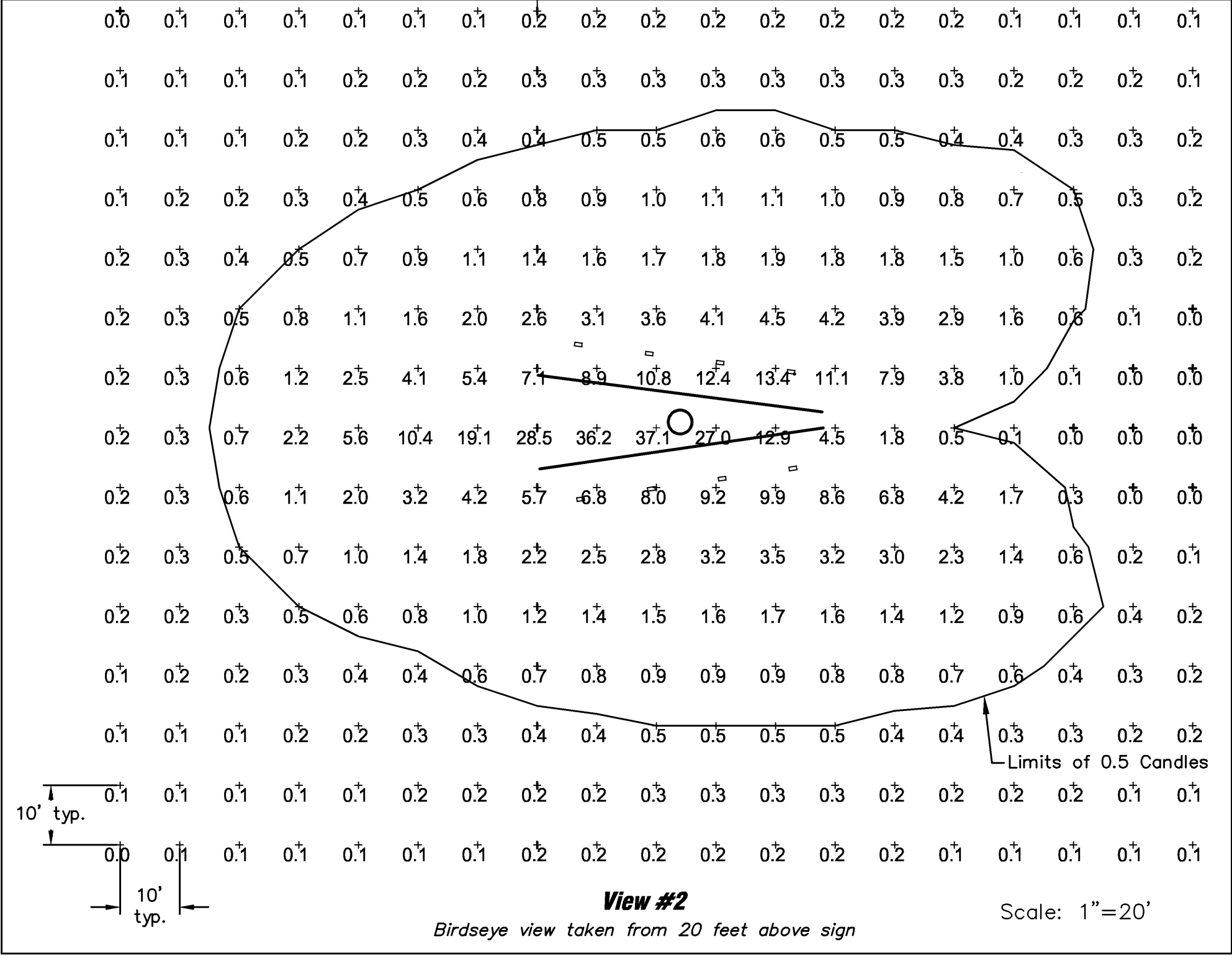
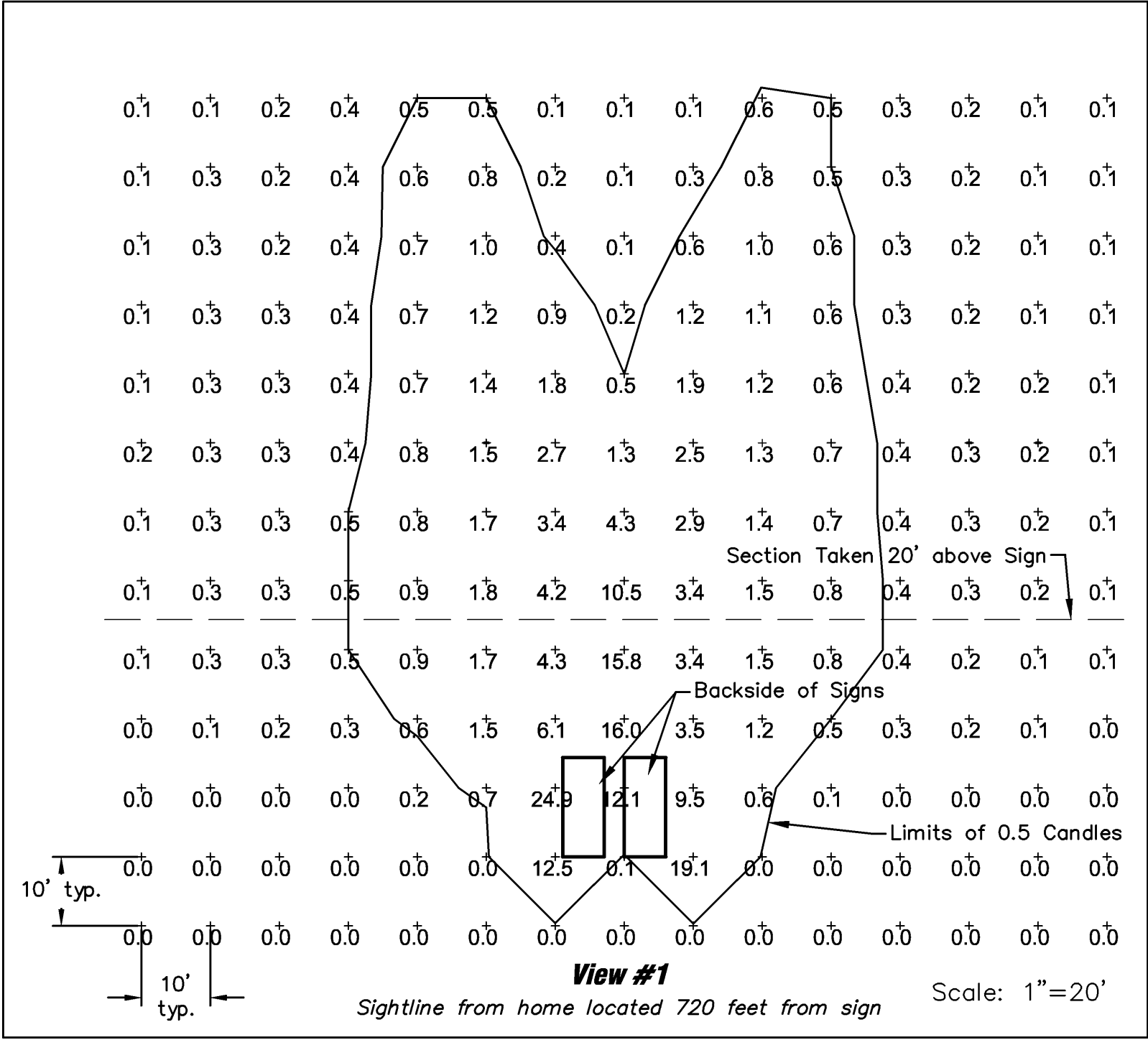
Tax Property ID	BF221509-3002		
Situs Address	20080 HOMESTEAD LN	Acres	42.33 (1,844,219.46 ft ²)
Owner1 Name	THORP, JENNIFER	Owner2 Name	THORP, JEFFREY
Owner Address	23946 CRESCENT HILL RD, EDGERTON, KS 66021		
KS Uniform Parcel #	0462020901001001000	Taxing Unit	0556
Zoning	C-2		
City	Edgerton	Zip Code	66021
AIMS Map No.	U09 (T-R-S: 15-22-09)	Quarter Section	NE
Fire Dist.	JoCo FD #1	Sheriff Dist.	0
Commissioner Dist.	6	Commissioner	Calvin Hayden
FEMA Flood Panel #	20091C0134G		
School District	Gardner-Edgerton	High School	Gardner-Edgerton
Middle School	Pioneer Ridge	Elementary School	Nike
Legal Desc. (abbreviated)	9-15-22 E 1/3 NE 1/4 53.33 ACRES EX 1.66 AC IN HWY & EX 9.22 AC IN HWY 42.45 ACS M/L EDC 350		

Property Map for BF221509-3002



4F221509-3002 02/19/2005

T:\JRW\KWS_29000\29552_cad\as\Calc.dwg Scale=1:1 Drawn April 08, 2013 - 1:07pm By [nrg]



Thorp Property		Sheet No. 1 of 1	
Sign Location Plan		CIVIL ENGINEERS LAND SURVEYORS - LAND PLANNERS 122 N. WATER STREET OLATHE, KANSAS 66061 PHONE: (913) 764-1076 FAX: (913) 764-8635	
Designed By: JLL		4	
Drawn By: JLL		3	
Checked By: JLL		2	
Date: 3/7/13		1	
Job No.: 29552		No.	
Revisions		Date	
By			

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- 25 Year Life!
- Field selectable light levels
- Overlapping distribution eliminates dark spots
- Tool-less Access
- Lens Defrost Mode Option
- Reduced Maintenance Costs
- Superior Uniformity and Color Rendering

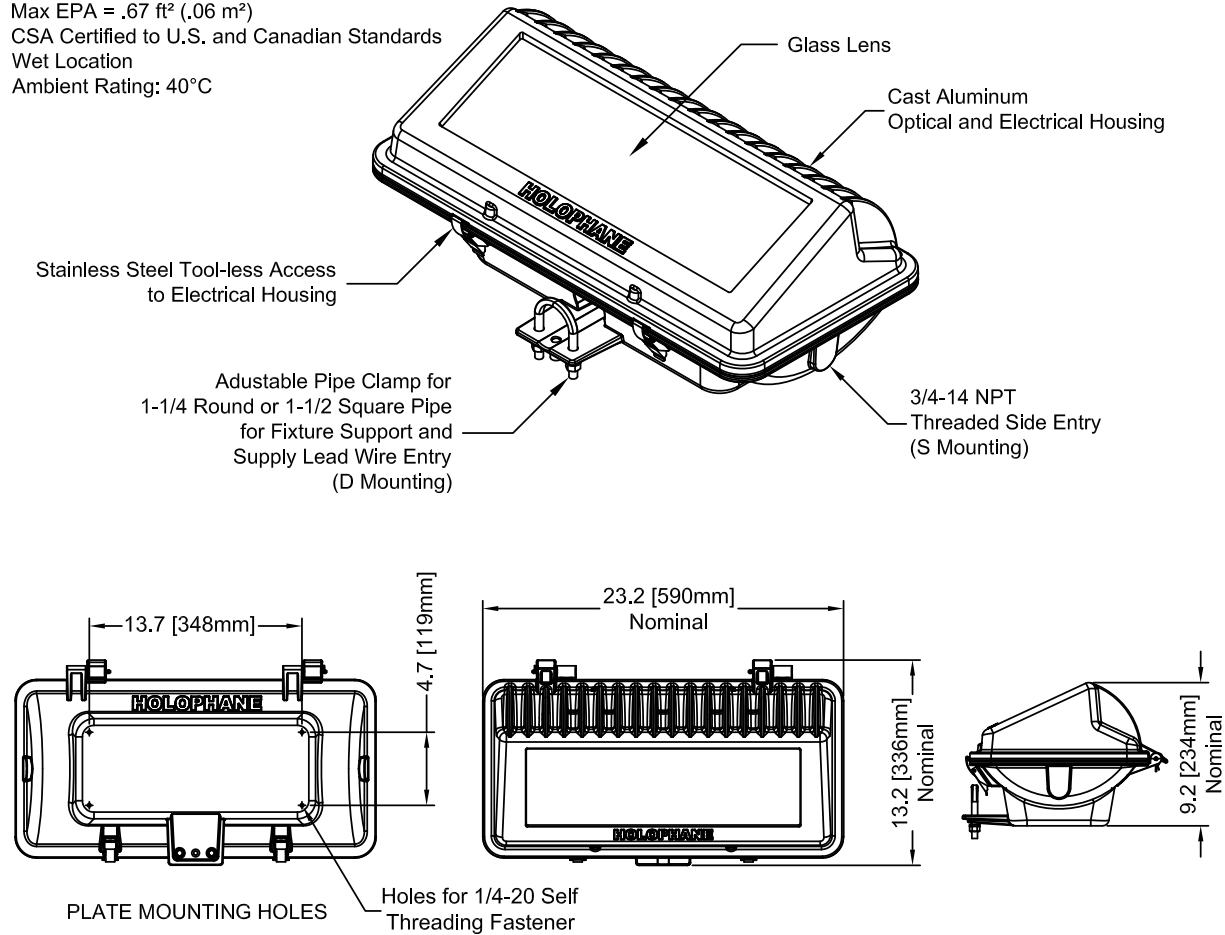


HOLOPHANE®
LEADER IN LIGHTING SOLUTIONS

Sign-Vue® LED

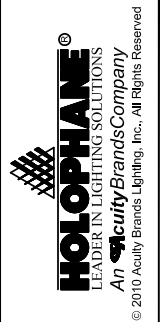
February 14, 2012

Max Weight = 32 lbs (14.5 kg)
 Max EPA = .67 ft² (.06 m²)
 CSA Certified to U.S. and Canadian Standards
 Wet Location
 Ambient Rating: 40°C



Sign-Vue[®] LED

Infrastructure
Specialty



Customer Preferred: (Most Frequently Ordered Catalog Numbers)
 SVLED 3 5K 7 AS D G

SVLED			
Series	Number of LED'S	Color Temperature	Drive Current
Sign-Vue LED	2 = 2 Modules (700mA Only) 3 = 3 Modules	5K = 5,000 K CCT	3 = 350mA Driver 5 = 525mA Driver 7 = 700mA Driver

Voltage	Mounting	Color
AS = Auto-sensing Voltage (120 thru 277) 34 = 347v 48 = 480v	D = Standard Pipe Mount; 1.25" Round, 1.5" Square S = Plate Style Mount for Side Entry	B = Brown G = Grey H = Graphite W = White

Options	Accessories
DF = Defrost Mode for Cold Weather Application SP = Single Pack for Express Shipment	SVLEDF1FUS10 = Single Fuse Kit SVLEDF2FUS10 = Double Fuse kit

ORDERING INFORMATION:

THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE ON THE ORDER NOTED ABOVE. A UNIT OF SIMILAR DESIGN MAY BE SUBSTITUTED FOR THE UNIT ORDERED WITHOUT NOTICE. HOLOPHANE SHALL BE RESPONSIBLE FOR ORDERING AND PROVIDING THE MATERIAL TO BE SUPPLIED WITH EACH ANCHOR BOLT ORDER TO MATCH THE POLE PROVIDED. THIS PRINT IS THE PROPERTY OF HOLOPHANE AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND UPON EXPRESS WRITTEN NOTICE TO RETURN TO HOLOPHANE. IT SHALL BE KEPT IN ANY WAY DETRIMENTAL TO OUR INTERESTS, AND ONLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.

ORDER #:	
TYPE:	
DRAWN:	ERM
DATE:	8/23/12
DWG #:	LUM_SVLED

**Responses to March 12, 2013 Staff Report
Provided by Tim Gates, Agent for Property Owner**

a. The extent to which there is a need in the community for the proposed use.

The area has forever been rural, having a sign that could direct travelers and commuters to newly developed businesses, coming businesses and properties available would be very beneficial to the property & business owners, the travelers & commuters and the community as a whole by more exposure to the newly developing area.

b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.

The proposed location and zoning fits the standards set by the US. Government, the State of Kansas and the City of Edgerton for billboards. The heavy traffic along I-35 and soon to be Homestead Lane supports the need and appropriate location. The majority of homeowners in the adjacent subdivision are screened by a natural buffer of trees and a creek, the homeowner who is most visible to the sign has agreed to its approval as long as screening previously agreed to as part of the properties rezoning is put in place prior to the issuance of the billboard's building permit.

c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.

The signs height was recommended by the sign company so that vehicles traveling south bound will have a line of site over the interchange, which is common to billboard adjacent to interchanges.

d. Suitability of the uses of the property without the proposed conditional use permit.

The diverging diamond design of the new interchange has pushed the frontage of the property a good distance from I-35 so the visibility is decreased and the time travelers and commuters have to see the property is very short at highways speeds. With this being a new developing area and the property zoned for commercial development which is heavily dependent upon travelers and commuters, the visibility and awareness of the businesses and property are essential, especially in the early years of establishing the businesses and area.

**Responses to March 12, 2013 Staff Report
Provided by Tim Gates, Agent for Property Owner**

e. Length of time the subject property has remained vacant without the proposed conditional use permit.

The property has been vacant for years, with the new interchange being built and the construction of the Intermodal & Logistics Park development will come to the area. This billboard will help bring attention to the property, the area and businesses that locate there. More importantly for this property, the Billboard will initially provide awareness to commuters, travelers and potential business owners that the property is available and/or the businesses who locate there are open and ready to serve. Currently the 7' X 40' semi-trailer sign advertising the property is somewhat dwarfed by the setback distance, elevation of the interchange/overpass and short time-line commuters and travelers can see it. This has been mentioned by several prospective tenants for the property while showing them the property and area. Specifically they are worried about visibility which is essential in the highway service industry, especially when you are competing with well-established communities and interchanges like those in Gardner and Olathe that are only a few miles away.

f. The extent to which the proposed use may detrimentally affect nearby property.

The property will be developed as heavy service commercial, the location is at the corner of what will be a heavily truck traveled interchange with I-35 and is directly across the highway from a very large sanitary sewer treatment plant that will service the area. The billboard will not detrimentally affect the nearby property more than all the uses already under construction or proposed for the area already has. Two (Alsups & Coles) of the three property owners who are closest to the proposed billboard acknowledge the need for it and have agreed to its placement. The other (Scaro) only objected to the lighting, which has been shown to be a non-issue and is heavily screened by dense trees. Most other owners nearby are a substantial distance from the proposed sign location and many have substantial natural buffering already. Several of those that spoke against the billboard application objected to the lighting not the billboard itself, the lighting plan submitted shows the lighting falls to below the minimum set by the City, hundreds of feet from the property line with the closest neighbors and well over a thousand feet from other owners who voiced concern. The lighting from the interchange both street & traffic combined with the vehicle lights crisscrossing the skyline will probably be much more visible! At least one owner stated he has changed his position from no lighting to just no billboards in general due to not liking them along the highway. This sentiment was also made by Mr. Stueck at the public hearing. The US Government, the State of Kansas and most Cities took those types of concerns in mind when implementing their billboard sign location and permitting processes so that the over building and unsightliness would be addressed while the need and property owner rights were preserved.

**Responses to March 12, 2013 Staff Report
Provided by Tim Gates, Agent for Property Owner**

g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.

The billboard will be along the edge of the property line and will not impact the ingress and egress or traffic within the site once developed.

h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.

The billboard would require electrical service which is available to the site.

i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.

The proposed billboard would not adversely affect the road network or require any parking.

j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.

The billboard will not create any of the above except nighttime lighting which as shown on the plan submitted drops well below the maximum allowed at the property line. The light from the billboard drops below those maximums hundreds of feet before the property lines of those having residences on them. Additionally, the lighting from the interchange both street & traffic combined with the vehicle lights crisscrossing the skyline will most likely be much more visible!

k. The economic impact of the proposed use on the community.

The actual dollar economic impact is not easily determined, but the ability to promote the property and businesses on it or in the area is very important. Several of the entities with investment in the area of the Intermodal & Logistics Park have expressed interest in advertising on the sign and recognize the need and benefit. Additionally, the City, County, State, BNSF, Allen Group and now NorthPoint Development have continuously promoted the area and this sign will help promote the area as well.

**Responses to March 12, 2013 Staff Report
Provided by Tim Gates, Agent for Property Owner**

l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.

Denial of this application brings no gain to the public health, safety or welfare but does bring hardship on the applicant due to loss of much needed exposure of the property and coming businesses to the commuters and travelers on I-35 as well as a revenue stream that can be used to assist in further developing the property which includes substantial screening of the most exposed residence on the adjacent property.

m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.

The property is an area identified for heavy service and industrial development; billboards are usually restricted to those types of areas.

Beth Linn

From: Jacki Alsup <jalsup@embarqmail.com>
Sent: Thursday, May 09, 2013 9:00 AM
To: Beth Linn
Cc: 'Larry Alsup'; Timothy Gates
Subject: Hi! It's Jacki Alsup!

Hi Beth! It's been awhile since we've talked, but I'm sure you've been in the neighborhood! There's so much going on over here! I'm just glad the leaves are coming out and I can hardly see it now! LOL! My real purpose in emailing you this morn is to let you know we are now working with Tim Gates of Agnes Gates Realty on the possible development of our back property. He is in talks with the County right now on the annexation process. We are hopeful everything will work out and we will be able to develop off Homestead. I also wanted you to know we are in support of the billboard project he is trying to get passed. It will be imperative for us if we do get to annex and move forward. The only way we will be able to develop at all is with road frontage from the Thorp property so we will be working closely with them and Tim to make it happen. I know there are folks out here protesting the billboard in hopes the development won't happen, but they are fighting a losing battle—we've been there, done that—and the development IS coming. We now have to look positively in the fact 'the best use' of any property in that area is commercial development. Please feel free to contact Larry and/or I at any time—we look forward to working with you down the road!! --Jacki

2008 03 31
EE 8:07A
dsj

CONDITIONAL USE PERMIT PROTEST PETITION
Protest Petition against Conditional Use Permit, Case No. CU-11-20-12

The undersigned property owner(s) does/do hereby protest the conditional use permit request for a billboard sign on the following described property, to-wit::

S9 - R15 -T22, E1/3 of the NE1/4, 53.33 Acres, except 1.66 acres in Highway and 9.22 acres in Highway
(South end of property at 20080 Homestead Lane, Edgerton, KS 66021)

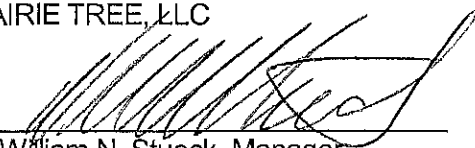
The undersigned realize(s) that this petition of protest must be submitted to the Office of the City Clerk within fourteen (14) days from the date of the conclusion of the Planning Commission public hearing regarding this conditional use permit application. Further, the undersigned realize(s) that this Petition is in opposition to the conditional use permit application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition. This Petition may be filed pursuant to the laws of Kansas, K.S.A. 12-757; and of the Edgerton UDC and shall be subject to the rules contained therein, including, but not limited to, UDC Article 8, Sec.8.1(G)(4) and the Bylaws of the Planning Commission.

The undersigned, is/are the owner(s) of real property located within the statutory area of notification related to the area for which a conditional use permit application is sought, the statutory area of notification being the real property located within two hundred (200) feet of the boundaries of the area for which a conditional use permit is sought

LEGAL SIGNATURE OF OWNER
(All owners of property must sign)

PROPERTY DESCRIPTION
(Address and/or lot and block number)

PRAIRIE TREE, LLC

By: 

William N. Stueck, Manager

32350 West 199th Street, Edgerton, KS
SW1/4, S3-T15-R22, Johnson County, KS
Parcel ID: 2F221503-2001, consisting of approx.
140 acres, net of roads/highways,
at the NE corner of 199th St. and
Homestead Lane

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING

Minutes
February 12, 2013
7:00 p.m.

The Edgerton Planning Commission met in regular session at 7:00 p.m. with Chair Harris presiding. The Roll Call was answered indicating those present were: Commissioners Phyllis Harris, Betsy Rhomberg, Maria O'Neill, Bob O'Neill, Chuck Davis, Missy Drinkard, Jim Osmun, Ron Conus, and alternate Thomas McClusky. Also present were City Administrator Beth Linn, City Superintendent Mike Mabrey and Acting Recording Officer Debra Gragg. Chair Harris declared a quorum is present.

Chair Phyllis Harris announced Planning Commissioner Chris Coffmann resigned due to residential move from Edgerton. The City Administrator indicated the Mayor is in process for replacement.

Approval of the minutes of December 11, 2012 was considered. Motion by Betsy Rhomberg, seconded by Maria O'Neill, to approve the minutes. The minutes were approved, 9-0.

The City Administrator spoke about the Southwest Johnson County Area Plan Open House scheduled for February 28, 2013 at 6:00 p.m. until 8:00 p.m. at Gardner City Hall. All were encouraged to attend.

A public hearing in regards to Final Site Development Plan, S-12-21-12, for a parcel of property located in the Southwest Quarter of Section 34, Township 14 South, Range 22 East (32614 W. 191st Street), applicant being The DeLong Company, Inc., was called to order by Chair Harris.

The City Administrator introduced Greg Watson, Shaffer Kline and Warren, engineer for the project. Mr. Watson provided a brief overview of the proposed plan and introduced applicant, Pat DeLong.

Mr. DeLong overviewed the operations intended for this site. He informed the Planning Commission that his family-owned business has operated the grain operation for several generations and has currently 20 sites in five (5) states. He further noted the process is mostly for exports.

Mr. Watson overviewed in more detail the plans for the site, consisting of container parking, grain process ingress/egress, description of setbacks, berming, landscaping, screening, and buffering of parking facilities. He noted the property drains to the west into the detention basin. He also indicated the site is generally asphalt with concrete pads for the dollies.

Ms. Harris indicated the plan shows three small silos, but lists only two elsewhere. Mr. DeLong responded with information regarding the silos.

Planning Commissioner Bob O'Neill asked about the hours of operation. Mr. DeLong indicated the trucks would make appointments for dropping off grain, generally beginning at 5:00 a.m. to 6:00 a.m. and ending late afternoon; he noted operations with the railroad would be 24 hours.

The City Administrator summarized the staff report by noting the location was rezoned to I-H in December, 2012 and noted the site will house a dump building, loading dock and four silos. She indicated the plan was reviewed and appears in compliance with I-H zoning and Article 10 of the Unified Development Code. She indicated staff worked with the applicant to design a project similar to the surrounding zoning. She noted, at this time, no sidewalk would be constructed, but stated the applicant agrees not to protest inclusion in future benefit district(s) to construct sidewalks if a need is found.

Ms. Linn spoke about the exterior illumination which will need adjustment regarding foot-candles at the property line on the plan. She indicated there is an 8" main extending to the Waste Water Treatment Plant. The Planning Commission was informed that the building sign and interior plans will be submitted with the building plans. Ms. Linn noted the City Engineer reviewed and made recommendations to the streets, access and stormwater requirements.

Ms. Harris asked if the containers would be stacked. Mr. DeLong responded noting that containers would not be stacked to start, but placed on chassis.

Mr. O'Neill asked about the radius of travel from trucks using the facilities. Mr. DeLong responded about 100 miles or so. Mr. O'Neill asked about the staging of vehicles. Mr. DeLong noted the staging would be on-site, but added that the company schedules appointments to accept grain deliveries, so anticipates there would not be a long line for staging.

Ms. Rhomberg asked if there would be a plug-in for early arrivals. Mr. DeLong indicated no, adding the trucks would need to idle or turn-off the engine. He added the company really does not want any overnight arrivals.

No one from the public signed up to speak, nor did any indicate a desire to speak in the hearing.

Motion by Drinkard, seconded by Osmun, to close the public hearing. The motion passed, 9-0.

The City Administrator informed the Commissioners this case is the first site plan for the Logistics Park and reminded them that final approval of the site plan does not go to the Council, but is fully authorized by the Planning Commission.

Ms. Linn overviewed staff's recommendations and noted the need to include additional landscaping within Stipulation 1 (one) with staff's recommendations.

Commissioner Osmun asked about the safety aspect/inspection records for the facility. Mr. De Long indicated the facility will be certified to Occupational Safety and Health Administration (OSHA) standards. In addition, he noted there will be a safety committee formed and associated training, along with dust monitors. He noted monitoring plans will be included with the electrical plans for the site.

Chair Harris asked if there would be security personnel or gates at the facility. Mr. DeLong responded by noting there would be no security or gating with the current design, but indicated it may need to be addressed in the future.

Motion by Bob O'Neill, seconded by Betsy Rhomberg, to approve the final site plan with the following stipulations:

- 1) All Site Plan requirements shall be met, including: a) resubmittal of lighting plan in conformance with UDC especially with regard to maximum foot-candles at property line; b) Construction plans for future public infrastructure be submitted and approved by the City, and any necessary permits obtained; c) Adjust handicap parking space and access aisle; d) Submittal of necessary storm water documentation for review and approval by the City.
- 2) All infrastructure requirements of the City shall be met.
- 3) All building permit and sign permit requirements of the City shall be met.
- 4) The City will not require at time of site plan approval the construction of sidewalks for/on the subject property. Prior to obtaining a building permit, the property owner will execute the necessary agreement to waive and relinquish any right he/she may have under K.S.A. 12-6a06 to protest the formation of a benefit district to pay for the construction of sidewalks for/on the above described property for a period of thirty (30) years, and that such agreement is intended to be a covenant running with the land for said period of time.
- 5) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.
- 6) Add additional landscaping on eastside as recommended by staff.

The vote on the motion passed, 9-0.

A public hearing in regards to Conditional Use Permit, CU-11-20-12, requesting a conditional use permit for installation and use of a billboard sign, located in the east one-third of the Northeast Quarter, excluding 1.66 acres in Highway of Section 9,

Township 15, Range 22 (20080 Homestead Lane), applicant being Tim Gates, Agnes Gates Realty, on behalf of Jeffrey and Jennifer Thorp was considered.

Mr. Gates requested the Planning Commission continue the public hearing until more information regarding the illumination of the billboard is available. He indicated the desire is to illuminate both sides of the board, adding he is waiting for coordination with the Kansas Department of Transportation (KDOT).

Chair Harris opened the public hearing for comments.

Commissioner Rhomberg stated the need to know more information about the request.

Commissioner O'Neill asked about the property and how close it would be to the access property. Mr. Gates indicated the sign would be 40 feet high and would follow the swale. He indicated it would be similar to the sign at I-35 and 127th Street in Olathe.

Mr. O'Neill questioned if there are tenants for the advertising. Mr. Gates indicated there are companies ready to advertise on the sign, which is proposed on the west side of Homestead, but until process is completed, they would remain anonymous.

Marshall Wolfe, 20090 Peppertree, stated he is upset with the change in the request from the mailed hearing, because he made a special trip back home from Florida. He indicated the matter better be ready and available next month. He stated concern with the added illumination because the light will shine in his window.

Don Scaro, 19913 Peppertree Lane, stated the original application was submitted without lighting noted, he stated that is how it should remain.

Matt Stueck, 32350 W. 199th, stated this use is not conforming in the area. He stated the need for a comprehensive plan regarding billboards, adding this action could set a precedent. He urged the Commissioners not to rush with a decision.

Michelle Kreiser, 19905 Peppertree Lane, stated there should be better locations for this use.

A written letter, submitted by Cliff and Colleen Cole, 19911 Peppertree Road, was read to the Planning Commission by the City Administrator. The Cole's were indicating protest for the placement of the billboard. A copy of the letter is included as an exhibit to the minutes.

Motion by B. O'Neill, seconded by Drinkard, to continue the public hearing until March 12, 2013. The vote on the motion passed 9-0.

The City Administrator indicated the City's website would contain information for the Planning Commission agenda prior to March 12. Residents were encouraged to look

on-line for the upcoming agendaand/or also provide e-mail addresses for notification of the published agenda.

The City Administrator informed the Planning Commissioners of the joint workshop for elected and appointed officials in regards to the Southwest Johnson County Area Plan. She indicated the meeting is scheduled for February 27, 2013 with dinner beginning at 5:30 p.m., meeting at 6:30 p.m. at the Johnson County Administration Building in Olathe.

Motion by Missy Drinkard, seconded by Betsy Rhomberg, to adjourn. The motion passed 9-0.

The meeting adjourned at 8:22 p.m.

Debra S. Gragg
Acting Recording Officer

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING

Minutes
March 12, 2013
7:00 p.m.

The Edgerton Planning Commission met in regular session at 7:00 p.m. with Chair Harris presiding. The Roll Call was answered indicating those present were: Commissioners Phyllis Harris, Betsy Rhomberg, Maria O'Neill, Bob O'Neill, Chuck Davis, Missy Drinkard, Ron Conus, and alternate Thomas McClusky. Commissioner Jim Osmun was noted as absent. Also present were City Administrator Beth Linn and Acting Recording Officer Anna-Marie Keena.

Chair Harris declared a quorum and the meeting commenced.

Approval of the minutes of February 12, 2013 was considered. Motion by Rhomberg, seconded by M. O'Neill, to approve the minutes. The motion was approved, 8-0.

Chair Harris presented item 6A by reopening a public hearing in regards to Conditional Use Permit, CU-11-20-12, requesting a conditional use permit for installation and use of a billboard sign, located in the east one-third of the Northeast Quarter, excluding 1.66 acres in Highway of Section 9, Township 15, Range 22 (20080 Homestead Lane).

No one from the public signed up to speak, nor did any indicate a desire to speak in the hearing.

Motion by Rhomberg, seconded by Drinkard, to close the hearing. The motion was approved, 8-0.

Mr. Gates, Agnes Gates Realty, on behalf of the applicants, asked to table the request.

Motion by Rhomberg, seconded by Drinkard, to table the conditional use permit for installation and use of a billboard sign, located in the east one-third of the Northeast Quarter, excluding 1.66 acres in Highway of Section 9, Township 15, Range 22 (20080 Homestead Lane) until May 14, 2013. The motion was approved, 8-0.

Chair Harris presented item 6B by opening a public hearing in regards to Preliminary Plat, P-02-18-13, requesting approval of a preliminary plat located approximately at the northwest corner of 191st and Waverly Road, located in the northeast quarter, southeast quarter, and southwest quarter of Section 34, Township 14 South, Range 22 East, Johnson County, Kansas.

No one from the public signed up to speak, nor did any indicate a desire to speak in the hearing.

Motion by Drinkard, seconded by B. O'Neill, to close the public hearing. The motion was approved, 8-0.

The City Administrator presented the Commission with a description of the subject property and explained the land included in this first phase of development has about 2,800 feet of frontage on 191st and 3,600 feet of frontage on Waverly Road.

Ms. Linn confirmed the property is entirely within the City of Edgerton and zoned L-P, Logistic Park. She also confirmed the applicant; Richard Allen of The Allen Group, had provided a preliminary site plan showing building sizes, elevations and footprints, related parking and loading areas, public streets and private drives, and landscaping. The planned uses are warehouse distribution and related uses.

Chip Corcoran, Renaissance Infrastructure Consulting, presented the Commission with a brief overview of the project and of the project requirements and stipulations.

Ms. Linn confirmed that staff has noted and reviewed the proposed plans and staff recommends approval in compliance with the noted stipulations.

Motion by Drinkard, seconded by O'Neill, to approve Preliminary Plat, P-02-18-13, requesting approval of a preliminary plat located approximately at the northwest corner of 191st and Waverly Road, located in the northeast quarter, southeast quarter, and southwest quarter of Section 34, Township 14 South, Range 22 East, Johnson County, Kansas with the following stipulations: (1) all preliminary plat requirements of the City listed in the Unified Development Code shall be met or addressed during Final Plat submittal as identified and (2) preliminary plat be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat. The motion was approved, 8-0.

Chair Harris presented Item 6C by opening a public hearing in regards to Preliminary Site Plan, S-02-18-13, requesting approval of preliminary site plan for property located approximately at the northwest corner of 191st Street and Waverly Road, located in the northeast quarter, southeast quarter, and southwest quarter of Section 34, Township 14 South, Range 22 East Johnson County, Kansas.

No one from the public signed up to speak, nor did any indicate a desire to speak in the hearing.

Motion by Davis, seconded by Rhomberg, to close the public hearing. The motion was approved, 8-0.

The City Administrator presented the subject property and described the land included in this first phase having about 2,800 ft. of frontage on 191st Street and 3,600 ft. of frontage on Waverly Road. The property is entirely within the City of Edgerton.

She explained the property is zoned L-P, Logistics Park and the City's Unified Development Code (UDC) defines this district as a limited multimodal industrial zone created to support activities related to trade, rail and other transport services. The applicant has provided a preliminary site plan showing building sites, elevations and footprints, related parking and loading areas, public streets and private drives, and landscaping. There is a total of other buildings shown ranging in size from 9,000 sq ft to over 1 million sq ft. The planned uses are warehouse distribution and related uses.

Commissioner McCluskey inquired as since our current plan does not address natural gas if there would be an issue regarding emissions, should BNSF switch to natural gas for their engines. The City Administrator assured the Planning Commission this would be addressed should need be.

There were no other comments or questions. The City Administrator recommended approval of the site plan, but with stipulations in Items 1 – 4.

Motion by Davis, seconded by Rhomberg, to approve Preliminary Site Plan, S-02-18-13, requesting approval of preliminary site plan for property located approximately at the northwest corner of 191st Street and Waverly Road, located in the northeast quarter, southeast quarter, and southwest quarter of Section 34, Township 14 South, Range 22 East Johnson County, Kansas with the following stipulations: (1) all site plan requirements in Section 5.2 of Article 5 Logistics Park (L-P) and Section 10.1 of Article 10 site plan shall be met or addressed during final site plan submittal as identified; (2) all infrastructure requirements of the City shall be met; (3) all building permit and sign permit requirements of the City shall be met; and (4) a state NPDES permit shall be approved prior to commencement of construction. Stormwater detention plans shall be provided per City specifications. The motion was approved, 8-0.

Chair Harris presented Item 6D by opening a public hearing in regards to a rezoning request, RZ-02-19-13, for rezoning property along 191st Street, east of Homestead Lane (Tax Identification No. 2F221434-2001) from Johnson County Rural (RUR) to City of Edgerton Logistics Park (L-P) District, located in the southwest quarter of Section 34, Township 14, South, Range 22 East, Johnson County.

No one from the public signed up to speak, nor did any indicate a desire to speak in the hearing.

Motion by Drinkard, seconded by Conus, to close the public hearing. The motion was approved, 8-0.

The City Administrator presented the Commission with the reason for the rezoning request as the land had been annexed into the City of Edgerton on February 14, 2013,

and the rezoning was being requested for future intermodal-related, logistic park development. The BNSF intermodal facility is currently under construction adjacent to the north boundary of the subject site. The intermodal facility's purpose is to transfer loaded cargo containers from trains to trucks. BNSF owns 1,000 acres, annexed into the City in 2010, to develop both the intermodal facility and an adjacent warehouse industrial (logistics) park. The subject property is surrounded by parts of the 1,000 acres on all three sides not abutting 191st Street; by the intermodal facility itself (on the north), by land under development for a grain transfer facility recently approved by the City (to the west), and by 191 acres rezoned for logistic park use in 2012 (to the east).

Motion by Drinkard, seconded by Conus, to approve rezoning request, RZ-02-19-13, for rezoning property along 191st Street, east of Homestead Lane (Tax Identification No. 2F221434-2001) from Johnson County Rural (RUR) to City of Edgerton Logistics Park (L-P) District, located in the southwest quarter of Section 34, Township 14, South, Range 22 East, Johnson County with the following stipulations: (1) all site plan application requirements of the City shall be met; (2) all infrastructure requirements of the City shall be met; and (3) prior to issuance of building permits, the property shall be developed in accordance with a site plan reviewed and approved by the City. The motion was approved, 8-0.

With no other business on the agenda, Chair Harris announced the next meeting would be April 9, 2013 and asked for a motion to adjourn.

Motion by Rhomberg, seconded by Drinkard, to adjourn. The motion was approved, 8-0.

The meeting adjourned at 7:50 p.m.

Anna-Marie Keena
Acting Recording Officer

DRAFT

EDGERTON COMMUNITY BUILDING PLANNING COMMISSION MEETING

Minutes
May 14, 2013

The Edgerton Planning Commission met in regular session with Chair Harris calling the meeting to order at 7:08 p.m. The Roll Call was answered indicating those present were: Commissioners Phyllis Harris, Betsy Rhomberg, Maria O'Neill, Chuck Davis, and Ron Conus. Absent were Commissioners Bob O'Neill, Missy Drinkard, Jim Osmun, and alternate Thomas McClusky. Also present were City Administrator Beth Linn, Public Works Superintendent Mike Mabrey and Recording Officer Debra Gragg.

Chair Harris declared a quorum was present.

Minutes of March 12, 2013 were considered. Motion by Davis, seconded by Rhomberg, to approve the minutes. The motion was approved, 5-0.

Noted guests attending the meeting were Tom Riederer, Tim Gates, and Cliff Cole.

Vice Chair Rhomberg announced her resignation from the Planning Commission. She stated her time on the Commission was a valuable experience and added it was interesting to see Edgerton grow from small town to vibrant growing community. Her resignation was accepted.

Re-opening the public hearing in regards to CU-11-20-2012, requesting a conditional use permit for installation and use of a billboard sign, located in the east one-third of the northeast quarter, including 1.66 acres in Highway of Section 9, Township 15, Range 22 (20080 Homestead Lane) was considered. It was noted a protest petition was received. Tim Gates, Agnes Gates Realty, was present representing the property owners Jeffrey and Jennifer Thorp.

Chair Harris opened the public hearing.

City Administrator Linn summarized the project request and spoke about actions from the previous public hearings. Ms. Linn indicated the agent for the applicants met with the neighboring property owners. She spoke about the changes occurring within the area, elevation changes and the recommendations of the sign company. Ms. Linn summarized the staff's recommendations regarding the factors relevant to the questions of compatibility and best interest of the City. Ms. Linn also noted the lighting plan for the billboard, with only electrical additions, was available.

Mr. Gates spoke about the need for advertising in a new and developing commercial area. He stated he met with the most affected neighbor and discussed screening of his

property to eliminate most of the billboard lighting impacts. Mr. Gates informed the Commissioners the signage proposal meets the federal and state regulations.

Commissioner Conus asked why the lighting of sign was necessary. Mr. Gates indicated to catch the attention of those new to the area during the winter months.

Chair Harris asked if there was already a local advertiser. Mr. Gates indicated the sign would have two halves and that his desire would be in addition to his company's advertising and another local advertiser, the community would see a five-year benefit.

Vice-Chair Rhomberg asked how this use would not be vacant or abandoned. Mr. Gates addressed.

Cliff Cole, 19911 Peppertree Lane, indicated he is the most affected property owner. He informed the Commissioners he met with Mr. Gates who requested what concessions could be made for this use. Mr. Cole indicated he and Mr. Gates agreed to a berm and landscaping plan in order to provide and protect privacy.

Matt Stueck (Prairie Tree, LLC), 32350 W. 199th, stated he wants to see the increased value of the adjoining property. He indicated the proposed configuration does not meet I-35 needs, but more for Homestead Lane. He then questioned what he could do to allow for his signage. He stated he does not believe the billboard is beneficial. He stated when the property is sold, platted and complete, the sign should be removed.

Michelle Kreiser, 19905 Peppertree, stated this will be used as a "For Sale" sign and she questioned the impact of signage or billboards and also the time-lines for the uses or non-use.

It was noted the permit, if approved, would be valid for five years or less with review in one year. Mr. Gates noted the area has 42 acres available for commercial use and it will need a longer marketing time. He stated the need for signage advertising "for sale" and other commercial needs/uses.

City Administrator Linn addressed concerns relating to vacant signage as addressed by the Unified Development Code, 12.6 (C-E). In summary, she noted any sign which becomes vacant for a period of one year or more would be considered abandoned and the owner of the sign or premises shall remove the sign. Ms. Linn noted the Kansas Department of Transportation (KDOT) has ultimate approval with regulations for billboards.

Chair Harris closed the hearing.

Commissioner Davis stated he is not against billboards in proper perspective, but stated this might be a better use in the future. He noted due to various construction projects and potential signage associated with the projects within the area may be too busy for a billboard at this time.

Motion by Davis, seconded by M. O'Neill, to recommend denial of the request for a conditional use permit. The motion to recommend denial was approved, 3-1-1.

Final Plat, P-04-10-2013, requesting approval of a final plat for Logistics Park Kansas City, First Plat located approximately at Waverly Road and 191st Street, in the southeast and southwest quarters of Section 34, Township 14 South, Range 22 East, applicant being Edgerton Land Holding Company, LLC (ELHC, LLC), was considered.

The City Administrator overviewed the project location and indicated the preliminary plat was approved. She reviewed the items needed for the final plat. Ms. Linn also indicated the desire to name a street in honor of a Medal of Honor winner and staff is checking with Johnson County for the naming conventions. In addition, Ms. Linn reviewed the stipulations for the final plat.

Patrick Robinson, ELHC LLC, informed the Commissioners he reviewed and agrees with staff's recommendations and requested their consideration and approval.

Motion by Rhomberg, seconded by Conus, to approve the final plat subject to compliance with the following stipulations: (1) The Final Plat requirements of the City shall be met or addressed prior to recording of the Plat; (2) The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specification must be approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements; (3) A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; (4) The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax; and (5) The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code. The motion was approved, 5-0.

Final Site Plan, S-04-10-2013, requesting approval of a final site plan for Inland Port (Lot 1 and Tract A, Logistics Park Kansas City, First Plat – 31608 West 191st Street) located approximately at Waverly Road and 191st Street, located in the southeast and southwest quarters of Section 34, Township 14 South, Range 22 east, applicant being Edgerton Land Holding Company, LLC, was considered.

City Administrator Linn indicated the preliminary site plan was approved by the Planning Commission. She then overviewed the needs for the final site plan. She also spoke about the potential need for pedestrian access in the future and noted the applicant/property owner will need to agree not to protest a future benefit district for sidewalks, if needed.

Ms. Linn informed the Commissioners that Johnson County staffmembers were impressed with the presented plans. In addition, Ms. Linn overviewed the stipulations in order to meet compliance.

Patrick Robinson, ELHC, LLC, stated his agreement with the staff's recommendations and requested approval of the final site plan by the Commissioners.

Motion by Rhomberg, seconded by M. O'Neill, to approve the Final Site Plan subject to compliance with the following stipulations: (1) All Site Plan requirements in Section 5.2 of Article 5 Logistics Park (L-P) and Section 10.1 of Article 10 Site Plan shall be met or addressed, including all items listed for Cover Sheet and Sheets 2-5; (2) All construction plans for any public infrastructure shall be prepared to City standards and approved by the City; (3) Provide a sanitary sewer plan to be reviewed and approved by the City; (4) Plans for any public sanitary sewer extension will need to obtain a KDHE permit; and (5) All building permit and sign permit requirements of the City shall be met. The motion was approved, 5-0.

The City Administrator stated her appreciation for Ms. Rhomberg's service on the Planning Commission. She requested members forward to her the names of any interested persons desiring to serve on the Planning Commission.

Motion by Rhomberg, seconded by M. O'Neill, to adjourn. The motion was approved, 5-0.

The meeting adjourned at 8:10 p.m.

Submitted by:

Debra S. Gragg
Recording Officer

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Application P-05-21-2013 For Logistics Park Kansas City, Second Plat

Department: Administration

Background/Description of Item: The City of Edgerton has received Application P-05-21-2013 for final plat of the second phase of development of the Logistics Park Kansas City by Edgerton Land Holding Company (ELHC), a subsidiary of NorthPoint Development. The property will serve the BNSF intermodal facility currently under construction to the north of the subject site.

The subject property is along 191st Street west of the Waverly Road intersection. The property is zoned L-P, Logistics Park. The City's Unified Development Code (UDC) defines this district as a limited multimodal industrial zone created to support activities related to trade, rail and other transport services. The property has an approved preliminary plat and preliminary site plan. The planned use for this lot is an approximately 326,650 square foot warehouse.

Staff, including City Engineer and Johnson County Planning, has reviewed the Final Plat submittal for compliance with the Approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments are detailed in the attached staff report. Generally the final plat complies with the requirements with a few exceptions detailed in the report. At the Planning Commission public hearing held on June 11, 2013, Patrick Robinson, Vice President of Development for NorthPoint Development (Edgerton Land Holding Company) testified in agreement with all of staff's items.

City staff recommends approval of the Final Plat for Logistics Park Kansas City, Second Plat (ELHC II) subject to compliance with the following stipulations as listed in the staff report dated June 2, 2013:

1. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
2. The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements.
3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax.
5. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.

The Edgerton Planning Commission recommended approval of Application P-05-21-2013 for Final Plat for Logistics Park Kansas City, Second Plat (ELHC II).

Enclosure: Staff Report from June 2, 2013 Planning Commission
Final Plat Application 05-21-2013 for Logistics Park Kansas City, Second Plat (ELHC II)
Final Plat

Related Ordinance(s) or Statute(s):

Recommendation: Recommend approval of the Final Plat for Logistics Park Kansas City, Second Plat (ELHC II) subject to compliance with the stipulations #1-5 as listed in the staff report dated June 2, 2013

Funding Source: N/A

Prepared by: Beth Linn, City Administrator
Date: June 25, 2013

STAFF REPORT

June 2, 2013

To: Edgerton Planning Commission
Fr: Beth Linn, City Administrator
Mike Mabrey, Zoning Administrator
Re: Application P-05-21-2013 for Logistics Park Kansas City, Second Plat (Lot 3)

APPLICATION INFORMATION

Applicant/Property Owner: Edgerton Land Holding Company

Requested Action: Final Plat – Logistics Park Kansas City, Second Plat (Lot 3)

Legal Description: See Final Plat attached

Site Address/Location: Undetermined

Existing Zoning and Land Uses: City of Edgerton L-P Logistics Park on vacant land

Existing Improvements: None

Site Size: Approximately 18.655

PROJECT DESCRIPTION

This is the second phase of development of the Logistics Park Kansas City by Edgerton Land Holding Company (ELHC), a subsidiary of NorthPoint Development. The property will serve the BNSF intermodal facility currently under construction to the north of the subject site. The intermodal facility's purpose is to transfer loaded cargo containers from trains to trucks. BNSF owns 1,000 acres, annexed into the City in 2010, to develop both the intermodal facility and an adjacent warehouse industrial (logistics) park. ELHC, the applicant for this project, is BNSF's partner for developing warehousing which is planned to eventually surround the intermodal facility.

The subject property is along 191st Street west of the Waverly Road intersection. The property is zoned L-P, Logistics Park. The City's Unified Development Code (UDC) defines this district as a limited multimodal industrial zone created to support activities related to trade, rail and other transport services. The property has an approved preliminary plat and preliminary site plan. The planned use for this lot is an approximately 326,650 square foot warehouse.

INFRASTRUCTURE AND SERVICES

Infrastructure was reviewed previously per the rezoning and preliminary plat. Some conditions continue to exist as noted below.

- a. Johnson County's Comprehensive Arterial Road Network Plan (CARNP) designates both Waverly Road and 191st Streets as a Type I Arterial Roads. Waverly Road extends north to 56 Highway and beyond into the City of Gardner. To the south, it dead-ends before reaching I-35. 191st Street is expected to provide primary access to the development and for traffic from the development to Homestead Lane and the new I35 interchange to the south. 191st Street is under construction and will be finished by fourth quarter 2013.
- b. The Kansas Department of Transportation (KDOT) is constructing a new interchange and road improvements at Homestead Lane and I-35. The new interchange and improvements, as well as extension of Homestead Lane to 191st Street, will provide direct access to the entire BNSF and Logistics Park KC development.
- c. All of the property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane.
- d. The property does not currently have sanitary sewer service. The City of Edgerton is constructing sanitary sewers to serve the new Burlington Northern Santa Fe (BNSF) intermodal site and this site.
- e. The property is located within the service area of Water 7. A 12-inch water line is located along the 191st Street. Water supply sufficient to provide fire flows and hydrants are required per the City's building codes.
- f. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. The nearest fire station is located in the City of Edgerton, approximately 1.5 miles to the west.

FINAL PLAT REVIEW

Staff has reviewed the Final Plat submittal for compliance with the Approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments are listed below.

1. Scale, the same used for the preliminary plat; North point; vicinity map. ***Final Plat complies.***
2. The words "FINAL PLAT" followed by the name of the subdivision at the top of the sheet, and then followed by a metes and bounds description of the tract. ***Final Plat complies.***
3. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar. ***Final Plat complies.***
4. A boundary survey of third order surveying accuracy (maximum closure error one in five thousand (1' in 5,000), with bearings and distances referenced to section or fractional section corners or other base line shown on the plat and readily reproducible on the ground. ***Final Plat complies.***
5. Individual notations and a TABLE showing: lot area, setbacks, and building envelopes. ***Table has not been provided.***

6. A number for each lot, starting (if practical) in the northwest corner. ***Based on the preliminary plat, the lot should be numbered Lot 3.***
7. All easements with widths, and roads with curve data. ***Additional utility easements may be necessary. Plat will be reviewed by Utility Companies. Request dedication of a drainage easement for the south portion of the lot that will have storm water detention on it. The 15' U/E adjacent to the 50' R/W should also be labeled as a pedestrian easement. A cross access easement should be dedicated across this lot to Lot 5. A cross access easement should be dedicated by separate instrument on the north side of the north lot line for the proposed road shown on the preliminary site plan.***
8. Ingress/egress limitations if required. ***Final Plat complies.***
9. The location of existing utility easements. ***Final Plat complies.***
10. A written legal description from the survey. ***Final Plat complies.***
11. An instrument of dedication for all roads and easements. ***See comments for #7.***
12. Special notations required as a condition of platting by the Planning Commission. ***Final Plat complies.***
13. Approved phases – clearly delineated. ***Final Plat complies.***
14. Private travel easements. ***Final Plat complies.***
15. The Owner's Certificate with Notary Seal. ***Final Plat complies.***
16. Certificate of the Governing Body with City Clerk's attest and Seal. ***Final Plat complies.***
17. Edgerton City Planning Commission chair and secretary approval. ***Final Plat complies.***
18. Certificate of the Register of Deeds. ***Not provided.***
19. Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor. ***County Surveyor approval block has not been provided.***
20. Certificate of the Zoning Administrator. ***Final Plat complies.***

Other Comments

Confirm Public Street Name from Johnson County.
Final Plat complies with Approved Preliminary Plat.

RECOMMENDATION

City staff recommends approval of the Final Plat for Logistics Park Kansas City, Second Plat (Lot 3) subject to compliance with the following stipulations:

1. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
2. The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements.

3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax.
5. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.

ATTACHMENTS

Final Plat Application 05-21-2013 for Logistics Park Kansas City, Second Plat (Lot 3)

Final Plat

NAME OF PROPOSED SUBDIVISION: LOGISTICS PARK KANSAS CITY, SECOND PLATLOCATION OR ADDRESS OF SUBJECT PROPERTY: LOT 1

LEGAL DESCRIPTION: _____

CURRENT ZONING ON SUBJECT PROPERTY: L-P CURRENT LAND USE: VACANTTOTAL AREA: 18.66 Acres NUMBER OF LOTS: 1 AVG. LOT SIZE: 812,829 Sq. Ft.DEVELOPER'S NAME(S): ELHC II, LLC PHONE: 816-888-7385

COMPANY: _____ FAX: _____

MAILING ADDRESS: 6300 N. REVERE DRIVE, SUITE 225, KANSAS CITY, MO 64151
Street City State ZipPROPERTY OWNER'S NAME(S): SAME PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____
Street City State ZipENGINEER'S NAME(S): DAN COOK PHONE: 913-317-9500COMPANY: RENAISSANCE INFRASTRUCTURE CONSULT. FAX: 913-317-9501MAILING ADDRESS: 11490 STRANG LINE, LENEXA, KS 66215
Street City State ZipSIGNATURE OF OWNER OR AGENT: _____
If not signed by owner, authorization of agent must accompany this application.

NOTE: Ten (10) copies of the proposed preliminary plat must accompany this application for staff review. One (1) reduced copy (8 ½ x 11) must also be submitted with the application.

FOR OFFICE USE ONLY

Case No.: P- _____ Amount of Fee Paid: \$ _____ Date Fee Paid: _____

Received By: _____ Date of Hearing: _____

FINAL PLAT INSTRUCTIONS

SUBMITTAL DEADLINE: The applicant shall submit an application at least forty-five (45) days prior to a scheduled meeting. If the final plat complies with the preliminary plat, Planning Commission and Governing Body may consider approval without notice or public hearing.

A SUBDIVISION OF LAND IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



LEGEND

- △ FOUND SECTION CORNER AS NOTED
- FOUND 1/2" REBAR WITH DM2 KSCS 224 CAP
- SET 1/2" X 24" REBAR WITH DM2 KSCS 224 CAP

B/L BUILDING SETBACK LINE
U/E UTILITY EASEMENT
A/E ACCESS EASEMENT

NOTES:
 Basis of Bearings: Kansas North Zone, U.S. State Plane, NAD 83 HARN
 5 88°09'02" W, along the South line of the SE 1/4 of Section 34-T14S-R22E.
CLOSURE CALCULATIONS:
 Perimeter: 3,613.50
 Error Closure: 0.003
 Error North: 0.000296 East : 0.003350
 Precision: 1:1,204,500
 All distances shown on this plan are in ground feet.



Prepared For:
Edgerton Land Holding Company, LLC
6300 N Revere Drive, Ste. 225
Kansas City, MO 64151
(816) 888-7385

Date of Preparation:
May 20, 2013

CONSENT TO LEVY

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Edgerton, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on this land floating and abutting on such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____ day of _____, 20__.

Edgerton Land Holding Company, LLC

Nathaniel Hagedorn, Managing Member

STATE OF KANSAS)
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me a Notary Public in and for said County and State, came Nathaniel Hugobert, Managing Member of Edgerton Land Holding Company, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said corporation, and he duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

Notary Public _____ My Appointment Expires: _____

APPROVALS

APPROVED by the Planning Commission of the City of Edgerton, Johnson County, Kansas
on this _____ day of _____, 20____.

Phyllis Harris, Chairperson

APPROVED by the Governing Body of the City of Edgerton, Johnson County, Kansas,
on this _____ day of _____, 20____.

Mayor

City Clerk

APPROVED by the Zoning Administrator,
on this _____ day of _____, 20____

Zoning Administrator

This is to certify on the _____ day of _____, 2013 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys pursuant to K.S.A. 74-7037.

Michael Schmüdgen, Kansas LS-354
2224 Cordelia Terr. Lawwood, KS 66209
(913) 334-8819

11-0147

LOGISTICS PARK KANSAS CITY, SECOND PLAT



Renaissance Infrastructure
Consulting (R·I·C)

11490 Strang Line Road | Lenexa, Kansas 66215 | (913) 317-9500 | www.reninfrastruture.com

June 24, 2013

To: Mayor and City Council
From: Beth Linn, City Administrator
Re: 2014 Recommended General Fund Budget

It is with great pleasure that I submit the recommended 2014 General Fund budget to the Governing Body for consideration. Development and approval of the annual budget is one of the most important roles for the Governing Body. The annual budget is the guiding document that communicates the goals and priorities of the City Council to residents, staff, businesses and other general public for the upcoming year. This memo and the pages following outline the proposed revenues and expenditures for the general fund for fiscal year 2013. Below are highlights of the proposed 2014 budget.

- **2013 Citizen Survey** – In 2013, the City of Edgerton completed a Direction Finder citizen survey to assess citizen satisfaction with the quality of services and provide information to help the City establish budget priorities and refine policy decisions. The survey will also establish baseline data for comparison with data over time. That survey identified three issues that should receive the most emphasis over the next two years. Those issues are:
 - o Maintenance of city streets, buildings and facilities
 - o Effectiveness of community planning and development
 - o City parks and facilities

Staff used those issues as guiding principles together with direction that has been previously provided by City Council when preparing the recommended budget.

- **2014 Kansas Budget Report** - Included with this memo is the 2014 Kansas Budget Report as entered into CIC, the City's financial accounting software. Preparation of the 2014 budget is the first time staff has been able to fully use the budget preparation module included with the software. This report is set up identical to the State of Kansas Budget Forms which will allow for a seamless transition of information from the city's accounting software to the required state forms. The information is presented in the same categories as the state forms to include:
 - o 2012 Prior Year Actual
 - o 2013 Current Year to Date
 - o 2014 Proposed Budget

REVENUES

Taxes - Property

Each year the Johnson County Appraiser's Office provides a revaluation report as an overview of the January valuation. In the 2013 report, the County Appraiser confirms that the local real estate market is seeing some improvement with the number of homes for sale and the

inventory approaching a seller's market. Single-family home building has started to increase. The foreclosure rate has dropped. Johnson County has experienced a sales volume increase.

In the 2012 report, the Appraiser's Office illustrated how Johnson County had experienced a decline of 2.09% in property values from October of 2007 to February 2012. The 2013 report shows that Johnson County has shown slight improvement. The February 2013 countywide valuation is \$52,473,812,982 which is a 3.89% increase from October 2012. However, the City of Edgerton remains essentially flat in appraisal value from February 2012 to February 2013. The values are listed below.

Total Appraised Value Percent Change

October 2010	\$74,896,520	
February 2011	\$72,984,450	-2.55%
October 2011	\$72,857,500	-.17%
February 2012	\$71,329,250	-2.1%
October 2012	\$70,934,917	
February 2013	\$70,917,650	-.01%

Total decrease in appraised value since October of 2010 for the City of Edgerton is 5.6%. That decrease translates into less revenue dollars generated from property tax. However, the other factor impacting property tax revenue is tax revenue from property that has changed use or been annexed within the city limits.

Kansas State Law states that if the City needs to increase tax revenues above the total tax levy amount from the previous year, the City must pass an ordinance authorizing the increase of tax revenues. The proposed 2014 budget does not recommend an increase in tax revenue. The recommended 2014 budget keeps the tax revenue flat with the proposed mill levy estimated as the same as 2013. Below is the mill levy history in Edgerton for the last four years.

2011	42.880
2012	41.722
2013	36.935
2014	36.935 (proposed at same mill levy rate)

Taxes - Sales Tax

In the recent past, the City of Edgerton and Johnson County as a whole have seen a recovery in the local sales tax and local compensating use tax revenue. Most recently in 2013, the revenues seem to have flattened out. Staff has used actual collections in 2013 to project 2014 revenues.

Licenses & Permits

The largest single item included in this category is building permits. Based on the building permits pulled to date in 2013 for Logistics Park Kansas City and development activity anticipated for 2014, staff increased this line item significantly. This revenue will be used to offset the expenditure in Planning for contracted plan review and building inspection services performed by Johnson County.

Charges for Services

Charges for Services includes the city's annual contract for residential solid waste collection. This three-year contract will conclude at the end of 2014. Other charges include franchise fees and rental fees. All of these revenues are anticipated to remain relatively flat.

Fines & Forfeitures

Based on communication with other Intermodal cities and enforcement witnessed by staff in those locations, staff anticipates there may be a significant increase in possible traffic violations, and therefore, fine revenue in 2014. Staff anticipates 2014 actual collections will provide important guidance for preparation of future fine revenue.

EXPENDITURES

The General Fund expenditures are divided into departments to assist in allocation and tracking.

General Government (01)

The general government department includes the administrative functions of the city such as finance, human resources, records management, etc. New in the 2014 proposed budget staff has created a separate department for information technology. These expenses were previously included in general government.

- Personal Services. The Personal Services category includes salaries, professional dues and training for all employees within this department. A list of employees included in this department is below. Staff examined each position and its job duties based on the job descriptions to assess the proper department for allocation of salary dollars. It was determined that the Account Clerk position should be divided between general government, water and sewer because of the duties associated with utility billing. In addition, the Crossing Guard position was reallocated to the Law Enforcement department.
 - o Mayor and City Council
 - o Treasurer
 - o City Administrator
 - o Administrative Services Director
 - o City Clerk
 - o Account Clerk (34%)
 - o Code Enforcement Officer (50%)
 - o Part Time Administrative Assistant

The increase in dollars allocated to personal services recognizes dues and training for all employees listed above. In addition, the proposed 2014 budget includes \$5,000 for Mayor and City Council members to attend local EDC and chamber events, state and regional conferences and allocate dollars for special projects such as Scouts.

- Commodities. Commodities include items such as postage, utilities, supplies, uniforms, etc.
- Contractual. The largest increase in dollars allocated for contractual is for professional services. This line item includes professional services such as financial advisor, city attorney, accountant, auditor, etc. This does not include professional services specific to Logistics Park Kansas City. Those have been allocated out of the Intermodal

department. Other large line items include marketing and advertising (which includes the city's contract with Southwest Johnson County EDC and Candid Marketing) and printing for various stationary and brochures.

Law Enforcement (02)

The law enforcement department includes the municipal court, police services and animal control.

- Personal Services. The Personal Services category includes salaries, professional dues and training for all employees within this department. A list of employees included in this department is below. Staff examined each position and its job duties based on the job descriptions to assess the proper department for allocation of salary dollars. Based on this review, the Part Time Crossing Guard was allocated to this fund. In addition, staff delineated a separate part-time position for Municipal Court Clerk.
 - o Code Enforcement Officer (50%)
 - o Part Time Crossing Guard
 - o Part Time Municipal Court Clerk
- Commodities. As a requirement of the contract with the Johnson County Sheriff's Office (JCSO), the City of Edgerton is required to provide space for the district officer and is responsible for associated utilities. Staff has been working with the JCSO and Johnson County Library to create a new office for the JCSO at the Bank of Knowledge. Staff has included funding for utilities at the sub station same as in previous years but hopes to not need that funding.
- Contractual. The largest single item in contractual is the contract to provide police services with Johnson County Sheriff's Office. The Sheriff's Office has proposed a decrease of 1.85% from the 2013 budget for a contract of \$256,213. This includes \$5,000 allocation for additional overtime. The proposed 2014 budget includes the same allocation as 2013 at \$275,000 for contract law enforcement to add contingency for additional overtime or fuel surcharge. The contractual budget also includes the municipal court judge and prosecutor.

Streets (03)

The streets budget includes the functions of public works related to street maintenance and snow removal. Beginning in 2014, the City of Edgerton will experience a significant increase in the lane miles of streets this department will need to maintain. In addition, the citizen survey identified maintenance of city streets, buildings and facilities as one of the three issues that should receive the most emphasis over the next two years. Staff used those two principles when developing the streets budget.

- Personal Services. The Personal Services category includes salaries, professional dues and training for all employees within this department. A list of employees included in this department is below. Included in that list is the position previously titled Public Works Superintendent. In the proposed 2014 budget, staff is recommending that position being retitled Street Superintendent and dedicated to street maintenance. Staff will present to city council for consideration the creation of a similar position titled Utility Superintendent that would oversee all utility operations (both water and wastewater) and be funded out of the utility funds.

One of the current challenges for public works with regard to street maintenance is the number of other job responsibilities the employees have that often take precedent over streets in emergency situations (such as water breaks). By allocating the positions listed below to the street department, it creates a full street crew. This will allow the City to do much more regular maintenance projects in house particularly with the recent equipment purchases.

- o Street Superintendent
 - o Assistant Superintendent
 - o Maintenance Worker I
 - o Maintenance Worker I
- Commodities. Commodities include items such as utilities, supplies, uniforms, salt etc. The two largest lines items are supplies/ground maintenance and construction supplies. Both will be used to increase the annual street maintenance program. That program will be presented separate to council for consideration.
- Contractual. Contractual includes professional services such as City Engineer. One professional service the City of Edgerton will have that is new in 2014 is traffic signal maintenance. Staff is exploring the opportunity to partner in a group contract with KDOT and Johnson County for signal maintenance adjacent to LPKC.
- Transfers. The proposed budget includes a \$45,000 transfer to Vehicle and Equipment Reserve Fund to begin to accumulate funds for major vehicle and/or equipment replacement or purchase. It also includes a transfer for \$50,250 to the capital improvement fund for future large capital project such as major street replacement.

Parks (04)

This department includes all functions of parks and recreation including events, park equipment, park maintenance and programming. City parks and facilities was identified as one of the three issues that should receive the most emphasis over the next two years. In addition, during a city council work session discussing the results of the citizen survey, council asked staff to explore the opportunity to add a staff member dedicated to parks and recreation and allocate funding for programming and equipment.

- Personal Services. The Personal Services category includes salaries, professional dues and training for all employees within this department. A list of employees included in this department is below. Staff has met with Baldwin Parks and Recreation District and City of Gardner Parks and Recreation to research how other cities provide parks and recreation services to their citizens. Based on previous discussions, staff has proposed two positions dedicated to this department as described below.
 - o Recreation Coordinator – A full-time position dedicated to starting a parks and recreation program including developing programming, performing park equipment inventory, suggesting equipment replacement schedule, etc.
 - o Part Time Maintenance Worker I – This part-time position could have several job duties including assisting with park maintenance, seasonal mowing of parks, facility rental checks, etc.

Personal services would also include dues and training for these individuals, particularly for the Recreation Coordinator to be certified in park equipment safety.

- Commodities. Commodities include items such as utilities, supplies, uniforms, etc.
- Contractual. Contractual includes insurance, professional services printing and events. The proposed budget includes a donation to Frontier Days for \$12,000 same as 2013.

Staff recommends simply stating the donation as an entire amount rather than earmarking it for any one purpose for Frontier Days. It also includes \$15,000 for other events such as the 3rd of July picnic, Halloween party, etc.

- Capital Outlay. This category provides \$7500 for purchase of small equipment. Any large equipment or capital project would be funded out of the Capital Improvement Fund or Vehicle and Equipment Replacement Fund.
- Transfers. The proposed budget includes a \$15,000 transfer to Vehicle and Equipment Reserve Fund to begin to accumulate funds for major park equipment replacement or future purchase of maintenance equipment and/or vehicle.

Auditorium (Public Facilities) (05)

The auditorium includes building and facility maintenance for all city facilities except public works.

- Commodities. Commodities include construction supplies and equipment needed for building maintenance.
- Contractual. Contractual includes dollars for professional services. This line item has been used for services such as additional electrical outlets and data ports at city hall. Staff anticipates a few minor projects to freshen the appearance of the Community Hall such as paint and completing the door replacement.
- Capital Outlay. This category provides \$7500 for purchase of small equipment. Any large equipment or capital project would be funded out of the Capital Improvement Fund or Vehicle and Equipment Replacement Fund.
- Transfers. The proposed budget includes a \$15,000 transfer to Capital Improvement Fund for restoration of the library windows and installation of storm windows at library.

Planning (07)

The Planning department includes all planning and zoning functions.

- Commodities. Commodities include items such as postage or publications of public hearing notifications.
- Contractual. The largest expenditure within this department is the contract for services with Johnson County to provide planning and zoning support for commercial zoning application and building inspection services. Staff increased the contractual line items in anticipation of development in and around Logistics Park KC (LPKC). Due to the structure of the contract for planning services, the City would only pay for services used. If development occurs, then building permit revenue offsets the cost of planning services. If development does not occur, the city would not need as many planning services.

Intermodal (08)

The Intermodal department includes expenses not eligible for the Public Infrastructure Fund but related to the Logistics Park Kansas City development.

- Contractual. To date the fund only tracks one category of expense – contractual. This category includes professional services associated with the project but not reimbursable through the Public Infrastructure Fund. The two largest contract employees in this category are the City's Financial Advisor and Bond Counsel. Staff has recommended increasing this budget to allocate additional dollars for analysis and assistance as the project continues to move forward. The proposed 2014 budget

includes \$76,200 which more closely reflects the 2012 actual rather than the current 2013 budget at \$20,000.

Information Technology (09)

The information technology department includes all technology includes computer hardware, computer software, telephone system and website.

- Commodities. Commodities include items such as computer office supplies and minor equipment.
- Contractual. The largest single item in contractual is the contract to provide IT services. This contract was previously accounted for in general government professional services. In addition, professional services includes other services such as website hosting, off-site back up and software maintenance contracts.

Employee Benefits (49)

The employee benefits department includes all costs of benefits for employees funded out of departments in the general fund. These benefits include KPERS, health insurance, employer tax contributions, workmen's compensation insurance, etc.

This department increased to addition of two new employees in 2012. In addition, the city's required contribution for unemployment was higher in 2013. This department does include additional benefit dollars for the proposed full-time Recreation Coordinator. It is anticipated that both the part-time Municipal Court Clerk and part-time Maintenance Worker I in Parks would not meet the threshold for employer benefits.

RESERVES

The City of Edgerton Budget Reserve Policy recommends between a 17-25% reserve amount for the general fund. For a budget of \$2,011,937, the 25% target would equal \$502,984. Based on the completed 2012 Audit of Financial Statements, the City of Edgerton can meet that requirement from existing fund balance. In addition, there is excess dollars available in the fund balance for consideration by council. Based on the dollars not being collected from an on-going funding source, staff would recommend the allocation of those dollars towards capital project such as a large street project. This project will include a one-time expense that would match with unencumbered fund balance. In addition, it would meet one of the priority areas identified in the citizen survey. Based on a fund balance of \$1,079,546, the City would have approximately \$576,000 to begin a capital improvement plan.

SCHEDULE

Staff will present the recommended utility and other funds at the city council meeting on July 11, 2013. Following that work session, staff will incorporate any feedback or changes from the Governing Body to the proposed 2014 budget. Once complete the Notice of Public Hearing will be prepared and published in the Gardner News on July 24. The official budget hearing will be held on August 8 at 7:00 PM at City Hall. The city council will consider the 2014 proposed budget for adoption at that meeting. Once approved, staff will finalize the state budget forms and remit then to the county clerk prior to August 25, 2013 as required by state law.

2014 Kansas Budget Report

City of Edgerton

Selected Budget Step: 3 - City Admin

Selected Fund: 10

Selected Dept: ALL

Account / Category Description		2012 Prior Year Actual	2013 Current Year Year to Date	2014 Proposed Budget
Fund: 10 General				
REVENUE				
Department: 00 Non-Departmental				
	Taxes	\$1,468,981	\$717,861	\$1,465,352
	Licenses & Permits	\$6,633	\$76,275	\$185,185
	Charges for Services	\$128,204	\$70,436	\$140,400
	Fines & Forfeitures	\$12,716	\$8,787	\$115,500
	Investment Income	\$1,441	\$2,325	\$1,500
	Miscellaneous	\$10,628	\$976	\$0
	Transfers	\$0	\$0	\$0
	Other Sources	\$0	\$1,143	\$104,000
	Dept. 00 TOTAL REVENUE :	\$1,628,603	\$877,803	\$2,011,937
Department: 08 Intermodal				
	Miscellaneous	\$0	\$0	\$0
	Dept. 08 TOTAL REVENUE :	\$0	\$0	\$0
	Fund 10 TOTAL REVENUE :	\$1,628,603	\$877,803	\$2,011,937
EXPENSE				
Department: 01 General Government				

Account / Category Description		2012 Prior Year Actual	2013 Current Year Year to Date	2014 Proposed Budget
	Personal Services	\$241,398	\$131,330	\$303,233
	Commodities	\$68,474	\$36,350	\$51,782
	Contractural	\$217,217	\$136,680	\$278,530
	Capitol Outlay	\$484	\$0	\$500
	Transfers	\$0	\$0	\$0
	Non-Budgetary	\$33,034	\$6,624	\$5,950
Dept. 01 TOTAL EXPENSE :		\$560,607	\$310,984	\$639,995
Department: 02 Law Enforcement				
	Personal Services	\$11,280	\$12,739	\$46,638
	Commodities	\$3,613	\$1,770	\$9,500
	Contractural	\$208,302	\$129,968	\$318,600
	Capitol Outlay	\$192	\$0	\$200
	Non-Budgetary	\$0	\$0	\$0
Dept. 02 TOTAL EXPENSE :		\$223,387	\$144,476	\$374,938
Department: 03 Streets				
	Personal Services	\$111,024	\$51,357	\$134,473
	Commodities	\$88,787	\$8,060	\$69,413
	Contractural	\$22,681	\$12,480	\$45,000
	Capitol Outlay	\$281	\$0	\$2,256
	Transfers	\$88,139	\$0	\$95,250
	Non-Budgetary	\$130	\$0	\$0

Account / Category Description		2012 Prior Year Actual	2013 Current Year Year to Date	2014 Proposed Budget
Dept. 03 TOTAL EXPENSE :		\$311,041	\$71,897	\$346,392
Department: 04 Parks				
	Personal Services	\$0	\$1,565	\$70,826
	Commodities	\$24,358	\$3,430	\$42,383
	Contractural	\$16,244	\$10,142	\$41,033
	Capitol Outlay	\$1,275	\$418	\$7,500
	Transfers	\$0	\$0	\$15,000
	Non-Budgetary	\$1,999	\$0	\$0
Dept. 04 TOTAL EXPENSE :		\$43,876	\$15,555	\$176,742
Department: 05 Auditorium				
	Commodities	\$4,075	\$0	\$1,255
	Contractural	\$1,326	\$636	\$8,500
	Capitol Outlay	\$10,157	\$13,707	\$8,400
	Transfers	\$0	\$0	\$15,000
	Non-Budgetary	\$0	\$0	\$0
Dept. 05 TOTAL EXPENSE :		\$15,557	\$14,343	\$33,155
Department: 07 Planning				
	Commodities	\$0	\$0	\$5,000
	Contractural	\$33,021	\$57,143	\$130,000
	Capitol Outlay	\$1,948	\$543	\$2,550
Dept. 07 TOTAL EXPENSE :		\$34,969	\$57,686	\$137,550

Account / Category Description		2012 Prior Year Actual	2013 Current Year Year to Date	2014 Proposed Budget
Department: 08 Intermodal				
	Personal Services	\$0	\$0	\$0
	Commodities	\$0	\$0	\$0
	Contractural	\$77,844	\$23,419	\$76,200
	Capitla Outlay	\$0	\$0	\$0
Dept. 08 TOTAL EXPENSE :		\$77,844	\$23,419	\$76,200
Department: 09 Information Technology				
	Commodities	\$0	\$0	\$3,075
	Contractural	\$0	\$0	\$32,965
Dept. 09 TOTAL EXPENSE :		\$0	\$0	\$36,040
Department: 49 Employee Benefits				
	Personal Services	\$102,991	\$59,077	\$190,925
Dept. 49 TOTAL EXPENSE :		\$102,991	\$59,077	\$190,925
Fund 10 TOTAL EXPENSE :		\$1,370,273	\$697,438	\$2,011,937
Grand Total Revenue:		\$1,628,603	\$877,803	\$2,011,937
Grand Total Expense:		\$1,370,273	\$697,438	\$2,011,937
Grand Total Difference:		\$258,330	\$180,365	\$0