

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
April 13, 2023
7:00 P.M.**

Call to Order

1. **Roll Call** _____ Roberts _____ Longanecker _____ Lewis _____ Beem
 _____ Lebakken _____ Malloy
2. **Welcome**
3. **Pledge of Allegiance**

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

4. Approve Minutes from March 23, 2023 Regular City Council Meeting.

Motion: _____ Second: _____ Vote: _____

Regular Agenda

5. **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.
6. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken.

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

7. **Proclamation.** Declaring April 2023 as Fair Housing Month.
8. **Presentation** by ElevateEdgerton! regarding the 2023 EDGE Grant Program.

Business Requiring Action

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

10. **CONSIDER RESOLUTION 04-13-23A PROVIDING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING (DWYER FARMS RURAL HOUSING INCENTIVE DISTRICT).**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER RESOLUTION NO. 04-13-23B OF THE CITY OF EDGERTON, KANSAS APPROVING A FIVE-YEAR CITY/COUNTY STREET IMPROVEMENT PROGRAM**

Motion: _____ Second: _____ Vote: _____

12. **CONSIDER PURCHASE AUTHORITY FOR PLAYGROUND EQUIPMENT FOR \$130,000 AND FITNESS EQUIPMENT FOR \$30,000 AS PART OF GLENDELL ACRES PARK RENOVATION PROJECT**

Motion: _____ Second: _____ Vote: _____

13. **Report by the City Administrator**

- Water Emergency & Conservation Plans Annual Review

14. **Report by the Mayor**

15. **Future Meeting Reminders:**

- April 27th: City Council Meeting – 7:00PM
- May 9th: Planning Commission – 7:00PM
- May 11th: City Council Meeting – 7:00PM
- May 25th: City Council Meeting – 7:00PM
- June 8th: City Council Meeting – 7:00PM
- June 13th: Planning Commission – 7:00PM
- June 22nd: City Council Meeting – 7:00PM

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

EVENTS

April 18: Municipal Court
April 19: Senior Lunch and Bingo
April 22: Family Luau Bingo
April 28: Edgerton Elementary School Carnival
May 2: Municipal Court
May 8: Public Safety Town Hall
May 9: Tales for Tots
May 12: Edgerton Movie Night – E.T. the Extra Terrestrial
May 13: City-Wide Garage Sale

City of Edgerton, Kansas
Minutes of City Council Regular Session
March 23, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on March 23, 2023. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator, Beth Linn
City Attorney, Lee Hendricks
Planning and Zoning Coordinator/Deputy City Clerk, Chris Clinton
Public Works Director, Dan Merkh
Development Services Director, Zachary Moore
Accountant, Justin Vermillion

2. WELCOME. Mayor Roberts welcomed all in attendance.

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

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

4. Approve Minutes from March 9, 2023 Regular City Council Meeting.
5. Approve Professional Services Agreement with Denton Excavating DBA Midland Wrecking for Demolition of Structures at 305 and 307 East Nelson Street.

Mayor Roberts stated City staff requested the Minutes from March 9, 2023 be removed from the Consent Agenda. Councilmember Longanecker made a motion to approve the Professional Services Agreement, and the motion was seconded by Councilmember Beem. The Professional Services Agreement was approved, 3-0.

Ms. Beth Linn, City Administrator, stated that after the packet was published with the Minutes from March 9, 2023 included, Mr. Lee Hendricks, City Attorney, made minor edits to them. The edits are on page six (6) of the Minutes and are at the dais for review.

Councilmember Beem moved to approve the Minutes from March 9, 2023 as amended. Councilmember Longanecker seconded the motion. The Minutes from March 9, 2023 were approved, 3-0.

Regular Agenda

6. **Declaration.** The Councilmembers had nothing to declare at this time.

7. **Public Comments.**

Mr. Cliff and Ms. Colleen Cole, 19911 Pepper Tree Lane, Edgerton, KS, approached the Council. Ms. Cole provided documents to the Council, which have been attached to the end of these Minutes. Mr. Cole stated they did file lawsuits against the City that were dismissed. Mr. Cole stated they were promised things ten (10) years ago that were not done. He explained the rezoning ordinance required certain items be done at a certain time. He said it was discussed that a pond, berm, and a 200-foot setback would be required. However, the setback is from the house, not the property line, and a pond and berm were excluded from the rezoning ordinance. He stated he is before the Council due to the extension requested by Woodstone properties. What was included in the ordinance was at the time of the first development of 20800 Homestead Lane, a landscape screen is to be provided adjacent to their house and consist of a fifteen (15) foot wide strip with three (3) staggered rows of evergreen trees planted twelve (12) to 15 feet apart. He said if Woodstone Properties wants a year extension in their Development Agreement, then the Council needs to hold them accountable to the ordinance and require the landscape screen to be put in. He claimed that development has started since there is earthwork and piping being put in. He believes Woodstone Property is well past the first moment of development. Mr. Cole claimed he has not been able to sell his home. He requested the Council help him protect his property.

Business Requiring Action

8. **PUBLIC HEARING REGARDING RESOLUTION NO. 03-23-23A CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC IX, LLC, OR ITS SUCCESSORS IN INTEREST**

Mr. Scott Anderson, Bond Council, approached the Council. He stated that the City had previously adopted Resolution No. 04-27-17B assigning a portion of the master Resolution of Intent to ELHC IX, LLC for a project that never came to fruition. The City has now received a new application for Industrial Revenue Bonds (IRB) and property tax abatement from ELHC IX, LLC. The applicant desires to construct an approximately 1,006,016 square foot warehouse, distribution, or manufacturing facility to be located at approximately 30500 and 30700 W. 183rd Street in Edgerton. He explained that in order for the City to issue IRB and grant property tax abatement, the City must first hold a public hearing after publication, which was done last week, consider the cost-benefit report, and then approve a partial assignment of the Master Resolution on Intent. Mr. Anderson said Columbia Capital Management LLC has prepared a cost-benefit report for the proposed project. The report was included in the packet provided to the Council, but he wanted to highlight the fact that the school district will still get the eight (8) mills of their capital levy. The report also explains payments-in-lieu-of-tax (PILOT) will still be required. Those PILOT payments are

estimated to be just under \$310,000 per year to where the current property tax assessed is around \$4,000 per year. He explained the City previously adopted a Master Resolution of Intent for the benefit of Edgerton Land Holding Company, LLC for constructing various projects in Logistics Park Kansas City (LPKC) and provided for the issuance of up to \$1,000,000,000 in IRB. The Master Resolution of Intent allows Edgerton Land Holding Company, LLC to assign portion of the Master Resolution of Intent to various companies that located within LPKC. The partial assignment of the Master Resolution of Intent assigns \$80,000,000 of the Master Resolution of Intent to ELHC IX, LLC for the purpose of constructing the project and the approval of the resolution will repeal the prior resolution.

Mayor Roberts opened the Public Hearing. There were no comments made. Mayor Roberts closed the public hearing.

9. CONSIDER RESOLUTION NO. 03-23-23A CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC IX, LLC, OR ITS SUCCESSORS IN INTEREST

Councilmember Longanecker moved to approve Resolution No. 03-23-2023A consenting to the partial assignment of a Resolution of Intent from Edgerton Land Holding Company, LLC to ELHC IX, LLC or its successors in Interest. Councilmember Lebakken seconded the motion. Resolution No. 03-23-23A was approved, 3-0.

10. CONSIDER RESOLUTION NO. 03-23-23B AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE EDGERTON CROSSING WOODSTONE PROJECT

Mr. Anderson addressed the Council. He explained the City and the Developer entered into a Development Agreement for the development of the Edgerton Crossing project on September 10, 2021. The Development Agreement contained a project construction schedule which required the developer to commence vertical construction no later than July 1, 2023. A certificate of occupancy (CO) was to be obtained by December 31, 2025 per the schedule. The project was to include a travel center, one (1) hotel with conference center, and a quick-serve restaurant and a casual dining restaurant. Mr. Anderson stated the Developer has requested that the City agree to a 1-year extension of the project construction schedule. In the First Amendment, the developer agrees to commence vertical construction by July 1, 2024 and obtain a CO for the minimum improvements no later than December 31, 2026. This Resolution would authorize the City to enter into the First Amendment to the Development Agreement with Woodstone.

Councilmember Longanecker inquired if anything else had changed or if it was just the date. Mr. Anderson stated that is correct and explained other development agreements do hold the developer to same schedule but refer to the project schedule in the Development Agreement. Councilmember Longanecker asked if anything in the Development Agreement affected the Coles' property. Mr. Anderson replied there is not. Mayor Roberts asked if the rezoning ordinance was still in effect. Mr. Hendricks it is and there is no change to that ordinance.

Councilmember Longanecker moved to approve Resolution No. 03-23-23B authorizing the City of Edgerton, Kansas to enter into a First Amendment to Development Agreement for the Edgerton Crossing Woodstone Project. The motion was seconded by Councilmember Beem. The Resolution was approved, 3-0.

11. CONSIDER RENEWAL OF CORPORATE INSURANCE POLICY FOR APRIL 1, 2023 – MARCH 31, 2024

Ms. Linn spoke before the Council. She explained that the City considers the renewal of its corporate insurance policies annually. The policies include several coverages like property, crime for employee theft, inland marine for contractor's equipment, general liability, public officials' errors and omission, employment practices, business automobile, pollution liability for the treatment plant, and cyber liability. She stated City staff began working with Mr. Kevin O'Brien, with Reilly Insurance, on the insurance renewal process for 2023-2024 in December. Ms. Linn explained that due to the increase with the City's current provider, Travelers, deductible on Wind/Hail damage, Reilly Insurance obtained a quote from another agency, EMC Insurance. She stated that the City's property can be insured one (1) of three (3) ways; at replacement cost, actual cash value, or self-insured. Ms. Linn requested Mr. O'Brien explain the difference between some of the insurance quotes the City received.

Mr. O'Brien addressed the Council. He stated Ms. Linn and City staff have been a pleasure to work with and great at providing a lot of information requested by companies. He explained Travelers has been the insurance carrier for City for the last three (3) years. In the middle of January, Travelers informed its customers that there will be an increase in the wind and hail damage deductible starting on April 1, 2023. The current deductible of \$25,000 will be changed to 1% of the value of the property, subject to a minimum of \$100,000 per occurrence. He explained Travelers did this to customers across the country and not just in the Midwest. Mayor Roberts stated that is a huge increase with a high minimum deductible. Mr. O'Brien stated EMC is another company that provided insurance quotes to the City, and they only focus on customers in the Midwest and are not a nationwide provider like Travelers. Their prices are very competitive, and the preliminary recommendation is EMC for the next insurance year. He said the format of the proposals are different and information on the provided coverage was available in the packet for easier comparison.

Mr. O'Brien stated there are 3 major differences between Travelers and EMC on the property coverage. The first difference is that Travelers will cover 100% of the values of the City's property while EMC will cover 90% of the values. With EMC's coverage, it doesn't matter the location of the claim or where it happens, they will cover up to 90% of the total value. This is only an issue if a tornado or something else would damage all of the City's property at once. The second difference is the deductible as discussed earlier. Mr. O'Brien stated the deductible could be reduced to \$25,000, but the premiums would increase about \$20,000. The final difference is the coverage to when a roof replacement will be covered. He explained Travelers covers wind and hail damage even if the damage is only cosmetic. Many companies will cover a roof if there is structural damage that hinders the functionality

of the roof and that is how EMC will cover the roofs. He said this will be an issue if there are any reasons why the roof needs to be cosmetically perfect.

Mr. O'Brien stated there is only 1 major difference in the equipment coverage between the two (2) companies. Travelers has a \$25,000 deductible for Flood or Earthquake coverage for contractors' equipment and EMC did not have this type of coverage. It is a huge difference especially since the City had a big claim in 2017 due to a flood.

Mr. O'Brien discussed the 2 key differences on the general liability coverages. Travelers will automatically cover firework displays as long as there is a licensed pyrotechnic conducting the display. EMC requires the pyrotechnician or company to list the City as an additionally insured party with minimum liability limits of \$1,000,000. He said this is already recommended to make the pyrotechnician have insurance, so they are responsible for the claim instead of the City. The other difference is a coverage called failure to supply. This will cover the water utility service. He explained if the City cannot provide water for whatever reason, EMC will cover the City but Travelers will not. He said that is exclusively to cover if water is not available. He stated if the City was sued due to people getting sick, both EMC and Travelers would cover that. Mayor Roberts said the City also provides the wastewater utility too. Mr. O'Brien responded that wastewater is covered under a pollution policy for the treatment plant. He explained in the case of a sewage back-up into a residence, the City would cover it if there was an issue with the wastewater system. If there was an issue with the resident's line that cause the back-up, then it would be on the resident's homeowners' insurance. Mayor Roberts asked if the City was negligent in repairing a part of the main that caused issues. Mr. O'Brien answered the coverage would then handle that case, but if the issues were an act of nature then the City will not cover it.

Mr. O'Brien explained there is only 1 difference in the public entity management liability and employment practices liability coverage. Travelers has separate \$1,000,000 and \$2,000,000 limits for management liability and employment practices liability. EMC combines the 2 coverages into 1 \$1,000,000 million policy. Ms. Linn added that the employment practices liability coverage also has a difference in terms of consent to settle. Mr. O'Brien stated Travelers has a provision that a claim will not be settled upon unless the City consents to the settlement and EMC does not have that provision. Mayor Roberts stated he does not want any claims settled unless the City consent to the settlement. Mr. O'Brien replied that EMC will work within the parameters outlined by the City only. He added EMC provides \$1,000,000 defense coverage for non-monetary claims where Travelers is only \$10,000.

Mr. O'Brien explained the cyber and pollution coverage are by different companies that provided them in the previous year.

Mr. O'Brien stated Travelers' premiums are up about 7% from last year and EMC is up 3%. The premiums for Travelers will cost \$4,000 more than EMC's premiums. While the premium is an important factor, it is not the only factor. He said the biggest advantage for Travelers is the consent to settle provision and the fireworks coverage, the coverage of cosmetic roof damage. He stated he does not believe that the lack of flood coverage with EMC is a major factor. He stated if there is an area that is prone to flooding, Travelers will not be covering

items there anyway. Mr. O'Brien said the biggest advantage for EMC is the lower wind and hail deductible. The other key component is that EMC does have a dividend program. He said while this is not guaranteed, once the coverage year, April 1 to March 31, is closed, EMC examines the premiums paid and the claim amounts paid out. If the premiums paid is larger, the excess premiums are divided between the municipalities they cover and returned to the cities. He said over the last five (5) years, the return to cities have averaged around 19% of the cost of the premiums and it has been paid out the last ten (10) years. EMC has a good track record of it happening, but it is always a possibility that it will not.

Ms. Linn stated after the flood in 2017, the City learned that the willingness to work with and communicate with the insurance company is key. If they can help the City walk through the process, it is extremely beneficial. Ms. Linn asked if Mr. O'Brien could share experience on engagements with EMC. Mr. O'Brien replied he has worked with EMC and has good contacts within their organization. He lauded their customer service. Mayor Roberts stated it would be critical to have good communication with EMC. Councilmember Longanecker inquired if Travelers was hard to deal with. Ms. Linn stated they were not, but it was clear that they were a nationwide company instead of someone more local. Mayor Roberts stated when there is hurricane damage, Travelers would rightfully so focus its resources there and not as much focus on smaller towns away from the hurricane. Mayor Roberts stressed the City does not want to be with the wrong company and have a disaster.

Councilmember Longanecker stated the companies seem very similar in terms of coverage. Mr. O'Brien stated that is correct and EMC has the dividend program that could lower the premiums the City pays in the end. Mayor Roberts stated the wind and hail deductible is significant or could be if the right storm hits. He said those are going to be the most claims that are seen around here by insurance companies. The Travelers deductible is high enough that the City most likely won't pay all of it. Mr. O'Brien stated Travelers should have lowered the premiums significantly with that drastic of change in the deductible, but that has not been done.

Mayor Roberts asked if the replacement values from EMC are the same or better than Travelers. Mr. O'Brien answered the equipment cost is actual cash value and are about equal if not better under EMC. Ms. Linn explained how the City covers each item will not be changing.

Councilmember Longanecker asked if it was last year when the cyber coverage increased drastically. Mr. O'Brien stated it has been the last 2 years and ransomware has been the key factor in that. Councilmember Longanecker Clay asked if EMC is keeping up to date with cyber coverage. Mr. O'Brien explained the City is insured by Evolve, a separate company, and they have the best coverage he has seen. He said premiums are rising due to more claims being submitted.

Councilmember Longanecker stated he is always skeptical of changing insurance companies, but EMC has better incentives and Mr. O'Brien has been a great resource in these matters in the past for the City. Mayor Roberts agreed and stated the liability coverage is a better value for the citizens.

Councilmember Longanecker moved to have EMC, Crum & Forster Specialty Insurance Company, and Evolve to be the City's insurance providers from April 1, 2023 to March 31, 2024. The motion was seconded by Councilmember Beem. EMC, Crum & Forster Specialty Insurance Company, and Evolve were selected to be the City's insurance providers for the next insurance year, 3-0.

12. CONSIDER EARLY PROCUREMENT FOR GENERATOR AS PART OF GREENSPACE PROJECT

Mr. Dan Merkh, Public Works Director, spoke before the Council. He stated that on February 9, 2023, the City of Edgerton amended the purchasing policy to include the option for early procurement. The policy states three (3) reasons to justify the need of early procurement are lead time for fabrication or delivery, pricing volatility, and to control the contractor markup.

Mr. Merkh explained the Greenspace Project does include a backup generator. The City's Architect has identified this item to have met all 3 justifications within the purchasing policy to warrant early procurement as well as requirements for specialized and licensed installation. During the design phase of the project, City staff learned that there is a potential delay in delivery when the generator is purchased by a contractor, but if the generator is purchased by a government entity, delivery timelines are protected. The specifications of the generator are set by the City's Architect, City staff, and their subcontractor. The City does plan on utilizing cooperative purchasing for the generator.

Councilmember Beem moved to approve the use of early procurement for the generator as part of the Greenspace Project. Councilmember Longanecker seconded the motion. Early procurement for the generator was approved, 3-0.

13. CONSIDER ORDINANCE NO. 2131 AMENDING CHAPTER XV, ARTICLE 1, SECTION 15-115 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Ms. Linn addressed the Council. She stated City staff has been working with Tyler Technologies to implement the new ERP software, and the City recently went live on the Utility Billing module. An issue that surfaced was the reconnection charge for accounts that are shut off for nonpayment. Previously, City staff applied the charge to the account once the service was reconnected. However, in the first shut off process in the new system, it caused a lot of confusion with customers as the charge did not appear in the account balance on the portal. She said in addition to that, when City staff did collect the reconnection charge as well as the amount due, there was a mismatch of the charge and the payment. This caused those accounts to have a credit balance when bills were generated. She explained that after speaking with the consultants, City staff learned that the software is designed to charge the fee at the time of services are disconnected for nonpayment, which is how most other customers of the software company handle the fee.

It is immediately applied to the account and appears in the balance in the system and on the customer portal. This makes it visible to both City staff and customers who pay online.

Ms. Linn said City staff reviewed the code section regarding the reconnection charge and realized that the wording of the section was ambiguous regarding the timing of the charge being placed on the customer's account. City staff does recommend changing the code to clarify that the reconnection charge is charged to the customer account at the time that service is shut off for nonpayment. She stated a draft of the ordinance which would update Section 15-115 was provided in the packet. The ordinance changes the verbiage of the fee to match what the software calls it so there wouldn't be any confusion as to what the fee is.

Councilmember Longanecker stated there are no changes to the fee amount, just the name of the fee. Ms. Linn answered that is correct.

Mr. Justin Vermillion, Accountant, inquired if the ordinance should refer to the fee as interest. Mr. Hendricks inquired if the fee compounds or reoccurs. Mr. Vermillion stated it is a one-time charge. Mr. Hendricks stated it would then need to be updated to either fee or penalty. Ms. Linn stated City staff will amend the ordinance to penalty and not interest.

Councilmember Lebakken moved to approve Ordinance No. 2131 amending Chapter XV, Article 1, Section 15-115 of the Municipal Code of the City of Edgerton, Kansas and repealing all other ordinances or parts of ordinances in conflict therewith as amended. Councilmember Beem seconded the motion. Ordinance No. 2131 was approved, 3-0.

14. WALK ON ITEM: CONSIDER RESOLUTION NO. 03-23-23C ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS

Ms. Linn explained due to the approval of Ordinance no. 2131, the fee names need to be updated in the City's Fee Resolution.

Councilmember Longanecker moved to approve Resolution No. 03-23-23C establishing fees and rates for permits, licenses and services within the City of Edgerton, Kansas. The motion was seconded by Councilmember Beem. Resolution No. 03-23-23C was approved, 3-0.

15. Report by the City Administrator

- Mr. Linn had nothing to report at this time.

16. Report by the Mayor

- Mayor Roberts had nothing to report at this time.

17. Future Meeting Reminders:

- April 11th: Planning Commission – 7:00PM

- April 13th: City Council Meeting – 7:00PM
- April 27th: City Council Meeting – 7:00PM
- June 8th: City Council Meeting – 7:00PM
- June 13th: Planning Commission – 7:00PM
- June 22nd: City Council Meeting – 7:00PM

Ms. Linn apologized that the May meetings are not included on that list and City staff will add them to the next agenda.

18. Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Longanecker. The meeting was adjourned at 7:54 PM,

Submitted by Christopher Clinton, Planning and Zoning Coordinator/Deputy City Clerk



**A PROCLAMTION 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 2023 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 13th day of April 2023.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: April 13, 2023

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

Subject: Dwyer Farms Rural Housing Incentive District

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

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

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

The next step is for the City to declare its intent to establish the district and set a date for a public hearing. The Resolution previously approved Resolution No. 02-23-23A declaring the intent of the City to establish the district. The Resolution also set April 13, 2023 as the date for a public hearing on the creation of the district and the proposed development plan.

The City properly notified the planning commission, county and school district. The City also had a copy of Resolution No. 02-23-23A published in the *Gardner News*. The copy of the resolution published in the *Gardner News* was not legible. Accordingly, the City desires to open the public hearing and continue it to May 25, 2023. The City desires to also approve this Resolution and have it published to give notice of the continuation of the public hearing.

RESOLUTION NO. 04-13-23A

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

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

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

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

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

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

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

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

WHEREAS, the Governing Body approved Resolution No. 02-23-23A setting April 13, 2023 as the date for a public hearing on the creation of the district and approval of the plan; and

WHEREAS, a certified copy of Resolution No. 02-23-23A was delivered to the planning commission, the board of education and the governing body of the county in the manner required by the Act; and

WHEREAS, a copy of Resolution No. 02-23-23A was published April 5, 2023 in the *Gardner News*, but the copy of the resolution was not legible; and

WHEREAS, the Governing Body has opened a public hearing on the establishment of the district and adoption of the plan on this date, and has continued the hearing to May 25, 2023; and

WHEREAS, the Governing Body desires to approve this Resolution to give public notice of the continuation of the public hearing on the creation of the district and adoption of the plan to May 25, 2023.

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

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

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

Section 3. Public Hearing. Notice is hereby given that a public hearing has been continued to and will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Development Plan at the City Council meeting on May 25, 2023 at 7:00 p.m., or as soon thereafter as practical, at the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas. At the public hearing, the Governing Body will receive public comment on the proposed District and Development Plan, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Development Plan, all pursuant to the Act. Members of the public are invited to review the Development Plan and attend the public hearing.

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

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

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

Section 7. Publication of Resolution. This Resolution shall be published once in the official newspaper of the City not less than one week nor more than two weeks preceding the date of the public hearing.

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

PASSED AND ADOPTED by the Governing Body for the City of Edgerton, Kansas this 13rd day of April, 2023.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

Approved as to form:

Scott W. Anderson, Economic Development Counsel

EXHIBIT A

Legal Description

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

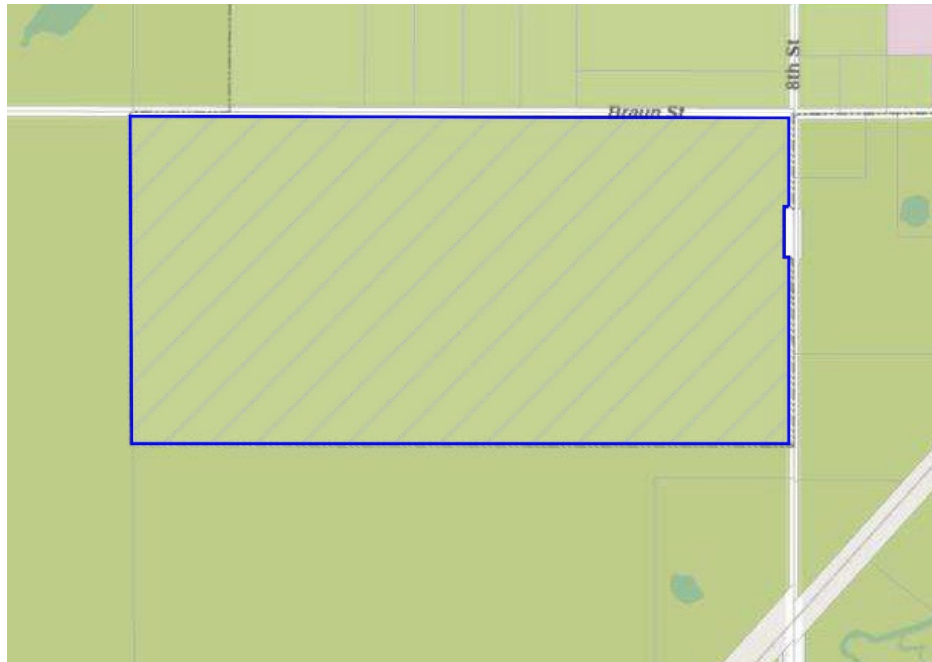
All that part of the Northeast Quarter of Section 13, Township 15, Range 21, Johnson County, Kansas, more particularly described as follows:

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

EXHIBIT B

Depiction of Parcel

Kansas UPN 0462161301001001000



City Council Action Item

Council Meeting Date: April 13, 2023

Department: Public Works

Agenda Item: Consider Resolution No. 04-13-23B Approving A Five-Year/ City/County Street Improvement Program 2024-2028.

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.)

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 2024-2028 Program Submission. One of the projects (W. 8th Street) is funded in the 2023-2027 Capital Improvement Program (CIP), but two of the projects (Streetscape & W. Braun/207th Street) are not yet funded in the CIP, staff recommends submitting them now for consideration while additional funding sources are considered. The five-year City/County plan has flexibility to move projects throughout the plan years, as well as addition or removal of projects.

2025 East Nelson Streetscape: E 4th Street to E 3rd 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 4th Street and East Nelson Street and East 3rd 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.

2026 West 8th Street: W Braun/207th St to South City Limits Project

As part of this project the existing gravel road section will be removed and replaced with concrete to accommodate the increased traffic volume in the area. As well this project will include improved traffic flow and truck traffic movement, addition of sidewalk/trail, stormwater, and other supporting infrastructure, as necessary.

2027 West Braun/207th Street: W 8th Street east to Grade Separation Project Limits

As part of this project the existing asphalt road section will be removed and replaced with concrete to accommodate the increased traffic volume in the area. As well this project will include improved traffic flow and truck traffic movement, addition of sidewalk/trail, stormwater, and other supporting infrastructure, as necessary.

2023 CARS Eligible Routes

CARS Minor Routes are defined by Average Daily Traffic (ADT) counts for both urbanized areas with at least 3500 vehicles and areas outside the traditional urbanized areas with at least 1500 vehicles. For 2023-2024 the City of Edgerton will conduct traffic counting on several roadways within the city limits. This effort is to ensure that the roadway network within the City of Edgerton is classified correctly in relation to the parameters of the CARS Program. These roadways include Homestead Ln: I35 to West 191st Street, West 191st Street: Four Corners Road to East City Limits, and Waverly Road: 196th Street to 181st Street.

Please find enclosed with the packet draft Resolution No. 04-13-23B map of the location of the 2024-2028 CARS project, and CARS Form A for each project CARS submission.

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

Related Ordinance(s) or Statue(s):

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 04-13-23B Approving A Five-Year City/County Street Improvement Program
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Enclosed:

Draft Resolution 04-13-23B

Map of Projects

East Nelson Street: E 4th St to E 3rd St – CARS Form A

West 8th Street: W Braun St to South City Limits – CARS Form A

W Braun Street: W 8th St to Grade Separation Construction Limits –
CARS Form A

Prepared by:

Dan Merkh, Public Works Director

RESOLUTION NO. 04-13-23B

A RESOLUTION OF THE CITY OF EDGERTON, KANSAS 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 2024-2028 CARS Program by the Johnson County Board of Commissioners, the Governing Body is required to submit a written five-year road improvement program request; and

WHEREAS, all such 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 of the City of Edgerton has been reviewed and approved for submittal to the Johnson County Board of Commissioners as the City's 2024-2028 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 13th DAY OF APRIL 2023.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

CARS 2024-2028

Martin Creek

Legend

- 2025
- 2026
- 2027

2025
Edgerton

Edgerton City Lake

2027

2026

Google Earth



3000 ft

CARS Form A
2024-2028 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project.

Return by April 28, 2023

Submitting city	City priority ranking	
Project location		
Joint project with	Administering city	
Contact name and title		
Estimated project schedule: Start date (mm/yy)	Completion date (mm/yy)	
Current Average Daily Traffic (ADT)	Year	Accident history (Prior 3 years)
Project type	Sufficiency rating (bridge projects)	
Level of Service (LOS) [System Management projects only]	____	Pavement condition

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.)

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.)

Total Project Cost Calculation

	Design
	Right-of-way acquisition
	Utility relocation
	Other project costs
	Construction
Construction engineering (including testing services)	
	Total Project Cost

Net CARS Eligible Cost Calculation

Total reimbursable project cost	Construction+Construction engineering from above
Federal Aid funding	
State Aid funding	
Other non-Johnson County-city funding	
	Net CARS eligible costs

CARS FUNDING REQUEST:

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:

CARS Form A
2024-2028 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project.

Return by April 28, 2023

Submitting city	City priority ranking	
Project location		
Joint project with	Administering city	
Contact name and title		
Estimated project schedule: Start date (mm/yy)	Completion date (mm/yy)	
Current Average Daily Traffic (ADT)	Year	Accident history (Prior 3 years)
Project type	Sufficiency rating (bridge projects)	
Level of Service (LOS) [System Management projects only]	____	Pavement condition

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.)

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.)

Total Project Cost Calculation

	Design
	Right-of-way acquisition
	Utility relocation
	Other project costs
	Construction
Construction engineering (including testing services)	
	Total Project Cost

Net CARS Eligible Cost Calculation

Total reimbursable project cost	Construction+Construction engineering from above
Federal Aid funding	
State Aid funding	
Other non-Johnson County-city funding	
	Net CARS eligible costs

CARS FUNDING REQUEST:

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:

CARS Form A
2024-2028 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project.

Return by April 28, 2023

Submitting city	City priority ranking	
Project location		
Joint project with	Administering city	
Contact name and title		
Estimated project schedule: Start date (mm/yy)	Completion date (mm/yy)	
Current Average Daily Traffic (ADT)	Year	Accident history (Prior 3 years)
Project type	Sufficiency rating (bridge projects)	
Level of Service (LOS) [System Management projects only]	____	Pavement condition

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.)

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.)

Total Project Cost Calculation

	Design
	Right-of-way acquisition
	Utility relocation
	Other project costs
	Construction
Construction engineering (including testing services)	
	Total Project Cost

Net CARS Eligible Cost Calculation

Total reimbursable project cost	Construction+Construction engineering from above
Federal Aid funding	
State Aid funding	
Other non-Johnson County-city funding	
	Net CARS eligible costs

CARS FUNDING REQUEST:

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:

City Council Action Item

Council Meeting Date: April 13, 2023

Department: Public Works

Agenda Item: Consider Purchase Authority for Playground Equipment For \$130,000 and Fitness Equipment For \$30,000 as Part of Glendell Acres Park Renovation Project

Background/Description of Item:

On February 23, 2023 City Council approved early procurement for structures and equipment as part of the Glendell Acres Park Renovation Project.

The Glendell Acres Park Renovation includes playground structures and fitness equipment in the project. On March 6, 2023 the City received 8 submissions on the RFP, all of which are within budget. Each submitter included an option for playground structure and for a fitness component. Staff has reviewed all submissions and prepared a recommendation for review by City Council. Staff will present conceptual renderings of the recommended equipment described below at council meeting.

City Staff recommends the selection of the All-Inclusive Rec – Little Tikes playground structure. This structure is a post and deck style of playground that allows multiple forms of play and allows multiple ages of users. This structure is within the budget, priced at \$130,000. On the submission are several components that the architect and staff recommend removing to allow for addition of different components better suited for this park.

City Staff recommends the selection of the Versa Sport Wisdom Fitness workout equipment. This selection is a multifunction play that is very similar to the style of Ninja Warrior. This allows for more options of use, ranging from fitness to an additional play structure for various age groups. The equipment is within the budget of \$30,000, priced at \$27,532.

With the revisions to the components within each section of equipment, City Staff recommends approving purchasing authority of up to \$130,000 for playground equipment and \$30,000 for fitness equipment from the above vendors. Any revisions to the components will be within purchasing authority.

The project budget from the 2023-2027 CIP is \$740,867. During the 2022 COVID impacts update to CIP projects, staff presented early estimates for the project, as the economy was starting to show steady increases to project costs. This project has components that are specialized, so early estimates were not used to revise the project budget at that time.

However, City Council identified the estimate of \$200,000 from the Park Impact Fee to increase the project budget. Staff will bring forward a request to change the project budget at a future council meeting.

Related Ordinance(s) or Statue(s):

Funding Source: Park Impact Fee, as identified in the 2023-2027 CIP

Budget Allocated: \$740,867

Finance Director Approval: x 
Karen Kindle, Finance Director

<p>Recommendation: Approve Purchase Authority for Playground Equipment For \$130,000 and Fitness Equipment For \$30,000 as Part of Glendell Acres Park Renovation Project</p>
--

Enclosed: N/A

Prepared by: Dan Merkh, Public Works Director



EDGERTON

global routes. local roots.

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

DATE: April 13, 2023

TO: Mayor and City Council Members

FROM: Dan Merkh, Public Works Director

SUBJECT: Annual Review of Water Emergency, Water Conservation Plans

In September 2020, City Council Approved the Water Conservation Plan and Water Emergency Plan. The City is required to review the plans annually. If any changes are made, approval is required by City Council and submitted to the State for review and acceptance. Major revisions were completed in 2020, and no substantive revisions to the plans are recommended at this time.

In 2023, staff revised the gallons per year Edgerton is allocated under the contract with the Hillsdale Area Water Cooperative in both the Emergency and Conservation Plans. No other updates were made at this time. However, the City's contract with Baldwin City for purchase of potable water does expire in 2023, so further revisions may be required.

The primary objective of the Water Conservation Plan for the City of Edgerton is to develop long-term water conservation plans (Long-Term Water Use Efficiency Section) and short-term water emergency plans (Drought Response Section) to assure the City customers of an adequate water supply to meet their needs. The efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansion and thus limiting or postponing the resultant increases in costs, in addition to conserving the limited water resources of the State of Kansas.

The primary objective of the Water Emergency Plan for the City is to isolate and conserve an adequate supply of potable water during emergency conditions that will be used only to sustain human life and maintain acceptable standards of hygiene and sanitation. Other topics included in the Plan include Organizational Hierarchy, Mutual Aid, Emergency Equipment and Supplies and Disaster Response. The Plan also includes critical contact information needed at time of an emergency.

Verification of Council review will be provided to the Kansas Water Office.