

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
FEBRUARY 23, 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 February 9, 2023 Regular City Council Meeting.
5. Approve Application FP2023-01, Final Plat for Edgerton Greenspace, located at the southeast corner of E. 3rd Street and E. Nelson Street, Edgerton, Kansas.

Motion: _____ Second: _____ Vote: _____

Regular Agenda

6. **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.
7. **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.

Business Requiring Action

8. **CONSIDER RESOLUTION NO. 02-23-23A PROVIDING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING (DWYER FARMS RURAL HOUSING INCENTIVE DISTRICT).**

Motion: _____ Second: _____ Vote: _____

9. CONSIDER EARLY PROCUREMENT FOR STRUCTURES AND EQUIPMENT AS PART OF GLENDELL ACRES PARK RENOVATION PROJECT.

Motion: _____ Second: _____ Vote: _____

10. Report by the City Administrator

- Kansas Rural Water Association (KRWA) Designation of Voting Delegate

11. Report by the Mayor

12. Future Meeting Reminders:

- March 9th: City Council Meeting – 7:00PM
- March 14th: Planning Commission – 7:00PM
- March 23rd: City Council Meeting – 7:00PM
- April 11th: Planning Commission – 7:00PM
- April 13th: City Council Meeting – 7:00PM
- April 27th: City Council Meeting – 7:00PM

13. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, ECONOMIC DEVELOPMENT COUNSEL AND DEVELOPMENT SERVICES DIRECTOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS.

Motion: _____ Second: _____ Vote: _____

14. Adjourn Motion: _____ Second: _____ Vote: _____

EVENTS

March 4: Low-Cost Animal Vaccine Clinic - 8am-1:30pm
March 4: Family Feud
March 13: Drop-In Donuts and Board Games
March 14: Tales for Tots
March 14: Color Fight
March 15: Senior Lunch & BINGO
March 15: Rainbow Cloud Bread
March 16: Leprechaun Hunt
March 17: It's Not Magic Science Show

City of Edgerton, Kansas
Minutes of City Council Regular Session
February 9, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on February 9, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Finance Director, Karen Kindle
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- CIP Manager, Brian Stanley
- Development Services Director, Zachary Moore
- Accountant, Justin Vermillion
- Marketing & Communications Manager, Kara Banks

2. WELCOME. Mayor Roberts welcomed all in attendance to the meeting.

3. PLEDGE OF ALLEGIANCE. All present participated in 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 January 26, 2023 Regular City Council Meeting.
- 5. Approve Concurrence to Bid The Greenspace Project

With no questions or comments, Mayor Roberts requested motion to approve the consent agenda.

Councilmember Longanecker made a motion to approve, seconded by Councilmember Lewis. The consent agenda was approved, 4-0.

Regular Agenda

6. Declaration. There were no declarations made.

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

Business Requiring Action

8. CONSIDER REVISED PURCHASING POLICY

Ms. Karen Kindle addressed the Council. She stated over the last couple of years while working on projects, staff has noticed that there have been times when items needed for project take longer than expected to acquire, causing delays in the project. In other situations, pricing has changed, sometimes on a daily or weekly basis which causes problems in the project budget. She stated this has occurred for organizations all over the county and many have addressed this issue by allowing of early procurement on certain items. She stated allowing early procurement will keep projects moving on time and in budget.

She stated the current policy of the city does not allow for early procurement. Staff recommends revising this policy to allow for approval of early procurement when one or more of the following circumstances affect the project: Lead time/fabrication time, delivery time, and pricing volatility/markup of item.

She stated early procurement approval is based on the same approval levels that exist in the current policy. She stated the recommended change to the policy also requires that the method of purchase be approved at the same time that the early procurement authority is granted. She stated there are other minor updates to the purchasing policy that have been included in the redline version in the packet.

Councilmember Lebakken asked if this change would expedite the purchasing process.

Ms. Kindle responded, that is correct.

Councilmember Lewis asked if this change should be approved through resolution.

Ms. Linn stated Council takes all types of actions without resolutions.

Mayor Roberts asked for clarification regarding the specialized equipment section.

Ms. Linn stated the paragraph was written previously as specialized services rather than specialized equipment related to vehicles and equipment.

Mayor Roberts stated there is a section that addresses specialized equipment under sole source, so specialized equipment could be almost anything.

Ms. Kindle stated in reference to section 8, the city did use the request for proposals process through obtaining bids for ERP Software. She stated maybe that section could be changed to reference technology instead.

Ms. Linn stated the policy currently does not allow for requests for qualifications, which has been done in the past. These changes will reflect that. She stated like the IT Services, the city

requests proposals version with qualifications and costs. The addition of the qualifications section will allow for either version to be obtained. She stated staff can reword the specialized equipment section.

Mayor Roberts stated he struggles with the wording in this section and why equipment is referenced.

Ms. Linn stated staff can remove equipment all together because it is referenced under the Vehicle and Equipment Policy which refers to this policy.

Ms. Kindle stated if it does not fall under professional services, it would fall under the general umbrella.

Mayor Roberts stated he thinks there is plenty of ways to buy equipment, it does not have to be under professional services only.

Ms. Kindle stated there is a section that refers to sole source and cooperative purchases.

Councilmember Lewis asked what the current policy and procurement time is now.

Ms. Linn offered an example using playground equipment for Glendell Acres Park. She stated the city could go through the traditional bid process and pay that way or Council could approve early procurement and purchase items now when prices are lower and have them installed later by a contractor. She stated the city would still go through competitive bid process in which staff will obtain bids, go through competitive purchasing, etc. before a contractor would bid so the City could remove some of the lead time for the equipment.

Mayor Roberts stated purchases will still go through bidding process.

Councilmember Lewis asked how early procurement would impact contractor bids.

Ms. Linn stated there are specific pieces of equipment, like playground equipment, that must be installed by certified installers. She stated the city would let bidders know that equipment has already been purchased in the RFP and that they must be a certified installer for the equipment. Once a contractor has been selected, the City would provide this equipment to them and have them complete the install.

She stated as far as wording for the policy, staff is comfortable with taking section 8 out and if there should be a reason to reference it at a later date, staff could bring a revised policy forward then.

With no further questions or comments, Mayor Roberts requested motion to approve the Revised Purchasing Policy with any reference to specialized equipment in Section 8 being removed.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Lebakken. The Revised Purchasing Policy with Council changes was approved, 4-0.

9. CONSIDER A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH TO PROVIDE DESIGN SERVICES FOR THE 2023 CDBG 1ST AND HULETT SANITARY SEWER REHABILITATION PROJECT

Mr. Brian Stanley addressed the Council. He stated in May 2022, the City Council approved the submission of an application to Johnson County for the 1st & Hulett Sanitary Sewer Project for CBDG funding. He stated in October 2022, the county notified staff of the proposed award of the partial funding request of \$100,000. He stated this amount is based on estimated funding as the county has yet to receive their allocation from the US Department of Housing and Urban Development. He stated the program year starts at the new year and costs can be incurred after that date, final authorization is dependent on Congress approving the budget, and at that time city staff will coordinate with the county appropriately.

He stated in years past, the city has requested and received two years worth of funding, in the amount of \$200,000. This saved both the City and County from excessive and repeated processing efforts, however this year the county has only awarded the one year maximum of \$100,000. He stated in response to this lowered award amount, the city has reduced the scope of the project to allow for matching dollars to be available in 2024 for another submission for funding. He stated the budget listed in the CIP is \$328,500. That number was revised down to \$175,000.

He stated the work proposed in this project is the same as the 2021 CDBG project at 7th & Nelson. The project reduces the amount of Inflow and Infiltration (I&I) from this area. He stated I&I is the wastewater system receiving stormwater, then conveying it to the plant for treatment. He stated in the City's Wastewater Master Plan, this area is identified as an area of emphasis for I&I reduction within the city.

He stated with this scope and intended goal of the project being identical to the 2021 project, staff reviewed the request for qualifications from the 2021 CDBG 7th & Nelson Project. He stated Tetra Tech plans to utilize a project approach that minimizes design time by partnering with the contractor for field analysis efforts. He stated this approach should lower the cost of design and allow the city to maximize system improvements. He stated staff recommends Tetra Tech based on their experience providing services to municipalities both of similar size and larger populations, as well as experience with grant funding. He stated the funding source for the project is the Sewer Fund as well as the CDBG funding. He stated the draft agreement has been reviewed and approved by both the City Attorney and City's Insurance Representative.

He stated if approved, staff anticipates beginning the design of the project immediately with construction to be completed in 2023.

Mayor Roberts asked for a picture of the project area map. Ms. Linn brought up the project map.

Mr. Dan Merkh addressed the Council. He stated once the award was lowered, the original scope had to be refined and will now focus on half block south of Nelson St. from 5th to W Martin. He stated staff will apply again next year and if approved will continue to complete the original scope of work.

With no further questions or comments, Mayor Roberts requested motion to approve the Professional Services Agreement with Tetra Tech to provide design services for the 2023 CDBG 1st and Hulett sanitary sewer rehabilitation project.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 4-0.

10. CONSIDER THE PURCHASE OF TWO COMMERCIAL MOWERS (60" & 72"), TO BE PURCHASED FROM HERITAGE TRACTOR/JOHN DEERE

Mr. Merkh addressed the Council. He stated in July 2022, staff presented a vehicle and equipment replacement program to the Council and as part of this presentation staff made recommendations for funding the current program 2023-2027. He stated outlined in this recommendation was the purchase of two commercial mowers, 60" and 72" cut widths. In September 2022, the council approved this purchase as part of the 2023 Annual Budget.

He stated in 2017 the city purchased two Hustler Commercial mowers of the same cut width as part of the 2017 Flood recovery process. He stated the current mowers have been used in every facet of the ground's maintenance for Parks, Public Works, and Utilities areas. He stated the workload of the Parks Department has grown with the addition of mowing areas, which has required a shift in equipment specification from the previous procurement process. He stated for the 2022 specification, staff is requesting to move away from rear discharge mowers and into side discharge models. Staff feels these mowers will provide a better cut and reduce the overall mowing time.

He stated the Vehicle and Equipment Policy requires the preparation of the specifications for the replacement of equipment with an effort to those to be as "standard" as possible to provide for economical and efficient repairs. He stated traditionally the city has used cooperative purchasing and partnerships to access bids for this type of equipment, however, in the current procurement climate staff took the competitive bidding approach. He stated in this competitive bidding process staff solicited four bids from local vendors, Heritage Tractor (John Deere), Coleman Equipment (Scag), Blue Valley Tractor (Wright), and Kansas Golf and Turf (Hustler). He stated all units outlined are of the same specification.

He stated staff recommends purchase of a new 72" and 60" John Deere Zero Turn mowers for a price not to exceed \$28,700. This price exceeds the allocated \$26,500 budget allocation and staff would suggest taking the \$2,200 out of the 2023 General Budget – Parks – Equipment. He stated this line item has the funds to cover the shortfall.

He stated in the current economic climate, the lead time for new equipment is close to 6 months. He stated Heritage Tractor (John Deere) has the requested units on site and will be available for delivery once formal purchase request has been made. He stated staff anticipates delivery to be within 30 days.

Councilmember Longanecker stated he is surprised John Deere was the lowest cost.

Councilmember Lebakken asked if these mowers would be adequate to mow the bridge area.

Mr. Merkh stated staff can mow portions, but these will mainly be used for the park areas.

Mayor Roberts stated that area would be better served with a brush hog.

Mr. Merkh stated staff would use these and run between curb/trail and curb/sidewalk throughout the city.

With no further questions or comments, Mayor Roberts requested motion to approve the purchase of two mowers from Heritage Tractor, John Deere.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 4-0.

11. Report by the City Administrator

- Pavement Preservation Program Update (2023 and 2024 Street Preservation Program)
Mr. Trey Whitaker addressed the Council to give an update on the current Street Preservation Program. He stated staff is working to identify needs for street maintenance throughout the city. He stated for this year, staff will be picking up where we left off last year and continue to treat with UBAS and Chip Seal. He referenced the map shown for this year's program and explained the portions of the roadways to be affected and what treatment will be used.

Ms. Linn asked if Mr. Whitaker and Mr. Merkh could give some insight on the annual ditch maintenance.

Mr. Merkh stated when road projects escalate, that is when staff begins looking at adjacency of stormwater repair, etc. He stated overlay is just a layer of road material and not an entire reconstruction. He stated in-house ditch work reviews the entirety of town with disturbed flow, grading issues, etc. He stated this is typically done in the spring/fall when staff can see fairly quickly how rain runs through the system. He stated when it comes to trash in the ditch, there is not a standard procedure, but staff can take an increased look at 1st and Meriwood area.

Mayor Roberts stated at some point, it will have to be a discussion for projects related to Stormwater Master Plan.

Mr. Whitaker stated for 2023, the budget is \$158,063, but the hope is to be below that. He stated for 2024, the program will consist of Mill and Overlay to several sections of roadway. He stated the scope of work will include repair and replacement of curb and gutter for identified failed sections as well as addressing any ADA Ramp needs.

Mayor Roberts asked if there were any plans to address curb line potholes showing throughout town.

Mr. Whitaker stated there are sections that can be addressed with hot patch until more extensive repairs can be made.

Mr. Merkh stated now is the time of year when they start looking for major degradations that occurred over the winter. He stated the current scope is based on the PCI performed a few years ago. For streets not included in the current year's plan, minor repairs will be performed. He stated some will have to be dug out and repaired a little more extensively.

Mayor Roberts stated a few weeks ago when interviewing for the Assistant City Administrator position, all were very impressed with the quality of roads here. He stated that is a compliment to the work Public Works staff has done. He stated years ago the plan was to touch every inch of roadway in the residential core and that goal has been accomplished.

Councilmember Lewis stated there is a great long term process in place and appreciates the thought behind it to try to save money by combining projects.

Mayor Roberts stated the work done and effort really does show.

There were no further questions or comments.

- 4th Quarter Community Development Report

Mr. Zach Moore addressed the Council to present the 4th Quarter Community Development report.

He stated the number of building permits issued decreased, which is not unusual for winter months. He stated this quarter also saw the lowest number of violations, with trash and inoperable vehicles being the highest making up roughly 75% of all violations. He stated updates to the UDC were made related to signs, and staff plans to have a work session in the near future regarding the building code. He stated work is still underway regarding the Envision Edgerton: Comprehensive Plan. He is hoping to have some dates soon for the steering committee to begin draft review. He stated the animal vaccine clinic will be held on March 4th this year and registration is currently open.

Councilmember Longanecker asked about the timeline for the steering committee for Comprehensive Plan.

Mr. Moore stated they are aiming toward summer. He stated this is a big undertaking and they want to have good solid discussions between staff, the consultant and steering committee members. He stated ideally staff would like to approach this with work sessions before going to Planning Commission and then Council for approval so all members have a good idea of what the Comprehensive Plan entails. He stated he believes it will be beneficial to have a few work sessions to complete the review.

Ms. Linn stated another piece for community development is the ICC Update. The city currently operates off the 2006 code and staff is evaluating a move to 2018 code. She stated this too will be completed in work sessions moving forward in manageable chunks so staff, council and any consultants are on the same page.

- **WALK ON:** Update in ERP Software.

Ms. Linn stated the new utility billing software has rolled out and as of today, we are considered live. She stated long term the software has many things that will be positive for the residents and staff. She stated so far, all comments have been relatively positive about the ease of transfer to the new system. She stated the services available in the portal will be beneficial moving forward.

She stated this is a long project for staff and appreciates all the work the Finance Department has been doing to keep this process moving forward. She stated there are always a few hiccups when projects like this occur but believes this roll out has been positive overall.

With Mayor Robert's permission, Ms. Linn pulled up the Mayor's account online to show the portal and the access residents have on their end, to see their bill, usage, payments, etc.

Mayor Roberts stated this system will be a lot more user-friendly.

12. **Report by the Mayor**

Mayor Roberts stated it is always fun to track legislation and see what bills are proposed. He stated he is not going to go over all of them, but a few bills currently proposed could affect the city's future.

He stated the State of the City will be held before Council on February 23rd at 6:00PM. He stated this year looks a little different as the County and USD231 will be presenting as well. He also congratulated USD231 and Edgerton Elementary for being nominated again at the Federal level as a Blue Ribbon School.

13. **Future Meeting Reminders:**

- February 14th: Planning Commission Meeting – 7:00PM

Ms. Linn stated this meeting will be where the items for The Greenspace will be brought before Planning Commission including the rezoning request for the lot where the Yellow-House currently sits. She stated the preliminary plat, final plat and site plan will also be

on the agenda. She stated also on the agenda will be a final site plan for Inland Port 9. The original plan was for two buildings, but the developer is now bringing forward a plan for only one.

- February 23rd: City Council Meeting – 7:00PM
- March 9th: City Council Meeting – 7:00PM
- March 14th: Planning Commission – 7:00PM
- March 23rd: City Council Meeting – 7:00PM

14. Adjourn

With no further business, Mayor Roberts requested motion to adjourn the meeting.

Councilmember Lewis moved to adjourn, seconded by Councilmember Lebakken. The meeting was adjourned at 8:00PM, 4-0

Submitted by Alexandria Clower, City Clerk

City Council Action Item

Council Meeting Date: February 23, 2023

Department: Community Development

Agenda Item: Consider Application FP2023-01, Final Plat for Edgerton Greenspace, located at the southeast corner of E. 3rd Street and E. Nelson Street, Edgerton, Kansas.

Background/Description of Item:

The City of Edgerton has received Application FP2023-01 for the Final Plat of *Greenspace*, located at the southeast corner of the intersection of E. 3rd Street and E. Nelson Street. This Final Plat request is a replat of 11 parcels into two (2) lots, with public alley right-of-way between the two (2) lots. The final plat area includes 1.46 acres in total. All of the land included within this final plat request was included as part of the original plat of the City of Edgerton (Martin), which was recorded in 1870.

Four (4) of the parcels included in this replat are currently zoned C-D (Downtown Commercial) District, and the remaining seven (7) parcels are currently zoned R-1 (Single Family Residences) District. A request to rezone the subject 1.46 acres to the C-D District (ZA2023-01) has received a recommendation of approval from Planning Commission at the February 14, 2023 meeting, and is pending consideration by the City Council at the March 9, 2023 meeting.

The Planning Commission held a public hearing for the Edgerton Greenspace Preliminary Plat Application PP2023-01 on February 14, 2023. This Final Plat application aligns with the request made in that application.

This request to replat the subject property into two (2) lots is to create new lots to accommodate a proposed community building, known as Greenspace. Lot 1, which is the northern lot, is where The Greenspace building will be located, and the associated parking lot will be located on Lot 2, to the south. The alley right-of-way that is included between Lots 1 and 2 will include a one-way alley access to the parking lot on Lot 2. Full details of the proposed development are included in Final Site Plan application (FS2023-02), which has been reviewed and approved (contingent upon City Council approval of ZA2023-01) by the Planning Commission at their February 14, 2023 meeting.

City staff has reviewed the Final Plat submittal for conformance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. The applicant's engineer will update the Final Plat as required by stipulations listed in the staff report prior to the Final

Plat being recorded with the County. This Final Plat has been reviewed by the City Engineer and found to be in compliance with City Code requirements.

Related Ordinance(s) or Statue(s): K.S.A. 12-741, K.S.A 12-749, K.S.A. 12-752.

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Application FP2023-01, Final Plat for Edgerton Greenspace, located at the southeast corner of E. 3rd Street and E. Nelson Street, Edgerton, Kansas.

Enclosed:

- Revised Final Plat dated February 2023.
- Staff Report from February 14, 2023 Planning Commission including Final Plat Application FP2023-01
- Excerpt of February 14, 2023 Planning Commission Meeting Draft Minutes – Edgerton Greenspace Final Plat portion only.

Prepared by: Zachary Moore, Development Services Director

A Replat of Lots 3-12 & 16-24, City of Edgerton (Martin), Johnson County Kansas,
and shall hereafter be known as

EDGERTON GREENSPACE

An Addition to the City of Edgerton, Johnson County, Kansas

DESCRIPTION:

Lots 3-12, Lots 16-24, and the adjoining alley between Lots 3-9 and Lots 16-22, Block 15, City of Edgerton (Martin), Johnson County, Kansas more particularly described as follows:

Beginning at the Northeast Corner of said Lot 3; thence
S 01°52'04" E 129.85 feet to the Southeast Corner of said Lot 3; thence
S 01°52'04" E 10.00 feet to the Northeast Corner of said Lot 22; thence
N 87°59'25" E 49.96 feet to the Northeast Corner of said Lot 24; thence
S 01°52'11" E 129.80 feet to the Southeast Corner of said Lot 24; thence
S 87°54'35" W 150.03 feet to the Southeast Corner of said Lot 18; thence
S 88°01'51" W 75.06 feet to the Southwest Corner of said Lot 16; thence
N 01°50'07" W 129.98 feet to the Northwest Corner of said Lot 16; thence
N 01°50'07" W 10.00 feet to the Southwest Corner of said Lot 9; thence
S 87°59'21" W 74.73 feet to the Southwest Corner of said Lot 12; thence
N 01°51'26" W 130.02 feet to the Northwest Corner of said Lot 12; thence
N 88°01'41" E 249.75 feet to the point of beginning, containing 1.46 acres.
Tim Sloan, PLS 783, January 20, 2023.

Subject to easements and restrictions of record.

OWNER'S CERTIFICATE

STATE OF KANSAS }
COUNTY OF JOHNSON } SS

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "Edgerton Greenspace".

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, avenues, lands, and alleys.

An easement or license is hereby granted to the City of Edgerton, Johnson County, Kansas, to enter upon, locate, construct, and maintain or authorize the location, construction, maintenance, and use of conduits, water, gas, sewer, pipes, poles, wires, surface drainage facilities, ducts, cables, etc., upon, over, and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", "Drainage Easement" or "D/E" are for storm drainage facilities only. "Sanitary Sewer Easement" or "S/S" are for sanitary sewer facilities only. "Power Easement" or "P/E" are for electric power facilities only. "Ingress-Egress Easement" or "I-E/E" shall be for pedestrian access only.

The undersigned proprietors of the above described land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of this land fronting and abutting on such dedicated public ways or thoroughfares.

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public way and thoroughfares, all parcels, and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues, and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility, or corporation on said parts of the land so dedicated, and any pipes and wires, conduits, ducts, or cables heretofore installed proposed improvements as now set forth, the undersigned proprietors hereby absolve and agree to indemnify the City of Edgerton from any expense incident to the relocation of any such existing utility installations within said prior easement.

Given under my hand at _____, Kansas this _____ day of _____, 2023.

City of Edgerton, Kansas

Donald Roberts, Mayor

NOTARY CERTIFICATE

STATE OF KANSAS }
COUNTY OF JOHNSON } SS

BE IT REMEMBERED, that on this _____ day of _____, 2023, before me, the undersigned, a notary public in and for the County and State aforesaid, came

Donald Roberts, Mayor of City of Edgerton, Kansas

who is personally known to me to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same for himself and the use and purposes herein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal on the day and year last above written.

Notary Public

My Commission Expires: _____

CERTIFICATE OF THE ZONING ADMINISTRATOR

STATE OF KANSAS }
COUNTY OF JOHNSON } SS

APPROVED BY, the Zoning Administrator of the City of Edgerton, Johnson County, Kansas, this

_____ day of _____, 2023.

Chris Clinton, Zoning Administrator

CERTIFICATE OF THE GOVERNING BODY

STATE OF KANSAS }
COUNTY OF JOHNSON } SS

APPROVED BY, the Governing Body of the City of Edgerton, Johnson County, Kansas, this

_____ day of _____, 2023.

Donald Roberts, Mayor ATTEST Alex Clower, City Clerk

Reviewed in accordance with KSA 58-2005 on this _____ day of _____, 2023.

Approved: _____

License Number: _____ Date: _____

CERTIFICATE OF THE REGISTER OF DEEDS

STATE OF KANSAS }
COUNTY OF JOHNSON } SS

This instrument was filed for record on the _____ day of _____, A.D.

2023, at _____ o'clock _____ M. and duly recorded in Book _____ on

Page _____.

Register of Deeds

CERTIFICATE OF THE PLANNING COMMISSION

STATE OF KANSAS }
COUNTY OF JOHNSON } SS

APPROVED BY, the Planning Commission of the City of Edgerton, Johnson County, Kansas, this

_____ day of _____, 2023.

John Daley, Chairman

Charlie Crooks, Secretary

SURVEYOR'S CERTIFICATE

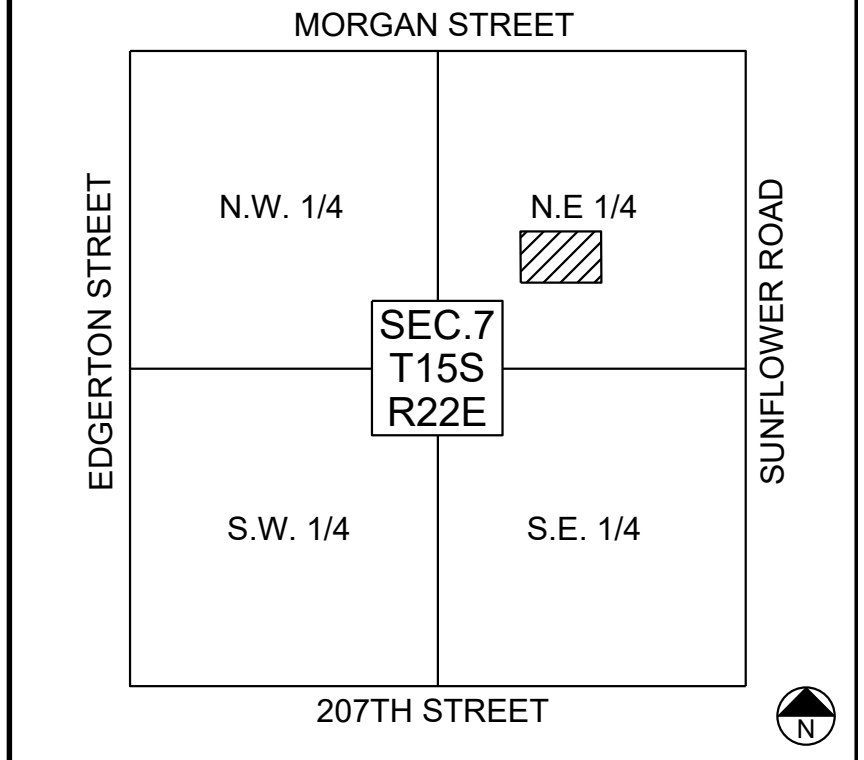
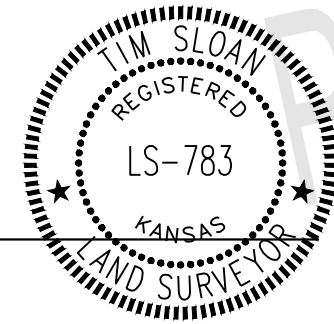
STATE OF KANSAS }
COUNTY OF RILEY } SS

I, the undersigned, do hereby certify that I am a Professional Surveyor in the State of Kansas, with experience and proficiency in land surveying; and that the heretofore described property was surveyed and subdivided by me, or under my supervision, that all subdivision regulations have been complied with in the preparation of this plat, and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief. Field work was completed on November 22, 2022.

Given under my hand and seal at Manhattan, Kansas this _____ day of _____, A.D., 2023.

SMH Consultants
By: Tim Sloan

Tim Sloan, P.S.
Vice-President



VICINITY MAP
(NOT TO SCALE)

Notes:

No easements, restrictions, reservations, setbacks, or other matter of record, if any, affecting the title of this property are shown, except as platted, as per agreement with the landowner.

There are no lines of possession that affect this survey.

Parent tract is recorded in Book 201611, Page 6068, Register of Deeds Office, Johnson County, Kansas.

No existing buildings are shown, as per agreement with the owners.

All building setback requirements shall be determined by the zoning district, unless otherwise noted.

Zoning: "C-D"

All lots shown on this plat are serviced by Public Water and/or Sewer.

Boundary closure error of 1/843780 for Lot 1 and 1/645279 for Lot 2.

Floodplain Note:

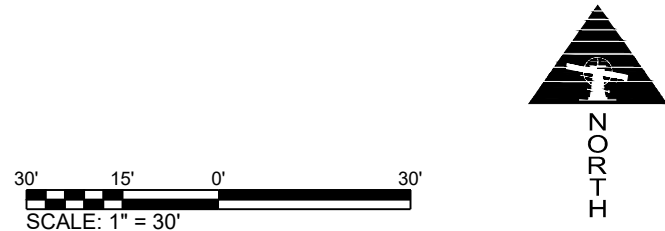
Flood Plain: Flood Zone X, an area determined to be outside the 0.2% annual chance floodplain, FEMA FIRM (Flood Insurance Rate Map) Community Panel Number 20091C0132G, effective date, August 3, 2009.

Utility Notes:

Any utility company that locates facilities in any easement shall have the right to prune, remove, eradicate, cut and clear away any trees, limbs, vines and brush on the utility easement now or at any future time and prune and clear away any tree limbs, vines, and brush on lands adjacent to the utility easement whenever, in the utility companies judgment, such may interfere with or endanger the construction, operation, or maintenance of its facilities, together with the right of ingress to and egress from the utility easement and contiguous land subject to this plat for the purpose of surveying, erecting, constructing, maintaining, inspecting, rebuilding, replacing, and with or endangering the construction, operation or maintenance of said facilities.

LEGEND

- Monument Found (1/2" Rebar),
Origin: City of Edgerton (Martin),
unless otherwise noted
- 1/2"x24" Rebar w/CLS66 Cap Set
- * Assumed Bearing
- (P) Plat Dimension
- (D) Deed Dimension
- (S) Surveyed Dimension
- Lotline to be Abandoned with this plat
- Utility Easement Hatch



Lot Data				
Lot Area	Setbacks			Building Envelope
	Front	Side	Rear	
32453	0	0	0	32453
29240	0	0	0	29239

SMH CONSULTANTS
Civil Engineering • Land Surveying • Landscape Architecture
www.smhconsultants.com
Manhattan, KS - HQ P: (785) 776-0541 • Dodge City, KS P: (620) 255-1952
Kansas City P: (913) 444-9615 • Colorado Springs, CO P: (719) 465-2145

Drawn By: ASJ Project # 2108-0343 TDS # 88

FEBRUARY 2023

GREENSPACE

Application FP2023-01

Southeast corner of the intersection of Nelson Street and E. 3rd Street

QUICK FACTS

PROJECT SUMMARY AND REQUESTED APPROVALS

The City is requesting approval of a Final Plat at the southeast corner of the intersection of Nelson Street and E. 3rd Street.

Owner and Applicant
City of Edgerton

Existing Zoning and Land Use

Currently R-1 (Single Family Residential) and C-D (Downtown Commercial) with 2 single family residences and garages used by City staff for offices and storage. There is a request to rezone the property to the C-D (Downtown Commercial) District also on this agenda (ZA2023-01).

Parcel Size
1.42 acres

**Staff Report Prepared
by**
Chris Clinton



BACKGROUND

Subject Site

The 1.46-acre subject property is located within the Bull Creek watershed and was a part of the original City of Edgerton plat recorded in 1870.

Utilities and service providers:

- a. Water Provider – City of Edgerton.
- b. Sanitary Sewer – City of Edgerton.
- c. Electrical Service – Evergy.
- d. Gas Service – Kansas Gas Service.
- e. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection is provided by Johnson County Fire District #1.

Site History and Past Approvals

The northern parcels currently contain a single-family residential structure that the City of Edgerton purchased in 2014. The structure was constructed in 1900 and is currently being used as office space for the Community Development staff. The red garage accessory building was constructed in 1902 and is used as storage for City equipment and supplies.

The City acquired the vacant properties fronting E. Martin Street between 2009 and 2016. In 2022, the City purchased 414 E. 4th Street and is in the process of converting that structure into city offices for the Community Development staff. The structure on that parcel was erected in 2000. Prior to the February 14, 2023 meeting, there have not been any applications presented to the Planning Commission.

Proposal

This Final Plat request is being made in preparation for development of a community building. This Final Plat will replat 1.46 acres of land into parcels into two (2) lots and will dedicate public easements and alley right-of-way. The northern lot will include a community building (Greenspace) and the southern lot will include a parking lot to serve the community building. Full details of the community building are provided with the related Final Site Plan (FS2023-01), which is also on this agenda.

FINAL PLAT REVIEW

Staff has reviewed the Final Plat submittal for compliance with the requirements in Section 13.3.G of Article 13 of the Edgerton Unified Development Code (UDC). Review comments are as follows:

Section 13.3.G Final Plat. Required Contents

1. The instrument of survey which shows the point of beginning, corners, bearing, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pin, monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar.
 - a. *The bearing of the north line of Lot 1 should be N 88° 01'40" E according to the bearings of the adjacent lines.*

Update Final Plat.

2. Individual notations and a TABLE showing: lot area, setbacks, and building envelopes.
 - a. *The Data Table does not show the fifteen (15) foot side yard setback and the twenty (20) foot rear yard setback. These are the setbacks for the C-D district. A rezoning application is going to be presented to the Planning Commission at the same meeting to rezone all the parcels to C-D, Downtown Commercial.*

Update Final Plat.

3. All easements with widths, and roads with curve data.
 - a. *Additional utility easements may be necessary. The plat should be reviewed by the Utility Companies.*

Update Final Plat as needed.

4. The location of existing utility easements.
 - a. *All existing need to be shown regardless of whether they are platted (Note 1).*

Update Final Plat.

5. Certificate of the Zoning Administrator.
 - a. *Zachary Moore is the Zoning Administrator.*

Update Final Plat.

NOTICE OF CITY CODES AND PERMITS

The Applicant is subject to all applicable City codes – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable local, State, and Federal laws.

Various permits may be required in order to complete this project. Please contact the Building Codes Division of the Community Development Department for more information about City permits. The project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for FP2023-01	12/27/2022
1	Final Plat	2/2023

STAFF RECOMMENDATION

City Staff recommends approval of Final Site Plan **Application FP2023-01 Greenspace**, subject to the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code (UDC).
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed prior to issuance of a building permit.
5. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the Final Plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

Note: For Application FP2023-01 the Planning Commission will be the approving authority for the application. However, the Governing Body must accept all dedication of land for public use, and the Final Plat will be presented to the Governing Body on February 23, 2023.

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: February 23, 2023

Agenda Item: Resolution that the City is Considering Establishing a Rural Housing Incentive District and Setting Date for a Public Hearing

Subject: Dwyer Farms Rural Housing Incentive District

The City has entered into a Development Agreement with Kansas LD, LLC (Rausch Coleman Homes) (the “Developer”) for the development of the Dwyer Farms single-family housing subdivision on an 80.4 acre parcel located at the southwest corner of 207th Street/ Braun Street and 8th Street/Edgerton Road. Upon completion, it is anticipated that Dwyer Farms will have 275 single-family homes.

The City has agreed to construct certain public infrastructure to serve the housing development. The City plans to reimburse itself for the public infrastructure by creating a rural housing incentive district (“RHID”). The City took the first step toward creating the RHID when it considered the housing study and made certain findings and determinations with respect to housing in the City of Edgerton. The City has also obtained the approval of the Secretary of Commerce to create the district.

The City previously held a public hearing on the creation of the RHID. However, the City and the Developer could not come to terms on the Development Agreement so the City did not proceed with the creation of the RHID. Now that the City and the Developer have entered into the Development Agreement, the City desires to proceed with holding a new hearing on the creation of the RHID.

The City has caused a development plan and feasibility study to be prepared for the proposed district. Those items have been distributed to Governing Body members. A summary of the development plan and feasibility study are contained in the Resolution.

The next step is for the City to declare its intent to establish the district and set a date for a public hearing. The Resolution declares the intent of the City to establish the district. The Resolution also sets April 13, 2023 as the date for a public hearing on the creation of the district and the proposed development plan.

RESOLUTION NO. 02-23-23A

A RESOLUTION PROVIDING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING (DWYER FARMS RURAL HOUSING INCENTIVE DISTRICT).

WHEREAS, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes any city incorporated in accordance with the laws of the State of Kansas (the “State”), with a population of less than 60,000, to designate rural housing incentive districts within such city; and

WHEREAS, the City of Edgerton, Kansas (the “City”), which has a population of less than 60,000, caused to be conducted a Housing Assessment dated December 2020 (the “Housing Needs Analysis”), to determine the housing needs that exist within the City, and approved Resolution No. 09-22-22C making certain findings and determinations with respect to housing in the City; and

WHEREAS, after publication of Resolution No. 09-22-22C, the City sent a copy thereof to the Secretary of the Kansas Department of Commerce (the “Secretary”) requesting that the Secretary agree with the findings contained in such resolution; and

WHEREAS, the City received a letter from the Secretary whereby the Secretary agreed with the findings contained in such resolution; and

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed district in accordance with the Act; and

WHEREAS, the City desires to proceed with the establishment of a rural housing incentive district and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

WHEREAS, the Governing Body of the City proposes to continue proceedings necessary to create a Rural Housing Incentive District in accordance with the provisions of the Act.

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

Section 1. Proposed Rural Housing Incentive District. The Governing Body hereby declares its intent to establish a Rural Housing Incentive District within the boundaries of the real estate legally described in **Exhibit A** attached hereto (the “District”), and shown on the map depicting the District attached hereto as **Exhibit B**.

Section 2. Proposed Plan. The Governing Body hereby further declares its intent to adopt the plan for the development or redevelopment of housing and public facilities (the “Development Plan”) in substantially the form presented to the Governing Body on this date. A copy of the Development Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours at the office of the City Clerk. The proposed housing facilities to be constructed consist of the Dwyer Farms single-family housing subdivision which, upon completion, is anticipated to contain 275 single-family homes. The proposed public facilities to be constructed consist of streets, curbs, gutters, stormwater facilities, sanitary sewers and connections, water service and connections, sidewalks, and public rights-of-way and related improvements that are necessary to support the housing facilities. A depiction of the Development Plan showing the anticipated location of the housing units and public facilities is attached as an exhibit to the Development Plan.

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Development Plan at the City Council meeting on April 13, 2023 at 7:00 p.m., or as soon thereafter as practical, at the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas. At the public hearing, the Governing Body will receive public comment on the proposed District and Development Plan, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Development Plan, all pursuant to the Act. Members of the public are invited to review the Development Plan and attend the public hearing.

Section 4. Owners of Record and Assessed Valuation. The name and address of the owner of record of the proposed District is ARG Land Holdings LLC, 4058 N. College Drive, Fayetteville, Arkansas 72703. The 2022 assessed valuation of land within the proposed District is \$10,551. There are no assessed improvements within the proposed District.

Section 5. Developer Contractual Assurances. The City has entered into a Development Agreement with Kansas LD, LLC, a Kansas limited liability company (the “Developer”). In the Development Agreement, the Developer has agreed to construct the housing facilities described in **Section 2** of this Resolution at the times provided for in the Development Agreement, subject to the conditions and terms in the Development Agreement.

Section 6. Feasibility Study. The City contracted with Columbia Capital Management to complete a feasibility study of the Development Plan. The feasibility study found that the estimated cost of the Development Plan is \$30,420,005. The Developer will pay for \$15 million of the costs and the City will pay for \$15,420,0005 of the costs. The City will use approximately \$15,420,005 of Rural Housing Incentive District incremental tax proceeds to reimburse itself for its costs. Accordingly, the feasibility study demonstrates that the revenue realized from the Development Plan should be sufficient to pay the cost of the public facilities.

Section 7. Publication and Delivery of Resolution. The City Clerk shall deliver a certified copy of this Resolution to the Board of County Commissioners, the Board of Education, and the Planning Commission of the City. This Resolution shall be published once in the official

newspaper of the City not less than one week nor more than two weeks preceding the date of the public hearing.

Section 8. Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

PASSED AND ADOPTED by the Governing Body for the City of Edgerton, Kansas this 23rd day of February, 2023.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

Approved as to form:

Scott W. Anderson, Economic Development Counsel

EXHIBIT A

Legal Description

The North Half of the Northeast Quarter of Section 13, Township 15 South, Range 21 East, Johnson County, Kansas, EXCEPT that part described as follows:

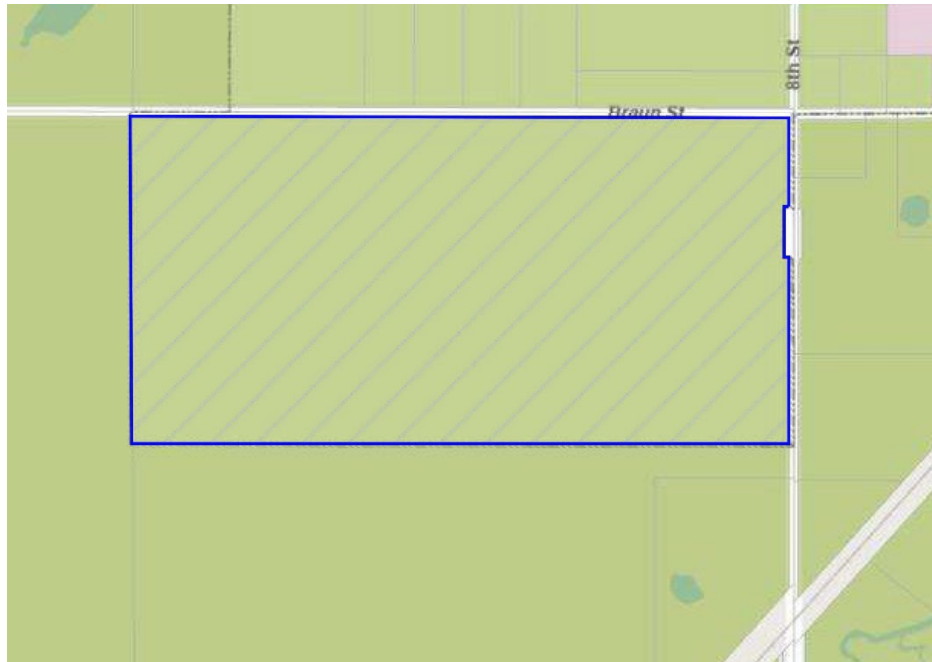
All that part of the Northeast Quarter of Section 13, Township 15, Range 21, Johnson County, Kansas, more particularly described as follows:

Beginning at a point on the East line of said Northeast $\frac{1}{4}$ of said Section 13 and 376.40 feet South of the Northeast corner thereof; thence West a distance of 35.00 feet; thence South parallel to the East line of said Northeast $\frac{1}{4}$ a distance of 200.00 feet; thence East a distance of 35.00 feet; thence North along the East line of said Northeast $\frac{1}{4}$ a distance of 200.00 feet to the point of beginning, all subject to that part thereof dedicated for existing public road right-of-way containing 0.161 acres, including 0.092 acres, more or less, of existing public road right-of-way and 0.069 acres, more or less, of new right-of-way.

EXHIBIT B

Depiction of Parcel

Kansas UPN 0462161301001001000



**DEVELOPMENT PLAN
DWYER FARMS RURAL HOUSING INCENTIVE DISTRICT
IN THE CITY OF EDGERTON, KANSAS**

February 2023

DEVELOPMENT PLAN INTRODUCTION

On September 22, 2022, the Governing Body of the City of Edgerton, Kansas (the “City”) adopted Resolution 09-22-22C that found and determined that:

1. There is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.
2. The shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.
3. The shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.
4. The future economic wellbeing of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

Based on these findings and determinations, the Governing Body proposed the establishment of a Rural Housing Incentive District within the City pursuant to the Kansas Rural Housing Incentive District Act (K.S.A. 12-5241 *et seq.*).

Following the adoption of Resolution 09-22-22C, a certified copy was submitted to the Kansas Secretary of Commerce (“Secretary”) for approval of the establishment of the Rural Housing Incentive District as required by K.S.A. 12-5244(c).

On February ___, 2023 the Secretary provided written confirmation agreeing with the findings in Resolution 09-22-22C and approving the establishment of the Rural Housing Incentive District (the “District”).

DEVELOPMENT PLAN ADOPTION

K.S.A. 12-5245 states that once the City receives approval from the Secretary for the creation of a Kansas Rural Housing Incentive District, the Governing Body must adopt a plan for the development or redevelopment of housing and public facilities within the proposed district.

DEVELOPMENT PLAN

As a result of the shortage of quality housing within the City, the City proposes the following Development Plan to assist in the development of quality housing within the City.

1. The legal description of the district:

The North Half of the Northeast Quarter of Section 13, Township 15 South, Range 21 East, Johnson County, Kansas, EXCEPT that part described as follows:

All that part of the Northeast Quarter of Section 13, Township 15, Range 21, Johnson County, Kansas, more particularly described as follows:

Beginning at a point on the East line of said Northeast $\frac{1}{4}$ of said Section 13 and 376.40 feet South of the Northeast corner thereof; thence West a distance of 35.00 feet; thence South parallel to the East line of said Northeast $\frac{1}{4}$ a distance of 200.00 feet; thence East a distance of 35.00 feet; thence North along the East line of said Northeast $\frac{1}{4}$ a distance of 200.00 feet to the point of beginning, all subject to that part thereof dedicated for existing public road right-of-way containing 0.161 acres, including 0.092 acres, more or less, of existing public road right-of-way and 0.069 acres, more or less, of new right-of-way.

A map of the District is attached as **Exhibit A** to this document.

2. The assessed valuation of all real estate within the District for 2022 is \$10,551. There are no improvements located within the District.
3. The name and address of the owner of record for the real estate within the District is:

ARG Land Holdings, LLC
4058 N. College Drive
Fayetteville, Arkansas 72703

4. The housing and public facilities project that are proposed to be constructed include the following:

The proposed housing facilities to be constructed consist of the Dwyer Farms single-family housing subdivision which, upon completion, is anticipated to contain 275 single-family homes. The proposed public facilities to be constructed consist of streets, curbs, gutters, stormwater facilities, sanitary sewers and connections, water service and connections, sidewalks, and public rights-of-way and related improvements that are necessary to support the housing facilities.

5. The names, addresses, and specific interests in the real estate in the District of the developers responsible for development of the housing and public facilities are:

The City has entered into a development agreement with the following developer for the development of the housing facilities:

Kansas LD, LLC
c/o Jared Payne
Rausch Coleman Homes
4058 North College Avenue

Suite 100
Fayetteville, Arkansas 72703

6. Contractual assurances, if any, the governing body has received from the developer.

In the development agreement, the developer has agreed to construct the Dwyer Farms single-family housing subdivision which, upon completion, is anticipated to contain 275 single family homes. The developer has agreed to construct not less than 63 homes in Phase 1. The Developer will agree to complete the homes at the times required by the development agreement.

7. Comprehensive feasibility analysis of providing housing tax incentives in the district.

Columbia Capital Management LLC has conducted a feasibility that found that the estimated costs of the Development Plan are \$30,420,005. The Developer will pay for \$15 million of the costs and the City will pay for \$15,420,0005 of the costs. The City will use approximately \$15,420,005 of Rural Housing Incentive District incremental tax proceeds to reimburse itself for its costs. Accordingly, the feasibility study demonstrates that the revenue realized from the Development Plan should be sufficient to pay the cost of the public facilities. A copy of the analysis is attached hereto as **Exhibit B**.

EXHIBIT A
MAP OF PROPOSED DISTRICT

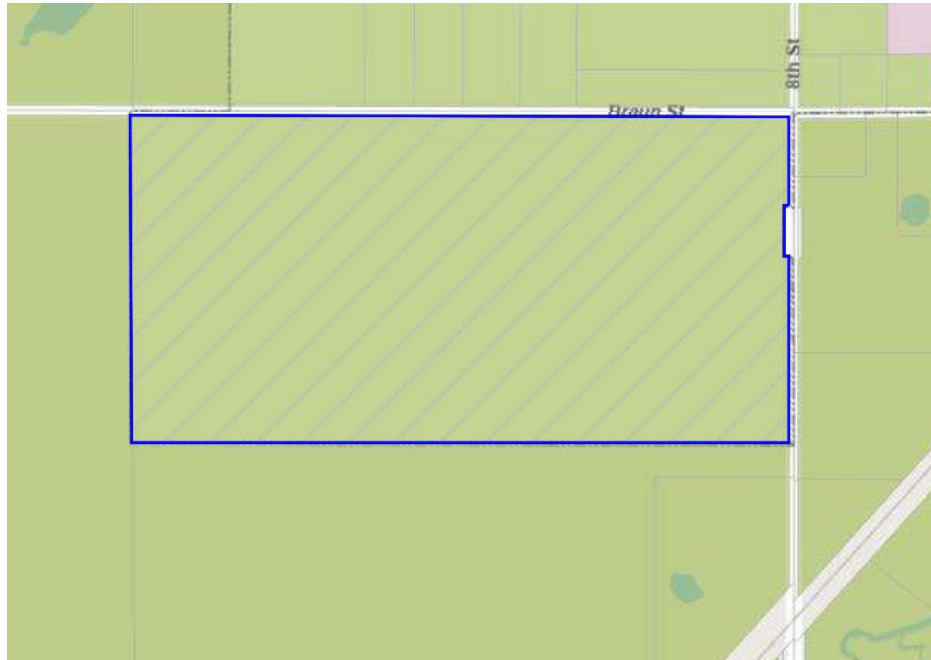


EXHIBIT B

COMPREHENSIVE FINANCIAL FEASIBILITY ANALYSIS



City of Edgerton, Kansas

Kansas LD, LLC
RHID Project Plan

Financial Analysis | October 2022





Columbia Capital Management, LLC
6700 Antioch, Suite 250
Merriam, Kansas 66204
913.312.8077

Jeff White
Managing Member
jwhite@columbiacapital.com

Columbia Capital is an SEC-registered investment adviser and a registered municipal advisor. Columbia Capital provides advice as a fiduciary to its clients.



INTRODUCTION

Kansas LD, LLC, a Kansas limited liability company (the “Developer”), requests the City of Edgerton (“City”) approve a rural housing incentive district (“RHID”) project plan at the southwest corner of 8th and Braun in Edgerton (the “Plan”). The Plan would result in the redevelopment of an estimated 275 single-family homes in four phases with supporting infrastructure, green space, storm drainage facilities and related site work (the “Private Improvements”), plus certain public improvements described herein (the “City Improvements,” together with the Private Improvements comprising the “Project”). According to the records of the Kansas Secretary of State, the Developer is in good standing as of October 19, 2022.

The purpose of this financial analysis (the “Analysis”) is to satisfy the requirements of Kansas statutes related to the development of an RHID (KSA 12-5241 *et seq.*), specifically the requirement found at KSA 12-5245(a)(7).

RHID is a tool that allows a city to identify a defined geographic area within which certain *ad valorem* property taxes may be captured for a period of limited duration and redirected to the payment or reimbursement of certain eligible project costs, all with the goal of increasing quality housing stock within the community. RHID is limited to a 25-year duration from the effective date of a project plan.

RELATIONSHIPS

Columbia Capital Management, LLC (the “Financial Advisor”) is a registered municipal advisor and serves as the City’s financial advisor. The City engaged the Financial Advisor to provide a financial evaluation of the Plan and to make certain statutory findings. The Financial Advisor is not now, nor has ever been, engaged by the Developer or its related entities to provide it with similar services.

The Financial Advisor serves as a fiduciary to the City. The reader’s interests may vary from those of the City’s.

RELIANCE

This Analysis is not a projection of the likelihood of success of the project proposed in the Plan and as described more fully herein. In preparing this analysis, the Financial Advisor relied upon certain data and information supplied to it by the Developer, by the City and secured from third parties. Except where noted herein, the Financial Advisor has relied upon this data and information without independently verifying the veracity or reliability of such information. The Analysis may not be used except in the context of the City's review of the Developer's request for RHID incentives. The Analysis assumes all components of the Project are developed as described herein.

As with any work of this kind, the Analysis is almost exclusively forward-looking. The reader should note that small changes in modeling inputs could have significant impacts on modeled financial outcomes. The reader must consider this Analysis in light of contractual arrangements that the City would expect to undertake with the Developer to formalize the development components of the Plan and its anticipated timing for completion.

HOUSING NEEDS

The City reports that a 2021 county-wide housing study indicated that there is a need for all types of housing in Edgerton. One strategic objective of the housing study was to provide a range of housing environments by offering moderately-priced housing types which meet the housing need for households that are at different points in their life. This study also determined that Edgerton's average annual construction need for single-family homes is 21 units per year with a cumulative total of 205 by the year 2030.

The City adopted resolution 09-22-22C making the requisite findings detailed at KSA 12-5244, related to the City's lack of quality housing stock. On October 5, 2022, the Kansas Secretary of Commerce advised the City in writing, pursuant to KSA 12-5244(c), that he agreed with each of the findings in City resolution 09-22-22C, permitting the City to proceed with the creation of an RHID district and, if further approved by the Edgerton City Council, the Plan.

THE PRIVATE IMPROVEMENTS

The Private Improvements include the development of an estimated 275 units of single-family housing (3-4 bedroom, 2-3 bath, each with 2 or 3 car garages), ranging from 1,300 sf to 2,400 sf each. The Developer reports its expectation to construct the homes across four phases spanning approximately five (5) years:

- Phase I—eighty-one (81) lots
- Phase II—seventy (70) lots
- Phase III—sixty-one (61) lots
- Phase IV—sixty-three (63) lots

The development agreement between the parties requires the Developer to construct the first home within Phase I not later than December 31, 2025. Development of future phases is not

required by the development agreement, but the Developer indicates its expectation to sell four (4) to eight (8) homes monthly over approximately five (5) years.

The Developer will construct the Private Improvements on a greenfield site requiring significant interior infrastructure development. In addition the Developer will be required to connect to the Sunflower Sewer Benefit District, necessitating a buy-in and ongoing special assessment payments.

The Developer estimates total costs to develop the Project, including grading, storm sewer, water lines, sewer lines, sewer buy-in, sidewalks, paving, curb and gutter, and home construction to be approximately \$15,000,000 for the entire Project.

THE CITY IMPROVEMENTS

In order to facilitate the Private Improvements, the City has agreed to construct certain public improvements necessary to implement the Project, as shown in the table below:

ESTIMATED COST OF IMPROVEMENTS	
Sewer Main Extension	\$ 2,680,800
8 th St/Edgerton Road + Bridge	2,345,000
Braun St./207 th St.	4,625,000
Waterline Improvements	630,000
Estimated Financing Costs	5,149,705
TOTAL COSTS	\$ 15,420,005

The City will use local sources of funds, including cash on hand, temporary notes and, eventually bonds, to finance the City Improvements initially, until RHID proceeds are available.

USE OF RHID PROCEEDS

The City intends to reimburse or pay the costs of the City Improvements with proceeds of the RHID. No RHID proceeds will be used to pay for or reimburse the Private Improvements.

PRIVATE IMPROVEMENTS/SOURCES AND USES OF FUNDS

Based upon current construction prices with appropriate cost escalators, the Developer anticipates its total development costs for the Project to be \$15,000,000. The Developer reports that it intends to finance the cost of the Project using both equity and debt.

CITY IMPROVEMENTS/SOURCES AND USES OF FUNDS

The City anticipates the direct cost of the City Improvements to be \$10,270,300 plus estimated financing costs of \$5,149,705. The City intends to fund the City Improvements using a mix of cash on hand, temporary notes and, eventually, bonds, with reimbursement from RHID proceeds over time.

STATUTORY FINDINGS

Based upon our review of the information provided by the Developer, we find the following:

- the estimated costs of the Project are \$30,420,005
- the costs of the Project will be initially paid through a combination of Developer equity and private financing totaling at least \$15,000,000 and City funds totaling at least \$15,420,005
- the City anticipates using approximately \$15,420,005 in RHID proceeds over time to reimburse the direct costs of the City Improvements and associated financing costs thereon

As such, the Plan's benefits and RHID revenue and other available revenues under subsection (a)(7) of K.S.A. 12-5245, and amendments thereto, are expected to exceed or be sufficient to pay for the Plan's project costs.



Exhibit A—RHID Incentives and City Improvements Cost Modeling



DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

Total Levy	146.18
RHID Capture	124.68
Assessment Ratio	11.50%
Expires in	Dec-47

Levy Yr	2022	2023	2024	2025	2026	2027	2028
Collect Yr.	2023	2024	2025	2026	2027	2028	2028

Assumed Development

Phase	No. Units	Mkt Val/Unit						
Phase 1	81	\$ 310,000	-	12	48	21	-	-
Phase 2	70	\$ 315,000	-	-	-	27	43	-
Phase 3	61	\$ 320,000	-	-	-	-	5	48
Phase 4	63	\$ 325,000	-	-	-	-	-	-

New Market Value Generated

Phase 1	-	-	3,720,000	14,880,000	6,510,000	-
Phase 2	-	-	-	-	8,505,000	13,545,000
Phase 3	-	-	-	-	-	1,600,000
Phase 4	-	-	-	-	-	-

Tax Revenues Generated (Total)

Phase 1	-	-	62,536	312,679	422,117	422,117
Phase 2	-	-	-	-	142,975	370,676
Phase 3	-	-	-	-	-	26,897
Phase 4	-	-	-	-	-	-
TOTALS	-	-	62,536	312,679	565,092	819,690

Tax Revenues Captured by RHID

Phase 1	-	-	53,338	266,691	360,032	360,032
Phase 2	-	-	-	-	121,946	316,157
Phase 3	-	-	-	-	-	22,941
Phase 4	-	-	-	-	-	-
TOTALS	-	-	53,338	266,691	481,979	699,131

DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

Total Levy	146.18
RHID Capture	124.68
Assessment Ratio	11.50%
Expires in	Dec-47

Levy Yr	2028	2029	2030	2031	2032	2033
Collect Yr.	2029	2030	2031	2032	2033	2034

Assumed Development

Phase	No. Units	Mkt Val/Unit
Phase 1	81	\$ 310,000
Phase 2	70	\$ 315,000
Phase 3	61	\$ 320,000
Phase 4	63	\$ 325,000

-	-	-	-	-	-
-	-	-	-	-	-
8	-	-	-	-	-
40	23	-	-	-	-

New Market Value Generated

Phase 1	-	-	-	-	-	-
Phase 2	-	-	-	-	-	-
Phase 3	15,360,000	2,560,000	-	-	-	-
Phase 4	-	13,000,000	7,475,000	-	-	-

Tax Revenues Generated (Total)

Phase 1	422,117	422,117	422,117	422,117	422,117	422,117
Phase 2	370,676	370,676	370,676	370,676	370,676	370,676
Phase 3	285,109	328,145	328,145	328,145	328,145	328,145
Phase 4	-	218,539	344,199	344,199	344,199	344,199
TOTALS	1,077,902	1,339,477	1,465,137	1,465,137	1,465,137	1,465,137

Tax Revenues Captured by RHID

Phase 1	360,032	360,032	360,032	360,032	360,032	360,032
Phase 2	316,157	316,157	316,157	316,157	316,157	316,157
Phase 3	243,176	279,882	279,882	279,882	279,882	279,882
Phase 4	-	186,397	293,575	293,575	293,575	293,575
TOTALS	919,365	1,142,468	1,249,646	1,249,646	1,249,646	1,249,646

DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

Total Levy	146.18
RHID Capture	124.68
Assessment Ratio	11.50%
Expires in	Dec-47

Levy Yr	2034	2035	2036	2037	2038	2039
Collect Yr.	2035	2036	2037	2038	2039	2040

Assumed Development

Phase	No. Units	Mkt Val/Unit						
Phase 1	81	\$ 310,000	-	-	-	-	-	-
Phase 2	70	\$ 315,000	-	-	-	-	-	-
Phase 3	61	\$ 320,000	-	-	-	-	-	-
Phase 4	63	\$ 325,000	-	-	-	-	-	-

New Market Value Generated

Phase 1	-	-	-	-	-	-
Phase 2	-	-	-	-	-	-
Phase 3	-	-	-	-	-	-
Phase 4	-	-	-	-	-	-

Tax Revenues Generated (Total)

Phase 1	422,117	422,117	422,117	422,117	422,117	422,117
Phase 2	370,676	370,676	370,676	370,676	370,676	370,676
Phase 3	328,145	328,145	328,145	328,145	328,145	328,145
Phase 4	344,199	344,199	344,199	344,199	344,199	344,199
TOTALS	1,465,137	1,465,137	1,465,137	1,465,137	1,465,137	1,465,137

Tax Revenues Captured by RHID

Phase 1	360,032	360,032	360,032	360,032	360,032	360,032
Phase 2	316,157	316,157	316,157	316,157	316,157	316,157
Phase 3	279,882	279,882	279,882	279,882	279,882	279,882
Phase 4	293,575	293,575	293,575	293,575	293,575	293,575
TOTALS	1,249,646	1,249,646	1,249,646	1,249,646	1,249,646	1,249,646

DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

Total Levy	146.18
RHID Capture	124.68
Assessment Ratio	11.50%
Expires in	Dec-47

Levy Yr	2040	2041	2042	2043	2044	2045
Collect Yr.	2041	2042	2043	2044	2045	2046

Assumed Development

Phase	No. Units	Mkt Val/Unit
Phase 1	81	\$ 310,000
Phase 2	70	\$ 315,000
Phase 3	61	\$ 320,000
Phase 4	63	\$ 325,000

New Market Value Generated

Phase 1	-	-	-	-	-	-
Phase 2	-	-	-	-	-	-
Phase 3	-	-	-	-	-	-
Phase 4	-	-	-	-	-	-

Tax Revenues Generated (Total)

Phase 1	422,117	422,117	422,117	422,117	422,117	422,117
Phase 2	370,676	370,676	370,676	370,676	370,676	370,676
Phase 3	328,145	328,145	328,145	328,145	328,145	328,145
Phase 4	344,199	344,199	344,199	344,199	344,199	344,199
TOTALS	1,465,137	1,465,137	1,465,137	1,465,137	1,465,137	1,465,137

Tax Revenues Captured by RHID

Phase 1	360,032	360,032	360,032	360,032	360,032	360,032
Phase 2	316,157	316,157	316,157	316,157	316,157	316,157
Phase 3	279,882	279,882	279,882	279,882	279,882	279,882
Phase 4	293,575	293,575	293,575	293,575	293,575	293,575
TOTALS	1,249,646	1,249,646	1,249,646	1,249,646	1,249,646	1,249,646

DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

Total Levy	146.18
RHID Capture	124.68
Assessment Ratio	11.50%
Expires in	Dec-47

Levy Yr	2046
Collect Yr.	2047

Assumed Development

Phase	No. Units	Mkt Val/Unit	
Phase 1	81	\$ 310,000	-
Phase 2	70	\$ 315,000	-
Phase 3	61	\$ 320,000	-
Phase 4	63	\$ 325,000	-
			275

New Market Value Generated

Phase 1	-
Phase 2	-
Phase 3	-
Phase 4	-
	87,155,000

Tax Revenues Generated (Total)

Phase 1	422,117
Phase 2	370,676
Phase 3	328,145
Phase 4	344,199
TOTALS	1,465,137
	29,084,696

Tax Revenues Captured by RHID

Phase 1	360,032
Phase 2	316,157
Phase 3	279,882
Phase 4	293,575
TOTALS	1,249,646
	24,806,950

DWYER FARMS

City Improvements

ASSUMPTIONS

Interest Rate	4.50%
Term (yrs)	20
Temp Note	3.50%
Temp Term (yr)	Jan-00
Cost of Issuance	2%

Construction Year	2022	2023	2024	2025	2026
Finance Year	2023	2024	2025	2026	2027

Assumed Development

Project	Cost					
Sewer Main Extension	2,680,800	-	2,680,800	-	-	-
8th St/Edgerton Road + Bridge	2,345,000	-	-	1,172,500	-	-
Braun St./207th St.	4,625,000	-	-	-	2,312,500	-
Waterline Improvements	630,000	-	630,000	-	-	-
Totals	10,280,800	-	3,310,800	1,172,500	2,312,500	-

Cumulative Development Cost	-	3,310,800	4,483,300	6,795,800	6,795,800
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Debt Service

Temp Note 1 (I/O)	-	-	118,196	122,332	-
Temp Note 2 (I/O)	-	-	-	124,415	128,769
Bond Issue 1	-	-	-	-	279,465
Bond Issue 2	-	-	-	-	-

DWYER FARMS

City Improvements

ASSUMPTIONS

Interest Rate	4.50%
Term (yrs)	20
Temp Note	3.50%
Temp Term (yr)	Jan-00
Cost of Issuance	2%

Construction Year	2027	2028	2029	2030	2031
Finance Year	2028	2029	2030	2031	2032

Assumed Development

Project	Cost					
Sewer Main Extension	2,680,800	-	-	-	-	-
8th St/Edgerton Road + Bridge	2,345,000	-	-	-	-	-
Braun St./207th St.	4,625,000	-	-	-	-	-
Waterline Improvements	630,000	-	-	-	-	-
Totals	10,280,800	-	-	-	-	-

Cumulative Development Cost	6,795,800	6,795,800	6,795,800	6,795,800	6,795,800
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Debt Service

Temp Note 1 (I/O)	-	-	-	-	-
Temp Note 2 (I/O)	-	-	-	-	-
Bond Issue 1	279,465	279,465	279,465	279,465	279,465
Bond Issue 2	293,125	293,125	293,125	293,125	293,125

DWYER FARMS

City Improvements

ASSUMPTIONS

Interest Rate	4.50%
Term (yrs)	20
Temp Note	3.50%
Temp Term (yr)	Jan-00
Cost of Issuance	2%

Construction Year	2032	2033	2034	2035	2036
Finance Year	2033	2034	2035	2036	2037

Assumed Development

Project	Cost					
Sewer Main Extension	2,680,800	-	-	-	-	-
8th St/Edgerton Road + Bridge	2,345,000	-	-	-	-	-
Braun St./207th St.	4,625,000	-	-	-	-	-
Waterline Improvements	630,000	-	-	-	-	-
Totals	10,280,800	-	-	-	-	-

Cumulative Development Cost	6,795,800	6,795,800	6,795,800	6,795,800	6,795,800
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Debt Service

Temp Note 1 (I/O)	-	-	-	-	-
Temp Note 2 (I/O)	-	-	-	-	-
Bond Issue 1	279,465	279,465	279,465	279,465	279,465
Bond Issue 2	293,125	293,125	293,125	293,125	293,125

DWYER FARMS

City Improvements

ASSUMPTIONS

Interest Rate	4.50%
Term (yrs)	20
Temp Note	3.50%
Temp Term (yr)	Jan-00
Cost of Issuance	2%

Construction Year	2037	2038	2039	2040	2041
Finance Year	2038	2039	2040	2041	2042

Assumed Development

Project	Cost					
Sewer Main Extension	2,680,800	-	-	-	-	-
8th St/Edgerton Road + Bridge	2,345,000	-	-	-	-	-
Braun St./207th St.	4,625,000	-	-	-	-	-
Waterline Improvements	630,000	-	-	-	-	-
Totals	10,280,800	-	-	-	-	-

Cumulative Development Cost	6,795,800	6,795,800	6,795,800	6,795,800	6,795,800
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Debt Service

Temp Note 1 (I/O)	-	-	-	-	-
Temp Note 2 (I/O)	-	-	-	-	-
Bond Issue 1	279,465	279,465	279,465	279,465	279,465
Bond Issue 2	293,125	293,125	293,125	293,125	293,125

DWYER FARMS

City Improvements

ASSUMPTIONS

Interest Rate	4.50%
Term (yrs)	20
Temp Note	3.50%
Temp Term (yr)	Jan-00
Cost of Issuance	2%

Construction Year	2042	2043	2044	2045	2046
Finance Year	2043	2044	2045	2046	2047

Assumed Development

Project	Cost					
Sewer Main Extension	2,680,800	-	-	-	-	-
8th St/Edgerton Road + Bridge	2,345,000	-	-	-	-	-
Braun St./207th St.	4,625,000	-	-	-	-	-
Waterline Improvements	630,000	-	-	-	-	-
Totals	10,280,800	-	-	-	-	-

Cumulative Development Cost	6,795,800	6,795,800	6,795,800	6,795,800	6,795,800
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Debt Service

Temp Note 1 (I/O)	-	-	-	-	-
Temp Note 2 (I/O)	-	-	-	-	-
Bond Issue 1	279,465	279,465	279,465	279,465	-
Bond Issue 2	293,125	293,125	293,125	293,125	293,125

Total Debt Service 11,945,505
Total Financing Cost 5,149,705

City Council Action Item

Council Meeting Date: February 23, 2023

Department: Public Works

Agenda Item: Consider Early Procurement for Structures and Equipment as Part of Glendell Acres Park Renovation Project.

Background/Description of Item:

On February 9th, 2023 The City of Edgerton amended the purchasing policy to include the option for early procurement. The policy states three reasons to justify early procurement, lead time for fabrication/delivery, pricing volatility, and to control the contractor markup.

The Glendell Acres Park Renovation includes playground structures and fitness equipment in the project. The City's Landscape Architect has identified these items to have all three justifications within the purchasing policy to warrant early procurement including significant lead times for delivery, pricing volatility, as well as requirements for specialized/licensed installation. If approved the City will solicit a Request for Proposal (RFP) from equipment manufacturers. The City's Landscape Architect also recommends including in the RFP a request for pavilion structures as an alternate to leverage any opportunities for a manufacturer that might be able to provide all the needed equipment.

Results from the RFP will be brought before City Council for consideration at a future date.

Related Ordinance(s) or Statue(s):

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Early Procurement for Structures and Equipment as Part of Glendell Acres Park Renovation Project.

Enclosed: N/A

Prepared by: Dan Merkh, Public Works Director