

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
May 13, 2021
7:00 P.M.**

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Conus ____ Lewis ____ Smith ____ Beem
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. Approve Minutes from April 22, 2021 Regular City Council Meeting
5. Consider Resolution 05-13-21A Recognizing the Edgerton Summer Kickoff Block Party as a "Public Festival" for Purposes of the City's Noise Restrictions
6. Consider Resolution No. 05-13-21B Authorizing the Closure of Certain Public Streets During the Edgerton Summer Kickoff Block Party
7. Consider Resolution 05-13-21C Recognizing the Edgerton Frontier Days as a "Public Festival" for Purposes of the City's Noise Restrictions
8. Consider Resolution No. 05-13-21D Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas
9. Consider Resolution No. 05-13-21E Closing Certain Public Streets, Authorizing Permission to Use Requested City Buildings/Public Spaces, and the Approval of Additional Service Requests During Edgerton Frontier Days
10. Consider Resolution No. 05-13-21F for Temporary No Parking Related to Frontier Days

Regular Agenda

11. **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

12. **CONSIDER THE 2020 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

Motion: _____ Second: _____ Vote: _____

13. **CONSIDER ORDINANCE NO. 2076 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-06 FOR THE REZONING OF APPROXIMATELY 29.39 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) ZONING TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT.**

Motion: _____ Second: _____ Vote: _____

14. **CONSIDER ORDINANCE NO. 2077 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-02) ALLOWING A CARGO CONTAINER STORAGE, REPAIR OR MAINTENANCE FACILITY ON PROPERTY LOCATED AT 32355 W 191ST STREET, EDGERTON, KANSAS**

Motion: _____ Second: _____ Vote: _____

15. **CONSIDER THE AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC., FOR THE WATER SYSTEM ANALYSIS**

Motion: _____ Second: _____ Vote: _____

16. **CONSIDER THE AGREEMENT WITH CBK, INC., FOR COLLECTION SERVICES**

Motion: _____ Second: _____ Vote: _____

17. **CONSIDER ORDINANCE 2078 AMENDING CHAPTER VIII, ARTICLE 5, SECTION 8-515 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS REGARDING PROHIBITED ACTS INVOLVING SOLID WASTE SERVICE TO INCLUDE POSSIBLE REMEDIES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: _____ Second: _____ Vote: _____

18. **CONSIDER ORDINANCE 2079 AMENDING CHAPTER XV, ARTICLE 1, SECTION 15-118 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS REGARDING PROHIBITED ACTS INVOLVING WATER SERVICE TO INCLUDE POSSIBLE REMEDIES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: _____ Second: _____ Vote: _____

19. **Report by the City Administrator**

- 1st Quarter Financials
- 2022 Budget Calendar
- Monthly Update – 502 E 2nd Street

20. **Report by the Mayor**

21. **Future Meeting Reminders:**

- May 27th: City Council Meeting – 7:00 PM
- June 8th: Planning Commission – 7:00PM
- June 10th: City Council Meeting – 7:00PM
- June 24th: City Council Meeting – 7:00PM

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

EVENTS

May 15th: City Wide Clean Up

June 5th: Summer Kick-off Block Party

June 18-19th: Frontier Days

City of Edgerton, Kansas
Minutes of City Council Regular Session
April 22, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on April 22, 2021. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	present via videoconference

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- Planning and Zoning Coordinator Chris Clinton
- Development Services Director Katy Crow
- Finance Director Karen Kindle via videoconference
- Accountant Justin Vermillion via videoconference
- Public Works Director Dan Merkh via videoconference
- CIP Manager Brian Stanley via videoconference
- Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda

4. Approve Minutes from April 8, 2021 Regular City Council Meeting
5. Approve Application FP2021-01 Final Plat for Logistics Park Kansas City South, Fourth Plat, Lot 1 generally located at the northwest corner of Kill Creek Road and 213th Street, Edgerton, Kansas

Mayor Roberts stated City Staff requested item four (4), Minutes from April 8, 2021 Regular City Council Meeting, be removed from the Consent Agenda for corrections.

Councilmember Smith moved to approve item five (5), Application FP2021, of the Consent Agenda, seconded by Councilmember Lewis. Item 5 was Consent Agenda was approved, 5-0.

Ms. Beth Linn, City Administrator, stated there are some updates to the minutes from the April 8, 2021 meeting City Staff wants to update. She explained the minutes incorrectly reflected Councilmember Beem was present at the meeting and the minutes were completed by the City Clerk, Alex Clower.

Councilmember Smith moved to approve the minutes from the minutes from the April 8, 2021 City Council meeting. Councilmember Lewis seconded the motion. The minutes were approved, 5-0.

Regular Agenda

6. **Declaration.** Mayor Roberts stated he does not have any conflict of interest with the items on the agenda but wanted to address some rumors that he has heard. There are rumors that he has had access to a Ferrari, vacations, and other monetary incentives from a developer. He stated none of those are true and he will not partake in any further discussion of such rumors.

Councilmember Conus stated each Councilmember receives twenty-five dollars (\$25) per meeting no matter the length of the meeting. He nor any of the Councilmembers have received cars, meals, or vacations from NorthPoint. He stated that none of the Councilmembers would be on the Council if they did not do what is right and there are no other incentives are given to make the decision and read through large packets. He said the Councilmembers are there to make decisions that are fair and just.

Business Requiring Action

7. **CONSIDER ORDINANCE NO. 2069 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-03 FOR THE REZONING OF APPROXIMATELY 59.51 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION AT W 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

Ms. Katy Crow, Development Service Director, addressed the Council. She stated the parcel pertaining to Application ZA2020-03 was annexed into the City of Edgerton on December 17, 2020. On January 12, 2021, the Planning Commission (the Commission) held the statutorily required public hearing on the application to rezone. The public hearing was opened and subsequently closed at that meeting. During that Commission meeting a motion was made to continue the vote on the application and for City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. She explained the motion carried and on February 9, 2021 an Economic Impact Analysis memo was presented by City Staff and the Commission voted 4-0 to recommend denial of the application.

Ms. Crow explained the application was heard by the Council on March 11, 2021. Additional public comment was permitted at that time even though it was not required by state statute. The Governing Body moved to return the application to the Commission, without any additional public hearing, to provide the finding and context based on the Golden Criteria for any recommendation by the Commission. She stated that on April 13, 2021, the application was reconsidered by the Commission. During that meeting, the Commission voted 4-0 to recommend approval of Application ZA2020-03 citing the Golden Criteria

presented in the Staff Report and adding an additional stipulation that City Staff continue their work with neighboring jurisdictions on truck routes to address truck traffic in the area.

Ms. Crow said included in the packet is the Commission Staff Report which includes a review of Application ZA2020-04 with respect to the Edgerton Unified Development Code (UDC), the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. The memo to the Commission related to Economic Impact Analysis examines the economic impact of the properties requested to be rezoned, then continues to get broader in nature to address the economic impact of the adjacent properties and finally the economic impact more regionally. She reminded the Council of the memo that provides information related to several recurring themes throughout the public process. The draft minutes from the April 13, 2021 Commission meeting have been provided to the Council the published packet. She informed the Council that there are links in the Council Action Item to the City's website to see public comments received regarding this application.

Ms. Crow stated the UDC and Kansas State Statute 12-757 allows for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered. After the public hearing held on January 12, 2021, the City received thirty-three (33) total Protest Petitions related to Application ZA2020-03. Ten (10) of those Petitions were received from inside the statutory notification area and the remaining twenty-three (23) were outside of that area. The 10 Petitions inside the notification area total to 17.20% of the total buffer area around the parcel requesting rezoning. She explained this percentage falls short of the twenty percent (20%) amount that requires passage by a three-fourths ($\frac{3}{4}$) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS. The calculation sheets were included in the packet can be found in the packet for the Council meeting held on March 11, 2021.

Ms. Linn stated there is a map showing the locations of the parcels and provided a letter that was inadvertently omitted from the public comments received earlier regarding the rezonings.

Mayor Roberts informed the Council that when a motion is made, the rationale behind the motion needs to be provided for either approval or denial. If the Council wants to overrule the Commission's recommendation, the motion will require a two-thirds ($\frac{2}{3}$) vote and if the motion is to uphold the recommendation, a simple majority is needed.

Councilmember Conus stated all of the Councilmembers are on the Council to do the right thing. He explained there are not many ways for a small town like Edgerton to bring in a lot of money to better the City. This is an extremely difficult decision. He has read all the emails and texts, and correspondences. He said the right thing for the applicant is to approve and the right thing to do for the residents is to decline the applications. He believes somewhere in the middle is where the actual right thing is. He is concerned regarding a few of the Golden Criteria. The need for proposed change, the magnitude of change, and effective use of the land are all regarding the proximity of the parcels to similar uses. He said as Logistics Park Kansas City (LPKC) moves south and east, at what time does it not become proximate to the intermodal facility. This is the difficult question the Commission and Council are trying to answer. He explained he approved the rezoning of the parcels south of Kubota as it is

best use of the land due to its proximity to similar uses. As LPKC grows to the east, he believes the rezoning becomes less and less appropriate.

Councilmember Longanecker moved to approve Ordinance No. 2069 based on the recommendation of City Staff and the Planning Commission to include all stipulations outlined by City Staff and the Planning Commission. The motion died for lack of a second.

Mayor Roberts said the Council has received many comments on both sides. The neighboring property owners are opposed to the proposed rezoning and there are others who have been positively affected by LPKC. In 2009, Edgerton chose to be home of intermodal facility and the denial of these rezonings does not stop what people see as the largest issue with LPKC, which is truck traffic. Denial of the rezonings could move truck traffic farther away LPKC and the infrastructure the City has upgraded to handle the truck traffic. The City also would not have control over the roads and would miss out on the economic benefits that the development would bring.

Councilmember Smith stated this decision is not easy for any of the councilmembers. There are pros and cons for people on both sides of the issue and people will be unhappy regardless of the Council's decision. She wondered if these applications would have been considered at this length if a residential development was proposed. If the proposed rezoning were anything but rural or rural residential, would the Council still be considering these applications. She said some of the arguments that have been said will not affect what is built there. She stated one property owner cannot tell another how to use their property or what to build on it. The signs of the development expanding have been around for years. There is nothing to stop anybody or any company from buying land that is for sale. Landowner rights belong to the applicant as well as those opposing the rezonings. If somebody is watching a sunset over another property owner's field, building a warehouse on that land is not an infringement on the watcher's property rights. She explained this was a key factor for her in making her decision. She cannot dictate what her neighbor can build even if is something she does not like or want. Councilmember Smith said she understands the oppositions and not wanting to change the area. She explained the last year has brought many changes to the economy and it is not going to revert back to what it was. She said it is a difficult decision, but every landowner has rights, and the neighbors cannot tell the property owner what to build.

Mayor Roberts said the rezoning does not change any property owner's rights and the applications will not change the use of the neighbors' properties. Councilmember Smith agreed and stated Edgerton does not annex land that is not requested to be annexed. It was the wish of the property owner to annex into Edgerton.

Councilmember Longanecker said if the rezoning's are denied there could likely be a lawsuit and we could have to de-annex the property, which will allow other cities to annex the land and develop it.

Councilmember Lewis stated the Council was given a few weeks to think about the rezonings. He explained the councilmembers were elected by the people of Edgerton to do what is best for Edgerton. He said he has received text messages, emails, phone calls, and people coming to his house and it was great to hear from everybody. He stated he does not

like development, but the tax revenue that the rezonings will eventually bring in will help the kids in Edgerton and the school district. The tax funds go to the schools and throughout Johnson County, not just the City. In a small town, there are few chances to increase the tax revenue drastically like this. The Council needs to do what is best for the citizens. He has spoken with his neighbors, the majority of whom want the development to occur. He understands the concerns that neighboring property owners have and he would too if he lived there, but he has to do what is best for the City.

Councilmember Beem said he has listened to comments and has received emails and texts as well. He understands why the neighbors are upset and the issue is split both ways. He explained the neighboring property owners do not want in warehouses in their back yards but he wants to see growth as well.

Mayor Roberts explained tonight is about action. The Council is lucky to represent the citizens of Edgerton. Not all of the decisions the Council have to make are easy, but he believes there is a right decision. It takes the Council to move the City forward. He has sympathy for the neighbors but either way the Council votes, there will be happy and unhappy people. This decision has weighed heavily on the Council's shoulders.

Councilmember Longanecker stated he has spoken with many farmers in the area. He said almost all of them are ready for the development and would welcome an offer for their land.

Councilmember Longanecker moved to approve Ordinance No. 2069 based on the recommendation of City Staff as they relate to the Golden Criteria and the Planning Commission and to include all stipulations outlined by City Staff and the Planning Commission, including the Commission's request that the City continue to work with neighboring jurisdictions to address the issue of truck traffic. Councilmember Conus seconded the motion. Ordinance No. 2069 was approved, 4-2 (Councilmembers Beem and Conus voting nay).

8. CONSIDER ORDINANCE NO. 2070 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-04 FOR THE REZONING OF APPROXIMATELY 59.499 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION AT W 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

Ms. Crow explained the timeline for Application ZA2020-04 is the same as Application ZA2020-03. The only information that has changed is the Protest Petition data. She said thirty-two (32) Protest Petitions were received regarding Application ZA2020-04. Three (3) Petitions were inside the notification area and the remaining twenty-nine (29) were outside of the area. The 3 Petitions received from within the notification area totals 8.33% of the total buffer area. This again falls short of the required 20% amount.

Mayor Roberts explained the number of votes to overrule the Commission are the same and the motion will need rationale as well. This will apply to all of the rezoning applications.

Councilmember Longanecker moved to approve Ordinance No. 2070 based on the recommendation of City Staff as they relate to the Golden Criteria and the Planning Commission and to include all stipulations outlined by City Staff and the Planning Commission, including the Commission's request that the City continue to work with neighboring jurisdictions to address the issue of truck traffic. Councilmember Smith seconded the motion. Ordinance No. 2070 was approved, 4-2 (Councilmembers Beem and Conus voting nay).

Mr. Lee Hendricks, City Attorney, informed the Council it is standard procedure to include a draft of the ordinance in the packet, but the ordinance will be updated to include the motions made during this meeting.

9. **CONSIDER ORDINANCE NO. 2071 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-05 FOR THE REZONING OF APPROXIMATELY 40.233 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION AT W 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

Ms. Crow explained the timeline for Application ZA2020-05 is the same as the previous applications. The only information that has changed is the Protest Petition data. She said thirty-two (32) Protest Petitions were received regarding Application ZA2020-05. None of the Petitions were inside the notification area and all 32 Petitions were outside of the area.

Councilmember Longanecker moved to approve Ordinance No. 2071 based on the recommendation of City Staff as they relate to the Golden Criteria and the Planning Commission and to include all stipulations outlined by City Staff and the Planning Commission, including the Commission's request that the City continue to work with neighboring jurisdictions to address the issue of truck traffic. Councilmember Lewis seconded the motion. Ordinance No. 2071 was approved, 5-1 (Councilmember Beem voting nay).

10. **CONSIDER ORDINANCE NO. 2072 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-06 FOR THE REZONING OF APPROXIMATELY 40.241 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION AT W 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

Ms. Crow explained the timeline for Application ZA2020-06 is the same as the previous applications. The only information that has changed is the Protest Petition data. She said 32 Protest Petitions were received regarding Application ZA2020-06. None of the Petitions were inside the notification area and all 32 Petitions were outside of the area.

Councilmember Longanecker moved to approve Ordinance No. 2072 based on the recommendation of City Staff as they relate to the Golden Criteria and the Planning

Commission and to include all stipulations outlined by City Staff and the Planning Commission, including the Commission's request that the City continue to work with neighboring jurisdictions to address the issue of truck traffic. Councilmember Smith seconded the motion. Ordinance No. 2072 was approved, 5-1 (Councilmembers Beem voting nay).

11. CONSIDER ORDINANCE NO. 2073 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-07 FOR THE REZONING OF APPROXIMATELY 120.006 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION AT W 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

Ms. Crow explained the timeline for Application ZA2020-07 is the same as Application ZA2020-03. The only information that has changed is the Protest Petition data. She said 32 Protest Petitions were received regarding Application ZA2020-07. Of those, 3 Petitions were inside the notification area and the remaining 29 were outside of the area. The 3 Petitions received from within the notification area totals 6.20% of the total buffer area. This again falls short of the required 20% amount.

Councilmember Longanecker moved to approve Ordinance No. 2073 based on the recommendation of City Staff as they relate to the Golden Criteria and the Planning Commission and to include all stipulations outlined by City Staff and the Planning Commission, including the Commission's request that the City continue to work with neighboring jurisdictions to address the issue of truck traffic. Councilmember Lewis seconded the motion. Ordinance No. 20673 was approved, 4-2 (Councilmembers Beem and Conus voting nay).

12. CONSIDER ORDINANCE NO. 2074 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-08 FOR THE REZONING OF APPROXIMATELY 221.334 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION AT W 215TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

Ms. Crow explained the timeline for Application ZA2020-08 is the same as Application ZA2020-03. The only information that has changed is the Protest Petition data. She said 32 Protest Petitions were received regarding Application ZA2020-08. Eleven (11) Petitions were inside the notification area and the remaining twenty-two (22) were outside of the area. The 11 Petitions received from within the notification area totals 16.26% of the total buffer area. This again falls short of the required 20% amount.

Councilmember Longanecker moved to approve Ordinance No. 2074 based on the recommendation of City Staff as they relate to the Golden Criteria and the Planning Commission and to include all stipulations outlined by City Staff and the Planning Commission, including the Commission's request that the City continue to work with

neighboring jurisdictions to address the issue of truck traffic. Councilmember Lewis seconded the motion. Ordinance No. 2074 was approved, 4-2 (Councilmembers Beem and Conus voting nay).

13. CONSIDER ORDINANCE NO. 2075 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-02 FOR THE REZONING OF APPROXIMATELY 106.131 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION AT W 199TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

Ms. Crow explained the timeline for Application ZA2020-02 is the same as Application ZA2020-03. The only information that has changed is the Protest Petition data. She said 33 Protest Petitions were received regarding Application ZA2020-02. Eighteen (18) Petitions were inside the notification area and the remaining fifteen (15) were outside of the area. The 18 Petitions received from within the notification area totals 30.56% of the total buffer area. In order to approve the ordinance, the motion would require $\frac{3}{4}$ of all of the members of the Governing Body to vote yea to pass.

Mayor Roberts acknowledged the applicant to speak to the Council. Mr. Patrick Robinson, Vice President of NorthPoint, requested this application be continued for ninety (90) days. Ms. Linn stated this would be heard at the August 12, 2021 meeting.

Councilmember Smith moved to table Application ZA2020-02 to the August 12, 2021 Council meeting with no public hearing and current stipulations. Councilmember Longanecker seconded the motion. Application ZA2020-02 was tabled to the August 12, 2021 meeting, 6-0.

14. CONSIDER ORDINANCE NO. 2068 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-01) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W 200TH STREET, EDGERTON, KANSAS

Mayor Roberts called for a short recess at 7:40 PM to allow those exiting the room to do so. The meeting resumed at 7:46 PM.

Ms. Crow stated this item was tabled at the previous Council meeting. Line of sight drawings were provided in the packet and City Staff printed them for their reference. She said City Staff created a diagram that shows the height of the sign in relation to the height of Homestead Lane with a truck on the road. She informed the Council the applicant is in attendance and can assist with any questions that they might have.

Mayor Roberts requested clarification on the line-of-sight drawings. Mr. Judd Claussen, Phelps Engineering, explained there is a drawing showing where all of the sight lines are. Those sight lines are from Interstate 35 and from neighboring properties. He explained how the line-of-sight drawings show the topography between a person who is six (6) feet tall and the top of the sign. Some of the line-of-sight drawings were required to give a view from the

interstate. Commissioner Longanecker appreciated the fact the lights at the Homestead Lane interchange are present on the drawing. Mr. Claussen stated the diagram provided by City Staff does a good job of showing the base of the sign is lower than Homestead Lane. Councilmember Longanecker inquired if there was a meeting with a nearby property owner. Mr. Claussen replied there was, and the flashing has been removed from the sign. That is the only change that is being made to the pole sign. Mayor Roberts introduced Moussa Sobaiti who is the property owner for On the Go Travel Center.

Mayor Roberts explained any major changes to the specific details of the CUP application, such as moving the location of the sign on the property, would require the application to be heard by the Planning Commission again. Councilmember Longanecker stated he went to the location where the previous photos were taken along Homestead Lane with his phone and provided them to City Staff to print and share with the Council.

Councilmember Lewis said there could be development between the residences and the sign. Mayor Roberts agreed and said this is why the City has aUDC, to prevent hardship on neighbors with items like this. He explained the property owner wants each driver to stop at the store and this sign will help advertise this location. Mayor Roberts said he has been by to look at the facility and it looks great compared to many truck stops. He explained TA Express and Goodcents will be great assets to Edgerton.

Councilmember Conus asked if the sign is being reorientated at all. Mr. Clausen replied the sign plane, or face of the sign, will be perpendicular to the interstate as it maximizes the view from each way on the interstate. Councilmember Conus inquired if the flashing of the sign has been removed. Mr. Claussen answered that is correct. Councilmember Conus stated a nearby resident, Mr. Cole, stated the City is doing nothing to fix these issues. Ms. Linn stated she cannot speak on Mr. Cole's behalf and this item was brought back to discuss any changes. Councilmember Conus inquired if Mr. Cole was present. Ms. Linn stated he was not. Councilmember Conus asked why he was not present. Ms. Linn explained she cannot speak on Mr. Cole's behalf. Councilmember Conus asked if there is a minimum of 300 feet between the sign and residences. Ms. Linn explained the City of Edgerton does not have that requirement and this sign is more than 1,100 feet from the closest resident.

Councilmember Conus moved to approve Ordinance No. 2068. Councilmember Lewis seconded the motion. Ordinance No. 2068 was approved, 5-0.

Mayor Roberts said he appreciates the applicant met with the Coles regarding this sign.

15. Report by the City Administrator

- Ms. Linn informed the Council that City Staff did not receive any applications to be presented to the Planning Commission on May 11, 2021 so that meeting will be cancelled.

16. Report by the Mayor

- DRAFT Johnson County Community Housing Study

Mayor Roberts explained the United Community Services of Johnson County (UCS) has completed the draft of a housing study they completed. UCS held listening sessions with jurisdictions throughout Johnson County. The draft highlights all of Johnson County. He said he want to have UCS do a presentation to the Council once the study is finalized. The study is a good look at the housing problem in the area. ElevateEdgerton! will be presenting a housing study for Edgerton specifically and ElevateEdgerton! worked with UCS. Ms. Linn stated there are many chapters, but there is also an Edgerton specific chapter. Mayor Roberts said there are actions that councils can make and some items might be better received than others that are presented in this study. He found the entire study interesting and a great way to find out what is happening in all of the cities in Johnson County.

17. Future Meeting Reminders:

- May 11th: Planning Commission – 7:00 PM – CANCELLED
- May 13th: City Council Meeting – 7:00 PM
- May 27th: City Council Meeting – 7:00 PM
- June 8th: Planning Commission – 7:00 PM
- June 10th: City Council Meeting – 7:00 PM
- June 24th: City Council Meeting – 7:00 PM

18. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Councilmember Smith moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney-client relationship to include the City Attorney and City Administrator for the purposes of pending litigation for 5 minutes. Councilmember Lewis seconded the motion. The meeting recessed into executive session at 8:07 PM, 5-0.

Councilmember Smith moved to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 8:12 PM, 5-0.

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

Councilmember Lewis moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney-client relationship to include the City Attorney and City Administrator for 15 minutes. Councilmember Smith seconded the motion. The meeting recessed into executive session at 8:16 PM, 5-0.

Councilmember Smith moved to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 8:31 PM, 5-0.

Councilmember Lewis moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney-client relationship to include the City Attorney and City Administrator for 10 minutes. Councilmember Smith seconded the motion. The meeting recessed into executive session at 8:31 PM, 5-0.

Councilmember Smith moved to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 8:41 PM, 5-0.

20. Adjourn

Councilmember Smith moved to adjourn, seconded by Councilmember Lewis. The meeting adjourned at 8:41 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator

EVENTS

May 8th: City-Wide Garage Sale
May 15th: City-Wide Clean-Up
June 5th: Summer Kick-off Block Party
June 18-19th: Frontier Days

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Parks and Recreation

Agenda Item: Consider Resolution 05-13-21A Recognizing the Edgerton Summer Kickoff Block Party as a "Public Festival" for Purposes of the City's Noise Restrictions

Background/Description of Item: On Saturday, June 5th, the City of Edgerton will host the Summer Kickoff Block Party in Downtown Edgerton. The event includes a block party with inflatables, games, DJ, face painting, contests and more from 6:30 PM to 9:00 PM. Once the sun goes down, the City will host the first Edgerton Summer Movie Night featuring *The Croods: A New Age*.

Within this resolution is permission to waive the City's noise restrictions on the evening of Saturday, June 5, 2021. It is anticipated that the event will be completed by 11 p.m. that evening.

Related Ordinance(s) or Statue(s): Article 6 of Chapter XI of the Code of the City of Edgerton

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution 05-13-21A Recognizing the Edgerton Summer Kickoff Block Party as a "Public Festival" for Purposes of the City's Noise Restrictions

Enclosed: Resolution 05-13-21A

Prepared by: Kara Banks, Marketing and Communications Manager

RESOLUTION NO. 05-13-21A

A RESOLUTION RECOGNIZING SUMMER KICKOFF BLOCK PARTY AS A "PUBLIC FESTIVAL" FOR THE PURPOSES OF THE CITY'S NOISE RESTRICTIONS

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Summer Kickoff Block Party; and

WHEREAS, Article 6 of Chapter XI of the Code of the City of Edgerton regulates the levels of noise and sound within the City but said regulations do not apply when the governing body recognizes the event where the noise and sound is to occur as a "public festival".

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

SECTION ONE: Summer Kickoff Block Party a "Public Festival": Edgerton Summer Kickoff Block Party is hereby recognized as a public festival and, therefore, the noise restrictions contained within Article 6 of Chapter XI of the Code of the City of Edgerton shall not apply to noise and sounds made or generated by the public festival to be held on June 5, 2021.

SECTION TWO: Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 13TH DAY OF MAY 2021.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-13-21B Authorizing the Closure of Certain Public Streets During the Edgerton Summer Kickoff Block Party

Background/Description of Item: On Saturday, June 5th, the City of Edgerton will host the Summer Kickoff Block Party in Downtown Edgerton. The event includes a block party with inflatables, games, DJ, face painting, contests and more from 6:30 PM to 9:00 PM. Once the sun goes down, the City will host the first Downtown Summer Movie Night featuring *The Croods: A New Age*.

To support this event, City staff is requesting the closure of Nelson Street (between East 4th Street and East 3rd Street) from 5:00 PM – 11:00 PM. The intersections at both E 4th Street/Nelson Street and E 3rd Street/Nelson Street will remain open to traffic.

City staff has reviewed the proposed street closures and does not anticipate any conflicts or issues. City staff will inform the Johnson County Sheriff's Office, Johnson County Fire District 1 and Johnson County Med-Act of the proposed closings.

Related Ordinance(s) or Statue(s):

Funding Source:

Budget Allocated:

Finance Director Approval:

Recommendation: Approve Resolution No. 05-13-21B Authorizing the Closure of Certain Public Streets During the Edgerton Summer Kickoff Block Party

Enclosed: Resolution No. 05-13-21B

Prepared by: Kara Banks, Marketing and Communications Manager

RESOLUTION NO. 05-13-21B

A RESOLUTION APPROVING THE CLOSURE OF THE PUBLIC STREETS NAMED HEREIN DURING THE EDGERTON SUMMER KICKOFF BLOCK PARTY

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Summer Kickoff Block Party; and

WHEREAS, the City has determined that the closure of certain streets would be beneficial to the safety and enjoyment of the Summer Kickoff Block Party; and

WHEREAS, City staff has reviewed the proposed street closures and does not anticipate any conflicts or issues that would prevent said closures; and

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Summer Kickoff Block Party between 5:00 PM until 11:00 PM on June 5, 2021:

- Nelson Street between East 4th Street to East 3rd Street

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS that the City hereby authorizes the closure of the public streets named above for the duration named above for the Edgerton Summer Kickoff Block Party.

SECTION ONE: EFFECTIVE DATE

This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 13TH DAY OF MAY, 2021.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Parks and Recreation

Agenda Item: Consider Resolution 05-13-21C Recognizing the Edgerton Frontier Days as a "Public Festival" for Purposes of the City's Noise Restrictions

Background/Description of Item: The Edgerton community celebrates its heritage with the annual Frontier Days celebration. Since 1971, this event has brought the town together through carnival, craft, sports, music, and parade. This year's event will take place Friday, June 18th-Saturday, June 19th. Full schedule of details may be found at the event website at edgertonfrontierdays.com. The event is put on each year by the Edgerton Frontier Days Association.

Within this resolution is permission to waive the City's noise restrictions on the evenings of Friday, June 18, 2021 and Saturday, June 19, 2021.

Related Ordinance(s) or Statue(s): Article 6 of Chapter XI of the Code of the City of Edgerton

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution 05-13-21C Recognizing the Edgerton Frontier Days as a "Public Festival" for Purposes of the City's Noise Restrictions

Enclosed: Resolution 05-13-21C

Prepared by: Kara Banks, Marketing and Communications Manager

RESOLUTION NO. 05-13-21C

A RESOLUTION RECOGNIZING EDGERTON FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR THE PURPOSES OF THE CITY'S NOISE RESTRICTIONS

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to partner with Edgerton Frontier Days Association to provide a safe and enjoyable Edgerton Frontier Days; and

WHEREAS, Article 6 of Chapter XI of the Code of the City of Edgerton regulates the levels of noise and sound within the City but said regulations do not apply when the governing body recognizes the event where the noise and sound is to occur as a "public festival".

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

SECTION ONE: Edgerton Frontier Days a "Public Festival": Edgerton Frontier Days is hereby recognized as a public festival and, therefore, the noise restrictions contained within Article 6 of Chapter XI of the Code of the City of Edgerton shall not apply to noise and sounds made or generated by the public festival to be held on June 18 and 19, 2021.

SECTION TWO: Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 13TH DAY OF MAY 2021.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-13-21D Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas

Background/Description of Item:

Edgerton Frontier Days will be held June 18-19, 2021. The Edgerton Frontier Days Committee has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the Festival.

If approved, Resolution No. 05-13-21D authorize the Special Event Permit requested by the Frontier Days Association, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator)
- Between the hours of 6:00 pm and 11:59 pm on June 18, 2021.
- Between the hours of 2:00 pm and 11:59 pm on June 19, 2021.
- Point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

Chapter III, Article 3-202 of the Edgerton Municipal Code prohibits the sale or service of alcoholic liquor within two hundred feet of any church, school, nursing home, library or hospital. The location requested by the Frontier Days Association is within two hundred feet of the Edgerton Library.

Section 3-202(b) allows the Governing Body to waive this distance requirement for special event permit holder following holding a public hearing. The Edgerton City Council will hold a public hearing to consider this request on May 27, 2021 during the regular city council meeting. Holding a public hearing and approval of this distance waiver will be required for this special event permit prior to the event.

Related Ordinance(s) or Statue(s): Chapter III, Article 5 of Edgerton Municipal Code

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 05-13-21D Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas

Enclosed: Draft Resolution No. 05-13-21D
Special Event Permit Application

Prepared by: Kara Banks, Marketing and Communications Manager

RESOLUTION NO. 05-13-21D

A RESOLUTION AUTHORIZING A SPECIAL EVENT PERMIT FOR THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS

WHEREAS, the 2021 annual celebration known as Frontier Days is scheduled for June 18 through June 19 in the City of Edgerton, Kansas; and

WHEREAS, Article 5 of Chapter III of the Code of the City of Edgerton requires that an entity desiring to sell and serve alcoholic liquor on public property at an event open to the public must, in addition to obtaining the required permit from the State of Kansas, also apply and obtain a Special Event Permit from the City; and

WHEREAS, a request has been received by the City of Edgerton from the Edgerton Frontier Days Association for a Special Event Permit to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its annual festival on June 18 and 19, 2021.

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

SECTION ONE: Special Event Permit Authorized: That the Governing Body does hereby authorize the City Clerk, in accordance with Article 5 of Chapter III of the Edgerton City Code, to issue the Frontier Days Association a Special Event Permit for sale and consumption of alcoholic liquor per the requirements contained within Article 5 and with the following additional stipulations:

- a) The Special Event Permit provided for herein is only valid if the required permit from the State of Kansas is obtained by the Frontier Days Association.
- b) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator) between the hours of 6:00 pm and 11:59 pm on June 18, 2021 and between the hours of 2:00 pm and 11:59 pm on June 19, 2021.
- c) The location of the point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only.
- d) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

SECTION TWO: Waiver of Application Fees: The City of Edgerton, in appreciation for the many benefits enjoyed by the community from the annual Frontier Days festival, waives any City application or permit fees for issuance of the Special Event Permit.

SECTION THREE - Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF
EDGERTON, KANSAS ON THE 13TH DAY OF MAY 2021.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks City Attorney

City of Edgerton, Kansas
Special Event Permit Application
Cover Page

Attachments Included with Application:

X List of services requested by the City and/or County

X Description of publicly owned property for event

N/A Description of publicly owned vehicles/equipment for event

N/A Classification of dangerous and/or exotic animals

Pending Operator's Certificate of Insurance

Pending Sponsoring Agency's Certificate of Insurance *Becker & Lassen*

 Completed Indemnification Statement

 Site/Route/Staging/Dispersal/Parking Plans (Including, but not limited to, bulleted items below)

- Assembly areas
- Fire hydrant locations
- Normal routes of fire department vehicle access (20 Foot-wide minimum)
- Main Entrances/Exits
- Food Vendor Fire Extinguishers, with minimum rating of 2A10BC
- Ensure Extension Cord(s) used to power food production or other portable equipment is minimum 12-gauge.
- Vendor Sites (includes food, merchant, non-commercial vendor)
- Barricade/signs
- Street/Sidewalk closures

 Fee

 Emergency Plan (for reporting fire or other emergency)

City of Edgerton, Kansas
Special Event Permit Application

Submit this application, with supporting documentation and fees to:
City of Edgerton, KS
404 W. Nelson
P.O. Box 255
Edgerton, Kansas 66021

For assistance, call 913/893-6231 during regular business hours.

APPLICANT INFORMATION (Primary Contact):

Name: Glyn Powers, president Edgerton Frontier Days Assoc.
Address: 11606 W. 8th St Edgerton KS 66021 Zip Code: 66021
Driver's License Number and State Issue: K02-40-4556 Kansas
Home phone: _____ Cell phone: 913-238-9539
E-Mail: _____ Employer's Number: _____

OPERATOR/ORGANIZATION/AUTHORIZED MEMBER/SPONSOR:

Operator/Organization/Authorized Member/Sponsor:

Edgerton Frontier Days Association
Address: P.O. Box 222 Edgerton Kansas Zip Code: 66021
Business Phone: _____ Fax: _____
E-Mail: bsnewlome@gmail Web-Site: EdgertonFrontierDays.com
Is the event for profit? _____ Yes ☒ No
If no, who is beneficiary: _____
Registration/Entry Fee for event? ☒ Yes _____ No for craft & food vendors
(If available, please attach a copy of the event flier or information listing)

EVENT INFORMATION:

Please complete the following. In addition, Fliers/Informational Brochures may be attached for detailed information.

Date/s of Event: June 18 & 19, 2021
Hours of Event: 6/18 4pm - Midnight, 6/19 9am - Midnight
Location of Event: Downtown City of Edgerton
on Nelson St & 4th St

- Designated Parking Spots
 - Edgerton City Lake
 - Edgerton Elementary
 - Nelson Street

Type of Event: Festival Parade Sporting Competition Circus

Trade Show

Car Show

Other: _____

Event Details:

- ☒ Alcohol/Cereal Malt Beverage Served
☒ Alcohol /Cereal Malt Beverage Sales
☒ Number of Food Vendors
☒ Number of Merchant Vendors
☒ Number of Non-Commercial Vendors
☒ Animals
☒ Street/Sidewalk Closure

Equipment at Event:

- ☒ Amplified Speaking/Music
Hours: _____ to _____ → 6/18 4pm-Midnight 6/19 9am-Midnight
☒ Portable Restrooms
☒ Stage/Props/Production
☒ Dumpsters/Receptacles
☒ Signage
☒ Barricades (Number of volunteers staffing)
Other item/s: _____

State Sales Tax Information: State of Kansas Tax Identification Number(s) must be provided for ALL food and merchant vendors. (Event sponsors are required to provide the Kansas Department of Revenue with notification of an event and a list of participating vendors.) will be provided at event

Food Vendor Tax Information: _____

Merchant Vendor Tax Information: _____

COMMUNITY NOTIFICATION: Provide copy of written notification or log of personal contacts to identify surrounding residents/businesses of street closure, if applicable.

COMPLETION OF EVENT: Plan for cleaning and disposing of refuse from this event location. Who will complete the cleaning of the area and how long after close of event will this occur.

Other Requests:

- Permission to use Garage of Yellow House
@ 305 E. Nelson

Green Space & Old City Maintenance Building

Property on E. Martin

INSURANCE: The operator of a special event shall furnish with application an original copy of a certificate of insurance indicating the City as certificate holder and executed within the previous ten (10) days. The certificate of insurance must provide evidence of occurrence form general liability insurance coverage of at least \$500,000 combined single limit per occurrence for bodily injury and property damage with a minimum aggregate limit of \$1,000,000, and shall include the City as an additional insured. Any sponsoring agency of a special event shall also provide to the City an original copy of a certificate of insurance indicating the City as certificate holder and executed within the previous ten (10) days. The certificate of insurance must provide evidence of occurrence form general liability insurance coverage of at least \$500,000 combined single limit per occurrence for bodily injury and property damage with a minimum aggregate limit of \$1,000,000, and shall include the city as an additional insured.

The operator and sponsoring agency, if any, shall complete and submit a hold harmless and indemnification agreement for review and approval of City officials.

APPLICANT'S STATEMENT OF AGREEMENT:

Everything stated on this application is true and correct to the best of my knowledge. I further understand that the facilities for this event must be in compliance with all the City regulations (including adopted codes by reference). It is further understood that failure to comply with these regulations may result in permission to operate being withheld until all codes are met. I understand this permit, if granted, is not transferable and is revocable at any time at the absolute discretion of the City of Edgerton. I,

Glyn Powers, the undersigned, agree to abide by the provision in this application and regulations of the City of Edgerton.

Glyn R. Powers, president
Name of Applicant and Title, if any (Print or type)

Glyn R. Powers
Signature of Applicant

Date: 4-28-21

Google Maps Edgerton



Signage
out on
Sunflower Rd
from I-35
about Road Closure
on 56

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-13-21E Closing Certain Public Streets, Authorizing Permission to Use Requested City Buildings/Public Spaces, and the Approval of Additional Service Requests During Edgerton Frontier Days

Background/Description of Item: The Edgerton community celebrates its heritage with the annual Frontier Days celebration. Since 1971, this event has brought the town together through carnival, craft, sports, music, and parade. This year's event will take place Friday, June 18th-Saturday, June 19th. Full schedule of details may be found at the event website at edgertonfrontierdays.com. The event is put on each year by the Edgerton Frontier Days Association.

Similar to recent years, the Edgerton Frontier Days Association has made several requests to support the event that includes the closure of public streets and sidewalks, and the use of certain city facilities/public spaces. Below is a summary of those requests. Additionally, please find enclosed a draft resolution to approve those requests.

Closure of Public Streets/Sidewalks

The Edgerton Frontier Days Committee has requested permission to close the following streets:

- On Wednesday, June 16, 2021 at 9:00 a.m. until Sunday, June 20, 2021 at 12:00 p.m.
 - East 4th Street, between Nelson and McCarty Streets
- On Friday, June 18, 2021 at 9:00 a.m. until Sunday, June 20, 2021 at 12:00 p.m.
 - East 4th Street, between Nelson and south to the nearest alley;
 - Nelson Street between East 3rd St. and the Central Bank of the Midwest drive located south of East 4th St.
- On Saturday, June 19 during the Frontier Days Parade, at 10:00 a.m. until 10:30 a.m.
 - Nelson Street from West 8th to East 5th Streets

Use of City Facilities/Public Spaces

The Edgerton Frontier Days Committee has requested permission to use the following City Facilities/Public Spaces during the time of the festival:

- Downtown Greenspace along with all designated streets and sidewalks that are requested street closures;
- City Offices at 312 E Nelson;
- City Hall at 404 East Nelson (outside of normal city business hours)
- Garage located at 305 E. Nelson;
- Property on 312 E. Martin;
- Downtown Maintenance shop beginning on Monday, June 14th at 8:00 AM.

Additional Service Requests

The Edgerton Frontier Days Committee has requested the following additional Service Requests to support the festival:

- City to order event dumpsters and trash bins for the festival days;
- City to barricade closed streets

City staff has reviewed the proposed street closures, the facility/public space use requests, and other service requests and does not anticipate any conflicts or issues.

City staff recommends approving all requests pending proof of the following:

- Certificate of Insurance for Edgerton Frontier Days with the City of Edgerton additionally insured.
- Certificate of Insurance for each Vendor with the City of Edgerton additionally insured.

If approved, City staff will inform the Johnson County Sheriff's Office and Johnson County Fire District 1 of the proposed closings.

Related Ordinance(s) or Statue(s):

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 05-13-21E Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival, Permission to use requested City Buildings/Public Spaces, and the approval of additional Service Requests.

Enclosed: Draft Resolution No. 05-13-21E

Prepared by: Kara Banks, Marketing and Communications Manager

RESOLUTION NO. 05-13-21E

A RESOLUTION AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS DURING THE EDGERTON FRONTIER DAYS FESTIVAL, PERMISSION TO USE REQUESTED CITY BUILDINGD/PUBLIC SPACES, AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Frontier Days Festival; and

WHEREAS, the City has determined that the closure of certain streets and the use of certain City facilities and public spaces would be beneficial to the safety and enjoyment of the Frontier Days Festival; and

WHEREAS, City staff has reviewed the proposed street closures and does not anticipate any conflicts or issues that would prevent said closures; and

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 9:00 AM on June 16, 2021 until 12:00 PM on June 20, 2021:

- East 4th Street between Nelson and McCarty Streets; and

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 9:00 AM on June 18, 2021 until 12:00 PM on June 20, 2021:

- East 4th Street between Nelson and south to the nearest alley;
- Nelson Street between East 3rd and East 4th Streets and;
- Nelson Street between East 4th Street to the Central Bank of the Midwest drive located on Nelson Street; and

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days on June 19, 2018 during the Frontier Days Parade:

- Nelson Street from West 8th to East 5th Streets; and

WHEREAS, the following City owned facilities and public spaces will be reserved for the use of Edgerton Frontier Days:

- Downtown Greenspace along with all designated streets and sidewalks that are requested as street closures
- City Offices at 312 E Nelson
- City Hall at 404 East Nelson (outside of normal business hours)
- Garage located at 305 E. Nelson
- Property 312 E. Martin
- Downtown Maintenance shop; and

WHEREAS, the following service requests will be carried out by the City:

- Barricade street closures
- Provide event dumpsters and trash bins.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS that the City hereby authorizes the closure of the public streets named above and further authorizes that the above-named service requests are carried out for the durations specified above for the 2021 Edgerton Frontier Days Festival.

SECTION ONE: EFFECTIVE DATE This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 13TH DAY OF MAY, 2021.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____

Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-13-21F for Temporary No Parking Related to Frontier Days

Background/Description of Item:

As part of the 2021 annual Edgerton Frontier Days festival, City staff is requesting that parking be prohibited along certain streets during the festival in order to help with traffic around the event and protect pedestrian safety.

Staff is requesting that the following streets be closed to parking on Thursday, June 17, 2021 at 4:00 P.M. to Sunday, June 20, 2021 at 4:00 P.M. **on both sides:**

1. **East 5th Street:** East McCarty Street to East Nelson Street;
2. **East McCarty Street:** East 4th Street to East 5th Street;
3. **East Nelson Street:** East 2nd Street to East 3rd Street;
4. **East Martin Street:** East 3rd Street to East 4th Street;
5. **East 3rd Street:** East Nelson to East Martin Street;
6. **East 4th Street:** from the alleyway one half block south of East Nelson Street to East Martin Street;
7. **East 3rd Street:** from the alleyway one half block south of East Hulett Street to East Nelson Street.

Staff is further requesting that a no parking zone be created from Thursday, June 17, 2021 at 4:00 P.M. to Sunday, June 20, 2021 at 4:00 P.M. **on the side of the street noted** of the following streets:

1. **East side of East 3rd Street:** from 56 Highway (East Morgan Street) south to the alleyway one half block south of East Hulett Street;
2. **West side of 5th Street:** from East Nelson Street to East Martin Street;
3. **North side of East Martin Street:** from East 5th Street to East 4th Street;
4. **North side of East Hulett Street:** from East 3rd Street to East 5th Street, excluding that portion of East Hulett Street which shall be closed completely for the carnival.

Related Ordinance(s) or Statue(s): n/a

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Resolution No. 05-13-21F for Temporary No Parking Related to Frontier Days
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Enclosed: Draft Resolution No. 05-13-21F
No Parking Zone Map

Prepared by: Kara Banks, Marketing and Communications Manager

RESOLUTION 05-13-21F

A RESOLUTION OF THE CITY OF EDGERTON, KANSAS, PROVIDING FOR THE CREATION OF TEMPORARY NO PARKING ZONES ON CERTAIN STREETS TO PERMIT THE HOLDING OF FRONTIER DAYS 2021

WHEREAS, the annual Frontier Days festival will be held in the City of Edgerton on June 18th and June 19th, 2021; and

WHEREAS, Frontier Days will be held in a central and convenient location for participants and that location will necessitate the creation of no parking zones to allow participants to access and enjoy the event; and

WHEREAS, the creation of temporary no parking zones is necessary to permit the Festival to be held.

THEREFORE, BE IT RESOLVED by the City Council of Edgerton, Kansas;

That a no parking zone is hereby created from Thursday, June 17, 2021 at 4:00 P.M. to Sunday, June 20, 2021 at 4:00 P.M. **on both sides** of the following streets:

1. East 5th Street, from East McCarty Street to East Nelson Street;
2. East McCarty Street, from East 4th Street to East 5th Street;
3. East Nelson Street, from East 2nd Street to East 3rd Street;
4. East Martin Street, from East 3rd Street to East 4th Street;
5. East 3rd Street, from East Nelson to East Martin Street;
6. East 4th Street from the alleyway one half block south of East Nelson Street to East Martin Street;
7. East 3rd Street, from the alleyway one half block south of East Hulett Street to East Nelson Street.

That a no parking zone is hereby created from Thursday, June 17, 2021 at 4:00 P.M. to Sunday, June 20, 2021 at 4:00 P.M. **on the side of the street noted** of the following streets:

1. The east side of East 3rd Street, from 56 Highway (East Morgan Street) south to the alleyway one half block south of East Hulett Street;
2. The west side of 5th Street, from East Nelson Street to East Martin Street;
3. The north side of East Martin Street, from East 5th Street to East 4th Street;
4. The north side of East Hulett Street, from East 3rd Street to East 5th Street, excluding that portion of East Hulett Street which shall be closed completely for the carnival.

PASSED AND APPROVED by the City Council of Edgerton, Kansas on the 13rd day of May, 2021.

ATTEST:

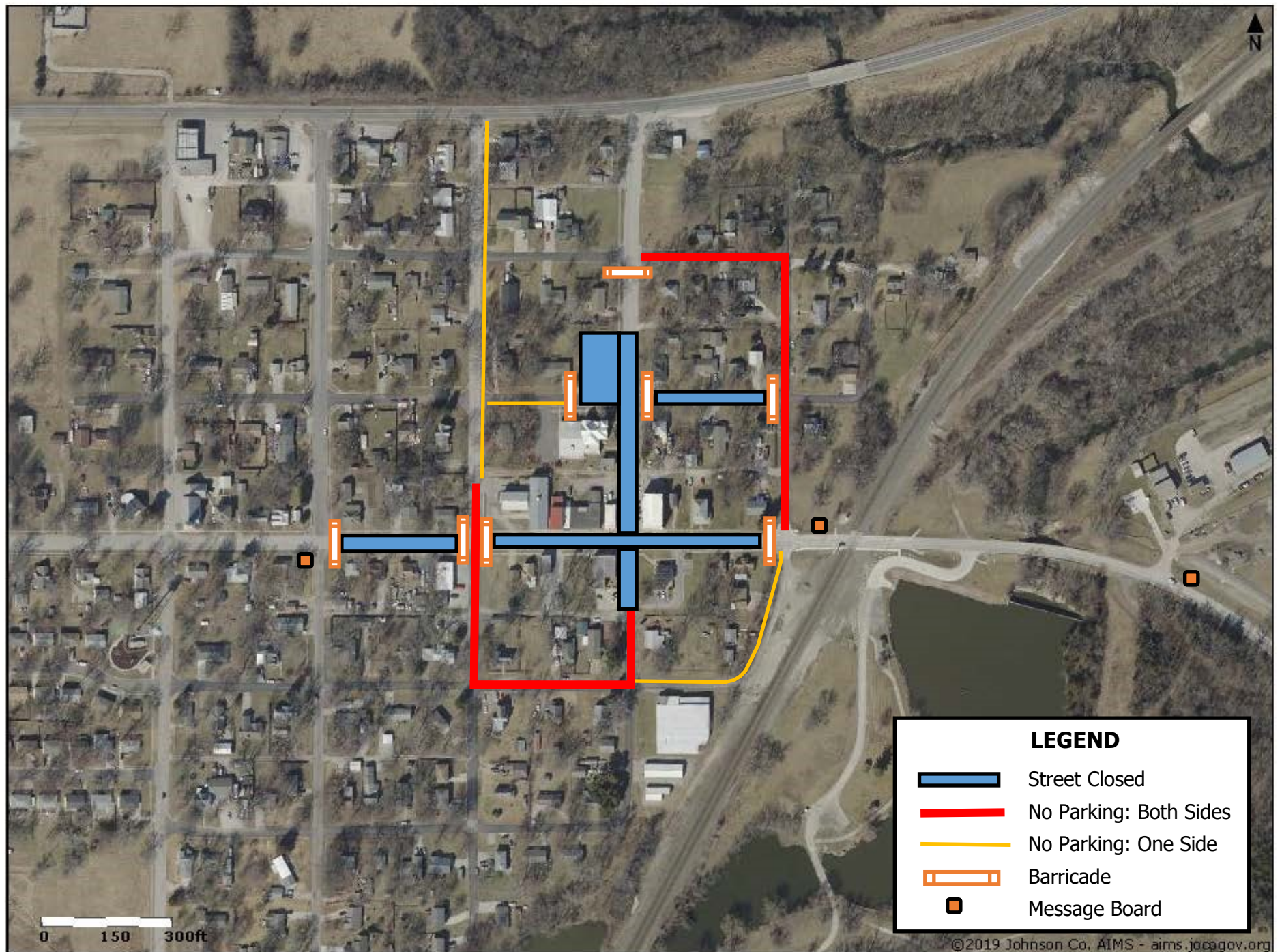
CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney



City Council Action Item

Council Meeting Date: May 13, 2021

Department: Administration

Agenda Item: Consider the 2020 Audit of Financial Statements as Presented by Varney & Associates

Background/Description of Item:

On May 10, 2018, staff recommended, and Council approved, a contract with Varney & Associates, CPAs, LLC, for the audit of the 2018, 2019 and 2020 financial statements. A single audit was not required since the City did not receive federal funds in 2020 in excess of the single audit threshold. The 2020 Audit of Financial Statements is now complete.

The objective of the audit is the expression of an opinion as to whether the City's financial statements are fairly presented, in all material respects, in conformity with the Kansas prescribed basis of accounting. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditors perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

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 includes 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.

A representative from Varney & Associates will present their findings to the City Council on May 13, 2021. The final Audit of Financial Statements will be presented to City Council that evening.

Related Ordinance(s) or Statue(s): K.S.A. 44-1030

Funding Source: N/A

Budget Allocated: N/A

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Accept the 2020 Audit of Financial Statements as presented by Varney & Associates, CPAs, LLC.

Enclosed: Copies of the Audit Report will be available the evening of the meeting.

Prepared by: Karen Kindle, Finance Director



EDGERTON
global routes. local roots.

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

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2076 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2021-06 for the Rezoning of Approximately 29.39 Acres of Land Located at the Southeast corner of Homestead Lane and 191st Street in Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning to City of Edgerton "L-P" (Logistics Park) Zoning District.

Background/Description of Item: The City of Edgerton has received rezoning Application ZA2021-06 from Omar Holtgraver requesting the rezoning of a 29.39 acre lot located at the southeast corner of Homestead Lane and 191st Street in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

The parcel was annexed into the City of Edgerton on April 28, 2011. The current zoning designation of RUR is considered a holding designation and thus an appropriate zoning designation is required under the City of Edgerton Unified Development Code. This request is to rezone the parcels to L-P, Logistics Park District (L-P) with the intent of expanding the current cargo container storage operations of Arrowhead Intermodal located on the adjacent parcel directly to the east.

Staff reviewed this rezoning application with respect to the Edgerton Comprehensive Plan, the Edgerton Unified Development Code Zoning and Subdivision Regulations, and the laws of the State of Kansas, in particular the "Golden Criteria" as established by the Supreme Court of Kansas in 1978.

The Planning Commission held a Public Hearing on April 13, 2021 regarding this rezoning request and voted 4-0 to recommend approval of Application ZA2021-06 subject to the following stipulations:

1. All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
2. All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
3. All Site Plan application requirements of the City for a property located in the "L-P" Logistics Park District shall be met.

4. Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Copies of the staff report and draft minutes are included with this packet. Staff received no further public comment for this application following Planning Commission action.

City Attorney has prepared the enclosed draft ordinance approving the recommendation of the Planning Commission based on the Planning Commission staff report.

Related Ordinance(s) or Statute(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code; 12-757 – Zoning Amendments

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance No. 2076 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2021-06 for the Rezoning of Approximately 29.39 Acres of Land Located at the Southeast corner of Homestead Lane and 191st Street in Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning to City of Edgerton "L-P" (Logistics Park) Zoning District.

Enclosed:

- Draft Ordinance No. 2076
- Staff Report from April 13, 2021 Planning Commission Meeting including Application ZA2021-06
- Draft minutes from the April 13, 2021 Planning Commission Meeting

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2076

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-06 FOR THE REZONING OF APPROXIMATELY 29.39 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request on March 4, 2021, from Omar J. Holtgraver, the owner of a parcel of land totaling approximately 29.39 acres, generally located at the southeast corner of Homestead Lane and 191st Street in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on April 13, 2021 the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

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

Section 1. That the following legally described property generally located the southeast corner of Homestead Lane and 191st Street in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

Deed descriptions

Book 5963, Page 691

A part of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, Johnson County, Kansas, More Particularly described as follows:

Beginning at the Northwest corner of said Northwest Quarter; Thence North 90° East, along the North line of said Northwest Quarter, a distance of 1035.25 feet, Thence South 0° East, a distance of 740.36 feet; Thence South 90° East, a distance of 282.28 feet; Thence South 0°18'01" West, a distance of 1914.73 feet to a point on the South line of said Northwest Quarter; Thence North 89°44'38" West a distance of 1291.75 feet to the Southwest corner of said Northwest Quarter, Thence North 0°20'27" West, a distance of 2649.33 feet, to the point beginning, containing 74.72 acres.

Also, Lot1, Final PLAT of C Y EDGERTON, part of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County,

Kansas

AND EXCEPT:

QUITCLAIM DEED Book 201204, Page 001961

a tract of land in the Northwest Quarter of Section 3, Township 15 South, Range 22 East of the 6th P.M., described as follows: Beginning at the Southwest corner of said Quarter Section: First course, Thence on an assumed bearing of North $88^{\circ}26'03''$ East, 300.63 feet along the South line of said Quarter Section; Second course, Thence North $01^{\circ}49'33''$ West, 319.56 feet; Third course, Thence North $23^{\circ}37'38''$ West 53.85 feet; Fourth course, Thence North $01^{\circ}49'33''$ West, 2148.99 feet; Fifth course, Thence North $43^{\circ}14'32''$ East, 102.62 feet; Sixth course, Thence North $88^{\circ}10'23''$ East 666.09 feet to the West line of a tract of land described in a deed recorded in Book 3047, Page 6 in the Register of Deeds office. JOHNSON COUNTY, KANSAS; Seventh course, Thence North $01^{\circ}49'37''$ West, 30.00 feet along said West line; Eighth course, Thence North $88^{\circ}10'23''$ East, 306.00 feet to the East line of said tract of land; Ninth course, Thence North $01^{\circ}49'37''$ West 30.00 feet along said East line to the North line of said Quarter Section; Tenth course, Thence South $88^{\circ}10'23''$ West, 1341.25 feet along said North line to the Northwest corner of said Quarter Section; Eleventh course, Thence South $02^{\circ}10'09''$ East, 2649.70 feet along the West line of said Quarter Section to the point of beginning. The above described tract contains 19.00 acres, which includes 1.82 acres of existing right of way, resulting in an acquisition of 17.18 acres, more or less.

Section 2. The above rezoning is expressly conditioned on the following:

- a) All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
- b) All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
- c) All Site Plan application requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
- d) Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Section 3. That the Governing Body, in making its decision on the rezoning, considered City Staff's comments and recommendations as they relate to the Golden Criteria and otherwise. 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 4. This ordinance shall take effect 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 13th DAY OF MAY, 2021.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

APPROVED AS TO FORM:

Lee Hendricks, City Attorney

STAFF REPORT

April 13, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **ZA2021-06** - Rezoning of a parcel of land generally located at the southeast corner of Homestead Lane and 191st Street

APPLICATION INFORMATION

Applicant: CY Edgerton, LLC
32355 W 191st Street
Edgerton, KS 66021

Property Owners: Omar Holtgraver
1979 Haskell Road
Ottawa, KS 66067

Requested Action: Rezoning from Johnson County Rural (RUR) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District.

Legal Description: See attached application for complete legal description.

Site Address/Location: 32425 W 207th Street Edgerton, KS 66021

Existing Zoning and Land Uses: Johnson County Rural (RUR), Stockpile storage

Existing Improvements: None

Site Size: 29.39 acres

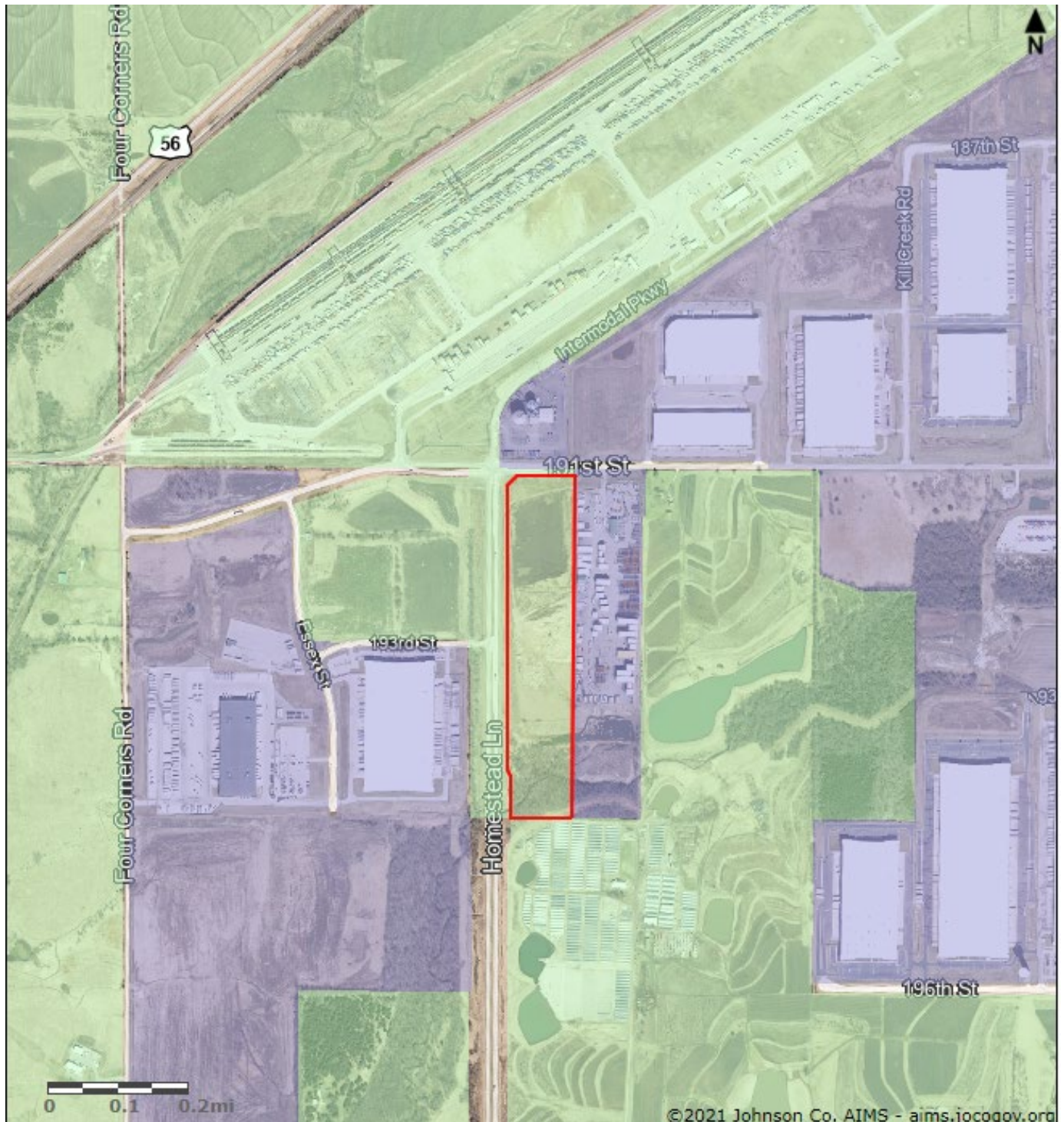
REASON FOR REZONING REQUEST:

This rezoning is being requested for future intermodal-related, logistics park development. This property was annexed into the City of Edgerton on December 12, 2013 as part of Phase I of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately 800 feet west of the subject site. Due to their adjacency to the intermodal facility, companies located within LPKC benefit from significant transportation savings.

Figure 1 – Subject parcel outlined in red

Green: Johnson County RUR or City of Edgerton A-G

Purple: City of Edgerton Logistics Park (L-P)



INFRASTRUCTURE AND SERVICES

1. Access to the parcel is currently from 191st Street by one private access point.
2. Utilities and service providers.
 - a. Water – Johnson County Water District #7
 - b. Sanitary Sewer – City of Edgerton
 - c. Electrical Service – Evergy
 - d. Gas Service – Kansas Gas Service
 - e. Police services would be provided by the City of Edgerton through the Johnson County Sheriff's Office
 - f. Fire protection is provided by Johnson County Fire District #1
3. Property is located within the Bull Creek watershed.

PROPERTY ZONING HISTORY

The subject property was annexed into the City of Edgerton on December 12, 2013. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern type industrial uses or industrial park to support activities related to trade, rail, and other transport services. Limitations are placed on the uses in the district to significantly restrict the outside activities and outside storage of materials, noise, vibration, etc. The UDC also states manufacturing uses should be conducted within a totally enclosed building. The conduction of outdoor activities and outdoor storage is not allowed. External effects such as excessive noise or odor should not extend beyond the property lines.

Permitted uses within the L-P District include warehousing/distribution centers; motor freight transportation terminals; manufacturing, processing, fabrication, or assembly of commodity – limited; along with other permitted uses.

Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws of 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** – When this parcel was annexed into Edgerton, it contained a Johnson County RUR zoning designation as assigned by the County. That zoning designation only allows for an agricultural or residential use and it is considered a holding designation post annexation. Prior to any development occurring on the parcel, rezoning to a City of Edgerton zoning designation is required. The applicant has requested that this parcel be rezoned to L-P to allow for the expansion of an existing cargo container storage facility (CY Edgerton, LLC). Given the stated request to expand an existing L-P conditional use, the parcel's proximity to Logistics Park Kansas City, the BNSF Railway intermodal facility, and the I-35/Homestead interchange, L-P District zoning is the appropriate designation.
2. **Magnitude of the Change** – This parcel is located within the first phase of LPKC and is located adjacent to an existing cargo container lot. The nearby properties are also zoned L-P. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the

Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded industrial uses. While there is a tree farm to the immediate south of the subject parcel, the L-P zoning designations require significant berming and landscaping to mitigate any impact to adjacent properties. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and the appropriate transition between adjoining properties and any proposed industrial use.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
5. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** - Construction of warehousing, distribution, limited manufacturing, and related uses near the intermodal facility allow an inland port for goods in transit, by reducing truck traffic in the surrounding area and allowing for more efficient use of the supply chain.
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** – This parcel is located near the BNSF Railway Intermodal Facility. Continued development of the area includes intermodal related uses. While there are some parcels nearby which contain a Johnson County RUR zoning designation, there is not a current residential use on those parcels. As noted previously, the Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
7. **Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties** - The proposed zoning is compatible the existing zoning and existing use of nearby parcels. The City's Unified Development Code (UDC) states that the purpose of the L-P District is to create a limited multimodal industrial zone which provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The Site Plan review process is designed to mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
8. **Suitability of the uses to which the property has been restricted under its existing zoning** - The existing Johnson County RUR zoning of the applicant property is viewed as a holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.
9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
10. **The extent to which the zoning amendment may detrimentally affect nearby property** - The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. This parcel is

located in the middle of Logistics Park Kansas City and several adjoining parcels already contain an L-P zoning designation. The Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.

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.
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** – Sanitary sewer, electric, and gas utilities are located in the right-of-way adjacent to this property. Water service is currently provided to the adjacent parcel to the east where current operations exist. The developer of the property will be responsible for any extension of any needed utility to the parcel.
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** – Homestead Lane and 191st Street have been constructed to accommodate the traffic that will accompany any development on this parcel. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
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 National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. 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** - Uses allowed in the L-P District, have the potential to benefit the residents and the community in a positive way by providing jobs, economic opportunities, and tax revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 relative gain, if any, to the public health, safety, and welfare from the denial of these zoning applications. However, the City and community would be adversely impacted due to the lost opportunities for jobs, economic

activity, and tax revenue if the anticipated logistics park uses and facilities were to locate in another community.

17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - The Comprehensive Plan for the City of Edgerton has the area which the property is in designated as appropriate for zoning and uses associated with business park and industrial zoning. City Staff believes that the requested rezoning is compatible with the spirit and intent of future development outlined in the Comprehensive Plan and Future Land Use Map.
18. **The recommendation of professional staff** - See Recommendation below.

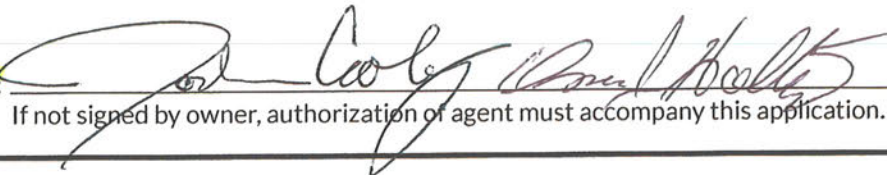
Recommendation:

Based on factors 1 through 17 above, City Staff recommends **approval** of proposed rezoning **Application ZA2021-06** from Johnson County Rural (RUR), to City of Edgerton Logistics Park District (L-P) with the following stipulations:

1. All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
2. All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
3. All Site Plan application requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
4. Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Attachments:

- Rezoning Application ZA2021-06.
- City of Edgerton Future Land Use Map

LOCATION OR ADDRESS OF SUBJECT PROPERTY: SE Corner of W 191st Street and Homestead Lane. Reference attached exhibits for location and property boundariesPURPOSE FOR REZONING: For the purpose of constructing and operating an expansion to the adjacent cargo container storage, repair, and maintenance facilityREQUESTED REZONING CHANGE: FROM A-G Agricultural TO L-P Logistics Park
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: see attached descriptionCURRENT LAND USE: Vacant - material stockpilePROPERTY OWNER'S NAME(S): Omar J Holtgraver PHONE: 913-980-8310COMPANY: N/A FAX: _____MAILING ADDRESS: 1979 Haskell Rd., Ottawa, KS 66067
Street City State ZipAPPLICANT/AGENTS NAME(S): Joshua Cooley PHONE: 913-287-2752COMPANY: CY Edgerton, LLC FAX: _____MAILING ADDRESS: 32355 W. 191st St., Edgerton, KS 66201
Street City State ZipENGINEER/ARCHITECT'S NAME(S): Clint Loumaster PHONE: 913-577-8266COMPANY: George Butler Associates, Inc. FAX: _____MAILING ADDRESS: 9801 Renner Boulevard Suite 300, Lenexa, KS 66219-
Street City State ZipSIGNATURE OF OWNER OR AGENT: 

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

FOR OFFICE USE ONLYCase No.: RZ-2A2021-06 Amount of Fee Paid: \$ 250 Date Fee Paid: 3-4-21 Receipt # 10136771Received By: Veronica Huffman Date of Hearing: 4-13-21**REZONING INSTRUCTIONS****CERTIFIED LETTERS:** The applicant will be responsible for mailing notices (see attached Property Owner Notification Letter) of the public hearing for the requested rezoning by certified mail, return receipt requested, to all owners of land within the notification area: two hundred (200) feet within the city limit, one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership

vs. 12.28.20

of the land within the notification area can be obtained from the Johnson County Department of Records and Tax Administration, or through a title insurance company (preferred method). A list of property owners within the notification area must be submitted with the application. In addition, the responsible fire protection district (if any), affected school districts, affected park districts and affected sanitary and/or drainage district shall appear on a separate list of notification. Additional parties, specified by the applicant, may appear on the notification list.

AFFIDAVIT OF COMPLIANCE: An affidavit (see attached Property Owner Notification Affidavit) concerning the mailing of property owner notification letters must be returned to the office of the City Clerk by no later than the Thursday preceding the public hearing.

PLANNING COMMISSION REVIEW AND DECISION: The Edgerton Planning Commission meets in the City Hall on the second Tuesday of every month. The agenda and staff reports will be available prior to the public hearing. The chairperson will open the public hearing for each case to hear presentations by the City staff, the owner or authorized agent, and the audience, respectively. After everyone has had the opportunity to speak, the Planning Commission will close or continue the public hearing to a later date. After the public hearing is closed, discussion will be limited to the Planning Commission and action will be taken in the form of a recommendation for approval or denial to the Governing Body.

PROTEST PERIOD: After the conclusion of the public hearing, a fourteen (14) day protest period begins. During the protest period, property owners within the notification area of the subject property may file a petition indicating their protest to the requested rezoning in the office of the City Clerk. The submission of valid protest petitions from property owners of twenty (20) percent of the land within the notification area of the subject property within the allotted time will require a three-quarter (¾) vote for approval by the Governing Body.

GOVERNING BODY ACTION: After the protest period has concluded, the application will be placed on an agenda for the Governing Body Action (typically within thirty (30) days after the conclusion of the public hearing). The Governing Body will review the transcript of the public hearing and the recommendation of the Planning Commission and will take action by concurring with or overriding the Planning Commission recommendation, or by returning the request to the Planning Commission.

CHECKLIST

The following items shall be submitted with the rezoning application. All materials shall be submitted by applicant to the City Clerk at least 30 days in advance of a public hearing.

- ☐ Title or other suitable proof of ownership to the subject property.
- ☐ Legal description of the subject property either in the form of a certificate of survey or a lot and block reference to the official City Map.
- ☐ Sketch of the subject property drawn to scale that details the lot lines, existing features or building, drives and adjacent buildings, and the current use of existing buildings.
- ☐ Any supporting material as requested by the Zoning Administrator depending on the magnitude of the change and the possibility of detrimental effects on surrounding properties. Supporting materials may include, but are not limited to:
 - ☐ Topography at an appropriate scale
 - ☐ A Certificate of Survey
 - ☐ Environmental assessment
 - ☐ Surface water discharge analysis
 - ☐ Facilities and utilities suitability analysis
 - ☐ An analysis of existing wells, tanks and other sub-structures
 - ☐ Traffic and parking analysis
- ☐ List of the names and addresses of owners of all property situated within two hundred (200) feet of the property lines of the subject site. See details in instructions

PROPERTY OWNER NOTIFICATION LETTER

Case No.: RZ- _____

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton Community Building, 404 E. Nelson St., Edgerton, Kansas, to consider a rezoning change request from _____

(current zoning) to L-P Logistics Park

(proposed zoning), on the following described tract of land:

Legal Description: see attached

General Location: The area proposed to be rezoned is generally located at the Southeast corner of the intersection of 191st Street and Homestead Lane

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on _____, 20____. Any interested persons or property owners are invited to attend. Information regarding this rezoning application is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If valid protest petitions are received from twenty (20) percent of the property owners within the notification area, a three-quarters ($\frac{3}{4}$) vote of the Governing Body is required to approve this rezoning request.

Respectfully,

Joshua Cooley

Applicant (or Owner or Agent)

ADDRESS: 32355 W. 191st St., Edgerton, KS 66201

Street

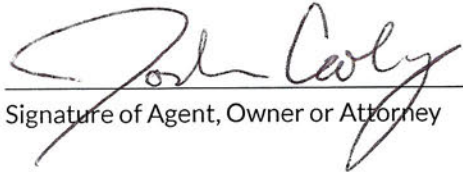
City

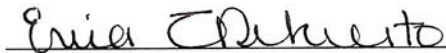
State

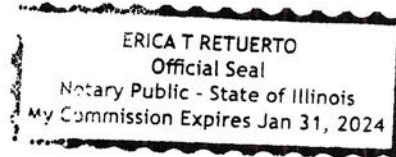
Zip

PROPERTY OWNER NOTIFICATION AFFIDAVITCase No.: RZ- ZA2021-06I, Joshua Cooley, of lawful age being first duly sworn upon oath, state:

That I am the Owner (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 24th day of March, 2021.

Signature of Agent, Owner or AttorneySubscribed and sworn to before me this 24th day of March, 2021.

Notary PublicMy Commission Expires: 1-31-2024 (SEAL)
Date



Johnson Co AIMS Map

LEGEND

AIMS Imagery: 2020

Property



Disclaimer: No person shall sell, give, reproduce, or receive for the purpose of selling or offering for sale, any portion of the data provided herein. Johnson County makes every effort to produce and publish the most current and accurate information possible. Johnson County assumes no liability whatsoever associated with the use or misuse of such data, and disclaims any representation or warranty as to the accuracy and currency of the data.

JOHNSON COUNTY
KANSAS
AIMS GIS & Mapping

3/9/2021

Property Information for BF221503-1001

<i>Tax Property ID</i>	BF221503-1001	<i>KS Uniform Parcel #</i>	0462020302001004000
<i>Situs Address</i>	Not Available	<i>Acres</i>	29.39 (1,280,225.21 ft ²)
<i>Owner1 Name</i>	OMAR J HOLTGRAVER REVOCABLE TRUST	<i>Owner2 Name</i>	INDIA L HOLTGRAVER REVOCABLE TRUST
<i>Owner Address</i>	1979 HASKELL RD , OTTAWA, KS 66067	<i>Year Built</i>	0
<i>Class</i>	V	<i>Neighborhood Code</i>	442.N
<i>LBCS</i>	9950	<i>Taxing Unit</i>	0591
<i>Zoning</i>	A-G		
<i>City</i>	Edgerton	<i>Zip Code</i>	66021
<i>AIMS Map No.</i>	U03 (T-R-S: 15-22-03)	<i>Quarter Section</i>	NW
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	0
<i>Commissioner Dist.</i>	6 (Shirley Allenbrand)	<i>FEMA Flood Panel #</i>	20091C0134G
<i>School District</i>	Gardner-Edgerton	<i>High School</i>	Gardner-Edgerton
<i>Middle School</i>	Trail Ridge	<i>Elementary School</i>	Nike
<i>Legal Desc. (abbreviated)</i>	3-15-22 NW1/4 EX 80 AC EX 2.5 AC EX 18.789 AC IN HWY & EX 29.211 AC 29.5 ACS M/L EDC 191		

Property Map for BF221503-1001



[Hide map](#)

[Hide photo](#)

PROPERTY BOUNDARY LEGAL DESCRIPTION
FROM J&J SURVEY DATED: FEBRUARY 5, 2021

PROJECT: Arrowhead Intermodal - 3
20,000 SF New BTS
ARCO Job No. K-710

LOCATION: 32355 W. 191st Street
Edgerton, KS 66021

DATE: February 5, 2021

Deed descriptions

Book 5963, Page 691

A part of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, Johnson County, Kansas, More Particularly described as follows:

Beginning at the Northwest corner of said Northwest Quarter; Thence North 90° East, along the North line of said Northwest Quarter, a distance of 1035.25 feet, Thence South 0° East, a distance of 740.36 feet; Thence South 90° East, a distance of 282.28 feet; Thence South 0°18'01" West, a distance of 1914.73 feet to a point on the South line of said Northwest Quarter; Thence North 89°44'38" West a distance of 1291.75 feet to the Southwest corner of said Northwest Quarter, Thence North 0°20'27" West, a distance of 2649.33 feet, to the point beginning, containing 74.72 acres.

Also, Lot1, Final PLAT of C Y EDGERTON, part of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas

AND EXCEPT:

QUITCLAIM DEED Book 201204, Page 001961

a tract of land in the Northwest Quarter of Section 3, Township 15 South, Range 22 East of the 6th P.M., described as follows: Beginning at the Southwest corner of said Quarter Section: First course, Thence on an assumed bearing of North 88°26'03" East, 300.63 feet along the South line of said Quarter Section; Second course, Thence North 01°49'33" West, 319.56 feet; Third course, Thence North 23°37'38" West 53.85 feet; Fourth course, Thence North 01°49'33" West, 2148.99 feet; Fifth course, Thence North 43°14'32" East, 102.62 feet; Sixth course, Thence North 88°10'23" East 666.09 feet to the West line of a tract of land described in a deed recorded in Book 3047, Page 6 in the Register of Deeds office. JOHNSON COUNTY, KANSAS; Seventh course, Thence North 01°49'37" West, 30.00 feet along said West line; Eighth course, Thence North 88°10'23" East, 306.00 feet to the East line of said tract of land; Ninth course, Thence North 01°49'37" West 30.00 feet along said East line to the North line of said Quarter Section; Tenth course, Thence South 88°10'23" West, 1341.25 feet along said North line to the Northwest corner of said Quarter Section; Eleventh course, Thence South 02°10'09" East, 2649.70 feet along the West line of said Quarter Section to the point of beginning. The above described tract contains 19.00 acres, which includes 1.82 acres of existing right of way, resulting in an acquisition of 17.18 acres, more or less.

March 10, 2021

City of Edgerton
404 E. Nelson St.
Edgerton, KS 66021

Re: Parcel Listings for Certified Letters
ARCO National Construction-KC, LLC
Project: Arrowhead Intermodal
Edgerton, Kansas
ARCO No. K-710

City of Edgerton:

Per application requirements, below is a listing of all owners of land within the notification area (two hundred feet within the city limit) that are to be sent the notices of public hearing for the development in relation to this application. These notices are to be sent by certified mail and a return receipt will be requested.

	PARCEL/SITE ADDRESS	OWNER'S INFORMATION
1.	32355 W. 191 st St. Edgerton, KS 66021	CY Edgerton LLC 20012 W. South Arsenal Rd. Wilmington, IL 60481
2.	32350 W. 199 th St. Edgerton, KS 66021	Prairie Tree, LLC 6701 W. 167 th St. Stilwell, KS 66085
3.	Property ID: BF221504-3002	Widmer Farms, LLC 10841 Beverly St. Overland Park, KS 66211
4.	32901 W. 193 rd St. Edgerton, KS 66021	ELHC XXII LLC 4825 NW 41 st St., Apt. 500 Riverside, MO 64150
5.	Property ID: BF221434-2008	BNSF Railway Company PO Box 961089 Fort Worth, TX 76131
6.	32612 W. 191 st St. Edgerton, KS 66021	City of Edgerton PO Box 255 Edgerton, KS 66021
7.	Property ID: BP25300000 0001A	Delong Co., Inc. (The) PO Box 552 214 Allen St. Clinton, WI 53525
8.	Property ID: BR221504-3003	Johnson County Board of Commissioners 111 S. Cherry St. Olathe, KS 66061

9.	Property ID: BF221504-4002	Edgerton Land Holding Company LLC 4825 NW 41 st St., Suite 500 Riverside, MO 64150
10.	32180 W. 191 st St. Edgerton, KS 66021	Dot's Pretzels LLC PO Box 9739 Fargo, ND 58106
11.	32285 W. 191 st St. Edgerton, KS 66021	Prairie Tree II LLC 6701 W. 167 th St. Stilwell, KS 66085

Sincerely,

ARCO National Construction-KC, LLC

Alex Bruggen
Project Manager

**DRAFT EXCERPT
MINUTES – APRIL 13, 2021 PLANNING COMMISSION MEETING**

**EDGERTON CITY HALL
PLANNING COMMISSION MEETING
April 13, 2021**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 13, 2021. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

ROLL CALL

Jeremy Little	present
Charlie Crooks	present
Tim Berger	present
Deb Lebakken	present
John Daley	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- Development Services Director Katy Crow
- Planning and Zoning Coordinator Chris Clinton
- Marketing and Communications Director Kara Banks
- City Clerk Alex Clower

7. PUBLIC HEARING TO CONSIDER APPLICATION ZA2021-06 FOR REZONING OF 29.39 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET FROM JOHNSON COUNTY RUR (RURAL DISTRICT) TO CITY OF EDGERTON L-P (LOGISTICS PARK).

Chairperson Daley stated the applicant is Joshua Cooley, an agent of CY Edgerton, LLC. He said he will open the public hearing regarding Rezoning Application ZA2021-06. City Staff will review the application. If the applicant is present, they will be given the opportunity to speak in support of their application. At the conclusion of the applicant's presentation, the floor will be open for public comment. City Staff will keep a list of questions from the public and he will provide the applicant the opportunity to respond at the end of the comments. He stated public comments are only allowed during the public hearing. Once the hearing has been concluded, the time for comment has passed and no further comments from the audience will be taken. Chairperson Daley reiterated each speaker will be allotted 3 minutes. He reminded everyone that the public hearing is strictly regarding the application for rezoning and nothing further. Rezoning is about the proposed change in use of the land. Anything related to the development of the land like roads, the construction of any buildings or a prospective stormwater plan, will be discussed during the site plan public hearing,

should the process be approved and continue. The hearing at hand is solely to discuss the land use.

Chairperson stated the public hearing for Application ZA2021-06 is now open.

Ms. Katy Crow, Development Services Director, stated Application ZA2021-06 is a request to rezone a parcel of land generally located at the southeast corner of Homestead Lane and 191st Street from Johnson County Rural (RUR) to City of Edgerton Logistics Park (L-P). The rezoning is being requested for future intermodal-related, logistics park development. The property was annexed into the City of Edgerton on December 12, 2013 as part of Phase I of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately 800 feet west of the subject site. Due to the adjacency to the intermodal facility, companies located within LPKC benefit from significant transportation savings. Ms. Crow showed maps of the location of the subject parcel and nearby zoning designations.

Ms. Crow stated access to the parcel is currently available from 191st Street by one private access point. Water will be supplied by Johnson County Water District #7 and sanitary sewer will be provided by the City of Edgerton. Everygy will be the electrical service provider and gas will be supplied by Kansas Gas Service. Police and Fire protection will be provided by the Johnson County Sheriff's Office and Johnson County Fire District #1. Ms. Crow explained the property is located within the Bull Creek watershed. She said the parcel was in unincorporated Johnson County prior to annexation and remains zoned RUR.

Ms. Crow explained the applicant has requested that the parcel be rezoned to L-P from RUR. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern type industrial uses or industrial park to support activities related to trade, rail, and other transport services. Limitations are placed on the uses in the district to significantly restrict the outside activities and outside storage of materials, noise, vibrations, and other nuisances. The UDC also states manufacturing uses should be conducted within a totally enclosed building. The conduction of outdoor activities and outdoor storage is not allowed. External effects such as excessive noise or odor should not extend beyond property lines. She explained permitted uses within the L-P District include warehouses or distribution centers; motor freight transportation terminals; manufacturing, processing, fabrication, or assembly of commodity – limited; along with other permitted uses. Ms. Crow stated City Staff has reviewed the rezoning application with respect to the UDC, the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978.

Ms. Crow read City Staff's review:

1. Need for the Proposed Change – When this parcel was annexed into Edgerton, it contained a Johnson County RUR zoning designation as assigned by the County. That zoning designation only allows for an agricultural or residential use and it is considered a holding designation post annexation. Prior to any development occurring on the parcel, rezoning to a City of Edgerton zoning designation is required. The applicant has requested that this parcel be rezoned to L-P to allow for the expansion of an existing

cargo container storage facility (CY Edgerton, LLC). Given the stated request to expand an existing L-P conditional use, the parcel's proximity to Logistics Park Kansas City, the BNSF Railway intermodal facility, and the I-35/Homestead interchange, L-P District zoning is the appropriate designation.

2. Magnitude of the Change – This parcel is located within the first phase of LPKC and is located adjacent to an existing cargo container lot. The nearby properties are also zoned L-P. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.
3. Whether or not the change will bring harm to established property rights - The subject property is surrounded industrial uses. While there is a tree farm to the immediate south of the subject parcel, the L-P zoning designations require significant berming and landscaping to mitigate any impact to adjacent properties. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and the appropriate transition between adjoining properties and any proposed industrial use.
4. Effective use of Land - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning - Construction of warehousing, distribution, limited manufacturing, and related uses near the intermodal facility allow an inland port for goods in transit, by reducing truck traffic in the surrounding area and allowing for more efficient use of the supply chain.
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 – This parcel is located near the BNSF Railway Intermodal Facility. Continued development of the area includes intermodal related uses. While there are some parcels nearby which contain a Johnson County RUR zoning designation, there is not a current residential use on those parcels. As noted previously, the Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties - The proposed zoning is compatible the existing zoning and existing use of nearby parcels. The City's Unified Development Code (UDC) states that the purpose of the L-P District is to create a limited multimodal industrial zone which provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The Site Plan review process is designed to mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
8. Suitability of the uses to which the property has been restricted under its existing zoning - The existing Johnson County RUR zoning of the applicant property is viewed as a holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the

L-P District is the most appropriate designation for the proposed use indicated by the applicant.

9. Length of time the subject property has remained vacant under the current zoning designation - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
10. The extent to which the zoning amendment may detrimentally affect nearby property - The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. This parcel is located in the middle of Logistics Park Kansas City and several adjoining parcels already contain an L-P zoning designation. The Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
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.
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 - Sanitary sewer, electric, and gas utilities are located in the right-of-way adjacent to this property. Water service is currently provided to the adjacent parcel to the east where current operations exist. The developer of the property will be responsible for any extension of any needed utility to the parcel.
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 - Homestead Lane and 191st Street have been constructed to accommodate the traffic that will accompany any development on this parcel. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
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 National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. 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 - Uses allowed in the L-P District, have the potential to benefit the residents and the community in a positive way by providing jobs, economic opportunities, and tax revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 relative gain, if any, to the public health, safety, and welfare from the denial of these zoning applications. However, the City and community would be adversely impacted due to the lost opportunities for jobs, economic activity, and tax revenue if the anticipated logistics park uses and facilities were to locate in another community.
17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton - The Comprehensive Plan for the City of Edgerton has the area which the property is in designated as appropriate for zoning and uses associated with business park and industrial zoning. City Staff believes that the requested rezoning is compatible with the spirit and intent of future development outlined in the Comprehensive Plan and Future Land Use Map.
18. The recommendation of professional staff – Based on factors one (1) through seventeen (17), City Staff recommends approval of proposed rezoning Application ZA2021-06 from Johnson County RUR to City of Edgerton L-P with the following stipulations:
 - a. All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
 - b. All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
 - c. All Site Plan application requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
 - d. Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Chairperson Daley stated the applicant will make their presentation.

The applicant stated they do not have anything to add for this item.

Chairperson Daley said public comment will now be accepted. He asked City Staff if any written testimony for the public comment. Chris Clinton, Planning and Zoning Coordinator, stated no written testimony has been received for this public hearing and there is nobody signed up to speak for this item.

There were no public comments made at this time. Chairperson Daley closed the public hearing.

8. CONSIDER APPLICATION ZA2021-06 FOR REZONING OF 29.39 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET FROM JOHNSON COUNT RUR (RURAL DISTRICT) TO CITY OF EDGERTON L-P (LOGISTICS PARK).

Chairperson Daley requested the map of the parcel be brought back up for this parcel. Ms. Linn displayed the map located in the Staff Report. Commissioner Crooks stated this is where the rock stockpile is right now. Commissioner Little inquired as to why Golden Criteria number nine (9) always lists the year as 2006 for the pictures of the site. Ms. Crow replied that is what is available on Johnson County's mapping system. Mr. Clinton agreed.

Commissioner Berger moved to recommend approval of rezoning Application ZA2021-06 based on City Staff's recommendation regarding the Golden Criteria and with the following stipulations:

1. All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
2. All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
3. All Site Plan application requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
4. Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Commissioner Little seconded the motion. Application ZA2021-06 was recommended for approval with the stipulations, 4-0.



EDGERTON
global routes. local roots.

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

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2077 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2021-02) Allowing A Cargo Container Storage, Repair or Maintenance Facility On Property Located At 32355 W 191st Street, Edgerton, Kansas

Background/Description of Item:

The City of Edgerton has received Application CU2021-02 requesting a Conditional Use Permit (CUP) to operate a cargo container storage, repair or maintenance facility at 32355 W. 191st Street, Edgerton, Kansas. The applicant, CY Edgerton, LLC (Arrowhead Intermodal Services) and Omar Holtgraver are the owners of the parcels of land the operation would take place on. The BNSF intermodal facility is located across the street from this operation and the Logistics Park Kansas City (LPKC) industrial park surround is adjacent to this parcel on two sides.

Arrowhead Intermodal Services currently operates a cargo container storage yard at this location. A Conditional Use Permit (CU11-15-2013) for those operations received approval from the Edgerton Governing Body on February 27, 2014 and was granted for a period of ten (10) years. On April 13, 2021 the City of Edgerton Planning Commission considered and gave contingent approval to Final Site Plan FS2021-05 pending approval of this Application. FS2021-05 would allow the expansion of current Arrowhead Intermodal Services operations onto the adjacent parcel directly west of current operations. Application CU2021-02 encompasses both phases of operations and would allow for the tracking of one expiration date should the new permit be issued. The Final Site Plan includes a new 19,229 SF office and maintenance building along with a guard shack, entrance lanes for stacking and auxiliary lane on 191st Street to assist with truck traffic into the site.

Pursuant to City of Edgerton Unified Development Code (UDC), Article 7, Section 7.2.(G)(7), cargo container storage, repair or maintenance facilities are considered a conditional use on parcels which contain an L-P zoning designation.

In order to recommend approval or disapproval of a proposed CUP, the 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, Article 7, Section 7.1(C) of the UDC states that the Governing Body may consider all factors they deem relevant. In addition, Section 7.2(G) of the UDC details additional requirements to be considered when approving a CUP for a cargo container storage, repair or maintenance

facility. City Staff has reviewed Application CU2021-02 with respect to all these requirements. The staff report presented to the Planning Commission outlining the findings of staff's review is included in the packet.

On April 13, 2021 the City of Edgerton Planning Commission held a public hearing regarding Application CU2021-02. Upon conclusion of the public hearing, the Planning Commission recommended approval of Application CU2021-02 with the following stipulations:

1. The Conditional Use Permit CU2021-02 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat application FP2021-02);
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Final Site Plan application FS2021-05 and any stipulations, to be approved by the Planning Commission, prior to commencement of the cargo container storage use.
4. Landscaping material shall be continuously maintained and replaced when dead.
5. No other outside storage of equipment or materials shall be allowed on the property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

There were several items noted during the review of Final Site Plan FS2021-05 which required revisions in order for staff to ensure compliance with Article 7. On April 28, 2021 the applicant submitted a revised Final Site Plan for staff to review pursuant to the stipulations made during the Planning Commission meeting on April 13, 2021. The applicant has made many of the necessary revisions to the Site Plan to meet the stipulations outlined during staff review presented at the Planning Commission meeting. Staff continues to work with the applicant to approve the design of the auxiliary lane along 191st Street.

Staff recommends approval of CU2021-02 for a period of ten (10) years subject to the stipulations outlined by the Planning Commission. The City Attorney has prepared the enclosed Ordinance 2077 for your consideration.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2077 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2021-02) Allowing A Cargo Container Storage, Repair or Maintenance Facility On Property Located At 32355 W 191st Street, Edgerton, Kansas

Enclosed:

- Ordinance 2077
- CU2021-02 Staff Report prepared for the April 13, 2021 Planning Commission Meeting.
- Excerpt from Draft Minutes – April 13, 2021 Planning Commission Meeting.
- Revised Final Site Plan FS2021-05 document

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2077

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-02) ALLOWING A CARGO CONTAINER STORAGE, REPAIR OR MAINTENANCE FACILITY ON PROPERTY LOCATED AT 32355 W. 191 STREET, EDGERTON, KANSAS

WHEREAS, the City of Edgerton received Application CU2021-02 for a Conditional Use Permit from CY Edgerton, LLC (known as Arrowhead Intermodal Services) (the "Applicant") on or about March 4, 2021 for property located at 32355 W. 191st Street, Edgerton, Kansas (the "Property"); and

WHEREAS, both at the time of application and at the time of the signing of this Ordinance, the Property is owned by CY Edgerton, LLC, a validly existing Kansas Corporation, and Omar Holtgraver, an individual person; and

WHEREAS, the Applicant is requesting to combine the current operation of a cargo container storage, repair or maintenance facility located on the Property and previously allowed by the City of Edgerton pursuant to a conditional Use Permit (CU11-15-2013) approved on February 27, 2014 for a period of ten (10) years with expanded operations on the adjacent parcel so that one permit will encompass the entire operation and avoid confusion over renewal dates; and

WHEREAS, the Edgerton Planning Commission held a public hearing on April 13, 2021 on the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve the Conditional Use Permit request, for a period of ten (10) years, conditioned on the following being adhered to by the Applicant/Owner:

1. The Conditional Use Permit CU2021-02 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat application FP2021-02);
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Final Site Plan application FS2021-05 and any stipulations, to be approved by the Planning Commission, prior to commencement of the cargo container storage use.
4. Landscaping material shall be continuously maintained and replaced when dead.

5. No other outside storage of equipment or materials shall be allowed on the property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Article 7 of the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved upon the terms described above.

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

Section 1. The proposed Conditional Use Permit for a cargo container storage, repair or maintenance facility is hereby approved for the Property located at 32355 W. 191st Street, Edgerton, Kansas.

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant's/Owner's strict compliance with the seven (7) Conditions set forth above, which were recommended by the Edgerton Planning Commission and approved by the City of Edgerton City Council.

Section 3. The effectiveness of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner of the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from City to Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, Applicant/Owner 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 occur through 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/Owner 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. Conditional Use Permit CU11-15-2013 previously approved by the City on February 27, 2014, and the terms of corresponding Ordinance 967, are hereby revoked and replaced in full by the terms and requirements of CU2021-02 and this Ordinance.

Section 5. This Ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning and Regulations of the City of Edgerton, Kansas affecting the use of the 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 and approved by the Mayor on the 13th day of May, 2021.

CITY OF EDGERTON, KANSAS

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

STAFF REPORT

April 13, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **CU2021-02** for Conditional Use Permit Request for cargo container storage, repair or maintenance facility located 32355 W 191st Street, Edgerton, Kansas

APPLICATION INFORMATION

Applicant: CY Edgerton, LLC
32355 W 191st Street
Edgerton, KS 66021

Property Owner: CY Edgerton, LLC
20012 W South Arsenal Rd
Wilmington, IL 60481

And

Omar Holtgraver
1979 Haskell Road
Ottawa KS, 66067

Requested Action: Conditional Use Permit approval for cargo container storage, repair, or maintenance facility

Legal Description: NW ¼ of Section 3, Township 15 S, Range 22 E; see attached application for full legal description.

Site Address/Location: 32355 W 191st Street, Edgerton, KS

Site Size: Approximately 74.72 Acres

Existing Improvements: Existing cargo container, storage, repair, or maintenance facility on the east half; no improvements on west half.

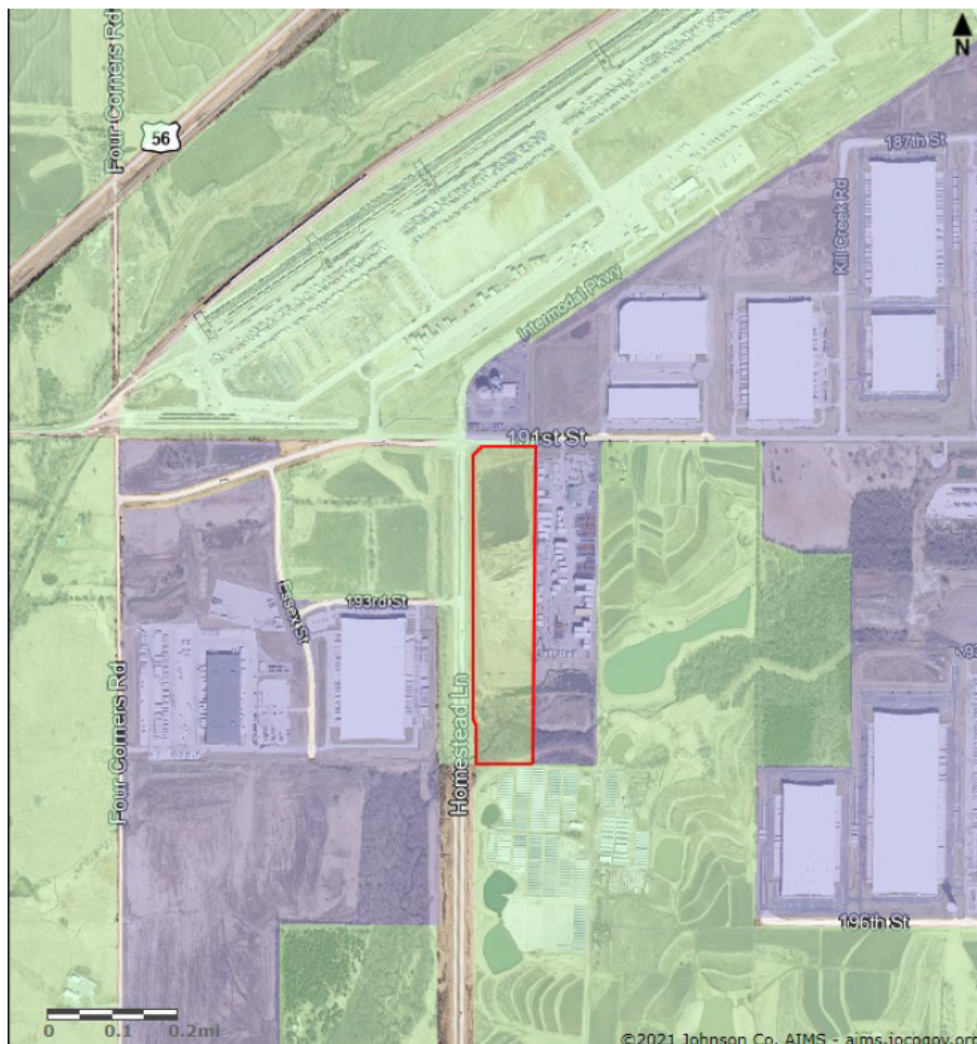
Current Zoning and Land Uses:

	<i>ZONING</i>	<i>LAND USE TODAY</i>	<i>USER/OWNER</i>
<i>SITE</i>	JoCo RUR (ZA2021-06)/City of Edgerton L-P (Logistics Park District)	Vacant/Stockpile Storage (west) and Current Cargo Container Operations (east)	Omar Holtgraver and CY Edgerton
<i>NORTH</i>	I-H, Heavy Industrial District	Grain storage and parking	The DeLong Company, Inc
<i>SOUTH</i>	Johnson County RUR, Rural	Tree Farm	Prairie Tree, LLC
<i>EAST</i>	Johnson County RUR, Rural	Tree Farm	Prairie Tree, LLC
<i>WEST</i>	Johnson County RUR, Rural (north) L-P, Logistics Park District (south)	Northwest is vacant; southwest contains warehouse operations	Widmer Farms, LLC (northwest) ELHC XXII LLC (southwest)

Figure 1 – Subject parcel outlined in red

Green: Johnson County RUR or City of Edgerton A-G

Purple: City of Edgerton Logistics Park (L-P)



BACKGROUND AND PROJECT DESCRIPTION:

On February 11, 2014 the City of Edgerton Planning Commission considered and recommended approval of Application CU-11-15-2013 for a Conditional Use Permit which allowed initial construction of a cargo container storage yard and maintenance facility owned by Omar and India Holtgraver. The City of Edgerton City Council adopted Ordinance No. 967 on February 27, 2014 approving the Application CU-11-15-2013 for a period of ten (10) years.

Application CU2021-02, received on March 11, 2021, is a request for a Conditional Use Permit (CUP) being made in anticipation of the expansion of operations for Arrowhead Phase III reflected in **Applications ZA2021-06, PP2021-02, FP2021-02, and FS2021-05** also heard during the April 13, 2021 Planning Commission meeting. This one CUP would combine phased operations into one permit instead of having two different permits with two different expiration dates.

In addition to the expanded cargo container, chassis storage and maintenance operations, the applicant is also proposing an office and maintenance facility as part of the expansion. A guard shack with canopy over travel lanes would also be located on the east side of the combined parcels. The applicant shows a new detention basin to the south of the storage area. The storage area is proposed to be paved in heavy duty pavement that is comprised of seven (7) inches of Portland cement concrete and four (4) inches of crushed stone.

INFRASTRUCTURE AND SERVICES:

Infrastructure and services were reviewed with Final Site Plan **Application FS2021-05**.

STAFF ANALYSIS

City Staff reviewed the Site Plan under the requirements outlined in Article 7 – *Conditional Uses* of the Unified Development Code (UDC).

The purpose of this article is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Planning Commission may recommend approval of conditional uses to the Governing Body after consideration in each case, of the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are herein established to ensure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use shall be approved, the Governing Body shall review the record of the public hearing held by the Planning Commission.

The Planning Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in specific instances and in particular districts set forth provided that:

- a. the location is appropriate and consistent with the Comprehensive Plan;
- b. that the public health, safety, morals, and general welfare will not be adversely affected;
- c. the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- d. further provide that additional standards of this Article be specified as a condition of approval.

No Conditional Use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in

the UDC. The burden of proof and the burden of persuasion is on the applicant to bring forth the evidence on all questions of fact that are determined by the Planning Commission.

Section 7.1.C Issuance of Conditional Uses

1. **Criteria.** In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and the 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, 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. Demand for businesses to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity in and around the intermodal facility. LPKC's primary function is to transport and redistribute containers and the products they contain. The proposed use would fill a need for this type of support services in LPKC. 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 neighborhood is established as a transportation and logistics hub. The Burlington Northern Santa Fe (BNSF) Intermodal Facility is just across 191st Street from the subject parcels. The applicant has also requested the proper rezoning to expand the current operations. The site would be wholly contained within Application FS2021-05 as submitted for Planning Commission review. Staff determination: **Positive**
 - 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 requested rezoning of L-P and the adjacency to similar uses supports the need for this kind of use. Application FS2021-05 was reviewed to ensure compliance with the UDC regarding L-P zoned parcels. Staff determination: **Positive**
 - d. Suitability of the uses of the property without the proposed conditional use permit. Cargo container and chassis storage are an important function to serve LPKC. This important support service continues to be a much-needed use within LPKC and the existing cargo container storage facilities are seeing an increased demand for such services. Staff determination: **Positive**
 - e. Length of time the subject property has remained vacant without the proposed conditional use permit. Per the Johnson County AIMS system, the parcel has been used as stockpile storage of dirt and rock since at least 2014. The development of this parcel as a cargo container storage and maintenance facility serves a need in the logistics park and develops a parcel currently used for stockpile storage into a viable use. Staff determination: **Positive**
 - f. The extent to which the proposed use may detrimentally affect nearby property. No long-term detrimental effects are expected for the use of the property as the use requested is not extraordinary at LPKC. There are currently three (3) other cargo container storage facilities in operation at LPKC and the approval to expand to the west on a vacant lot will be beneficial to the LPKC. 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. During the approval

process of Application FS2021-05 for this project, City Staff has informed the applicant there can be only one access point from 191st Street. Onsite stacking and the addition of an auxiliary lane along 191st Street will aid in traffic flow to the site. 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. Utilities are currently installed on the eastern parcel and can be easily extended to the western parcel from there. 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 addition of onsite stacking lanes and an auxiliary lane along 191st Street should alleviate the current traffic issues which occur on 191st Street and extend onto Homestead Lane. Additionally, 191st Street is designated as a heavyweight corridor and the roadway is designed to carry the truck traffic that would be generated by the expanded use. 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. This project will increase the amount of impervious surface. During Site Plan review, the stormwater report is reviewed by the City Engineer to ensure all stormwater stays on site and does not impact nearby properties. The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process. Staff determination: **Neutral**
- k. The economic impact of the proposed use on the community. Prior to the development of the BNSF intermodal facility and LPKC, there were few commercial and industrial uses within the City. Warehousing and related uses in the L-P District have the potential to benefit the residents and the community in a positive way by providing needed jobs and tax revenues. This type of use is seen as necessary support for warehousing and other related LPKC uses. 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. Application FS2021-05, would meet the requirements of the UDC if approved with the stipulations stated. Due to the nature of the request, there would be little gain to the public health, safety, and welfare of the City of Edgerton and the property owner should this request be denied. 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 Future Land Use Map within the Comprehensive Plan designates the subject property for industrial development. Staff determination: **Positive**
- n. In addition to the above criteria, the recommendation of professional staff is also

required per Ordinance 798 (2005). Staff recommendation is addressed in the Recommendations Section of this Staff Report.

Section 7.2.G – Specific District Requirements for L-P, Logistics Park District

1. Cargo container storage, repair or maintenance. All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as “facilities” shall be subject to the following performance provisions:
 - a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings. ***The applicant has not provided definitively outlined areas on FS2021-05 where the stacking of cargo containers and chassis will occur. City Staff is unable to verify these access requirements. Updated Final Site Plan required.***
 - b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exists. A lighting plan shall be submitted and approved. ***The applicant has provided a lighting plan that does provide lighting at the entrances and exits. However, the lighting plan will need to meet the requirements and stipulations for Final Site Plan application FS2021-05. Updated Final Site Plan Required.***
 - c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres. ***The parcels to be combined in Final Plat application FP2021-02 will equal 74.72 acres. Site Plan FS2021-05 complies.***
 - d. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property. ***Noise issues are not addressed in the applicant’s proposal; however, if approved, the use must continuously comply with these parameters in the conduction of business.***
 - e. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
 - i. Paving shall mean concrete or asphalt: and
 - ii. Dust-free shall mean that all interior driveway and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site. ***The applicant has indicated the storage site will be paved with seven (7) inches of Portland cement concrete on top of four (4) inches of crushed stone. All other driveways are to be paved with asphalt. Site Plan FS2021-05 complies.***
 - f. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices. ***The proposed use shall continuously comply with parking requirements. Site Plan must delineate specific areas onsite that will be used for stacking and parking. Update Final Site Plan.***
 - g. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number. ***The proposed use must continually comply with and not exceed the maximum stacking number.***
 - h. Chassis Stacking/Racking: Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number. ***The proposed use must continually comply with and not exceed the maximum stacking number.***
 - i. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping.

Screening shall comply with requirements Article 5.2 L-P District Landscape Standards.

The comments regarding the landscaping in the Staff Report for Application FS2021-05 must be addressed and the proposed use shall continuously comply with the landscaping requirements. Updated Final Site Plan required.

- j. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
- i. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked);
 - ii. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked);
 - iii. When abutting (touching), or across the street from residentially zoned property, such parking or storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property;
 - iv. When abutting (touching), or across the street from a habitable dwelling, such parking or storage shall be setback a minimum of 300 feet from the nearest dwelling; and
 - v. For purposes of Stipulations 3 and 4 above, measurements shall be made between the nearest property line of the residentially zoned property or the nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.

There is a proposed new building in Application FS2021-05 and an existing building on the eastern parcel. The north and west property lines about public right-of-way and the stacking of cargo container or semi-trailer, either on or off a chassis) and chassis (racked and stacked) will determine the setback as it will be equal to the height of the stored items. The south property line does about a residentially zoned property; however, the paved area is over 750 feet from that property. The applicant has not provided proposed locations where the stacking of cargo containers and chassis is to occur on the Final Site Plan. City Staff is unable to verify the setbacks have been met on the north, east, and west property lines of the property. Updated Final Site Plan required.

- k. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis. ***The applicant has not indicated any new signage will be placed on the site at this time. All new signage will require the submittal of a Sign Permit Application which will be reviewed by staff for compliance with Article 5 of the UDC.***
- l. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9.1 (B) (3) of these regulations. ***Application FS2021-05 has been submitted. Updates are required as noted.***
- m. Other Rules and Regulations: All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be

applicable to this permit or the use of the property by the applicant/landowner. ***The proposed use must continuously comply with these requirements.***

- n. Deviations: In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believe to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the performance standards and provisions for the L-P Zoning District, Section 5.4, Section G through Q in the regulations. The application may only be approved if findings are made by the Governing Body that a) due to the circumstances of the application, it would be unnecessary to impose the standard(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the regulations are being met, c) that granting the deviation shall not adversely affect adjacent or nearby property and d) the application shall otherwise comply with all building code(s) and safety requirements. (Ordinance No. 915, 2012) ***The proposed use must continuously comply with these requirements.***

RECOMMENDATION

Based upon the above staff analysis, City staff recommends **approval** of Application **CU2021-02** for a cargo container storage, repair or maintenance as shown in Final Site Plan application FS2021-05 for a period of ten (10) years with the following stipulations:

1. The Conditional Use Permit CU2021-02 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat application FP2021-02);
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Final Site Plan application FS2021-05 and any stipulations, to be approved by the Planning Commission, prior to commencement of the cargo container storage use.
4. Landscaping material shall be continuously maintained and replaced when dead.
5. No other outside storage of equipment or materials shall be allowed on the property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

ATTACHMENTS

- Application CU2021-02
- Future Land Use Map



Please print or type.

PROPERTY INFORMATION

Requesting Conditional Use Permit For: Cargo container storage, repair, or maintenance

Location or Address of Subject Property: SE Corner of the intersection of W 191st Street and Homestead Lane

See attached exhibit for location and property boundaries

Legal Description: Northwest Quarter of Section 3, Township 15 South, Range 22 East, Johnson County, Kansas

See attached exhibit for full legal description

Zoning on Subject Property: Agricultural Current Land Use: Vacant

PROPERTY OWNER INFORMATION

Property Owner's Name(s): Omar J Holtgraver Phone: 913-980-8310

Company: N/A Fax: _____

Mailing Address: 1979 Haskell Rd.

City: Ottawa State: Kansas Zip: 66067

APPLICANT/AGENT INFORMATION

Applicant/Agent's Name(s): Joshua Cooley Phone: 913-287-2752

Company: CY Edgerton, LLC Fax: _____

Mailing Address: 32355 W. 191st St.

City: Edgerton State: Kansas Zip: 66201

ENGINEER/ARCHITECT INFORMATION

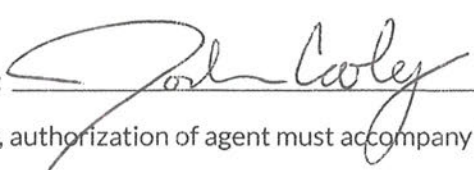
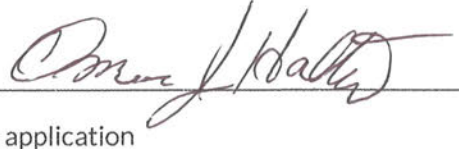
Engineer/Architect's Name(s): Clint Loumaster Phone: 913-577-8266

Company: George Butler Associates, Inc. Fax: _____

Mailing Address: 9801 Renner Boulevard Suite 300

City: Lenexa State: Kansas Zip: 66219-9745

SIGNATURE

Signature of Owner or Agent:  

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

FOR OFFICE USE ONLY

Application No.: CU-2021-02 Received by: Veronica Huffman

Permit Fee Paid: \$ 1,000 Date Fee Paid/Receipt #: 3/4/21 #10136771

Publication Fee Paid: \$ 172.50 Date Fee Paid/Receipt #: 4/1/21 #33682337

Hearing Date 4/13/21

v. 12.10.19



CERTIFIED LETTERS

The applicant will be responsible for mailing notices (see attached form letter) of the public hearing for the requested Conditional Use Permit by certified mail, return receipt requested to all owners of land within the notification area: two hundred (200) feet within the city limits; one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership of the land within the notification area can be obtained from the Johnson County Department of Records and Tax Administration or through a title insurance company (preferred method). A list of property owners within the notification area must be submitted with the application.

AFFIDAVIT OF COMPLIANCE

An affidavit (see attached form) concerning the mailing of property owner notification letters must be returned to the office of the City Clerk by no later than the Thursday preceding the public hearing.

PLANNING COMMISSION REVIEW AND DECISION

The Edgerton Planning Commission meets in City Hall on the second Tuesday of every month. The agenda and staff reports will be available the Friday preceding the public hearing. The chairperson will open the public hearing for each case to hear presentations by the city staff, the owner or authorized agent, and the audience, respectively. After everyone has had the opportunity to speak, the Planning Commission Chairman will either close or continue the public hearing to a later date. After the public hearing is closed, discussion will be limited to the Planning Commission and action will be taken in the form of a recommendation for approval or denial to the Governing Body.

PROTEST PERIOD

After the conclusion of the public hearing, a fourteen (14) day protest period begins. During the protest period, property owners within the notification area of the subject property may file a petition indicating their protest to the requested Conditional Use Permit with the office of the City Clerk. The submission of a valid protest petition from property owners of twenty (20) percent of the land within the notification area of the subject property within the allotted time will require a three-quarter ($\frac{3}{4}$) vote for approval by the Governing Body. Copies of protest petitions may be obtained in the office of the City Clerk.

GOVERNING BODY ACTION

After the protest period has concluded, the application will be placed on an agenda for Governing Body action (up to thirty (30) days after the conclusion of the public hearing). The Governing Body will review the transcript of the public hearing along with the recommendation of the Planning Commission and will take action by concurring with or overriding the Planning Commission recommendation, or by returning the request to the Planning Commission for further review.



NOTE: This letter is to be sent to adjacent property owners as outlined on instructions page.

Application No.: CU- _____

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton City Hall, 404 E. Nelson St., Edgerton, Kansas, to consider a Conditional Use Permit request for _____ on the following described tract of land:

Legal Description: _____

General Location: _____

A public hearing will be held to consider the Conditional Use Permit request on the above-described tract at 7:00 p.m. on _____, 20 _____. Any interested persons or property owners are invited to attend. Information regarding this Conditional Use Permit request is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this Conditional Use Permit request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If a valid protest petition is received from twenty (20) percent of the property owners within the notification area, a three-quarters (¾) vote of the Governing Body is required to approve this Conditional Use Permit request.

Copies of the protest petition are available in the office of the City Clerk.

Respectfully,

Applicant (or Owner or Agent)

Mailing Address: _____

City: _____ State: _____ Zip: _____



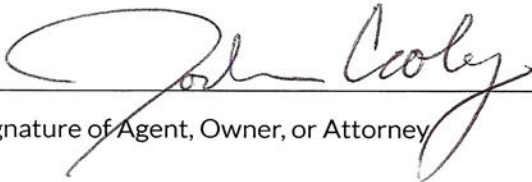
NOTE: This signed affidavit is to be returned by the Thursday before the scheduled hearing.

Application No.: CU- CU2021-02

I, Joshua Cooley of lawful age being first duly sworn upon oath, state:

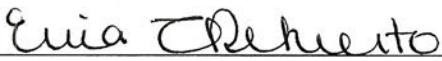
That I am the Owner (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 24th day of March, 2021.



Signature of Agent, Owner, or Attorney

Subscribed and sworn to before me this 24th day of March, 2021.

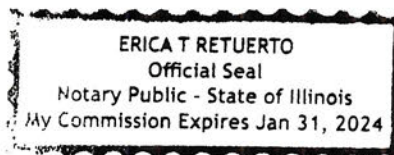


Notary Public

My Commission Expires:

(SEAL)

1-31-2024





A product of Johnson County AIMS, 111 S Cherry, Ste 3100, Olathe KS 66061 - 913-715-1600 - <https://aims.jocogov.org> - mapper@jocogov.org

Johnson Co AIMS Map

LEGEND

AIMS Imagery: 2020

Property 



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JOHNSON COUNTY
KANSAS
AIMS GIS & Mapping

Property Information for BF221503-1001

<i>Tax Property ID</i>	BF221503-1001	<i>KS Uniform Parcel #</i>	0462020302001004000
<i>Situs Address</i>	Not Available	<i>Acres</i>	29.39 (1,280,225.21 ft ²)
<i>Owner1 Name</i>	OMAR J HOLTGRAVER REVOCABLE TRUST	<i>Owner2 Name</i>	INDIA L HOLTGRAVER REVOCABLE TRUST
<i>Owner Address</i>	1979 HASKELL RD , OTTAWA, KS 66067	<i>Year Built</i>	0
<i>Class</i>	V	<i>Neighborhood Code</i>	442.N
<i>LBCS</i>	9950	<i>Taxing Unit</i>	0591
<i>Zoning</i>	A-G		
<i>City</i>	Edgerton	<i>Zip Code</i>	66021
<i>AIMS Map No.</i>	U03 (T-R-S: 15-22-03)	<i>Quarter Section</i>	NW
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	0
<i>Commissioner Dist.</i>	6 (Shirley Allenbrand)	<i>FEMA Flood Panel #</i>	20091C0134G
<i>School District</i>	Gardner-Edgerton	<i>High School</i>	Gardner-Edgerton
<i>Middle School</i>	Trail Ridge	<i>Elementary School</i>	Nike
<i>Legal Desc.</i> (abbreviated)	3-15-22 NW1/4 EX 80 AC EX 2.5 AC EX 18.789 AC IN HWY & EX 29.211 AC 29.5 ACS M/L EDC 191		

Property Map for BF221503-1001



[Hide map](#)

[Hide photo](#)

PROPERTY BOUNDARY LEGAL DESCRIPTION
FROM J&J SURVEY DATED: FEBRUARY 5, 2021

PROJECT: Arrowhead Intermodal - 3
20,000 SF New BTS
ARCO Job No. K-710

LOCATION: 32355 W. 191st Street
Edgerton, KS 66021

DATE: February 5, 2021

Deed descriptions

Book 5963, Page 691

A part of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, Johnson County, Kansas, More Particularly described as follows:

Beginning at the Northwest corner of said Northwest Quarter; Thence North 90° East, along the North line of said Northwest Quarter, a distance of 1035.25 feet, Thence South 0° East, a distance of 740.36 feet; Thence South 90° East, a distance of 282.28 feet; Thence South 0°18'01" West, a distance of 1914.73 feet to a point on the South line of said Northwest Quarter; Thence North 89°44'38" West a distance of 1291.75 feet to the Southwest corner of said Northwest Quarter, Thence North 0°20'27" West, a distance of 2649.33 feet, to the point beginning, containing 74.72 acres.

Also, Lot1, Final PLAT of C Y EDGERTON, part of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas

AND EXCEPT:

QUITCLAIM DEED Book 201204, Page 001961

a tract of land in the Northwest Quarter of Section 3, Township 15 South, Range 22 East of the 6th P.M., described as follows: Beginning at the Southwest corner of said Quarter Section: First course, Thence on an assumed bearing of North 88°26'03" East, 300.63 feet along the South line of said Quarter Section; Second course, Thence North 01°49'33" West, 319.56 feet; Third course, Thence North 23°37'38" West 53.85 feet; Fourth course, Thence North 01°49'33" West, 2148.99 feet; Fifth course, Thence North 43°14'32" East, 102.62 feet; Sixth course, Thence North 88°10'23" East 666.09 feet to the West line of a tract of land described in a deed recorded in Book 3047, Page 6 in the Register of Deeds office. JOHNSON COUNTY, KANSAS; Seventh course, Thence North 01°49'37" West, 30.00 feet along said West line; Eighth course, Thence North 88°10'23" East, 306.00 feet to the East line of said tract of land; Ninth course, Thence North 01°49'37" West 30.00 feet along said East line to the North line of said Quarter Section; Tenth course, Thence South 88°10'23" West, 1341.25 feet along said North line to the Northwest corner of said Quarter Section; Eleventh course, Thence South 02°10'09" East, 2649.70 feet along the West line of said Quarter Section to the point of beginning. The above described tract contains 19.00 acres, which includes 1.82 acres of existing right of way, resulting in an acquisition of 17.18 acres, more or less.

March 10, 2021

City of Edgerton
404 E. Nelson St.
Edgerton, KS 66021

Re: Parcel Listings for Certified Letters
ARCO National Construction-KC, LLC
Project: Arrowhead Intermodal
Edgerton, Kansas
ARCO No. K-710

City of Edgerton:

Per application requirements, below is a listing of all owners of land within the notification area (two hundred feet within the city limit) that are to be sent the notices of public hearing for the development in relation to this application. These notices are to be sent by certified mail and a return receipt will be requested.

	PARCEL/SITE ADDRESS	OWNER'S INFORMATION
1.	32355 W. 191 st St. Edgerton, KS 66021	CY Edgerton LLC 20012 W. South Arsenal Rd. Wilmington, IL 60481
2.	32350 W. 199 th St. Edgerton, KS 66021	Prairie Tree, LLC 6701 W. 167 th St. Stilwell, KS 66085
3.	Property ID: BF221504-3002	Widmer Farms, LLC 10841 Beverly St. Overland Park, KS 66211
4.	32901 W. 193 rd St. Edgerton, KS 66021	ELHC XXII LLC 4825 NW 41 st St., Apt. 500 Riverside, MO 64150
5.	Property ID: BF221434-2008	BNSF Railway Company PO Box 961089 Fort Worth, TX 76131
6.	32612 W. 191 st St. Edgerton, KS 66021	City of Edgerton PO Box 255 Edgerton, KS 66021
7.	Property ID: BP25300000 0001A	Delong Co., Inc. (The) PO Box 552 214 Allen St. Clinton, WI 53525
8.	Property ID: BR221504-3003	Johnson County Board of Commissioners 111 S. Cherry St. Olathe, KS 66061

9.	Property ID: BF221504-4002	Edgerton Land Holding Company LLC 4825 NW 41 st St., Suite 500 Riverside, MO 64150
10.	32180 W. 191 st St. Edgerton, KS 66021	Dot's Pretzels LLC PO Box 9739 Fargo, ND 58106
11.	32285 W. 191 st St. Edgerton, KS 66021	Prairie Tree II LLC 6701 W. 167 th St. Stilwell, KS 66085

Sincerely,

ARCO National Construction-KC, LLC

Alex Bruggen
Project Manager

**EDGERTON CITY HALL
PLANNING COMMISSION MEETING
April 13, 2021**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 13, 2021. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Charlie Crooks	present
Tim Berger	present
Deb Lebakken	present
John Daley	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- Development Services Director Katy Crow
- Planning and Zoning Coordinator Chris Clinton
- Marketing and Communications Director Kara Banks
- City Clerk Alex Clower

14. HOLD A PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-02 FOR ARROWHEAD PHASE III CARGO CONTAINER STORAGE LOT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Chairperson Daley opened the public hearing for Application CU2021-02.

Ms. Crow explained a Conditional Use Permit (CUP) is needed for cargo container storage as it is a heavier use than what is allowed by right in L-P zoned parcels. The applicant is expanding their operations and wish to have one CUP for the entire operation under the newly approved plat, FP2021-02 and site plan FS2021-05. She explained the purpose of a CUP and the process an applicant has to go through to obtain a CUP.

Ms. Crow said there are criteria the Commission and the Governing Body has to determine whether the proposed use is found to be generally compatible with the surrounding development and is in the best interest of the City. She said for each criterion, City Staff has made a determination on how they feel the project meets the criteria and how it will affect the City. The criteria are as follows:

- 1. The extent to which there is a need in the community for the proposed use.** Demand for businesses to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity in and around the intermodal facility. LPKC's primary function is to transport and redistribute containers and the products they

contain. The proposed use would fill a need for this type of support services in LPKC.
Staff determination: *Positive*

2. 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 neighborhood is established as a transportation and logistics hub. The Burlington Northern Santa Fe (BNSF) Intermodal Facility is just across 191st Street from the subject parcels. The applicant has also requested the proper rezoning to expand the current operations. The site would be wholly contained within Application FS2021-05 as submitted for Planning Commission review. Staff determination: *Positive*
3. 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 requested rezoning of L-P and the adjacency to similar uses supports the need for this kind of use. Application FS2021-05 was reviewed to ensure compliance with the UDC regarding L-P zoned parcels. Staff determination: *Positive*
4. Suitability of the uses of the property without the proposed conditional use permit. Cargo container and chassis storage are an important function to serve LPKC. This important support service continues to be a much-needed use within LPKC, and the existing cargo container storage facilities are seeing an increased demand for such services. Staff determination: *Positive*
5. Length of time the subject property has remained vacant without the proposed conditional use permit. Per the Johnson County AIMS system, the parcel has been used as stockpile storage of dirt and rock since at least 2014. The development of this parcel as a cargo container storage and maintenance facility serves a need in the logistics park and develops a parcel currently used for stockpile storage into a viable use. Staff determination: *Positive*
6. The extent to which the proposed use may detrimentally affect nearby property. No long-term detrimental effects are expected for the use of the property as the use requested is not extraordinary at LPKC. There are currently three (3) other cargo container storage facilities in operation at LPKC and the approval to expand to the west on a vacant lot will be beneficial to the LPKC. Staff determination: *Positive*
7. 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. During the approval process of Application FS2021-05 for this project, City Staff has informed the applicant there can be only one access point from 191st Street. Onsite stacking and the addition of an auxiliary lane along 191st Street will aid in traffic flow to the site. Staff determination: *Positive*
8. 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. Utilities are currently installed on the eastern parcel and can be easily extended to the western parcel from there. Staff determination: *Positive*.
9. 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 addition of onsite stacking lanes and an

auxiliary lane along 191st Street should alleviate the current traffic issues which occur on 191st Street and extend onto Homestead Lane. Additionally, 191st Street is designated as a heavyweight corridor and the roadway is designed to carry the truck traffic that would be generated by the expanded use. Staff determination: *Positive*

- 10.** 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. This project will increase the amount of impervious surface. During Site Plan review, the stormwater report is reviewed by the City Engineer to ensure all stormwater stays on site and does not impact nearby properties. The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process. Staff determination: *Neutral*
- 11.** The economic impact of the proposed use on the community. Prior to the development of the BNSF intermodal facility and LPKC, there were few commercial and industrial uses within the City. Warehousing and related uses in the L-P District have the potential to benefit the residents and the community in a positive way by providing needed jobs and tax revenues. This type of use is seen as necessary support for warehousing and other related LPKC uses. Staff determination: *Positive*
- 12.** 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. Application FS2021-05, would meet the requirements of the UDC if approved with the stipulations stated. Due to the nature of the request, there would be little gain to the public health, safety, and welfare of the City of Edgerton and the property owner should this request be denied. Staff determination: *Positive*
- 13.** 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 Future Land Use Map within the Comprehensive Plan designates the subject property for industrial development. Staff determination: *Positive*
- 14.** In addition to the aforementioned criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). City Staff's recommendation will be addressed shortly.

Ms. Crow explained in addition to the criteria, there are specific district requirements outlined by the UDC for each kind of CUP. City Staff reviewed the application for compliance for these requirements. The applicant has not provided definitively outlined areas on FS2021-05 where the stacking of cargo containers and chassis will occur. That information is needed so City Staff can verify a few of the requirements are met. There are other requirements that will be addressed when the applicant updates the Final Site Plan to meet the requirements outlined for that application. The applicant does meet the requirements of minimum lot size and paving. There are requirements that will be continuously monitored

for compliance. Those requirements are for noise, parking, height of cargo container stacking, height of chassis stacking and parking, compliance of governmental rules, and any deviations to be requested.

Ms. Crow said City Staff does recommend approval of CUP CU2021-02 with the following stipulations:

1. The Conditional Use Permit CU2021-02 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat application FP2021-02).
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Final Site Plan application FS2021-05 and any stipulations, to be approved by the Planning Commission, prior to commencement of the cargo container storage use.
4. Landscaping material shall be continuously maintained and replaced when dead.
5. No other outside storage of equipment or materials shall be allowed on the property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

Mr. Cooley spoke to the Commission. He explained their stacking plan will be that in manner of a pyramid. There will be 2 containers stacked on the outer board and increase up to the maximum of 5. This will alleviate any issues with containers falling into the setbacks.

With there being no additional public comments, Chairperson Daley closed the public hearing.

15. CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-02 FOR ARROWHEAD PHASE III CARGO CONTAINER STORAGE LOT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Chairperson Daley stated there is a current CUP for the current operations. Commissioner Lebakken inquired as to who was storing the rock and dirt on the site. Mr. Cooley answered an agreement was reached between the current parcel is owner and BNSF for stockpiling the debris. Commissioner Lebakken asked how the stockpile will be addressed. Ms. Linn replied the next agenda item will discusses that.

Commissioner Berger moved to approved CU2021-02 subject to the stipulations outlined by City Staff. Commissioner Lebakken seconded the motion. CUP CU2021-02 was approved, 4-0.

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Administration

Agenda Item: Consider the Agreement with Raftelis Financial Consultants, Inc., for the Water System Analysis

Background/Description of Item:

During the 2021 Budget process, Council directed staff to evaluate whether or not the City should retain the Water Utility operations. Since that time, staff has been working to gather information about the Water Utility assets and other data required for such an evaluation.

Staff issued a Request for Qualifications (RFQ) in December 2020 seeking a firm to assist with the analysis. The City received responses from Lamp-Rynearson and Midwest Engineering Group. After meeting with the firms, staff was concerned that the firms' expertise was in engineering and that the other facets of the study – finance, legal, economic development, etc. – would not be adequately studied/addressed.

In March 2021, staff met with Raftelis, the firm that performs the utility rate study updates for the City. Raftelis has extensive experience working with all sizes of water utilities and is familiar with the various aspects involved in the analysis the City needs. Staff worked with Raftelis to develop a scope of services for the analysis as summarized below.

- **Task 1 – Review Existing Conditions and Finances**
 - A summary of the condition of the existing utility including financial condition and contracts for water supply and future implications of those contracts
 - Detailed review of the cost allocations between water and sewer
 - Review of future necessary reinvestment necessary to continue to deliver safe and reliable water service
 - Valuation of assets
- **Task 2 – Review Future Considerations**
 - Identify the key considerations for water supply such as:
 - Economic Development – How provide necessary access to water to support economic development
 - Development Fees – How charge water development fees for new water connections
 - Level of Service – How assure an appropriate level of service, including providing appropriate water flows for fire protection service
 - Rate Structure and Objectives – Compare the rate structures and objectives (e.g., promotion of conservation)

- Liability – How will protect from liability including key concerns such as:
 - Use of right-of-ways and easements, including disturbance, and in particular, repair of City streets and sidewalks
 - Notification to City and residents of construction and repairs
 - Provision of water flows for public fire protection
- Reporting and Records – What reporting expected
- Sewer Billing – how handle billing without water meter readings
- Potential Acquirers – Examination of potential acquirers of the system, public and private, and strengths and weaknesses of each.

- **Task 3 – Reports and Presentations**

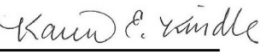
- Draft report of summary of findings reviewed by staff
- Final Draft presented to City Council
- Final Report reflecting all the feedback from the City

Attached is the full agreement with Raftelis for the Water System Analysis. The cost per the agreement is \$24,800. The cost will be paid from Water Fund Reserves. There are sufficient reserves in excess of the policy requirement to cover this cost.

Related Ordinance(s) or Statue(s): n/a

Funding Source: Water Fund Reserves

Budget Allocated: \$0

x 

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve the agreement with Raftelis Financial Consultants, Inc., for the Water System Analysis

Enclosed: Agreement with Raftelis Financial Consultants, Inc.

Prepared by: Karen Kindle, Finance Director

May 6, 2021

Beth Linn
City Administrator
City of Edgerton
404 E. Nelson Street
Edgerton, KS 66021

Dear Ms. Linn:

Thank you for this opportunity to be of continued service to the City of Edgerton and provide this proposal to provide a Water System Analysis for the City.

The City has indicated a desire to explore the feasibility of transferring operation of the City's water distribution system to another utility. The City believes that there may be benefits to having another utility operate and maintain the system and provide more cost certainty to the City's residents and businesses.

Task 1 – Review Existing Conditions and Finances

Building on the information we have developed for the City's annual rate update process we will develop a summary of the condition of the existing utility including not just the financial condition that is developed annually but also review the City's contracts for water supply from Johnson County Water District No. 7 and the City of Baldwin, the implications of those contracts on the City's future water supply costs, and how each supplier might be utilized moving forward (e.g., should one be an emergency only water supply).

This task will also include a detailed review of the cost allocations between water and sewer. While this is done annually as part of the utility rate study, we believe it is appropriate to take a more detailed look to ensure that there is proper recognition of the efforts to support the water utility that would no longer be undertaken by the City if the water utility were transferred to another utility. We will also consider the reinvestment necessary in the coming years that will be necessary to continue to deliver safe and reliable water service to the City's residents.

We will determine the value of the assets of the water utility based on an analysis of the system's existing assets and age of the assets. We will consider this value based on an original cost less depreciation as well as an escalated replacement cost new less depreciation approach.

This review will be documented in a memorandum to provide the City with a thorough summary of the financial condition of the utility currently, future investment in the water utility, as well as the key considerations for working with the City's water suppliers in the near future.

Task 2 – Review Future Considerations

As the City considers the best path forward to ensure safe, reliable, and affordable water service for its residents we will work with City Staff to identify the key considerations for water supply to the City in the future. Some of these include:

- Economic Development – How another utility may provide necessary access to water to support economic development in the City.
- Development Fees – How another utility may charge water development fees for new water connections in the City.
- Level of Service – How another utility will assure an appropriate level of service to customers in the City, including providing appropriate water flows for fire protection service to protect the City's Insurance Service Office (ISO) rating.
- Rate Structure and Objectives – Compare the rate structures and objectives (e.g., promotion of conservation) of other
- Liability – How another utility will protect the City from liability associated with their operation of the water utility. Key concerns include:
 - Use of right-of-ways and easements, including disturbance, and in particular, repair of City streets and sidewalks.
 - Notification to City and residents of construction and repairs.
 - Provision of water flows for public fire protection.
- Reporting and Records – What reporting would the City expect from another utility to ensure the City's residents and businesses continue to receive safe, reliable, and affordable water service?
- Sewer Billing – The City currently relies on water meter readings to bill most of its customers for sewer service, how would that be handled if the water utility were operated by another utility.
- Potential Acquirers – Examination of potential acquirers of the system, public and private, and strengths and weaknesses of each.

Task 3 – Reports and Presentations

We will summarize our findings related to the existing condition as well as future considerations in a draft report. We will provide the draft report to City Staff for their review and comment. We will then prepare a final draft report for presentation to the City Council. We will present our findings to City Council as directed by City Staff. We expect that feedback from the City Council may result in some final revisions to our report to reflect any questions, concerns, and considerations raised by City Council. A final report reflecting all the feedback from the City will be prepared and provided to the City.

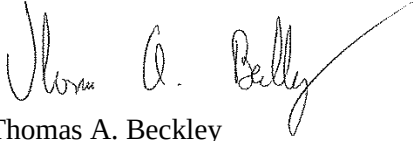
Proposed Pricing

We proposed to complete this Water System Analysis for a not-to-exceed price of \$24,800.

We will bill the City monthly for time and expenses incurred in the previous month.

We appreciate this opportunity to be of continued service to the City of Edgerton. If you have any questions please feel free to contact me at (816) 682-1328 or tbeckley@raftelis.com.

Sincerely,
RAFTELIS FINANCIAL CONSULTANTS, INC.



Thomas A. Beckley
Senior Manager

We accept the terms of this Engagement Letter

Signature	Date
Title	Printed name of authorized agent

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Administration

Agenda Item: Consider the Agreement with CBK, Inc., for Collection Services

Background/Description of Item:

The City's operations generate accounts receivable for various items from permits and licenses to utility bills and court fines. Most of the City's customers/defendants pay the amounts due. The City does have ways to compel collection of most of these fees, such as not issuing a building permit until the fee is paid, shutting off the water until the bill is paid, etc. For court fines, the City can issue a warrant.

However, there are accounts receivable for which the City doesn't have a way to compel payment. The final utility bill on an account is one item for which the only recourse for the City at this time is to submit the debt to the Kansas Set Off Program. The Kansas Set Off Program allows the Kansas Department of Administration to collect outstanding debt through payments from the State, such as tax refunds or lottery awards. While the City has been able to collect some of the amounts due using this method, it only works if there is money due to the debtor from the State.

While the City can issue a warrant for unpaid court fines, there is no guarantee that the defendant will be brought back to court under the warrant, and if so, that they will pay the amount due. Issuing a warrant and any subsequent jail time, only increases the amount due because there are fees added for those situations.

Many cities in Kansas have turned to collection agencies to assist with collecting these amounts that are difficult to collect. Staff met with CBK, Inc., due to their long list of Kansas government clients, including Baldwin City, Lenexa, Lansing, KCK, Prairie Village, Topeka and over a hundred more cities and district courts as well as being a local firm. CBK specializes in government collections within the State of Kansas, so their database of debtor information is extensive and always being updated. CBK has collections staff as well as attorneys which allows them to more effectively handle accounts vs an agency that only has collections staff. CBK has a portal where the City can obtain reports and information on accounts that have been placed with CBK. Also, the portal is the way the City would submit debts to CBK for collection. In addition to their collection procedures, CBK is registered with the Kansas Set Off Program and can send debts to the program on the City's behalf and manage those accounts, freeing up staff time.

For non-court accounts, CBK charges a 30% fee on the amount collected, which is subtracted off the money sent to the City. For Court accounts, CBK charges a 30% fee, which is added to the amount owed. When CBK turns over the money collected to the City, the City receives the entire

court related amount owed. These fees are standard in the industry. There is no direct cost to the City. CBK's payment for collection activities on behalf of the City is the fees collected.

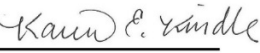
The City has the option of passing an ordinance to allow the 30% fee to be added to the amount owed on non-court accounts. If Council would like to do that, staff would bring back the required ordinance to the next meeting for consideration.

The agreement has been reviewed and approved by the City Attorney.

Related Ordinance(s) or Statue(s): n/a

Funding Source: n/a

Budget Allocated: n/a

x 

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve the agreement with CBK, Inc., for Collection Services
--

Enclosed: Agreement with CBK, Inc.
"Why CBK" brochure

Prepared by: Karen Kindle, Finance Director

GOVERNMENT COLLECTION CONTRACT

THIS AGREEMENT made and entered into this _____ day of _____, _____ by and between CBK, Inc., a corporation hereinafter referred to as "AGENCY" and, _____, City of Edgerton, KS, a governmental entity, hereinafter referred to as "CLIENT".

WITNESSETH:

WHEREAS, CLIENT desires to designate various accounts for collections; and WHEREAS, Agency desires to accept and pursue said claims.

NOW THEREFORE, in consideration of mutual covenants herein contained, the parties hereto do agree as follows:

1. Agency will use its best efforts and resources to collect accounts forwarded. Collection activities shall be in compliance with Federal, State and Local laws and regulations, including the Fair Debt Collection Practices Act. Agency shall be courteous and businesslike, consistent with the image and reputation of Client. To the best of their ability, Client warrants that all accounts are valid and legally enforceable debts. Client will send accurate and legitimate claims and further agrees to cooperate with Agency in the investigation of the same, which includes providing documentation supporting the claim as may be requested by Agency, and to keep Agency apprised of any changes in circumstance or information regarding the same. Agency shall be entitled to the contingency fee and costs on the accounts forwarded as stated below, upon the Agency sending its first communication to Debtor.
2. Fees and Charges
 - a. AGENCY/ AR; Agency shall charge, and Client agrees to pay Agency, a fee on principal amounts collected at a rate of 30 % on all accounts forwarded to Agency (in the event the Client has an Ordinance, agreement, or contract in place allowing for fees to be added to the debt, Agency would then add the percentage to the amount turned for collection).
 - b. Municipal Court Debts: The cost of collections for these debts will be added to the amount forwarded and charged to the debtor. Agency will pay Client 100% of the amount forwarded, when collected. The rate the Agency will charge for these debts will be 30 %.
 - c. AGENCY/ CHECKS; At the election of the Client, Agency will collect on returned checks that are sent both electronically and manually. Agency will pay the Client **100%** of the face amount collected and 0 % of any Returned Check Service Fee on all checks when collected by Agency or through the efforts of Agency. Agency will also pay the Client 0 % of any damages collected on any check that is collected through legal action. Agency shall retain any attorney fees assessed, pursuant to statute. Agency shall remit payment to Client for all returned checks collected for the previous month by the 10th of the following month. Check Clients must provide the attached Addendum A with this agreement.
 - d. All interest that is charged on all accounts forwarded to Agency by Client will be split at a rate of 0 % for the Client and 100 % for the Agency.
 - e. REFERRAL TO ATTORNEY; The Agency shall institute legal proceedings in the name of Client with the attorney of Agency's choosing. This includes the selection of local counsel that may appear on behalf of Client. Client has the right to object to the use of any attorney with good cause, to include conflicts. All litigation instituted shall be in the name of the Client and all court costs, surcharges, and other litigation expenses will be advanced by Agency and said funds will be deducted off the following Client's transmittal disbursement to reimburse the Agency.
 - i. The fees stated in (c) are intended to cover a routine case through the district court level. Unusual situations, such as counter claims, appeals, or bankruptcy litigation, are not covered. In the event of such unusual situations, cross petition or any other claim, Agency will advise Client in a timely matter. Client has the option to either recall the matter and defend the counter claim or have the Agency's attorney proceed with the representation of the matter at a mutually agreed upon hourly rate.
 - ii. In the event that Client's cases or claims are referred out of state, the contingency fee agreement shall be increased to 50%, as allowed by law.
3. STATEMENTS; The Agency will submit monthly statements to Client of the net amount received the previous calendar month, by the 10th of the month following collection, along with the remittance of all monies recovered minus Agency fee. The Client shall report payments (via fax, Client Portal, email, or through another form of communication agreed upon by both parties) at the time of receipt on accounts assigned to the Agency. Said statements shall be sent to Client at

PO Box 255, Edgerton, KS 66021 or another address designated by the Client in writing. The Client agrees to remit to Agency any amount due to Agency within thirty (30) days of receipt of the monthly statement.

4. RECORDS; The Agency will maintain records as they pertain to each account in such a manner as to be auditable by Client during normal working business hours upon reasonable notice given to Agency.
5. COMPROMISE SETTLEMENT; Agency shall not have authority to accept a compromise settlement on the amount forwarded, without the Client's prior approval.
6. TERM; This Agreement shall remain in full force and effect for twenty-four (24) months. This contract shall renew upon the initial and subsequent anniversary dates for a length of time equal to the initial term stated in this agreement, unless notice is received by either party of intent of non-renewal at least 90 days prior to the anniversary date.
7. TERMINATION; Either party may terminate this Agreement (with or without cause and without penalty) by giving thirty (30) days written notice of termination to the other party. For accounts on which judgment has been rendered through the means of legal action, Agency will charge and Client agrees to pay, the same fee Agency would have been entitled to receive on such accounts if the Agreement had not been terminated.
8. REPORTS; Agency shall submit the following reports to Client monthly:
 - a. Acknowledgment (Report sent based on when Client forwards accounts...monthly, bi monthly or weekly)
 - b. Cancellation/Deletion
 - c. Transmittal/Client Statement
9. INDEMNITY;
 - a. Agency agrees to defend and hold the Client harmless from and against any and all claims, judgments, costs, liabilities, negligent or wrongful acts, damages and expenses, including reasonable attorney fees and court costs occasioned by, arising out of, related to, or in connection with any fact or omission of the Agency and its employees and agents, or any of them from failure of the Agency to comply with the provisions of this Agreement.
 - b. Client agrees to defend and hold the Agency harmless from and against any and all claims, judgments, costs, liabilities, negligent or wrongful acts, damages and expenses, including reasonable attorney fees and court costs occasioned by or arising out of, related to, or in connection with any act or omission of the Client and its employees or from failure of the Client to comply with the provisions of the Agreement.
10. GENERAL PROVISIONS;
 - a. Agency shall serve as an independent contractor. This agreement does not constitute an employer/employee relationship.
 - b. The captions of this Agreement are for convenience only and are not to be construed as modifying the text of the Agreement.
 - c. All terms and conditions of this Agreement are severable. If one or more of the terms and conditions are deemed unenforceable, the remainder shall continue in full force and effect.
 - d. This Agreement constitutes the entire Agreement of the parties and cannot be modified without a writing signed by both parties.
 - e. All notices required under this Agreement shall be in writing and sent Certified Mail, Return Receipt Requested, and shall be effective upon receipt.
 - f. Client agrees to comply with all applicable laws, rules and regulations relating to the services provided hereunder. This agreement shall be governed by and construed in accordance with the laws of the State of Kansas. Client may assign this Agreement only with prior written consent of Agency. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of Agency and the heirs, executor, administrators, successors, and assigns of Client.
 - g. This Agreement shall become effective as of the date listed below and shall remain in effect until either party serves 30 day written notice to the other. Amendments to fees and charges shall take effect immediately. Other such amendments shall be effective thirty (30) days from mailing, except as specifically provided herein; this Agreement may not be altered, amended, or otherwise varied except by written mutual agreement of the parties.
11. CONFIDENTIALITY; Agency shall not disclose information relating to the debtor(s) to persons other than debtor(s), parents, or guardians of debtor(s) as necessary for payment purposes. Agency shall not disclose information relating to Client's operations without written consent of the Client or duly issued Court process or orders. It is mutually understood that the Agency's obligation to not disclose confidential and proprietary Client information hereunder shall survive the termination of this Agreement. The terms and conditions of this agreement will not be disclosed to anyone or any entity without written authorization.
12. ENTIRE AGREEMENT; This Agreement constitutes the entire Agreement between the parties with respect to its subject matter, supersedes any previous agreements and understandings, and can be changed only by written agreement signed by all parties. This agreement may be executed in any number of counterparts and all such counterparts taken together shall be deemed to constitute one and

the same instrument. Delivery of an executed counterpart of a signature page of this Agreement by facsimile and/or email shall be effective as delivery of a manually executed counterpart of this Agreement.

13. Where Applicable and under the Health Insurance and Portability and Accountability Act of 1996 (HIPAA), the Client is required to enter into specific Business Associate Agreements setting forth requirements of their agents relative to maintaining the privacy and confidentiality of patient-identifiable health information. To comply with this requirement, the parties agree to enter into a separate Business Associate Agreement meeting the requirements of HIPAA, prior to April 14, 2003.
14. Where applicable, and for all consumer debts, Agency further agrees to comply with the Fair Debt Collection Practices Act (FDCPA), known as Public Law #95-109.
15. Any and all notices required herein, shall be sent to the addressee and address as designated below under AGENCY and CLIENT.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate.

AGENCY:

CBK, Inc.

Address:

3615 SW 29th St

Topeka, KS 66614

Authorized Representative:

Name: _____ (please print)

Signature: _____

Title: _____

Date: _____

CLIENT:

City of Edgerton, Kansas

Address:

PO Box 255, Edgerton, KS 6621

Phone: 913-893-6231

Authorized Representative:

Name: Donald Roberts (please print)

Signature: _____

Title: Mayor

Date: _____



Collection Bureau of Kansas, Inc.

866-858-3636

WHY DOES CBK PERFORM BETTER THAN COMPETITORS?

First and foremost, Collection Bureau of Kansas, Inc. (CBK) is locally owned and operated by a lawyer, H. Kent Hollins (Kansas Supreme Court #7083 and Missouri Supreme Court #64642) who has been a member of the Kansas Bar Association for more than 45 years. The advantage CBK brings to its' clients is the combination of an in-house attorney within the Agency. This allows CBK's clients to benefit from both agency and legal collections all within a single environment. In today's world, the REVENUE CYCLE from collections must include as many resources as possible to provide maximum recoveries. National collection agencies cannot compete in this arena as their profit margins are simply based on volume in all fifty states, and only utilize legal on a rare number of cases and they have no local database. CBK provides the following advantages over other agencies:

DATABASE: CBK specializes in government and in all other types of collection within Kansas and Missouri and provide higher recovery percentages for their clients. CBK markets in Kansas and Missouri, as it best benefits our client base. This practice strengthens the database and allows CBK to reach out to people more effectively within the collection arena. Our client database is concentrated in Kansas and Missouri allowing CBK to specialize collections specifically in these areas. Currently, CBK collects a variety of debt types that include:

- ✓ Government
- ✓ Bad Checks
- ✓ Contracts
- ✓ Accounts receivable
- ✓ Utility
- ✓ Healthcare/Medical
- ✓ Subrogation

PROFESSIONALISM: CBK prides itself on its professional handling of cases to ensure the positive public image of its clients. CBK keeps quality assurance, compliance and management teams that continuously monitor CALL RECORDINGS. All calls are recorded and easily obtainable if a conversation between an account representative and a debtor is ever questioned.

EXPERIENCE: CBK employs a seasoned management team that is directly involved in all operations. Mr. Hollins has more than 35 years of experience in Collection law and is an active practicing attorney. Senior management has an average of 20 years experience with the company, and junior associates and supervisors have an average term of service with the company of 8+ years.

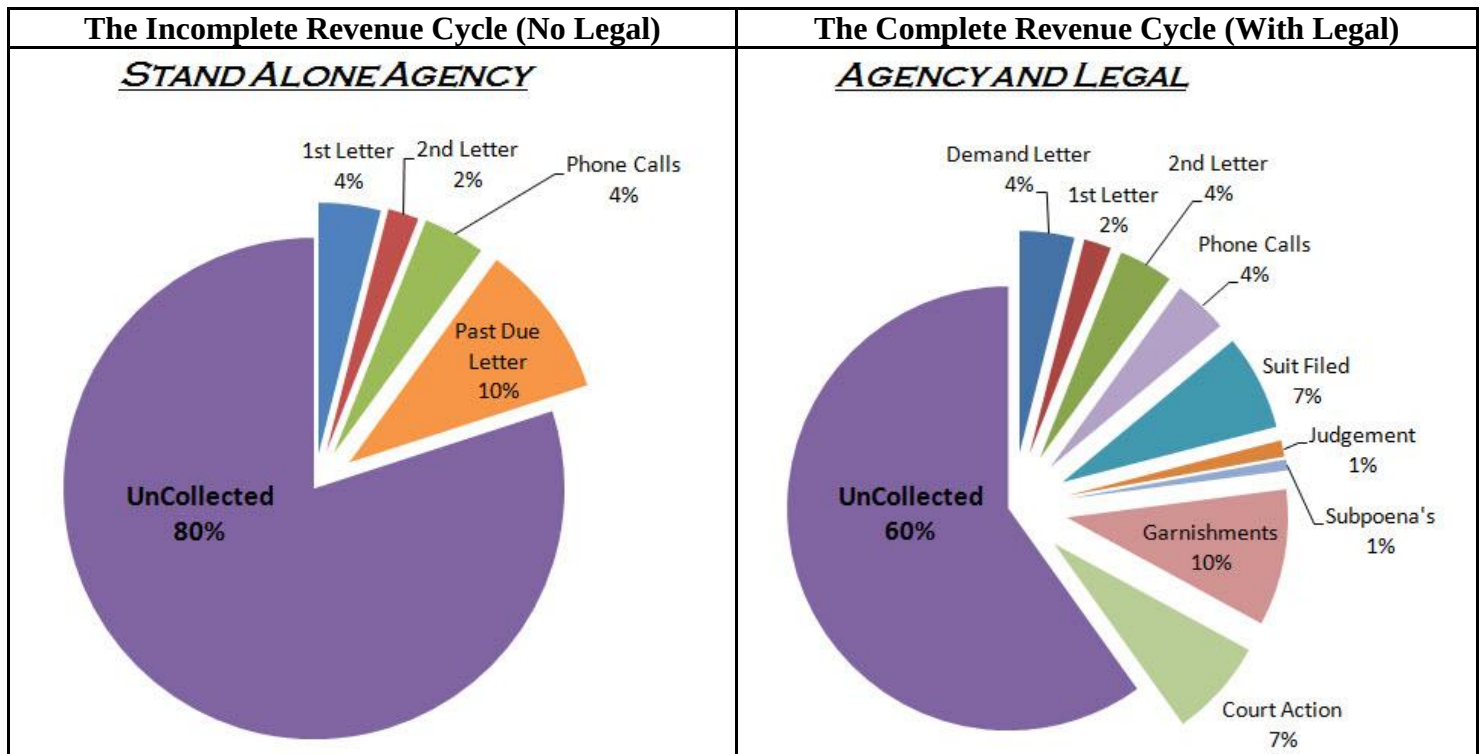
AGENCY / LEGAL: CBK's strength is its combined agency and legal resources that more effectively and efficiently handle accounts in the most time-sensitive manner. Unlike stand-alone agencies with out of state attorney's, CBK does not avoid legal processing when all other efforts have been exhausted. Alternatively, unlike a stand-alone law office, CBK offers the legal arm the technologies available that are generally employed only be agencies (i.e. dialers, state of the art collection management system, fully qualified collections department, predictive analytics and scoring). Furthermore, the legal department does not just depend solely on legal action, but a combination of legal action, letter series, and telephone techniques, combined with the legal capabilities to execute on judgments and turn them into revenue for our clients. This architecture must exist to complete the total revenue cycle, i.e. Agency and Legal all in one. Further, a very



Collection Bureau of Kansas, Inc.

866-858-3636

important aspect is legal action preserves the statute of limitations perpetually. We have collected bills that have been 10 years and older, agencies cannot do that. To graphically explain what we are talking about, we have depicted a pie chart as to what an agency does and a pie chart as to what the combination of legal and agency generate. The difference is astounding. Agencies cannot compete in this environment.



TECHNOLOGY: Over the last 15 years, CBK has employed its own programming staff and owns its own collection application that is constantly being modified and enhanced as the collection architecture constantly changes. The application is used by both the Agency and Legal departments to create a seamless all-in-one environment. This application has all the features of standard agency collection programs (i.e. robust reporting, statistical and scoring analysis, skip tracing modules and many others). The application was also developed for Kansas and Missouri legal processes as well. CBK and H. Kent Hollins, Attorney at Law has been a front-runner in utilizing the states new E-Filing process. We are also the only office currently that is testing and developing the e-file batch process in Shawnee County.

This system also allows CBK to easily implement and customize collection plans and processes for individual clients that have unique requirements.

CBK provides:

A PORTAL FOR ALL CLIENTS to log in and have open communication and see the status of turned accounts. This portal is available 24 hours a day, 7 days a week and can be used to upload new listings, make inquiries on cases, run custom reports or check the balance and status of cases.

A PORTAL FOR ALL DEBTORS, to check status of their accounts, make inquiries and make payments at a time convenient and private for them.



Collection Bureau of Kansas, Inc.

866-858-3636

CBK prides itself on the endless pursuit of attaining the highest level of recovery performance for our clients. All clients can expect to see our company continue with investments in technologies and training that brings the most efficient levels of productivity. Our commitment to resources and talented staff of multi-cultural professionals is a critical element to CBK's mission.

Several years ago, CBK placed a bid for a City in Kansas for collections of utility, fines and municipal court, they declined stating they wanted a National Agency for the extra "experience" and selected Alliance One, a big national agency on the West Coast. A few years later, we bid again and was awarded that bid. Alliance One recoveries for the City were absolutely terrible resulting in a rate of recovery of less than 10%, and as a result they were terminated. CBK took over the bid and in our operations, we collect 35% – 40% for our clients. Our understanding is from a national prospective, 15% – 25% is the average. Our office has excelled at collecting for many cities in Kansas in regards to these debts since we do things that Alliance One and other large national agencies do not:

1. CBK knows the community, represents other clients in the same communities and can find people easier and faster. Debtors speak with people in Kansas, about their Kansas debts.
2. CBK's in-house attorney makes legal action a seamless transition when required.
3. CBK provides extra services at no cost to our clients, such as: Credit report monitoring, to ascertain a debtors ability to pay, to see when they are making large purchases, getting new credit cards, or paying off other loans/debts. In many cases, we issue subpoenas to credit granters to find pertinent information for those debtors that are adept at evading their obligations, or filing proofs of claim when debtors file bankruptcy on behalf of our clients.
4. Familiarity with all Kansas courts enables ease of use in the legal system, allowing us to fully utilize all different types of collection methods to maximize collections.

CBK is unique in that being a Kansas/Missouri operated company; we cater specifically to the Kansas/Missouri demographic. CBK utilizes one system for all cases, in agency and legal. Client representatives can give immediate real time information on all cases, no matter the status. Even legal payments are posted just once in CBK's system so there is no delay in remitting and transmitting that information back to the client. This is impossible for Agencies that employ out of state legal counsel and must wait to receive that information and funds back. With CBK, this delay is irrelevant.

Whether an entity chooses to utilize the resources CBK provides or not, we feel it's important that the any entity does utilize a local resource. National Agencies have very few benefits for any business or government entity other than the minimal collection activities that all agencies possess. To continue to use National or out of state agencies is to continue to outsource those jobs and revenue outside the State of Kansas and out of state agencies do not pay state taxes. Add to the fact that national agencies don't have the database and are not in this community to know the patterns of Kansas debtors. Utilizing a local agency/attorney gives so many more added advantages. At CBK, with our varied client database throughout Kansas and Missouri, we use the past history of debts on individuals to determine which action is most likely to encourage payment. These debtor payment tendencies cannot be tracked by national agencies. Furthermore, a local agency will hold accounts from the State of Kansas at a higher priority than a national agency. If a National Agency is collecting for the State of California or New York and acquires Kansas company or government entity, which accounts are likely to receive the higher priority?

Simply put, we possess all the resources the big agencies have, but we have more as we are more efficient, more effective and more skillful as we discussed throughout this memo.

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Administration

Agenda Item: Consider Ordinance 2078 Amending Chapter VIII, Article 5, Section 8-515 Of The Municipal Code Of The City Of Edgerton, Kansas Regarding Prohibited Acts Involving Solid Waste Service To Include Possible Remedies And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Background/Description of Item:

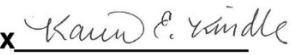
In the course of operating the Solid Waste Utility, the City contracts with Gardner Disposal to provide trash collection containers to the City's customers. There are instances in which customers may damage their trash container. Gardner Disposal bills the City for repairs/replacement parts for containers. City Code allows the City to charge the customer for the repair costs charged by Gardner Disposal. However, the Code does not specifically allow the costs to be added to the customer's utility account. Staff must send a series of letters, and ultimately if the customer doesn't pay, send the amount to the Kansas Set Off Program. The Kansas Set Off Program allows the Kansas Department of Administration to collect outstanding debt through payments from the State, such as tax refunds or lottery awards. This method only works if there is money due to the customer from the State.

The enclosed Ordinance, if approved, would allow staff to add the repair cost to the customer's utility account, significantly increasing the chance of recouping the cost of the repair and reducing the amount of staff time spent trying to collect the amount due.

Related Ordinance(s) or Statute(s): Edgerton Municipal Code Section 8-515

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: 
Karen Kindle, Finance Director

Recommendation: Approve Ordinance 2078 Amending Chapter VIII, Article 5, Section 8-515 Of The Municipal Code Of The City Of Edgerton, Kansas Regarding Prohibited Acts Involving Solid Waste Service To Include Possible Remedies And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Enclosed: Ordinance No. 2078

Prepared by: Karen Kindle, Finance Director

ORDINANCE NO. 2078

AN ORDINANCE AMENDING CHAPTER VIII, ARTICLE 5, SECTION 8-515 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS REGARDING PROHIBITED PRACTICES INVOLVING SOLID WASTE SERVICE, ESTABLISHING REMEDIES THEREFORE AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

SECTION 1. Chapter VIII, Article 5, Section 8-515 of the City Code of the City of Edgerton, Kansas, is hereby amended to read as follows:

8-515. PROHIBITED PRACTICES; REMEDIES.

1. It shall be unlawful for any person to:
 - (a) Deposit solid waste in any container other than that owned or leased by that person or under their control, or provided by the city's contractor, without written consent of the owner;
 - (b) Deposit solid waste in any container with the intent of avoiding payment of a refuse charge;
 - (c) Deposit solid waste on any private or public property that is not owned or leased by that person or under their control;
 - (d) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
 - (e) Bury refuse at any place within the city except that lawn and garden trimmings may be composted;
 - (f) Remove the contents of any container or portion thereof;
 - (g) To upset, overturn, remove or carry away any refuse container or lid;
 - (h) To injure such container in any manner or lose the same.
2. All violations involving the prohibited acts listed in 1. a through g above may result in an action being brought against the offender in Municipal Court.
3. For violations of 1. h above, including, but not limited to, any and all damage to the refuse cart including loss, the city shall have the right to charge the owner of the property in question for such repair or replacement cost, including the ability to add such cost to the owner's utility bill. The owner may request proof of such charge from the city. (Ord. 2078, 2021)

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 13th day of May, 2021.

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

City Council Action Item

Council Meeting Date: May 13, 2021

Department: Administration

Agenda Item: Consider Ordinance 2079 Amending Chapter XV, Article 1, Section 15-118 Of The Municipal Code Of The City Of Edgerton, Kansas Regarding Prohibited Acts Involving Water Service To Include Possible Remedies And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Background/Description of Item:

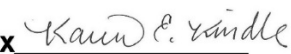
In the course of operating the Water Utility, the City maintains various infrastructure components, including the water meters. There are instances in which customers may damage their meter or the radio read antenna. For example, it is common for customers to damage the antenna when mowing or driving over it. The City's Utility Department staff repair the meters and/or order replacement parts. City Code allows the City to charge the customer for the repair costs. However, the Code does not specifically allow the costs to be added to the customer's utility account. Staff must send a series of letters, and ultimately if the customer doesn't pay, send the amount to the Kansas Set Off Program. The Kansas Set Off Program allows the Kansas Department of Administration to collect outstanding debt through payments from the State, such as tax refunds or lottery awards. This method only works if there is money due to the customer from the State.

The enclosed Ordinance, if approved, would allow staff to add the repair cost to the customer's utility account, significantly increasing the chance of recouping the cost of the repair and reducing the amount of staff time spent trying to collect the amount due.

Related Ordinance(s) or Statue(s): Edgerton Municipal Code Section 15-118

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval:  Karen Kindle, Finance Director

Recommendation: Approve Ordinance 2079 Amending Chapter XV, Article 1, Section 15-118 Of The Municipal Code Of The City Of Edgerton, Kansas Regarding Prohibited Acts Involving Water Service To Include Possible Remedies And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Enclosed:

Ordinance No. 2079

Prepared by:

Karen Kindle, Finance Director

ORDINANCE NO. 2079

AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 1, SECTION 15-118 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS REGARDING PROHIBITED ACTS INVOLVING WATER SERVICE TO INCLUDE POSSIBLE REMEDIES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

SECTION 1. Chapter XV, Article 1, Section 15-118 of the City Code of the City of Edgerton, Kansas, is hereby amended to read as follows:

15-118. PROHIBITED ACTS; POSSIBLE REMEDIES.

1. It shall be unlawful for any person to:
 - (a) Tamper, damage meddle with any water main, fire hydrant, electric line or any other water or electric equipment belonging to the city;
 - (b) Make any connection to the water service or electric systems of the city without a written permit from the city;
 - (c) Reconnect service when it has been discontinued for nonpayment of a bill for service.
2. The city shall have the right to charge the owner of the property in question for damage to the city's meter, including the ability to add such cost to the owner's utility bill. The owner may request proof of such charge from the city.
3. All remaining violations involving the prohibited acts listed in 1. a, b and c above may result in an action bring brought against the offender in Municipal Court. (Ord. 2079, 2021)

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 13th day of May, 2021.

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

City of Edgerton - 1st Quarter 2021 Report
General Fund (Unaudited)

	YTD Actual	2021 Budget	% Used	Remaining
Revenues:				
Ad Valorem Tax	\$ 1,106,524	\$ 1,573,849	70.3%	\$ (467,325)
LPKC PILOT	\$ -	\$ 545,837	0.0%	\$ (545,837)
Delinquent Tax	\$ 480	\$ -	n/a	\$ 480
Motor Vehicle Tax	\$ 15,838	\$ 52,830	30.0%	\$ (36,992)
Recreational Vehicle Tax	\$ 175	\$ 835	21.0%	\$ (660)
16/20M Vehicle Tax	\$ 555	\$ 375	148.0%	\$ 180
Local Alcoholic Liquor Tax	\$ 2,657	\$ 2,780	95.6%	\$ (123)
Local Comp Use Tax	\$ 45,641	\$ 182,000	25.1%	\$ (136,359)
County Use Tax	\$ 27,153	\$ 70,000	38.8%	\$ (42,847)
Local Sales Tax	\$ 120,461	\$ 471,000	25.6%	\$ (350,539)
County Sales Tax	\$ 88,855	\$ 322,000	27.6%	\$ (233,145)
Franchise Tax	\$ 56,835	\$ 110,000	51.7%	\$ (53,165)
Licenses & Permits	\$ 11,759	\$ 321,000	3.7%	\$ (309,241)
Charges for Services	\$ 35,952	\$ 118,000	30.5%	\$ (82,048)
Fines & Forfeitures	\$ 27,427	\$ 30,000	91.4%	\$ (2,573)
Miscellaneous	\$ 4,310	\$ -	n/a	\$ 4,310
Investment Income	\$ 1,882	\$ 17,000	11.1%	\$ (15,118)
Total Revenue	\$ 1,546,504	\$ 3,817,506	40.5%	\$ (2,271,002)
Transfers from Other funds:	\$ -	\$ -	n/a	\$ -
Total Sources	\$ 1,546,504	\$ 3,817,506	40.5%	\$ 2,271,002.00
Expenditures:				
General Government	\$ 184,736	\$ 983,479	18.8%	\$ 798,743
Law Enforcement	\$ 12,682	\$ 507,043	2.5%	\$ 494,361
Public Works	\$ 112,202	\$ 597,835	18.8%	\$ 485,633
Parks	\$ 25,742	\$ 264,727	9.7%	\$ 238,985
Facilities	\$ 14,924	\$ 126,325	11.8%	\$ 111,401
Fleet Maintenance	\$ 9,122	\$ 54,200	16.8%	\$ 45,078
Community Development	\$ 81,532	\$ 334,048	24.4%	\$ 252,516
Economic Development	\$ 67,942	\$ 502,200	13.5%	\$ 434,258
Information Technology	\$ 14,356	\$ 49,587	29.0%	\$ 35,231
Employee Benefits	\$ 110,493	\$ 556,209	19.9%	\$ 445,716
Total Expenditures	\$ 633,731	\$ 3,975,653	15.9%	\$ 3,341,922
Sources Over(Under) Expenditures:	\$ 912,773	\$ (158,147)		
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-General	\$ -	\$ 125,000	0.0%	\$ 125,000
Transfer to Capital Projects Fund	\$ -	\$ 66,500	0.0%	\$ 66,500
Total	\$ -	\$ 191,500		
Beginning Fund Balance	\$ 1,978,603	\$ 1,582,699		
Estimated Ending Fund Balance		\$ 1,233,052		
Unaudited Ending Fund Balance	\$ 2,891,376			
Reserve Required				
17% of 2021 budgeted expenditures	\$ 675,861			
25% of 2021 budgeted expenditures	\$ 993,913			
Budget Authority				
2021 Budget Authority	\$ 5,400,205			
Remaining 2021 Budget Authority	\$ 4,766,474			
% of Budget Authority Used	11.7%			

City of Edgerton - 1st Quarter 2021 Report

Water Fund (Unaudited)

	YTD Actual	2021 Budget	% Used	Remaining
Revenues:				
Charges for Services	\$ 112,180	\$ 482,450	23.3%	\$ (370,270.00)
Fines & Forfeitures	\$ 3,753	\$ 20,000	18.8%	\$ (16,247.00)
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 115	\$ 2,500	4.6%	\$ (2,385.00)
Total Revenue	\$ 116,048	\$ 504,950	23.0%	\$ (388,902.00)
Transfers from Other funds:	\$ -	\$ -	n/a	\$ -
Total Sources	\$ 116,048	\$ 504,950	23.0%	\$ 388,902.00
Expenditures:				
Fleet Maintenance	\$ 358	\$ 5,700	6.3%	\$ 5,342
Information Technology	\$ 3,600	\$ 25,379	14.2%	\$ 21,779
Production	\$ 61,046	\$ 175,000	34.9%	\$ 113,954
Distribution	\$ 2,457	\$ 54,130	4.5%	\$ 51,673
Administrative-Water	\$ 22,243	\$ 132,715	16.8%	\$ 110,472
Employee Benefits	\$ 8,960	\$ 35,143	25.5%	\$ 26,183
Debt Service	\$ 48,673	\$ 97,349	50.0%	\$ 48,676
Total Expenditures	\$ 147,337	\$ 525,416	28.0%	\$ 378,079
Sources Over(Under) Expenditures:	\$ (31,289)	\$ (20,466)		
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Water	\$ -	\$ -	n/a	\$ -
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Total	\$ -	\$ -		
Beginning Fund Balance	\$ 197,784	\$ 225,037		
Estimated Ending Fund Balance		\$ 204,571		
Unaudited Ending Fund Balance	\$ 166,495			
Reserve Required				
17% of 2021 budgeted expenditures	\$ 89,231			
25% of 2021 budgeted expenditures	\$ 131,354			
Budget Authority				
2021 Budget Authority	\$ 729,987			
Remaining 2021 Budget Authority	\$ 582,650			
% of Budget Authority Used	20.2%			

City of Edgerton - 1st Quarter 2021 Report
Sewer Fund (Unaudited)

	YTD Actual	2021 Budget	% Used	Remaining
Revenues:				
Charges for Services	\$ 152,739	\$ 682,408	22.4%	\$ (529,669)
Licenses & Permits	\$ 100	\$ -	n/a	\$ 100
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 714	\$ 3,500	20.4%	\$ (2,786)
Total Revenue	\$ 153,553	\$ 685,908	22.4%	\$ (532,355)
Transfers from Other funds:	\$ -	\$ -	n/a	\$ -
Total Sources	\$ 153,553	\$ 685,908	22.4%	\$ 532,355
Expenditures:				
Fleet Maintenance	\$ 383	\$ 5,700	6.7%	\$ 5,317
Information Technology	\$ 3,601	\$ 25,499	14.1%	\$ 21,898
Treatment Plant	\$ 12,270	\$ 198,330	6.2%	\$ 186,060
Sewer Line Maintenance	\$ 993	\$ 10,700	9.3%	\$ 9,707
Lift Stations/Vaults	\$ 1,463	\$ 29,967	4.9%	\$ 28,504
Administrative-Sewer	\$ 36,604	\$ 214,858	17.0%	\$ 178,254
Employee Benefits	\$ 14,641	\$ 61,513	23.8%	\$ 46,872
Debt Service	\$ 47,219	\$ 94,438	50.0%	\$ 47,219
Total Expenditures	\$ 117,174	\$ 641,005	18.3%	\$ 523,831
Sources Over(Under) Expenditures:	\$ 36,379	\$ 44,903		
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Sewer	\$ -	\$ 50,000	n/a	\$ 50,000
Transfer to Capital Projects Fund	\$ -	\$ 118,000	n/a	\$ 118,000
Total	\$ -	\$ 168,000		
Beginning Fund Balance	\$ 520,138	\$ 413,698		
Estimated Ending Fund Balance		\$ 290,601		
Unaudited Ending Fund Balance	\$ 556,517			
Reserve Required				
17% of 2021 budgeted expenditures	\$ 108,971			
25% of 2021 budgeted expenditures	\$ 160,251			
Budget Authority				
2021 Budget Authority	\$ 1,099,606			
Remaining 2021 Budget Authority	\$ 982,432			
% of Budget Authority Used	10.7%			

BUDGET CALENDAR

2022 Budget

DATE	RESPONSIBLE PARTY	TASK
March 1	Finance Director	Turn on CIC Budget Preparation module for 2022 Budget
March 1 – April 15	City Administrator, Staff	Develop Department Budgets Vehicle & Equipment Budget Development
April 16 – July 1	City Administrator, Staff	Department Budget Meetings, Revenue Forecast, Finalize Recommended Fund Budgets, Finalize Vehicle & Equipment Replacement Budget
May 13	City Administrator, Fin. Director, Accountant	City Council Meeting: Presentation of 2020 Audit
May 27	City Administrator, City Council	City Council Meeting: Presentations and 2022 Funding Requests by EEI, and other organizations
July 15	City Administrator, City Council	Budget Work Session: Present Recommended Fund Budgets Present Vehicle and Equipment Replacement Budget
July 16 – July 22	City Administrator, Fin. Director	Finalize Budget and Prepare Public Hearing Notice
July 23	City Clerk	Send Public Hearing Notice to Gardner News for publication on Wednesday, July 28, 2021.
August 12	City Administrator, City Council	City Council Meeting: Conduct Formal Budget Hearing and Adopt 2022 Budget
August 25	City Clerk, Finance Director	Certify Budget to County Clerk

2023 Budget

DATE	RESPONSIBLE PARTY	TASK
October 14	City Administrator, City Council	Budget Work Session following City Council Meeting: 2022-2026 CIP Discussion
October 28	City Administrator, City Council	City Council Meeting: Adopt the 2022-2026 CIP

MEMORANDUM

Date: May 13, 2021
To: City of Edgerton Governing Body
From: Katy Crow, Development Services Director
Re: Status Update – 502 E. 2nd Street, Edgerton, Kansas

On January 14, 2021 the Edgerton City Council passed Resolution 01-14-21D which requires the owners of 502 E. 2nd Street, Edgerton, Kansas to resolve the dangerous and unfit structure which exists on said property by July 22, 2021. As part of the requirements in bringing the home into compliance with the code, the Governing Body required monthly updates from owners which show adequate progress is being made.

A fourth walkthrough was performed by City staff with the owner Juan Abundiz and GBA inspector Joe Kmetz on May 7, 2021 to review the status of the project. The last update was provided to the Governing Body on April 8, 2021. Since the last walk-through the owner has worked on the north and south sides of the house, adding OSB and wrapping with Tyvek in preparation of adding siding.

In addition, they have removed the fifth-wheel trailer that was onsite which represented a Municipal Code violation. With no title to the vehicle, they could not find a towing company or junk collector who would haul it away in one piece. They had to dismantle it and remove it in smaller pieces using the onsite dumpster. That took some time away from the repair but the trailer represented a nuisance that needed to be handled since it was taking on water, harboring wildlife, and growing mold.

The owner stated that the next area of focus would be removing the scrap wood pile, finishing the exterior walls, adding siding and installing a new roof. He anticipates having this done in the next month.

Additionally, they will be contacting utility providers about running a new gas service (no meter and old line) and trimming the tree adjacent to the alley way that is growing up between the power lines.

Staff has reiterated to Mr. Abundiz that Resolution 01-14-21D does set a deadline of July 22, 2021 for the structure to no longer be considered an unsafe or dangerous structure. Staff will conduct another walkthrough prior to the June 10, 2021 council meeting and provide another update at that time.

