

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
March 24, 2022  
7:00 P.M.**

**Call to Order**

1. **Roll Call**    \_\_\_\_\_ Roberts    \_\_\_\_\_ Longanecker    \_\_\_\_\_ Lewis    \_\_\_\_\_ Brown  
                                 \_\_\_\_\_ Beem    \_\_\_\_\_ Stambaugh
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 March 10, 2022 Regular City Council Meeting
5. Accept Easements for 8<sup>th</sup> & Braun Intersection Improvements
6. Approve Application FP2022-01, Final Plat for Logistics Park Kansas City (LPKC) South, Fourth Plat Generally Located East of the Northeast Corner of 207th Street and Gardner Road, Edgerton, Kansas
7. Approve Ordinance No. 2104 Amending Chapter IX, Article 1, Section 9-107 Of the City Code of The City of Edgerton, Kansas, and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith
8. Approve Concurrence to Bid the Nelson Street from East 3rd Street to West 8th Street (CARS) Project

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**Regular Agenda**

9. **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.
10. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken.

The Mayor may modify these provisions, as necessary. The Mayor may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to City Council members only and should not speak to fellow audience members. City Council members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

11. **Presentation.** James Oltman, with ElevateEdgerton!, gives an update on the EDGE Grant Program.

### **Business Requiring Action**

#### **12. CONSIDER SUBMITTAL OF 2022 APPLICATIONS TO UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) FOR REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) FUNDING FOR 2022**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

#### **13. Report by the City Administrator**

#### **14. Report by the Mayor**

#### **15. Future Meeting Reminders:**

- April 12<sup>th</sup>: Planning Commission – 7:00PM
- April 14<sup>th</sup>: City Council Meeting – 7:00PM
- April 28<sup>th</sup>: City Council Meeting – 7:00PM
- May 10<sup>th</sup>: Planning Commission – 7:00PM
- May 12<sup>th</sup>: City Council Meeting – 7:00PM
- May 26<sup>th</sup>: City Council Meeting – 7:00PM

#### **16. Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

## **EVENTS**

March 30<sup>th</sup>: Giant Paper Flower Peonies  
March 31<sup>st</sup>: 2022 State of the City  
April 2<sup>nd</sup>: Disney Music Bingo  
April 9<sup>th</sup>: Easter Egg Cake Pop Class  
April 12<sup>th</sup>: Tales 4 Tots  
April 16<sup>th</sup>: Senior Lunch & BINGO  
April 22<sup>nd</sup>: Edgerton Elementary School Carnival  
April 24<sup>th</sup>: Mother's Sunday Funday  
April 25<sup>th</sup>: Kids Mother's Day Craft  
April 30<sup>th</sup>: Giant Paper Flower Peonies Craft

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**March 10, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on March 10, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	present
Josie Stambaugh	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Public Works Director, Dan Merkh
- Accountant, Justin Vermillion
- Development Services Director, Katy Crow
- Marketing & Communications Manager, Kara Banks

**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 February 24, 2022 Regular City Council Meeting
- 5. Accept Easements for 8<sup>th</sup> & Braun Intersection Improvements

With no questions or comments, Mayor Roberts requested a motion to approve the consent agenda.

Councilmember Lewis moved to approve the consent agenda, seconded by Councilmember Longanecker. The consent agenda was approved, 5-0.

**Regular Agenda**

**6. Declaration.**

There were no declarations made by the Governing Body.

## **7. Public Comments.**

Mayor Roberts stated the city encourages public participation in local governance issues and to facilitate an efficient and effective meeting, persons wishing to address the Council must sign up before the meeting begins. He stated all public comments will be limited to 3 minutes per person with a maximum time of 30 minutes for the public comments portion of the agenda. He stated he encourages people to reach out to Council Members outside of the Council Meetings to discuss things they are concerned with. He stated they may direct the person to come to a meeting after hearing the issue but would encourage the residents to seek out the members and have conversations and get to know the persons elected to represent them for the city.

Mayor Roberts then opened the meeting for public comments.

Bill Bushno, 20685 S Gardner Rd., addressed the Council.

He stated that it is unconstitutional to define free speech and limit the time a person may speak at an open meeting. He added studies have been completed which determine this unconstitutional.

He stated he served in this community for over 40 years and has known many of the Council Members for years. He stated he has taken care of everyone in the community when nobody else would and he is disgusted with the treatment he has now received from staff and NorthPoint Development. He alleged both the City and the developer have been negligent by not completing a 3-lane road prior to opening the Hostess facility. He claimed that because this has yet to be done, a truck driver died in his front yard as a result. He stated he sent a cease-and-desist letter but has received no response. He stated he listened to Katy Crow at the Planning Commission meeting say that the city is struggling to obtain easements for the project, and he owns 4 of the 8 lots that need easements. He discussed the traffic study that was presented to the Planning Commission and raised concerns about how it was completed and the estimates for the numbers of vehicles that would travel through the area. He stated he doesn't want to see another person die in his front yard. He stated he has yet to see a plan for how much easement is needed, but he wants to see Phase 2 completed before anything else moves forward. He stated he spends every day listening to trucks slamming on their brakes, and he has people on his doorstep daily asking for directions. He stated he thinks the City should try to work with the people in this area first before they take this to the state to try to condemn the ground.

Mayor Roberts stated nothing has gone to the state and he appreciates Mr. Bushno speaking tonight before the council.

Councilmember Stambaugh stated she saw his passion at the Planning Commission meeting and saw the passion from the neighbors in that area. She stated she listened to everything said and she sympathizes.

Mr. Bushno stated the city agreed to specific things, that these warehouses would not affect the health, safety and welfare of the people, and that roads were to be completed and barriers put in place on Waverly Road.

Mr. Jason Acord, representative of Quick Trip Corporation, addressed the Council. He stated he has worked for the corporation for 23 years and it has been a great place to work. He stated they are currently building a store at Gardner Rd. and I-35. He stated the traffic study is very concerning to them and they were surprised that they were never notified of such study taking place. He stated they are concerned that the closing of 191<sup>st</sup> St. is on the table, directly south of the new store. He stated his concerns do not come purely from an economic perspective, but more so from a safety concern because fire and emergency personnel would not be able to get to their site as quickly and there are a lot of other businesses and warehouses that will have that same concern. He stated he noticed minutes from a previous meeting on September 21<sup>st</sup> suggest 191<sup>st</sup> should be closed more so for an economic standpoint. He stated from his time in real estate, closing roads is not the way to grow, building new roads and identifying new ways to improve surrounding infrastructure is much more valuable and effective. He stated he would like to note the KDOT and Gardner have already done significant research and there have been several meetings with KDOT and plans are still being finalized. He stated as development occurs, there are plans to have medians, so things will change and some of the items found in this study will be corrected with the new improvements. He stated closing roads prematurely is not a good use of taxpayer money. He stated also, at the time the study was completed the GPS systems had not been updated to identify the recently closed road in front of Phillips 66. He stated at a minimum, have a new study completed to review how traffic is flowing now. He stated he would think time would need to go by for people to reestablish their driving habits and learn the new routes. He stated they are very concerned with this plan, they plan to be in this spot for a long time and have made a large investment to build here. He stated this will not only hurt the citizens going to the intermodal, but it also would not be good for their business either.

Mr. Rob Kirk, 38902 W 215<sup>th</sup> Street, addressed the Council.

He stated there have been references made to a cul-de-sac and he called Mayor Roberts and had a long talk with him about this, and he spoke with Mayor Winters of Gardner and Sheriff Hayden regarding his concerns. He stated he thinks the gentleman with QuickTrip said a lot of good things. He stated he would like to remind everyone a very expensive station was just built at the Logistics Park, and everyone in the district paid for that station with equipment housed there that is to be used for everyone in the district. He stated when he and Chief Myers were looking at land to build the new station, they look at circles first and then routes that will be the quickest to use to get to major roadways in the event of an emergency. He stated he can say, if a cul-de-sac gets put in, it will blow the \$10 Million station right out of the water and there will have to be a tough decision made regarding the equipment and manpower that will be housed at that station. He stated if it were him, he would take the manpower down to a minimum and make adjustments to the equipment housed there. He stated the closure of the road would take away from the customers of the district. He stated he would also look at the station in Edgerton too as far as cutbacks for people and equipment. He stated he's lived in Gardner his entire life and has dealt with the differences of councils from both sides. He stated he has tried to do his

best to fix the issues between the two cities and it still doesn't work. He stated the issue is not about the city, it's about Gardner vs. Edgerton. He stated he went back and read notes from the September 21<sup>st</sup> meeting too, when the cul-de-sac was first discussed, there was nothing mentioned but for it to be built to keep people from going East on 191<sup>st</sup>. He stated if Edgerton closes 191<sup>st</sup>, then Gardner will shut down 183<sup>rd</sup>. He stated he would ask each of the councilmembers if they are willing to give up public safety over cutting through a gas station, if they are willing to give up the ability for emergency personnel to get to a fire. He stated there was a fire on the 3<sup>rd</sup> floor of apartment buildings in Gardner the other day, so if the cul-de-sac would have been there they would have had to go all the way around, because a cul-de-sac was put in for no good reason.

Mr. Todd Allenbrand, Payne & Brockway, P.A. (Representative of Olathe Health), 426 S. Kansas Avenue, addressed the Council. He stated Olathe Health is not pleased with KDOT's plans for that interchange. He stated one thing to point out is the plans of closing off Gardner Rd. with median islands. He stated he is not privy to all the details, but if the city closes 191<sup>st</sup> and there is a medical emergency in the intermodal, they will have a hard time getting to Olathe Health. He stated the plans for the clinic on Gardner Rd. is to become more than just a clinic, eventually this will be a fully functioning ER to reduce the time it takes to get the Olathe Medical Center. He stated everyone must realize that minutes mean everything in saving a person's life. He stated one minute can be the difference for someone having a stroke. Mr. Allenbrand stated they're in communication with KDOT to change their plans and the plans being shown tonight are not the most updated ones.

There were no further Public Comments.

8. **Report by City Attorney.** Advisory Opinion returned from Kansas Governmental Ethics Commission.

Mr. Lee Hendricks, City Attorney, addressed the Council. He stated in January the council asked for a written request to be sent to the Kansas Ethics Commission regarding Councilmember Stambaugh's concern about Councilmember Beem's residential lease agreement and whether that relationship constitutes a substantial interest that could impact his ability to vote on certain issues. He gave the governing body a copy of the report received from the commission.

He stated he would like to point to the second page, which lays out the questions sent to the Ethics Commission and read those questions aloud. **(See Exhibit A for the full report)**

He stated prior to sending in this written request the Governing Body walked through the steps and scenarios that could be deemed substantial interest. He stated none applied directly in this case, but the Governing Body thought it best to send in the request anyway for a clear and concise opinion.

He read aloud the results.

He stated there is no substantial interest for Councilmember Beem, and that he can vote on any and all items with NorthPoint and their subsidiary, Hillsdale Land and Cattle.

Councilmember Beem thanked Mr. Hendricks for the time to complete this request and the Council for approving the request for an opinion.

Mr. Hendricks stated he appreciates Council allowing this to be sent in and he is glad to have the answer back in writing. He stated this helped the City learn through this process and allows other cities who might face the same situation to have an answer too.

**Business Requiring Action**

**9. CONSIDER RENEWAL OF CORPORATE INSURANCE POLICY FOR APRIL 1, 2022 – MARCH 31, 2023**

Ms. Alex Clower, City Clerk, addressed the Council. She stated as noted at the last Council meeting, the city did not yet have quotes on Cyber and Pollution Insurance Premiums. She stated based off the quotes provided to the City's insurance consultant, Mr. Kevin O'Brien, recommends renewing the Pollution Control policy with Crum & Forster with no increase from last year. She stated the cyber premium will increase significantly over last year. She stated Mr. O'Brien received a total of 5 bids with costs ranging from roughly \$4,000 to over \$16,000. After reviewing the quotes, Mr. O'Brien narrowed the final quotes to 3 and recommends EVOLVE, as they have the best level of coverage with the lowest premium of \$4,293.

Councilmember Longanecker asked what the differences are between the companies offering at the low cost vs. the higher costs.

Mr. O'Brien stated those companies are proud of their products.

Ms. Linn stated it is a large feat to get through this process and Mr. O'Brien does a great job finding these companies, researching them, and comparing the quotes. She thanked him on behalf of the City's staff.

Mr. O'Brien stated there is a lot of prep time and info required from city staff as well and he is very thankful for the hard work they put in to make this process as smooth as it can be.

Ms. Clower stated she would like to note that the 2023 budget is adequate to cover the cost of premiums.

With no further questions Mayor Roberts then requested a motion to approve the purchase of Cyber and Pollution Insurance from the companies listed.

Councilmember Longanecker moved to approve the renewal of the corporate insurance policy, seconded by Councilmember Brown. The item was approved, 5-0.

**10. CONSIDER ORDINANCE NO. 2103 LEVYING SPECIAL ASSESSMENTS ON PARCELS OF GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN THE LPKC DISTRICT NO. 3 COMMUNITY IMPROVEMENT DISTRICT**

Mr. Scott Anderson, Bond Counsel, addressed the Council. He stated as part of ELHC 52, the city created LPKC CID 3. In this agreement, the city agreed to levy a \$.05 CID Special Assessment over a 10-year term in which costs have been certified through the city. He stated this ordinance is just to close out the project and tell the county to certify special assessments to their tax bill for the next 14 years.

With no questions or comments, Mayor Roberts requested a motion to approve Ordinance No. 2103.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The item was approved, 5-0.

**11. CONSIDER RESOLUTION NO. 03-10-22A DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE MAXIMUM AMOUNT OF \$26,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL PROJECT FOR THE BENEFIT OF ELHC CY, LLC.**

Mr. Scott Anderson addressed the Council. He stated the city has received an IRB application for the construction and equipping of a commercial building. He stated there is no property tax abatement associated with this project, there will only be a sale tax project exemption certificate issued for the purchase of material for the construction. He stated this bond is identical to prior bonds done in the past.

Councilmember Stambaugh asked to see a map of where this property is located.

Ms. Linn pulled the map on AIMS and stated it is directly north of Smart Warehousing.

Councilmember Stambaugh asked what ELHC CY LLC is, she stated she assumes it's a subsidiary of NorthPoint Development.

Mayor Roberts stated the Planning Commission documents say it's a container storage facility.

With no further questions or comments, Mayor Roberts then requested a motion to approve Resolution No. 03-10-22A.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Brown. The item was approved, 5-0.



## 12. **CONSIDER RESULTS OF 191ST STREET/GARDNER ROAD/INTERSTATE 35 SAFETY STUDY**

Mayor Roberts stated he would like to outline the remainder of the agenda. He stated he would like to allow public safety members to speak on this subject to hear their input and concerns. He stated he has some information he would like to share as well. He stated his intent is to have an executive session following the information presented by staff and after executive session and final discussions, there may be action. He stated he would encourage everyone to stay around after executive session to see how it all turns out.

Ms. Beth Linn, City Administrator, addressed the Council. She stated in October 2021, the City Council entered into an agreement with RIC to complete a safety study for 191<sup>st</sup> Street/Gardner Road/Interstate 35 area. Over the last several years, Edgerton City Council has received numerous safety concerns related to traffic around Gardner Road Interchange at Interstate 35, particularly related to the proximity of 191<sup>st</sup> Street and Nike Elementary School. She stated Edgerton has previously responded to those concerns that any improvements in the area would be the responsibility of various other agencies like the City of Gardner, Kansas Department of Transportation, Johnson County, etc, given the intersection is located outside the Edgerton city limits.

She stated the Safety Study analyzed existing and projected future conditions to identify specific trouble areas and potential remediation. To evaluate current traffic conditions, traffic counts were collected for the AM and PM peak periods at six different intersections. A copy of the Safety Study is included with this packet.

She stated to understand the existing conditions, RIC reviewed previous traffic studies, reviewed area truck routes, analyzed crash history, collected and analyzed existing traffic counts, and collected on-site observations at several locations. She stated of particular note, the study observed a considerable amount of traffic using the Phillips 66 gas station as a cut-through to access Locust Street.

She stated RIC then performed an intersection capacity analysis for both existing conditions and existing condition + approved project scenario. As noted in the Study, the intersection with a failing Level of Service was the Phillips 66 & Gardner Road driveway.

Based on the Safety Study, RIC prepared the following four recommendations to the City of Edgerton.

1. **Cut-through Traffic at Phillips 66** – Emphasizing enforcement to curb cut-through traffic at Phillips 66
2. **Truck Route Signage** – Leave current dynamic message board on I-35 and remove Truck Route sign posted on 191<sup>st</sup> Street just east of Edgerton/Gardner city limits
3. **Driveway Closure at Phillips 66** – Consider limiting access to Phillips 66 from Gardner Road
4. **Closure of 191<sup>st</sup> Street Connection** – Consider Closing 191<sup>st</sup> Street prior to the Edgerton/Gardner city boundary.

As stated on Page 21 of the study, while City of Edgerton has specific safety concerns about cut-through traffic outlined in the study, Edgerton does not have jurisdictional rights over the study area, nor the jurisdictional authority to complete recommendations 1-3. She stated therefore, the Safety Study recommends the "City of Edgerton consider closing 191<sup>st</sup> Street prior to the Edgerton/Gardner boundary", as it is the only option the City is empowered to take. The Study further recommends the engineering detail for the closure to include a combination of cul-de-sac and Type 4 Object Markers as shown on page 21.

As directed by City Council, staff notified our public safety partners that the Safety Study is complete and invited them to attend the City Council meeting related to this item.

She stated if City Council would choose to close 191<sup>st</sup> Street, Staff would continue to work with BG Consultants to finalize the design of the improvements, acquire any right-of-way necessary and package the project for bid and construction.

She stated the job of staff was to outline the study and advise council of the recommendations prepared by the consultant, but the intent of this agenda item is to review the results, not specifically to vote on any solution or any closure of roadways.

Mayor Roberts then invited the public safety members in attendance to speak.

Mr. Dennis Meyers, Johnson County District #1 Fire Chief, addressed the Council. He stated when there is a fire situation, whether that be inside or outside LPKC, there are at least 10 different pieces of equipment responding to that fire from all locations. He stated the new truck located at LPKC covers the west side of Gardner too. He stated it amazes him that just a few weeks ago everyone was celebrating the opening of 207<sup>th</sup> Street Bridge and taking the equipment for the first drive across, and here we are now talking about closing a direct route of traffic. He stated if you are that person needing help, 4 minutes has just been added to even get to you. He stated if emergency services need equipment there in seconds, they cannot have a built-in delay to get to someone. He questioned why the City is worried about the Phillips 66 instead of the 191<sup>st</sup> and Waverly intersection. He stated his biggest concern is that they were never contacted by the consultant to hear the concerns of the emergency personnel related to the closure of the road, he stated they are public safety and they are willing to work with the City to come to a conclusion. He stated there are plans that are soon to happen that include the entrance into Phillips 66 going away, and the problems will be solved. He stated what about Waverly from the bridge to 56 Highway. He stated he wishes everyone would just take a deep breath, table the decision until all parties can get together and a solution can be made with everyone. He stated the city is not taking into consideration what problems this will cause for everyone. He added everyone in the district invested money to open this new station and by closing the road, the city just closed that station off to everyone. He stated if they had known this was happening, that building would have never been built at that location. He stated they are 100% against the closure of the road, this will be disastrous for them.

Mayor Roberts asked Chief Meyers to stay for the discussion following the executive session.

Mr. Paul Davis, Emergency Services Director for Johnson County, addressed the Council. He stated they had an opportunity to place a squad at 191<sup>st</sup> and Homestead, and they anticipate adding an ambulance there as well. He stated when they did their time and travel studies, they looked at routes and 191<sup>st</sup> to Gardner Rd. was the most direct access, even using 183<sup>rd</sup> St. causes a delay. He stated he was disheartened to hear that if 191<sup>st</sup> was closed by Edgerton, Gardner would then close 183<sup>rd</sup>. He stated the new route they would then have to take, would add about 5 minutes, with the other route adding 4 minutes. He stated this is very concerning for emergency personnel.

Mayor Roberts asked him to stay for more discussion following the executive session.

Mr. Frank Martinez, Captain of Patrol Division for Johnson County Sheriff's Dept., addressed the Council. He stated he spends a lot of time in Edgerton. He stated the department does have concerns with the plan to close the road since they do provide policing services throughout the county. He stated he looks at it differently than those here for emergency services, he is concerned about the safety of officers. He stated if there is a call in LPKC, there could be other officers coming from surrounding districts, if direct routes are cut off, this impacts the safety of the officers. He stated they echo the concerns mentioned tonight.

Mayor Roberts asked him to stay for the discussion following the executive session.

Mayor Roberts stated when this topic first came up at a meeting, the city did a safety study to understand the gravity of concerns that have been brought forward. He stated he thinks it is important to consider opinions in anything the city does. He stated he appreciates the emergency personnel coming with their opinions and that they were honest with their concerns.

He stated there are multiple levels of conversation that have happened with Gardner and Johnson County regarding this intersection. He stated these conversations have included potential fixes and his desire for tonight was to come in and ask the council for 90 days to have discussions with Gardner, which was mentioned in a conversation with the Mayor of Gardner just yesterday. He stated he has since received an email from the Mayor of Gardner, which was additionally sent to all members of the Governing Body, which states that Gardner is not willing to have any conversations regarding closures of roadways within their jurisdiction. He stated he does believe the issue is within Gardner's jurisdiction and the only option Edgerton has would be to close 191<sup>st</sup>, based on the safety study.

Ms. Linn stated based on the study, the traffic flow in the morning is coming southbound turning right on Gardner Rd. and then turning immediately left into Phillips 66. She stated the study shows 121 cars making that left in 45 minutes. She stated there is not enough space and ultimately these vehicles are then backing up onto I-35. She displayed the plans from KDOT for that interchange. She stated the plans shown are at 50 percent complete. She stated she did confirm the schedule from KDOT, the interim project will go out for bid September 2023 and is set for two construction seasons, 2024 and 2025.

Mayor Roberts stated he does want to point out that although these plans are available, the project has not been let out for bid yet. He stated if KDOT does not move forward, then safety improvements are at a standstill. He stated that as an example the improvements were stalled for 6 years at Sunflower.

Ms. Linn stated there are also a couple of milestones that will have to be completed, namely Gardner must approve a City-State Agreement, acquisition of right of way can take time, and there could be changes to the funding perspective they have set now.

Mayor Roberts stated he believes they want this to happen, but the timing may change based on outside factors.

Public Works Director Mr. Dan Merkh stated the KDOT plans show a proposed new median that would prevent left turns and a newly built 188<sup>th</sup> St. that turns into Locust. He stated they received these plans a few days ago.

Ms. Linn stated the plans also show the removal of the Phillips 66 entrance.

Councilmember Brown asked so their only way to get into Olathe Health, would be to turn right coming off the highway?

Mayor Roberts stated they are still working with KDOT on potential changes.

Mr. Merkh stated yes, there will be no ability to turn left into Olathe Med from Southbound.

Mayor Roberts stated all of this is available through KDOT and the County.

Councilmember Stambaugh asked why Edgerton conducted a traffic study in Gardner.

Mayor Roberts stated this was done because there have been numerous concerns raised at Planning Commission and City Council from members of the public and Gardner blaming Edgerton for the safety problems.

Councilmember Stambaugh stated she drives on that road daily to take her child to school. She stated she believes the increased truck traffic is due to Edgerton.

Mayor Roberts stated the study says that most of the traffic is commuter cars, not trucks.

Councilmember Stambaugh stated the truck traffic is due to the intermodal. She asked if Phillips 66 has made a direct complaint related to the use of their parking lot as a cut through.

Mayor Roberts stated he would like to get through this discussion and then go into executive session.

The representative from Olathe Health stated the plans seen tonight mean nothing until right of way negotiations are completed. He stated the final result probably will not look like what is seen today.

Mr. Hendricks stated unfortunately this is the best information we have today and is what we have to use for the current conversations.

Mayor Roberts stated that while these plans can still change, it will be KDOT changing them, not the city, so Council needs to base their decision on what is planned right now. He stated his intent was to recommend that Council not take any action and try first to work with Gardner. He stated he is not backing off of the idea of having time to talk to Gardner, but the email from Mayor Winters has made it difficult to come to a conclusion.  
**(See Exhibit B)**

He stated this response was a change from the conversation that took place yesterday with the Mayor of Gardner where he agreed verbally to 90 days to discuss future plans for this area. He stated in another discussion with the Mayor he does believe any closure on Gardner's side is off the table, however potential fixes related to this area could come with a cohesive plan from both communities. He stated his recommendation would be to give at least 30 days to allow conversations to happen with Gardner and the public safety personnel in this area. He stated he does believe the safety study shows there is a safety concern in this area.

Mayor Roberts stated he would like to recommend a motion to approve recessing into Executive Session for 20 minutes to include the City Attorney, City Administrator and Public Works Director for Attorney Client Privilege for the purposes of prospective litigation. He stated the meeting will reconvene in the council chambers.

Councilmember Brown moved to approve the motion to recess into executive session, seconded by Councilmember Longanecker. The motion was approved, 5-0.

The meeting recessed into executive session at 8:26PM.

Mayor Roberts requested motion to return to open session with no action taken.

Councilmember Longanecker made motion to return to open session with no action taken, seconded by Councilmember Brown. The motion was approved, 5-0.

The open meeting resumed at 8:46PM in the council chambers.

Mayor Roberts thanked the emergency personnel for staying. He stated he would now like the opportunity for council to have a discussion. He stated he values all input in this process.

Councilmember Lewis asked the emergency personnel in attendance if they believe the current situation as it is today, doesn't carry any safety concern at all.

Chief Meyers stated he has traveled that route many times a day and has never seen a bunch of cars cutting through the gas station. He stated he checked with Gardner to see if there have been any complaints from Phillips 66, and they have had zero complaints. He stated he does not see huge amounts of traffic coming out from there, he sees more coming out of the apartments. He stated they run twice as many calls at 191<sup>st</sup> and no calls at this intersection.

Mayor Roberts asked if he would mind providing the crash data for that area.

Chief Meyers confirmed the Mayor is asking for the Phillips 66 data, to which he stated there is zero data and nothing that shows a call being ran there. He stated since it has been completely open, there have been zero issues. He stated yes, during the time of construction there could have been problems there, but he would like to see the data today since the project has been complete.

Chief Davis stated he has lived at 186<sup>th</sup> and Gardner Rd. for many years and trying to get out in the morning is a mess there. He stated he is hopeful that through work, they can make a viable well flowing intersection. He stated he cannot imagine trying to get a child to Nike Elementary because traffic is at a standstill in that peak time. He stated to the point of the cut through at Phillips 66 being a safety issue, he does not see one and he has not run any accidents there.

Chief Meyers stated he is not saying 191<sup>st</sup> is not a big problem, they have just as many if not more calls coming from the curve at Homestead. He stated 191<sup>st</sup> doesn't have curbs and many trucks fall off the road. He stated people cause them to have calls, so the more vehicles on the road, the more accidents there will be and more calls they will have.

Mayor Roberts stated he does believe there is a way to calm traffic if it is done correctly.

Councilmember Longanecker stated for some reason it seems to be a consensus that Edgerton is shutting down the road. He stated there needs to be time to discuss options now that everyone has the information and see where it goes from there.

Councilmember Brown stated when this all started, he had phone calls from people with concerns about the intersection and he brought those up to Council. He stated the city spent money to see the extent of the problem and what options the City has to make it better. He stated he feels like the city has done their due diligence and can make an informed decision based on the facts. He stated the Council is doing what they think is right to take care of safety issues. He stated they want to do what is best to resolve the safety issue that was brought up from concerned citizens. He stated if someone else from the other side wants to come and help with this, that would be great.

Mr. Hendricks stated there were two instances during comment on this matter where persons cited minutes from the September 9, 2021 council meeting, but this was a selective review of the minutes. He stated using selective reading and claiming this is a

vendetta between two municipalities is completely incorrect, and all it can lead to is the creation of a vendetta which doesn't exist. He stated he encourages those present to go back and read the minutes in their entirety to see what the purpose of the study was.

He stated he thinks that people are off topic in what is being brought forward here tonight. He stated item 12 states that council should consider the results of the safety study, not vote on a conclusion of that study and begin construction. He stated the only option Edgerton has been provided at this moment given the results of the safety study is by no means the option we want to take moving forward.

Chief Meyers stated the intersection project in Gardner has been in the works for two-plus years, it is finally opened and now the only option is to close a road.

Councilmember Lewis stated there are three other options given in this safety study, but those are not in Edgerton's jurisdiction.

Chief Meyers stated when they read this study and the only option for Edgerton was to close the road, they had concerns.

Mr. Hendricks stated he respects Council's approach tonight, to listen to all comments and hold their comments until they had a discussion. He stated all anybody has done tonight is jump to conclusions and assume action from the council which has not even been considered. He stated his legal recommendation is to not close the road and to have a conversation with the neighboring jurisdiction and safety partners.

Chief Meyers stated he will do anything he can to help in a conversation with Gardner.

Mayor Roberts stated he still would like to have a conversation with Gardner since the study shows a public safety hazard.

Chief Meyers discussed the history of 183<sup>rd</sup> Street and stated closure of that road would have caused safety concerns as well. He stated he wants a conclusion that will work cohesively for everyone.

Mr. Hendricks stated Council members have been receiving negative comments for a conclusion that has not even been established. He stated emergency personnel are the most important people to help guide and establish a decision like this, and it is important to understand facts.

Captain Martinez stated he appreciates the passion from the City Attorney. He stated they were invited tonight to speak directly on concerns about the closing of 191<sup>st</sup> Street, and that's why they've shared their comments directly related to the closure. He stated that's what directly affects them.

Mayor Roberts asked Cpt. Martinez if the traffic cutting through the Phillips 66 affects public safety.

Capt. Martinez stated yes, it does.

Mayor Roberts stated Edgerton's only option to rectify the safety concerns is to close the road, but he believes the best fix for these safety concerns is not in Edgerton. He stated multiple studies, from KDOT, Edgerton and even a 2018 study in Gardner, have identified safety hazards in that area. He stated this is why he wants to have a conversation with Gardner, although Mayor Winters has already established that they will not consider one of the options.

Chief Meyers stated he cannot speak for Gardner, but he thinks they recognize there is a problem there.

Councilmember Stambaugh stated as a parent, she will always choose having emergency personnel on scene five minutes earlier versus being backed up in traffic.

Councilmember Lewis stated if the traffic is backed up on the highway and through the intersection, there is also a safety concern there too.

Mayor Roberts stated there is no disagreement over safety issues at that intersection. He stated that while Edgerton has an option to close the road, he would recommend Council approve at least 30 days to continue talks with Gardner.

Councilmember Lewis stated he thinks further discussion with the experts in the field from both municipalities is the best way forward.

Mayor Roberts stated he is not recommending action on this item, he is recommending time to have conversations with the neighboring jurisdiction and safety partners.

Councilmember Longanecker asked where it goes from here.

Mayor Roberts stated a motion will need to be made to direct staff or to recommend an option. He stated council could also take no action until council wants to bring it back.

Councilmember Longanecker made motion to allow 90 days for local public safety members, the City of Gardner, KDOT and the City of Edgerton to discuss options regarding the safety study report. Councilmember Lewis seconded the motion. The motion was approved, 5-0.

Mayor Roberts stated Council and Staff will be back with a report on June 9<sup>th</sup> following discussions.

### **13. Report by the City Administrator**

- KRWA Designation of Voting Delegate



Ms. Linn stated in light of encouraging continuing education, the city is a member of the Kansas Rural Water Association which requires the city to send a delegate to the yearly meeting. She stated this is a standard practice. The city recommends nominating Utilities Superintendent Mike Mabrey as the delegate and Public Works Director Dan Merkh as the alternate.

Mayor Roberts requested motion to designate Mike Mabrey as the voting delegate for the KRWA 2022 Annual Membership Meeting and Dan Merkh as the alternate delegate.

Councilmember Brown moved to approve the delegates, seconded by Councilmember Longanecker. The delegates were approved, 5-0.

- 2023 Budget Calendar

Beth Linn referenced the calendar given to the councilmembers and highlighted a few upcoming dates for the 2023 Budget season.

#### **14. Report by the Mayor**

Mayor Roberts stated he had no report to give at this time.

#### **15. Future Meeting Reminders:**

- March 24<sup>th</sup>: City Council Meeting – 7:00PM
- April 12<sup>th</sup>: Planning Commission – 7:00PM
- April 14<sup>th</sup>: City Council Meeting – 7:00PM
- April 28<sup>th</sup>: City Council Meeting – 7:00PM

#### **16. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Brown. All in favor. The meeting was adjourned at 9:20 PM.

Submitted by Alexandria Clower, City Clerk

## EXHIBIT A



2887 SW MacVicar Avenue, Topeka, Kansas 66611  
Telephone (785) 267-3410 Facsimile (785) 267-9516  
www.stumbolaw.com

January 21, 2022

Kansas Governmental Ethics Commission  
c/o Brett Barry  
901 South Kansas Ave.  
Topeka, KS 66612

**RE: City of Edgerton, Kansas**  
**Request for Advisory Opinion Pursuant to K.S.A. 75-4303a**

Dear Sir or Ma'am,

As City Attorney for the City of Edgerton, Kansas I have been asked by the City Council to request an advisory opinion under K.S.A. 75-4303a on an alleged conflict of interest involving a city councilmember. A recently seated councilmember contacted the mayor regarding her concern that another councilmember was conflicted out of voting on certain matters due to the contractual relationship he has with his landlord, Hillsdale Land & Cattle, LLC ("Hillsdale"). That concern was forwarded to me, and after providing my opinion on the matter to the council it was agreed that I would request this opinion for further clarification from your office. The following is a brief overview of the situation and my review of the request:

Northpoint Development ("Northpoint") is an industrial property developer and has been a partner with Edgerton in the growth and expansion of Logistics Park Kansas City. Northpoint would best be described as the master developer of Logistics Park, and is a party to two master development agreements with the City. Northpoint has numerous subsidiary companies, some of which own properties in and around the City of Edgerton. One of those subsidiaries is Hillsdale. The city has had very few agenda items requiring a vote involving Hillsdale specifically, but did vote on a request from the entity to annex and rezone a property into the City limits in December of 2020. That was prior to the tenancy at issue, and it is worth noting that the councilmember involved in this request voted against Hillsdale's requests. The City does however have numerous agenda items annually which involve Northpoint.

The allegation is that due to the one-year, written lease the councilmember has with Hillsdale, he should have filed notice of a substantial interest involving Hillsdale/Northpoint and should refrain from voting on any matters involving both entities. I requested a copy of the lease, and it is a one-year lease and includes an anti-assignment, non-sublease clause. I asked the councilmember both

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Tom R. Barnes II  
Todd A. Luckman  
Lee W. Hendricks  
Tiffany R. Thomas

Of Counsel: Gary H. Hanson  
Quentin E. Kurtz

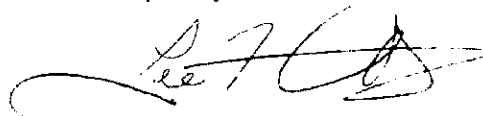
Walter G. Stumbo (1911-1998)

privately and in open session during a meeting whether he has paid timely rent pursuant to the lease and he stated he has. I asked him if he has received any financial benefit beyond the residence-for-rent arrangement and he stated he has not. I asked him if he had any ownership interest in either business, was a partner, director or officer of either business, or received compensation from either business and he stated he did/was not. Given the information he provided to the council and those present, it was my opinion to the council that he clearly did not meet any of the statutory definitions for a substantial interest under K.S.A. 75-4301a(1), (2), (4), or (5). Since he stated he is not receiving \$500.00 or more in value without consideration from Hillsdale, it would appear that (3) would not apply either, although I did inform the council that it could be argued that a leaseholder could transfer their interest in a lease to another party for over \$500.00 which would trigger a substantial interest classification. Even that possibility was a dead end however, due to the anti-assignment, non-sublease clause in the lease. As such my review of the matter resulted in my informing the council that the councilmember did not have a substantial interest as defined in K.S.A. 75-4301(a).

The City's request for opinion from the Governmental Ethics Commission would be three-fold: The first question is whether the Commission agrees that the councilmember at issue does not have a substantial interest as defined in K.S.A. 75-4301(a) as a result of his residential lease? Secondly, should the Commission determine that the councilmember does have a substantial interest, if he were to provide notice of that interest as required by law would he only be conflicted out of voting for matters involving Hillsdale, or would that conflict also extend to the parent company, Northpoint? Lastly, should the Commission determine that the councilmember does have a substantial interest, is the City correct in reading K.S.A. 75-4304 that if the councilmember files a notice of his substantial interest as required by law that he is barred only from voting on contractual matters involving Hillsdale/Northpoint (depending on your answer to question 2) and allowed to vote on other, regulatory, non-contractual matters involving those parties such as platting, zoning or annexation questions?

The City truly appreciates your time and review of this matter, and should you have any questions or concerns regarding these requests please let me know.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lee W. Hendricks", with a stylized flourish extending from the end.

LEE W. HENDRICKS

City Attorney, City of Edgerton, Kansas



# Ethics Opinion Search

February 23, 2022

Opinion No. 2022-01

Lee W. Hendricks

Stumbo Hanson LLP

2887 SW MacVicar Avenue

Topeka, Kansas 66611

**Synopsis:** A lease agreement in which a local governmental officer is the tenant is not a substantial interest in the landlord.

**Cited herein:** K.S.A. 75-4301a, 75-4302a, 75-4303a, and Opinions 2008-11, 2010-06, 2011-04.

Dear Mr. Hendricks,

In response to your January 21, 2022, letter request, this opinion is provided by the Kansas Governmental Ethics Commission (commission), concerning application of the local conflict of interest laws, K.S.A. 75-4301a *et seq.* The commission's jurisdiction is limited to applicability of this law. This opinion, provided pursuant to K.S.A. 75-4303a(a), does not address whether some other statutory system, common law theory, agency rule or regulation applies to your inquiry.

## FACTUAL STATEMENT

We understand that your firm requests this opinion as counsel for the City of Edgerton. Your letter provides the following facts regarding a conflict based upon the relationship a member of the city council has with their landlord, Hillsdale Land & Cattle, LLC ("Hillsdale"):

Northpoint Development ("Northpoint") is an industrial property developer and has been a partner with Edgerton in the growth and expansion of Logistics Park Kansas City. Northpoint would best be described as the master developer of Logistics Park, and is a party to two master development agreements with the City. Northpoint would best be described as the master developer of Logistics Park, and is a party to two master development agreements with the City. Northpoint has numerous subsidiary companies, some of which own properties in and around the City of Edgerton. One of those subsidiaries is Hillsdale. The city has had very few agenda items requiring a vote involving Hillsdale specifically, but did vote on a request from the entity to annex and rezone a property into the City limits in December of 2020. That was prior to the tenancy at issue, and it is worth noting that the councilmember involved in this request voted against Hillsdale's requests. The City does however have numerous agenda items annually which involve Northpoint.

The allegation is that due to the one-year, written lease the councilmember has with Hillsdale, he should [... file] notice of a substantial interest involving Hillsdale/Northpoint and should [...abstain] from voting on any matters involving both entities. [...The] lease [...] is a one-year lease and includes an anti-assignment, non-sublease clause.

The councilmember has not received any financial benefit from the lease. The councilmember doesn't have any ownership interest in either business, isn't compensated by either business, and isn't a partner, director, or officer of either business.

## QUESTIONS

1. Does the councilmember have a substantial interest in Hillsdale?
2. If so, would the substantial interest extend to Northpoint?

3. Does a substantial interest bar the councilmember from voting on non-contractual matters involving Hillsdale or Northpoint?

#### **ANALYSIS AND OPINION**

Edgerton, Kansas, is a "governmental subdivision" and a member of its council is a "local governmental officer." K.S.A. 75-4301(f), 75-4301(d). The councilmember in question is subject to the requirements of the local level conflict of interest laws, K.S.A. 75-4301, et seq.

Substantial interests, as provided in K.S.A. 75-4301a(a)(1)-(a)(5), subject to thresholds and other limitations, require that the councilmember: (1) have a pecuniary interest in a business, (2) receive compensation from a business or combination of businesses, (3) receive goods or services without reasonable and valuable consideration, (4) hold a position in a business, or (5) receive compensation which is a portion or percentage of a fee or compensation to a business. The facts do not provide a basis for the councilmember to have a substantial interest in Hillsdale or its parent Northpoint. The facts only reveal a lease agreement between Hillsdale and the councilmember in which the latter is the tenant. The lease agreement prohibits subleasing. The tenant does not receive compensation, goods and services without reasonable consideration, or a portion of fees or commissions paid to Hillsdale or Northpoint. The tenant does not hold a position or pecuniary interest in Hillsdale or Northpoint.

Without a substantial interest in Hillsdale or Northpoint, the third question is moot. However, the commission has addressed the issue in prior opinions, including Opinion 2008-11 (ordinance), Opinion 2010-06 (special use permit) and Opinion 2011-04 (building permit).

Sincerely,

Nicholas Hale, Chairman

By Direction of the Commission

NH:BB:sf

[Return to Search](#)

## EXHIBIT B

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**From:** Beth Linn  
**Sent:** Monday, March 21, 2022 3:26 PM  
**To:** Alexandria Clower  
**Subject:** Fwd: Agenda Item 12 - 191st safety concerns

Sent from my iPhone

Begin forwarded message:

**From:** Todd Winters <twinters@gardnerkansas.gov>  
**Date:** March 10, 2022 at 3:07:11 PM CST  
**To:** Donald Roberts <mayor@edgertonks.org>, Clay Longanecker <clonganecker@edgertonks.org>, Jody Brown <jbrown@edgertonks.org>, Josh Lewis <jlewis@edgertonks.org>, Josh Beem <jbeem@edgertonks.org>, Josie Stambaugh <jstambaugh@edgertonks.org>, Beth Linn <blinn@edgertonks.org>  
**Subject:** Agenda Item 12 - 191st safety concerns

Mayor Roberts  
CA Beth Lynn  
Governing Body,

I am writing regarding agenda item number 12 relating to 191<sup>st</sup> safety concerns.

I want to be clear that, any decision regarding safety concerns of roads and businesses in Gardner will be addressed by our own governing body. At this time, closure of any access point is not an option we will entertain, as there are no valid safety issues that currently exist that would warrant such closure. Any future access point closures will be determined by KDOT in consultation with the City of Gardner as part of the scheduled Gardner Road interchange project.

Any attempt to disrupt traffic flow along 191<sup>st</sup> St. will be seen as a thinly veiled attempt at discouraging LPKC employees and vendors from doing business in our community and will damage further working relationships/partnerships between our two cities.

There are opportunities for success for both of our communities working together. It is in the best interests of our citizens. I trust you will make the right decision.

Respectfully,  
Todd Winters  
Mayor of Gardner



### **RIGHT OF WAY EASEMENT**

This Right of Way Easement is made on this \_\_\_\_ day of \_\_\_\_\_, 2022. **DENNIS L. DWYER and VICKIE J. DWYER**, a married couple, **LARRY E. DWYER and JANINE K. DWYER**, a married couple, and **DAVID L. DWYER and KENDRA L. DWYER**, a married couple (hereinafter jointly called "Grantors"), for the consideration of Eight Hundred and Thirty-five Dollars (\$835.00) in hand paid, convey and transfer to the City of Edgerton, Kansas (hereinafter "Grantee"), free and clear of all liens and encumbrances, a road right of way easement for the following described real property in Johnson County, Kansas:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 15 SOUTH, RANGE 21 EAST OF THE 6TH P.M., IN JOHNSON COUNTY, KANSAS, DESCRIBED BY AL DIEBALL, P.S. 758 ON SEPTEMBER 20, 2021, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13; THENCE  
ALONG THE EAST LINE OF SAID SECTION 13  
S.01°52'27"E. (BEING AN ASSUMED BEARING) 65.00 FEET; THENCE  
S.88°17'49"W. 30.00 FEET; THENCE  
N.01°52'27"W. 35.00 FEET; THENCE  
S.88°17'49"W. 30.00 FEET; THENCE  
N.01°52'27"W. 30.00 FEET TO THE NORTH LINE OF SAID SECTION 13; THENCE  
ALONG THE NORTH LINE OF SAID SECTION 13

N.88°17'49"E. 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,850  
SQUARE FEET INCLUDING 2,100 SQUARE FEET OF EXISTING R/W AND 750  
SQUARE FEET OF ADDITIONAL EASEMENT.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and  
seals the date first above written.

**GRANTORS:**

  
**DENNIS L. DWYER**

  
**VICKIE J. DWYER**

\_\_\_\_\_  
**LARRY E. DWYER**

\_\_\_\_\_  
**JANINE K. DWYER**

\_\_\_\_\_  
**DAVID L. DWYER**

\_\_\_\_\_  
**KENDRA L. DWYER**

**GRANTEE:**

**CITY OF EDGERTON, KANSAS,**  
A Municipal Corporation

(SEAL)

By: \_\_\_\_\_

N.88°17'49"E. 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,850  
SQUARE FEET INCLUDING 2,100 SQUARE FEET OF EXISTING R/W AND 750  
SQUARE FEET OF ADDITIONAL EASEMENT.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and  
seals the date first above written.

**GRANTORS:**

\_\_\_\_\_  
**DENNIS L. DWYER**

\_\_\_\_\_  
**VICKIE J. DWYER**

\_\_\_\_\_  
**LARRY E. DWYER**

\_\_\_\_\_  
**JANINE K. DWYER**

  
**DAVID L. DWYER**

  
**KENDRA L. DWYER**

**GRANTEE:**

**CITY OF EDGERTON, KANSAS,**  
A Municipal Corporation

By: \_\_\_\_\_

(SEAL)

N.88°17'49"E. 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,850  
SQUARE FEET INCLUDING 2,100 SQUARE FEET OF EXISTING R/W AND 750  
SQUARE FEET OF ADDITIONAL EASEMENT.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and  
seals the date first above written.

**GRANTORS:**

\_\_\_\_\_  
**DENNIS L. DWYER**

\_\_\_\_\_  
**VICKIE J. DWYER**

*Larry E. Dwyer*  
\_\_\_\_\_  
**LARRY E. DWYER**

*Janine K. Dwyer*  
\_\_\_\_\_  
**JANINE K. DWYER**

\_\_\_\_\_  
**DAVID L. DWYER**

\_\_\_\_\_  
**KENDRA L. DWYER**

**GRANTEE:**

**CITY OF EDGERTON, KANSAS,**  
A Municipal Corporation

(SEAL)

By: \_\_\_\_\_

Beth Linn, City Administrator

ATTEST:

---

Alexandria Clower, City Clerk

## ACKNOWLEDGMENT

STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON   )

BE IT REMEMBERED, That on this 10<sup>th</sup> day of March 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **DENNIS L. DWYER and VICKIE J. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Candace C. Phillips  
Notary Public

My Appointment Expires:

1/5/25



STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON   )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **LARRY E. DWYER and JANINE K. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public


My Appointment Expires:

\_\_\_\_\_

STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON    )

BE IT REMEMBERED, That on this 11 day of March 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **DAVID L. DWYER and KENDRA L. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires:

5-20-23



## ACKNOWLEDGMENT

STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON   )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **DENNIS L. DWYER and VICKIE J. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON   )

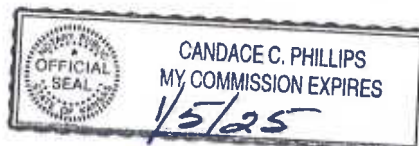
BE IT REMEMBERED, That on this 10<sup>th</sup> day of March 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **LARRY E. DWYER and JANINE K. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Candace C. Phillips  
Notary Public

My Appointment Expires:

1/5/25





## ACKNOWLEDGMENT

STATE OF KANSAS            )  
                                      ) ss:  
COUNTY OF JOHNSON        )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **BETH LINN**, City Administrator of the City of Edgerton, Kansas, and **ALEXANDRIA CLOWER**, City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

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

\_\_\_\_\_  
Notary Public

My Appointment Expires:

\_\_\_\_\_

City Project: 8<sup>th</sup> and Braun Intersection  
Parcel No. 4F211513-3001

**TEMPORARY CONSTRUCTION EASEMENT**

THIS AGREEMENT, Made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between **DENNIS L. DWYER and VICKIE J. DWYER**, a married couple, **LARRY E. DWYER and JANINE K. DWYER**, a married couple, and **DAVID L. DWYER and KENDRA L. DWYER**, a married couple hereinafter called Grantors, and the **CITY OF EDGERTON, KANSAS**, a Municipal Corporation, located in the County of Johnson, State of Kansas, hereinafter called Grantee.

NOW, THEREFORE, for the sum of One Hundred and Sixty-Five (\$165.00) and other good and valuable consideration, including just compensation paid for all property damage resulting from the public improvement and from those factors set forth in K.S.A. 26-513 and other factors arising from the public improvement to be made, including but not limited to access to the property; productivity, convenience, use to be made of the property remaining; view; severance of the tract; changes of grade; loss or impairment of access; loss of landscaping, trees and shrubbery; loss of fences; damage to property remaining due to change of grade; medians; and increased water run-off or drainage as indicated on the construction plan; the sufficiency of which is hereby acknowledged, the Grantors do hereby grant to Grantee, its successors and assigns, a Temporary Construction Easement in, on, over, under and through the following described real estate, to wit:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 15 SOUTH, RANGE 21 EAST OF THE 6TH P.M., IN JOHNSON COUNTY, KANSAS, DESCRIBED BY AL DIEBALL, P.S. 758 ON SEPTEMBER 20, 2021, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 13; THENCE ALONG THE EAST LINE OF SAID SECTION 13  
S.01°52'27"E. (BEING AN ASSUMED BEARING) 65.00 FEET; THENCE  
S.88°17'49"W. 20.00 FEET TO THE POINT OF BEGINNING; THENCE

S.01°52'27"E. 12.63 FEET; THENCE  
N.46°47'19"W. 81.62 FEET; THENCE  
N.88°17'49"E. 17.63 FEET; THENCE  
S.01°52'27"E. 10.00 FEET; THENCE  
N.88°17'49"E. 30.00 FEET; THENCE  
S.01°52'27"E. 35.00 FEET; THENCE  
N.88°17'49"E. 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 911  
SQUARE FEET.

This Temporary Construction Easement shall be for a two (2) year period starting with the date of the Construction Work Order (CWO) which begins the project and expiring two (2) years thereafter, or February 28, 2024, whichever is the earliest date. Grantors agree that if the project is delayed and not completed within the temporary construction easement area prior to the expiration date set forth herein, Grantee, upon the filing of an Affidavit of Notice of Extension of Temporary Construction Easement with the Record and Tax Administration in Johnson County, Kansas, shall be granted a period of time not to exceed one (1) year from the original expiration date, to complete said project within the easement area. In no event shall the actual work of the project within the temporary construction easement area exceed a time period of two years.

For one year after the expiration date or extension of the expiration date set forth in this easement, Grantee shall have the right to perform maintenance work on or repair of the improvement and to perform landscaping work related thereto.

Grantors reserve the right to fully use and enjoy the premises except for such use as may unreasonably interfere with the exercise by Grantee of the rights granted herein.

After completion of construction, Grantee shall restore the premises and improvement within the temporary construction easement to as near as possible the conditions set out in the project plans and specifications. Said improvement within the temporary construction easement shall be permanent.

Grantee agrees to restore the temporary construction easement by seeding, replacement of sod or paving as set out in the improvement plans and specifications. Grading within the temporary construction easement may result in a permanent grade change.

Grantors covenant that they are the owner of the premises and have the right, title and capacity to grant the easements herein conveyed.

This agreement is binding upon the heirs, executors, administrators, successors and assigns of the Grantors and Grantee, and it is understood that this agreement cannot be changed or altered in any way except by writing, legally signed by both Grantors and Grantee.

TO THESE COVENANTS, the Grantors do hereby consent and agree.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and seals the date first above written.

**GRANTORS:**

\_\_\_\_\_  
**DENNIS L. DWYER**

\_\_\_\_\_  
**VICKIE J. DWYER**

\_\_\_\_\_  
**LARRY E. DWYER**

\_\_\_\_\_  
**JANINE K. DWYER**

  
**DAVID L. DWYER**

  
**KENDRA L. DWYER**

**GRANTEE:**

**CITY OF EDGERTON, KANSAS,**  
A Municipal Corporation

(SEAL)

By: \_\_\_\_\_  
Beth Linn, City Administrator

TO THESE COVENANTS, the Grantors do hereby consent and agree.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and seals the date first above written.

**GRANTORS:**

  
**DENNIS L. DWYER**

  
**VICKIE J. DWYER**

\_\_\_\_\_  
**LARRY E. DWYER**

\_\_\_\_\_  
**JANINE K. DWYER**

\_\_\_\_\_  
**DAVID L. DWYER**

\_\_\_\_\_  
**KENDRA L. DWYER**

**GRANTEE:**

**CITY OF EDGERTON, KANSAS,**  
A Municipal Corporation

(SEAL)

By: \_\_\_\_\_  
Beth Linn, City Administrator

TO THESE COVENANTS, the Grantors do hereby consent and agree.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and seals the date first above written.

**GRANTORS:**

\_\_\_\_\_  
**DENNIS L. DWYER**

\_\_\_\_\_  
**VICKIE J. DWYER**

  
\_\_\_\_\_  
**LARRY E. DWYER**

  
\_\_\_\_\_  
**JANINE K. DWYER**

\_\_\_\_\_  
**DAVID L. DWYER**

\_\_\_\_\_  
**KENDRA L. DWYER**

**GRANTEE:**

**CITY OF EDGERTON, KANSAS,**  
A Municipal Corporation

(SEAL)

By: \_\_\_\_\_  
Beth Linn, City Administrator

ATTEST:

---

Alexandria Clower, City Clerk

COUNTY OF JOHNSON     )

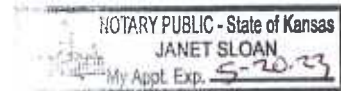
BE IT REMEMBERED, That on this 11 day of March 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **DAVID L. DWYER and KENDRA L. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires:

5-20-23





**ACKNOWLEDGMENT**

STATE OF KANSAS           )  
  ) ss:  
COUNTY OF JOHNSON       )

BE IT REMEMBERED, That on this 1<sup>st</sup> day of March 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **DENNIS L. DWYER and VICKIE J. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Veronica Huffman

Notary Public

My Appointment Expires:

Jan 28, 2025



STATE OF KANSAS           )  
  ) ss:  
COUNTY OF JOHNSON       )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **LARRY E. DWYER and JANINE K. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

\_\_\_\_\_  
STATE OF KANSAS           )  
  ) ss:

## ACKNOWLEDGMENT

STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON   )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **DENNIS L. DWYER and VICKIE J. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON   )

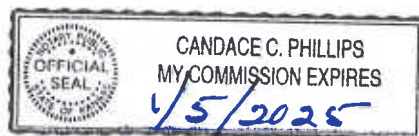
BE IT REMEMBERED, That on this 11<sup>th</sup> day of March 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **LARRY E. DWYER and JANINE K. DWYER**, a married couple, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Candace C. Phillips  
Notary Public

My Appointment Expires:

1/5/2025  
STATE OF KANSAS       )  
                                  ) ss:



## ACKNOWLEDGMENT

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF JOHNSON        )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **BETH LINN**, City Administrator of the City of Edgerton, Kansas, and **ALEXANDRIA CLOWER**, City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

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

\_\_\_\_\_  
Notary Public

My Appointment Expires:

\_\_\_\_\_

## City Council Action Item

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**Council Meeting Date:** March 24, 2022

**Department:** Community Development

**Agenda Item: Consider Application FP2022-01, Final Plat for Logistics Park Kansas City (LPKC) South, Fourth Plat Generally Located East of the Northeast Corner of 207<sup>th</sup> Street and Gardner Road, Edgerton, Kansas.**

### **Background/Description of Item:**

The City of Edgerton received Application FP-2022-01 for the Final Plat of *Logistics Park Kansas City (LPKC) South, Fourth Plat*, generally located east of the northeast corner of 207<sup>th</sup> Street and Gardner Road, Edgerton, Kansas.

This parcel was annexed into the City of Edgerton on December 17, 2020. The Planning Commission held a public hearing for Preliminary Plat Application PP2022-01 on March 8, 2022. This Final Plat application aligns with the request made in that application.

This Final Plat request combines two parcels into one lot and then dividing that parcel into two lots. The new lot size would total approximately 117.783 acres. The parcels were rezoned from Johnson County RUR to City of Edgerton L-P on April 22, 2021 (Ordinances 2069 and 2070). The parcels are being combined in anticipation of the warehouse development.

City staff has reviewed the Final Plat for conformance with the approved Preliminary Plat and the requirements set forth in Section 13.3 of Article 13 of the Edgerton UDC. The Final Plat has been reviewed by the City Engineer and found to be in compliance with City code requirements. Additionally, the applicant has provided a drainage easement which has been reviewed by the City Engineer. The drainage easement will be recorded with this Final Plat.

**Related Ordinance(s) or Statue(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

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

---

**Recommendation: Approve Application FP2022-01, Final Plat for Logistics Park Kansas City (LPKC) South, Fourth Plat Generally Located East of the Northeast Corner of 207<sup>th</sup> Street and Gardner Road, Edgerton, Kansas.**

**Enclosed:**

- Staff Report from March 8, 2022 Planning Commission including Final Plat Application FP2022-01 and Final Plat dated February 23, 2022.
- Excerpt of March 8, 2022 Planning Commission Meeting Draft Minutes – Preliminary and Final Plat – LPKC Fifth Plat Only

**Prepared by:** Katy Crow, Development Services Director

## LOGISTICS PARK KANSAS CITY (LPKC) SOUTH, FOURTH PLAT

**Application FP2022-01**

**Located East of the Northeast Corner of 207<sup>th</sup> Street and Gardner Road**

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Final Plat for a parcel located northeast of the corner of 207<sup>th</sup> Street and Gardner Road.

**No Public Hearing is required.**

#### Owner and Applicant

Hillsdale Land and Cattle, LLC  
represented by Brett Powell,  
Agent for Property Owner

#### Zoning and Land Use

L-P (Logistics Park) with no  
existing improvements

#### Legal Description

The SW ¼ of Section 12,  
Township 15 South, Range 22  
East in Johnson County,  
Kansas; see attached  
application for full legal  
description

#### Parcel Size

118.783 acres

#### Staff Report Prepared by

Chris Clinton





## BACKGROUND

### **Subject Site**

The subject site is located within the Bull Creek watershed and was annexed into the City of Edgerton on December 17, 2020.

Utilities and service providers:

- a. Water Service - Johnson County Rural Water District #7.
- b. Sanitary Sewer - City of Edgerton.
- c. Electrical Service - Evergy.
- d. Gas Service – Kansas Gas Service.
- e. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection is provided by Johnson County Fire District #1.

### **Site History and Past Approvals**

Per the Johnson County AIMS map, the subject site has been undeveloped since 2006.

The parcels comprising the subject site were rezoned from Johnson County *RUR* to City of Edgerton *L-P, Logistic Park* on April 22, 2021 (Applications ZA2020-03 and ZA2020-04).

The Planning Commission will be presented with Preliminary Plat Application PP2022-01 and Final Site Plan Application FS2022-01 during this same meeting.

### **Proposed Use**

The applicant has proposed combining two parcels into one and then dividing that parcel into two (2) lots with both of the lots having access to 207<sup>th</sup> Street. This Final Plat request is being made in preparation for logistics park development.

### **Project Timeline**

- Application submitted to the City: January 18, 2022

## FINAL PLAT REVIEW

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

### Content of Final Plat

1. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar.  
*a. Confirm all monuments have been set.*  
***Applicant will confirm the monuments have been set upon recording of the Final Plat.***
2. All easements with widths, and roads with curve data.  
*a. The proposed stormwater detention area is located outside of this property.*  
*Documentation of recorded drainage easement for this area needs to be provided.*  
***Applicant has provided the drainage easement to the City Engineer for review. Upon the approval by the City Engineer, the easement will be recorded either before or with the Final Plat.***
3. Certificate of the Register of Deeds.  
*a. The County will add their information when the Final Plat is recorded.*  
***Applicant acknowledges.***

### General Comment

1. The Final Plat will not be recorded prior to receipt and City Engineer approval of public infrastructure plans.  
***Applicant acknowledges.***

## NOTICE OF CITY CODES AND PERMITS

The Applicant is subject to all applicable City codes – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable local, State, and Federal laws.

Various permits may be required in order to complete this project. Please contact the Building Codes Division of the Community Development Department for more information about City permits. The project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

## DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for FP2022-01	1/18/2022
1	Final Plat	2/23/2022



## STAFF RECOMMENDATION

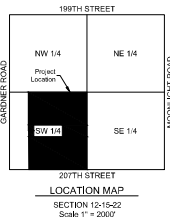
City Staff recommends approval of Final Plat **Application FP2022-01** for *LPKC South, Fourth Plat*, subject to the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code (UDC).
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
5. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

***Note: For Application FP2022-01 the Planning Commission will be recommending either approval or denial of the application to the Governing Body. If the Planning Commission recommends approval, the Final Plat will be presented to the Governing Body on March 24, 2022, subject to the applicant making the necessary corrections in a timely manner.***

☐ RE-REVIEW

PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 22 EAST,  
IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



LOT INFORMATION					
LOT NO.	LOT AREA	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	BUILDING ENVELOPE
1	2,511,414 S.F. 58,654 Acres	50'	100'	50'	2,138,416 S.F. 49,114 Acres
2	2,565,120 S.F. 58,887 Acres	50'	100'	50'	2,168,950 S.F. 50,274 Acres
ROW	97,666 S.F. 2,242 Acres	N/A	N/A	N/A	N/A
TOTALS	5,174,200 S.F. 118,783 Acres				

I hereby certify that during November 2021, this field survey was completed on the ground by me or under my direct supervision, and that said survey meets or exceeds the current "Kansas Minimum Standards For Boundary Surveys" as established by the Kansas Board of Technical Professions.

Chris R. Sprague, Kansas PS-1632  
RIC KS CLS-234  
csprague@ric-consult.com



**Renaissance  
Infrastructure  
Consulting**

132 Abbie Avenue  
Kennesaw, GA 30144  
913.317.9500  
www.renaissanceinf.com

## **EXCERPT – DRAFT MINUTES**

### **PLANNING COMMISSION MEETING**

**March 8, 2022**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on March 8, 2022. 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	absent
Deb Lebakken	absent
John Daley	present

With a quorum present, the meeting commenced.

Staff in attendance: Katy Crow, Development Services Director  
Chris Clinton, Planning and Zoning Coordinator  
Beth Linn, City Administrator  
Lee Hendricks, City Attorney  
Kara Banks, Marketing and Communications Director

**2. WELCOME** Chairperson Daley welcomed all in attendance to the meeting.

**3. PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

#### **CONSENT AGENDA**

- 4.** Approve Minutes from the December 14, 2021 Planning Commission Meeting.
- 5.** Approve Extension of Site Plan Expiration Date for FS2019-02 TSL-Edgerton Phase II.

Commissioner Crooks moved to approve the consent agenda. Commissioner Little seconded the motion. The consent agenda was approved, 3-0.

#### **REGULAR AGENDA**

#### **6. DECLARATION**

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare at this time.

## **BUSINESS REQUIRING ACTION**

### **NEW BUSINESS**

Chairperson Daley stated there will be two (2) public hearings for new items and an opportunity to hear public comment. He stated Mr. Lee Hendricks, City Attorney, will outline the public hearing process for these items.

Mr. Hendricks stated the 2 items which will have a public hearing are a Preliminary Plat and a Final Site Plan and fourteen (14) people who signed up to speak. He explained the Preliminary Plat is for the unification and/or division of land and the Final Site Plan addresses any vertical construction. Each item will have a brief introduction by City staff, then the public hearing will be opened. At the conclusion of the public hearing, the applicant will be provided an opportunity to present their request. City staff will then present their Staff Report which contains staff's review of the project. Staff will gather questions asked during the public hearing. He explained the Commission will then ask any questions they have for City staff or the applicant and allow responses from City staff or the applicant. The Commission will then take action on the application.

Mr. Hendricks explained public comment is limited to discussion specific to the application at hand. This is not an opportunity for a global discussion on the applicant, the property, or the project. Should a public commentor attempt to speak on matters outside those pertinent to the hearing, they will be asked to focus on issues related to the specific application or their time will be forfeited. He said the Preliminary Plat is a document that does not proceed to the City Council. The Commission reviews the plat to ensure that it meets or exceeds the requirements of Edgerton policies and regulations. Any discussion from the public should also focus on whether or not the proposed plat meets or fails to meet City policies and requirements. Only a subsequent Final Plat, as listed later on the agenda, will be presented to the City Council. Mr. Hendricks said the Final Site Plan will not go to the City Council as well. The Commission reviews Site Plan applications for conformance to City policy and regulations, such as zoning, parking design, site and building design, landscaping, traffic engineering, utilities, and stormwater, to ensure they too meet or exceed those requirements. Any discussion from the public should again focus on whether or not the proposed Final Site Plan meets or fails to meet City policies and requirements.

Mr. Hendricks explained the public hearings are not an opportunity to jointly filibuster or share a combined statement over multiple public comments, and it is an opportunity to provide honest feedback on a proposal. He said all comments shall be limited to three (3) minutes and public comment for each item will not exceed one (1) hour.

#### **7. PUBLIC HEARING TO CONSIDER APPLICATION PP2022-01 FOR A PRELIMINARY PLAT FOR LOGISTICS PARK KANSAS CITY (LPKC) SOUTH, FOURTH PLAT LOCATED EAST OF THE NORTHEAST CORNER OF 207<sup>TH</sup> STREET AND GARDNER ROAD. Applicant: Brett Powell, Agent – NorthPoint Development, LLC, Developer.**

Chairperson Daley introduced the application. He stated the City Attorney outlined that public comment is only allowed during the public hearing. Once the hearing is closed, the time for comment has passed and no further comments from the audience will be taken. He reminded

those in attendance that speaking time will be limited to 3 minutes per speaker and each hearing will be limited to 1 hour.

Chairperson Daley opened the public hearing for Application PP2022-01, Preliminary Plat for LPKC South, Fourth Plat. He said if a person has signed up to speak, they will be called forward as time allows. Once they are called up to speak, they will approach the podium to speak, and state their name and address prior to making their comments.

Mr. Chris Clinton, Planning and Zoning Coordinator, stated an email was received from Brett and Mindi Kuper, 22241 South Moonlight Road, Spring Hill, KS 66083. The mail was printed out for each Commissioner and placed at their seat at the dais.

Mr. Frank Bannister, 19815 South Gardner Road, Gardner, KS 66030, addressed the Commission. He said the posted agenda does not match what Mr. Hendricks just said. Mr. Hendricks asked Mr. Bannister what he could help clarify about the public hearing procedure and he asked if Mr. Bannister wanted to speak about the platting of the land or the vertical construction of the building. Mr. Bannister stated he wants to address all of the issues. He is opposed to everything being considered by the Commission because he lives near where the building will be located. He finds it unbelievable that the Commission is approving these items where people live. He is opposed to any changes to the use of the land east of Gardner Road. He wanted to know if the Commission was aware that the City is being sued for the annexation and rezoning of the land east of Gardner Road. Mr. Hendricks informed Mr. Bannister the Commission is not there to discuss any ongoing litigation and said there are no issues with the items being considered by the Commission during this meeting. Mr. Bannister asked if the City does lose the lawsuit, what is the Commission's back up plan if the courts deem it an illegal acquisition of land. He inquired what would the Commission do if the litigation is successful. Chairperson Daley explained that any answers provided would be done after the public hearing closes.

Ms. Connie Mayberry, 20365 South Gardner Road, Gardner, KS 66030, approached the Commission. She said he is representing the Pearce Trust and their properties. The proposed buildings are going behind her house. She said when she looked at the map, it appears that the red line shown is over the property line and on their property. She requested a meeting with a surveyor for the project to discuss where the property lines are. She stated she is opposed to the construction but will address that during the next public hearing.

Ms. Jennifer Williams, 21993 Moonlight Road, Spring Hill, KS 66083, spoke to the Commission. She said there are 2 active lawsuits regarding this land east of Gardner Road and with such she feels it is possible that the courts could rule that the land is not in Edgerton. She believes the zoning is inappropriate for this area. Some citizens in Miami County are attempting to create a new City for protection from NorthPoint. She stated that the property owners in the area, like the Ukrainian people, have had their land overtaken. They are waiting for litigation to conclude so they proceeded in the incorporation of a new city. She states people are dying of heart attacks and cancer from the stress caused by this development. She states NorthPoint is developing land that is over a mile from the original development and they are leap frogging. She said the City Edgerton is no different than Vladimir Putin and Russia. She claimed it is the most un-American thing to occur. The property owners thought they had rights to the area. The planning and zoning of this area should be fair, but what is going on is not fair and there is

nothing the neighbors can do about it. She asked the Commission to wait until the litigation was settled to rule on these applications.

Mr. Hendricks addressed the Commission and the audience. He stated it is important for the public to be heard regarding these topics, but he requested that the speakers' comments remain relevant to the topics on the agenda.

Mr. Mike Duffield, 27555 West 207<sup>th</sup> Street, Gardner, KS 66030, spoke before the Commission. He said he too is against all of the items and agrees with the other speakers about the lawsuits and that the Commission needs to wait for those to be settled before proceeding. He feels NorthPoint and the City of Edgerton is being disrespectful to the courts and laws by not letting the lawsuits finish first.

Mr. William Bushno, 20685 West 207<sup>th</sup> Street, Gardner, KS 66030 addressed the Commission. He explained he had a project that he took before the Johnson County Planning Commission and there were people who objected to his development, including NorthPoint and the City of Edgerton. He stated he thinks this is premature replatting. NorthPoint has not completed the proper infrastructure of other developments to the east. The road along 207<sup>th</sup> Street is not finished and NorthPoint has not finished platting development along Waverly Road. He referenced the rezoning staff reports where he stated the stated it would be adversely affected due to the loss of the tax revenue. He is not questioning the fact NorthPoint can develop their land, he is questioning the methodology they have gone about doing so. He feels NorthPoint is not fulfilling the agreements with the City. He stated a 3-lane road was specified during the construction of Hostess and was agreed to, but that is not what was constructed. A result of the road not being constructed as specified is the death of Richard M. Clawson. Mr. Bushno explained he lives on the northeast corner of the intersection of 207<sup>th</sup> Street and Gardner Road. He thought NorthPoint would develop the road and not use other land. The City allowed the Hostess warehouse to be occupied before the road was finished. Hosted consolidated five (5) distribution centers into this one. Chairperson Daley informed Mr. Bushno that his time had expired.

Mr. Devin Self, 27200 West 215<sup>th</sup> Street, Spring Hill, KS 66083, approached the Commission. He stated he wants to echo what the others have said. These proposals are premature as the lawsuits are still ongoing and the infrastructure is not capable to handle the traffic. He said he has concerns regarding the Traffic Impact Study (TIS) as it does not recommend there be lanes added to Gardner Road nor have there been any easements granted to add the small turn lane that is recommended. He believes Gardner Road is the absolute bare minimum as he drives it daily. There are steep ditches from 199<sup>th</sup> Street to 207<sup>th</sup> Street on both sides of Gardner Road. The TIS does not discuss 207<sup>th</sup> Street to the east of the project to 169 Highway. He said not all of the trucks will go to Interstate 35 (I-35). Mr. Self said there will also be idling trucks and asked how it would be handled. It is common to have the truck idle overnight. He requested an answer from the Commission immediately. He also requested the Commission answer how the lighting will be handled. Chairperson Daley replied that those issues will be discussed during the Site Plan application.

Chairperson Daley stated that the public hearing on Application PP2022-01 has concluded. He requested the applicant present their application.

Mr. Brett Powell, agent of NorthPoint Development, LLC, who is the developer, addressed the Commission. He stated this Preliminary Plat is for 2 parcels that were legally rezoned on April 22, 2021. The replatting of the land would change the layout of the lots from horizontal to vertical lots with 2 buildings. The drainage easement is being worked on with City staff and there will one (1) sewer main for both buildings in a proposed easement.

Chairperson Daley requested City staff present the Staff Report related to the review of Application PP2022-01.

Ms. Katy Crow, Development Services Director, stated the subject site is approximately 118 acres, is located within the Bull Creek watershed, and was annexed into the City on December 17, 2020. The utility providers are listed in the staff report and are standard providers for LP district.

Ms. Crow said the subject site has been undeveloped since 2006 per the Johnson County AIMS map. The parcels were rezoned from Johnson County Rural (RUR) to City of Edgerton L-P (Logistics Park) on April 22, 2021. The Commission will be presented with a Final Plat and Final Site Plan application later this meeting. She explained the applicant has proposed combining 2 parcels into 1 and then dividing the new parcel into 2 lots with both having access from 207<sup>th</sup> Street. The Preliminary Plat request is being made in preparation for logistics park development. She stated the application was submitted to the City on January 18, 2022. The public hearing notice was published in the Gardner News newspaper on February 16, 2022 and on the same day, the applicant mailed public hearing notices as required by State statute to twenty-one (21) properties.

Ms. Crow explained City staff reviewed the Preliminary Plat in accordance with Section 13.3 of Article 13 of the Edgerton Unified Development Code (UDC). The only item City staff wanted to point out on the Preliminary Plat is there are no restrictive covenants shown and if there are any, they will need to be shown on the Final Plat.

Ms. Crow stated the applicant is subject to all applicable City codes, whether specifically stated in the Staff Report or not, including, but not limited to, zoning, buildings and construction, subdivisions, and sign code. The applicant is also subject to all applicable local, state, and federal laws.

She said City staff does recommend approval of Preliminary Plat Application PP2022-01 with the following stipulations:

1. All Preliminary Plat requirements of the City listed earlier shall be met or addressed.
2. All infrastructure requirements of the City shall be met.
3. All City Engineer comments related to the Stormwater Management Plan must be addressed.
4. Preliminary Plat shall be approved for a one-year period and shall be extended for an additional year upon the approval of a Final Plat for the same parcel of land or any part thereof. If a Final Plat is not approved for a portion or all of the land covered under the Preliminary Plat within 1 year, the Preliminary Plat shall be ruled null and void. The Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the Preliminary Plat.



Chairperson Daley stated the Commission may ask questions to City staff or the applicant regarding the Preliminary Plat application.

Ms. Beth Linn, City Administrator, stated she had written down the questions raised during the public hearing. She requested Mr. Hendricks address the pending litigation.

Mr. Hendricks stated there are three pending lawsuits regarding the annexation and rezoning of some of the parcels. He explained the pandemic has halted judgement on any of the lawsuits and delayed court proceedings. The City has requested an immediate judgement on one of the lawsuits. The other two are going to summary phase. The City has requested judgement before any trial. He explained none of the lawsuits involve wild claims of misconduct and are focused on procedural items. He said he was present for all of the meetings and feels the City feels comfortable with their position regarding these lawsuits. He explained there are specific actions that are needed to take place per state statues for plaintiffs to follow and prove and those have not been done. It is not unusual for these matters be pending while applications are considered and voted on. Mr. Hendricks summed his explanation up by stating there are suits pending, but the suits in no way affect the Commission's ability to make a decision.

Ms. Linn stated NorthPoint can address the survey with the property owner as that is a private matter. She said there were lots of questions regarding infrastructure, lighting, idling trucks and those items would be better addressed during the Site Plan hearing. Concerning the installation of the 2-lane road and not the 3-lane road, Ms. Linn explained the City was limited on the right-of-way they were able to obtain and therefore, the road was constructed differently than what was shown. She said in no way does that impact the applications before the Commission this evening.

Chairperson Daley reminded the Commission members that the plat is only changing the layout of the lots. He moved on to Agenda Item 8.

**8. CONSIDER APPLICATION PP2022-01 FOR A PRELIMINARY PLAT FOR LPKC SOUTH, FOURTH PLAT LOCATED EAST OF THE NORTHEAST CORNER OF 207<sup>TH</sup> STREET AND GARDNER ROAD.** Applicant: Brett Powell, Agent – NorthPoint Development, LLC, Developer

Commissioner Crooks moved to approved Preliminary Plat Application PP2022-01 with the stipulations outlined by City staff. Commissioner Little seconded the motion. Preliminary Plat PP2022-01 was approved with the stipulations, 3-0.

**9. CONSIDER APPLICATION FP2022-01 FOR A FINAL PLAT FOR LPKC SOUTH, FOURTH PLAT LOCATED EAST OF THE NORTHEAST CORNER OF 207<sup>TH</sup> STREET AND GARDNER ROAD** Applicant: Brett Powell, Agent – NorthPoint Development, LLC, Developer

Chairperson Daley introduced the item and requested the applicant present their application.

Mr. Powell addressed the Commission. He stated this application is similar to that of the Preliminary Plat. The 2 parcels will be split vertical, meaning north and south, instead of

horizontal, or east and west. He explained the stormwater comments will be addressed during the Final Site Plan hearing, but they have provided the information for the easement to the City Engineer. The proposed setbacks meet the City's code. The Final Plat does dedicate the proper amount of right-of-way to facilitate the construction of 207<sup>th</sup> Street. He stated this is another big investment in the area and NorthPoint understands the risk in moving forward with the application.

Chairperson Daley asked City staff to present their findings from the Staff Report.

Ms. Crow explained the history and the information regarding the parcels was all the same that was stated during the Preliminary Plat application. She said City staff did have a few comments during review of the Final Plat and the requirements of Section 13.3 of Article 13 of the UDC. The applicant will confirm the monuments have been set upon recording of the Final Plat. The proposed stormwater detention area does extend to the property to the north that is not covered by this Final Plat. A drainage easement will be required for that area. The applicant has provided the drainage easement to the City Engineer for review. Upon approval of the easement by the City Engineer, the applicant is to record the easement with or before the Final Plat. The applicant has acknowledged the County will add their information upon recording of the Final Plat. The final comment City staff has is the Final Plat may not be recorded prior to receipt and approval of public infrastructure plans by the City Engineer. The applicant has acknowledged that requirement as well.

Ms. Crow stated City staff does recommend approval of Final Plat Application FP2022-01 for LPKC South, Fourth Plat, subject to the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, stormwater sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All Final Plat requirements of the City list in the Staff Report shall be met or addressed.
5. If the Final Plat is not recorded with the Johnson County Register of Deed within 1 year after acceptance by the Governing Body, the plat will expire. Commission reapproval and Governing Body reacceptance is required for expired Final Plats.

Chairperson Daley stated the Commissioners may now ask any questions they have to the applicant or City staff.

Chairperson Daley asked if the detention area was not on the subject property. Ms. Crow replied it is on an adjacent property to the north. Chairperson Daley inquired if that property is owned by the applicant. Ms. Crow answered it is.

Commissioner Crooks moved to approve Final Plat Application FP2022-01 with the stipulations outlined by City staff. Commissioner Little seconded the motion. Final Plat FP2022-01 was approved with the stipulations, 3-0.

Ms. Crow stated the earliest Final Plat FP2022-01 will be presented to the Governing Body will be March 24, 2022. That date is dependent on the applicant addressing the comments in the Staff Report.

DRAFT

## City Council Action Item

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**Council Meeting Date:** March 24, 2022

**Department:** Administration

**Agenda Item: Consider Ordinance No. 2104 Amending Chapter IX, Article 1, Section 9-107 Of The City Code Of The City Of Edgerton, Kansas And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Background/Description of Item:**

Edgerton Municipal Court is held the first and third Tuesday of each Month, with a start time of 3:00 PM. To better accommodate the schedule for appointed City Prosecutor, staff recommends changing the start time for Edgerton Municipal Court to one hour earlier at 2:00 PM. The new court start time would begin in May providing ample time for staff to provide notice of the change in date/time to Johnson County Sheriff's Office (JCSO) to update their electronic ticket system, DigiTicket.

Draft Ordinance No. 2104 was reviewed and approved by City Attorney.

**Related Ordinance(s) or Statue(s):** Edgerton Municipal Code Chapter IX, Article 1, Section 9-107

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Ordinance No. 2104 Amending Chapter IX, Article 1, Section 9-107 Of The City Code Of The City Of Edgerton, Kansas And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Enclosed:** Draft Ordinance 2104

**Prepared by:** Beth Linn, City Administrator

**ORDINANCE NO. 2104**

**AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, SECTION 9-107 OF THE CITY CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

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

**SECTION 1.** Chapter IX, Article 1, Section 9-107 of the City Code of the City of Edgerton, Kansas, is hereby amended to read as follows:

9-107. MUNICIPAL COURT; LOCATION, TIME. Effective May 1, 2022, the municipal court of the City of Edgerton shall be held on the first and third Tuesdays of each month at 2:00 P.M. at the Edgerton Community Building, 404 E. Nelson, Edgerton, Kansas 66021. The date, time and location of municipal court may be changed on a temporary basis by the municipal judge to accommodate holidays or other scheduling conflicts, so long as court staff and defendants scheduled to appear are notified of the change.

**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 24<sup>th</sup> day of March, 2022.

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DONALD ROBERTS, Mayor

ATTEST:

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ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

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LEE W. HENDRICKS, City Attorney

## City Council Action Item

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**Council Meeting Date:** March 24, 2022

**Department:** Public Works

### **Agenda Item: Consider Concurrence to Bid the Nelson Street from East 3<sup>rd</sup> Street to West 8<sup>th</sup> Street (CARS) Project.**

#### **Background/Description of Item:**

On October 28, 2021 City Council approved the 2022-2026 Capital Improvement Program which included the Nelson Street from East 3<sup>rd</sup> Street to West 8<sup>th</sup> Street Project. This project is also listed within the County in the County Assistance Road System (CARS) program.

On December 9, 2021, the Edgerton City Council approved an Agreement with BG Consultants for Professional Design Services of the 2022 CARS Project. The design plans are nearly complete and ready for concurrence to bid the project for construction. This project will include bid alternates in addition to the scope listed above: improvements of residential roadways as part of the 2022 Street Maintenance Program.

The CARS program provides funds to the cities of Johnson County to construct and maintain their major arterials. Each year the cities submit a 5-year road improvement plan to Johnson County. Using a scoring system, Johnson County selects projects and allocates funds. The County generally pays 50% of the project's construction and construction inspection costs. Cities are responsible for design, right-of-way, and utility relocation costs.

This project includes base repair, curb replacement, and Ultra-thin Bonded Asphalt Surface (UBAS) along the proposed project area. UBAS is an asphalt pavement maintenance system that seals existing road surface and provides a new surface utilizing a thin lift of asphalt, typically 5/8" chip is included in the new driving surface. UBAS has been utilized in the City on multiple occasions.

For this project, The City of Edgerton in conjunction with BG Consultants will administer the project and bid/let. CARS program would fund \$79,000.00 of the \$155,000.00 total estimated construction cost. The total cost for the project for Edgerton would be \$202,300.00.

At a future council meeting, staff will provide the results for the bidding process.

Funding for this project was included in the 2022-2026 Capital Improvement Program.

#### **Related Ordinance(s) or Statue(s):**

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**Funding Source:** County Assistance Road System (CARS)  
General Fund  
Street Excise Tax

**Budget Allocated:** \$202,300

**Finance Director Approval:** x Karen E. Kindle  
Karen Kindle, Finance Director

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**Recommendation: Approve Concurrence to Bid the Nelson Street from East 3<sup>rd</sup> Street to West 8<sup>th</sup> Street (CARS) Project.**

**Enclosed:** N/A

**Prepared by:** Dan Merkh, Public Works Director

## City Council Action Item

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**Council Meeting Date:** March 24, 2022

**Department:** Economic Development

### **Agenda Item: Consider Submittal of 2022 Applications to United States Department of Transportation (USDOT) for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Funding for 2022**

**Background/Description of Item:**

In January 2022, the US Department of Transportation issued a Notice of Funding Opportunity for the 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE). RAISE is a \$1.5 billion multimodal, merit-based, competitive discretionary grant program for surface transportation infrastructure. The program supports projects that improve safety, equity, climate and sustainability, and the creation of good-paying jobs, consistent with DOT's strategic goals.

Local governments like Edgerton are eligible to apply for a wide variety of projects including:

- Highway, bridge, or other road project
- Public transportation projects
- Passenger and freight rail projects
- Port infrastructure investments (including inland port infrastructure and land ports of entry)
- Surface transportation components of an airport project eligible for assistance underpart B of subtitle VII of title 49, USC (the Airport Improvement Program-see NOFO for details)
- Intermodal projects
- Projects to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species
- Transportation projects on Tribal land
- Planning and pre-construction activities for any of the above

Applications will be evaluated based on their ability to meet the following RAISE Merit Criteria:

- Safety
- Environmental Sustainability
- Quality of Life
- Mobility and Community Connectivity
- Economic Competitiveness
- State of Good Repair
- Partnerships and Collaboration
- Innovation



After reviewing the grant guidance and extensive application criteria, City Staff would recommend submittal of two applications for RAISE grant funding: Downtown Streetscape and 2<sup>nd</sup> Street (from termination of 207<sup>th</sup> Grade Separation to Highway 56). Both of these projects have been discussed as part of the Five-Year Capital Improvement Program and a portion of 2<sup>nd</sup> Street is scheduled for funding in 2023/2024. Both of these projects clearly promote safety, preserve critical infrastructure, improve quality of life and will better connect our community together.

Federal cost share for projects is up to 80% in urban areas and up to 100% in rural areas. City Staff confirmed that both projects recommended were determined as rural by USDOT.

Project minimum amount in the rural is \$1MM, with project maximum at \$25 MM. The State of Kansas as a whole is eligible to receive up to \$225 MM.

If the City is selected, there will be an opportunity to review the grant award documents at which time we would provide the recommendation for quantity and source of matching funds, if necessary.

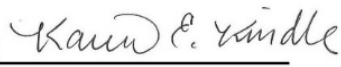
The lead time on this application is very short. Applications must be submitted by April 14, 2022 at 5:00 PM EST. To maximize time, City Staff is requesting authorization for Mayor to sign all applications and various related documents.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** N/A

**Budget Allocated:** N/A

x   
Karen Kindle, Finance Director

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**Recommendation: Approve Submittal of 2022 Applications to United States Department of Transportation (USDOT) for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Funding for 2022 and Authorize Mayor to Sign Edgerton Applications**

**Prepared by:** Beth Linn, City Administrator