

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
May 11, 2023
7:00 P.M.**

Call to Order

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

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

4. Approve Minutes from April 27, 2023 Regular City Council Meeting.
5. Approve Ordinance No. 2134 Prohibiting Parking Along 8th Street Between Nelson Street And Highway 56; On Montrose Between 193rd Street And Waverly Road; And On 196th Street Between Waverly Road West To The End Of The Road, In The City Of Edgerton, Kansas And Providing Certain Penalties For Violation Thereof

Motion: _____ Second: _____ Vote: _____

Regular Agenda

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

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

Business Requiring Action

8. **CONSIDER ORDINANCE NO. 2135 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-02 FOR THE REZONING OF APPROXIMATELY 20.55 ACRES OF LAND FROM JOHNSON COUNTY RURAL (CTY RUR) TO CITY OF EDGERTON L-P (LOGISTICS PARK) DISTRICT LOCATED AT THE NORTHWEST CORNER OF 199TH STREET ABD HOMESTEAD LANE**

Motion: _____ Second: _____ Vote: _____

9. **ORDINANCE NO. 2136 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-02 FOR THE REZONING OF APPROXIMATELY 19.26 ACRES OF LAND FROM JOHNSON COUNTY RURAL (CTY RUR) TO CITY OF EDGERTON C-2 (HEAVY SERVICE COMMERCIAL) DISTRICT LOCATED AT THE NORTHWEST CORNER OF 199TH STREET AND HOMESTEAD LANE**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER RESOLUTION NO. 05-11-23A AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS DURING THE EDGERTON FRONTIER DAYS FESTIVAL IN 2023**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER RESOLUTION NO. 05-11-23B FOR TEMPORARY NO PARKING RELATED TO FRONTIER DAYS**

Motion: _____ Second: _____ Vote: _____

12. **CONSIDER RESOLUTION NO. 05-11-23C AUTHORIZING PERMISSION TO USE REQUESTED CITY BUILDINGS/PUBLIC SPACES AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS DURING EDGERTON FRONTIER DAYS**

Motion: _____ Second: _____ Vote: _____

13. **CONSIDER RESOLUTION 05-11-23D RECOGNIZING THE EDGERTON FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS**

Motion: _____ Second: _____ Vote: _____

14. **Report by the City Administrator**

- Q1 2023 Finance Update

15. **Report by the Mayor**

16. **Future Meeting Reminders:**

- May 25th: City Council Meeting & Work Session – 7:00PM
- June 8th: City Council Meeting & Work Session – 7:00PM
- June 13th: Planning Commission – 7:00PM
- June 22nd: City Council Meeting – 7:00PM
- July 6th: Budget Work Session – 7:00PM
- July 11th: Planning Commission – 7:00PM
- July 13th: City Council Meeting – 7:00PM

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

EVENTS

May 12: Edgerton Movie Night – E.T. the Extra Terrestrial
May 13: City-Wide Garage Sale
May 15: Spring Flower Candles
May 17: Senior Lunch & BINGO
May 20: Flower Power Yoga
May 24: Schools Out Ice Cream Party
May 24: Around the World Chef – Tikki Masala & Naan
May 31: End of Month Donuts & Yard Games – Bocce Ball and Badminton
June 3: Summer Kickoff Block Party
June 7: Animal Wonders

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

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

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	absent at Roll Call, arrived at 7:47PM
Josh Beem	present
Deb Lebakken	present
Bill Malloy	absent at Roll Call, arrived at 7:54PM

Mayor Roberts stated there is a quorum, however, Councilmember Lewis stated he will try to log on via phone around 7:15PM and will arrive in person as soon as he can.

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant City Administrator, Meagan Borth
- Marketing & Communications Manager, Kara Banks
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- Development Services Director, Zachary Moore
- Accountant, Justin Vermillion

2. WELCOME. Mayor Roberts welcomed all in attendance.

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

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

- 4. Approve Minutes from April 13, 2023 Regular City Council Meeting.
- 5. Approve Application FP2023-02, Final Plat for Logistics Park Kansas City Phase VI – Third Plat, located at 30500 and 30700 W. 183rd Street, Edgerton, Kansas.

Councilmember Longanecker moved to approve the Consent Agenda. Councilmember Beem seconded the motion. The minutes were approved, 3-0.

Regular Agenda

6. Declaration. There were no declarations made.

7. Public Comments.

Mayor Roberts invited Ms. Pattie Stuteville to speak under public comment.

Ms. Stuteville stated she is concerned about sidewalks in front of her shops in the winter. She stated she is no longer able to clean her sidewalks like she used to. She stated she sees City Staff cleaning the sidewalks across the street in front of the library and thought that they may be able to clean her side as well. She stated she believes it will make it easier for everyone as the lady that works next door cannot clean their sidewalks as well.

Mayor Roberts stated he'd like to remind everyone the other side is adjacent to city property, the property in front of Pattie's Salon, is private property. He stated action is not taken under public comment, but if Council would like to bring back any item, they can take this under advisement.

There were no further comments on this item. Mayor Roberts then asked if anyone in the audience would like to address the Council.

He invited Mr. Mark Damet to speak.

Mr. Damet, located at 202 W 8th Street, addressed the Council. He stated there have been some traffic concerns at the corner of 56 Highway and 8th Street. He stated he's tried to approach law enforcement about the parking there because he's noticed with cars parking on either side, semis, school busses, etc. have no luck getting through safely on that corner. He stated he's researched, and other City's have truck routes and some establish no parking on those. He stated he's curious to see if that area can be established as no parking to alleviate safety conflicts there.

Mayor Roberts thanked him for his comments and asked that he stay until the Mayor's Report on the Agenda, as he's planning to address this issue and another there.

8. CONSIDER OUTSIDE CITY LIMITS WATER SERVICE APPLICATION

Mr. Dan Merkh addressed the Council. He stated in March 2023, they Dwyer's submitted a Water Connection application for new water service to a property on the west side of E 2300 Rd. He stated a map has been included in the packet. He stated this property does not currently have a residential structure and does not have an address. He stated additionally, the property is outside of corporate city limits of Edgerton.

He stated the city code states that before any water connection is made, the owner must first submit an application to permit such connection. He stated the code also states if the premise is located outside of city limits, they must follow certain provisions, such as, approval by governing body, a consent for annexation by the owner of property must be executed and filed to the city and the owner of such property must submit a non-refundable processing fee.

He stated he'd like to note the portion of the code that states the property owner is required to submit application and approval is required by the governing body. He stated staff has received the application and the consent to annex the property.

He stated the city does have existing waterline on the east side of E 2300 Road, the property owners have requested a 5/8" meter to serve a future residential house. He stated a bore of the existing roadway is needed, all permits and fees will be handled by the applicant.

He stated if the application is approved, the city will connect the customer to the system, the bore to the property will be provided by a license contractor and the applicant. He stated the owner of the premise will be solely responsible for the costs associated to the outside city limits connection fee and water system development fee as described in the City's Fee Resolution.

Mayor Roberts stated he would like to clarify that when submitting this application, they are to file a consent to annexation, it does not mean the city is annexing their property and there is no obligation to do so.

Councilmember Longanecker asked if this was to annex their property.

Mayor Roberts stated if the City of Wellsville were to extend to that area first, Edgerton could waive our annexation for theirs. He stated having this agreement, just means we would have first right in this instance. Mayor Roberts stated it still looks to be under City Attorney review, he asked Lee Hendricks, City Attorney if he was comfortable moving forward.

Mr. Hendricks stated he has no issues, the City is able to access and it seems quite simple in those terms.

With no further questions or comments, Mayor Roberts requested motion to approve the water service application.

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

9. CONSIDER THE 2022 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES

Mr. Justin Vermillion, Accountant, introduced April Swartz with Varney and Associates to present the 2022 Audit of Financial Statements.

Ms. Swartz stated there are no adjustments proposed, no findings, statute violations and this audit was clean as it always has been. She walked through the audit report. She stated that included in the report are notes as required by KMAAG following regulatory basis. She stated the notes help the reader understand Edgerton, and the policies/procedures followed. She stated pg. 16 of the report shows compliance with the budget, showing the funds that are legally required to be budgeted. She stated the following pages show total certified, published

and expenditures, the breakdowns of fund, showing prior and current year actuals, prior and current budgets, etc. She stated the City ended almost \$3 Million under budget.

She stated this is an amazing report, especially when staff is in the middle of a software change. She stated Karen and Justin had everything ready and there were little to no questions from us. She stated she has the most confidence in the City's team that next year's audit with the new software will be the smoothest yet.

With no questions or comments, Mayor Roberts requested motion to accept the audit as presented.

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

10. CONSIDER CHANGE ORDER #7 AND #8 TO CONTRACT WITH PYRAMID CONTRACTORS INCORPORATED FOR CONSTRUCTION OF 207TH GRADE SEPARATION PROJECT

Mr. Dan Merkh addressed the Council. He stated in February 2021, the Council awarded the bid for construction of the 207th Street Grade Separation to Pyramid Contractors, Inc. He stated throughout the project, various change orders have been submitted for review and approval, he stated a summary of those have been provided in the packet. He stated according to the purchasing policy, change orders over a certain dollar amount require Council approval. He stated a summary of the change orders listed for approval are detailed in the Council packet as well as the final contract total as revised after all approved change orders.

He stated the change orders listed do not include the final overrun/underrun quantities of both project areas, the remaining list items are scheduled to be completed in the next few weeks. He stated upon completion staff will bring forward authorization for final change order and final payment. He stated funding for this project was included in the 2020-2024 CIP with a revised project budget being included in the 2023-2027 CIP Program. He stated these change orders with Pyramid Contractors are within budget.

Councilmember Longanecker stated it looks like they did a nice job, looks to be about done.

Mr. Merkh stated they are working to finalize items, hoping to stripe within the next week.

With no further questions or comments, Mayor Roberts requested motion to approve the Change Orders 7 and 8 to contract with Pyramid Contractors for construction of 207th Street Grade Separation Project for a total of \$537,232.09.

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

11. CONSIDER ORDINANCE NO. 2132 AMENDING ARTICLE 8 – ADMINISTRATIVE AUTHORITIES, DUTIES AND PROCEDURES - OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS AND CONSIDER ORDINANCE NO. 2133 AMENDING ARTICLE 11 – PERMITTED CHANGES AND DOWNZONINGS – OF THE UNIFIED DEVELOPMENT CODE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Mr. Zachary Moore, Development Services Director, addressed the Council. He stated there are two ordinances tonight for approval related to updating the Unified Development Code. He stated the first one is related to the nature of public hearings held in Planning Commission, the second is related to the approval of downzonings at the dais. He stated staff was doing an audit of the code and identified the public hearing portion as being atypical for a code and more suited for the bylaws. He stated this section is already incorporated into the Bylaws, so upon approval it will just be removed from the code, no process will be changed as it's already incorporated where it should be. He stated the second item references downzonings, he stated as it reads today, Planning Commission can change a rezoning request to a more restrictive district during the meeting. He stated that for example, if a property owner requested to rezone a property to the R-3 District, the Planning Commission could change that request to R-2 without specific steps occurring, such as renotification of nearby property owners. He stated it was likely adopted like this to seem less impactful as it's typical that a lesser zoning does not have the same intensity as a less restrictive zoning designation. He stated although this may be the case, staff would like this to be removed to increase transparency and to allow for thoroughness to still be adhered to. He stated although the zoning may be more restrictive, there may not be the same design criteria throughout. He stated it is staff recommendation that the entire article be rescinded.

Mayor Roberts stated he appreciates the transparency this brings. He stated each ordinance will need separate motion.

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2132, Amending Article 8 of the Unified Development Code.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Beem. Ordinance No. 2132 was approved, 3-0.

Mayor Roberts then requested motion to approved Ordinance No. 2133, Amending Article 11 of the Unified Development Cod.

Councilmember Longanecker moved to approved, seconded by Councilmember Leabkken. Ordinance No. 2133 was approved, 3-0.

12. Report by the City Administrator

- 2024 Budget Calendar

Ms. Linn provided Council with the 2024 Budget Calendar and walked through some key dates for meetings, specifically the July 6th Budget Work Session date, which is scheduled on an off-cycle meeting.

- First Quarter Community Development Update

Mr. Moore stated he will be referencing the information provided in the packet for the community development report. He stated there have been 13 building permits issued, it's been a little slower but that's typical for winter months, however there were quite a few buildings inspections. He stated staff is currently working on assessing the 2006 ICC codes to compare the differences as we begin looking to convert to the 2018 code. He stated in the next few months, staff is working to compare and update our codes for the IFC and residential codes. He stated the rezoning for the Edgerton Greenspace was approved in February and really kicked off the process as we begin to work and establish this new community gathering space. He stated this building will be the first new government building in downtown Edgerton and the first new brick building in roughly 125 years. He stated the building permit is currently in review. He stated on the commercial side, IP IX, which is NorthPoints newest building, approved in February. He stated staff is currently working with consultants to update the Comprehensive Plan, that we are calling Envision Edgerton. He stated there have been two steering committee meetings and they're looking to have a couple more before the public open house this summer.

He stated on the animal control side, the complaints are down, as well as the number of loose animals. He stated the city held the annual low-cost vaccine clinic in March, with a total of 204 vaccines administered. He stated the number for unregistered pet violations is also down this quarter.

He stated on the code enforcement side, there has been a downturn on boat and rv violations, as well as a lower number of inoperable vehicles. He stated this is likely due to the winter months, but hoping they stay down for the spring/summer months as well. He stated the trash and exterior storage violations are a little higher than last year at this time, Charlie has been active with residents to address those. He stated in total there have been 4 citations issued, 68% officer driven and 38% resident driven.

- 2022-2023 Winter Weather Recap

Mr. Merkh stated in October, staff presented the annual snow and ice presentation, in this presentations staff talked about fleet and snow operations and reviewed priority maps and looked at typical responses for certain types of storms. He stated this winter season, Edgerton endured 7 winter weather events, with only one snow event declared. He stated the city received a total of just over 7 inches, which compares to a total of 9 events last year, where just over 22 inches of accumulation occurred with 3 snow events. He stated staff utilized a total of 137 tons of salt and 4500 gallons of brine, the amount of each material used during each event is determined by the type and duration of the precipitation. He stated crews spent a total of just over 400 hours responding to winter weather events, with an average of crews spending about 57 hours per event. He stated the fleet of 9 vehicles continue to aid the team in efforts to respond efficiently and effectively to snow and ice events. He stated staff works hard to keep Edgerton roads clear and safe and appreciates that they have the tools needed to do a good job.

Councilmember Longanecker stated staff does a great job.

Mr. Merkh stated this winter was a lighter winter, which allowed staff to get ahead of events and be effective in the events we did have.

Mayor Roberts stated there were less events, but they might have been some of the most challenging this year with all the ice.

Mr. Merkh stated yes, there were a couple instances where the ice and timing of the storm came in sooner than what was forecasted, and accumulation was almost double of what they thought might happen.

- Johnson County Sheriff's Office First Quarter Update

Master Deputy Brad Johnson addressed the Council to give the first quarter update for the Sheriff's Office. He stated the number listed here is not differentiated between the Logistics Park and Edgerton residential area.

He stated there has not been much change in this quarter's numbers from previous years, however the drugs and narcotics category continues to rise. He stated the assault and battery charges are down this year from previous, the criminal threat is down, however the criminal damage charges are up. He stated he does know, one of the numbers in this criminal damage is related to a real estate sign, these numbers don't differentiate between extreme and slight damage.

He stated last year drugs and narcotics had 31 cases, this year we've seen 46. He stated most of this is due to the surrounding state legalizing some sort of use.

He stated there has been an increase in other offices, such as group B offenses or 999's which are offenses related to those that are not state codes but more local codes, such as the tarp ordinance within the city.

He stated roughly every other line item is down, numbers of crime is up because more people are being caught for the offense. He stated there was one shooting, that is still being investigated. He stated there has been some closure in cases that have been long overdue.

Councilmember Longanecker asked if the intermodal has anything to do with the increase in drug problems.

Dept. Johnson stated no, it's the entire country that's seeing an increase in drugs. He stated mostly marijuana, edibles and THC vape pens. He stated here, you can go 10 minutes down the road, get some and come back. He stated this is one of the biggest issues, but they're trying to be diligent in catching people.

He stated he's been working on networking and building relationships with the officers with BNSF, he's setting up a tour with them to tour the terminal and look around.

- WALK ON: The Greenspace Update

Ms. Linn stated she has one quick update, the demolition of the Yellow House and red garage are set to take place in preparation for The Greenspace community building. She stated all staff that was housed in the yellow house is now moved out and occupying the new 414 house purchased a few months ago. She stated the buildings are nearing empty

with just a few items left, utilities have been disconnected. She stated it is anticipated that the two buildings will be down by June 1 and ready for next phases.

Councilmember Lewis arrived to the meeting at 7:47PM

Councilmember Malloy arrived to the meeting at 7:54PM

13. Report by the Mayor

Mayor Roberts stated he asked Mr. Damet to stick around till his report because the issue of parking on truck routes is not the only one he's heard or seen as of recent. He stated there are issues with road parking and the safety of that parking. He stated he has witnessed the problems at 8th Street and 56 Highway that Mark has mentioned. He would like direction from Council and see if we can begin addressing these issues. He stated another issue that has been mentioned to staff is traffic at Amazon and trucks parking on Montrose making it almost impossible for trucks and workers to access the facility safely or venture out to the food truck parked there, safely. He stated there are certain areas of roadway that have been named truck routes, or no parking areas, but this area in particular has not been named as no parking. He stated he does like the idea of truck routes also have a stipulation of no parking, but not sure how that looks in the long run. There's a difference between LPKC truck routes and the residential areas. He stated at LPKC there are certain roads that are named no parking, but not all. He stated 8th Street, where Mark lives is a more residential area where one or two cars by Mark's house can really make a huge difference for the truck traffic or really any traffic that goes through there. He stated he's in agreement with Mark, something should be done and he hopes that Council can direct staff to bring back a No Parking Ordinance for areas of concern, as a start.

Mr. Damet stated he's researched state highways, highway patrol has jurisdiction. The discretion of this comes with the City, they would have to designate what they want as parking or truck routes.

Councilmember Longanecker stated he's noticed the same problem and really the last few weeks it seems to be worse.

Mayor Roberts stated he's open to suggestions from Council. He thinks it might be a huge undertaking at the moment to try to designate all truck routes, but maybe start with this section of LPKC and 8th Street as a start. He stated something needs to change for safety reasons.

Ms. Linn stated staff would really be looking for direction for what sections Council would like to establish, or if it's the truck route piece, staff would need that direction to establish all routes as no parking, etc.

Mayor Roberts stated he thinks it would be great to start with these specific sections that have been brought up as a concern today, and then advance if needed. He stated the cost gets pretty great if we establish all truck routes as no parking.

Ms. Linn stated in both instances of complaint, it's fairly easy to draft an ordinance for approval to say no parking is to be established from Montrose to Waverly and 8th Street from 56 Highway to Nelson. She stated however Council would deem appropriate.

Councilmember Lewis stated he likes the idea of 56 to Nelson, and same with the LPKC area mentioned.

Mayor Roberts stated Council can always come back and revisit, but this would be a start. He'd like to take action soon.

Ms. Linn stated staff could draft an ordinance to address both sides of the roadway on 8th Street from 56 Highway to Nelson, and on the Amazon side, we could do both sides there as well or just one side. They do have a food truck that parks there a couple times a week that is used quite frequently, we wouldn't want to prohibit that. She stated Amazon's complaint is the west side.

Mayor Roberts stated he's comfortable with that, he doesn't see near as much coming from the I35 side back down but does see problems on the west side. He stated if Council is comfortable with this approach, he'd like to direct staff to draft an ordinance to bring back to the next meeting on consent, assuming it's passed, it will then be published in the paper and after publication, staff could work to get signs installed.

All Council Members were in agreement with this approach. Staff was directed to bring back an ordinance on consent agenda to next meeting to address no parking on 8th Street from 56 Highway to Nelson, both directions and on Montrose from 193rd to Waverly on the West side.

Mr. Damet stated he brought this to Council as a concern and didn't think it would be acted upon this quickly. He stated he's surprised and impressed with the response time that this will happen. He thought it would take more time. He thanked Council for their time and attention to this matter.

14. Future Meeting Reminders:

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

15. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75- 4319(B)(6) FOR PRELIMINARY DISCUSSIONS REALTED TO THE ACQUISITION OF REAL PROPERTY TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR AND PUBLIC WORKS DIRECTOR TO DISCUSS PURCHASE CONTRACT SPECIFICS

Mayor Roberts stated he would like to recess into executive session pursuant to KSA 75-4319(B)(6) to include City Attorney, City Administrator, and Public Works Director to discuss Purchase Contract Specifics. He stated there will be no motion afterwards and it's expected to last 10 minutes. He stated the meeting will resume in the Council chambers for adjournment of the regular session, there is a work session to follow.

Mayor Roberts then requested motion to recess into executive session.

Councilmember Beem moved to recess into executive session for 10 minutes, seconded by Councilmember Lewis.

The meeting recessed into executive session at 8:08PM, 5-0.

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

Open session resumed at 8:18PM, 5-0.

16. Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Malloy. The meeting was adjourned at 8:18PM,

Submitted by Alexandria Clower, City Clerk



EDGERTON
global routes. local roots.

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City Council Action Item

Council Meeting Date: May 11, 2023

Department: Administration

Agenda Item: Consider Ordinance No. 2134 Prohibiting Parking Along 8th Street Between Nelson Street And Highway 56; On Montrose Between 193rd Street And Waverly Road; And On 196th Street Between Waverly Road West To The End Of The Road, In The City Of Edgerton, Kansas And Providing Certain Penalties For Violation Thereof

Background/Description of Item:

Two areas of parking concern were reported during the April 27, 2023 City Council meeting. First Mark Damet provided public comment regarding concern of vehicles parking on both sides of West 8th Street near the intersection with Highway 56. The Edgerton City Council discussed during Report by Mayor Roberts their concern related to the safety hazard parking on both side of the street presents for vehicles (especially trucks) navigating that intersection. Several of them had seen this concern firsthand. Based on these safety concerns, the City Council directed staff to prepare an ordinance for consideration by the City Council at the next meeting to prohibit parking on West 8th Street from Nelson Street north to Highway 56 (Morgan Street).

At that same council meeting, Mayor Roberts reported a safety concern received from the Distribution Center Manager at Amazon. Trucks are parking on both sides of Montrose from 193rd Street to Waverly Road making it nearly impassable for vehicles, let alone other trucks. Additionally with trucks on both sides and near private entrances, it makes it very difficult for employees at Amazon to see any oncoming traffic when turning out onto Montrose as they enter/exit the facility. Based on these safety concerns, the City Council directed staff to prepare and ordinance for consideration by the City Council at the next meeting to prohibit parking on Montrose Street from 193rd Street to Waverly Road.

Finally, during routine inspections at Logistics Park Kansas City, city staff noted vehicles, semi-trucks and passenger cars parking in drive lanes along 196th Street west of Waverly. This presents an unsafe condition as the roadways do not contain a shoulder area and are not wide enough to allow for parked vehicles. Staff would recommend adding this section to prohibit parking as well.

The proposed draft ordinance includes exemptions to emergency vehicles, city and utility vehicles, and any vehicles that are working on behalf of the City or a City event. Drivers found

to be in violation of the proposed ordinance would be subject to a fine parking in prohibited designated places as set forth by the Municipal Court Judge. Today that fine is set at \$100.

If the ordinance is approved by City Council, signage would be installed on both sides of the roadway. This signage would be funded through the Public Works budget under the line item for Traffic Control. There is sufficient funding in this line item to absorb the cost of these signs.

The enclosed draft ordinance has not yet been reviewed or approved by City Attorney. Any changes recommended by City Attorney will be presented at the City Council meeting.

Related Ordinance(s) or Statue(s): Edgerton City Code 14-205

Funding Source: General Fund – Public Works – Traffic Control

Budget Allocated: \$7,500

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Ordinance No. 2134 Prohibiting Parking Along 8th Street Between Nelson Street And Highway 56; On Montrose Between 193rd Street And Waverly Road; And On 196th Street Between Waverly Road West To The End Of The Road, In The City Of Edgerton, Kansas And Providing Certain Penalties For Violation Thereof

Enclosed:

- Draft Ordinance 2134
- Map of proposed No Parking roadways

Prepared by: Beth Linn, City Administrator

ORDINANCE NO. 2134

AN ORDINANCE PROHIBITING PARKING ALONG 8TH STREET BETWEEN NELSON STREET AND HIGHWAY 56; ON MONTROSE BETWEEN 193RD STREET AND WAVERLY ROAD; AND ON 196TH STREET BETWEEN WAVERLY ROAD WEST TO THE END OF THE ROAD, IN THE CITY OF EDGERTON, KANSAS AND PROVIDING CERTAIN PENALTIES FOR VIOLATION THEREOF

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

SECTION 1. No person shall park a vehicle at any time along 8th Street between Nelson Street and Highway 56; on Montrose between 193rd Street and Waverly Road; and on 196th Street between Waverly Road west to the end of the road in the City of Edgerton, Kansas. This prohibition shall not apply to the temporary parking of emergency vehicles, such as ambulances or fire trucks, street, sewer, gas, electric or other utility or repair maintenance vehicles, municipal vehicles or vehicles being used for a City event or function.

SECTION 2. The passage of this Ordinance shall empower the City to place a sign(s) at the locations described above prohibiting such activity and violation of the same shall result in a fine. The fine for violation of this ordinance shall be identical to the fine levied for violation of Section 96 (as amended) of the Standard Traffic Ordinance for Kansas Cities in the most current addition adopted by the City of Edgerton.

SECTION 3. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED by the Council and approved by the Mayor on this 11th day of May 2023.

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney





City Council Action Item

Council Meeting Date: May 11, 2023

Department: Community Development

Agenda Item: Consider Ordinance No. 2135 And No. 2136 Adopting The Recommendation Of The City Of Edgerton Planning Commission To Approve Application ZA2023-02 For The Rezoning Of Approximately 20.55 Acres Of Land From Johnson County Rural (CTY RUR) To City of Edgerton L-P (Logistics Park) District And 19.26 Acres Of Land From Johnson County Rural (CTY RUR) To City Of Edgerton C-2 (Heavy Service Commercial) District Located At The Northwest Corner of 199th Street and Homestead Lane.

Background/Description of Item: The City of Edgerton received rezoning application ZA2023-02 for Whimsy Trucking, which includes 39.81 acres of land located at the northwest corner of the intersection of 199th Street and Homestead Lane. The request is to rezone the property from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park) on the western 20.55 acres and City of Edgerton C-2 (Heavy Service Commercial) on the eastern 19.26 acres.

This rezoning request is to allow for the future development of the property with a logistics park uses on the western 20.55 acres of the property and future commercial uses on the eastern 19.26 acres of the property. There are two (2) related applications that are currently in review; a preliminary plat (PP2023-02) and a Conditional Use Permit (CU2023-01). The related Preliminary Plat was tabled at the April 11 Planning Commission meeting for the applicant to provide additional information for review. The Preliminary Plat and Conditional Use Permit will both be considered on future Planning Commission agendas.

Staff reviewed this rezoning application with respect to the Edgerton Comprehensive Plan, the Edgerton Unified Development Code Zoning and Subdivision Regulations, and the laws of the State of Kansas, in particular the "Golden Criteria" as established by the Supreme Court of Kansas in 1978.

The Planning Commission held a Public Hearing on April 11, 2023 regarding this rezoning request and voted to recommend approval of Application ZA2023-02 with no stipulations.

Copies of the Planning Commission staff report and draft minutes are included with this packet.

The City Attorney has not yet reviewed the enclosed draft Ordinance No. 2135 and No. 2136. Any changes will be provided at the May 25, 2023 City Council meeting.

Related Ordinance(s) or Statue(s): K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code; 12-757 – Zoning Amendments

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2135 and No. 2136 Adopting The Recommendation Of The City Of Edgerton Planning Commission To Approve Application ZA2023-02 For The Rezoning Of Approximately 20.55 Acres Of Land From Johnson County Rural (CTY RUR) To City of Edgerton L-P (Logistics Park) District And 19.26 Acres Of Land From Johnson County Rural (CTY RUR) To City Of Edgerton C-2 (Heavy Service Commercial) District Located At The Northwest Corner of 199th Street and Homestead Lane.

Enclosed:

- Draft Ordinance No. 2135 and No. 2136
- Staff Report from April 11, 2023 Planning Commission Meeting
- Draft minutes from the April 11, 2023 Planning Commission Meeting

Prepared by: Zachary Moore, Development Services Director

ORDINANCE NO. 2135

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-02 FOR THE REZONING OF APPROXIMATELY 20.55 ACRES OF LAND FROM JOHNSON COUNTY RURAL (CTY RUR) TO CITY OF EDGERTON L-P (LOGISTICS PARK) DISTRICT LOCATED AT THE NORTHWEST CORNER OF 199TH STREET AND HOMESTEAD LANE

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from the Whimsy Trucking, LLC, property owner of a parcel of land totaling approximately 39.81 acres, generally located at the northwest corner of the intersection of 199th Street and Homestead Lane, to rezone 20.55 acres of that property from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park) and 19.26 acres of that property from Johnson County Rural (CTY RUR) to City of Edgerton C-2 (Heavy Service Commercial); and

WHEREAS, following a public hearing in front of the Planning Commission on April 11, 2023, the Planning Commission has recommended that the rezoning request for that property – for 20.55 acres from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park) and 19.26 acres to C-2 (Heavy Service Commercial) -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

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

Section 1. That the following legally described property generally located at the northwest corner of 199th Street and Homestead Lane, is hereby rezoned from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park), and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 22 EAST, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED BY SCOTT G CHRISMAN, LS-1306, ON MARCH 7, 2023, FOR PROJECT 220808, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S 88°29'06" W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1000.04 FEET, TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH LINE OF SAID SOUTHEAST S 88°29'06" W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 317.67 FEET, TO THE SOUTHWEST CORNER OF THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE N 2°12'05" W, ALONG THE WEST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE N 2°12'05" W, ALONG THE WEST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, OF SAID SECTION 4, A DISTANCE OF 1316.77 FEET,

TO THE NORTHWEST CORNER OF THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE N 88°31'37" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 968.89 FEET; THENCE S 11°06'25" W, A DISTANCE OF 105.78 FEET; THENCE S 26°51'07" W, A DISTANCE OF 307.70 FEET; THENCE S 8°54'52" W, A DISTANCE OF 265.22 FEET; THENCE S 23°25'44" W, A DISTANCE OF 274.46 FEET; THENCE S 43°45'38" W, A DISTANCE OF 205.34 FEET; THENCE S 32°23'36" W, A DISTANCE OF 280.51 FEET; THENCE S 1°30'54" E, A DISTANCE OF 55.00 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 14, SAID POINT ALSO BEING THE POINT OF BEGINNING, CONTAINING 895,496 SQUARE FEET OR 20.5578 ACRES, MORE OR LESS, OF UNPLATTED LAND.

Subject to easements and restrictions of record.

Section 2. The above rezoning is approved with no stipulations.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

- a) The extent to which there is a need in the community for the uses allowed in the proposed zoning.
- b) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- c) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- d) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
- e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 11th DAY OF MAY, 2023.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

APPROVED AS TO FORM:

Lee Hendricks, City Attorney

DRAFT

WHIMSY TRUCKING

Application ZA2023-02

Northwest corner of the intersection of Homestead Lane and 199th Street

QUICK FACTS

PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval to rezone two (2) parcels of land located at the northwest corner of the intersection of Homestead Lane and 199th Street from Johnson County RUR (Rural) to City of Edgerton L-P (Logistics Park) west of the creek and C-2 (Heavy Service Commercial) east of the creek.

A Public Hearing is required.

Owner and Applicant

Clayton Rule, Agent of Whimsy Edgerton, LLC

Existing Zoning and Land Use

Currently Johnson County RUR (Rural) with 1 single family residence on the western portion of the subject property.

Parcel Size

37.39 acres

Staff Report Prepared by

Chris Clinton



BACKGROUND

Subject Site

The 37.39-acre subject property is located within the Bull Creek watershed. The western 19.57 acres of the property were annexed on December 28, 2017 (Ordinance 1070) and the eastern 18.17 acres of the property were annexed on June 9, 2022 (Ordinance 2110).

Utilities and service providers:

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

Site History and Past Approvals

The western parcel contains a single-family home that was constructed in 2000. The eastern parcel was previously improved with single-family residential structures, but those were removed in 2014, and the property has remained vacant since then. Staff has not received previous applications for development on the subject property. The applicant has also submitted a Conditional Use Permit application (CU2023-01) and a Preliminary Plat application (PP2023-02) which are also on this agenda.

Proposal

The applicant is requesting to rezone the subject property from the Johnson County Rural (CTY RUR) District to the City of Edgerton Logistics Park (L-P) District and the Heavy Service Commercial (C-2) District, to accommodate future commercial development on the eastern portion of the property and a cargo container storage lot on the western portion of the property. Cargo container storage requires a Conditional Use Permit in the L-P District, per Articles 5 & 7 of the City's Unified Development Code (UDC), and the applicant has submitted a related Conditional Use Permit request, which is also on this agenda. Details of the proposed developments will be shown on Final Site Plans when those are applied for.

REZONING REVIEW

Figure 1 below shows the current zoning of the neighboring properties:

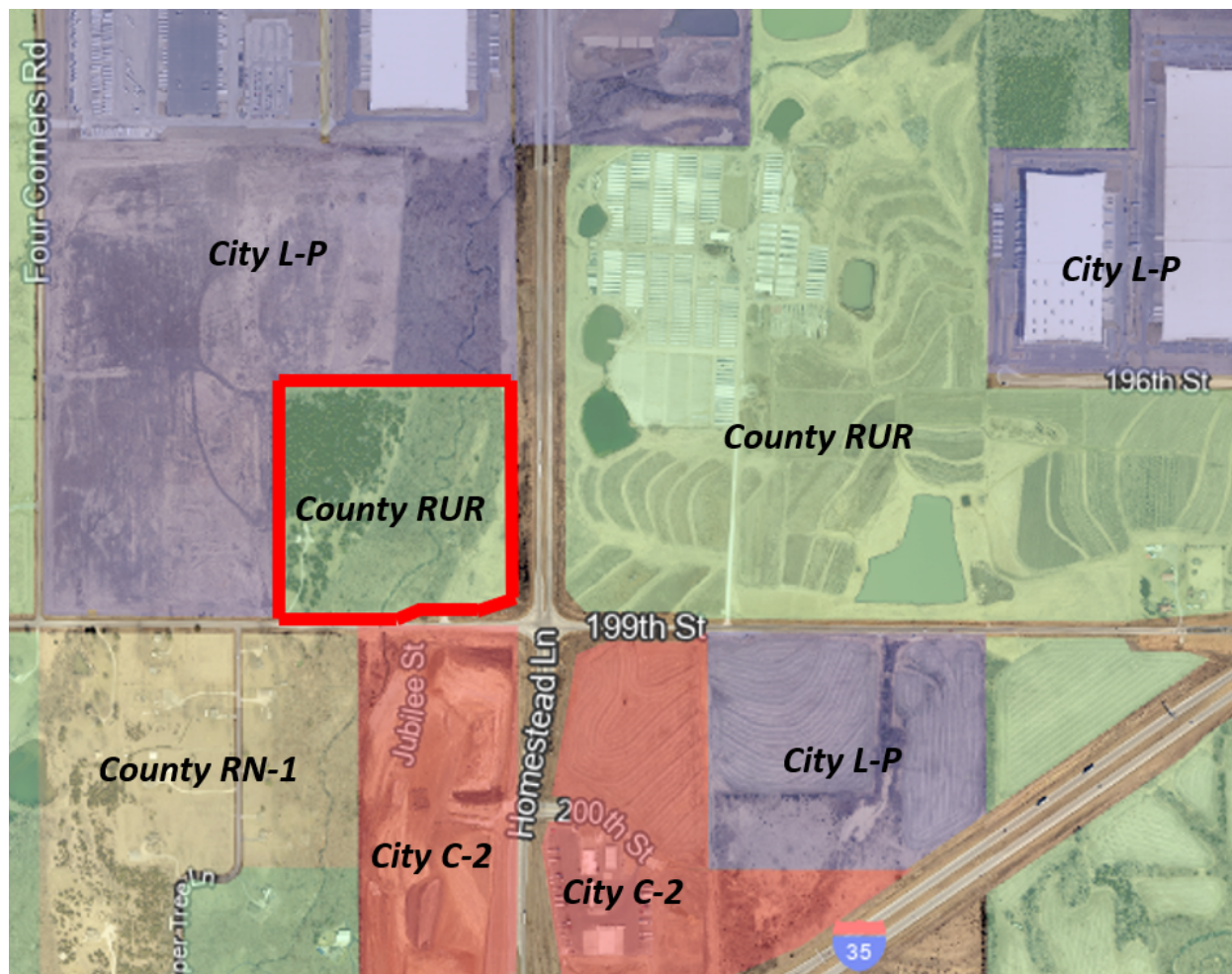


Figure 1 – Subject Property Outlined in Red

Zoning Analysis

Staff has reviewed the rezoning application with respect to the Edgerton UDC, the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. Review comments are listed below.

1. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** – The applicant is requesting to rezone the subject property to L-P (Logistics Park) and C-2 (Heavy Service Commercial). Uses permitted in the L-P District include but are not limited to warehousing/distribution centers, limited manufacturing, processing, fabrication, cargo container storage, and assembly of commodities. These uses help aid in the supply chain needs throughout the nation and area. The proposed C-2 District allows uses including but not limited to, fueling stations, motels/hotels, grocery

stores, and restaurants. Commercial uses of this nature will serve to support the users of the nearby Logistics Park to the north and east, where this support is very limited today.

2. **The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space** – The properties to the north and west are vacant, unplatted, and are zoned City of Edgerton L-P (Logistics Park), while the property to the east is zoned County Rural (CTY RUR) and is partially developed with a commercial nursery. The land to the south is zoned County RN-1 (Residential Neighborhood 1) west of the creek and City C-2 (Heavy Service Commercial) east of the creek. The residentially zoned property is developed with homes on large lots at a low density and high amounts of open space. The commercially zoned property east of the creek is planned for future development of a commercial center known as Edgerton Crossing. Infrastructure is being installed for this future development however, no buildings have been constructed at this time.
3. **Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties** – The proposed L-P District west of the creek is compatible with the existing L-P zoned properties to the north and west of the subject property. The proposed C-2 District on the east side of the creek is compatible with the existing C-2 zoning to the south and southeast and will provide services that users of surrounding L-P zoned properties can utilize.
4. **Suitability of the uses to which the property has been restricted under its existing zoning** – The current zoning of RUR would not allow for any development as the property would need to be rezoned to a City of Edgerton zoning designation.
5. **Length of time the subject property has remained vacant under the current zoning designation** – The subject property has been zoned CTY RUR (County Rural) since the 1990s. The eastern portion of the property has been vacant since 2014, and the existing home and accessory structure on the western portion of the property have remained on-site since their construction in 2000.
6. **The extent to which the zoning amendment may detrimentally affect nearby property** – Development of the site following the change to the proposed zoning districts will have an increase in vehicular traffic. A Final Site Plan will need to be submitted and will be presented to the Planning Commission. The Site Plan will address the vehicular traffic flow around the site. Any other possible effects will be addressed by the Final Site Plan submittal.
7. **Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage** – This is not a request for a PUD.
8. **The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services** – Infrastructure for all required utilities are onsite or are on adjacent parcels and will be used by future development on the property.
9. **The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property** – As stated above, the uses in L-P and C-2 zoning districts will increase the amount of traffic in this area. Future development will be required to provide staff with a Traffic Impact Study that will analyze the level of service and any necessary improvements for the surrounding road

network. Parking for each use will be provided on site at the time of development in accordance with UDC requirements.

10. **The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm** – The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get an NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan (SWPPP) that is reviewed by the City and the State. A full stormwater study of the site is also required and will be reviewed by the City Engineer prior to the issuance of a Land Disturbance Permit.
11. **The economic impact on the community from the uses allowed in the proposed zoning** – The uses permitted in the C-2 zoning district would generate increased property taxes and sales taxes for the City of Edgerton, which would be a significant positive impact on the community. The L-P District permits development that would increase the property tax compared to a single-family residential building that is currently on the subject property.
12. **The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial** – There would be no relative gain, if any, to the public health, safety, and welfare from the denial of these zoning applications.
13. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** – The subject property is designated as Business Park/Industrial on the future land use map of the City's Comprehensive Plan, which the L-P and C-2 District align with. The proposed zoning is also consistent with several goals of the Comprehensive Plan, including, but not limited to the following:
 - a. Promote a balanced and sustainable community by providing a mix of different types development.
 - b. Create employment opportunities and promote a diversified economic base.
14. **The recommendation of professional staff** – Staff recommendation provided below.

DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for ZA2023-02	
1	Future Land Use Map	03/10/2011

STAFF RECOMMENDATION

City Staff recommends approval of Rezoning **Application ZA2023-02**, *Whimsy Trucking* with no stipulations.

Note: For Application ZA2023-02 the Planning Commission is the recommending body for the application to the Governing Body. The Application will be presented to the Governing Body on May 11, 2023.

trucks and traffic along the roadways as there would not be the need rock delivered to the site. He added water trucks will be used to aid in dust mitigation and the proposed rock crushing operation would be 7:00 AM to 6:00 PM Monday through Saturday.

Mr. Moore explained the stipulations City staff recommends. The rock crushing operations must be completed by October 1, 2023. A new temporary construction use permit would be needed if more time is needed for the rock crushing. All offsite impact from the operation must be minimized as much as possible. This will include tracking any dirt and debris onto City roadways. The applicant or their subcontractors will address any issues that affect offsite properties or public rights-of-way in a timely manner. The hours of operation will be limited to those stated earlier.

Commissioner Draskovich asked if a crusher has been used onsite before. Mr. Moore answered that this would be the first time a rock crushing operation is done on this site. Commissioner Draskovich inquired to the decibel reading of the equipment. He explained that noise can carry especially between the buildings. He is concerned about the start time on Saturdays being too early. Mr. Moore replied that information was not provided by the applicant. Mr. Cassity replied he does not have that information at this time. Mr. Moore stated City staff will research the proposed equipment and provide that information.

Commissioner Crooks moved to approve application TU2023-01, temporary construction use for a rock crushing operation for TSL Edgerton located at 31115 W. 191st Street with the following stipulations:

1. The rock crushing operations must be completed prior to October 1, 2023. If the rock crushing operations needs to be extended, another Temporary Construction Use permit must be obtained through approval of the Commission.
2. Offsite impacts from onsite construction-related activities shall be minimized to the extent possible. This shall include compliance with all City regulations and policies related to the tracking of debris onto public streets.
3. Applicant and any subcontractors agree to address any issues that affect offsite properties or public rights-of-way or easements in a reasonable time period.
4. Hours of operation shall be limited to from 7:00 AM to 6:00 PM.

Commissioner Draskovich seconded the motion. TU2023-01 was approved as stipulated, 3-0.

8. **ZA2023-02: REZONING APPLICATION TO REZONE 37.39 ACRES FROM CTY RUR (COUNTY RURAL) TO L-P (LOGISTICS PARK) AND C-2 (HEAVY SERVICE COMMERCIAL) FOR WHIMSY EDGERTON, LLC, LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. 199TH STREET AND HOMESTEAD LANE**

Mr. Moore stated this application is a rezoning request from County Rural, which is the zoning designation of the subject parcels since they were annexed into the City of Edgerton, to City of Edgerton L-P, Logistics Park, and C-2, Heavy Service Commercial. He explained there are related preliminary plat and conditional use permit applications regarding the subject property to also be presented during this meeting.

Mr. Dan Finn with Phelps Engineering, property owner's representative, addressed the

Commission. He stated the site is on the northwest corner of Homestead Lane and 199th Street. The proposal is to bisect the parcel into the two requested zoning and use the creek as a landmark for the zoning boundary. He explained they are proposing to have west of creek zoned L-P and east of the creek zoned C-2. Currently, there is no development on the adjacent parcels to the north or west of the subject parcel. The parcels to the north and west are zoned L-P, however. The southwest corner of Homestead Lane and 199th Street is C-2. The proposed zonings are consistent with the current zonings in the area. Mr. Finn showed the floodway and 100-year floodplain on a map. He said west of the floodway and floodplain is proposed to be L-P. The floodway and floodplain is proposed to be in tracts and east of the tracts is where the proposed C-2 zoning will take place. He explained they are proposing lots 2 through 5 to be zoned C-2.

Mr. Finn stated that Whimsy Edgerton, LLC is the property owner. The request to rezone their property west of the creek to L-P is to allow for the development of a new Whimsy Trucking facility. He explained that Whimsy Trucking is a domestic freight company handling container traffic through the Chicago and Kansas City rails to and from points in the Midwest. He stated a site plan will be applied for at a later date. Mr. Finn said Whimsy Trucking does have operations in Kansas City and they are looking to expand into Edgerton. He explained the property to the east is proposed to be rezoned to C-2 is for future development of new commercial pad sites. The pad sites will be driven by market demand and may be retained by Whimsy Edgerton, LLC or sold in the future.

Vice Chair Little opened the public hearing. He stated that each speaker will be limited to three (3) minutes.

Mr. Cliff Cole, 19911 Pepper Tree Lane, addressed the Commission. He asked if there were going to be 3 public hearings during the meeting. Mr. Moore answered that each application for Whimsy Trucking, LLC will have a public hearing. Mr. Cole said he will speak just to the rezoning application. He read the Declaration item from the agenda. He asked the Commission if they have been coached as to what to ask, say or how to vote. Each Commissioner shook their heads no. Mr. Cole stated it is a good item to have on the agenda as it helps with transparency. He said the proposed area to be zoned L-P currently has a residence on it. He said that what goes on close to 199th Street affects the residences nearby. He stated the applicant is proposing an entrance near the Pepper Tree Lane intersection. Mr. Cole said that 199th Street has a hill and when drivers turn off Pepper Tree Lane, other drivers and truck drivers end up right behind them. He stated when they leave their neighborhood, they have to gun their vehicles onto 199th Street. Mr. Cole claimed the land to the west of the subject parcel has not been developed because of the impact it will have on the traffic. He stated that trucks are not as quick as passenger vehicles. He recounted a conversation he had with a neighbor who claimed that a death will happen there. Mr. Cole requested a traffic study be completed because an entrance on 199th Street is too dangerous. He said the entrance can be off of Homestead Lane since Kansas Department of Transportation (KDOT) allowed access from Homestead Lane. He said the biggest concern is the safety of the roads.

Ms. Jane Scaro, 19913 Pepper Tree Lane, spoke before the Commission. She said she wants to address the general development. She said the 3 applications are just the start of the development in this area. She is concerned about the air quality of the area. She requested the Commission restrict engine idling. She explained that Kansas City, Missouri has an

ordinance that does not allow five (5) minutes in a one (1) hour timeframe. She said it is costly to the driver, the entire fleet, and the environment. She said there is idling reduction technology that exists for drivers to stay in their cab comfortably without idling their trucks. Ms. Scaro stated she is also concerned about stormwater. She requested that water retention be designed to reduce the runoff that is currently there. She said a four (4) inch rainfall on fifty (50) acres is over 5.4 million gallons. Flooding happens in this area and the development will increase the possibility of flooding. She claimed the access point on 199th Street will not be able to handle the traffic. She has seen backups on Homestead Lane at 191st Street at another cargo container storage facility. Ms. Scaro said she believes alternative access points need to be provided either off of Homestead Lane or Essex Street needs to be extended to the south. She also requested that the Commission only allow down lighting on the development.

Mr. Mark Sanders, 19907 Pepper Tree Lane, approached the Commission. He stated he has a grandchild old enough to drive and he is concerned of his grandchild turning right on 199th Street. He said he had his grandchild drive 199th Street to see how dangerous the intersection of Pepper Tree Lane and 199th Street is. He stated any traffic impact study done will not take into account who is driving, whether it was a truck driver or one of the Commissioner's family members. The traffic study will not be impactful enough to stress the dangers of 199th Street. He said the trips shown in the traffic study are family members of the residents in the area. He said his concerns are not about money, but kids' safety. He said a traffic study is not enough to warrant putting an access point along 199th Street.

Mr. James Oltman, President of ElevateEdgerton!, addressed the Commission. He stated this project has been in the works for quite some time. He stated the residences have extremely valid concerns and he agrees with those concerns. He reminded the Commission that there is a step during the development process to address the stormwater, traffic, and other items of the sort that will be addressed during the Site Plan application.

Mr. Cole interjects that they know and understands the steps. He said when the parcel on the southwest corner of the intersection of Homestead Lane and 199th Street was rezoned to C-2 went through the same process. During that process, the developer at the time and the Coles agreed to certain terms that were not written down correctly by the clerk and they have yet to receive the items agreed upon. He said the process starts here but it does not end here. He claimed he and his family have suffered death by a thousand cuts. The error by the City is hurting them and they have been dealing with this for 15 years. He claimed the process is not in the neighbors' favor.

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

Mr. Moore explained that the traffic study will be completed for a Final Site Plan application. At this time, there has not been an application for the Final Site Plan so it will be another meeting when the traffic study will be presented. The Final Site Plan application will have a public hearing as well. He stated the zoning of the parcels addresses the use of the land. This would include assigning the development standards and does not designate a particular use. Mr. Moore said the stormwater study and ways to maintain air quality will be presented during the Final Site Plan application as well. Mr. Cole interjected and inquired about the final item

on the agenda. Mr. Moore explained the final item is for a Conditional Use Permit (CUP) which identifies additional requirements for one (1) particular use within a district and the Unified Development Code (UDC) does not require a Final Site Plan to be submitted at the same time when the CUP is applied for. The CUP does address some set of parameters, and the Site Plan will need to meet those standards when applied for. The same applies with a photometric plan showing the lighting of the property. He stated the traffic study will also consider any road improvements that might be needed.

Mr. Moore stated that the subject parcels are currently zoned County RUR. This zoning designation is also across Homestead Lane. The first request is to rezone west of the creek to City L-P. The City L-P zoning designation is also found to the north and west of the subject parcels. The second part of this request is to rezone east of the creek to City C-2. The same zoning designation is found across 199th Street to the south and to the southeast. The other zoning designation in the area is County RN-1, Residential Neighborhood.

Mr. Moore explained that all rezoning requests are evaluated against the Golden Criteria as set by the Kansas Supreme Court in 1978. City staff has completed their evaluation against the Golden Criteria. He stated as Logistics Park Kansas City (LPKC) continues to grow, the need for these types of operations continues to grow as well in the L-P zoning. Another need for LPKC as it grows are those outlined in the C-2 zoning designation. The properties to the north and west of the subject parcels are vacant and there is partial development to the east of a commercial nursery. To the south, the land is zoned County RN-1 and is low density residential. Also to the south is the C-2 zoned property where a commercial development known as Edgerton Crossing is currently having infrastructure placed. The character of the area also speaks to the compatibility of the proposed zonings of the subject parcels. There are existing L-P and C-2 zonings adjacent to the subject parcels. The uses that can be developed will be beneficial to LPKC and the nearby residences.

Mr. Moore explained the property is restricted by the current zoning as the City cannot enforce County regulations which require the parcels to be rezoned prior to development. The County RUR zoning designation has been in place since the 1990s when the County did a County-wide zoning update. The single-family dwelling on the west has been there since 2000 with the east portion having been vacant since 2014. He states that the development will affect the nearby property due to the increase of traffic and a traffic study will be done prior to the submittal of a Final Site Plan. The requirements outlined in the traffic study will need to be met.

Mr. Moore said the infrastructure for all of the utilities are onsite or on adjacent parcels to be used for development on the subject parcels. He stressed that federal, state, and local regulations will need to be adhered to regarding any type of pollution. Mr. Moore stated there would be no gain from denial but would increase hardship to the developer would still need to rezone for development. He said the subject property is designated as Business Park/Industrial on the future land use map of the City's Comprehensive Plan which the proposed zonings align with. It is also consistent with several goal of the Comprehensive Plan, including, but not limited to: Promote a balanced and sustainable community by providing a mix of different types of development and Create employment opportunities and promote a diversified economic base.

Commissioner Draskovich moved to recommend approval of application ZA2023-02, rezoning 37.39 acres from County Rural (RUR) District to L-P (Logistics Park) District and C-2 (Heavy Service Commercial) District at the northwest corner of the intersection of W. 199th Street and Homestead Lane. The motion was seconded by Commissioner Crooks. Application ZA2023-02 was recommended for approval, 3-0.

9. **PP2023-02: PRELIMINARY PLAT APPLICATION FOR WHIMSY EDGERTON, LLC LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. 199TH STREET AND HOMESTEAD LANE**

Mr. Moore explained the request is for a Preliminary Plat that shows one (1) lot to the west of the creek and four (4) lots to the east with a tract bisecting the two (2) proposed zoning districts. He stated the Final Plat will record legal lots, dedication of easements, and rights-of-way. The Preliminary Plat is a possible outline of the lots and easements and there are no buildings on the Preliminary Plat, just a possible division of land.

Mr. Finn addressed the Commission. He stated it is the same subject parcels as the rezoning. He said the Preliminary Plat shows possible lots for development. The Tract is made up of the creek and the floodplain. He said the C-2 lots, Lots 2-5, which are proposed to be one and a half acres (1.5) to two (2) acres in size. The L-P lot, Lot 1, will be owned, developed, and operated by Whimsy Trucking. The C-2 lots will be developed based on the market demands. Whimsy Trucking might develop them or they could sell the lots to others to develop. Mr. Finn stated there would be a new sewer main extension with a lift station to serve Lot 1. The sewer extension will also serve the neighboring lot to the west of the Whimsy Trucking property. He explained new right-of-way will be dedicated along 199th Street that will allow widening the road and turn lanes if the traffic study shows they are warranted. Mr. Finn said there is Federal Emergency Management Agency (FEMA) 100-year Floodplain, which is mostly contained within Tract A. Lot 1 does not contain any of the FEMA floodway and Lots 2-5 encroach on the FEMA floodway which will require paperwork to be submitted depending on the limits of the disturbed land at the time of development.

Vice Chair Little opened the public hearing.

Mr. Lonny Vlieger, 19910 Pepper Tree Lane, spoke before the Commission. He said there are turning lanes from Homestead Lane that will need to be accounted for. He stated trucks bounce across the culvert and make noise and the culvert will need to be upgraded. Emergency services will need to be able to get by and 199th Street and the street needs to be kept clear of traffic.

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

Mr. Finn stated a traffic study, to be done with a Final Site Plan application, will show what improvements will be needed for the roadway. It will also show how many trucks will be queued and Whimsy Trucking will ensure that queueing is done onsite and not on the roadway.

Vice Chair Little asked if the Commission will see the traffic study. Mr. Moore answered it will be available in the packet. He explained the traffic study and Final Site Plan will be available

City Council Action Item

Council Meeting Date: May 11, 2023

Department: Community Development

Agenda Item: Consider Ordinance No. 2135 And No. 2136 Adopting The Recommendation Of The City Of Edgerton Planning Commission To Approve Application ZA2023-02 For The Rezoning Of Approximately 20.55 Acres Of Land From Johnson County Rural (CTY RUR) To City of Edgerton L-P (Logistics Park) District And 19.26 Acres Of Land From Johnson County Rural (CTY RUR) To City Of Edgerton C-2 (Heavy Service Commercial) District Located At The Northwest Corner of 199th Street and Homestead Lane.

Background/Description of Item: The City of Edgerton received rezoning application ZA2023-02 for Whimsy Trucking, which includes 39.81 acres of land located at the northwest corner of the intersection of 199th Street and Homestead Lane. The request is to rezone the property from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park) on the western 20.55 acres and City of Edgerton C-2 (Heavy Service Commercial) on the eastern 19.26 acres.

This rezoning request is to allow for the future development of the property with a logistics park uses on the western 20.55 acres of the property and future commercial uses on the eastern 19.26 acres of the property. There are two (2) related applications that are currently in review; a preliminary plat (PP2023-02) and a Conditional Use Permit (CU2023-01). The related Preliminary Plat was tabled at the April 11 Planning Commission meeting for the applicant to provide additional information for review. The Preliminary Plat and Conditional Use Permit will both be considered on future Planning Commission agendas.

Staff reviewed this rezoning application with respect to the Edgerton Comprehensive Plan, the Edgerton Unified Development Code Zoning and Subdivision Regulations, and the laws of the State of Kansas, in particular the "Golden Criteria" as established by the Supreme Court of Kansas in 1978.

The Planning Commission held a Public Hearing on April 11, 2023 regarding this rezoning request and voted to recommend approval of Application ZA2023-02 with no stipulations.

Copies of the Planning Commission staff report and draft minutes are included with this packet.

The City Attorney has not yet reviewed the enclosed draft Ordinance No. 2135 and No. 2136. Any changes will be provided at the May 25, 2023 City Council meeting.

Related Ordinance(s) or Statue(s): K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code; 12-757 – Zoning Amendments

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2135 and No. 2136 Adopting The Recommendation Of The City Of Edgerton Planning Commission To Approve Application ZA2023-02 For The Rezoning Of Approximately 20.55 Acres Of Land From Johnson County Rural (CTY RUR) To City of Edgerton L-P (Logistics Park) District And 19.26 Acres Of Land From Johnson County Rural (CTY RUR) To City Of Edgerton C-2 (Heavy Service Commercial) District Located At The Northwest Corner of 199th Street and Homestead Lane.

Enclosed:

- Draft Ordinance No. 2135 and No. 2136
- Staff Report from April 11, 2023 Planning Commission Meeting
- Draft minutes from the April 11, 2023 Planning Commission Meeting

Prepared by: Zachary Moore, Development Services Director

ORDINANCE NO. 2136

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-02 FOR THE REZONING OF APPROXIMATELY 19.26 ACRES OF LAND FROM JOHNSON COUNTY RURAL (CTY RUR) TO CITY OF EDGERTON C-2 (HEAVY SERVICE COMMERCIAL) DISTRICT LOCATED AT THE NORTHWEST CORNER OF 199TH STREET AND HOMESTEAD LANE

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from the Whimsy Trucking, LLC, property owner of a parcel of land totaling approximately 39.81 acres, generally located at the northwest corner of the intersection of 199th Street and Homestead Lane, to rezone 20.55 acres of that property from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park) and 19.26 acres of that property from Johnson County Rural (CTY RUR) to City of Edgerton C-2 (Heavy Service Commercial); and

WHEREAS, following a public hearing in front of the Planning Commission on April 11, 2023, the Planning Commission has recommended that the rezoning request for that property – for 20.55 acres from Johnson County Rural (CTY RUR) to City of Edgerton L-P (Logistics Park) and 19.26 acres to C-2 (Heavy Service Commercial) -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

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

Section 1. That the following legally described property generally located at the northwest corner of 199th Street and Homestead Lane, is hereby rezoned from Johnson County Rural (CTY RUR) to City of Edgerton C-2 (Heavy Service Commercial), and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 22 EAST, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED BY SCOTT G CHRISMAN, LS-1306, ON MARCH 7, 2023, FOR PROJECT 220808, AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S 88°29'06" W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1000.04 FEET; THENCE N 1°30'54" W, A DISTANCE OF 55.00 FEET; THENCE N 32°23'36" E, A DISTANCE OF 280.51 FEET; THENCE N 43°45'38" E, A DISTANCE OF 205.34 FEET; THENCE N 23°25'44" E, A DISTANCE OF 274.46 FEET; THENCE N 8°54'52" E, A DISTANCE OF 265.22 FEET; THENCE N 26°51'07" E, A DISTANCE OF 307.70 FEET; THENCE N 11°06'25" E, A DISTANCE OF 105.78 FEET; THENCE N 88°31'37" E, A DISTANCE OF 348.69 FEET, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE

SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S 2°12'26" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1315.81 FEET, TO THE POINT OF BEGINNING, CONTAINING 838,770 SQUARE FEET OR 19.2555 ACRES, MORE OR LESS, OF UNPLATTED LAND.

Subject to easements and restrictions of record.

Section 2. The above rezoning is approved with no stipulations.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

- a) The extent to which there is a need in the community for the uses allowed in the proposed zoning.
- b) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- c) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- d) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
- e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 11th DAY OF MAY, 2023.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

APPROVED AS TO FORM:

Lee Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 11, 2023

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-11-23A Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival in 2023.

Background/Description of Item:

Edgerton Frontier Days committee has requested the following street closures for this long-standing two-day event. These road closures are needed to ensure a successful and safe event. This event takes place on Friday June 16th, 2023 5:00 PM-11:59 PM and Saturday, June 17th, 2023 from 8:00 AM-11:59 PM.

To support this event, City staff is requesting the following street closures:

- East 4th Street between Nelson and McCarty Streets between 12:00 PM on June 15, 2023 until 12:00 PM on June 18, 2023; the barricades will be placed when the carnival company begins setup;
- Nelson Street between East 3rd and East 4th Streets between 3:00 PM on June 15, 2023 until 12:00 PM on June 18, 2023; the barricades will be placed when stage set-up begins;
- East 4th Street between Nelson and south to and including the nearest alley that runs from East 4th to East 3rd street behind the Edgerton Library between 9:00 AM on June 16, 2023 until 12:00 PM on June 18, 2023;
- Nelson Street between East 4th Street to the Central Bank of the Midwest drive located on Nelson Street between 9:00 AM on June 16, 2023 until 12:00 PM on June 18, 2023;
- Nelson Street from West 8th to East 5th Street for the set-up and duration of the Edgerton Frontier Days parade on Saturday, June 17th, 2023, barricades for preparation will be placed at 8:30 AM and the parade will conclude around 10:30 AM.

Included in the packet is a map to reference the proposed street closures and no parking zones. The proposed street closures are in blue and the barricades for the street closures are in orange.

City staff has reviewed the proposed street closures and do not anticipate any conflicts or issues. City staff will notify the Johnson County Sheriff's Office, Johnson County Fire District 1 and Johnson County Med-Act of the proposed closings.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 05-11-23A Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival in 2023.

Enclosed: Resolution No. 05-11-23A
No Parking and Road Closure Map

Prepared by: Brittany Paddock, Recreation Coordinator

RESOLUTION NO. 05-11-23A

A RESOLUTION APPROVING THE CLOSURE OF THE PUBLIC STREETS NAMED HEREIN DURING EDGERTON FRONTIER DAY FESTIVAL IN 2023.

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to provide successful and safe community events in Edgerton; and

WHEREAS, the City has determined that the closure of certain streets would be beneficial to the safety and enjoyment of the Edgerton Frontier Days Festival; and

WHEREAS, City staff has reviewed the proposed street closures and does not anticipate any conflicts or issues that would prevent said closures; and

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 12:00 PM on June 15, 2023 until 12:00 PM on June 18th, 2023:

- East 4th Street between East Nelson Street and East McCarty Street

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 3:00 PM on June 15, 2023 until 12:00 PM on June 18th, 2023:

- Nelson Street between East 3rd Street and East 4th Street

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 9:00 AM on June 16, 2023 until 12:00 PM on June 18th, 2023:

- East 4th Street between Nelson and south to and including the nearest alley that runs from East 4th to East 3rd street behind the Edgerton Library
- Nelson Street between East 4th Street to the Central Bank of the Midwest drive located on Nelson Street

WHEREAS, the following public streets shall be closed to vehicular traffic during the duration of the Edgerton Frontier Days parade on June 17th, 2023:

- Nelson Street from West 8th to East 5th Street

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS that the City hereby authorizes the closure of the public streets named above for the duration of the Edgerton Frontier Days Festival.

SECTION ONE: EFFECTIVE DATE

This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 11TH DAY OF MAY, 2023.

ATTEST:

CITY OF EDGERTON, KANSAS

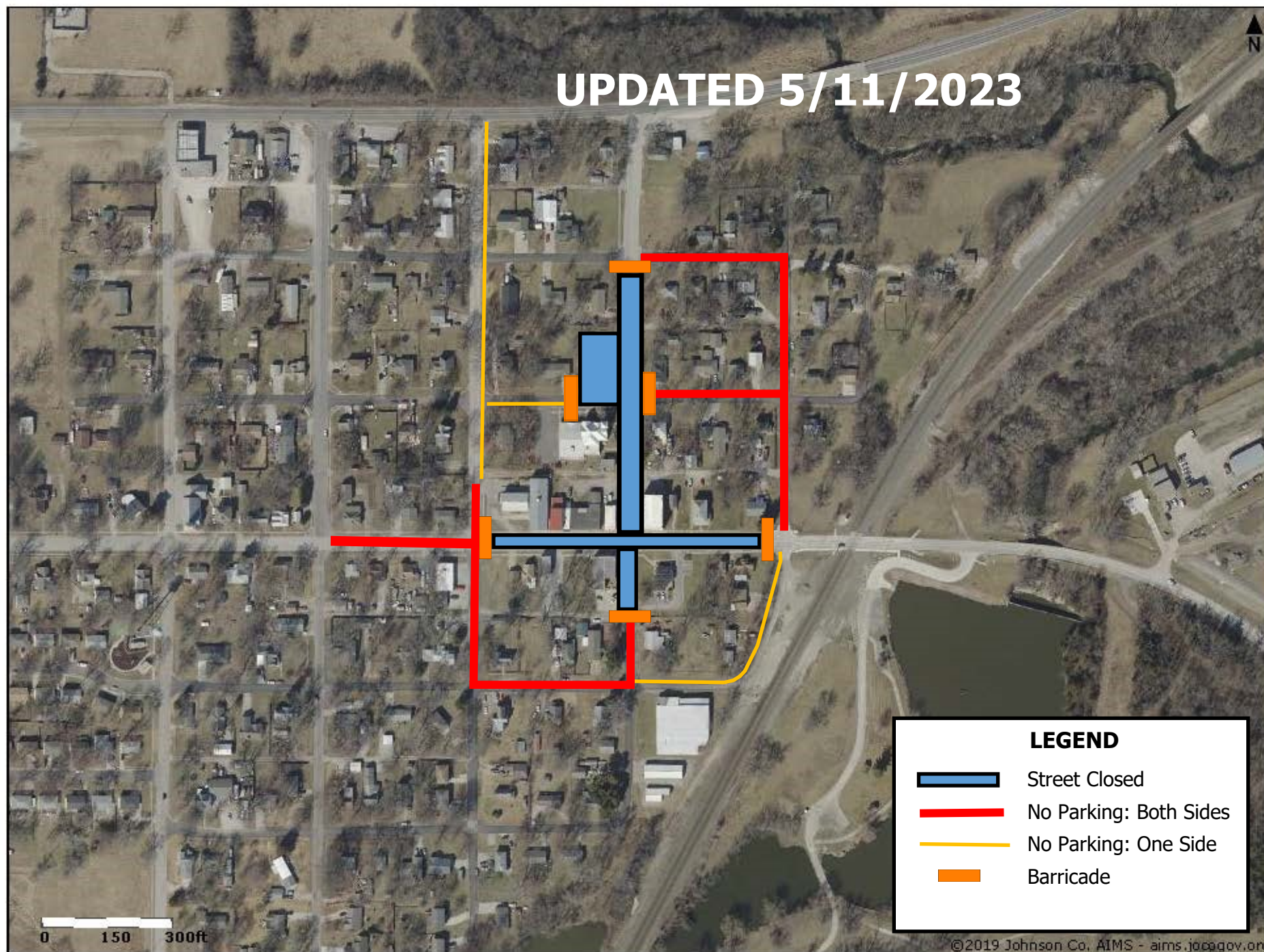
Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

UPDATED 5/11/2023



City Council Action Item

Council Meeting Date: May 11, 2023

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-11-23B for Temporary No Parking Related to Frontier Days

Background/Description of Item:

As part of the 2023 annual Edgerton Frontier Days festival, City staff is requesting that parking be prohibited along certain streets during the festival in order to help with traffic around the event and protect pedestrian safety.

Staff is requesting that the following streets be closed to parking on Thursday, June 15, 2023 at 12:00 P.M. to Monday, June 19, 2023 at 9:00 A.M. **on both sides:**

1. **East 5th Street:** East McCarty Street to East Nelson Street;
2. **East McCarty Street:** East 4th Street to East 5th Street;
3. **East Nelson Street:** East 2nd Street to East 3rd Street;
4. **East Martin Street:** East 3rd Street to East 4th Street;
5. **East 3rd Street:** East Nelson to East Martin Street;
6. **East 4th Street:** from the alleyway one half block south of East Nelson Street to East Martin Street;
7. **East Hulett Street:** East 4th Street to East 5th Street;
8. **East 3rd Street:** from the alleyway one half block south of East Hulett Street to East Nelson Street.

Staff is further requesting that a no parking zone be created from Thursday, June 15, 2023 at 12:00 P.M. to Monday, June 19, 2023 at 9:00 A.M. **on the side of the street notated** of the following streets:

1. **East side of East 3rd Street:** from 56 Highway (East Morgan Street) south to the alleyway one half block south of East Hulett Street;
2. **West side of 5th Street:** from East Nelson Street to East Martin Street;
3. **North side of East Martin Street:** from East 5th Street to East 4th Street;
4. **North side of East Hulett Street:** from East 3rd Street to East 4th Street, excluding that portion of East Hulett Street which shall be closed completely for the carnival.

Included in the packet is a map to reference the proposed street closures and no parking zones. The proposed no parking zones that will occur on both sides appear in red on the map.

The proposed no parking zones that will occur on one side of the street appear in yellow on the map.

Related Ordinance(s) or Statue(s): n/a

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Resolution No. 05-11-23B for Temporary No Parking Related to Frontier Days

Enclosed: Draft Resolution No. 05-11-23B
No Parking Zone Map

Prepared by: Brittany Paddock, Recreation Coordinator

RESOLUTION 05-11-23B

A RESOLUTION OF THE CITY OF EDGERTON, KANSAS, PROVIDING FOR THE CREATION OF TEMPORARY NO PARKING ZONES ON CERTAIN STREETS TO PERMIT THE HOLDING OF FRONTIER DAYS 2023

WHEREAS, the annual Frontier Days festival will be held in the City of Edgerton on June 16th and June 17th, 2023; and

WHEREAS, Frontier Days will be held in a central and convenient location for participants and that location will necessitate the creation of no parking zones to allow participants to access and enjoy the event; and

WHEREAS, the creation of temporary no parking zones is necessary to permit the festival to be held.

THEREFORE, BE IT RESOLVED by the City Council of Edgerton, Kansas;

That a no parking zone is hereby created from Thursday, June 15, 2023 at 12:00 P.M. to Monday, June 19, 2023 at 9:00 A.M. **on both sides** of the following streets:

1. East 5th Street, from East McCarty Street to East Nelson Street;
2. East McCarty Street, from East 4th Street to East 5th Street;
3. East Nelson Street, from East 2nd Street to East 3rd Street;
4. East Martin Street, from East 3rd Street to East 4th Street;
5. East 3rd Street, from East Nelson to East Martin Street;
6. East 4th Street from the alleyway one half block south of East Nelson Street to East Martin Street;
7. East Hulett Street, from East 4th Street to East 5th Street
8. East 3rd Street, from the alleyway one half block south of East Hulett Street to East Nelson Street.

That a no parking zone is hereby created from Thursday, June 15, 2023 at 12:00 P.M. to Monday, June 19, 2023 at 9:00 A.M. **on the side of the street notated** of the following streets:

1. The east side of East 3rd Street, from 56 Highway (East Morgan Street) south to the alleyway one half block south of East Hulett Street;
2. The west side of 5th Street, from East Nelson Street to East Martin Street;
3. The north side of East Martin Street, from East 5th Street to East 4th Street;
4. The north side of East Hulett Street, from East 3rd Street to East 5th Street, excluding that portion of East Hulett Street which shall be closed completely for the carnival.

PASSED AND APPROVED by the City Council of Edgerton, Kansas on the 11th day of May, 2023.

ATTEST:

CITY OF EDGERTON, KANSAS

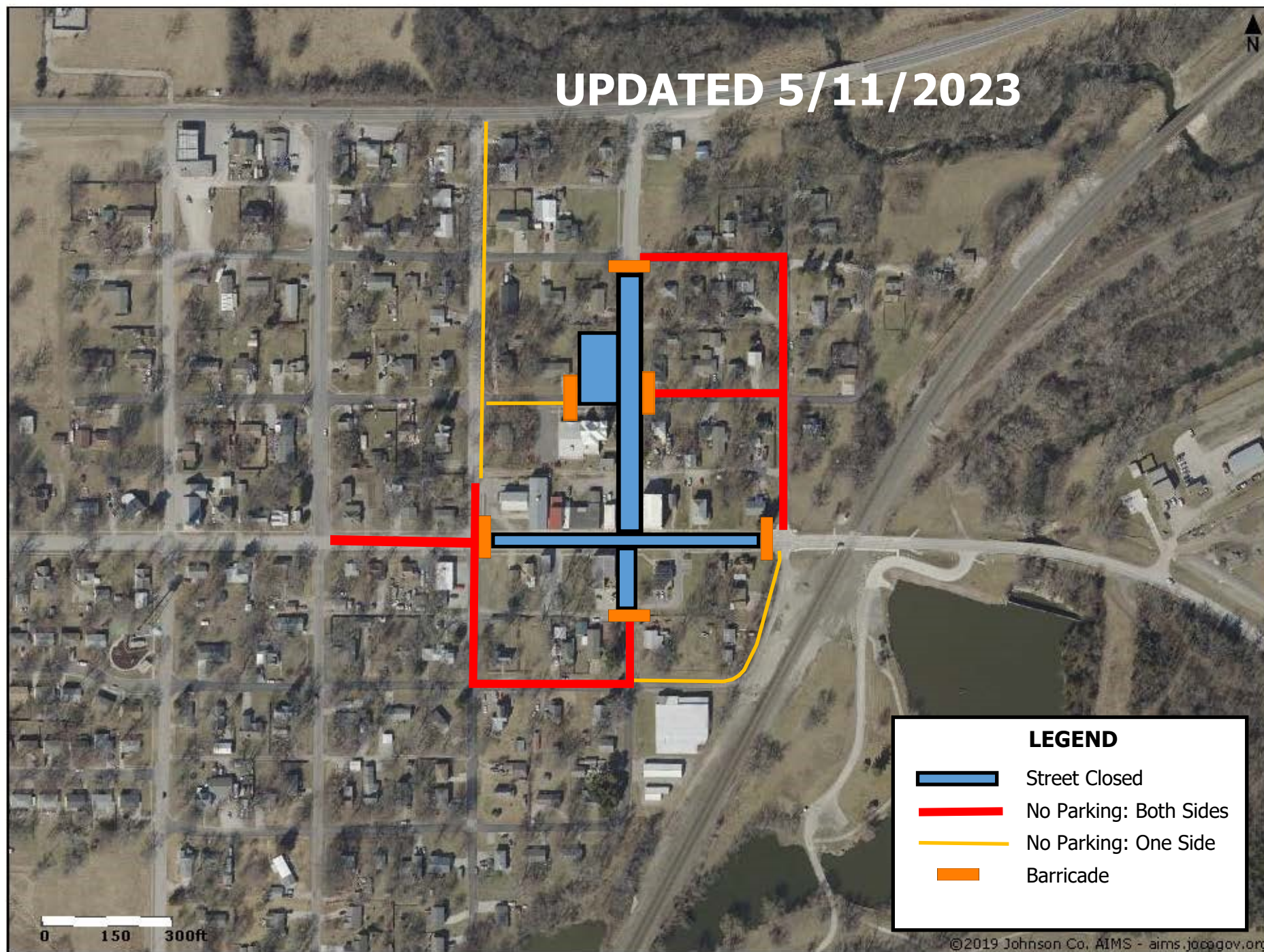
Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

UPDATED 5/11/2023



City Council Action Item

Council Meeting Date: May 11, 2023

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-11-23C Authorizing Permission to Use Requested City Buildings/Public Spaces and the Approval of Additional Service Requests During Edgerton Frontier Days

Background/Description of Item: The Edgerton community celebrates its heritage with the annual Frontier Days celebration. Since 1971, this event has brought the town together through carnival, craft, food, music, and parade. This year's event will take place Friday, June 16th-Saturday, June 17th. Full schedule of details may be found at the event website at edgertonfrontierdays.com. The event is put on each year by the Edgerton Frontier Days Association.

Similar to recent years, the Edgerton Frontier Days Association has made requests to use certain city facilities/public spaces. Below is a summary of those requests. Additionally, please find enclosed a draft resolution to approve those requests.

Use of City Facilities/Public Spaces

The Edgerton Frontier Days Committee has requested permission to use the following City Facilities/Public Spaces during the time of the festival:

- Downtown Greenspace;
- City Offices at 312 East Nelson;
- City Hall at 404 East Nelson (outside of normal city business hours);
- City Owned Property on 312 East Martin;
- Portions of East Nelson Street and East 4th Street.

Additional Service Requests

The Edgerton Frontier Days Committee has requested the following additional Service Requests to support the festival:

- Waive any City permit fees related to the event
- City to order event dumpsters for the festival days;
- No parking signage;
- Street sweeping before and after event;
- Event flyer printing;
- Newspaper advertisement for event;

- Provide at least two Edgerton employees to be Public Safety liaisons during event;
- Coordination of additional resources from Sheriff's Office;
- City to barricade closed streets.

City staff has reviewed the facility/public space use requests, and other service requests and does not anticipate any conflicts or issues.

City staff recommends approving all requests pending submission/proof of the following:

- Special Event Permit
- Certificate of Insurance for Edgerton Frontier Days with the City of Edgerton additionally insured
- Certificate of Insurance for each Vendor with the City of Edgerton additionally insured

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 05-11-23C Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival, Permission to use requested City Buildings/Public Spaces, and the approval of additional Service Requests.

Enclosed: Draft Resolution No. 05-11-23C

Prepared by: Brittany Paddock, Recreation Coordinator

RESOLUTION NO. 05-11-23C

A RESOLUTION AUTHORIZING PERMISSION TO USE REQUESTED CITY BUILDINGS/PUBLIC SPACES, AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS FOR THE EDGERTON FRONTIER DAYS FESTIVAL

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Frontier Days Festival; and

WHEREAS, the City has determined that the use of certain City facilities and public spaces would be beneficial to the safety and enjoyment of the Frontier Days Festival; and

WHEREAS, the following City owned facilities and public spaces will be reserved for the use of Edgerton Frontier Days:

- Downtown Greenspace
- City Offices at 312 East Nelson
- City Hall at 404 East Nelson (outside of normal business hours)
- City Owned Property 312 East Martin
- Portions of East Nelson Street and East 4th Street

WHEREAS, the following service requests will be carried out by the City:

- Barricade street closures
- Provide event dumpsters and trash bins
- No parking signage
- Street sweeping before and after event
- Event flyer printing
- Newspaper advertisement for event
- Provide at least two Edgerton employees to be Public Safety liaisons during event
- Coordination of additional resources from Sheriff's Office

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS that the City hereby authorizes the above-named service requests are carried out for the durations specified above for the 2023 Edgerton Frontier Days Festival.

SECTION ONE: EFFECTIVE DATE This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF
EDGERTON, KANSAS ON THE 11TH DAY OF MAY, 2023.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 11, 2023

Department: Parks and Recreation

Agenda Item: Consider Resolution 05-11-23D Recognizing the Edgerton Frontier Days as a "Public Festival" for Purposes of the City's Noise Restrictions

Background/Description of Item:

The Edgerton community celebrates its heritage with the annual Frontier Days celebration. Since 1971, this event has brought the town together through carnival, craft, food, music, and parade. This year's event will take place Friday, June 16th-Saturday, June 17th. Full schedule of details may be found at the event website at edgertonfrontierdays.com. The event is put on each year by the Edgerton Frontier Days Association.

Within this resolution is to recognize Edgerton Frontier Days as a "public festival" in order to waive the City's noise restrictions on the evenings of Friday, June 16, 2023 and Saturday, June 17, 2023.

Related Ordinance(s) or Statue(s): Article 6 of Chapter XI of the Code of the City of Edgerton

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution 05-11-23D Recognizing the Edgerton Frontier Days as a "Public Festival" for Purposes of the City's Noise Restrictions

Enclosed: Resolution 05-11-23D

Prepared by: Brittany Paddock, Recreation Coordinator

RESOLUTION NO. 05-11-23D

A RESOLUTION RECOGNIZING EDGERTON FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR THE PURPOSES OF THE CITY'S NOISE RESTRICTIONS

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to partner with Edgerton Frontier Days Association to provide a safe and enjoyable Edgerton Frontier Days; and

WHEREAS, Article 6 of Chapter XI of the Code of the City of Edgerton regulates the levels of noise and sound within the City but said regulations do not apply when the governing body recognizes the event where the noise and sound is to occur as a "public festival".

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

SECTION ONE: Edgerton Frontier Days a "Public Festival": Edgerton Frontier Days is hereby recognized as a public festival and, therefore, the noise restrictions contained within Article 6 of Chapter XI of the Code of the City of Edgerton shall not apply to noise and sounds made or generated by the public festival to be held on June 16 and 17, 2023.

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

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 11TH DAY OF MAY 2023.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City of Edgerton - 1st Quarter 2023 Report
General Fund (Unaudited)

	YTD Actual	2023 Budget	% Used	Remaining
Revenues:				
Ad Valorem Tax	\$ 1,281,057	\$ 2,377,512	53.9%	\$ (1,096,455)
City TIF Increment	\$ (21,508)	\$ (50,425)	42.7%	\$ 28,917
Delinquent Tax	\$ 2,783	\$ -	n/a	\$ 2,783
Motor Vehicle Tax	\$ 12,255	\$ 53,576	22.9%	\$ (41,321)
Recreational Vehicle Tax	\$ 275	\$ 823	33.4%	\$ (548)
16/20M Vehicle Tax	\$ 146	\$ 488	29.9%	\$ (342)
Local Alcoholic Liquor Tax	\$ 2,953	\$ 9,000	32.8%	\$ (6,047)
Local Comp Use Tax	\$ 119,569	\$ 253,000	47.3%	\$ (133,431)
County Use Tax	\$ 37,501	\$ 122,000	30.7%	\$ (84,499)
Local Sales Tax	\$ 175,600	\$ 540,000	32.5%	\$ (364,400)
County Sales Tax	\$ 101,940	\$ 380,000	26.8%	\$ (278,060)
Franchise Tax	\$ 74,283	\$ 199,000	37.3%	\$ (124,717)
Licenses & Permits	\$ 221,378	\$ 224,000	98.8%	\$ (2,622)
Charges for Services	\$ 30,021	\$ 85,470	35.1%	\$ (55,449)
Fines & Forfeitures	\$ 13,519	\$ 80,000	16.9%	\$ (66,481)
Miscellaneous	\$ 13,591	\$ -	n/a	\$ 13,591
Investment Income	\$ 11,971	\$ 15,000	79.8%	\$ (3,029)
Total Revenue	\$ 2,077,334	\$ 4,289,444	48.4%	\$ (2,212,110)

Expenditures:				
General Government	\$ 250,392	\$ 1,138,238	22.0%	\$ 887,846
Law Enforcement	\$ 12,938	\$ 572,719	2.3%	\$ 559,781
Public Works	\$ 127,653	\$ 721,645	17.7%	\$ 593,992
Parks	\$ 77,510	\$ 336,947	23.0%	\$ 259,437
Facilities	\$ 30,719	\$ 142,424	21.6%	\$ 111,705
Fleet Maintenance	\$ 7,942	\$ 62,250	12.8%	\$ 54,308
Community Development	\$ 79,207	\$ 494,000	16.0%	\$ 414,793
Economic Development	\$ 67,202	\$ 494,775	13.6%	\$ 427,573
Information Technology	\$ 45,789	\$ 89,167	51.4%	\$ 43,378
Employee Benefits	\$ 140,785	\$ 602,718	23.4%	\$ 461,933
Total Expenditures	\$ 840,137	\$ 4,654,883	18.0%	\$ 3,814,746

Sources Over(Under) Expenditures: \$ 1,237,197 \$ (365,439)

Other Financing Sources & Uses

Transfers from Other Funds:

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

Transfers to Other Funds:

Transfer to Equipment Reserve Fund-General	\$ -	\$ (125,000)	0.0%	\$ (125,000)
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -

Total Other Financing Sources & Uses \$ - \$ (119,657)

Beginning Fund Balance	\$ 2,368,806	\$ 1,901,407
Estimated Ending Fund Balance		\$ 1,416,311
Unaudited Ending Fund Balance	\$ 3,606,003	

Reserve Required

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

Budget Authority

2023 Budget Authority	\$ 6,196,192
Remaining 2023 Budget Authority	\$ 5,356,055
% of Budget Authority Used	13.6%

City of Edgerton - 1st Quarter 2023 Report

Water Fund (Unaudited)

	YTD Actual	2023 Budget	% Used	Remaining
Revenues:				
Charges for Services	\$ 115,079	\$ 487,630	23.6%	\$ (372,551.00)
Fines & Forfeitures	\$ 1,528	\$ 20,000	7.6%	\$ (18,472.00)
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 696	\$ 2,500	27.8%	\$ (1,804.00)
Total Revenue	\$ 117,303	\$ 510,130	23.0%	\$ (392,827.00)
Expenditures:				
Fleet Maintenance	\$ 651	\$ 6,075	10.7%	\$ 5,424
Information Technology	\$ 22,700	\$ 51,738	43.9%	\$ 29,038
Production	\$ 61,630	\$ 175,000	35.2%	\$ 113,370
Distribution	\$ 10,112	\$ 63,030	16.0%	\$ 52,918
Administrative-Water	\$ 33,468	\$ 150,151	22.3%	\$ 116,683
Employee Benefits	\$ 10,370	\$ 37,938	27.3%	\$ 27,568
Debt Service	\$ 7,478	\$ 14,957	50.0%	\$ 7,479
Total Expenditures	\$ 146,409	\$ 498,889	29.3%	\$ 352,480
Sources Over(Under) Expenditures:	\$ (29,106)	\$ 11,241		
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Water	\$ -	\$ (15,000)	0.0%	\$ (15,000)
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Total	\$ -	\$ (15,000)		
Beginning Fund Balance	\$ 183,079	\$ 137,901		
Estimated Ending Fund Balance		\$ 134,142		
Unaudited Ending Fund Balance	\$ 153,973			
Reserve Required				
17% of 2023 budgeted expenditures	\$ 84,811			
25% of 2023 budgeted expenditures	\$ 124,722			
Budget Authority				
2023 Budget Authority	\$ 648,031			
Remaining 2023 Budget Authority	\$ 501,622			
% of Budget Authority Used	22.6%			

City of Edgerton - 1st Quarter 2023 Report
Sewer Fund (Unaudited)

	YTD Actual	2023 Budget	% Used	Remaining
Revenues:				
Charges for Services	\$ 110,875	\$ 704,931	15.7%	\$ (594,056)
Licenses & Permits	\$ -	\$ 100	n/a	\$ (100)
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 3,458	\$ 3,500	98.8%	\$ (42)
Total Revenue	\$ 114,333	\$ 708,531	16.1%	\$ (594,198)

Expenditures:				
Fleet Maintenance	\$ 884	\$ 6,075	14.6%	\$ 5,191
Information Technology	\$ 22,700	\$ 51,738	43.9%	\$ 29,038
Treatment Plant	\$ 26,087	\$ 193,772	13.5%	\$ 167,685
Sewer Line Maintenance	\$ 59	\$ 11,700	0.5%	\$ 11,641
Lift Stations/Vaults	\$ 5,102	\$ 35,756	14.3%	\$ 30,654
Administrative-Sewer	\$ 47,723	\$ 235,028	20.3%	\$ 187,305
Employee Benefits	\$ 17,914	\$ 65,055	27.5%	\$ 47,141
Debt Service	\$ 47,219	\$ 194,438	24.3%	\$ 147,219
Total Expenditures	\$ 167,688	\$ 793,562	21.1%	\$ 625,874

Sources Over(Under) Expenditures: \$ (53,355) \$ (85,031)

Transfer from Other Funds:				
Transfer from LPKC Ph 1 PIF	\$ -	\$ 194,438	n/a	\$ 194,438
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Sewer	\$ -	\$ -	n/a	\$ -
Transfer to Capital Projects Fund	\$ -	\$ (50,000)	0.0%	\$ (50,000)
Total	\$ -	\$ 144,438		

Beginning Fund Balance	\$ 570,359	\$ 456,410
Estimated Ending Fund Balance		\$ 515,817
Unaudited Ending Fund Balance	\$ 517,004	

Reserve Required	
17% of 2023 budgeted expenditures	\$ 134,996
25% of 2023 budgeted expenditures	\$ 198,391

Budget Authority	
2023 Budget Authority	\$ 1,359,379
Remaining 2023 Budget Authority	\$ 1,191,691
% of Budget Authority Used	12.3%