

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
April 8, 2021  
7:00 P.M.**

COVID-19 Protocol

In compliance with the guidance issued by the State of Kansas Attorney General, the City of Edgerton remains subject to the Kansas Open Meetings Act (KOMA) and is taking actions as necessary and reasonable under the circumstances of the emergency declaration to advance the conduct of governmental affairs and ensure the transaction of government business is open to the public.

Any person wishing to attend the City Council meeting may do so and is required to practice the social distancing guidelines as established by the State of Kansas and Centers for Disease Control and Prevention (CDC). The room seating will be set up to be in compliance with these requirements.

Any member of the public wishing to address the Governing Body must sign in on the sign-up sheet provided at City Hall on the night of the meeting. You will be requested to provide your name and address and comments will be limited to three (3) minutes per person. If the meeting room reaches capacity, those not in the meeting room must provide a cellphone number so they can be notified when it is their turn to provide public comment.

Any member of the public wishing to provide public comment without attending the meeting may do so by email to Kara Banks (kbanks@edgertonks.org). If you are unable to email the comments, you may call City Hall at (913) 893-6231, and staff will record your comment and report it on your behalf. Any comments must include a name and address for the record and be submitted by phone or email by noon (12:00 PM) on day of the scheduled meeting. Any written testimony provided in advance will be shared with the Governing Body.

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Conus \_\_\_\_ Lewis \_\_\_\_ Smith \_\_\_\_ Beem
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 March 25, 2021 Regular City Council Meeting
5. Consider Agreement with Kruger Testing Inc. to Provide Testing Services for 207th Grade Separation Project

**Regular Agenda**

6. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or

other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.

7. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.
8. **Proclamation.** Mayor Roberts Declares April 2021 as National Fair Housing Month in the City of Edgerton, Kansas.

#### **Business Requiring Action**

9. **CONSIDER ORDINANCE NO. 2068 WHICH RECOMMENDS APPROVAL OF A CONDITIONAL USE PERMIT (CU2021-01) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W. 200TH STREET, EDGERTON, KANSAS**

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

10. **CONSIDER RESOLUTION NO. 04-08-21A APPROVING A FIVE-YEAR CITY/COUNTY STREET IMPROVEMENT PROGRAM 2022-2026**

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

11. **CONSIDER AMENDMENT #3 TO OWNER-ENGINEER AGREEMENT BETWEEN THE CITY OF EDGERTON AND HDR, INC. FOR THE FINAL DESIGN OF THE 207TH STREET GRADE SEPARATION PROJECT**

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

12. **CONSIDER CHANGE ORDER #1 TO CONTRACT WITH PYRAMID CONTRACTORS INCORPORATED FOR CONSTRUCTION OF 207TH GRADE SEPARATION PROJECT**

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

13. **Report by the City Administrator**

- Monthly Report on 502 E 2<sup>nd</sup> St.

14. **Report by the Mayor**

15. **Future Meeting Reminders:**

- April 13<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- April 22<sup>nd</sup>: City Council Meeting – 7:00 PM
- May 11<sup>th</sup>: Planning Commission – 7:00 PM
- May 13<sup>th</sup>: City Council Meeting – 7:00 PM
- May 27<sup>th</sup>: City Council Meeting – 7:00 PM

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

## EVENTS

May 8<sup>th</sup>: City Wide Garage Sale

May 15<sup>th</sup>: City Wide Clean Up

June 5<sup>th</sup>: Summer Kick-off Block Party

June 18-19<sup>th</sup>: Frontier Days

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**March 25, 2021**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on March 25, 2021. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk Alexandria Clower
- Development Services Director Katy Crow
- Accountant Justin Vermillion
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks
- CIP Manager Brian Stanley

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**Consent Agenda**

- 4. Approve Minutes from March 11, 2021 Regular City Council Meeting
- 5. Consider Final Acceptance of 207th Street Phase II - East of Waverly Road

Ms. Beth Linn, City Administrator, requested item number 4, Minutes from March 11, 2021 be removed for further discussion.

Councilmember Longanecker motioned to approve the consent agenda with item 4 being removed for further discussion, seconded by Councilmember Beem. Motion was approved 5-0.

Ms. Linn stated because of the length of the minutes with public comments, it took a few extra days to receive the final review from the City Attorney. She stated the final review received did not include anything substantive, just a few minor house cleaning and clarification pieces.

Ms. Linn stated Council received the red line version of the minutes in their folders, showing the edits made by the City Attorney and requested Council approve the final version of the minutes with changes made by the City Attorney.



Ms. Linn stated Council has also received a copy of the Town Topics Page in their folders. She stated this printout is a page from the City's website designed to give some clarity and provide facts for the public.

Councilmember Lewis motioned to approve the Final Minutes from March 11, 2021 Council meeting. Motion seconded by Councilmember Beem. The March 11, 2021 Minutes with City Attorney edits were approved 5-0.

Mr. Dan Merkh, Public Works Director, addressed the Council. He introduced the new Project Manager, Brian Stanley. He stated Brian joined the team on Tuesday, March 23<sup>rd</sup>.

Mr. Brian Stanley, CIP Manager, addressed the Council. He stated he is glad to be on the team and he is excited to take on tasks and projects.

Mayor and Councilmembers welcomed Mr. Stanley to the team.

### **Regular Agenda**

6. **Public Comments.** Mayor Roberts requested the City Clerk read names of persons providing public comments for items not on the agenda.

Ms. Clower stated these public comments were submitted via email after the last Council meeting and have been provided to Council in their folders.

Tina Potter	249th and Harmony Rd, Spring Hill
Bri Strecklein	no address provided, not found in AIMS
Beau Campbell	29295 W 226th Ct, Spring Hill
Frank Bannister	19815 Gardner Rd, Gardner KS
Ted Beauchamp	23205 Moonlight Rd, Spring Hill KS
Brian Peters	903 W 3rd St, Edgerton

Ms. Clower stated no other individuals had signed up to provide public comments.

7. **Declaration.** There were no declarations made by any of the councilmembers.

### **Business Requiring Action**

#### **8. CONSIDER OUTSIDE CITY LIMITS WATER SERVICE APPLICATION**

Mr. Dan Merkh, Public Works Director, addressed the Council. He stated on February 26, 2021 Ben and Sarah Smith submitted a Water Connection Application for new water service to a property on the north side of N. 100 Road, approximately 1400 linear feet west of the Johnson County line. He stated there is a map included in Council's packet and the property is outside the corporate city limits of Edgerton.

Mr. Merkh stated the application has been submitted per the Edgerton City Code, Chapter XV, Section 15-105.

Mr. Merkh stated the property owner is required to submit the application and approval is required by the Governing Body. Staff has received this application and the consent to annex the property.

Mr. Merkh stated the City does have an existing 8" PVC waterline on the north side of N 100 Road. The property owners requested a 5/8" meter to serve a future residential house. He stated no bore of the existing roadway is needed.

Mr. Merkh stated if approved, the City will perform any construction needed to connect the customer to the system. He stated the owner of the premises will be solely responsible for the cost of the Outside City Limits Water Connection Fee and Water System Development Fee as described in the City's Fee Resolution. He stated following the connection, the owner of the premise will complete the water service application to activate their utility account and pay the applicable fee as described in the City's Fee Resolution.

Mr. Merkh stated the application and associated documents are currently under review by the City Attorney. Staff recommends the approval of the application for water service pending any revisions needed by the City Attorney.

Councilmember Conus asked if annexation is a requirement per the City Code. Mr. Dan Merkh stated the City Code states that a consent to annex has to be filed. Ms. Beth Linn stated the filing of the consent does not mean the property must be annexed.

Mayor Roberts asked if this ties the property owner to Edgerton. Ms. Linn stated that it requires the property owner to ask the City before they could annex elsewhere because they have filed a consent to annex with Edgerton.

Councilmember Longanecker motioned to approve, seconded by Councilmember Lewis. The Outside City Limits Water Service application was approved 5-0.

**9. CONSIDER APPLICATION FP2020-04, FINAL PLAT FOR LOGISTICS PARK KANSAS CITY SOUTH, THIRD PLAT, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF WAVERLY ROAD AND 207TH STREET, EDGERTON, KANSAS.**

Ms. Katy Crow, Development Service Director, addressed the Council. She stated on February 25, 2021, the Edgerton City Council considered acceptance of Final Plat FP2020-04 for Logistics Park Kansas City South, Third Plat. She stated during that meeting the Governing Body discussed updates needed to reflect changes made through the recommendation process at the February 9, 2021 Planning Commission meeting. This includes proper alignment of the new Corliss Road on the east side of the parcel. She stated the Final Plat dated March 22, 2021 is included in the packet and it reflects the necessary changes.

Ms. Crow stated City staff has reviewed the Final Plat submittal for compliance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton Unified

Development Code. The applicants engineer has updated the Final Plat as required by stipulations listed in the staff report and the updated Final Plat is included.

Councilmember Longanecker motioned to approve, seconded by Councilmember Conus. The Final Plat application, FP2020-04 was approved 5-0.

**10. CONSIDER A MEMORANDUM OF UNDERSTANDING WITH KANSAS GAS SERVICE REGARDING THE TREATMENT OF FRANCHISE FEES RECOVERED IN THE LOGISTICS PARK PHASE II DEVELOPMENT**

Ms. Beth Linn, City Administrator, addressed the Council. She stated the Logistics Park Phase Two Development Agreement between the City and Edgerton Land Holding Company, LLC, dated January 25, 2018, requires the City to deposit 100% of the City's revenue derived from franchise fees generated in connection with utility services on the Phase II land into the Public Infrastructure Fund. She stated currently, the City receives the franchise fees for the whole City in one lump sum and receives a document breaking out the amount for LPKC Phase I and the rest of the city. She stated in order to comply with the LPKC Phase II Development Agreement, the City needs Kansas Gas to provide a breakdown that shows amounts related to LPKC Phase II, as those funds are separate. She stated the breakdown currently provided for LPKC Phase I was mandated by the State of Kansas. For LPKC Phase II, there is no such state mandate.

Ms. Beth Linn stated the enclosed Memorandum of Understanding with Kansas Gas documents the City's and Kansas Gas' responsibilities in order to provide the information needed to comply with the development agreement. She stated the City agrees to provide Kansas Gas an initial map of LPKC Phase II and agrees, going forward, to give at least 90 days' notice of any boundary changes. She stated in return, Kansas Gas will break out the LPKC Phase II revenue amount on the monthly remittance.

Ms. Linn stated the City Attorney was involved in the discussions with Kansas Gas and has reviewed and approved the Memorandum of Understanding.

Councilmember Longanecker motioned to approve, seconded by Councilmember Beem. The Memorandum of Understanding with Kansas Gas was approved 5-0.

**11. CONSIDER ORDINANCE NO. 2067 ANNEXING CERTAIN LAND OWNED BY THE CITY INTO THE CITY OF EDGERTON, KANSAS**

Ms. Beth Linn, City Administrator, addressed the Council. She stated in September 2020, the City of Edgerton became the owner of a portion of the property generally located on the northwest corner of 207<sup>th</sup> Street and Co-Op Road (Parcel No. 4R221507-2004). She stated the property was purchased as part of the 207<sup>th</sup> Street Grade Separation Project. She stated as owner of the land, the City desires to annex that land into the City of Edgerton pursuant to KSA 12-520(a)(2).

Ms. Linn stated the draft ordinance was prepared by the City attorney and included in the packet along with the map that shows the parcel and adjoining right of way.

Councilmember Lewis motioned to approve, seconded by Councilmember Smith. Ordinance No. 2067 was approved 5-0.

**12. Report by the City Administrator**

- Annual Review of Water Conservation Plan
- Annual Review of Water Emergency Plan

Mr. Dan Merkh addressed the Council. He handed out the Water Conservation and Water Emergency Plans to the Governing Body. He stated these plans are to be reviewed annually. He stated the review process will typically occur in March.

He stated City staff is not suggesting any revisions. He added that after the review from Council, City staff will provide the plans to the correct State of Kansas offices.

**13. Report by the Mayor**

- Mayor stated he had no report to give at this time.

**14. Future Meeting Reminders:**

- April 8<sup>th</sup>: City Council Meeting – 7:00 PM
- April 13<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- April 22<sup>nd</sup>: City Council Meeting – 7:00 PM
- May 11<sup>th</sup>: Planning Commission – 7:00 PM
- May 13<sup>th</sup>: City Council Meeting – 7:00 PM
- May 27<sup>th</sup>: City Council Meeting – 7:00 PM

Ms. Beth Linn addressed the Council. She stated the events coming up include the City-Wide Garage Sale and Clean-Up days. She stated Councilmember Lewis has offered to put in some team spirit around City-Wide Clean-Up and have members of his baseball team help move items for those who request aid. She stated she has had other members of the Council state they know people who would be willing to help seniors and those who request it move items for the upcoming events.

Ms. Linn stated Council may be seeing a special event permit request soon from the Venturing Scouts, asking for use of the Green Space to host their own Garage Sale.

Ms. Linn stated there will be a food truck downtown on Garage Sale day to help bring people out and enjoy the weekend sale. She stated it will be provided by Chris Cakes and they will be offering \$5 breakfast boxes and free coffee.

She stated any senior or person needing help with their items on either day, will need to contact City Hall 10 days in advance so that the volunteers can be notified. She stated the City Wide Clean Up will be the same look and feel as the past, with curb side pick-up and drop-off of certain items at Public Works. She stated there has been some questions regarding drop-off of old paint and other hazardous materials and that information has been included on the website.

Ms. Linn stated staff is working on solidifying plans for summer including the Summer Kick-Off Block Party. She stated the City is planning to do it big since it will be the first event back since COVID. She stated the City is still planning on having the annual picnic and fireworks show on July 3<sup>rd</sup> as well as providing some additional movie nights. She stated staff has been working to have a movie night downtown on July 24<sup>th</sup> with a theme of the Olympics.

## 15. Adjourn

Councilmember Smith motioned to adjourn, seconded by Councilmember Beem. All in favor. Meeting adjourned at 7:21 PM.

### EVENTS

May 8<sup>th</sup>: City-Wide Garage Sale  
May 15<sup>th</sup>: City-Wide Clean-Up  
June 5<sup>th</sup>: Summer Kick-off Block Party  
June 18-19<sup>th</sup>: Frontier Days

## City Council Action Item

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**Council Meeting Date:** April 8, 2021

**Department:** Public Works

### **Agenda Item: Consider Agreement with Kruger Testing Inc. to Provide Testing Services for 207<sup>th</sup> Grade Separation Project.**

**Background/Description of Item:**

On February 25, 2021, City Council approved the Construction Inspection services with BG Consulting. These services include performing inspections, notification of the City of any significant issues/changes to the plans, providing detailed daily reports of construction activity, reviewing testing reports and pay estimates, etc.

Testing services provided by Kruger Testing Inc. (KTI) for the construction of the 207<sup>th</sup> Grade Separation project will include compaction testing, concrete testing, inspection of the piers, and soils testing. The work associated to this agreement will be organized by BG's construction inspection team.

The Agreement includes a rate schedule applicable for the term of the Agreement. The Agreement is structured like the Agreement for Construction Inspection where the City is only billed for work performed.

Funding for this project was included in the 2020-2024 Capital Improvement Program, with an overall project cost of \$15,000,000.

The current agreement document has been reviewed by the City Attorney and City Engineer. Staff is recommending approval of the agreement.

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

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**Funding Source:** Public Infrastructure Fund

**Budget Allocated:** \$15,000,000

**Finance Director Approval:**

x Karen E. Kindle

Karen Kindle, Finance Director

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**Recommendation: Approve Agreement with Kruger Testing Inc. to Provide Testing Services for 207<sup>th</sup> Grade Separation Project.**

**Enclosed:**

KTI Unit Rates/Agreement

**Prepared by:**

Dan Merkh, Public Works Director

# KRUGER TECHNOLOGIES, INC.

GEOTECHNICAL ENVIRONMENTAL TESTING INSPECTION

8271 MELROSE DRIVE LENEXA, KS 66214 PH 913-498-1114 FAX 913-498-1116 KTIKC@KTIONLINE.COM

March 1, 2021

Beth Linn  
City of Edgerton  
404 East Nelson  
Edgerton, KS 66021

Re: 207th Street Grade Separation  
KTI Unit Rates No. 21CS038

Dear Ms. Linn,

Thank you for the opportunity to provide you with the following unit rate schedule regarding the above referenced project.

Since our founding in 1986, KTI has been dedicated to a single mission: to provide prompt, quality service at a competitive price while maintaining integrity in all aspects of our organization. For over three decades, we have devoted our time individually to each client no matter the size of the project.

We look forward to working with you. We are confident that you will find our services to be unsurpassed in quality and professionalism. Please contact us with any questions or comments via phone at 913-498-1114 or via email at [ktikc@ktionline.com](mailto:ktikc@ktionline.com).

Sincerely,  
**Kruger Technologies, Inc.**



Dylan Kruger  
*Vice President*



Otto J. Kruger, Jr., P.E.  
*President*

**Kruger Technologies, Inc.**

Kansas City | Whiteman Air Force Base | Fort Leonard Wood | Wichita  
*Learn more at [www.ktionline.com](http://www.ktionline.com)*



8271 Melrose Drive  
Lenexa, KS 66214  
Ph (913) 498-1114  
Fax (913) 498-1116  
[www.ktionline.com](http://www.ktionline.com)

**Project:** 207th Street Grade Separation  
**Location:** Edgerton, Kansas

**Proposal Number:** 21CS038  
**Proposal Date:** 3/1/2021

**Name:** Ms. Beth Linn  
**Company:** City of Edgerton  
**Address:** 404 East Nelson  
Edgerton, KS 66021

**Phone:** (913) 893-6231

**Email:** [blinn@edgertonks.org](mailto:blinn@edgertonks.org)

*KTi is submitting the following schedule of rates for field and laboratory testing services for the above referenced project.*

Category	Field Services	Rate
Compaction	Nuclear Compaction Testing - Soil/ Aggregate/ Asphalt, per hour	55.00
Compaction	Nuclear Equipment Charge, per day	35.00
Compaction	Transportation, per trip	25.00
Concrete	Concrete Testing, per hour	55.00
Concrete	Sample Retrieval, per hour	55.00
Concrete	Transportation, per trip	25.00
Piers	Special Inspection - Piers/Piles/Caissons, per hour	55.00
Piers	Transportation, per trip	25.00

Category	Laboratory Services	Rate
Soils	Std Proctor - D698 Type AB	175.00
Soils	Std Proctor - D698 Type AB with fly ash/ lime/ cement	250.00
Soils	Std Proctor - D698 Type C	250.00
Soils	Atterberg Limits - D4318, 3 point	75.00
Concrete	Compressive Strength Specimen - Concrete, per each	15.00

Category	Consultation Services	Rate
Engineer	Principal - Professional Engineer	150.00
Engineer	Professional Engineer - Report Review	125.00
Engineer	Project Manager	95.00
Admin	Admin/Report Generation	40.00
Engineer	Geotechnical Engineer	95.00

## Special Considerations

1. Technician rates for field / laboratory are based on an 8-hour day, 40-hour workweek. For Premium Time (weekends, weekdays between the hours of 6:00 PM and 6:00 AM and holidays), rates will be 1.5 times the hourly rate. Resident inspector rates are based on an 8-hour day, 40-hour workweek and 4-week period.
2. "On-Call" testing must be scheduled at least 24 hours in advance. A minimum of two hours will be billed to the client for late cancellations or test cancellations on-site.
3. We perform all testing in accordance with the American Society for Testing and Materials (ASTM). All KTI technicians are experienced and certified.
4. Price per test, price per day, and any additional testing is available upon request. Any tests requiring special equipment or personnel will be quoted on an individual basis. The above prices apply only to standard tests and services.
5. Payment terms: Unit Rate Proposals: Payment is due upon receipt of invoice and is past due thirty (30) days from invoice date. Client agrees to pay a finance charge of one and one-half percent (1.5%) per month or the maximum rate allowed by law on past due invoices. Pay-When-Paid Contracts: KTI shall invoice Client monthly. Client will review and accept the invoice or give written notice within ten (10) days of any questions or discrepancies. Accepted invoice will be submitted on Client's next invoice to Owner. Client shall pay KTI within 14 days of receiving payment from Owner. No retainage shall be held on this project.
6. As a mutual protection to clients, the public, and ourselves, all reports are submitted as the confidential property of clients, and authorization for publication of statements, conclusions or extracts from or regarding our reports is reserved pending our written approval.
7. There will be a Professional Engineer charge of 0.5 hours for every 8 technician hours to cover test evaluation and report review.
8. There will be a Clerical/ Administrative Assistant charge of 0.25 hours for every 8 technician hours to cover report preparation.
9. Transportation costs are based on \$0.50 per mile.
10. This proposal / schedule of rates may be withdrawn if not accepted within thirty (30) days.
11. Reports relate only to those items tested or calibrated.
12. Reports shall not be reproduced, except in full, without prior written approval from KTI.
13. Report Distribution. In an effort to support green initiatives, this proposal includes the emailing of report copies to a circulation list to be provided by client. Reports will be sent to additional recipients only at the written request of the client. KTI requests that the client provide a list of report recipients at the start of the project. Additional charges may apply, including photocopy and administrative cost.
14. This is an estimate based on the currently available information for this project and historical performance on similar projects. Final costs will be controlled by items such as contractor performance, project schedule, and final scope of services actually provided. Should changes or additions occur subsequent to acceptance of this proposal, those items would be negotiated as soon as the change in scope is defined. This proposal is based on providing services to the extent identified herein. Actual billing will be based on work performed as outlined in the proposal.
15. Test methods are covered by KTI's Army Corps of Engineers scope of validation.

Respectfully submitted,  
**Kruger Technologies, Inc.**



Otto J. Kruger, Jr., PE  
President  
[21CS038]:[03/01/21]

Accepted:

Company: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Kruger Technologies, Inc.**

Kansas City | Whiteman Air Force Base | Fort Leonard Wood | Wichita  
*Learn more at [www.ktionline.com](http://www.ktionline.com)*

# PROVISIONS

## 1. RIGHT OF ENTRY

The Client will provide for the right of entry for KTI and all necessary equipment in order to complete the work.

While KTI will take all reasonable precautions to minimize any damage to the property, it is understood by the Client that in the normal course of work some damage may occur, the correction of which is not part of this Agreement unless specifically stipulated by line item, so long as the damage done is on areas upon which KTI is reasonably expected to be providing services.

## 2. CONSTRUCTION SITE OBSERVATION

At construction sites, the presence of KTI field representatives will be for the purpose of providing observation and field testing of only the work with which KTI has agreed to be involved. Opinions of KTI as to the contractor's adherence to plans and specification will be reported. Our work does not include supervision or direction of the actual work of the contractor, his employees or agents. The contractor for this project should be so advised. The contractor should also be informed that neither the presence of our field representative nor the observation and testing by our firm shall excuse him in any way for defects discovered in his work. It is also understood that our firm will not be responsible for job or site safety on this project. It is our understanding that job and site safety will be the sole responsibility of the contractor.

## 3. UTILITIES

In the execution of this work, KTI will take all reasonable precautions to avoid damage or injury to subterranean structures or utilities.

The Client agrees to hold KTI harmless for any damages to subterranean structures which are not called to the attention of KTI and correctly shown on the plans furnished.

## 4. SAMPLES

KTI will retain all soil, rock, and material samples for 30 days. Further storage or transfer of samples can be made at Client expense upon written request.

## 5. UNANTICIPATED HAZARDOUS MATERIALS

Hazardous materials may exist at a site where there is no reason to believe they could or should be present. KTI and the Client agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work or termination of services. KTI and the Client also agree that the discovery of unanticipated hazardous materials will make it necessary for KTI to take immediate measures to protect human health and safety, and/or the environment. KTI agrees to notify the Client as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. The Client encourages KTI to take any and all measures that in KTI's professional opinion are justified to preserve and protect the health and safety of KTI's personnel and the public, and/or the environment, and the Client agrees to compensate KTI for the additional cost of such work. In addition, the Client waives any claim against KTI, and agrees to indemnify, defend and hold KTI harmless from any claim or liability for injury or loss arising from KTI's encountering of unanticipated hazardous materials or suspected hazardous materials. The Client also agrees to compensate KTI for any time spent and expenses incurred by KTI in defense of any such claim, with such compensation to be based upon KTI's prevailing fee schedule and expense reimbursement policy.

## 6. DISPOSAL OF HAZARDOUS MATERIALS AND CONTAMINATED EQUIPMENT

KTI does not create, generate, or at any time own or take possession of hazardous materials as a result of its exploration services. All hazardous materials, including but not limited to samples, drilling fluids, decontamination fluids, development fluids, soil cuttings and tailings, and used disposable protective gear and equipment, are the property of the Client, and responsibility for proper disposal is the Client's, unless prior contractual arrangements are made. All laboratory and field equipment that cannot readily and adequately be cleansed of its hazardous contaminants shall become the property and responsibility of the Client. The Client shall purchase all such equipment and it shall be turned over to the Client for proper disposal unless prior alternate contractual arrangements are made.

## 7. INVOICES

KTI will submit invoices to the Client monthly and/or bimonthly, and a final bill upon completion of services. Payment is due upon presentation of invoice and is past due thirty (30) days from invoice date. Client agrees to pay a finance charge of one and one-half percent (1.5%) per month, or the maximum rate allowed by law, on past due accounts.

## 8. OWNERSHIP OF DOCUMENTS

All reports, boring logs, field data, field notes, laboratory test data, calculations, estimates and other documents prepared by KTI as instruments of service, shall remain the property of KTI unless paid for by Client.

The Client agrees that all reports and other work furnished to the Client or his agents, which are not paid for will be returned upon demand and will not be used by the Client for any purpose whatsoever.

Unless otherwise directed by written permission from the Client, reports, boring logs, field data, field notes, laboratory test data, calculations, estimates and any and all other work stemming from this relationship will not be forwarded to any other parties.

## 9. STANDARD OF CARE

Service performed by KTI under this Agreement will be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No warranty, expressed or implied, is made.

The Client recognizes that the subsurface conditions may vary from those encountered at the location where borings, surveys, or explorations are made by KTI and that the data, interpretations and recommendations of KTI are based solely on the available information. KTI will be responsible for those data, interpretations, and recommendations, but shall not be responsible for the interpretation by others of the information developed.

## 10. INSURANCE AND INDEMNIFICATION

KTI represents and warrants that it and those employed by KTI are protected by worker's compensation insurance and that KTI has such coverage under public liability and property damage insurance policies which KTI deems to be adequate. Certificates for all such policies of insurance shall be provided to the Client upon request in writing. Within the limits and conditions of such insurance, KTI agrees to indemnify and hold the Client harmless from and against any loss, damage or liability to the extent caused by any negligent acts by KTI and the staff employed by it. KTI shall not be responsible for any loss, damage, or liability beyond the amounts, limits and conditions of such insurance. KTI shall not be responsible for any loss, damage or liability arising from any acts by the Client, its agents, staff, and other consultants employed by it.

The Client acknowledges that KTI has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substance or condition at the site. KTI's compensation hereunder is not commensurate with the potential risk of injury or loss that may be caused by exposures to such substances or conditions. Accordingly, except as expressly provided in this contract, the Client waives any claim against KTI and agrees to indemnify and hold KTI, its agents, and employees harmless from any claim, liability or defense cost, by any party from such exposures allegedly arising out of or related to KTI's performance of services hereunder.

## 11. ASSIGNMENT

Neither the Client nor KTI may delegate, assign, sublet, or transfer duties or interest in this Agreement without the written consent of the other party.

## 12. TERMINATION

This Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice. In the event of termination, KTI shall be paid for services performed to the termination notice date plus reasonable termination expenses.

## 13. PRECEDENCE

These Provisions and Agreement supersede all prior agreements and understandings and may be changed only by written amendment executed by both parties.



**A PROCLAMATION DESIGNATING APRIL AS FAIR HOUSING MONTH  
IN THE CITY OF EDGERTON, KANSAS**

**WHEREAS**, the Congress of the United States of America passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and

**WHEREAS**, the City of Edgerton, Kansas is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today, many realty companies and associations support fair housing laws; and

**WHEREAS**, the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that were proven upon investigation to be violations of the fair housing laws; and

**WHEREAS**, equal housing opportunity is a condition of life in our City that can and should be achieved.

**NOW, THEREFORE BE IT RESOLVED**, that I, Donald Roberts, Mayor of the City of Edgerton, Kansas, do hereby proclaim the month of April 2021 as FAIR HOUSING MONTH to promote fair housing practices throughout the City. In witness whereof, I have hereunto set my hand and caused the Seal of the City of Edgerton, Kansas to be affixed this 8<sup>th</sup> day of April 2021.

**CITY OF EDGERTON, KANSAS**

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

**ATTEST:**

\_\_\_\_\_  
Alexandria Clower, City Clerk

## City Council Action Item

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**Council Meeting Date:** April 8, 2021

**Department:** Community Development

**Agenda Item: Consider Ordinance No. 2068 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2021-01) Allowing An Interstate Pole Sign On Property Located At 32501 W. 200th Street, Edgerton, Kansas**

**Background/Description of Item:**

On February 5, 2021 the City of Edgerton received Application CU2021-01 requesting a Conditional Use Permit (CUP) to install an Interstate Pole Sign at 32501 W. 200<sup>th</sup> Street, Edgerton, Kansas. The applicant is Moussa Sobaiti, owner of My Store III Inc., owner/operator of the On the Go Travel Center located at that same address. Pursuant to City of Edgerton Unified Development Code (UDC), Article 7, Section 7.2.D(2), Interstate Pole Signs are considered a conditional use on parcels which contain a C-2 zoning designation.

In order to recommend approval or disapproval of a proposed CUP, the 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, Section 7.1 (C) of Article 7 of the UDC states that the Governing Body may consider all factors they deem relevant. Article 12, Section 12.12 provides the specific details related to the Interstate Pole Sign size, height, setbacks, illumination, and location. In addition, Section 7.2(D) of the UDC details additional requirements to be considered when approving a CUP for an Interstate Pole Sign. City Staff has reviewed Application CU2021-01 with respect to all these requirements. The staff report presented to the Planning Commission outlining the findings of staff's review is included in the packet.

On March 9, 2021 the City of Edgerton Planning Commission held a public hearing regarding Application CU2021-01. Upon conclusion of the public hearing, the Planning Commission recommended approval of Application CU2021-01 with the following stipulations:

1. Compliance with all recommendations and comments related to requirements for the sign, pole and all other related matters discussed in the attached Staff Report shall be required stipulations for approval for the Conditional Use Permit;
2. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing;

3. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s);
4. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit **CU2021-01** null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City;
5. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership;
6. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.

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

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Ordinance No. 2068 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2021-01) Allowing An Interstate Pole Sign On Property Located At 32501 W. 200th Street, Edgerton, Kansas**

**Enclosed:**

- Ordinance 2068
- Staff Report prepared for the March 9, 2021 Planning Commission Meeting.
- Excerpt from Draft Minutes – March 9, 2021 Planning Commission Meeting.

**Prepared by:** Katy Crow, Development Services Director

## ORDINANCE NO. 2068

### **AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-01) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W. 200<sup>TH</sup> STREET, EDGERTON, KANSAS**

WHEREAS, the City of Edgerton received Application CU2021-01 for a Conditional Use Permit from Moussa Sobaiti, on behalf of My Store III, Inc. (the "Applicant") on or about February 5, 2021 for property located at 32501 W. 200<sup>th</sup> Street, Edgerton, Kansas (the "Property"); and

WHEREAS, both at the time of application and at the time of the signing of this Ordinance, the Property is owned by My Store III, Inc., a validly existing Kansas Corporation; and

WHEREAS, the Applicant is requesting a Conditional Use Permit to allow an interstate pole sign for the On the Go Travel Center located on the Property to include space for Phillip's 66, TA Express, restaurant tenants and truck services, including a digital display area reflecting gasoline and diesel prices. The sign would be double sided, internally illuminated and stand eighty-three (83) feet from Grade; and

WHEREAS, the Edgerton Planning Commission did hold a public hearing on March 9, 2021 on the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve the Conditional Use Permit request, for a period of ten (10) years, conditioned on the following being adhered to by the Applicant/Owner:

1. Compliance with all recommendations and comments related to requirements for the sign, pole and all other related matters discussed in the attached Staff Report shall be required stipulations for approval for the Conditional Use Permit;
2. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing;
3. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s);
4. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit **CU2021-01** null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City;

5. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership;
6. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Articles 7 and 12 of the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved upon the terms described above.

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

**Section 1.** The proposed Conditional Use Permit for an interstate pole sign is hereby approved for the Property located at 32501 W. 200<sup>th</sup> Street, Edgerton, Kansas.

**Section 2.** The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant's/Owner's strict compliance with the six Conditions set forth above, which were recommended by the Edgerton Planning Commission and approved by the City of Edgerton City Council.

**Section 3.** The effectiveness of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner of the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from City to Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, Applicant/Owner will be notified that this Conditional Use Permit is revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only occur through action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

**Section 4.** This Ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning and Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit is vacated or is declared null and void.

PASSED by the Governing Body of the City of Edgerton, Kansas and approved by the Mayor on the 8<sup>th</sup> day of April, 2021.



CITY OF EDGERTON, KANSAS

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DONALD ROBERTS, Mayor

ATTEST:

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ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

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LEE W. HENDRICKS, City Attorney

**STAFF REPORT**

March 9, 2021

To: Edgerton Planning Commission  
Fr: Chris Clinton, Planning and Zoning Coordinator  
Re: Application **CU2021-01** for Conditional Use Permit Request for one Interstate Pole Sign at 32501 W 200<sup>th</sup> Street, Edgerton, Kansas

**APPLICATION INFORMATION**

**Applicant:** Moussa Sobaiti  
My Store III Inc.  
14728 W 93<sup>rd</sup> Street  
Lenexa, KS 66215

**Property Owners:** Moussa Sobaiti  
My Store III Inc.  
14728 W 93<sup>rd</sup> Street  
Lenexa, KS 66215

**Requested Action:** Conditional Use Permit approval for one Interstate Pole Sign

**Legal Description:** On the Go Travel Center First Plat, Tract A

**Site Address/Location:** 32501 W 200<sup>th</sup> Street

**Site Size:** Approximately 2.11 Acres

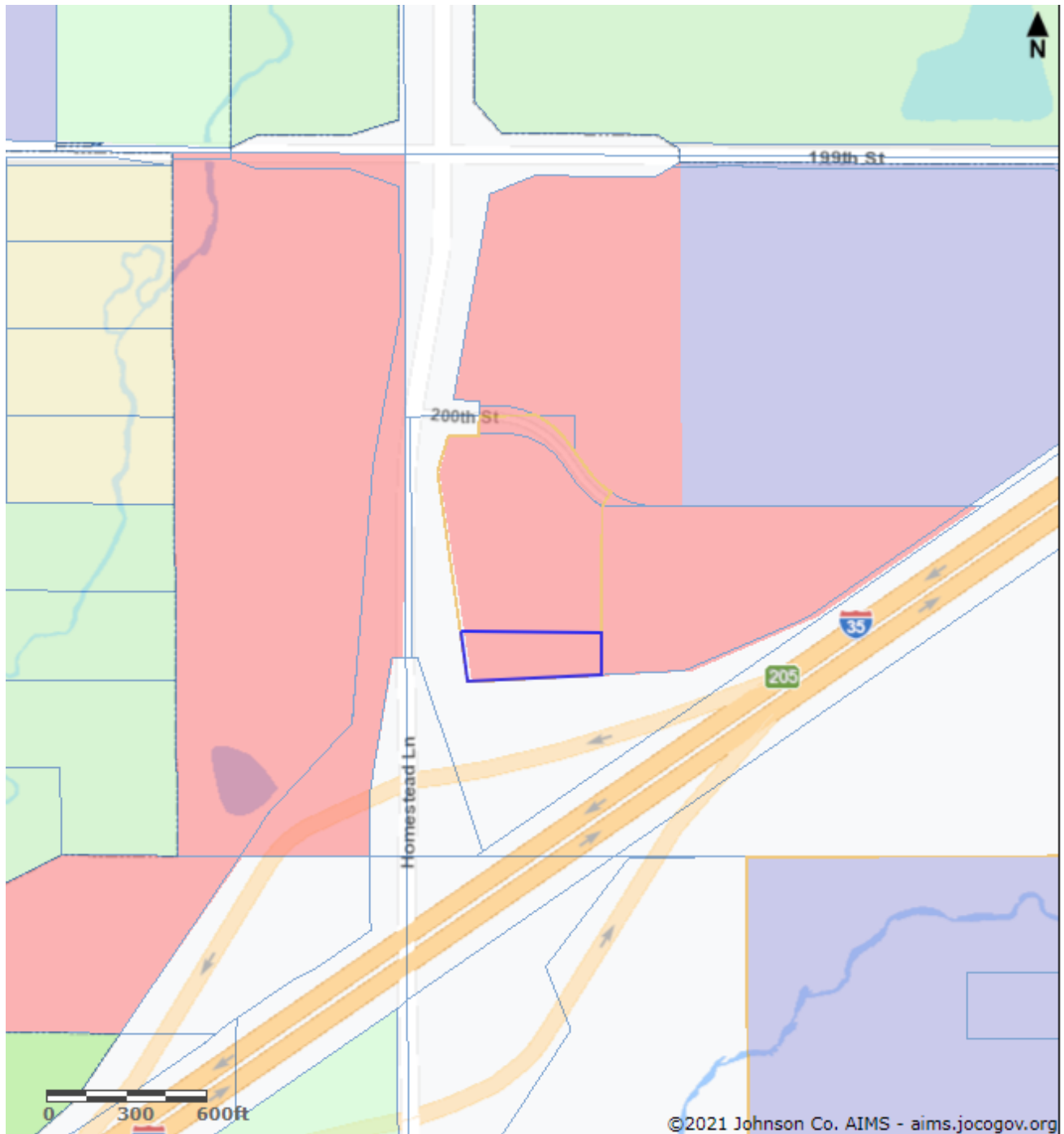
**Existing Improvements:** Detention Basin

**Current Zoning and Land Uses:**

	<i>ZONING</i>	<i>LAND USE TODAY</i>	<i>USER/OWNER</i>
<i>SITE</i>	C-2, Heavy Service Commercial District	Current use is under development for a detention basin	My Store III Inc.
<i>NORTH</i>	C-2, Heavy Service Commercial District	Under development for a travel center and truck maintenance facility	My Store III Inc.
<i>SOUTH</i>	Interstate Right of Way and Interstate 35	Interstate Right-of-Way	Kansas Department of Transportation
<i>EAST</i>	C-2, Heavy Service Commercial District	Agricultural	My Store III Inc.
<i>WEST</i>	Interstate Right of Way and Homestead Lane	Interstate Right-of-Way	Kansas Department of Transportation and City of Edgerton

**Figure 1:** Subject parcel is outlined in Blue. The pink shows Heavy Service Commercial District (C-2) zoned parcels. The Purple indicates Logistics Park (L-P) zoning. The Yellow is Johnson County Residential Neighborhood 1 (RN1), which is single family dwellings with a one-acre minimum lot size. The Green indicates Johnson County RUR, which is agricultural uses and single-family dwellings with a ten-acre minimum lot size. Light gray indicates Interstate 35 (I-35) and Homestead Lane rights-of-way.

**Figure 1**



**Figure 2:** Subject parcel is outlined in Red. Nearby structures are shown in this figure. Aerial imagery on Johnson County AIMS does not reflect the Travel Plaza that is currently under construction on the parcel directly north of the subject parcel.

**Figure 2**



## **BACKGROUND AND PROJECT DESCRIPTION:**

This parcel is part of On the Go Travel Plaza approved Final Site Plan FS2019-04. On the parcel directly to the north of the one highlighted in Figure 2, the On the Go Travel Plaza project is currently under construction. The project will contain a travel center, restaurants, fueling stations for vehicles and trucks, and a truck maintenance facility. A Revised Final Site plan will be considered during the same meeting on March 9, 2021 to reflect updates to the initial Site Plan approved on August 13, 2019.

On February 5, 2021, City Staff received a Conditional Use Permit application for an Interstate Pole Sign for the On the Go project site. The proposed sign is to have space for the business located onsite including fuel partner, Phillips 66, and the tenant of the travel center, TA Express, restaurant tenants and truck services. The applicant has also indicated a digital display area which will reflect gasoline and diesel prices with a cash price that flashes. The applicant has indicated the sign will be double faced and internally illuminated. The height of the proposed sign is eighty-three (83) feet from the grade where the pole is located. The sign will be supported by a single telescoping pipe. The parcel where the proposed Interstate Pole Sign will be located is a detention basin for the On the Go project.

## **INFRASTRUCTURE AND SERVICES:**

The subject parcel is located within the limits of the City. Site development is ongoing as the project moves towards completion. The only utility that would be required for this project would be electrical, which will be supplied by Evergy and all infrastructure would be installed by the developer and applicant. This project is within the On the Go Tax Increment Financing (TIF) District and part of a Community Improvement District (CID).

## **STAFF ANALYSIS**

City Staff reviewed the Site Plan and Sign Design to Article 12 – *Sign Regulations* and Article 7 – *Conditional Uses* of the Unified Development Code (UDC).

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 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 ensure 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.

The Planning Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in specific instances and in particular districts set forth provided that:

- a. the location is appropriate and consistent with the Comprehensive Plan;
- b. that the public health, safety, morals, and general welfare will not be adversely affected;
- c. the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- d. further provide that additional standards of this Article be specified as a condition of approval.

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 the UDC. The burden of proof and the burden of persuasion is on the applicant to bring forth the evidence on all questions of fact that are determined by the Planning Commission.

### Section 7.1.C Issuance of Conditional Uses

1. **Criteria.** In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and the 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:
  - a. The extent to which there is a need in the community for the proposed use. The recently approved travel center at the Homestead Lane exit is currently under construction. Having signage adjacent to the interstate can help direct travelers to businesses established within the Edgerton city limits and to a much needed ancillary service to travelers. Staff determination: **Positive**
  - b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The location of the Interstate Pole Sign is on a parcel of land which borders I-35. The adjacent parcels are zoned C-2 or are designated interstate right-of-way. The next closest parcels are either across Homestead Lane, a four-lane divided roadway, or across I-35. The closest residentially zoned parcel is over 1,100 feet to the northwest. There are no restrictions posed by the neighboring area. Staff determination: **Positive**
  - c. 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. The immediate property to the south is interstate right of way and an actual interstate highway, I-35. There are no other structures, other than those to the north (the travel plaza itself), near the Interstate Pole Sign. Those businesses are the ones that this Interstate Pole Sign would be advertising for. Staff determination: **Positive**
  - d. Suitability of the uses of the property without the proposed conditional use permit. The parcel is zoned C-2. In the current UDC, Article 4 – *Commercial Zoning Districts*, several permitted uses are allowed – all seventy-two (72) uses allowed in C-1 zoning districts, plus eight (8) additional C-2 specific uses. There are also four Conditional Uses allowed. One of the Conditional Uses is the installation of an Interstate Pole Sign. Staff determination: **Positive**
  - e. Length of time the subject property has remained vacant without the proposed conditional use permit. Per the Johnson County AIMS system, the parcel has been used as detention at least since 2006. The main purpose of this parcel is stormwater detention, but the Interstate Pole Sign will be located in the southwest corner of parcel. Because the Conditional Use Permit is for a sign and not for a business operation, the property being vacant is not a consideration for this type of use. Staff determination: **Neutral**
  - f. The extent to which the proposed use may detrimentally affect nearby property. This sign will help bring attention to businesses and operations within the City.

These businesses in turn will provide a much needed service to travelers along the I-35 corridor and to employees, vendors, and truck drivers traveling to Logistics Park Kansas City. The closest adjacent properties all contain the same C-2 zoning designation. The nearby properties are not affected detrimentally by the Interstate Pole Sign. Staff determination: **Positive**

- g. 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. Because this application is for a sign and not a business type, the ingress, egress, traffic flow, parking, etc. is not applicable. City Staff has reviewed the requirements set forth in the UDC outlined below. Staff determination: **Neutral**
- h. 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. The only utility this Conditional Use Permit would require is electrical for possible lighting. Every provides service to the parcel. Staff determination: **Positive.**
- i. 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. The Interstate Pole Sign is out of any adjacent roadway and is not in a parking lot of any of the operations on the parcel to the north. Staff determination: **Positive**
- j. 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. The only environmental impact related to the signage could potentially be excessive nighttime lighting. Even if approval is granted for a Conditional Use Permit on this site, any and all signage must still be in compliance with the adopted sign code in Article 12 of the UDC. City Staff will monitor the site and any complaints received by City Staff will be addressed. Staff determination: **Neutral**
- k. The economic impact of the proposed use on the community. As was stated previously, the Interstate Pole Sign would be utilized to attract travelers along the I-35 corridor to the businesses located at this site. Additionally, the services provided by this development will provide a much need amenity for both the residents of Edgerton and the employees at LPKC. The businesses located in this development are part of both a Community Improvement District and a TIF District. Revenues received through sales generated at these businesses will provide a positive tax benefit to the City of Edgerton. Staff determination: **Positive**
- l. 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. There would be no gain to public health, safety, and welfare from denial. Nor would there be any hardship imposed in the permit was denied. Staff determination: **Neutral**
- m. 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. The UDC only allows Interstate Pole Signs to be located on properties that are near an interstate and properly zoned. This application is for a parcel that abuts interstate right-of-way and has the correct zoning for an Interstate Pole Sign. This permit is consistent with the



current zoning under the UDC. Staff determination: **Positive**

- n. In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). Staff recommendation is addressed in the Recommendations Section of this Staff Report.

#### **Section 7.2.D – Specific District Requirements for C-2, Heavy Service Commercial District**

1. Interstate Pole Sign. Applicant must provide the following details in submission materials:
  - a. The use of the proposed Development. ***The requested pole sign is to advertise the businesses/services located at the On the Go Travel Plaza located on the adjacent parcel to the north. Requirement to provide met.***
  - b. The height of the proposed principal building. ***Applicant indicates on the rendering provided that buildings are 20'6" to top of cornice feature on convenience store and 18'8" to the top of the main body of the building on the truck maintenance building. Requirement to provide met.***
  - c. The surrounding land uses and zoning districts. ***Applicant has provided land uses and zoning designations of neighboring properties. See Figure 1 on page 2 of the Staff Report for zoning designations. Requirement to provide met.***
  - 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). ***Parcel borders Interstate 35 right-of-way. Requirement met.***
  - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway. ***The elevation of the finished grade of the adjacent roadway is 1018 feet. City staff has confirmed this. Requirement to provide met.***
  - f. The proposed height and signable area of the pole sign. ***Applicant has indicated the proposed pole sign will be 83' from finished grade in height. Requirement to provide met.***
  - 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 distance from both directions. ***Applicant has not provided line of sight drawings. Applicant submission of line of sight drawings required.***
  - 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. ***See staff review comments below.***

#### **Table 12-3 Signs Permitted in Commercial Districts – CD, C-1, C-2, C-3**

1. 900 square feet in area per sign side which include total of all sign faces; may be single or double sided. ***Total area of all of the proposed signs is 872 square feet. Sign meets requirements.***
2. Sixty (60) feet above finished grade of adjacent city roadway to a maximum height of 100 feet. ***The applicant indicates the grade of the centerline of Homestead Lane is 1018' and the finished grade of the sign is 995' with a height of eighty-three (83) feet. The height of the sign would be twenty-three (23) feet above the existing grade of Homestead Lane. Sign meets requirements.***



3. Thirty (30) feet setback from property lines. *The applicant indicates the sign will be 30' from the southern and western property lines. **Sign meets requirements.***
4. Sign permit is required. **Applicant acknowledges.**
5. Internal illumination only. *Applicant indicates signs are to be internally illuminated pylon signs with gas prices. **Sign meets requirements.***
6. Allowed in C-2/C-3 District only and also requires a conditional use permit. *Parcel is zoned C-2 and this application is for a conditional use permit. **Sign meets requirements.***
7. May contain a changeable copy sign. *Applicant indicates the gas pricing sign for diesel will flash with a cash price. **Sign meets requirements.***
8. No flashing, intermittent or moving lights; LED signs must display image for at least eight (8) seconds. *Applicant has indicated that the flasher will be ordered from the factory to toggle at 8 second intervals. The flasher can also be turned off so that the digital image is static as well. **Sign meets requirements.***
9. Allowed if a minimum of half (50%) of the site is within 800 feet of the centerline or 500 feet of the right-of-way, which ever is less, of an Interstate. *The subject parcel borders I-35 right-of-way. **Sign meets requirements.***
10. May only be placed on premise. *The sign location is on the same plat of the development the signs are advertising. **Sign meets requirements.***

## RECOMMENDATION

Based upon the above staff analysis, City staff recommends **approval** of Application **CU2021-01** for the Interstate Pole Sign as shown on the attached site plan for a period of ten (10) years with the following stipulations:

1. The staff recommendations and comments noted related to any requirements for the sign and all else discussed as included in this Staff Report are included as stipulations as part of approval of this Conditional Use Permit;
2. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing.
3. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s);
4. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit **CU2021-01** null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City;
5. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership;
6. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.

## ATTACHMENTS

- Application CU2021-01
- Sign Design
- Site Plan with Elevations



Please print or type.

**PROPERTY INFORMATION**Requesting Conditional Use Permit For: On The Go Travel Center - Highway Pole SignLocation or Address of Subject Property: 32501 W 200th Street, Edgerton, KSLegal Description: Tract A, On The Go Travel Center First Plat, a subdivision of land in the City of Edgerton, Johnson County, KansasZoning on Subject Property: C-2 Current Land Use: Commercial**PROPERTY OWNER INFORMATION**Property Owner's Name(s): Moussa Sobaiti Phone: (831) 905-1377Company: My Store III Inc Fax: moussasobaiti@hotmail.comMailing Address: 14728 W 93rd StreetCity: Lenexa State: KS Zip: 66215**APPLICANT/AGENT INFORMATION**Applicant/Agent's Name(s): Moussa Sobaiti Phone: (831) 905-1377Company: My Store III Inc Fax: moussasobaiti@hotmail.comMailing Address: 14728 W 93rd StreetCity: Lenexa State: KS Zip: 66215**ENGINEER/ARCHITECT INFORMATION**Engineer/Architect's Name(s): Judd D. Claussen, P.E. Phone: 913.393.1155Company: Phelps Engineering, Inc Fax: jclaussen@phelpsengineering.comMailing Address: 1270 N WinchesterCity: Olathe State: KS Zip: 66061**SIGNATURE**Signature of Owner or Agent: 

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

**FOR OFFICE USE ONLY**Case No.: CU- 2021-01Amount of Fee Paid: \$ 1,000Date Fee Paid: 2-5-21Received By: Katy CrowDate of Hearing: 3-9-21

## **CERTIFIED LETTERS**

The applicant will be responsible for mailing notices (see attached form letter) of the public hearing for the requested Conditional Use Permit by certified mail, return receipt requested to all owners of land within the notification area: two hundred (200) feet within the city limits; one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership of the land within the notification area can be obtained from the Johnson County Department of Records and Tax Administration or through a title insurance company (preferred method). A list of property owners within the notification area must be submitted with the application.

## **AFFIDAVIT OF COMPLIANCE**

An affidavit (see attached form) concerning the mailing of property owner notification letters must be returned to the office of the City Clerk by no later than the Monday preceding the public hearing.

## **PLANNING COMMISSION REVIEW AND DECISION**

The Edgerton Planning Commission meets in City Hall on the second Tuesday of every month. The agenda and staff reports will be available the Friday preceding the public hearing. The chairperson will open the public hearing for each case to hear presentations by the city staff, the owner or authorized agent, and the audience, respectively. After everyone has had the opportunity to speak, the Planning Commission Chairman will either close or continue the public hearing to a later date. After the public hearing is closed, discussion will be limited to the Planning Commission and action will be taken in the form of a recommendation for approval or denial to the Governing Body.

## **PROTEST PERIOD**

After the conclusion of the public hearing, a fourteen (14) day protest period begins. During the protest period, property owners within the notification area of the subject property may file a petition indicating their protest to the requested Conditional Use Permit with the office of the City Clerk. The submission of a valid protest petition from property owners of twenty (20) percent of the land within the notification area of the subject property within the allotted time will require a three-quarter ( $\frac{3}{4}$ ) vote for approval by the Governing Body. Copies of protest petitions may be obtained in the office of the City Clerk.

## **GOVERNING BODY ACTION**

After the protest period has concluded, the application will be placed on an agenda for Governing Body action (up to thirty (30) days after the conclusion of the public hearing). The Governing Body will review the transcript of the public hearing along with the recommendation of the Planning Commission and will take action by concurring with or overriding the Planning Commission recommendation, or by returning the request to the Planning Commission for further review.



Case No.: CU- \_\_\_\_\_

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton City Hall, 404 E. Nelson St., Edgerton, Kansas, to consider a Conditional Use Permit request for \_\_\_\_\_ on the following described tract of land:

Legal Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

General Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A public hearing will be held to consider the Conditional Use Permit request on the above-described tract at 7:00 p.m. on \_\_\_\_\_, 20 \_\_\_\_\_. Any interested persons or property owners are invited to attend. Information regarding this Conditional Use Permit request is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this Conditional Use Permit request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If a valid protest petition is received from twenty (20) percent of the property owners within the notification area, a three-quarters ( $\frac{3}{4}$ ) vote of the Governing Body is required to approve this Conditional Use Permit request.

Copies of the protest petition are available in the office of the City Clerk.

Respectfully,

\_\_\_\_\_  
Applicant (or Owner or Agent) email: jclaussen@phelpsenengineering.com

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

200' Ownership List  
PEI#200458 - 2/9/2021

Owner Name 1	Owner Name 2	Owner Line1	Owner Line2
JO CO BD OF COMMISSIONERS		111 S CHERRY ST	OLATHE, KS 66061
MY STORE III INC		14728 W 93RD ST	LENEXA, KS 66215
SEC OF TRANSPORTATION	STATE OF KANSAS	700 NW HARRISON ST FL 14	TOPEKA, KS 66603
STATE OF KANSAS		STATE HOUSE	TOPEKA, KS 66612



7019 2970 0001 2370 9065

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**OFFICIAL USE**

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark  
Here

Postage

\$

Total Postage and Fees

\$ MY STORE III INC

Sent To

14728 W 93RD ST

Street and Apt. No., or PO Box No.

LENEXA, KS 66215

200458- JDC

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 2970 0001 2370 9069

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**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark  
Here

Postage

\$

Total Postage and Fees

\$ STATE OF KANSAS

Sent To

STATE HOUSE

Street and Apt. No., or PO Box No.

TOPEKA, KS 66612

200458- JDC

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 2970 0001 2370 9058

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**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark  
Here

Postage

\$

Total Postage and Fees

\$ JO CO BD OF COMMISSIONERS

Sent To

111 S CHERRY ST

Street and Apt. No., or PO Box No.

OLATHE, KS 66061

200458- JDC

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 2970 0001 2370 9072

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**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark  
Here

Postage

\$

Total Postage and Fees

\$ SEC OF TRANSPORTATION

Sent To

STATE OF KANSAS

Street and Apt. No., or PO Box No.

700 NW HARRISON ST. FL 14

City, State, ZIP+4®

TOPEKA, KS 66603

200458- JDC

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Case No.: CU- 2021-01I, Judd D. Claussen, P.E. of lawful age being first duly sworn upon oath, state:

That I am the agent (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

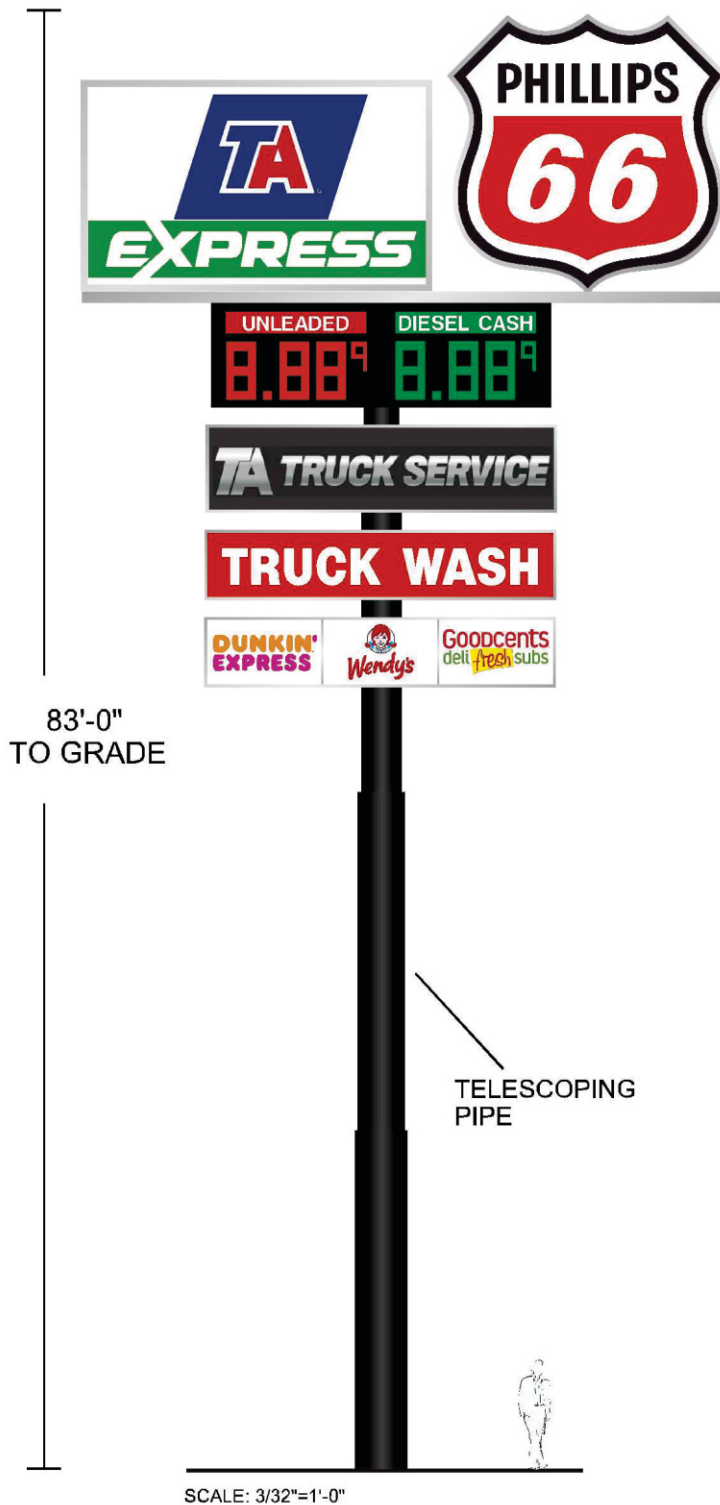
These notices were mailed on the 17 day of February, 2021.  
\_\_\_\_\_  
Signature of Agent, Owner, or AttorneySubscribed and sworn to before me this 25<sup>th</sup> day of February, 2021.  
\_\_\_\_\_  
Notary Public

My Commission Expires:

8-28-2023

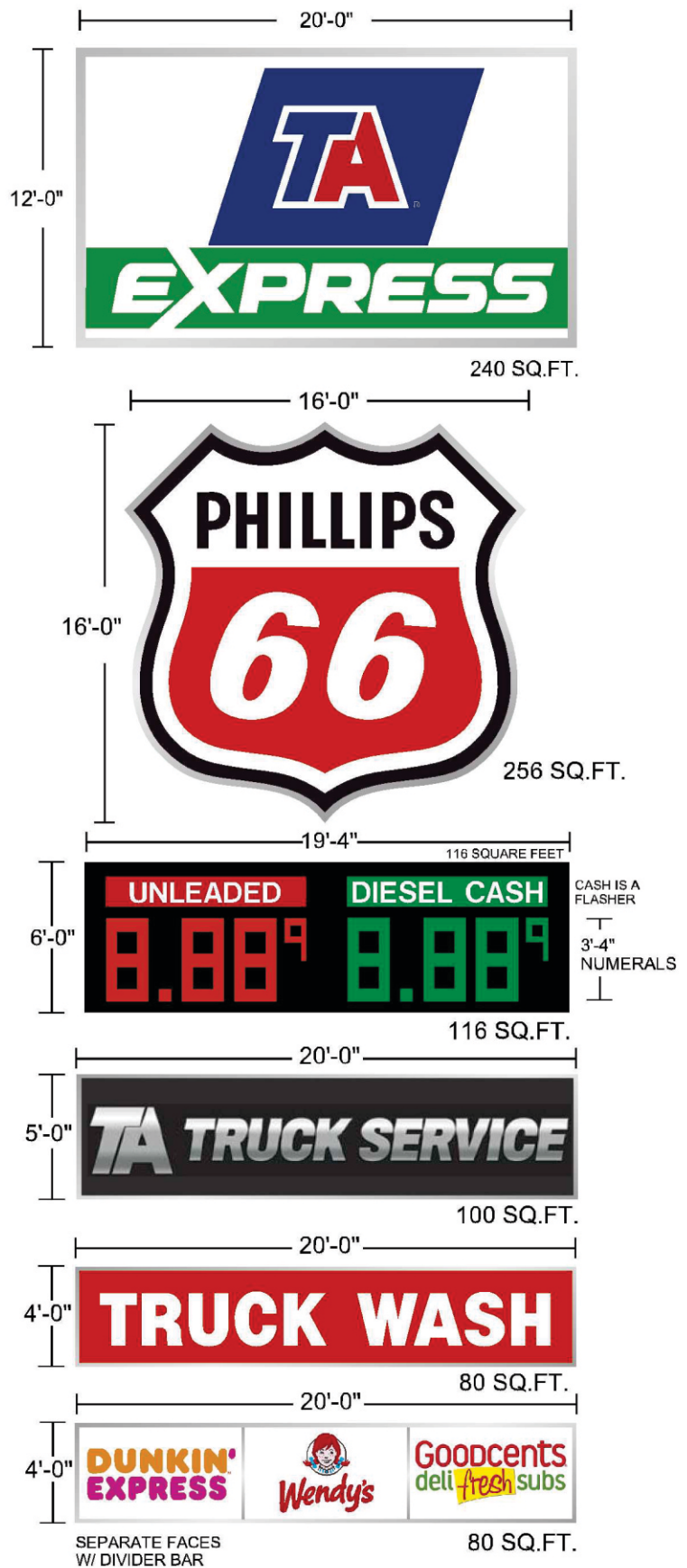
(SEAL)





#### SIGN SPECIFICATIONS:

ONE, DOUBLE FACE, INTERNALLY ILLUMINATED  
PYLON SIGN WITH GAS PRICER.



FILE NAME	TAEXPRESSDR12021.PLT	DATE	1.21.21	% ALLOWED	N/A
ACCOUNT	TA EXPRESS	SCALE	ABOVE	BLDG SQ FT	
ADDRESS	32501 W. 200TH TERRACE	SALESPERSON	ROBIN D'ANGELO	SQ FT ALLOWED	900
	EDGERTON, KS.	DESIGNER	JAY JENSEN	SIGN SQUARE FT	872
		FONT	CUSTOM		

#### CUSTOMER INFORMATION

REQUIRED POWER SOURCE  
PROVIDED BY CUSTOMER  
FOR FINAL CONNECTION.

ANY ROOF MEMBRANE  
PENETRATION BY OTHERS.

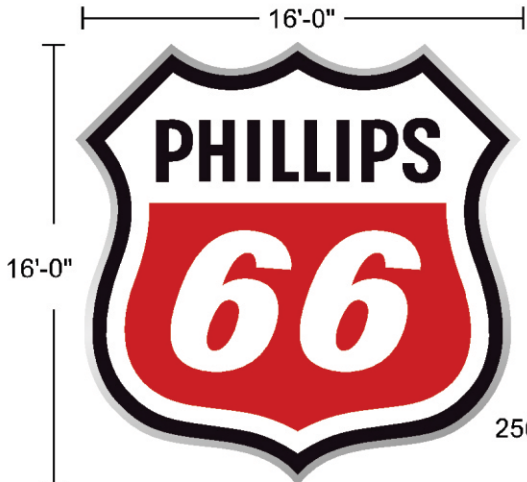
NOTES:  
STRUCTURAL BLOCKING BEHIND WALL FOR MOUNTING  
MUST BE SUFFICIENT FOR INSTALLATION.  
NECESSARY ACCESS MUST BE MADE AVAILABLE  
INSIDE FOR INSTALLATION/WIRING.  
THIS ORIGINAL DESIGN AND ALL INFORMATION CONTAINED THEREON  
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THIS DRAWING IS SUBJECT TO RETURN ON DEMAND.





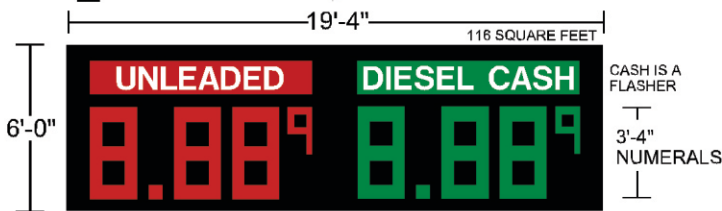
240 SQ.FT.

ONE DOUBLE FACE, INTERNALLY ILLUMINATED CABINET SIGN.  
FACES: HIGH RESOLUTION GRAPHICS PRINTED  
ON WHITE PANAFLEX.  
CABINET: PAINTED BRUSHED ALUMINUM.



256 SQ.FT.

SHIP-IN ONE, DOUBLE FACE CABINET



116 SQUARE FEET

116 SQ.FT.

SHIP-IN TWO, SINGLE FACE PRICE SIGNS



100 SQ.FT.

TWO, SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.  
FACES: WHITE POLYCARBONATE  
GRAPHICS: HIGH RESOLUTION TRANSLUCENT DIGITAL PRINTS ON VINYL.  
CUSTOMER TO PROVIDE VECTOR OR HIGH RESOLUTION ART FILE.  
CABINET: PAINTED BRUSHED ALUMINUM.



80 SQ.FT.

TWO, SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.  
FACES: WHITE POLYCARBONATE  
GRAPHICS: HIGH RESOLUTION TRANSLUCENT DIGITAL PRINTS ON VINYL.  
CABINET: PAINTED BRUSHED ALUMINUM.



SEPARATE FACES  
W/ DIVIDER BAR

80 SQ.FT.

TWO SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.  
ALL INDIVIDUAL FACES, SEPARATED BY DIVIDER BARS.  
FACES: WHITE POLYCARBONATE.  
GRAPHICS: TRANSLUCENT VINYL PER CUSTOMER PROVIDED COLORS.  
CABINETS: PAINTED BRUSHED ALUMINUM



FILE NAME	TAEXPRESSPYLONSPECSR.DR	DATE	1.21.21	% ALLOWED	N/A
ACCOUNT	TA EXPRESS	SCALE	ABOVE	BLDG SQ FT	
ADDRESS	32501 W. 200TH TERRACE	SALESPERSON	ROBIN D'ANGELO	SQ FT ALLOWED	900
	EDGERTON, KS.	DESIGNER	JAY JENSEN	SIGN SQUARE FT	872
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REQUIRED POWER SOURCE  
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ANY ROOF MEMBRANE  
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## **EXCERPT – DRAFT MINUTES**

### **EDGERTON CITY HALL PLANNING COMMISSION MEETING REGULAR SESSION March 9, 2021**

The Edgerton Planning Commission met in regular session with Chairperson John Daley calling the meeting to order at 7:00 PM.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chairperson John Daley, Commissioner Jeremy Little and Commissioner Deb Lebakken. Commissioner Charlie Crooks and Commissioner Tim Berger were absent from the meeting. Also present were City Administrator Beth Linn, Marketing and Communications Director Kara Banks, Development Services Director Katy Crow, City Clerk Alex Clower and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

### **PUBLIC HEARING – CONDITIONAL USE PERMIT – APPLICATION CU2021-01**

Chairperson Daley introduce Application CU2021-01. He explained it is an application for a conditional use permit for one Interstate Pole Sign at 32501 W 200<sup>th</sup> Street.

Chairperson Daley opened the public hearing and requested City Staff present their findings.

Ms. Crow stated the applicant and property owner is Mr. Moussa Sobaiti who is requesting the approval of a conditional use permit for one (1) Interstate Pole Sign. The address of the site is 32501 W 200<sup>th</sup> Street and the Interstate Pole Sign is to be placed on the portion platted as Tract A on On the Go Travel Center First Plat. Tract A is approximately 2.11 acres and is designated to be used as a detention basin. She said the site is zoned C-2, Heavy Service Commercial District and is currently under development. The site to the north is also zoned C-2 and is under development for a travel center and truck maintenance facility. The parcel to the south is right-of-way for I-35. The site to the east is undeveloped and is also zoned C-2. To the west of the site is interstate right-of-way and Homestead Lane. Ms. Crow explained Figure 1 provided in the Staff Report shows the zoning of nearby parcels. She stated Figure 2 shows the current land use, but it does not depict the development of the travel center to the north.

Ms. Crow explained the parcel is part of the On the Go Travel Plaza approved Final Site Plan FS2019-04. On the parcel directly to the north of the subject parcel, the travel plaza is currently under construction. The plaza will be comprised of a travel center, restaurant, fueling station for vehicles and trucks, and a truck maintenance facility. A Revised Final Site Plan will be considered later in this meeting to reflect updates to the initial Site Plan approved on August 13, 2019. She said City Staff received the application for a conditional use permit for an Interstate Pole Sign for the On the Go project site on February 5, 2021. The proposed sign is to have space for the business located onsite including the fuel partner, Phillips 66, and the tenant of

the travel center, TA Express, restaurant tenants and truck services. The applicant has also indicated a digital display area which will reflect gasoline and diesel prices with a cash price that flashes. The applicant has indicated the sign will be double faced and internally illuminated. The height of the proposed sign is eighty-three (83) feet from the grade where the pole is located. The sign will be supported by a single telescoping pipe.

Ms. Crow said the subject parcel is located within the limits of the City. The site development is ongoing as the project moves toward completion. The only utility that would be required for this project would be electrical, which will be supplied by Evergy and all infrastructures would be installed by the developer and applicant. This project is within the On the Go Tax Increment Financing (TIF) District and part of a Community Improvement District (CID).

Ms. Crow explained City Staff reviewed the Site Plan and Sign Design to Article 12, Sign Regulations, and Article 7, Conditional Uses, of the UDC. The purpose of Article 7 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 Commission may recommend approval of 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 standard are herein established to ensure 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 Commission. The Commission will provide a recommendation to the Governing Body which will be heard on April 8, 2021. She stated the Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in specific instances and in particular districts set forth provided that:

- a. The location is appropriate and consistent with the Comprehensive Plan;
- b. That the public health, safety, morals, and general welfare will not be adversely affected;
- c. The necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- d. Further provide that additional standards of Article 7 be specified as a condition for approval.

Ms. Crow stated no conditional use shall be authorized unless the Commission finds that the establishment, maintenance, or operation of the conditional use meets the standards set forth in the UDC. The burden of proof and the burden of persuasion is on the applicant to bring forth the evidence on all questions of fact that are determined by the Commission.

Ms. Crow explained in order to recommend approval or disapproval of a proposed conditional use permit, both the Commission and the 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 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 criteria. She stated the criteria will be read then followed by City Staff's findings.

- a. The extent to which there is a need in the community for the proposed use. The recently approved travel center at the Homestead Lane exit is currently under construction. Having signage adjacent to the interstate can help direct travelers to businesses established within the Edgerton city limits and to a much-needed ancillary service to travelers. Staff determination: Positive
- b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The location of the Interstate Pole Sign is on a parcel of land which borders I-35. The adjacent parcels are zoned C-2 or are designated interstate right-of-way. The next closest parcels are either across Homestead Lane, a four-lane divided roadway, or across I-35. The closest residentially zoned parcel is over 1,100 feet to the northwest. There are no restrictions posed by the neighboring area. Staff determination: Positive
- c. 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. The immediate property to the south is interstate right of way and an actual interstate highway, I-35. There are no other structures, other than those to the north, which is the travel plaza itself, near the Interstate Pole Sign. Those businesses are the ones that this Interstate Pole Sign would be advertising for. Staff determination: Positive
- d. Suitability of the uses of the property without the proposed conditional use permit. The parcel is zoned C-2. In the current UDC, Article 4 – Commercial Zoning Districts, several permitted uses are allowed – all seventy-two (72) uses allowed in C-1 zoning districts, plus eight (8) additional C-2 specific uses. There are also four (4) Conditional Uses allowed. One of the Conditional Uses is the installation of an Interstate Pole Sign. Staff determination: Positive
- e. Length of time the subject property has remained vacant without the proposed conditional use permit. Per the Johnson County AIMS system, the parcel has been used as detention at least since 2006. The main purpose of this parcel is stormwater detention, but the Interstate Pole Sign will be located in the southwest corner of parcel. Because the Conditional Use Permit is for a sign and not for a business operation, the property being vacant is not a consideration for this type of use. Staff determination: Neutral
- f. The extent to which the proposed use may detrimentally affect nearby property. This sign will help bring attention to businesses and operations within the City. These businesses in turn will provide a much-needed service to travelers along the I-35 corridor and to employees, vendors, and truck drivers traveling to LPKC. The closest adjacent properties all contain the same C-2 zoning designation. The nearby properties are not affected detrimentally by the Interstate Pole Sign. Staff determination: Positive
- g. 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. Because this application is for a sign and not a business type, the ingress, egress, traffic flow, parking, et cetera is not applicable. City Staff has reviewed the requirements set forth in the UDC outlined later. Staff determination: Neutral
- h. 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. The only utility this Conditional Use Permit would require is electrical for possible lighting. Everygy provides service to the parcel. Staff determination: Positive

- i. 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. The Interstate Pole Sign is out of any adjacent roadway and is not in a parking lot of any of the operations on the parcel to the north. Staff determination: Positive
- j. 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. The only environmental impact related to the signage could potentially be excessive nighttime lighting. Even if approval is granted for a Conditional Use Permit on this site, any and all signage must still be in compliance with the adopted sign code in Article 12 of the UDC. City Staff will monitor the site and any complaints received by City Staff will be addressed. Staff determination: Neutral
- k. The economic impact of the proposed use on the community. As was stated previously, the Interstate Pole Sign would be utilized to attract travelers along the I-35 corridor to the businesses located at this site. Additionally, the services provided by this development will provide a much need amenity for both the residents of Edgerton and the employees at LPKC. The businesses located in this development are part of both a CID and a TIF District. Revenues received through sales generated at these businesses will provide a positive tax benefit to the City of Edgerton. Staff determination: Positive
- l. 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. There would be no gain to public health, safety, and welfare from denial. Nor would there be any hardship imposed in the permit was denied. Staff determination: Neutral
- m. 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. The UDC only allows Interstate Pole Signs to be located on properties that are near an interstate and properly zoned. This application is for a parcel that abuts interstate right-of-way and has the correct zoning for an Interstate Pole Sign. This permit is consistent with the current zoning under the UDC. Staff determination: Positive
- n. In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798. The City Staff recommendation will be stated later.

Ms. Crow explained Article 7 also narrows down requirements for each conditional use for each zoning district. She said the first requirement is the applicant is to provide the use of proposed development. The Interstate Pole Sign is to advertise the businesses and services located at the On the Go Travel Plaza located on the adjacent parcel to the north and meets the requirement.

Ms. Crow read the next requirement is the height of the buildings needs to be provided. The applicant has provided the height of the buildings as twenty (20) feet and six inches (6) to top of cornice feature on the convenience store and eighteen (18) feet and eight (8) inches to the

top of the main body of the building on the truck maintenance building. That requirement has been met.

Ms. Crow said the next requirement was the surrounding land uses and zoning districts. Those have been provided by the applicant and discussed earlier.

Ms. Crow informed the Commission the next requirement is to provide the relationship of 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. She said the parcel borders I-35 right-of-way and meets that requirement.

Ms. Crow explained the next requirement is the elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway. The applicant indicated the elevation of the finished grade of the adjacent roadway is 1018 feet. This has been confirmed by City Staff and this requirement has been met.

Ms. Crow stated the requirement of the proposed height and signable area of the pole sign to be provided. The applicant has indicated the proposed pole sign will be 83 feet from finished grade.

Ms. Crow read the next requirement is 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 a half mile and 1-mile distances from both directions. She explained the applicant did not provide this information until after the packet was published. City Staff will review this submitted drawings to ensure all requirements are met.

Ms. Crow said the final requirement is for the sign to meet the requirements in Article 12 of the UDC. She explained City Staff reviewed the requirements of the Interstate Pole Sign as outlined in Article 12. The first requirement outlined in Article 12 is the sign area is limited to 900 square feet in area per sign side which includes the total of all sign faces. The total area of all of the proposed signs is 872 square feet and meets the requirement. The next requirement is the pole sign is the height must be sixty (60) feet above finished grade of the adjacent city roadway and cannot be taller than 100 feet about the finished grade. She said the applicant indicates the grade of the centerline of Homestead Lane is 1018 feet and the finished grade of the sign is 995 feet with a height of 83 feet. The height of the sign would be twenty-three (23) feet above the existing grade of Homestead Lane and meets the requirements. Ms. Crow said a sign permit is required and the applicant has acknowledged this requirement. The sign is to be internally illuminated which meets the requirements. The zoning of the parcel is correct for an Interstate Pole Sign. There is a changeable copy with the cash price of diesel fuel will be flashing which meet requirements as well. The flashing must be displayed for at least 8 seconds. She explained the applicant indicated the flasher will be ordered from the factory to toggle at 8 second intervals. The applicant has stated the flasher can also be turned off, so the image is static. The sign location is on the same plat of the development the signs are advertising and that is the final requirement that needed to be met for Article 12.

Ms. Crow said City Staff recommends approval of Application CU2021-01 for the Interstate Pole Sign as shown on the Site Plan for a period of ten (10) years with the following stipulations:

1. The staff recommendations and comments noted related to any requirements for the sign and all else discussed are included as stipulations as part of approval of this Conditional Use Permit;
2. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing.
3. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s);
4. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit CU2021-01 null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City;
5. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership;
6. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.

Mr. Judd Claussen, Applicant Representative, thanked the Commission for their considerations of the application and City Staff for their work on the report. He stated all of the requirements have been met.

No further public comment was made at this time. Chairperson Daley closed the public hearing.

Chairperson Daley inquired if the sign location will be in the water of the detention basin. Ms. Crow replied no it is on the edge of the basin. Mr. Claussen concurred and said it will be on the embankment and not where the water will collect.

Commissioner Lebakken motioned to recommend approval of Application CU2021-01 with the stipulations outlined by City Staff. Commissioner Little seconded the motion. Application CU2021-01 was recommended for approval, 3-0.



## City Council Action Item

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**Council Meeting Date:** April 8, 2021

**Department:** Public Works

### **Agenda Item: Consider Resolution No. 04-08-21A Approving A Five-Year/ City/County Street Improvement Program 2022-2026.**

**Background/Description of Item:**

Each year, the cities in Johnson County are invited to submit projects to be considered for the five-year city/county street improvement program through the County Assistance Road System (CARS) program. The CARS program provides funds to the cities of Johnson County to construct and maintain their major arterial roadways.

Using a scoring system, Johnson County selects and allocates funds. The County pays 50% of the project's construction and construction inspection costs. Cities are responsible for design, right-of-way, and utility relocation cost. Types of projects eligible for the CARS program are: Capacity Improvements (additional lanes), Major Maintenance (overlays, patching), System Management (intersection improvements, traffic signals, turn lanes, etc.), Bridge (replacement or rehabilitation), and Route Enhancements (sidewalk, bike paths, street lighting, etc.)

**2022: Nelson Street from East 3<sup>rd</sup> Street to West 8<sup>th</sup> Street**

The City of Edgerton Nelson Street Project will receive the Ultrathin Bonded Asphalt Surface (UBAS). This project will include the necessary localized asphalt patching to address any base failures and localized curb and gutter repair as needed to fix any drainage issues or water ponding issues along the project. The Nelson Street Project will be submitted to CARS as the City of Edgerton's first project priority for 2022.

Prior to Logistics Park Kansas City (LPKC), the City of Edgerton frequently did not participate in the CARS program due to the local match requirement to receive funding. With new sources of revenue available from LPKC and surrounding development, the City of Edgerton has identified potential projects to be submitted for consideration of the next annual 5-year CARS program. Staff is working with the City Engineer/BG Consultants to provide detailed project cost estimates and scopes for these projects. This additional information will be submitted with the CARS 2022-2026 Program Submission. While these projects are not yet funded in the 2021-2025 Capital Improvement Program, staff recommends submitting them now for consideration while additional funding sources are considered.

**2024: East 2<sup>nd</sup> Street Project from East Nelson Street to Co-Op Rd**

As part of this project the existing asphalt pavement will be removed and replaced with concrete pavement. Use of concrete pavement would better accommodate the volume of large

trucks on this route and particularly the loading movements coming from the Ottawa Co-op and other truck route traffic from I35. This section of roadway is currently not a CARS eligible route, with the addition of the 207<sup>th</sup> Street Grade Separation staff believes that this section of roadway can be elevated to a CARS Minor route or connecting link between two CARS eligible roadways. Staff will work with the CARS Program for future eligibility of East 2<sup>nd</sup> Street.

**2026 East Nelson Street: E 4<sup>th</sup> Street to E 3<sup>rd</sup> Street Project**

As part of this project the existing asphalt pavement will be removed and replaced, including the intersections at East Nelson Street and East 4<sup>th</sup> Street and East Nelson Street and East 3<sup>rd</sup> Street. As well this project will include improved traffic flow and addressing on street parking, replacement of sidewalk/trail, stormwater, and other supporting infrastructure, as necessary. This project will follow the outline of the 2018 Downtown Edgerton Plan findings.

Please find enclosed with the packet draft Resolution No. 04-08-21A, map of the locations for the 2022-2026 CARS projects, and CARS Form A for the 2022, 2024 and 2026 CARS submissions.

City Attorney has not reviewed the ordinance, any revisions will be made prior to the final submission to the County.

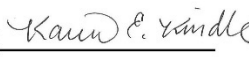
**Related Ordinance(s) or Statute(s):**

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**Funding Source:** 2021-2025 Capital Improvement Program  
County Assistance Road System (CARS)

**Budget Allocated:** \$202,300 (for Nelson Street from East 3rd St to West 8th St in 2022)

**Finance Director Approval:**

x   
Karen Kindle, Finance Director

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<b>Recommendation: Approve Resolution 04-08-21A Approving A Five-Year City/County Street Improvement Program</b>
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**Enclosed:** Draft Resolution 04-08-21A  
Map of Projects  
East Nelson Street CARS Form A  
East Nelson Street: E 4<sup>th</sup> St to E 3<sup>rd</sup> St – CARS Form A  
2nd Street: East Nelson to Co-Op Rd – CARS Form A

**Prepared by:** Dan Merkh, Public Works Director

**RESOLUTION NO. 04-08-21A**

**A RESOLUTION APPROVING A FIVE-YEAR CITY/COUNTY STREET IMPROVEMENT PROGRAM**

**WHEREAS**, the City is desirous of obtaining County funds for certain street improvement projects within the City; and

**WHEREAS**, in order to have projects considered for the 2022-2026 CARS Program by the Johnson County Board of Commissioners, the Governing Body must submit a written five-year road improvement program request; and

**WHEREAS**, all requests must be accompanied by a resolution which provides that included projects have been reviewed and approved by the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS**, that the attached Five-Year City/County Street Improvement Program has been reviewed and approved for submittal to the Johnson County Board of Commissioners as the City's 2022-2026 CARS Program request. This Resolution will become effective upon its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 8<sup>th</sup> DAY OF APRIL 2021.

ATTEST:

**CITY OF EDGERTON, KANSAS**

\_\_\_\_\_  
Alexandria Clower, City Clerk

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

APPROVED AS TO FORM:

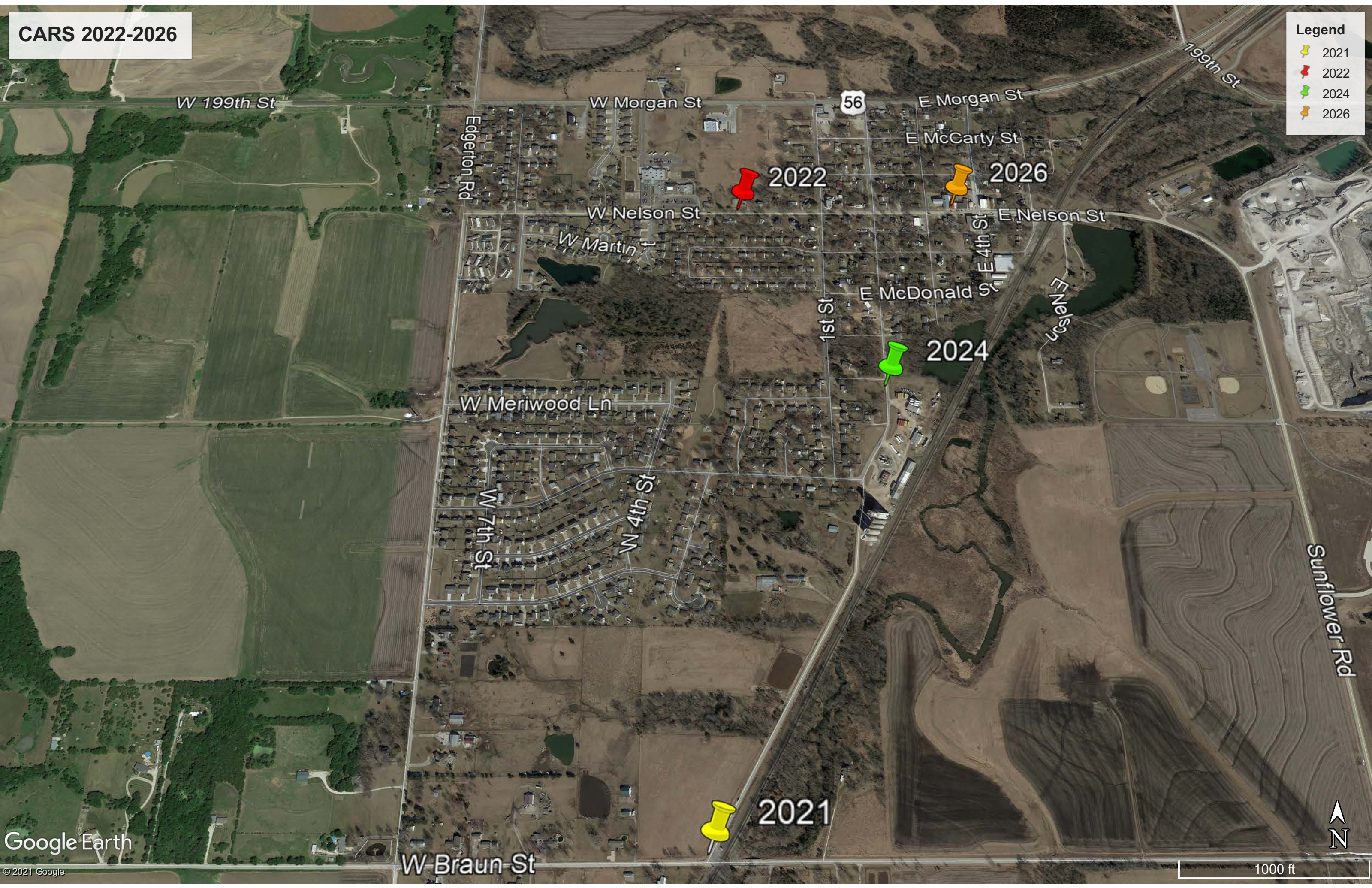
\_\_\_\_\_  
Lee W. Hendricks, City Attorney



CARS 2022-2026

Legend

- 2021
- 2022
- 2024
- 2026





**CARS Form A**  
**2022-2026 Project Application for the**  
**County Assistance Road System (CARS) Program**

*Submit one form for each project.*

*Return by April 28, 2021*

---

Submitting city	Edgerton	City priority ranking	1
Project location	Nelson St - E 3rd St to W 8th St		
Joint project with		Administering city	Edgerton
Contact name and title	Dan Merkh, Public Works Director		
Estimated project schedule: Start date (mm/yy)	03/22	Completion date (mm/yy)	12/22
Current Average Daily Traffic (ADT)	2,275	Year	2021
Accident history (Prior 3 years)	0		
Project type	Major Maintenance	Sufficiency rating (bridge projects)	
Level of Service (LOS) [System Management projects only]		Pavement condition	Fair

---

Description of existing infrastructure/deficiencies (If it is a street, include the number of lanes, pavement width, pavement type, and other infrastructure to be improved/replaced.)

Today, East Nelson Street from East 3rd Street to West 1st Street is the main arterial roadway through the City of Edgerton, this roadway is 2 lanes with a width of 32 ft. East Nelson Street connects with Sunflower Rd to access I35 to the south of town and the north and south connector streets to 56 Highway.

Description of proposed improvements (If it is a street, include the number of lanes, pavement width, pavement type, and other infrastructure to be improved/ replaced.)

This project would remove and replace the existing asphalt surface to Nelson St as well as the intersections at East 3rd St, East 2nd St 1st St, W 5th St, W 7th St and W 8th St. This section of roadway will be replaced with Unified Bonded Asphalt Surface (UBAS) treatment and full depth patching where necessary.

**Total Project Cost Calculation**

Design	\$ 18,600
Right-of-way acquisition	
Utility relocation	
Other project costs	
Construction	\$ 176,000
Construction engineering (including testing services)	
Total Project Cost	<hr/> \$ 194,600

**Net CARS Eligible Cost Calculation**

Total reimbursable project cost	\$ 176,000	Construction+Construction engineering from above
Federal Aid funding		
State Aid funding		
Other non-Johnson County-city funding		
Net CARS eligible costs	<hr/> \$ 176,000	

**CARS FUNDING REQUEST:**

**\$ 88,000**

NOTE: CARS funding request must be equal to or less than 50% of the Net CARS Eligible Costs above.

**Funding participation by other**  
**Johnson County Cities**

City name:

Funding:

City name:

Funding:

Funding:

**CARS Form A**  
**2022-2026 Project Application for the**  
**County Assistance Road System (CARS) Program**

*Submit one form for each project.*

*Return by April 28, 2021*

---

Submitting city	Edgerton	City priority ranking	1
Project location	E Nelson St: E 4th St to E 3rd St		
Joint project with		Administering city	Edgerton
Contact name and title	Dan Merkh, Public Works Director		
Estimated project schedule: Start date (mm/yy)	03/26	Completion date (mm/yy)	12/26
Current Average Daily Traffic (ADT)	2,275	Year	2010
		Accident history (Prior 3 years)	0
Project type	System Management	Sufficiency rating (bridge projects)	
Level of Service (LOS) [System Management projects only]		Pavement condition	Fair

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Description of existing infrastructure/deficiencies (If it is a street, include the number of lanes, pavement width, pavement type, and other infrastructure to be improved/replaced.)

The City of Edgerton is in the process of designing a community building in our downtown district. With this new building will come additional traffic and parking needs, to focus on these needs the current design of E Nelson St: E 4th St to E 3rd St will need to be addressed. Currently this section of roadway is a two lane asphalt section with on street parking angled parking.

Description of proposed improvements (If it is a street, include the number of lanes, pavement width, pavement type, and other infrastructure to be improved/ replaced.)

This project will be a full reconstruction of the existing roadway, sidewalk/trail, storm-water and other necessary supporting infrastructure, as well as redesigned parking to improved the traffic flow.

**Total Project Cost Calculation**

Design	\$ 32,500
Right-of-way acquisition	\$ 13,000
Utility relocation	\$ 50,000
Other project costs	\$ 32,500
Construction	\$ 325,000
Construction engineering (including testing services)	\$ 32,500
Total Project Cost	<u>\$ 485,500</u>

**Net CARS Eligible Cost Calculation**

Total reimbursable project cost	\$ 357,500	Construction+Construction engineering from above
Federal Aid funding		
State Aid funding		
Other non-Johnson County-city funding		
Net CARS eligible costs	<u>\$ 357,500</u>	

**CARS FUNDING REQUEST:** **\$ 178,750**

NOTE: CARS funding request must be equal to or less than 50% of the Net CARS Eligible Costs above.

**Funding participation by other**  
**Johnson County Cities**

City name:

Funding:

City name:

Funding:



**EDGERTON**  
global routes. local roots.

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

## City Council Action Item

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**Council Meeting Date:** April 8, 2021

**Department:** Public Works

### **Agenda Item: Consider Amendment #3 to Owner-Engineer Agreement Between the City of Edgerton and HDR, Inc. for the Final Design of the 207<sup>th</sup> Street Grade Separation Project**

#### **Background/Description of Item:**

On February 11, 2021, the 207<sup>th</sup> Street Grade Separation Project was awarded to Pyramid Contractors Incorporated for construction. As part of their initial mobilization and setup for the project, survey was completed for the project area. The survey data showed that sometime after completion of the initial survey for the design plans, BNSF Railway performed a maintenance operation to the tracks which raised the elevation of the tracks approximately 8 inches at the bridge location.

While the existing design plans still well exceed the requirement by the Federal Railroad Administration (FRA) for clearance over the track, BNSF Railway requires additional clearance. While a significant change in elevation is not anticipated, staff recommends the City Council approve Amendment #3 to revise the design plans to restore the original additional clearance from the bridge to the rail. This additional clearance provides further protection for the City against change in clearance requirements from either FRA or BNSF that may require modifications to the bridge.

Amendment #3 would increase the total cost for the design services for HDR for the 207<sup>th</sup> Street Grade Separation project by \$25,791. This cost would be significantly less today than future design/construction modifications in the future.

The Public Infrastructure Fund and project budget can accommodate this increase to the design contract.

The current amendment document is being reviewed by the City Attorney and City Engineer. Staff is recommending approval of the agreement subject to compliance with their comments.

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

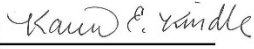
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**Funding Source:** Public Infrastructure Fund



**Budget Allocated:** \$15,000,000

**Finance Director Approval:**

x   
Karen Kindle, Finance Director

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**Recommendation: Approve Amendment #3 to Owner-Engineer Agreement Between the City of Edgerton and HDR, Inc. for the Final Design of the 207<sup>th</sup> Street Grade Separation Project in an Amount Not To Exceed \$25,791**

**Enclosed:** Amendment to Owner-Engineer Agreement #3

**Prepared by:** Dan Merkh, Public Works Director

This is **EXHIBIT K**, consisting of [ 5 ] pages,  
referred to in and part of the **Agreement**  
**between Owner and Engineer for Professional**  
**Services** dated [ 01-29-2018 ].

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Amendment No. \_\_3\_\_**

**The Effective Date of this Amendment is:** \_\_\_\_\_.

**Background Data**

Effective Date of Owner-Engineer Agreement: **01-29-2018**

Owner: City of Edgerton

Engineer: HDR Engineering, Inc.

Project: 207<sup>th</sup> Street Grade Separation

**Nature of Amendment:**

- ☒ Additional Services to be performed by Engineer
- ☐ Modifications to services of Engineer
- ☐ Modifications to responsibilities of Owner
- ☒ Modifications of payment to Engineer
- ☒ Modifications to time(s) for rendering services
- ☐ Modifications to other terms and conditions of the Agreement

**Description of Modifications:**

*Amendment 2 is for the additional design tasks for the 207<sup>th</sup> Street Grade Separation project in Edgerton, Kansas, where Plan revisions are needed due to the raising of the railroad tracks within the project limits by the BNSF after the design has been completed. Major components of the supplement are as follow:*

*A) Roadway Redesign*

- a. Update roadway plans to reflect the change in 207<sup>th</sup> Street profile to maintain same clearance shown in the original design.*
- b. Supplemental survey to confirm the revised track elevation.*
- c. List of sheets to be revised:*
  - i. Summary of Quantities (1 sheet)*
  - ii. Quantities Recap Roadway (1 sheet)*
  - iii. Quantities Recap Drainage (1 sheet)*
  - iv. General Layout (1 sheet)*
  - v. Plan Sheet (207th Street) (5 sheets)*
  - vi. Profile (207th Street) (4 sheets)*
  - vii. Driveway Profiles (1 sheet)*
  - viii. Intersection Plan (1 sheet)*
  - ix. Joint Layout (1 sheet)*
  - x. Storm Drainage Profiles B & C (1 sheet)*
  - xi. Drainage Area Map (1 sheet)*
  - xii. Erosion Control Plan (2 sheet)*
  - xiii. Seeding/Sodding Plans (2 sheet)*
  - xiv. Cross Sections - 207th St. (11 sheet)*
  - xv. Cross Sections - Connection Rd. (1 sheet)*

*B) Bridge Redesign*

- a. Update bridge plans to reflect the change in 207<sup>th</sup> Street profile to maintain same clearance shown in the original design.*
- b. List of sheets to be revised*
  - i. General Note sheet (1 sheet)*
  - ii. Construction layout sheet (1 sheet)*
  - iii. Rail Profile and V. Clearance Sheet (1 Sheet)*
  - iv. Abutment 1 Detail (1 Sheet)*
  - v. Pier No. 1 and Pier No. 2 Details (2 Sheet)*
  - vi. Pier No. 3 and Pier No. 4 Details (2 Sheet)*
  - vii. Abutment 2 Detail (1 Sheet)*
  - viii. Pavement Elevations (1 sheet)*
  - ix. Bill or Reinforcing Steel (2 sheets)*

*C) Project Management & Administration*

- a. Project Management*
- b. Coordination Meetings (Project Team / Contractor)*

*See Exhibits A & B for detailed scope and fee information.*

Agreement Summary:

Original agreement amount:	\$__145,254__
Net change for prior amendments:	\$__754,472__
This amendment amount:	\$__25,791__
Adjusted Agreement amount:	\$__925,517__

Change in time for services:

Plan revisions is expected to be completed before May 8<sup>th</sup>, 2021 to maintain construction schedule.

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

By: \_\_\_\_\_  
Print  
name: \_\_\_\_\_  
  
Title: \_\_\_\_\_  
  
Date Signed: \_\_\_\_\_

By: \_\_\_\_\_  
Print  
name: \_\_\_\_\_  
  
Title: \_\_\_\_\_  
  
Date Signed: \_\_\_\_\_

## City Council Action Item

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**Council Meeting Date:** April 8, 2021

**Department:** Public Works

### **Agenda Item: Consider Change Order #1 to Contract with Pyramid Contractors Incorporated for Construction of 207<sup>th</sup> Grade Separation Project**

**Background/Description of Item:**

On February 11, 2021, Council awarded the bid for construction of the 207<sup>th</sup> Street Grade Separation to Pyramid Contractors Inc. for \$7,021,895.00. During the bidding process, bids ranged from \$7,021,895.00 to \$7,520,048.85, with the engineer's estimate being \$9,805,988.40.

At the time of design, through the COVID-19 pandemic, projects were not being bid on a regular basis. The global availability and the transportation of the materials was estimated to have an impact on pricing. At the time of bid, some of the costs had indeed increased, but overall costs were not as elevated as anticipated.

Change Order #1 is consideration of an upgrade in type of concrete for the bridge deck of the 207<sup>th</sup> Street Grade Separation. The adjoining roadways were designed and bid to be constructed KCMMB concrete, a granite based concrete mix. The KCMMB concrete has shown over time to wear better and require less maintenance, especially in horizontal infrastructure such as roadways that can hold water.

At the time of bid, the deck of the bridge was designed and bid with KDOT concrete mix, a limestone based concrete mix. This design mix is typical for bridge decks, especially in consideration of possible cost implications for upgrading to the KCMMB concrete mix. Once the City received the actual construction bids and recognized the savings present in those bids, staff asked the contractor to prepare Change Order #1 for consideration of upgrading the bridge deck to the KCMMB concrete mix. This upgrade allows a longer life to the deck of the bridge with less maintenance needed during that lifetime. This change order will increase the contract with Pyramid Contractors by \$52,960, for a total of \$7,074,855.

Funding for this project was included in the 2020-2024 Capital Improvement Program, with an overall project cost of \$15,000,000. The change order with Pyramid Contractors is within budget.

Therefore, it is the recommendation of Staff to approve Change Order #1 for construction of the 207<sup>th</sup> Grade Separation to Pyramid Contractors.

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

---

**Funding Source:** County Assistance Road System (CARS)  
Public Infrastructure Fund

**Budget Allocated:** \$15,000,000

x Karen E. Kindle

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Approve Change Order #1 to Contract with Pyramid Contractors Incorporated for Construction of 207<sup>th</sup> Grade Separation Project for \$52,960**

**Enclosed:** Change Order #1

**Prepared by:** Dan Merkh, Public Works Director



795 W. IRONWOOD • OLATHE, KANSAS 66061 • PHONE: (913) 764-6225 • FAX: (913) 764-8695

March 23, 2021

Dan Merkh  
City of Edgerton  
404 E. Nelson  
Edgerton, KS 66021

**Project:** 207th Street Grade Separation

**CHANGE ORDER/FORCE ACCOUNT REQUEST**

At the request of the City the below pricing is being provided as an option to change the superstructure concrete from KDOT Grade 4.0 (AE)(SA) to KCMMB 4K. The below pricing includes all labor, equipment and material for the additional cost to switch the concrete mix.

KCMMB 4k for Bridge Superstructure	1,324.0	CY	\$40.00 /CY	\$52,960.00
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*The undersigned hereby certifies, under penalty of law for perjury or falsification, that I am authorized to submit this contract adjustment request on behalf of the Contractor and to bind the Contractor, that the contract adjustment request is made in good faith and, to the best of the Contractor's knowledge and belief, is a true and complete statement of the estimated costs and time sought for the Contract Change and is authorized by the Contract. I further certify that no additional claims will be submitted related to the contract document request, and the Contractor will maintain documentation that supports the contract adjustment request.*

  
By: Pat Weaver, Project Manager  
Pyramid Contractors Inc.

3/23/21  
Date



*An Equal Opportunity Employer*



**MEMORANDUM**

Date: April 8, 2021  
To: City of Edgerton Governing Body  
From: Katy Crow, Development Services Director  
Re: Status Update – 502 E. 2<sup>nd</sup> Street, Edgerton, Kansas

On January 14, 2021 the Edgerton City Council passed Resolution 01-14-21D which requires the owners of 502 E. 2<sup>nd</sup> Street, Edgerton, Kansas to resolve the dangerous and unfit structure which exists on said property by July 22, 2021. As part of the requirements in bringing the home into compliance with the code, the Governing Body required monthly updates from owners which show adequate progress is being made.

A third walkthrough was performed by City staff with the owner Juan Abundiz on March 26, 2021 to review the status of the project. The last update was provided to the Governing Body on March 11, 2021.

There has been minimal progress made since the last inspection due to 1) the inspection occurring after three weeks instead of the typical four, and 2) Mr. Abundiz has been busy with his regular employment and preparations for his upcoming nuptials. He anticipates that work will progress quicker now that the weather has improved, and additional family members can assist.

Since the last inspection additional framing has been completed upstairs along with the addition of some truss work in the attic area. In addition, a 6' x 6' foundation post has been added to the south wall of the structure which will complete one of the items listed as an inspection comment by GBA during the initial walkthrough of the property.

Staff will conduct another walkthrough prior to the May 13, 2021 council meeting and provide another update at that time.







