

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
April 28, 2022  
7:00 P.M.**

**Call to Order**

1. **Roll Call** \_\_\_\_\_ Roberts \_\_\_\_\_ Longanecker \_\_\_\_\_ Lewis \_\_\_\_\_ Brown  
\_\_\_\_\_ Beem \_\_\_\_\_ Stambaugh
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 April 14, 2022 Regular City Council Meeting
5. Approve Application FP2021-05, Final Plat for Edgerton Crossing Located at the Southwest Corner of 199th Street and Homestead Lane, Edgerton, Kansas

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

**Regular Agenda**

6. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.
7. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken.

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

8. **Presentation.** Results from the 2022 Citizen Survey.

**Business Requiring Action**

9. **CONSIDER THE 2021 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

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

**10. CONSIDER RESOLUTION NO. 04-28-22A APPROVING A FIVE-YEAR CITY/COUNTY STREET IMPROVEMENT PROGRAM 2023-2027**

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

**11. Report by the City Administrator**

- 2021/2022 Winter Weather Recap
- Community Development First Quarter Report

**12. Report by the Mayor**

**13. Future Meeting Reminders:**

- May 10<sup>th</sup>: Planning Commission – 7:00PM
- May 12<sup>th</sup>: City Council Meeting – 7:00PM
- May 26<sup>th</sup>: Joint Planning Commission & City Council Work Session – 6:00PM
- May 26<sup>th</sup>: City Council Meeting – 7:00PM
- June 9<sup>th</sup>: City Council Meeting – 7:00PM
- June 14<sup>th</sup>: Planning Commission – 7:00PM
- June 23<sup>rd</sup>: City Council Meeting – 7:00PM

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

**EVENTS**

April 30<sup>th</sup>: Arbor Day Tree Planting Workshop  
May 13-14<sup>th</sup>: Cyclones In The Outfield and Cruise-In  
May 14<sup>th</sup>: City-Wide Garage Sale  
May 18<sup>th</sup>: Senior Lunch & BINGO  
May 21<sup>st</sup>: City-Wide Clean-Up  
May 21<sup>st</sup>: Family Beginner Yoga  
May 23<sup>rd</sup>: California Roll Sushi Class  
May 25<sup>th</sup>: Senior Trip: Museum of Toys & Miniatures  
May 30<sup>th</sup>: City Hall Closed for Memorial Day

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**April 14, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on April 14, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	absent (arrived at 7:17pm)
Josie Stambaugh	present

With a quorum present, the meeting commenced.

Staff in attendance:

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

**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 24, 2022 Regular City Council Meeting
5. Approve Final Acceptance for the Construction of Corliss Road

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

**Regular Agenda**

6. **Declaration.** Councilmember Stambaugh asked if they would be able to touch base on the issues with the Crist property that she has brought to Mayor's attention. Mayor Roberts responded they would discuss it on the City Administrator's report under the update on 207<sup>th</sup> St. Grade Separation.

7. **Public Comments.** There were no public comments made.
8. **Proclamation.** Mayor Roberts Declares April 2022 as National Fair Housing Month in the City of Edgerton, Kansas.

Mayor Roberts stated like past years, this is a requirement for the city to submit applications for CDBG, which is grant money the city has used many times over the years to make improvements in the community.

Ms. Linn stated this grant is part of Housing and Urban Development and the proclamation is the first step in submitting grant applications. She stated the city has submitted for 3 grants since her time in Edgerton. She stated most recently the city used the funds received for a sewer restoration project and the city will continue to look for the best possible ways to use awarded grant money.

#### **Business Requiring Action**

9. **CONSIDER PLANNING SERVICES AGREEMENT BETWEEN THE CITY OF EDGERTON AND CONFLUENCE, INC., FOR THE DEVELOPMENT OF A NEW COMPREHENSIVE LAND USE PLAN FOR THE CITY OF EDGERTON, KANSAS**

Ms. Crow addressed the Council. She stated the Comprehensive Plan is a long-range planning tool for the city. It combines plans in existence today with feedback from public engagement to create a new plan for the next 20 years. She stated the process takes about 18-months from start to finish. She stated after approval of the agreement for planning services, the city and planning commission will kick off the start of the project on May 26<sup>th</sup> with a joint work session and in June of 2023, the City will receive the final plan back. She stated after issuance of Request for Proposals, four consulting firms responded and of those four, two were selected to move forward for in-person interviews. She stated upon conclusion of the interviews, it was unanimously decided that Confluence Inc. should move forward as the consultant team to lead the Comprehensive Plan process. She stated as part of conducting this process for the city, they have partnered with George Butler Associates (GBA) who will provide engineering expertise to the project.

She stated Chris Shires, with Confluence Inc., is available for questions via videoconference.

Mr. Shires stated Confluence is a Midwest-based planning, urban design, and landscape architecture firm with over 70 professional planners and landscape architects. He stated there are offices in several Midwest cities across eight states and their experience in creating Comprehensive Land Use plans is extensive. He stated this project will be based out of the Kansas City office and they're ready to kick this project off with the joint work session on May 26<sup>th</sup>.

Ms. Crow stated this will be funded through the CIP in the amount of \$150,000.

There were no further comments or questions.



Councilmember Lewis moved to approve the agreement with Confluence Inc., for the Development of a new Comprehensive Land Use Plan, seconded by Councilmember Longanecker. The Agreement was approved, 4-0.

**10. CONSIDER ORDINANCE NO. 2105 ORDINANCE ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS**

Ms. Linn stated the City has received a Consent for Annexation application for property currently located in Johnson County, Kansas. She stated a copy of the application form is included in the packet.

She stated Kansas Statute 12-520 states that the governing body of any city, by ordinance, may annex land into such city if that land adjoins the city and a written petition for consent to annexation is filed with the city. She stated the property owner has filed the required petition for consent and the property is contiguous to property within the City's corporate city limits.

She stated the map included in the packet shows the property outlined in red, on the southwest corner of 8<sup>th</sup> Street and Braun Street.

There were no questions or comments from the governing body.

Mayor Roberts then requested a motion to approve Ordinance No. 2105, annexing certain land into the City of Edgerton.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Beem. The Ordinance No. 2105, Annexing Land into the City of Edgerton, was approved 3-1, with Councilmember Stambaugh voting nay.

**Mayor Roberts added item 10.5 to the Agenda, a report from James Oltman with ElevateEdgerton! on the Edge Grand Program.**

**10.5. EDGE GRANT REPORT**

James Oltman, with ElevateEdgerton! addressed the Council. He stated ElevateEdgerton! recently announced the creation of a beautification and business expansion grant program called the Edge Grant Program. He stated within a few weeks of the release of the program, EE! received numerous applications and was able to award all funding allocated for the 2022 Beautification grant program. He stated since the announcement of closure of this portion of the grant, EE! has received multiple questions/comments from Councilmember Stambaugh regarding the program. He stated to be transparent with the governing body, and the community, he would like to address the received questions and comments from Councilmember Stambaugh as well as address any other questions the remaining Councilmembers may have.

He referenced the packet given to the councilmembers (*See Exhibit A*) with the questions and comments he's received from Councilmember Stambaugh and his reply to those comments and questions.

Councilmember Brown arrived at 7:17PM.

Mayor Roberts asked if the \$29,000 was private funds or if that also included the grant from ElevateEdgerton!

Mr. Oltman stated it was a net of \$24,000 invested into the community, with a total of \$29,000 worth of project applications submitted. \$5,000 of \$29,000 is the grant monies.

Councilmember Longanecker stated this seems all clear to him and that this is a great thing for the community.

Mr. Oltman stated the terms and qualifying criteria of the program were communicated by himself, directly to the applicant. He stated they were told that EE! could not fund everything and hopes to be able to expand this grant in the future, which could include the guidelines for submission and the funding amounts.

Councilmember Stambaugh stated her concern was that this applicant was accepted for the beautifying grant and she is certain they did not accept this residential grant. She stated it was said that EE! would be more prone to approve business grant, if they could show that the money would be used for expanding. She stated this does not work for this business, because they cannot take on more children under rules from the State of Kansas. She stated they operate as a small business and have all licenses to do so. She stated if they have the ability to expand their business as far as making it more desirable, they are more likely to have parents enroll their children in this daycare. She stated there has to be something or some way they can work with the small businesses here. She questioned where ElevateEdgerton! spends the \$50,000 a year they are allocated by the Council. She stated the City does not have a lot of small businesses and EE! has said there is money left over for the small business grant, so it does not make sense to her why they are being denied.

Mr. Oltman stated he will be here on May 26<sup>th</sup> to present the 2023 funding request for ElevateEdgerton! at which time he can prepare an overview of where EE! uses the funds. He stated at any time, anyone can go back through minutes from past meetings and pull the documents submitted throughout the years from ElevateEdgerton! and their past funding requests. He stated EE! is largely funded by the private business community. He stated he does not disagree with Councilmember Stambaugh that there are worthwhile projects within this community, but EE! had limited funds. The guidelines for the grant program state the business must be able to expand and there are certain eligible projects, none of which were met by the resident mentioned. The EE! Board of Directors approved the guidelines for this year. As ElevateEdgerton! looks forward to growing this program, they are also looking to grow the types of projects that will be accepted. He stated this is the first year and they will take what they have heard and learned from this year and apply necessary changes to next year, if possible.

Councilmember Stambaugh asked if the board votes on where and how funds received are dedicated.

Mr. Oltman stated the board votes on all policy decisions, just like they voted on the guidelines within this program.

Mayor Roberts stated yes, the board did approve the guidelines, but the grant applications were examined and awarded by a sub-group which includes persons from businesses in Edgerton.

Councilmember Stambaugh asked who was on the board.

Mr. Oltman stated that information is publicly available on the ElevateEdgerton! website.

Mayor Roberts stated he appreciates the conversation and the desire to expand the program. He stated he appreciates this opportunity for the community and the questions Councilmember Stambaugh has brought forward.

Councilmember Stambaugh stated she appreciates this program and any help the residents are given.

There were no further questions or comments.

#### **11. Report by the City Administrator**

- 1<sup>st</sup> Quarter Report from Johnson County Sheriff's Office

Master Deputy Brad Johnson addressed the Council. He stated citations in the first quarter this year closely align with last year's numbers. He stated there have been 21 cases of drugs and narcotics, which he expects to rise since Kansas is sandwiched between Colorado and Missouri.

Mayor Roberts stated the opioid usage has gone up tremendously in the last year or so.

Deputy Johnson stated drugs have become more readily available. People are cooking meth and cutting it with fentanyl.

Mayor Roberts stated he would like to see the overall numbers and increase for the county.

Mr. Johnson stated he will have more info next meeting after all numbers are complete for the 1<sup>st</sup> quarter.

Ms. Linn asked Deputy Johnson to give an update on Cyclones in the Outfield.

Deputy Johnson stated Cyclones in the Outfield will be held in May and will include a softball game on Friday night and a car show and drive in movie on Saturday this year. He stated this is the second annual event which benefits Edgerton Elementary students and teachers. He stated the funds received will go toward registration fees, school supplies and hygiene products. He

stated he hopes to move toward a grant program so people who need shoes, coats, etc. will be able to apply anonymously and donations can be made to them. He stated last year, the Cyclones event raised enough funds to provide \$6,000 to teachers for classroom supplies, cover the cost of 180 registration fees and provide school supplies for the kids. He stated this year, they are adding a cruise-in car show followed by a drive-in movie at Martin Creek Park. He stated car shows used to be huge and he hopes to be able to bring it back with this event as well as grow this event with more sponsors and donors. He stated he wants this to be something that can promote the community and make an impact here with the kids as they grow in their community.

Ms. Linn stated Deputy Johnson's vision is a family weekend, watching firefighters play police during their softball game on Saturday. She stated there will be a food truck in the Greenspace and public safety will lead cars to Martin Creek Park for a family movie night on Sunday.

Councilmember Beem asked how people can donate.

Ms. Linn stated they can go to the link on the city's website and there is a QR code on the flyer.

Mayor Roberts stated registration fees at the school this year were raised from \$70 to \$80, so families that struggled before will now struggle even more. He stated this will benefit so many.

Mayor Roberts asked if there were any further questions or comments on either of these items.

Ms. Janeice Rawles, 709 Heather Knoll Dr., stated she had a question that does not relate to the above-mentioned items for the Sheriff's Office.

Mayor Roberts stated she could go ahead with her questions.

She asked if any citations have been written for vehicles that were not allowed under the Unconventional Vehicles ordinance that was passed last year. She stated there were four children racing up and down 8<sup>th</sup> Street the other day. She stated she called the Sheriff's Office and it took them over 30 minutes to arrive on scene. By that time, the kids were done and were not cited.

Ms. Linn stated there have been a handful of cases that have been prosecuted through Municipal Court since the passing of the ordinance. She stated she had a meeting with the Sheriff's Office and reminded them of the ordinance and the citable offenses that go with it. She stated she would like to remind residents that although Deputy Johnson is the officer of duty for Edgerton, he is not on call all day, every day.

Mayor Roberts stated he appreciates Ms. Rawles calling the Sheriff's Office and would tell everyone in the community to do so. He stated he would assume it took them so long to respond because of other calls they might have been on. He stated he would say that the community has more eyes than they do and to keep calling them if they see people on these types of vehicles illegally.

There were no further questions or comments.

- 1<sup>st</sup> Quarter Financial Report

Ms. Karen Kindle addressed the Council. She reviewed the General Fund Revenues, stating property tax is right on target. The City TIF Increment is new this year and represents the amount of property tax that goes into TIF Districts. She stated vehicle, liquor, local and county sales taxes are on track. She stated franchise tax is about where it usually is at this time of year, although it fluctuates seasonally. She stated license and permits are lower than other percentages because this depends on seasons and when people will be working on new projects. She stated fines and forfeitures are right where they are expected to be. Investment incomes might improve but have not yet. She stated as far as expenditures, the general government line is lower than expected because of the vacant Assistant City Administrator position. She stated parks is lower because this line is very event driven and most of the City's events are in the summer. She stated community development is also lower due to the vacant Building Inspector position. She stated economic development includes the ElevateEdgerton! contract and BNSF Property Tax increment which has not been disbursed yet. She stated in the end, the city is within the reserve requirement.

She stated regarding the Water Fund, charges for service are right where they have been in the past, fines and forfeitures are also on target. She stated the expenditures are a little higher because of the payment made annually in January and the first of two payments that are required to be made in the debt service line. She stated the city is within the reserve requirement.

She stated the Sewer Fund is where it is expected to be on revenues and expenditures. She stated the debt service line is at 50 percent because the first of two payments have been made already this year. She stated the city is within the reserve requirement.

There were no questions or comments.

- Planned Unit Development Discussion

Ms. Katy Crow addressed the Council. She stated Planned Unit Developments (PUDs) are a new concept for Egerton, but not new for the development process. She stated the city has an entire chapter already in their Unified Development Code on PUDs, but it has not been used before. She stated she wanted to bring this to Council tonight because it is an item that the Governing Body may see. Unlike typical development site plans that go just to Planning Commission, PUDs will come before the City Council as well.

She stated when United Community Services presented the housing study a few months back, they had mentioned the rising costs in housing, land, raw materials, etc. make it difficult for the first-time home buyer. She stated Planned Unit Development is a tool that allows for flexibility when building homes. She stated staff recognizes that smaller lots are not for everyone, but there are people who would prefer to have this option. She stated it gives Edgerton the flexibility to work with developers for residential development, a term called up-zoning, with

narrower lots and more houses in an area. She stated with PUDs it is common to require something back from the developer, such as trails, greenspace, amenities for the housing development, etc., so the community gets something in return. She stated issues can be addressed such as the ability for specific parking to minimize overcrowding in the street and in between houses. She stated these typically come with Home-Owners Associations (HOAs) and people moving into the housing division would have to agree to that. She stated included in the packet is an article that gives an overview of Planned Unit Developments, which are used in the metro in most major cities, Lenexa, Olathe, and Overland Park. She stated these are different for every city as every agreement with the developer is different. She stated the steps for a PUD are outlined in the council packet. She stated that final development plan is a binding agreement, so if changes are desired from the developer, they will have to come back through the Planning Commission phase and then on to Council for approval.

Councilmember Longanecker asked who maintains the properties.

Ms. Crow stated that this will be something the developers will have to provide during the Conceptual Planning phase. She stated these types of homes are selling fast in the surrounding areas.

Councilmember Longanecker asked what the house sizes are in these units.

Ms. Crow stated it varies, some could be as small as 1,200 sq. ft. She stated the lot size really drives the floor plan.

Councilmember Longanecker stated starter homes are now \$250,000-plus. He stated he has always been under the impression that it is better to buy than to rent so the individual builds equity, but that seems almost impossible because of the price of houses and stagnant wages.

Ms. Crow stated these homes on smaller lots can be less costly for buyers and can help spread the costs of infrastructure for the developer.

Councilmember Stambaugh asked if HOAs and PUDs go hand in hand.

Ms. Crow stated it is not a requirement, but it is seen more often than not. She stated having an HOA can help with maintenance and codes.

Mayor Roberts stated the developer drives the HOA. When they apply for the PUD, it is more common to have an HOA than not.

Ms. Crow agreed, she stated developers want this because it helps keep the value of their neighborhood.

Councilmember Longanecker stated it sounds like this can benefit the city down the line with the amenities that may be provided by the developer and the maintenance required for the homes.

Ms. Crow agreed and stated it keeps properties looking nice and values up.

There were no further questions or comments.

- Report on 207<sup>th</sup> Street Grade Separation Project

Ms. Beth Linn addressed the Council and provided the Governing Body with a packet related to some questions/comments staff has received from Councilmember Stambaugh related to the 207<sup>th</sup> Street Grade Separation Project and specific homeowners in that area (*See Exhibit B*).

Ms. Linn stated the 207<sup>th</sup> Street Grade Separation ribbon cutting was held in December 2021. At that time, the project was deemed substantially complete and opened to traffic. She stated this project has yet to be considered for final completion as there are several outstanding items remaining, including painting of the bridge, handrail installation, final grade adjustments, seeding/sodding, final signage, permanent striping, streetlights and clean out/debris removal from stormwater structures/pipes.

She stated leading up to final inspection, the City's construction inspector will compile a final punch list to ensure the project is in conformance with the plans and specifications, as well as installed according to proven industry standards. She stated the plans for this project were designed by a nationwide engineering firm through a licensed engineer who has completed projects similar to this a multitude of times prior to this project. She stated this level of professionalism in design, construction, and inspection provides great confidence in the quality of product the city will gain after the project is complete.

She stated the City's construction inspector will do a final inspection and provide a letter of acceptance confirming construction is complete. Staff will then present a request to the Governing Body, typically on the consent agenda, for approval and authorization for final payment.

She stated unfortunately for this project and many others in the surrounding area, there are several factors that are outside the control of the City or Contractors. Two items specifically impacted by the global supply chain issues are the permanent striping and fabrication of the streetlight poles. Additionally, an existing strike by the Painters Union could impact the completion of painting of the bridge. She stated both the Contractor and City Staff continue to monitor the situation. She stated these current challenges have set the final acceptance to be estimated for late summer 2022.

Ms. Linn stated staff has received several questions from Councilmember Stambaugh regarding concerns within the project limits related to stormwater, sight distance, cross slope, etc., all of which are listed within the packet given to the Governing Body. She stated along with the description of the concerns received are the corresponding details or information related to the items in question, should the remaining members of the Governing Body have similar concerns or receive similar questions.

After Ms. Linn reviewed the information provided in the packet related to 510 W Braun St., there were some following questions/comments.

Councilmember Stambaugh stated she had talked with Ms. Linn and Mr. Merkh about these issues and had asked if there had ever been any sort of elevation shot taken from the sidewalk to the egress window of 510 W Braun. She stated they had told her this had not been done and had said if it rains the water runs off the sidewalk to the ditch and not to the window. She asked why the City could not do a elevation shot to give the homeowner a guarantee and peace of mind that water will go to the storm drain and their home will not flood.

Mr. Merkh referred to Photo 1, in the packet, taken by Councilmember Stambaugh. He stated the City does not step outside project limits, which has a clear line. He stated the egress window of the homeowner does not fall within the project limits. He stated the existing grade closest to the house, was not touched, and the new grade surrounding the stormwater drain is higher than what is existing. He stated what the City and Contractors can control, is the flow of the water toward the storm drain, which is what this area is designed to do.

Mr. Darius Crist, 510 W Braun St., asked where the water goes if the inlet is clogged.

Mr. Merkh stated the drain is open on every side, so the odds are exceedingly low that the entire system would clog. He stated this system is based on a 100-year storm and is made to hold and move water for such capacity.

Mr. Crist stated there is a 6-inch sock in front of the basin at this time. He asked what keeps that from becoming plugged to where if there is rain tomorrow, it could flood his basement. He stated he's just asking for an elevation shot from the egress window to the sidewalk.

Mr. Merkh stated the shot that is provided, is higher than the project limits. He stated the size of storm would have to be greater than the estimated 100-year flood to have any impact.

Ms. Stambaugh pulled up pictures and video of 101 W Meriwood Ln. She stated they have ditches in their front yard and have active flooding surrounding their home. She stated she does not believe we have had the worst storm in history, so the guarantee that is given to these residents is false.

Mr. Merkh stated there are a number of parameters outside the control of the project, the flow of the water would have to be above the bank line of the ditch to have any impact.

Councilmember Stambaugh stated the ditches that have been dug in other residents yards have caused active flooding in homes.

Ms. Linn stated the best thing for that resident to do would be to contact the city.

Councilmember Stambaugh stated the resident has said they have tried to contact the city.

Ms. Linn stated they have not contacted the city regarding flooding in their home.



She referenced back to the house on Braun St. and the debris in the inlet. She stated as part of the final acceptance there will be a final inspection from the construction contractor that what has been installed and is operating per the plan.

She read the correspondence related to sight distance and debris in stormwater.

She stated the gutter buddy installed today is required to be maintained throughout construction, by the contractor. She stated this is critically important to have because there is not vegetation established and the design of the gutter buddy allows for certain debris to flow through.

Mr. Crist asked if he could request an elevation shot.

Mayor Roberts asked that staff continue to walk through this packet on 207<sup>th</sup> Street Grade Sep., and then Council can have discussion related to Mr. Crist's request.

Ms. Linn read the correspondence related to the remaining item at 510 W Braun St., the slope of ditch and tree, the item related to the 20470 Co-Op Rd., and the item related to 37305 W 207<sup>th</sup> St.

She stated staff will stand for any remaining questions or comments related to the 207<sup>th</sup> Street Grade Separation Project.

Mayor Roberts stated Mr. Crist has asked the Governing Body if they would agree to have an egress shot completed of parameters that are outside the project area. He stated usually, a city would not go outside the project area and the design of this project is by a company that is nationally known for their design of bridges. He stated there was no grading next to this window but understands why Mr. Crist would want an elevation shot. He stated it is up to Council to authorize this change order.

Councilmember Stambaugh stated she believes the city should do this to give the homeowner peace of mind. She stated if she had a huge bridge built in her front yard, this is the least the city could do for them.

Mayor Roberts stated the city has done a lot for this project, which included negotiations that were accepted by the homeowner, as well as allowing for a wider driveway, for drainage to be moved from original plan, etc. He stated the City has most certainly done more than the City is required to do. He stated if Council wants to take additional steps, a change order must be authorized.

Mr. Lee Hendricks, City Attorney, stated it is seemingly innocuous to allow this, but it is important to realize whatever decision is made, there is a possibility there will be others that will want and expect Council to do this for them. He stated this is why there are standards and professionals are hired to do what they do and that if they say this project meets requirements, you trust it is so. He stated this goes above and beyond what is required of the City to do, but can be done if Council so chooses.

Councilmember Stambaugh stated the scope of work and amount of money it would cost to complete this is minimal. She added that this is a special circumstance because she does not see Edgerton doing a project of this size any time soon.

Mr. Hendricks stated to every person and every home there is a dollar amount of work they believe should be completed by the city. He stated every person will say their problem is a big deal. He stated he does not believe it is in the city's best interest to say this circumstance is special, but someone else's is not. He stated he understands the request, but a great deal of work has been done above and beyond for this property. He stated it may be the case where this situation does not arise again, or many others may come forward to demand the City pay for additional work.

Councilmember Stambaugh stated Mr. Hendricks can absolutely guarantee that there will be no flooding.

Mr. Hendricks stated he is not talking specifically about the Crist property nor is he giving any guarantees. He stated if Council chooses to issue a change order that goes outside the bounds of what the professionals have said meets requirements, regardless of the project, other members of the community could come forward with similar requests on future projects.

Mayor Roberts stated the city cannot give a guarantee and must rely on professional insight that the project parameters meet all necessary requirements for what it is designed and built to do.

Councilmember Stambaugh stated she will pay for an elevation survey out of her pocket if the city does not. She stated this is a multimillion-dollar project and it is not the same as the small projects throughout the City.

Councilmember Lewis stated what he believes the City Attorney is trying to say is that if we do this for one, we will have to consider doing it for all. He stated it would be like the recent work done to his street, which was completely rebuilt. He stated if three people on his street were to say because of how the contractor graded the street it has caused flooding, the city would run into these circumstances all the time. He asked would Council give exceptions to every person who asks.

Mayor Roberts stated the Council represents all citizens, and if we're willing to do it one time, we have to be willing to do it every time.

Councilmember Stambaugh stated she thinks it's a good business practice.

Councilmember Lewis stated someone will have this same complaint later down the road and he is worried that by allowing it once, the City could face similar requests to go outside the parameters of the project.

Councilmember Stambaugh asked if they would want peace of mind.

Councilmember Lewis replied, he would trust that the professionals have done their job to the correct level.

Councilmember Stambaugh asked if there can be a greater guarantee than the 2 years given to the homeowner.

Mayor Roberts asked what they want a guarantee on.

Mr. David Hamby, City Engineer, stated a 100-year flood is not something that happens every 100 years. He stated it means in any given year, it's a 1% chance of occurring.

Mr. Crist stated where the water did drain, they elevated it 2 feet. He stated it should be graded because there is dirt higher than the sidewalk.

Mayor Roberts asked if he wants the water to flow over the sidewalk.

Mr. Crist stated he felt his concerns were brushed off by Ms. Linn and Mayor Roberts.

Councilmember Beem asked if the grading was draining water to the east.

Mr. Crist stated he gets the impression that the council does not care. He stated this project became part of his front yard, and he does not want to have to remodel his basement again.

Mayor Roberts stated he and the Councilmembers do care.

Mr. Crist stated the city has done the opposite of what he has requested.

Mayor Roberts asked Mr. Merkh to explain the channeling of water.

Mr. Merkh stated the water is not designed to go over the sidewalk, the design is for the water to run down the hill and to the drain, which is designed for a capacity of reaching what would be considered a 100-year flood in the pipe and surrounding infrastructure.

Councilmember Stambaugh asked if a vote can be taken on authorizing an elevation shot for Darius Crist.

Mayor Roberts stated the motion is for the city to enact a change order on private property to complete two elevation shots, from sidewalk to egress window and egress window to drain.

Councilmember Stambaugh made motion to approve.

There was no second made.

The motion died from a lack of a second.

There were no further questions or comments.

Ms. Linn stated the City Council recently approved the submission of applications for two grants, BASE Grant and RAISE Grant. She stated the city was notified we were unsuccessful on all 3 submissions for the BASE Grant. She stated there is a posting on their website of the applications awarded.

She stated as of 3:30PM today, City staff submitted two applications for the RAISE Grant for projects consisting of East 2<sup>nd</sup> to Highway 56 and the Downtown Streetscape. She stated the applications have been received and validated. The federal grant awards will be announced in August. She stated the city also wrote letters of support and participated with the City of Gardner for submission of the Gardner Road Improvement project.

Mr. Lee Hendricks stated he asked Councilmember Stambaugh if they could discuss a request she made, that would generally be deemed an Open Record Request and relates back to what Mr. Oltman had discussed earlier.

He stated while he knows the plan is to have a more robust discussion as it relates to KOMA/KORA, he wanted to go over a couple things related to KORA Requests.

He stated Councilmember Stambaugh did the correct thing in submitting the request herself rather than submitting as a councilmember. He stated when the Governing Body is outside of an open meeting, they have no greater access than any other citizen. He stated the city has a Freedom of Information Officer, the City Clerk, and when these types of requests come in, the City begins working on the request.

He stated ElevateEdgerton! is a private entity. A KORA request would consist of any record, regardless of format by any public agency and by an officer or employee of that public agency. He stated the city provides a form for completion to process requests, but emails with the proper information for the request are also sufficient. He stated a record has to exist, it is not required to be created in any form. He stated when a request is received, via email or request form, there are 3 options; provide the documents to fulfill the request within 3 days, tell the requestor within 3 days that staff is working on the request and will provide by a specific date, and if the request doesn't meet specific criteria such as not having a specific description of item, being overly broad to say "any and all items...", the request can be denied.

He stated after a request is made, staff drafts a response which can request a fee for the record, explain that the request is overly broad and ask that it be specified, or that the city can deny. He stated certain exceptions to documents are open to public, such as council's notes, attorney client privilege documents, preliminary plans and bid documents, personnel evaluations, and records, etc.

He stated Councilmember Stambaugh asked for "any and all information regarding ElevateEdgerton!" and this would be the perfect example of a response requesting a specific document/record be described. He stated the City Clerk, as the Freedom of Information Officer, is required to have the Open Records Pamphlet available to the public which explains Open

Records, what is allowed and what is not and how to request a record. He stated this is also available in the governing body handbook that was distributed to councilmembers earlier this year.

Mayor Roberts stated they have not done KOMA/KORA training yet but will be doing so soon. He stated the city is dictated by the Kansas Legislations and the city has to stay within certain bounds.

There were no further comments.

## **12. Report by the Mayor**

Mr. Darius Crist walked up to Mayor's seat and dropped a check. The Mayor stated he would not accept the check, Mr. Crist left the check and returned to his seat.

Ms. Susan Pearce, at 20465 S. Gardner Rd., stated she had a question.

Mayor Roberts stated she could proceed with her question/comments.

Ms. Pearce asked if there will be a grant put in for Martin Street to be fixed.

Mayor Roberts stated Ms. Pearce has a rental in that area, and there is a large problem with storm sewer and grade of the road. He stated this is a major project which has already been studied. He stated the City recognizes there is a problem, but as of yet, no funding has been allocated to it. He invited Ms. Pearce to come to the meeting in October when the projects in the CIP are to be voted on. He stated many years ago the storm sewer was worked on, but it was not installed correctly, and the project did not fix the main issue. He stated there have been projects to make this area better, but ultimately it will need to be redone and fixed completely, which is very costly.

Ms. Pearce thanked the Mayor for the information and for the date for the upcoming council meeting.

Mayor Roberts stated Councilmember Stambaugh asked for an item to be added to the agenda and sent this request via email to Ms. Linn, but he said those requests should come to him and not to Ms. Linn. He stated the best time for the city to fix this is when the city goes through the comprehensive plan.

Ms. Stambaugh asked for the Mayor to clarify the question he is referring to.

Mayor Roberts stated Councilmember Stambaugh has asked that the city review ordinances that relate to the maximum amount of covered lot space on a R-1 property, such as having too many structures on a property. He stated this would not be something that can just be put on the agenda for the Council to vote on, it would have to go through planning commission and then to the Governing Body with their recommendation. He stated his recommendation would

be for this item to be brought forward as part of the Comprehensive Plan and rather than looking at this as a single property benefit, it can be looked at as the community in general.

Ms. Linn stated it is very common to have several changes of regulations come forward during this process to balance what the community wants regulations to be and what is suited for the community.

Mayor Roberts stated this may not be in the timeframe this person wants, but even if they went through the variance process, it could still take quite a bit of time.

Ms. Stambaugh stated she thinks the city needs to look at these old and outdated ordinances.

Mayor Roberts stated he agrees, and items can be fixed with the right process. He stated if Councilmember Stambaugh would like to add an item to the agenda, to please email him those requests.

There were no further questions or comments.

Mayor Roberts stated he appreciated being invited to help with the superintendent interviews for USD 231. He stated there were three great candidates. He stated the board has a tough decision to make, but they will have a meeting on April 19<sup>th</sup> to finalize the steps in the process. He stated he supports any of the three choices.

### **13. Future Meeting Reminders:**

- April 28<sup>th</sup>: City Council Meeting – 7:00PM
- May 10<sup>th</sup>: Planning Commission – 7:00PM
- May 12<sup>th</sup>: City Council Meeting – 7:00PM
- May 26<sup>th</sup>: Joint Planning Commission & City Council Work Session – 6:00PM
- May 26<sup>th</sup>: City Council Meeting – 7:00PM
- June 9<sup>th</sup>: City Council Meeting – 7:00PM
- June 14<sup>th</sup>: Planning Commission – 7:00PM
- June 23<sup>rd</sup>: City Council Meeting – 7:00PM

### **14. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Beem. All in favor. The meeting was adjourned at 9:07 PM.

Submitted by Alexandria Clower, City Clerk

**EXHIBIT A**

DRAFT



To: Edgerton City Council

From: James Oltman – President, ElevateEdgerton!

Re: Questions regarding EDGE grant program

Recently ElevateEdgerton! announced the creation of the EDGE grant program with grants available for beautification projects for residents and businesses, and also grants available for small business expansion and attraction. Within a few weeks the organization received enough applications to award all funding allocated for the 2022 Beautification grant program. Since that announcement ElevateEdgerton! has received multiple questions/comments from Councilmember Stambaugh regarding the program. In the spirit of transparency and in an effort to make sure no other members of the Edgerton City Council has any questions and/or misunderstandings about the program I would like to not only address the received questions and comments from Councilmember Stambaugh but also address any other questions any council member may have regarding the program.

- 1) **Councilmember Stambaugh asked “Can you supply me with a copy of the approved business grants thus far? Also the approved residential beautification grants as well?”** ElevateEdgerton! has reserved the right for grant winners to be featured/disclosed in future communications and marketing related to the grant program. When each grant winner was notified of their grant award, they were also provided a grant award acceptance form. This form outlined the stipulations and guidelines associated with the grant, as well as an acknowledgement from the recipient that accepting the grant provided authorization for their project to be referenced in future communications. Once those forms are received from applicants confirming they have agreed to the guidelines, ElevateEdgerton! will have future communication highlighting the projects that were chosen.

ElevateEdgerton! however will not be releasing a copy of all applicants/or applications submitted for the EDGE grant program.

- 2) **Councilmember Stambaugh asked if this is this a City program or a Federal program?** The answer to this questions is it is neither. This is a private grant program administered by ElevateEdgerton! funded by dollars from the private business community. I know recently there have been a number of items of business related to various grant programs that has required action from this council. The BASE grant program is a program that is offered by the Kansas Department of Commerce. The RAISE grant program is a federal program that is being offered by the US Department of Transportation. The ElevateEdgerton! EDGE grant program is in no way affiliated with any of those programs.





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- 3) **Councilmember Stambaugh stated that the EDGE Grant program “is also a grant the city council, including myself voted on. In the future, I will make sure to amend any requests you make regarding ElevateEdgerton and funds requested. This is also grant money you requested, that is also, I’m assuming taken out of the City General Fund.”** This is incorrect. The EDGE Grant program is a private grant program that was created by ElevateEdgerton!. ElevateEdgerton! had the opportunity to create this program and fund it from private funds because of membership growth in the year 2021. All funds used in this program are from the private business community.

I am assuming that the grant funds Councilmember Stambaugh is referring too are the ones referenced in the Contract for Economic Development Services that the City of Edgerton has executed with ElevateEdgerton! for 2022. In that contract there is a reference to one time grant funds associated with enhanced efforts to attract new commercial and retail development to Edgerton.

Those funds are actually for efforts planned for later this year. Also as those funds are only available on a reimbursement basis, to date those funds have neither been used nor requested by ElevateEdgerton!.

It also should be noted that the contract for economic development services was approved by the Edgerton City Council on November 18, 2021, which was two weeks before Councilmember Stambaugh was sworn into office. While ElevateEdgerton! has made multiple announcements since she has been sworn in as a City Council member, there have been no items of business related to ElevateEdgerton! that has come before this council since that date with a need to be voted on.

- 4) **Councilwomen Stambaugh has asked ElevateEdgerton! to approve a Small Business Expansion grant that did not meet the stated guidelines of the program.** It is important to note that the submitted application that Councilmember Stambaugh references included multiple projects, most of which are eligible for the Beautification grant. However there was one project that was included that would not allow the business to expand services as needed per the guidelines of the Small Business Expansion grant. It was communicated to the applicant, the applicants spouse and subsequently Councilmember Stambaugh that the project submitted was not an eligible project, however if there was another project that would allow them to expand they were encouraged to submit that and their application would be considered for a grant award.

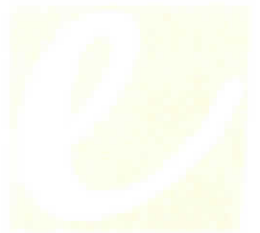
I want to make very clear this business is eligible to apply for a Small Business Expansion grant. Businesses similar to this are also eligible to apply. There is no gray area here.



Also as a side note, this same applicant received a Beautification grant award for the maximum amount for the other projects that were submitted.

I think it is important to note that the EDGE grant program was not something that ElevateEdgerton! was contractually obligated to do per the contract for Economic Development Services with the City of Edgerton. This was an effort by the ElevateEdgerton! Board of Directors to create something that could be a benefit to not only residents of Edgerton, but also small business owners within the community. As inflation rises and prices of everything increase its becoming increasingly more challenging for both families and small businesses to survive. This program was an effort by ElevateEdgerton! to go above and beyond to both invest money in the Edgerton community and spur investment into the Edgerton Community. As a reminder this program led to a group of proposed projects totaling approximately \$29,000 worth of direct investment directly back into the Edgerton community.

While it would not be surprising to see people from outside this community use this program as an opportunity to manufacture controversy, I did not expect to see that happen from people within.



## James Oltman

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**From:** Josie Stambaugh <jstambaugh@edgertonks.org>  
**Sent:** Monday, April 4, 2022 8:48 AM  
**To:** James Oltman  
**Subject:** Re: [REDACTED] application for grant

This is also a grant the city council, including myself voted on. In the future, I will make sure to amend any requests you make regarding elevate Edgerton and funds requested. This is grant money, you requested that is also, I'm assuming taken out of the city general fund.

I will continue to speak on behalf and ask questions on behalf of residents when I, myself, feel like there has been an unfair decisions made. Every item I have asked for or requested from you has been denied. To me, this not only raises suspicion, but also grossly lacks transparency.

I will ask again, I would like to see the list of residents you deem eligible for this grant.

Regards,  
Josie Stambaugh

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**From:** James Oltman <james@elevateedgerton.com>  
**Sent:** Sunday, April 3, 2022 1:56:42 PM  
**To:** Josie Stambaugh <jstambaugh@edgertonks.org>  
**Subject:** RE: [REDACTED] application for grant

Good afternoon Josie –

Once again I think there still might be some confusion here. Per my last email, the [REDACTED] application included a project that did not qualify under the Small Business Expansion Grant Guidelines. Not because they are a home business, but because the use of the funds were for a project that did not qualify for Business Expansion. If they submitted a project that would allow them to expand their business and [REDACTED] we would absolutely consider that application.

If the [REDACTED] have any other questions regarding their application they can reach out to me directly and I would be more than happy to talk to them again.

As a side note, the "home-based" business restriction has to deal the various types of "products" that can be sold out of the home as a "business". Things like Avon, Scentsy, Arbonne etc. [REDACTED] are not included under the "home-based business" restriction.

To answer a few of the other questions you had:

1. This is neither a "City" Program nor a "Federal" Program. This is a private grant program administered by ElevateEdgerton! funded with private money.
2. While the ElevateEdgerton! Board of Directors has reserved the right to feature completed grant projects in the future for program marketing purposes, the board has no plans to release the list of grant applicants/winners at this time.

Hopefully this helps clear some things up and answer your questions.



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**James Oltman – President**  
30750 W 193<sup>rd</sup> St.  
Edgerton, KS 66030  
[james@elevateedgerton.com](mailto:james@elevateedgerton.com)  
913.882.2500  
402.499.6829 c

**From:** Josie Stambaugh <jstambaugh@edgertonks.org>  
**Sent:** Sunday, April 3, 2022 9:32 AM  
**To:** James Oltman <james@elevateedgerton.com>  
**Subject:** Re: [REDACTED] application for grant

Is this grant a city based grant or a federal grant? My understanding is that is a city based grant, if that is the case, we should be able to modify the requirements. If we are solely basing the guidelines for businesses that are not home based, only brick and mortar buildings, we have yet again, cherry picked the eligible residents. We have limited small businesses within Edgerton.

Can you supply me with a copy of the approved business grants, thus far? Also, the approved residential beautification grants as well.

Thank you,  
Josie Stambaugh

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**From:** James Oltman <james@elevateedgerton.com>  
**Sent:** Friday, March 25, 2022 7:39:26 AM  
**To:** Josie Stambaugh <jstambaugh@edgertonks.org>  
**Subject:** RE: [REDACTED] application for grant

Good morning Josie –

I think there may be some confusion as to what has been communicated to you regarding this specific grant application.

On March 4<sup>th</sup> we received a grant application from [REDACTED] outlining a number of projects they were interested in submitting for the grant. All of the projects that were listed except for one, were eligible expenses under the Beautification grant for homeowners and small business owners.

The additional item listed in the grant application that did not qualify for funding under the beautification grant also did not qualify for the Small Business Expansion Grant per the guidelines of the Grant Program. The grant guidelines state the project must expand services the business does not currently offer. For a [REDACTED] that would be a project that would allow the business to expand the [REDACTED] they are able to accept.

I sent [REDACTED] an email on Monday March 7<sup>th</sup> explaining both of those points. I also advised that per the beautification grant guidelines only one application was allowed per address. Meaning [REDACTED] could not apply for two beautification grants, one and a homeowner and one as a business owner at the same address.

I also spoke to [REDACTED] on the phone later than day regarding questions and clarifications of the program and the email I had sent [REDACTED] in response to [REDACTED] application. At that time I seemed to answer all the questions [REDACTED] had and [REDACTED] understood what would and wouldn't qualify under both grant programs.

The fact that their business is home-based had nothing to do with the consideration of their application. In fact when speaking to [REDACTED] I advised that if there was a project that would allow them to expand the [REDACTED] they could accept we would be happy to consider it for funding.

For your reference I am attaching the previously mentioned email that was sent to [REDACTED] on 3/7.

I hope this information clears up any misunderstanding there may be about their business being ineligible as a home based business. As a side note, their application for the beautification grant was approved for the full \$500 limit.



James Oltman – President  
30750 W 193<sup>rd</sup> St.  
Edgerton, KS 66030  
[james@elevateedgerton.com](mailto:james@elevateedgerton.com)  
913.882.2500  
402.499.6829 c

From: Josie Stambaugh <[jstambaugh@edgertonks.org](mailto:jstambaugh@edgertonks.org)>  
Sent: Friday, March 25, 2022 7:30 AM  
To: James Oltman <[james@elevateedgerton.com](mailto:james@elevateedgerton.com)>  
Subject: [REDACTED] application for grant

James,

I am writing you in regards to the small business grant application for [REDACTED]. [REDACTED] has has a [REDACTED] [REDACTED] here in Edgerton for [REDACTED]. [REDACTED] has an EIN, a business license and although [REDACTED] does not have a brick and mortar building, she indeed is a business within Edgerton. I was told she was denied for this grant because [REDACTED] was told in was in [REDACTED] home. If we are only allowing this for existing downtown businesses, we would be very limited to who we, indeed help. I would encourage you to reconsider this decision, as [REDACTED] has been a long time, respected resident and business owner here in Edgerton. Having a business license, EIN and long time running business, in my mind would hit all the marks for this grant.

Thank you for your time,  
Please let me know how we can proceed.  
Josie Stambaugh

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## James Oltman

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**From:** James Oltman  
**Sent:** Monday, March 7, 2022 7:52 AM  
**To:** [REDACTED]  
**Subject:** EDGE Grant Application

Good morning [REDACTED] –

Thank you for your interest and application for the EDGE grant program. Based on your application I just wanted to make sure I understand everything correctly.

The concrete, exterior paint and the landscaping would qualify as eligible expenses under the Beautification Grant program. We will definitely review your application for that, and per the grant guidelines the maximum award available is \$500. Also per the grant guidelines the beautification grant is one award per address. So you could apply as either the homeowner or the business owner for consideration for an award, but there would only be one beautification award per address.

The part of the application that deals with the [REDACTED]. Would this allow you to expand your business and [REDACTED]? Eligible projects for the businesses expansion projects are ones that will allow the business to expand their services to a level the community doesn't have. Any type of project for [REDACTED] would need to be able to allow you to expand the [REDACTED].

At first glance based off the information received in the application I do not believe the [REDACTED] would qualify per the grant guidelines, but if I am mistaken about the scope of the project please let me know.

If you have any other questions please don't hesitate to reach out. Thanks again for your interest in the EDGE grant program.



Partnership for Economic Advancement

James Oltman – President  
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**EXHIBIT B**

DRAFT



April 14, 2022

TO: Mayor and City Council Members

FROM: Beth Linn, City Administrator  
Dan Merkh, Public Works Director

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

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### **PROJECT UPDATE**

The 207<sup>th</sup> Street Grade Separation held a Ribbon Cutting on December 20, 2021. The Project was deemed substantially complete open to traffic also in December 2021. Substantial Completion means the project is ready to be used for it's designed purpose, in this case, the roadway was open to traveling public.

The Project has not yet been deemed finally complete. For 207<sup>th</sup> Street Grade Separation, there are several items remaining as part of the construction process.

- Painting of the bridge
- Handrail installed on the bridge
- Final adjustments to grade
- Final adjustments to installation of rip rap
- Seeding/sodding
- Final signage
- Permanent striping
- Streetlights
- Clean out/debris removal of new stormwater structures/pipes

Leading up to final inspection, the City's construction inspector will compile a final punch list to ensure we wrap the project in conformance with the plans and specifications, as well as installed according to proven industry standards. The plans were designed by a nationwide engineering firm through a licensed engineer who has completed projects similar to this a multitude of times before this project. This level of professionalism in design, construction, and inspection provides great confidence in the quality of product we will have after the project is complete.

The City's Construction Inspector will do a final inspection and provide a letter of acceptance confirming construction is complete. Then staff will present a request to the Governing Body, typically on consent, for approval of the final acceptance and authorization for final payment.

For this Project, there are several factors outside of the City's or Contractor's control. Two items specifically impacted by global supply chain issues are the permanent striping has been postponed due to a shortage of glass beads (for reflectivity), as well as the fabrication of the streetlight poles. Additionally, an existing strike by the Painters Union could impact the



completion of painting of the bridge. Both the Contractor and the City continue to monitor the situation.

Current estimates based on the challenges listed above is anticipated final acceptance in late summer 2022. The streetlight poles are the longest lead time currently and they are scheduled for July delivery. The time until the poles arrive should suffice to complete the remaining action items (barring unforeseen circumstances).

### **COUNCIL MEMBER QUESTIONS**

Staff received several questions from Council Member Stambaugh regarding concerns within the project limits related to stormwater, sight distance, cross slope, etc. Below is a description of the concerns received and the corresponding details or information for all governing body members should they have similar concerns or receive similar questions.

- Crist (510 W BRAUN ST)
  - Stormwater entering east egress window: Staff has confirmed with onsite inspection that the water that falls within the project limits drains to the east to the newly installed area inlet. Photo 1 shows that water falling within the disturbed ground is travelling east into the area inlet (not as shown in the arrow) as illustrated by the hay/seed being washed away.

Prior to construction, the design team shot elevations in this area depicted in Plan 1 including one elevation shot outside of the project limits that shows the elevation dropping from the existing shot location to the project limits. Also noted that the 100-year high water elevation is 997.67 at the area inlet (top=998.30), which is less than the shot from existing area (999.04). Contractor still finalizing grading, installing rip rap and establishing vegetation.

- Sight distance looking eastward from driveway: Mr. Crist requested the City consider planting trees or constructing a berm to protect the east side of his house from vehicle lights driving the new roadway. The City agreed to evaluate once the project was open to traffic to best determine what was needed. Following onsite inspection the City developed the reforestation plan shown in Plan 2. This includes significant planting of Hillspire Junipers on city owned property to alleviate these concerns. Hillspire Junipers grow to approximate diameter of 10-15 feet with typical height of 20-30 feet. Council Member Stambaugh and Mr. Crist raised the concern that the two most southern trees would cause a blind spot when looking east to exit the driveway.

American Association of State Highway and Transportation Officials (AASHTO) charts the speed limit and downgrade into the intersection. Existing speed is posted 35mph, and the downgrade slope is 1.29%. The existing sight distance at the driveway measured at 307.35' to the north side of trail, well exceeds the sight distance required for much steeper grades and the proposed location of the trees is an additional 8 feet north outside of the sight distance triangle. This is illustrated in Plan 3 prepared by the design engineer. Regardless, Staff received today the request in writing from Mr. Crist to remove the two most southern trees. Staff will remove these from the reforestation plan.

- Debris in stormwater infrastructure during construction: Council Member Stambaugh raised concern that the new stormwater infrastructure would get clogged or blocked causing it to not function properly. The Contractor is required to submit to the Kansas Department of Health and Environment (KDHE) a Stormwater Pollution Prevention Plan (SWPPP). This includes required erosion control measures during construction including the use of straw to protect new seed laid to establish vegetation in disturbed areas as shown in the photos. That SWPPP Plan will also require the Contractor to clean out and remove any debris in the stormwater infrastructure during construction and prior to final acceptance while the vegetation gets established.
- Slope of ditch and Tree on westside of driveway: Council Member Stambaugh states that the ditch the City constructed in front of the property is too steep to mow. Final inspection prior to final acceptance will confirm the drainage ditch was installed per plan at a maximum of 3:1 slope, the industry standard for a mowable slope.

She also stated that the tree on the westside of the driveway is dying. During easement negotiations the Crists specifically requested and agreed to several design changes including to keep this tree. Those changes (as shown on Plan 4 – Easement Negotiations) included moving curb inlet AB1 (shown in green) further west; removing end section AC2 (shown in red); moving area inlet AD1 onto property directly to the east. The Crists agreed to these changes by returning executed easement documents on March 10, 2020 which were then approved by City Council. All changes are reflected in the Final Plan. The Project includes a two-year warranty to monitor impact of construction on the health of the tree. If during that time the tree dies, the Contractor would remove the tree as part of warranty work.

- Pio (20470 COOP RD)
  - Erosion near fence: Staff has been previously in contact with Mr. Pio regarding discharge of the pipe to the north of the project limits shown in Photo 2. His concern is that direction of flow might cause erosion at his fence. Staff confirmed that pipe discharge is 117 feet from fence line and water flow follows existing drainage path of northeast. There is approximately 9 cubic feet per second (cfs) in the ten-year storm. Contractor still finalizing grade, will install additional rip rap and establish vegetation. Additional pipe not necessary. The Project includes a two-year warranty to monitor the flow of water and provide additional remedy in future as needed.
- Chapman (37305 W 207<sup>TH</sup> ST)
  - Fence: At the time of acquisition of easement, the City agreed to “provide new fencing along the South line of the new easement, parallel to the existing fence there today.” Fence is shown in Photo 3. Staff and Contractor previously met with Property Owner to inform them that fence would be replaced at the time of handrail installation on the bridge. No requirement that replacement be completed prior to construction.

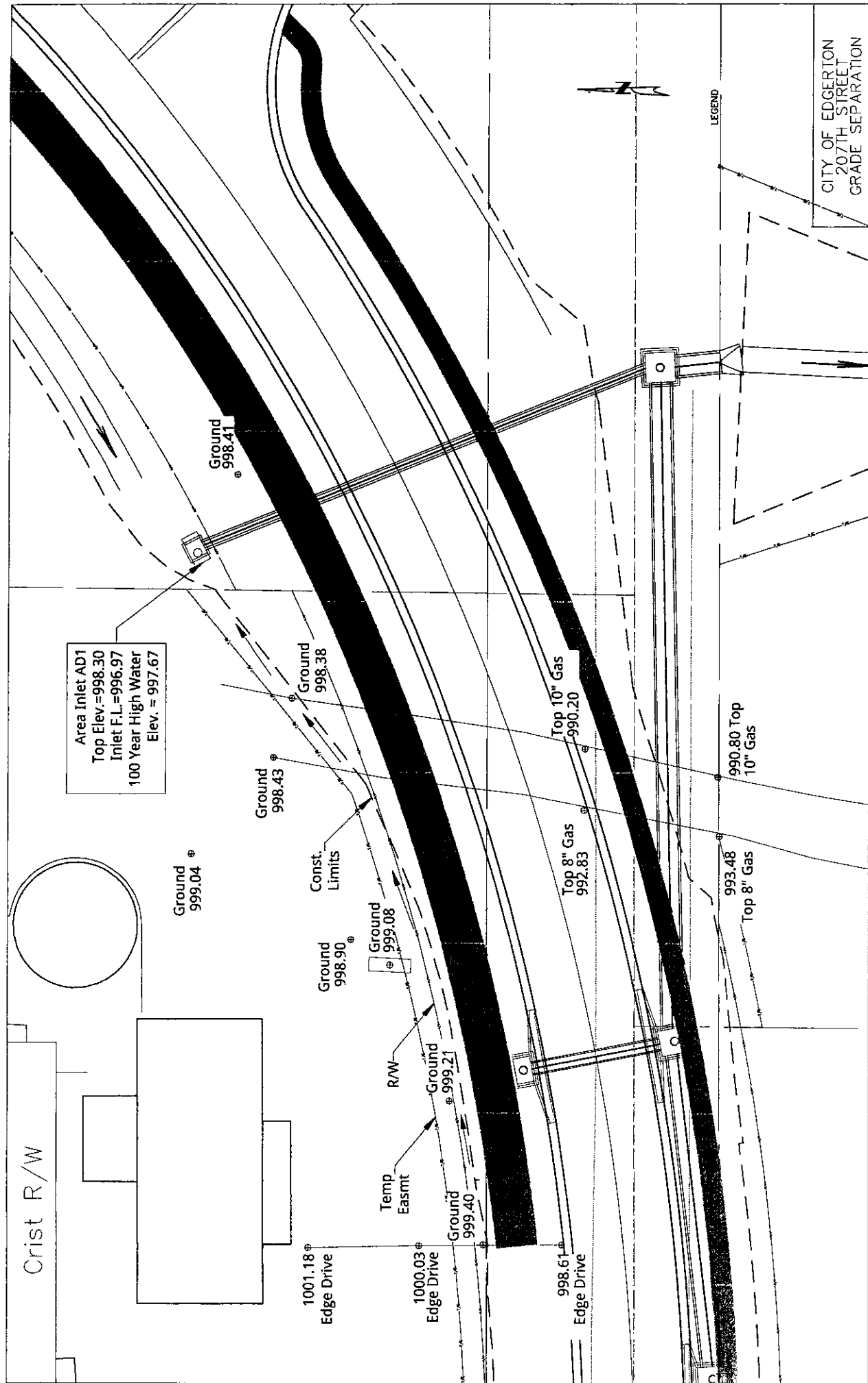


Photo 1





# Plan 1





207TH STREET PLAN  
STA. 105+40 TO 111+90

Drawn By : Duane Dodrill      Plotted : 11/13/2020      File : C:\pwworking\central01\dwg\676978\17-0242 PLAN 01.dgn

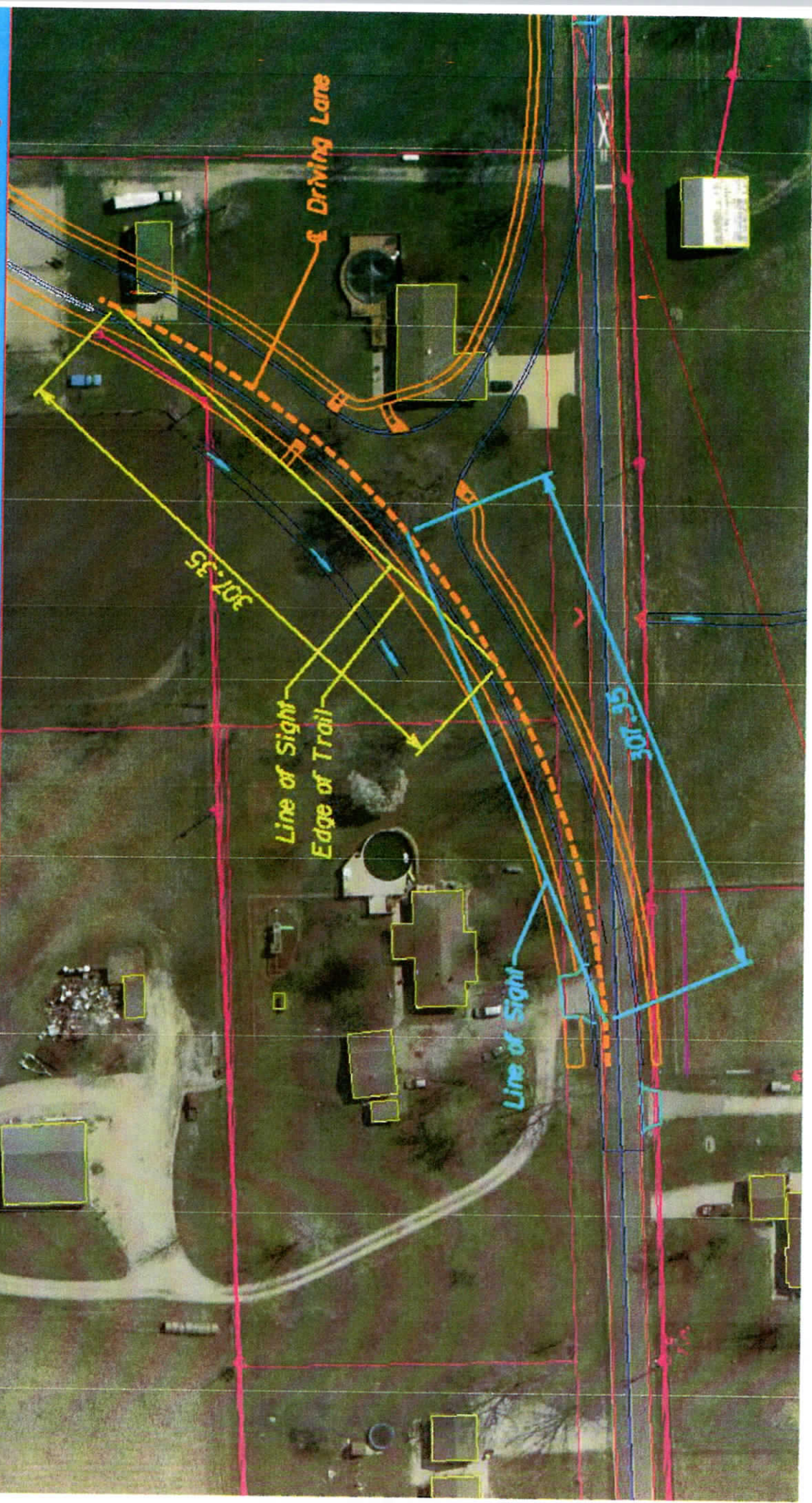
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Page 3

Per Table 3-2 of the AASHTO Green Book, a 35 mph design speed on a 6% down grade would require 287 feet of stopping sight distance.

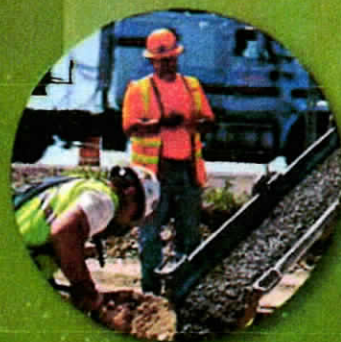
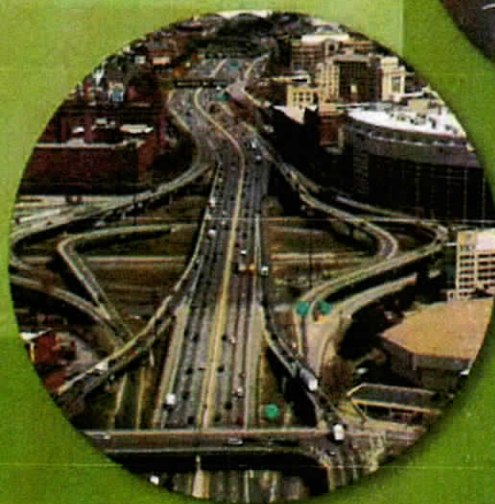
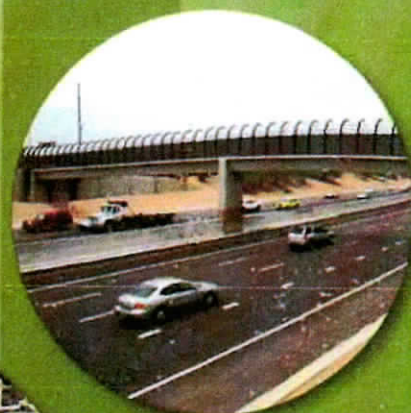
The design provides a minimum sight distance of 307 feet, which is greater than what is required for a 35 mph design.





# A Policy on Geometric Design of Highways and Streets

2011  
6th Edition



AMERICAN ASSOCIATION OF  
STATE HIGHWAY AND  
TRANSPORTATION OFFICIALS  
**AASHTO**  
THE VOICE OF TRANSPORTATION



### Effect of Grade on Stopping

When a highway is on a grade, Equation 3-1 for braking distance is modified as follows:

Metric	U.S. Customary
$d_B = \frac{V^2}{254 \left[ \left( \frac{a}{9.81} \right) \pm G \right]}$	$d_B = \frac{V^2}{30 \left[ \left( \frac{a}{32.2} \right) \pm G \right]} \quad (3-3)$
where:	where:
$d_B$ = braking distance on grade, m	$d_B$ = braking distance on grade, ft
$V$ = design speed, km/h	$V$ = design speed, mph
$a$ = deceleration, m/s <sup>2</sup>	$a$ = deceleration, ft/s <sup>2</sup>
$G$ = grade, rise/run, m/m	$G$ = grade, rise/run, ft/ft

In this equation,  $G$  is the rise in elevation divided by the distance of the run and the percent of grade divided by 100, and the other terms are as previously stated. The stopping distances needed on upgrades are shorter than on level roadways; those on downgrades are longer. The stopping sight distances for various grades shown in Table 3-2 are the values determined by using Equation 3-3 in place of the second term in Equation 3-2. These adjusted sight distance values are computed for wet-pavement conditions using the same design speeds and brake reaction times used for level roadways in Table 3-1.

Table 3-2. Stopping Sight Distance on Grades

Metric							U.S. Customary						
Design Speed (km/h)	Stopping Sight Distance (m)						Design Speed (mph)	Stopping Sight Distance (ft)					
	Downgrades			Upgrades				Downgrades			Upgrades		
	3 %	6 %	9 %	3 %	6 %	9 %		3 %	6 %	9 %	3 %	6 %	9 %
20	20	20	20	19	18	18	15	80	82	85	75	74	73
30	32	35	35	31	30	29	20	116	120	126	109	107	104
40	50	50	53	45	44	43	25	158	165	173	147	143	140
50	66	70	74	61	59	58	30	205	215	227	200	184	179
60	87	92	97	80	77	75	35	257	271	287	237	229	222
70	110	116	124	100	97	93	40	315	333	354	289	278	269
80	136	144	154	123	118	114	45	378	400	427	344	331	320
90	164	174	187	148	141	136	50	446	474	507	405	388	375
100	194	207	223	174	167	160	55	520	553	593	469	450	433
110	227	243	262	203	194	186	60	598	638	686	538	515	495
120	263	281	304	234	223	214	65	682	728	785	612	584	561
130	302	323	350	267	254	243	70	771	825	891	690	658	631
							75	866	927	1003	772	736	704
							80	965	1035	1121	859	817	782





Photo 2



Photo 3





STATE	PROJECT NO.	YEAR	SHEET NO.	TOTAL SHEETS
KANSAS	10103439	2019	15	195

- FUTURE PROJECT TO EXTEND TRAIL & SIDEWALK WEST
- JUNCTION BOXES REQUIRED @ END OF PIPES
- REMOVE END SECTION
- CONSTRUCT JUNCTION BOX
- JUNCTION BOX WOULD BE IN SIDEWALK/TRAIL

[illegible]

PROPOSED REVISIONS  
207TH STREET PLAN  
STA. 105+40 TO 111+90

Sh. No. 15



## City Council Action Item

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**Council Meeting Date:** April 28, 2022

**Department:** Community Development

**Agenda Item: Consider Application FP2021-05, Final Plat For Edgerton Crossing Located At The Southwest Corner Of 199<sup>th</sup> Street And Homestead Lane, Edgerton, Kansas.**

**Background/Description of Item:**

The City of Edgerton has received Application FP-2021-05 for the Final Plat of *Edgerton Crossing*, located at the southwest corner of 199<sup>th</sup> Street and Homestead Lane, Edgerton, Kansas. This Final Plat request divides the parcel into three (3) blocks. The three blocks are then further divided into one (1) lot and two (2) tracts. The two tracts are designated as non-buildable parcels, reserved for future platting and development. Two additional tracts will be used for stormwater detention. The platted parcel was annexed into the City on February 24, 2011 and the entire parcel was rezoned from Johnson County *RUR* to City of Edgerton *C-2, Heavy Service Commercial* on July 14, 2011 (Ordinance 905).

The Planning Commission held a public hearing for Preliminary Plat Application PP2021-03 on November 9, 2021. This Final Plat application aligns with the request made in Application PP2021-03. Application FP2021-05 was heard by the Planning Commission on April 12, 2022 with that body recommending the Application move forward for City Council acceptance.

City staff has reviewed the Final Plat submittal for conformance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. This Final Plat has been reviewed by the City Engineer and found to be in compliance with City Code requirements.

**Related Ordinance(s) or Statue(s):** K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Application FP2021-05, Final Plat For Edgerton Crossing Located At The Southwest Corner Of 199<sup>th</sup> Street And Homestead Lane, Edgerton, Kansas.**

**Enclosed:**

- Staff Report from April Planning Commission including Final Plat Application FP2021-05 and the Final Plat document.
- Excerpt of April 12, 2022 Planning Commission Meeting Draft Minutes – Edgerton Crossing Final Plat portion only.

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



## EDGERTON CROSSING

**Application FP2021-05**

**Southwest Corner of 199<sup>th</sup> Street and Homestead Lane**

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Final Plat for a parcel located at the southwest corner of 199<sup>th</sup> Street and Homestead Lane.

**No Public Hearing is required.**

#### Owner and Applicant

Woodstone Properties, LLC  
represented by Shannon  
McMurdo, Agent and Property  
Owner

#### Zoning and Land Use

C-2 (Heavy Service Commercial)  
with no existing improvements

#### Legal Description

The east 1/3 of the NE 1/4,  
excluding that part in roads and  
highways of Section 9, Township  
15, Range 22, in the City of  
Edgerton, Johnson County,  
Kansas

#### Parcel Size

42.57 acres

#### Staff Report Prepared by

Katy Crow



## BACKGROUND

### **Subject Site**

The parcel is located within the Bull Creek watershed and was annexed into the City of Edgerton on February 24, 2011.

Utilities and service providers:

- a. Water Service - Johnson County Rural Water District #7.
- b. Sanitary Sewer - City of Edgerton.
- c. Electrical Service - Everygy.
- d. Gas Service – Kansas Gas Service.
- e. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection is provided by Johnson County Fire District #1.

### **Site History and Past Approvals**

The parcel was rezoned from Johnson County *RUR* to City of Edgerton *C-2, Heavy Service Commercial* on July 14, 2011 (Ordinance 905).

On October 8, 2019, the City of Edgerton Planning Commission approved Application PP2019-04 for a Preliminary Plat of this same parcel. Pursuant to Edgerton Unified Development Code, if a Final Plat is not approved for a portion or all of the land covered under the Preliminary Plat within one year, the Preliminary Plat shall be ruled null and void. A Final Plat application was not filed prior to the one-year expiration date and as such Application PP2019-04 is considered null and void.

On November 9, 2021, the City of Edgerton Planning Commission approved Application PP2021-03 for a Preliminary Plat of this same parcel.

### **Proposed Use**

The applicant has proposed dividing the parcel into three (3) blocks. The three blocks are divided into one (1) lot and two (2) tracts which are designated as non-buildable parcels that are reserved for future platting and development. There are two additional tracts which will be used for stormwater detention. This Final Plat request is being made in preparation for commercial development which would serve the residents of Edgerton, the patrons, and employees of Logistics Park Kansas City (LPKC), and travelers along the I-35 corridor.

Proposed access to the site is from Homestead Lane is via W. 200<sup>th</sup> Street. The development will be connected through the construction of two (2) internal roadways – the continuation of 200<sup>th</sup> Street west and Jubilee Street which will run north/south, parallel to Homestead Lane. The applicant has also proposed full access to the development from 199<sup>th</sup> Street using Jubilee Street. Access further south into the development would continue along this newly constructed Jubilee Street through a roundabout at 200<sup>th</sup> Street.

### **Project Timeline**

- Application submitted to the City: December 21, 2021



## FINAL PLAT REVIEW

Staff has reviewed the Final Plat submittal for compliance with the requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments are listed below.

### Content of Final Plat

1. Certificate of the Register of Deeds.
  - a. *Upon recording of the Final Plat, the County will add their seal and information to the document.*

***Applicant acknowledges.***

### General Comment

1. Sanitary sewer plans have been reviewed by staff and have received KDHE approval. Roadway infrastructure plans are still under review by city staff and the City Engineer. Final Plat should not be recorded prior to the City receiving and approving all public infrastructure plans.

## NOTICE OF CITY CODES AND PERMITS

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

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

## DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for FP2021-05	12/20/2021
1	Final Plat	03/18/2022

## STAFF RECOMMENDATION

City Staff recommends approval of Final Plat **Application FP2021-05** for *Edgerton Crossing*, subject to the following stipulations:

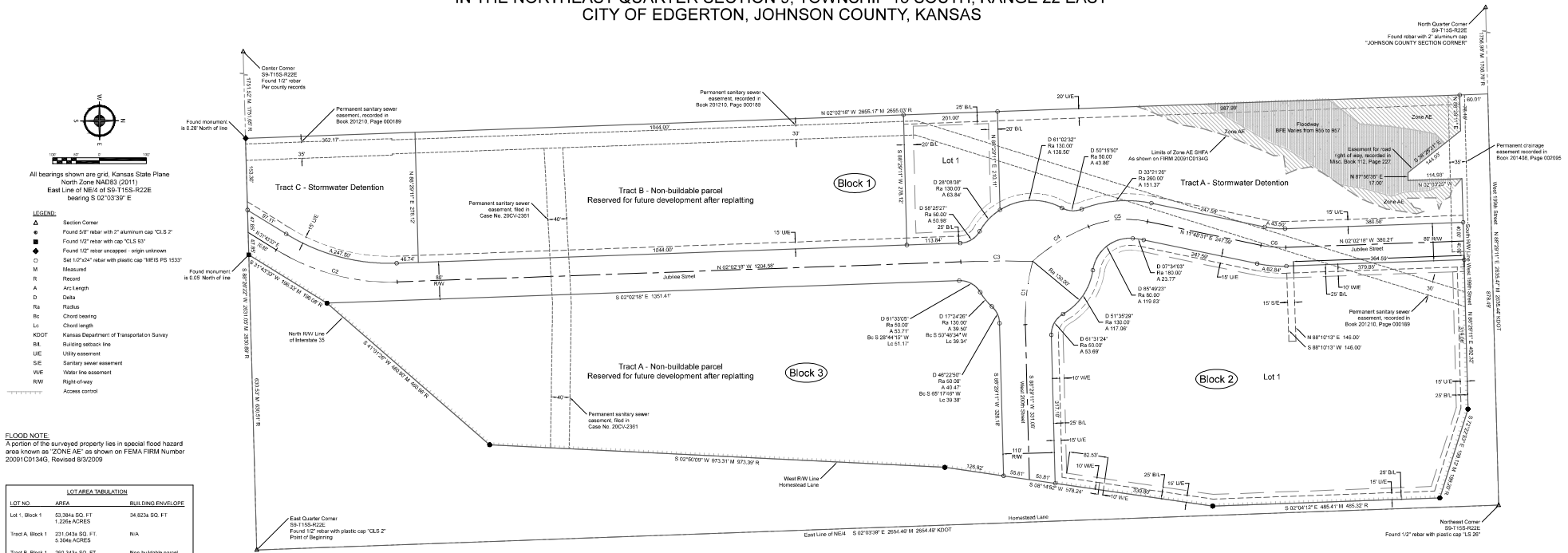
1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code (UDC).

3. The applicant shall meet all requirements of their Development Agreement with the Edgerton City Council dated September 10, 2021 which satisfies the requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the Final Plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

***Note: For Application FP2021-05 the Planning Commission will be recommending either approval or denial of the application to the Governing Body. If the Planning Commission recommends approval, the Final Plat will be presented to the Governing Body on April 28, 2022, subject to the applicant making the necessary corrections in a timely manner.***



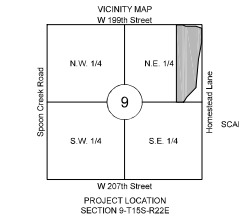
FINAL PLAT OF  
**EDGERTON CROSSING, FIRST PLAT**  
IN THE NORTHEAST QUARTER SECTION 9, TOWNSHIP 15 SOUTH, RANGE 22 EAST  
CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



**FLOOD NOTE**  
A portion of the surveyed property lies in special flood hazard area known as "ZONE AE" as shown on FEMA FIRM Number 20091C0134G. Revised 6/3/2009

LOT AREA TABULATION		
LOT NO.	AREA	BUILDING ENVELOPE
Lot 1, Block 1	53,384 SQ. FT. 1.224 ACRES	34,828 SQ. FT.
Tract A, Block 1	211,543 SQ. FT. 5.304 ACRES	N/A
Tract B, Block 1	200,343 SQ. FT. 5.655 ACRES	Non-buildable parcel
Tract C, Block 1	87,418 SQ. FT. 2.007 ACRES	N/A
Lot 1, Block 2	441,891 SQ. FT. 10.175 ACRES	377,608 SQ. FT.
Tract A, Block 2	447,843 SQ. FT. 10.276 ACRES	Non-buildable parcel
Lot 1, Block 3	781,891 SQ. FT. 17.946 ACRES	N/A
TOTAL	2,333,518 SQ. FT. 53.576 ACRES	N/A

RETURN TABULATION			
LOT NO.	FRONT	REAR	SIDE
Lot 1, Block 1	25 FEET	25 FEET	20 FEET
Tract A, Block 1	N/A	N/A	N/A
Tract B, Block 1	Non-buildable parcel		
Tract C, Block 1	N/A	N/A	N/A
Lot 1, Block 2	25 FEET	25 FEET	25 FEET
Tract A, Block 2	Non-buildable parcel		



**EXECUTION**  
IN TESTIMONY WHEREOF, undersigned proprietor has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022

Woodstone Properties, LLC

by: \_\_\_\_\_  
Shannon McMurdo, President

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for said County and State, came Shannon McMurdo, President of Woodstone Properties, LLC, a Missouri limited liability company, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

**APPROVALS:**

Approved by the Planning Commission of the City of Edgerton, Johnson County, Kansas on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

Chairman: John Dailey Secretary: Jeremy Little

Approved by the Governing Body of the City of Edgerton, Johnson County, Kansas on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

Mayor: Donald Roberts City Clerk: Alexandria Clower

Approved by the Zoning Administrator of the City of Edgerton, Johnson County, Kansas on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

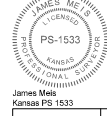
Zoning Administrator: Katy Crow

Curve Data				
Curve Number	Delta	Radius	Arc Length	Chord Bearing
C1	16°09'54"	486.48'	136.79'	S 83°29'29" E
C2	33°43'53"	486.00'	371.07'	N 14°02'11" W
C3	09°10'28"	2787.24'	163.43'	N 00°26'29" W
C4	23°21'58"	333.67'	144.81'	N 31°04'56" W
C5	33°21'28"	226.00'	128.08'	N 04°12'12" W
C6	19°30'49"	226.00'	53.17'	N 04°30'11" E

Eric Osburn, North 0.001' East 0.004' Precision = 1:1787309

**CONSENT TO LEVY**  
The undersigned proprietor of the above described land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Edgerton, Johnson County, Kansas shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of the land fronting or abutting on such dedicated public way or thoroughfare.

**SURVEYOR'S CERTIFICATE**  
I, James Meis, Professional Surveyor #1533 in the State of Kansas, certify that the survey shown on this plat was made by me or under my direct supervision on March 18th, 2022. This plat is a true and correct to the best of my knowledge and belief.



James Meis  
Kansas PS-1533  
Woodstone Properties LLC  
2131 State Hwy 265  
Berwyn, MO 65516  
James Meis, PS-1533  
1017 Downing Avenue, Hays, Kansas 67601  
jmeis@driggsdesign.com (785) 621-4282

**DRIGGS DESIGN GROUP, PA**  
Surveying Engineering Planning  
Project No: 2021-143  
Date: 12-20-2021  
Scale: 1" = 120'  
Sheet No: 1 of 1  
Drawn By: JDN  
Revised: 03-18-2022

## **DRAFT EXCERPT MINUTES**

### **PLANNING COMMISSION MEETING**

**April 12, 2022**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 12, 2022. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

#### **1. ROLL CALL**

Jeremy Little	present
Charlie Crooks	present
Tim Berger	absent
Deb Lebakken	present
John Daley	present

With a quorum present, the meeting commenced.

Staff in attendance: Katy Crow, Development Services Director  
Chris Clinton, Planning and Zoning Coordinator  
Beth Linn, City Administrator  
Todd Luckman, Assistant City Attorney

2. **WELCOME** Chairperson Daley welcomed all in attendance to the meeting.
3. **PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

#### **CONSENT AGENDA**

4. Approve Minutes from the March 8, 2022 Planning Commission Meeting.

Commissioner Crooks moved to approve the consent agenda. Commissioner Little seconded the motion. The consent agenda was approved, 3-0.

#### **NEW BUSINESS**

7. **CONSIDER APPLICATION FP2021-05 FOR A FINAL PLAT FOR EDGERTON CROSSING LOCATED AT THE SOUTHWEST CORNER OF 199<sup>TH</sup> STREET AND HOMESTEAD LANE.** Applicant: Shannon McMurdo, Property Owner

Chairperson Daley introduced the application. He requested the applicant present their project.

Mr. Buck Driggs, Driggs Design Group, approached the Commission and stated he is the engineer for this project. He explained the project is forty-two (42) acres, has C-2 (Heavy Service Commercial) zoning and is located at the southwest corner of 199<sup>th</sup> Street and Homestead Lane. He said he and his staff have been working with City staff for a few

months to get any comments on the Final Plat resolved prior to bringing it to the Commission. He stated he is happy to stand for any questions.

Chairperson Daley requested City staff present their findings.

Ms. Crow stated this application is for a Final Plat located on the Southwest Corner of 199<sup>th</sup> Street and Homestead Lane. The property owner is Woodstone Properties, LLC and is represented by Shannon McMurdo. There are no current improvements on the site and it is zoned C-2, Heavy Service Commercial. The parcel is located within the Bull Creek watershed and was annexed into the City of Edgerton on February 24, 2011. Water service will be provided by Johnson County Rural Water District No. 7 and the City will be providing sanitary sewer services. Evergy will be the electrical provider and Kansas Gas Service will be providing gas to the property. Police protection will be provided by the City through the Johnson County Sheriff's Office and Johnson County Fire District No. 1 will be providing fire protection.

Ms. Crow said the parcel was rezoned from Johnson County Rural (RUR) to City of Edgerton C-2, Heavy Service Commercial, on July 14, 2011 by Ordinance 905. Ms. Crow reminded the Commission of the platting history of this parcel. On October 8, 2019, the Commission approved Application PP2019-04 for a Preliminary Plat of this same parcel. An associated Final Plat was never approved and pursuant to the Edgerton Unified Development Code (UDC), the Preliminary Plat became null and void. On November 9, 2021, the Commission approved Application PP2021-03 for a Preliminary Plat of this same parcel by the same Final Plat applicant, Mr. McMurdo.

Ms. Crow explained the applicant has proposed dividing the parcel into three (3) blocks. The 3 blocks are divided into 1 lot and two (2) tracts which are designated as non-buildable parcels, reserved for future platting and development. There are 2 additional tracts which will be used for stormwater detention. This Final Plat request is being made in preparation for commercial development which would serve the residents of Edgerton, the patrons, and employees of Logistics Park Kansas City (LPKC), and travelers along the Interstate 35 (I-35) corridor.

She informed the Commission that proposed access to the site is from Homestead Lane via the extension of West 200<sup>th</sup> Street and from 199<sup>th</sup> Street via Jubilee Street. Jubilee Street will provide full access to the development from 199<sup>th</sup> Street and will run north/south, parallel to Homestead. Access further south into the development would continue along this newly constructed Jubilee Street through a roundabout at 200<sup>th</sup> Street.

Ms. Crow said City staff has reviewed the Final Plat submittal for compliance with the requirements in Section 13.3 of Article 13 of the Edgerton UDC. One comment City staff has is that upon recording of the Final Plat, the County will add their seal and information to the document. This is a standard comment on Final Plat application.

Ms. Crow indicated that sanitary sewer plans have been reviewed by City staff and have received Kansas Department of Health and Environment (KDHE) approval. Roadway infrastructure plans are still under review by City staff and the City Engineer. The Final Plat should not be recorded prior to the City receiving and approving all public infrastructure

plans. The applicant has acknowledged both comments and will continue to work with the City on the infrastructure plans.

Ms. Crow stated the applicant is subject to all applicable City codes, whether specifically stated in the Staff Report or not, including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The applicant is also subject to all applicable local, State, and Federal laws. Various permits may be required in order to complete this project.

Ms. Crow explained City staff does recommend approval of Final Plat Application FP2021-05 for Edgerton Crossing, subject to the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
3. The applicant shall meet all requirements of their Development Agreement with the Edgerton City Council dated September 10, 2021 which satisfies the requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City listed in the Staff Report shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within 1 year after acceptance by the Governing Body, the Final Plat will expire. Commission reapproval and Governing Body re-acceptance is required for expired Final Plats.

Ms. Crow informed the Commission that they will be recommending either approval or denial of the application to the Governing Body. If the Commission recommends approval, the Final Plat will be presented to the Governing Body on April 28, 2022, subject to the applicant making the necessary corrections in a timely manner.

Commissioner Crooks inquired if this is the time to discuss berming. Ms. Crow replied that is only the platting of the ground and discussion of any built items will come when Site Plans come forward. She stated no Site Plan applications for this parcel have been received at this time.

Ms. Linn explained the Final Plat does dedicate the entire right-of-way for the new Jubilee Street and allows access to the parcel to the south.

Commissioner Crooks asked if the full access intersection at 199<sup>th</sup> Street is in the best location as proposed. Ms. Linn answered the proposed location is the best location due to Kansas Department of Transportation (KDOT) right-of-way. She explained that access to this parcel has been reviewed extensively with KDOT and the City Engineer to allow access at 200<sup>th</sup> Street and 199<sup>th</sup> Street. Commissioner Crooks inquired if the 200<sup>th</sup> Street on this parcel lines up with the 200<sup>th</sup> Street on the other side of Homestead Lane. Ms. Linn replied

that it does. Commissioner Crooks asked if a stop light will be constructed at this time. Ms. Linn answered the traffic counts do not warrant one at this time, but eventually one will and the cost of the signal have been included as part of the Tax Increment Financing District.

Commissioner Crooks moved to recommend approval of Application FP2021-05 with the stipulations outlined by City staff. Commissioner Little seconded the motion. Final Plat FP2021-05 was recommended for approval with the stipulations outlined by City Staff, 3-0.

DRAFT



## City Council Action Item

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**Council Meeting Date:** April 28, 2022

**Department:** Administration

### **Agenda Item: Consider the 2021 Audit of Financial Statements as Presented by Varney & Associates**

**Background/Description of Item:**

On September 9, 2021, staff recommended, and Council approved, a contract with Varney & Associates, CPAs, LLC, for the audit of the 2021, 2022 and 2023 financial statements. A single audit was not required for 2021, since the City did not receive federal funds in excess of the single audit threshold. The 2021 Audit of Financial Statements is now complete.

The objective of the audit is the expression of an opinion as to whether the City's financial statements are fairly presented, in all material respects, in conformity with the Kansas prescribed basis of accounting. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditors perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

The audit procedures include tests of documentary evidence supporting the transactions recorded in the accounts and may include direct confirmation of certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. The audit also includes obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

A representative from Varney & Associates will present their findings to the City Council on April 28, 2022. The final Audit of Financial Statements will be presented to City Council that evening.

**Related Ordinance(s) or Statue(s):** K.S.A. 44-1030

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**Funding Source:** N/A

**Budget Allocated:** N/A

x Karen E. Kindle

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

---

<p><b>Recommendation: Accept the 2021 Audit of Financial Statements as presented by Varney &amp; Associates, CPAs, LLC.</b></p>
---

**Enclosed:** Copies of the Audit Report will be available the evening of the meeting.

**Prepared by:** Justin Vermillion, Accountant

## City Council Action Item

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**Council Meeting Date:** April 28, 2022

**Department:** Public Works

### **Agenda Item: Consider Resolution No. 04-28-22A Approving a Five-Year/ City/County Street Improvement Program 2023-2027.**

**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 2023-2027 Program Submission. While these projects are not yet funded in the 2023-2027 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 traffic. 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 to 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/widening of sidewalk, pedestrian amenities at the intersections, stormwater, and other supporting infrastructure, as necessary. This project will follow the outline of the 2018 Downtown Edgerton Plan findings.

**2022 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 2022-2023 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 by the parameters of the CARS Program. These roadways include East 2<sup>nd</sup> Street: 56 Highway (East Morgan Street) to South City Limits; Homestead Ln: I35 to West 191<sup>st</sup> Street; West 191<sup>st</sup> Street: Four Corners Road to East City Limits; and Waverly Road: 196<sup>th</sup> Street to 181<sup>st</sup> Street.

Please find enclosed with the packet draft Resolution No. 04-28-22A, map of the locations for the 2023-2027 CARS projects, and CARS Form A for the 2024 and 2026 CARS submissions.

City Attorney has not reviewed the resolution. Any revisions will be made prior to the final submission to the County.

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

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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<p><b>Recommendation: Approve Resolution No. 04-28-22A Approving A Five-Year City/County Street Improvement Program</b></p>
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**Enclosed:** Draft Resolution 04-28-22A  
Map of Projects  
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. 04-28-22A**

**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 2023-2027 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 2023-2027 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 28<sup>th</sup> DAY OF APRIL 2022.

ATTEST:

**CITY OF EDGERTON, KANSAS**

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

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

APPROVED AS TO FORM:

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



# CARS Program 2023-2027

## Legend

- 2022
- 2024
- 2026

2022

2024

2026

Edgerton

Google Earth



4000 ft



**CARS Form A**  
**2023-2027 Project Application for the**  
**County Assistance Road System (CARS) Program**

*Submit one form for each project.*

*Return by April 29, 2022*

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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:  
City name:

Funding:  
Funding:

**CARS Form A**  
**2023-2027 Project Application for the**  
**County Assistance Road System (CARS) Program**

*Submit one form for each project.*

*Return by April 29, 2022*

---

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.)

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Total reimbursable project cost	Construction+Construction engineering from above
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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:





# Community Development Quarterly Report

Quarter 1:  
Jan.-Mar 2022

## Building

### Building Permits Issued

**13** RESIDENTIAL

2

DECK

7

REROOF

3

FOUNDATION

1

WALL BRACING

**5** COMMERCIAL

**1** PUBLIC PROJECT

**\$523,073** TOTAL PERMIT  
VALUATION

### Building Inspections

**15** RESIDENTIAL

**35** COMMERCIAL

4

TEMPORARY  
CERTIFICATE OF  
OCCUPANCY

2

CERTIFICATE  
OF  
OCCUPANCY

## Planning News

### Comprehensive Plan

Staff is working hard to get ready for the launch of the new Edgerton Comprehensive Plan process. This new visioning document will guide development in Edgerton for years to come! The kickoff event with the City's consultant, Confluence, will be held on May 26, 2022 during a joint work session between the City Council and Planning Commission.



### Edgerton Crossing and IP 61 & 62

The Planning Commission recently approved the final plat for the new Edgerton Crossing Development at Homestead Lane and I-35. The developer plans to build a truck stop, hotel, restaurants, and retail space.

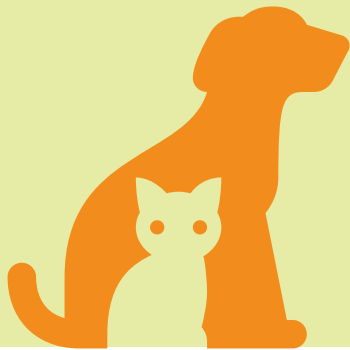
Commissioners and Council also approved the final plat for IP 61 and 62, two new spec warehouses planned by NorthPoint Development along 207th Street, east of Gardner Road.



# Community Development Quarterly Report

Quarter 1:  
Jan.-Mar 2022

## Animal Control



49

LOOSE DOGS

2

DANGEROUS DOG  
CASES

2

URBAN CHICKEN  
PERMIT  
INSPECTIONS

3

DECEASED ANIMALS  
REMOVED

13

UNREGISTERED  
PET VIOLATIONS

2

BARKING  
COMPLAINTS

### Animal Vaccine Clinic

Each March, Edgerton Animal Control hosts a low-cost animal vaccine clinic for residents to register their pets and make sure dogs and cats receive their annual rabies and distemper vaccines. In March, 235 vaccines were administered and 14 microchips were implanted. The City currently has 247 dogs and cats registered. Pet registrations expire at the end of calendar year, but the City allows a 3 month grace period before late fees apply.

Environmental	3
Boat/RV	6
Inoperable Vehicles	27
Trash/Exterior Conditions/Storage	24
Public Safety	3
Parking	4
Signage	1

6 citations issued

## CODE ENFORCEMENT

68

VIOLATION  
LEVEL CASES

17

REPEAT  
OFFENDERS



The Community Development Department strives to create a livable, resilient, and safe City by enhancing and guiding our community's neighborhoods and commercial areas through City planning, building supervision, code enforcement, and animal control.