

**City of Edgerton, Kansas
Minutes of City Council Regular Session
September 10, 2015**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on September 10, 2015. The meeting convened at 7:00 p.m. with Mayor Roberts presiding, and City Clerk Janeice L. Rawles recording.

1. ROLL CALL

Charlie Troutner	present
Jody Brown	present
Darius Crist	present
Clay Longanecker	present

Cindy Crooks	absent
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With a quorum present, the meeting commenced.

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

2. WELCOME AND PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

- Agenda Approval
- Approve City Council Meeting Minutes August 27th , 2015
- Acceptance of Rights-of-Way and Easements for Waverly Road Project

Motion by Brown, seconded by Troutner, to approve the consent agenda.

Motion was approved, 4-0.

4. PUBLIC COMMENTS

No Public Comments

5. DECLARATIONS BY COUNCIL MEMBERS

There were no declarations by any council members

6. CHANGES TO SECTION 14-202 OF THE EDGERTON MUNICIPAL CODE IN REGARDS TO THE IDLING OF MOTOR VEHICLES WERE DISCUSSED

Kenny Cook, Community Development Director, explained to Mayor and Council what some of the possible changes could be. Mr. Cook asked for input from the Mayor and Council in regards to

changes they would like to see in the Code for Idling of Motor Vehicles. Discussion included the length of time a vehicle could idle, and which vehicles with which to be concerned. The question being - should this include all vehicles, including personal cars and such. There was also discussion on the temperatures, cold or hot, and if those need to be included in the code. Discussion included the new truck standards, and if there should be a time frame that trucks can idle, such as daytime, evening or overnight. Mr. Cook is to prepare a draft of the new regulations and present to the Council at the second meeting in September or the first meeting in October.

7. RESCIND PREVIOUS APPROVAL FOR ACCEPTANCE OF DEDICATIONS OF LAND FOR PUBLIC PURPOSES FOR NICKELL INTERMODAL-FIRST PLAT WAS CONSIDERED

The Community Development Director informed the Council that the plat was originally approved by the Planning Commission in September, 2013 and added the Council approved and accepted the dedications on September 26, 2013. It was noted the applicant made necessary changes and submitted the Final Plat to Johnson County for review. At the County review, it noted a small piece within the platted area was under the corporate limits of Gardner for a lift station, so it was rejected.

Staff worked with the applicant and it was determined in order to solve the problem, the final plat was submitted to the City of Gardner and the modifications should be considered by the Edgerton City Council. The City Attorney reviewed and made recommendations on the procedure.

Members of the Council were informed that Mr. Nickell has agreed to the process for acquisition of right-of-way.

Motion by Longanecker, seconded by Brown, to rescind the final plat for Nickell Intermodal – First Plat, FP-08-21-2013, dated 9/26/2013. The motion to rescind was approved, 4-0.

Motion by Brown, seconded by Longanecker, to adopt the plat modifications and approve the plat and accept dedications with the requirements established by the Governing Body under previous motion.

The motion was approved, 4-0.

8. REPORT BY THE CITY ADMINISTRATOR

- Designation of Voting Delegate for the League of Kansas Municipalities Annual Meeting was considered.

Motion by Brown, seconded by Longanecker, to appoint Charlie Troutner as the voting delegate.

The motion was approved, 4-0.

- Updated Job Description for the Public Works Superintendent and Parks and Recreation Coordinator positions were reviewed. It was noted the public works items crossed out are included in other job descriptions. Members indicated favor with the descriptions.

- Manor Park Improvements – Landworks Studio will be present on September 19 at the Open House. Ms. Linn indicated the Citizen Survey indicated neighborhood parks were high on the list. Several members of the community were in the audience, offering comments and support. Ms. Linn noted the Capital Improvement Program would be discussed in upcoming meetings.
Mr. Troutner noted the Open House on the 19th is very important and provides a wonderful opportunity to “voice your opinion.”
- Transient Guest Tax was discussed. Ms. Linn provided the background of the statute which allows governing bodies to levy transient guest tax not to exceed the rate of 2%, based upon certain criteria. It was noted if collected via the state statute, the City is limited to a maximum 2% tax rate to be used for “Convention and tourism promotion” and provided the definition. She noted most of the cities in Johnson County have chartered out of the provisions of the statute, since it does not apply uniformly to all cities. The City attorney overviewed the process. The Council requested the City Attorney prepare a charter ordinance for transient guest tax at 6% for formal consideration.
- A Water Service Application Outside City Limits from Brian and Jacy Scott was tabled.
- Follow up regarding sewer gas smell near Homestead and 199th. The Council members were informed of the previous testing. The City Administrator noted there is a new vendor and a new manhole for testing, which has been fully installed for approximately 30 days.

9. REPORT BY THE MAYOR

Mayor encouraged all council members to attend the upcoming League of Kansas Municipalities Conference.

10. FUTURE MEETING/EVENT REMINDERS

- September 15th 6:30 PM – Town Hall Meeting with Sheriff Denning at Edgerton Elementary School
- September 16th Noon - Senior Lunch
- September 19th 9:00 AM – Manor Park Improvements Open House
- September 24th 7:00 PM – City Council Meeting

11. ADJOURN

Motion by Longanecker, seconded by Troutner, to adjourn.

Motion was approved, 4-0.

Meeting adjourned at 8:30 pm.

Janeice L. Rawles, CMC
City Clerk

Approved by the Governing Body on _____

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Ordinance No. 1002 Annexing Land [Owned By Hastings Family Holdings, LLC] Into The City Of Edgerton, Kansas

Department: Administration

Background/Description of Item: Tom Hastings, President of Hastings Family Holdings, LLC, owner of Parcels #2F221503-3011; #2F221503-3010; #2F221503-3009; and #2F221503-3012 generally located at 19270 Waverly Road, has submitted a Consent for Annexation Form to request annexation into the City of Edgerton. The Consent for Annexation Form is attached with a map of the property location.

Kansas Statute 12-520 states that the governing body of any city, by ordinance, may annex land to such city if that land adjoins the city and a written petition for consent to annexation is filed with the city by the owner. Hastings Family Holdings, LLC has filed that written petition and is located contiguous to property already within the City of Edgerton corporate city limits.

City Attorney prepared Ordinance No. 1002.

Enclosure: Draft Ordinance No. 1002
 Consent for Annexation
 Property Map

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

Recommendation: Approve Ordinance No. 1002 Annexing Land [Owned By Hastings Family Holdings, LLC] Into The City Of Edgerton, Kansas

Funding Source: N/A

Prepared by: Beth Linn, City Administrator
Date: September 21, 2015

ORDINANCE NO. 1002

AN ORDINANCE ANNEXING LAND [OWNED BY HASTINGS FAMILY HOLDINGS, LLC] INTO THE CITY OF EDGERTON, KANSAS

WHEREAS, the land legally described in the attached **Exhibit A**, located on the west side of Waverly Road between 191st and 196th Streets and consisting of approximately 29 acres, adjoins the City of Edgerton, Kansas; and

WHEREAS, the owner of the land described in **Exhibit A** attached hereto has signed a written consent authorizing the City to annex such land pursuant to K.S.A. 12-520, 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, JOHNSON COUNTY, KANSAS:

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

SECTION TWO: Filing of Ordinance. The Clerk of the City of Edgerton, Kansas shall cause a certified copy of this ordinance to be filed with the County Clerk, Register of Deeds, and County Election Commissioner of Johnson County, Kansas.

SECTION THREE: Effective Date. This ordinance shall take effect and be in force from and after its adoption and publication in the official newspaper of the City of Edgerton, as provided by law.

ADOPTED AND APPROVED this 24th day of September, 2015, by the Governing Body of the City of Edgerton, Kansas.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 24th DAY OF SEPTEMBER, 2015.

Donald Roberts, Mayor

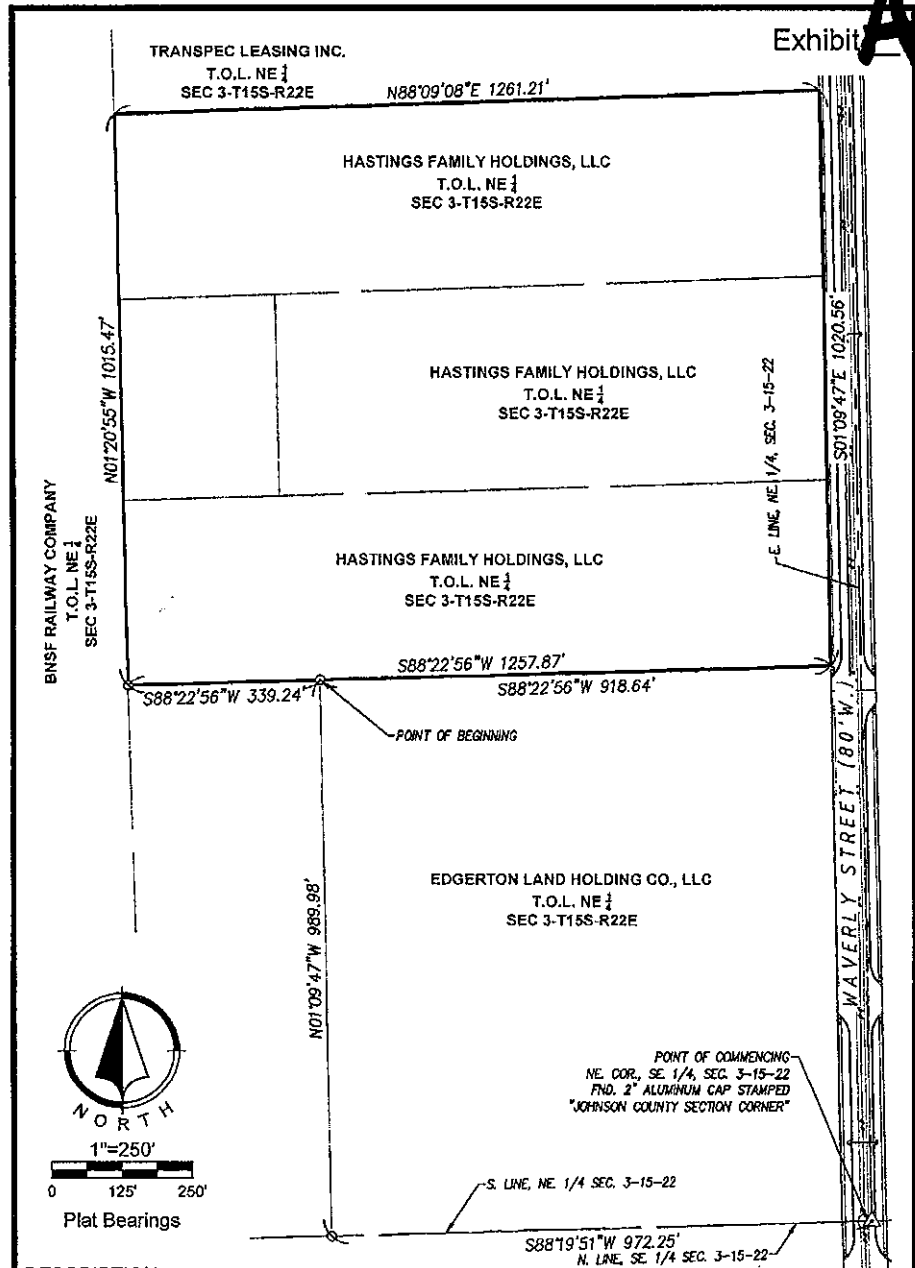
Attest:

Janeice Rawles, City Clerk

Approved as to form and legality:

Patrick G. Reavey, City Attorney

Exhibit **A**



DESCRIPTION

That part of the Northeast Quarter of Section 3, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Southeast Quarter, South 88°19'51" West along the North line of said Southeast Quarter, a distance of 972.25 feet; thence North 01°09'47" West, a distance of 989.98 feet to the Point of Beginning of the herein described tract; thence South 88°22'56" West, a distance of 339.24 feet; thence North 01°20'55" West, a distance of 1,015.47 feet; thence North 88°09'08" East, a distance of 1,261.21 feet to the West right-of-way line of Waverly Street, as now established; thence South 01°09'47" East along said West right-of-way line, a distance of 1,020.56 feet; thence South 88°22'56" West, a distance of 918.64 feet to the Point of Beginning, containing 1,282,190.21 square feet, or 29.44 acres, more or less.

Sheet 1 of 1

1.	AMG	RD	9-16-2015
REV. NO.	BY	QO	DATE

15-0184

Renaissance Infrastructure Consulting

138 WEST CAMBRIDGE CIRCLE DRIVE
KANSAS CITY, KANSAS 66103

913.317.9500
WWW.RIC-CONSULT.COM

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:

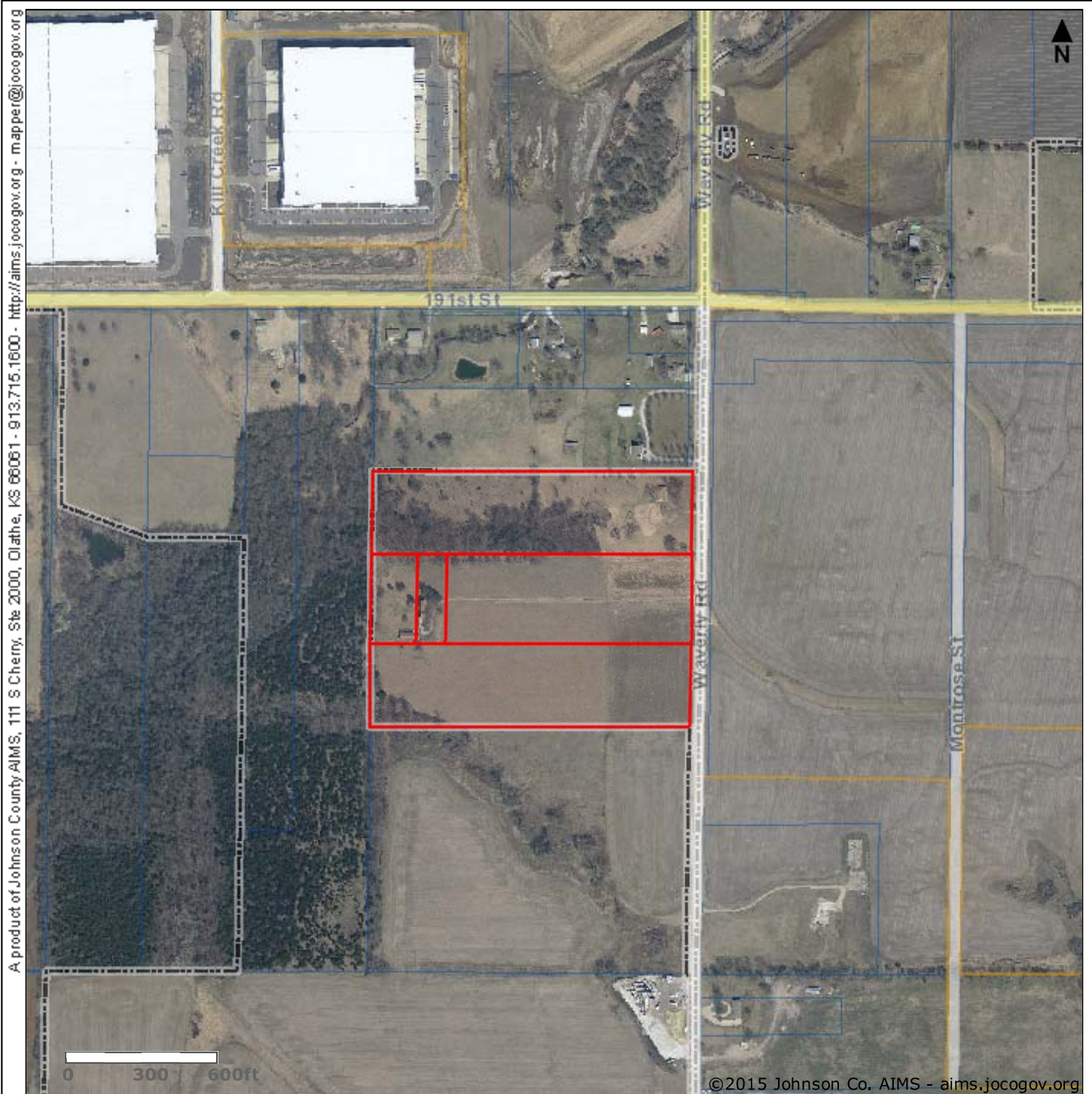
[Insert full legal description]

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

OWNER OF LAND TO BE ANNEXED: *Hastings Family Holdings LLC*

David Hastings
Printed Name

[Signature]
Signature



Johnson Co AIMS Map

LEGEND

AIMS Imagery: 2014

City

Plat Boundary

Streets 2k

- Interstate Hwy
- US/State Hwy
- Ramps
- Primary
- Primary Unpaved
- Streets



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