

EDGERTON CITY COUNCIL
***AMENDED* MEETING AGENDA**
CITY HALL, 404 EAST NELSON STREET
August 27, 2020
7:00 P.M.

Executive Order 20-52 issued by Governor Kelly requires any person in Kansas to cover their mouth and nose with a mask or other face covering when they are in inside any public space such as City Hall. Executive Order 20-52 includes a number of exemptions, including children 5 and younger and those with medical conditions that prevent mask use. The entire executive order may be found here: <https://governor.kansas.gov/executive-order-no-20-52/>

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Conus ____ Lewis ____ Smith ____ Beem
2. **Welcome**
3. **Pledge of Allegiance**

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

4. Approve Minutes for August 13, 2020 Regular City Council Meeting
5. Approve Application FP2020-02, Final Plat for Block 11, Lots 1-5, located at 321 E. Martin Street, Edgerton, Kansas

Regular Agenda

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

Business Requiring Action

8. **CONSIDER THE REQUEST OF WAIVING THE DEVELOPMENT FEES FOR JOHNSON COUNTY FIRE DISTRICT #1**

Motion: _____ Second: _____ Vote: _____

9. **CONSIDER RESOLUTION 08-27-20A PROVIDING FOR A DEADLINE OF SEPTEMBER 28, 2020 TO RESOLVE A DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 EAST 2ND STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER APPROVING RESOLUTION 08-27-2020B SETTING A DATE FOR PUBLIC HEARING REGARDING COMMUNITY IMPROVEMENT DISTRICT FOR ON THE GO TRAVEL CENTER**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER ORDINANCE NO. 2045 DESIGNATING HOMESTEAD LANE WITHIN THE CITY OF EDGERTON, KANSAS, AS A MAIN TRAFFICWAY**

Motion: _____ Second: _____ Vote: _____

12. **CONSIDER RECOMMENDATION OF ENGINEER TO AWARD CONSTRUCTION OF THE HOMESTEAD LANE INTERSECTION TO _____ AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT**

Motion: _____ Second: _____ Vote: _____

13. **CONSIDER ORDINANCE NO. 2043 AMENDING CHAPTER XI, ARTICLE I, SECTION 11-101 OF THE CODE OF THE CITY OF EDGERTON, KANSAS, CONCERNING THE UNIFORM PUBLIC OFFENSE CODE**

Motion: _____ Second: _____ Vote: _____

14. **CONSIDER OPTIONS FOR REMOVAL OF STRUCTURES AT 410 W BRAUN, AS PART OF 207TH GRADE SEPARATION PROJECT**

Motion: _____ Second: _____ Vote: _____

15. **Report By The City Administrator**

16. **Report By the Mayor**

17. **Future Meeting Reminders:**

- September 8th: Planning Commission Meeting – 7:00 PM
- September 10th: City Council Meeting – 7:00 PM
- September 24th: City Council Meeting – 7:00 PM
- October 8th: City Council Meeting – 7:00 PM
- October 8th: City Council Work Session Regarding CIP
- October 13th: Planning Commission Meeting – 7:00 PM
- October 22nd: City Council Meeting – 7:00 PM

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

EVENTS

September 16th: Senior Lunch and BINGO at New City Church

September 22nd: Municipal Court

City of Edgerton, Kansas
Minutes of City Council Regular Session
August 13, 2020

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on August 13, 2020. The meeting convened at 7:02 PM with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk/Planning and Zoning Coordinator Chris Clinton
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Accountant Justin Vermillion
- Animal Control/Code Enforcement Officer Charlie Lydon

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for July 23, 2020 Regular City Council Meeting
5. Approve Ordinance No. 2043 Amending Chapter XI, Article I, Section 11-101 of the Code of the City of Edgerton, Kansas, Concerning the Uniform Public Offense Code
6. Approve Ordinance No. 2044 Amending Chapter XIV of the Edgerton, Kansas Municipal Code to Incorporate the 2020 Standard Traffic Ordinance, Subject to Existing Local Traffic Provisions in the City Code Which Supplement and/or Modify Certain Sections Thereof

Councilmember Longanecker requested Item five (5), Ordinance No. 2043, be removed for discussion.

Councilmember Smith motioned to approve Items four (4) and six (6) on the Consent Agenda, motion seconded by Councilmember Lewis. Items 4 and 6 were approved, 4-0.

Mr. Lee Hendricks, City Attorney, stated Councilmember Longanecker inquired about the changes to the Uniform Public Offense Code (UPOC). Mr. Hendricks stated this is updated annually via an ordinance. He stated the UPOC was updated to delete some language regarding the Criminal Use of Weapons. Mr. Hendricks said he has never charged somebody in municipal court with it and is not sure what has changed exactly. The UPOC is given to each municipality as it is uniform, so the change should not be a major one, but he will look into the changes. Councilmember Longanecker motioned to table Ordinance No. 2043 to the August 27, 2020 City Council meeting. Councilmember Smith seconded the motion. Ordinance No. 2043 was tabled to the August 24, 2020 City Council meeting.

REGULAR AGENDA

7. Public Comments

- Ms. Margy Sundstrom, 715 Myers Drive, Tonganoxie, KS 66086, spoke before the Council. She stated she is a member of the Lions Club in Tonganoxie and has been since 2005. She stated the Lions Club is the largest service organization in the world and began in 1917. The Lions Club believes people can do more together than alone. She explained members have met members of the community and community leaders to find ways a Lion's Club could serve the community. She invites community members to speak with the organization and help them form a Club here in Edgerton. She said Club members will be talking with the fire department, police officers, and church leaders as well. The Lions Club allows the members of the local Club to organize and focus on items important to them and their community. Ms. Sundstrom stated the pandemic has increased the need for Lions Clubs. Lions Clubs can help bring other services to and around Kansas to Edgerton. She said Lions Clubs are among the first organizations to help when disasters happen. Ms. Sundstrom explained some of the benefits a Lions Club provides to the members and community. Mayor Roberts said the Lions have an outstanding record of service and implores people who want to serve to look into the Lions Club.
- Janeice Rawles, 709 W. Heather Knoll Drive, Edgerton, KS 660621, approached the Council. She stated there is a detention pond at 8th Street and Heather Knoll Drive that is typically dry but during heavy rains can retain water that can get 5 to 6 feet deep. She explained there are kids are playing near and in the water. There are no signs or fences surrounding the detention pond to keep people and children away. She does not want to see the City be liable if an accident does happen. Ms. Rawles requested the City at least put up signs asking people to stay out of the detention area. She offered to show the Council pictures of the area on her phone. Mayor Roberts thanked her for watching out for the care of the children who do play in the water. She stated the water is runoff from the corn field on the other side of 8th Street so there are most likely chemicals in the water as well. Councilmember Longanecker asked how long the water sets in the area. Ms. Rawles replied the water does not set for a long time but does attract mosquitos. She said she has read a lot of complaints about standing water and the mosquitos on social media.
- Mr. Mike Curtis, 609 W. Meriwood Lane, Edgerton, KS 66021, addressed the Council. He stated there is some curbing that was damaged along his street. He requested the

curbing be repaired or replaced. He is not sure how it got damaged and stated it is possible a snowblade hit the curb and damaged it.

- Mr. Chris Clinton, Planning and Zoning Coordinator/City Clerk, read a letter from Ms. Linda Florence regarding the appearance of the library. The letter is attached to the minutes for public record. Ms. Beth Linn, City Administrator, stated City Staff has reviewed the agreement. She explained the City owns the building but allows the library to use it. There is language in the library's contract regarding maintenance, but maintenance specifically about the area referenced in Ms. Florence's letter is not clear. City Staff will maintain the patio and sidewalk area and the Public Works department has been made aware of that. Councilmember Smith inquired about the mortar that has fallen off of the building. Ms. Linn replied repairing the building is on the Capital Improvement Project list and City Staff will continue to monitor and repair as needed.

8. Declarations

- There were no declarations made by any of the Councilmembers.

9. PUBLIC HEARING REGARDING A POSSIBLE DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 EAST 2ND STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407

Ms. Katy Crow, Development Services Director, and Charlie Lyndon, Code Enforcement/Animal Control Officer, approached the Council. She stated on June 25, 2020 the Governing Body approved Resolution 06-25-20A, Resolution 06-25-20B, and Resolution 06-25-20C. Resolution 06-25-20A allowed the City to abate the costs associated with the removal of yard nuisances at 502 East 2nd Street in Edgerton, Kansas. The cost to remove the vegetation overgrowth and miscellaneous debris was \$742.35. Ms. Crow explained City Staff continues to work on finding a contractor who can remove the RV on the property. Resolution 06-25-20B approved deeming the property an immediate hazard and allowing the City to board up the property. This was completed on July 23, 2020 at the cost of \$657.00. Resolution 06-25-20C approved providing for a hearing to discuss a possible dangerous and unfit structure at the property. During the hearing, the owner may appear and show cause as to why the structure should not be condemned, ordered repaired or demolished.

Ms. Crow stated public notice related to the hearing was published in the Gardner News on July 1, 2020 and July 8, 2020. The total cost of the publications is \$345.00. She explained notices were sent to the property owner on record, R-7 Capital Funding, via Certified Mail on July 1, 2020. The letter was accepted on July 3, 2020 and a second notice, sent on July 14, 2020, was accepted on July 18, 2020. Ms. Crow said City Staff has not been contacted by the property owner to discuss the property.

Mayor Roberts clarified all of the funds the City has put toward abating the conditions are placed on the tax rolls and would be required to be paid once the property is sold.

Mayor Roberts opened the public hearing. There were no public comments made. Mayor Roberts closed the public hearing.

10. CONSIDER A POSSIBLE DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 EAST 2ND STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4-407

Ms. Crow informed the Council pursuant to Chapter IV, Article 4, Section 4-407, upon conclusion of the hearing, the Governing Body must make a determination as to whether the structure under consideration is dangerous, unsafe, or unfit for human use or habitation. She said the findings must be in writing and the owner or agent will be notified to either repair or demolish or remove the structure. The Governing Body must provide a time frame for the owner to abate the condition. She stated the repair alteration, or improvement of the structure cannot exceed 50% of the fair market value in the allotted time or the property owner will have to demolish the structure. If the owner is unable to comply within the allotted time, then the City may do the work. Ms. Crow said City Staff recommends the deadline to be thirty (30) days from the date of the hearing. Ms. Crow stated City Staff will work in conjunction with the City Attorney to draft a resolution to bring to the Council on August 27, 2020.

Councilmember Conus inquired if it is typical to be unable to contact the owner. Ms. Crow replied when the property was sold on the tax audit action block, there was no name or personal information for the owner, just the corporation. City Staff was able to find a corporation under the name of R-7 Capital Funding and sent notification to all the addresses available including to addresses in Oklahoma. Mr. Lydon stated there have been attempts to break into the structure on the property as well. Councilmember Longanecker said he saw the door to the RV camper was open. Ms. Crow stated a City contractor looked inside and noticed there were animals living in the RV. Mr. Hendricks said he recommends 30 days for the owner to repair the property, however that does not mean the City must take action on the next day. He said he typically does not hear back from property owners about the half the time in these situations. Mayor Roberts thanked City Staff for taking their due diligence with this situation. He stated the property owner should have the first opportunity to fix the issue before the City abates the nuisances.

Councilmember Conus motioned for City Staff to prepare a resolution to declare the structure at 502 East 2nd Street as dangerous, unsafe or unfit for human use or habitation and provide 30 days for the owner to repair, demolish, or remove the structure. Councilmember Longanecker seconded the motion. City Staff will prepare a resolution to present to the Council on August 27, 2020, 4-0.

11. CONSIDER RESOLUTION 08-13-20A AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2020A, OF THE CITY OF EDGERTON

Ms. Karen Kindle, Finance Director, spoke before the Council. She stated at the October 10, 2019 Council meeting, the Council approved the sale of the Series 2019A Temporary Notes to finance a portion of the 2019 Street Reconstruction Project. The term of the notes was one (1) year and the interest rate is 1.98%. The notes will be paid off over time using the

Logistics Park Kansas City (LPKC) Phase I City Maintenance and Administration fee. The Series 2019A Temporary Notes mature on October 1, 2020. She explained City Staff has worked with the City's financial advisor and the City's bond counsel to renew the notes. A portion of the principal will be paid off along with the interest payment due at maturity of the notes. The remaining principal will be financed by issuing new temporary notes, Series 2020A.

Ms. Kindle explained the Financial Advisor requested a proposal from US Bank, the holder of the Series 2019A Notes, as well as a proposal from Intrust Bank. US Bank provided a proposal; however, Intrust Bank declined to provide a proposal. Ms. Kindle stated US Bank's proposal is for a two-year term with semi-annual interest payments and an interest rate of 0.86%, which is substantially less than the rate received on the Series 2019A notes. The proposal also allows the City to make prepayments during the term of the notes.

Ms. Kindle stated Resolution No. 08-13-20A authorizes the offering for sale of the Series 2020A Notes and grants authority for the Mayor to execute a note purchase agreement with the US Bank within certain parameters. 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. Ms. Kindle stated the anticipated schedule would have the Council adopting ordinances and/or resolutions authorizing the final terms on September 10, 2020 and closure of the notes on September 24, 2020. The redemption of the Series 2019A Temporary Notes would take place on October 1, 2020.

Councilmember Longanecker stated he likes the interest rate so low. Councilmember Conus asked if the notes will be paid with the nine (9) cents. Ms. Kindle replied it will be. Councilmember Conus inquired if the notes could be paid off early. Ms. Kindle said if more of the 9 cents is obtained quicker than expected then the notes would be paid off early. She explained the 9 cents referred to money received from LPKC. Ms. Linn stated the property owners pay 9 cents per square foot instead of assessed property taxes at this moment.

Councilmember Longanecker motioned to approve Resolution 08-13-20A. Councilmember Conus seconded the motion. Resolution 08-13-20A was approved, 4-0.

WALK ON ITEM: CONSIDER APPROVAL OF ENCROACHMENT AGREEMENT WITH KPC PIPELINE LINE

Mr. Merkh presented before the Council. He stated the 56 Highway Multi-Use Trail Project is currently under construction. At the east end of Phase I of the project, the trail will cross KPC Pipeline's underground infrastructure. The section of the trail that crosses the KPC Pipeline easement is approximately fifty (50) feet in length, however the actual infrastructure impact will only consist of approximately twenty-five (25) feet of trail. He said KPC Pipeline's existing infrastructure consists of 2 high-pressure natural gas, cross-country pipelines. One is an eight (8) inch line and the other is a 10-inch line.

Mr. Merkh explained in order to proceed with construction over the pipeline's infrastructure, KPC Pipeline requires an encroachment agreement. The agreements outline the use within the KPC Pipeline easement. City Staff has reviewed the agreement and the agreement is

currently under review by the City Attorney. All comments will be addressed prior to signing the agreement.

Mayor Roberts asked Mr. Hendricks if the City would have to pay to replace the trail if KPC Pipeline would remove it for work on the pipeline. Mr. Hendricks replied KPC Pipeline was the first to file an easement, which is extremely important. He said with the City putting an easement over KPC Pipeline's easement then KPC Pipeline might have the ability to block the city's agreement. Mr. Hendricks stated he has not looked at the agreement in full at this time, but he will look into the language of the issue Mayor Roberts brought up. It is rare for an easement to be on an easement. Mayor Roberts stated he wants to understand the legality of the agreement and the risks of the agreement. Mr. Hendricks agreed and said it is a risk assessment that might be looked at with a cost benefit analysis. Councilmember Lewis requested City Staff inquire the age of the pipe, how often maintenance will need to be completed, and the last time maintenance was done on the pipeline in the City's easement. Mr. Merkh replied the pipe is an older is most likely cast iron or stainless-steel pipe with a rubber casing. He said City Staff will request more information on the pipe itself. Councilmember Longanecker asked how close the trail is to being completed. Mr. Merkh answered construction is waiting for the agreement, pending approval of the next item on the agenda. Mayor Roberts said the trail is important to the City and the residents but also understands the need for the agreement. Ms. Linn stated it is important to know the process with possible future projects that could cross the pipeline elsewhere in the City.

Councilmember Longanecker motioned to allow the City Attorney to make revisions and allow Mayor Roberts to sign the agreement once the City Attorney approves the language. Councilmember Smith seconded the motion. The motion carried, 4-0.

12. CONSIDER USING JOHNSON COUNTY COOPERATIVE CONTRACT LANGUAGE FOR MAX RIEKE BROS. AND UPDIKE PAVING CORP. FOR THE CONSTRUCTION OF PHASE II OF THE 56 HIGHWAY MULTI-USE TRAIL AND ALLOCATION OF ADDITIONAL FUNDS TO THE PROJECT IN THE AMOUNT OF \$78,883 FROM THE LPKC PHASE I MAINTENANCE FEE

Mr. Dan Merkh, Public Works Director, approached the Council. He stated in 2019, the City completed the design of the Highway 56 Trail Project. The Council allocated a total of \$150,000 for the total Highway 56 Trail Project for both Phase I and Phase II. The typical cross section is six (6) inches of aggregate base and ten (10) feet of geo textile fabric. Phase I is on the south side of 56 Highway, from Edgerton Elementary School drive approach to 1st Street. Phase II will continue onto 7th Street.

Mr. Merkh explained after the bid opening September of 2019, the Council rejected the bids due to costs significantly over budget. City Staff was directed to look for options such as phasing this project with other projects, using cooperative purchasing options and any other cost saving measures available. He stated the Council approved moving forward with an asphalt cross section for Phase I, utilizing cooperative purchase contract with the County.

Mr. Merkh said Phase II construction includes the sitework, asphalt, sign relocation, hydrant relocation, and the construction of a retaining wall. He stated City Staff recommends

utilizing the cooperative bidding through the County to construct Phase II of the project at an estimated cost of \$74,710.

Mr. Merkh said the current Capitol Improvement Project (CIP) lists this project as two separate projects. He explained throughout the process of design and bidding, these Phases have been discussed as a single project. CIP funding allocated totaled \$150,000 which was separated out between the two phases, \$85,300 for Phase I and \$64,700 for Phase II. Mr. Merkh stated the estimated total for the project is \$228,883 due to unexpected costs of legal/land acquisition and the increase to construction costs.

Mr. Merkh informed the Council City Staff recommends the additional \$78,883 be allocated from the LPKC Phase I Maintenance Fee. Sufficient funding exists in the Fee due to the vacancy of the Assistant City Administrator position during 2020.

Mayor Roberts said this would finish Phase II and would connect the west side of town with the sidewalk. Councilmember Lewis inquired if the multi-use trail would be going to 8th Street. Mayor Roberts replied the cost was too great for land acquisition, so the decision was made to terminate at 7th Street for now. Councilmember Lewis asked why the funds need to be added to finish the project if cost cutting methods were taken. Ms. Linn answered City Staff estimated the cost of land acquisition much lower than what it actually cost. Councilmember Smith inquired if the funds are available due to no Assistant City Administrator position and the funds would not be there next year. Mr. Merkh replied the funds are available due to all of the vacancies. Ms. Linn stated all the funding for this project is from the LPKC Maintenance Fee, therefore no General Funds or taxpayer dollars are being used to fund this project. Mayor Roberts said this project is being funded by the growth at LPKC.

Councilmember Smith motioned to approve the use of Johnson County cooperative contract language for Max Rieke Bros. and Updike Paving Corp. for the construction of Phase II of the 56 Highway Multi-Use Trail and allocation of additional funds to the project in the amount not to exceed \$78,883 from the LPKC Phase I Maintenance Fee. Councilmember Longanecker seconded the motion. The motion carried, 4-0.

13. PUBLIC HEARING REGARDING THE 2021 RECOMMENDED BUDGET

Ms. Linn provided an overview on the budgeting process. She explained the City conducts a survey of the citizens biennially and started doing so in 2013. The themes of the top priorities have stayed somewhat consistent in the timeframe the City has done these surveys. In 2020 the top priorities the citizens reported were the overall enforcement of City Codes and Ordinances, maintenance of City streets, buildings and facilities, and traffic flow and congestion management. Ms. Linn stated those are used to set the goals for the Council.

Ms. Linn stated there are many ways the City generates revenue. The main way is property tax. Sales and use tax, licenses and permits, charges for services, LPKC payments in lieu of taxes (PILOT), and other sources are the ways the City produces revenue. She explained the PILOT payments are based on the square footage of the buildings in LPKC. Non-

residential payments compose 80% of the property taxes the City receives. The property tax burden on the residents is 20%.

Ms. Linn explained the current utility rates. She stated the average customer currently pays \$39.05 per month for water service and \$29.29 per month for sewer. The proposed rates would increase water bills to \$39.66 and sewer bills to \$30.18. The increase on an average customer would increase the water bill by \$0.61 and sewer by \$0.89 for a total increase of about \$1.50 per month for the average customer.

Ms. Linn explained how property taxes are divided and figured. She stated the mill rate for the City in 2010 was 42.893 and currently the mill rate is 30.881. She said the mill rate has decreased by 12.012 or 28%. The other taxing agencies and jurisdictions have almost all increased. The only ones not to increase are the State, which stayed the same, and the School District, which dropped 12.764 or 16.3%. This has led to an overall decrease in the mill levy in the City by 17.269 or 10.5%. Ms. Linn stated the tax burden for residents has dropped since 2011 as well. In 2011, the residential portion of property tax was 31% and in 2018 it dropped to 20%. The non-residential tax burden has equally increased. She said developments like LPKC, Dollar General, and On the Go Travel Center will continue to lower the tax burden on residents. Ms. Linn stated property values continue to rise, which increases property taxes. In 2010 the annual property value that was set by the Johnson County Appraiser's Office was \$110,120. In 2020 the appraised valuation increased to \$156,126. She said that is an 42.3% increase in average Edgerton home values. In the same decade, Johnson County saw an 42.4% increase in the average home value. Ms. Linn explained how \$1 of property taxes is divide. She stated \$0.44 of every dollar goes to the School District, Unified School District #231. The City see \$0.20 of every dollar of property taxes. Johnson County Fire District #1 received \$0.18 of \$1 of property taxes. \$0.06 goes to Johnson County Community College and the State of Kansas receives the last penny.

Ms. Linn stated LPKC has allowed the City focus on projects the residents have highlighted in the surveys, including construction of Big Bull Creek Wastewater Treatment Plant, the railroad quiet zones, renovations at Manor Park, the infrastructure improvements for Dollar General and future retail along West 3rd Street, the ballfields and trails at Martin Creek, the 2019 Street Reconstruction, the Wastewater Masterplan that is currently underway, the construction of the 56 Highway Multi-Use Trail, and the upcoming 207th Street Grade Separation. Those projects are not using any General Funds dollars. Ms. Linn stated these projects are funded by the 9 cents received from LPKC.

Ms. Linn said City Staff also leverages grants to improve Edgerton without using taxpayer dollars. City Staff has used County Assistance Road Systems (CARS) Grants. Those have been used to improve 4th and 5th Streets at Nelson Road, the overlay on 8th Street and Sunflower Road, and the 207th street Grade separation. A Community Development Block Grant was used to improve the Nelson Street waterline. City staff obtained a Sustainable Places Grant from Mid-America Regional Council (MARC) for the Downtown Edgerton Plan. In the last 5 years, City Staff was able to leverage \$1.67 million for those projects.

Ms. Linn broke down the sales tax by entity. She stated the sales tax rate for Edgerton is 8.975%. 6.5% of the sales tax goes to the State of Kansas. Johnson County has a 1.350% sales tax and the City of Edgerton has a 1.0% rate. The final 0.125% of the sales tax rate is

collected for the Johnson County Research Triangle. She explained the City is seeing consistent sales tax or better than nearby communities as many of the Top 10 sales tax generating industries are located in LPKC.

Ms. Linn concluded with stating there will be new revenue coming to Edgerton soon. She said the new TA Express Travel Plaza at Homestead Lane and Interstate 35 will bring in new sales tax when it opens. City Staff and the Developer are expecting to be open early 2021. This will increase based on the traffic generated along Homestead Lane.

Mayor Roberts opened the public hearing.

Ms. Debbie Gilliland, 506 Shanandoah Drive, Edgerton, KS 66021, spoke before the Council. She said she is voicing her opinions and those of her neighbors. She stated some of the City Staff salaries are high for the area and that does not make sense for such a small town. That does not mean the City Staff is bad. She asked if more of the money being used for the salaries be put toward the residents. She explained her husband has lost his job due to the pandemic and some other residents could use a tax break from the funds used for the salaries of City Staff. She said she is not looking for a handout but some of the salaries are high. Ms. Gilliland stated the salaries need to get back in line with other cities in the area. The residents are hurting, and lessening property taxes would be a big help. She explained getting help on the water bill would be a great service as well. She said it has climbed a lot recently even after people have moved out of her home. She does not think the salaries she has seen for City Staff make sense in this area.

Mr. Curtis approached the Council. He agreed with what Ms. Gilliland stated. He is a small business owner and he looks at income versus spending in his business and in the City. Both have increased in the City, but spending is higher than the income. He stated there is a decrease in the income in the proposed budget, even though spending is going up more. In his review, Mr. Curtis stated he was drawn to the employee benefits portion of the budget. He said the proposed budget would have the City spending more than it brings in. He inquired how the Council could approve a budget that would put the City in the red. Mayor Roberts explained it is budget authority, or what can be spent and not what is actually going to be spent. Mr. Curtis inquired if the budget is based on what will actually be spent or the budget authority. Mayor Roberts stated the proposed budget is based on the budget authority and that is what is used to set the mill rate. Mr. Curtis commented that it does not matter how much resident pay in taxes then. Mayor Roberts explained the City does have reserves, which are higher than what they need to be, and can offset any budget deficits. Mr. Curtis wondered how the City came up with the salaries for City Staff. He said he is not attacking anybody and understands that City Staff are trying to pay their bills, but there are residents who are struggling to make ends meet. He stated employee benefits have increase \$102,000 over the last few years. He asked the Council how they set the salaries. Mayor Roberts replied the Council will address his concerns after the public hearing. Mr. Curtis said the Mayor of Gardner's salary is \$21,000, Overland Park's Mayor makes \$32,000 per year and the City of Olathe's Mayor has a salary of \$25,000 but that is a third of Edgerton's Mayor's salary and yet Edgerton is smaller than all of those communities.

Mr. Clinton read an email from Mr. Tyler Winkleman to Ms. Kara Banks, Marketing and Communications Manager. In his email, Mr. Winkleman stated all public hearings should be

recorded for those who pay the salaries of City Staff but cannot get off work to attend and anyone making over \$70,000 per year in such a small town is greedy with taxpayers' dollars and should resign immediately.

Mayor Roberts closed the public hearing

Mayor Roberts stated the Council did a salary study with other cities in the area, mostly north of Edgerton. The reason for the study was rooted in recruiting and retaining high quality employees in the City of Edgerton. He said the growth the City has had is amazing. The assessed valuation the County sets is based on the size of the community. Mayor Roberts explained Edgerton the assessed valuation grew \$16 million and the valuation of Gardner, which has a population 10 times greater than Edgerton, grew \$11 million. City Staff works extremely hard to get things done for the City. Mayor Roberts remembered when City Staff was unable to get projects done. This led to missed opportunities and projects that the City can do now with the City Staff that is in place. He explained the study was voted on by the Council and is used to reward City Staff comparably with competing cities. Councilmember Longanecker stated in the past that the City did not have the chance to see if a new hire was a good employee or not as they would go elsewhere for better compensation and benefits. He said the City has a much better Staff than it has had in the past.

Mayor Roberts acknowledged he did request a raise for the Mayor position and did not become a full-time employee of the City until the Council approved it. He explained he does not get any benefits from the City in terms of insurance and the Council can review the Mayor's salary at any time. Mayor Roberts stated his passion for the job does not come from the wage, but the wage does allow him to be the Mayor full-time and get tasks done that will benefit the City. He said he was doing that before the full-time salary was approved by the Council. Mayor Roberts stated the City did the largest street reconstruction project in the history of Edgerton last year and that would not have been possible in the past. He explained the mill levy was increased last year to provide a full-time police officer to Edgerton. He believes now is not the time to cut that position. He requested people to review the actual numbers compared to the percentages of the budget. Mayor Roberts explained Edgerton went from the highest mill levy in the area to closer to average and has lowered the tax burden on the residents. Mayor Roberts said LPKC will help the City get to a better position and the City knew it would be 10 years to get there, but it is coming soon.

Councilmember Lewis stated regardless of City Staff salaries, the projects are being funded without taxpayer dollars being used. The salaries might be higher, but there is a lot of stuff getting done and the City is not spending outside the budget and not outside the budget authority. Councilmember Lewis stated the city is not operating in the red and will never operate in the red. He said everybody in the City is each other's neighbor and the strength of the City comes from the citizens. Councilmember Lewis stated Ms. Linda Florence and the library is a good example. The library was a citizen driven project and has benefited the City greatly. The City was alone for weeks after the ice storm in 2001 the City came together to help each other, and that strength is still there. Councilmember Lewis said those benefits can be given back to the citizens in terms of services the City provides or through tax

breaks. Mayor Roberts stated there was not enough public at the last meeting, but the Council was given options regarding the mill levy and he supports going down one-half mill.

Council Smith stated the work employees do in Edgerton is more than employees in other cities in similar positions due to LPKC and the rapid growth of Edgerton. She stated it is extremely difficult to compare Edgerton to other cities because Edgerton is unique. The City Staff has been bringing in more companies to the City which help the residents. She stated LPKC and other commercial properties make up 80% of the tax burden with the residential portion of the tax burden being only 20%. Councilmember Smith said Councilmembers still pay taxes like the residents and take that to all into consideration when discussing the budget.

Councilmember Longanecker addressed concerns about utility bills. He stated three (3) things have happened within the last 8 years with the water billing system. He stated the City went years without looking at the rates, and due to that, the City was losing money on the water service and had to increase the rates. The second item is the City installed new meters because the old ones were not reading correctly. This led to residents thinking the rates when up, when in all actuality, the new meter was reading what is actually being used. Councilmember Longanecker stated lastly is the fee for trash collection has increased which makes it the utility bill slightly higher. He explained the small increase for FY2021 is better than the huge increase that was done a few years ago. Ms. Gilliland stated their bill is still high even though they conserve water. Councilmember Longanecker replied those are some reasons why it might seem high. He said his utility bill has increased as well. Mayor Roberts said he does not like raising the rate, but when the rate study showed the rate needed to be increased by thirty (30%) over two years, he knew that was not sustainable. The small increases allow the City to still pay the water supplier without placing a huge burden on the residents yearly. He explained wastewater treatment requires a lot of electricity and Evergy has not lowered their rates. Mayor Roberts said the Council is wanting to spread the increases over the years so there are smaller increases instead of one huge increase. Ms. Rawles inquired to when the last utility rate study was completed. Mayor Roberts answered the City does them annually to prevent large increases. Ms. Linn pulled up the increases in the electricity costs. She said the City has to pay for the wastewater treatment and to prevent the City losing money on the utility, the rates that are charged to the residents is increased to offset the costs. Councilmember Lewis said nobody on the Council wants to raise utility rates or taxes and the Council is always looking for ways to lower them. Councilmember Longanecker said the City pays half the trash bill which helps greatly in keeping the cost to the residents lower.

Councilmember Lewis stated employee benefits are due to insurance rates increasing which City Staff nor the Council could control. Mayor Roberts said staff budgets for a 20% increase annually and hopes the actual increase is less. Mr. Bill Booton, 203 W Meriwood Lane, Edgerton, KS 66021, inquired what happens to the funds that are not used by the end of the fiscal year. Mayor Roberts replied the funds roll into the next year as incumbered funds. He said the proposed budget does show deficit spending, but the actual amount spent compared to the revenues the City will bring in will most likely be close to zero. Ms. Linn showed where the incumbered funds are provided in the General Fund that was published in the Council Packet. Mayor Roberts said there are other municipalities that try to spend it

all so there are no incumbered funds, but Edgerton shows how much that is carried over from year to year.

Ms. Gilliland asked since there are more funds coming from LPKC, then higher the City Staff salaries. Mayor Roberts replied the Council has compared the compensation for City Staff to other communities that are growing, and the services provided by those cities to the residents. He said City Staff does more work than others in the same position at other municipalities. There is a difference in the amount of work completed compared to the actual number of employees the City has hired. Mayor Roberts explained the Council has approved twenty (20) full-time positions with thirteen (13) of them currently filled. Mr. Curtis inquired if that number of employees is comparable to other cities in the area. Mayor Roberts replied the Council approved that number of employees to ensure all of the tasks are being completed. He said City Staff has completed more work than other cities that have more employees. Ms. Gilliland stated that is only because of LPKC. Mayor Roberts replied the work still needs to be completed no matter what development the City has.

Mayor Roberts stated this has been a crazy year and the City is still trying to get businesses into Edgerton, but it is harder due to the pandemic. He explained each tenant at LPKC is brought to City Staff's attention long before they are announced to the public. This is to ensure the company is a good fit for Edgerton and the other way around. He said employees at LPKC bring in a higher income than the median income in Edgerton and there is a variety of places to work in LPKC. Mayor Roberts knows that what Edgerton considers a small warehouse in LPKC is beneficial to many cities. Edgerton has built more warehouses than other cities have. Mayor Roberts explained the tenants of the warehouses do not get any incentives to lease the buildings and would most likely take a loss if they leave. The tax abatements will roll off and the City will profit from the property taxes because those buildings cannot relocate.

Mayor Roberts thanked everyone for their input and said the conversations are great to have in person. The Council works for the citizens and that is why the citizen survey is done. The surveys are what the Council uses to set their goals.

Councilmember Conus stated he has 3 concerns with the recommended budget. He said he does not like raising taxes as it puts an additional burden on those on a fixed income. While the Council considers lowering the mill levy, his taxes are the highest they have ever been. He said he has to budget that, and he has to cut spending somewhere else. Councilmember Conus stated the City has one of the largest commercial developments in the nation and the City still has to raise taxes on the citizens. He stated he wants to lower the mill levy to what it was in 2019. He said one would think his taxes would go down to that rate, but the property taxes will still be 12% more than last year due to the appraised value.

Councilmember Conus said his second concern is about the amount of spending the City is doing. He explained for the last 3 years, revenues have gone up 7.3% while spending is up 38.8%, employee benefits up 117%.

Councilmember Conus explained his third concern is with the overall budget. He said this is the first time the budget has been proposed with a deficit even after a 15% increase in property taxes last year. He said the projected revenues are down 11%, but there was no

decrease in spending. He said the good news is the rest of the Council is considering at least a one-half mill decrease.

Mayor Roberts stated even if the mill levy went down to what it was in 2019, property taxes would still go up. He explained the City is not the only taxing jurisdiction on property taxes. City Staff has shown how the City's mill levy has decreased over the last 10 years and has broken down to show taxpayers where their dollars go. Mayor Roberts said appraisal values have increased, which is good, but that also means the property owner will have to pay more in taxes. He explained the City does not have a say in the appraisal process and it is the County Appraiser and the way the tax laws are written in the State of Kansas. He has seen home sale prices higher than the appraised values and the City is unable to correct that.

Mr. Curtis inquired if the Council's highest priority is the growth of the City and not helping the citizens who are struggling because of the pandemic. He said even though the appraisal value of the City is increasing due to the growth, there is no extra money in the pocket of residents. He believes the budget is more about the growth of Edgerton than the people paying the taxes. Mayor Roberts replied the survey that is filled out by the residents is where the goals are set for spending. He understands the top priorities from the most recent survey, which were the overall enforcement of City codes and ordinances, maintenance of City streets, buildings and facilities, and traffic flow and congestion management, were submitted before the pandemic. The pandemic has changed many things, but there are other things that have helped offset the effects of the pandemic. Mayor Roberts said he has not had people come to him personally and request assistance. There was a minor increase in the number of patrons that use the Community Food Pantry. He said as the Mayor, he is to take care of the community as a whole and not each individual in the City. He wishes he could, but that is not feasible for him or the City. He explained the goal is not just growing LPKC and Edgerton but to addressing the top priority as decided on by the citizens in the survey.

Ms. Gilliland stated her husband was provided a severance package when he lost his job so there is no help from unemployment. She said not everybody is not getting the extra money per week from unemployment pay. Mayor Roberts said there are some getting assistance from that and in other ways as well. He stated he wants to help and there are options available, but the City still needs to conduct business to provide the services to residents. It is not to the City's advantage to put off the priorities of the citizens that were mentioned in the survey. Mayor Roberts explained when the tax abatements roll off, the City will flourish. Councilmember Conus asked when the first tax abatement rolls off. Mayor Roberts replied he believes it is 2025, but there might be a small roll off in 2024. Ms. Gilliland inquired if LPKC pays anything in terms of taxes. Mayor Roberts answered the residents did not put any money into LPKC and the developer is paying 9 cents per square foot. There is a repayment plan in place in the Public Infrastructure Fund which allows the funding of projects the City plans. Mayor Roberts explained the City is seeing the benefits of LPKC earlier than expected. Ms. Linn displayed the budget forecast. She stated the first tax abatement will roll off in 2025 and that will drastically shift the tax burden off of the residents. Ms. Linn stated in 2025 the tax abatement for the DeLong property rolls off then in 2026 the tax abatements will roll off of the Demdaco building, the Flexsteel building, and the Smart Warehouse building.

Mayor Roberts stated the Council should help continue to lower the mill levy while the tax abatements roll off. He said it will not be instant decrease but a slow creep to lower the mill levy annually. The Stormwater Master Plan and other projects the City has started and has planned do affect the community and need to be done. If there are problems with City infrastructure, then he wants to address it. Ms. Gilliland said her street floods the yards along her block. Mayor Roberts recognized there are localized problems that need to be handled but it does take time and funding to handle those problems. Mayor Roberts said he wants to fix the problems while lowering the mill levy.

Ms. Linn explained the ad valorem taxes are applied to all properties and PILOTs are shown separately so residents can see where LPKC is paying to have their share at this moment in time. Ms. Gilliland inquired how she can view the packet. Ms. Linn explained how residents can view the Council packet on the City's website. Mayor Roberts explained what was published in the newspaper is the maximum mill levy the Council can approve without republishing but the Council can vote to decrease without republishing. He stated he would like to see it go down one-half mill but acknowledges Councilmember Conus's mentioning of decreasing to the 2019 mill levy.

14. CONSIDER APPROVING THE 2021 RECOMMENDED BUDGET

Councilmember Conus motioned to approve the 2021 Budget with the mill levy decrease to the level it was for the 2019 Budget and the same amount of expenditures. Councilmember Lewis seconded the motion. The motion did not carry, 2-3 (Councilmember Longanecker, Councilmember Smith, and Mayor Roberts voting against the motion).

Councilmember Longanecker motioned to approve the 2021 Budget with a decrease of one-half of a mill than what is recommended with the same expenditures. Councilmember Smith seconded the motion. The 2021 Budget was approved with a one-half mill decrease than the recommended budget, 4-0.

Mayor Roberts stated he wants to continue to decrease the mill levy as possible and will fight for that. He said the motion was not to cut spending as the one-half mill decrease will allow the expenditures to be close to the amount of revenue the City will bring in. Councilmember Smith stated she is happy citizens spoke up and brought up concerns in their neighborhood and she greatly appreciates the input. Councilmember Longanecker informed the audience there are 2 meetings a month. Mayor Roberts welcomed everybody to come to other meetings no matter what is on the agenda.

15. Report by The City Administrator

Ms. Linn stated she does not have anything to report at this time.

16. Report by the Mayor

- Mayor Roberts stated he has had thought about broadcasting the meetings. He has seen posts on social media mentioning the live broadcasts of meeting. Councilmember Conus stated he would like City Staff to research on how to do so. He understands there would

be more equipment to buy and training for City Staff but sees it as a benefit overall. Councilmember Lewis said if residents are watching after the meeting has adjourned and not live, they will not be able to comment on it. The Council requested City Staff to research on broadcasting meetings live and drafting a policy to do so. Mayor Roberts does not want to create any issues, but this would allow residents to partake in meetings and work sessions from home. Ms. Rawles inquired if public comments are taken during work sessions. Mayor Roberts answered the Council always welcomes public comment if there is public present. Typically, the public will leave before the work session and not provide any comments. Councilmember Lewis added work sessions are the best time for residents to speak as that is when Council will direct City Staff to what projects the Council wants funded. Ms. Linn stated the packets and agendas are published before each meeting and residents can be notified when a packet or agenda is published. Councilmember Smith said Council is transparent and would like to see residents and the public participate. Mayor Roberts agreed and asked residents to get involved. Councilmember Smith said residents can read only the agenda and see if there is a topic that they want to read further into then read the information provided in the packet.

17. Future Meeting Reminders:

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

18. Adjourn

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Lewis. The motion carried and the meeting adjourned at 9:02 PM, 4-0.

EVENTS

August 25th: Municipal Court

City Council Action Item

Council Meeting Date: August 27, 2020

Department: Community Development

Agenda Item: Consider Application FP2020-02, Final Plat for Block 11, Lots 1-5, located at 321 E. Martin Street, Edgerton, Kansas.

Background/Description of Item: On June 4, 2020 the City of Edgerton received Application FP2020-02 for the Final Plat of 321 E. Martin Street, Edgerton, Kansas.

The parcels in this Final Plat were originally platted in 1870. This Final Plat combines lots 1 through 5 into one larger lot that would meet the Unified Development Code (UDC) requirements for constructing a new single-family dwelling. The existing lots vary in width from 25' to 50'. The newly created lot width will be 125' (street frontage) by 130' deep. The UDC requires a minimum lot size of 70' by 110' for single family development.

The Final Plat includes approximately .373 acres. Preliminary Plat Application PP2020-2 was submitted to, and approved by, the City of Edgerton Planning Commission on August 11, 2020. Final Plat Application FP2020-02 was also reviewed by the Edgerton Planning Commission and was recommended for City Council acceptance at the same meeting.

Staff, including City Engineer, have reviewed the revised Final Plat submittal for compliance with the approved Final Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments and stipulations have been resolved with the resubmitted Final Plat document dated August 12, 2020.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Application FP2020-02, Final Plat for Block 11, Lots 1-5, located at 321 E. Martin Street, Edgerton, Kansas.

Enclosed:

- Revised Final Plat received August 13, 2020.
- Staff Report from August 11, 2020 Planning Commission including Final Plat Application FP2020-02.
- August 11, 2020 Planning Commission Draft Meeting Minutes

Prepared by: Katy Crow, Development Services Director

FINAL PLAT OF
A REPLAT OF BLOCK 11, LOTS 1-5,
TOWN OF MARTIN (EDGERTON)
CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

LEGAL DESCRIPTION:

All of Lots 1-5, Block 11, in Town of Martin, commonly called Edgerton, in Johnson County, Kansas being more particularly described as:

Beginning at the Northeast corner of aforesaid Lot 1, being the intersection of the West right-of-way line of Fourth Street and the South right-of-way line of Martin Street, as both streets are now established; thence S01°31'38"E along the West right-of-way line of said Fourth Street, being also along the East line of said Lot 1, a distance of 130.00 feet to the Southeast corner of said Lot 1; thence S88°28'22"W along the South line of said Lots 1-5, being also along the North line of a 10 foot wide alley, as now established; a distance of 125.00 feet to the Southwest corner of said Lot 5, being also the Southeast corner of Lot 6, of said Block 11; thence N01°31'38"W along the West line of said Lot 5, being also the East line of said Lot 6, a distance of 130.00 feet to the Northwest corner of said Lot 5, being also a point on the South right-of-way line of said Martin Street; thence N88°28'22"E along the North line of said Lots 1-5, being also the South right-of-way line of said Martin Street, a distance of 125.00 feet to the Point of Beginning.

Containing 16,250 square feet or 0.373 acres, more or less.

DEDICATION:

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "A REPLAT OF BLOCK 11, LOTS 1-5, TOWN OF MARTIN (EDGERTON)".

EASEMENT DEDICATION:

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outline and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Edgerton, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SUBSCRIBED ITS NAME

OWNER: SHIRLEY M. HILL

SHIRLEY M. HILL

STATE OF)
COUNTY OF)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2020, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE AFORESAID, CAME SHIRLEY M. HILL, OWNER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT AND DULY ACKNOWLEDGED THE SAME TO BE THEIR FREE ACT AND DEED.

MY APPOINTMENT EXPIRES: _____

NOTARY PUBLIC

PRINTED NAME: _____

APPROVALS:

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS THIS _____ DAY OF _____, 2020

KATY CROW, ZONING ADMINISTRATOR

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF EDGERTON, KANSAS THIS _____ DAY OF _____, 2020

JOHN DALEY, CHAIRMAN

JEREMY LITTLE, SECRETARY

APPROVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS THIS _____ DAY OF _____, 2020

ATTEST:

DONALD ROBERTS, MAYOR

CHRIS CLINTON, CITY CLERK

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION IN MAY, 2020.



LEE A. HERMRECK, KS-LS-1232

DEVELOPER:
SHIRLEY M. HILL
1010 W. 34th STREET
EDGERTON, KS 66021
785-860-5815

McCLURE ENGINEERING COMPANY

11031 STRANG LINE ROAD, LENEXA, KANSAS 66215

(913) 888-7800

WWW.MECRESULTS.COM

Revised: Staff Review Comments August 12, 2020, JDB
PROJECT NO. 201006-000 [201006-000 FPlat.dwg] June 4, 2020, JDB

GENERAL LEGEND

— SURVEY BOUNDARY
— EXIST PROPERTY LINE
- - - SETBACK LINE
FND FOUND
RW RIGHT-OF-WAY
P.O.B. POINT OF BEGINNING

AREA

Lot 1A - ±16,250 SQ. FT. OR ±0.373 AC.
Building Envelope - 6,624 SQ. FT.

BLOCK 15
EDGERTON

BLOCK 14
EDGERTON

BLOCK 11
EDGERTON

BLOCK 12
EDGERTON



0 10 20 40
(IN FEET)
1 inch = 20 ft.

GENERAL NOTE:

1. Bearing shown hereon are base on the State Plane Coordinate System NAD 1983, Kansas North Zone. CAF=999950355.

2. Error of boundary closure exceeds 1:50,000.

FLOOD NOTE:

This property lies within Flood Zone X, defined as areas determined to be outside the 0.2% annual chance Floodplain, as shown on the Flood Insurance Rate map prepared by the Federal Emergency management Agency's National Flood Insurance Program for the City of Edgerton, Johnson County, Kansas, Map number 20091C0132G and dated August 3, 2009.

SURVEYOR'S NOTE:

1. HELD THE BAR AT THE SOUTHEAST CORNER OF LOT 24, BLOCK 11 AND THE BAR AT THE SOUTHEAST CORNER OF LOT 24, BLOCK 15 TO ESTABLISH THE WEST RIGHT-OF-WAY LINE OF FOURTH STREET.
2. HELD THE BAR AT THE NORTHWEST CORNER OF LOT 8, BLOCK 11 AND THE BAR AT THE NORTHWEST CORNER OF LOT 5, BLOCK 11 TO ESTABLISH THE SOUTH RIGHT-OF-WAY LINE OF MARTIN STREET.

STAFF REPORT

August 11, 2020

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: **FP2020-02** Final Plat for *Block 11, Lots 1 - 5* located at 321 E. Martin Street, Edgerton, Kansas.

APPLICATION INFORMATION

Applicant: Shirley Hill
1010 W 3rd Street
Edgerton, KS 66021

Property Owner: Shirley Hill
1010 W 3rd Street
Edgerton, KS 66021

Requested Action: Final Plat approval for *Block 11, Lots 1 - 5*

Legal Description: City of Edgerton Lot 1-5 Block 11; see attached application for complete legal description.

Site Address/Location: 321 E. Martin Street, Edgerton, KS 66021

Existing Zoning and Land Uses: Existing zoning – R-1 (Single Family) District; residential

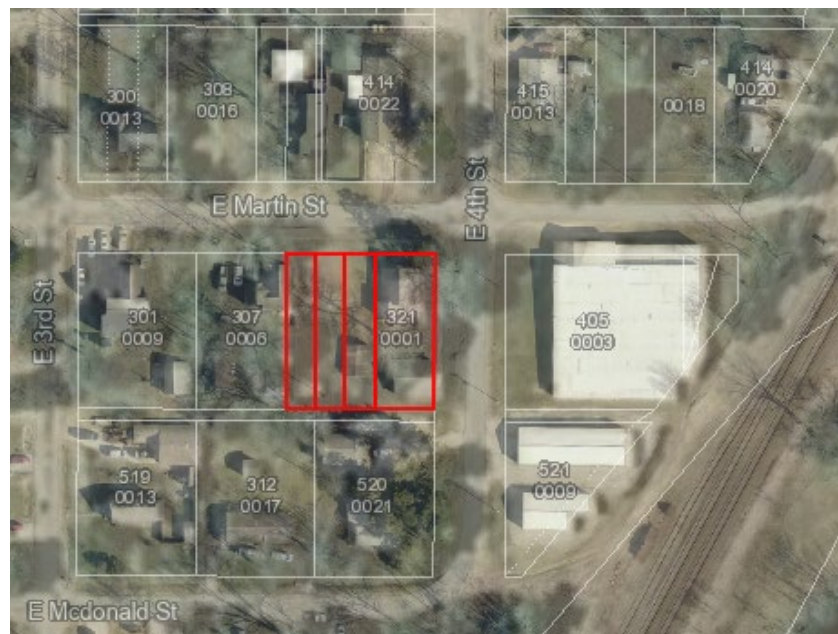
Existing Improvements: Single family dwelling and two free standing garages

Site Size: Approximately 0.373 Acres

PROJECT DESCRIPTION

Application **FP2020-02**, Final Plat for *Block 11, Lots 1-5*, requests approval for platting five (5) lots into one (1) lot. The new lot would have frontage along the south side of East Martin Street right-of-way and the west side of East Fourth Street. This Final Plat request is being made in preparation of construction of a new single-family dwelling. This Final Plat request aligns with the request made with Preliminary Plat Application PP2020-02, also presented to the Planning Commission on August 11, 2020. This Final Plat application joins four (4) existing parcels into one. These lots were previously platted in 1870. The existing lot sizes are too narrow to meet the lot size requirement in existence today for single family homes. The applicant wishes to bring the parcels into compliance of the Unified Development Code (UDC) in order to build a new single-family dwelling. The new lot size will be 125' wide by 130' deep.

Subject Property



INFRASTRUCTURE AND SERVICES

1. There has not been an established drive entrance onto the property in quite some time. Per Johnson County AIMS aerial mapping, it appears that back in 2012 there was an access drive from E. 4th Street to one of the garages. The house faces E. Martin Street and is addressed as such.
2. Utilities and service providers.
 - a. Water Service – City of Edgerton
 - b. Sanitary Sewer – City of Edgerton
 - c. Electrical Service – Evergy
 - d. Gas Service – Kansas Gas Service
 - e. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
 - f. Fire protection is provided by Johnson County Fire District #1.
3. Parcel is located within the Bull Creek watershed.

FINAL PLAT REVIEW

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

1. The instrument of survey which shows the point of beginning, corners, bearing, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar. *Plat does not appear to meet the Kansas Minimum Standards for Boundary Surveys. The found monuments supporting the set monuments are not shown on the document to indicate how the lines were established. Update Final Plat to meet Kansas Minimum Standards for Boundary Surveys.*
2. Certificate of the Governing Body with City Clerk's attest and Seal. *The signature line is missing for the City Clerk (Chris Clinton). Update Final Plat.*
3. Certificate of the Register of Deeds. *Certificate needs to be added to plat. Upon filing Final Plat with Johnson County Records and Tax Administration the Book/Page information will be added.*

RECOMMENDATION

City staff recommends **approval** of Application **FP2020-02** Final Plat for *Block 11, Lots 1-5*, subject to compliance with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat by the Governing Body. The property owner and/or developer shall work with City staff to determine the best possible placement for a storm water easement and shall dedicate said storm water easement on the Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.

4. All City Engineer comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

ATTACHMENTS

- Application FP2020-02
- Final Plat, *Block 11, Lots 1-5*

☐ INITIAL SUBMISSION☐ RE-REVIEW

NAME OF PROPOSED SUBDIVISION: _____

LOCATION OR ADDRESS OF SUBJECT PROPERTY: _____

LEGAL DESCRIPTION: _____

CURRENT ZONING ON SUBJECT PROPERTY: _____ CURRENT LAND USE: _____

TOTAL AREA: _____ Acres NUMBER OF LOTS: _____ AVG. LOT SIZE: _____ Sq. Ft.

DEVELOPER'S NAME(S): _____ PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____
Street City State Zip

PROPERTY OWNER'S NAME(S): _____ PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____
Street City State Zip

ENGINEER'S NAME(S): _____ PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____
Street City State ZipSIGNATURE OF OWNER OR AGENT: _____
If not signed by owner, authorization of agent must accompany this application.

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

FOR OFFICE USE ONLY

Application No.: _____ Application Fee Paid: \$ _____ Date Fee Paid: _____ Receipt # _____

Publication Fee Paid: \$ _____ Date Fee Paid: _____ Receipt # _____

Received By: _____

FINAL PLAT INSTRUCTIONS

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

PLANNING COMMISSION REVIEW AND DECISION: The Edgerton Planning Commission meets in the City Hall on the second Tuesday of every month. The Planning Commission shall review the final plat and other material submitted with it to determine conformity preliminary plat. The Planning Commission shall act upon the final plat within ninety (90) days after submission, unless the subdivider shall waive or consent to an extension of the ninety (90) day period.

GOVERNING BODY APPROVAL: Following the approval of a final plat by the Planning Commission, the Governing Body shall review the instrument for dedications and reservations and assure that the final plat and construction plans for all proposed streets, sidewalks, storm water sewers, sanitary sewers and water mains meet the standards of the City of Edgerton. The Governing Body may either approve the final plat, return the final plat and/or construction plans to the applicant with instructions and specifications to conform to City standards, or deny the final plat and/or construction plans with a refusal to accept dedication. If the Governing Body denies the final plat and/or construction plans, a set of written findings must be given to the applicant within 30 (thirty) days.

RECORDING OF FINAL PLAT: Upon approval of a final plat by the Governing Body, the applicant shall record the plat with the Register of Deeds within a period of one year. If the final plat is not recorded within one year from the date of approval by the Governing Body, it shall be considered null and void. Before any final plat shall be signed by the Zoning Administrator and filed by the Register of Deeds, the applicant shall submit a certificate of title indicating the ownership of all property within the bounds of the subdivision.

The applicant shall provide the Zoning Administrator with one copy of the final plat that was approved by the Governing Body on Mylar[®]. The applicant shall also return one copy of the final plat that was recorded by the Register of Deeds.

FEES DUE BEFORE ENDORSEMENT OF FINAL PLAT: Article 10 of Chapter IV of the Edgerton City Code imposes an excise tax \$0.10 per square foot of Final Plat. Prior to endorsement of any final plat, all excise taxes must be paid or City staff must determine that an exemption from payment prior to platting is applicable, all in accordance with Article 10 of Chapter IV of the City Code. In addition, a New Street Light Fee of \$250 each shall be submitted prior to the endorsement of any final plat.

VESTING AND CONFLICTING REQUIREMENTS: Initial rights for a final plat shall vest for a period of three (3) years. If all streets, sidewalks, storm water sewers, sanitary sewers and water mains have not been installed and the development of structures commenced after three (3) years, the final plat shall be considered null and void.

The requirements and standards in force at the time of the adoption of a final plat shall remain and shall continue to govern and not be set aside by the adoption of subsequent standards. Standards (such as setbacks) appearing on a plat which are greater than those imposed by this ordinance are valid, and shall be duly noted and enforced by building permits. Restrictive covenants are private instruments between buyer and seller. The Zoning Administrator does not enforce restrictive covenants unless such restrictions are part of a Planned Unit Development, or unless the City itself, as a condition of platting, is a party to such agreements. Nothing contained in these regulations is intended to void the obligation of any party to adhere to the terms of all contracts, conditions, and covenants of record.

ASSURANCES: Developers are required to install all streets, storm water sewers, sanitary sewers and water mains and other services to all lots (in a designated phase) as they appear on the final plat and/or construction plans prior to receiving a building permit from the Zoning Administrator. Developers are required to install all sidewalks on a lot as they appear on the final plat and/or construction plans prior to receiving a certificate of occupancy from the Zoning Administrator. Developers are also required to reimburse the City of Edgerton for the cost of all street signs, stop signs and speed limit signs.

Exceptions: The Zoning Administrator may issue building permits for lots in an approved subdivision when such lots have direct access to an existing public right-of-way and when, in his/her opinion, building construction would not interfere with the orderly process of the installation of facilities and utilities.

Financial Assurance: Prior to the commencement of any improvements, all required infrastructure (streets, sidewalks, storm water sewers, sanitary sewers, and water mains) must be assured by a financial instrument (performance and maintenance bond

or special benefit district). Financial assurances must be made in a form and amount acceptable and approved by the City Attorney. Unless otherwise indicated by special resolution of the Governing Body, financial assurances shall be equal to the contract cost of purchase and installation of all facilities and utilities and valid for a period ending no less than two years after acceptance by the City of Edgerton. If substantial progress in installing the infrastructure is not evident within two hundred eighty (280) days after the approval of the final plat by the Governing Body, the City of Edgerton shall take appropriate action to exercise the financial assurance.

Public Improvement Inspection Fee: If a Developer is required to construct any public improvements, including streets, sidewalks, storm water sewers, sanitary sewers and water mains, that construction must be inspected by city staff or their designee. Developers are required to pay 3% of construction costs to the City for those inspections.

As Builts: Prior to acceptance of public improvements by the City, the developer shall provide two (2) sets of prints for all public improvement projects, excluding sidewalks, corrected to show the project as constructed and shall accurately and completely denote all changes made during the construction. Each sheet within the prints shall be clearly marked as "Conforming to Construction Records" and shall include the date of revision and certifications by a Kansas licensed engineer. This set of plans shall be substantially similar to the set of construction plans that was approved by the Governing Body.

CHECKLIST

The following items shall be included on the final plat.

- ☐ Scale, the same used for the preliminary plat; North point; vicinity map.
- ☐ The words "FINAL PLAT" followed by the name of the subdivision at the top of the sheet, and then followed by a metes and bounds description of the tract.
- ☐ The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumental with a 2" x 24" metal bar.
- ☐ A boundary survey of third order surveying accuracy (maximum closure error one in five thousand (1 in 5,000), with bearings and distances referenced to section or fractional section corners or other base line shown on the plat and readily reproducible on the ground.
- ☐ Individual notations and a TABLE showing: lot area, setbacks, and building envelopes.
- ☐ A number for each lot, starting (if practical) in the northwest corner.
- ☐ All easements with widths, and roads with curve data.
- ☐ Ingress/egress limitations, if required.
- ☐ The location of existing utility easements.
- ☐ A written legal description from the survey.
- ☐ An instrument of dedication for all roads and easements.
- ☐ Special notations required as a condition of platting by the Planning Commission.
- ☐ Approved phases – clearly delineated.
- ☐ Private travel easements.
- ☐ The Owner's Certificate with Notary Seal.
- ☐ Certificate of the Governing Body with City Clerk's attest and Seal.
- ☐ Edgerton City Planning Commission chair and secretary approval.
- ☐ Certificate of the Register of Deeds.
- ☐ Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor.
- ☐ Certificate of the Zoning Administrator.

FINAL PLAT OF A REPLAT OF BLOCK 11, LOTS 1-5, TOWN OF MARTIN (EDGERTON) CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

LEGAL DESCRIPTION:

All of Lots 1-5, Block 11, in Town of Martin, commonly called Edgerton, in Johnson County, Kansas being more particularly described as:

Beginning at the Northeast corner of aforesaid Lot 1, being the intersection of the West right-of-way line of Fourth Street and the South right-of-way line of Martin Street, as both streets are now established; thence S01°31'38"E along the West right-of-way line of said Fourth Street, being also along the East line of said Lot 1, a distance of 130.00 feet to the Southeast corner of said Lot 1; thence S88°28'22"W along the South line of said Lots 1-5, being also along the North line of a 10' wide alley, as now established, a distance of 125.00 feet to the Southwest corner of said Lot 5, being also the Southeast corner of Lot 6, of said Block 11; thence N01°31'38"W along the West line of said Lot 5, being also the East line of said Lot 6, a distance of 130.00 feet to the Northwest corner of said Lot 5, being also a point on the South right-of-way line of said Martin Street; thence N88°28'22"E along the North line of said Lots 1-5, being also the South right-of-way line of said Martin Street, a distance of 125.00 feet to the Point of Beginning.

Containing 16,250 square feet or 0.373 acres, more or less.

DEDICATION:

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "A REPLAT OF BLOCK 11, LOTS 1-5, TOWN OF MARTIN (EDGERTON)".

EASEMENT DEDICATION:

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outline and designated on this plat as "Utility Easement" or "UE" is hereby granted to the City of Edgerton, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SUBSCRIBED ITS NAME

OWNER: SHIRLEY M. HILL

SHIRLEY M. HILL

STATE OF } SS

COUNTY OF }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2020, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE AFORESAID, CAME SHIRLEY M. HILL, OWNER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT AND DULY ACKNOWLEDGED THE SAME TO BE THEIR FREE ACT AND DEED.

NOTARY PUBLIC MY APPOINTMENT EXPIRES: _____

PRINTED NAME: _____

APPROVALS:

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS THIS _____ DAY OF _____, 2020

KATY CROW, ZONING ADMINISTRATOR

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF EDGERTON, KANSAS THIS _____ DAY OF _____, 2020

JOHN DALEY, CHAIRMAN

JEREMY LITTLE, SECRETARY

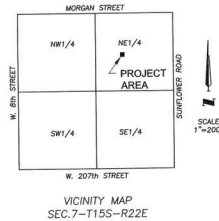
APPROVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS THIS _____ DAY OF _____, 2020

ATTEST: DONALD ROBERTS, MAYOR

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION IN MAY, 2020.



LEE A. HERMRECK, KS-LS-1232



GENERAL LEGEND

- SURVEY BOUNDARY
- EXIST PROPERTY LINE
- - - SETBACK LINE
- FND FOUND
- RW RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING

AREA

Lot 1A - 416,250 SQ. FT. OR ±0.373 AC.
Building Envelope - 6,624 SQ. FT.



GENERAL NOTE:

Bearing shown hereon are base on the State Plane Coordinate System NAD 1983, Kansas North Zone. CAF= 999950355.

Error of boundary closure exceeds 1:50,000.

FLOOD NOTE:

This property lies within Flood Zone X, defined as areas determined to be outside the 0.2% annual chance Floodplain, as shown on the Flood Insurance Rate map prepared by the Federal Emergency Management Agency's National Flood Insurance Program for the City of Edgerton, Johnson County, Kansas, Map number 20091C0132G and dated August 3, 2009.

McCLURE ENGINEERING COMPANY
11031 STRANG LINE ROAD, LENEXA, KANSAS 66215
(913) 888-7800
WWW.MCCRESULTS.COM

DEVELOPER:
SHIRLEY M. HILL
1010 W. 3rd STREET
EDGERTON, KS 66021
785-969-5815

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
August 11, 2020

The Edgerton Planning Commission met in regular session with Commissioner Jeremy Little calling the meeting to order at 7:01 PM.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Commissioner Jeremy Little, Commissioner Deb Lebakken, and Commissioner Charlie Crooks. Commissioner Tim Berger and Chair John Daley were absent from the meeting. Also present were Development Services Director Katy Crow and Planning and Zoning Coordinator/City Clerk Chris Clinton.

The Planning and Zoning Coordinator/City Clerk announced a quorum was present.

CONSENT AGENDA

MINUTES

The approval of the minutes from the Regular Session held on July 14, 2020 were considered.

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

NEW BUSINESS

PUBLIC HEARING – PRELIMINARY PLAT FOR 321 E. MARTIN ST – APPLICATION PP2020-02

Commissioner Little introduced the project. Ms. Katy Crow, Development Services Director, stated this application is to replat Lots one (1) through five (5) in Block eleven (11) in the City and is located at 321 E. Martin Street. She explained a plat is for the division of land and not vertical construction. The Unified Development Code (UDC) calls for a public hearing at the Preliminary Plat stage of development. Ms. Crow explained the original plat was filed in 1870 and the existing lots are too narrow to build a single-family home on per the current UDC. Ms. Crow explained the applicant wishes to construct a new single-family dwelling on the proposed single lot. Ms. Crow explained the utility service providers and stated the parcels are located in the Bull Creek watershed. She said the found monuments supporting the set monuments need to be shown and there are no proposed restrictive covenants provided.

Commissioner Crooks motioned to open the public hearing. The motion was seconded by Commissioner Lebakken. The public hearing was opened, 3-0.

Mr. Lee Hermreck, agent with McClure Engineering, spoke before the Commission. He inquired about the comment regarding the monuments. Ms. Crow answered that the referenced comment was made by the City Engineer. City Staff will provide the contact information for the City Engineer so the comment can appropriately be addressed. Commissioner Little stated the request is to combine the small lots into a larger lot. Ms. Crow stated that is correct and in recent discussions related to updating the code, the Planning Commission has discussed what the best lot width would be. She explained if

only three (3) of the lots were platted together, there would still be two (2) nonconforming lots next to the applicant's property. Platting all the lots into one at makes the most sense in this case.

There were no further public comments made at this time. Commissioner Little closed the public hearing.

Commissioner Crooks motioned to approve Preliminary Plat Application PP2020-02 with the stipulations that the supporting monuments be provided and the Preliminary Plat will be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the Preliminary Plat within one year, the Preliminary Plat shall be ruled null and void. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the Preliminary Plat. Commissioner Lebakken seconded the motion. Preliminary Plat PP2020-02 was approved, 3-0.

FINAL PLAT FOR 321 E. MARTIN ST – APPLICATION FP2020-02

Commissioner Little announced an application for a Final Plat for the same parcels as the Preliminary Plat PP2020-02 which was just approved by the Planning Commission. Ms. Crow stated that the Final Plat has some different requirements than the Preliminary Plat when filing with Johnson County and the City of Edgerton. She said the new lot would have frontage along the south side of E. Martin Street right-of-way and the west side of E. Fourth Street. The Final Plat request is being in preparation of construction of a new single-family dwelling. Ms. Crow explained the Final Plat join four (4) existing parcels into 1. The existing lot sizes are too narrow to construct a house on and the applicant wishes to bring the parcels into compliance of the UDC. The new lot will be 125 feet wide by 130 feet deep.

Ms. Crow stated that per the City Engineer, the provided Final Plat does not appear to meet the State's minimums for a boundary survey as there are no found monument supporting the set monuments. The methodology needs to be shown and that can be addressed with the City Engineer. These are used to indicate how the boundary lines were established. She added the signature line for the City Clerk is missing and the certificate of the Register of Deeds will be added upon filing the plat with Johnson County Records and Tax Administration.

Commissioner Crooks motioned to approve Final Plat Application FP2020-02 with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat by the Governing Body. The property owners and/or developer shall work with City Staff to determine the best possible placement for a storm water easement and shall dedicate said storm water easement on the Final Plat.
2. The applicant shall meet all requirements for Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC, including payment of excise tax.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer Comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City stated before shall be met or addressed prior to recording

of the Plat.

6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

Commission Lebakken seconded the motion. Final Plat FP2020-02 was approved, 3-0. Ms. Crow stated the Final Plat will be presented to the Governing Body on August 27, 2020.

FUTURE MEETING

The next Planning Commission meeting is scheduled for September 8, 2020 at 7:00 PM. Ms. Crow explained there is an application for rezoning that will be presented to the Planning Commission.

ADJOURNMENT

Motion by Commissioner Crooks to adjourn the meeting, Commissioner Lebakken seconded. Motion was approved, 3-0. The meeting was adjourned at 7:22 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator/City Clerk

City Council Action Item

Council Meeting Date: August 27, 2020

Department: Administration

Agenda Item: Consider Request to Waive Development and Building Permit Fees for Johnson County Fire District #1

Background/Description of Item:

On July 20, 2020 the City of Edgerton received a request from Johnson County Fire District #1 (JCFD1) to waive the City of Edgerton Development Fees associated with the construction of a new fire facility at 33364 W. 191st Street. This new facility is proposed to include a fire station with bays and a bunkhouse and administrative offices with meeting rooms. A rezoning of the parcel will be heard by the Planning Commission on September 8, 2020.

JCFD1 has indicated that the building will be approximately 27,000 SF in size with a building permit valuation of \$8M. The plat is approximately 486,565 SF. Final development applications for the project have not been received by city staff, so the assumptions used are an estimate based upon representations from JCFD1. Estimated development and building permit fees associated with this project are calculated on the following page using the City's Fee Calculator for Commercial Projects. Additional fees include planning and zoning application fees, land disturbance fees, blasting fees, etc.

The combined approximate total of Development and Building Permit fees related to this project is approximately \$132,000. Fees will vary some based upon final square footage of both the building and the Final Plat. Final development applications for the project have not been received by the City to calculate exact fees.

Please find enclosed the Request to Waive Fees from Chief Rob Kirk.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation:

Enclosed:

- Fee Waiver Request from Chief Rob Kirk, Johnson County Fire District #1
- Site Location – Johnson County AIMS
- Fee Calculator for Commercial Project

Prepared by: Beth Linn, City Administrator

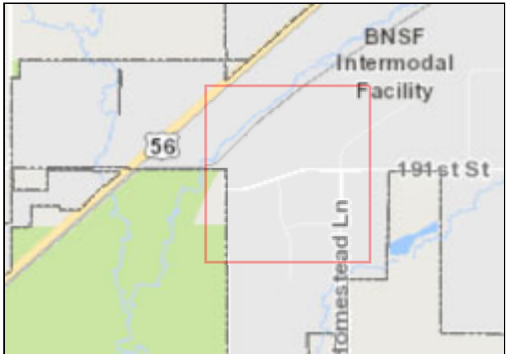


Johnson Co AIMS Map

LEGEND

AIMS Imagery: Current Imagery (2019)

Property



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



Fire District #1 - Johnson County, Kansas

490 New Century Parkway
New Century, KS 66031
Phone: 913-764-7635

Rob Kirk, Fire Chief

Mayor and Council Members

Fire District 1 is in the beginning process of building a new Fire Station as well as an Administration building in the city of Edgerton. We have made the commitment to move our administration to this new building as it makes complete sense to have our staff in the center of our district.

When we first started looking for options a developer approached us with a deal to give us the land and bring all utilities within 5 feet of building. Fire District 1 received a Bond for 10 million dollars, 1.5 million for a new Aerial Truck and 8.5 to build the station. Well after 14 months of hearing many different stories we purchased 10.5 acres for \$900,000.00. This was money we were not planning on spending.

Now that you are up to speed on the history of where we are at, I am asking that you all consider waving ALL permit fees associated with the building of your Fire Station. We need to make up some of the gap that we have been placed in and asking our partners for consideration.

Serving the Cities of Gardner and Edgerton, McCamish and Gardner Townships and New Century Air Center

Fee Calculation for a Commercial Project

Instructions: Enter the appropriate information in the **BLUE** boxes below. The **GREEN** boxes will then fill with the fee associated with it and a Grand Total will appear in the **GOLD** box. For reference information, see the **ORANGE** boxes.

Building Square Footage	27,000	
Water Supplier	Water District 7	
Water Meter Size In Inches	2"	
Plat Square Footage	486,565	
Number of new Street Lights		
Building Permit Valuation	\$ 8,000,000.00	
Water Fees	Not Applicable	See Water Sheet
Water Connection Fees	Not Applicable	See Water Sheet
Wastewater Fees	\$ 38,400.00	See Wastewater Sheet
Wastewater Connection Fees	\$ 750.00	See Wastewater Sheet
Building Permit Fees	\$ 39,938.25	See Building Permit Sheet
Street Excise Tax	\$ 48,656.52	\$0.10 per square foot on plat
Park Impact Fee	\$ 2,160.00	\$0.80 per square foot of building
		Minimum of \$250; if over 12,500 square foot building, \$0.02 per square foot
Fire Review Fees	\$ 540.00	
New Street Light Fee	\$ -	\$250 per new street light
Grand Total	\$ 130,444.77	

City Council Action Item

Council Meeting Date: August 27, 2020

Department: Community Development

Agenda Item: Consider Resolution 08-27-20A Providing a Deadline of September 28, 2020 to Resolve a Dangerous and Unfit Structure Existing at 502 E. 2nd Street, in the City of Edgerton, Johnson County, Kansas Pursuant to City of Edgerton City Code, Chapter IV, Article 4, Section 4-407.

Background/Description of Item: On June 25, 2020, the Governing Body approved Resolution 06-25-20C providing for a public hearing on August 13, 2020 to discuss a possible dangerous and unfit structure existing at 502 E. 2nd Street pursuant to Chapter IV, Article 4, Section 4-405 of the Edgerton Municipal Code.

Public notice for the public hearing was published in the Gardner News on July 1, 2020 and July 8, 2020. On July 1, 2020 notification for the Public Hearing was sent via Certified Mail to the property owner, R-7 Capital Funding. The letter was accepted on July 3, 2020. A second notice was sent on July 14 via Certified Mail and accepted on July 18, 2020.

On August 13, 2020 a Public Hearing was held regarding this property. No representative of R-7 Capital Funding, LLC was present at the hearing and the property remains unfit for human habitation and in violation of City Code. Pursuant to Chapter IV, Article 4, Section 4-407, and hearing no comment from the owner stating otherwise, the Governing Body made the determination that the structure under consideration is dangerous, unsafe or unfit for human use or habitation and a time frame of 30 days for abatement of said conditions was set.

Upon conclusion of the public hearing, staff was directed to return to council with a resolution outlining the findings of said hearing. Resolution 08-27-20A, prepared by the City Attorney, requires that the property either be brought into compliance by September 28, 2020 or the City of Edgerton by its agent may demolish and remove the structure. Costs associated with the removal of the structure will be charged against the described property as provided in Chapter IV, Article 4, Section 4-411 and the City Clerk shall certify to the County Clerk the costs of the associated with the cleanup and the County Clerk shall extend the same on the tax roll so that it shall be collected by the County Treasurer and paid to the City of Edgerton as other City taxes are collected and paid.

To date, the property owner has not contacted the City of Edgerton regarding this item.

Related Ordinance(s) or Statue(s): – Edgerton City Code Chapter IV, Article 4

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution 08-27-20A Providing a Deadline of September 28, 2020 to Resolve a Dangerous and Unfit Structure Existing at 502 E. 2nd Street, in the City of Edgerton, Johnson County, Kansas Pursuant to City of Edgerton City Code, Chapter IV, Article 4, Section 4-407.

Enclosed:

- Edgerton City Code Chapter IV, Article 4
- Resolution 08-27-20A

Prepared by: Katy Crow, Development Services Director

4-315. LIABILITY. This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, or by reason of any certificate of inspection issued by it. (Code 1984)

ARTICLE 4. DANGEROUS AND UNSAFE BUILDINGS

4-401. PURPOSE. The governing body of the City of Edgerton has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 1984)

4-402. DEFINITIONS. For the purpose of this article, the following words and terms shall mean:

- (a) Structure shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.
- (b) Public Officer means the city building inspector or his or her authorized representative. (K.S.A. 12-1750; Code 1984)

4-403. PUBLIC OFFICER; DUTIES. The public officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article. Including the following:

- (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
- (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the public officer may seek an order for this purpose from a court of competent jurisdiction;
- (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
- (d) Receive petitions as provided in this article. (Code 1984)

4-404. PROCEDURE; PETITION. Whenever a petition is filed with the public officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the public officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Code 1984)

- 4-405. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-404, shall be resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S. A. 12-1752; Code 1984)
- 4-406. SAME; PUBLICATION. (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
(b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only." (K.S.A. 12-1752; Code 1984)
- 4-407. SAME; HEARING, ORDER. (a) If, after notice and hearing, the governing body determines that the structures under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause to be served upon the owner or agent an order directing such owner to either repair or demolish or remove the structure.
(b) If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he or she has complied with the order.
(c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure. (Code 1984)
- 4-408. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 1984)
- 4-409. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the public officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.
(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the public officer may cause the structure to be removed and demolished. (Code 1984)
- 4-410. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to

take such action, the public officer may proceed to make the site safe. (Code 1984)

- 4-411. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alteration, improvements, vacating, removal or demolition by the public officer, including making the site safe, shall be reported to the city clerk.
- (b) The city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.
- (c) If the proceeds of the sale of salvage is insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county. (K.S.A. 12-1756; Code 1984)
- 4-412. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the public officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-411. (Code 1984)
- 4-413. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the public officer from carrying out the provisions of the order pending final disposition of the case. (Code 1984)

ARTICLE 5. MOVING BUILDNGS

- 4-501. PERMIT NECESSARY. It shall be unlawful for any person to move, haul or transport, any house, building, derrick or other structure of the height of 16 feet or over, or of a width of 15 feet or more upon, across or over any street or alley in this city without first obtaining a permit therefore as hereinafter provided. (Code 1984)
- 4-502. APPLICATION FOR PERMITS. All applications for permits to move houses, buildings, derricks or other structures mentioned in section 4-501 shall be made in writing to the city clerk specifying the day and hour the moving is to commence and the route thru the city's streets over which the building or structure shall be moved. If it shall be necessary to cut down and move, raise or in any manner interfere with any wires or poles, the application shall state the name of the owners of the wires and poles, the time and place, when and where the removal of

RESOLUTION NO. 08-27-20A

A RESOLUTION IN THE CITY OF EDGERTON, KANSAS, PROVIDING FOR A DEADLINE OF SEPTEMBER 28, 2020 TO RESOLVE A DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 EAST 2ND STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407.

WHEREAS, it was reported to the City Council of the City of Edgerton, Johnson County, Kansas by the public officer that there exists, on the premises of 502 East 2nd Street Edgerton, Kansas (the "property"), a house which is unfit for human use because of dilapidation, and serves as a general blight upon the neighborhood and surrounding properties, such conditions found to be dangerous, unsafe and unfit for human habitation; and

WHEREAS, pursuant to Resolution 06-25-20C the City Council requested the appearance of the listed owner of the property, R-7 Capital Funding, LLC at a hearing held on August 13, 2020 at 7:00 P.M. at City Hall; and

WHEREAS, no representative of R-7 Capital Funding, LLC appeared at said hearing and the property remains unfit for human habitation and in violation of the City Code.

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF EDGERTON, JOHNSON COUNTY, KANSAS:

That pursuant to Section 4-407 of the City Code the City Council hereby finds that the property is currently unsafe and unfit for human habitation, but agrees to allow the owner until September 28, 2020 to either bring the property within compliance or demolish the property. Should the property not have been demolished or abated to the satisfaction of the City Council by September 28, 2020 the City of Edgerton by its agent is hereby authorized to abate the conditions and demolish or remove the structure.

BE IT FURTHER RESOLVED:

That should it be necessary to demolish or remove the structure, the costs incurred by the City of Edgerton, Kansas, including attorneys' fees, shall be charged against the above described property as provided in Chapter IV, Article 4, Section 4-411, and the City Clerk shall, at the time of certifying other taxes to the County Clerk, certify the costs of cleanup. The County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City of Edgerton as other City taxes are collected and paid.

PASSED by the City Council on this 27th day of August, 2020.

APPROVED BY the Mayor on this 27th day of August 2020.

DONALD ROBERTS, MAYOR

ATTEST:

CHRIS CLINTON, CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: August 27, 2020

Agenda Item: Resolution Setting Public Hearing

Subject: Community Improvement District
On-The-Go Travel Plaza

Summary:

My Store III Inc. (“Developer”) is constructing a truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure improvements on 12.162 acres located in the northeast corner of Interstate 35 and Homestead Lane. The Developer and the City previously entered into an Amended and Restated Development Agreement to set forth certain agreements with respect to the development.

The Amended and Restated Development Agreement provides that the Developer will develop the project and the City will consider various incentives, including a 1% CID sales tax with the proceeds going to the City to reimburse the City for certain public infrastructure improvements.

In order to create a Community Improvement District, the City must comply with the following steps:

1. The City must receive a petition from the Developer to create the district;
2. The City must adopt a resolution giving notice of a public hearing on the creation of the district that is published once a week for two consecutive weeks and sent by certified mail to all owners at least 10 days before the hearing;
3. The City must hold a public hearing at least 7 days after the last publication;
4. The City must adopt an ordinance creating the district; and
5. The ordinance must be recorded.

The Developer has submitted the petition requesting the creation of the Community Improvement District. If Council desires to proceed with the creation of the Community Improvement District, Council is now required to adopt the resolution giving notice of the public hearing on the creation of the district.

RESOLUTION NO. 08-27-20B

A RESOLUTION PROVIDING FOR NOTICE OF A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A COMMUNITY IMPROVEMENT DISTRICT (ON THE GO TRAVEL PLAZA)

WHEREAS, K.S.A. 12-6a26 *et seq.*, as amended, establishes the Community Improvement District Act (the “Act”) for economic development and any other purpose for which public money may be expended; and

WHEREAS, a city is authorized to create a community improvement district (the “CID”) to assist with the financing of eligible projects, provided the city complies with the procedures set forth in the Act; and

WHEREAS, the City of Edgerton, Kansas (the “City”) has received a petition (the “Petition”) from the owners of record of 100% of the land within the proposed CID and the owners of 100% by assessed value of the land area within the proposed CID generally described as 12.162 acres located in the northeast corner of Interstate 35 and Homestead Lane and legally described in **Section 8** of this Resolution; and

WHEREAS, in order to assist in the development and redevelopment of the CID project, the City desires to consider the establishment of a CID as requested by Petitioner and in accordance with the Act; and

WHEREAS, K.S.A. 12-6a29 provides that any city proposing to establish a CID must adopt a resolution stating that the city is considering the establishment of a CID and include in such resolution notice that a public hearing will be held to consider the establishment of the CID.

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

Section 1. A public hearing to consider the advisability of creating a CID shall be held at the City Council meeting on September 24, 2020, at 7:00pm, or as soon thereafter as practical, at the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas.

Section 2. The general nature of the CID project (the “CID Project”) includes the construction of public infrastructure in, adjacent to or substantially for the benefit of, the private project located within the CID, including, but not limited to, roads, storm sewer, sidewalks, trails, street lights, traffic signals, and sanitary sewer, along with ongoing operation and maintenance costs and other any other items or uses associated with the CID project as authorized by the Act.

Section 3. The estimated total cost of the CID Project is \$1,707,033.

Section 4. The proposed method of financing the CID Project is through a combination of City funds, City debt financing and pay-as-you-go CID financing reimbursed with a CID sales tax in the amount of one percent (1%). The City will not be issuing full faith and credit bonds to finance this proposed CID Project.

Section 5. The amount of the CID sales tax to be levied is one percent (1%) for a term of twenty-two (22) years from the date the CID sales tax is first collected. The proposed start date for collecting the CID sales tax is January 1, 2021.

Section 6. There will be no CID special assessment levied on the property as a result of the CID petition.

Section 7. A map of the proposed CID is attached as **Exhibit A**.

Section 8. The legal description of the proposed CID is as follows:

All that part of the NW 1/4 of Section 10, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW 1/4 of said Section 10; thence S 2° 03' 46" E, along the West line of the NW 1/4 of said Section 10, a distance of 991.99 feet; thence N 87° 35' 22" E, a distance of 280.86 feet, to a point on the North right-of-way line of Interstate Highway No. 35, as established in the Warranty Deed recorded in Book 201108 at Page 001191, in the Office of the Register of Deeds, Johnson County, Kansas, said point also being the true point of beginning; thence continuing N 87° 35' 22" E, a distance of 185.94 feet; thence Easterly and Southeasterly, along a curve to the right having a radius of 390.00 feet, a central angle of 32° 01' 48" and whose initial tangent bearing is S 69° 47' 26" E, an arc distance of 218.02 feet, to the point of tangency; thence S 37° 45' 38" E, a distance of 93.64 feet, to a point of curvature; thence Southeasterly and Easterly, along a curve to the left having a radius of 320.00 feet and a central angle of 21° 31' 36", an arc distance of 120.23 feet; thence S 30° 41' 48" W, a distance of 59.41 feet, to a point on the North line of the South Half of the NW 1/4 of said Section 10; thence S 1° 47' 20" E, a distance of 638.10 feet, to a point on the North right-of-way line of said Interstate Highway No. 35; thence S 85° 06' 40" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 509.79 feet; thence N 10° 04' 47" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 802.50 feet; thence N 15° 12' 54" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 141.15 feet; thence N 88° 57' 08" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 116.36 feet; thence N 0° 38' 21" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 76.42 feet, to the true point of beginning, containing 12.162 acres, more or less.

Section 9. The Governing Body shall consider findings necessary for the establishment of the proposed CID.

Section 10. The City Clerk shall mail a copy of this Resolution by certified mail, return receipt requested, to each owner and occupant of land within the proposed CID

Project area at least 10 days prior to the date of the public hearing. The City Clerk shall publish this Resolution at least once each week for two consecutive weeks in the official city newspaper with the second publication occurring at least seven days prior to the date fixed for the public hearing.

Section 11. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 27th day of August, 2020.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Donald Roberts, Mayor

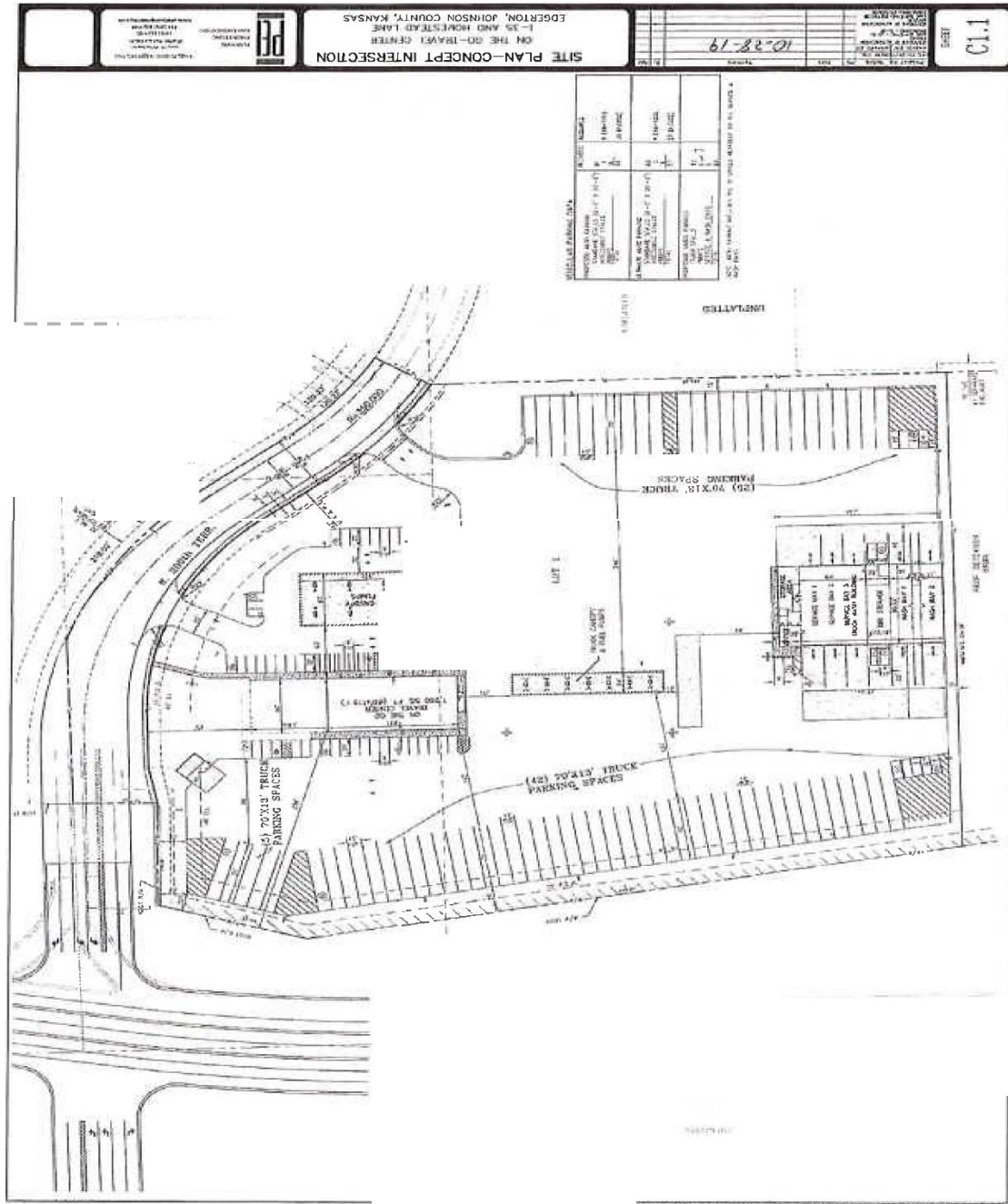
ATTEST:

Chris Clinton, City Clerk

Approved as to form:

Scott W. Anderson
Economic Development Counsel

Map of Boundaries of CID



City Council Action Item

Council Meeting Date: August 27, 2020

Department: Administration

Agenda Item: Consider Ordinance No. 2045 Designating Homestead Lane within the City of Edgerton, Kansas, as a Main Trafficway.

Background/Description of Item:

On November 14, 2019, Council approved a restated and amended development agreement with My Store III, which was amended on May 28, 2020. The agreement included a clause requiring the City to build an intersection at Homestead Lane and 200th Street. The initial cost of the intersection project (currently estimated to be \$1,752,000) will be funded from proceeds of the City's general obligation (GO) temporary notes expected to be issued in September 2020, as set forth below.

Pursuant to K.S.A. 12-685 *et seq.* (the "Main Trafficway Act"), authorizing the issuance of GO notes or bonds for street improvement projects involves a two-step process. The first step is the passage and publication of an ordinance designating the streets as main trafficways. The second step is adopting a resolution authorizing the issuance of GO notes or bonds to finance the improvement of such main trafficways.

Upon approval, Ordinance No. 2045 will be published in the Gardner News. The next steps will occur at the September 10, 2020, meeting where Council will approve a resolution authorizing the financing of the project with GO notes (step 2 under the Main Trafficway Act described above) and a resolution authorizing the issuance and approving the final terms of the sale of the temporary notes.

The City's financial advisor, Columbia Capital, has negotiated with U.S. Bank to include the temporary notes for the Homestead Lane intersection project in the notes that are being issued to renew the Series 2019A temporary notes for the 2019 Street Reconstruction Project.

Staff recommends passing this ordinance as the first step in the process to authorize the issuance of GO notes for the project. Assuming the GO notes are issued for the project, the notes will be general obligations and backed by the full faith and credit of the City. The City may consider several alternatives to provide long-term permanent financing for the improvements upon maturity of the notes (expected October 2022), including the issuance of notes or bonds to be repaid in part with TIF and/or CID revenues generated within the respective TIF/CID

districts located at the project site. Such long-term financing options would be subject to approval(s) of the Council at a later date.

Below is the anticipated calendar of events related to the sale of the series 2020A Temporary Notes.

- 9/10/2020 – Council adoption of (1) a Resolution authorizing financing the project with GO notes, and (2) a Resolution authorizing the issuance and approving the final terms of the Series 2020A Notes.
- 9/24/2020 – Close on the Series 2020A Notes
- 10/1/2020 – Redemption of the Series 2019A Notes

The City Attorney has reviewed and approved Ordinance No. 2045.

Related Ordinance(s) or Statue(s): K.S.A. 12-685 *et seq*

Funding Source: n/a

Budget Allocated: n/a

Finance Director Approval:  x
Karen Kindle, Finance Director

Recommendation: Approve Ordinance No. 2045 Designating Homestead Lane within the City of Edgerton, Kansas, as a Main Trafficway.

Enclosed: Ordinance No. 2045

Prepared by: Karen Kindle * Finance Director

ORDINANCE NO. 2045

**AN ORDINANCE DESIGNATING HOMESTEAD LANE WITHIN THE CITY OF
EDGERTON, KANSAS, AS A MAIN TRAFFICWAY.**

WHEREAS, K.S.A. 12-685 *et seq.* (the “Act”) provides that the governing body of any city is authorized and empowered to designate and establish, by ordinance, as a main trafficway, any existing or proposed street, boulevard, avenue or part thereof, within such city, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within the city or between such areas within the city and traffic facilities outside the city performing the function of a major trafficway; and such designation by the governing body shall be final and conclusive; and

WHEREAS, the governing body of the City of Edgerton, Kansas (the “City”), hereby finds and determines that Homestead Lane within the City should be designated and established as a main trafficway as provided by and under the authority of the Act.

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

Section 1. Designation. It is hereby authorized, ordered and directed, under the authority of the Act, that Homestead Lane located within the limits of the City is hereby designated and established as a main trafficway.

Section 2. Reimbursement. The City plans to make expenditures to finance improvements to Homestead Lane and may issue bonds to reimburse such expenditures made on or after the date which is 60 days before the date of this Ordinance, pursuant to Treasury Regulation § 1.150-2.

Section 3. Effective Date. This Ordinance shall take effect and be of force from and after its passage by the governing body of the City, approval by the Mayor and publication of this Ordinance or a summary thereof in the official City newspaper.

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PASSED by the governing body of the City on August 27, 2020 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Donald Roberts, Mayor

ATTEST:

Chris Clinton, City Clerk

APPROVED AS TO FORM ONLY:

Lee Hendricks, City Attorney

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City Council Action Item

Council Meeting Date: August 27, 2020

Department: Public Works

Agenda Item: Consider Recommendation of Engineer to Award Construction of the Homestead Lane Intersection to _____ and Authorize the Mayor to Execute the Contract

Background/Description of Item:

On August 22nd, 2019 the Edgerton City Council created a Tax Increment Financing (TIF) Redevelopment District generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane. The district plan for the Redevelopment District includes commercial retail facilities such as truck stops/travel plazas, truck maintenance facilities, restaurants, hotels and other transportation and workforce related services.

On November 14, 2019 City Council Approved the Agreement with BG Consultants for the engineering and design services for Homestead Lane Intersection Improvements. This project consists of providing full access into the parcels on either side of Homestead Lane at 200th Street.

On June 25, 2020 City Council approved the concurrence to bid the project.

On August 25, 2020, the City of Edgerton held a public bid opening. A total of _____ (#) bids were received, opened and read aloud to the public. This project consisted of the base bid, with no alternates. The base bids ranged from a low of \$_____ to a high of \$_____. The engineers estimate was \$_____. _____ submitted the low bid for the project. Based upon review of the bids and our prior direct experience, staff recommendation is _____ is qualified to perform the scope of work included in 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 bring any agreements for inspection duties during the project at a later council meeting

Funding for this project is reimbursement from the Tax Increment Financing (TIF) Redevelopment District.

UPDATED INFORMATION OF THIS ITEM WILL BE PROVIDED AT CITY COUNCIL ON AUGUST 27, 2020 FOLLOWING BID OPENING ON AUGUST 25.

Related Ordinance(s) or Statue(s):

Funding Source: Homestead Lane Retail Tax Increment Financing District

Budget Allocated: Reimbursable Expense – Homestead Lane Retail Tax Increment Financing District

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Recommendation of Engineer to Award Construction of the Homestead Lane Intersection to _____ and Authorize the Mayor to Execute the Contract

Enclosed:

DOCUMENTS TO BE PROVIDED AT COUNCIL MEETING AUGUST 27, 2020

- Recommendation Letter from BG Consultants
- Bid Tabulation

Prepared by: Dan Merkh, Public Works Director

City Council Action Item

Council Meeting Date: August 27, 2020

Department: Administration

Agenda Item: Consider Ordinance 2043 Amending Chapter XI, Article I, 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 2020, 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. Included with this item is a document prepared by LKM which outlines the changes between the 2019 and 2020 editions of the UPOC.

At the August 13, 2020 meeting where this item was originally presented, council asked for clarification related to the section on Criminal Use of Weapons (10.1). The City Attorney has researched this and found that in 2015, KSA 12-16, 124 was amended as noted in the attached document which outlines the summary of changes to the UPOC, 36th Edition. This amendment to the UPOC is being made to bring it into compliance with amended state statute. Because the statute was changed in 2015 and this change is just now being brought forward, it is believed that it was simply missed when the statute was changed back then.

The City Attorney has reviewed and approved Ordinance 2043 as submitted for adoption.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2043 Amending Chapter XI, Article 1, Section 11-101 of the Code of the City Of Edgerton, Kansas, Concerning the Uniform Public Offense Code

Enclosed: Ordinance 2043

Summary of changes to the UPOC, 36th Edition provided by LKM

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2043

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," 36th Edition 2020, 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. 2043" 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 27th DAY OF AUGUST, 2020.

DONALD ROBERTS, Mayor

ATTEST:

CHRIS CLINTON, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

Uniform Public Offense Code for Kansas Cities, 36th Edition

The following changes have been made:

- Addition of definition “explosives” to Article 1, Section 1.1 Definitions.
- Addition of new section 10.29 “Violation of a Public Health Order”, making it a Class C violation to violate, refuse, or fail to comply with a written order from the County Health Officer. This section was added to mirror ordinances adopted in several cities during the COVID-19 pandemic as a mechanism for enforcement for county health orders through municipal court.
- Changes to the following sections;
 - Section 5.7 “Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor”
 - On December 20, 2019, the President signed legislation amending the Federal Food, Drug, and Cosmetic Act. The Act made it illegal for a retailer to sell any tobacco product --including cigarettes, cigars, and e-cigarettes -- to anyone under the age of 21. While Kansas has not raised the smoking age under state law, the League has made the decision to change the purchasing age of cigarettes to 21 to match federal law. A city can through the adoption of an ordinance to make stricter.
 - Section 10.1 “Criminal Use of Weapons”
 - Deleted (a) 4-10, (d), (e), (f) in compliance with K.S.A. 12-16,124 which prohibits a city from adopting or enforcing any ordinance governing the requirement of fees, licenses or permits for, the commerce in or the sale, purchase, transfer, ownership, storage, carry, transporting or taxation of firearms or ammunition, or any component or combination thereof. Section (b) updated to match the deletions in Section 10.1(a).
 - Section 10.1.1 Criminal Carrying of a Weapon
 - Deleted (a) (4) to comply with the requirements of K.S.A. 12-16,124.
- Deletion of the following sections;
 - Section 10.2 “Possession of a Firearm Under the Influence”
 - Deleted 10.2 to comply with K.S.A. 12-16,124.
 - Section 10.3 “Criminal Distribution of Firearms to a Felon”
 - Deleted 10.3 to comply with K.S.A. 12-16,124.
- Corrections in the following sections;
 - Section 5.1.3, citation adjusted, changed to K.S.A. 21-5611
 - Section 6.24, numbering adjusted
 - Section 11.9., citation adjusted, changed to K.S.A. 21-6405

City Council Action Item

Council Meeting Date: August 27, 2020

Department: Public Works

Agenda Item: Consider Options for Removal Structures at 410 W. Braun, as part of 207th Grade Separation Project

Background/Description of Item:

On August 21, 2020 City of Edgerton took possession of the properties at 410 W. Braun for the 207th Grade Separation Project. The address consists of 3 different parcels, with 2 buildings on the properties with a third location consisting of a concrete pad.

The remaining structures need to be demolished for the project, which is scheduled to begin in Spring of 2021. To remove of the buildings the following scenarios are possible:

1. Johnson County Fire District #1 has expressed interest in using the building/s in a test burn. This is a practice scenario for a structure fire, allowing the district to train personnel using real life conditions.
2. Create a public bid process for the sale and relocation of the house. The winning bidder would be allotted time to coordinate utilities and remove the structure.
3. Proceed with demolition, utilizing the existing contract with Midland Wrecking for the demolition of 36790 W. 207th St. (property associated to 207th Grade Separation Project).

Regardless of the option selected, varying levels of work will need to be completed by the demolition contractor.

Staff recommends allowing Johnson County Fire District #1 to use the structures for training purposes. The 207th Grade Separation project has a primary goal of allowing public safety to access the residential side of town without interruptions of a railroad crossing. This recommendation further allows an improvement to the public safety service provided to the residents at the City of Edgerton.

As of August 21st, 2020 the property had one building already removed. Midland Wrecking was requested to quote the demolition of the 2 remaining buildings. The pricing for this works totals to \$15,840. Work not included in the prices are hazardous waste removal, utility disconnects, tree removal, and maintenance seed/straw. The larger concrete pad for the third

building remains, so staff recommends holding a City-controlled contingency of an additional \$3,000, making a total not to exceed \$18,840. It is anticipated that the overall prices will be lowered after the JCFD1 utilizes the structures for training.

Related Ordinance(s) or Statute(s):

Funding Source: LPKC Phase I Public Infrastructure Fund

Budget Allocated: \$15,000,000

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Allowing JCFD 1 to Utilize Structures at 410 W. Braun For Training and Use of Midland Wrecking for Demolition of Any Structures That Remain Following Training Not to Exceed \$18,840

Enclosed: Bid for removal of 2 structures

Prepared by: Dan Merkh, Public Works Director

**DENTON EXCAVATING dba
MIDLAND WRECKING
P.O. BOX 14906, LENEXA, KS 66285
(913) 432-0314 phone (913) 432-6021 fax
Jaimo217@msn.com**

August 17, 2020

Phone: 913-381-9628

Attn: Trey Whitaker – City of Edgerton

Email: twhitaker@edgertonks.org

Job Location: 410 W. Braun Street, Edgerton, KS 66021

We propose and agree to finish all labor, material, equipment, and insurance necessary to complete subject work, in accordance with the following:

*****RESIDENTIAL HOUSE REMOVAL:**

- REMOVE RESIDENTIAL HOUSE AND DEBRIS SURROUNDING HOUSE
- REMOVE ALL CONCRETE WALLS, FLOORS, AND FOOTINGS
- REMOVE DRIVEWAY
- FILL DIRT TO PREVENT PONDING – BRING TO GRADE
- DO ASBESTOS INSPECTION ONLY (NO REMOVAL IF ANY)
- DO STATE NOTIFICATION
- NO DISCONNECT OF WATER, ELECTRIC, OR GAS (OWNER TO PROVIDE)
- DISCONNECT SEWER ONLY
- SECURE DEMOLITION PERMIT
- ALL DEBRIS TO GO TO CERTIFIED LANDFILL, PROVIDE PROOF
- SEED AND STRAW DISTURBED AREA

FOR THE SUM OF: \$13,100

*****BARN REMOVAL:**

- REMOVE RESIDENTIAL BARN

FOR THE SUM OF: \$2,740

******GRAND TOTAL FOR ALL REMOVAL WITH HOUSE AND BARN: \$15,840**

EXCLUSIONS:

- NO ASBESTOS OR HAZARDOUS WASTE REMOVAL
- NO UTILITY DISCONNECTS (OWNER TO PROVIDE)
- NO TREE REMOVAL
- NO MAINTENANCE SEED OR STRAW

NOTE: PAYMENT DUE UPON COMPLETION AFTER FINAL INSPECTION.

This proposal is limited to thirty days acceptance from date hereof.

This proposal excludes any natural rock encountered.

This proposal excludes handling of any hazardous materials.

Any and all salvage materials recovered will become property of Denton Excavating, Inc dba Midland Wrecking. The Company shall not be responsible for damage or delay due to strikes, fires, accidents or other causes beyond its reasonable control. The Company carries Workmen's Compensation and Public Liability Insurance, but does not assume risks of any other character under this contract.

After acceptance by the Owner in the space below, this contract shall be binding either upon approval by an officer of the Company or upon commencement of the work by the Company and shall constitute the entire agreement between the Company and the Owner. No oral terms or representations shall be considered a part of the agreement.

Accepted By: _____
SIGNATURE

**Denton Excavating, Inc.
dba Midland Wrecking**

Accepted By: _____
PRINT NAME

By: Wylie Denton

Date Signed: _____

Date: 8/17/2020