

**EDGERTON CITY COUNCIL-REGULAR MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
March 28, 2013**

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Powers ____ Cross ____ Wiseman ____ Brown
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Agenda Approval
5. Meeting Minutes March 6, 2013 Regular Meeting
6. Approve Water Service Application for Outside City Limits at 2313 N. 100 Road, Wellsville, KS

Regular Agenda

1. **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.
2. **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.
3. Proclamation By The Mayor Declaring The Month Of April Fair Housing Month

Business Requiring Action

4. **CONSIDER ORDINANCE NO. 937 ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 43 ACRES OF LAND [LOCATED ON THE NORTH SIDE OF 191ST STREET, AND APPROXIMATELY ONE-QUARTER MILE EAST OF HOMESTEAD ROAD] IN EDGERTON, KANSAS FROM JOHNSON COUNTY RUR RURAL ZONING TO L-P CITY OF EDGERTON LOGISTICS PARK ZONING DISTRICT**

Motion: _____ Second: _____ Vote: _____

5. **CONSIDER RENEWAL OF CORPORATE INSURANCE POLICY WITH EMC FOR APRIL 1, 2013 TO MARCH 31, 2014**

Motion: _____ Second: _____ Vote: _____

6. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (4) FOR CONFIDENTIAL AND PROPRIETARY INFORMATION TO INCLUDE BOND COUNSEL AND CITY ADMINISTRATOR**

Motion: _____ Second: _____ Vote: _____

RECONVENE INTO OPEN SESSION

7. **CONSIDER RESOLUTION NO. 03-28-13A AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A FIRST AMENDMENT TO PROJECT AGREEMENT, ANNEXATION AGREEMENT AND PUBLIC INFRASTRUCTURE FINANCE PLAN FOR THE DEVELOPMENT OF THE INTERMODAL FACILITY AND THE LOGISTICS PARK**

Motion: _____ Second: _____ Vote: _____

8. **Report by the City Administrator**

o Citywide Cleanup Day – Saturday, May 11

9. **Reports by City Council Members**

10. **Report by the Mayor**

11. **Future Meeting/Event Reminders:**

- March 29th 5:00 PM – Low Cost Rabies Clinic for Cats
- April 9th 7:00 PM – Planning Commission
- April 11th 7:00 PM – City Council Meeting
- April 17th Noon – Senior Lunch
- April 25th 7:00 PM - City Council Meeting
-

12. **Adjourn** Motion: _____ Second: _____ Vote: _____

**City of Edgerton, Kansas
Minutes of City Council Regular Session
March 6, 2013**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on March 6, 2013. The meeting convened at 7:00 p.m. with Mayor Donald Roberts presiding, and City Clerk Janeice L. Rawles recording.

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

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

ROLL CALL

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

WELCOME AND PLEDGE OF ALLEGIANCE

Girl Scout Troop 1200 presented the flags and led the pledge of allegiance

CONSENT AGENDA

Motion by Powers, seconded by Cross, to approve the consent agenda.

Motion carried 5-0-0.

PUBLIC COMMENTS

Mike Loftus, 210 E. Nelson discussed two notices he received from the City of Edgerton.

DECLARATIONS BY COUNCIL MEMBERS

None at this time

A REQUEST FOR DONATION TO GIRL SCOUT TROOP 1200 FOR 2013 EASTER EGG HUNT WAS CONSIDERED

After a brief discussion, a motion was considered.

Motion by Longanecker, second by Wiseman, to approve \$75.00 donation to Girl Scout Troop 1200 for 2013 Easter Egg Hunt.

Motion carried 5-0-0

Mayor Roberts presented the Troop with a check for \$75.00.

A REQUEST FOR DONATION TO GARDNER-EDGERTON HIGH SCHOOL PROJECT GRADUATION CLASS OF 2013 WAS CONSIDERED

Robin Dellinger, President for Gardner-Edgerton High School Project Graduation made a brief presentation regarding Project Graduation.

After a brief discussion, a motion was considered.

Motion by Wiseman, second by Longanecker, to approve \$200.00 donation to Gardner-Edgerton High School Project Graduation Class of 2013.

Motion carried 5-0-0

A PARTNERSHIP BETWEEN CITY OF EDGERTON, JOHNSON COUNTY LIBRARY AND JOHNSON COUNTY SHERIFF'S OFFICE TO PROVIDE SPACE FOR THE SHERIFF AT THE EDGERTON LIBRARY WAS DISCUSSED.

DESIGNATION OF A VOTING DELEGATE AND ALTERNATE VOTING DELEGATE FOR THE KANSAS RURAL WATER ASSOCIATION MEETING WAS CONSIDERED.

Motion by Powers, second by Brown, to designate Mike Mabrey, Public Works Superintendent, the voting delegate and Janeice L. Rawles, City Clerk, the alternate voting delegate.

Motion carried 5-0-0

A CONTRACT WITH MIZE HOUSER & COMPANY P.A. TO PREPARE THE CITY'S REQUIRED SUPPLEMENTARY INFORMATION AS REQUIRED BY THE STATE OF KANSAS WAS CONSIDERED

Motion by Brown, second by Powers, to approve the contract with Mize Houser & Company P.A. to prepare the City's required supplementary information as required by the State of Kansas.

Motion carried 5-0-0

DESIGNATION OF FEBRUARY 21ST AND FEBRUARY 26TH AS HOLIDAYS WAS CONSIDERED

The City Administrator made a presentation to the Governing Body in which she described the recent significant snow events. Based on warnings issued by the National Weather Service, the City Administrator closed City Hall on both February 21 and 26 with only essential personnel reporting to work.

The City of Edgerton Personnel Rules and Regulations does not address the closure of City Hall for inclement weather nor the compensation of essential personnel required to report to work during the closure. However; the Personnel Regulations do allow for the Governing Body to designate days as a holiday on a one-time basis.

The City Administrator requested the City Council consider designating February 21 and February 26 as holidays. By designating these as holidays, all employees would be compensated for their normal hours of work. Employees required to work on the holiday would receive one and one-half times their normal hourly rate of pay for each hour worked in addition to their regular salary for the day.

She also advised the Governing Body a formal inclement weather policy would be developed and considered for addition to the Personnel Regulations in the near future.

Motion by Powers, second by Brown, to designate February 21st and February 26th as holidays.

Motion carried 3-2-0

EXECUTIVE SESSION

Motion by Powers, second by Brown, to recess into executive session for 10 minutes, pursuant to K.S.A. 75-4319 (b)(4) for confidential and proprietary information to include City Attorney and City Administrator.

Motion carried 5-0-0

The meeting recessed at 8:03 p.m.

The meeting reconvened at 8:14 p.m. with everyone present.

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

REPORT BY MAYOR

Mayor Roberts thanked the snow crew for doing a great job with the last two major snow storms.

ADJOURN

Motion by Cross, second by Wiseman, to adjourn.

Motion carried 5-0-0

The meeting adjourned at 8:15 p.m.

Janeice L. Rawles, CMC

Approved by the Governing Body on XXXXXXXXXXXXXXXX

CITY OF EDGERTON
WATER SERVICE APPLICATION
OUTSIDE CITY LIMITS

Date: 3/18/13

Applicant Information

Name of Individual(s) or Corporation: _____

Harold and Anna Schlagel Family Limited Partnership

Address:

P. O. Box 10

Olathe, KS 66051-0010

Person to Contact & Telephone Number: _____

George J. Schlagel 913-782-5885

Property Information: *Proof of Ownership must be provided & attached to Application*

Name of all Owners of Property: _____

Harold and Anna Schlagel Family Limited Partnership

Legal Description (attach separate sheet if necessary) Commencing at NW corner of NW1/4
15-15-21, Douglas County, KS, thence E635 feet to true point of beginning; thence
S310 feet, thence E700 feet, thence N310 feet, thence W700 feet to true point of
beginning 4.98 acres more or less

Address: 2313 N. 100 Rd., Wellsville, KS 66092

Size of Meter Requested: _____

Present and/or Proposed Use water for residence

* * * * *

This Section completed by City of Edgerton

Date Application Received: 3/19/13

Proof of Ownership Attached: yes

Application Process Fee Paid: R# 22436 (\$ 75.00)

Water Meter Service Fee Paid: (\$ 7500.00)

Review by City Engineer (if required): _____

Review and Approval by Governing Body of Edgerton: _____

WATER SERVICE – ANNEXATION AGREEMENT

WHEREAS, the undersigned are the owners of record of the following described real property located in unincorporated areas of Douglas County adjacent or near the City of Edgerton, Kansas:
Commencing at NW corner of NW1/4 15-15-21, Douglas County, KS, thence E635 feet to true point of beginning; thence S310 feet, thence E700 feet, thence N 310 feet, thence W700 feet to point of beginning 4.98 acres, more or less
WHEREAS, the undersigned has requested the City of Edgerton to provide water service to the above described property.

NOW, THEREFORE, in consideration of the City of Edgerton agreeing to furnish water service to the above described property, the undersigned does give full and complete consent to the City of Edgerton to annex the above described property in accordance with the Laws of the State of Kansas at any time after the date of this agreement.

This covenant shall run with the land described and shall be binding upon the heirs, grantees, successors, and assigns of the undersigned.

IN WITNESS THEREOF, the undersigned have caused this covenant to be executed this 18 day of March, 20 13.

HAROLD AND ANNA SCHLAGEL FAMILY LIMITED PARTNERSHIP
BY: Schlager GP LLC, General Partner

By: _____

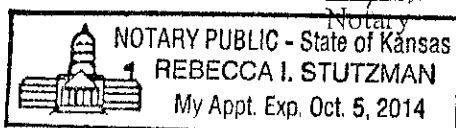
George J. Schlager, Co-Manager

State of Kansas

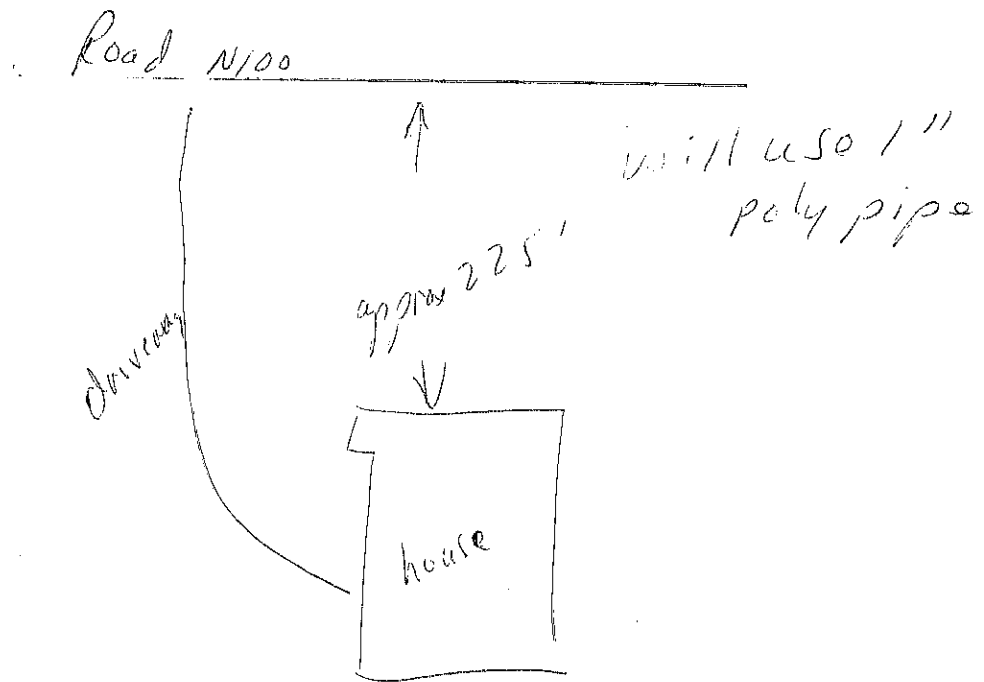
County of Johnson

The foregoing instrument was acknowledged before me this 18th day of March, 20 13, by George J. Schlager, Co-Manager of Schlager GP LLC, general partner of Harold and Anna Schlager Family Limited Partnership who is (are) personally known to me.

My commission expires: _____



Draw a sketch showing approximate length, size, and material of pipe from city meter to house location:



AGREEMENT FOR WATER SERVICE

This agreement, made on the 18 day of March, 20 13, by and between Harold and Anna Schlagel Family Limited Partnership, hereinafter called the CUSTOMER, and the CITY OF EDGERTON, a municipal Corporation of the State of Kansas, hereinafter called the CITY.

WITNESSETH, that the CUSTOMER, his heirs, successors and assigns, for and in consideration of the privilege of receiving water service from the Municipal Water system, agrees to the following:

1. The customer agrees to pay all costs of engineering, materials, labor, inspection and testing to install, repair and maintain the total length of service line from the city meter to the residence (or point of usage). The CUSTOMER shall be responsible for the installation and conformance with all applicable codes, rules, standards and regulations of all service lines, and connections on the Customer's premises.
2. The customer agrees to be responsible for the payment of monthly water statements based on the prevailing rate for gallons used and further agrees to abide by all rules and regulations of the city pertaining to billings, disconnections, and all provisions of Chapter XV, Article 1 of the Code of the City of Edgerton.
3. Customer agrees that backflow prevention devices shall be installed, at the customer's expense, prior to the connection of water service. Said devices and their installation are subject to the approval of the City.
4. The customer understands that water pressure and/or water volume is not guaranteed by the City of Edgerton.
5. The customer shall be responsible for any damage done to meters, meter settings, or for any tampering with the meter after disconnection for any reason and all appurtenances related thereto installed on their premises, by malicious intent, or from any other cause, except ordinary wear. No CUSTOMER or other person shall repair or remove any meter, meter setting or appurtenances or tamper with the meter after disconnection for any reason or break any seal or use any water without authority from the Water Department of the City of Edgerton, Kansas, nor tamper with the proper registration of any meter. The CUSTOMER shall be deemed responsible for any damage to said meter on his premises if occasioned by his negligent or intentional actions.

6. The customer further agrees, in consideration of the privilege of receiving water service from said CITY, that the execution of this agreement is considered a voluntary petition for annexation pursuant to the Kansas Statutes or any amendment thereto. The premises shall be subject to annexation at the option of the City at any time they are eligible under any one or more of the Kansas laws concerning annexation. The legal description of the subject premises is as follows:

Commencing at NW corner of NW1/4 15-15-21, Douglas County, KS, thence E635 feet to true point of beginning; thence S310 feet, thence E700 feet, thence N310 feet, thence W700 feet to point of beginning 4.98 acres, more or less

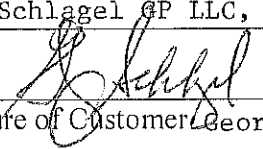
The CUSTOMER acknowledges that this covenant for annexation is intended to be and is hereby made a covenant running with the land hereinabove described. This agreement is to be recorded in the office of the Register of Deeds of the County and that the CUSTOMER and all subsequent transferees, grantees, heirs, successors, and assigns of the CUSTOMER shall be bound by this annexation agreement.

7. The water use granted by this agreement is for the quantity of one _____ meter tap located on the property described in Paragraph 6, above. Any water furnished under this agreement shall not be used for irrigation purposes unless such use is specifically and separately approved by the City of Edgerton.

8. Severability Clause. If any provision of this agreement is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the agreement and its applicability to other persons and circumstances shall not be affected thereby.

9. The undersigned hereby warrants they are the sole owners of the above described property.

Harold and Anna Schlager Family Limited Partnership
By: Schlager GP LLC, General Partner

By: 
Signature of Customer George J. Schlager, Co-Manager

Approved by the City of Edgerton

City Official

SCHLAGEL KINZER LLC
ATTORNEYS AT LAW

115511
MS
kg

GEORGE J. SCHLAGEL, P.A.*/AEP®
LANCE Y. KINZER*
BENJAMIN E. LONG
FOREST (TREY) HANNA, III*

*Admitted in Kansas and Missouri
AEP® Accredited Estate Planner

201 E. Loula St.
P.O. Box 10
Olathe, KS 66051-0010
www.schlagelkinzer.com

Phone: 913.782.5885
Fax: 913.782.0123

Paralegal: Rebecca I. Stutzman, CP
(Not Licensed to Practice Law)

March 18, 2013

City of Edgerton
404 E. Nelson
Edgerton, KS 66021

Re: Water Meter Application

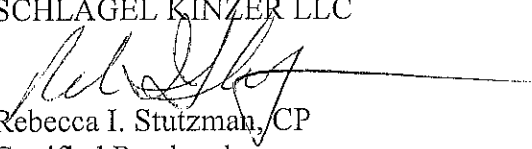
Gentlemen:

Enclosed is an Application for a water meter for the residential farmhouse located at 2313 N. 100 Rd., which is owned by Harold and Anna Schlagel Family Limited Partnership.

A check in the amount of \$75.00 is enclosed for the application fee. Please call me directly if you need anything further. Please also let me know if and when the application is approved and we can proceed with working with L.J. Backhoe Service to have the work completed. Thank you.

Very truly yours,

SCHLAGEL KINZER LLC


Rebecca I. Stutzman, CP
Certified Paralegal

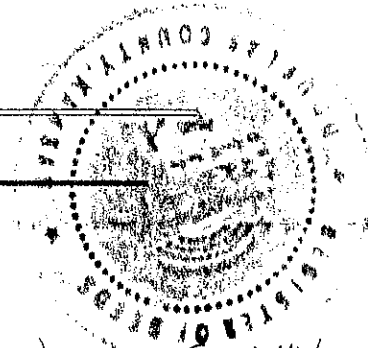
ris:encls.

321481

Haley Title Co. Inc. Ottawa, Kansas

P.O. Box 454
Ottawa KS 66067Recording
Information:

Entered in Transfer Record in my office this

8th day of July, A.D. 2005
County Clerk
NHW
 Index ☒ Numerical Index ☒
 No. 321481 Book 989 Page 5018
 State of Kansas, Douglas County, SS.
 Recorded in Book 989 Page(s): 5018 - 5018
 Filed Jul 7, 2005 1:48 PM Fees \$8.00
 Register of Deeds

Amy Donnell

KANSAS WARRANTY DEED

THIS DEED is made and entered into this 7th day of July, 2005, by and between Nelda Ensminger, a single person, ("Grantor"), and Harbld and Anna Schlagel Family Limited Partnership, ("Grantee").

NOW, THEREFORE, IN CONSIDERATION OF ONE DOLLAR (\$1.00) AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, GRANTOR DOES HEREBY GRANT, CONVEY, AND WARRANT TO THE GRANTEE, ALL THE FOLLOWING REAL ESTATE:

The Northwest 1/4 of Section 15, Township 15, Range 21, containing 160 acres, more or less, Douglas County, Kansas,

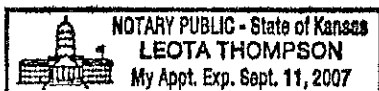
subject to any zoning laws, covenants, restrictions, or easements of record.

THE GRANTOR HAS EXECUTED THIS DEED ON THE DATE FIRST WRITTEN ABOVE.

Nelda Ensminger
Nelda Ensminger
"GRANTOR"

STATE OF KANSAS)
COUNTY OF FRANKLIN)

The foregoing Kansas Warranty Deed was acknowledged before me this 7th day of July, 2005, by Nelda Ensminger, a single person.



Leota Thompson
NOTARY PUBLIC

DOUGLAS COUNTY APPRAISER'S OFFICE
1100 Massachusetts St.
Lawrence, Kansas 66044-3099
785-832-5133

Date Mailed February 28, 2013
Last Day To Appeal
Friday March 29, 2013 5:00 P.M.

2013 ANNUAL NOTICE OF VALUE ****THIS IS NOT A TAX BILL****

PIN: 023-195-15-0-00-00-003.00-0

Prop Address: 2313 N 100 RD

Legal Desc: 4.98A 15-15-21 COM AT NW COR
NW 1/4 THE 635 FT TO TRUE PT BEG:TH S
10 FT THE 700 FT TH N 310 FT TH W 700 F
TO PT BEG(LEGAL DESC PER D 580/71)(DIV

ATTN SCHLAGEL GEORGE J
SCHLAGEL HAROLD & ANNA FAMILY LP
PO BOX 10
OLATHE KS 66051-0010

14676

1997 700809)

All current values are listed at www.douglas-county.com

Current and prior year's values assigned by the county appraiser to the above property:

2012 VALUATION		
Classification	Appraised Value	Assessed Value
R	180800	20792

2013 VALUATION		
Classification	Appraised Value	Assessed Value
R	179610	20655

Note: According to Kansas law, property must be valued at its "fair market value" as it exists on January 1 each year, except for land devoted to agricultural production which is appraised at its "use value" not "market value".

Real property is classified & assessed at a percentage of appraised value.

Classification	Description	Assessment Rate
R	Residential use including apartments and condominiums	11.5%
F	Residences on farm home sites	11.5%
A	Land devoted to agricultural use	30%
A	Improvements on land devoted to agricultural use	25%
V	Vacant lots / Undeveloped land	12%
N	Real property owned and operated by not-for-profit organizations	12%
C	Real property used for commercial and industrial purposes	25%
O	All other rural and urban real property	30%
U	Public utility real property	33%
E	Tax exempt property	0%

Please be aware that if your property value goes up, it does not necessarily mean you will pay more taxes. Likewise, if your property value goes down or does not change, it does not automatically mean you will pay less or the same amount of taxes. Your property taxes are based on how much your local government decides to spend on roads, parks, fire protection, health and other services each year. Property taxes also fund your local public schools.

Please remember that the county appraiser is required by law to value the property in a uniform and equal manner and should not be considered an adversary. The county does not receive more money by raising property values. The money needed by local services is set during the budget hearings held in August.

"A Guide to the Property Tax Appeals Process in Kansas" published by the Kansas Division of Property Valuation is available on the State Web site <http://www.ksrevenue.org/pdf/pvdapguidenohop.doc>, additional valuation information can be found at <http://www.ksrevenue.org/pvd.html>

Please see back for additional information on appealing your valuation and the appeal form.

DOUGLAS COUNTY APPRAISER'S OFFICE

1100 Massachusetts St.
Lawrence, Kansas 66044-3099
785-832-5133

Date Mailed February 28, 2013
Last Day To Appeal
Friday March 29, 2013 5:00 P.M.

2013 ANNUAL NOTICE OF VALUE ****THIS IS NOT A TAX BILL****

PIN: 023-195-15-0-00-00-003.01-0

Prop Address: 0 15-15-21

Legal Desc: 155.02A 15-15-21 NW 1/4, LESS
COM AT NW COR NW 1/4 TH E 635 FT TO TRU
PT BEG TH S 310 FT TH E 700 FT TH N 310
FT TH W 700 FT TO PT BEG D 355/1492 (700

ATTN SCHLAGEL GEORGE J
SCHLAGEL HAROLD & ANNA FAMILY LP
PO BOX 10
OLATHE KS 66051-0010

34935

808,810 & PORTION 700809 COMBINED 1997)

All current values are listed at www.douglas-county.com

Current and prior year's values assigned by the county appraiser to the above property:

2012 VALUATION		
Classification	Appraised Value	Assessed Value
A	45190	12885

2013 VALUATION		
Classification	Appraised Value	Assessed Value
A	49160	14100

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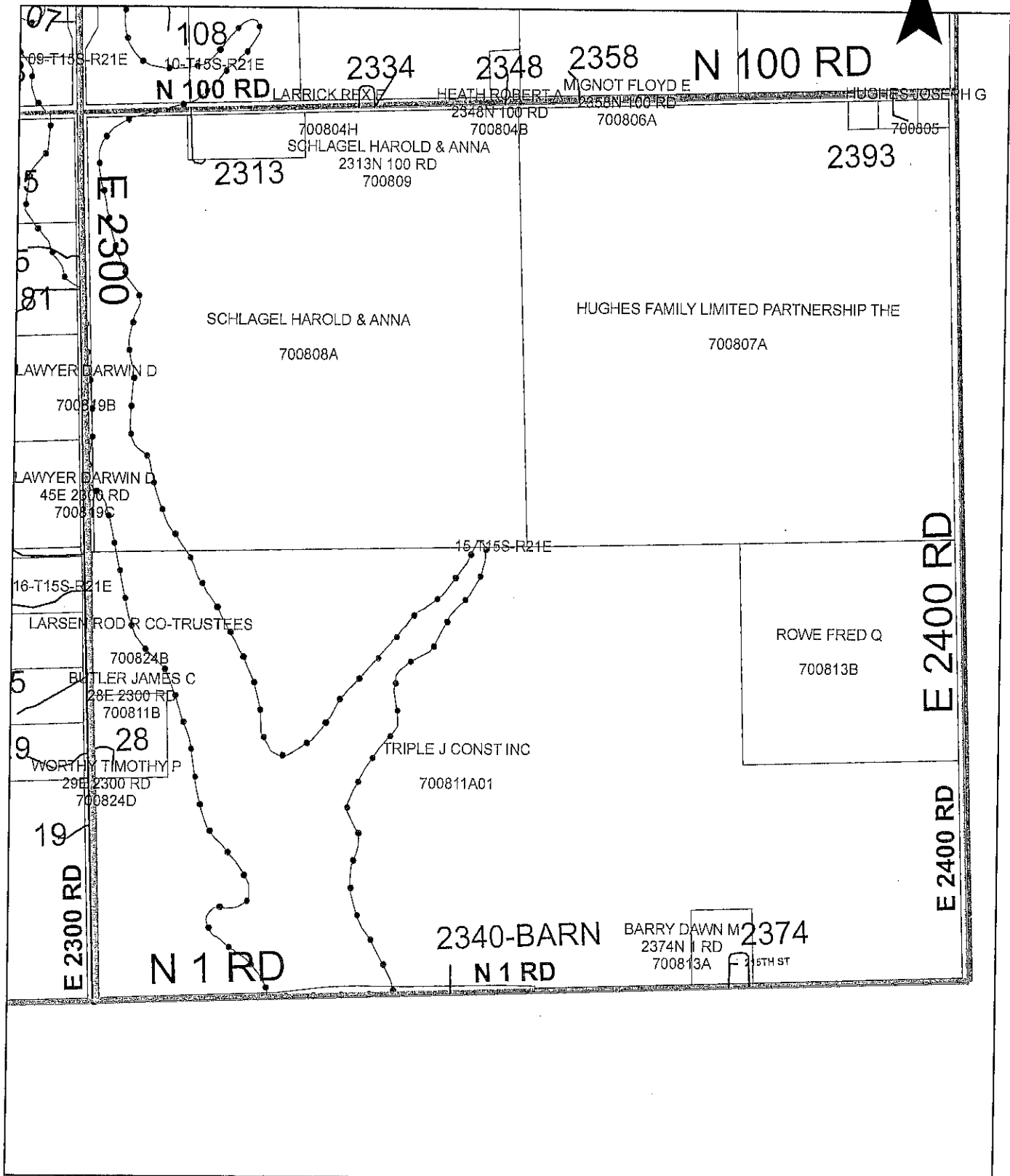
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Please see back for additional information on appealing your valuation and the appeal form.

15- 15- 22
Douglas County

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Disclaimer Notice: The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The user assumes all responsibility for the use of the map. Douglas County makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

0 500 1,000 2,000 Feet



United States Department of Agriculture
Farm Service Agency

15-15-21

November 10, 2003

Douglas County

1991 Digital Orthophotography - Not To Scale



PROCLAMATION

A PROCLAMATION BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS DECLARING THE MONTH OF APRIL FAIR HOUSING MONTH

WHEREAS, the Congress of United States passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and

WHEREAS, the City of Edgerton, Kansas is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today, many realty companies and associations support fair housing laws; and

WHEREAS, the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that have proved upon investigation to be violations of the fair housing laws; and

WHEREAS, equal housing opportunity is a condition of life in our City that can and should be achieved.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS on behalf of its citizens that the month of April is hereby declared

FAIR HOUSING MONTH

BE IT FURTHER RESOLVED, that this year's observance will promote fair housing practices throughout the City and surrounding areas.

DATED this 28th day of March, 2013.

Donald Roberts, Mayor

ATTEST:

Janeice L. Rawles, City Clerk

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Ordinance No. 937 Adopting a Recommendation by the City Planning Commission to Approve Rezoning of Approximately 43 Acres of Land [Located on the North Side of 191st Street, and Approximately One-Quarter Mile East of Homestead Road] in Edgerton, Kansas from Johnson County RUR Rural Zoning to L-P City of Edgerton Logistics Park Zoning District

Department: Administration

Background/Description of Item: The City of Edgerton received an application for rezoning from Schlagel Family, LLC, owner, requesting to rezone property located approximately on the north side of 191st Street and approximately one-quarter mile east of Homestead Road from Johnson County RUR Rural zoning to City of Edgerton Logistics Park District (L-P). The property requested to be rezoned was annexed into the City of Edgerton on February 14, 2013 and contains approximately 43 acres.

Johnson County Planning staff, on behalf of the City of Edgerton, reviewed this rezoning application with respect to the Edgerton Comprehensive Plan, Zoning and Subdivision Regulations, and the laws in Kansas, in particular the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. Attached is the staff report including the review of this rezoning based on the Golden Criteria.

The Planning Commission held a public hearing on March 12, 2013 regarding this rezoning. The Planning Commission recommended approval of the application.

Enclosure: Draft Ordinance
Staff Report from March 12, 2013 Planning Commission Meeting
Rezoning Application RZ-02-19-2013

Related Ordinance(s) or Statute(s): N/A

Recommendation: Approve Ordinance No. 937 Adopting a Recommendation by the City Planning Commission to Approve Rezoning of Approximately 43 Acres of Land [Located on the North Side of 191st Street, and Approximately One-Quarter Mile East of Homestead Road] in Edgerton, Kansas from Johnson County RUR Rural Zoning to L-P City of Edgerton Logistics Park Zoning District

Funding Source: N/A

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

ORDINANCE NO. 937

AN ORDINANCE ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 43 ACRES OF LAND [LOCATED ON THE NORTH SIDE OF 191ST STREET, AND APPROXIMATELY ONE-QUARTER MILE EAST OF HOMESTEAD ROAD] IN EDGERTON, KANSAS FROM JOHNSON COUNTY RUR RURAL ZONING TO L-P CITY OF EDGERTON LOGISTICS PARK ZONING DISTRICT

WHEREAS, the Planning Commission has recommended that a rezoning request -- from Johnson County RUR Rural Zoning to L-P City of Edgerton Logistics Park Zoning District -- be approved for approximately 43 acres of land located on the North side of 191st Street, and approximately one-quarter mile east of Homestead Road, the legal description of which is set forth below; and

WHEREAS, all newspaper and mailed notifications were performed and a public hearing was properly held before the City Planning Commission.

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

Section 1. That the following legally described property is hereby rezoned from Johnson County RUR Rural Zoning to L-P City of Edgerton Logistics Park Zoning District, and City Staff is directed to reflect said rezoning in the City's Official Zoning map and other City records:

All that part of a tract of land described as the J.A. Pearce Tract in the Southwest Quarter of Section 34, Township 14 South, Range 22 East as said tract is shown and described in the 1892 Re-Survey of said Section Township and Range, Johnson County, Kansas, said tract of land being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 34; thence South 88 degrees 10 minutes 27 seconds West, along the South line of the Southwest Quarter of said Section 34, a distance of 360.36 feet (5.46 chains as shown in said Re-Survey) to the Southeast corner of said J.A. Pearce Tract and the Point of Beginning of the tract of land to be herein described; thence continuing South 88 degrees 10 minutes 27 seconds West, along the South line of said Section 34, a distance of 1,520.50 feet to the southwest corner of said J.A. Pearce Tract, said point being 754.38 feet (11.43 Chains as shown in said Re-Survey) East of the Southwest corner of said Section 34, as measured along the South line thereof; thence North 01 degrees 52 minutes 40 seconds West, along the West line of said J.A. Pearce Tract, a distance of 785.11 feet; thence North 53 degrees 52 minutes 24 seconds East, no longer along said West line, a distance of 1,824.27 feet to a point on the East line of said J.A. Pearce Tract; thence South 02 degrees 16 minutes 32 seconds East along the East line of said J.A. Pearce Tract, a distance of 1,813.21 feet to the Point of Beginning. Subject to all covenants, restrictions, reservations, and easements now of record thereon. And except that part in roads.

Section 2. That the Governing Body, in making its decision on the rezoning, considered City Staff's comments and recommendations. The Governing Body also based its decision on the following criteria:

- a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
- d) The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial.
- e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 3. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 28TH DAY OF MARCH, 2013.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

JANEICE 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

March 4, 2013

To: Edgerton Planning Commission
Fr: Beth Linn, City Administrator
Mike Mabrey, City Superintendent/Zoning Administrator
Re: RZ-02-19-2013, L-P (Logistics Park) District Rezoning, north side of 191st Street, approximately one-quarter mile east of Homestead Road

APPLICATION INFORMATION

Applicant/Property Owner: Schlagel Family, LLC

Requested Action: Rezoning from County RUR, Rural zoning to L-P, City of Edgerton Logistics Park Zoning District

Legal Description: Part of Section 34, Township 14, Range 22

Site Address/Location: Approximately 43 acres on the north side of 191st Street, located approximately one-quarter mile east of Homestead Road

Existing Land Use: Vacant

Surrounding Zoning and Uses: BNSF Intermodal Facility under construction to the north and west in the City of Edgerton; L-P zoned land anticipated for warehouse development to the east; a few homes on rural acreage, farming, and vacant land to the south and southeast, across 191st Street, in unincorporated Johnson County and the City of Edgerton; and farming and vacant land to the southeast and east in unincorporated Johnson County. The City of Gardner lies about one mile to the east.

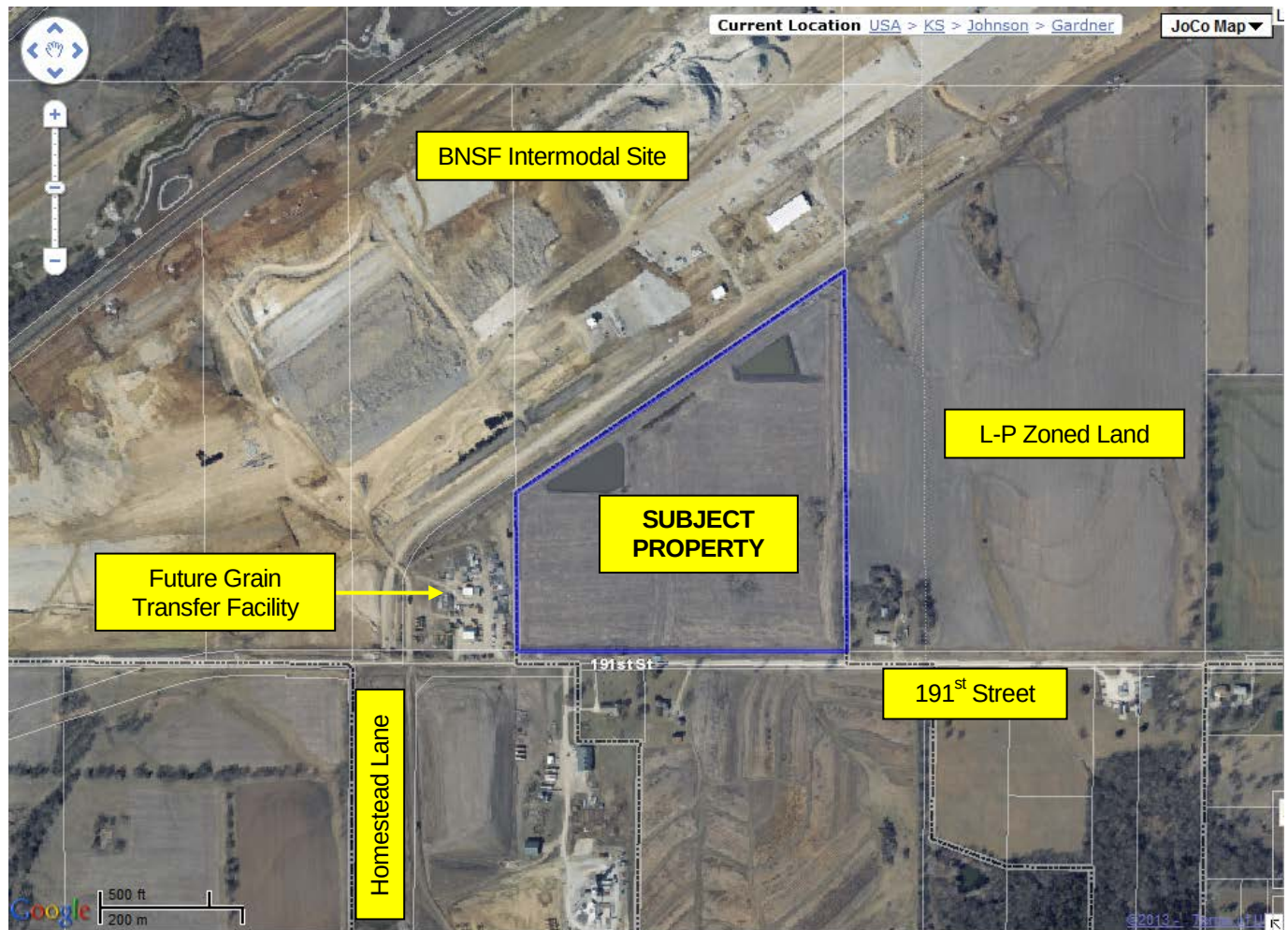
Existing Improvements: None

Site Size: Approximately 43 acres

Reason for Rezoning Request: This land was annexed into the City of Edgerton on February 14, 2013, and this rezoning is being requested for future intermodal-related, logistics 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 this 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 logistics park use in 2012 (to the east). Please see Figures 1 and 2, below.

Figure 1: Subject Property



Background Information

The subject property is located on the north side of 191st Street, approximately one-quarter mile to the east of Homestead Road, with about 1,500 feet of frontage along 191st Street. The property is entirely within the City of Edgerton.

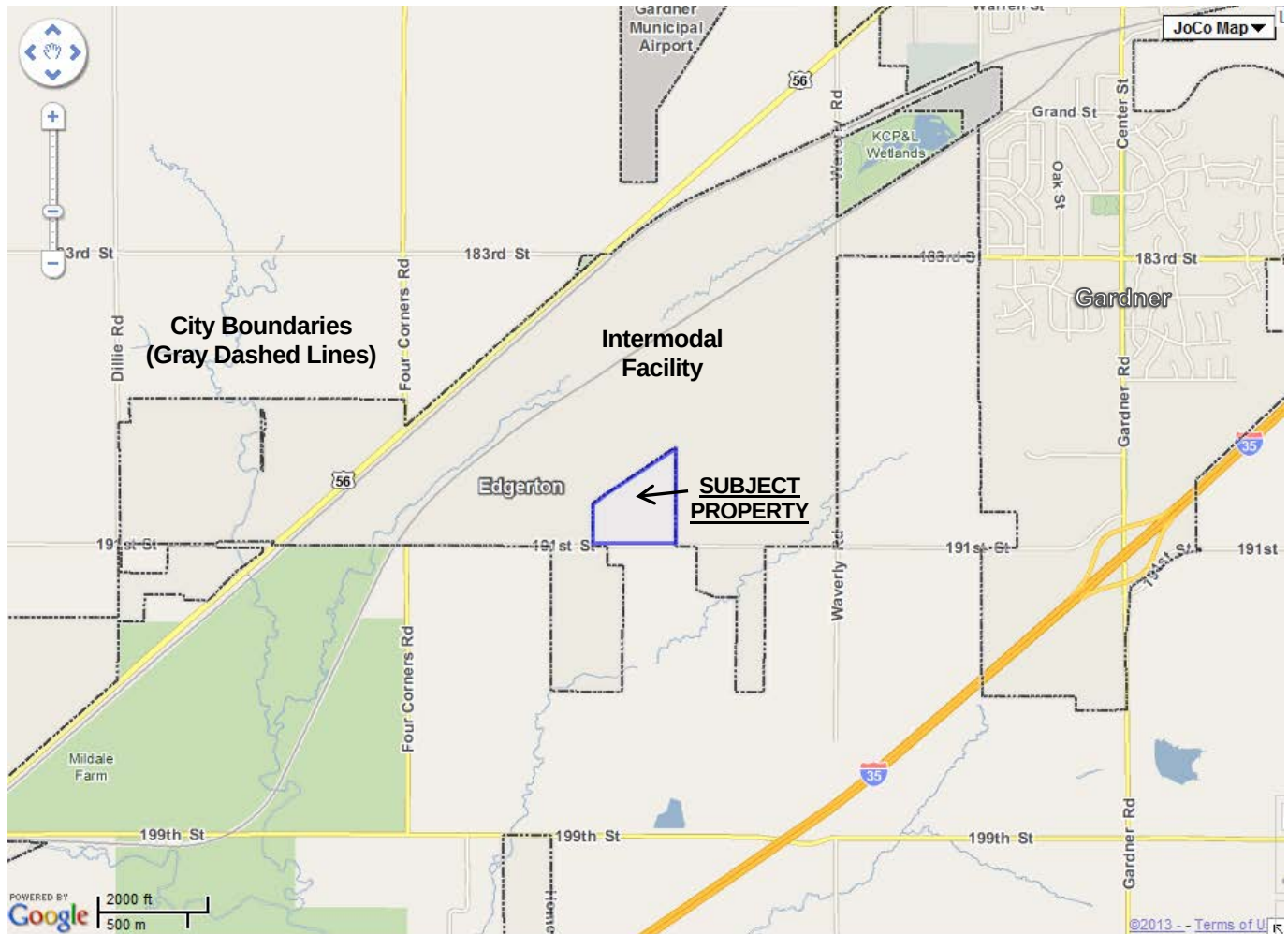
Infrastructure and Services:

- a. 191st Street is designated by Johnson County's Comprehensive Arterial Road Network Plan (CARNP) as a Type I Arterial Road and it will provide primary access to the

intermodal facility and the logistics park. Traffic from the development will access I-35 via Homestead Lane.

- b. The Kansas Department of Transportation (KDOT) is constructing a new interchange and road improvements at Homestead Lane and I-35, about 1.5 miles to the south. The new interchange and improvements, as well as the extension of Homestead Lane to 191st Street, will provide direct access to the entire BNSF development.

Vicinity Map



- c. 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. There is no flood plain on the subject property.
- e. The property does not currently have sanitary sewer service. The City of Edgerton, however, is constructing sanitary sewers to service to the Burlington Northern Santa Fe (BNSF) intermodal site, this site, and other related development.

- f. The property is located within the service area of Rural Water District No. 7. A 12-inch water main is located along the 191st Street property frontage, which is able to supply domestic needs and residential fireflow but, according to the manager of Water District 7, industrial fireflow rates of no less than 1,500 gallons per minute will not be available until a new above ground storage tank (a water tower) can be constructed to serve anticipated Logistics Park uses.
- g. 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. A fire station is located in the City of Edgerton, to the southwest.

Property Zoning History

The subject property was annexed into the City of Edgerton on February 14, 2013. Prior to that, the property was in unincorporated Johnson County and as of this application; it remains zoned County RUR, Rural District.

Staff Analysis

The requested zoning is L-P, Logistics Park. Permitted uses include rail yards, distribution, warehousing, and related uses. 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 purpose of the BNSF Intermodal site, adjacent to the north, is to transfer cargo containers between trains and trucks. A logistics park, which is the area developing around the intermodal facility, contains warehouses and related facilities to prepare incoming goods from trains for truck distribution to consumers, and to prepare outgoing goods for transfer from trucks to trains.

No site plan indicating details about future development is included with this application for rezoning. A site plan will be submitted for Planning Commission approval prior to development.

Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws in Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. The following is staff's review.

1. Need for the Proposed Change. The subject property has County zoning. Given the property's location next to the new BNSF intermodal facility, the anticipated uses of the property are intermodal facility and logistics park related uses. The L-P Zoning District is the most compatible designation for these uses.
2. Magnitude of the Change. The existing County zoning is considered a holding designation due to the property's location next to the intermodal facility. The property is vacant. The magnitude of change is not considered extreme or rare when property is being developed for its planned end use, industrial development, as shown on Edgerton's Future Land Use Map within the Comprehensive Plan (*attached*).

3. Whether or not the change will bring harm to established property rights. The properties that will likely be most affected by this proposed zoning are the few parcels in residential use to the south and southeast. If rezoned L-P, as requested, a separate Site Plan review and approval will be required before building permits can be issued. As part of this site plan review, with proper attention to buffering and setbacks, transition of uses between the residential uses and the proposed logistics park, the residential uses to the south can be protected.
4. Effective use of Land. Logistics Park development at this location is an effective and efficient use since the property is adjacent to the intermodal facility. Warehousing and related uses will buffer rail yard noise and concentrate related activity around it rather than dispersing it throughout the community.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning. Placing warehousing and related facilities adjacent to the intermodal rail yard puts an intermediate destination for some of the goods in transit in close proximity to their rail origin, reducing truck traffic in the surrounding area and allowing for more efficient goods distribution.
6. 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 BNSF Intermodal Facility is under construction to the north. 192 acres of land, zoned L-P District in 2012, lies to the east. About 7.4 acres under development for a grain transfer facility, with industrial zoning recently approved by the City, abuts on the west. There are a few homes on rural acreage, farming, and vacant land to the south and southeast, across 191st Street. The City of Gardner lies one mile to the east.

With rapidly progressing intermodal development, extensive road improvements, and the new I-35 interchange nearby, the character of the area is changing significantly from rural to industrial. The regional parks and floodplain areas will generally remain undeveloped, acting as open space, which will help to retain some of the existing rural character of the area.

7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties. The proposed zoning is compatible with the planned future uses of property to the north, east, and west. At the time of site plan review, with the proper attention to buffering and setbacks, stormwater management, and transition of uses, the residential and rural uses to the south can be protected.
8. Suitability of the uses to which the property has been restricted under its existing zoning. The existing County zoning is a holding designation for this property. The property is no longer in agricultural use. With the construction of the intermodal freight terminal adjacent to the north and anticipated warehousing and grain transfer facilities to the east and west, respectively, the best use of this property has become industrial.
9. Length of time the subject property has remained vacant under the current zoning designation. Before annexation, the property was in agricultural use in unincorporated Johnson County for at least the previous 60-plus years for which information (aerial photography) is available.

10. The extent to which the zoning amendment may detrimentally affect nearby property. As noted, at the time of site plan review, with the proper attention to buffering and setbacks, stormwater management, and possibly transition of uses, residential and rural uses to the south can be protected.
11. Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage. This is not a request for a PUD and no development plan has been submitted by the applicant at this time. This consideration will occur during the Site Plan review process prior to development of the property.
12. The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. 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. Waverly Road and 191st Street are being improved to a standard that can accommodate the anticipated development of this property. The developer will need to address other improvements prior to or as part of the site plan review and platting process. Utilities will be provided by the developer in conjunction with development of the property.
13. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property. 191st Street is being improved to a standard that can accommodate industrial development traffic in the area. The developer will need to address other improvements prior to or as part of the site plan review and platting process. On-street parking will not be allowed. The developer will also be required to comply with the City's UDC off-street parking requirements as part of the site plan review and platting process.
14. The environmental impacts that the uses allowed in the proposed zoning 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 City will follow NPDES (stormwater management requirements) guidelines that require the developer to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of air, noise, light, etc, will be addressed as part of the Site Plan review process.
15. The economic impact on the community from the uses allowed in the proposed zoning. Prior to the development of the BNSF intermodal and logistics park, there have been few commercial and industrial uses within the City. Warehousing and related uses allowed in the L-P District, if built, have the potential to benefit the residents and community in a positive way by providing needed jobs and tax revenues.
16. The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial. There would be little gain to the public health, safety and welfare of the City of Edgerton and the property owner would be denied a use compatible with the intermodal facility if the zoning is denied. The City would be adversely impacted due to

the lost opportunity for jobs and tax revenue if anticipated logistics park uses were to locate in another nearby community.

17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton. The Future Land Use Map (*attached*) within the Comprehensive Plan designates the subject property for industrial development at part of the BNSF Logistics Park.
18. The recommendation of professional staff. See Recommendation below

Recommendation

City staff recommends **approval** of the proposed rezoning of the subject property from County RUR, Rural zoning to L-P, City of Edgerton Logistics Park Zoning District, 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.
3. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Reasons for Recommendation for Rezoning: (Incorporate all or part of #1-18 above in motion)

Attachment:
City of Edgerton Future Land Use Map



CITY OF EDGERTON, KANSAS

APPLICATION FOR REZONING (FEE - \$250)

LOCATION OR ADDRESS OF SUBJECT PROPERTY: 191st approx 1/4 mile East of Homestead

PURPOSE FOR REZONING: Future development of property

REQUESTED REZONING CHANGE: FROM A-G (Agriculture) TO L-P Logistics Park District
(Current Zoning) (Proposed Zoning)

LEGAL DESCRIPTION: See attached Exhibit "A"

CURRENT LAND USE: Agricultural Land

PROPERTY OWNER'S NAME(S): Schlagel Family LLC PHONE: 913-782-5885

COMPANY: c/o George J. Schlagel, manager FAX: 913-782-0123

MAILING ADDRESS: 201 E. Loula, P.O.Box 10, Olathe KS 66051-0010
STREET CITY STATE ZIP

APPLICANT/AGENT'S NAME(S): George J. Schlagel PHONE: 913-782-5885

COMPANY: Schlagel Kinzer LLC FAX: same

MAILING ADDRESS: same
STREET CITY STATE ZIP

ENGINEER/ARCHITECT'S NAME(S): Rob Johnson PHONE: 913-888-7800

COMPANY: Shafer Kline & Warren Inc. FAX: 913-888-7868

MAILING ADDRESS: 11250 Corporate Ave. Lenexa KS 66219
STREET CITY STATE ZIP

SIGNATURE OF OWNER OR AGENT: [Signature]

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

FOR OFFICE USE ONLY

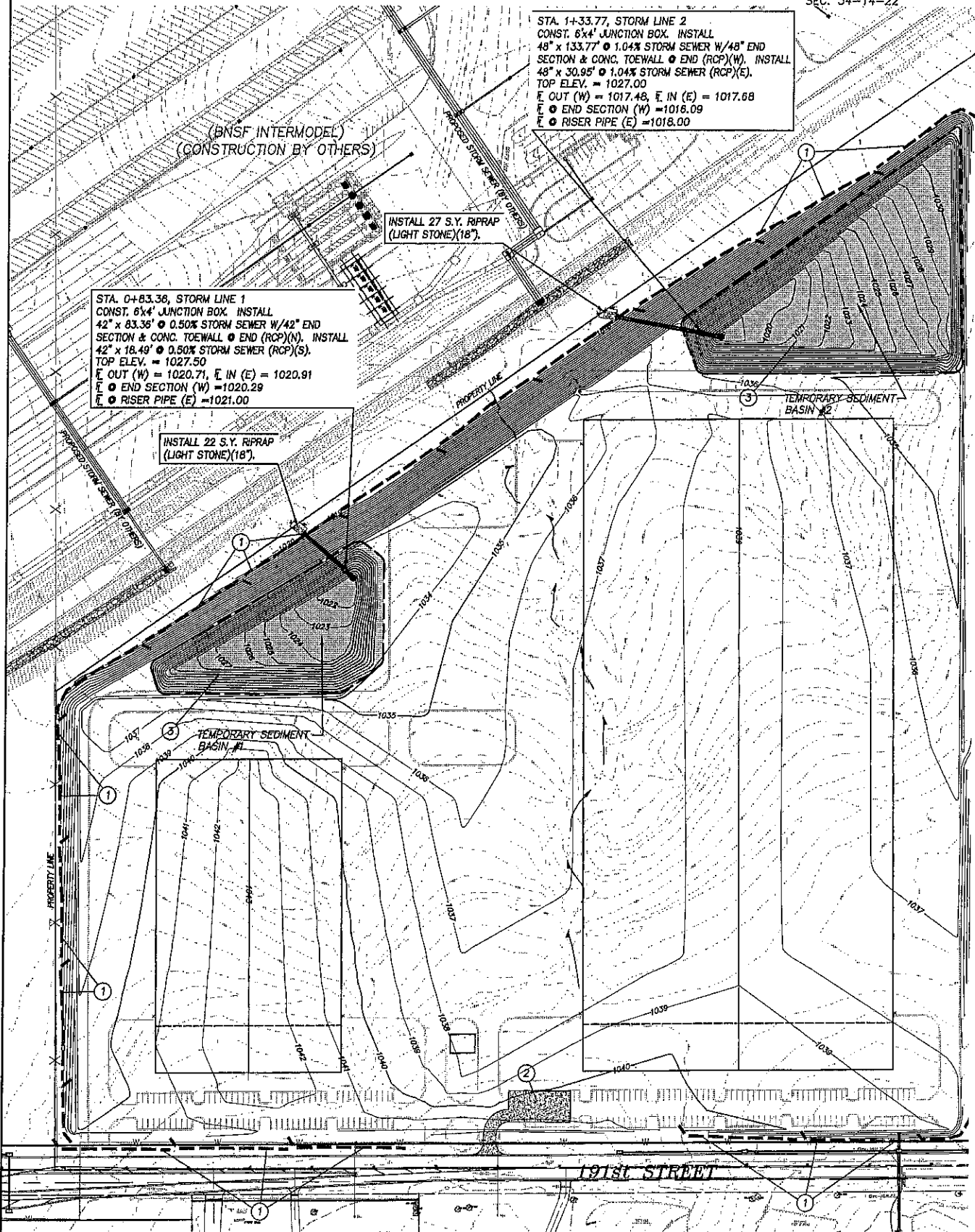
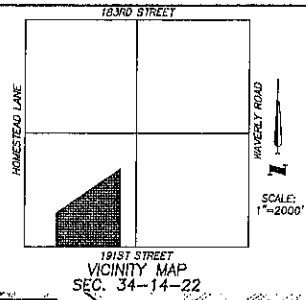
Case No.: RZ- _____ Amount of Fee Paid: \$ _____ Date Fee Paid: _____

Received By: _____ Date of Hearing: _____

PROJECT STAGE	TEMP PLAN REF. NO.	GMP DESCRIPTION	REMOVE AFTER STAGE	NOTES
A PRIOR TO LAND DISTURBANCE	1	PERIMETER EROSION CONTROL DEVICES	D	DOUBLE ROW SILT FENCE
B SEDIMENT BASIN & PARTIAL STORM SEWER	2	CONST. ENTRANCE & STAGING AREA	D	
C MASS GRADING	3	TEMPORARY SEDIMENT BASIN & TEMPORARY SEEDING	D	
D AFTER LAND DISTURBANCE PERMIT IS CLOSED	4			MAINTAIN EROSION CONTROL DEVICES UNTIL GROUND COVER IS ESTABLISHED

ENGINE: SHAFFER, KLINE & WARREN, INC.
11250 CORPORATE AVENUE
LENEXA, KANSAS 66219
ATTN: TOM SMITH
PHONE: (913) 888-7800
FAX: (913) 888-7888

OWNER/DEVELOPER: SCHLAGEL FAMILY LLC
201 E. LOULA STREET
OLATHE, KANSAS 66051
ATTN: GEORGE J. SCHLAGEL, MANAGER
PHONE: (913) 782-5685



L:\10100-0101-000\DWG\110100-0101.DWG	DATE: 3/7/2011
BY: LANGE	XREF DWG2: NONE
XREF DWG3: 110100-0101.DWG	XREF DWG4: NONE
XREF DWG5: NONE	

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider renewal of Corporate Insurance Policy with EMC for April 1, 2013 to March 31, 2014

Department: Administration

Background/Description of Item: Each year the City of Edgerton reviews and considers the renewal of its corporate insurance policy. This policy includes several coverages such as Property, Inland Marine (contractors' equipment) Crime (for employee theft and securities), Liability, Automobile, and Executive Liability (bonding). In November 2012, the Administrative Services Director began a review of the City's current insurance program and holdings and assets with staff.

Due to this type of professional service, the City Administrator recommended the Administrative Services Director solicit informal bids in anticipation of the 2013 renewal. Three agencies were chosen: Midwest Public Risk, The Reilly Company and Willis. Two of those companies, Willis and The Reilly Company, responded. Therefore based on the high level of customer service provided by The Reilly Company, the Administrative Services Director recommends entering into an agreement with The Reilly Company to serve as the agent on behalf of the City.

The City's current insurance policy is provided by EMC. The representative with The Reilly Company believes the policy should remain with EMC. However, upon further review it was noted the values previously placed in the policy for the City's property and assets are **depreciated value based** and not **replacement value based**. Historical research further revealed the City has been insured for **depreciated value based** for at least the recent past. This distinction in type of value is significant. Should there be a claim in future requiring replacement, the City could suffer a financial loss as the insurance values the items at its depreciated value not its replacement value. While reviewing further, other areas of concern were revealed.

The representative from The Reilly Company strongly recommends the individual coverages be reevaluated at replacement value. Also several pieces of equipment are either duplicated, incorrectly valued or not shown as covered. Unfortunately due to the time constraints with pending renewal, there is not sufficient time to address these concerns prior to renewal. In order to retain complete coverage of the City's assets and property, staff would recommend approving the policy as submitted.

Staff anticipates this further research and any recommended changes to incorporate replacement values, changes in equipment value, etc. will be complete and presented to the City Council for consideration on April 11, 2013.

The Fiscal Year 2013 Budget includes sufficient funding for the enclosed policy totaling \$38,400 in the accounts listed below.

- General – General Government – Insurance: \$20,000
- General – Parks – Insurance: \$2,400
- Water – Commercial/General – Insurance: \$10,000
- Sewer – Commercial/General – Insurance: \$6,000

Depending on the magnitude of any recommended changes, staff will recommend additional funding sources if necessary.

Enclosure: EMC Financial Summary

Related Ordinance(s) or Statute(s): N/A

Recommendation: Approve renewal of Corporate Insurance Policy with EMC for April 1, 2013 to March 31, 2014 for \$29,795

Funding Source: General - General Government – Insurance; Water – Commercial/General – Insurance; Sewer – Commercial/General – Insurance; General – Park – Insurance

Prepared by: Anna-Marie Keena, Administrative Services Director
Date: March 26, 2013

FINANCIAL SUMMARY

FINANCIAL SUMMARY				
Carrier	Coverage	Annual Premium	Commission	Quote Expiration Date
EMC	Property	\$13,322	20%	4/1/2013
EMC	Liability	\$3,908	15%	4/1/2013
EMC	Crime	\$303	20%	4/1/2013
EMC	Inland Marine	\$2,826	20%	4/1/2013
EMC	Automobile	\$4,491	15%	4/1/2013
EMC	Linebacker	\$4,945	10%	4/1/2013
	Sub Total	\$29,795		
	Willis Fee	\$250		
	TOTAL	\$30,045		

Willis negotiates commission rates with certain insurers on a corporate level. If the rate on your placement is lower than the negotiated rate, Willis will collect the difference directly from the insurer. These payments will not increase the cost of your insurance or otherwise impact your premium or rates. These negotiated rates are detailed at: [http://www.willis.com/About Willis/The Willis Way/Commission Rates/](http://www.willis.com/About_Willis/The_Willis_Way/Commission_Rates/).

Coverage Enhancements

See attached quote for coverage details.

Additional Coverage Information

- EMC has asked that the Statement of Values be updated or confirmed and signed. A copy of the statement of values is included in the quote and provided separately.
- Please provide the approximate date of completion of the Water Treatment facility and approximate property value. Once it is near completion, EMC loss control will come and inspect/survey.

Other Coverage for Consideration

Umbrella coverage may be available.

7. **CONSIDER RESOLUTION NO. 03-28-13A AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A FIRST AMENDMENT TO PROJECT AGREEMENT, ANNEXATION AGREEMENT AND PUBLIC INFRASTRUCTURE FINANCE PLAN FOR THE DEVELOPMENT OF THE INTERMODAL FACILITY AND THE LOGISTICS PARK**

This resolution has not been completed to date. The resolution will be presented to City Council for consideration during the City Council meeting on March 28, 2013.