

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
January 8, 2015**

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Crooks \_\_\_\_ Cross \_\_\_\_ Troutner \_\_\_\_ Brown
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. Agenda Approval
5. Special City Council Meeting Minutes November 20, 2014
6. Approve the re-appointment of Andrea Lucero to Planning Commission
7. Approve the appointment of Bill Braun to Planning Commission

**Regular Agenda**

8. **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.
9. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

**Business Requiring Action**

10. **CONSIDER ORDINANCE NO. 990 GRANTING ANNEXATION FOR SPECIFIC LAND TO THE CITY OF EDGERTON, KANSAS, PURSUANT K.S.A. 12-520C**

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

11. **CONSIDER RESOLUTION 01-08-15A ESTABLISHING A SERVICE CHARGE TO DEFRAY THE COST AND MAINTENANCE OF THE COLLECTION AND DISPOSITION OF SOLID WASTE WITHIN THE CITY OF EDGERTON, KANSAS**

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

12. **CONSIDER RESOLUTION NO. 01-08-15B IN SUPPORT OF AN AFFORDABLE HOUSING DEVELOPMENT BY MRE CAPITAL, LLC**

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

13. **CONSIDER APPLICATION FP-11-20-2014, FINAL PLAT, LOGISTICS PARK KANSAS CITY – SOUTHEAST, FIRST PLAT AT 30801 WEST 191ST STREET AND 30901 W. 191ST STREET**

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

**14. CONSIDER AWARD OF EDGERTON LIBRARY WINDOW REPLACEMENT PROJECT**

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

**15. CONSIDER RESOLUTION NO. 01-08-15C OF THE CITY OF EDGERTON, KANSAS,  
ADOPTING A NEW PURCHASING CARD POLICY**

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

**16. Report by the City Administrator**

- Governing Body Attendance at Kansas Rural Water Association Conference
- Report on Bridgewater Lake algae concern
- Fourth Quarter Code Enforcement Report
- Report on Set Off program
- Changes to Personnel Rules and Regulations (Sections A-C)

**17. Report by the Mayor**

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

- January 13<sup>th</sup> 7:00 PM – Planning Commission
- January 21<sup>st</sup> Noon – Senior Lunch
- January 22<sup>nd</sup> 7:00 PM – City Council Meeting

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

**City of Edgerton, Kansas  
Minutes of City Council Special Session  
November 20, 2014**

A Special Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on November 20, 2014. The meeting convened at 7:00 p.m. with Mayor Roberts presiding, and City Clerk Janeice L. Rawles recording.

**1. ROLL CALL**

Frances Cross	present
Cindy Crooks	present
Charlie Troutner	present
Jody Brown	present

Clay Longanecker	absent
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With a quorum present, the meeting commenced.

Staff in attendance:       City Administrator Beth Linn  
                                  Community Development Director Kenny Cook

Consultants in attendance: Johnson County Sheriff Representative  
                                  Scott Anderson, SA Legal Advisors, LLC  
                                  Johnson County Fire District Representative

**2. WELCOME AND PLEDGE OF ALLEGIANCE**

**3. CONSENT AGENDA**

A. Agenda Approval

A motion by Brown, seconded by Cross, to approve the Consent Agenda.

The motion was approved, 4-0.

**4. PUBLIC COMMENTS**

NONE

**5. DECLARATIONS BY COUNCIL MEMBERS**

None

**6. AWARD OF RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES TO GARDNER DISPOSAL AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED.**

As directed, city staff solicited bids for residential solid waste collection through a formal bid process and on the 12<sup>th</sup> of November 2014 a public bid opening was held. There were two qualified bids, Gardner Disposal Service, Inc. and Deffenbaugh Industries, Inc. Upon review of the bid tabulations, staff recommends Gardner Disposal as the lowest and best bidder based on the bid amount for monthly rate for residents. If approved, City staff will be working closely with Gardner Disposal Services on a public information campaign to insure residents are informed about the new residential solid waste provider.

Motion by Crooks, seconded by Cross, to select Gardner Disposal to be exclusive solid waste collector within the City of Edgerton in accordance with Bid specifications, and direct staff to bring back finalized solid waste contract between the City of Edgerton and Gardner Disposal.

The motion was approved, 4-0.

**7. PUBLIC HEARING REGARDING AMENDED RESOLUTION OF INTENT FOR INLAND PORT XI WAS CONSIDERED**

Mayor Roberts opened the public hearing for the amended resolution of intent for Inland Port XI. Scott Anderson, Bond Counsel for the City of Edgerton, was present to answer any questions. This resolution of intent would increase the size of the project from 657,000 to 765,160 square feet and increase the land size from 39.5 to 46.2 acres. There being no questions, Mayor Roberts closed the public hearing.

**8. RESOLUTION NO. 11-20-14A AMENDING RESOLUTION NO. 09-11-2014A DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF ELHC XI, LLC. WAS CONSIDERED**

Motion by Brown, seconded by Crooks, to approve Resolution No. 11-20-14A amending Resolution No. 09-11-2014A determining the intent of the City of Edgerton, Kansas, to issue its industrial revenue bonds to pay the cost of acquiring, constructing and equipping a commercial facility for the benefit of ELHC XI, LLC.

The motion was approved, 4-0.

**9. PUBLIC HEARING REGARDING RESOLUTION OF INTENT FOR INLAND PORT XII WAS CONSIDERED**

Mayor Roberts opened the public hearing regarding Resolution of intent for Inland Part XII. Scott Anderson, Bond Counsel for the City of Edgerton, was present to answer any questions. This public hearing is to consider the cost-benefit report and then approve the Resolution of Intent. The resolution of Intent evidences the City's intent to issue approximately \$29 million of industrial revenue bonds for the project (ELHC XII). There being no further questions, Mayor Roberts closed the public hearing.

**10. RESOLUTION NO. 11-20-14B DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE APPROXIMATE AMOUNT OF \$29,000,000 TO PAY**



**THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF ELHC XII, LLC. WAS CONSIDERED.**

Motion by Crooks, seconded by Cross, to approve Resolution No. 11-20-14B determining the intent of the City of Edgerton, Kansas, to issue its industrial revenue bonds in the approximate amount of \$29,000,000 to pay the cost of acquiring, constructing and equipping a commercial facility for the benefit of ELHC XII, LLC.

The motion was approved, 4-0.

**11. AWARD OF CONSTRUCTION OF THE 2014 ASPHALT PATCHING (EDGEWOOD CUT OUTS) TO KILLOUGH CONSTRUCTION, INC. AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED.**

In July 2014, City of Edgerton put the 2014 Asphalt Patching project out to bid and a public bid opening was held on October 14, 2014. The bid was suspended while several core samples of the roadway were performed to better understand the magnitude of the road failure. This information was provided to the bidders prior to the opening of bids in October. The low bid is approximately \$27,695 higher than the budgeted amount. However due to the severity of the road failure and the CARS overlay project scheduled for 2015, staff recommends proceeding with the project. If approved, staff will prepare a budget amendment for consideration by council to increase the budget authority to reflect the entire expenditure in 2015.

Motion by Brown, seconded by Crooks, to award the construction of the 2014 Asphalt Patching (Edgewood Cut Outs) to Killough Construction Inc. and authorize the mayor to execute the contract.

The vote on the motion; Yea: Crooks, Brown, and Cross. Nay; Troutner

The motion was approved, 3-1.

**12. REPORT BY THE CITY ADMINISTRATOR.**

Unified School District 231 Community Forum regarding Local Option Budget will have a public forum at the Edgerton Community Building, 404 East Nelson, Edgerton, Kansas on the 18<sup>th</sup> of December 2014 at 6:00 p.m.

**12A.ADDITION TO AGENDA**

Motion by Crooks, seconded by Troutner, to make an addition to the agenda.

The motion was approved, 4-0.

**AGENDA ITEM**

**AMENDMENT TO LOAN AGREEMENT BETWEEN EDGERTON, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT IN THE AMOUNT OF \$750,000 FOR BIG BULL CREEK WASTEWATER TREATMENT FACILITY AND CONVEYANCY SYSTEM PROJECT WAS CONSIDERED.**

City staff completed an audit of revenues and expenditures in preparation of submitting the final disbursement request to KDHE. The audit revealed that the City has an increase in several areas of eligible expenses of approximately \$750,000. Based on the increase in expenses, staff recommends amending the loan to increase the amount by \$750,000.

Motion by Brown, seconded by Crooks, to approve the amendment to Loan Agreement between Edgerton, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment in the amount of \$750,000 for Big Bull Creek Wastewater Treatment Facility and Conveyance System Project.

The motion was approved, 4-0.

**13. REPORT BY THE MAYOR**

NONE

**14. FUTURE MEETING/EVENT REMINDERS**

- November 19<sup>th</sup> Noon – Senior Lunch
- November 20<sup>th</sup> 7:00 p.m. Edgerton City Council Special Session
- November 27<sup>th</sup> and 28<sup>th</sup> Thanksgiving Holiday – CITY OFFICES CLOSED
- November 27<sup>th</sup> – City Council Meeting CANCELLED
- Week of November 28<sup>th</sup> – Trash Pickup on FRIDAY
- December 5<sup>th</sup> 6:30 pm - Mayor Holiday Tree Lighting and Meet Santa
- December 9<sup>th</sup> 7:00 pm - Planning Commission
- December 10<sup>th</sup> 7:00 pm - Christmas Light Judging
- December 11<sup>th</sup> 7:00 pm - City Council Meeting
- December 18<sup>th</sup> 6:00 pm - USD 231 Community Forum Local Option Budget
- December 25<sup>th</sup> - City Offices Closed
- December 26<sup>th</sup> - Trash Pickup FRIDAY
- January 1<sup>st</sup> City Offices Closed

**15. EXECUTIVE SESSION**

Motion by Crooks, seconded by Brown, to consider recessing for twenty minutes into executive session pursuant to K.S.A. 75-4319 (b)(2) for consultation with an attorney deemed privileged in the attorney-client relationship to include Bond Counsel and city administrator.

The motion was approved, 4-0.

The meeting recessed at 7:35 p.m.

Motion by Crooks, seconded by Cross, to return to regular session, no action taken.

The motion was approved, 4-0.

The meeting reconvened at 7:55 p.m.

Motion by Crooks, seconded by Troutner, to return to executive session under same criteria for ten minutes.

The motion was approved, 4-0.

The meeting recessed at 8:00 p.m.

Motion by Crooks, seconded by Brown, to return to regular session, no action taken.

The motion was approved, 4-0.

The meeting reconvened at 8.10 p.m.

Motion by Crooks, seconded by Cross, to return to executive session under same criteria for ten minutes.

The motion was approved, 4-0

The meeting recessed at 8:15 p.m.

Motion by Crooks, seconded by Troutner, to return to regular session, no action taken.

The motion was approved, 4-0

The meeting reconvened at 8:25 p.m.

Motion by Crooks, seconded by Cross, to adjourn.

The motion was approved, 4-0.

Meeting adjourned at 8:30 pm.

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Janeice L. Rawles, CMC

City Clerk

Approved by the Governing Body on

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider Ordinance No. 990 Granting Annexation for Specific Land to the City of Edgerton, Kansas, Pursuant K.S.A. 12-520c

**Department:** Community Development

**Background/Description of Item:** Paul V. and Marie E. Middleton, owner of Parcel # 2F221510-1005 located at 20081 Homestead Lane (the northeast corner of the Homestead Lane/I-35 interchange) and Paul and Naomi Middleton, owner, Vivian Plank, agent of Parcel # 2F221510-1001 located generally on the southeast corner of 199<sup>th</sup> Street and Homestead Lane have submitted Consent for Annexation Forms to request annexation into the City of Edgerton. The Consent for Annexation Forms are attached with maps of the parent parcels (shown in red) and a plot plan including the anticipated zoning requested by the property owners. The City Council approved Resolution #10-09-14A and Resolution #10-09-14B on October 9, 2014, a request to the Board of County Commissioners to approve the island annexation. On December 11, 2014 the Johnson County Board of County Commissioners held a public hearing and determined that the annexation would not hinder or prevent the proper growth and development of the area and approved Resolution No. 076-14 for the island annexation of the subject propertyies.

As stated in the resolution, the above described properties do not satisfy the "adjoining" requirement for annexation pursuant to K.S.A. 12-520(a)(3) because they only adjoin land that was annexed into the City pursuant to K.S.A. 12-520c. Therefore the proposed annexation was required to be approved by the Johnson County Board of County Commissioners prior to the Governing Body being able to consider the annexation.

City Engineer has reviewed the legal descriptions. Enclosed are copies of the BOCC Resolution 076-14 and maps of the described properties with the area to be annexed shown in red.

Enclosure:     Draft Ordinance No. 990  
                     BOCC Resolution 076-14  
                     Consent for Annexations  
                     Annexation Maps  
                     Requested Zoning Map

**Related Ordinance(s) or Statute(s):** K.S.A. 12-520c

**Recommendation:** Approve Ordinance No. 990 Granting Annexation for Specific Land to the City of Edgerton, Kansas, Pursuant K.S.A. 12-520c

**Funding Source:** N/A

Prepared by: Kenneth Cook, Community Development Director  
Date: January 2, 2015

**ORDINANCE NO. 990**

**AN ORDINANCE ANNEXING LAND, OWNED BY PAUL V. AND MARIE E. MIDDLETON AND THE “PAUL MIDDLETON AND NAOMI MIDDLETON CO-GRANTOR TRUST”, INTO THE CITY OF EDGERTON, KANSAS**

**WHEREAS**, the land legally described in **Exhibit A** hereto, which is generally located at 199<sup>th</sup> Street and Homestead Lane, is located in Johnson County, Kansas; and

**WHEREAS**, a request for annexation of the following described property was previously submitted by the owners thereof, has been filed with the City Clerk of Edgerton, Kansas, pursuant to K.S.A. 12-520c, as amended; and

**WHEREAS**, pursuant to Resolution No. 076-14, the Board of County Commissioners of Johnson County, Kansas, has found and determined that the annexation of the tracts of land described in **Exhibit A** hereto will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within the county, pursuant to K.S.A. 12-520c, as amended; and

**WHEREAS**, the Governing Body of the City of Edgerton, Kansas finds it advisable to annex such land.

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

**SECTION 1.** That the land described in **Exhibit A** hereto is hereby annexed and made a part of the City of Edgerton, Kansas:

**SECTION 2.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Edgerton, Kansas, this 8th day of January, 2015.

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Donald Roberts

ATTEST:

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Janeice L. Rawles, City Clerk

APPROVED AS TO FORM:

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Patrick Reavey, City Attorney

## Exhibit A

### Tract 1

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

Commencing at the Northwest corner of the Northwest 1/4, Section 10, Township 15 South, Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest 1/4 a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East, 280.86 feet to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 35 minutes 22 seconds East, 362.18 feet to a point; thence South 02 degrees 03 minutes 46 seconds East, 342.19 feet (deeded 342.20 feet) to a point on the North line of the South 1/2 of the said Northwest 1/4; thence North 88 degrees 12 minutes 35 seconds East along the said North line, 1487.52 feet to a point on the Northwestern right-of-way of Highway I-35 as recorded in Book 201108, Page 1191; thence South 53 degrees 32 minutes 58 seconds West along the said highway right-of-way, 737.13 feet (deed 737.07 feet) to a point; thence South 64 degrees 51 minutes 34 seconds West along said highway right-of-way, 509.90 feet to a point; thence South 85 degrees 06 minutes 40 seconds West along said highway right-of-way, 821.52 feet to a point; thence North 10 degrees 04 minutes 47 seconds West along said highway right-of-way, 802.50 feet to a point; thence North 15 degrees 12 minutes 50 seconds East along said highway right-of-way, 141.15 feet to a point; thence North 88 degrees 57 minutes 08 seconds East along said highway right-of-way, 116.36 feet to a point; thence North 0 degrees 38 minutes 21 seconds West along said highway right-of-way, 76.41 feet to the TRUE POINT OF BEGINNING and containing 25.073 acres, more or less.

### Tract 2

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

Commencing at the Northwest corner of the Northwest One-Quarter of said Section 10 Township 15 South Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest One-Quarter a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East 286.86 feet to the True Point of Beginning of the herein described tract; thence North 00 degrees 38 minutes 21 seconds West along the highway right of way for Homestead Lane as now established, a distance of 54.71 feet to a point; thence North 87 degrees 34 minutes 33 seconds West along said right of way a distance of 100.50 feet to a point; thence North 08 degrees 11 minutes 20 seconds East a distance of 788.74 feet along said right of way to a point; thence North 66 degrees 15 minutes 11 seconds East (per right of way document South 66 degrees 15 minutes 38 seconds West) a distance of 182.89 feet to point; thence North 88 degrees 24 minutes 11 seconds East along said highway right of way and along a line parallel to the North line of the said Northwest One-Quarter (per right of way document South 88 degrees 24 minutes 21 seconds West) a distance of 460.00 feet to a point; thence North 56 degrees 58 minutes 36 seconds East (per right of way document South 56 degrees 58 minutes 34 seconds West) a distance of 105.48 feet to a point that is 25 feet South of the North line of the said Northwest One-Quarter; thence North 88 degrees 24 minutes 11 seconds East along a line parallel to and 25 feet South of the North line of the said Northwest One-Quarter, a distance of 1530.70 feet to a point on the East line of the

said Northwest One-Quarter; thence South 02 degrees 13 minutes 33 seconds East along the East line of the said Northwest One-Quarter (per right of way document South 02 degrees 13 minutes 24 seconds East 1011.27 feet) a distance of 986.39 feet to a point in the Northerly right of way line of I-35 as now established; thence South 53 degrees 32 minutes 58 seconds West along the North line of the said I-35 right of way (per right of way document 540.15 feet) a distance of 540.10 feet to a point on the North line of the South One-Half of the said Northwest One-Quarter; thence South 88 degrees 12 minutes 35 seconds West along the North line of the South One-Half of the said Northwest One-Quarter a distance of 1487.52 feet to a point; thence North 02 degrees 03 minutes 46 seconds West a distance of 342.19 feet (deeded 342.22 feet) to a point; thence South 87 degrees 35 minutes 22 seconds West a distance of 362.18 feet to the True Point of Beginning and containing 63.347 acres, more or less.



**RESOLUTION NO. 076-14****A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS, CONCERNING THE ISLAND ANNEXATION REQUEST MADE BY THE CITY OF EDGERTON, KANSAS, PURSUANT TO K.S.A. 12-520c, REGARDING REAL PROPERTY LOCATED IN UNINCORPORATED McCAMISH TOWNSHIP, JOHNSON COUNTY, KANSAS**

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At a regular meeting of the Board of County Commissioners (BOCC) conducted Thursday, December 11, 2014, there came before the BOCC for consideration the above-referenced matter.

The BOCC, upon a motion duly made, seconded and carried, Resolution No. 076-14 was adopted, to wit:

\*\*\*\*\*

**WHEREAS**, on November 17, 2014, the Clerk of the Board was presented with a certified copy of City Resolution Nos. 10-09-14A and 10-09-14B, and a request from the City of Edgerton, Kansas, to approve an island annexation of property into the city limits of Edgerton, Kansas, pursuant to K.S.A. 12-520c;

**AND WHEREAS**, the real property which is the subject of the annexation is located approximately at 199<sup>th</sup> Street and Homestead Lane, in unincorporated McCamish Township, Johnson County, Kansas, and can be more particularly described as follows, to wit:

**TRACT 1**

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

Commencing at the Northwest corner of the Northwest 1/4, Section 10, Township 15 South, Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest 1/4 a distance of

991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East, 280.86 feet to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 35 minutes 22 seconds East, 362.18 feet to a point; thence South 02 degrees 03 minutes 46 seconds East, 342.19 feet (deeded 342.20 feet) to a point on the North line of the South 1/2 of the said Northwest 1/4; thence North 88 degrees 12 minutes 35 seconds East along the said North line, 1487.52 feet to a point on the Northwesterly right-of-way of Highway I-35 as recorded in Book 201108, Page 1191; thence South 53 degrees 32 minutes 58 seconds West along the said highway right-of-way, 737.13 feet (deed 737.07 feet) to a point; thence South 64 degrees 51 minutes 34 seconds West along said highway right-of-way, 509.90 feet to a point; thence South 85 degrees 06 minutes 40 seconds West along said highway right-of-way, 821.52 feet to a point; thence North 10 degrees 04 minutes 47 seconds West along said highway right-of-way, 802.50 feet to a point; thence North 15 degrees 12 minutes 50 seconds East along said highway right-of-way, 141.15 feet to a point; thence North 88 degrees 57 minutes 08 seconds East along said highway right-of-way, 116.36 feet to a point; thence North 0 degrees 38 minutes 21 seconds West along said highway right-of-way, 76.41 feet to the TRUE POINT OF BEGINNING and containing 25.0737 acres, more or less.

## **TRACT 2**

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

Commencing at the Northwest corner of the Northwest One-Quarter of said Section 10 Township 15 South Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest One-Quarter a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East 286.86 feet to the True Point of Beginning of the herein described tract; thence North 00 degrees 38 minutes 21 seconds West along the highway right of way for Homestead Lane as now established, a distance of 54.71 feet to a point; thence North 87 degrees 34 minutes 33 seconds West along said right of way a distance of 100.50 feet to a point; thence North 08 degrees 11 minutes 20 seconds East a distance of 788.74 feet along said right of way to a point; thence North 66 degrees 15 minutes 11 seconds East (per right of way document South 66 degrees 15 minutes 38 seconds West) a distance of 182.89 feet to point; thence North 88 degrees 24 minutes 11 seconds East along said highway right of way and along a line parallel to the North line of the said Northwest One-Quarter (per right of way document South 88 degrees 24 minutes 21 seconds West) a distance of 460.00 feet to a point; thence North 56 degrees 58 minutes 36 seconds East (per right of way document South 56 degrees 58 minutes 34 seconds West) a distance of 105.48 feet to a point that is 25 feet South of the North line of the said Northwest One-Quarter; thence North 88 degrees 24 minutes 11 seconds East

along a line parallel to and 25 feet South of the North line of the said Northwest One-Quarter, a distance of 1530.70 feet to a point on the East line of the said Northwest One-Quarter; thence South 02 degrees 13 minutes 33 seconds East along the East line of the said Northwest One-Quarter (per right of way document South 02 degrees 13 minutes 24 seconds East 1011.27 feet) a distance of 986.39 feet to a point in the Northerly right of way line of I-35 as now established; thence South 53 degrees 32 minutes 58 seconds West along the North line of the said I-35 right of way (per right of way document 540.15 feet) a distance of 540.10 feet to a point on the North line of the South One-Half of the said Northwest One-Quarter; thence South 88 degrees 12 minutes 35 seconds West along the North line of the South One-Half of the said Northwest One-Quarter a distance of 1487.52 feet to a point; thence North 02 degrees 03 minutes 46 seconds West a distance of 342.19 feet (deeded 342.22 feet) to a point; thence South 87 degrees 35 minutes 22 seconds West a distance of 362.18 feet to the True Point of Beginning and containing 63.347 acres, more or less.

**AND WHEREAS**, the landowners of the property, Paul V. and Maria E. Middleton, gave their written consent to the City of Edgerton, Kansas, for the annexation of the subject property into the city limits of Edgerton;

**AND WHEREAS**, on October 9, 2014, the City of Edgerton adopted City Resolution Nos. 10-09-14A and 10-09-14B, which deemed it advisable for Edgerton to annex the land, and requested that the BOCC find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Johnson County, Kansas, all as provided in K.S.A. 12-520c;

**AND WHEREAS**, pursuant to K.S.A. 12-520c, the BOCC shall, within thirty days of presentment of the City Resolution to the Clerk of the Board, make findings and notify Edgerton regarding its decision on the annexation request;

**AND WHEREAS**, on November 20, 2014, the BOCC adopted Resolution No. 072-14, which scheduled December 11, 2014, as the date of BOCC consideration of the proposed annexation, and

directed, among other things, for the provision of notice of the BOCC proceedings regarding the annexation;

**AND WHEREAS**, the BOCC, after having reviewed the documents and other written material comprising the record of the proceedings in this matter, and having considered the statements of city officials and comments from the citizenry and other interested persons, is now prepared to render its decision on the matter;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Johnson County, Kansas, that the following findings and conclusions shall be and hereby are adopted, to-wit:

1. The Landowners have filed their written consent for annexation with the City of Edgerton, Kansas.
2. The land sought to be annexed is within the boundaries of Johnson County, Kansas, the same county as the City of Edgerton.
3. The City adopted Resolution Nos. 10-09-14A and 10-09-14B, and filed it with the BOCC.
4. The County Planning Department has analyzed the annexation request, and has determined that the request is appropriate, and should be approved.
5. In its analysis, the County Planning Department determined, among other things, that:
  - A. Surrounding Zoning and Uses:**
    1. The two proposed annexation tracts are undeveloped, in agricultural use, and are zoned by the County as Rural (RUR).
    2. Land uses surrounding the combine two tracts include a large nursery and undeveloped and agricultural tracts to the north of the annexation area. To the east is a large tract of agricultural and undeveloped agricultural land. Directly to the south is I-35 and the newly constructed I-35/Homestead Road Interchange. South of I-35 is agricultural and undeveloped land and to the southwest is the new Edgerton Wastewater Treatment Plant and land purchased for future Johnson County Park use.

Directly to the west is the undeveloped Thorpe property that has been rezoned to allow for future commercial development.

**B. Infrastructure and Services:**

1. The County's *Comprehensive Arterial Road Network Plan* (CARNP) designates Homestead Lane as a Type I Arterial. Homestead Lane recently has been reconstructed as a four-lane paved arterial that extended north to 191st Street where it dead ends at the BNSF Intermodal Facility and Logistics Park. To the south Homestead Lane dead ends at 207<sup>th</sup> Street south of I-35.
2. Both of the proposed annexation tracts have direct frontage onto Homestead Lane and Tract B has direct frontage onto 199<sup>th</sup> Street.
3. All of the annexation area is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane.
4. Neither of the tracts is located within a designated flood plain.
5. The proposed annexation site now has access to the newly installed sanitary sewer service.
6. The annexation area is located within the service area of Rural Water District No. 7. A 6-inch water line is located to the north along 199<sup>th</sup> Street right-of-way and a new 12-inch water line is located to the east along a portion the Homestead Lane right-of-way.
7. Police protection for the requested annexation site is now provided by the Johnson County Sheriff's Department. The City of Edgerton contracts for police services from the Johnson County Sheriff's Department and it is therefore, anticipated that the site would continue to be served by the Johnson County Sheriff's Department.
8. Fire protection is provided by Johnson County Rural Fire District No. 1. The nearest fire station is located in the City of Edgerton approximately 2 road-miles to the west. It is anticipated that the site would continue to be served by Johnson County Rural Fire District No. 1, if annexed.

**C. Future Development and Coordination with the City of Edgerton:**

1. The annexation area is located in an area designated by the *Johnson County Rural Comprehensive Plan* (Comprehensive Plan) as "Rural Traditional Policy Area." This designation recommends a standard development density of one dwelling unit per ten acres because of the limited availability of infrastructure to support development.
2. The *Comprehensive Plan* "Future land Use Map" does not recommend any commercial or industrial development within or within the general vicinity of the requested annexation area.
3. The City of Edgerton's recently adopted Comprehensive Plan recommends the requested annexation area for future "Business Park/Industrial" development.
4. As noted above, the property owners have indicated they intend to develop the site for future commercial or other nonresidential use.
5. The nearest Edgerton city boundary is the center line of 199<sup>th</sup> Street located approximately 25 ft. north of Tract B.

6. Post annexation, a joint-maintenance agreement between the city and the county typically has been entered into regarding the maintenance of streets adjacent to annexed tracts.
7. The *Johnson County Rural Comprehensive Plan* provides numerous policies regarding development within the county. The following are excerpts from the County Plan with the particularly relevant statements highlighted in ***bold and italics***:

### **3.3 Coordinated Approach to Development**

#### *Policies:*

1. ***The County should cooperate with affected governmental entities***, utilities (e.g., water, electric), and public service providers (e.g., school districts, fire districts), by the exchange of relevant land use planning information.
2. ***Islands of unincorporated area surrounded by cities are not desirable*** from a planning perspective due to the inefficiencies and difficulties of providing County services to these areas.
3. ***Island annexations, non-contiguous to city boundaries should be avoided*** unless there is coordinated and appropriate planning between the County and the city annexing the property.
4. Areas within unincorporated Johnson County that are currently developing or are expected to develop near cities ***should be planned in cooperation with the nearby city or cities.***

#### *Action Steps:*

- h. To the extent feasible a proposed development in the unincorporated area, near any city, should be coordinated with the plans, regulations, and standards of the nearest city.***
8. Over the past few years, the City of Edgerton has undertaken several annexations within McCamish Township. These annexations have included the following:
    - a. In 2010, Edgerton annexed approximately one-half sq. mile (339 acres) north of U.S. Highway 56, east of Sunflower Road.
    - b. Also in 2010, Edgerton annexed approximately two sq. miles (1,229 acres) in McCamish and Gardner Townships for the site of the BNSF development. The general boundaries were south of U.S. 56 highway, west of Waverly Road, north of 191<sup>st</sup> Street and east of Four Corners Road. The annexation also included some property west of Waverly Road adjacent to the Gardner Cemetery and another small tract south of 191<sup>st</sup> Street approximately one-quarter mile west of Waverly Road.



- c. As noted above, in 2011, the Board of County Commissioners approved a 51.5-acre island annexation (Thorpe property).
- d. Since 2012, the City of Edgerton has annexed a total of 166 acres, including a 15.14 island annexation in 2014, owned by Larry and Jackie Alsup.

D. Based upon the above information and the following reasons, staff has determined that the request for an island annexation is appropriate and will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County:

1. There will be adequate infrastructure and services for future development:
  - a. Access to the general area has been significantly improved as a result of the new I-35 and Homestead Lane Interchange and the improvement of Homestead Lane to connect with the new BNSF Intermodal Facility and Logistics Park.
  - b. The proposed annexation site now has access to sanitary sewer.
  - c. Water service is currently available to the annexation area.
  - d. Emergency services to the site are now provided by the Johnson County Sheriff's Department and by Johnson County Rural Fire District No. 1. If annexed, it is anticipated that these same services will continue to be provided by the Johnson County Sheriff's Department and by Johnson County Rural Fire District No. 1.
2. As this general area develops, there will be an increasing demand for urban services that the City of Edgerton may be better equipped than the County to provide.
3. The annexation request will not unduly interfere with the growth of other cities. The annexation area is not in a location that would logically extend the boundaries of other jurisdictions such as the cities of Gardner or Spring Hill, the other closest nearby cities. The request also does not appear to violate any existing annexation agreements among cities. City of Edgerton staff has indicated that the requested annexation area is not in an area contested by the City of Gardner.
4. There is coordinated planning between the County and the City of Edgerton:
  - a. The annexation area is relatively close to the City of Edgerton, whose staff has worked with the county staff to plan and coordinate development at the city's fringes and within the new BNSF development area.
  - b. Over the past year, the City of Edgerton has expanded north, west, and east into the general vicinity of the new BNSF development, which is one mile north of the annexation area.
  - c. The annexation area is within an area designated by the City of Edgerton's comprehensive plan as future "Business Park/Industrial" development.
5. This proposal for annexation is generally in keeping with the annexation policies of the *Johnson County Rural Comprehensive Plan*, which recommends avoiding "island

annexations,” unless there is “coordinated and appropriate planning between the County and the city annexing the property.” In this case there has been extensive as well as continuous ongoing coordination and planning between the County and the City of Edgerton.

6. The Landowners have indicated that the intended use of the property, post annexation, will be for commercial and businesses such as a truck stop, truck/car wash or other uses permitted in the City's Commercial or Logistics Park zoning districts or some other nonresidential use.

7. The request for annexation of the Landowners' property is properly before the BOCC at this time, and the BOCC concludes that the annexation of the Landowners' property will not hinder or prevent the proper growth and development of the area, or that of any other incorporated city located within the County, and the annexation should, therefore, be approved.

**IT IS, THEREFORE, HEREBY RESOLVED** by the Board of County Commissioners of Johnson County, Kansas, that the request of the City of Edgerton, Kansas, for approval of the annexation of certain land owned by the Landowner, which land does not adjoin the city boundaries, shall be and hereby is approved and granted, and the City of Edgerton, Kansas, shall have authority to annex, by ordinance pursuant to the provisions of K.S.A. 12-520c, the land legally described in the resolutions attached hereto as Exhibits A and B.

**BE IT FURTHER HEREBY RESOLVED**, that this Resolution shall be effective upon its adoption, and a certified copy shall be sent, by U.S. mail, to the City Clerk of Edgerton, Kansas, immediately after adoption.



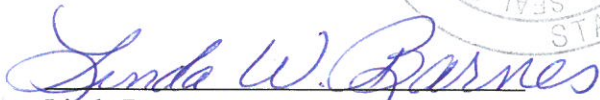
ADOPTED THIS 11<sup>TH</sup> DAY OF DECEMBER, 2014.



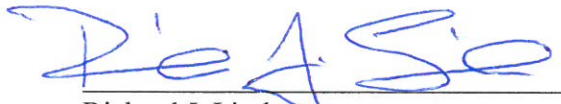
BOARD OF COUNTY COMMISSIONERS  
OF JOHNSON COUNTY, KANSAS

  
Ed Eilert, *Chairman*

ATTEST:

  
Linda Barnes  
*Clerk of the Board*

APPROVED AS TO FORM:

  
Richard J. Lind  
*Assistant County Counselor*

EDGERTON ANNEXATION REQUEST  
DECEMBER 11, 2014



**CONSENT FOR ANNEXATION**  
(Adjoining Property by Request)

TO: The Governing Body of the City of Edgerton, Kansas.

The undersigned owner of record of the following described land hereby petitions the Governing Body of the City of Edgerton, Kansas to annex such land to the City. The land to be annexed is described as follows:

*[Insert full legal description]*


See attached

The undersigned further warrants and guarantees that they are the only owner of record of the land.

**OWNER OF LAND TO BE ANNEXED:**

Paul V. Middleton, aka  
Paul Victor Middleton

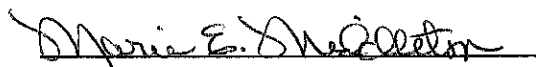
Printed Name

  
Signature

9-23-14  
Date

Marie E. Middleton

Printed Name

  
Signature

9-23-14  
Date

Middleton Property C-2

Description:

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

Commencing at the Northwest corner of the Northwest 1/4, Section 10, Township 15 South, Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest 1/4 a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East, 280.86 feet to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 35 minutes 22 seconds East, 362.18 feet to a point; thence South 02 degrees 03 minutes 46 seconds East, 342.19 feet (deeded 342.20 feet) to a point on the North line of the South 1/2 of the said Northwest 1/4; thence North 88 degrees 12 minutes 35 seconds East along the said North line, 1487.52 feet to a point on the Northwesternly right-of-way of Highway I-35 as recorded in Book 201108, Page 1191; thence South 53 degrees 32 minutes 58 seconds West along the said highway right-of-way, 737.13 feet (deed 737.07 feet) to a point; thence South 64 degrees 51 minutes 34 seconds West along said highway right-of-way, 509.90 feet to a point; thence South 85 degrees 06 minutes 40 seconds West along said highway right-of-way, 821.52 feet to a point; thence North 10 degrees 04 minutes 47 seconds West along said highway right-of-way, 802.50 feet to a point; thence North 15 degrees 12 minutes 50 seconds East along said highway right-of-way, 141.15 feet to a point; thence North 88 degrees 57 minutes 08 seconds East along said highway right-of-way, 116.36 feet to a point; thence North 0 degrees 38 minutes 21 seconds West along said highway right-of-way, 76.41 feet to the TRUE POINT OF BEGINNING and containing 25.073 acres, more or less.



## Resolution 10-09-14A

This maps shows the Middleton property referenced in Resolution 10-09-14A. Edgerton city boundary shown in dotted line.

### LEGEND

City

Parcel Line

Plat

Lot Line

Original Lot

Section



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**CONSENT FOR ANNEXATION**  
(Adjoining Property by Request)

TO: The Governing Body of the City of Edgerton, Kansas.

The undersigned owner of record of the following described land hereby petitions the Governing Body of the City of Edgerton, Kansas to annex such land to the City. The land to be annexed is described as follows:

*[Insert full legal description]*

See attached

The undersigned further warrants and guarantees that they are the only owner of record of the land.

**OWNER OF LAND TO BE ANNEXED:**

Paul Middleton and Naomi  
Middleton Co-Grantor Trust  
Paul Middleton, Co-Trustee

Printed Name

*Vivian L. Plank trustee*

Signature

*9-23-14*

Date

Paul Middleton and Naomi  
Middleton Co-Grantor Trust  
Naomi Middleton, Co-Trustee

Printed Name

*Vivian L. Plank trustee*

Signature

*9-23-14*

Date

Vivian Plank

Signature

Date

## Plank Property

### Description:

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

Commencing at the Northwest corner of the Northwest One-Quarter of said Section 10 Township 15 South Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest One-Quarter a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East 286.86 feet to the True Point of Beginning of the herein described tract; thence North 00 degrees 38 minutes 21 seconds West along the highway right of way for Homestead Lane as now established, a distance of 54.71 feet to a point; thence North 87 degrees 34 minutes 33 seconds West along said right of way a distance of 100.50 feet to a point; thence North 08 degrees 11 minutes 20 seconds East a distance of 788.74 feet along said right of way to a point; thence North 66 degrees 15 minutes 11 seconds East (per right of way document South 66 degrees 15 minutes 38 seconds West) a distance of 182.89 feet to point; thence North 88 degrees 24 minutes 11 seconds East along said highway right of way and along a line parallel to the North line of the said Northwest One-Quarter (per right of way document South 88 degrees 24 minutes 21 seconds West) a distance of 460.00 feet to a point; thence North 56 degrees 58 minutes 36 seconds East (per right of way document South 56 degrees 58 minutes 34 seconds West) a distance of 105.48 feet to a point that is 25 feet South of the North line of the said Northwest One-Quarter; thence North 88 degrees 24 minutes 11 seconds East along a line parallel to and 25 feet South of the North line of the said Northwest One-Quarter, a distance of 1530.70 feet to a point on the East line of the said Northwest One-Quarter; thence South 02 degrees 13 minutes 33 seconds East along the East line of the said Northwest One-Quarter (per right of way document South 02 degrees 13 minutes 24 seconds East 1011.27 feet) a distance of 986.39 feet to a point in the Northerly right of way line of I-35 as now established; thence South 53 degrees 32 minutes 58 seconds West along the North line of the said I-35 right of way (per right of way document 540.15 feet) a distance of 540.10 feet to a point on the North line of the South One-Half of the said Northwest One-Quarter; thence South 88 degrees 12 minutes 35 seconds West along the North line of the South One-Half of the said Northwest One-Quarter a distance of 1487.52 feet to a point; thence North 02 degrees 03 minutes 46 seconds West a distance of 342.19 feet (deeded 342.22 feet) to a point; thence South 87 degrees 35 minutes 22 seconds West a distance of 362.18 feet to the True Point of Beginning and containing 63.347 acres, more or less.



## Map of Resolution 10-09-14B

This map highlights in red the Plank-Middleton property referenced in Resolution 10-09-14B. Edgerton city boundaries shown by dotted lines.

### LEGEND

City

Parcel Line

Plat

Lot Line

Original Lot

Section



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Commencing at the North-west corner of the Northwest One-Quarter of said Section 10 Township 15 South Range 22 East; thence South 02 degrees 03 minutes 16 seconds East along the West line of the said NW1/4 Northwest One-Quarter a distance of 991.95 feet to a point; thence North 87 degrees 37 minutes 22 seconds East 286.36 feet to a point; thence North 00 degrees 38 minutes 21 seconds West along the Highway right of way for Homestead Lane as now established, a distance of 5,474 feet to a point; thence North 87 degrees 37 minutes 33 seconds West along said right of way a distance of 100.50 feet to a point; thence North 03 degrees 11 minutes 20 seconds East a distance of 788.74 feet along the Highway right of way to a point; thence North 03 degrees 15 minutes 12 seconds East along the right of way of document South 05 degrees 15 minutes 30 seconds West a distance of 182.85 feet to a point; thence North 88 degrees 24 minutes 11 seconds East along said Highway right of way and along a line parallel to the North line of the said NW1/4 Northwest One-Quarter (per right of way document South 88 degrees 24 minutes 21 seconds West) a distance of 460.00 feet to a point; thence North 56 degrees 58 minutes 35 seconds East (per right of way document South 56 degrees 58 minutes 34 seconds West) a distance of 105.48 feet to a point that is 25 feet South of the North line of the said Northwest One-Quarter, said point being the True Point of Beginning of the herein described tract; thence North 02 degrees 34 minutes 33 seconds East along the East line of the said Northwest One-Quarter a distance of 1,330.70 feet to a point on the East line of the said Northwest One-Quarter; thence South 02 degrees 13 minutes 33 seconds East along the East line of the said Northwest One-Quarter (per right of way document South 02 degrees 13 minutes 24 seconds East 1,011.27 feet) a distance of 968.39 feet to a point in the Northernly right of way line of 135 as now established; thence South 53 degrees 32 minutes 58 seconds West along the North line of the said 135 right of way (per right of way document SA40.15 feet) a distance of 540.10 feet to a point on the North line of the South One-Half of the said Northwest One-Quarter; thence South 88 degrees 32 minutes 15 seconds East along the North line of the said South One-Half of the said Northwest One-Quarter a distance of 108.06 feet to a point; thence North 02 degrees 13 minutes 33 seconds West a distance of 1,338.72 feet to the True Point of Beginning and containing 43,969 acres, more or less.

ZONING EXHIBIT  
PLANK, MIDDLETON PROPERTY  
PART OF NW. 1/4 OF SECTION 10, T 15S, R 22E  
JOHNSON COUNTY, KANSAS

ZONING EXHIBIT	DRAWN BY	REVISION DATE	REVISION DESCRIPTION
	AK		
	CHECKED BY:		
	SBS		
	DATE PREPARED:		
	8-2-2018		
	PLOTT NUMBER		
	14-108		



## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider Resolution 01-08-15A Establishing A Service Charge To Defray The Cost And Maintenance Of The Collection And Disposition Of Solid Waste Within The City Of Edgerton, Kansas

**Department:** Administration

**Background/Description of Item:** On November 20, 2014, Edgerton City Council approved a contract with Gardner Disposal to provide citywide residential solid waste collection and disposal. The monthly cost per unit for this service with Gardner Disposal is \$15.00 per month. The previous contract rate with Deffenbaugh Industries was \$13.66 per customer per month.

Draft Resolution No. 01-08-15A would reduce the monthly solid waste charge per dwelling by fifty percent (50%) to \$7.50 per monthly per dwelling. If approved, the increase in monthly cost for solid waste collection would be \$0.67 per dwelling. The resolution also sets the charges for additional containers or bags and includes a pricing schedule for special or bulk item pickup. The contract includes one free furniture item per user per month. Any special or bulk item in addition to that item would be priced as included in the resolution.

Enclosure: Draft Resolution 01-08-15A  
Resolution 12-08-11E

**Related Ordinance(s) or Statute(s):** Chapter VIII Article 5 Solid Waste

**Recommendation:** Approve Resolution 01-08-15A Establishing A Service Charge To Defray The Cost And Maintenance Of The Collection And Disposition Of Solid Waste Within The City Of Edgerton, Kansas

**Funding Source:** General - General Government – Trash Contract

Prepared by: Beth Linn, City Administrator  
Date: January 2, 2015

## **RESOLUTION NO. 01-08-15A**

### **A RESOLUTION ESTABLISHING A SERVICE CHARGE TO DEFRAY THE COST AND MAINTENANCE OF THE COLLECTION AND DISPOSITION OF SOLID WASTE WITHIN THE CITY OF EDGERTON, KANSAS**

**WHEREAS**, the Governing Body of the City has determined that all dwelling units within the City limits shall have solid waste trash service provided by the City or by a contractor retained by the City; and

**WHEREAS**, Chapter VIII, Article 5, Section 8-521 requires that the City establish by resolution and collect a service charge to defray the cost and maintenance of the collection and disposal of solid waste within the City.

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

**SECTION ONE:** All owners or occupants of dwelling units within the city (unless exempted by Section 8-502) shall be required to pay the following monthly trash service charge for the collection and disposal of solid waste:

1. \$7.50 per month for each dwelling unit pickup, which includes the cost of one ninety-five (95) gallon trash container and one sixty-five (65) gallon recycling container.
2. Additional solid waste container(s) for any resident who requests additional container(s) shall be billed at an additional \$5.00 per month per trash container and \$1.00 per month per recycling container.
3. Additional bags of solid waste may be set out for collection if property packaged and tagged with a sticker purchased at City Hall or by the contractor retained by the City for \$1.50 per sticker per bag.
4. Yard Waste Materials may not be included in the solid waste container. Yard waste includes grass clippings, leaves, tree trimmings and other like materials. All yard waste must be set out in either biodegradable paper or cornstarch based bags, in containers marked as Compost or Yard Waste, or in bundles not exceeding four feet (4') in length and eighteen inches (18") in diameter and tied with biodegradable twine or string only. Yard waste set outs are limited to a combined total of eight (8) bags, containers, or bundles per week except for the months of March, April, August, September, October, and November when the limit shall be twelve (12) bags, containers, or bundles per week.
5. Each resident is allowed one individual Bulky Item per week to be picked up at no additional charge. Bulky item pickups must be scheduled three (3) business days in advance. Additional bulky items over the one (1) free weekly item will be collected at a rate of \$10 for furniture or small appliances not containing CFC's or Freon; \$10 for large appliances or appliances containing CFC or Freon; and

amount bid by provider for Construction & Demolition (C&D) materials (roll-off container required).

**SECTION TWO:** Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills.

**SECTION THREE:** The City of Edgerton shall be required to pay the balance of the residential solid waste trash bill invoiced to the City less solid waste revenues collected as herein provided.

**SECTION FOUR:** Resolution No. 12-08-11E is hereby repealed in its entirety as of the effective date of this Resolution.

**SECTION FIVE:** This Resolution will become effective as of January 31, 2015 following its adoption and approval by the Governing Body of the City of Edgerton.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 8<sup>TH</sup> DAY OF JANUARY, 2015.

ATTEST:

**CITY OF EDGERTON, KANSAS**

\_\_\_\_\_  
Janeice Rawles, City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Patrick G. Reavey, City Attorney

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider Resolution No. 01-08-15B of Support For An Affordable Housing Development By MRE Capital, LLC

**Department:** Administration

**Background/Description of Item:** The City of Edgerton has again received a request from MRE Capital, LLC for a resolution in support of an affordable housing development project. An identical request was received in January 2014. MRE Capital plans to submit a housing credit application with the Kansas Housing Resource Corporation for the development of affordable multi-family rental housing on parcels BP50000000 0003C and BP50000000 0002A generally located on the south side of 56 Highway on 10 acres located west of 1st Street and east of the Edgerton Elementary School. The property is highlighted in red on the enclosed Vicinity Map.

The housing development will include new construction of 48 apartment units with all units targeted to families. The property will have the following amenities: a fitness room; onsite management; onsite maintenance; green area; washer and dryer hookups in units; full kitchens; energy efficient design; computer/business room and library.

Enclosed with the packet is information on MRE Capital, LLC as a firm, preliminary site plan. In addition, MRE Capital will attend the City Council meeting on January 8<sup>th</sup> to present the preliminary plan to City Council and answer questions regarding the project or housing credit application process. The preliminary site plan includes frontage along Highway 56 for future commercial development and significant green space buffers both on the south and east adjacent to the closest single family residences.

Recently the City of Edgerton participated in the Southwest Area Plan with KDOT, Johnson County, City of Gardner and Mid America Regional Council. This plan studied the anticipated land use including demand and absorption that will result from the expected growth at Logistics Park Kansas City. The plan indicates the housing supply in Edgerton includes approximately 90% single-family residences, 7% medium-density (such as duplexes) and 3% mobile homes. Edgerton does not currently have a significant apartment development. The plan anticipates a change in housing preferences to include a desire for multi-family partially by choice of residents and partially necessitated by the tighter financing regulations after the 2008 mortgage crisis.

If the project is successful in the housing credit application process with the Kansas Housing Resource Corporation, then the applicant will need to complete all of the corresponding planning items including rezoning, platting, site plan development, etc. Currently the property is zoned C-1 (BP50000000 0003C) and R-3 (BP50000000 0002A).

The Draft Resolution of Support indicates that the Governing Body has been provided with preliminary information on the above-described project, and subject to additional detail and all necessary approvals required by City ordinances and regulations, it supports the development of the housing project in Edgerton. This resolution is effective until February 7th, 2016 unless the City repeals the same before such date. The Resolution also states that in the event that any of the characteristics presented to the City Council should change prior to the issuance of a building permit, this resolution is null and void.

Staff would note that the property has a significant gas pipeline easement through the property. The site plan may need to be adjusted due to regulations of the gas company.

Enclosures: Draft Resolution Of Support For An Affordable Housing Development By MRE Capital  
Vicinity Map  
MRE Capital, LLC Company Profile  
Preliminary Site Plan, Elevation and Floor Plans

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

**Recommendation:** Approve Resolution No. 01-08-15B Of Support For An Affordable Housing Development By MRE Capital, LLC

**Funding Sources:** N/A

Prepared by: Beth Linn, City Administrator  
Date: January 5, 2015

**RESOLUTION NO. 01-08-15B**

**A RESOLUTION OF SUPPORT FOR AN AFFORDABLE HOUSING DEVELOPMENT BY MRE CAPITAL, LLC**

**WHEREAS**, the City of Edgerton, Kansas has been informed by MRE Capital, LLC that a housing credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing south of 56 Highway on 10 acres located west of 1<sup>st</sup> street and east of the Edgerton Elementary School in Edgerton, Kansas as follows:

COUNTY CLERKS SUBDIVISION NW1/4 7-15-22 LTS 3&4 EX S 150' EX .08AC IN  
RD EDC 488.1

COUNTY CLERKS SUBDIVISION NW1/4 7-15-22 LOT 2 EX BG NW CR LT 2 S  
16.3' E 132' N 16.05' W TO POB & EX S 280' EDC 487

**WHEREAS**, this housing development will be new construction of 48 apartment units, all units will be targeted to families;

**WHEREAS**, the property will have the following amenities: a fitness room; onsite management; onsite maintenance; green area; washer and dryer hookups in units; full kitchens; energy efficient design; computer/business room and library.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Edgerton that it has been provided with preliminary information on the above-described project, and subject to additional detail and all necessary approvals required by City ordinances and regulations, it supports the development of the aforesaid housing in its community. This resolution is effective until February 7th, 2016 unless the City repeals the same before such date. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

**THIS RESOLUTION** shall take effect from and after its passage by the Governing Body of the City of Edgerton.

**ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR**, this January 8, 2015.

\_\_\_\_\_  
Donald Roberts, Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Janeice Rawles, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Patrick G. Reavey, City Attorney



# Vicinity Map – MRE Capital, LLC Project





# MRE CAPITAL, LLC

MRE Capital, LLC is a firm that develops, invests, and consults in business and real estate transactions through full ownership, joint venture, and consulting opportunities. From site/building selection, financial projections, financing, tax credit structure, and negotiating public finance packages to the design, construction, closing, and leasing, MRE Capital's professionals excel in taking projects from concept to completion. MRE Capital is an opportunity driven firm that is not limited by location, structure, or property type. Our flexible platform allows us to evaluate multiple opportunities and invest our time and resources in only those projects with the highest potential for success. MRE Capital's focus on tax credit transactions enable us to create low leverage, high quality developments in any market cycle.

## *Credits / Financing Tools*

New Market Tax Credits  
Alternative Energy Tax Credits  
HUD Financing

Historic Tax credits  
Affordable Housing Tax Credits  
USDA Financing

Brownfield Tax Credits  
Tax Increment Finance  
Bond Financing

## *Commitment*

MRE Capital's commitment is first and foremost to people. We carefully evaluate risks and relationships on a continual basis. Our reputation is always considered before returns.

### **Jacob Mooney ([jmooney@mrecapital.com](mailto:jmooney@mrecapital.com) – 913-638-2500)**

Jake is a co-founding member of MRE Capital, LLC, which is a specialized real estate development company. Prior to forming MRE Capital, Jake held positions in the financial sector with Merrill Lynch. As a Series 7 and Series 66 financial advisor, Jake was a conduit between Global Private Clients and various investment banks. This gave Jake the opportunity to work on private equity raises, IPOs, commercial lines of credit, business banking, commercial real estate financing, and merger and acquisition transactions. As a consultant prior to forming MRE Capital, Jake worked on site/building selection, finance, public finance and construction. He has been involved in numerous projects throughout the Midwest, employing creative financing solutions that include low income housing tax credits (LIHTC), New Markets Tax Credits (NMTC) and historic tax credits. At MRE Capital, Jake is responsible for new acquisitions, financial projections and developing senior level relationships with lenders and investors. He has a Business Finance degree from Kansas State University and is an active member of Church of the Resurrection in Leawood, KS. Jake lives in the Stilwell, KS with his wife and son.

### **Daniel Sailer, III ([dsailer@mrecapital.com](mailto:dsailer@mrecapital.com) – 913-231-8400)**

Daniel co-founded MRE Capital, LLC after extensive experience with various companies in the construction industry. Daniel's career includes management positions with suppliers, contractors and real estate developers, including Townsend, Inc., where he and Jake established the firm's tax credit division. Daniel has been involved in the development of numerous projects using LIHTC and NMTC tax credits. At MRE Capital, Daniel is responsible for transaction execution, financial valuation, due diligence and administrative aspects of projects, and is active in locating new investors and financing sources. He has a degree from the University of Kansas and is involved in Big Brothers/Big Sisters, Catholic Charities and other charities in the Kansas City area. Daniel lives in the Overland Park, KS with his family.

## *Developments*

Rock Ridge Villas – Branson, MO – 38 Single Family Homes (New Construction)  
Timber Creek – Muskogee, OK – 42 Family Duplexes (New Construction)  
Dogwood Cottages – Blytheville, AR – 36 Family Duplexes (New Construction)  
Maple Ridge – Bonner Springs, KS – 32 Senior Apartments (New Construction)  
Sander's Heights – Lawton, OK – 44 Family Apartments (Acquisition/Rehab.)  
Rock Ridge Apartments – Branson, MO – 48 Family Apartments (New Construction)

## *References*

Kent Wollen, Branson Housing Authority Executive Director – (417) 334-4236  
Mayor Raeanne Presley, Branson Mayor – (417) 334-4129  
Marcia Harrington, Economic Development Director – (913) 667-1703  
Tish Callahan, Muskogee City Planner – (918) 684-6232  
James Sanders, Bytheville Mayor – (870) 763-3602

**8901 State Line Road, Suite 250  
Kansas City, MO 64114**







# 16-PLEX BUILDING FRONT ELEVATION

SCALE: 1" = 20'-0"

JANUARY 2014

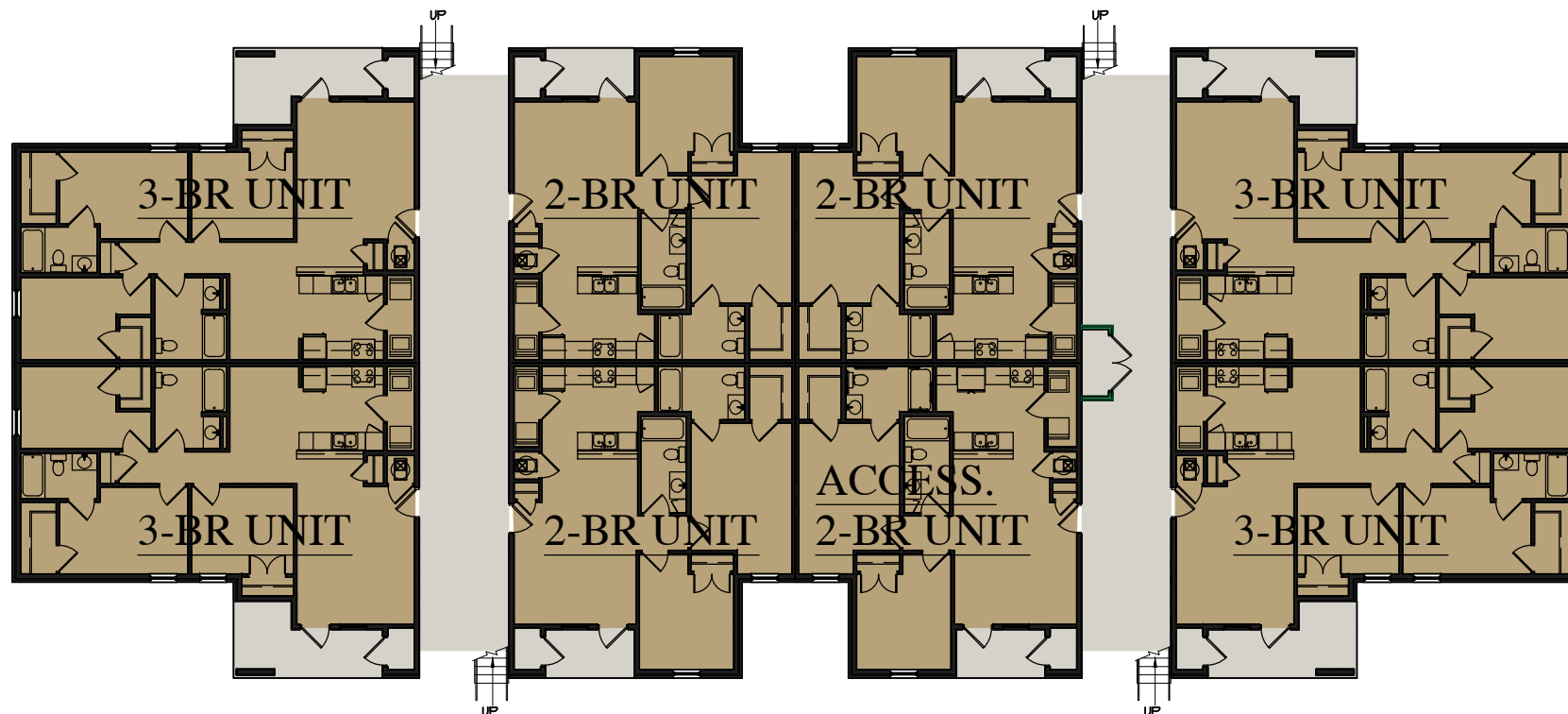


VIRE Capital, LLC

PHEASANT RIDGE

Edgerton, Kansas

**Wallace**  
ARCHITECTS LLC  
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# BUILDING A 1ST FLOOR

2ND FLOOR SIMILAR WITH ALL TYPICAL UNITS

SCALE: 1" = 20'-0"

JANUARY 2014

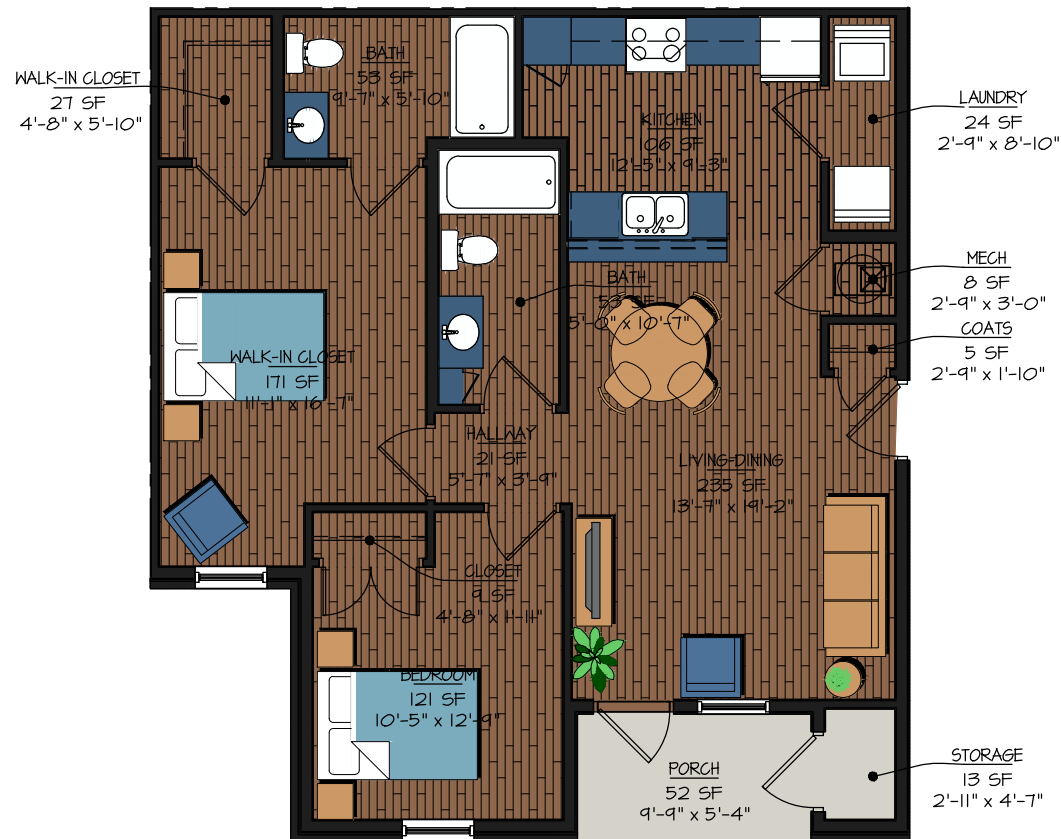


MRE Capital, LLC

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Edgerton, Kansas

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ARCHITECTS LLC  
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## TYPICAL 2-BR UNIT

966 SF MEASURED  
OUTSIDE OF STUD WALL  
AND CENTERLINE OF  
PARTY WALL  
SCALE: 1/8" = 1'-0"

JANUARY 2014

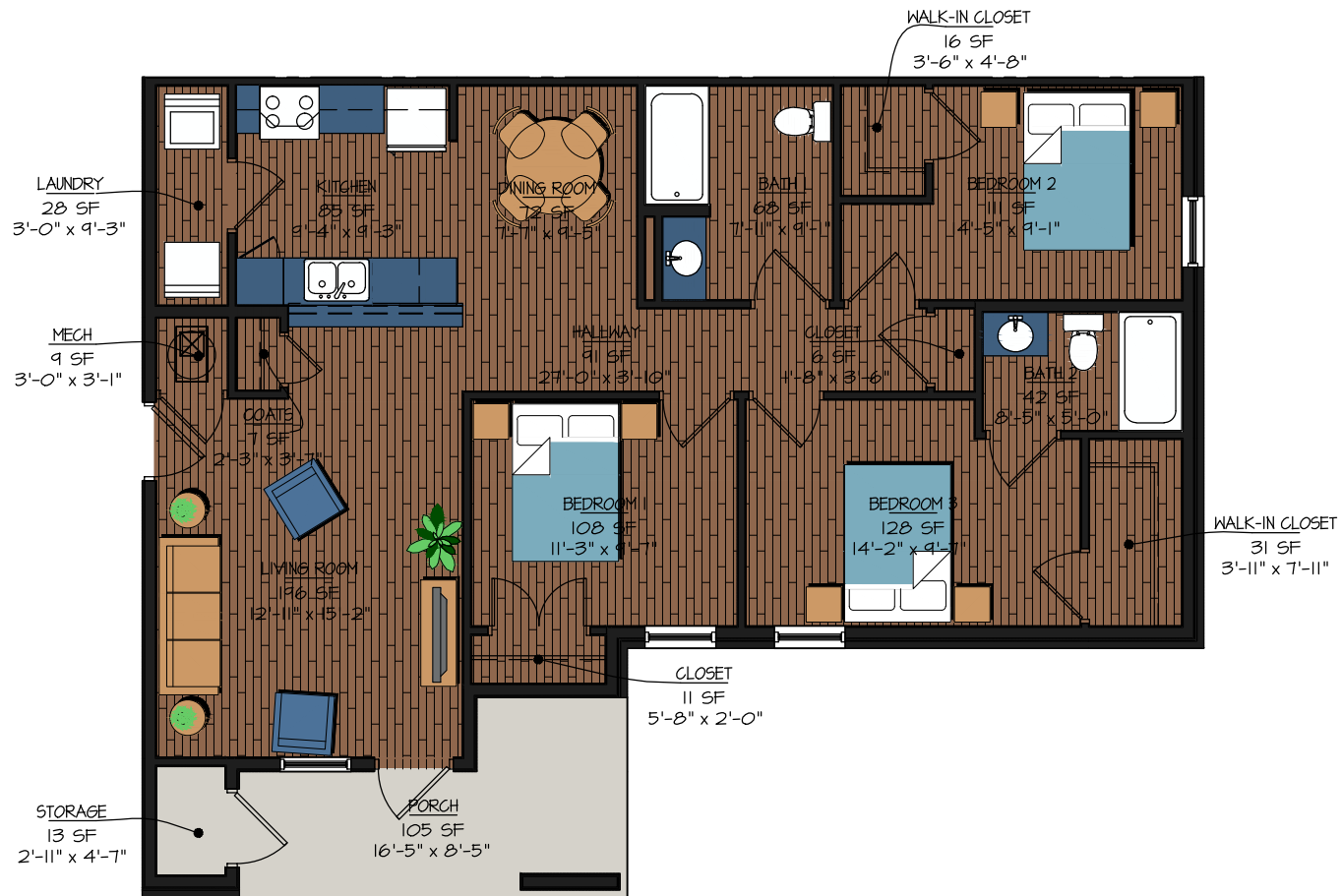


VIRE Capital, LLC

### PHEASANT RIDGE

Edgerton, Kansas

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ARCHITECTS LLC  
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## TYPICAL 3-BR UNIT

1,168 SF MEASURED  
OUTSIDE OF STUD WALL  
AND CENTERLINE OF  
PARTY WALL  
SCALE: 1/8" = 1'-0"

JANUARY 2014



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Edgerton, Kansas

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## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider Application FP-11-20-2014, Final Plat, Logistics Park Kansas City – Southeast, First Plat at 30801 West 191st Street and 30901 W. 191<sup>st</sup> Street

**Department:** Community Development

**Background/Description of Item:** The City of Edgerton has received Application FP-11-20-2014 for final plat of the Logistics Park Kansas City – Southeast, First Plat at 30801 & 30901 West 191st Street. The final plat includes two lots containing 88.5 acres and the dedication of a new public street (Montrose Street). The property owner intends to operate warehouse facilities as part of Logistics Park Kansas City. A 765,160 square foot facility is currently under construction on Lot 1 and which 450,000 square feet was recently announced to have been leased Kubota Tractor Corporation. A 650,000 square foot warehouse is also currently under construction on Lot 2.

Staff, including City Engineer, has reviewed the Final Plat submittal for compliance with the Approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments are detailed in the attached staff report.

The Planning Commission reviewed the application on December 9, 2014. The Edgerton Planning Commission recommended approval of Application FP-11-20-2014 for Final Plat for Logistics Park Kansas City – Southeast, First Plat subject to compliance with the following stipulations as listed in the staff report dated December 3, 2014:

1. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
2. 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. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements.
3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. 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.
5. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.

Enclosure: Staff Report from December 9, 2014 Planning Commission  
Final Plat  
Final Plat Application FP-11-20-2014 for Logistics Park Kansas City - Southeast, First Plat

**Recommendation:** Approve Application FP-11-20-2014, Final Plat, Logistics Park Kansas City – Southeast, First Plat at 30801 West 191st Street and 30901 W. 191<sup>st</sup> Street

**Funding Source:** N/A

Prepared by: Kenneth Cook, Community Development Director  
Date: December 22, 2014



**EDGERTON**  
global routes. local roots.

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

## STAFF REPORT

December 3, 2014

To: Edgerton Planning Commission  
Fr: Kenneth Cook, AICP, CFM, Community Development Director  
Re: Application for Logistics Park Kansas City – Southeast, First Plat

### APPLICATION INFORMATION

**Applicant/Property Owner:** Edgerton Land Holding Company

**Requested Action:** Final Plat – Logistics Park Kansas City – Southeast, First Plat

**Legal Description:** See Final Plat attached

**Site Address/Location:** 30801 W 191<sup>st</sup> Street & 30901 W 191<sup>st</sup> Street

**Existing Zoning and Land Uses:** City of Edgerton L-P Logistics Park on vacant land

**Existing Improvements:** None

**Site Size:** Approximately 88.488 Acres

### PROJECT DESCRIPTION

This is additional development of the Logistics Park Kansas City by Edgerton Land Holding Company (ELHC), a subsidiary of NorthPoint Development. The property will serve the BNSF intermodal facility to the northwest of the subject site. The intermodal facility's purpose is to transfer loaded cargo containers from trains to trucks. LPKC is a 1500 acre master planned development. ELHC, the applicant for this project, is BNSF's partner for developing warehousing which is planned to eventually surround the intermodal facility.

The subject property is located to the Southeast of the intersection of Waverly Road and 191<sup>st</sup> Street. The property is zoned L-P, Logistics Park. The City's Unified Development Code (UDC) defines this district as a limited multimodal industrial zone created to support activities related to truck, rail and other transport services. The property has an approved preliminary plat and preliminary site plan and the applicants have also submitted a Final Site Plan for consideration. The proposed subdivision includes two lots, two tracts (stormwater detention) and the dedication of a proposed public street. Lot 1 includes a proposed 650,000 square foot warehouse and Lot 2 includes a proposed 650,000 square warehouse.



## INFRASTRUCTURE AND SERVICES

Infrastructure was reviewed previously per the rezoning and preliminary plat. Some conditions continue to exist as noted below.

- a. Waverly Road is gravel surfaced adjacent to this property and dead-ends on the property adjacent to the south. 191st Street is 26 feet wide, paved, with no shoulders. Both streets are planned for future improvement to pavement that will support intermodal and logistic park traffic. Edgerton Land Holding Company is a party to the tri-party agreement regarding development of Logistics Park Kansas City. That agreement outlines the mechanism for construction and financing of Waverly Road. 191<sup>st</sup> Street will need to be upgraded in the future as development occurs in the area.
- b. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane.
- c. A small portion of the southeast corner of the property is located within Zone X, 1% Future Conditions flood plain.
- d. The property does not currently have sanitary sewer service.
- e. The property is located within the service area of Rural Water District No. 7. A 12-inch water main is located along the Waverly Road property frontage. Though no water main currently exists on 191<sup>st</sup> Street east of Waverly Road, about 1,000 feet of main will be constructed to serve the JB Hunt Container Storage project on the north side of 191<sup>st</sup>. The property owner will need to extend the main further to the east, to serve the eastern portion of this development.
- f. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. A fire station is located in the City of Edgerton, approximately 1.5 miles to the west.

## FINAL PLAT REVIEW

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

1. Scale, the same used for the preliminary plat; North point; vicinity map. ***Final Plat complies.***
2. 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 title is not followed by a metes and bounds description such as "Part of the Northwest Quarter of Section 2, Township 15 South, Range 22 West in the City of Edgerton, Johnson County, Kansas."***
3. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar. ***The basis of bearings should be labeled on the graphic part of the plat. The plat currently shows all monuments being ½" x 24" Rebar while the regulations require 2" x 24" metal bar. Staff believes that the 2" measurement is a typographical error and that it should be ½".***
4. 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. ***Final Plat complies.***

5. Individual notations and a TABLE showing: lot area, setbacks, and building envelopes. ***Final Plat complies.***
6. A number for each lot, starting (if practical) in the northwest corner. ***Final Plat complies. (Lot 1 – Inland Port I Spec Building; Lot 2 – DEMDACO; Lot 3 – this application).***
7. All easements with widths, and roads with curve data. *Tract A and B are listed as remaining under the ownership of Edgerton Land Holding Company. Who is going to be responsible for maintaining landscaping on these properties and what happens if ELHC no longer exists at some point in the future. Should these properties be linked to the adjoining tracts? Additional utility easements may be necessary along East and South Property line (10'). Plat should be reviewed by Utility Companies. The 15' U/E adjacent to the 50' R/W should also be labeled as a pedestrian easement. A 15' U/E & P/E should be dedicated on the west side of Kill Creek Road and north side of 187th Street by separate instrument. The public street being dedicated by this plat is shown on the plat as Brome Street and should be Montrose Street. It is anticipated that the sidewalks on both sides of Montrose Street to the South of Lots 1 & 2 (including Tract B) will be constructed when these sites are developed.*
8. Ingress/egress limitations if required. ***Final Plat complies.***
9. The location of existing utility easements. ***Final Plat complies.***
10. A written legal description from the survey. ***Final Plat complies.***
11. An instrument of dedication for all roads and easements. ***Dedication should include Pedestrian Easement.***
12. Special notations required as a condition of platting by the Planning Commission. ***Final Plat complies.***
13. Approved phases – clearly delineated. ***Final Plat complies.***
14. Private travel easements. ***Final Plat complies.***
15. The Owner's Certificate with Notary Seal. ***Final Plat complies.***
16. Certificate of the Governing Body with City Clerk's attest and Seal. ***Place name under Mayor's & Clerks line?***
17. Edgerton City Planning Commission chair and secretary approval. ***This certificate needs to be updated to show Chuck Davis as the Chairperson.***
18. Certificate of the Register of Deeds. ***Not provided.***
19. Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor. ***County Surveyor approval block has not been provided.***
20. Certificate of the Zoning Administrator. ***Final Plat complies. Place ZA's name under line?***

## **UPDATE**

Staff held a meeting with the applicant to discuss these issues and the applicant is working on making the necessary changes to the Final Plat drawing.

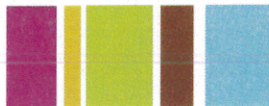
## **RECOMMENDATION**

City staff recommends approval of the Final Plat for Logistics Park Kansas City, Southeast, First Plat, subject to compliance with the following stipulations:

1. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
2. 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. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements.
3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. 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.
5. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.

## **ATTACHMENTS**

Final Plat for Logistics Park Kansas City, Southeast, First Plat



## Final Plat Application (Fee: \$300 Plus \$10 Per Lot)

Public Works: 816.893.6801 • EDGERTONKS.ORG

That part of the Northwest Quarter and Southwest Quarter of Section 2, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence North  $88^{\circ}38'48''$  East, coincident with the north line of said Northwest Quarter, 1,981.93 feet; thence departing said north line, South  $01^{\circ}21'12''$  East, 1,669.27 feet; thence South  $88^{\circ}38'48''$  West, 932.49 feet; thence South  $01^{\circ}21'12''$  East, 985.48 feet to the north line of the Southwest Quarter of said Section 2; thence North  $87^{\circ}46'29''$  East, coincident with said north line, 564.92 feet; thence departing said north line South  $02^{\circ}13'31''$  East, 455.25 feet; thence South  $87^{\circ}46'29''$  West, 621.86 feet; thence North  $01^{\circ}21'11''$  West, 1230.30 feet; thence South  $88^{\circ}50'13''$  West, 1,005.68 feet to a point on the west line of said Northwest Quarter; thence North  $01^{\circ}09'47''$  West, coincident with said west line, 1,877.19 feet to the Point of Beginning, containing 3,854,516 square feet, or 88.488 acres, more or less.

## LOGISTICS PARK KANSAS CITY - SOUTHEAST, FIRST PLAT

1915T STREET



This part of the *Geographical Names and Sensitive Quarter of Seoul*, 2, Township 10, Seongbuk 22-ri, the part of the City of Gyeongju, Jeonju, Gwangju, Seoul, were particularly described in detail.

**EDUCATION**

The undergraduate experience of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "LOUISITICS PARK, KANSAS CITY - SOUTHWEST, FIRST PLAT".

The underlying purpose of all property laws on the first day heavily depends for public use and public safety of all parts of land. Involvement of the public in the land is not a new concept. The public, police, fire, water, electric, gas, and other services and also is broader defined. When your assessment rights have been granted in any person, utility or corporation on any part of the land is dedicated, and any person, utility, police, fire, water, electric, gas, and other services (landed) and thereon are required to be provided, in accordance with proposed improvements in new set forth, the underlying purpose heavily depends and refers to including the City of Edmonton, Kansas, from any expense included in the dedication of any such existing utility structures and other set-aside.

As mentioned, it is important to ensure open, honest, constructive, and effective communication of maintenance and use of facilities, water, sewer pipes, poles, wiring, drainage facilities, irrigation systems, doors and ebbles, and similar facilities, open, over and under those signs outlined and designated in this plan as "Utility Encumbrance" or "UTP." It is hereby granted to the City of Eugene, Oregon with all individuals not the use of the same by other governmental entities and public utilities as may be substituted by state law to use such statements for said purposes. Utility encumbrances shall be large clear or obstructive that impinge the strength or integrity with the use and/or maintenance of public utilities located within the easement.

**RESTRICTION:**

These "A," "B," and "C" are intended to be used for aluminum detection and open space, and shall be owned and maintained by Open Land Holding Company, LLC.

The undersigned proprietors of the above described tract of land hereby covenants and agrees that the Board of County Commissioners and the City of Eugene, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on this land fronting and abutting on such dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF, the undersigned proponent has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WHEEL LLC

Nathaniel Haggren, Managing Member

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF PLATTE )

HILL, KENNEDY, due on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Before me a Notary Public in and for said County and State, came Nathaniel Hagopian, Managing Member of ELIHC I, LLC., who is personally known to me to be the same person who executed the foregoing instrument, sitting on behalf of said limited liability company; and he duly acknowledged the execution of the same to be the act and deed of said limited liability company).

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

Notary Public	Index number: 444 444
---------------	-----------------------

APPROVED by the Planning Commission of the City of Tallahassee, Jefferson County, Kansas.

<u>Phyllis Harris, Chairman</u>	<u>Maria O'Neill, Secretary</u>
---------------------------------	---------------------------------

APPROVED by the Governing Body of the City of Edgemoor, Johnson County, Kansas.

**Abstract**

Zoning Administrator

This is in conformity with the 27th day of October, 2014 this field survey was completed on the ground by one of the authors under my direct supervision and that said survey meets or exceeds the "Karnes Minimum Standards" for boundary surveys pursuant to K.S.A. 74-2037.

Michael Schneiderberger, Kansas 15-654

Basin of Bearpiper, Kansas North Zone, U.S. State Plane, NAD 83 1640N  
N 80°38'48" E, along the North line of the NW 1/4 of Section 03-T15S-R22E.

#### CLOSING CALCULATIONS

Transit distance: 0.06057°  
 Transit direction: S00P478078  
 Position: 11526.37

LOGISTICS PARK KANSAS CITY - SOUTHEAST, FIRST PLAT

Prepared For \_\_\_\_\_ Danisco

**ELITE VILLAS**  
5015 NW Canal Street, Suite 200  
Miami, FL 33149  
Tel: 305.442.0000  
www.renaissancefl.com

**Infrastructure**

 Consulting

Date of Preparation: \_\_\_\_\_  
November 11, 2014

1156 W. CAMBROO CIRCLE DRIVE  
KANSAS CITY, KANSAS 64117

913.317.9500  
www.bcc-kansas.com



## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider Award of Edgerton Library Window Replacement Project

**Department:** Administration

**Background/Description of Item:** As part of the of annual agreement with Johnson County Library (JCL) for the use of the Edgerton Bank of Knowledge building, the City of Edgerton agrees that it will, at its sole expense, maintain the floors, roof, walls, windows, entry areas and common areas of the Facility in a manner that makes the Facility safe and free of hazards for use by JCL patrons. City staff has been working with library facility staff regarding concerns about the storefront windows.

The current windows are single pane glass with wood framing. Changes in exterior weather temperature that are significantly different from the interior temperatures cause the windows to sweat sending moisture into the wood frame causing the frames to become soft and even rot. This issue is compounded by the heaving/cooling system that has been installed since the remodel and the vents being located near the windows.

Staff suggested replacing with insulated glass storefront windows with white aluminum frames that will be more energy efficient and less future maintenance. Staff received three bids for the window replacement with the lowest and best bid from Kennedy Glass from Lawrence.

In 2014, Edgerton City Council approved \$5000 in the budget for replacement of the windows. However, the actual bids received were higher at \$8,312. In 2014, staff transferred the budgeted \$5000 to the Capital Improvement Fund to allow the funding to remain for expenditure in the 2015. The approved 2015 general fund budget includes \$15,000 in professional services for facilities. Staff would recommend transferring \$3312 to the Capital Improvement Fund to fully fund this project and award the construction to Kennedy Glass.

Although the amount of the construction project is within the approval authority of the City Administrator, staff would request City Council authorize the transfer of 2015 general funds to the capital improvement.

Enclosure: Summary Bid Sheet and Corresponding Bids

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

**Recommendation:** Approve Transfer of \$3312 from General Fund to Capital Improvement Fund to Fully Fund Library Replacement Window Project and Award Construction to Kennedy Glass

**Funding Source:** General – Facilities – Professional Services and Capital Improvement Fund – Library Windows

Prepared by: Beth Linn, City Administrator

Date: January 5, 2014

**MAINTENANCE REQUEST:*****CITY OF EDGERTON, KS***

404 East Nelson Street

Date: 11/5/14

Edgerton, KS 66021

Telephone: 913-893-6231

Funding Source: Equipment Reserve

Fax: 913-893-6232

**Re: Bank of Knowledge, Edgerton Branch of JoCo Library located at 319 E Nelson is needing replacement of current store front windows. The current windows are of single pane glass with wood framing. When the weather temperatures differentiate between inside and outside the windows sweat causing the wood frame to become soft and even rot. This is an issue because the building since remodel has HVAC and also the vents are near the windows. By replacing with insulated windows with aluminum frames the building will become more energy efficient and less future maintenance as the wood frames will need maintenance annually and replace rot regularly.**

QUANTITY	CAT NUMBER	DESCRIPTION	UNIT COST	
7	L2000	Olathe Glass Inc. Olathe ks Trey 913-782-7444, Furnish and install fixed alum comm windows in existing sash	\$9,590.40	
7	Series 2450	Integrity Glass, Inc. Baldwin Ks Dale Wieden 785-979-2229, remove and replace wooden lower sash windows with Manko 2450 standard white alum	\$8,312.00	\$ 8,312.00
7		Kennedy Glass Lawrence Ks Marty Kennedy 785-843-4416, Replace lower wood sash windows with new white thermal frames, insulated glass	\$10,412.00	
		SHOP SUPPLIES		0
		INSTALLATION		0
With all quotes work may include minimal rough/painting in by city's contractor				\$0.00
				\$ -
				\$ 8,312.00

BY: \_\_\_\_\_

DATE \_\_\_\_\_

COUNCIL  
APPROVAL: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_





November 5, 2014

City of Edgerton

Attn: Mike Mabrey

Job: Library Window Rehab

The following is an estimate that you requested:

Estimate to Replace Lower Wood Sash Window Frames with New White Painted Thermal Frames. The New Insulated Glass would be Double Pane Low E Tempered Insulated Glass.

Window Sizes:	3- 68 x 50		
	2- 76 x 60		
	1- 92 x 60	32 x 86 Vinyl Double Hung Window	
Furnished and Installed	<b>\$ 9,700.00</b>	Furnished and Installed	<b>\$ 712.00</b>

**Thank you for the opportunity to bid this project. *Please let us know if you would like to proceed.***

Thank you,

Marty Kennedy  
Kennedy Glass Inc.

730 New Jersey Street Box 681 Lawrence, Kansas 66044 (785) 843-4416 FAX (785) 843-6772

October 10, 2014

**Integrity Glass, Inc.**

P.O. Box 53

Baldwin, KS 66006

Phone: 785-979-2229

Fax: 785-594-2119

Email: [dalewieden@gmail.com](mailto:dalewieden@gmail.com)

**PROPOSAL**

**JOB: Edgerton Library Window Replacement**

Provide removal of existing wooden lower sash windows and replace with Manko Series 2450 standard white, thermally broken, 2" x 4 1/2" aluminum storefront material. Glazing will be 1" clear, low-e insulated glass.

Price to include:

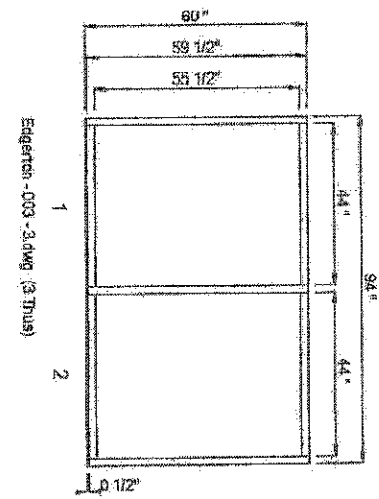
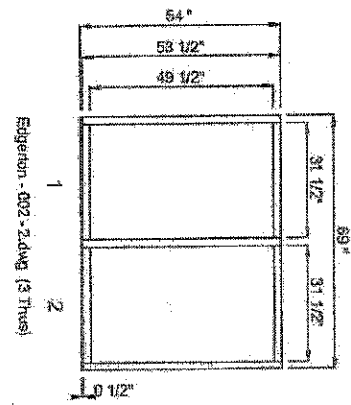
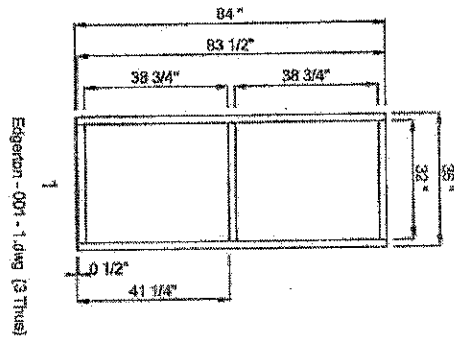
- 1- 36" x 74" replacement of single wood sash windows
- 3- 69" x 54" replacement of radius window lower sash windows
- 3- 94" x 60" replacement of radius window lower sash windows

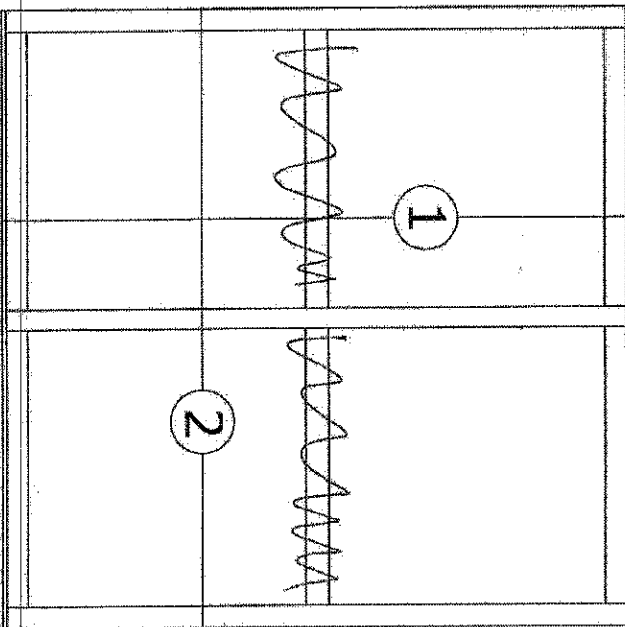
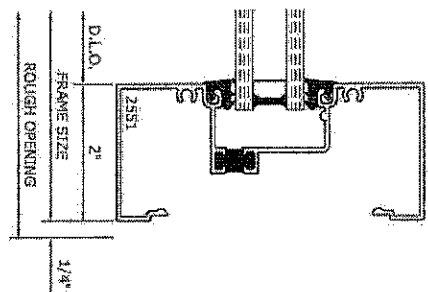
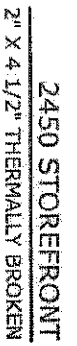
All caulking and break metal associated with this installation will also be provided to insure a airtight and weathertight situation.

There may be some interior wood replacement associated with the replacement and may need additional painting by others.

**Total                      \$8312.00**

Submitted by: Dale Wieden





OLATHE GLASS INC.  
510 E SANTA FE  
OLATHE, KS 66061

Customer Copy

PH:(913) 782-7444 FAX:(913) 782-4111

3277  
Federal Tax ID: 48-0848652

P/O#:  
Taken By: Tina  
Installer: Trey

Cust State Tax ID:  
Cust Fed Tax ID:  
Ship Via:

**Workorder: W0197827**

Date: 10/22/2014

Time: 01:45 PM

SalesRep:

Adv. Code:

**Bill To: 14Install**

**Sold To: 14Install**

Bank of Knowledge  
319 E Nelson  
EDGERTON, KS 66021

Bank of Knowledge  
319 E Nelson  
EDGERTON, KS 66021

(913) 709-7278

Qty	Part Number	Description	Sell	Total
1	L2000	Furnish and install fixed aluminum commercial windows in existing window sash openings Note: 2 x 4 1/2" thermally broken aluminum frames Bone white Kynar painted finish 1" insulated glass clear over Low E glass Labor to remove existing sashed and install new window Wood work to prep for window install by others	\$9,590.40	\$9,590.40

Contact: Mike Mabrey

Thank you for your business!

Install Date: 10/21/14 01:00 PM, Mobile Install Installer: Trey

Sub Total: \$9,590.40

Tax: \$0.00

Customer's Signature: \_\_\_\_\_ Due Upon Receipt Total: \$9,590.40

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider Resolution No. 01-08-15C of the City of Edgerton, Kansas, Adopting A New Purchasing Card Policy

**Department:** Administration

**Background/Description of Item:** On October 23, 2014, Edgerton City Council approved an agreement with UMB Bank for the use of purchasing cards rather than traditional credit cards similar to those used by many local and state government agencies.

By using purchasing cards, the City will provide cards to all employees who purchase goods/services on behalf of the City while maintaining proper controls over purchasing. This will also allow the City to more easily obtain goods/services because employees are not limited to vendors with whom the City has an account. Advantages of purchasing cards over the current credit cards include:

- Information reporting – staff can get reports showing amounts spent by vendor, by type of merchant or by employee
- On-line statement reconciliation – Employees can access transactions on-line throughout the month and enter the account codes. The City's chart of accounts can be loaded into the system to assist employees in coding their transactions. The information can then be exported to the accounting system making the payment process faster.
- Expanded controls – in addition to a monthly limit, the City can control employee spending through transaction dollar limits, through the number of purchases per day or per month, by blocking/including certain supplier types and by vendor name
- Manage cards on-site – designated staff can request new cards, close cards and change card controls as needed to respond to changes in purchasing requirements.
- Custom card design – the design of the card can be customized with the City's logo to distinguish it from other cards employees carry.

The final action required to complete the implementation of purchasing cards is to update the City's Financial Policies. In 2010, the Governing Body adopted the current Credit Card Policy as part of the City's Financial Policies. Staff has reviewed the current Credit Card Policy as part of the process of recommending a change to purchasing cards. Based upon that review, staff recommends rescinding the current Credit Card Policy and replacing it with the attached Purchasing Card Policy.

The Purchasing Card Policy contains some of the same information as the Credit Card Policy; however, it:

- Incorporates the terminology of purchasing cards.
- Establishes a program administrator and defines the duties of the program administrator.
- Details the monthly reconciliation process requirements and time line.
- Specifies approvals required for cardholder monthly statements.
- Defines appropriate/inappropriate uses of the card.
- More clearly spells out the consequences for misuse of the card.
- Incorporates best practices for procurement card programs.

Included at the end of the draft Purchasing Card Policy is the Card Holder Agreement that each employee that received a p-card will be required to sign.

Enclosure: Draft Resolution No. 01-08-15C  
Draft Purchasing Card Policy including Card Holder Agreement

**Related Ordinance(s) or Statute(s):** Resolution No. 11-12-09A

**Recommendation:** Approve Resolution No. 01-08-15C of the City of Edgerton, Kansas, Adopting A New Purchasing Card Policy

**Funding Source:** n/a

Prepared by: Karen Kindle, Accountant  
Date: January 5, 2015

**RESOLUTION NO. 01-08-15C**

**A RESOLUTION OF THE CITY OF EDGERTON, KANSAS, ADOPTING A  
NEW PURCHASING CARD POLICY**

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

**SECTION 1.** The Governing Body of the City of Edgerton, Kansas, hereby  
adopts the attached Purchasing Card Policy for the City of Edgerton.

**SECTION 2.** The existing policy, adopted pursuant to Resolution No. 11-  
12-09A, is hereby repealed and replaced by the policy attached hereto.

**ADOPTED AND APPROVED** by the Governing Body of the City of  
Edgerton, Kansas, this 8th day of January, 2015.

\_\_\_\_\_  
Donald Roberts, Mayor

ATTEST:

\_\_\_\_\_  
Janeice L. Rawles, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Patrick G. Reavey, City Attorney



# City of Edgerton, Kansas Procurement Card Policy

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## 1. Definitions

Bank – The financial institution with whom the City has contracted to provide procurement card (P-Card) services.

Cardholder – employee to whom a P-Card has been issued.

Merchant Category Code – Code assigned by card processors to a merchant who accepts the P-Card. The code is related to the merchant's type of business.

Card Strategies – Refers to a grouping of merchant category codes and/or dollar limits established for a particular department or type of cardholder. The strategies provide automated controls at the point of purchase.

Program Administrator – The person responsible for running the program; designated by the City Administrator.

## 2. Purpose of P-Card Program:

The purpose of P-Card Program is to improve the efficiency in processing small dollar purchases by:

- Reducing the cost of processing high volume, low dollar amount transactions. The program helps reduce the use of check requests and petty cash for these types of purchases.
- Simplifying the process of making retail purchases as well as orders made via the Internet, mail, telephone and fax.
- Maintaining the integrity and control of the purchasing process. The program is not intended to avoid or bypass established purchasing or payment procedures, but is intended to compliment existing procedures.
- Improving management reporting on low dollar amount transactions.

## 4. Program Administrator Responsibilities

- Coordinate P-Card program and related policy issues.
- Create and maintain list of cardholders.
- Create and maintain card strategies.
- Maintain files for Cardholder Agreements, Cardholder Action Forms and other program forms/documents.
- Timely process properly authorized cardholder action requests.
- Administer training for all cardholders.
- Coordinate issuance and cancellation of cards.
- Maintain policy and cardholder guides/manuals.
- Monitor and maintain internal controls over the program.
- Participate in resolving billing disputes.
- Audit reports for compliance with P-Card Program policies and procedures.
- Review card usage at least annually and adjust limits as needed.
- Keep cardholders informed of program information including card use, policies and procedures.

## City of Edgerton, Kansas Procurement Card Policy

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### 5. Requesting a P-Card/Making Changes to a P-Card

Department Heads request new P-Cards for their staff, and request changes to existing P-Cards, using the Cardholder Action Form. Cardholder Action Forms are signed by the Department Head and the City Administrator and forwarded to the Program Administrator for processing.

Cardholders will be trained by the Program Administrator and are required to sign the Cardholder Agreement prior to receiving their P-Card. The employee will take adequate precautions to keep the card secure.

Upon termination of employment with the City, the employee will return the card to the Department Head or the Program Administrator.

### 6. Use of the P-Card:

A. Cardholder Use Only: Only the employee whose name is embossed on the card may use the card. No other individual is authorized to use the card.

B. City Purchases Only: The card is to be used for City authorized purchases only. The P-Card cannot be used for any personal use and any such use shall require immediate reimbursement and may result in disciplinary action which may include dismissal.

C. Itemized Receipts Required: Receipts shall be provided for every transactions and shall provide detailed information regarding the items purchased. If a cardholder has lost a receipt, a duplicate copy should be obtained from the vendor. If the vendor cannot provide a duplicate copy, a copy should be obtained from the bank. If neither of those options is viable, a memo should be attached to the statement detailing the purchase, including the date, the vendor, the amount and a description of the items purchased. Numerous missing receipts over a period of time may result in suspension of P-Card privileges and/or disciplinary action.

D. Prohibited Use of Purchasing Cards – The following types of items **MAY NOT** be purchased with a City P-Card.

- Personal purchases.
- Purchases exceeding the cardholder's purchasing authority.
- Cash advances, cash refunds.
- Computer hardware or software unless authorized by the City Administrator.
- "Split" purchases – Payment for purchases must not be split in order to stay within the single purchase limit. Deliberately splitting a purchase may result in suspension of P-Card privileges or disciplinary action.
- Any merchandise, product or service normally considered to be inappropriate use of City funds.

E. Travel – Approved travel expenses such as hotels, meals, fuel, car rental, shuttle/taxi and airline tickets are allowed on the card. All travel expenses charged to P-Cards must follow City travel/business expense policies. Travel related P-Card expenses will be recorded on a cardholder's travel expense statement as a P-Card expense.

## City of Edgerton, Kansas Procurement Card Policy

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### 7. Monthly Statement Reconciliation

The Program Administrator will develop and maintain procedures for reconciling the monthly statement to ensure timely payment to the bank. Cardholders are responsible for reconciling the monthly statement received from the bank in accordance with the procedures established by the Program Administrator. The time table for the statement reconciliation process will be:

Day of the Month	Reconciliation Step
1st – 15 <sup>th</sup>	Cardholders submit reconciled statements to approvers.
15 <sup>th</sup> – 20 <sup>th</sup>	Approvers complete review/approval and forward to City Clerk for payment.
20 <sup>th</sup> – 25 <sup>th</sup>	City Clerk process statement for payment to the bank.

The monthly reconciliation process includes:

- Matching itemized receipts with transactions on the statement.
- Coding transactions with the appropriate general ledger account number.
- Indicating a business purpose for each purchase.
- Signing the statement.
- Obtaining approval of the reconciled statement, according to the chart below.
- Submitting the statement to the City Clerk for payment.

Cardholder Type	Approval Required
Department Staff Member	Department Head
Department Head	City Administrator
City Administrator	Mayor

### 8. Disputed Charges:

When a cardholder determines that a charge is incorrect or there is a discrepancy with their receipt, etc., the cardholder should work with the vendor and the Department Head to resolve the issue. If that process does not solve the problem to the cardholder's/Department Head's satisfaction, the cardholder should work with the Program Administrator to follow the process required by the bank to formally dispute the charge. A copy of any paperwork related to the dispute should be attached to the statement on which the disputed charge appears. It is the cardholder's responsibility to monitor and follow up on the disputed charge until the situation is resolved.

### 9. Lost/Stolen Cards:

If a card is lost or stolen, the cardholder should immediately report that to the bank and notify the Program Administrator. The Program Administrator will work with the bank to issue a replacement card.

If a cardholder finds unauthorized transactions on their statement, they should report that to the Program Administrator. The Program Administrator will work with the cardholder to report the fraudulent activity to the bank. The Program Administrator will work with the bank to close the card and issue a replacement card. The cardholder will file a police report with the Johnson County Sheriff Department.

## **City of Edgerton, Kansas Procurement Card Policy**

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### **10. Consequences for Card Misuse**

Improper use of the City P-Card may be cause for disciplinary action by the City including:

- Suspension of P-Card privileges.
- Reimbursement to the City.
- The City may withhold amounts attributable to improper use by the cardholder from any paycheck or other City check which may be payable to the cardholder.
- Written notification of violation retained in employee personnel file.
- Termination of employment from the City.
- Criminal prosecution.

### **11. Responsibility for Enforcement**

The City Administrator has overall responsibility for enforcement of this policy.

### **12. Effective Date**

This policy shall take effect and be in force from and after its passage and approval.



## Cardholder Agreement

The City of Edgerton (City) is pleased to include you in the Purchasing Card (P-card) Program. It represents the City's trust in you as a responsible agent to safeguard and protect the City's assets while conducting purchases with it.

I, \_\_\_\_\_, agree to the following conditions regarding my use of the City of Edgerton P-card.

1. I understand that I am being entrusted with a tool that will allow me to make financial commitments on behalf of the City of Edgerton. I will make every reasonable effort to obtain the best value on behalf of the City.
2. As a Cardholder, I agree to comply with the terms and conditions of this agreement, including but not limited to, those specified in the City of Edgerton P-card Policy incorporated in this Agreement.
3. Cardholder: I understand that the P-card will be issued in my name and that I am the only authorized user of the P-card. While the card is issued in my name, it does not affect my personal credit. I will not allow someone else to use my P-card.
4. I understand that the P-card may only be used for official City business.
5. I will obtain receipts, which detail the goods or services purchased.
6. I will obtain tax-exemption on my purchases when applicable.
7. I agree to attend P-card training classes when required.
8. I understand that the City may cancel my P-card at any time, for any reason.
9. I will perform my reconciliation duties in a timely manner, as described in the P-card Policy.
10. Cardholder: I agree that should I willingly or negligently violate the terms of this Agreement or the P-card policy and use my card for personal purpose or gain that I will immediately reimburse the City for all incurred charges, including relevant taxes that should have been paid, and any fees related to the collection of those charges. Should I fail to reimburse the City, I agree that the City has the right to deduct these inappropriate charges from my paycheck pursuant to the P-card policy. I will notify the Program Administrator and City Administrator of my actions immediately.
11. I understand that should I willingly or negligently violate the policies and procedures established for the use of the City P-card, I may be subject to disciplinary action as outlined in the City's Personnel Policies and Rules.

Cardholder Signature: \_\_\_\_\_ Date: \_\_\_\_\_