

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
August 22, 2019  
7:00 P.M.**

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Brown \_\_\_\_ Conus \_\_\_\_ Lewis \_\_\_\_ Smith
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 for August 8, 2019 Regular City Council Meeting
5. Approve Ordinance No. 2018 Amending Chapter XIV Of The Edgerton, Kansas Municipal Code To Incorporate The 2018 Standard Traffic Ordinance, Subject To Existing Local Traffic Provisions In The City Code Which Supplement And/Or Modify Certain Sections Thereof
6. Approve Ordinance No. 2019 Amending Chapter XI, Article 1, Section 11-101 Of The Code Of The City Of Edgerton, Kansas, Concerning The Uniform Public Offense Code
7. Approve Concurrence To Bid The Highway 56 Multi-Use Trail Project (West 1<sup>st</sup> Street To West 8<sup>th</sup> Street)
8. Approve Project Authorization For The Construction Of The I35 South Gravity Sewer Phase II Improvements

**Regular Agenda**

9. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
10. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

**Business Requiring Action**

11. **CONSIDER HOLDING A PUBLIC HEARING IN REGARDS TO AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON OFFICE PROJECTS)**
12. **CONSIDER ORDINANCE NO. 2020 MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON OFFICE PROJECTS)**

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

**13. CONSIDER HOLDING A PUBLIC HEARING IN REGARDS TO AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)**

**14. CONSIDER ORDINANCE NO. 2021 MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)**

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

**15. CONSIDER ORDINANCE NO. 2022 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC THIRD EXPANSION PROJECT) SERIES 2019, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND COLD STORAGE DISTRIBUTION**

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

**16. CONSIDER RESOLUTION NO. 08-22-19A AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019A, OF THE CITY OF EDGERTON, KANSAS**

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

**17. CHARTER ORDINANCE NO. 25 EXEMPTING THE CITY OF EDGERTON, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS**

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

**18. CONSIDER HOLDING A PUBLIC HEARING REGARDING THE 2020 RECOMMENDED BUDGET**

**19. CONSIDER THE 2020 RECOMMENDED BUDGET**

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

**20. CONSIDER ORDINANCE NO. 2023 AMENDING CHAPTER XV, ARTICLE 1 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 15-134 REGARDING HYDRANT WATER METERS AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

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

**21. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN**

**THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR**

**22. Report By The City Administrator**

**23. Report By the Mayor**

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

- September 7<sup>th</sup>: Cops N' Bobbers Fishing Derby @ Edgerton Lake – 10AM – Noon
- September 10<sup>th</sup>: Planning Commission – 7PM
- September 12<sup>th</sup>: City Council Meeting – 7PM
- September 18<sup>th</sup>: Senior Lunch and Bingo – Noon

**25. Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**August 8, 2019**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on August 8, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks
- City Clerk Rachel James
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks
- Elevate Edgerton President James Oltman

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

- 4. Approve Minutes for July 25, 2019 Regular City Council Meeting
- 5. Approve Re-appointment of Tim Berger to Planning Commission for a Term Ending September 2022

Motion by Smith, Second by Lewis to approve the consent agenda.

Motion passed, 5-0.

**REGULAR AGENDA**

**6. Public Comments.**

Bill Lafalce of 516 W 4<sup>th</sup> Street stated he was a 30-year Edgerton resident. He commended Code Enforcement Charlie Lydon but said he was concerned about the amount of blight in certain areas of the community. Mr. Lafalce had several suggestions for dealing with this problem and was also concerned about rentals and rental inspection in town. Mayor Roberts



suggested that later in the fall Council could have a work session in regard to rental inspection guidelines and code updates.

Zachary Norsby of 611 N Elm in Gardner presented on his idea for his Eagle Scout Project. He wants to restore sections of the roof and porch at the Edgerton City Museum. He requested a donation. Mayor Roberts stated Mr. Norsby should meet with members of City Staff to review and detail out a plan and then return to council with those details. Councilmember Smith also suggested Mr. Norsby contact Home Depot to solicit donations after he meets with Staff to determine what he'll need to complete the project before asking council for a donation.

7. **Declaration.** None.

## **BUSINESS REQUIRING ACTION**

8. **CONSIDER APPROVAL OF ORDINANCE NO. 2015 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE AN UPDATED VERSION OF ARTICLE 12 – SECTION 12.1 THROUGH 12.12**

Beth Linn, City Administrator, introduced the Ordinance which was tabled at the City Council meeting on July 25, 2019. Only the Commercial Districts (C-D, C-1, C-2, C-3) were updated with regards to permanent signage requirements. Several significant changes were made including changing the height allowed for pole signs and the requirement of a Conditional Use Permit when they are brought forward for consideration. Two different types of monument signs are proposed, including a taller one which would be allowed adjacent to interstates and highways. No changes were made to the existing sign code related to General Signs, Residential Zoning Districts, or Manufacturing Districts.

Mayor Roberts stated that he would like to see an update to the max height of the pole signs based off the road height. Lee Hendricks, City Attorney, stated that Council could make these updates and the amendment would not have to go back to Planning Commission. Mayor Roberts stated that specifically on page 12-15 he would like to see the max height be increased from 25 feet to 60 feet. Ms. Linn drew attention to the maximum overall height can not go above 100 feet. Councilmember Longanecker stated his support of this change because it is important to be able to see signage when on I-35. Councilmember Smith asked if this would also apply to Highway 56. Ms. Linn stated the change was specific to the interstate corridor.

Motion by Conus, Second by Lewis to accept the recommendation of the Planning Commission to approve amendment pending update to the UDC subject to one exception amending the maximum sign height along Interstate from 25 feet to 60 feet and amending the approval date to the 8<sup>th</sup> of August, 2019.

Motion passed 5-0.

9. **CONSIDER THE STRATEGIC COMMUNICATIONS PLAN FOR THE CITY OF EDGERTON**

Kara Banks, Marketing and Communications Manager, introduced the communications plan for the City in order to be able to effectively communicate with residents using a variety of social media platforms in addition to the City's website, newsletter, and Notify Joco account.

The City's website will be the primary source for information for residents. Social media accounts will link back to the website when appropriate, supplementing the City's efforts to reach residents and stakeholders. The City will continue to send the monthly newsletter and utilize Notify JoCo to alert residents. However, Notify JoCo will be used more for alerts and news that residents need to be aware of immediately. In order to keep social media a part of open records, there will be a quarterly export to the City's server. During the first year, Council will have a quarterly update on social media engagement. After the first year, there will be an annual review of the City's social media engagement.

Mayor Roberts stated his support of the quarterly update and referred to the results of the Citizen Survey which found that 51% of Edgerton citizens are getting their information from Facebook. Mayor Roberts stated that it was important to have an official voice on that platform. Ms. Banks stated there would be a Phase 2 of other social media platforms but the first two would be Facebook and Twitter.

Councilmember Lewis expressed his support and stated the importance of reaching all demographics. Councilmember Brown expressed his concern about Facebook and social media.

Motion by Lewis, Second by Conus to approve the Strategic Communications Plan for the City of Edgerton.

Motion passed, 4-1, with Brown voting against.

**10. CONSIDER FINAL AGREEMENT WITH MILES EXCAVATING INC. AND OVERALL PROJECT COST FOR 2019 STREET RECONSTRUCTION PROJECT**

Dan Merkh, Public Works Director, overviewed the draft of the Final Agreement with Miles Excavating Inc. Approval would be subject to updates from the City Attorney and the City Engineer but would be the final step and allow the City to start construction and complete the project by the end of the year. Project Cost Estimates are included in the Agenda packet.

Councilmember Conus had questions regarding the mechanism of temp note funding. Ms. Linn explained that process. Councilmember Conus also thanked Staff, especially Mr. Merkh and Ms. Banks on the updates regarding the project and being proactive in engaging the community in the process.

Motion by Lewis, Second by Longanecker to approve Final Agreement with Miles Excavating, Inc. and the overall project cost for 2019 Street Reconstruction pending changes from the City Attorney and authorize the Mayor to execute the agreement.

Motion passed, 5-0.

**11. CONSIDER AN AGREEMENT WITH BG CONSULTANTS FOR CONSTRUCTION ADMINISTRATION AND OBSERVATION SERVICES FOR THE 2019 STREET RECONSTRUCTION PROJECT**

Dan Merkh, Public Works Director, overviewed the agreement with BG Consultants for construction administration and observation services for the 2019 Street reconstruction project. Similar to other large infrastructure projects constructed by the City of Edgerton, a critical component to the success of the expansion of a major road and utility relocation is partnering with a firm to perform the construction administration and observation services. For projects designed by an outside firm, Edgerton has contracted with BG Consultants to perform these services.

Motion by Lewis, Second by Longanecker to approve Agreement with BG Consultants for Construction Administration and Observation Services for the 2019 Street Reconstruction Project.

Motion passed, 5-0.

**12. CONSIDER RESOLUTION NO. 08-08-19A AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN MAIN TRAFFICWAYS WITHIN THE CITY OF EDGERTON, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF**

Beth Linn, City Administrator, outlined Resolution 08-08-19A, which is the next step in the issuance of the temporary notes. The resolution authorizes the project and provides for the payment of the project costs. The resolution includes a description of the project and the cost of the project, as well as how much of the project will be funded with temporary notes.

Motion by Longanecker, Second by Brown to approve Resolution No. 08-08-19A.

Motion passed, 5-0.

**13. CONSIDER ORDINANCE NO. 2017 APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS AND ROAD RIGHT-OF-WAY NEEDED FOR CONSTRUCTING 207TH STREET EAST OF WAVERLY PROJECT AND ASSOCIATED IMPROVEMENTS**

Scott Peterson, Assistant City Administrator, introduced Ordinance No. 2017 which is necessary for the acquisition of easements and road right-of-way needed for the 207<sup>th</sup> Street East of Waverly Project. This project includes the design and construction of 207th Street East of Waverly. The project will be designed and constructed so that standard section of road is 42' back to back and will be installed with curb and gutter. A 14' center turn lane will be included with the two 12' drive lanes.

Mr. Peterson stated that this Ordinance by no means precludes the City from continued negotiations with the property owner. However, in case negotiations do not reach a

conclusion that satisfies both parties, staff would like to proceed with the next step in the condemnation process in the meantime.

Glen Dorsey on behalf of Geraldine Dorsey, property owner near 207<sup>th</sup> and Waverly, asked how the condemnation can occur if the property is not within City Limits. Lee Hendricks, City Attorney, replied that the property is contiguous to roadway owned by the City, and therefore the City has a legal right to condemnation of it for the necessary roadway expansion and utility relocations.

Motion by Lewis, Second by Conus to approve Ordinance No. 2017.

Motion passed, 5-0.

**14. Report by the City Administrator** none.

**15. Report by the Mayor** none.

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

Motion by Longanecker, Second by Smith to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, and Public Works Director for ten (10) minutes.

Motion was approved, 5-0.

Session recessed at 8:04 pm. Meeting reconvened at 8:14 pm.

Motion by Smith, Second by Longanecker to return to open session.

Motion was approved, 5-0.

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

- July 31<sup>st</sup>: Public Information Session – 2019 Street Reconstruction Project 7PM @ City Hall
- August 3<sup>rd</sup>: Movie Night feat. How to Train Your Dragon 3: The Hidden World – 8PM
- August 6<sup>th</sup>: National Night Out with Johnson County Sheriff's Office – 6PM to 8PM @ Martin Creek Park
- August 8<sup>th</sup>: City Council Meeting – 7PM
- August 13<sup>th</sup>: Planning Commission – 7PM

**18. Adjourn**

Motion by Smith, Second by Longanecker to adjourn.

Motion was approved 5-0. The meeting adjourned at 8:15 pm.

## City Council Action Item

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**Council Meeting Date:** August 22, 2019

**Department:** Administration

**Agenda Item:** CONSIDER ORDINANCE NO. 2018 AMENDING CHAPTER XIV OF THE EDGERTON, KANSAS MUNICIPAL CODE TO INCORPORATE THE 2018 STANDARD TRAFFIC ORDINANCE, SUBJECT TO EXISTING LOCAL TRAFFIC PROVISIONS IN THE CITY CODE WHICH SUPPLEMENT AND/OR MODIFY CERTAIN SECTIONS THEREOF

**Background/Description of Item:**

Annually, the League of Kansas Municipalities prepares and publishes the code known as the Standard Traffic Ordinance (STO) for Kansas Cities. This ordinance will adopt the Standard Traffic Ordinance for Kansas Cities Edition 2019 except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Sections 14-102 through 14-105 of the Code of the City of Edgerton. Please find enclosed with this agenda item an article prepared by the League of Kansas Municipalities regarding the changes in the STO.

**Related Ordinance(s) or Statue(s):** Edgerton City Code Chapter XIV

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**Funding Source:** N/A

**Budget Allocated:** \_\_\_\_\_

**Finance Director Approval:**

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**Recommendation:** Approve Ordinance No. 2018 Amending Chapter XIV Of The Edgerton, Kansas Municipal Code To Incorporate The 2019 Standard Traffic Ordinance, Subject To Existing Local Traffic Provisions In The City Code Which Supplement And/Or Modify Certain Sections Thereof

**Enclosed:** Draft Ordinance No. 2018  
July 2019 Article in Kansas Government Journal regarding Changes to 2019 STO

**Prepared by:** Scott Peterson, Assistant City Administrator

## **ORDINANCE NO. 2018**

**AN ORDINANCE AMENDING CHAPTER XIV OF THE EDGERTON, KANSAS MUNICIPAL CODE TO INCORPORATE THE 2019 STANDARD TRAFFIC ORDINANCE, SUBJECT TO EXISTING LOCAL TRAFFIC PROVISIONS IN THE CITY CODE WHICH SUPPLEMENT AND/OR MODIFY CERTAIN SECTIONS THEREOF.**

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

**SECTION 1:** Article 1 of Chapter XIV of the Edgerton, Kansas Municipal Code is hereby amended to state the following:

### **ARTICLE 1. STANDARD TRAFFIC ORDINANCE**

14-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Edgerton, Kansas, that certain code known as the "Standard Traffic Ordinance for Kansas Cities" Edition 2019, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Section 14-102 of the existing Code of the City of Edgerton. No fewer than one copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2018" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. The Sheriff's Department of Johnson County, Kansas, the municipal judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost to the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

14-102. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10 nor more than \$500, except for speeding, which shall not be less than \$30 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500, but said fine for subsequent convictions for the same offense may be increased in accordance with Section 201 of the Standard Traffic Ordinance.

**SECTION 2:** Article 2 of Chapter XIV of the Edgerton, Kansas Municipal Code is hereby preserved and any modifications or supplements to the Standard Traffic Ordinance stated therein are now applicable to the "Standard Traffic Ordinance for Kansas Cities" Edition 2019.

**SECTION 3: Repeal.** Former Article 1 of Chapter XIV of the Edgerton Municipal Code is hereby repealed.

**SECTION 4: Effective Date.** This Ordinance shall be effective after its passage, approval and publication once in the City's official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 22<sup>nd</sup> DAY OF AUGUST, 2019.

\_\_\_\_\_  
DONALD ROBERTS, Mayor

ATTEST:

\_\_\_\_\_  
RACHEL JAMES, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
LEE W. HENDRICKS, City Attorney

## 2019 Standard Traffic Ordinance and Uniform Public Offense Code Changes

*By Amanda L. Stanley, General Counsel, League of Kansas Municipalities*

**T**he 2019 editions of the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC) are now available for cities to order. (Order copies online at [www.lkm.org](http://www.lkm.org).) This article describes the legislative changes to both publications and changes made by the editor.

### STO

In 2019, the legislature passed six bills – HB 2104, SB 63, SB 41, SB 17, HB 2125, and HB 2211 – affecting the STO.

HB 2104 amended the statute related to preliminary breath tests of DUI suspects and resulted in the removal of portions of STO, Section 30.2. Subsection (a), which contained language establishing that every driver of a vehicle was deemed to have given consent to a preliminary breath test. Subsection (c), which required an officer to give both written and oral notice to the suspect has also been deleted. Subsection (b), which will now be subsection (a), has been amended by deleting the word saliva and replacing it with the term oral fluid. The bill also removed the traffic infraction for refusing to submit to a preliminary breath test from the state statutes. The League removed that charge in the 2016 edition of the STO due to concerns with the constitutionality of the charge.

SB 63 resulted in eight changes to the STO, creating new sections and definitions, as well as amending existing sections. Section 76 of the STO requires a driver to stop at a railroad grade crossing under certain circumstances. The amended section has expanded the requirement to stop for a train and also for “other on-track equipment”. This bill also made changes to Section 114.1, Unlawful Operation of an All-Terrain Vehicle (ATV) and Section 114.5, Unlawful Operation of a Work-Site Utility Vehicle (UTV). The change is the same for both sections and concerns the operation of these vehicles when used for an agricultural purpose. Both ATV’s and UTV’s can now be operated on federal and state highways with a speed limit of 65 MPH or less if they are being used for an agricultural purpose and the operators meet other requirements. They are not authorized under this bill to operate within any city limits unless authorized by a city. If a city currently allows the operation of these vehicles within the city they can, if they choose, amend the city ordinance to allow the operation on a state or federal highway if all the requirements surrounding the agricultural purpose exemption are included.

The League introduced a bill this year concerning the regulation of electric-assisted scooters which was passed as a part of SB 63. This change required the addition of new STO Section 135.1, Electric-

Assisted Scooters, as well as an additional definition in Section 1 of the STO. The bill mandates that electric-assisted scooters are subject to the traffic regulations applicable to bicycles, found in Sections 127 to 133, of the STO. Cities have the ability to pass an ordinance to provide additional regulations and controls if there is a need. This new STO section contains an editor’s note reminding cities of this ability to further regulate the operation of these vehicles.

SB 63 also created the need for new STO Section 169.1, Transportation Network Lighting Devices, and an amendment to Section 169, Special Restrictions on Lamps. This change will allow ride share company drivers to place a light, of any color other than red, indicating they are on duty to make it easier for consumers to recognize the ride share vehicles. The bill states that a city can authorize this change by passing an ordinance. By adopting the 2019 STO, the city will be authorizing transportation network drivers to use these lights.

STO Section 181, One-Way Glass and Sun Screening Devices, is also amended by SB 63. The changes are related to the ability to place protective sun screening on the windshield of a vehicle. The sun screen must have a minimum light transmittance of 70%, be designed to reduce harmful ultraviolet A or B rays, and the driver or occupant of the vehicle must have a signed statement from a doctor indicating the sun screen is necessary for the health of the individual. This bill was brought to the legislature by the family of a young boy who is allergic to the sun and they were concerned he would never be able to drive a car because they could not legally place material on the windshield of a car to protect him from the sun’s harmful rays.

SB 41 amended the seat belt statute making a clear statement this is a traffic infraction. This change resulted in a need to edit STO Section 182.1 to add the traffic infraction language.

SB 17 makes changes concerning motorcycles and drivers license classification. Prior to the changes of SB 17, a person who did not have an M classification drivers license could operate a motorcycle that had a temporary license plate. The M classification was not required until the motorcycle had a permanent license plate. STO Section 192, Driver’s License, has been amended, based on SB 17, and now requires any person operating a motorcycle to have a class M driver’s license regardless of the motorcycle’s license plate status.

HB 2125 deals with providing a driver’s license to a law enforcement officer when requested. This bill was brought to the legislature by agencies having incidents of individuals refusing to



hand their license to an officer claiming that the law only required them to display the license. The statute now clearly states a driver is required to promptly deliver their license to an officer when requested. This change required an amendment to STO Section 193, Driver's License in Possession, to reflect the changes made by HB 2125.

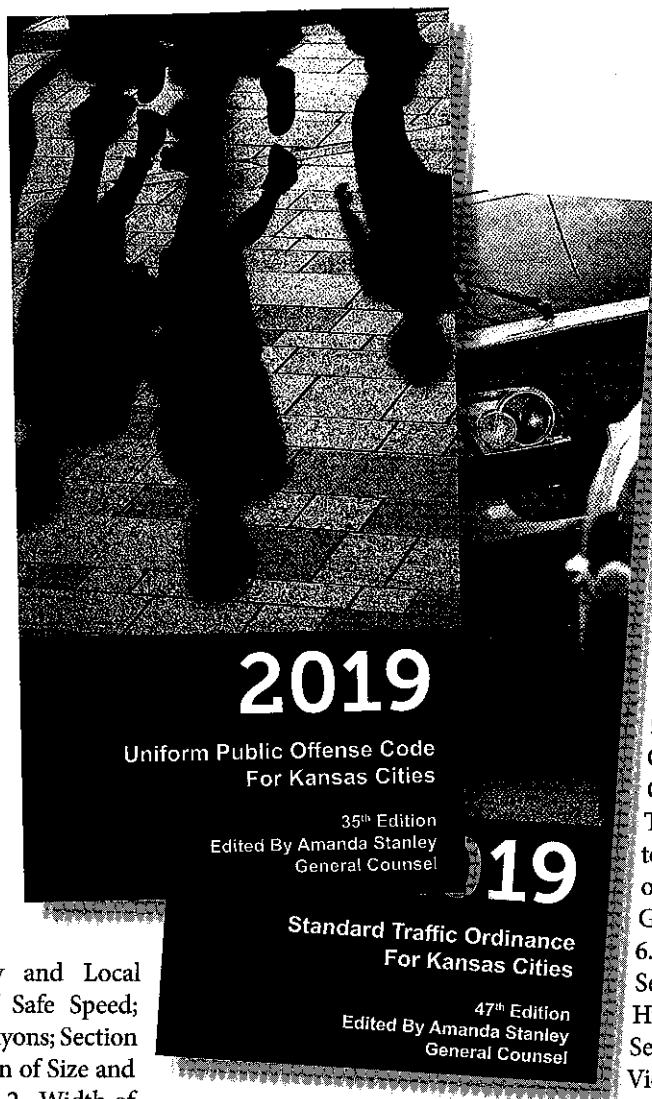
The final bill to change the STO this session was HB 2211. This bill allows a municipal court judge to waive the driver's license reinstatement fee upon showing of manifest hardship. This change required an amendment to STO Section 201.1.

In addition to the changes made by the Legislature, the editor decided it was time for a complete update of the STO to ensure it closely matched the Uniform Traffic Act in Kansas Statutes. This involved the addition of several new sections previous editors had decided to exclude. These sections include: Section 6.1., Road Construction Zone; Section 33.1., Special Speed Limitations Applicable to Certain Vehicles and Portions of Highways; Powers of Secretary and Local Authorities; Violations, Evidence of Safe Speed; Section 38.1., Driving in Defiles or Canyons; Section 105.1., Criminal Penalties for Violation of Size and Weight Laws; Exceptions; Section 105.2., Width of Vehicles and Loads Thereon; Section 105.3., Projecting Loads to the Front and Rear; Section 151.1., Air Conditioning Equipment; and Section 158.1., Lights; Lamps and Reflectors on Farm Tractors; Slow-moving Vehicle and Slow-moving Vehicle Emblem Defined; Requirements for Slow-moving Vehicles; Unlawful Acts; Exception.

The following sections were amended: Section 115., Unlawful Riding on Vehicles; Section 156., Lamps or Flags on Projecting Loads; and Section 158., Lamps on Other Vehicles and Equipment.

## UPOC

The Legislative Session resulted in the UPOC having a few changes this year, with most of the changes related to marijuana and cannabidiol. SB 28 creates an affirmative defense for products containing THC, the hallucinogenic ingredient in marijuana. If a person is being prosecuted for marijuana possession because of the use of a cannabidiol treatment preparation, as defined by statute, and the individual has a statement from a licensed physician that the person suffers from a debilitating medical condition, the person would not be guilty of possession. This change in Kansas law has resulted in the amendment of UPOC Section 1.1., Definitions, with the addition of definitions for both cannabidiol treatment preparation and debilitating medical condition. UPOC Section 9.9.1., Unlawful Possession of Marijuana and Tetrahydrocannabinols, has been amended to provide the requirements for meeting the affirmative defense now available to individuals.



7.15., Intimidation of a Witness or Victim; Section 7.16., Obstructing Apprehension or Prosecution; Section 8.2., Unlawful disclosure of Tax Information; Section 8.3., Unjustifiably Exposing a Convicted or Charged Person; Section 9.9.2., Possession of Drug Paraphernalia and Simulated Controlled Substances; Section 9.9.3., Unlawful Distribution of Controlled Substances; Section 9.9.4., Unlawful Possession of Controlled Substances; Section 9.9.5., Unlawful Possession of a Simulated Substance; Section 9.9.6., Distribution of a Non-controlled Substance; Section 10.2., Possession of a Firearm Under the Influence; Section 10.4., Failure to Register Explosives; Section 10.21., Selling Beverage Containers with Detachable Tabs; Section 10.28., Endangering the Food Supply; Section 11.1., Promoting Obscenity; Section 11.2., Promoting Obscenity to Minors; Section 11.9.1., Illegal Bingo Operation; Section 11.10., Possession of a Gambling Device; Section 11.11., Cruelty to Animals; Section 11.13., Unlawful Possession of Dog Fighting Paraphernalia; Unlawful Attendance of Dog Fighting; Section 11.14., Illegal Animal Ownership; Section 11.15., Permitting a Dangerous Animal to be at Large; and Section 11.16., False Membership Claim. ☐

☐ **Amanda L. Stanley** is the League's General Counsel. She can be reached at [astanley@lkm.org](mailto:astanley@lkm.org) or (785) 354-9565.

## City Council Action Item

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**Council Meeting Date:** August 22, 2019

**Department:** Administration

**Agenda Item:** CONSIDER ORDINANCE NO. 2019 AMENDING CHAPTER XI, ARTICLE 1, SECTION 11-101 OF THE CODE OF THE CITY OF EDGERTON, KANSAS, CONCERNING THE UNIFORM PUBLIC OFFENSE CODE

**Background/Description of Item:**

Annually, the League of Kansas Municipalities prepares and publishes the code known as the Uniform Public Offense Code (UPOC) for Kansas Cities. This ordinance will adopt the Uniform Public Offense Code Edition 2019, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed Section 11-102 of the existing Code of the City of Edgerton.

**Related Ordinance(s) or Statue(s):** Edgerton City Code Chapter XI

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**Funding Source:** N/A

**Budget Allocated:** \_\_\_\_\_

**Finance Director Approval:** \_\_\_\_\_

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**Recommendation:** Approve Ordinance No. 2019 Amending Chapter XI, Article 1, Section 11-101 Of The Code Of The City Of Edgerton, Kansas, Concerning The Uniform Public Offense Code

**Enclosed:** Draft Ordinance No. 2019  
July 2019 Article in Kansas Government Journal regarding Changes to 2019 UPOC

**Prepared by:** Scott Peterson, Assistant City Administrator

**ORDINANCE NO. 2019**

**AN ORDINANCE AMENDING CHAPTER XI, ARTICLE 1, SECTION 11-101 OF THE CODE OF THE CITY OF EDGERTON, KANSAS, CONCERNING THE UNIFORM PUBLIC OFFENSE CODE**

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

**SECTION 1:** That Chapter XI, Article 1, Section 11-101 of the Code of the City of Edgerton is hereby amended to read as follows:

11-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Edgerton, Kansas, that certain code known as the "Uniform Public Offense Code," Edition 2019, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Section 11-102 of the existing Code of the City of Edgerton. No fewer than one copy of said Uniform Public Offense Code "Official Copy as Adopted by Ordinance No. 2019" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. The Sheriff's Department of Johnson County, Kansas, the municipal judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost to the city, such number of official copies of such Uniform Public Offense Code similarly marked, as may be deemed expedient.

**SECTION 2: Repeal.** Former Chapter XI, Article 1, Section 11-101 of the Edgerton Municipal Code is hereby repealed.

**SECTION 3: Effective Date.** This Ordinance shall be effective after its passage, approval and publication once in the City's official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 22<sup>nd</sup> DAY OF AUGUST, 2019.

\_\_\_\_\_  
DONALD ROBERTS, Mayor

ATTEST:

\_\_\_\_\_  
RACHEL JAMES, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
LEE W. HENDRICKS, City Attorney

## 2019 Standard Traffic Ordinance and Uniform Public Offense Code Changes

*By Amanda L. Stanley, General Counsel, League of Kansas Municipalities*

**T**he 2019 editions of the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC) are now available for cities to order. (Order copies online at [www.lkm.org](http://www.lkm.org).) This article describes the legislative changes to both publications and changes made by the editor.

### STO

In 2019, the legislature passed six bills – HB 2104, SB 63, SB 41, SB 17, HB 2125, and HB 2211 – affecting the STO.

HB 2104 amended the statute related to preliminary breath tests of DUI suspects and resulted in the removal of portions of STO, Section 30.2. Subsection (a), which contained language establishing that every driver of a vehicle was deemed to have given consent to a preliminary breath test. Subsection (c), which required an officer to give both written and oral notice to the suspect has also been deleted. Subsection (b), which will now be subsection (a), has been amended by deleting the word saliva and replacing it with the term oral fluid. The bill also removed the traffic infraction for refusing to submit to a preliminary breath test from the state statutes. The League removed that charge in the 2016 edition of the STO due to concerns with the constitutionality of the charge.

SB 63 resulted in eight changes to the STO, creating new sections and definitions, as well as amending existing sections. Section 76 of the STO requires a driver to stop at a railroad grade crossing under certain circumstances. The amended section has expanded the requirement to stop for a train and also for “other on-track equipment”. This bill also made changes to Section 114.1, Unlawful Operation of an All-Terrain Vehicle (ATV) and Section 114.5, Unlawful Operation of a Work-Site Utility Vehicle (UTV). The change is the same for both sections and concerns the operation of these vehicles when used for an agricultural purpose. Both ATV’s and UTV’s can now be operated on federal and state highways with a speed limit of 65 MPH or less if they are being used for an agricultural purpose and the operators meet other requirements. They are not authorized under this bill to operate within any city limits unless authorized by a city. If a city currently allows the operation of these vehicles within the city they can, if they choose, amend the city ordinance to allow the operation on a state or federal highway if all the requirements surrounding the agricultural purpose exemption are included.

The League introduced a bill this year concerning the regulation of electric-assisted scooters which was passed as a part of SB 63. This change required the addition of new STO Section 135.1, Electric-

Assisted Scooters, as well as an additional definition in Section 1 of the STO. The bill mandates that electric-assisted scooters are subject to the traffic regulations applicable to bicycles, found in Sections 127 to 133, of the STO. Cities have the ability to pass an ordinance to provide additional regulations and controls if there is a need. This new STO section contains an editor’s note reminding cities of this ability to further regulate the operation of these vehicles.

SB 63 also created the need for new STO Section 169.1, Transportation Network Lighting Devices, and an amendment to Section 169, Special Restrictions on Lamps. This change will allow ride share company drivers to place a light, of any color other than red, indicating they are on duty to make it easier for consumers to recognize the ride share vehicles. The bill states that a city can authorize this change by passing an ordinance. By adopting the 2019 STO, the city will be authorizing transportation network drivers to use these lights.

STO Section 181, One-Way Glass and Sun Screening Devices, is also amended by SB 63. The changes are related to the ability to place protective sun screening on the windshield of a vehicle. The sun screen must have a minimum light transmittance of 70%, be designed to reduce harmful ultraviolet A or B rays, and the driver or occupant of the vehicle must have a signed statement from a doctor indicating the sun screen is necessary for the health of the individual. This bill was brought to the legislature by the family of a young boy who is allergic to the sun and they were concerned he would never be able to drive a car because they could not legally place material on the windshield of a car to protect him from the sun’s harmful rays.

SB 41 amended the seat belt statute making a clear statement this is a traffic infraction. This change resulted in a need to edit STO Section 182.1 to add the traffic infraction language.

SB 17 makes changes concerning motorcycles and drivers license classification. Prior to the changes of SB 17, a person who did not have an M classification drivers license could operate a motorcycle that had a temporary license plate. The M classification was not required until the motorcycle had a permanent license plate. STO Section 192, Driver’s License, has been amended, based on SB 17, and now requires any person operating a motorcycle to have a class M driver’s license regardless of the motorcycle’s license plate status.

HB 2125 deals with providing a driver’s license to a law enforcement officer when requested. This bill was brought to the legislature by agencies having incidents of individuals refusing to

hand their license to an officer claiming that the law only required them to display the license. The statute now clearly states a driver is required to promptly deliver their license to an officer when requested. This change required an amendment to STO Section 193, Driver's License in Possession, to reflect the changes made by HB 2125.

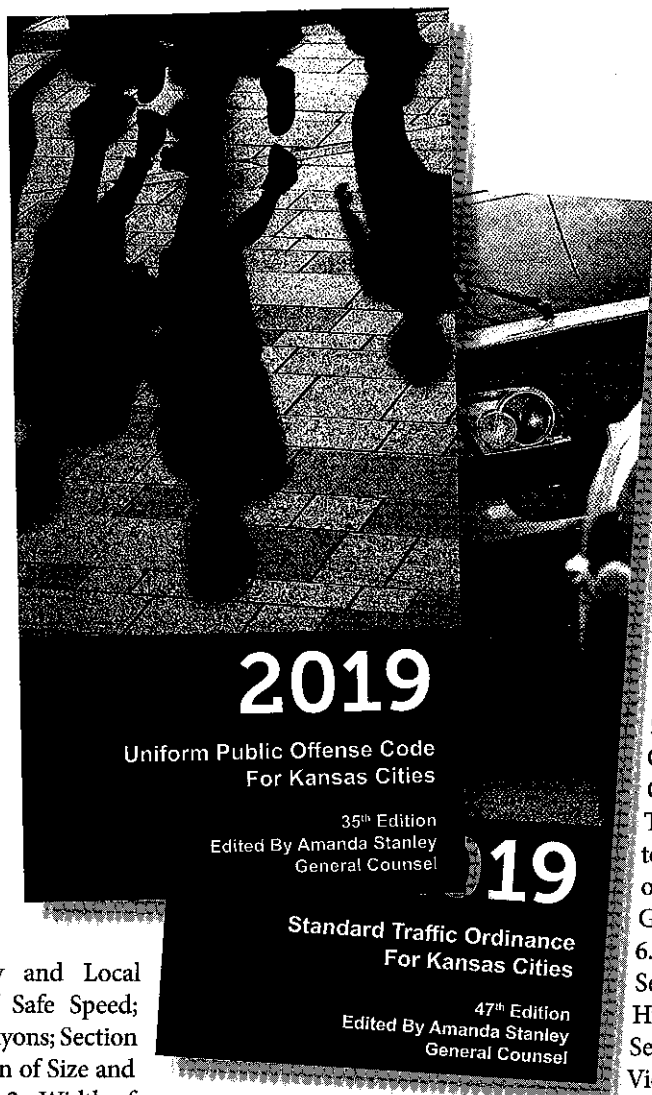
The final bill to change the STO this session was HB 2211. This bill allows a municipal court judge to waive the driver's license reinstatement fee upon showing of manifest hardship. This change required an amendment to STO Section 201.1.

In addition to the changes made by the Legislature, the editor decided it was time for a complete update of the STO to ensure it closely matched the Uniform Traffic Act in Kansas Statutes. This involved the addition of several new sections previous editors had decided to exclude. These sections include: Section 6.1., Road Construction Zone; Section 33.1., Special Speed Limitations Applicable to Certain Vehicles and Portions of Highways; Powers of Secretary and Local Authorities; Violations, Evidence of Safe Speed; Section 38.1., Driving in Defiles or Canyons; Section 105.1., Criminal Penalties for Violation of Size and Weight Laws; Exceptions; Section 105.2., Width of Vehicles and Loads Thereon; Section 105.3., Projecting Loads to the Front and Rear; Section 151.1., Air Conditioning Equipment; and Section 158.1., Lights; Lamps and Reflectors on Farm Tractors; Slow-moving Vehicle and Slow-moving Vehicle Emblem Defined; Requirements for Slow-moving Vehicles; Unlawful Acts; Exception.

The following sections were amended: Section 115., Unlawful Riding on Vehicles; Section 156., Lamps or Flags on Projecting Loads; and Section 158., Lamps on Other Vehicles and Equipment.

## UPOC

The Legislative Session resulted in the UPOC having a few changes this year, with most of the changes related to marijuana and cannabidiol. SB 28 creates an affirmative defense for products containing THC, the hallucinogenic ingredient in marijuana. If a person is being prosecuted for marijuana possession because of the use of a cannabidiol treatment preparation, as defined by statute, and the individual has a statement from a licensed physician that the person suffers from a debilitating medical condition, the person would not be guilty of possession. This change in Kansas law has resulted in the amendment of UPOC Section 1.1., Definitions, with the addition of definitions for both cannabidiol treatment preparation and debilitating medical condition. UPOC Section 9.9.1., Unlawful Possession of Marijuana and Tetrahydrocannabinols, has been amended to provide the requirements for meeting the affirmative defense now available to individuals.



7.15., Intimidation of a Witness or Victim; Section 7.16., Obstructing Apprehension or Prosecution; Section 8.2., Unlawful disclosure of Tax Information; Section 8.3., Unjustifiably Exposing a Convicted or Charged Person; Section 9.9.2., Possession of Drug Paraphernalia and Simulated Controlled Substances; Section 9.9.3., Unlawful Distribution of Controlled Substances; Section 9.9.4., Unlawful Possession of Controlled Substances; Section 9.9.5., Unlawful Possession of a Simulated Substance; Section 9.9.6., Distribution of a Non-controlled Substance; Section 10.2., Possession of a Firearm Under the Influence; Section 10.4., Failure to Register Explosives; Section 10.21., Selling Beverage Containers with Detachable Tabs; Section 10.28., Endangering the Food Supply; Section 11.1., Promoting Obscenity; Section 11.2., Promoting Obscenity to Minors; Section 11.9.1., Illegal Bingo Operation; Section 11.10., Possession of a Gambling Device; Section 11.11., Cruelty to Animals; Section 11.13., Unlawful Possession of Dog Fighting Paraphernalia; Unlawful Attendance of Dog Fighting; Section 11.14., Illegal Animal Ownership; Section 11.15., Permitting a Dangerous Animal to be at Large; and Section 11.16., False Membership Claim. ☐

☐ **Amanda L. Stanley** is the League's General Counsel. She can be reached at [astanley@lkm.org](mailto:astanley@lkm.org) or (785) 354-9565.

## City Council Action Item

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**Council Meeting Date:** August 22, 2019

**Department:** Public Works

### **Agenda Item: Consider Concurrence to Bid the 56 Highway Multi-Use Trail Project (West 1<sup>st</sup> Street to West 8<sup>th</sup> Street)**

**Background/Description of Item:**

At the 2017 Capital Improvement Program Work Session, the City Council provided direction to allocate \$150,000 of the Maintenance Fee towards Parks and Recreation Projects for 2017 and 2018. During the Capital Improvement Program discussion on June 7, 2018, City Council provided direction to move forward with the design of a multi-use path along Highway 56 to provide pedestrian/bicycle access from neighborhood/residences along Highway 56 to Dollar General, Edgerton Elementary, and other future development.

On August 23, 2018 City Council Approved the Agreement with BG Consultants for the engineering and design services for the Multi-Use Trail along 56 Highway from West 1<sup>st</sup> Street to West 8<sup>th</sup> Street. This project consists of approximately 2400 LF of multi-use trail that uses a section that is 10' wide.

For this project, The City of Edgerton in conjunction with BG Consultants will administer the project including the bidding process and construction oversight, City staff will handle inspection duties during the project. Staff anticipates the bidding schedule as follows.

- Concurrence to bid from City Council (pending approval): August 22, 2019
- Advertisement for Bidding: August 26, 2019
- Bid Opening: September 9, 2019
- Award Bid: September 26, 2019

At the future Council Meeting on September 26, 2019 staff will provide the results for the bidding process and funding recommendations for costs over the previous allocation of \$150,000, as outlined in the Capital Improvement Program.

Funding for this project was included in the 2019-2023 Capital Improvement Program.

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

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**Funding Source:** Capital Improvement Fund

**Budget Allocated:**

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

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<p><b>Recommendation: Approve Concurrence to Bid the 56 Highway Multi-Use Trail Project (West 1<sup>st</sup> Street to West 8<sup>th</sup> Street)</b></p>
--

**Enclosed:**

**Prepared by:**        **Dan Merkh** \* Public Works Director  
                             **Trey Whitaker** \* Public Works Superintendent

## City Council Action Item

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**Council Meeting Date:** August 22, 2019

**Department:** Community Development

### **Agenda Item: Consider Project Authorization for the Construction of the I35 South Gravity Sewer Phase II Improvements**

**Background/Description of Item:**

In January 2018, the Edgerton City Council approved a Development Agreement with Edgerton Land Holding Company (ELHC) for the development of Phase II of Logistics Park Kansas City (LPKC) located south of Interstate 35. Similar to LPKC Phase I, this Agreement established a new Public Infrastructure Fund (Ph II PIF) with for the collection of certain revenues associated with the development and payment of project expenditures as allowed by the Agreement.

The Development Agreement includes Exhibit E which describes Public Infrastructure Improvements and Costs that are allowed project expenses to be paid from Ph II PIF. The building out of the Big Bull Creek Phase II Gravity Sewer Improvements to serve projects south of I-35 is included as allowable project expense in LPKC Phase II.

Staff and City Engineer have reviewed the proposed plans for the Big Bull Creek Phase II Gravity Sewer Improvements. In the immediate future, these improvements would serve Inland Port 51, the Hostess Distribution Center currently under construction, along with any additional warehousing or commercial projects built within the service area.

NorthPoint Development has submitted the Recommendation for Contractor Award to Central Plumbing Construction Company in the amount of \$1,441,837.00 which includes \$39,940.00 of costs incurred for City Inspection fees which are not a reimbursable item under the Agreement. The revised contract amount for reimbursement would be \$1,401,897.00 with those costs removed. This cost will be borne entirely by NorthPoint Development until such time the project is converted to funding from Home Rule Revenue Bonds. If the project is approved, staff will work with Intermodal Bond Counsel and NorthPoint to include the allowable project costs into the next Home Rule Revenue Bond series.

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

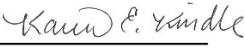




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**Funding Source:** LPKC Phase II Public Infrastructure Fund

**Budget Allocated:** \$1,401,897.00

x 

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Approve Project Authorization for the Construction of the I35 South Gravity Sewer Phase II Improvements**

**Enclosed:** Recommendation for Contractor Award  
Exhibit E for Project Authorization for the Construction of the I35 South Gravity Sewer Phase II Improvements – Area Exhibit

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

## Recommendation for Contractor Award

**Project: Big Bull Creek Phase II Gravity Sewer Improvements  
Edgerton, Kansas**

August 19, 2019

Ms. Beth Linn,

We appreciate the opportunity to work with the City of Edgerton on the above referenced projects. We have reviewed the three contractor's bids received on the **Big Bull Creek Phase II Gravity Sewer Improvements Project**. The lowest qualified bidder was Central Plumbing Construction Company. We recommend moving forward with Central Plumbing if there are no questions or concerns from the city regarding the low contractor. Below is a summary of the associated costs for these projects.

<u>Items</u>	<u>Associated Costs</u>
City Bond	\$ 25,000
LPKC South Gravity Line 'A'	\$ 1,141,137
Design and Survey Fees	\$ 42,500
Geotechnical Inspection Fees	\$ 15,000
Easement/MOU (KDOT)	\$ 20,000
City Inspection Fees (3.5% on Construction Costs)	\$ 39,940
NP Development Fee (5%)	\$ 63,304
Contingency (7.5%)	\$ 94,956
<b>Project Total</b>	<b>\$ 1,441,837</b>

Sincerely,

Brett Powell  
NorthPoint Development

## EXHIBIT E

### PUBLIC INFRASTRUCTURE IMPROVEMENT NOTICE

The parties agree to proceed with the following Public Infrastructure Improvement(s):

<u>Public Infrastructure Improvement</u>	<u>Public Infrastructure Improvement Description</u>	<u>Estimated Cost</u>	<u>Funding Mechanism</u>	<u>Responsible Party</u>
Big Bull Creek Gravity Sewer Phase 2	Extend Gravity Sewer East	\$1,441,837	Home Rule Revenue Bonds	ELHC, LLC

This Public Infrastructure Improvement Notice is dated July 19th, 2019.

**CITY OF EDGERTON, KANSAS**, a  
Kansas municipal corporation

[SEAL]

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

ATTEST:

\_\_\_\_\_  
City Clerk

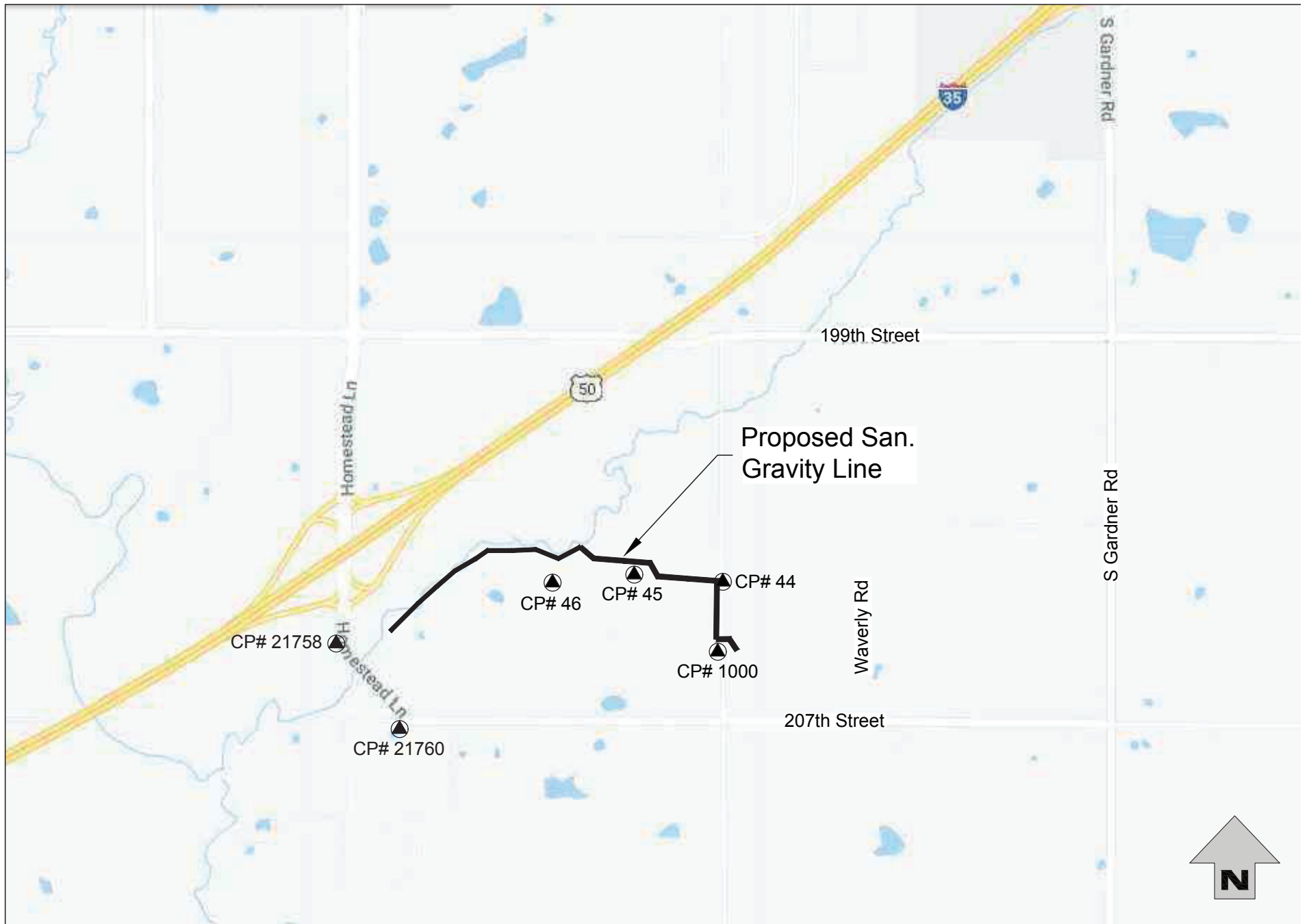
**EDGERTON LAND HOLDING  
COMPANY, LLC**, a Kansas limited  
liability company

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

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_





## **CITY OF EDGERTON, KANSAS**

### **COUNCIL AGENDA ITEM**

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**Council Meeting Date:** August 22, 2019

**Agenda Item:** Ordinance Creating Redevelopment District

**Subject:** Edgerton Offices Project

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#### **Summary:**

The City is exploring the creation of a TIF Redevelopment District on property generally located at the northwest corner of 191<sup>st</sup> and Waverly Road (the “Proposed District”). The Proposed District satisfies the statutory requirement for a blighted area.

The Kansas TIF statutes define a “Blighted area” as, among other things, any area where a majority of the property is in a 100-year floodplain area. In this case, 55.6% of the Proposed District is within a 100-year floodplain.

The City passed Resolution No. 07-11-19C on July 11, 2019 stating the City is considering the establishment of the redevelopment district. A copy of the Resolution was sent to the County, School District and Property Owner.

The City should first hold a public hearing on the creation of the Redevelopment District. At the conclusion of the public hearing, the City should consider the Ordinance creating the Redevelopment District.

**ORDINANCE NO. 2020**

**AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A  
REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON,  
KANSAS (EDGERTON OFFICE PROJECTS)**

**WHEREAS**, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Edgerton, Kansas (the “City”) is authorized to assist in the development and redevelopment of eligible areas within the City in order to promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities;

**WHEREAS**, pursuant to the Act, the Governing Body of the City adopted Resolution No. 07-11-19C (the “Resolution”) on July 11, 2019, finding and determining that it is desirable to encourage the development and redevelopment of certain real property within the City generally located at the northwest corner of 191<sup>st</sup> and Waverly Road, and to consider the establishment of a tax increment financing redevelopment district at such location (the “Redevelopment District”);

**WHEREAS**, the Resolution provided for a notice of a public hearing considering the establishment of the Redevelopment District to be given in accordance with the Act and that said public hearing would be held on August 22, 2019;

**WHEREAS**, a notice of the public hearing was duly given in accordance with the Act;

**WHEREAS**, on this date the Governing Body of the City conducted and concluded a public hearing on the Redevelopment District;

**WHEREAS**, areas that are determined by the governing body of a city to be “blighted” as described in K.S.A. 12-1770a(c) are eligible to be considered for the financing of redevelopment projects pursuant to the Act;

**WHEREAS**, the Governing Body of the City has reviewed a Certification of Land Surveyor which states that 6.37 acres out of the 11.448 acres in the proposed Redevelopment District are located in a 100-year floodplain area; and

**WHEREAS**, a majority (55.6%) of the proposed Redevelopment District is within a 100-year floodplain area;

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

**Section 1. Blighted; Findings of Fact.** The Governing Body of the City hereby finds and determines that a majority of the Redevelopment District is located within a 100-year

floodplain which makes the Redevelopment District a “blighted area” as defined in K.S.A. 12-1770a(c)(3), which makes it an “eligible area” as defined by the Act. The Governing Body of the City hereby finds and determines that the redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

**Section 2. Redevelopment District Plan.** The district plan for the Redevelopment District includes two redevelopment project areas. Project area A is identified as Lot 1 on the sketch attached hereto as **Exhibit A**. Project area B is identified as Lot 2 on the sketch attached hereto as **Exhibit A**. Both project areas will contain a multi-story office building, along with associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and other associated and appurtenant structures and facilities.

**Section 3. Redevelopment District Description.** A sketch of the area to be included in the Redevelopment District is attached hereto as **Exhibit A**. The legal description of the Redevelopment District is set forth on **Exhibit B** attached hereto and incorporated herein by reference.

**Section 4. Boundaries.** The Redevelopment District is within the boundaries approved by the resolution setting the hearing for the proposed Redevelopment District and published in the notice of the public hearing.

**Section 5. Establishment of Redevelopment District.** The Governing Body of the City hereby establishes the Redevelopment District in compliance with the Act.

**Section 6. Ability to Terminate.** The Redevelopment District may be terminated by the Governing Body at any time by passage and publication of an ordinance; provided that following the execution and delivery of a redevelopment agreement or agreements by the City entered into between the City and an entity or entities with rights to develop property within the Redevelopment District, the termination of the Redevelopment District may be limited by the terms and conditions of such agreement or agreements.

**Section 7. Project Plan Approval.** Nothing contained in this Ordinance shall obligate the City to approve any project plan within the Redevelopment District.

**Section 8. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Board of the City and publication in an official City newspaper.



**PASSED** by the Council of the City of Edgerton, Kansas, this 22<sup>nd</sup> day of August, 2019.

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Donald Roberts, Mayor

[SEAL]

ATTEST:

---

Rachel A. James, City Clerk

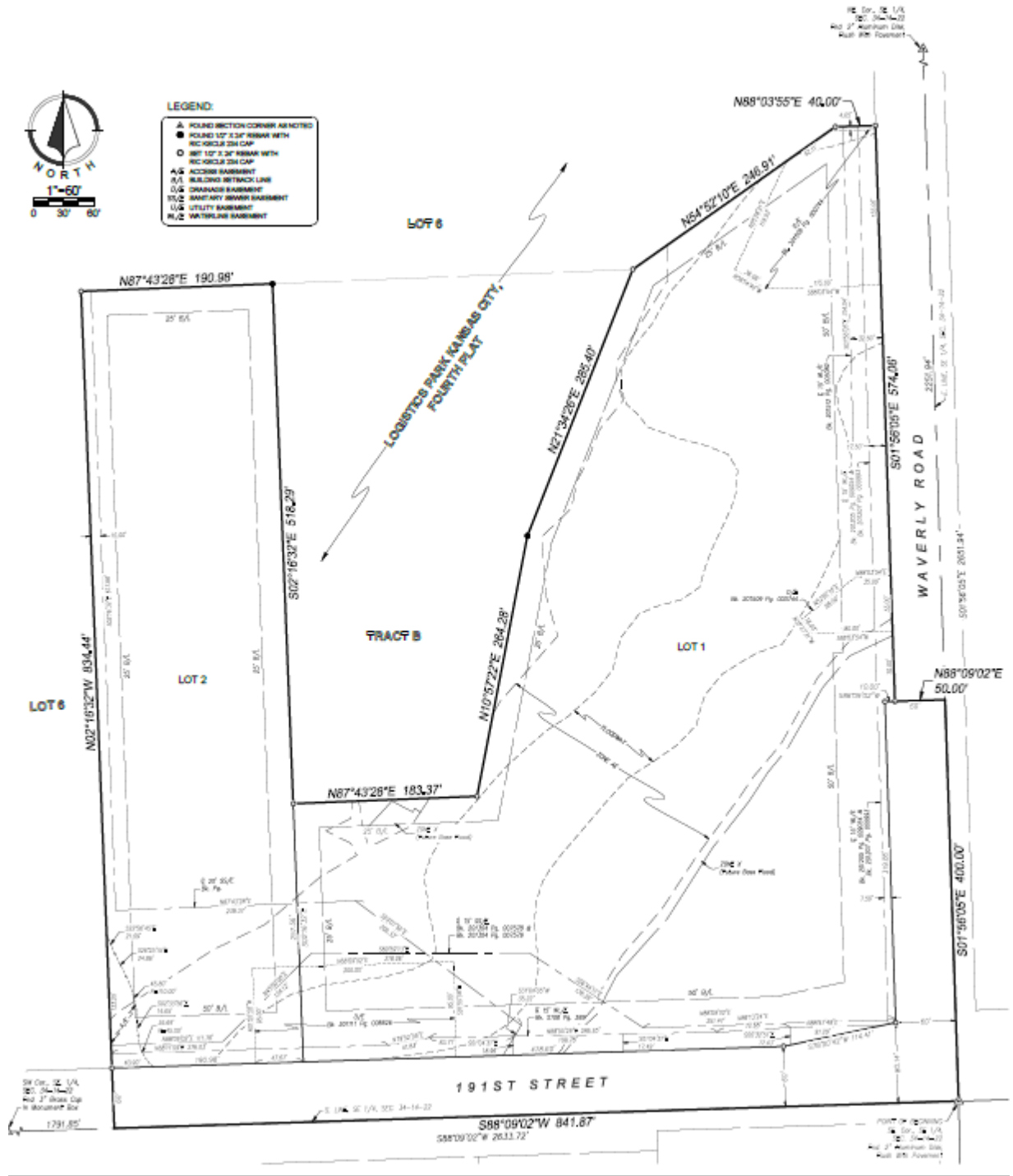
Approved as to form:

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Scott W. Anderson, Bond Counsel

# EXHIBIT A

## Map of Boundaries of Proposed Redevelopment District



## **EXHIBIT B**

### **Legal Description**

All that part of the Southeast Quarter of Section 34, Township 14 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

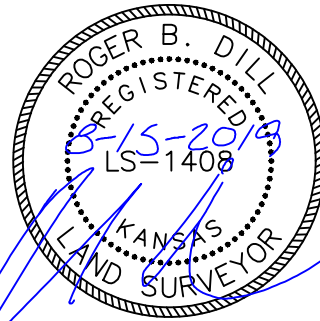
Commencing at the Southeast corner of said Southeast Quarter; thence South 88°09'02" West, coincident with the South line of said Southeast Quarter, a distance of 841.87 feet; thence departing said South line, North 02°16'32" West a distance of 60.00 feet to the Southeast corner of Lot 6, LOGISTICS PARK KANSAS CITY, FOURTH PLAT, a subdivision in said City, said point also the Point of Beginning; thence continuing North 02°16'32" West, coincident with the East line of said Lot 6, a distance of 774.44 feet; thence North 87°43'28" East, coincident with the South line of said Lot 6, a distance of 190.98 feet to the Northwest corner of Tract B of said LOGISTICS PARK KANSAS CITY, FOURTH PLAT; thence South 02°16'32" East, coincident with the West line of said Tract B, a distance of 518.29 feet to the Southwest corner thereof; thence North 87°43'28" East, coincident with the South line of said Tract B, a distance of 183.37 feet to the Southeast corner thereof; thence North 10°57'22" East, coincident with the East line of said Tract B, a distance of 264.28 feet; thence North 21°34'26" East, continuing along said East line, a distance of 285.40 feet to the Northeast corner of said Tract B; thence North 54°52'10" East, coincident with the South line of said Lot 6, a distance of 246.91 feet; thence North 88°03'55" East, continuing along said South line, a distance of 40.00 feet to a point on the West right-of-way line of Waverly Road, as it now exists; thence South 01°56'05 East, coincident with said West right-of-way line, a distance of 574.06 feet; thence South 88°09'02" West, continuing along said West right-of-way line, a distance of 10.00 feet; thence South 01°56'05 East, continuing along said West right-of-way line, a distance of 319.86 feet to a point on the North right-of-way line of 191<sup>st</sup> Street, as it now exists; thence South 78°00'42" West, coincident with said North right-of-way line, a distance of 114.41 feet; thence South 88°09'02" West, continuing along said North right-of-way line, a distance of 669.58 feet to the Point of Beginning, containing 498,649 square feet, or 11.447 acres, more or less.

## **Certification of Land Surveyor**

### **Edgerton Office TIF Project**

I, the undersigned, hereby certify, with respect to the property described on the attached Exhibit A (the "Property"), that:

1. The undersigned is a registered land surveyor for Renaissance Infrastructure Consulting;
2. The Property consists of approximately 11.448 acres; and
3. 6.37 acres of the Property are located within a 100-year floodplain area.



---

Roger B. Dill  
Kansas LS - 1408

## **Exhibit A**

### **Legal Description**

All that part of the Southeast Quarter of Section 34, Township 14 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence South 88°09'02" West, coincident with the South line of said Southeast Quarter, a distance of 841.87 feet; thence departing said South line, North 02°16'32" West a distance of 60.00 feet to the Southeast corner of Lot 6, LOGISTICS PARK KANSAS CITY, FOURTH PLAT, a subdivision in said City, said point also the Point of Beginning; thence continuing North 02°16'32" West, coincident with the East line of said Lot 6, a distance of 774.44 feet; thence North 87°43'28" East, coincident with the South line of said Lot 6, a distance of 190.98 feet to the Northwest corner of Tract B of said LOGISTICS PARK KANSAS CITY, FOURTH PLAT; thence South 02°16'32" East, coincident with the West line of said Tract B, a distance of 518.29 feet to the Southwest corner thereof; thence North 87°43'28" East, coincident with the South line of said Tract B, a distance of 183.37 feet to the Southeast corner thereof; thence North 10°57'22" East, coincident with the East line of said Tract B, a distance of 264.28 feet; thence North 21°34'26" East, continuing along said East line, a distance of 285.40 feet to the Northeast corner of said Tract B; thence North 54°52'10" East, coincident with the South line of said Lot 6, a distance of 246.91 feet; thence North 88°03'55" East, continuing along said South line, a distance of 40.00 feet to a point on the West right-of-way line of Waverly Road, as it now exists; thence South 01°56'05 East, coincident with said West right-of-way line, a distance of 574.06 feet; thence South 88°09'02" West, continuing along said West right-of-way line, a distance of 10.00 feet; thence South 01°56'05 East, continuing along said West right-of-way line, a distance of 319.86 feet to a point on the North right-of-way line of 191<sup>st</sup> Street, as it now exists; thence South 78°00'42" West, coincident with said North right-of-way line, a distance of 114.41 feet; thence South 88°09'02" West, continuing along said North right-of-way line, a distance of 669.58 feet to the Point of Beginning, containing 498,649 square feet, or 11.447 acres, more or less.

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Board of County Commissioners  
Johnson County Kansas  
c/o Ms. Penny Postoak Ferguson  
Johnson County Manager  
Johnson County Administrative Building  
111 S. Cherry, Suite 3300  
Olathe, Kansas 66061-3486

**RE:** Proposed Edgerton Office TIF District Project

Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19C providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the "Resolution"). The Resolution was adopted by the City Council on July 11, 2019.

If you have questions or require additional information, please contact Beth Linn, City Administrator, or me at (913) 893-6231.

Sincerely,



Scott Peterson  
Assistant City Administrator

Enclosure

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Board of Education  
Unified School District #231  
c/o Ms. Pam Stranathan, Superintendent  
P.O. Box 97  
Gardner, Kansas 66030

RE: Proposed Edgerton Office TIF District Project

Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19C providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the "Resolution"). The Resolution was adopted by the City Council on July 11, 2019.

If you have questions or require additional information, please contact Beth Linn, City Administrator, or me at (913) 893-6231.

Sincerely,



Scott Peterson  
Assistant City Administrator

Enclosure

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Edgerton Land Holding Company LLC  
4825 NW 41<sup>st</sup> Street  
Suite 500  
Riverside, Missouri 64150

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Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19C providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the “Resolution”). The Resolution was adopted by the City Council on July 11, 2019.

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Enclosure



## **CITY OF EDGERTON, KANSAS**

### **COUNCIL AGENDA ITEM**

---

**Council Meeting Date:** August 22, 2019

**Agenda Item:** Ordinance Creating Redevelopment District

**Subject:** Edgerton Homestead Lane Retail District Project

---

#### **Summary:**

The City is exploring the creation of a TIF Redevelopment District on property generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane (the “Proposed District”). The City engaged Development Dynamics, LLC to prepare a Redevelopment Area Qualification/Eligibility Analysis to determine whether the Proposed District satisfies statutory requirements for a conservation area.

The Kansas TIF statutes define a “Conservation area” as any improved area comprising 15% or less of the land area within the city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted but may become blighted due to the existence of two or more of the following factors:

- (a) Dilapidation, obsolescence or deterioration of the structures;
- (b) Illegal use of individual structures;
- (c) The presence of structures below minimum code standards;
- (d) Building abandonment;
- (e) Excessive vacancies;
- (f) Overcrowding of structures or facilities; or
- (g) Inadequate utilities and infrastructure.

The study concluded that the Proposed District meets the statutory requirements for a conservation area. In particular, the study found the existence of the criteria in (a), (c) and (g) above.

The City passed Resolution No. 07-11-19B on July 11, 2019 stating the City is considering the establishment of the redevelopment district. A copy of the Resolution was sent to the County, School District and Property Owners.

The City should first hold a public hearing on the creation of the Redevelopment District. At the conclusion of the public hearing, the City should consider the Ordinance creating the Redevelopment District.

[Summary Published in *The Gardner News* on August 28, 2019]

**ORDINANCE NO. 2021**

**AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)**

**WHEREAS**, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Edgerton, Kansas (the “City”) is authorized to assist in the development and redevelopment of eligible areas within the City in order to promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities;

**WHEREAS**, pursuant to the Act, the Governing Body of the City adopted Resolution No. 07-11-19B (the “Resolution”) on July 11, 2019, finding and determining that it is desirable to encourage the development and redevelopment of certain real property within the City generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane, and to consider the establishment of a tax increment financing redevelopment district at such location (the “Redevelopment District”);

**WHEREAS**, the Resolution provided for a notice of a public hearing considering the establishment of the Redevelopment District to be given in accordance with the Act and that said public hearing would be held on August 22, 2019;

**WHEREAS**, a notice of the public hearing was duly given in accordance with the Act;

**WHEREAS**, on this date the Governing Body of the City conducted and concluded a public hearing on the Redevelopment District;

**WHEREAS**, an improved area of the City comprising 15% or less of the land area within the corporate limits of the City in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of certain factors as described in K.S.A. 12-1770a(d), may be deemed a “conservation area” which is eligible to be considered for the financing of redevelopment projects pursuant to the Act; and

**WHEREAS**, the Governing Body of the City has received and reviewed a Redevelopment Area Qualification/Eligibility Analysis related to the proposed Redevelopment District.

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

**Section 1. Conservation Area; Findings of Fact.** The Governing Body of the City

hereby finds and determines that the area of the Redevelopment District is a “conservation area,” as defined in K.S.A. 12-1770a(d), which makes it an “eligible area” as defined by the Act. The Governing Body of the City hereby finds and determines that the redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

**Section 2. Redevelopment District Plan.** The district plan for the Redevelopment District includes two redevelopment project areas. Project area A is located on the northeast corner of Interstate 35 and Homestead Lane. Project area B is located on the northwest corner of Interstate 35 and Homestead Lane. Both project areas will contain truck stops, truck maintenance facilities, restaurants, hotels and other transportation and workforce related services, along with associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and other associated and appurtenant structures and facilities.

**Section 3. Redevelopment District Description.** A sketch of the area to be included in the Redevelopment District is attached hereto as **Exhibit A**. The legal description of the Redevelopment District is set forth on **Exhibit B** attached hereto and incorporated herein by reference.

**Section 4. Boundaries.** The Redevelopment District is within the boundaries approved by the resolution setting the hearing for the proposed Redevelopment District and published in the notice of the public hearing.

**Section 5. Establishment of Redevelopment District.** The Governing Body of the City hereby establishes the Redevelopment District in compliance with the Act.

**Section 6. Ability to Terminate.** The Redevelopment District may be terminated by the Governing Body at any time by passage and publication of an ordinance; provided that following the execution and delivery of a redevelopment agreement or agreements by the City entered into between the City and an entity or entities with rights to develop property within the Redevelopment District, the termination of the Redevelopment District may be limited by the terms and conditions of such agreement or agreements.

**Section 7. Project Plan Approval.** Nothing contained in this Ordinance shall obligate the City to approve any project plan within the Redevelopment District.

**Section 8. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Board of the City and publication in an official City newspaper.

**PASSED** by the Council of the City of Edgerton, Kansas, this 22<sup>nd</sup> day of August, 2019.

---

Donald Roberts, Mayor

[SEAL]

ATTEST:

---

Rachel A. James, City Clerk

Approved as to form:

---

Scott W. Anderson, Bond Counsel

## EXHIBIT A

### Map of Boundaries of Proposed Redevelopment District



## EXHIBIT B

### Legal Description

Kansas Uniform Parcel # 046-202-09-0-10-01-009.02-0

#### TRACT I:

All that part of the Southeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 9; thence North 89 degrees 50 minutes 55 seconds West, along the North line of the Southeast Quarter of said Section 9, 150 feet to the point of beginning, said point being on the Northerly right-of-way line of I-35 Highway; thence South 0 degrees 34 minutes 28 seconds East, along the Northerly right-of-way line of said I-35 Highway, 278.50 feet; thence South 54 degrees 55 minutes 40 seconds West, along the Northerly right-of-way line of said I-35 Highway, 255.31 feet; thence South 61 degrees 00 minutes 19 seconds West, along the Northerly right-of-way line of said I-35 Highway, 100.51 feet; thence South 55 degrees 17 minutes 10 seconds West, along the Northerly right-of-way line of said I-35 Highway, 300.00 feet; thence South 49 degrees 33 minutes 32 seconds West, along the Northerly right-of-way line of said I-35 Highway, 100.45 feet; thence South 55 degrees 17 minutes 10 seconds West, along the Northerly right-of-way line of said I-35 Highway, 332.33 feet; thence Southwesterly along the Northerly right-of-way line of said I-35 Highway on a curve to the Right having a radius of 22,768.30 feet, 1,865.80 feet, to a point on the West line of the Southeast Quarter of said Section 9; thence North 0 degrees 27 minutes 14 seconds West, along the West line of the Southeast Quarter of said Section 9, 1,904.32 feet to the Northwest corner of the Southeast Quarter of said Section 9; thence South 89 degrees 50 minutes 55 seconds East, 2,480.69 feet to the Point of Beginning, except those parts in streets or roads.

#### And except

A tract of land lying in the Southeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, being more particularly described as follows:

Commencing on the Northeast corner of the Southeast Quarter of said Section 9; thence North 89 degrees 50 minutes 55 seconds West, along the North line of the Southeast Quarter of said Section 9, 150.00 feet to the Northerly right-of-way line of I-35 Highway; thence along said Northerly right-of-way line South 00 degrees 34 minutes 28 seconds East, 278.50 feet; thence continuing along said Northerly right-of-way line South 54 degrees 55 minutes 40 seconds West, 255.31 feet; thence continuing along said Northerly right-of-way line South 61 degrees 00 minutes 19 seconds West, 100.51 feet; thence continuing along said Northerly right-of-way line South 55 degrees 17 minutes 10 seconds West, 300.00 feet; thence continuing along said Northerly right-of-way line South 49 degrees 33 minutes 32 seconds West, 21.40 feet to the point of beginning; thence continuing South 49 degrees 33 minutes 32 seconds West along said Northerly right-of-way line of I-35 Highway, 79.05 feet; thence continuing along said Northerly right-of-way line South 55 degrees 17 minutes 10 seconds West, 332.23 feet; thence Southwesterly, along said Northerly right-of-way line, along a curve to the Right, having a radius of 22,768.30 feet, a central angle of 04 degrees 41 minutes 43 seconds, 1,865.80 feet to the West line of the Southeast Quarter of Section 9; thence North 00 degrees 27 minutes 14 seconds West along said West line of the Southeast Quarter of Section 9, 1,242.01 feet; thence South 89 degrees 54 minutes 42 seconds East, 1,918.80 feet to the point of beginning, except that part in road and highway.

#### TRACT II:

Beginning at a point 679.74 feet West of the Southeast corner of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas; thence North 330 feet; thence West 1320 feet; thence South 330 feet;

thence East 1320 feet to the point of beginning, except those parts in streets or roads.

And:

A tract of land in the South Half of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, being more particularly described as follows:

Beginning at a point 879.74 West and 330.00 feet North of the Southeast corner of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas; thence West 1320.00 feet to the center of a cul-de-sac; thence North 330.00 feet along the center line of an access road; thence East 330.00 feet and along the center line of said access road; thence continuing East 990.00 feet; thence South 330.00 feet to the point of beginning, except that part thereof in streets, roads or public right-of-way.

Except:

All that part of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 9; thence North 89 degrees 50 minutes 55 seconds West along the South line of the Northeast Quarter of said Section 9, 879.74 feet to the true point of beginning; thence North 00 degrees 21 minutes 16 seconds West parallel to the East line of said Section 9, 680.00 feet; thence North 89 degrees 50 minutes 55 seconds West 980.53 feet; thence South 00 degrees 27 minutes 14 seconds East along the Easterly right-of-way line of Pepper Tree Lane, 25.00 feet; thence North 89 degrees 50 minutes 55 seconds West along the Southerly right-of-way line of Pepper Tree Lane, 300.00 feet; thence South 00 degrees 27 minutes 16 seconds East, 50.00 feet; thence South 89 degrees 50 minutes 55 seconds East, 350.00 feet; thence South 31 degrees 48 minutes 49 seconds East, 63.40 feet; thence South 01 degrees 02 minutes 55 seconds East, 107.74 feet; thence South 39 degrees 42 minutes 31 seconds West, 27.31 feet; thence South 12 degrees 18 minutes 34 seconds East, 32.12 feet; thence South 39 degrees 22 minutes 58 seconds East, 35.76 feet; thence South 88 degrees 39 minutes 55 seconds East, 48.26 feet; thence North 78 degrees 35 minutes 27 seconds East, 29.31 feet; thence North 53 degrees 35 minutes 10 seconds East, 26.17 feet; thence North 43 degrees 04 minutes 52 seconds East, 17.52 feet; thence South 51 degrees 56 minutes 36 seconds East, 76.15 feet; thence South 89 degrees 50 minutes 55 seconds East, 252.55 feet; thence South 00 degrees 21 minutes 16 seconds East, 330.00 feet; to a point on the South line of the Northeast Quarter of said Section 9; thence South 89 degrees 50 minutes 55 seconds East along the South line of the Northeast Quarter of said Section 9, 442.00 feet to the point of beginning.

Kansas Uniform Parcel # 046-202-09-0-10-01-001.00-0

The East One-Third (1/3) of the Northeast Quarter (NE 1/4) excluding that part in roads and Highways of Section 9, Township 15, Range 22, in the City of Edgerton, Johnson County, Kansas.

Kansas Uniform Parcel # 046-202-10-0-20-01-002.00-0

Part of the Northwest One-Quarter of Section 10, Township 15 South, Range 22 East of the 6th Principal Meridian, Johnson County, Kansas. Lying North of Highway 35 as now established, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4, Section 10, Township 15 South, Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest 1/4 a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East, 280.86 feet to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 35 minutes 22 seconds East, 362.18 feet to a point; thence South 02 degrees 03 minutes 46 seconds East, 342.19 feet (deeded 342.20 feet) to a point on the North line of the South 1/2 of the said Northwest 1/4; thence North 88 degrees 12 minutes 35 seconds East along the said North line, 1487.52 feet to a point on the Northwesterly right-of-way of Highway I-35 as recorded in Book 201108, Page 001191; thence South 53 degrees 32 minutes 58 seconds West along the said highway right-of-way, 737.13 feet (decd 737.07 feet) to a point; thence South 64 degrees 51 minutes 34 seconds West along said highway right-of-way, 509.90 feet to a point; thence South 85 degrees 06 minutes 40 seconds West along said highway right-of-way, 821.52 feet to a point; thence North 10 degrees 04 minutes 47 seconds West along said highway right-of-way, 802.50 feet to a point; thence North 15 degrees 12 minutes 50 seconds East along said highway right-of-way, 141.15 feet to a point; thence North 88 degrees 57 minutes 08 seconds East along said highway right of way, 116.36 feet to a point; thence North 0 degrees 38 minutes 21 seconds West along said highway right-of-way, 76.41 feet to the TRUE POINT OF BEGINNING. Except part in road and highway.

Kansas Uniform Parcel # 046-202-10-0-20-01-001.00-0

**The North Half of the Northwest Quarter of Section 10, Township 15, Range 22, in Johnson County, Kansas, and**

**The North 25 Acres of Southeast Quarter, Northwest Quarter Section 10, Township 15, Range 22, Johnson County, Kansas, and**

**The West Half (W 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4), and the South Fifteen Acres (S 15 Acres) of the East Half (E 1/2) of the South Half (S 1/2) of the Northwest Quarter of Section Ten (10), Township Fifteen (15) Range Twenty Two (22), Johnson County, Kansas, containing Fifty Five (55), acres, more or less, and**

**All of Lot 6 Except the South 514.50 feet of the east 121.7 feet; and except the South 145 feet of the West 188.3 feet of the East 222 feet of County Clerk's subdivision of the NW 1/4 of Section 7, Township 15, Range 22, in Johnson County, Kansas.**



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**REDEVELOPMENT AREA  
QUALIFICATION/ELIGIBILITY ANALYSIS  
EDGERTON, KANSAS**

DATE: June 25, 2019

Prepared By:  
**DEVELOPMENT DYNAMICS, LLC**  
1001 Boardwalk Springs Place, Suite #50 • O'Fallon, Missouri 63368 • (636) 561-8602  
[www.developmentdynamics.org](http://www.developmentdynamics.org)

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## TABLE OF CONTENTS

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- I. INTRODUCTION
- II. FUNCTION OF THIS REPORT
- III. METHODOLOGY
- IV. EXISTING CONDITIONS
- V. SUMMARY

- APPENDIX A: STUDY AREA BOUNDARY MAP
  - APPENDIX B: STUDY AREA ELIGIBILITY FACTOR LOCATION MAP
  - APPENDIX C: STUDY AREA PHOTOGRAPHIC ARRAY
  - APPENDIX D: STUDY AREA PROPERTY DATA
-

## **I. INTRODUCTION**

The Tax Increment Financing Act – Sections 12-1770 to 12-1780g K.S.A. (the "TIF Act") provides a means for local governments to encourage the redevelopment of locations within their community that are substandard or economically underutilized and that would not otherwise be developed without public assistance. The TIF Act enables the provision of development assistance through the capture of future increases in certain taxes associated with the redevelopment of the property in substandard areas.

The TIF process requires local government to (1) identify and designate redevelopment areas (2) adopt a Redevelopment Plan that designates the redevelopment area and states the objectives to be attained and the program to be undertaken; (3) approve a redevelopment project for implementation; and (4) utilize the tools set forth under the TIF Act to assist in reducing or eliminating conditions that caused the area to qualify as a redevelopment area.

## **II. FUNCTION OF THIS REPORT**

This Qualification/Eligibility Analysis addresses property conditions of an area proposed for inclusion in a Redevelopment Area (the "Redevelopment Area" or the "Study Area"). The Study Area includes four (4) parcels of land (Parcel ID #'s: 046-202-10-0-20-01-001.00-0; 046-202-10-0-20-01-002.00-0; 046-202-09-0-10-01-001.00-0; 046-202-09-0-10-01-009.02-0) located in the City of Edgerton, Johnson County, Kansas. The Study Area is traversed by Homestead Lane, bounded on the north by 199<sup>th</sup> Street, and on the southeast by Interstate 35.

Development Dynamics, LLC ("D2"), was tasked with evaluating conditions affecting the Study Area based upon the Conservation area qualification criteria.<sup>1</sup> The term "Conservation area" is defined as *any improved area comprising 15% or less of the land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors:*

- (1) Dilapidation, obsolescence or deterioration of the structures;*
- (2) illegal use of individual structures;*
- (3) the presence of structures below minimum code standards;*
- (4) building abandonment;*
- (5) excessive vacancies;*
- (6) overcrowding of structures and community facilities; or*
- (7) inadequate utilities and infrastructure.*

---

<sup>1</sup> KSA 12-1770a(d)

**Figure 1: Study Area Boundary Map**



This qualification/eligibility analysis and report is submitted to document factors that have affected the Study Area’s development pattern and that serve as a deterrent to the redevelopment. Subsequent sections evaluate whether conditions in the Area meet the qualifications of a “Conservation area” under the Act.

### **III. METHODOLOGY**

D2 performed an analysis of the Study Area’s eligibility factors through on-site inspection and research of such documents as aerial maps, property files, and public records. This information was supplemented by data from the City and Johnson County. Identification of existing conditions provides a framework to determine whether the Study Area is eligible for designation as a Conservation area, based upon their presence and extent. This analysis resulted from on-site investigations of the Study Area conducted by D2 staff on June 5, 2019. D2 staff further relied upon public research data and its extensive experience, knowledge of the real estate market, and professional expertise in the preparation of the analysis.

#### IV. EXISTING CONDITIONS

The City of Edgerton covers a land mass of approximately 7.3 square miles. The Study Area is comprised of approximately 145.11 acres, which equates to 3.1% of the City's total land area. The Study Area primarily consists of agricultural property, currently zoned C-2 Heavy Service Commercial, and contains outbuildings and structures used for agricultural purposes. Any proposed Developer of the property must incur substantial costs associated with site preparation, grading, demolition, infrastructure installation, utility construction, environmental remediation, in order to initiate redevelopment, and which are necessary to transform the property to a functional and usable state.

The use of tax increment financing assistance is proposed to help fund eligible costs, which, in turn, will assist in addressing development issues at the site. TIF revenues would be re-invested to cover the eligible project costs incurred to reduce the property's development challenges.

D2's research, analysis, and observations of conditions present within the Area indicate the property satisfies the criteria of a "Conservation area" under provisions of KSA 12-1770a(d). D2 arrived at this opinion based upon the following:

- A. **AGE.** The first criterion to qualify as a "Conservation Area" is that fifty percent of the structures must be at least 35 years or more. Age can provide an indication of the existence of limiting conditions resulting from normal and continuous use of structures and exposure to the elements over a period of many years.

FINDING: A number of structures within the Study Area were destroyed by fire or demolished prior to 2012. The remaining outbuildings and other structures were built in the early 1940s and are older than 35 years of age. As a rule, older structures typically exhibit more problems than buildings constructed in later years because of longer periods of active usage (wear and tear) and the impact of time, temperature, and moisture. Additionally, older buildings tend not to be ideally suited for meeting modern space and development standards.

- B. **DILAPIDATION, OBSOLESCENCE OR DETERIORATION OF STRUCTURES.** This factor relates to physical deficiencies or disrepair in buildings or site improvements requiring treatment or repair. Obsolescence in a building or improvement is often the result of inadequate or outmoded design that was once initially adequate, but has become outmoded as a result of market changes, current city codes or design standards, and restrictions on the particular structures or land uses. Physical deterioration refers to the physical deficiencies or disrepair in buildings or site improvements requiring treatment or repair. Deterioration, which is not easily correctable in the course of normal maintenance, may also be evident, such as defects in building components or site improvements

Dilapidation, obsolescence, and deterioration are pervasive throughout the Study Area. The structures within the Study Area evidence significant wear and tear consistent with their age. In addition, the lack of infrastructure serving the Study Area is detrimental to development of the property.

FUNCTIONAL OBSOLESCENCE FINDING: Structures are typically built for specific uses or purposes and their design, location, height, and space arrangement. Buildings are obsolete when they contain characteristics or deficiencies that limit the use and marketability. The characteristics may include loss in value to a property resulting from an inherent deficiency existing from poor layout or design. Obsolescence is typically difficult and expensive to correct. The Study Area structures display significant signs of functional obsolescence in building materials and footprints that are unsatisfactory for adaptation or commercial use.

OBSOLETE SITE IMPROVEMENT FINDING: Obsolete site improvements are represented in the Study Area due to the fact that required services like electric, water, sewer lack availability nor are the properties properly serviced by streets and other supportive infrastructure, demonstrating the general obsolescence of Study Area improvements for commercial uses.

PHYSICAL DETERIORATION FINDING: The state of structures within the Study Area are in severe decline. Primary building component deterioration (foundation, roofs, walls, and wiring) are readily evident. Secondary building components (doors, windows, wall coverings, frames, etc.) evidence numerous examples of damage, warping, and lack of maintenance. These deficiencies cannot be corrected through normal maintenance, and require replacement or rebuilding.

**C. PRESENCE OF STRUCTURES BELOW MINIMUM CODE STANDARDS.** This eligibility factor relates to whether structures within the Study Area fall below current City codes.

FINDING: The existing structures would not meet life safety codes of the City for uses other than limited agriculture.

**F. INADEQUATE UTILITIES AND INFRASTRUCTURE**

FINDING: The availability of modern and efficient infrastructure systems is a critical factor in real estate development and investment. Commercial success depends to a large extent on access to modern infrastructure systems. An enormous amount of research, studies and plans have been undertaken in on growth and development of the southwestern part of Johnson County in recent years which provide, among other things, identify infrastructure shortcomings and recommendations for needed infrastructure system improvements.<sup>2</sup> While the Study Area is within reasonable proximity to infrastructure, the properties suffer from a predominance of non-existent utilities and inadequate infrastructure access. To remedy this issue, the redevelopment plan intends to address the installation of electric, water, sewer, and roadways and other infrastructure systems to adequately serve the Study Area.

## **VI. SUMMARY**

D2's analysis of conditions identified in the Study Area leads to a conclusion the requirements for a "Conservation area" designation are satisfied. The Study Area, on the whole, meets the requirements

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<sup>2</sup> Southwest Johnson County Area Plan; Rural Comprehensive Plan for Johnson County, 2004; City of Edgerton Comprehensive Plan, 2010; 5-County Regional Transportation Study (KDOT), 2013; and others.

of a Conservation area as such term is defined in the KSA 12-1770a(d) as a result of the following factors:

- Land Mass - The Study Area covers a land area of approximately 3.1% of the City, substantially below the statutory maximum threshold.
- Age – More than 50% of the structures within the Redevelopment Area have an age of 35 years or more.
- The Study Area is not yet blighted, but may become a blighted area due to the existence and predominance of factors, including, but not limited to:
  - ✓ dilapidation, obsolescence or deterioration of the structures;
  - ✓ the presence of structures below minimum code standards; and
  - ✓ inadequate utilities and infrastructure.

Figure 2- Parcel by Parcel Conservation Analysis, below, summarizes the conservation factors observed in the Study Area, by parcel, and by each factor. The information is further illustrated in the map contained in Appendix B.

**Figure 2: Parcel by Parcel Conservation Analysis**

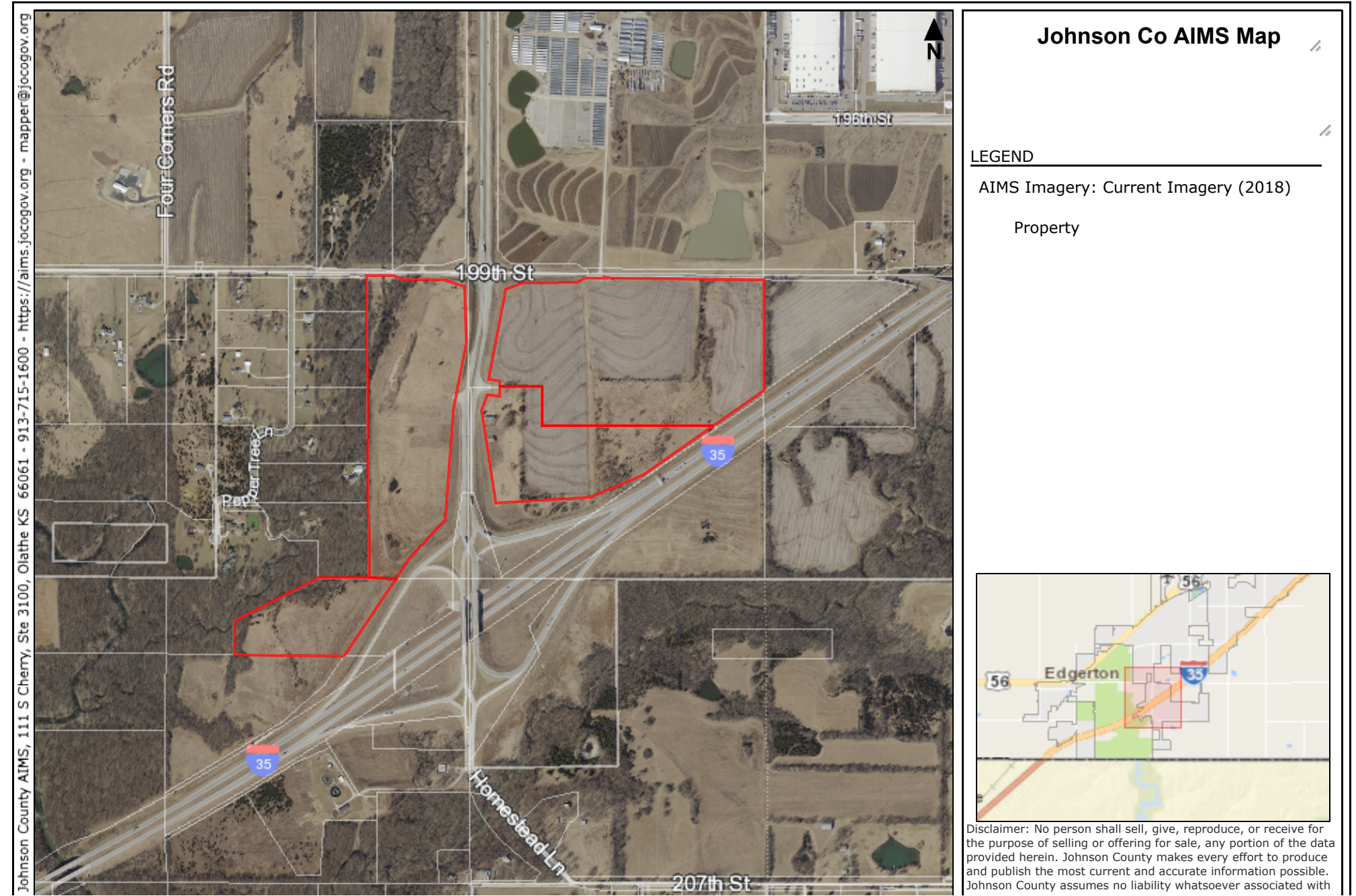
Study Area Data		Conservation Area Qualification Criteria							
KS Uniform Parcel #	Area (acres)	Improved area comprising 15% or less of the land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more	Dilapidation, obsolescence or deterioration of the structures	Illegal use of individual structures	Presence of structures below minimum code standards	Building abandonment	Excessive vacancies	Overcrowding of structures and community facilities	Inadequate utilities and infrastructure
046-202-09-0-10-01-009.02-0	15.05	X							X
046-202-09-0-10-01-001.00-0	42.34	X							X
046-202-10-0-20-01-001.00-0	62.65	X	X		X				X
046-202-10-0-20-01-002.00-0	25.07	X	X		X				X
Percentage of parcels Exhibiting Factor		100%	50%	-	50%	-	-	-	100%

Taken as a whole, the Study Area suffers from a lack of development as a result of age, dilapidation, obsolescence, deterioration, presence of structures below minimum code standards, inadequate utilities and infrastructure, and other factors that have contributed to a lack of growth and investment. The predominance of the conditions in the Study Area provides satisfactory evidence the requirements qualifying the property as a Conservation area are met.

The Study Area has impaired economic values and minimal economic viability in its current state. Consequently, these conditions create an inability to pay reasonable taxes and result in an economic liability. In order to cure the Study Area's deficiencies and leverage the private mitigation of conditions described in this analysis, significant costs must be incurred. This further makes it improbable that the Study Area will experience growth and development solely through investment by private enterprise. The extraordinary cost to revitalize and redevelop the Study Area to its highest and best use makes the redevelopment economically infeasible under current market conditions. It is further unlikely the type or level of redevelopment that might occur, absent the benefit and resources provided by implementation of TIF assistance, would yield the potential revenue that could be generated by a comprehensive, aggressive, and programmatic approach. It is in the public's interest to encourage and assist in redevelopment of the Study Area, as allowed under the TIF statute.

**Appendix A**  
**Study Area Boundary Map**



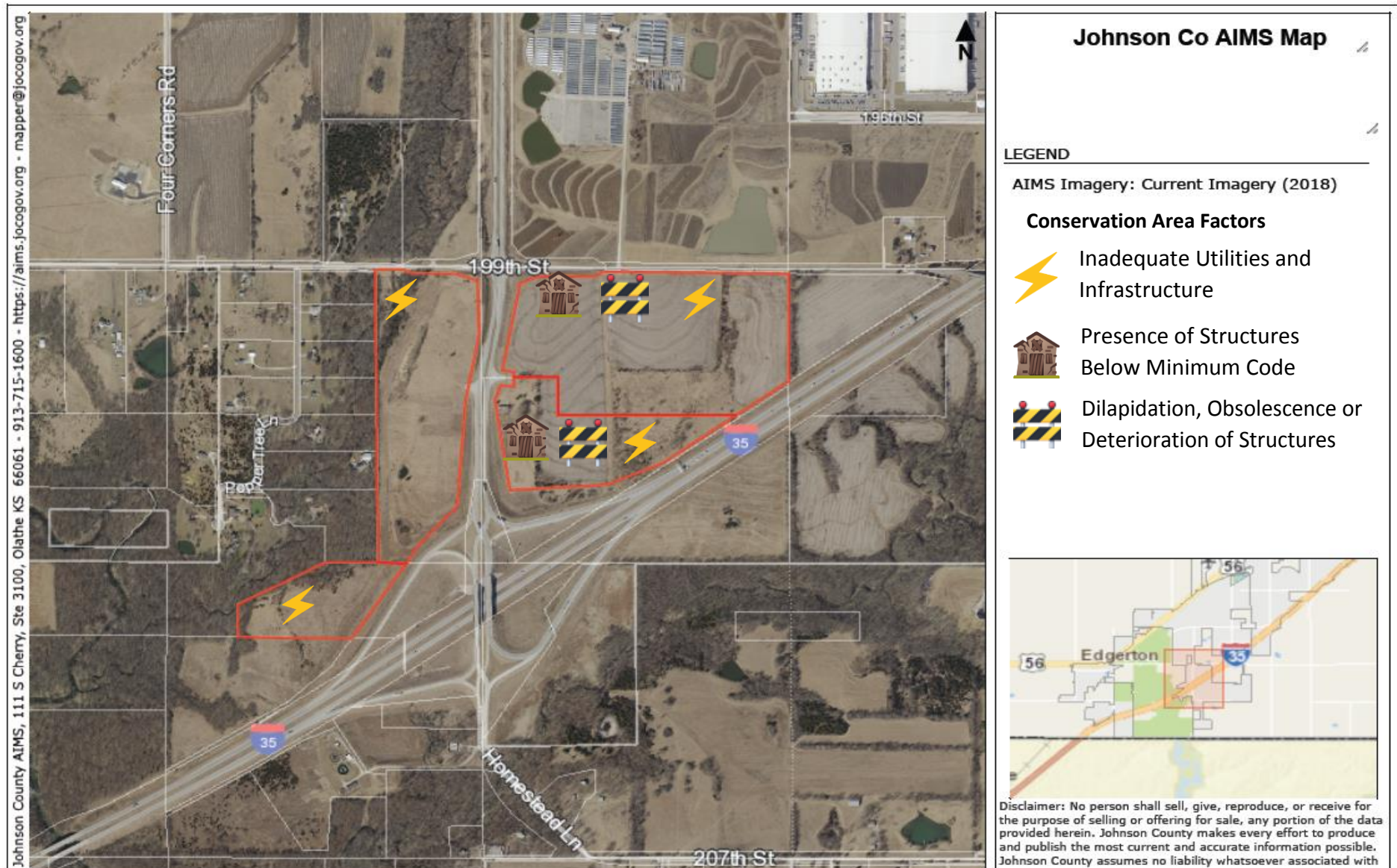


## **Appendix B**

### **Study Area Eligibility Factors Locations**



## Existing Conditions Conservation Area



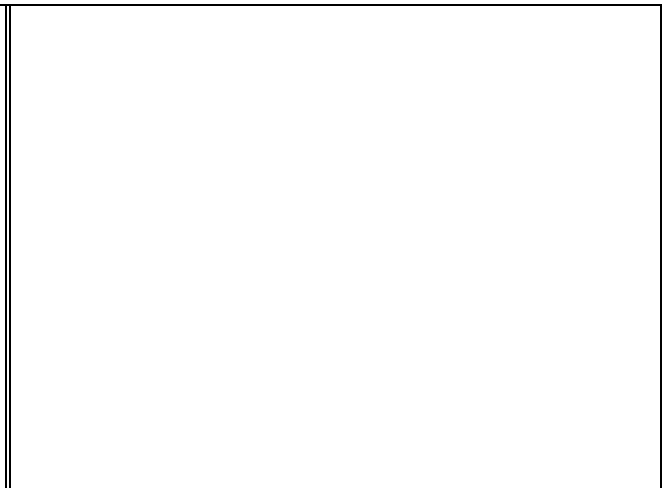
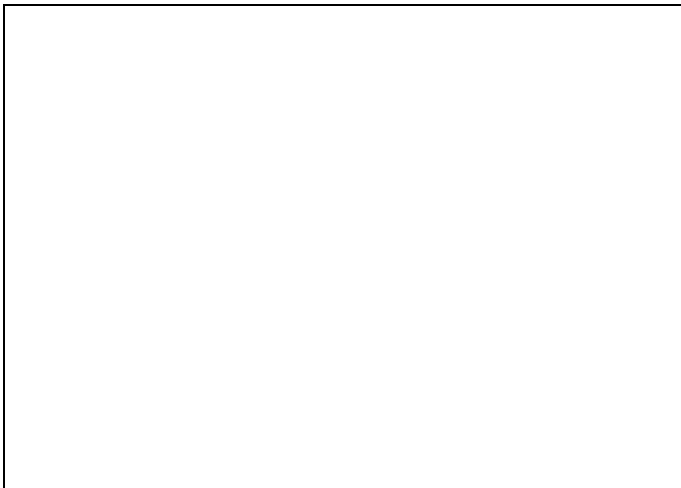
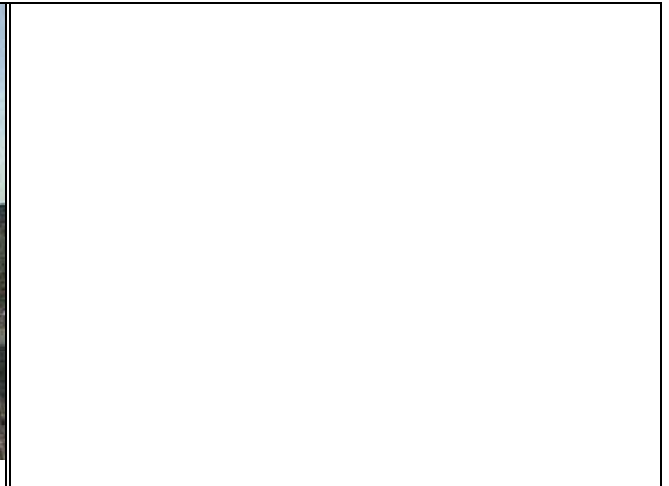
## **Appendix C**

### **Study Area Photographic Array**



Photographic Array of Study Area (past and present)





**Appendix D**  
**Study Area Property Data**





Parcel ID: 046-202-09-0-10-01-009.02-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R639221



Tax Year: 2019

Run Date: 5/31/2019 10:40:43 AM

OWNER NAME AND MAILING ADDRESS

ALSUP, LARRY S. TRUSTEE ALSUP, LARRY

20265 PEPPER TREE LN

EDGERTON, KS 66021

PROPERTY SITUS ADDRESS

000000 NS NT  
EDGERTON, KS

LAND BASED CLASSIFICATION SYSTEM

**Function:** 1199 Accessory resid **Sfx:**  
**Activity:** 1100 Household activities  
**Ownership:** 1100 Private-fee simple  
**Site:** 6000 Developed site - with building

GENERAL PROPERTY INFORMATION

**Prop Class:** R R - Residential  
**Property Type:** R-Residential Real Property  
**Living Units:**  
**Zoning:** RUR  
**Multi-Zoning:** N **Non-Conforming:** N  
**Neighborhood:** 804.2 804.2  
**Economic Adj. Factor:**  
**Map / Routing:** U09 /  
**School District:** 231 UNIFIED  
**RE Tax ID** BF221509-3004  
**Investment Class:**  
**Tax Unit Group:** 0556-0556

TRACT DESCRIPTION

9-15-22 PT SE1/4 LYG WITHIN CITY  
BOUNDARY: BG NE CR W 630.50' TO PT N  
RTWY/L I-35 TO TRUE POB SW 512.96' &  
277.13' W 985.18' N 288.57' NE 820.43' E  
691.24' TO POB 15.14 ACS M/L



046-202-09-0-10-01-009.02-0 05/13/2016

**Image Date:** 02/18/2017

PROPERTY FACTORS

**Topography:** 1 - Level, 4 - Rolling  
**Utilities:** 5 - Well, 6 - Septic  
**Access:** 2 - Semi Improved Road  
**Fronting:** 7 - Dead End  
**Location:** 6 - Neighborhood or Spot  
**Parking Type:** 4 - Parking Deck  
**Parking Quantity:** 2 - Adequate  
**Parking Proximity:** 3 - On Site  
**Parking Covered:**  
**Parking Uncovered:**

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
01/14/2017	2:18 PM	AR	Ag	749		
10/23/2014	9:00 AM	I	AD	732		
10/23/2012	10:00 AM	I	AD	732		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
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2019 APPRAISED VALUE

Cls	Land	Building	Total
R	132,140	12,820	144,960

2018 APPRAISED VALUE

Cls	Land	Building	Total
R	132,140	12,850	144,990

<b>Total</b>	132,140	12,820	144,960	<b>Total</b>	132,140	12,850	144,990
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MARKET LAND INFORMATION

Size	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	\$/Unit	Value Est
Acre	8-8 - Support (Surplus)	15.05											86	12.50	9,000.00	7,700.00	7,700.00	8,780	132,140

**Total Market Land Value** 132,140





Parcel ID: 046-202-09-0-10-01-009.02-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R639221



Tax Year: 2019 Run Date: 5/31/2019 10:40:43 AM

COMMENTS

IMPROVEMENT COST SUMMARY

Other Improvement RCN: 34,272

Eco Adj: 100

Other Improvement Value: 12,820

AG LAND SUMMARY

Dry Land Acres: 0.00

Irrigated Acres: 0.00

Native Grass Acres: 0.00

Tame Grass Acres: 0.00

Total Ag Acres: 0.00

Total Ag Use Value: 0

Total Ag Mkt Value: 0

OTHER BUILDING IMPROVEMENTS

No.	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	% Comp	RCN	%Gd	Value
1	478-Farm Implement Shed	D	2.00	1	2002			1,440	108	16	48 X 30	1	4	4						34,272	34	12,820

OTHER BUILDING IMPROVEMENT COMPONENTS

No.	Code	Units	Pct	Size	Other	Rank	Year
1	649-No HVAC						
1	887-Stud -Hardboard Siding		100				



Parcel ID: 046-202-09-0-10-01-001.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R176564



Tax Year: 2019 Run Date: 5/31/2019 10:42:51 AM

OWNER NAME AND MAILING ADDRESS

D & J LAND AND DEVELOPMENT LLC

5841 SW 29TH ST

TOPEKA, KS 66614

PROPERTY SITUS ADDRESS

20080 HOMESTEAD LN  
EDGERTON, KS

LAND BASED CLASSIFICATION SYSTEM

Function: 9010 Farming / ranch Sfx:  
Activity: 8100 Farming, plowing, tilling, harv  
Ownership: 1100 Private-fee simple  
Site: 3100 Dev Site - crops, grazing etc

GENERAL PROPERTY INFORMATION

Prop Class: A A - Agricultural Use  
Property Type: AG-Ag Use / Farmstead  
Living Units:  
Zoning: C-2  
Multi-Zoning: N Non-Conforming: N  
Neighborhood: 804.4 804.4  
Economic Adj. Factor:  
Map / Routing: U09 /  
School District: 231 UNIFIED  
RE Tax ID BF221509-3002  
Investment Class:  
Tax Unit Group: 0556-0556

TRACT DESCRIPTION

9-15-22 E 1/3 NE 1/4 53.33 ACRES EX 1.66 AC  
IN HWY & EX 9.22 AC IN HWY 42.45 ACS M/L  
EDC 350



4F221509-3002 02/19/2005

Image Date: 12/03/2012

PROPERTY FACTORS

Topography: 1 - Level, 4 - Rolling  
Utilities: 3 - Public Water, 7 - Gas  
Access: 2 - Semi Improved Road  
Fronting: 4 - Residential Street  
Location: 6 - Neighborhood or Spot  
Parking Type: 0 - None  
Parking Quantity: 0 - None  
Parking Proximity: 0 - Far  
Parking Covered:  
Parking Uncovered:

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
08/27/2018	10:27 AM	AR	AD	749		
10/23/2014	9:00 AM	I	AD	732		
06/12/2014	9:51 AM	J	AI	732		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
09-0038D	4,000	DD - Dwelling Demolition	02/20/2009	C	100

2019 APPRAISED VALUE

Cls	Land	Building	Total
A	4,150	0	4,150
Total	4,150	0	4,150

2018 APPRAISED VALUE

Cls	Land	Building	Total
A	3,950	5,230	9,180
Total	3,950	5,230	9,180

MARKET LAND INFORMATION

Size	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	\$/Unit	Value Est
------	------	-------	--------	-------	--------	------	-------	------	-------	------	-----	-----	-------	-----------	----------	---------	---------	---------	-----------

Total Market Land Value 0



Parcel ID: 046-202-09-0-10-01-001.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R176564



Tax Year: 2019 Run Date: 5/31/2019 10:42:51 AM

AGRICULTURAL LAND											
Ag Type	Ag Acres	Soil Unit	Irr Type	Well Depth	Acre Feet	Acre Ft/Ac	Adj Code	Govt Prog	Base Rate	Adj Rate	Ag Value
NG	3.31	8301					CC70		181	127	420
NG	0.37	8663					CC70		61	43	20
NG	0.94	8953					CC70		101	71	70
NG	1.46	WAST							10	10	10
TG	0.87	8663							61	61	50
TG	12.44	8912							101	101	1,260
TG	22.93	8953							101	101	2,320

COMMENTS  
AgCom: plot plan 6/14; House removed all in ag use now

IMPROVEMENT COST SUMMARY	
Other Improvement RCN:	0
Eco Adj:	100
Other Improvement Value:	0

AG LAND SUMMARY	
Dry Land Acres:	0.00
Irrigated Acres:	0.00
Native Grass Acres:	6.08
Tame Grass Acres:	36.24
Total Ag Acres:	42.32
Total Ag Use Value:	4,150
Total Ag Mkt Value:	423,180



Parcel ID: 046-202-10-0-20-01-002.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R173544



Tax Year: 2019

Run Date: 5/31/2019 10:45:05 AM

OWNER NAME AND MAILING ADDRESS

MY STORE III INC

14728 W 93RD ST

LENEXA, KS 66215

PROPERTY SITUS ADDRESS

0 NS NT

EDGERTON, KS

LAND BASED CLASSIFICATION SYSTEM

Function: 9020 Farming / ranch Sfx:  
Activity: 8100 Farming, plowing, tilling, harv  
Ownership: 1100 Private-fee simple  
Site: 3200 Dev Site - crops, grazing etc

GENERAL PROPERTY INFORMATION

Prop Class: A A - Agricultural Use  
Property Type: AG-Ag Use / Farmstead  
Living Units:  
Zoning: RUR  
Multi-Zoning: N Non-Conforming: N  
Neighborhood: 804.3 804.3  
Economic Adj. Factor:  
Map / Routing: U10 /  
School District: 231 UNIFIED  
RE Tax ID BF221510-1005  
Investment Class:  
Tax Unit Group: 0540-0540

TRACT DESCRIPTION

10-15-22 BG 991.99' S & 280.86' E NW CR  
NW1/4 E 362.18' S 342.19' E 1487.52' SW 737.13'  
& 509.90' W 821.52' NW 802.50' NE 141.15' E  
116.36' N 76.41' TO POB 25.15 ACS M/L



046-202-10-0-20-01-002.00-0 05/13/2016

Image Date: 02/18/2017

PROPERTY FACTORS

Topography: 1 - Level, 4 - Rolling  
Utilities: 3 - Public Water, 6 - Septic  
Access: 2 - Semi Improved Road  
Fronting: 4 - Residential Street  
Location: 6 - Neighborhood or Spot  
Parking Type: 0 - None  
Parking Quantity: 0 - None  
Parking Proximity: 0 - Far  
Parking Covered:  
Parking Uncovered:

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
11/10/2015	10:00 AM	0	Ag	866		
10/23/2014	10:00 AM	I	AD	732		
10/23/2012	10:00 AM	I	AD	732		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
00197	99,791		07/15/2003	C	100

2019 APPRAISED VALUE

Cls	Land	Building	Total
A	4,890	4,580	9,470
Total	4,890	4,580	9,470

2018 APPRAISED VALUE

Cls	Land	Building	Total
A	4,700	4,780	9,480
Total	4,700	4,780	9,480

MARKET LAND INFORMATION

Size	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	\$/Unit	Value Est
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Total Market Land Value 0



Parcel ID: 046-202-10-0-20-01-002.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R173544



Tax Year: 2019 Run Date: 5/31/2019 10:45:05 AM

AGRICULTURAL LAND											
Ag Type	Ag Acres	Soil Unit	Irr Type	Well Depth	Acre Feet	Acre Ft/Ac	Adj Code	Govt Prog	Base Rate	Adj Rate	Ag Value
DR	6.13	8912							416	416	2,550
DR	2.68	8953							262	262	700
TG	14.75	8912							101	101	1,490
TG	1.51	8953							101	101	150

COMMENTS

IMPROVEMENT COST SUMMARY

Other Improvement RCN:	22,910
Eco Adj:	100
Other Improvement Value:	4,580
AG LAND SUMMARY	
Dry Land Acres:	8.81
Irrigated Acres:	0.00
Native Grass Acres:	0.00
Tame Grass Acres:	16.26
Total Ag Acres:	25.07
Total Ag Use Value:	4,890
Total Ag Mkt Value:	241,710

OTHER BUILDING IMPROVEMENTS

No.	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	% Comp	RCN	%Gd	Value
1	477-Farm Utility Building	D	1.00	1	1930			2,184	212	14	78 X 28	1	2	3				A		22,910	20	4,580

OTHER BUILDING IMPROVEMENT COMPONENTS

No.	Code	Units	Pct	Size	Other	Rank	Year
1	649-No HVAC						
1	910-Single -Wall-Boards on Wood		100				



Parcel ID: 046-202-10-0-20-01-001.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R173540



Tax Year: 2019 Run Date: 5/31/2019 10:46:28 AM

OWNER NAME AND MAILING ADDRESS

MIDDLETON, PAUL TRUSTEE MIDDLETON, P  
302 N WHITE DR  
GARDNER, KS 66030

PROPERTY SITUS ADDRESS

000000 NS NT  
EDGERTON, KS

LAND BASED CLASSIFICATION SYSTEM

Function: 9010 Farming / ranch Sfx:  
Activity: 8100 Farming, plowing, tilling, harv  
Ownership: 1100 Private-fee simple  
Site: 3100 Dev Site - crops, grazing etc

GENERAL PROPERTY INFORMATION

Prop Class: A A - Agricultural Use  
Property Type: AG-Ag Use / Farmstead  
Living Units:  
Zoning: RUR  
Multi-Zoning: N Non-Conforming: N  
Neighborhood: 804.4 804.4  
Economic Adj. Factor:  
Map / Routing: U10 /  
School District: 231 UNIFIED  
RE Tax ID BF221510-1001  
Investment Class:  
Tax Unit Group: 0540-0540



2F221510-1001 11/25/2003

Image Date: 12/03/2012

PROPERTY FACTORS

Topography: 1 - Level, 4 - Rolling  
Utilities: 8 - None  
Access: 1 - Paved Road  
Fronting: 3 - Secondary Street  
Location: 6 - Neighborhood or Spot  
Parking Type: 0 - None  
Parking Quantity: 0 - None  
Parking Proximity: 0 - Far  
Parking Covered:  
Parking Uncovered:

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
11/10/2015	10:00 AM	0	Ag	866		
10/23/2014	10:00 AM	I	AD	732		
10/23/2012	10:00 AM	I	AD	732		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
--------	--------	------	------------	--------	--------

2019 APPRAISED VALUE

Cls	Land	Building	Total
A	16,710	0	16,710
Total	16,710	0	16,710

2018 APPRAISED VALUE

Cls	Land	Building	Total
A	16,260	0	16,260
Total	16,260	0	16,260

TRACT DESCRIPTION

10-15-22 N 1/2 NW1/4 EX 1.273 AC IN HWY EX  
5.0 AC EX 7.41 AC IN STS EX .35 AC IN HWY &  
EX 1.547 AC IN ST 64.42 ACS M/L

MARKET LAND INFORMATION

Size	Type	AC/SF	Eff	FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	\$/Unit	Value Est
------	------	-------	-----	----	-------	--------	------	-------	------	-------	------	-----	-----	-------	-----------	----------	---------	---------	---------	-----------

Total Market Land Value 0



Parcel ID: 046-202-10-0-20-01-001.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R173540



Tax Year: 2019 Run Date: 5/31/2019 10:46:28 AM

AGRICULTURAL LAND											
Ag Type	Ag Acres	Soil Unit	Irr Type	Well Depth	Acre Feet	Acre Ft/Ac	Adj Code	Govt Prog	Base Rate	Adj Rate	Ag Value
DR	27.76	8912							416	416	11,550
DR	7.08	8953							262	262	1,850
DR	1.41	8962							454	454	640
TG	23.04	8912							101	101	2,330
TG	3.37	8953							101	101	340

COMMENTS

IMPROVEMENT COST SUMMARY

Other Improvement RCN:	0
Eco Adj:	100
Other Improvement Value:	0
AG LAND SUMMARY	
Dry Land Acres:	36.25
Irrigated Acres:	0.00
Native Grass Acres:	0.00
Tame Grass Acres:	26.41
Total Ag Acres:	62.66
Total Ag Use Value:	16,710
Total Ag Mkt Value:	623,010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

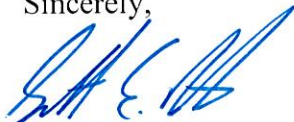
Board of County Commissioners  
Johnson County Kansas  
c/o Ms. Penny Post oak Ferguson  
Johnson County Manager  
Johnson County Administrative Building  
111 S. Cherry, Suite 3300  
Olathe, Kansas 66061-3486

RE: Proposed Homestead Lane Retail TIF District Project

Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19B providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the "Resolution"). The Resolution was adopted by the City Council on July 11, 2019.

If you have questions or require additional information, please contact Beth Linn, City Administrator, or me at (913) 893-6231.

Sincerely,



Scott Peterson  
Assistant City Administrator

Enclosure



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

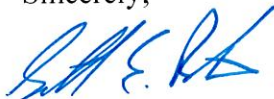
Board of Education  
Unified School District #231  
c/o Ms. Pam Stranathan, Superintendent  
P.O. Box 97  
Gardner, Kansas 66030

RE: Proposed Homestead Lane Retail TIF District Project

Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19B providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the "Resolution"). The Resolution was adopted by the City Council on July 11, 2019.

If you have questions or require additional information, please contact Beth Linn, City Administrator, or me at (913) 893-6231.

Sincerely,



Scott Peterson  
Assistant City Administrator

Enclosure



# EDGERTON

global routes. local roots.

July 19, 2019

404 East Nelson  
PO Box 255  
Edgerton, KS 66021  
P: 913.893.6231  
EDGERTONKS.ORG

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Larry S. Alsup  
Trustee of the Larry S. Alsup Revocable Trust under  
Trust Agreement dated April 12, 2000  
20265 Pepper Tree Lane  
Edgerton, Kansas 66021

RE: Proposed Homestead Lane Retail TIF District Project

Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19B providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the "Resolution"). The Resolution was adopted by the City Council on July 11, 2019.

If you have questions or require additional information, please contact Beth Linn, City Administrator, or me at (913) 893-6231.

Sincerely,

Scott Peterson  
Assistant City Administrator

Enclosure

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

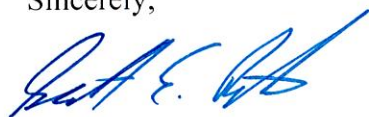
D&J Land and Development, LLC  
5841 SW 29<sup>th</sup> Street  
Topeka, Kansas 66614

RE: Proposed Homestead Lane Retail TIF District Project

Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19B providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the “Resolution”). The Resolution was adopted by the City Council on July 11, 2019.

If you have questions or require additional information, please contact Beth Linn, City Administrator, or me at (913) 893-6231.

Sincerely,



Scott Peterson  
Assistant City Administrator

Enclosure

July 19, 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Paul and Naomi Middleton  
Co-Trustees of the Paul Middleton and Naomi Middleton  
Co-Grantor Trust Dated the 26<sup>th</sup> day of April, 1988  
c/o Vivian Plank  
302 N. White Drive  
Gardner, Kansas 66030

RE: Proposed Homestead Lane Retail TIF District Project

Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19B providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the “Resolution”). The Resolution was adopted by the City Council on July 11, 2019.

If you have questions or require additional information, please contact Beth Linn, City Administrator, or me at (913) 893-6231.

Sincerely,



Scott Peterson  
Assistant City Administrator

Enclosure



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

My Store III, Inc.  
14728 W. 93<sup>rd</sup> Street  
Lenexa, Kansas 66215

RE: Proposed Homestead Lane Retail TIF District Project

Pursuant to K.S.A. 12-1771, enclosed please find a copy of Resolution No. 07-11-19B providing notice of a public hearing on August 22, 2019 at 7:00 p.m. concerning the establishment of a redevelopment district within the City of Edgerton, Kansas (the “Resolution”). The Resolution was adopted by the City Council on July 11, 2019.

If you have questions or require additional information, please contact Beth Linn, City Administrator, or me at (913) 893-6231.

Sincerely,



Scott Peterson  
Assistant City Administrator

Enclosure

# CITY OF EDGERTON, KANSAS

## COUNCIL AGENDA ITEM

---

**Council Meeting Date:** August 22, 2019

**Agenda Item:** Ordinance Authorizing Bonds and Bond Documents

**Subject:** ColdPoint Logistics Real Estates, LLC Third Expansion Project

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### Summary:

The City received an application for industrial revenue bonds and property tax abatement from ColdPoint Logistics Real Estate, LLC for a project located in the Logistics Park, consisting of an approximately 147,820 sq. ft. expansion to an existing approximately 473,270 sq. ft. warehouse and cold-storage distribution facility, located at 31301 W 181<sup>st</sup> Street, Edgerton, Kansas (the “Project”).

The City has previously adopted Resolution No. 07-08-10A on July 8, 2010, Resolution No. 04-25-13A on April 25, 2013, and Resolution No. 04-09-15A on April 9, 2015 (collectively, the “Resolution of Intent”) expressing the intent of the City to issue its industrial revenue bonds in multiple series, the aggregate amount of all series not to exceed \$1,000,000,000, to finance the costs of acquiring, constructing, reconstructing, improving and equipping various projects within The Logistics Park-KC for the benefit of Edgerton Land Holding Company, LLC, or its assigns (the “Developer”). The City adopted Resolution No. 05-23-19B on May 23, 2019 (the “Assignment Resolution”) consenting to the assignment of \$26,000,000 of the Developer’s interest in the Resolution of Intent to ColdPoint Logistics Real Estate, LLC for the Project. Prior to adopting the Assignment Resolution, the City held a public hearing on the Project and considered the cost-benefit report.

### Ordinance:

The Ordinance authorizes the City to issue up to \$26,000,000 of industrial revenue bonds for the Project. This bond issue is commonly referred to as a “buy your own bonds bond issue.” ColdPoint Logistics Real Estate will be both the lessee on the project and the owner of the bonds. When the bonds are issued, ColdPoint Logistics Real Estate will lease the project site to the City as is required by state law in order to issue industrial revenue bonds. The City will then sublease the project back to ColdPoint Logistics Real Estate. ColdPoint Logistics Real Estate will be obligated to repurchase the project at the conclusion of the tax abatement.

The bonds will be limited obligations of the City. This means that the City has to make payments on the bonds to ColdPoint Logistics Real Estate, as the owner of the bonds only to the extent the City receives payments from ColdPoint Logistics Real Estate pursuant to the lease. If lease payments from ColdPoint Logistics Real Estate are insufficient to cover scheduled debt service on the bonds, the City is not obligated to make up any shortfall from any other funds of the City. The bonds are not a general obligation of the City and do not count against the City’s debt limit.

The Ordinance authorizes the City to enter into the following documents:

- (a) Trust Indenture which contains the terms governing the Bonds and contains the form of the Bonds;
- (b) Base Lease Agreement whereby the City leases the project site from ColdPoint Logistics Real Estate;
- (c) Lease Agreement whereby the City will lease the project to ColdPoint Logistics Real Estate for the term of the tax abatement;
- (d) Bond Purchase Agreement whereby ColdPoint Logistics Real Estate agrees to acquire the Bonds;
- (e) Performance Agreement whereby ColdPoint Logistics Real Estate agrees to make certain payments-in-lieu of tax payments; and
- (f) Origination Fee Agreement whereby ColdPoint Logistics Real Estate agrees to pay the origination fee to the City over time.

**ORDINANCE NO. 2022**

**AN ORDINANCE AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC THIRD EXPANSION PROJECT) SERIES 2019, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND COLD-STORAGE DISTRIBUTION FACILITY.**

**WHEREAS**, the City of Edgerton, Kansas (the "City"), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

**WHEREAS**, the governing body of the City has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue its Industrial Revenue Bonds (ColdPoint Logistics Real Estate, LLC Third Expansion Project) Series 2019, in an aggregate maximum principal amount not to exceed \$26,000,000 (the "Bonds"), for the purpose of acquiring, constructing and equipping a commercial project, consisting of an approximately 147,820 sq. ft. expansion to an existing approximately 473,270 sq. ft. warehouse and cold-storage distribution facility, located at 31301 W. 181<sup>st</sup> Street, Edgerton, Kansas, including land, buildings, structures, improvements, fixtures, machinery and equipment (the "Project"), and that the City lease the Project to ColdPoint Logistics Real Estate, LLC, a Kansas limited liability company (the "Company"); and

**WHEREAS**, the governing body of the City further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the City enter into certain agreements, and that the City take certain other actions and approve the execution of certain other documents as herein provided;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:**

**Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project.** The City is hereby authorized to provide for the acquisition, purchase, construction, installation, rehabilitation and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease Agreement hereinafter authorized.

**Section 2. Authorization of and Security for the Bonds.** The City is hereby authorized to issue and sell the Bonds for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the hereafter defined Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the City from the Project, and the Project and the net earnings derived by the City from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

**Section 3. Authorization of Documents.** The City is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the Council of the City (copies of which documents, upon execution thereof, shall be filed in the office of the City Clerk), with such changes therein as shall be approved by the officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Trust Indenture dated the date set forth therein (the "Indenture"), between the City and the trustee named therein (the "Trustee"), pursuant to which the Bonds shall be issued and the City shall pledge the Project and assign the rents, revenues and receipts received pursuant to the hereafter defined Lease to the Trustee for the benefit of and security of the holder of the Bonds upon the terms and conditions as set forth in said form of Indenture;

(b) Base Lease Agreement dated the date set forth therein (the "Base Lease"), between the Company and the City, under which the City will lease the project site from the Company;

(c) Lease Agreement dated the date set forth therein (the "Lease Agreement"), between the City and the Company, under which the City will agree to use the proceeds derived from the sale of the Bonds for the purpose of acquiring, purchasing, constructing, installing and equipping the Project and to sublease the Project to the Company, and the Company will agree to make payments in amounts sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same become due;

(d) Bond Purchase Agreement dated the date set forth therein (the "Bond Purchase Agreement"), among the City, the Company, as lessee, and the Company, as purchaser;

(e) Performance Agreement dated the date set forth therein (the "Performance Agreement"), between the City and the Company; and

(f) Origination Fee Agreement dated the date set forth therein (the "Origination Fee Agreement"), between the City and the Company.

**Section 4. Execution of Bonds and Documents.** The Mayor of the City is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor of the City is hereby authorized and directed to execute the Indenture, the Base Lease, the Lease Agreement, the Bond Purchase Agreement, the Performance Agreement, the Origination Fee Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds, the Indenture, the Base Lease, the Lease Agreement, the Bond Purchase Agreement, the Performance Agreement, the Origination Fee Agreement and such other documents, certificates and instruments as may be necessary.

**Section 5. Further Authority.** The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds, the Indenture, the Base Lease, the Lease Agreement, the Performance Agreement, the Bond Purchase Agreement and the Origination Fee Agreement.

**Section 6. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in summary form in the official City newspaper.



**PASSED** by the Council of the City of Edgerton, Kansas, this 22<sup>nd</sup> day of August, 2019.

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Donald Roberts, Mayor

[SEAL]

ATTEST:

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Rachel A. James, City Clerk

Approved as to form:

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Scott W. Anderson, Bond Counsel

ELHC ColdPoint Third Expansion

## City Council Action Item

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**Council Meeting Date:** August 22, 2019

**Department:** Administration

**Agenda Item: Consider Resolution No. 08-22-19A Authorizing the Offering for Sale of General Obligation Temporary Notes, Series 2019A, of the City of Edgerton, Kansas.**

**Background/Description of Item:**

At the October 18, 2018, CIP Work Session, City Council authorized staff to move forward with the 2019 Street Reconstruction Project. Part of the project is being funded with temporary notes (the Notes) to be repaid with the City Maintenance Fee from LPKC Phase 1. At the July 25, 2019, Council Meeting, City Council took the first step in issuing the Notes by approving Ordinance 2016 designating the streets within the 2019 Street Reconstruction Project as main trafficways of the City. At the meeting on August 8, 2019, Council took the second step in the process by approving the project resolution, Resolution No. 08-08-19A, authorizing the project and the amount to be funded with temporary notes.

Resolution No. 08-22-19A authorizes the sale of the Notes. Upon approval of this resolution, the staff, working with the Financial Advisor and Bond Counsel, will offer the Notes for sale via a bank direct purchase RFP. Resolution No. 08-22-19A grants authority for the Mayor to execute a note purchase agreement with the purchaser of the Notes within certain parameters. This allows for flexibility for the pricing date, rather than it having to be on a Council Meeting date. Having this flexibility will allow staff and the advisors to time the sale of the Notes to obtain the best arrangement. In addition, the resolution authorizes the Mayor, City Administrator, City Clerk, the Finance Director and other City officials, Bond Counsel, and the Financial Advisor to take such other actions that may be necessary to carry out the sale of the Notes.

Below is the anticipated calendar of events related to the sale.

- 8/27/2019 – Issue bank direct purchase RFP
- 9/13/2019 – RFP responses due from banks
- 9/17/2019 – Selection of a bank direct purchase provider
- 10/10/2019 – Council adoption of Ordinance/Resolution authorizing the final terms
- 10/24/2019 – Close on the Notes

The City Attorney has reviewed and approved this resolution.

**Related Ordinance(s) or Statue(s):** Ordinance No. 2016, Resolution No. 08-08-2019A

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**Funding Source:** n/a

**Budget Allocated:** n/a

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

**Recommendation: Approve Resolution No. 08-22-19A Authorizing the Offering for Sale of General Obligation Temporary Notes, Series 2019A, of the City of Edgerton, Kansas.**

**Enclosed:** Resolution No. 08-22-19A

**Prepared by:** Karen Kindle \* Finance Director

**RESOLUTION NO. 08-22-19A**

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019A, OF THE CITY OF EDGERTON, KANSAS.**

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**WHEREAS**, the City of Edgerton, Kansas (the “Issuer”) has previously authorized certain internal improvements described as follows (the “Improvements”):

<b><u>Project Description</u></b>	<b><u>Resolution No.</u></b>	<b><u>Authority (K.S.A.)</u></b>	<b><u>Estimated Project Cost</u></b>	<b><u>G.O. Bonds Authorized</u></b>
Street Improvements	08-08-19A	12-685 <i>et seq.</i>	\$3,743,000	\$1,835,000*

\*Plus interest on any temporary financing and costs of issuance.

**WHEREAS**, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay a portion of the costs of the Improvements; and

**WHEREAS**, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer; and

**WHEREAS**, the Issuer has selected the firm of Columbia Capital Management, LLC, Overland Park, Kansas (the “Municipal Advisor”), as Municipal Advisor to the Issuer for one or more series of temporary notes of the Issuer in order to provide funds to temporarily finance the Improvements; and

**WHEREAS**, the Issuer desires to authorize the Municipal Advisor to proceed with the negotiating for sale of said temporary and related activities; and

**WHEREAS**, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of said temporary notes, the governing body desires to authorize the Mayor to confirm the sale of such temporary notes, if necessary, prior to the next meeting of the governing body to adopt the necessary resolution providing for the issuance thereof.

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

**Section 1.** The Issuer is hereby authorized to proceed with the negotiating of the sale of the Issuer’s General Obligation Temporary Notes, Series 2019A (the “Notes”) in accordance with the presentation made by the City’s Finance Director this date. The offering for sale of the Notes shall be accomplished in consultation with the Clerk, Gilmore & Bell, P.C., Kansas City, Missouri, the Issuer’s bond counsel (“Bond Counsel”), and the Municipal Advisor. The confirmation of the sale of the Notes shall be subject to the execution of a note purchase agreement (the “Note Purchase Agreement”) between the purchaser of the Notes (the “Purchaser”) and the Issuer in a form approved by Bond Counsel and the Issuer’s legal counsel, and the adoption of a resolution by the governing body of the Issuer authorizing the issuance of the Notes and the execution of various documents necessary to deliver the Notes.

The Mayor is hereby authorized to execute the Note Purchase Agreement subject to the following parameters: (a) the principal amount of the Notes shall not exceed \$2,000,000; (b) the true interest cost of

the Notes shall not exceed 3.00%; and (c) the final maturity of the Notes shall be no later than December 1, 2020.

**Section 2.** The Mayor, City Administrator, City Clerk and the other officers and representatives of the Issuer, the Finance Director, Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Notes.

**Section 3.** This Resolution shall be in full force and effect from and after its adoption.

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**ADOPTED** by the governing body on August 22, 2019.

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Donald Roberts, Mayor

(SEAL)

ATTEST:

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Rachel James, City Clerk

APPROVED AS TO FORM ONLY

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Lee Hendricks, City Attorney

## City Council Action Item

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**Council Meeting Date:** August 22, 2019

**Department:** Administration

**Agenda Item: Consider Charter Ordinance No. 25 Exempting the City of Edgerton, Kansas from the Provisions of K.S.A. 12-1736 to K.S.A. 12-1738 and Providing Substitute and Additional Provisions on the Same Subject Relating to the Public Buildings and Facilities and the Issuance of Bonds for the Purpose of Paying for Said Improvements.**

**Background/Description of Item:**

Council has discussed The Greenspace Project during the CIP work sessions held the last few budget years. In the spring of 2019, staff began the public engagement process for the project, holding workshops and meeting with various community groups to get their feedback on what they would like to see in this building.

The funding source designated for this project is general obligation (GO) bonds. Staff consulted with the City's Financial Advisor, Bond Counsel and City Attorney regarding the process for issuing GO bonds for public building facilities. Based on recommendations from this group, staff recommends the City Council consider chartering out of non-uniform statutes related to public building facilities and the issuance of bonds for such purposes. The Charter Ordinance would allow the City to have the authority to purchase, lease, build, construct, improve, repair, equip, renovate, make additions to or furnish a public building or facility. The Charter Ordinance will also allow the City to issue GO bonds to pay the costs of such improvements when authorized to do so by the adoption of a resolution by the Governing Body of the City describing the type of public building/facility improvements to be made and the amount of GO bonds to be issued.

As summarized in the LKM Governing Body Handbook, a charter ordinance may be used when:

- (1) There is an applicable state enactment that contains provisions in conflict with the provisions of the proposed local law;
- (2) The state law does not apply uniformly to all cities; and
- (3) The state law does not deal with one of those subjects reserved to the legislature by the Home Rule Amendment.

If these conditions are met, a charter ordinance may be used to exempt from the whole or any part of the state enactment. In this instance, the state law does not apply uniformly to all cities; therefore, the City of Edgerton can choose to charter out of the state statute.

Passage of a charter ordinance requires some special procedures that include the following:

- Must be passed by a 2/3 vote of the Governing Body (which includes the Mayor)
- Must be published once a week for two consecutive weeks in the official City newspaper
- There is a 60-day waiting period after publication to allow time for the public to petition for referendum.
  - If no petition is filed, the charter ordinance becomes effective on the 61<sup>st</sup> day after second publication.

Charter Ordinance No. 25 has been reviewed and approved by the City Attorney.

**Related Ordinance(s) or Statue(s):** K.S.A. 12-1736 – K.S.A. 12-1738 *et seq*

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**Funding Source:** n/a

**Budget Allocated:** n/a

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

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**Recommendation: Approve Charter Ordinance No. 25 Exempting the City of Edgerton, Kansas from the Provisions of K.S.A. 12-1736 to K.S.A. 12-1738 and Providing Substitute and Additional Provisions on the Same Subject Relating to the Public Buildings and Facilities and the Issuance of Bonds for the Purpose of Paying for Said Improvements.**

**Enclosed:** Charter Ordinance No. 25

**Prepared by:** Karen Kindle \* Finance Director



Published in *The Gardner News* on \_\_\_\_\_, 2019 and \_\_\_\_\_, 2019)

## **CHARTER ORDINANCE NO. 25**

### **A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.**

**WHEREAS**, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform statutes and acts of the Kansas Legislature; and

**WHEREAS**, the City of Edgerton, Kansas (the “City”) is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

**WHEREAS**, K.S.A. 12-1736, 12-1737 and 12-1738 are part of an enactment of the Kansas Legislature (K.S.A. 12-1736 *et seq.*) relating to public buildings and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

**WHEREAS**, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and to provide substitute and additional provisions therefor.

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

**SECTION 1.** The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and hereby makes inapplicable to it the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and does hereby provide the following substitute and additional provisions in place thereof.

**SECTION 2.** “Public building and facility” shall mean any structure, building or facility owned, or to be owned by the City, including, but not limited to off-street parking facilities, city offices, city maintenance facilities, public libraries, auditoriums, airport facilities and related improvements, public safety, fire, and police facilities, health care facilities, community buildings, recreational buildings or public meeting facilities.

**SECTION 3.** The City may erect or construct, acquire by gift, purchase, condemnation or lease a public building or facility and procure any necessary site therefor by gift, purchase or condemnation and may design, alter, repair, reconstruct, remodel, renovate, replace or make additions to, furnish and equip a public building or facility. The authority herein conferred may also be exercised jointly or in cooperation

with any other governmental unit so empowered, upon such terms and conditions as shall be agreed upon by the governing body of the City and the governing body of such cooperating governmental unit or units. The City may lease any public building or facility to another party, upon such terms and conditions as the governing body may deem to be in the best interest of the City.

**SECTION 4.** The governing body of the City may, for the purposes hereinbefore authorized and provided: (a) Receive and expend gifts; (b) receive and expend grants-in-aid of state or federal funds; (c) issue general obligation bonds of the City; (d) levy ad valorem property taxes pursuant to applicable limits; (e) issue no-fund warrants; (f) use moneys from the general operating fund or other appropriate budgeted funds when available; (g) use moneys received from the sale of public buildings or facilities or portions thereof; (h) use moneys provided to the City for off-street parking purposes; (i) combine any two or more such methods of financing for the purposes herein authorized.

**SECTION 5.** If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**SECTION 6.** This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

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**PASSED** with at least a two-thirds (2/3) vote of the entire governing body of the City of Edgerton, Kansas, on August 22, 2019 and **SIGNED** by the Mayor.

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Donald Roberts, Mayor

(SEAL)

ATTEST:

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Rachel James, City Clerk

APPROVED AS TO FORM ONLY

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Lee Hendricks, City Attorney

(Charter Ordinance)

## City Council Action Item

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**Council Meeting Date:** August 22, 2019

**Department:** Administration

### **Agenda Item: Consider the 2020 Recommended Budget**

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

The 2020 Budget process began with a work session on May 9<sup>th</sup> where staff reviewed financial trends and the first ever multi-year revenue forecast for the General Fund. The forecast was refined during the rest of the budget process as staff obtained new information, including the assessed valuation information from the County Clerk on June 15<sup>th</sup>.

Then at the June 13<sup>th</sup> work session, staff presented information about vehicles and equipment. Council gave consensus to fund the items on the unfunded equipment list as recommended by staff. Staff has updated the Current Program schedule and Fund Summary schedule to include these equipment items. These schedules are included in the budget packet for final approval to include these items in the 2020 Budget. In the future, as these vehicles/equipment items are purchased, staff will bring the bids to Council for approval as required by the City's Purchasing Policy.

Staff developed the recommended 2020 Budget for the General Fund and presented it at the work session on June 27<sup>th</sup>. Other fund budgets were reviewed on July 11<sup>th</sup>, and the budgets for the Water and Sewer Utility Funds were discussed at the July 25<sup>th</sup> work session.

The City is not required to hold an election for the amount of property tax revenue included in the 2020 Recommended Budget. The estimated mill rate is 30.879, which is subject to change between adoption of the budget and preparation of the tax bills due to changes in assessed valuation resulting from appeal decisions by the State Board of Tax Appeals.

Staff published the budget hearing notice in the Gardner News on August 7, 2019.

The official public hearing for the 2020 Budget required by state law will be held on August 22, 2019.

**Related Ordinance(s) or Statue(s):** K.S.A. 79-2925 – K.S.A. 79-2937

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**Funding Source:** N/A

**Budget Allocated:** N/A

x *Karen E. Kindle*

**Finance Director Approval:** Karen Kindle, Finance Director

<b>Recommendation: Approve the 2020 Recommended Budget.</b>
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**Enclosed:** 2020 Fund Budget Schedules and related staff memos  
Vehicles & Equipment – Current Program  
Vehicles & Equipment – Fund Summary  
2020 Budget Public Hearing Notice  
2020 Budget Certificate Page

**Prepared by:**

**Karen Kindle** \* Finance Director



June 24, 2019

To: Mayor and City Council Members

From: Beth Linn, City Administrator  
Karen Kindle, Finance Director

Re: 2020 Recommended General Fund Budget

Attached please find the 2020 Recommended Budget for the General Fund. The General Fund contains the general operations of the City which are funded by a mixture of general purpose revenues including property taxes, sales taxes, user fees and charges and payment in lieu of taxes for abated properties.

## Revenues

### **Property Taxes**

The recommended budget includes an increase in property taxes. The increase is due to the following:

1. The City is allowed to capture property tax revenue for new construction. Included in the City's assessed valuation is the partial value at January 1, 2019 for the Kubota buildings in LPKC South which will be abated for the 2021 Budget in accordance with the development agreements.
2. The City is allowed to increase the property tax revenue amount by the CPI calculation prescribed in State statutes. That percentage is 1.5% for the 2020 Budget.
3. The City is allowed to increase the property tax revenue amount for increases in law enforcement expenses in excess of the growth allowed by the CPI calculation.

### **Sales & Use Taxes**

The recommended budget reflects the amount in the forecast, which includes a modest increase to reflect the trend in the actual revenues.

### **Charges for Services**

There is a slight decrease for this revenue item. The 2019 Budget included an increase in the cost of trash service as the contract with Gardner Disposal was expiring and the bids had not yet been received. The contract awarded to Gardner Disposal kept rates the same. Revenue from the portion of the bill paid by residents has been reduced to remove the increase in revenue planned in the 2019 Budget.

## Expenditures

### **Personnel Changes**

- Staff is recommending the addition of an accountant position.
  - The workload in the Finance area continues to grow in the areas of tracking the various development funding mechanisms, forecasting and tracking CIP projects.

- This position would take over the day-to-day tasks from the Finance Director so that the Finance Director can dedicate more time to capital project tracking, revenue forecasting, development funding monitoring, etc.
- Staff is recommending reallocating funding for a part-time position to fund the addition of the accountant position.

### **General Government**

- The 2019 Budget included an amount for the implementation of the compensation and benefit study. The results of the study have been implemented and are reflected in the salary and benefits in the various departments.
- Includes the addition of one full-time accountant position as noted in the Personnel Changes Section above.
- Reduced professional services to reflect less utilization of outside consultants.
- Added cost of biennial citizen survey.
- Adjusted the amounts budgeted for community assistance based on the direction of Council at the May 23<sup>rd</sup> Council Meeting.

### **Law Enforcement**

- The recommended budget reflects the same level of service from the Sheriff's office and includes a 6.3% increase in costs.

### **Public Works**

- Moved vehicle and equipment maintenance and fuel budgets to the new Fleet Maintenance Department.
- Added cost for major maintenance of the school crossing lights.
- Added electric cost for new street lights on 207<sup>th</sup>/Homestead and 207<sup>th</sup>/Waverly.

### **Parks**

- Reduced professional services to reflect reduced usage of consultants.
- Moved vehicle and equipment maintenance and fuel budgets to the new Fleet Maintenance Department.

### **Facilities**

- Reflects an estimated 10% increase in utility rates.
- Reflects increase in lease rate for Studio B.

### **Fleet Maintenance**

- This is a new department. Staff is recommending that maintenance of the fleet be centralized under the Public Works Operations and that the costs for this operation be tracked in its own department. Budget authority was moved from Public Works, Parks and Community Development to this new department.
- The budget includes the cost for maintenance and repairs of vehicles and equipment as well as fuel costs.

### **Community Development**

- The recommended budget includes a decrease in professional services to reflect less anticipated usage of outside consultants.
- Fuel and vehicle maintenance costs were moved to the new Fleet Maintenance Department.

### **Economic Development**

- Includes a \$5,000 increase in the membership to EE! as well as a \$10,000 one-time payment to EE! for an LPKC targeted marketing campaign as directed by Council at the May 23<sup>rd</sup> Council Meeting.
- Includes \$4,000 for the Chamber for a membership and a contribution towards the cost of the magazine as directed by the Council at the May 23<sup>rd</sup> Council Meeting.
- The BNSF property tax increment to be transferred to the Public Infrastructure Fund increased approximately \$10,000.
- Includes an increase in the utility sales tax that is transferred to the Public Infrastructure Fund to reflect the trend in the actual amounts transferred.

### **Information Technology**

- Includes a small increase in professional services for special projects outside of the routine monthly services.

### **Employee Benefits**

- Includes a 20% increase in health insurance premiums and a 10% increase in dental and vision insurance premiums based on information provided by the City's provider, Midwest Public Risk.
- Includes the benefit costs for the recommended accountant position.
- Includes a full year of the match for the newly adopted 457 contribution match benefit.

### **Transfers to Other Funds**

- The recommended budget includes a transfer of \$79,250 to the Equipment Reserve Fund, which is the same amount transferred the past several years.
- The 2019 estimate includes a transfer to the Capital Projects Fund for the projects funded in the CIP in 2019.
- The recommended 2020 Budget includes a transfer to the Capital Projects Fund for projects funded in the CIP for 2020.

<b>Ending Balance and Reserves</b>
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The reserve calculations have been updated to reflect the new policy adopted at the June 13, 2019 Council Meeting. The projected balance at the end of 2020 exceeds the required reserves, leaving funding available for projects or other priorities.



### **Items for Further Consideration**

Staff has prepared Scenario 1 for Council's consideration. This scenario includes two additional items, shown in blue:

1. \$200,000 in additional one-time funding allocation to the Equipment Reserve Fund to cover the deficit in that fund should the Council decide to cash purchase the tandem dump truck and wheel loader vs. lease-purchasing those items.
2. \$132,538 in additional funding for the Sheriff contract for an Edgerton Community Officer. This funding would need to be allocated annually to continue this service and would be subject to the increase in costs similar to the annual contract for policing services with the Sheriff's Office.

Staff would note that even if both items were to be approved, any additional funding City Council desired to be used from the General Fund for capital projects or for economic development purposes would need to be funded from unencumbered cash balance based on the reserve calculation.

### **Changes Since the June 27, 2019, Work Session**

The following changes have been made to the 2020 General Fund Recommended Budget since it was presented at the June 27, 2019, Work Session.

- Changes to salary/benefit allocations for staff involved in utility operations affect the General Fund as some of that staff is allocated to the General Fund. Increase to expenditures = \$19,102.
- Corrected an error in the regular annual amount for the Transfer to Equipment Reserve from \$79,250 to \$125,000. During discussions regarding Vehicles & Equipment, the forecasts showed an increase in the annual contribution from the General Fund to \$125,000; however, that change was not reflected on the fund schedule presented on June 27<sup>th</sup>. Increase to Transfers to Equipment Reserve Fund = \$45,750

City of Edgerton General Fund - Updated				
Mill Rate:		33.654	30.633	29.919
Revenue from 1 Mill:		\$40,102	\$40,664	\$46,317
				30.879 (estimate)
				\$62,562
	2017 Actual	2018 Actual	2019 Estimate	2020 Recommended
Balance 1/1	\$ 1,748,720	\$ 1,582,616	\$ 1,725,649	\$ 1,617,667
Revenues:				
Ad Valorem Tax	1,509,058	1,585,109	1,385,761	1,931,860
LPKC PILOT	-	-	437,123	483,853
Delinquent Tax	-	4,414	-	-
Motor Vehicle Tax	47,301	51,599	48,993	52,969
Recreational Vehicle Tax	957	1,138	823	933
16/20M Vehicle Tax	156	455	420	372
Local Alcoholic Liquor Tax	7,555	3,107	2,725	2,780
Compensating Use Tax	196,340	216,982	180,000	183,600
Local Sales Tax	652,959	735,096	750,000	765,000
Franchise Tax	129,260	141,856	110,000	110,000
Licenses & Permits	635,441	484,313	756,300	756,300
Charges for Services	111,723	154,008	118,000	118,000
Fines & Forfeitures	25,452	30,123	30,000	30,000
Reimbursements	-	31,059	-	-
Miscellaneous	500,913	197,693	6,000	-
Investment Income	15,819	26,206	15,000	15,000
Total Revenue	\$ 3,832,934	\$ 3,663,158	\$ 3,841,145	\$ 4,450,667
Transfers from Other funds:				
Transfer from General Fund				
Transfer from Capital Projects Fund	14,644	706	-	-
Total	\$ 14,644	\$ 706	\$ -	\$ -
Total Sources	\$ 3,847,578	\$ 3,663,864	\$ 3,841,145	\$ 4,450,667
Expenditures:				
General Government	651,513	838,102	934,950	961,959
Law Enforcement	285,540	313,263	341,549	502,868
Public Works	468,595	514,339	592,030	596,688
Parks	192,767	185,999	273,769	253,490
Facilities	863,550	144,774	107,418	115,450
Fleet Maintenance	-	-	-	51,200
Community Development	295,050	290,404	363,440	356,153
Economic Development	356,474	311,840	475,200	507,200
Information Technology	31,193	58,607	47,370	57,631
Employee Benefits	218,024	269,844	398,310	484,532
Total Expenditures	\$ 3,362,706	\$ 2,927,172	\$ 3,534,035	\$ 3,887,171
Sources Over(Under) Expenditures	\$ 484,872	\$ 736,692	\$ 307,110	\$ 563,496
Transfers to Other Funds:				
Transfer to General Fund				
Transfer to Equipment Reserve Fund-General	79,250	79,250	79,250	325,000
Transfer to Equipment Reserve Fund-Water	26,796	-	-	-
Transfer to Mayor's Holiday Fund	-	150		
Transfer to Capital Projects Fund	544,930	514,259	335,842	150,000
Total	\$ 650,976	\$ 593,659	\$ 415,092	\$ 475,000
Total Uses	\$ 4,013,682	\$ 3,520,831	\$ 3,949,127	\$ 4,362,171
Sources Over(Under) Uses	\$ (166,104)	\$ 143,033	\$ (107,982)	\$ 88,496
Prior Period Adjustment	-	-	-	-
Balance 12/31	\$ 1,582,616	\$ 1,725,649	\$ 1,617,667	\$ 1,706,163
Undesignated Reserve:	\$ 565,706		\$ 660,819	
Portion Designated for Self-Insured Losses:	\$ 50,000		\$ 50,000	
Reserve Per Policy - 17% of Budgeted Expenditures:	\$ 615,706		\$ 710,819	
Unencumbered Cash Over(Under) Requirement:	\$ 1,001,961		\$ 995,344	
Undesignated Reserve:	\$ 855,451		\$ 971,793	
Portion Designated for Self-Insured Losses:	\$ 50,000		\$ 50,000	
Reserve Per Policy - 25% of Budgeted Expenditures:	\$ 905,451		\$ 1,021,793	
Unencumbered Cash Over(Under) Requirement:	\$ 712,217		\$ 684,370	
Funding Sources: Property tax, sales tax, franchise fees, user fees and charges				
Expenditures: General operations of the City				



July 23, 2019

To: Mayor and City Council Members

From: Beth Linn, City Administrator  
Karen Kindle, Finance Director

Re: 2020 Recommended Water Fund Budget

Attached please find the 2020 Recommended Budget for the Water Fund. This fund contains the water utility operation of the City, which is funded by user charges.

## Revenues

### **Charges for Services**

- The revenues are from the 2019 Rate Study Report from Raftelis, which includes a proposed 4% increase in rates for 2020. If there is consensus to adopt the rate recommendation in the 2019 Rate Study Report, staff would bring back the updated fee resolution for Council consideration at a meeting in September.

## Expenditures

### **Fleet Maintenance**

- This is a new department. Staff is recommending that maintenance of the fleet be centralized under this new department for easier management of the City's fleet. Budget authority was moved from the Distribution Department to this new department.
- The budget includes the cost for maintenance and repairs of vehicles and equipment as well as fuel costs.

### **Information Technology**

- Includes a small increase in professional services for special projects outside of the routine monthly services.
- Contains an increase in the annual maintenance for the Neptune meter system.
- Includes the replacement of IT equipment according to the replacement schedule.

### **Production**

- Includes the cost to purchase water that is sold to customers of the system.

### **Distribution**

- Moved vehicle and some equipment maintenance costs and fuel costs to the new Fleet Maintenance Department.

### **Administrative-Water**

- Salaries & Wages decreased due to a revision in the allocation of staff between water operations and sewer operations. The staff allocations have not been adjusted since the Big Bull Creek Wastewater Treatment Plant opened in 2013. Since that time, the City

has added sewer system infrastructure and customers, increasing staff time spent on sewer operations.

- Decreased professional services to be more in line with what has been spent in the last few years.

#### **Employee Benefits**

- Includes a 20% increase in health insurance premiums and a 10% increase in dental and vision insurance premiums based on information provided by the City's provider, Midwest Public Risk.
- Includes a full year of the match for the newly adopted 457 contribution match benefit.
- Reflects the revision to the staff allocations.

#### **Debt Service**

- Includes the State Revolving Loan payments for water system improvements that will be paid off in 2022.
- Includes the State Revolving Loan payments for the new meter system. The loan is scheduled to be paid off in 2037.

#### **Transfers to Other Funds**

- The recommended budget does not include any transfers to equipment reserve or capital projects.

<b>Ending Balance and Reserves</b>
------------------------------------

The reserve calculations have been updated to reflect the new policy adopted at the June 13, 2019 Council Meeting. The projected balance at the end of 2020 meets the required reserves, leaving funding available for projects or other priorities.

## City of Edgerton Water Fund

	2017 Actual	2018 Actual	2019 Estimate	2020 Recommended
<b>Balance 1/1</b>	\$ 288,664	\$ 317,763	\$ 225,868	\$ 219,376
<b>Revenues:</b>				
Charges for Services	455,138	438,593	466,899	462,450
Fines & Forfeitures	24,395	29,472	23,000	23,000
Reimbursements	401	-	-	-
Investment Income	2,155	2,952	2,000	2,000
Total Revenue	\$ 482,089	\$ 471,017	\$ 491,899	\$ 487,450
Transfers from Other funds:				
Transfer from Water Reserve Fund	-	-	28,376	-
Transfer from Capital Projects Fund	41,667	-	-	-
Total	\$ 41,667	\$ -	\$ 28,376	\$ -
<b>Total Sources</b>	<b>\$ 523,756</b>	<b>\$ 471,017</b>	<b>\$ 520,275</b>	<b>\$ 487,450</b>
<b>Expenditures:</b>				
Fleet Maintenance	-	-	-	4,200
Information Technology	26,613	26,132	30,062	32,559
Production	200,556	213,892	172,200	175,000
Distribution	44,089	59,427	45,401	46,740
Administrative - Water	119,812	136,723	147,614	125,815
Employee Benefits	20,333	29,392	34,144	32,042
Debt Service	83,254	97,346	97,347	97,345
Total Expenditures	\$ 494,657	\$ 562,912	\$ 526,767	\$ 513,701
<b>Sources Over(Under) Expenditures</b>	<b>\$ 29,099</b>	<b>\$ (91,895)</b>	<b>\$ (6,492)</b>	<b>\$ (26,251)</b>
Transfers to Other Funds:				
Transfer to Capital Projects Fund	-	-	-	-
Total	\$ -	\$ -	\$ -	\$ -
<b>Total Uses</b>	<b>\$ 494,657</b>	<b>\$ 562,912</b>	<b>\$ 526,767</b>	<b>\$ 513,701</b>
<b>Sources Over(Under) Uses</b>	<b>\$ 29,099</b>	<b>\$ (91,895)</b>	<b>\$ (6,492)</b>	<b>\$ (26,251)</b>
Prior Period Adjustment	-	-	-	-
<b>Balance 12/31</b>	<b>\$ 317,763</b>	<b>\$ 225,868</b>	<b>\$ 219,376</b>	<b>\$ 193,125</b>
Reserve Per Policy - 17% of Budgeted Expenditures:	\$	91,583	\$	87,329
Unencumbered Cash Over(Under) Requirement:	\$	127,793	\$	105,796
Reserve Per Policy - 25% of Budgeted Expenditures:	\$	134,680	\$	128,425
Unencumbered Cash Over(Under) Requirement:	\$	84,695	\$	64,699

**Funding Sources:** Charges to users of the City's water system

**Expenditures:** Water system operation and maintenance



July 23, 2019

To: Mayor and City Council Members

From: Beth Linn, City Administrator  
Karen Kindle, Finance Director

Re: 2020 Recommended Sewer Fund Budget

Attached please find the 2020 Recommended Budget for the Sewer Fund. The Sewer Fund contains the sewer utility operations of the City which are funded by user charges.

### Revenues

#### **Charges for Services**

The revenues are from the 2019 Rate Study Report from Raftelis, which includes a proposed 1.5% increase in rates for 2020. If there is consensus to adopt the rate recommendation in the 2019 Rate Study Report, staff would bring back the updated fee resolution for Council consideration at a meeting in September.

### Expenditures

#### **Fleet Maintenance**

- This is a new department. Staff is recommending that maintenance of the fleet be centralized under this new department for easier management of the City's fleet. Budget authority was moved from the Sewer Line Maintenance Department and the Administrative-Sewer Department to this new department.
- The budget includes the cost for maintenance and repairs of vehicles and equipment as well as fuel costs.

#### **Information Technology**

- Includes a small increase in professional services for special projects outside of the routine monthly services.
- Contains an increase in the annual maintenance for the Neptune meter system.
- Includes the replacement of IT equipment according to the replacement schedule.

#### **Treatment Plant**

- Property insurance premiums related to the plant were moved to this department from the Administrative-Sewer Department in order to more easily include this cost in the wholesale sewer rate calculation.
- Includes the addition of maintenance contracts for the centrifuge and the generator.
- Reflects a potential 10% increase in electric rates.

#### **Sewer Line Maintenance**

- Moved a portion of equipment maintenance to the new Fleet Maintenance Department.

### **Lift Stations/Vaults**

- Includes the addition of maintenance contracts for the generators located at the lift stations.
- Added fuel cost for the generators at the lift stations.
- Reduced the amount included for chemicals to be more in line with the actual amount spent the last few years.

### **Administrative-Sewer**

- Salaries & Wages increased due to a revision in the allocation of staff between Water Operations and Sewer Operations. The staff allocations have not been adjusted since the plant opened in 2013. Since that time, the City has added infrastructure and customers increasing staff time spent on sewer operations.

### **Employee Benefits**

- Includes a 20% increase in health insurance premiums and a 10% increase in dental and vision insurance premiums based on information provided by the City's provider, Midwest Public Risk.
- Includes a full year of the match for the newly adopted 457 contribution match benefit.
- Reflects the revision to the staff allocations.

### **Debt Service**

- Includes the payment for the Series 2016A and 2016B General Obligation Bonds for the conversion of the old treatment plant to a lift station. The project was completed in 2017. The bonds are scheduled to be paid of in 2046 and 2048, respectively.

### **Transfers to Other Funds**

- A \$50,000 Transfer to Equipment Reserve has been included to bring the Equipment Reserve Fund-Sewer out of a negative balance at the end of the five-year forecasting period reviewed at the work session on June 13, 2019.
- A \$100,000 Transfer to Capital Projects has been included to set aside funding for clay tile replacement projects. The Council has directed staff to utilize CDBG funds for those projects, which require City matching funds. This transfer would provide City matching funds for those projects, in addition to the funds transferred in 2018.

<b>Ending Balance and Reserves</b>
------------------------------------

The reserve calculations have been updated to reflect the new policy adopted at the June 13, 2019, Council Meeting. The projected balance at the end of 2020 exceeds the required reserves, leaving funding available for projects or other priorities.

## City of Edgerton Sewer Fund

	2017 Actual	2018 Actual	2019 Estimate	2020 Recommended
<b>Balance 1/1</b>	\$ 234,133	\$ 256,291	\$ 434,960	\$ 476,681
<b>Revenues:</b>				
Charges for Services	568,718	777,944	657,750	741,000
Reimbursements	18,598	-	-	-
Bond Proceeds	-	-	-	-
Investment Income	1,669	4,770	3,500	3,500
Total Revenue	\$ 588,985	\$ 782,714	\$ 661,250	\$ 744,500
Transfers from Other funds:				
Transfer from Sewer Reserve Fund	-	-	16,330	-
Transfer from Capital Projects Fund	-	35,741	-	-
Total	\$ -	\$ 35,741	\$ 16,330	\$ -
<b>Total Sources</b>	<b>\$ 588,985</b>	<b>\$ 818,455</b>	<b>\$ 677,580</b>	<b>\$ 744,500</b>
<b>Expenditures:</b>				
Fleet Maintenance	-	-	-	4,700
Information Technology	15,429	19,289	25,042	33,326
Treatment Plant	168,772	150,972	164,027	204,945
Sewer Line Maintenance	484	2,141	6,790	7,100
Lift Stations/Vaults	9,232	10,247	22,601	21,114
Administrative - Sewer	256,344	195,193	250,004	223,811
Employee Benefits	22,301	37,506	42,957	56,193
Debt Service	94,265	94,438	94,438	94,438
Total Expenditures	\$ 566,827	\$ 509,786	\$ 605,859	\$ 645,627
<b>Sources Over(Under) Expenditures</b>	<b>\$ 22,158</b>	<b>\$ 308,669</b>	<b>\$ 71,721</b>	<b>\$ 98,873</b>
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Sewer	-	30,000	30,000	50,000
Transfer to Capital Projects Fund	-	100,000	-	100,000
Total	\$ -	\$ 130,000	\$ 30,000	\$ 150,000
<b>Total Uses</b>	<b>\$ 566,827</b>	<b>\$ 639,786</b>	<b>\$ 635,859</b>	<b>\$ 795,627</b>
<b>Sources Over(Under) Uses</b>	<b>\$ 22,158</b>	<b>\$ 178,669</b>	<b>\$ 41,721</b>	<b>\$ (51,127)</b>
Prior Period Adjustment	-	-	-	-
<b>Balance 12/31</b>	<b>\$ 256,291</b>	<b>\$ 434,960</b>	<b>\$ 476,681</b>	<b>\$ 425,554</b>

Reserve Per Policy - 17% of Budgeted Expenditures:	\$	105,596	\$	109,757
Unencumbered Cash Over(Under) Requirement:	\$	371,084	\$	315,797
Reserve Per Policy - 25% of Budgeted Expenditures:	\$	155,289	\$	161,407
Unencumbered Cash Over(Under) Requirement:	\$	321,392	\$	264,147

**Funding Sources:** Charges to users of the City's sewer system

**Expenditures:** Sewer system operation and maintenance





July 8, 2019

To: Mayor and City Council Members

From: Beth Linn, City Administrator  
Karen Kindle, Finance Director

Re: Other Funds 2020 Recommended Budgets

Attached are the budget schedules for the other funds for which the City adopts a budget. The sections below provide additional information about the 2020 Recommended Budget for these funds.

### **Special Highway Fund**

The Special Highway Fund is the fund the City is required to establish by state statute to track the revenues and expenditures related to the state gasoline tax.

#### **Revenues**

The portion of the gas tax that is distributed to cities is distributed on a per capita basis. The League of Kansas Municipalities provides an estimate of the gas tax revenue for the current year and the budget year. This estimate is compared with the last several years of actual revenues for reasonableness. Since the population of Edgerton hasn't changed much, the amount of gas tax has had a small increase over time.

#### **Expenditures**

Expenditures of gas tax revenues are limited to street maintenance by state statute. The City uses the gas tax revenue to fund the annual street maintenance program. The funds are transferred to the Capital Projects Fund and deposited into the Annual Street Maintenance Project.

### **Special Parks and Recreation Fund**

The Special Parks & Recreation Fund is the fund the City is required to establish by state statute to track the revenues and expenditures related to the tax on alcoholic beverages sold by any club, caterer or drinking establishment. A portion of the taxes paid within the City limits are returned to the City and must be allocated 50% to the General Fund and 50% to the Special Parks and Recreation Fund.

#### **Revenues**

The League of Kansas Municipalities provides and estimate of the alcohol tax for the budget year. This estimate is compared with the last several years of actual revenues for reasonableness. For the past several years, the amount received from this tax has averaged \$2,700 - \$3,000, with the exception of 2017, which contained one distribution that was more than normal.

**Expenditures**

Expenditures of the portion of the alcohol tax revenue deposited in the Special Parks & Recreation Fund are limited to park and recreation programs and improvements. Council has not designated any funds from this source for new programs or capital projects, so the balance has continued to accumulate. The Recommended Budget includes a transfer to the Capital Projects fund should the Council decide later to utilize the balance in this fund.

<b>Bond &amp; Interest Fund</b>
---------------------------------

The Bond & Interest Fund contains the transactions related to some of the debt obligations of the City. Currently, this fund contains the transactions related to the Series 2012A General Obligation Bonds related to the Sunflower Benefit District. Debt obligations related to water operations are paid from the Water Fund. Debt obligations related to the sewer operations are paid from the Sewer Fund. Debt obligations related to LPKC Phases 1 and 2 are paid from their respective Public Infrastructure Funds in accordance with the development agreements and master trust indentures.

**Revenues**

The Recommended Budget includes the amount of special assessments payable to the City from the properties within the Sunflower Benefit District for 2020. In 2017 some of the properties were delinquent in their payments. These properties changed ownership and the delinquent amounts were paid in 2018. Payments are current for 2019.

**Expenditures**

The expenditures in the Recommended Budget reflect the amount payable on the Series 2012A related to the Sunflower Benefit District in 2020. Bond payments have been made according to the debt schedule each year.

## City of Edgerton Special Highway Fund

	2017 Actual	2018 Actual	2019 Estimate	2020 Recommended
<b>Balance 1/1</b>	\$ 959	\$ 3,018	\$ 4,419	\$ 1,190
<b>Revenues:</b>				
Gasoline Tax	46,559	47,990	48,240	47,610
Total Revenue	\$ 46,559	\$ 47,990	\$ 48,240	\$ 47,610
Transfers from Other funds:				
Total	\$ -	\$ -	\$ -	\$ -
<b>Total Sources</b>	<b>\$ 46,559</b>	<b>\$ 47,990</b>	<b>\$ 48,240</b>	<b>\$ 47,610</b>
<b>Expenditures:</b>				
Public Works	-	-	-	-
Total Expenditures	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds:				
Transfer to Capital Projects Fund	44,500	46,589	51,469	48,800
Total	\$ 44,500	\$ 46,589	\$ 51,469	\$ 48,800
<b>Total Uses</b>	<b>\$ 44,500</b>	<b>\$ 46,589</b>	<b>\$ 51,469</b>	<b>\$ 48,800</b>
<b>Sources Over(Under) Uses</b>	<b>\$ 2,059</b>	<b>\$ 1,401</b>	<b>\$ (3,229)</b>	<b>\$ (1,190)</b>
Prior Period Adjustment	-	-	-	-
<b>Balance 12/31</b>	<b>\$ 3,018</b>	<b>\$ 4,419</b>	<b>\$ 1,190</b>	<b>\$ -</b>
<b>Expenditure Detail:</b>				
Annual Street Maintenance Project	\$ 44,500	\$ 46,589	\$ 51,469	\$ 48,800
	\$ 44,500	\$ 46,589	\$ 51,469	\$ 48,800

**Funding Sources:** State gasoline tax (per gallon)

**Expenditures:** Maintenance of City streets

## City of Edgerton Special Parks & Recreation Fund

	2017 Actual	2018 Actual	2019 Estimate	2020 Recommended
<b>Balance 1/1</b>	\$ 14,377	\$ 21,932	\$ 25,039	\$ 28,139
<b>Revenues:</b>				
Local Alcoholic Liquor Tax	7,555	3,107	3,100	3,100
Total Revenue	\$ 7,555	\$ 3,107	\$ 3,100	\$ 3,100
Transfers from Other funds:				
Total	\$ -	\$ -	\$ -	\$ -
<b>Total Sources</b>	<b>\$ 7,555</b>	<b>\$ 3,107</b>	<b>\$ 3,100</b>	<b>\$ 3,100</b>
<b>Expenditures:</b>				
Parks	-	-	-	-
Total Expenditures	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds:				
Transfer to Capital Projects Fund	-	-	-	31,239
Total	\$ -	\$ -	\$ -	\$ 31,239
<b>Total Uses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 31,239</b>
<b>Sources Over(Under) Uses</b>	<b>\$ 7,555</b>	<b>\$ 3,107</b>	<b>\$ 3,100</b>	<b>\$ (28,139)</b>
Prior Period Adjustment				
<b>Balance 12/31</b>	<b>\$ 21,932</b>	<b>\$ 25,039</b>	<b>\$ 28,139</b>	<b>\$ -</b>

### Expenditure Detail:

Transfer to CIP	\$ 31,239
	<u>\$ 31,239</u>

**Funding Sources:** Special alcohol tax per K.S.A. 79-41a04 (1/2 of total alcohol tax received by the City)

**Expenditures:** Park & Recreation programs and improvements

## City of Edgerton Bond & Interest Fund

	2017 Actual	2018 Actual	2019 Estimate	2020 Recommended
<b>Balance 1/1</b>	\$ 259,012	\$ 171,449	\$ 673,695	\$ 661,402
<b>Revenues:</b>				
Special Assessments	12,490	757,299	245,512	245,634
Investment Income	-	-	-	-
Total Revenue	\$ 12,490	\$ 757,299	\$ 245,512	\$ 245,634
Transfers from Other funds:				
Total	\$ -	\$ -	\$ -	\$ -
<b>Total Sources</b>	<b>\$ 12,490</b>	<b>\$ 757,299</b>	<b>\$ 245,512</b>	<b>\$ 245,634</b>
<b>Expenditures:</b>				
Debt Service	100,053	255,053	257,805	255,005
Total Expenditures	\$ 100,053	\$ 255,053	\$ 257,805	\$ 255,005
Transfers to Other Funds:				
Total	\$ -	\$ -	\$ -	\$ -
<b>Total Uses</b>	<b>\$ 100,053</b>	<b>\$ 255,053</b>	<b>\$ 257,805</b>	<b>\$ 255,005</b>
<b>Sources Over(Under) Uses</b>	<b>\$ (87,563)</b>	<b>\$ 502,246</b>	<b>\$ (12,293)</b>	<b>\$ (9,371)</b>
Prior Period Adjustment				
<b>Balance 12/31</b>	<b>\$ 171,449</b>	<b>\$ 673,695</b>	<b>\$ 661,402</b>	<b>\$ 652,031</b>

**Funding Sources:** Special assessments

**Expenditures:** Debt service payments on the City's 2012 outstanding GO bonds

**Notes:** The City's 2012 outstanding GO bonds will be paid off in 2034.

**City of Edgerton**  
**Vehicle Equipment Replacement**  
**Current Program 2019-2020**

Vehicle and Equipment Replacement Program (2019-2020)															
Item #	Equipment Description	Dept.	Equip Type	Purch Year	Model Year	Current Mileage/ Hours	Est. Yearly Mileage/ Hours	Usage Frequency	General Condition	Effectiveness	Projected Replace Cost	Updated Est. Replacement Year	Alloc % Fund 13 General	Alloc % Fund 27 Water	Alloc % Fund 37 Sewer
1	Elgin Broom Badger	PW	Equipment	2016	2016	500	1,500	Weekly	Excellent	Very Effective	lease 16-20	lease 16-20	100%	0%	0%
2	Ford F-250 4WD	PW	Vehicle	2000	2000	102,721	8000 +	Daily	Good	Effective	\$ 45,000	2020	100%	0%	0%
3	Motor Grader Scarifier	PW	Equipment	New	New	New	New	New	New	New	\$ 10,000	2019	100%	0%	0%
4	Boxbroom Sweeper Attachment	PW	Equipment	New	New	New	New	New	New	New	\$ 10,000	2019	100%	0%	0%
5	Storm Siren	PW	Storm Siren	New	New	New	New	New	New	New	\$ 26,000	2019	100%	0%	0%
6	Portable Radios (4)	PW	Equipment	New	New	New	New	New	New	New	\$ 8,800	2019	100%	0%	0%
7	Animal Control Truck Bed Insert - Dogs	CD	Equipment	New	New	New	New	New	New	New	\$ 4,500	2019	100%	0%	0%
8	Storm Siren	PW	Storm Siren	New	New	New	New	New	New	New	\$ 26,000	2020	100%	0%	0%
9	Asphalt Crack Seal Machine (trailer mounted)	PW	Equipment	New	New	New	New	New	New	New	\$ 50,000	2020	100%	0%	0%
10	Wheel Loader	PW	Equipment	New	New	New	New	New	New	New	\$ 200,000	2020	100%	0%	0%
11	Tandem Dump Truck	PW	Heavy Truck	New	New	New	New	New	New	New	\$ 250,000	2020	100%	0%	0%

City of Edgerton  
Vehicle & Equipment Replacement  
Fund Summary 2018-2024

**Fund 13 - General Equipment Reserve Fund**

	2018	2019	2020	2021	2022	2023	2024
Beginning Balance, Jan 1	\$ 113,895	\$ 385,771	\$ 323,769	\$ 38,313	\$ 163,313	\$ 288,313	\$ 390,764
Transfers in or Other Revenues	403,262	79,250	325,000	125,000	125,000	125,000	125,000
Vehicle/Equipment Purchases	(131,386)	(141,252)	(610,456)	-	-	(22,549)	(65,500)
Ending Balance, 12/31	\$ 385,771	\$ 323,769	\$ 38,313	\$ 163,313	\$ 288,313	\$ 390,764	\$ 450,264

**Fund 27 - Water Equipment Reserve Fund**

	2018	2019	2020	2021	2022	2023	2024
Beginning Balance, Jan 1	\$ 82,992	\$ 82,992	\$ 52,992	\$ 52,992	\$ 52,992	\$ 52,992	\$ 14,492
Transfers in or Other Revenues	-	-	-	-	-	-	-
Vehicle/Equipment Purchases	-	(30,000)	-	-	-	(38,500)	-
Ending Balance, 12/31	\$ 82,992	\$ 52,992	\$ 52,992	\$ 52,992	\$ 52,992	\$ 14,492	\$ 14,492

**Fund 37 - Sewer Equipment Reserve Fund**

	2018	2019	2020	2021	2022	2023	2024
Beginning Balance, Jan 1	\$ 32,058	\$ 67,333	\$ 67,333	\$ 117,333	\$ 117,333	\$ 117,333	\$ 3,833
Transfers in or Other Revenues	35,275	30,000	50,000	-	-	-	-
Vehicle/Equipment Purchases	-	(30,000)	-	-	-	(113,500)	-
Ending Balance, 12/31	\$ 67,333	\$ 67,333	\$ 117,333	\$ 117,333	\$ 117,333	\$ 3,833	\$ 3,833

Notes:

The governing body of  
**City of Edgerton**

## BUDGET SUMMARY

[illegible]

Beth Linn  
City Official Title: City Administrator



To the Clerk of Johnson County, State of Kansas

We, the undersigned, officers of

## City of Edgerton

certify that: (1) the hearing mentioned in the attached publication was held; (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditures for the various funds for the year 2020; and (3) the Amounts(s) of 2019 Ad Valorem Tax are within statutory limitations.

Tax Lid Limit (from Computation Tab)	1,931,860
Does the City need to hold an election?	NO

Assisted by:

Address: \_\_\_\_\_

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Email:

Attest: \_\_\_\_\_, 2019

County Clerk

### Governing Body

## CPA Summary



**EDGERTON**  
global routes. local roots.

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

## City Council Action Item

**Council Meeting Date:** August 19, 2019

**Department:** Administration

**Agenda Item: Consider Ordinance No. 2023 Amending Chapter XV, Article 1 Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 15-134 Regarding Hydrant Water Meters And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Background/Description of Item:**

In April 2019, the City of Edgerton updated the Edgerton City Code to allow contractors working in the area to get a hydrant meter from the City to purchase large quantities of water necessary for construction. As part of that action, City Council set the water rate equal to the Outside City Limits Water Rates for both the monthly Customer Service Charge and Volumetric Charge.

In setting those rates, staff did not account for the fact that the Volumetric Charge is set to increase significantly with additional usage to encourage customers to conserve water when possible. In contrast, contractors already conserve water as they only pull water necessary for construction. Based on that realization, staff would recommend the City Council consider setting the rate for water purchased from a hydrant meter be set equal to the first tier (0-2,000 gallons) for Outside City Limits. Today that rate is \$6.18 per thousand gallons.

Enclosed is a draft ordinance to update the volumetric rate portion of the water rate for water purchased from a hydrant meter. City Attorney will review any changes with council during meeting.

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

**Funding Source:** n/a

**Budget Allocated:** n/a

x *Karen E. Kindle*

**Finance Director Approval:** Karen Kindle, Finance Director

**Recommendation: Ordinance Amending Chapter XV, Article 1 Of The  
Municipal Code Of The City Of Edgerton, Kansas To Include Section 15-  
134 Regarding Hydrant Water Meters And Repealing All Other  
Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Enclosed:** Draft Ordinance No. 2023  
Excerpt from Current Fee Resolution

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

## ORDINANCE NO. 2023

### **AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 1 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 15-134 REGARDING HYDRANT WATER METERS AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

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

**SECTION 1.** Chapter XV, Article 1, Section 15-134 of the City Code of the City of Edgerton, Kansas, is hereby amended to read as follows:

#### 15-134 HYDRANT METERS.

- (a) Request. When temporary water service is desired by contractors, builders or any other party for the purchase of water to be used for construction work or some other city approved purpose, the requesting party shall submit an Application for Hydrant Meter to the City. Should the City approve this use, the requesting party shall pay a refundable hydrant meter deposit in the amount listed in the City's Annual Fee Resolution prior to receipt of the meter.
- (b) Meter. Receipt of a hydrant meter shall allow the party to connect to a City hydrant for a defined period of time, subject to the limitations listed in (d) below. The City may require that connection of the meter to the City hydrant involve the assistance of City staff. A hydrant meter shall be returned in the same condition it was in when the City provided it to the requesting party, normal wear and tear excepted. Failure to return the meter, or damage to the meter, shall result in a setoff of the deposit or retention of the entire deposit, when applicable. The cost of repairs to the meter shall be established by the City's Annual Fee Resolution. In the event a cost is not covered by that Resolution, the fee shall be the actual cost to repair, plus ten percent.
- (c) Water Rate. The rate charged by the City for water provided from a hydrant meter shall be the same rate that is charged to customers outside the corporate limits of the City. This rate includes both the customer service charge (based on meter size) and the volumetric rate (using only the first tier for 0-2,000 gallons) as designated in the City's Annual Fee Resolution.
- (d) Emergency Use by City or Fire District. By filing an Application for Hydrant Meter and receiving a hydrant meter from the City, the requesting party is acknowledging and accepting that in the event the hydrant to which they are connected is needed for emergency or city or fire district purposes, both parties need for, and right to, water shall supersede that of the party possessing the hydrant meter.
- (e) Violation to Use Without Meter. It shall be a violation of the City Code to use water from a City hydrant, or any other source, without that water being measured by a meter furnished by the City.

**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 22<sup>nd</sup> day of August, 2019.

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DONALD ROBERTS, Mayor

ATTEST:

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RACHEL A. JAMES, City Clerk

APPROVED AS TO FORM:

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LEE W. HENDRICKS, City Attorney

## UTILITIES - WATER

### Water Rate

#### **WATER**

**[Customer Service Charge + Vol. Rate = Monthly Bill]**

#### **Customer Service Charge**

<b>Meter Size</b>	<b>Inside City</b>	<b>Outside City</b>
5/8"	\$20.02	\$30.02
3/4"	\$21.27	\$31.91
1"	\$23.80	\$35.70
1 1/2"	\$30.09	\$45.14
2"	\$37.66	\$56.49
3"	\$55.30	\$82.94
4"	\$80.49	\$120.74
6"	\$143.48	\$215.21
8"	\$219.08	\$328.61

#### **Volumetric Rate**

<b>Tiers</b>	<b>Inside City</b>	<b>Outside City</b>
0-2,000	\$4.12	\$6.18
2,001-10,000	\$9.26	\$13.89
>10,000	\$12.78	\$19.16

### Water System Development Fees

System Development Fee (based on size of water meter)

<u>METER SIZE</u>	<u>CHARGES</u>
5/8"	\$4,300
3/4"	\$6,600
1"	\$10,750
1.5"	\$21,500
2"	\$34,400
3"	\$64,500
4"	\$107,500
6"	\$215,000
8"	\$344,000