

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
August 10, 2023
7:00 P.M.**

Call to Order

1. Roll Call

____ Roberts ____ Longanecker ____ Lewis ____ Beem ____ Lebakken ____ Malloy

2. Welcome

3. Pledge of Allegiance

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

4. Approve Minutes from July 27, 2023 Regular City Council Meeting.
5. Consider Ordinance No. 2142 Amending Chapter XIV of the Edgerton, Kansas Municipal Code to Incorporate the 2023 Standard Traffic Ordinance, Subject to Existing Local Traffic Provisions in the City Code Which Supplement and/or Modify Certain Sections Thereof
6. Consider Ordinance No. 2143 Amending Chapter XI, Article I, Section 11-101 of the Code of the City of Edgerton, Kansas, Concerning the Uniform Public Offense Code
7. Approve Concurrence to Bid 2023 CDBG – 1st And Martin Sanitary Sewer Rehabilitation Project

Motion: _____ Second: _____ Vote: _____

Regular Agenda

8. **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.
9. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken.

The Mayor may modify these provisions, as necessary. The Mayor may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to City Council members only and should not speak to fellow audience members. City Council members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

10. **Presentation.** Streetlight Inventory and Study

Business Requiring Action

- 11. CONSIDER ORDINANCE NO. 2144 AMENDING ARTICLE 4 – COMMERCIAL ZONING DISTRICTS - OF THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF EDGERTON, KANSAS AND CONSIDER ORDINANCE NO. 2145 AMENDING ARTICLE 7 – CONDITIONAL USES – OF THE UDC AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: _____ Second: _____ Vote: _____

- 12. CONSIDER AGREEMENTS WITH HENDERSON BUILDING SOLUTIONS FOR THE GREENSPACE PROJECT TO PROVIDE COMMISSIONING, TAB, AND BUILDING CONTROLS SERVICES DURING THE CONSTRUCTION PHASE**

Motion: _____ Second: _____ Vote: _____

- 13. CONSIDER CHANGE ORDER #1 TO CONTRACT WITH HARBOUR CONSTRUCTION INCORPORATED FOR ASPHALT OVERLAY CONSTRUCTION OF WEST 5TH STREET AS PART OF THE 2023 STREET PRESERVATION PROGRAM.**

Motion: _____ Second: _____ Vote: _____

- 14. PUBLIC HEARING FOR RESOLUTION NO. 08-10-23A TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY FOR MEAT INFERNO EVENT**

- 15. CONSIDER RESOLUTION NO. 08-10-23A TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY FOR MEAT INFERNO EVENT**

Motion: _____ Second: _____ Vote: _____

- 16. CONSIDER RESOLUTION NO. 08-10-23B AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

Motion: _____ Second: _____ Vote: _____

- 17. Report by the City Administrator**

- Recreation Update
- 2nd Quarter Finance Update

- 18. Report by the Mayor**

- 19. Future Meeting Reminders:**

- August 24: City Council Meeting – 7:00PM
- September 12: Planning Commission – 7:00PM
- September 14: City Council Meeting – 7:00PM

- September 28: City Council Meeting – 7:00PM
- October 10th: Planning Commission Meeting – 7:00PM
- October 12th: City Council Meeting – 7:00PM
- October 12th: CIP Budget Work Session – Following Regularly Scheduled Meeting
- October 26th: City Council Meeting – 7:00PM

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

EVENTS

August 11: The Greenspace Groundbreaking - 6:30PM

August 11: Back to School Glow Foam Party – 8:00PM

August 16: Senior Lunch and BINGO

August 29: Paint Night – Cactus

August 31: Senior Trip – Sparks Flea Market

September 4: City Offices Closed for Labor Day

September 12: Tales for Tots

September 23: Edgerton Movie Night – Lyle Lyle Crocodile

City of Edgerton, Kansas
Minutes of City Council Regular Session
July 27, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas July 27, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	absent
Josh Beem	present
Deb Lebakken	present
Bill Malloy	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant City Administrator, Meagan Borth
- Marketing & Communications Manager, Kara Banks
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- CIP Project Manager, Holly Robertson
- Development Services Director, Zachary Moore
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Recreation Coordinator, Brittany Paddock

2. WELCOME. Mayor Roberts welcomed all in attendance.

3. PLEDGE OF ALLEGIANCE. All present participated in the Pledge of Allegiance.

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

- 4. Approve Minutes from July 13, 2023 Regular City Council Meeting.
- 5. Approve Final Change Order and Final Acceptance of 207th Grade Separation Project
- 6. Approve Concurrence To Bid Dwyer Farms – Sanitary Sewer Extension Project

Councilmember Longanecker moved to approve the Consent Agenda. Councilmember Beem seconded the motion. The consent agenda was approved, 3-0.

Regular Agenda

7. Declaration. There were no declarations made.

8. **Public Comments.** There were no public comments made.

9. **Introduction of New Hire.** Holly Robertson, CIP Project Manager. Mr. Dan Merkh introduced Ms. Holly Robertson, newly hired to fulfill the role of CIP Project Manager.

Ms. Robertson addressed the council. She stated that she comes from a background in civil engineering and spent the last 9 years in Geotech engineering. She is a licensed professional engineer in both Kansas and Missouri. She stated in her free time, she likes to volunteer. She stated she is excited to move her career in the direction of project management.

Mayor Roberts and the Councilmembers welcomed her to the team.

Business Requiring Action

10. CONSIDER AMENDMENT #2 TO AGREEMENT WITH SWT DESIGN FOR GLENDELL ACRES PARK RENOVATION PROJECT

Mr. Merkh addressed the Council. He stated in October 2019, the City Council approved the 2020-2024 CIP which included the Glendell Acres Park Renovation Project, with funding identified to come from the Park Impact Fee. He stated in November 2020, the Council approved the next iteration of the project to include the updated scheduling with no changes to the project cost.

He stated in May 2021, Council approved an agreement with SWT Design for design services for the renovation of Glendell Acres Park. The initial approval was for a not to exceed budget with a lower finalized fee. He stated an amendment was approved for a third-party company to complete potholing which increased the contract amount while staying within the approved budget. He stated staff would recommend approval of Amendment 2 to increase the contract with SWT.

He stated Amendment 2 includes additional design services as outlined in the council packet. He stated the funding source for the project is identified as the Park Impact Fee, by the CIP. He stated the total budget for the project is \$740,867. He stated staff is working with SWT to finalize early estimates to bring forward to council at a later date.

Mayor Roberts stated the details suggest lighting and the potential of Wi-Fi at the pavilion structure. He stated he is not sure Wi-Fi is necessary, however he would like to see lighting there. He stated he specifically thinks motion sensor lighting would be better to potentially draw attention when people are there.

Mr. Merkh stated there are many options to consider as we begin narrowing down the final steps and want final product to look like and specifically the costs associated with the project.

Councilmember Longanecker voiced concerns about vandalism without lights.

Mr. Merkh stated as part of the street lighting that will take place, staff can work to bring back options for council for lighting there as well.

Councilmember Lebakken asked what potholing is.

Mr. Merkh stated it is considered a non-intrusive excavation to get exact depth of utility lines.

With no further questions or comments, Mayor Roberts requested motion to approve Amendment #2 to the Agreement with SWT Design for Glendell Acres Renovation Project pending approval from all needed and authorizing Mayor to execute the agreement.

Councilmember Lebakken moved to approve, seconded by Councilmember Longanecker. The motion was approved, 3-0.

11. CONSIDER UPDATED SCOPE AND BUDGET FOR THE 2ND STREET RECONSTRUCTION PROJECT.

Mr. Merkh stated in in March 2023, the City issued an RFQ seeking engineering teams for the 2nd Street Reconstruction Project. In June, the City Council approved the design contract with Renaissance Infrastructure Consulting for this project. He stated the project scope approved in the CIP includes reconstruction from Nelson Street to the terminus of the Grade Separation project, approximately 1,350 LF of this roadway is within the County. He stated after direction from Council, the County elected not to participate financially in the project. Based on this, staff would recommend removing the roadway within the County and include the reconstruction of Edgewood Drive, approximately 1,300 LF.

He stated this scope revision will require a change order to contract with RIC, which is included in this council packet immediately following this item. He stated the project budget included in the 2023-2027 adopted CIP is roughly \$4.9 million. This budget included roughly \$1.9 million coming from participating agencies. He stated the entire project budget amount is now proposed to come from the Public Infrastructure Fund, which will include leftover funding from the 207th Street Grade Separation Project.

He stated staff would recommend the revision of the scope to include the segment of Edgewood Drive and transfer roughly \$1.7 million from the Public Infrastructure Fund to increase the project budget to a little over \$4.7 million.

Ms. Linn stated it is worth noting that the project funding is completely from LPKC funding in the Public Infrastructure Fund with left over surplus dollars from LPKC funding.

Councilmember Longanecker asked what the plan is for the county portion of the roadway.

Ms. Linn stated the city will make no improvement. If they choose to reconstruct at a later date, then they can do so but they did not want to participate at this time.

Councilmember Longanecker stated most trucks go that way, so he is surprised the county is not wanting to participate.

Mr. Merkh stated the County said they would help obtain easements if needed, but they would not help financially. He stated Edgewood is in dire need of repair, so Edgerton taxpayers will see improvements.

With no further questions or comments, Mayor Roberts requested motion to approve the updated scope and budget for 2nd Street Reconstruction.

Councilmember Longanecker moved to approve, seconded by Councilmember Lebakken. The motion was approved, 3-0.

12. CONSIDER CHANGE ORDER #1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF EDGERTON AND RENAISSANCE INFRASTRUCTURE CONSULTING, INC. FOR THE 2ND STREET RECONSTRUCTION PROJECT

Mr. Merkh stated this item is the change order that will remove the county section of the roadway design and add Edgewood.

With no questions or comments, Mayor Roberts requested motion to approve the change order to the agreement with RIC for the 2nd Street Reconstruction Project.

Councilmember Longanecker moved to approved, seconded by Councilmember Lebakken. The motion was approved, 3-0.

13. CONSIDER RESOLUTION NO. 07-27-23A AUTHORIZING THE CLOSURE OF A PUBLIC STREET DURING EDGERTON'S GROUNDBREAKING CEREMONY FOR THE GREENSPACE.

Ms. Brittany Paddock addressed the council. She stated the City will host a groundbreaking ceremony in downtown Edgerton with inflatables, music, touch a truck, food, treats, and more from 6:30-9:30PM on August 11th. She stated to provide a safe environment for this event, they are requesting closure of Nelson Street, from E 4th to E 3rd Streets. She stated the intersections at both will remain open and staff will notify all emergency personnel of the closings.

She stated following The Greenspace groundbreaking, the City will host the back-to-school glo-foam party in the greenspace.

All Councilmembers expressed their excitement in this event and the milestone this is for the community. Mayor Roberts stated staff is putting together an event that really exemplifies the area and how it has been and will continue to be the gathering space for the community.

With no further comments, Mayor Roberts then requested motion to approve Resolution No. 07-27-23A allowing for a street closure for The Greenspace Groundbreaking Ceremony and Community Event.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 3-0.

14. CONSIDER RESOLUTION NO. 07-27-23B AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS FOR MEAT INFERNO.

Ms. Paddock stated the resolution before Council for approval is to authorize closure of certain streets for the Meat Inferno event in October. She stated this is the second year of the event and they are hoping to have an event better turn out for the community. She stated this year, there will be food trucks, a live band, street performances, etc. She stated the proposed street closures have been reviewed by staff and no conflicts or issues are anticipated. She stated city staff will work to notify the surrounding residents affected, the Sheriff's Office, Fire District and Johnson County Med-Act of the proposed closings.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 07-27-23B authorizing certain street closures for the Meat Inferno event.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 3-0.

15. CONSIDER RESOLUTION NO. 07-27-23C FOR TEMPORARY NO PARKING RELATED TO MEAT INFERNO

Ms. Paddock stated similar to the road closures, staff is requesting certain no parking areas during the event to help with the traffic around the event and protect pedestrian safety. She stated certain streets will be marked no parking on both sides, and others just on one side. She stated all streets being requested can be found in the packet and resolution. The no parking will be zoned as such from Thursday, October 5th at 12:00PM to Monday, October 9th at 12:00PM.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 07-27-23C authorizing no parking on certain streets for the Meat Inferno event.

Councilmember Longanecker moved to approve, seconded by Councilmember Lebakken. The motion was approved, 3-0.

16. CONSIDER RESOLUTION NO. 07-27-23D RECOGNIZING MEAT INFERNO AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS

Ms. Paddock stated on Friday October 6th, there will be a Kids 'Q barbeque competition, food trucks, street performances, and a live band for the community to enjoy. She stated on Saturday, October 7th there will be a pancake breakfast and an Edgerton Steak Master grilling competition for the community. She stated this resolution will allow for permission to waive the City's noise restrictions for Friday evening and Saturday afternoon.

Councilmember Longanecker asked what time the band usually shuts down.

Ms. Paddock stated they will go until about 10pm. She stated this event is a little calmer than Frontier Days.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 07-27-23C authorizing no parking on certain streets for the Meat Inferno event.

Councilmember Beem moved to approve, seconded by Councilmember Longanecker. The motion was approved, 3-0.

17. Report by the City Administrator

- 2nd Quarter Community Development Report

Mr. Zach Moore addressed the Council. He stated there have been 13 residential permits issued, and 8 nonresidential permits. He stated the total permit valuation has significantly increased with the majority of the increase being driven by IP 9 and Project Door. He stated staff is continuing work to update the building code and the Council's next work session will be over the International Fire Code.

He stated behind the scenes, staff is working on implementing a new permitting software. They are currently in the user acceptance testing stage where they are trying to find any errors before the system goes live. He stated they are looking at go live this fall and once fully implemented, contractors and residents will be able to submit applications and documentation through an online portal.

Mayor Roberts asked if people can still submit hard copies.

Mr. Moore stated yes, adding the new software allows for signed and sealed digital copies.

Councilmember Lebakken asked where this will be hosted.

Mr. Moore stated through Tyler like the other software already implemented, there are 3 different modules with 45 different record types.

Ms. Linn stated his portion of the software will include planning, code enforcement and inspections.

Mr. Moore stated the comp plan is in full swing. They are working now to wrap up the draft plan stage and they will be hosting an open house in City Hall for the community in the next few weeks. He stated after that, they are planning to have a joint planning commission and city council work session to go over information more in depth with adoption in October/November of this year.

He stated on the animal control side, the number of loose animals and unregistered violations is up a little bit. He stated with the summer season, the number of boats and RV violations is also a little higher, as well as tall grass and weeds.

Mayor Roberts stated he thinks this report is really coming together and he appreciates how hard staff has worked to get it to this point. He stated plenty of people like to say they are the only ones who get talked to, but this report proves otherwise. He stated he thinks it is valuable information.

Mr. Moore stated the information proves that in many cases although a resident had a violation, they have not had a citation, which shows how hard Code Enforcement Officer Charlie Lydon works to address issues with residents before it goes to another level.

WALK ON: Glendell Acres Project Update

Mr. Merkh handed out a project update cost sheet. He stated this is a typical CIP sheet, showing the original project scope cost and the budget now. He also reviewed a timeline of the project since it was first funded.

Mayor Roberts stated these numbers are just estimates and until the bids are in, they don't know a full cost yet.

Mr. Merkh stated the timeline for the project to be complete is still not known for sure and there is no guarantee it will happen this year. He stated construction will be awarded this year.

Councilmember Longanecker asked if it will be open by spring.

Ms. Linn stated she thinks spring is an aggressive time frame. She stated when the project goes out for bid there will be a better time frame. She stated unfortunately right now, the City is at the mercy of skate park contractors.

Mr. Merkh stated the playground itself requires a licensed installer, so there are many specialized pieces moving in this project.

Ms. Linn stated there also must be a licensed inspector for the playground, which we do have on staff.

WALK ON: Update Regarding Snow Removal and Parking Issue on 8th & Meriwood

Ms. Meagan Borth handed out documents related to parking and snow removal.

She stated regarding the 8th & Meriwood parking issue, the current ordinance references the STO, allows for 20 feet on both sides from cross walk and 30 feet from stop signs. She stated the pictures show that where the vehicles are currently parked is outside of that 20 foot mark.

Councilmember Beem asked if it is a functioning, registered vehicle.

Ms. Borth stated yes, it has tags. The residents have said it does not move, so Deputy Johnson is monitoring.

Mayor Roberts stated he had a phone call last week with similar problem by the Catholic Church and traffic congestion. He stated his thought, would be to globalize this next conversation regarding no parking.

Ms. Linn stated staff can research more if council would like, specifically related to intersections and bring back some options to council.

Mayor Roberts stated his concern is public safety. He stated he would like to know what is reasonable. He added he thinks where signs were put on Edgerton Rd. make sense because it was a huge safety issue, but residents have a valid concern that there is nowhere to park when people come to visit for holidays and such. He stated he would like to understand what is reasonable, adding safety is key. He'd like to know the rules surround visibility and setbacks.

Mr. Lee Hendricks, City Attorney, asked what Mayor meant by globalize.

Mayor Roberts stated he's really meaning residential, and then taking other approaches related to truck routes, etc.

Ms. Linn stated they would like to figure out a uniform way to not have to sign every street.

Mr. Hendricks stated if it is required uniformly on certain streets, then do not add signs. If no parking is going to be just a certain area, then do.

Mayor Roberts stated there have been similar issues on the horseshoe, which could be looked at as a no parking area too.

Ms. Linn stated Meagan will follow up with the resident that brought the concern to Council and staff will work to bring back information and let the resident know so they could attend if they'd like to.

Ms. Borth stated regarding snow removal, staff was directed to research the time frame other cities have established for snow removal. She referenced the information given to them related to the current city code, and what the surrounding city's codes currently are.

Ms. Linn stated to her knowledge, Lawrence is the only other municipality that enforces their snow removal code.

Mayor Roberts stated Olathe actively promotes their snow angels, which are volunteers that come out to help seniors and disabled who cannot care for their sidewalks and driveways.

Councilmember Longanecker asked how many times a citation has been written for those that do not adhere to the code.

Ms. Linn stated the enacting of the current code was a heavy lift. She stated this really started from kids not having anywhere to stand for bus stops. Sidewalks were not clear and they were

standing in the road. She stated generally this policy polices itself and there have been very few citations written in regard to this.

Mayor Roberts and Council agreed the consensus is to leave the code the way it is now.

Ms. Linn stated the final item she has tonight is that a land disturbance permit has been issued for Dwyer Farms and shovels are in the ground.

18. Report by the Mayor

Mayor Roberts stated he had no report to give.

19. Future Meeting Reminders:

- August 7: Envision Edgerton Open House – 5:00PM-8:00PM
- August 8: Planning Commission – 7:00PM
- August 10: City Council Meeting – 7:00PM
- August 24: City Council Meeting – 7:00PM
- September 12: Planning Commission – 7:00PM
- September 14: City Council Meeting – 7:00PM
- September 28: City Council Meeting – 7:00PM

20. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B(2)) UNDER THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE THE CITY ATTORNEY, CITY ADMINISTRATOR, AND PUBLIC WORKS DIRECTOR

Mayor Roberts stated he would like to recess into executive session pursuant to KSA 75-4319(B)(2) to include City Attorney, City Administrator and Public Works Director for 15 minutes.

Mayor Roberts then requested motion to recess into executive session.

Councilmember Beem moved to recess into executive session for 15 minutes, seconded by Councilmember Longanecker.

The meeting recessed into executive session at 7:22PM, 3-0.

Councilmember Lebakken made motion to return to open session with no action taken, seconded by Councilmember Longanecker.

Open session resumed at 7:37PM, 3-0.

Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 8:38PM.

Submitted by Alexandria Clower, City Clerk



EDGERTON
global routes. local roots.

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City Council Action Item

Council Meeting Date: August 10, 2023

Department: Administration

Agenda Item: Consider Ordinance No. 2142 Amending Chapter XIV of the Edgerton, Kansas Municipal Code to Incorporate the 2023 Standard Traffic Ordinance, Subject to Existing Local Traffic Provisions in the City Code Which Supplement and/or Modify Certain Sections Thereof

Background/Description of Item:

Annually, the League of Kansas Municipalities prepares and publishes the code known as the Standard Traffic Ordinance (STO) for Kansas Cities. This ordinance will adopt the Standard Traffic Ordinance for Kansas Cities, 50th Edition, published in 2023 except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Sections 14-102 through 14-105 of the Code of the City of Edgerton. Included with this item is a document prepared by LKM which outlines the changes between the 2022 and 2023 editions of the STO.

The City Attorney has reviewed and approved Ordinance 2142 as submitted for adoption.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2142 Amending Chapter XIV of The Edgerton, Kansas Municipal Code to Incorporate The 2023 Standard Traffic Ordinance, Subject to Existing Local Traffic Provisions in the City Code Which Supplement and/or Modify Certain Sections Thereof

Enclosed: Draft Ordinance No. 2142
Summary of Changes to the STO, 50th Edition from League of Kansas Municipalities

Prepared by: Kara Banks, Marketing and Communications Manager

ORDINANCE NO. 2142

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF EDGERTON, KANSAS; INCORPORATING BY REFERENCE THE 2023 STANDARD TRAFFIC ORDINANCE, 50TH EDITION, SUBJECT TO EXISTING LOCAL TRAFFIC PROVISIONS IN THE CITY CODE WHICH SUPPLEMENT AND/OR MODIFY CERTAIN SECTIONS THEREOF.

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

SECTION 1: Chapter XIV, Section 14-101 of the Edgerton, Kansas Municipal Code is hereby amended to state the following:

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

14-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Edgerton, Kansas, that certain code known as the "Standard Traffic Ordinance for Kansas Cities," 50th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Section 14-202 through 14-205 of the existing Code of the City of Edgerton. No fewer than one copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2142" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. The Sheriff's Department of Johnson County, Kansas, the municipal judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost to the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2: Article 2 of Chapter XIV of the Edgerton, Kansas Municipal Code is hereby preserved and any modifications or supplements to the Standard Traffic Ordinance stated therein are now applicable to the 2023 "Standard Traffic Ordinance for Kansas Cities," 50th Edition.

SECTION 3: Repeal. Former Chapter XIV, Section 14-101 of the Edgerton Municipal Code is hereby repealed and replaced.

SECTION 4: Effective Date. This Ordinance shall be effective after its passage, approval, and publication once in the City's official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 10th DAY OF AUGUST, 2023.

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

Updates to the 2023 Standard Traffic Ordinance and the Uniform Public Offense Code

By: Nicole Proulx Aiken, Deputy General Counsel, League of Kansas Municipalities



It is that time of year again when the League updates the *Standard Traffic Ordinance* (STO) and the *Uniform Public Offense Code* (UPOC) with the changes made by the Kansas Legislature. This article describes those changes.

Changes to the STO

Section 163. Additional Lighting Equipment.

HB 2147, Section 6, allows motor vehicles to be equipped with any type of ground effect lighting, except the lights cannot be any shade of red, flash, or be visible. Previously, motor vehicles could be equipped only with neon ground effect lighting.

Section 179. Spilling Loads on Highways Prohibited.

HB 2160 exempts trucks, tractors, and trailers hauling cotton bales from this provision when certain requirements are met.

Section 194. Driving While License Canceled, Suspended or Revoked; Penalty.

HB 2216 removes the mandatory term of confinement for first- and second-time offenders driving on a suspended license if the offender's license was suspended because of a failure to pay a fine or failure to appear. The bill also requires a minimum fine of \$100 for a violation.

Changes to the UPOC

Section 1.1. Definitions.

The League added definitions for airbag, counterfeit supplemental restraint system component, nonfunctional airbag, and supplemental restraint system that apply to the new offense concerning counterfeit airbags found in HB 2147, Section 2. The League amended the definition of wildlife based on changes in HB 2332, Section 23. The League also discovered some definitions that needed to be added or amended. Definitions for hard cider, maliciously, and sexually explicit conduct were added. Definitions for temporary permit and wine were amended. The definitions for health care facility and health care provider moved to Section 6.7., because they apply specifically to criminal trespass and the new offense concerning battery against a health care provider contains a different definition for health care providers.

Section 3.2.3. Battery Against a Health Care Provider.

This is a new offense approved by the Legislature in SB 174, Section 1, making it a Class A nonperson violation to commit a battery against a healthcare provider while the provider is performing their job duties.

Section 3.6. Unlawful Restraint.

A League member requested the League mirror state law and amend this provision to exempt all law enforcement of the state and any political subdivision of the state from this offense. Previously, the exemption in the UPOC applied only to city law enforcement. The League amended the provision based on this request.

Section 3.8. Violation of Protection from Abuse Order.

While reviewing SB 217, which included amendments to statutes concerning protection orders, the League noticed K.S.A. 60-3107 does not contain the word "or" between battery and domestic battery. The League deleted the word "or" from this part of the provision to match state law.

Section 3.13. Stalking.

SB 217, Section 1 amended the definition of course of conduct to include "utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns." The bill also changed the format of the definition for immediate family.

Section 5.5. Watercraft; Lifesaving Devices Required, Section 10.5. Unlawful Discharge of a Firearm, and Section 11.3. Commercialization of Wildlife.

The League updated these sections to reflect the Kansas Department of Wildlife, Parks and Tourism name change to the Kansas Department of Wildlife and Parks. Also, Section 5.5 was updated to reflect that the offense is a Class C nonperson violation.

Section 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.

HB 2269, Section 3, raises the minimum age from 18 to 21 to purchase, attempt to purchase, possess, or attempt to possess cigarettes, electronic cigarettes, or tobacco products.

Section 6.7. Criminal Trespass.

The League moved the definitions for health care facility and health care provider from the definitions section to this section, because they specifically apply to this offense and, with the addition of the battery against a health care provider offense, the UPOC now contains two different health care provider definitions.

Section 6.22. Criminal Hunting.

HB 2332, Section 19 clarifies that convictions of this offense are nonperson violations.

Section 6.27. Counterfeit Airbag Violation.

This is a new offense approved by the Legislature in HB 2147, Section 2, making it a Class A nonperson violation to "knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install or reinstall a device intended to replace a supplemental restraint system component . . ."

Section 7.2. Interference with Law Enforcement.


SB 174, Section 5, added language to this offense to include: “Knowingly fleeing from a law enforcement officer, other than fleeing by operation of a motor vehicle, when the law enforcement has: (A) Reason to stop the person under K.S.A. 22-2402, and amendments thereto; and (B) given the person visual or audible signal to stop.”

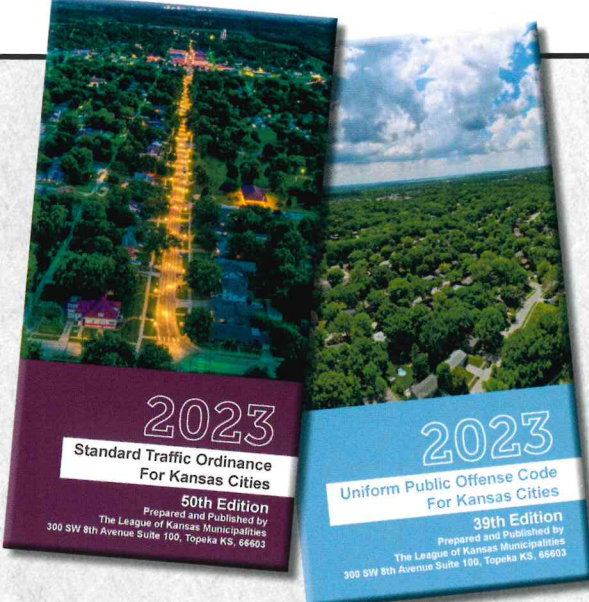
Section 10.30. Operating an Aircraft Under the Influence.

The League updated this provision to provide that this offense is a Class A violation.

Section 11.11. Cruelty to Animals.

The League amended subsection (a)(4) to mirror state law. The subsection now states, “Knowingly but not maliciously killing or injuring any animal.” Maliciously was added to the definitions section of the UPOC to reflect this change.

 **Nicole Proulx Aiken** is the Deputy General Counsel for the League of Kansas Municipalities. She can be reached at nproulxaiken@lkm.org.



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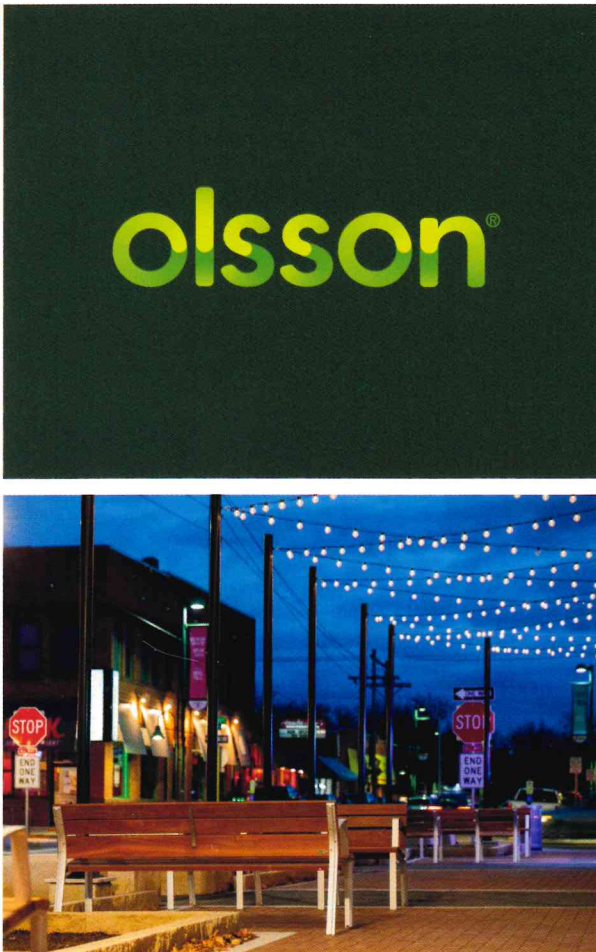
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City Council Action Item

Council Meeting Date: August 10, 2023

Department: Administration

Agenda Item: Consider Ordinance 2143 Amending Chapter XI, Article I, Section 11-101 of the Code of the City of Edgerton, Kansas, Concerning the Uniform Public Offense Code.

Background/Description of Item:

Annually, the League of Kansas Municipalities prepares and publishes the code known as the Uniform Public Offense Code (UPOC) for Kansas Cities. This ordinance will adopt the Uniform Public Offense Code, 39th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed Section 11-102 of the existing Code of the City of Edgerton. Included with this item is a document prepared by LKM which outlines the changes between the 2022 and 2023 editions of the UPOC.

The City Attorney has reviewed and approved Ordinance 2143 as submitted for adoption.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2143 Amending Chapter XI, Article 1, Section 11-101 of the Code of the City Of Edgerton, Kansas, Concerning the Uniform Public Offense Code

Enclosed: Ordinance No. 2143

Summary of changes to the UPOC, 39th Edition provided by the League of Kansas Municipalities

Prepared by: Kara Banks, Marketing and Communications Manager

ORDINANCE NO. 2143

AN ORDINANCE AMENDING CHAPTER XI, ARTICLE 1, SECTION 11-101 OF THE CODE OF THE CITY OF EDGERTON, KANSAS, CONCERNING THE UNIFORM PUBLIC OFFENSE CODE

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

SECTION 1: That Chapter XI, Article 1, Section 11-101 of the Code of the City of Edgerton is hereby amended to read as follows:

11-101.UNIFORM CODE INCORPORATED. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Edgerton, Kansas, that certain code known as the "Uniform Public Offense Code," 39th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Section 11-102 of the existing Code of the City of Edgerton. No fewer than one copy of said Uniform Public Offense Code "Official Copy as Adopted by Ordinance No. 2143" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. The Sheriff's Department of Johnson County, Kansas, the municipal judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost to the city, such number of official copies of such Uniform Public Offense Code similarly marked, as may be deemed expedient.

SECTION 2: Repeal. Former Chapter XI, Article 1, Section 11-101 of the Edgerton Municipal Code is hereby repealed.

SECTION 3: Effective Date. This Ordinance shall be effective after its passage, approval and publication once in the City's official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 10th DAY OF AUGUST, 2023.

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

Updates to the 2023 Standard Traffic Ordinance and the Uniform Public Offense Code

By: Nicole Proulx Aiken, Deputy General Counsel, League of Kansas Municipalities



It is that time of year again when the League updates the *Standard Traffic Ordinance* (STO) and the *Uniform Public Offense Code* (UPOC) with the changes made by the Kansas Legislature. This article describes those changes.

Changes to the STO

Section 163. Additional Lighting Equipment.

HB 2147, Section 6, allows motor vehicles to be equipped with any type of ground effect lighting, except the lights cannot be any shade of red, flash, or be visible. Previously, motor vehicles could be equipped only with neon ground effect lighting.

Section 179. Spilling Loads on Highways Prohibited.

HB 2160 exempts trucks, tractors, and trailers hauling cotton bales from this provision when certain requirements are met.

Section 194. Driving While License Canceled, Suspended or Revoked; Penalty.

HB 2216 removes the mandatory term of confinement for first- and second-time offenders driving on a suspended license if the offender's license was suspended because of a failure to pay a fine or failure to appear. The bill also requires a minimum fine of \$100 for a violation.

Changes to the UPOC

Section 1.1. Definitions.

The League added definitions for airbag, counterfeit supplemental restraint system component, nonfunctional airbag, and supplemental restraint system that apply to the new offense concerning counterfeit airbags found in HB 2147, Section 2. The League amended the definition of wildlife based on changes in HB 2332, Section 23. The League also discovered some definitions that needed to be added or amended. Definitions for hard cider, maliciously, and sexually explicit conduct were added. Definitions for temporary permit and wine were amended. The definitions for health care facility and health care provider moved to Section 6.7., because they apply specifically to criminal trespass and the new offense concerning battery against a health care provider contains a different definition for health care providers.

Section 3.2.3. Battery Against a Health Care Provider.

This is a new offense approved by the Legislature in SB 174, Section 1, making it a Class A nonperson violation to commit a battery against a healthcare provider while the provider is performing their job duties.

Section 3.6. Unlawful Restraint.

A League member requested the League mirror state law and amend this provision to exempt all law enforcement of the state and any political subdivision of the state from this offense. Previously, the exemption in the UPOC applied only to city law enforcement. The League amended the provision based on this request.

Section 3.8. Violation of Protection from Abuse Order.

While reviewing SB 217, which included amendments to statutes concerning protection orders, the League noticed K.S.A. 60-3107 does not contain the word "or" between battery and domestic battery. The League deleted the word "or" from this part of the provision to match state law.

Section 3.13. Stalking.

SB 217, Section 1 amended the definition of course of conduct to include "utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns." The bill also changed the format of the definition for immediate family.

Section 5.5. Watercraft; Lifesaving Devices Required, Section 10.5. Unlawful Discharge of a Firearm, and Section 11.3. Commercialization of Wildlife.

The League updated these sections to reflect the Kansas Department of Wildlife, Parks and Tourism name change to the Kansas Department of Wildlife and Parks. Also, Section 5.5 was updated to reflect that the offense is a Class C nonperson violation.

Section 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.

HB 2269, Section 3, raises the minimum age from 18 to 21 to purchase, attempt to purchase, possess, or attempt to possess cigarettes, electronic cigarettes, or tobacco products.

Section 6.7. Criminal Trespass.

The League moved the definitions for health care facility and health care provider from the definitions section to this section, because they specifically apply to this offense and, with the addition of the battery against a health care provider offense, the UPOC now contains two different health care provider definitions.

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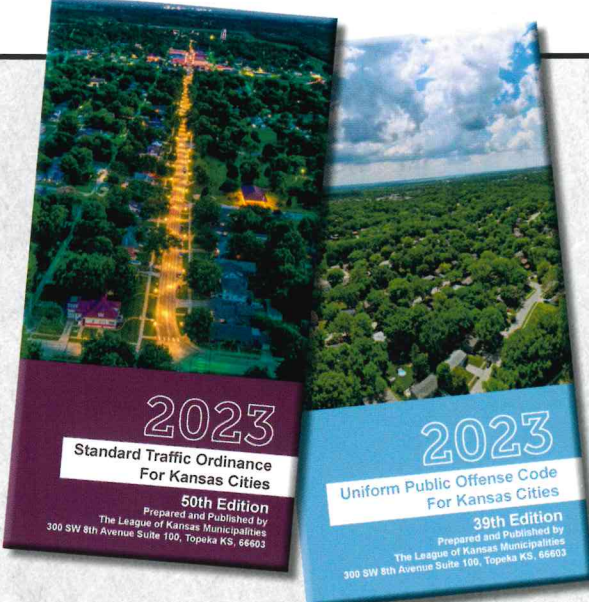
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The League amended subsection (a)(4) to mirror state law. The subsection now states, “Knowingly but not maliciously killing or injuring any animal.” Maliciously was added to the definitions section of the UPOC to reflect this change.

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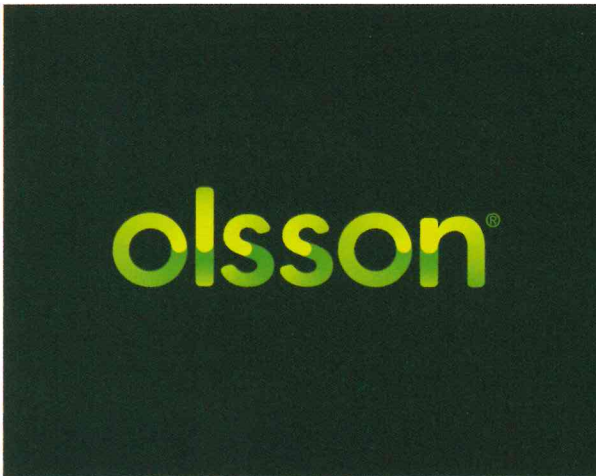
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City Council Action Item

Council Meeting Date: August 10, 2023

Department: Public Works

Agenda Item: Consider Concurrence to Bid 2023 CDBG – 1st and Martin Sanitary Sewer Rehabilitation Project

Background/Description of Item:

On May 12, 2022 City Council approved the submission of an application to Johnson County for the 1st and Hulett Sanitary Sewer Project for Community Development Block Grant (CDBG) funding.

In October of 2022 Johnson County notified staff of the proposed award of the partial funding request (\$100,000).

On February 9, 2023, City Council approved the contract with Tetra Tech for the design of the project and reduced scope. Due to the reduced scope the Project name was revised to 1st and Martin to encompass the actual project area. Any project information that will be sent to Johnson County should refer to the original project name, 1st and Hulett.

At the time of Council approval, the total CIP budget for the project was \$328,500 assuming we would receive the biennial CDBG grant allocation of \$200,000; however, we received partial funding in the amount of \$100,000 for an annual project. On February 9, 2023 City Staff presented a proposed budget revision to \$175,000, no approval was obtained at that meeting. At a future council meeting where Council awards the construction bid, staff will provide an update on the revised scope and budget.

The project includes inventory and analysis of the existing collection system, as well as design of the improvements. Most of the proposed work will be lining of Vitrified Clay Pipe (VCP) with a cured-in-place liner (CIPP). Some areas within the project will include various forms of repair. The manholes within the project area will be lined as needed. The entirety of the project will be prioritized and balanced with the anticipated project budget.

At a future council meeting, staff will provide the results for the bidding process.

For this project, staff anticipates the bidding schedule as follows: (subject to change due to working with outside parties, ie. KPC, access agreements)

- Advertisement for Bidding: August to September 2023
- Bid Opening: September 2023

- Award Bid: October 2023
- Construction to Begin: October 2023
- Construction Complete: December 2023

Related Ordinance(s) or Statue(s):

Funding Source: Sewer Fund: \$128,500
CDBG: \$200,000

Budget Allocated: \$328,500

Finance Director Approval: x 
Karen Kindle, Finance Director

<p>Agenda Item: Approve Concurrence to 2023 CDBG – 1st and Martin Sanitary Sewer Rehabilitation Project</p>

Enclosed: N/A

Prepared by: Dan Merkh, Public Works Director



EDGERTON STREET LIGHTING PROGRAM

Prepared for:
City of Edgerton, Kansas
August 2023

Olsson Project No. 022-05460

TABLE OF CONTENTS

1. Executive Summary	3
2. Introduction	5
3. Existing Conditions.....	5
3.1 Review of Existing Infrastructure	5
3.2 Standards and Specifications Review	6
3.3 Existing Street Lighting Conditions	6
4. Capital Improvements & Maintenance Strategies	7
4.1 Background	7
4.2 Methodology	10
4.3 Pros / Cons of City Owned Lighting System	16
4.4 Maintenance Strategies	16
5. Recommendations and Conclusions	18
Appendix.....	19

1. EXECUTIVE SUMMARY

This study is intended to provide an overview of the City of Edgerton's Street Lighting program, including its current state, future options, and general best practices for a street lighting system. Currently 120 street lights are leased by the City of Edgerton (City) at a current annual rate of \$28,058 from Evergy. The City currently manages an additional 174 fixtures themselves, including the ancillary equipment necessary for proper operations of those fixtures such as the conduit, cable, and control centers. It is estimated based on anecdotal evidence that utility owned fixtures are not re-lamped, need maintenance, and generally not providing proper lighting along City facilities consistent with the desired results. Additionally, the City has limited ability to enforce proper maintenance and needed capital improvement to the street lighting system through their current lease agreement. Yet, the City is charged for the lease of these fixtures, whether they are in proper operation or not.

It is the City's desire to develop standards and best practices for lighting conditions within the City of Edgerton. As a part of this contract, Olsson has reviewed and developed Street Lighting design criteria as well as standards and specifications for City Owned lighting equipment. The most current is included in **Appendix B** of this document.

Olsson also reviewed the City's assets regarding their existing street lighting network. As part of this review process, Olsson field evaluated all of the City's 294 street lights to develop a database of the existing lighting inventory. Specific locations were reviewed and compared to the newly developed standards to determine if areas within the City were meeting the new lighting criteria or deficient with regards to overall lighting and lighting consistency/uniformity.

As a third portion of this report, Olsson evaluated potential buyback opportunities of the Evergy owned and operated street lights, and included strategies to provide potential cost-savings along with various street lighting capital improvements over a 30-year analysis period.

Alternatives analyzed include:

Evergy Retains System: City continues to lease lights.

This scenario involves no change from the current plan, the City would continue to lease the lights from Evergy and continue to maintain their system separately.

Alternative 1: Buy-Back with Minimal Capital Improvements

The first alternative consists of buying all of the Evergy owned poles within the City of Edgerton (assuming the buy-out cost based on prior information from adjacent municipalities) and completing minimal upgrades to the newly acquired street lighting system.

Alternative 2: Buy-Back with Additional Capital Improvements

Alternative 2 considers the cost of making updates to the Evergy acquired system to bring them up to match current City owned standards in addition to the assumptions made in Alternative 1.

This report details the results of the inventory assessment, describes potential maintenance and operational options, and evaluation of the purchase of the Evergy lighting system. Based on the assumptions described in detail later in this report, the City currently maintains their own street lighting system at a lower cost than Evergy. However, the City would be assumed to experience an increase in costs related to the Evergy street lighting purchase for the first 10 years as the \$250,000 capital expense is amortized and paid and deferred maintenance and additional improvements (that vary between Alternatives 1 and 2) are made to the system. The 10-year amortization period was assumed based on standard loan periods, the City could modify this after a thorough review of budget information. After the initial amortization period the City would realize the cost savings of the lower maintenance costs and the benefits of an improved and City owned street lighting system. However, many of the benefits are qualitative in nature. Thus, what we have provided are cost comparisons of the alternatives along with a qualitative assessment of pros and cons to assist the City in the evaluation of the buyback.

2. INTRODUCTION

The City of Edgerton selected Olsson to assist with a streetlighting inventory and assessment of their current system. The inventory took into account the 294 streetlights within the City of Edgerton city limits. The assessment portion of this project reviewed existing lighting characteristics throughout the city, the possibility of purchasing the Evergy owned streetlights within city limits, and anticipated future maintenance associated with an Edgerton owned street lighting system.

3. EXISTING CONDITIONS

3.1 Review of Existing Infrastructure

Currently, Evergy owns and maintains 120 fixtures which are leased to the City at a fixed rate. Outside of those streetlights, the City provides and maintains approximately 174 streetlights for the public roadway, streetscape, parks, and pedestrian pathways, bringing the total number of street lights in Edgerton to 294. Streetlights are mounted on a mix of standalone aluminum street light poles, wooden utility poles, and steel poles with varying arm lengths. The majority of Evergy owned lights exist on Evergy owned wooden utility poles, whereas the Edgerton owned streetlights reside on the aluminum and steel poles. With the exception of one streetlight, the City of Edgerton's streetlighting assemblies' are in Good or Fair condition, thus current maintenance and upkeep is considered appropriate. **Table 1** represents the current inventory of lighting equipment in the City.

Table 1: City Street Lighting Inventory

Ownership Information	Pole Type			Total
	Wood	Aluminum	Steel / Decorative	
City of Edgerton	-	149	25	174
Evergy (Lease)	107	-	13	120

Street light equipment field reviews were conducted in January 2023. Data was collected using the ArcGIS Field Maps application, which was customized to collect structural and nonstructural street light data. The mobile app automatically populates the online database in real time, and access to the software will be delivered to the City as part of this project; this allows City staff to maintain a current database as improvements are made and new street light equipment is added. The application also outputs an Excel file that is compatible with Environmental Systems Research Institute (ESRI) software.

Assessment information was also converted to a Geographic Information Systems (GIS) Shape File to be stored on City database housed by Johnson County's Automated Information

Mapping System (AIMS). This will allow the City to provide record keeping regarding, pole type, lifecycle information, and luminaire types. These records can be used to manage lighting replacements and condition assessments more efficiently for the City.

3.2 Standards and Specifications Review

Olsson worked closely with City staff to review the existing lighting conditions and determine appropriate lighting for various areas within the City based on current best practice documents from the Federal Highway Administration (FHWA), American National Standards Institute (ANSI), and Illuminating Engineering Society (IES).

Reviewing street lighting design criteria and standards for the City was considered a high priority based on recent Citizen survey data requesting improved lighting conditions within the City.

Efficient and well-designed street lighting significantly contributes to public safety and security, as it enhances visibility during nighttime hours, reducing the risk of accidents and criminal activities. Additionally, advancements in lighting technology have enabled the development of energy-efficient solutions that can substantially reduce the City's energy consumption. Lastly, a thoughtful review of street lighting criteria ensures that the lighting infrastructure aligns with the City's evolving needs and growth, catering to changing traffic patterns and pedestrian demands. Moreover, an updated lighting design can enhance the aesthetics of urban areas, creating inviting and attractive public spaces that foster community cohesion and promote economic vitality. Ultimately, reevaluating and updating street lighting criteria and standards represents a proactive approach towards creating a safer, greener, and more livable city for its residents and visitors alike.

The focus of the lighting standards was to bring consistency to the City's street lighting practices for major streets and residential areas. In general, lighting requirements were broken down into two categories: continuous lighting along roadways and at intersections, and residential lighting. A copy of the current recommendations is included in **Appendix B** of this document.

3.3 Existing Street Lighting Conditions

Existing streetlighting conditions in various locations throughout the City were reviewed against the recommended standards to check if the newly developed standards are currently being met. The locations of those areas are listed below:

1. Downtown Edgerton (E Nelson Street from 3rd Street to 5th Street) – Roadway Lighting
2. 207th Street – Roadway Lighting
3. W Edgewood Drive – Roadway Lighting
4. Homestead Lane (LP KC) – Roadway Lighting
5. I-35 & Homestead Lane – Intersection Lighting

The results of the existing street lighting conditions analysis can be found in **Table 2**.

Table 2: Existing Street Light Conditions along Quivira Road

Street Section	Functional Classification (Ped Class)	Average Luminance (cd/m ²)	Average Uniformity Ratio (Avg/Min)	Intersection Average Illuminance (Fc)	Intersection Uniformity Ratio (Avg/Min)
Pre-Streetscape Downtown Edgerton	Collector-Local (Med)	Not Compliant	Not Compliant	Not Compliant	Not Compliant
207 th Street	Collector-Local (Low)	Compliant	Compliant	Compliant	Compliant*
W Edgewood Drive	Collector-Local (Low)	Not Compliant	Not Compliant	Not Compliant	Not Compliant
Homestead Lane (LP KC)	Collector-Local (Med)	Compliant	Compliant	Compliant*	Compliant
I-35 & Homestead	Arterial-Collector (Low)	-	-	Compliant	Compliant

*Note: Intersections are currently compliant at Homestead L considering “Low” pedestrian conflict potential. 207th Street & Co-Op intersection lighting compliant contingent upon continuous lighting placement on Co-Op Road.

Results indicate that the Evergy owned street lighting portions of the City (Downtown Edgerton and W. Edgewood Drive) light intensity and uniformity ratios are not being met. In the newly constructed Edgerton owned street lighting segments, majority of the street lighting standards were being met. If the City were to own the Evergy street lights moving forward, it would be recommended to improve lighting layouts in those sections.

4. CAPITAL IMPROVEMENTS & MAINTENANCE STRATEGIES

4.1 Background

The City of Edgerton may be able to reduce costs and provide street lighting improvements if the City was to take ownership of Evergy fixtures and operate and maintain them along with their existing street lighting fixtures. The City is working to improve street lighting and area lighting with projects, streetscape improvements, building / park construction, etc. to replace utility owned street lighting with City owned and Utility metered street lighting; transferring ownership and maintenance into their control. The City currently provides and maintains approximately 174 street lights for the public roadway, streetscape, parks, and pedestrian pathways. Evergy still provides and maintains a large number of street lighting throughout the City. Evergy currently owns and maintains 120 fixtures which are leased to the City at a fixed

rate. The leased rate of these street lights is determined by the costs of maintenance, operation, energy use, and the risk replacement value due to damage.

Often, cities that purchased street lights from utility companies have reported annual savings and better maintenance and control over street lighting. Local examples of street lighting buyouts include the Cities of Lawrence, Lenexa, Olathe, and Mission. These cost savings are due largely to the overlap of maintenance crews. However, acquiring the street lighting network from Evergy requires careful analysis of the costs and benefits along with negotiations with the Evergy organization.

When evaluating the potential buyback from Evergy, all costs associated with the buyback needs to be considered. This evaluation consisted of two primary costs, 1. the capital cost of buying the fixtures back from Evergy and 2. the maintenance costs. The evaluation to provide deferred maintenance and/or upgrades to the Evergy System is reviewed under the study alternatives section. In addition to analyzing costs alone, there are a number of other qualitative measures that can be evaluated and that are discussed later in the report including maintenance, improved control of the lighting systems, and ability to provide potential upgrades to the system.

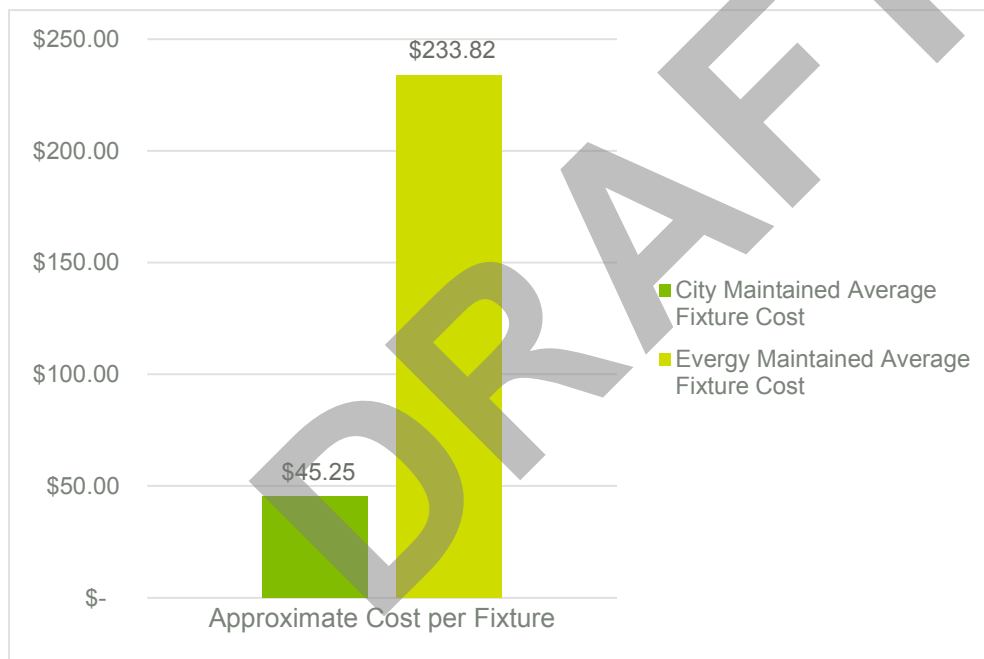
The capital cost to buy the Evergy system has been estimated by Olsson based on prior experience to be approximately \$250,000; however, it should be noted that Evergy is currently stated that they are not interested in pursuing a buy-out option. Through the course of this project, the City and Evergy determined that the existing lease agreement had expired and are in the process of negotiating the terms of a new lease agreement. As a result, the buy-back costs were put on hold. In effort to finalize the evaluation Olsson developed assumptions regarding the capital improvement costs, including buy-back fees from Evergy, and updates/maintenance fees associated with buy-back options. Based on the estimated buy-back cost and the current lease fixtures of 120 fixtures, this comes out to an average cost of \$2,083 per fixture.

Data on the cost of maintaining City owned lights was obtained from the City of Edgerton. The costs include the contract invoices from the maintenance contractor and estimates for energy rates for each fixture based on a per kilowatt hour rate from Evergy. These costs are detailed in the **Appendix** of the report. The costs associated with powering and maintaining City owned street lights is significantly less than costs associated with leasing street lighting from Evergy, **Table 3** depicts the costs associated with each. Using the data supplied by the City, **Table 3** and **Table 5** details the Evergy costs incurred by the City for the 2021/2022 period compared to the current costs associated with maintaining the City's street lighting network.

Table 3: Evergy and City Owned Street Lighting Data

Item	Value
Annual Evergy Lease (Costs)	Leased 2021/2022 <ul style="list-style-type: none">• Average \$2,338.19 Monthly Lease Rate (120 Fixtures), 28,058.28 Annually• \$233.82 Annual per Fixture Average
Annual City Power and Maintenance (Costs)	<ul style="list-style-type: none">• Est. \$7,872.74 Annual (174 Fixtures)• \$45.25 Annual per Fixture Average

Table 5: Evergy and City Owned Street Lighting Data



As depicted above, the City pays significantly little than what Evergy charges to maintain a lighting fixture for a year.

If the City were to acquire the Evergy lighting network they would need to increase their expected expenses associated with contracting out the maintenance of the street lighting or train existing staff and ensure appropriate equipment is available, such as bucket trucks, computer equipment, materials and storage necessary to maintain the system. Olsson provided estimated costs related to additional maintenance based on prior year's average expenses associated with maintenance of the City's existing 174 fixtures. The additional system would

require increases in the current maintenance agreement costs, including equipment and utility locate programs. The expected additional costs associated with the additional 120 fixtures amounts to approximately \$2,220.69 based on the existing fees associated with maintaining the existing system.

4.2 Methodology

As part of this analysis, three alternatives were developed for review by the City when evaluating the potential buy-back of Evergy poles. The alternatives are described below:

(Evergy Retains System): City continues to lease lights.

This alternative involves no change from the current plan, the City would continue to lease the lights from Evergy and continue to maintain their system separately.

Alternative 1: Buy-Back with Minimal Capital Improvements

The first alternative consists of buying all of the Evergy owned poles within the City of Edgerton and completing minimal upgrades to the newly acquired street lighting system. Currently, the City's lighting system power usage is metered by lighting control centers however, it is anticipated that metering the purchased Evergy system may be cost prohibitive. Therefore, if any of the alternative options are pursued, all Evergy acquired lights would require the City to discuss and negotiate a flat rate for electricity to power the Evergy acquired street lights.

Alternative 1 includes provisions to complete minimal upgrades to the street lighting system as stated above. These expenses are anticipated to fix some deficiencies such as leaning poles, repair poles which are beginning to reach the end of their life cycle, and replace poorly maintained poles. Olsson provided an estimated cost of \$2,500 per pole over 10 years to cover many of these deferred maintenance upgrades. Following the 10 years of upgrades, all poles from the purchased Evergy system will have been replaced. Once the deferred maintenance is completed a lower cost of \$500 per pole was used to cover costs of continued maintenance of the system. The above upgrades and maintenance costs are assumed for each of the three alternatives evaluated.

Alternative 2: Buy-Back with Additional Capital Improvements

Alternative 2 considers the cost of making updates to the Evergy acquired system to meet current City Standards in addition to the assumptions made in Alternative 1. These updates include the replacement of 10% of the steel poles over a 10-year period to standardize the fixtures and update those in need of replacement. Several luminaires of the Evergy system are on wooden poles with aerial cabling. These poles would be updated to current City standards with aluminum poles and underground cabling. In addition to the wood pole replacement, the remaining steel poles will be painted for longevity at a rate of 10% of the poles every year for 10 years.

The costs associated with each alternative were calculated using several assumptions which were developed in conjunction with the City. **Table 6** provides a summary of the assumptions made for analysis of the three alternatives. A brief description of the assumptions listed in the table is provided below:

Table 6: Summary of Assumptions used for Study

ITEM	VALUES	
Assumed Budget	Budget of Current Evergy Fixtures <ul style="list-style-type: none"> \$28,058 (Cost to Increase by 2% each year) 	
Cash Purchase Value	Evergy Value of Fixtures <ul style="list-style-type: none"> \$250,000 with 2% Interest added (Over 10 yrs) 	
Electricity Costs	Estimate Energy Consumption of Evergy fixtures <ul style="list-style-type: none"> \$0.055 per KWH (Costs to increase 2% each year) 12 Hours of Lighting per Day 80% 250w HPS eq LED & 20% 400w HPS eq LED 	
Current City Maintenance	City Maintenance Costs for 174 fixtures <ul style="list-style-type: none"> \$3,220 for maintenance contractor fees 	
Additional City Maintenance	Estimated City Maintenance Costs for added 120 fixtures <ul style="list-style-type: none"> \$2,083 in additional maintenance contractor fees 	
System Updates	Alternative 1	Alternative 2
Misc. System Upgrades to 120 Poles <ul style="list-style-type: none"> Initial Maintenance at \$1,500 / Pole <ul style="list-style-type: none"> 10% of Poles / Yr until 100% of Poles are Updated (10 Year Plan) Recurring Maintenance at \$500 / Pole after 10 year period <ul style="list-style-type: none"> 10% of Poles / Year Continuously 	X	X
Replace 13 Steel Evergy Poles <ul style="list-style-type: none"> \$2,500 Per Pole Replaced over 10 year period 		X
Upgrade 107 Wood Poles to Standard Aluminum Poles <ul style="list-style-type: none"> \$5,000 Per Pole Replaced over 10 year period 		X
<i>Note: Net Present Values are based on 5% interest rate, 2% inflation rate, including 2.0% utility rate increases</i>		

As previously stated, the City pays approximately \$28,000 per year to lease the street lights from Evergy. The current value of the Evergy system was estimated at \$250,000 based on previous similar projects. It was assumed that the \$250,000 would be financed and paid over a 10 year term using a 2% interest rate. The current \$28,000 per year lease was estimated for the alternative in which Evergy retains the system as a baseline for comparison, with this value escalated based on historical information and inflationary factors at a rate of 2% annually.

Assumptions for the cost of electricity were created using the current electrical rate Every charges the City of Edgerton of 5.5¢ per Kilowatt hour. Each luminaire was assumed to run approximately 12 hours per day throughout the entire year with an estimated 80% of the luminaires being 250watt High Pressure Sodium (HPS) equivalent Light Emitting Diode (LED) fixtures and the remaining 20% being 400watt HPS equivalent LED fixtures.

In evaluating future expenses the Net Present Value (NPV) of those costs were often evaluated to determine cost to the City in terms of today's dollars, taking into account the time value of money. Where NPV was used in corresponding figures, charts, and tables, NPV was denoted. NPV was calculated using an interest rate of 5%, a factor that can be adjusted. A 2% inflationary rate was used for all costs.

Additional data are depicted in **Tables 7-9** with full calculations contained within **Appendix A**.

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The cost comparison of the alternatives is illustrated in **Table 7**. This illustrates the current Evergy lease at approximately \$28,000 increasing over time. This then represents Alternatives 1 and 2 being higher than the Evergy lease rate for the first 10-years as the assumed buy-out and improvements to the system are paid for and completed. After the first 10 years there is a significant savings due to the lower maintenance cost found to be the case with current City maintained and operated fixtures. This table illustrates these costs on a year by year basis.

Table 7: Cost Comparison

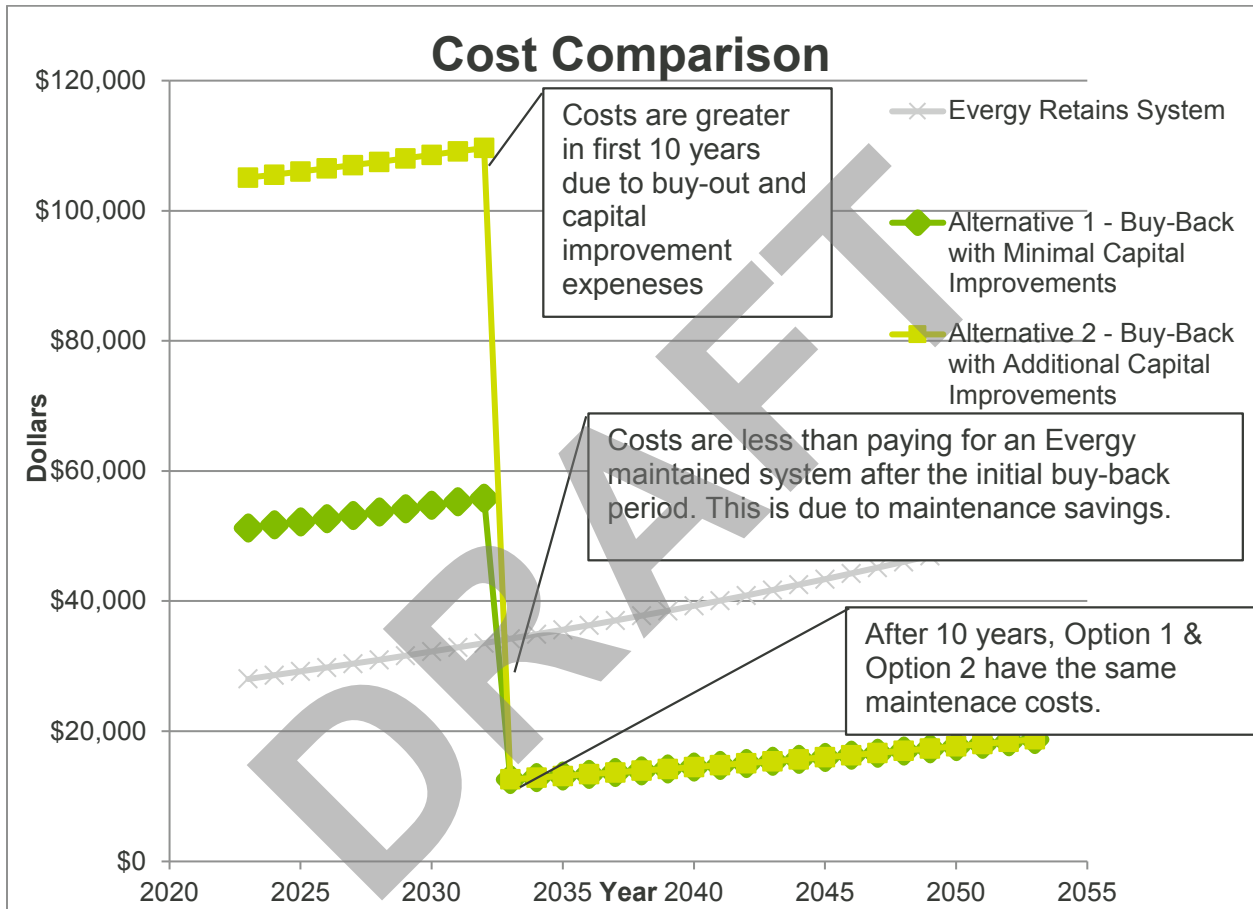


Table 8 then represents the cumulative total of the alternatives as they add up year over year. As noted on the Table, at roughly year 2032 the total costs of the alternatives are roughly the same as the KCP&L lease.

Table 8: Cumulative Cost Comparison

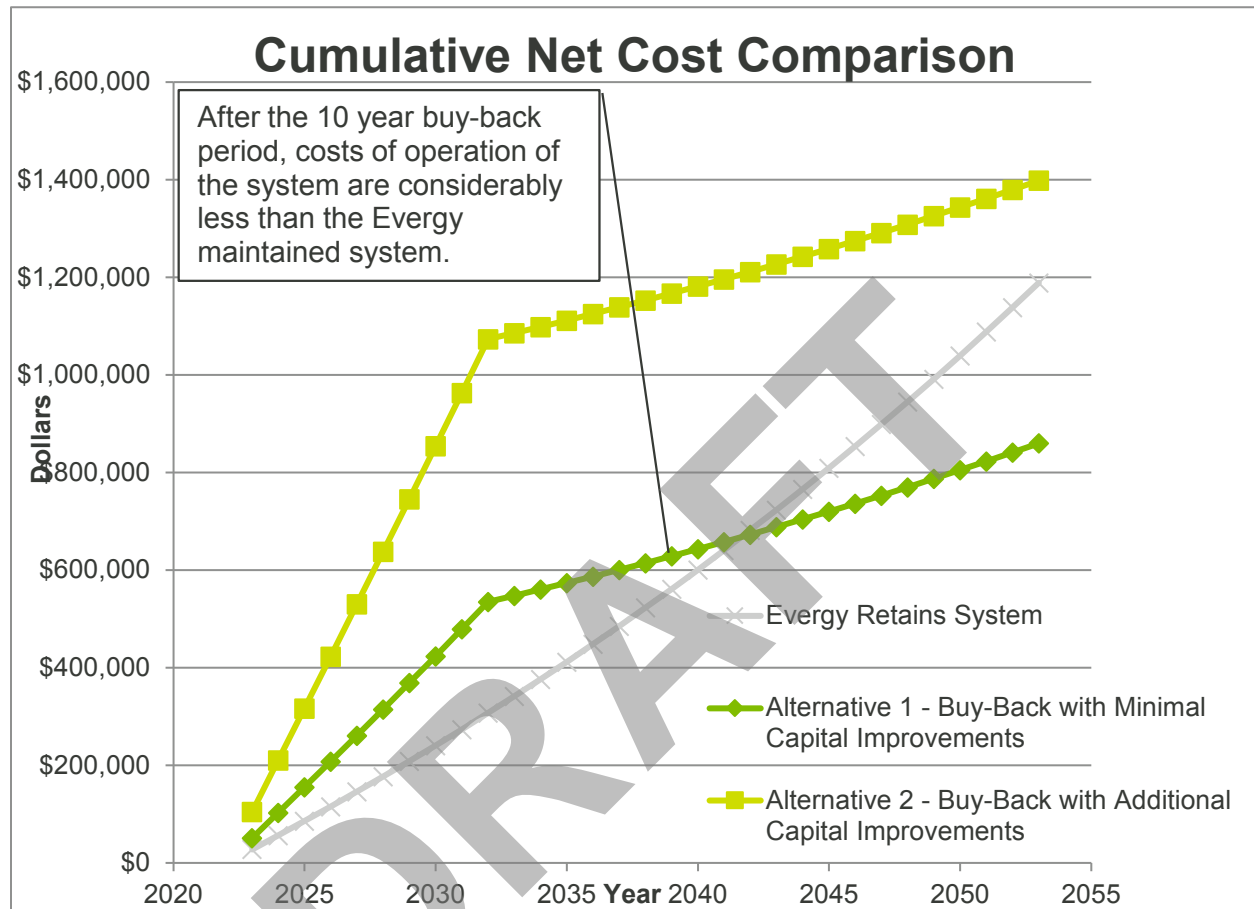
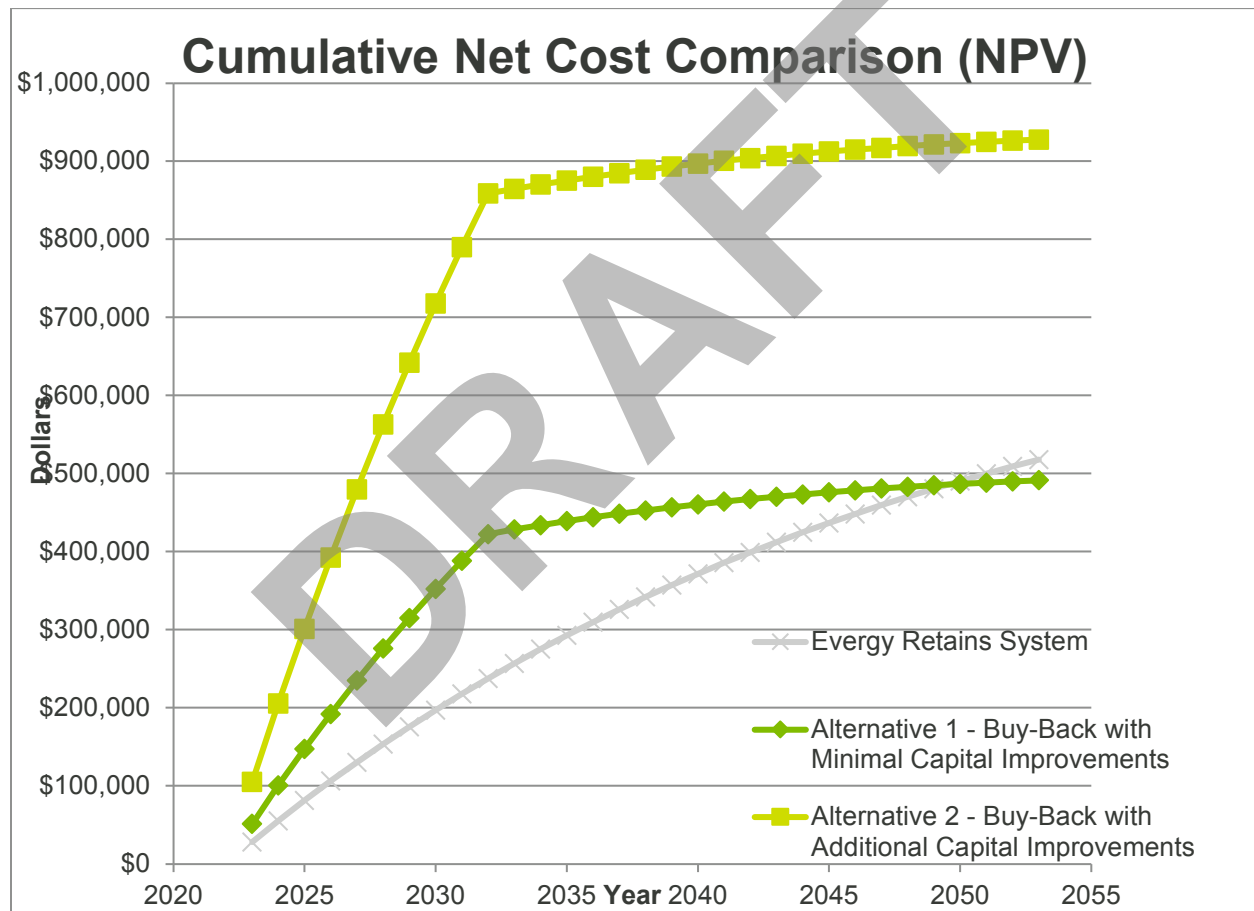


Table 9 then represents the same thing (Cumulative Costs) as **Table 8** except that it takes into account the Net Present Value (NPV) of those costs. By evaluating the NPV costs this considers the time value of money which is calculated using a fixed interest rate (5% in our assumptions). By considering the NPV, the breakeven year is roughly 2048 for Alternative 1 with minimal improvements to the Evergy system and not shown to converge considering Alternative 2. Compared to **Table 8** this is 6-years later and represents a significant difference in terms of payback on investment with considering a marginal interest rate factor. The NPV and interest rate used to evaluate it should be used cautiously as it can have a significant impact, as illustrated by the difference in **Tables 8** and **9**, on the payback of investment such as the street lighting buyback from a utility.

Table 9: Cumulative Cost Comparison (NPV)



4.3 Pros / Cons of City Owned Lighting System

Similar studies have detailed the purchase of street lights and each cites a similar number of lessons learned. Understanding these could help Edgerton should it move forward with the buy-back opportunities with Evergy in the future:

- Determining the value of the street lighting network requires good information on the equipment in the field. The data should include the equipment's type, age, and condition. Overall purchasing the system requires skilled negotiation.
- Many agencies, including Edgerton, have found it to be cost effective to contract out maintenance services. When doing so, they find that using a competitive process to provide maintenance ensures the best value and performance. Municipalities provide maintenance in different ways: through a contract with the utility company, through municipal employees, or through a contract with private maintenance contractors. Comparing options and allowing for competition ensures the most cost-effective maintenance program.
- Work with neighboring municipalities to share knowledge and costs. Neighboring municipalities should work together to represent their interests with the regulators and share experiences and knowledge about street lighting strategies. Cooperation allows municipalities to share experiences, costs, and technical expertise on analysis of options and shared interests.

There are advantages and drawbacks of both sides of street light ownership. Reviewing the pros and cons of City ownership will provide insight into each.

PROS	CONS
Owning and maintaining street lights may save the City money over time	Capital Costs required to purchase the system may outweigh long term maintenance savings.
Municipalities with ownership of street lights have better control over the systems' condition and freedom to try new technologies which may improve efficiency	The street lighting network may be obsolete after purchase and in a poorly maintained state requiring investment in deferred maintenance and system upgrades.

4.4 Maintenance Strategies

Properly maintained street lighting ensures well-lit roadways, pedestrian pathways, and public spaces, reducing the risk of accidents, crime, and improving overall visibility during nighttime hours. As municipalities strive to create safe, sustainable, and attractive urban environments, the effective maintenance of street lighting infrastructure becomes paramount. The City currently outsources it's maintenance of street lighting equipment to a specialty contractor who

has the expertise, staff, and equipment to adequately meet the maintenance needs of the City's lighting system. The alternative approach to outsourcing this work is to have in-house management practices. By understanding the significance of street lighting maintenance and the complexities involved, the City can develop strategies to ensure it's roadway lighting is sufficiently maintained for their residents and visitors alike.

Current maintenance cost for fixtures maintained by the City of Edgerton is around \$3,200 annually, or \$18.50 per fixture, based on data from years 2020-2023 provided by the City. Typical maintenance costs may include luminaire replacement, pole replacement on a new or existing base, controller replacement, boring of conduit, installing new cable in conduit, junction box installation, conduit repair, and underground cable repair and splice. Other small projects may also be included with the maintenance costs.

Information from neighboring jurisdictions was requested regarding their annual maintenance costs for comparative purposes. Agencies which responded were of much larger scale, including information from City of Olathe, Lenexa, and Overland Park. Based on the data received, the overall number of fixtures managed ranged from 8,000 to nearly 20,000. Annual operating costs ranged from \$280,000 to \$830,000 (\$33.00 to \$43.00 per fixture) with the annual maintenance costs between \$150,000 to \$420,000 (\$18.07 to \$21.86 per fixture).

Based on the data provided by neighboring jurisdictions, costs incurred by the City are consistent with surrounding municipalities. This is particularly encouraging given the relatively small number of fixtures maintained. If the City were to take responsibility of maintenance of their street lighting infrastructure, the equipment and staff are not expected to be fully utilized until the total number of fixtures is greater than 1,000 as a general rule of thumb.

Similar to navigating the decision to own the entire street lighting system, the City should evaluate the pros and cons of City led maintenance to make a more well-rounded decision. Items such as the initial investment surrounding critical equipment, such as a bucket truck, may be beneficial to other areas of City maintenance which are currently underway thus reducing the impact of equipment investment as a hurdle to the City.

PROS	CONS
Cost Control: By handling maintenance in-house, the City can have better control over costs and allocate resources more efficiently. They can prioritize maintenance tasks based on actual needs and avoid excessive expenses from third-party service providers.	Initial Investment: Establishing and maintaining an in-house maintenance team requires a significant initial investment. This includes hiring and training personnel, acquiring specialized equipment, and managing administrative overheads.

<p>Faster Response Time: Having an in-house maintenance team allows the City to respond quickly to lighting issues such as outages, malfunctions, or damage. This leads to faster repairs, which improves public safety and reduces potential hazards.</p>	<p>Expertise and Training: Managing a street lighting infrastructure demands expertise in electrical systems, lighting technology, and safety regulations. The City may need to invest in ongoing training and development to keep their team up-to-date with the latest advancements.</p>
<p>Quality Assurance: Direct control over maintenance enables the City to ensure that the work is performed to high standards. They can implement quality checks and enforce compliance with established guidelines, enhancing the reliability and longevity of the street lighting system.</p>	<p>Limited Resources: It may be a struggle to maintain a team dedicated to lighting infrastructure, resulting in limited resources to cover the entire area effectively. This could lead to delays in addressing maintenance issues and reduced coverage.</p>
<p>Flexibility and Customization: An in-house team allows the City to tailor maintenance schedules and services based on their needs. This allows the City to adapt to changing needs and innovations more swiftly than relying on external contractors.</p>	<p>Liability and Risk: If the in-house team makes errors or accidents occur during maintenance, the City may be liable for any resulting damages or injuries. Outsourcing maintenance can shift some of this liability to the external service providers.</p>

A thorough evaluation of the potential benefits and drawbacks is necessary to make an informed decision that best serves the community's needs. Additionally, staffing efficiencies can be found if technicians responsible for lighting are also responsible for other components, such as signal equipment, which often require similar expertise and equipment. These conditions are recommended to be monitored overtime as the City grows and development occurs, necessitating additional street lighting and traffic signal components.

5. RECOMMENDATIONS AND CONCLUSIONS

This section is to be completed with Final Version of the report, drawing from consensus based on discussion with City staff and officials.

APPENDIX

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EDGERTON STREET LIGHTING PROGRAM

Edgerton, Kansas

August 2023

Olsson Project No. 022-05460

City of Edgerton Street Lighting Manual

The purpose of this document is to convey the design criteria, plan requirements, and standards and specifications for street lighting for the City of Edgerton, Kansas.

Wherever applicable, this design manual should be used in conjunction with the Roadway Lighting ANSI/IES RP-8 by the Illuminating Engineering Society, as herein modified, the National Electrical Manufacturers Association (NEMA) standards, and the National Electric Code (NEC) by the National Fire Protection Association.

Plans shall be submitted to the City for approval and shall include all required information as outlined in this Section.

Design Requirements:

The following section addresses the design criteria used for streetlighting in the City of Edgerton. The two types of lighting considered are:

1. Continuous Lighting
2. Safety Lighting

Continuous lighting is defined as streetlighting that is designed to provide specific average maintained light levels and uniformity ratios between adjacent poles in accordance with the functional classification of the street and the corresponding pedestrian conflict area classification. Continuous lighting design shall be required for:

1. All collector street
2. All thoroughfare streets with four or more lanes
3. All two-lane throughfares with heavy to moderate traffic as deemed appropriate by the City

Safety lighting is defined as lighting that does not provide specific maintained light averages and uniformity ratios between adjacent poles in accordance with the functional classification of the street and corresponding pedestrian conflict area classification. The purpose of this type of lighting design is to provide enough light on the street to enhance the safety of the street users but to avoid over lighting the area. All residential streets shall be designed based on the safety lighting design parameters.

Continuous Lighting Requirements:

The continuous street lighting design and layout shall be based on the luminance and illuminance criteria set forth in the RP-8. The average maintained luminance and illuminance values and uniformity ratios for the various roadway and intersections for non-residential streets are broken down by the roadway functional classification and the pedestrian conflict area classification. Refer to the Mid-America Regional Council (MARC) [Functional Classification](#) map for appropriate roadway classifications.

Refer to the City of Edgerton [Future Land Use Map](#) for applicable zoning classification used to determine pedestrian conflict area. The three levels of pedestrian conflict area are as follows:

- High - High pedestrian use areas are generally densely developed business districts, which attract a heavy volume of nighttime vehicular and/or pedestrian traffic. This includes the Downtown area along Nelson Street beginning at E 5th Street and continuing to E 3rd Street.
- Medium - Medium pedestrian use areas are characterized by multi-family residential and commercial land uses, such as libraries, recreation centers and neighborhood retail buildings.
- Low - Low pedestrian use areas are generally single family and duplex residential developments with minimal nighttime pedestrian traffic.

The tables below identify the average maintained luminance/illuminance values and uniformity ratios for continuous lighting along roadways as well as at intersections based on the functional and pedestrian area conflict classifications selections.

Table 1 –Luminance Requirements for Roadways

Roadway Functional Classification	Pedestrian Activity Classification	Average Luminance L_{avg} (cd/m²)	Average Uniformity Ratio L_{avg}/L_{min}	Maximum Uniformity Ratio L_{max}/L_{min}	Maximum Veiling Luminance Ratio L_{vmax}/L_{avg}
Arterial	High	1.2	3.0	5.0	0.3
	Medium	0.9	3.0	5.0	0.3
	Low	0.6	3.5	6.0	0.3
Collector and Industrial/Service	High	0.8	3.0	5.0	0.4
	Medium	0.6	3.5	6.0	0.4
	Low	0.4	4.0	8.0	0.4

Table 2 – Illuminance Requirements for Intersections

Roadway Functional Classification	Average Maintained Illumination at Pavement, fc			Uniformity Ratio ¹
	Pedestrian Use Classification			
	High	Medium	Low	
Arterial/Arterial	3.2	2.4	1.7	3.0
Arterial/Collector	2.7	2.0	1.4	3.0
Arterial/Local	2.4	1.9	1.2	3.0
Collector/Collector	2.2	1.7	1.1	4.0
Collector/Local	2.0	1.5	0.9	4.0
Local/Local	1.7	1.3	0.7	6.0

¹Uniformity Ratio equals Average Illuminance divided by Minimum Illuminance

Street lighting on arterials and collectors shall typically consist of LED cobra head-style luminaires mounted to 40-foot or 30-foot round, tapered poles. LEDs on arterials and collectors shall be 4000K. Single member arms range from 6' to 10' in length while truss-style arms are 12' and 15' in length. See Standards and Specifications for information regarding special 27.5' decorative poles with decorative fixture along City specified corridors.

All street light poles shall have a minimum setback of 3 feet from the back of curb to the center of the pole. Street light poles placed in the median shall be located a minimum of 15 feet from the end of the median nose to the center of the pole.

Safety Lighting Requirements:

The safety lighting design and layout is based on spacing requirements and illuminating conflict points (intersections, pedestrian crosswalks, roadway alignment changes). Luminaires should be located at intersections of local residential streets, equally spaced along cul-de-sacs longer than 200 feet, at changes of alignment of 60° or more which are 200 feet or more from an intersection, and/or a minimum number of mid-block lights such that the spacing between lights is approximately 200 ft. It is preferred that street lights are placed on the same side of the street as the sidewalk given there are no utility conflicts. Street lights shall be placed on lot lines when in residential settings. Safety lighting predominantly should be used in residential settings, where the posted speed limit is less than 30 mph.

When implementing safety lighting, street light poles shall consist post top mounted LED fixture, 14-foot, round poles. LEDs for safety lighting shall be 4000K, Class E LEDs.

Design Considerations

The design considerations are to be followed during the planning and design for continuous lighting:

- Light Loss Factor (LLF): 0.90
- Luminaire Selection
 - Class A LED – approximately equivalent to a 400W HPS
 - Class B LED – approximately equivalent to a 310W HPS
 - Class C LED – approximately equivalent to a 250W HPS
 - Class D LED – approximately equivalent to a 150W HPS
 - Class E LED – approximately equivalent to a 100W HPS
- Overhead Power Line Clearance – 10' Clearance
- Street Light Control Center – Either 2-Circuit or 4-Circuit
- Voltage Drop less than 5% for branch circuits

Street Lighting Design and Layout Summary

1. Confirm Continuous Lighting or Safety Lighting with City Staff
2. Confirm roadway and pedestrian conflict area with City Staff (If continuous lighting)
3. Design lighting layout in accordance with the design requirements and considerations within an appropriate lighting software program (If continuous lighting)
4. Calculate Voltage drop based on layout
5. Submit average maintained Illumination and uniformity ratios outputs from lighting software, and voltage drop calculations to City Staff.
6. Once approved by City Staff, continue with design plans.

Plan Requirements:

The plans shall be prepared in accordance with the following guidelines unless otherwise pre-approved by the City.

Scale:

The preferred plan scale for streetlighting plans is 1"=30' or 1"=40'. A scale and north arrow shall be indicated on each plan sheet.

Topography:

Features affecting lighting design, such as drive entrances and intersections, curb and median lines, storm drainage pipes and inlets, underground and overhead utilities, existing streetlights, existing control centers, existing lighting circuits, existing junction or service boxes and proposed streetlighting system should be shown on the plans with proper symbols as shown in the "Streetlight Legend". All existing and proposed right-of-way, easements, etc. shall be shown on the plans. A centerline shall be shown with stationing for the main roadway as well as the side streets to be able to positively locate the poles. Street names shall be shown for major and minor streets.

General Notes Sheet:

Include the Pedestrian Conflict Area and Functional Street Classification. Insert the Luminance/Illuminance Design Results. Any General Notes pertaining to street lighting project.

Street Lighting Elements:

Show the location of all poles and luminaires symbolized according to the Legend so that proper proposed lamp wattage and mounting heights can be identified. Include all conduit/cable routing, junction boxes, control centers.

Plan Requirements Checklist:**Cover and General Notes Sheet:**

- Check title for accurate description and spelling
- Verify project location is shown accurately on map and scale is listed
- Verify the table of contents match the plan sheets
- Ensure Street Lighting Legend is provided
- Verify the "Design Parameters" including proper luminance/illumination levels and uniformity ratios are specifically called out on the plans. Check to validate the proper pedestrian conflict area and street classification.
- Include appropriate notes that pertain to project
- Include quantities of street lighting components

Plan Sheet:

- Make sure that all vertical and horizontal clearances, according to the National Electric Code, are maintained to all poles
- Verify the pole spacing and locations are located within City right-of-way
- Poles should be a minimum of 3' from the back of any curb. Poles should also be located so as to not conflict with storm drainage pipes or inlets. Poles should be located on the sidewalk side of residential or collector streets.
- Make sure that each pole is called out according to the legend with station, offset, control center, circuit number, pole number and conduit detail. Verify all pole stationing and offset callouts.
- Check to see if appropriate intersection illumination is achieved
- Make sure all symbols match the plan legend
- Check the location and types of junction boxes shown on the plans. Type 1 junction boxes should be used on each side of street crossings. Use a Type 2 junction box, if a branch circuit enters the same junction box. i.e. if more than 3-1c#4 cables enter and exit out of a junction box, use a Type 2 junction box
- Verify north arrow and scale
- Verify pole numbering is consistent with circuit numbers

Standards and Specifications:

Street Lighting work for the City of Edgerton shall conform to the latest standards and specifications outlined in the KDOT Standards Drawings with the exception of the following:

All street light poles shall be round, tapered aluminum poles. No street light poles shall be steel unless otherwise specified by the City of Edgerton.

Select corridors within the City of Edgerton shall have decorative poles and luminaires and/or colored equipment. The City shall be contacted prior to design to inquire if these decorative poles shall be installed for that specific project. The installed poles and luminaires shall meet the specifications below or find an approved equal:

Downtown Area:

- Pole Type: North Yorkshire Pole Series by Holophane Lighting
- Pole Arm: SL Boston Harbor Roadway Arm by Holophane Lighting
- Luminaire: K56 Cleveland – LED by King Luminaire
 - **K56-C-P-P4AR-III-100(SSL)-7030-120:277-4K-WS-KPL20-PR7-#6**
- Color: Holophane Black
- Option for 2' x 3' Banner
- Flower Pot Arm
- Breakaway Base

Logistics Park of Kansas City (LPKC) Area:

- Pole Type: Round Tapered Aluminum Pole by Valmont
- Pole Arm: Standard or Truss-style Arm by Valmont
- Luminaire: Class A, B, C, D, or E as per City Approved Products List
- Luminaire Housing: Standard Cobra head
- Color: Black
- Option for 2' x 3' Banner
- Breakaway Base

Approved Products List (Manufacturers):

Breakaway Pole Devices:

- Akron Foundries, Inc. / Valmont

Conduit and Fittings:

PVC Conduit

- Cantex
- Carlon
- Certain Teed
- IPEX / PW Eagle
- Rocky Mountain Colby Pipe

PVC Fittings

- Cantex
- Carlin
- IPEX / PW Eagle

HDPE Conduit

- ARNCO
- Carlon
- Dura-line

HDPE Couplings

- AD Technologies

Connector Kits, Fuse Holders, and Fuses:

Wire Connectors:

- Polaris
- Homic

Fused & Non-Fused Connectors:

- Ideal Industries/ Buchanan/ Elastimold

Fuses:

- Bussmann Circuit Protection, Worldwide
- Ferraz Shawmut
- Littelfuse
- Pacific Utility Products
- Milbank

Power Disconnect Pedestal:

- Pacific Utility Products

Electrical Wire:

- Aetna Insulated Wire Co
- Cerro Wire & Cable Co, Inc.
- Encore Wire LTD
- Essex Electrical Products
- Kris Tech Wire Co, Inc.
- Senator / Southwire Co.
- Service Wire Co.

Grounding Equipment:

Ground Rod:

- Erico Inc./ Eritech
- ITTBlackburn
- Joslyn
- Knight

Ground Rod Clamp:

- Erico Inc./ Eritech
- Burndy
- ITTBlackburn

Junction Boxes:

- Duralite
- Channell

Luminaires:

Cobra Head:

- AEL
- Leotek

Decorative:

- *King Luminaire*

Post Top:

- Holophane

Poles:

- Valmont
- Hapco
- Holophane

Screw-in Foundations:

- J H Botts
- Pelco
- AB Chance

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City Council Action Item

Council Meeting Date: August 10, 2023

Department: Community Development

Agenda Item: Consider Ordinance No. 2144 Amending Article 4 – Commercial Zoning Districts - Of The Unified Development Code (UDC) Of The City Of Edgerton, Kansas And Consider Ordinance No. 2145 Amending Article 7 – Conditional Uses – Of The UDC And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith

Background/Description of Item:

The City of Edgerton's Uniform Development Code (UDC) was adopted to encourage the most appropriate use of land and to ensure the logical and compatible growth of various districts within the City. The UDC is intended to implement the planning goals and policies contained in the Comprehensive Plan 2000-2020, other planning documents, and policies of the City Council and Planning Commission.

During a recent review of the Unified Development Code (UDC), staff identified one (1) section of the Code that should be updated for increased clarity in reading the UDC for Conditional Use Permits, and another section of Code that could serve as an opportunity to help Downtown businesses prosper.

The first section of these is Article 7, Section 7.2, which pertains to 'Specific District Requirements' for Conditional Use Permits. Uses that are permitted in certain zoning districts are listed in Chapters 3-5, depending on the district, and then later Chapter 7 lists some of the Conditional Uses, and specifies certain criteria that Conditional Use Permits must abide by. However, the current version of Chapter 7 does not list all of the uses that require a Conditional Use Permit in each District, which created some confusion during a recent application submittal. Staff's proposal which received a recommendation of approval by the Planning Commission at its July 11, 2023 public hearing is to simply list each of the uses that requires a Conditional Use in their respective district in Article 7 for increased clarity to applicants. Any conditions that are currently required with Conditional Use Permit consideration are proposed to remain. The only changes aside from simply listing the Conditional Uses are minor formatting changes and language updates to reflect industry standards.

Chapter 4, Section 4.1 contains zoning district development standards for the C-D (Downtown Commercial) District. Currently, the C-D District standards do not allow for merchandise or

equipment to be displayed outdoors, unless approved by the Zoning Administrator through a Temporary Sales Permit, of which an applicant may only obtain four (4) per year, at a maximum of seven (7) days per Permit. To help draw attention to Downtown storefronts and help Downtown businesses prosper, staff recommends creating a Sidewalk Sales Permit, which would allow business owners/operators in the C-D District with immediate adjacency to a sidewalk the opportunity to use a portion of the sidewalk to display merchandise for sale. Staff's recommendations would not place a time limit upon when merchandise may be displayed like the Temporary Sales and Events Permit does but would need to be renewed annually with administrative approval. The Permit will require a sketch plan to be provided displaying clear ingress and egress to the store and a clearance of 4 feet on the sidewalk to comply with ADA requirements (3 foot minimum clearance). A condition is also added that all material that is displayed outdoors during business hours must be moved indoors upon the close of business. This permit is proposed to run with the business, not the location, therefore, if a new business were to open up in a space where a previous business owner had a valid Sidewalk Sales Permit, the new business owner would be required to obtain their own.

The enclosed draft ordinances have been reviewed by the City Attorney. Staff recommends approval of the UDC Amendments to Chapters 4 and 7 and Planning Commission recommended approval at their July 11, 2023 meeting.

Related Ordinance(s) or Statue(s): Edgerton UDC Article 4, Section 1.F and UDC Article 7, Section 7.2

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2144 Amending Article 4 – Commercial Zoning Districts - Of The Unified Development Code (UDC) Of The City Of Edgerton, Kansas And Approve Ordinance No. 2145 Amending Article 7 – Conditional Uses – Of The UDC And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith

Enclosed: Planning Commission Memo – July 11, 2023 Meeting
Planning Commission Minutes – July 11, 2023 Meeting
DRAFT Ordinance 2144
DRAFT Ordinance 2145

Prepared by: Zachary Moore, Development Services Director



MEMORANDUM

Date: July 11, 2023

To: City of Edgerton Planning Commission

From: Zachary Moore, Development Services Director

Re: Public Hearing for UDCA2023-02 For Amendments to Articles 4 (Commercial Zoning Districts) & 7 (Conditional Uses) of the Edgerton Unified Development Code (UDC)

During a recent audit of the UDC, staff identified an area of the UDC that should be updated for clarity to readers. Articles 3, 4, and 5 of the UDC list out uses that are permitted by right and uses that require a conditional use permit in each zoning district. Article 7, which is titled 'Conditional Uses', has individual sections for each different zoning district, but only lists the uses that have specifically prescribed conditions required for consideration. Staff's recommendation is to update Article 7 to include the full listing of each use that is permitted with a Conditional Use Permit in that district. No changes to the conditions themselves are proposed, and only minor changes to language to align with current industry standards are proposed.

Staff has been reviewing opportunities to help promote business in the Downtown Area along Nelson Street. One way to do this is to allow for sidewalk sales, which will draw attention to local businesses and will help invigorate the Downtown area. The UDC currently requires a Temporary Sales Permit to allow outdoor displays and sales of merchandise in the Downtown District. If a Temporary Sales Permit is approved under today's Code, that would allow the outdoor display and sales of merchandise up to four (4) times per year, up to seven (7) days per each permit. These permits may run consecutively, therefore allowing outdoor display and sales for a total of 28 days, but the business owner would not be permitted to have additional Temporary Sales Permits for outdoor displays and sales throughout the year. With this recommended update to the UDC, staff is recommending that sidewalk sales be permitted with approval of a Sidewalk Sales Permit, which must be obtained annually. Staff is also recommending the following conditions with the Sidewalk Sales Permit:

Businesses in the C-D District that are immediately adjacent to a sidewalk may display merchandise on the public sidewalk for sale, pursuant to the following conditions:

1. A Sidewalk Sales Permit must be reviewed and approved by the Zoning Administrator prior to the display of merchandise for sale or storage on a Downtown sidewalk.
 - a. Sidewalk Sales Permits must be renewed annually.
 - b. Sidewalk Sales Permits run with the business, not the property. If a new business moves into a Downtown storefront, a new Sidewalk Sales Permit must be obtained prior to sidewalk sales occurring.
 - c. Additional conditions may be added to the Sidewalk Sales Permit, as determined by the Zoning Administrator.
2. A sketch plan identifying the merchandise display area must be provided with the Sidewalk Sales Permit.
 - a. Clear ingress and egress a minimum of 4 feet in width must be maintained from the entry of the structure to the curb.

- b. A clear 4 foot path must be maintained in front of the store along the public sidewalk.
(potential to add diagram to clarify)
 - c. All ADA requirements must be met.
- 3. All material displayed outdoors during business hours must be moved indoors upon the close of business.

Staff requests that the Commissioners provide any additional feedback regarding **Article 4, Section 4.1.F** as it relates to outdoor display and storage of merchandise and **Article 7** for Conditional Uses. The sections of Code that are proposed to be modified are included in the packet in their existing states, in the pages following this memo. Staff will collect final comments or feedback and incorporate them into a final version of these Articles, which would be presented to the City Council for review, consideration, and adoption. Prior to presentation to the City Council, staff will provide a revised copy of the UDC to the City Attorney for review.

Article 7

Conditional Uses

Section 7.1	Issuance of Conditional Uses
Section 7.2	Specific District Requirements

7.1 Issuance of Conditional Uses

- A. Intent. The purpose of this article is to provide for certain uses, which; because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Planning Commission may recommend approval of these conditional uses to the Governing Body after consideration in each case, of the impact of such uses upon neighboring uses; the surrounding area and the public need for the particular use at the particular location. Limitations and standards are herein established to insure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use shall be approved, the Governing Body shall review the record of the public hearing held by the Planning Commission.
- B. Standards. The Planning Commission, in accordance with the procedures and standards of this UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in the specific instances and particular districts set forth provided that the location is appropriate, consistent with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided surrounding property, persons, and neighborhood values, and further provided that the additional standards of this Article specified as a condition of approval. Unless otherwise specified in this Article or as a condition of approval, the height, yard, lot area, design, environmental, and sign requirements shall be the same as other uses in the district in which the conditional use is located. No conditional use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in this Article. The burden of proof is on the applicant to bring forth the evidence and the burden of persuasion on all questions of fact that are determined by the Planning Commission.
- C. Criteria. In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following:
1. The extent to which there is a need in the community for the proposed use.
 2. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
 3. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements

connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.

4. Suitability of the uses of the property without the proposed conditional use permit.
5. Length of time the subject property has remained vacant without the proposed conditional use permit.
6. The extent to which the proposed use may detrimentally affect nearby property.
7. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.
8. The availability and adequacy of required utilities and services to serve the proposed use. 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.
9. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.
10. The environmental impacts that the proposed use 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.
11. The economic impact of the proposed use on the community.
12. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.
13. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.
14. The recommendation of professional staff. (Ord. 798; 2005)

7.2 Specific District Requirements

In addition to the specific use requirements outlined by zoning district and use type listed below, the applicant **must provide a site plan for review and approval** with special emphasis given to parking, circulation, loading, landscaping and screening. Staff may request additional information deemed necessary to provide a comprehensive review of the conditions listed in Section 7.1c above.

A. Districts A-G, R-1, R-2 and R-3.

1. Bed and Breakfast. (A-G, R-1, R-2, R-3)
 - a. Conditions listed in 7.1 (C) above.
 - b. No more than four (4) units for rent.
 - c. Proprietor must reside on the premises.
 - d. Food service limited to a breakfast meal.
 - e. No change or adaptation to the exterior of the structure that would alter the residential appearance.

- f. Advertising limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."
2. In Home Child or Elder Care. (A-G, R-1, R-2, R-3)
 - a. Approved state operating permit.
 - b. No more than 12 children and two supervisors may be employed on the premises.
 - c. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
3. Communications Towers Over 60' in Height. (A-G, R-1, R-2, R-3)
 - a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
4. Airport or Landing Strip (A-G only)
5. Attendant Care or Nursing Home (A-G, R-1, R-2, R-3)
6. Commercial Kennels or Animal Sanctuary (A-G only)
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. Operator must maintain a current license.
 - c. Facility is subject to inspection by Codes Enforcement/Animal Control Officer twice per calendar year following the provision of reasonable notice.
7. Quarries and Sand/Gravel Extraction (A-G, R-1, R-2, R-3)
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. The road network must be capable of supporting the anticipated truck traffic.
8. Camps, Travel Trailer or RV Parks (A-G only)
9. E.C.H.O (Elderly Cottage Housing Opportunity) Housing. (A-G, R-1, R-2, R-3)
10. All other uses Listed as Condition in Article 3 – R-1 Districts
 - a. Approval of a site plan that demonstrates adequate parking, circulation, and open space.
 - b. Screening and barrier separation as deemed necessary by the Planning Commission.

B. C-D, Downtown Commercial District.

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
 - a. Parking and circulation as required by Article 16.
 - b. Landscaping Plan as determined by zoning district requirements in Article 4.
 - c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
 - d. Onsite signage plan for site circulation shall be provided at time of application.

C. C-1, General Commercial District.

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
 - a. Parking and circulation as required by Article 16.
 - b. Landscaping Plan as determined by zoning district requirements in Article 4.
 - c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
 - d. Onsite signage plan for site circulation shall be provided at time of application.

D. C-2, Heavy Service Commercial District.

1. Adult Entertainment – Sex-Oriented Businesses.
 - a. Must be located a minimum of 1,000 feet or more from the nearest residential dwelling, school, day care center, church, library, youth center, cemetery, liquor store, or another adult entertainment or sex-oriented business.
 - b. No service of alcoholic or cereal malt beverages is allowed.
 - c. The surrounding land uses, and zoning districts must be provided including distance to nearest structure.
 - d. Additional screening is required on the perimeter of the property. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way. Landscape and screening plan must be submitted at time of application for staff review.
 - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
2. Interstate Pole Sign. Applicant must provide the following details in submission materials:
 - a. The use of the proposed development.
 - b. The height of the proposed principal building.
 - c. The surrounding land uses and zoning districts.
 - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
 - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
 - f. The proposed height and signable area of the pole sign.

- g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
 - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
3. Wireless Facilities/Wireless Support Structures
- a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

E. C-3, Highway Service Commercial District.

1. Wireless Facilities/Wireless Support Structures
- a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
2. Campgrounds
- a. A fully developed Site Plan with requirements as listed in Article 10.
 - b. Parking and circulation as required by Article 16.
 - c. Landscaping Plan as determined by zoning district requirements in Article 4.
 - d. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.

3. Outdoor amusement establishments such as miniature golf, driving ranges, pitch and put courses amusement parks and other similar establishments.
 - a. A fully developed Site Plan with requirements as listed in Article 10.
 - b. Parking and circulation as required by Article 16.
 - c. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
 - d. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
 - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
4. Interstate Pole Sign. Applicant must provide the following details in submission materials:
 - a. The use of the proposed development.
 - b. The height of the proposed principal building.
 - c. The surrounding land uses and zoning districts.
 - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
 - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
 - f. The proposed height and signable area of the pole sign.
 - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
 - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
5. Motor vehicle repair, general.
 - a. A fully developed Site Plan with requirements as listed in Article 10.
 - b. Parking and circulation as required by Article 16.
 - c. Landscaping Plan as determined by zoning district requirements in Article 4.
 - d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
 - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.

6. Outdoor display and sales of merchandise and equipment
 - a. A fully developed Site Plan with requirements as listed in Article 10 is required.
 - b. If applicable, parking and circulation as required by Article 16. If parking spaces are going to be used for outdoor display/sales area, applicant must provide a parking plan which provides for accommodation of lost spaces.
 - c. Signage must be placed in accordance with Article 12.
 - d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
 - e. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.

F. B-P, Business Park District.

1. Communication Transmission Towers Over Sixty (60) Feet in Height
 - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human occupancy (other than the principal use), and/or any road.
 - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

G. L-P, Logistics Park District

All uses in the L-P (Logistics Park) Zoning District **listed as Conditional Uses** must submit a site plan for review subject to the following requirements:

1. Communication Transmission Towers Over Sixty (60) Feet in Height
 - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.

- d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
- 2. Truck stops with fuel and accessory services
- 3. Private or public owned playground, 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. All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as “facilities”) shall be subject to the following performance provisions:
 - a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
 - b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
 - c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.
 - d. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.
 - e. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
 - 1. Paving shall mean concrete or asphalt: and
 - 2. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.
 - f. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
 - g. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number.
 - h. Chassis Stacking/Racking: Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number.
 - i. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards.

- j. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
1. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked);
 2. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked);
 3. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property;
 4. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling; and
 5. For purposes of Stipulations 3 and 4 above, measurements shall be made between the nearest property line of the residentially zoned property or the nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.
- k. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.
- l. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9.1 (B) (3) of these regulations.
- m. Other Rules and Regulations. All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.
- n. Deviations: In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the performance standards and provisions for the L-P Zoning District, Section 5.4, Sections G through Q in the regulations. The application may only be approved if findings are made by the Governing Body that 1) due to the circumstances of the application, it would be unnecessary to impose the standards(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the regulations are being met, c) that granting the deviation shall not adversely affect adjacent or

nearby property, and d) the application shall otherwise comply with all building code(w) and safety requirements. (Ord. 915, 2012)

H. I-G, General Industrial District and I-H, Heavy Industry District.

1. All uses listed as conditional in the I (Industrial) Zoning Districts must comply with the following:
 - a. Applicant shall submit a site plan for review and approval with special emphasis given to parking, site circulation, and loading; and screening of outdoor materials.
 - b. Conditions listed in 7.1(C) above. (Ord. 845; 2008)

I. Additional Regulations for Conditional Uses.

1. A Conditional Use Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the conditional use application.
2. The Governing Body or Planning Commission may impose any additional condition(s) that it deems necessary to preserve the harmonious design of the community, lessen congestion, or preserve the public health, safety, and welfare.
3. The Governing Body or Planning Commission may recommend denial of any conditional use/special use listed in this Unified Development Ordinance that, in its opinion, would adversely impact the public health, safety, or welfare.

Article 4 Commercial Zoning Districts

- Section 4.0 Reserved for Future Use
- Section 4.1 C-D Downtown Commercial District
- Section 4.2 C-1 General Commercial District
- Section 4.3 C-2 Heavy Service Commercial District
- Section 4.4 C-3 Highway Service Commercial District
- Section 4.5 Reserved for Future Use
- Section 4.6 Awnings, Extended Awnings and Fencing
- Section 4.7 Fuel Stations, Convenience Stores and/or Drive-Throughs

4.1 C-D, Downtown Commercial District

- A. Purpose.** This district is intended to accommodate civic, limited commercial services, housing, and offices in Downtown. Uses are restricted to civic, housing, light retail, offices, personal services, and public services to serve the needs of Edgerton residents. The intent is to allow creative reuse and rehabilitation of existing buildings.
- B. Use Restrictions.** In District C-D, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional as follows in sections C and D below.
- C. Permitted Uses.**
1. Uses listed in C-1, General Commercial District, except for the following:
 - i. Convenience stores, with or without gasoline sales.
 - ii. Drive through food service.
 - iii. Restaurants and other eating establishments, can include drive through facilities.
 2. Farmers Markets
 3. Restaurants without drive-through facilities.
 4. Bed and breakfast.
- D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a Conditional Use Permit obtained pursuant to the provisions of Article 7 of the Unified Development Code:
1. Parking lots detached from the principal use.

E. Setback, Yard and Area Regulations.

Table 4-4 - Setbacks, Yards, and Area for C-D Zoning District

Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
No front yard setback is required. If a setback is desired, maximum allowed distance is five (5) feet.	Required side yard setback is ten (10) feet, with the following exceptions: <ul style="list-style-type: none"> - No side yard is required when adjacent buildings share a common wall. - When a side lot line abuts a residential property, a fifteen (15) foot side yard setback is required. 	Required rear yard setback is twenty (20) feet from the building wall and/or mechanical equipment used to service the premises when the lot abuts a residential property. When adjacent to other commercial, the rear setback shall be 10 (ten) feet).	No building in the C-D district shall be constructed to a height greater than 2 stories.

F. District Regulations. No merchandise or equipment shall be stored or displayed outside a building. However, the Zoning Administrator may issue a Temporary Sales Permit for outdoor displays and sales of merchandise up to four times a year with a limit of seven days per each sales permit issuance. Permit periods may run in succession. Uses which would detract from the desired functionality and character of Downtown are not allowed.

G. Design Guidelines. The Downtown Commercial District in Edgerton provides for a unique opportunity to embrace the past while bridging the future. The design of proposed buildings in the Downtown Commercial District should be inspired by the characteristics of existing traditional buildings but should not try to recreate traditional building style with new construction. Infill buildings should ensure that setbacks, building heights and land coverage are sensitive to the surrounding spatial context. Development within the Downtown Commercial District should incorporate the following items in implementing development design:

1. Commercial buildings should continue traditional building elements displayed in traditional buildings such as storefront display and transom windows, sign boards, upper level windows, and cornices.
2. Street level transparency should be maintained through building design. Blocking storefront windows with opaque materials is not allowed.
3. Infill buildings located in the Downtown Commercial District should be designed and constructed in a manner which complements existing traditional architecture using context sensitive materials and architectural elements.
4. Infill buildings should front the sidewalk zone in line with adjacent buildings.
5. Proposed buildings with non-traditional architectural styles should visually complement the character of existing traditional buildings.
6. Multiple architectural styles should not be mixed within the façade of a single building or continuous storefront.
7. Buildings should be massed at limited heights to prevent overwhelming adjacent existing buildings. Building heights should vary to create an attractive rhythm for the building blocks as a whole.
8. Entrance doors are encouraged to be recessed to emphasize entry and reduce potential pedestrian conflicts.
9. All areas used for refuse collection shall be screened from view.

PLANNING COMMISSION
July 11, 2023

A special session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on July 11, 2023. The meeting convened when Chair John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Charlie Crooks	present
Adam Draskovich	absent
John Daley	present
Jordyn Mueller	absent

With a quorum present, the meeting commenced.

Staff in attendance: Zachary Moore, Development Services Director
Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk

2. WELCOME Chairperson Daley welcomed all in attendance to the meeting.

3. PLEDGE OF ALLEGIANCE All present participated in the Pledge of Allegiance.

CONSENT AGENDA

4. Approve Minutes from the June 13, 2023 Planning Commission Meeting.
5. Approve Minutes from the June 20, 2023 Planning Commission Special Session.

Commissioner Crooks moved to approve the Consent Agenda. The motion was seconded by Commissioner Little. The Consent Agenda was approved, 3-0.

REGULAR AGENDA

6. DECLARATION

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare at this time.

BUSINESS REQUIRING ACTION

NEW BUSINESS

7. **PP2023-03: PRELIMINARY PLAT APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191ST STREET AND KILL CREEK ROAD**

Commissioner Crooks moved to continue Preliminary Plat Application PP2023-03 to August 8, 2023 meeting. Commissioner Little seconded the motion. Preliminary Plat Application PP2023-03 was continued to the August 8, 2023 meeting, 3-0.

8. **FS2023-06: FINAL SITE PLAN APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191ST STREET AND KILL CREEK ROAD**

Commissioner Crooks moved to continue Final Site Plan Application FS2023-06 to August 8, 2023 meeting. Commissioner Little seconded the motion. Final Site Plan Application FS2023-06 was continued to the August 8, 2023 meeting, 3-0.

9. **UDCA2023-02: AMENDMENTS TO ARTICLE 4 (COMMERCIAL ZONING DISTRICTS) AND ARTICLE 7 (CONDITIONAL USES) OF THE UNIFIED DEVELOPMENT CODE (UDC)**

Chairperson Daley opened the public hearing.

Mr. Zachary Moore, Development Services Director, stated that during a recent audit of the UDC, City staff identified an area of the UDC that should be updated for clarity to readers. Articles 3, 4, and 5 of the UDC list out uses that are permitted by right and uses that require a conditional use permit (CUP) in each zoning district. Article 7, which is titled 'Conditional Uses', has individual sections for each different zoning district, but only lists the uses that have specifically prescribed conditions required for consideration. City staff recommends an update to Article 7 to include the full listing of each use that is permitted with a CUP in that district. No changes to the conditions themselves are proposed, and only minor changes to language to align with current industry standards are proposed.

Mr. Moore explained City staff has been reviewing opportunities to help promote business in the Downtown Area along Nelson Street. One way to do this is to allow for sidewalk sales, which will draw attention to local businesses and will help invigorate the Downtown Area.

Chairperson Daley inquired to what a sidewalk sale is. Mr. Moore explained it is when a business places merchandise for shoppers to look at and purchase on the sidewalk.

Mr. Moore explained the UDC currently requires a Temporary Sales Permit to allow outdoor displays and sales of merchandise in the Downtown District. Chairperson Daley asked if the sidewalks was wide enough for the sales. Mr. Moore explained new sidewalk that will most likely be installed will be around six (6) feet in width. He said if a Temporary Sales Permit is approved under the current code, the outdoor display and sales of merchandise would be approved for up to four (4) times per year, up to seven (7) days per each permit. These permits may run consecutively, therefore allowing outdoor displays and sales for a total of twenty-eight (28) days, but the business owner would not be permitted to have additional Temporary Sales Permits for outdoor displays and sales throughout the year. With this

recommended update to the UDC, City staff is recommending that sidewalk sales be permitted with approval of a Sidewalk Sales Permit, which must be obtained annually. Mr. Moore stated City staff is also recommending the following amendment regarding the Sidewalk Sales Permit:

Businesses in the C-D District that are immediately adjacent to a sidewalk may display merchandise on the public sidewalk for sale, pursuant to the following conditions:

1. A Sidewalk Sales Permit must be reviewed and approved by the Zoning Administrator prior to the display of merchandise for sale or storage on a Downtown sidewalk.
 - i. Sidewalk Sales Permits must be renewed annually.
 - ii. Sidewalk Sales Permits run with the business, not the property. If a new business moves into a Downtown storefront, a new Sidewalk Sales Permit must be obtained prior to sidewalk sales occurring.
 - iii. Additional conditions may be added to the Sidewalk Sales Permit, as determined by the Zoning Administrator.
2. A sketch identifying the merchandise display area must be provided with the Sidewalk Sales Permit.
 - i. Clear ingress and egress a minimum of 4 feet in width must be maintained from the entry of the structure to the curb.
 - ii. A clear 4-foot path must be maintained in front of the store along the public sidewalk. Mr. Moore stated City staff might require a diagram be provided.
 - iii. All ADA requirements must be met.
3. All material displayed outdoors during business hours must be moved indoors upon the close of business.

Commissioner Crooks stated that the Dollar General store, which is zoned C-1, has had items outside. Mr. Moore replied that he has been in contact with the manager of that store to correct that issue. Commissioner Crooks asked if outdoor sales were allowed at all for that district. Mr. Moore stated that the Temporary Sales Permit can be applied for in that zoning district.

Commissioner Little moved to close the public hearing. The motion was seconded by Commissioner Crooks. The public hearing was closed, 3-0.

Commissioner Little moved to recommend approval of the amendments of Article 4 and 7 to the City Council. Commissioner Crooks seconded the motion. The amendments to the UDC outlined in Application UDCA2023-02 were approved, 3-0.

10. FUTURE MEETING REMINDERS

Chairperson Daley stated that the next regular sessions are scheduled for August 8, 2023; September 12, 2023; and October 10, 2023.

11. ADJOURN

Commissioner Little moved to adjourn the meeting. Commissioner Crooks seconded the motion. The meeting was adjourned at 7:10 PM, 3-0.

DRAFT

ORDINANCE NO. 2144

AN ORDINANCE AMENDING ARTICLE 4, SECTION 4.1F OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS REGARDING DISTRICT REGULATIONS WITHIN COMMERCIAL ZONING DISTRICTS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. Article 4, Section 4.1.F of the Edgerton Unified Development Code shall be amended to read as follows:

F. District Regulations.

- A. Businesses in the C-D District that are immediately adjacent to a sidewalk may display merchandise on the public sidewalk for sale, pursuant to the following conditions:
 - 1. A Sidewalk Sales Permit must be submitted, and approved by the Zoning Administrator.
 - a. Sidewalk Sales Permits must be renewed annually.
 - b. Sidewalk Sales Permits run with the business, not the property. If a new business moves into a Downtown storefront, a new Sidewalk Sales Permit must be obtained prior to sidewalk sales occurring.
 - c. Additional conditions may be added to the Sidewalk Sales Permit, as determined by the Zoning Administrator.
 - 2. A sketch plan identifying the merchandise display area must be provided with the Sidewalk Sales Permit.
 - a. Clear ingress and egress a minimum of 4 feet in width must be maintained from the entry of the structure to the curb.
 - b. A clear 4 foot path must be maintained in front of the store along the public sidewalk. (potential to add diagram to clarify)
 - c. All ADA requirements must be met.
 - 3. All material displayed outdoors during business hours must be moved indoors upon the close of business.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 10th Day of August, 2023

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

ORDINANCE NO. 2145

AN ORDINANCE AMENDING ARTICLE 7, SECTION 7.2 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS REGARDING SPECIFIC DISTRICT REQUIREMENTS FOR CONDITIONAL USES AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. Article 7, Section 7.2 of the Edgerton Unified Development Code shall be amended to read as follows:

7.2 Specific District Requirements

In addition to the specific use requirements outlined by zoning district and use type listed below, the applicant **must provide a site plan for review and approval** with special emphasis given to parking, circulation, loading, landscaping, screening, and barrier separation. Staff may request additional information deemed necessary to provide a comprehensive review of the conditions listed in Section 7.1.C above.

A. AG District

1. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a 16 foot or wider residential design manufactured dwelling unit, a site built accessory dwelling unit, or a slide-in manufactured ECHO unit, provided that such additional unit complies with the Sanitary Code.
2. Bed and Breakfast:
 - a. Conditions listed in 7.1 (C) above.
 - b. No more than four (4) units for rent.
 - c. Proprietor must reside on the premises.
 - d. Food service limited to a breakfast meal.
 - e. No change or adaptation to the exterior of the structure that would alter the residential appearance.
 - f. Advertising limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."
3. Conversion or adaptation of existing non-residential buildings for office, crafts, hobbies or studio.
4. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business.)
5. Public and private schools, and institutions of higher learning, including stadium and dormitories in conjunction, if located on the campus.
6. Communications Towers Over 60' in Height.
 - a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.

- c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
- d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
- e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
- 7. Airport or Landing Strip.
- 8. Commercial Kennel or Animal Sanctuary:
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. Operator must maintain a current license.
 - c. Facility is subject to inspection by Codes Enforcement/Animal Control Officer twice per calendar year following the provision of reasonable notice.
- 9. Quarries and Sand/Gravel Extraction:
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. The road network must be capable of supporting the anticipated truck traffic.
- 10. Asphalt or Concrete Plant.
- 11. Oil and Gas Drilling.
- 12. Camps, Travel Trailer, or RV Parks.
- 13. Child or elder care for six (6) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and pre-schools. (See K.S.A. 65-517, K.A.R 28-4-113, and K.A.R. 28-4-420).
 - a. For In Home Child Care or Elder Care Facilities, the following conditions apply:
 - 1. Approved state operating permit.
 - 2. No more than 12 children and two supervisors may be employed on the premises.
 - 3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
- 14. Attendant Care or Nursing Home. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, boarding care home and adult day care facility.

B. R-1, Single Family Residences District

- 1. Places of worship and customary accessory residential uses.
- 2. Bed and Breakfast facility.
 - a. Conditions listed in 7.1 (C) above.
 - b. No more than four (4) units for rent.
 - c. Proprietor must reside on the premises.
 - d. Food service shall be limited to a breakfast meal.
 - e. No change or adaptation to the exterior of the structure that would alter the residential appearance shall be permitted.
 - f. Advertising is limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."

3. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business).
4. Public and private schools, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
5. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a site built accessory dwelling unit, or a slide-in manufactured ECHO unit.
6. Libraries and museums.
7. Hospitals and health clinics.
8. Communications towers over 60 feet in height.
 - a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
9. Quarries and mining extraction.
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. The road network must be capable of supporting the anticipated truck traffic.
10. Oil and gas drilling.
11. Attendant care homes. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, boarding care home and adult day care facility.
 - a. For In Home Elder Care Facilities, the following conditions apply:
 1. Approved state operating permit.
 2. No more than 12 children and two supervisors may be employed on the premises.
 3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
12. Child care for six (6) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420)
 - a. For In Home Child Care Facilities, the following conditions apply:
 1. Approved state operating permit.
 2. No more than 12 children and two supervisors may be employed on the premises.

3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.

C. R-2, Two Family Residence District

1. Places of worship and customary accessory residential uses.
2. Bed and Breakfast facility.
 - a. Conditions listed in 7.1 (C) above.
 - b. No more than four (4) units for rent.
 - c. Proprietor must reside on the premises.
 - d. Food service shall be limited to a breakfast meal.
 - e. No change or adaptation to the exterior of the structure that would alter the residential appearance shall be permitted.
 - f. Advertising is limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."
3. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business).
4. Public and private schools, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
5. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a site built accessory dwelling unit, or a slide-in manufactured ECHO unit.
6. Libraries and museums.
7. Hospitals and health clinics.
8. Communications towers over 60 feet in height.
 - a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
9. Quarries and mining extraction.
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. The road network must be capable of supporting the anticipated truck traffic.
10. Oil and gas drilling.
11. Attendant care homes. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, boarding care home and adult day care facility.
 - a. For In Home Elder Care Facilities, the following conditions apply:

1. Approved state operating permit.
 2. No more than 12 children and two supervisors may be employed on the premises.
 3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
12. Child care for six (6) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420)
- a. For In Home Child Care Facilities, the following conditions apply:
 1. Approved state operating permit.
 2. No more than 12 children and two supervisors may be employed on the premises.
 3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.

D. R-3, Multi-Family Zoning District

1. Places of worship and customary accessory residential uses.
2. Bed and Breakfast facility.
 - a. Conditions listed in 7.1 (C) above.
 - b. No more than four (4) units for rent.
 - c. Proprietor must reside on the premises.
 - d. Food service shall be limited to a breakfast meal.
 - e. No change or adaptation to the exterior of the structure that would alter the residential appearance shall be permitted.
 - f. Advertising is limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."
3. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business).
4. Public and private schools, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
5. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a site built accessory dwelling unit, or a slide-in manufactured ECHO unit.
6. Libraries and museums.
7. Hospitals and health clinics.
8. Communications towers over 60 feet in height.
 - a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.

- e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
9. Quarries and mining extraction.
 - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
 - b. The road network must be capable of supporting the anticipated truck traffic.
 10. Oil and gas drilling.
 11. Attendant care homes. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, boarding care home and adult day care facility.
 - a. For In Home Elder Care Facilities, the following conditions apply:
 1. Approved state operating permit.
 2. No more than 12 children and two supervisors may be employed on the premises.
 3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
 12. Child care for six (6) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420)
 - a. For In Home Child Care Facilities, the following conditions apply:
 1. Approved state operating permit.
 2. No more than 12 children and two supervisors may be employed on the premises.
 3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
 13. Professional offices.
 14. Clinics and health care services.

E. C-D, Downtown Commercial District.

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
 - a. Parking and circulation as required by Article 16.
 - b. Landscaping Plan as determined by zoning district requirements in Article 4.
 - c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
 - d. Onsite signage plan for site circulation shall be provided at time of application.

F. C-1, General Commercial District.

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
 - a. Parking and circulation as required by Article 16.

- b. Landscaping Plan as determined by zoning district requirements in Article 4.
- c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
- d. Onsite signage plan for site circulation shall be provided at time of application.

G. C-2, Heavy Service Commercial District.

1. Adult Entertainment – Sex-Oriented Businesses:
 - a. Must be located a minimum of 1,000 feet or more from the nearest residential dwelling, school, day care center, church, library, youth center, cemetery, liquor store, or another adult entertainment or sex-oriented business.
 - b. No service of alcoholic or cereal malt beverages is allowed.
 - c. The surrounding land uses, and zoning districts must be provided including distance to nearest structure.
 - d. Additional screening is required on the perimeter of the property. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way. Landscape and screening plan must be submitted at time of application for staff review.
 - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
2. Interstate Pole Sign. Applicant must provide the following details in submission materials:
 - a. The use of the proposed development.
 - b. The height of the proposed principal building.
 - c. The surrounding land uses and zoning districts.
 - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
 - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
 - f. The proposed height and signable area of the pole sign.
 - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
 - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
3. Wireless Facilities/Wireless Support Structures:
 - a. Facility must not be located in an area used or planned for residential purposes.
 - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.

- d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
- e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

H. C-3, Highway Service Commercial District.

1. Wireless Facilities/Wireless Support Structures:

- a. Facility must not be located in an area used or planned for residential purposes.
- b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
- c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
- d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
- e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

2. Campgrounds:

- a. A fully developed Site Plan with requirements as listed in Article 10.
- b. Parking and circulation as required by Article 16.
- c. Landscaping Plan as determined by zoning district requirements in Article 4.
- d. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.

3. Outdoor amusement establishments such as miniature golf, driving ranges, pitch and put courses, amusement parks, and other similar establishments:

- a. A fully developed Site Plan with requirements as listed in Article 10.
- b. Parking and circulation as required by Article 16.
- c. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
- d. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
- e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.

4. Interstate Pole Sign. Applicant must provide the following details in submission materials:
 - a. The use of the proposed development.
 - b. The height of the proposed principal building.
 - c. The surrounding land uses and zoning districts.
 - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
 - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
 - f. The proposed height and signable area of the pole sign.
 - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
 - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
5. Motor vehicle repair, general:
 - a. A fully developed Site Plan with requirements as listed in Article 10.
 - b. Parking and circulation as required by Article 16.
 - c. Landscaping Plan as determined by zoning district requirements in Article 4.
 - d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
 - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
6. Outdoor display and sales of merchandise and equipment:
 - a. A fully developed Site Plan with requirements as listed in Article 10 is required.
 - b. If applicable, parking and circulation as required by Article 16. If parking spaces are going to be used for outdoor display/sales area, applicant must provide a parking plan which provides for accommodation of lost spaces.
 - c. Signage must be placed in accordance with Article 12.
 - d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
 - e. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.

I. B-P, Business Park District.

1. Communication Transmission Towers Over Sixty (60) Feet in Height:

- a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human occupancy (other than the principal use), and/or any road.
- b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
- c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
- d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

J. L-P, Logistics Park District

All uses in the L-P (Logistics Park) Zoning District **listed as Conditional Uses** must submit a site plan for review subject to the following requirements:

- 1. Communication Transmission Towers Over Sixty (60) Feet in Height
 - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
 - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
 - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
 - d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
- 2. Truck stops with fuel and accessory services
- 3. Private or public owned playground, 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. All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as "facilities") shall be subject to the following performance provisions:
 - a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.

- b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
- c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.
- d. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.
- e. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
 - 1. Paving shall mean concrete or asphalt: and
 - 2. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.
- f. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
- g. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number.
- h. Chassis Stacking/Racking: Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number.
- i. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards.
- j. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
 - 1. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked);
 - 2. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked);
 - 3. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property;
 - 4. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling; and
 - 5. For purposes of Stipulations 3 and 4 above, measurements shall be made between the nearest property line of the residentially zoned

property or the nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.

- k. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.
- l. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9.1 (B) (3) of these regulations.
- m. Other Rules and Regulations. All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.
- n. Deviations: In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the performance standards and provisions for the L-P Zoning District, Section 5.4, Sections G through Q in the regulations. The application may only be approved if findings are made by the Governing Body that 1) due to the circumstances of the application, it would be unnecessary to impose the standards(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the regulations are being met, c) that granting the deviation shall not adversely affect adjacent or nearby property, and d) the application shall otherwise comply with all building code(s) and safety requirements. (Ord. 915, 2012)

K. I-G, General Industrial District. *All uses listed below must comply with the conditions listed in Section 7.1.(C) above, and must submit a site plan for review and approval with special emphasis given to parking, site circulation, loading, and screening of outdoor materials.*

- 1. Communication towers greater than 60 feet in height (exclusive of antenna).
- 2. Transportation storage and trucking yards.
- 3. Recycling center.
- 4. Construction equipment storage.
- 5. Chemical and allied products – manufacturing and storage.
- 6. Solid waste transfer stations.
- 7. Mining or quarrying.
- 8. Oil and gas extraction.
- 9. Salvage yards.

L. I-H, Heavy Industry District. *All uses listed below must comply with the conditions listed in Section 7.1.(C) above, and must submit a site plan for review and approval with special emphasis given to parking, site circulation, loading, and screening of outdoor materials.*

- 1. Acid manufacture or reclamation.
- 2. Pesticide or herbicide manufacture.
- 3. Explosives manufacture or storage.

4. Slaughtering, rendering, packing operations.
5. Fertilizer manufacture.
6. Petroleum refinery.
7. Smelting of base metals.
8. Adhesive manufacture.
9. Incineration.
10. Stockyards.
11. Wholesale/storage (bulk) of gasoline and other petroleum products.

M. Additional Regulations for Conditional Uses.

1. A Conditional Use Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the conditional use application.
2. The Governing Body or Planning Commission may impose any additional condition(s) that it deems necessary to preserve the harmonious design of the community, lessen congestion, or preserve the public health, safety, and welfare.
3. The Governing Body or Planning Commission may recommend denial of any conditional use/special use listed in this Unified Development Ordinance that, in its opinion, would adversely impact the public health, safety, or welfare.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 10th Day of August, 2023

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

City Council Action Item

Council Meeting Date: August 10, 2023

Department: Capital Improvements

Agenda Item: Consider Agreements With Henderson Building Solutions for The Greenspace Project to Provide Commissioning, TAB, and Building Controls Services During the Construction Phase

Background/Description of Item:

In November 2021, Edgerton City Council approved an Agreement with Henderson Building Solutions (HBS) for Owner Representative Services for the Greenspace Project. That Agreement included Owners Representative Services only for Pre-Construction Phase in support of the Phase I Design Services Agreement with incite Design Studio.

On December 15, 2023, Edgerton City Council approved an Agreement with HBS for Owner's Representative Services for the Construction Phase of the Greenspace Project (Phase II).

As the Project includes commissioning for mechanical systems, plumbing systems, electrical systems, staff would recommend entering into an Agreement with HBS to provide Commissioning, Testing, Adjusting, and Balancing (TAB) as well as Building Controls System and Integration for the Construction Phase of the Project (Phase III). HBS brings significant experience in vertical construction and is crucial to the successful completion of the project, staying within the budget and schedule.

The Agreements include the following summarized list of services:

- Commissioning
 - Buildings systems and associated controls including HVAC, Plumbing, Electrical
 - Design phase commissioning services
 - Construction phase commissioning services, 3 site visits
 - Acceptance phase commissioning services, 3 site visits
 - Post-occupancy phase commissioning services, 1 meeting
- Testing, Adjusting, and Balancing (TAB)
 - All new equipment will be tested, adjusted, and balanced
 - Issues documented and provided to contractors for resolution
 - Final report detailing test results
- Building Controls System and Integration
 - Control system hardware, installation, programming, onsite startup, and remote monitoring and troubleshooting services for HVAC systems and integration of lighting control systems
 - Building Automation System

- Building Controls
 - Design Phase
 - Construction Phase
 - Acceptance Phase
 - Post-Occupancy Phase (1 year of remote monitoring and 1 year warranty for parts and programming)

This agreement structures payment for Commissioning and TAB Services for a lump sum fee of \$48,000. While this amount exceeds the estimate by approximately \$15,000 used to prepare the project budget, there are categories of costs yet to be determined. Staff will continue to monitor the project budget and periodically update the Governing Body as categories of cost are set.

Building Controls Services for a lump sum fee of \$148,790. Building Controls Services was originally included in the construction category of the project budget and is within the budgeted amount.

The Agreement is still pending review by City Attorney. City Staff recommends approval of this agreement pending City Attorney review.

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

Funding Source: GO Bonds

Budget Allocated: \$8,704,950

Finance Director Approval: x 
Karen Kindle, Finance Director

Recommendation: Approve Agreements With Henderson Building Solutions for The Greenspace Project to Provide Commissioning and TAB Services for \$48,000 and Building Controls Services for \$148,790

Enclosed: HBS Proposal for Professional Services
HBS Proposal for BAS Control Services

Prepared by: Holly Robertson, CIP Project Manager

PROPOSAL FOR PROFESSIONAL SERVICES

6/30/2023

Owner's Representative

Scott Crain
Henderson Building Solutions
10901 West 84th Terrace, Suite 300
Lenexa, KS 66214

Project

The Greenspace
Commissioning & TAB
Location – Edgerton Kansas

Henderson Building Solutions, LLC Scope of Services

1. COMMISSIONING SCOPE OF SERVICES

- A. Henderson Building Solutions, LLC (HBS) is pleased to submit this Scope of Services and Compensation document to provide commissioning and TAB services for the 14,000 sq. ft. Greenspace Project in Edgerton, Kansas, ("This Portion of the Project").
- B. Our scope of services is intended to comply with the requirements of the RFP/code requirements.

2. BASE SERVICES

- A. HBS shall direct commissioning activities in the role of Commissioning Authority per the scope of services outlined within this document. A representative of HBS will be assigned the role of Commissioning Manager for the duration of the project.
- B. Building Systems to be commissioned
 1. HVAC systems and associated controls:
 - a) Roof Units
 - b) Boilers
 - c) Pumps
 - d) Terminal Devices
 - e) Exhaust Fans
 - f) Unit Heaters
 - g) Building Management System
 2. Plumbing systems:
 - a) Domestic water heaters
 - b) Recirculation pumps
 - c) Plumbing fixture controls
 - d) Elevator sump pumps
 3. Electrical systems:
 - a) Interior lighting controls including daylighting controls
 - b) Exterior and parking lot lighting controls
 - c) Normal power distribution system (through first 480V transformer)
 - d) Emergency power distribution system (through first 480V transformer)
 - e) Emergency generators
 - f) Automatic transfer switches

C. Commissioning Services

1. Design Phase Commissioning Services:

- a) Develop a project specific Commissioning Plan for use during construction.
- b) Develop Commissioning Specification sections to be incorporated into the set of construction documents.
- c) Conduct commissioning review of construction documents at the mid-CD phase for constructability, maintainability, commission-ability, and consistency with design criteria. Back-check final set of documents to confirm commissioning comments have been incorporated.
- d) Facilitate meeting with design team to review the commissioning design review comments.

2. Construction Phase Commissioning Services:

- a) Review construction documents and equipment submittals for the purpose of preparing Pre-Functional Checklists and Functional Performance Test plans.
- b) Develop project specific Pre-Functional Checklists for use by the installing contractors and commissioning agents during construction.
- c) Develop project specific Functional Performance Test plans for execution by the installing contractors and equipment vendors as directed by the commissioning agents to demonstrate functionality of the systems.
- d) Plan and conduct a Commissioning Kick-off Meeting to establish the purpose and proposed process for commissioning during the construction phase, and to establish the individual roles and responsibilities of each member of the Commissioning Team.
- e) Pre-Functional Checklist Execution:
 - i. HBS will manage the completion of all Pre-Functional Checklists utilizing a web-based commissioning software and can provide website access to the commissioning team to use during the construction phase of the project.
- f) Organize and maintain an Issues Log during construction to track the resolution of deficiencies throughout the construction and acceptance phases. Update the log and provide periodic reports to the Commissioning Team.
- g) Review contractor's equipment checkout and start-up procedures and reports and building controls coordination and participate in a percentage of start-up activities and building controls checkout.
- h) Issue a commissioning progress report after each site visit.

3. Acceptance Phase Commissioning Services:

- a) Functional Performance Testing:
 - i. HBS will coordinate and execute the system Functional Performance Tests with assistance by the equipment vendors or installing contractors. No sampling will be allowed with the exception of lighting controls (25% sample rate, minimum of one of each type).
- b) Verify accuracy of select Testing, Adjusting, and Balancing (TAB) performed by the contractor:
 - i. HBS will witness or verify testing and balancing activities for 10% of the air and hydronic systems.
 - ii. Review 100% of the TAB documents completed by the contractors.
- c) Owner Training Verification:
 - i. Participate in a percentage of the Owner training coordinated and executed by the contractors and equipment vendors.
 - ii. Verify the Owner's operating personnel understand how to operate and maintain the systems and equipment within the building. Coordinate additional training if necessary.
 - iii. Document the training and verify all required training has been completed.

4. Post-Occupancy Phase Commissioning Services:
 - a) If necessary, provide deferred testing due to seasonal conditions that could not be accommodated during construction period.
 - b) Issue a Commissioning Final Report summarizing the work completed. The report will include a summary of any deficiencies found and the resolution to these deficiencies.

D. Onsite Commissioning Activities

1. Construction Phase:
 - a) One (1) on site kickoff meeting led by the Commissioning Manager to identify the commissioning team's responsibilities during construction.
 - b) Two (2) site visits by individual(s) from HBS to interface with installing contractors and execute Pre-Functional Checklists. Each visit includes approximately One (1) days on site, with the first visit occurring after rough-in but prior to installation of ceilings. The final visit will occur at the end of construction but prior to equipment start-up.
2. Acceptance Phase:
 - a) One (1) site visits by individual(s) from HBS to direct/witness Functional Performance Testing. Each visit includes approximately Five (5) days on site.
 - b) One (1) site visits by individual(s) from HBS to perform TAB verification. Each visit includes approximately One (1) days on site.
 - c) One (1) site visits by individual(s) from HBS to participate in Owner training. Each visit includes approximately One (1) days on site.
3. Post-Occupancy Phase:
 - a) One (1) meeting led by the Commissioning Manager to close-out the commissioning process with the Owner and Prime Contractor.

Additional Site Visits will accrue Additional Services at the Hourly Rates listed below plus Reimbursable Expenses.

- E. The following is a list of the anticipated written Work Products developed as part of the Commissioning Process:
1. Commissioning Specifications
 2. Commissioning Plan
 3. Design Review Comments
 4. Submittal Review Comments
 5. Pre-Functional Checklist (for each piece of commissioned equipment)
 6. Functional Performance Test (for commissioned systems)
 7. TAB Verification documentation
 8. Minutes from commissioning related meetings
 9. Project Issues Report Summary
 10. Regular Commissioning Progress Reports
 11. Owner Training Verification documentation
 12. Commissioning Final Report

3. TESTING, ADJUSTING AND BALANCING (TAB)

- A. HBS will provide TAB services related to the installation of the new equipment that will include the following.
 - 1. All new equipment will be tested, adjusted and balanced per NEBB's procedural standards.
 - 2. All issues will be documented and provided to the appropriate contractors for resolution.
 - 3. A final report will be generated detailing all testing results.

4. ASSUMPTIONS

- A. The following assumptions form the basis of our scope proposal:
 - 1. As the Commissioning Authority, HBS assumes no liability for the design or installation of the systems being commissioned per the scope of work including the design concepts, design criteria, compliance with codes, design calculations, constructability and detailed drawings and specifications except for those specifically developed by HBS.
 - 2. The design team will provide a Basis of Design (BOD) document which outlines the proposed systems, equipment, and their operation.
 - 3. It is the responsibility of the Prime Contractor to coordinate installation schedules to facilitate CxA review of pre-functional and functional testing within the allotted trips. If required, additional site visits can be performed as outlined in the additional services section of this proposal.
 - 4. HBS' role is to prepare the functional test procedures for the installing contractors and/or manufacturer's representatives to perform. HBS will direct and witness selected tests during the site visits listed above.
 - 5. HBS will witness and verify training of the Owner's personnel, but the actual training will be the responsibility of the installing contractors and/or equipment manufacturers authorized representatives except as otherwise noted above.

5. ADDITIONAL SERVICES

- A. The following Design Phase, Construction Phase, Construction Administration, and Field Services shall be considered additional services:
 - 1. As a clarification of our scope, the following systems are not included in the proposed commissioning scope of this proposal:
 - a) Fire Suppression
 - b) Technology
 - c) Security
 - d) Building envelope
 - 2. Indoor Air Quality (IAQ) Testing
 - 3. Scope of services necessary to achieve LEED certification.
 - 4. Evaluation of substitutions proposed by the Owner's consultants or the project Contractors and making subsequent revisions to the instruments of service resulting from the evaluations.
 - 5. Providing professional services made necessary by the default of the Contractor or by major defects in the work of the contractor in the performance of the Construction Contract.

6. EXCLUDED SERVICES

- A. Other services available from HBS and applicable to the project have been made known and explained to the Client. Where HBS has deemed a service needed or advisable, HBS has made this opinion known to the Client and the Client has confirmed his or her opinion that such services are not requested of HBS and/or the Client has made, or shall make, arrangements to obtain those services from a source other than HBS. These excluded services include:
 - 1. Performance and/or oversight of testing and balancing
 - 2. Full-time, onsite construction observation.
 - 3. Preparing to serve or serving as an expert witness in connection with any public hearing, or legal proceeding where HBS is not a named party to such a hearing or proceeding.
 - 4. Opinions of probable cost.

- B. The Client hereby agrees, to the fullest extent permitted by law, to indemnify and hold HBS harmless from any claim, liability or cost, including reasonable attorneys' fees and cost of defense, for injury or loss arising or allegedly arising from HBS' failure to perform a service listed above.

Henderson Building Solutions, LLC FEE

Henderson Building Solutions, LLC proposes to provide the services described in this proposal for a lump sum fee of:

Commissioning Services	\$31,250
Testing, Adjusting and Balancing Services	\$16,750
Total	\$48,000

The lump sum fee includes reimbursable expenses.

Fees for services not included in this proposal will be as mutually agreed between the Owner and Henderson Building Solutions, LLC.

Henderson Building Solutions, LLC appreciates the opportunity to submit this proposal. Please contact Henderson Building Solutions, LLC with any questions or comments.

When accepted by Owner this Proposal for Professional Services and its attachments shall become a binding contract between the parties and shall make it subject to the Scope of Services and Terms and Conditions, which are incorporated by this reference. Henderson Building Solutions is authorized to begin performance upon its receipt of a copy of this Contract signed by Owner. If Henderson Building Solutions proceeds at the direction of Owner and Contract is not signed, or altered within ten (10) business days, then it is agreed that terms of Contract are accepted by Owner.

Submitted By:

Accepted By:

Travis Short
Director of Commissioning
Henderson Building Solutions, LLC

Scott Crane
Senior Construction Manager
Henderson Building Solutions, LLC

Reimbursable Expenses

- A. Reimbursable expenses shall be billed above and beyond all fees for professional services, with a multiplier of 1.00. Reimbursable items shall be as follows:
1. Reproductions, plots, postage, handling and delivery of project related documents and electronic media requested by the Client or Owner. Plotting of Client, Client's consultant and sub-consultant electronic media for in-house use will be considered a reimbursable expense when no hard copy of those documents is provided. Plotting and printing of Henderson Building Solutions, LLC generated documents for in-house use is not a reimbursable expense.
 2. Travel related expenses including air fare, lodging, car rental, gas, and parking.
 3. Travel related Per Diem meals at the rate of \$75/day, or \$95/day for the following cities: Boston, MA; New York, NY; San Francisco, CA; and Washington, DC.
 4. Overnight delivery, handling, and postage charges.
 5. Local delivery, handling, and postage charges.
 6. Automobile mileage and other travel expenses required to meet project meeting requirements and site visit requirements. The rate used will be the current published IRS standard mileage rate.
 7. Working with Easy Submittals or other web-based submittal review process fees and charges.
 8. Costs to obtain drawings, addendums, test forms and product submittals from the Owner, Architect, MEP Engineer, Structural Engineer or Civil Engineer.
 9. Commissioning equipment, software, and license fees.

Additional Services

- A. Additional services shall be provided only upon authorization by the Client and shall be paid for by the Client as hereinafter provided. Fees will be billed on a time and expense basis for any Additional Services authorized in writing by the Client, and will be billed separately at the following standard hourly rates:

Henderson Building Solutions, LLC Rates - \$ per hour

Engineering Rates

Director and Executive	215-230
Practice / Technical Manager	195-200
Project Manager	185-195
Senior / Engineer / Designer	185
Lead / Engineer / Designer	160
Engineer / Designer III	145
Engineer / Designer II	130
Engineer / Designer I	120
Site Observation Specialist	115
BIM Technician	90
Project Administrative	85-90

Construction Management + Commissioning

Director and Executive	215-230
Construction Management	210
Pre-Construction Management	160
Project Development	155
Commissioning Manager / Agent	165
Technician	130
Estimator	155
Project Administration	85-90

PROPOSAL FOR BAS CONTROL SERVICES

6/30/2023

Owner's Representative

Scott Crain
Henderson Building Solutions
10901 W. 84th Terrace, Suite 300
Lenexa, KS 66214

Project

The Greenspace
Controls System and Integration
Location – Edgerton, KS

Henderson Building Solutions, LLC Scope of Services

1. SCOPE OF SERVICES

- A. Henderson Building Solutions, LLC is pleased to submit this Scope of Services and Compensation document to provide building controls integration services for the City of Edgerton, KS, ("This Portion of the Project").
- B. The goal of this project is to provide remote control and monitoring for HVAC and lighting control systems that will be easily accessible by onsite and remote personnel.

2. BUILDING CONTROLS SERVICES

- A. Henderson Building Solutions, LLC shall provide building control system hardware, installation, programming, onsite startup, and remote monitoring and troubleshooting services for building HVAC systems and integration of the lighting control system. The new system, as well as the connected equipment, shall be commissioned under a separate contract to verify and document proper control and operation.
- B. The following is a description of the systems and equipment for the facility that will be controlled and monitored by the building control system and via integration to the Lighting Control Panel.
 - 1. Building Automation System
 - a) Pre-built Control Panel including: (Mounted and Powered by Others)
 - i. 120-24v Transformer
 - ii. FX JACE Controller
 - iii. Tosibox secure gateway
 - b) General system programming features include:
 - i. Secure Gateway
 - ii. Graphical user interface
 - iii. Scheduling and set point control
 - iv. Alarming
 - v. Trending
 - vi. Remote access via the internet
 - 2. Multi-Zone RTU (Qty. 2)
 - a) Integration to Manufacturer BACnet Board
 - b) Probe sensors for Return air, Discharge Air, and Coil leaving Temp
 - c) Averaging Sensor for Mixed Air Temp
 - d) Building Pressure DP
 - e) Outdoor Air temp and Humidity
 - f) Current Switches for Supply and Return Fan Status
 - g) All remaining points not listed above will be through integrations
 - 3. Single-Zone RTU (Qty. 2)
 - a) Programmable Field Controller
 - b) Relay Contacts for Supply Fan, Cooling and Heating Commands
 - c) Current Status Switches for Supply Fan and Compressor Status

- d) Temperature "Probe" Sensors for Return and Discharge Air Temperature
- e) Wall Mounted Zone Thermostats and Temperature Sensors
- f) Humidity Sensor for Return Air Humidity
- 4. VAV Box (Qty. 10)
 - a) DDC Controller with integrated actuator and DP Transmitter
 - b) Wall Mounted Zone Thermostats and Temperature Sensors
 - c) Probe Sensor for Discharge Air Temp
 - d) Outputs for heat command
- 5. Split System Room Temperature Monitoring (Qty. 2)
 - a) The split system units will be stand-alone unitary control.
 - b) Wall plate temperature sensor for space temperature monitoring
 - c) General alarm for monitoring.
- 6. Heating Hot Water System
 - a) Integrate to boiler controller for enable/disable, and temperature setpoint control
 - b) Master boiler controller to be provided by others
 - c) Control relays for pump start/stop
 - d) Current switches for pump status
- 7. Domestic Water Heating System
 - a) Integrate to domestic water heater controller(s) for enable/disable, and temperature setpoint control
 - b) Master water heater controller(s) provided by others
 - c) Control relays for pump start/stop
 - d) Current switches for pump status
 - e) Supply and return water temperature sensors with wells
- 8. Domestic Water Booster Pumps (Qty. 2)
 - a) Control relays for pump start/stop
 - b) Current switches for pump status
- 9. Unit Heaters (Qty. 4)
 - a) The unit heaters will be stand-alone unitary control
 - b) Current relays for fan status
- 10. Miscellaneous Monitoring
 - a) Control relays and current switches for Exhaust Fans (3)
 - b) Control relays for Kitchen Hoods
 - c) Control relays for Splash Pad Pumps
 - d) Input to monitor Fire Alarm System (fire alarm system contacts provided and installed by others)
- 11. Integrated Systems (Systems provided, installed, and configured by others)
 - a) Integrate to (1) Lighting System via BACnet/IP for schedule control

C. Building Controls Scope of Work:

1. Design Phase Services:
 - a) Facilitate a meeting with the design team to discuss project schedule, systems, and project specific control strategies.
 - b) Develop project specific building controls specifications and network architecture drawings for inclusion into the 100% bid drawing set. Documents include all necessary information for the general contractor to hire a subcontractor for labor and material (wire) to install the system.
2. Construction Phase Services:
 - a) Review contractor equipment submittals to confirm compatibility with the controls system.
 - b) Develop detailed installation and termination drawings.
 - c) Install all controls wiring and components.
 - d) Coordinate with design team and equipment manufacturer to ensure that the design intent is carried out.
 - e) Package and ship all necessary components to project location upon notification from the general contractor.
 - f) Establish internet connectivity via hardwired connection with the project site and perform startup and point-to-point checkout of the control system.
3. Acceptance Phase Services:
 - a) Conduct an onsite controls startup and checkout visit in conjunction with a commissioning Functional Performance Testing visit to coordinate system integration, perform point-to-point checkout, verify sensor calibration, and ensure proper operation of the controls system.
 - b) Provide onsite or remote training for the store manager and owner's operations staff on operation of the local sensors and internet workstation. This will be performed in conjunction with the commissioning close-out visit
4. Post-Occupancy Phase Services:
 - a) Provide one (1) year of remote monitoring. Service includes:
 - i. Monitor operation of the systems and document performance monthly.
 - ii. Provide remote troubleshooting and diagnostics of alarms generated by the Building Control System.
 - iii. Assist the facility staff in contacting the proper company for warranty, maintenance, or service work necessary to restore normal operation.
 - iv. Document modifications made to the building controls system operating parameters during the monitoring period.
 - v. Provide updated building controls system sequence of operations and setpoint at the completion of the monitoring period.
 - b) Provide one (1) year warranty for the parts and programming supplied in this proposal.

Additional Site Visits will accrue Additional Services at the Hourly Rates listed below plus Reimbursable Expenses.

D. The following is a list of the anticipated written Work Products developed as part of the Building Controls Scope of Work:

1. Building Controls Network Drawings
2. Building Controls Installation
3. User Interface for control
4. As-Built Building Controls package
5. Operator Training

3. **REQUIRED CONTINUED CONTROLS SYSTEM HOSTING FEES**

- A. The following is a description of the required continued services to be provided for each location as they are kept in operation:
 - 1. Cloud Server Hosting Fees
 - 2. Niagara Server routine upgrades
 - 3. Remote access security management
 - 4. System access, reliability, and connection integrity monitoring
 - 5. Cellular emergency backup connection (if ongoing cellular is not accepted)
 - 6. Basic technical support
- B. The following rate is being provided for information only and will be incurred once the BAS is brought online. The rate below is the annual cost for the system to remain on cellular.
 - 1. One (1) Year Payment Term - \$1,000
- C. The following rates are being provided for information only and will be incurred once the BAS is brought online. Payment cycles can be determined based what is desired by the City of Edgerton.
 - 1. One (1) Year Payment Term - \$1,000
 - 2. Three (3) Year Payment Term - \$2,500

4. **OPTIONAL CONTINUED CONTROLS SYSTEM MONITORING AND SUPPORT**

- A. The following is a description of the optional continued controls system monitoring and support services available to enhance the user experience:
 - 1. Control system setpoint and scheduling adjustments, to respond to special events and occupant comfort requests.
 - 2. Assist facilities staff with notification to equipment alarms and failures, facilities staff to dispatch their vendors.
 - 3. Remote troubleshooting and diagnostic assistance, prior to engaging local service technicians.
 - 4. Assist local service technicians with remote troubleshooting while technicians are onsite.
 - 5. Quarterly trend analysis and report, including identification of equipment that shows evidence of potential failure.
- B. The following rates are being provided for information only and will be incurred once the BAS is brought online. Payment cycles can be determined based what is desired by the City of Edgerton.
 - 1. One (1) Year Payment Term - \$2,500 per location
 - 2. Three (3) Year Payment Term - \$6,000 per location

5. **ASSUMPTIONS**

- A. The following assumptions form the basis of our scope proposal:
 - 1. Henderson Building Solutions is responsible for providing and installing the controls package.
 - 2. The owner will provide a port for secured network connection for hardline internet. Cellular connectivity will require additional fees with a cell carrier.
 - 3. Controls components listed in the proposal are assumed to be not provided by equipment manufacturer. If additional components are required and not provided by equipment manufacturer than Henderson Building Solutions will provide at additional fees.

6. **ADDITIONAL SERVICES**

- A. The following Design Phase, Construction Phase, Construction Administration, and Field Services shall be considered additional services:
1. As a clarification of our scope, the following systems are not included in the proposed BAS controls scope of this proposal:
 - a) Fire Alarm
 - b) Fire Suppression
 - c) Technology
 - d) Security
 - e) Emergency power
 - f) Building envelope
 2. Indoor Air Quality (IAQ) Testing
 3. Scope of services necessary to achieve LEED certification.
 4. Scope necessary to satisfy local code requirements beyond IECC.
 5. Evaluation of substitutions proposed by the Owner's consultants or the project Contractors and making subsequent revisions to the instruments of service resulting from the evaluations.
 6. Providing professional services made necessary by the default of the Contractor or by major defects in the work of the contractor in the performance of the Construction Contract.

7. **EXCLUDED SERVICES**

- A. Other services available from Henderson Building Solutions, LLC and applicable to the project have been made known and explained to the Client. Where Henderson Building Solutions, LLC has deemed a service needed or advisable, Henderson Building Solutions, LLC has made this opinion known to the Client and the Client has confirmed his or her opinion that such services are not requested of Henderson Building Solutions, LLC and/or the Client has made, or shall make, arrangements to obtain those services from a source other than Henderson Building Solutions, LLC. These excluded services include:
1. Performance and/or oversight of testing and balancing.
 2. Full-time, on-site construction observation.
 3. Preparing to serve or serving as an expert witness in connection with any public hearing, or legal proceeding where Henderson Building Solutions, LLC is not a named party to such a hearing or proceeding.
 4. Providing of Lighting Control System and components
- B. The Client hereby agrees, to the fullest extent permitted by law, to indemnify and hold Henderson Building Solutions, LLC harmless from any claim, liability or cost, including reasonable attorneys' fees and cost of defense, for injury or loss arising or allegedly arising from Henderson Building Solutions, LLC's failure to perform a service listed above.

Henderson Building Solutions, LLC FEE

Henderson Building Solutions, LLC proposes to provide services described in this proposal for the lump sum fees below:

BUILDING CONTROLS SERVICES

Secure Gateway, Components, Installation, Programming, Onsite Controls Start-Up, Integration & User Interface Development, Project Management, 1st Year Cloud Hosting and Cellular Service

TOTAL **\$148,790**

ANNUAL CONTROL SERVICES

After the 1-year warranty period, the following annual options are available (*Pricing valid through 2022*):

Optional Continued Controls System Hosting Fee

One (1) Year Payment Term	\$1,000
Three (3) Year Payment Term	\$2,500

Optional Continued Cellular Service

One (1) Year Payment Term	\$1,000
---------------------------	---------

Optional Continued Controls System Monitoring and Support from HBS

One (1) Year Payment Term	\$2,500
Three (3) Year Payment Term	\$6,000

Fees for services not included in this proposal will be as mutually agreed between the Owner and Henderson Building Solutions, LLC.

Henderson Building Solutions, LLC appreciates the opportunity to submit this proposal. Please contact Henderson Building Solutions, LLC with any questions or comments.

When accepted by Owner this Proposal for Professional Services and its attachments shall become a binding contract between the parties and shall make it subject to the Scope of Services and Terms and Conditions, which are incorporated by this reference. Henderson Building Solutions is authorized to begin performance upon its receipt of a copy of this Contract signed by Owner. If Henderson Building Solutions proceeds at the direction of Owner and Contract is not signed, or altered within ten (10) business days, then it is agreed that terms of Contract are accepted by Owner.

Submitted By:

Travis Short
Director of Commissioning
Henderson Building Solutions, LLC

Accepted By:

Scott Crane
Senior Construction Manager
Henderson Building Solutions, LLC

Reimbursable Expenses

- A. Reimbursable expenses shall be billed above and beyond all fees for professional services, with a multiplier of 1.00. Reimbursable items shall be as follows:
1. Reproductions, plots, postage, handling and delivery of project related documents and electronic media requested by the Client or Owner. Plotting of Client, Client's consultant and sub-consultant electronic media for in-house use will be considered a reimbursable expense when no hard copy of those documents are provided. Plotting and printing of Henderson Building Solutions, LLC generated documents for in-house use is not a reimbursable expense.
 2. Overnight delivery, handling, and postage charges.
 3. Local delivery, handling, and postage charges.
 4. Working with Easy Submittals or other web-based submittal review process fees and charges.
 5. Costs to obtain drawings, addendums, test forms and product submittals from the Owner, Architect, MEP Engineer, Structural Engineer or Civil Engineer.
 6. Commissioning equipment, software, and license fees.

Additional Services

- A. Additional services shall be provided only upon authorization by the Client and shall be paid for by the Client as hereinafter provided. Fees will be billed on a time and expense basis for any Additional Services authorized in writing by the Client, and will be billed separately at the following standard hourly rates:

Henderson Building Solutions, LLC Rates - \$ per hour

Engineering Rates

Director and Executive	215-230
Practice / Technical Manager	195-200
Project Manager	185-195
Senior / Engineer / Designer	185
Lead / Engineer / Designer	160
Engineer / Designer III	145
Engineer / Designer II	130
Engineer / Designer I	120
Site Observation Specialist	115
BIM Technician	90
Project Administrative	85-90

Construction Management + Commissioning

Director and Executive	215-230
Construction Management	210
Pre-Construction Management	160
Project Development	155
Commissioning Manager / Agent	165
Technician	130
Estimator	155
Project Administration	85-90

Initial ____/____

TERMS & CONDITIONS

This Agreement for Professional Services is entered into by the Client and Henderson Building Solutions, LLC. For purposes of this document the term Henderson Building Solutions, LLC pertains to all employees, officers, directors, and all divisions of Henderson Building Solutions, LLC.

Performance of Services: Henderson Building Solutions, LLC shall perform the basic services as outlined above, and any additional services as required or directed by the Client in consideration of the fee arrangements and payment terms described in "Compensation" above. Henderson Building Solutions, LLC shall perform its services consistent with the professional skill and care ordinarily provided by professionals practicing in the same or similar locality under the same or similar circumstances. Henderson Building Solutions, LLC shall perform its services as expeditiously as is consistent with the standard of care.

Verification of Existing Conditions: Because evaluation of the existing structure or site requires that certain assumptions be made regarding existing conditions, and because some of these assumptions cannot be verified without expending additional sums of money or destroying otherwise adequate or serviceable portions of the building, the Client agrees to indemnify and hold Henderson Building Solutions, LLC harmless from and against any and all damage, liability and cost arising or allegedly arising out of any existing conditions which Henderson Building Solutions, LLC is unable to verify. Henderson Building Solutions, LLC shall not be required to sign any documents, no matter by whom requested, that would result in Henderson Building Solutions, LLC having to certify, guarantee or warrant the existence of conditions whose existence Henderson Building Solutions, LLC cannot ascertain.

Betterment: If, due to the Henderson Building Solutions, LLC's error, any required item or component of the project is omitted from the Construction Documents produced by Henderson Building Solutions, LLC, Henderson Building Solutions, LLC's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the construction documents. In no event will Henderson Building Solutions, LLC be responsible for any cost or expense that provides betterment, upgrade or enhancement of the project.

Notification of Defects: Client shall promptly report to Henderson Building Solutions, LLC any defects or suspected defects in Henderson Building Solutions, LLC's services of which Client becomes aware. Failure by Client, and Client's contractors or subcontractors to promptly notify Henderson Building Solutions, LLC, shall relieve Henderson Building Solutions, LLC of the costs of remedying the defects above the sum such remedy would have cost had prompt notification been given.

Mutual Waiver: To the fullest extent permitted by law, Henderson Building Solutions, LLC, and Client waive against each other, and the other's employees, officers, directors, members, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project.

Henderson Building Solutions, LLC's Services: Henderson Building Solutions, LLC shall advise Client as to the necessity of Client providing data or services which are not part of Henderson Building Solutions, LLC's services. Henderson Building Solutions, LLC is not liable for the design or installation of the systems being commissioned per the scope of work including the design concepts, design criteria, compliance with codes, design calculations, constructability and detailed drawings and specifications except for those specifically developed by Henderson Building Solutions, LLC. Peer review is included within Henderson Building Solutions, LLC's scope of services as further set forth in the attached Exhibit A. As such, Client agrees that Henderson Building Solutions, LLC is not responsible for original designs completed by others, nor is Henderson Building Solutions, LLC responsible for reviewing any design or other component outside of its specific scope of services set forth in Exhibit A. Henderson Building Solutions, LLC's scope of services does not include reviewing or evaluating existing conditions. Client agrees to indemnify and hold Henderson Building Solutions, LLC harmless from and against any and all claim, damages, liability, and cost arising or allegedly arising out the original design or any services which are not included in Henderson Building Solutions, LLC's scope of services.

Initial ____/____

Client's Responsibilities: Client shall furnish to Henderson Building Solutions, LLC all existing designs, studies, reports, and other available data pertinent to the Assignment, obtain or authorize Henderson Building Solutions, LLC to obtain or provide additional designs, reports and data as required, and furnish to Henderson Building Solutions, LLC services of others as required for the performance of Henderson Building Solutions, LLC's services. Client shall arrange for safe access to and make all provisions for Henderson Building Solutions, LLC, and its Consultants to enter upon public and private property as required for Henderson Building Solutions, LLC to perform services under this agreement.

Limitation of Liability: In recognition of the relative risks and benefits of the project to both the Client and Henderson Building Solutions, LLC, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of Henderson Building Solutions, LLC and its subconsultants to the Client and to all construction contractors and subcontractors on the project for any and all injuries, claims, losses, expenses, damages of any nature whatsoever or claims expenses arising out of this agreement from any cause or causes, so that the total aggregate liability of Henderson Building Solutions, LLC and its subconsultants to all those named shall not exceed Henderson Building Solutions, LLC's total fee for services rendered on this Project or \$10,000, whichever is greater. Such claims and causes include, but are not limited to design professional's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

Jobsite Safety: Neither the professional activities of Henderson Building Solutions, LLC, nor the presence of its employees and subconsultants at a construction site, shall relieve the contractors and any other entity of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing or coordinating all portions of the work of construction in accordance with the contract documents and any health/safety precautions required by regulatory agencies. Henderson Building Solutions, LLC and its personnel have no authority to exercise any control over any contractor or other entity or its employees in connection with its work or any health/safety precautions. The Client agrees that the Contractor is solely responsible for jobsite safety.

Hazardous Materials: Henderson Building Solutions, LLC's scope of services does not include any services related to asbestos, hazardous or toxic materials. In the event Henderson Building Solutions, LLC or any other party encounters asbestos or hazardous or toxic materials at the jobsite, or should it become known in any way that such materials may be present at the jobsite or any adjacent areas that may affect the performance of Henderson Building Solutions, LLC's services, Henderson Building Solutions, LLC may, at its option and without liability for consequential or any other damages, suspend performance of services on the project until the Client retains appropriate specialist consultants or contractors to identify, abate and/or remove the asbestos, hazardous or toxic materials and warrant that the jobsite is in full compliance with applicable laws and regulations. Henderson Building Solutions, LLC is not responsible for any claims resulting from the existence, discovery, or for the removal of hazardous materials or additional costs the removal will necessitate.

Information Provided by Others: Henderson Building Solutions, LLC shall indicate to the Client the information needed for rendering of services hereunder. The Client shall provide to Henderson Building Solutions, LLC such information as is available to the Client and the Client's consultants and contractors, and Henderson Building Solutions, LLC shall be entitled to rely upon the accuracy and completeness thereof. Accordingly, the Client agrees to indemnify and hold Henderson Building Solutions, LLC and Henderson Building Solutions, LLC's subconsultants harmless from any claim, liability or cost for injury or loss arising or allegedly arising from errors, omissions or inaccuracies in documents or other information provided by the Client to Henderson Building Solutions, LLC.

Opinions of Probable Costs: In providing opinions of probable cost, the Client understands that Henderson Building Solutions, LLC has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made on the basis of Henderson Building Solutions, LLC's qualifications, and experience. Henderson Building Solutions, LLC makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs. Henderson Building Solutions, LLC shall be compensated as Additional Service, as provided for herein, for all time spent to review, redesign and to incorporate revisions due to probable costs.

Initial ____/____

Changed Conditions: The Client shall rely on Henderson Building Solutions, LLC's judgment as to the continued adequacy of this Agreement in light of occurrences or discoveries that were not originally contemplated by or known to Henderson Building Solutions, LLC. Should Henderson Building Solutions, LLC call for contract renegotiation, Henderson Building Solutions, LLC shall identify the changed conditions necessitating renegotiation and Henderson Building Solutions, LLC and the Client shall promptly and in good faith enter into renegotiation of this Agreement. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.

Defects in Service: The Client shall promptly report to Henderson Building Solutions, LLC any defects or suspected defects in Henderson Building Solutions, LLC's work or services of which the Client becomes aware, so that Henderson Building Solutions, LLC may take measures to minimize the consequences of such a defect. The Client warrants that he or she will impose a similar notification requirement on all contractors in its Client/Contractor contract and shall require all sub-contracts at any level to contain a like requirement. Failure by the Client, and the Client's contractors or subcontractors to promptly notify Henderson Building Solutions, LLC, shall relieve Henderson Building Solutions, LLC of the costs of remedying the defects above the sum such remedy would have cost had prompt notification been given.

Dispute Resolution: Any claims or disputes between the Client and Henderson Building Solutions, LLC arising out of the services to be provided by Henderson Building Solutions, LLC or out of this Agreement, except for claims related to Client's non-payment of compensation due hereunder, shall, as a condition precedent to litigation, be submitted to non-binding mediation.

Ownership of Documents: All documents, including all documents on electronic media, prepared by Henderson Building Solutions, LLC under this Agreement are instruments of Henderson Building Solutions, LLC's professional service and shall remain the property of Henderson Building Solutions, LLC and may be used by Client for purposes of constructing and maintaining this Project, but may not be used by the Client for any other purpose without the written prior consent of Henderson Building Solutions, LLC.

Deficiency List: If Henderson Building Solutions's scope includes identifying deficiencies, it shall create a deficiency list and deliver to the Client. If there is no attempt to address the deficiencies by the contractors or responsible parties within thirty (30) days of Henderson Building Solutions's issuance of the deficiency list, Henderson Building Solutions will finalize the report with open issues and send a final invoice for the Project and Henderson Building Solutions's services shall be considered completed under this Agreement.

Termination & Suspension: This Agreement may be terminated at any time by either party upon five (5) days' written notice should the other party fail to perform its obligations hereunder. In the event of termination for any reason whatsoever, Client shall pay Henderson Building Solutions, LLC for all services rendered to the date of the termination, and all reimbursable expenses incurred prior to termination. If Client fails to make payments when due Henderson Building Solutions, LLC may elect to suspend performance of services upon five (5) calendar days' notice to Client. Henderson Building Solutions, LLC shall have no liability whatsoever to Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by Client.

Interest & Collection Costs: If payment is not received by Henderson Building Solutions, LLC within 30 calendar days of the invoice date, the Client shall pay as interest an additional charge of one (1.0) percent (or the maximum allowable by law, whichever is lower) of the PAST DUE amount per month. Payment thereafter shall first be applied to accrued interest and then to the unpaid principal. In the event legal action is necessary to enforce the payment provisions of this Agreement, Henderson Building Solutions, LLC shall be entitled to collect from the Client any judgment or settlement sums due, reasonable attorneys' fees, court costs and expenses incurred by Henderson Building Solutions, LLC in connection therewith and, in addition, the reasonable value of Henderson Building Solutions, LLC's time and expenses spent in connection with such collection action, computed at Henderson Building Solutions, LLC's prevailing fee schedule and expense policies.

City Council Action Item

Council Meeting Date: August 10, 2023

Department: Public Works

Agenda Item: Consider Change Order #1 to Contract with Harbour Construction Incorporated for Asphalt Overlay Construction of West 5th Street as Part of the 2023 Street Preservation Program.

Background/Description of Item:

At the May 21, 2022, City Council Meeting the Public Works Department presented the 2022 and 2023 Street Preservation Program. In that presentation staff provided several options for the Street Preservation Program.

On February 9, 2023, City Council approved the concurrence to bid for the 2023 Street Preservation Program.

On May 25, 2023, City Council approved the award of bid to Harbour Construction Incorporated. On June 22, 2023, City Staff executed a Professional Services Agreement with Harbour Construction Incorporated for the construction of the asphalt overlay and ultrathin bonded asphalt (UBAS) portion of the 2023 Street Preservation Program for a base bid of \$124,575.00. The contract included asphalt overlay for West 3rd Street from West Edgewood Drive to West Meriwood Street and West Meriwood from 1st Street to West 3rd Street. Additionally, the contract scope included UBAS West 5th Street from West Morgan Street to the end of the cul-de-sac.

Harbour Construction Incorporated is requesting the UBAS portion of their contract be upgraded to an asphalt overlay at no additional cost to the City. City Staff believes this is an improvement to the existing contract as asphalt overlay typically lasts longer than UBAS and can improve the drainage concerns along West 5th Street.

The requested Change Order #1 is a significant change in scope; therefore, City Staff is requesting City Council approval. The scope change includes asphalt overlay instead of UBAS for West 5th Street from West Morgan Street to the end of the cul-de-sac. The contract amount will be unchanged from the initial base bid of \$124,575.00 after the change order is approved.

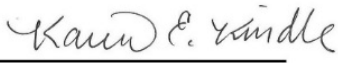
Construction is anticipated to begin in September 2023 and substantial completion is anticipated by October 15, 2023 depending on weather. This change order does not include final quantities incurred during construction.

Therefore, it is the recommendation of Staff to approve Change Order #1 for revised construction method of West 5th Street from West Morgan Street to the end of the cul-de-sac for the 2023 Street Preservation Project to Harbour Construction Incorporated.

Related Ordinance(s) or Statue(s):

Funding Source: Special Highway Fund
PIF Maintenance Fee
General Fund – unallocated fund balance

Budget Allocated: \$187,815

x 

Finance Director Approval: Karen Kindle, Finance Director

Agenda Item: Approve Change Order #1 to Contract with Harbour Construction Incorporated for Asphalt Overlay Construction of West 5th Street as Part of the 2023 Street Preservation Project.

Enclosed: Change Order #1

Prepared by: Dan Merkh, Public Works Director



8/04/2023

Trey Whitaker
Public Works Superintendent
City of Edgerton, KS
404 East Nelson
Edgerton, Kansas 66021

RE: 2023 Street Preservation Program - Change Order Request

Mr. Whitaker,

As discussed, we are requesting changes to the referenced project. The changes we are requesting are as follows:

Change #1 - Move the Substantial Completion of September 30th, 2023 to October 15th, 2023 with a Final Completion date to October 31st, 2023.

Change #2 - Replace Item #3 - Ultrathin Bonded Asphalt Surface (UBAS) with a 2" Edge Mill and 2" Asphaltic Concrete Surface. This will allow for more roadway structure, add crown, and improve drainage to existing curbs. This will be a better final product than UBAS and we are requesting no change in contract value.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin Stull", is written over a large, stylized circular flourish.

Dustin Stull
Project Manager
HARBOUR CONSTRUCTION COMPANY

Change Order Acceptance:

NAME

Signature

City Council Action Item

Council Meeting Date: August 10, 2023

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 08-10-23A Temporarily Waiving City Prohibition As To The Sale And Consumption Of Alcoholic Liquor On Certain Public Property For Meat Inferno Event

Background/Description of Item:

Edgerton's Meat Inferno event will be held October 6-7, 2023. City staff has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the event.

Chapter III, Article I, Section 3-202 of the Code of the City of Edgerton prohibits serving cereal malt beverages or alcoholic liquor within 200 feet of any church, school, nursing home, library, or hospital. This prohibition may be waived by the governing body after public notice, followed by a hearing and finding by the governing body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not adverse to the public welfare or safety.

City Council will hold a Public Hearing on August 10, 2023 prior to considering this resolution.

If approved, Resolution No. 08-10-23A would grant the waiver requested by City staff, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator)
- Between the hours of 5:00 pm and 10:00 pm on October 6, 2023
- Point of sale for alcoholic liquor shall be from a beverage trailer parked near 307 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used

City staff will inform the Johnson County Sheriff's Office and request deputies to be present at the event during the proposed request to serve alcoholic liquor on the above date and time.

Related Ordinance(s) or Statue(s): Chapter III, Article I, Section 3-202

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

**Recommendation: Approve Resolution No. 08-10-23A Temporarily
Waiving City Prohibition As To The Sale And Consumption Of Alcoholic
Liquor On Certain Public Property**

Enclosed: Draft Resolution No. 08-10-23A

Prepared by: Brittany Paddock, Recreation Coordinator

RESOLUTION NO. 08-10-23A

A RESOLUTION TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

WHEREAS, the City of Edgerton together with the Kansas City Barbeque Society is holding a contest on October 6th and 7th, 2023 in the City of Edgerton, Kansas; and

WHEREAS, the City of Edgerton together with the Kansas City Barbeque Society requests permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at this contest; and

WHEREAS, Chapter III, Article 1, Section 3-202 of the Code of the City of Edgerton prohibits the serving alcoholic liquor within 200 feet of a church, school, nursing home, library or hospital, but said prohibition may be waived by the governing body after public notice, followed by a hearing and finding by the governing body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not adverse to the public welfare or safety.

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

SECTION ONE: Finding: That the Governing Body, after receiving a request from the City of Edgerton and the Kansas City Barbeque Society, does hereby find and conclude that the proximity of the requested location for the sale and consumption of alcoholic liquor is not adverse to the public welfare or safety.

SECTION TWO: Waiver Granted: That the Governing Body, pursuant to Chapter III, Article I, Section 3-202 of the Edgerton City Code, hereby grants the waiver requested by the City of Edgerton and the Kansas City Barbeque Society, with the following stipulations:

- a) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator) between the hours of 5:00 pm and 10:00 pm on October 6, 2023.
- b) The location of the point of sale for alcoholic liquor shall be a beverage trailer parked near 307 E. Nelson Street by properly licensed individuals or groups only.
- c) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

SECTION THREE - Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF
EDGERTON, KANSAS ON THE 10TH DAY OF AUGUST 2023.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: August 10, 2023

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 08-10-23B Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas

Background/Description of Item:

Meat Inferno will be held October 6-7, 2023. City staff has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the event.

If approved, Resolution No. 08-10-23B authorizes the Special Event Permit, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator)
- Between the hours of 5:00 pm and 10:00 pm on October 6, 2023.
- Point of sale for alcoholic liquor shall be from a beverage trailer parked near 307 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

Chapter III, Article 3-202 of the Edgerton Municipal Code prohibits the sale or service of alcoholic liquor within two hundred feet of any church, school, nursing home, library or hospital. The location requested by City staff is within two hundred feet of the Edgerton Library.

Section 3-202(b) allows the Governing Body to waive this distance requirement for special event permit holder following holding a public hearing. The Edgerton City Council will be holding a public hearing to consider this request on August 10, 2023. Holding a public hearing and approval of this distance waiver is required for this special event permit prior to the event.

Related Ordinance(s) or Statute(s): Chapter III, Article 5 of Edgerton Municipal Code

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

<p>Recommendation: Approve Resolution No. 08-10-23B Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas</p>

Enclosed: Draft Resolution No. 08-10-23B

Prepared by: Brittany Paddock, Recreation Coordinator

RESOLUTION NO. 08-10-23B

A RESOLUTION AUTHORIZING A SPECIAL EVENT PERMIT FOR THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS

WHEREAS, the City of Edgerton together with Kansas City Barbeque Society is holding a contest on October 6th and 7th, 2023 in the City of Edgerton, Kansas; and

WHEREAS, Article 5 of Chapter III of the Code of the City of Edgerton requires that an entity desiring to sell and serve alcoholic liquor on public property at an event open to the public must, in addition to obtaining the required permit from the State of Kansas, also apply and obtain a Special Event Permit from the City; and

WHEREAS, the City of Edgerton together with the Kansas City Barbeque Society requests a Special Event Permit to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its contest on October 6, 2023.

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

SECTION ONE: Special Event Permit Authorized: That the Governing Body does hereby authorize the City Clerk, in accordance with Article 5 of Chapter III of the Edgerton City Code, to issue the City of Edgerton and the Kansas City Barbeque Society a Special Event Permit for sale and consumption of alcoholic liquor per the requirements contained within Article 5 and with the following additional stipulations:

- a) The Special Event Permit provided for herein is only valid if the required permit from the State of Kansas is obtained by the City of Edgerton, the Kansas City Barbeque Society or a party designated by the Kansas City Barbeque Society.
- b) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator) between the hours of 5:00 pm and 10:00 pm on October 6, 2023.
- c) The location of the point of sale for alcoholic liquor shall be from a beverage trailer parked near 307 E. Nelson Street by properly licensed individuals or groups only.
- d) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

SECTION TWO: Waiver of Application Fees: The City of Edgerton, in appreciation for the many anticipated benefits to be enjoyed by the community from this event, waives any City application or permit fees for issuance of the Special Event Permit.

SECTION THREE - Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF
EDGERTON, KANSAS ON THE 10TH DAY OF AUGUST 2023.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks City Attorney



Parks & Recreation Mid-Year Report

January-August
2023

62

Events & Programs

7,081

Total Attendance

3,722

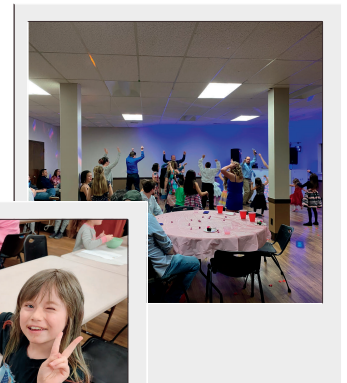
Adult Attendance

3,360

Child Attendance

Attendance is growing for these events:

- Senior Lunch
- Animal Wonders
- Movie Nights
- Summer Block Party
- 3rd of July



New Popular Programs

- Sweetheart Boogie
- Spring Break activities every day
- PopUp Easter Egg Hunt
- Schools Out Ice Cream Party
- Donuts and Yard Games
- Kid Chefs

City of Edgerton - 2nd Quarter 2023 Report
General Fund (Unaudited)

	YTD Actual	2023 Budget	% Used	Remaining
Revenues:				
Ad Valorem Tax	\$ 2,318,080	\$ 2,377,512	97.5%	\$ (59,432)
City TIF Increment	\$ (25,356)	\$ (50,425)	50.3%	\$ 25,069
Delinquent Tax	\$ 2,783	\$ -	n/a	\$ 2,783
Motor Vehicle Tax	\$ 24,089	\$ 53,576	45.0%	\$ (29,487)
Recreational Vehicle Tax	\$ 695	\$ 823	84.4%	\$ (128)
16/20M Vehicle Tax	\$ 311	\$ 488	63.7%	\$ (177)
Local Alcoholic Liquor Tax	\$ 4,146	\$ 9,000	46.1%	\$ (4,854)
Local Comp Use Tax	\$ 212,156	\$ 253,000	83.9%	\$ (40,844)
County Use Tax	\$ 71,082	\$ 122,000	58.3%	\$ (50,918)
Local Sales Tax	\$ 356,292	\$ 540,000	66.0%	\$ (183,708)
County Sales Tax	\$ 200,837	\$ 380,000	52.9%	\$ (179,164)
Franchise Tax	\$ 130,131	\$ 199,000	65.4%	\$ (68,869)
Licenses & Permits	\$ 270,971	\$ 224,000	121.0%	\$ 46,971
Charges for Services	\$ 60,603	\$ 85,470	70.9%	\$ (24,867)
Fines & Forfeitures	\$ 31,930	\$ 80,000	39.9%	\$ (48,071)
Miscellaneous	\$ 13,964	\$ -	n/a	\$ 13,964
Investment Income	\$ 31,415	\$ 15,000	209.4%	\$ 16,415
Total Revenue	\$ 3,704,127	\$ 4,289,444	86.4%	\$ (585,317)

Expenditures:				
General Government	\$ 545,407	\$ 1,136,738	48.0%	\$ 591,331
Law Enforcement	\$ 152,393	\$ 572,719	26.6%	\$ 420,326
Public Works	\$ 286,024	\$ 721,645	39.6%	\$ 435,621
Parks	\$ 158,366	\$ 334,747	47.3%	\$ 176,381
Facilities	\$ 59,666	\$ 142,424	41.9%	\$ 82,758
Fleet Maintenance	\$ 25,304	\$ 62,250	40.6%	\$ 36,946
Community Development	\$ 190,521	\$ 494,000	38.6%	\$ 303,479
Economic Development	\$ 79,487	\$ 494,775	16.1%	\$ 415,288
Information Technology	\$ 54,722	\$ 90,667	60.4%	\$ 35,945
Employee Benefits	\$ 268,288	\$ 602,718	44.5%	\$ 334,430
Total Expenditures	\$ 1,820,178	\$ 4,652,683	39.1%	\$ 2,832,505

Sources Over(Under) Expenditures: \$ 1,883,949 \$ (363,239)

Other Financing Sources & Uses

Transfers from Other Funds:

Transfer from Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Transfer from TIF Funds-City TIF Fee	\$ -	\$ 5,343	0.0%	\$ 5,343

Transfers to Other Funds:

Transfer to Equipment Reserve Fund-General	\$ -	\$ (127,200)	0.0%	\$ (127,200)
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -

Total Other Financing Sources & Uses \$ - \$ (121,857)

Beginning Fund Balance	\$ 2,368,806	\$ 1,901,407
Estimated Ending Fund Balance		\$ 1,416,311
Unaudited Ending Fund Balance	\$ 4,252,755	

Reserve Required

17% of 2023 budgeted expenditures	\$ 791,330
25% of 2023 budgeted expenditures	\$ 1,163,721

Budget Authority

2023 Budget Authority	\$ 6,196,192
Remaining 2023 Budget Authority	\$ 4,376,014
% of Budget Authority Used	29.4%

City of Edgerton - 2nd Quarter 2023 Report
Water Fund (Unaudited)

	YTD Actual	2023 Budget	% Used	Remaining
Revenues:				
Charges for Services	\$ 233,573	\$ 487,630	47.9%	\$ (254,057.26)
Fines & Forfeitures	\$ 1,593	\$ 20,000	8.0%	\$ (18,407.49)
Miscellaneous	\$ 46	\$ -	n/a	\$ 46.00
Investment Income	\$ 1,731	\$ 2,500	69.2%	\$ (769.47)
Total Revenue	\$ 236,942	\$ 510,130	46.4%	\$ (273,188.22)
Expenditures:				
Fleet Maintenance	\$ 1,191	\$ 6,075	19.6%	\$ 4,884
Information Technology	\$ 30,142	\$ 51,738	58.3%	\$ 21,596
Production	\$ 87,769	\$ 175,000	50.2%	\$ 87,231
Distribution	\$ 14,274	\$ 63,030	22.6%	\$ 48,756
Administrative-Water	\$ 74,897	\$ 150,151	49.9%	\$ 75,254
Employee Benefits	\$ 19,254	\$ 37,938	50.8%	\$ 18,684
Debt Service	\$ 7,478	\$ 14,957	50.0%	\$ 7,479
Total Expenditures	\$ 235,004	\$ 498,889	47.1%	\$ 263,885
Sources Over(Under) Expenditures:	\$ 1,937	\$ 11,241		
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Water	\$ -	\$ (15,000)	0.0%	\$ (15,000)
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Total	\$ -	\$ (15,000)		
Beginning Fund Balance	\$ 183,079	\$ 137,901		
Estimated Ending Fund Balance		\$ 134,142		
Unaudited Ending Fund Balance	\$ 185,016			
Reserve Required				
17% of 2023 budgeted expenditures	\$ 84,811			
25% of 2023 budgeted expenditures	\$ 124,722			
Budget Authority				
2023 Budget Authority	\$ 648,031			
Remaining 2023 Budget Authority	\$ 413,027			
% of Budget Authority Used	36.3%			

City of Edgerton - 2nd Quarter 2023 Report
Sewer Fund (Unaudited)

	YTD Actual	2023 Budget	% Used	Remaining
Revenues:				
Charges for Services	\$ 253,440	\$ 704,931	36.0%	\$ (451,491)
Licenses & Permits	\$ 100	\$ 100	n/a	\$ -
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 7,779	\$ 3,500	222.3%	\$ 4,279
Total Revenue	\$ 261,319	\$ 708,531	36.9%	\$ (447,212)
Expenditures:				
Fleet Maintenance	\$ 1,470	\$ 6,075	24.2%	\$ 4,605
Information Technology	\$ 30,442	\$ 51,738	58.8%	\$ 21,296
Treatment Plant	\$ 73,399	\$ 193,772	37.9%	\$ 120,373
Sewer Line Maintenance	\$ 174	\$ 11,700	1.5%	\$ 11,526
Lift Stations/Vaults	\$ 9,559	\$ 35,756	26.7%	\$ 26,198
Administrative-Sewer	\$ 116,430	\$ 235,028	49.5%	\$ 118,598
Employee Benefits	\$ 34,143	\$ 65,055	52.5%	\$ 30,912
Debt Service	\$ 194,438	\$ 194,438	100.0%	\$ 1
Total Expenditures	\$ 460,053	\$ 793,562	58.0%	\$ 333,509
Sources Over(Under) Expenditures:	\$ (198,734)	\$ (85,031)		
Transfer from Other Funds:				
Transfer from LPKC Ph 1 PIF	\$ -	\$ 194,438	n/a	\$ 194,438
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Sewer	\$ -	\$ -	n/a	\$ -
Transfer to Capital Projects Fund	\$ -	\$ (50,000)	0.0%	\$ (50,000)
Total	\$ -	\$ 144,438		
Beginning Fund Balance	\$ 570,359	\$ 456,410		
Estimated Ending Fund Balance		\$ 515,817		
Unaudited Ending Fund Balance	\$ 371,625			
Reserve Required				
17% of 2023 budgeted expenditures	\$ 134,996			
25% of 2023 budgeted expenditures	\$ 198,391			
Budget Authority				
2023 Budget Authority	\$ 1,359,379			
Remaining 2023 Budget Authority	\$ 899,326			
% of Budget Authority Used	33.8%			