

**City of Edgerton, Kansas
Minutes of City Council Regular Session
January 9, 2014**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on January 9, 2014. The meeting convened at 7:00 p.m. with Mayor Donald Roberts presiding, and City Clerk Janeice L. Rawles recording.

Council members in attendance: Heidi Wiseman
Cindy Crooks
Jody Brown
Clay Longanecker
Frances Cross

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

Consultants in attendance: Scott Anderson, Edgerton Bond Counsel
Jeff White, Financial Advisor

ROLL CALL

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

WELCOME AND PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Motion by Longanecker, second by Wiseman to approve the consent agenda.
Motion carried 5-0-0.

PUBLIC COMMENTS

Jenettie Davis, 301 E. Martin addressed the council about the concerns regarding blasts from the Edgerton Quarry located at 20125 Sunflower Road. The City Administrator thanked Ms. Davis for her comments. Ms. Linn indicated that the Edgerton Quarry is in unincorporated Johnson County; therefore, all blasts are monitored by Johnson County Planning Department. Residents with concerns regarding the magnitude of the blasts should contact Justin Ducey with Johnson County Planning Department.

DECLARATIONS BY COUNCIL MEMBERS

There were none

REQUEST FOR DONATION

Mayor Roberts presented participation of the Adopt the Children Charity Clay Shoot as it is the primary supporter of the Mayors Christmas Tree fund.

Motion by Cross, second by Wiseman to approve a donation of \$ 1200.00 to Adopt the Children Charity Clay Shoot.

Motion carried 5-0-0

BUSINESS REQUIRING ACTION

Charter Ordinance No. 20 Exempting the City of Edgerton from the Provisions of K.S.A. 12-4110 and K.S.A. 12-4112 and providing substitute and additional provisions on the same subject; and further repealing Charter Ordinance No. 8 was considered.

Administrative Services Director presented Charter Ordinance No. 20 to the Mayor and Council stating the Municipal Court Judge may by Administrative Order establish and assess court costs as deemed appropriate.

Motion by Wiseman, seconded by Longanecker to approve Charter Ordinance No. 20 exempting the City of Edgerton from the provisions of K.S.A. 12-4110 and K.S.A. 12-4112 and providing substitute and additional provisions on the same subject; and further repealing Charter Ordinance No. 8.

Motion carried 6-0-0, votes recorded as Mayor Roberts-Aye, Longanecker-Aye, Crooks-Aye, Cross-Aye, Wiseman-Aye and Brown-Aye.

Ordinance No. 962 adopting the Planning Commission's Recommendation to approve a Conditional Use Permit to allow use of land, in the L-P, City of Edgerton Logistics Park Zoning District located at the Southwest corner of 191st Street and Waverly Road, for "Cargo Storage, Maintenance, and repair Facilities" was considered.

City Administrator reported that The City of Edgerton has received an application CU-09-16-2013 requesting a conditional use permit for operation of cargo container storage, maintenance, and repair facilities at the southwest corner of 191st and Waverly Road from TSL Edgerton. The Planning Commission recommended approval of the conditional use permit on December 10, 2013 with stipulations #1-7 as listed in Ordinance No. 962.

Motion by Longanecker, seconded by Brown to approve Ordinance No. 962 adopting the Planning Commission's recommendation to approve a conditional use permit to allow use of land, in the L-P, City of Edgerton Logistics Park Zoning District located at the Southwest corner of 191st street and Waverly Road, for "Cargo Storage, Maintenance, and Repair Facilities.

Motion carried 6-0-0, votes recorded as Mayor Roberts-Aye, Longanecker-Aye, Crooks-Aye, Cross-Aye, Wiseman-Aye and Brown-Aye.

Ordinance No. 963 adopting the Planning Commission's Recommendation to Approve a Conditional Use Permit to allow use of land, in the L-P, City of Edgerton Logistics Park Zoning District located at the Southeast corner of 191st street and Homestead Lane, for "Cargo Storage, Maintenance, and Repair Facilities" was considered.

City Administrator reported that The City of Edgerton has received an application CU-11-15-2013 requesting a conditional use permit for operation of cargo container storage, maintenance, and repair facilities at the southeast corner of 191st and Homestead Road from International Transload Logistics. The Planning Commission recommended approval of the conditional use permit on December 10, 2013 with stipulations #1-7 as listed in Ordinance No. 963.

Motion by Wiseman, seconded by Longanecker to approve Ordinance No. 963 adopting the Planning Commission's recommendation to approve a Conditional Use Permit to allow use of land, in the L-P, City of Edgerton Logistics Park Zoning District located at the Southeast Corner of 191st street and Homestead Lane, for "Cargo Storage, Maintenance, and Repair Facilities"

Motion carried 6-0-0, votes recorded as Mayor Roberts-Aye, Longanecker-Aye, Crooks-Aye, Cross-Aye, Wiseman-Aye and Brown-Aye.

Ordinance No. 964 Adopting a Recommendation by the City Planning Commission to Approve Rezoning of Approximately 20 acres of land (located at approximately 30700 West 191st Street) in Edgerton, Kansas from Johnson County RUR, Rural Zoning to City of Edgerton L-P Logistics Park Zoning District was considered.

The City of Edgerton received an application RZ-11-18-2013 for rezoning at 30700 West 191st Street from Johnson County RUR to City of Edgerton Logistics Park L-P zoning. The property was annexed into the City of Edgerton on December 3, 2013 and contains approximately 20 acres. The request to rezone is to accommodate a cargo container storage and maintenance facility to support Logistics Park Kansas City.

Motion by Cross, seconded by Brown to approve Ordinance No. 964 adopting a recommendation by the City Planning Commission to approve rezoning of approximately 20 acres of land (located at approximately 30700 West 191st Street) in Edgerton, Kansas from Johnson County RUR, Rural Zoning to City of Edgerton L-P Logistics Park Zoning District.

Motion carried 6-0-0, votes recorded as Mayor Roberts-Aye, Longanecker-Aye, Crooks-Aye, Cross-Aye, Wiseman-Aye and Brown-Aye.

Ordinance No. 965 adopting the Planning Commission's Recommendation to Approve a Conditional Use Permit to allow use of land, in the L-P, City of Edgerton Logistics Park Zoning District generally located at 30700 West 191st Street, for "Cargo Storage, Maintenance, and Repair Facilities" was considered.

The City of Edgerton has received application CU-11-18-2013 requesting a Conditional Use Permit for operation of a cargo container storage, maintenance, and repair facility at 30700 West 191st Street. Johnson County Planning Staff, on behalf of the City of Edgerton, reviewed this conditional use permit application with respect to the City of Edgerton Unified Development Code. After holding a public hearing on December 10, 2013, the City of Edgerton Planning Commission recommended approval of the conditional use permit application with stipulations #1-9 as listed in Ordinance No. 965.

Following the Planning Commission meeting, a Protest Petition was submitted from the property owners at 18845 Waverly Road. The City Attorney stated that it is a valid protest petition. After reviewing the information presented the council made a motion to approve Ordinance No. 965 with following revisions suggested by the City Attorney: remove stipulation number 9 and revise Section 2 to read "The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant's strict compliance with Conditions 1-8 set forth above, which were recommended by the Edgerton Planning Commission. Additionally, for as long as the property to the north is zoned residential, the permit is conditioned on property owner storing cargo containers no closer than 175 feet from the north property line, but owner may park chassis there as long as no closer than 50 feet of the north property line."

Motion by Brown, seconded by Longanecker to approve Ordinance No. 965 with revisions described above as recommended by City Attorney adopting the Planning Commission's Recommendation to Approve a Conditional Use Permit to allow use of land, In the L-P, City of Edgerton Logistics Park Zoning District generally located at 30700 West 191st Street, for "Cargo Storage, Maintenance, and Repair Facilities."

Motion carried 6-0-0, votes recorded as Mayor Roberts-Aye, Longanecker-Aye, Crooks-Aye, Cross-Aye, Wiseman-Aye and Brown-Aye.

The Mayor opened the public hearing regarding Partial Assignment of Resolution of Intent for Inland Port IV. Edgerton Bond Counsel Scott Anderson presented the item to the City Council. Patrick Robinson, Edgerton Land Holding Company, indicated that ELHC IV will construct approximately 574,111 sq. ft. warehouse and distribution facility to be located at 18905 Kill Creek Road, Edgerton, Kansas. Mr. Robinson also announced that ELHC IV was a build-to-suit project for Smart Warehousing to locate in Edgerton. With no other public comments the Mayor closed the public hearing.

Resolution No. 01-09-14A consenting to the partial assignment of a resolution of intent from Edgerton Land Holding Company, LLC to ELHC IV, LLC, or its successors in interest was considered.

Motion by Brown, seconded by Longanecker to approve Resolution No. 01-02-14A consenting to the Partial Assignment of a Resolution of Intent from Edgerton Land Holding Company, LLC to ELHC IV, LLC, or its successors in interest.

Motion carried 5-0-0.

The Mayor continued the public hearing from the December 12, 2013 meeting. The decision of the council and Edgerton Bond Counsel was to ask for a continuance of the public hearing until the January 23, 2014 meeting. There were no public comments.

Motion by Wiseman, seconded by Cross to continue the Public Hearing for First Amendment to Master Resolution of Intent to January 23, 2014.

Motion carried 5-0-0.

Change Order #3 to Agreement with Big Bull Creek Wastewater Treatment Facility and Conveyance System was considered.

Motion by Longanecker, seconded by Wiseman to approve change order #3 to agreement with Big Bull Creek Wastewater Treatment Facility and Conveyance System.

Motion carried 5-0-0.

EXECUTIVE SESSION

Motion by Wiseman, second by Cross to recess into executive session for twenty minutes, pursuant to K.S.A. 75-4319 (b) (2) for attorney client privilege to include City Administrator, Bond Counsel and Financial Advisor.

Motion carried 5-0-0

The meeting recessed at 9:25 pm.

The meeting reconvened at 9:45 pm.

Motion by Wiseman, second by Brown to return to regular meeting.

Motion carried 5-0-0

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

Report by the City Administrator

Introduction of Recreation Coordinator, Tegan Meadors, welcome to the City of Edgerton.

The new Senior Daily Meals "Choice" has started and are delivering food to city hall daily for the seniors to pick up.

An update that the Quiet Zones Project will begin around the first of March to avoid challenges of winter weather.

Report by the Mayor

CERT Program and training was discussed. The Mayor would like to encourage everyone to sign up for the classes. The CERT training is sponsored by the Rotary Club.

The Mayors Christmas Tree Fund helped several families this holiday season.

Motion by Crooks, seconded by Wiseman to allow the Mayor to sign documents to finalize the purchase of 305 E Nelson and authorize the transfer of monies.

Motion carried 5-0-0.

Adjourn

Motion by Cross, second by Crooks to adjourn

Motion carried 5-0-0

The meeting adjourned at 9:55 p.m.

Janeice L. Rawles, CMC

Approved by the Governing Body on XXXXXXXXXXXXXXXXXX