

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
July 28, 2016**

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Crooks ____ Troutner ____ Brown ____ Crist
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. Approve City Council Meeting Minutes July 14, 2016

Regular Agenda

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

Business Requiring Action

8. **CONSIDER MODIFICATION TO ORDINANCE NO. 1020 ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 61.996 ACRES OF LAND [LOCATED ON THE SOUTH SIDE OF BURLINGTON NORTHERN RAILROAD LINE, WEST OF WAVERLY ROAD] IN EDGERTON, KANSAS FROM CITY OF EDGERTON B-P TO EDGERTON LOGISTICS PARK DISTRICT (L-P).**

Motion: _____ Second: _____ Vote: _____

9. **CONSIDER ORDINANCE NO. 1022 PROVIDING FOR THE RANGE OF SALARIES AND COMPENSATION OF VARIOUS CITY OFFICERS AND EMPLOYEES OF THE CITY OF EDGERTON, KANSAS**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER ORDINANCE NO. 1025 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE INDUSTRIAL REVENUE BONDS (ELHC XXXI, LLC PROJECT) SERIES 2016, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$26,500,000, FOR THE PURPOSE OF FINANCING A WAREHOUSE AND DISTRIBUTION FACILITY; AUTHORIZING THE CITY TO ENTER INTO A TRUST INDENTURE WITH UMB BANK, N.A., AS TRUSTEE; AUTHORIZING THE CITY TO**

ENTER INTO A BASE LEASE AND LEASE AGREEMENT WITH ELHC XXXI, LLC; AND AUTHORIZING AND APPROVING THE EXECUTION OF ADDITIONAL DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

Motion: _____ Second: _____ Vote: _____

11. CONSIDER RESOLUTION NO. 07-28-16A ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS.

Motion: _____ Second: _____ Vote: _____

12. Report by the City Administrator

13. Report by the Mayor

14. Future Meeting/Event Reminders:

- August 9th 7:00 PM – Planning Commission Meeting
- August 11th 7:00 PM – City Council Meeting (including 2017 Budget Hearing)
- August 17th Noon – Senior Lunch
- August 25th 7:00 PM – City Council Meeting

15. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (6) FOR PRELIMINARY DISCUSSION RELATED TO ACQUISITION OF REAL PROPERTY TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR

Motion: _____ Second: _____ Vote: _____

RECONVENE INTO OPEN SESSION

16. Adjourn Motion: _____ Second: _____ Vote: _____

**City of Edgerton, Kansas
Minutes of City Council Regular Session
July 14, 2016**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on July 14, 2016. 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
Darius Crist	present
Clay Longanecker	present
Cindy Crooks	present

Jody Brown	absent
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With a quorum present, the meeting commenced.

Staff in attendance:	City Administrator Beth Linn
	Community Development Director Kenny Cook
	City Attorney Patrick Reavey
	Public Works Superintendent Trey Whitaker
	Utility Superintendent Mike Mabrey

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. The agenda for July 14, 2016 was considered.
5. City Council meeting Minutes of June 23, 2016 was considered.
6. Approve 2016 Annual Review of City of Edgerton Water Conservation Plan

Motion by Longanecker, seconded by Crist, to remove Item number 6 (Approve 2016 Annual Review of City of Edgerton Water Conservation Plan) and approve items number four and number five.

Motion approved 4-0.

Councilmember Troutner requested that the minutes reflect number 6 was removed from consent agenda, discussion followed and it has been noted that some changes have been made.

Motion by Troutner, seconded by Longanecker, to approve number 6 of the consent agenda, (Approve 2016 Annual Review of City of Edgerton Water Conservation Plan.)

Motion was approved, 4-0.

7. PUBLIC COMMENTS

NONE

8. DECLARATION

None

9. DISCUSSION REGARDING BEEKEEPING WITH IN THE CITY LIMITS

Beth Linn, City Administrator presented information about the Beekeeping item that was tabled from last city council meeting. City Council members have suggested several items that they would like to see in the ordinance; signage at the location of the bee hives listing operator name and phone number, register with the City of Edgerton to include name, address and number of hives, a fly way barrier within a certain number of feet from the property line, source of water within a specified number of feet, and for the Bee Keeper to notify all neighbors within a certain radius of the hives. City staff is to prepare a draft ordinance to have available at a future council meeting.

BUSINESS REQUIRING ACTION

RESOLUTION NO 7-14-16A IMPROVEMENTS TO THE SEWER SYSTEM

10. RESOLUTION NO. 7-14-16A OF THE CITY OF EDGERTON, KANSAS, AUTHORIZING IMPROVEMENTS TO THE SEWER SYSTEM OF THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF WAS CONSIDERED.

City Administrator, Beth Linn, introduced Gina Riekhof with Gilmore/Bell, to discuss the improvements to the City's sewerage System and providing for the Payment of the costs thereof. There were no questions or concerns from the public or the council.

Motion by Crooks, seconded by Longanecker, to approve Resolution No. 7-14-16A.

Motion was approved, 4-0.

ORDINANCE NO 1019 GENERAL OBLIGATION BONDS, SERIES 2016

11. ORDINANCE NO. 1019 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2016, OF THE CITY OF EDGERTON, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO WAS CONSIDERED.

Khalen Dwyer, Columbia Capital Management was present to discuss the issuance of General Obligation Bonds, Series 2016. He informed the Mayor and City Council that the City has a rating of "AA" which is very good for the City for the sale of the bonds. Gina Riekhof, Gilmore/ Bell was also available to answer any questions

Motion by Longanecker, seconded by Troutner, to approve Ordinance No 1019 Authorizing and providing for the issuance of General Obligation Bonds, Series 2016, of the City of Edgerton, Kansas.

Motion was approved 4-0.

RESOLUTION NO. 07-14-16B – G.O. BONDS

- 12. RESOLUTION NO. 07-14-16B PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2016, OF THE CITY OF EDGERTON, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1019 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH WAS CONSIDERED.**

There was some discussion, no questions from the council or the public.

Motion by Crooks, seconded by Crist, to approve Resolution No 04-14-16B.

Motion was approved, 4-0.

- 13. ORDINANCE NO. 1020 ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 62 ACRES OF LAND (LOCATED WEST OF WAVERLY ROAD AND NORTH OF BURLINGTON NORTHERN SANTA FE RAILROAD) IN EDGERTON, KANSAS FROM CITY OF EDGERTON “B-P” AGRICULTURE ZONING DISTRICT TO CITY OF EDGERTON “L-P” LOGISTICS PARK ZONING DISTRICT WAS CONSIDERED.**

Ken Cook, Community Development Director, presented information about 61.996 acres of Land needing to be rezoned. After some discussion, about the zoning change from City of Edgerton B-P to City of Edgerton L-P.

Motion by Longanecker, seconded by Crooks, to approve Ordinance No. 1020.

Motion was approved, 4-0.

ORDINANCE NO 1021 - REZONING

- 14. ORDINANCE NO. 1021 ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 71 ACRES OF LAND (EAST SIDE OF WAVERLY ROAD AND SOUTH OF 183RD STREET AND SOUTH OF 185TH STREET) IN EDGERTON, KANSAS FROM JOHNSON COUNTY AG, TO THE L-P LOGISTICS PARK DISTRICT WAS CONSIDERED.**

After some discussion, Ken Cook, Community Development Director explained that the rezoning needed to take place because the City of Edgerton annexed the property in 2015 and it is still zoned with a Johnson County zoning.

Motion by Longanecker, seconded by Crooks, to approve Ordinance no. 1021.

Motion was approved, 4-0.

ORDINANCE NO. 1022 - SALARIES

- 15. ORDINANCE NO. 1022 PROVIDING FOR THE RANGE OF SALARIES AND COMPENSATION OF VARIOUS CITY OFFICERS AND EMPLOYEES OF THE CITY OF EDGERTON, KANSAS WAS CONSIDERED.**

Beth Linn, City Administrator, presented information gathered from the Mid America Regional Council's metropolitan salary data for similar positions. To reflect the changes in personnel in the 2017 budget, staff has prepared an updated pay grade ordinance. Mayor and city council members would like to review the information from Mid America Regional Council.

Motion by Longanecker, seconded by Troutner, to table this item until the next regular meeting.

Motion was approved, 4-0.

ORDINANCE NO 1023 MOBILE FOOD VENDERS

- 16. ORDINANCE NO 1023 AMENDING ARTICLE 4 OF CHAPTER V OF THE EDGERTON, KANSAS MUNICIPAL COE TO CREATE PROVISIONS PERTAINING TO LICENSING MOBILE FOOD VENDERS WITHIN THE CITY WAS CONSIDERED.**

After much discussion about mobile food vendors and ice cream trucks operating within the city limits. There are some changes that need to be made in the Chapter V Business Regulations.

Motion by Crooks, seconded by Troutner, to approve the amendment as written without 5-407(A) and in the definitions under 5-401 (a) to add ice cream trucks that sell pre packaged ice cream.

Motion was approved, 4-0.

ORDINANCE NO 1024 WATER EMERGENCY PLAN

- 17. ORDINANCE NO. 1024 AMENDING SECTION 15-401 OF ARTICLE 4 OF CHAPTER XV OF THE CITY CODE TO SPECIFICALLY REFERENCE A "WATER EMERGENCY PLAN" THAT WILL BE MAINTAINED AND KEPT CURRENT BY THE GOVERNING BODY'S ADOPTION OF RESOLUTIONS WAS CONSIDERED.**

Beth Linn, City Administrator, presented information about the need to amend the current water emergency plan. There were some questions and discussion that followed.

Motion by Crooks, seconded by Crist, to approve Ordinance No 1024, amending Section 15-401 of Article 4 of Chapter XV of the City Code.

Motion was approved, 4-0.

RESOLUTION NO 07-14-16C--WATER EMERGENCY PLAN

- 18. RESOLUTION NO. 07-14-16C APPROVING WATER EMERGENCY PLAN FOR THE CITY OF EDGERTON, KANSAS AND AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT SAID PLAN AS NEEDED WAS CONSIDERED.**

Beth Linn, City Administrator, gave a big Thank-you to Utilities Superintendent, Mike Mabrey, for his work on the Water Emergency Plan for the City of Edgerton, Kansas 2016 edition. Mayor asked

about notification to citizens and the different ways that could be used. Have we addressed the levels of action, such as a low, medium or high impact?

Motion by Crooks, seconded by Longanecker, to table this item to a future meeting date.

Motion was approved, 4-0.

19. REPORT BY THE CITY ADMINISTRATOR

First item for the City Administrator is to say Thanks to Trey Whitaker and his staff for the new lights in the community room at the City Hall. Wow, what a difference!

Second item is to say "Thank you" to everyone who helped with the July 3rd event. It was a great success. We served 400 hamburgers, 320 hotdogs and 800 ice creams.

Next item is the mulch at Manor Park, Dark Brown was installed, however we are moving forward.

Staff is working on a local emergency operation plan, and hoping to be finished by the end of 2016 or perhaps the first of 2017.

Discussion continues about the intersection of 199th Street and U.S. Highway 56.

20. REPORT BY THE MAYOR

Just a reminder about the Chamber Coffee on Wednesday morning.

21. FUTURE MEETING/EVENT REMINDERS:

- July 16th 8:00 pm – Downtown Summer Movie Night (Alexander and the Terrible, Horrible, No Good, Very Bad Day)
- July 20th Noon 0 Senior Lunch
- July 28th 7:00 pm – City Council Meeting
- August 9th 7:00 pm –Planning Commission Meeting
- August 11th 7:00 pm – City Council Meeting (including 2017 Budget Hearing)
- August 17th Noon – Senior Lunch
- August 25th 7:00 pm – City Council Meeting

22. RECESS INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (6) FOR PRELIMINARY DISCUSSION RELATED TO ACQUISITION OF REAL PROPERTY TO INCLUE CITY ATTORNEY AND CITY ADMINISTRATOR WAS CONSIDERED.

Motion by Crooks, seconded by Crist, to recess into executive session for ten minutes, to include City Attorney and City Administrator.

Motion was approved, 4-0

Meeting recessed at 9:23 pm.

Motion by Crooks, seconded by Crist, to reconvene into regular session, with no action taken.

Motion was approved, 4-0.

Meeting reconvened at 9:33 pm.

23. RECESS INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR WAS CONSIDERED.

Motion by Crooks, seconded by Troutner, to recess into executive session for five minutes, to include City Attorney and City Administrator

Motion was approved, 4-0.

Meeting recessed at 9:34 pm.

Motion by Crooks, seconded by Troutner to reconvene into regular session with no action taken.

Motion was approved, 4-0.

Meeting reconvened at 9:40 pm.

24. ADJOURN

Motion: Crooks Second: Troutner Vote: 4-0

Meeting adjourned at 9:42 pm

Janeice L. Rawles, CMC
City Clerk

Approved by the Governing Body on

UPDATED INFORMATION SHOWN IN BOLD

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Modification to Ordinance No. 1020 Adopting a Recommendation By the City Planning Commission to Approve Rezoning of Approximately 61.996 acres of Land [Located on the South side of Burlington Northern Railroad Line, West of Waverly Road] In Edgerton, Kansas From City of Edgerton B-P to Edgerton Logistics Park District (L-P).

Department: Community Development

Background/Description of Item: The City of Edgerton received an application ZA2016-01 (Inland Port XL) for rezoning from John Thomas, Edgerton Land Holding Company, requesting to rezone approximately 61.996 acres located on the south side of Burlington Northern Railroad (BNSF) line, west of Waverly Road from City of Edgerton A-G to Edgerton Logistics Park District (L-P) zoning. The subject property was rezoned to B-P district in July, 2010 on the same day the Council adopted the L-P District designation. The original project for this site was constructed at another location within the Logistics Park. The City is currently finishing the Waverly Road Design Build Project, which will provide improved access to the Rail Served property located between the intermodal lead tracks and the transcontinental tracks. Edgerton Land Holding Company is ready to proceed with development of this tract which is the purpose for this request. This request will create a new area of the L-P District as the adjoining BNSF Intermodal Facility, located to the south, and additional rail served tracts to the west remain zoned A-G, Agricultural District. Property to the north, across the transcontinental tracks, remains under Johnson County's jurisdiction and is zoned RUR, Rural District; property to the east of the subject property is located within City of Gardner's A, Agricultural District. This property is not adjacent to other L-P zoned tracts, however the property is part of the original 1,500-acre master planned Logistics Park and Intermodal Facility. The applicants' requested rezoning matches the City's Future Land Use Map as Business Park/Industrial. The Southwest Area Plan's Preferred Land Use Plan shows the property as Warehousing and Distribution.

This rezoning application was reviewed with respect to the Edgerton Comprehensive Plan, Zoning and Subdivision Regulations, and the laws in Kansas, in particular the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. Attached is the staff report including the review of this rezoning based on the Golden Criteria. The Planning Commission held a public hearing on June 14, 2016 regarding this rezoning. The Planning Commission recommended approval of the application with the following stipulations:

1. All Site Plan application requirements of the City shall be met.
2. All infrastructure requirements of the City shall be met.
3. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Update:

The City Council approved this ordinance at the July 14, 2016 meeting. After the meeting it was noted that the wording in Ordinance in regards to the current Zoning of the Property had not been updated. The attached updated Ordinance makes the necessary change to show that the Zoning of the Subject property is currently B-P, Business Park and staff recommends that the City Council consider approval of these modifications.

Enclosure: Draft Ordinance No. 1020 (updated)

UPDATED INFORMATION SHOWN IN BOLD

Staff Report from June 14, 2016 Planning Commission
Application ZA2016-01

Related Ordinance(s) or Statute(s):

Recommendation: Approve Modification to Ordinance No. 1020 Adopting a Recommendation by the City Planning Commission to Approve Rezoning of Approximately 61.996 acres of land [Located on the South side of Burlington Northern Railroad Line, West of Waverly Road] In Edgerton, Kansas From City of Edgerton B-P, Business Park to Edgerton Logistics Park District (L-P)

Funding Source: N/A

Prepared by: Kenneth Cook, Community Development Director
Date: July 25, 2016

ORDINANCE NO. 1020

AN ORDINANCE ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 62 ACRES OF LAND [LOCATED WEST OF WAVERLY ROAD AND NORTH OF BURLINGTON NORTHERN SANTA FE RAILROAD] IN EDGERTON, KANSAS FROM CITY OF EDGERTON "B-P" BUSINESS PARK ZONING DISTRICT TO CITY OF EDGERTON "L-P" LOGISTICS PARK ZONING DISTRICT

WHEREAS, the Planning Commission has recommended that a rezoning request -- from City of Edgerton "B-P" Business Park District to City of Edgerton "L-P" Logistics Park District -- be approved (with certain conditions) for approximately 62 acres of land, located west of Waverly Road and north of Burlington Northern Santa Fe Railroad (Rail Serve-Inland Port XL); and

WHEREAS, all newspaper and mailed notifications were performed and a public hearing was properly held before the City Planning Commission.

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

Section 1. That the following legally described property [located west of Waverly Road and north of Burlington Northern Santa Fe Railroad (Rail Serve-Inland Port XL)] is hereby rezoned from City of Edgerton "B-P" Business Park District to City of Edgerton "L-P" Logistics Park Zoning District, and City Staff is directed to reflect said rezoning in the City's Official Zoning map and other City records:

A tract of land in the Southeast Quarter of Section 27, Township 14 South, Range 22 East, Johnson County, Kansas being more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence N 02°08'36" W, along the East line of the Southeast Quarter of said Section 27, a distance of 915.04 feet to the Point of Beginning; thence S 87°51'30" W, departing said Section line, a distance of 40.00 feet to the West right-of-way line of Waverly Road, as now established, also being the Northeast property corner of Unplatted tract of land owned by BNSF Railway Company; thence S 55°23'51" W, departing said West right-of-way line, along said North property line, a distance of 911.59 feet; thence S 75°14'39" W, continuing along said North line, a distance of 567.91 feet; thence Southwesterly, along a curve to the left, said curve having a radius of 800.00 feet, for a distance of 277.95 feet; thence S 55°20'16" W, continuing along said North line, a distance of 646.44 feet; thence N 48°58'40" E, departing said North line, a distance of 82.85 feet; thence Northeasterly, along a curve to the left, said curve having a radius of 578.80 feet, for a distance of 203.63; thence N 28°49'10" E, a distance of 172.50 feet; thence N 26°50'41" W, a distance of 1,019.23 feet to a point on the South right-of-line of BNSF

Mainline; thence N 63°09'19" E, along said South right-of-way line, a distance of 2,535.52 feet, to said East line of the Southeast Quarter of Section 27; thence S 02°08'36" E, along said East line, a distance of 1,271.36 feet to the Point of Beginning, containing 2,700,547 square feet, or 61.996 acres, more or less.

Section 2. The above rezoning is expressly conditioned on the following:

- a) All Site Plan application requirements of the City shall be met.
- b) All infrastructure requirements of the City shall be met.
- c) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Section 3. That the Governing Body, in making its decision on the rezoning, considered City Staff's comments and recommendations. The Governing Body also based its decision on the following criteria:

- a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
- d) The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial.
- e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 14th DAY OF JULY, 2016.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

JANEICE RAWLES, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney



EDGERTON
global routes. local roots.

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

STAFF REPORT

June 6, 2016

To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director/Zoning Administrator
Re: Application ZA2016-01 for rezoning of approximately 62 acres located West of Waverly Rd, North of the Intermodal lead track & South of the Transcontinental Tracks

APPLICATION INFORMATION

Applicant/Property Owner: John Thomas, Edgerton Land Holding Company

Requested Action: Rezoning from B-P, Business Park Zoning District, to L-P, Logistics Park Zoning District

Legal Description: Part of Section 27, Township 14 South, Range 22 East

Site Address/Location: West side of Waverly Road North of Intermodal Lead Tracks

Existing Land Use: Agriculture

Existing Zoning and Uses: B-P, Business Park District zoning

Existing Improvements: None

Site Size: Approximately 62 acres

Reason for Rezoning Request: The City Council originally approved the rezoning of this property to the B-P District in July of 2010. This original rezoning occurred on the same day that the L-P District was adopted by the City Council. The project that was originally being considered at this location was constructed on a different portion of the Logistics Park. The City of Edgerton is currently finishing the Waverly Road Design Build Project, which provides improved access to the Rail Served property located between the intermodal lead tracks and the transcontinental tracks. This project includes the construction of a three-lane road along Waverly Road and a grade separation at the intermodal lead tracks. NorthPoint is now ready to proceed forward with the development of this tract and is requesting the property to be rezoned to L-P, Logistics Park District. The L-P District is described as:

The purpose of the Logistics Park, L-P District is to create a limited multimodal industrial zone that provides for a modern type of industrial uses or industrial park created to support activities related to trade and rail and other transport service. Limitations are placed on the uses in this district to significantly restrict the outside activities and outside storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and other potentially adverse influences.

This zone is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and external effects such as excessive noise or odor should not extend beyond the property lines. Residential uses should be discouraged from locating near the L-P District to protect the industries from residential complaints.

Areas should not be zoned to the L-P District unless they are located adjacent or near to arterial thoroughfares capable of carrying commercial and truck traffic, as well as being located close to major truck routes. It is the general intent of this District to provide for a mutually beneficial, economically viable, well-planned development poised for long-term success including:

- 1. To provide for the distribution of and appropriate relationships between various land uses and to minimize conflict between land uses;*
- 2. To describe desired future physical conditions within the L-P District;*
- 3. To manage growth in an orderly manner; and*
- 4. To serve as a basis for future development recommendations within the L-P District and set the precedent for sound planning and sustainable development practices throughout the L-P District area of influence.*

The applicant has submitted additional applications which involve the subject property and include: (1) Preliminary Plat (PP2016-01); and, (2) Preliminary Site Plan (FP2016-01).

The requested rezoning to the L-P District actually creates a new area of the L-P District as the adjoining BNSF Intermodal Facility, located to the South, and the additionally proposed rail served tracts to the West remain zoned A-G, Agricultural District. Property located to the East of the subject property is located within the City of Gardner's A, Agricultural District. The property located to the North, across the transcontinental tracks, remains under Johnson County's Jurisdiction and is zoned RUR, Rural District. While not adjacent to any other tracts of land currently zoned L-P, the subject property is a part of the original 1,500 acre master planned logistics park and intermodal facility. The Future Land Use Map for the City of Edgerton shows the use of this property as Business Park/Industrial. The Preferred Land Use Plan of the Southwest Area Plan shows the subject property being as Warehousing and Distribution.

Background Information

The applicant for this project is Edgerton Land Holding Company (NorthPoint Development), BNSF's partner for developing warehousing. The property is located directly North of the BNSF Intermodal Facility. The subject property is located on the West side of Waverly Road directly to the North of the intermodal lead tracks and about 1,700 feet to the south of Highway 56. The property is entirely within the City of Edgerton and was previously Zoned B-P, Business Park District. The site has been used for agricultural purposes. Plans submitted as part of the other requests associated with this property show one large structure (625,000 square feet) being built on the area proposed to be rezoned. In discussions with the applicant, the subject structure is currently planned to be built in phases starting at the Eastern portion of the property and moving west.

The uses listed for the L-P, Logistics Park District (Section 5.2) in the City of Edgerton's Unified Development Code are as follows:

L-P District – Permitted Uses.

1. Building and construction contractor offices, including display areas.
2. Business and trade schools.
3. Commercial pick-up and delivery services.
4. Display or catalog showrooms.
5. Laboratories and research facilities.
6. Manufacturing, processing, fabrication or assembly of commodity - limited.
7. Motion picture production studios and stations.
8. Photographic processing facilities.
9. Printing and publishing.
10. Radio and television broadcasting stations.
11. Research establishments of industrial, medical or scientific nature.
12. Restaurants, including drive-up or drive-thru services.
13. Warehousing/Distribution centers, including trucking and courier services; public warehousing and storage; and motor freight transportation terminals and maintenance facilities.
14. Mailing, packaging, parcel service and storage.
15. Printing, communications, mail orders.
16. Sales outlets and wholesale trade.
17. Retail sales in conjunction with a manufacturing or fabrication use.
18. Health and hospital supplies; office supplies.
19. Copy, printing and duplication services.
20. Internet service providers.
21. Sale, servicing, and repair of electrical and other electronic devices.
22. Government facilities.
23. Retail and wholesale of furniture and home furnishings, carpet, paint and wallpaper, and plumbing and lighting fixtures.
24. Sales and installation of cellular phones, stereos, radios and similar electronic equipment for vehicles.
25. Veterinary hospitals and clinics.
26. Accessory uses.
27. Agricultural.
28. Auto and truck motor fuel facilities and repair.
29. Auto and truck washing.
30. Recreational vehicle sales and service.
31. Towing and impound yard.
32. Trailer or truck sales and rental.
33. Building materials yard and lumber yard.
34. Mini-Warehouse and self storage.
35. Recycling collection center.
36. Similar uses.

L-P Districted – Conditional Uses.

1. Communication transmission towers over sixty (60) feet, subject to the provisions in Article 7.
2. Truck stops with fuel and accessory services;
3. Private or public owned playgrounds, playfields, and recreational facilities (e.g. public or private golf courses, tennis or other courts, and swimming pools) open for public or commercial use;
4. Auditoriums, convention centers, and conference facilities
5. Colleges and universities.
6. Transportation storage and trucking yards.
7. Cargo container storage, repair or maintenance.

Infrastructure and Services:

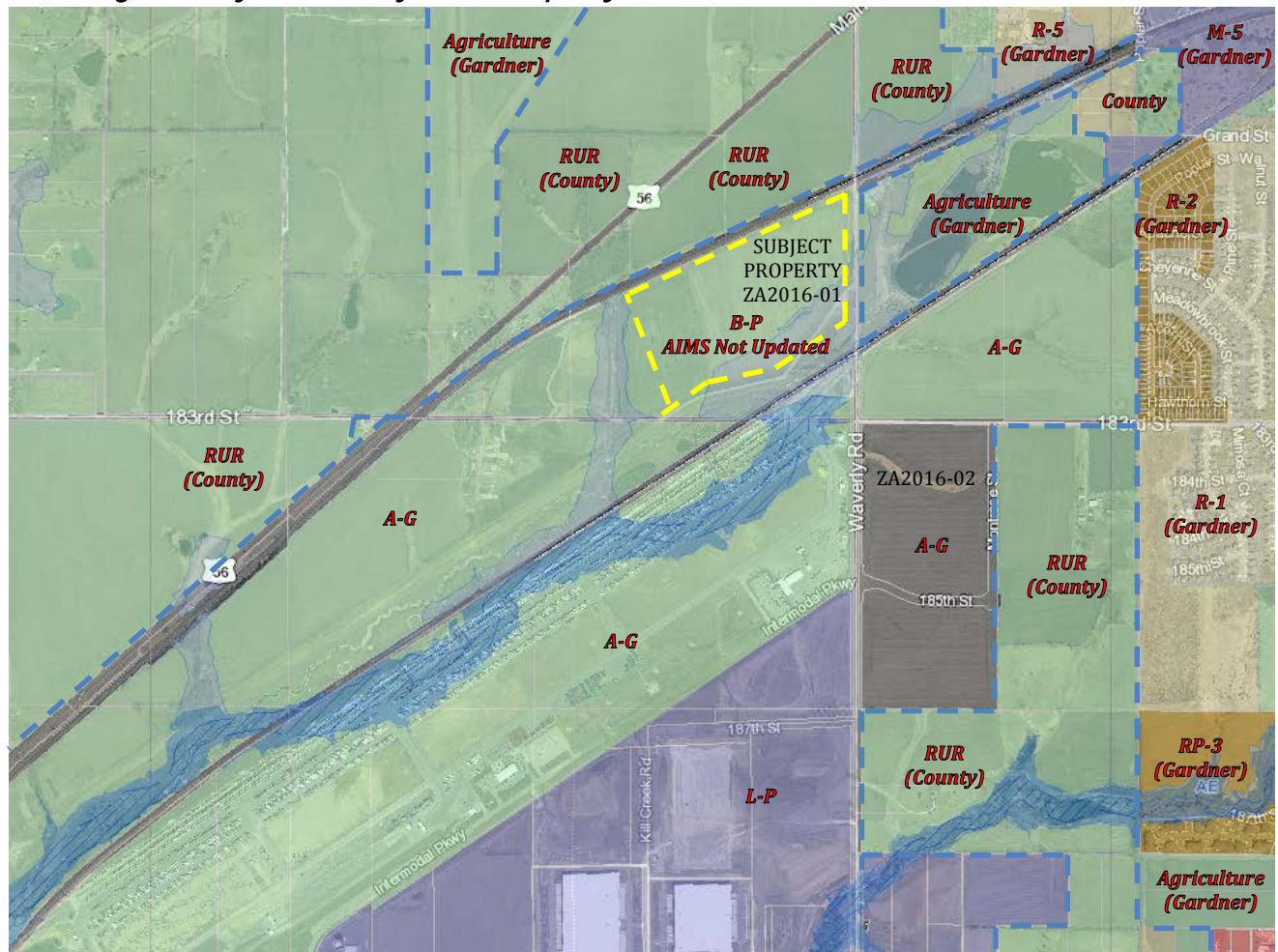
1. Waverly Road has recently been upgraded to be a three-lane concrete road. This project has also included a grade separated crossing of the intermodal lead tracks that go into the BNSF facility. The new road is expected to open over the coming weeks.
2. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane. A stormwater plan should be submitted to the City Engineer prior to development of the property.
3. While the subject property is not currently located within a Special Flood Hazard Area the current FIRM Panel does show portions of the property as located within Zone X, 1% Future Conditions.
4. The property does not currently have sanitary sewer service. The City is currently working with NorthPoint on the Development of a Sewer Master Plan for the development of the sewer system for the Logistics Park and surrounding area.

5. The property is located within the service area of Rural Water District No. 7. A 12-inch water main appears to currently extend to near 183rd Street along Waverly Road.
6. 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 4.5 miles to the west with another fire station being located with the City of Gardner approximately 1.5 miles to the East.

Property Zoning History

The subject property was annexed into the City of Edgerton as part of the original BNSF/LPKC project. Prior to annexation, the property was zoned RUR, Rural District. The property was rezoned to B-P District in July of 2010. The following map shows the Zoning of the surrounding area. Please note that not all of the Zoning District boundaries have been updated by Johnson County and staff has highlighted areas that don't currently match the AIMS data. Some properties that are located within the City of Gardner are also located in the Eastern portion of the map.

Zoning on Subject and Adjacent Property



Staff Analysis

Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws in Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. The following is staff's review.

1. Need for the Proposed Change. The subject property has B-P, Business Park Zoning, which allows for a mix of office, research, wholesaling, light industrial and limited ancillary retail and service uses. The anticipated use of the property is industrial. The L-P Zoning District is compatible with these uses.
2. Magnitude of the Change. The existing zoning allows for very similar types of uses as compared to the L-P District. The property is currently being used for agricultural purposes. The magnitude of change is considered to be a very small change.
3. Whether or not the change will bring harm to established property rights. It is not anticipated that any harm will occur to any established property rights as the property is located adjacent to the BNSF intermodal facility and between the transcontinental and intermodal lead tracks. Separate Site Plan review and approval will be required before building permits can be issued. Part of a Site Plan review will include attention to buffering and setbacks, stormwater management and possibly transition of uses between adjoining uses and any proposed commercial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. Effective use of Land. Industrial development at this location is an effective and efficient use of the property. The City recently constructed a grade separation for Waverly Road in order to provide better access to this site and to allow for this type of development to occur. The proposal for this property includes the construction of a rail spur to provide better rail access to the building and the properties location adjacent to the intermodal lead tracks and the BNSF intermodal facility make this property a prime location for this type of development.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning. The L-P District will provide additional area for the development of warehouse or other types of uses allowed in this district that desire to be located in the vicinity of the BNSF Intermodal Facility.
6. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The immediate area is in transition from rural to industrial, with the property being located between the intermodal lead tracks and the transcontinental tracks. While the property located to the South is officially zoned Agricultural, the use of the property is for BNSF's intermodal facility. The property located to the East are the KCP&L wetlands and are located within the City of Gardner. Properties located to the North are currently located in the unincorporated county and are in the Rural District. The remainder of the property located between the tracks to the West of the subject property is currently being used for agricultural purposes but is anticipated to also be developed for industrial use.
7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties. The proposed zoning is compatible with the zoning and use of nearby

properties as they are currently zoned for some type of agricultural use but are anticipated to be developed for industrial or commercial purposes. Prior to the issuance of any building permit the property will be required to go through the Site Plan review process. This process will allow the Planning Commission to take into consideration possible impacts to adjacent properties and ways that these can be mitigated.

8. Suitability of the uses to which the property has been restricted under its existing zoning. The existing zoning is also considered to be an Industrial Use by the Unified Development Code and would not be considered a substantial change from what is currently permitted. The comprehensive plan also shows that this property is anticipated for industrial use. The best use of this property is for business park or other industrial uses.
9. Length of time the subject property has remained vacant under the current zoning designation. The property has only been used for agricultural purposes and has never been developed for other uses.
10. The extent to which the zoning amendment may detrimentally affect nearby property. While it is anticipated that the development of this site for industrial purposes will cause additional traffic and noise, it is not anticipated that there will be any significant detrimental effects to nearby properties as this area will continue to transition to industrial uses. The Site Plan review process will allow the Planning Commission to look at any possible impacts and place requirements (such as buffering, setbacks and stormwater management) on how the site may be developed in order to mitigate any detrimental effects.
11. Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage. This is not a request for a PUD.
12. The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. Work is currently finishing on the design-build project for the improvement of Waverly Road. This project will provide access to this site with a three lane (continuous center turn lane) paved road. Utilities will be provided by the developer in conjunction with development of the property. Among other improvements, this will require the extension of sewer to the site. The city is currently working on a plan to extend sewer service. The property will be required to connect to city sewer when the service becomes available.
13. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property. The City is currently finishing work on the Waverly Road project. This project was designed to bring the road up to a standard that can accommodate the industrial traffic anticipated as part of this development. A portion of the road proposed to serve the rail served properties will need to be constructed as part of this project and is part of the current plan of finance for the park. The developer will be required to comply with the City's UDC off-street parking requirements as part of the Site Plan review process.

14. The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. The City will follow NPDES (stormwater management requirements) guidelines that require the developer to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of water, air, noise, light, etc, will be addressed as part of the Site Plan review process.
15. The economic impact on the community from the uses allowed in the proposed zoning. Uses allowed in L-P district, if built, have the potential to benefit City residents and the community in a positive way by providing needed services, jobs, and tax revenues. The Waverly Road project allowed the City to leverage KDOT funds to extend the road to serve this site and helps to reduce the costs to the City or the developer that could be anticipated as part of the development of the site.
16. The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial. There would be little gain to the public health, safety and welfare of the City of Edgerton if the zoning is denied and the change only has minimal impacts on the types of uses that would be permitted to occur on the property with the property's current B-P Zoning designation. The property's location between two railroad tracks and adjacent to the BNSF facility also does not provide many other uses that would be considered as more acceptable alternatives to the current request. The City would also be adversely impacted due to lost opportunity for jobs and tax revenue.
17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton. The Future Land Use Map (Attached) from the Comprehensive Plan for the City of Edgerton shows the subject property primarily as Business Park/Industrial. The plan does show areas which are located to the North of the site as being anticipated as 'Commercial (Retail/Office)' and the property to the East as being Parks. The Preferred Land Use Plan in the Southwest Johnson County Area Plan also shows this area as being Warehousing and Distribution with the area to the North being shown as Light Industrial. The request appears to be consistent with the Comprehensive Plan.
18. The recommendation of professional staff. See Recommendation below

Recommendation

City staff recommends **approval** of the proposed rezoning of the subject property from B-P, Business Park District to L-P, Logistics Park District based upon the attached Zoning Exhibit, with the following stipulations:

1. All Site Plan application requirements of the City shall be met.
2. All infrastructure requirements of the City shall be met.
3. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments

City of Edgerton Future Land Use Map
Southwest Area Plan – The Preferred Land Use Plan
Application for Rezoning No. ZA2016-01

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Waverly Road (W) & TBD Public Street (N of BNSF)

PURPOSE FOR REZONING: Proposed Warehouse Development (IPXL) (Rail Serve)

REQUESTED REZONING CHANGE: FROM AA TO LP
(Current Zoning) (Proposed Zoning)

LEGAL DESCRIPTION: ATTACHED

CURRENT LAND USE: Temp Batch Plants and Ag

PROPERTY OWNER'S NAME(S): ELHC, LLC PHONE: 816.888.7380

COMPANY: ELHC, LLC

FAX:

MAILING ADDRESS: 5015 NW Canal St #200 Riverside MO 64150
Street City State Zip

APPLICANT/AGENTS NAME(S): John Thomas PHONE: 816.888.7380

COMPANY: ELHC, LLC

FAX:

MAILING ADDRESS: 5015 NW Canal St #200 Riverside MO 64150
Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): RIC PHONE: 816.800.0950

COMPANY: RIC

FAX:

MAILING ADDRESS: 5015 NW Canal St #100 Riverside MO 64150
Street City State Zip

SIGNATURE OF OWNER OR AGENT: [Signature]

If not signed by owner, authorization of agent must accompany this application.

FOR OFFICE USE ONLY

Case No.: 2016-01 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 5/11/16 # 41258

Received By: Debra Stragg Date of Hearing: 6/14/16

CERTIFIED LETTERS: The applicant will be responsible for mailing notices (see attached Property Owner Notification Letter) of the public hearing for the requested rezoning by certified mail, return receipt requested, to all owners of land within the notification area: two hundred (200) feet within the city limit, one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership

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COMPANY: RIC

FAX:

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FOR OFFICE USE ONLY

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UPDATED INFORMATION SHOWN IN BOLD

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Ordinance No. 1022 Providing for the Range of Salaries and Compensation of Various City Officers and Employees of the City of Edgerton, Kansas

Department: Administration

Background/Description of Item: In accordance with the City's Personnel Rules and Regulations, Edgerton has adopted an ordinance providing for the range of salaries and compensation of various city officers and employees. To reflect the changes in personnel as drafted in the 2017 budget and comparison of salary data for similar positions in the Mid America Regional Council's metropolitan salary data, staff has prepared an updated pay grade ordinance. Please find enclosed with packet a draft ordinance with changes tracked in red plus a clean copy of the draft ordinance. Below is a summary of the changes made.

Addition of the following positions as directed during the 2017 Budget process:

- Summer Youth Activities Coordinator – Grade 1
- Foreman – Grade 5
- CIP Project Manager – Grade 7
- Finance Director – Grade 8

Removes the following positions no longer needed:

- Laborer – Grade 2
- Assistant Superintendent – Grade 5
- Administrative Services Director – Grade 7

Reclassifies the following positions:

- Administrative Assistant position from Grade 2 to Grade 3
- Parks and Recreation Coordinator position from Grade 4 to Grade 5.

The salary range for most grades were updated based on a comparison of city salary data available through the Mid America Regional Council.

City Attorney has approved draft Ordinance No. 1022.

At the July 14th City Council meeting, City Council tabled this item with request that staff provide the data used in drafting staff recommended changes to the ordinance. Included with the packet is a summary of data collected from the Mid America Regional Council annual compensation study website.

The City of Edgerton participates in the annual compensation survey system compiled for the entire MARC region. Each entity (city, county, other jurisdiction) enters their positions and then using the position description classifies the position with other similar positions. Often those positions may or may not have the exact same title but perform similar job tasks with similar levels of education, experience and supervision. Due to variety of positions in area jurisdictions, staff was not able to use the same jurisdictions to compare each position. Similar cities included in the MARC data include Gardner, Belton, Raymore,

UPDATED INFORMATION SHOWN IN BOLD

Raytown, Bonner Springs, Mission, Roeland Park, Harrisonville, Kearney etc. Included with the packet is a summary of data provided in the compensation database.

Enclosure: Draft Ordinance No. 1022 (changes tracked in red)
 Draft Ordinance No. 1022 (clean copy)
 Data from MARC Compensation Survey System

Related Ordinance(s) or Statute(s):

Recommendation: Approve Ordinance No. 1022 Providing for the Range of Salaries and Compensation of Various City Officers and Employees of the City of Edgerton, Kansas, Effective Upon Publication and Repealing All Ordinances In Conflict Therewith

Funding Source: N/A

Prepared by: Karen Kindle, Accountant and Beth Linn, City Administrator
Date: July 11, 2016 [Updated July 25, 2016]

ORDINANCE NO. ~~994~~1022

AN ORDINANCE PROVIDING FOR THE RANGE OF SALARIES AND COMPENSATION OF VARIOUS CITY OFFICERS AND EMPLOYEES OF THE CITY OF EDGERTON, KANSAS, EFFECTIVE UPON PUBLICATION AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH

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

SECTION ONE: In accordance with the provisions of the Personnel Rules and Regulations of the City of Edgerton, Kansas, and Section 1-319 of Article 3 of Chapter I of the Code of the City of Edgerton, Kansas, the following appointed officers and employees of the City of Edgerton, Kansas shall have the following annual pay ranges:

**City of Edgerton, Kansas
Base Salary Structure**

<u>Range</u>	<u>Job Title</u>	<u>Minimum</u>	<u>Maximum</u>
1	Seasonal Laborer School Crossing Guard <u>Summer Youth Activity Coordinator</u>	\$15,080	\$26,208 <u>\$29,120</u>
2	Laborer <u>No Longer Used</u> Administrative Assistant	\$26,301	\$31,561
3	Maintenance Technician I Account Clerk Municipal Court Clerk <u>Administrative Assistant</u>	\$28,931 <u>\$29,120</u>	\$34,717 <u>\$42,634</u>
4	Maintenance Technician II Code Enforcement Officer Recreation Coordinator	\$35,006 <u>\$39,000</u>	\$42,007 <u>\$49,890</u>
5	Assistant Superintendent <u>Foreman</u> City Clerk <u>Parks and Recreation Coordinator</u>	\$46,593	\$55,912 <u>\$60,171</u>
6	Public Works Superintendent Utility Superintendent Building Inspector	\$51,252	\$63,503 <u>\$70,000</u>
7	Administrative Services Director <u>CIP Project</u> <u>Manager</u>	\$56,377	\$67,653 <u>\$75,000</u>
8	Community Development Director <u>Finance Director</u>	\$79,896	\$90,192 <u>\$93,986</u>

The normal work week for all full-time employees will be a forty-hour work week. The City of Edgerton will pay compensation at one and one-half times the normal hourly rate for all hours actually worked in excess of forty hours per week for all employees who are non-exempt from the provisions of the Fair Labor Standards Act.

SECTION TWO: The following officers and employees of the City of Edgerton, Kansas shall receive the compensation as hereinafter provided:

Position	Compensation
City Treasurer	\$180.25 per calendar month
City Attorney	\$800.00 per calendar month. Duties include: attendance at City Council meetings, preparation of ordinary ordinances, advise, conference and phone calls, and all other services on contract basis of \$150 per hour.
Municipal Judge	\$500 per docket attended
Prosecuting Attorney	\$110 per hour
Court Appointed Attorney	\$75.00 per hour for in-court time and out-of-court preparation time

SECTION THREE: The City Administrator shall set the individual employee's salary and compensation which shall fall within the salary and compensation ranges established by this Ordinance.

SECTION FOUR: All other ordinances in conflict are hereby repealed upon the adoption of this Ordinance.

SECTION FIVE: This Ordinance shall take effect after it is published once in the City's official newspaper and be in force from and after its passage, approval and publication as provided by law.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 26⁸TH DAY OF ~~FEBRUARY~~JULY, 2015~~6~~6.

DONALD ROBERTS, Mayor

ATTEST:

JANEICE RAWLES, City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY, City Attorney

ORDINANCE NO. 1022

AN ORDINANCE PROVIDING FOR THE RANGE OF SALARIES AND COMPENSATION OF VARIOUS CITY OFFICERS AND EMPLOYEES OF THE CITY OF EDGERTON, KANSAS, EFFECTIVE UPON PUBLICATION AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH

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

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5	Foreman City Clerk Parks and Recreation Coordinator	\$46,593	\$60,171
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ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 28TH DAY OF JULY, 2016.

DONALD ROBERTS, Mayor

ATTEST:

JANEICE RAWLES, City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY, City Attorney

Data from Mid America Regional Council (MARC) Compensation Survey System							
		Edgerton CURRENT		Edgerton PROPOSED		MARC AVERAGE	
1	Seasonal Laborer	\$15,080	\$26,208	\$ 15,080	\$ 29,120	no seasonal positions included in MARC data	
	School Crossing Guard						
	Summer Youth Activity Coordinator						
2	Laborer	\$26,301	\$31,561	No longer used			
	Administrative Assistant						
3	Maintenance Technician I	\$28,931	\$34,717	\$ 29,120	\$ 42,634	\$ 31,080	\$ 42,867
	Account Clerk					\$ 29,217	\$ 42,634
	Municipal Court Clerk					\$ 31,325	\$ 46,193
	Administrative Assistant					\$ 32,460	\$ 47,860
4	Maintenance Technician II	\$35,006	\$42,007	\$ 39,000	\$ 49,890	\$ 34,305	\$ 49,961
	Code Enforcement Officer					\$ 33,999	\$ 49,890
5	Foreman	\$46,593	\$55,912	\$ 46,593	\$ 60,171	\$ 41,510	\$ 61,158
	City Clerk					\$ 49,020	\$ 72,844
	Parks and Recreation Coordinator					\$ 39,317	\$ 59,311
6	Public Works Superintendent	\$51,252	\$63,503	\$ 51,252	\$ 70,000	\$ 51,605	\$ 77,572
	Utility Superintendent					\$ 52,802	\$ 78,415
	Building Inspector					\$ 53,288	\$ 80,787
7	CIP Project Manager	\$56,377	\$67,653	\$ 56,377	\$ 75,000	\$ 52,277	\$ 81,544
8	Community Development Director	\$79,896	\$90,192	\$ 79,896	\$ 93,986	\$ 68,570	\$ 102,417
	Finance Director					\$ 77,887	\$ 121,243

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: July 28, 2016

Agenda Item: Ordinance Authorizing Bonds and Bond Documents

Subject: Industrial Revenue Bonds and Property Tax Abatement for ELHC XXXI Project

Summary:

The City received an application for property tax abatement from ELHC XXXI, LLC for a project located in the Logistics Park, consisting of an approximately 378,000 sq. ft. warehouse and distribution facility, to be located at 31800 W. 196th Street, which is located at the northwest corner of 196th Street and Waverly Road, in Edgerton, Kansas (the “Project”).

The City has previously adopted Resolution No. 07-08-10A on July 8, 2010, Resolution No. 04-25-13A on April 25, 2013, and Resolution No. 04-09-15A on April 9, 2015 (collectively, the “Resolution of Intent”) expressing the intent of the City to issue its industrial revenue bonds in multiple series, the aggregate amount of all series not to exceed \$1,000,000,000, to finance the costs of acquiring, constructing, reconstructing, improving and equipping various projects within The Logistics Park-KC for the benefit of Edgerton Land Holding Company, LLC, or its assigns (the “Developer”). The City adopted Resolution No. 04-28-16C on April 28, 2016 (the “Assignment Resolution”) consenting to the assignment of \$26,500,000 of the Developer’s interest in the Resolution of Intent to ELHC XXXI, LLC for the Project. Prior to adopting the Assignment Resolution, the City held a public hearing on the Project and considered the cost-benefit report.

Ordinance:

The Ordinance authorizes the City to issue up to \$26,500,000 of industrial revenue bonds for the Project. This bond issue is commonly referred to as a “buy your own bonds bond issue.” ELHC XXXI will be both the lessee on the project and the owner of the bonds. When the bonds are issued, ELHC XXXI will lease the project site to the City as is required by state law in order to provide property tax abatement. The City will then sublease the project back to ELHC XXXI. ELHC XXXI will be obligated to repurchase the project at the conclusion of the tax abatement.

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

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

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

ORDINANCE NO. 1025

AN ORDINANCE AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE INDUSTRIAL REVENUE BONDS (ELHC XXXI, LLC PROJECT) SERIES 2016, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$26,500,000, FOR THE PURPOSE OF FINANCING A WAREHOUSE AND DISTRIBUTION FACILITY; AUTHORIZING THE CITY TO ENTER INTO A TRUST INDENTURE WITH UMB BANK, N.A., AS TRUSTEE; AUTHORIZING THE CITY TO ENTER INTO A BASE LEASE AND LEASE AGREEMENT WITH ELHC XXXI, LLC; AND AUTHORIZING AND APPROVING THE EXECUTION OF ADDITIONAL DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

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

WHEREAS, the governing body of the City has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue its Industrial Revenue Bonds (ELHC XXXI, LLC Project) Series 2016, in an aggregate maximum principal amount not to exceed \$26,500,000 (the “Bonds”), for the purpose of acquiring, constructing and equipping a commercial project, consisting of an approximately 378,000 sq. ft. warehouse and distribution facility, to be located at 31800 W. 196th Street, Edgerton, Kansas, including land, buildings, structures, improvements, fixtures, machinery and equipment (the “Project”), and that the City lease the Project to ELHC XXXI, LLC, a Kansas limited liability company (the “Company”); and

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

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

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

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

receipts derived by the City from the Project, and the Project and the net earnings derived by the City from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

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

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

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

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

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

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

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

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

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

Bonds, the Indenture, the Base Lease, the Lease Agreement, the Performance Agreement, the Bond Purchase Agreement and the Origination Fee Agreement.

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

PASSED by the Council of the City of Edgerton, Kansas, this 28th day of July, 2016.

Donald Roberts, Mayor

[SEAL]

ATTEST:

Janeice Rawls, City Clerk

Approved as to form:

Scott W. Anderson, Bond Counsel

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Resolution No. 07-28-16A Establishing Fees And Rates For Permits, Licenses And Services Within The City Of Edgerton, Kansas

Department: Community Development

Background/Description of Item: On July 14, 2016 the City Council approved Ordinance No. 1023 to establish regulations for Mobile Food Vendors to operate within the City Limits and creating a License for such operations. Those regulations for Mobile Food Vendors reference an annual license fee that will be collected on each Mobile Food Vendor doing business in the City, in an amount as established and approved by the Governing Body as part of the annual fee resolution.

Enclosed is draft Fee Resolution No. 07-28-16A establishing the annual fee for the Mobile Food Vendor License at \$100.

City Attorney has reviewed and approved the draft Resolution.

Enclosure: Draft Resolution No. 07-28-16A

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

Recommendation: Approve Resolution No. 07-28-16A Establishing Fees And Rates For Permits, Licenses And Services Within The City Of Edgerton, Kansas

Funding Source: N/A

Prepared by: Kenneth Cook, Community Development Director

Date: July 25, 2016

RESOLUTION NO. 07-28-16A

A RESOLUTION ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS.

WHEREAS, pursuant to Ordinance No. 1006, the City Council indicated that all City Fees that previously were spread throughout the City Code, and would require an Ordinance amending that particular part of the Code to change the fee, would instead be consolidated into a City Fee Resolution such that all fees could be better monitored and, any revisions thereto, could be accomplished via resolution instead of an ordinance; and

WHEREAS, City Staff continues to work on consolidating said fees into this Fee Resolution and, as those fees are added in, revised versions of this Resolution will be presented for Council approval; and

WHEREAS, City Council adopted Ordinance No. 1023 establishing regulations for Mobile Food Vendors to include an annual license fee that will be collected on each Mobile Food Vendor doing business in the City, in an amount as established and approved by the Governing Body as part of the annual fee resolution.

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

SECTION 1: FEES.

The following fees shall be due and payable to the City Clerk:

ANIMAL CONTROL

Animal Registration Fees:

Neutered/Spayed dog or cat	\$ 5.00
Unneutered/Non-spayed dog or cat	\$ 25.00
Seniors (60 plus) with neutered/spayed dog or cat	\$ No Charge
Chicken registration	\$ 50.00
Breeder Fee	\$500.00
Late Registration Fee	\$ 25.00

Animal Redemption Fees:

Registered	
First pick up	\$ No charge
Second pick up	\$ 50.00
Third pick up	\$100.00
Non-Registered, Neutered/Spayed	
First pick up	\$ 50.00
Non-Registered, Unneutered/unspayed	
First pick up	\$100.00

City provided rabies vaccination	\$ 50.00
Habitual Violator (dog picked up more than three times in one year)	\$250.00
Boarding Fee	\$10.00 per day

BUSINESS LISCENSE

Mobile Food Vender License	\$100
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WASTEWATER

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

Customer Service Charge

\$5.84

Volumetric Rate

\$6.76 [per 1,000 gallons]¹

WATER

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

Customer Service Charge

Meter Size	Inside City	Outside City
5/8"	\$19.23	\$28.85
3/4"	\$20.44	\$30.66
1"	\$22.87	\$34.31
1 1/2"	\$28.92	\$43.38
2"	\$36.19	\$54.29
3"	\$53.14	\$79.71
4"	\$77.36	\$116.04
6"	\$137.90	\$206.85
8"	\$210.56	\$315.84

¹ For residential use properties, Section 15-305(b) of Article 3 of Chapter XV of the City Code will determine the level of gallons.

Volumetric Rate		
Tiers	Inside City	Outside City
0-2,000	\$3.95	\$5.93
2,001-10,000	\$8.89	\$13.34
>10,000	\$12.27	\$18.41

SECTION 2: Effective Date. This Resolution shall become effective upon its approval.

SECTION 3: Repealer. Any fees or resolutions inconsistent herewith are hereby repealed and said City Code references (along with other specific fee references throughout the City Code that will now be controlled by the Fee Resolution) will be formally withdrawn via a future ordinance.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS ON THIS 28th DAY OF JULY, 2016.

DONALD ROBERTS, MAYOR

ATTEST:

JANEICE L. RAWLES, CITY CLERK

APPROVED AS TO FORM:

PATRICK REAVEY, CITY ATTORNEY