

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
May 25, 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 May 11, 2023 Regular City Council Meeting.

Motion: _____ Second: _____ Vote: _____

Regular Agenda

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

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

7. **Presentations** by Representatives from Outside Agencies for 2023 Budget Requests
 - Project Grad, Amanda Lowe
 - Robert Cook Memorial Votech Scholarship, Jim Dean
 - Frontier Days, Nate Eggleston
 - Johnson County Utility Assistance, Joanne Haworth
 - United Community Services (HSF), Christina Ashie Guidry
 - Miami County Conservation District, Kaitlin Knauss
 - ElevateEdgerton!, James Oltman

Business Requiring Action

8. **PUBLIC HEARING FOR ORDINANCE NO. 2137 ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH**

9. **CONSIDER ORDINANCE NO. 2137 ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER RESOLUTION NO. 05-25-23A AUTHORIZING THE CITY TO EXECUTE AND DELIVER A LEASE SUBORDINATION AGREEMENT IN CONNECTION WITH THE ELHC LII, LLC PROJECT**

Motion: _____ Second: _____ Vote: _____

11. **PUBLIC HEARING FOR THE SUBMITTAL OF E 2ND & E HULETT SANITARY SEWER PROJECT APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2024**

12. **CONSIDER SUBMITTAL OF E 2ND & E HULETT SANITARY SEWER PROJECT APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2024**

Motion: _____ Second: _____ Vote: _____

13. **CONSIDER A PROJECT BUDGET ADJUSTMENT FOR THE NELSON STREET FROM EAST 3RD STREET TO WEST 8TH STREET (CARS) PROJECT, INCLUDING 2022 STREET PRESERVATION PROJECT**

Motion: _____ Second: _____ Vote: _____

14. **CONSIDER PROJECT BUDGET ADJUSTMENT FOR THE 2023 STREET PRESERVATION PROGRAM AND AWARD OF CONSTRUCTION TO HARBOUR CONSTRUCTION INC. FOR THE UBAS & ASPHALT OVERLAY PORTION OF THE 2023 STREET PRESERVATION PROGRAM**

Motion: _____ Second: _____ Vote: _____

15. **CONSIDER AWARD OF CONSTRUCTION TO VANCE BROTHERS INC. FOR THE CHIP SEAL PORTION OF THE 2023 STREET PRESERVATION PROGRAM**

Motion: _____ Second: _____ Vote: _____

16. PUBLIC HEARING FOR RESOLUTION NO. 05-25-23B TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

17. CONSIDER RESOLUTION NO. 05-25-23B TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

Motion: _____ Second: _____ Vote: _____

18. CONSIDER RESOLUTION NO. 05-25-23C AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS

Motion: _____ Second: _____ Vote: _____

19. Report by the City Administrator

20. Report by the Mayor

21. Future Meeting Reminders:

- June 8th: City Council Meeting & Work Session – 7:00PM
- June 13th: Planning Commission – 7:00PM
- June 22nd: City Council Meeting & Work Session – 7:00PM
- July 6th: Budget Work Session – 7:00PM
- July 11th: Planning Commission – 7:00PM
- July 13th: City Council Meeting – 7:00PM
- July 27th: City Council Meeting – 7:00PM

22. Adjourn Motion: _____ Second: _____ Vote: _____

EVENTS

May 29: City Offices Closed for Memorial Day
May 31: End of Month Donuts & Yard Games – Bocce Ball and Badminton
June 3: Summer Kickoff Block Party
June 7: Animal Wonders
June 8: Kid Chefs – Pop Tarts
June 9: Red Cross Community Blood Drive
June 12: Kid Craft – Succulent Pot
June 13: Tales for Tots
June 16-17: Frontier Days
June 21: Senior Lunch & BINGO
June 22: Kid Chefs – Pizza
June 24: Intro to Karate
June 28: Cooking Class – Chef Around the World
June 30: Donuts & Yard Games – Horseshoes & Croquet

City of Edgerton, Kansas
Minutes of City Council Regular Session
May 11, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas May 11, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant City Administrator, Meagan Borth
- Marketing & Communications Manager, Kara Banks
- Public Works Director, Dan Merkh
- Development Services Director, Zachary Moore
- Finance Director, Karen Kindle
- 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 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

Councilmember Longanecker moved to approve the Consent Agenda. Councilmember Beem seconded the motion. The consent agenda was approved, 3-0.

Regular Agenda

6. Declaration. There were no declarations made.

7. Public Comments.

There were no public comments made in person, however there was an emailed comment submitted to the City Administrator that Mayor Roberts asked be read during the open meeting. This email was submitted on May 4, 2023 from Michael Klamm, 408 E Nelson St.

City Clerk Alex Clower read the email as transcribed below:

"Would you be able to bring this to the attention of the council that we should look into how this is an ordinance.

I think that anyone that is 16 years of age and older with a DL should be able to ride Electric Scooters on the Edgerton streets. With this said the ordinance should be if you are 16 years of age and older and are riding an electric scooters/bikes/dirt bikes (registered by law for dirt bikes aka tag) on the streets of Edgerton without a DL then you should be ticketed.

We have a high chance of getting hit by a motor vehicle in Olathe, Kansas and other big cities that have the bird scooters available to help lessen the traffic that comes into town. For example Olathe, Kansas just approved the bird scooters along Kansas ave, parker street and old sante fe where the traffic is outrageously busy. They are allowing people to ride them on streets and sidewalks with no problem which is making people responsible for their safety and to be able to ride the scooters by following the law.

A person 16 years and younger without a DL should be with an adult on the sidewalk and the current ordinance should be applied to them. A child under the age of 16 without a DL should not be penalized, it should be the parents responsibility.

Thank you."

Mayor Roberts stated action is not taken on public comment, however if Council would like to bring this item forward for discussion they can do so.

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 AND HOMESTEAD LANE

Mr. Zachary Moore, Development Services Director, stated the following two ordinances for approval this evening are related to the rezoning of about 40 acres of land on the Norwest corner of 199th Street and Homestead Lane. He stated the two parcels are bisected by a creek. He stated the first ordinance for approval is to rezone about 20 acres to the west from Johnson County RUR to City of Edgerton L-P. He stated the following ordinance for approval will rezone the remaining land to the east to C-2. He stated like all requests, this request was reviewed under the Golden Criteria and aligns with the City's Comprehensive Plan. He stated Planning Commission held the public hearing required and voted to approve within stipulations provided.

Councilmember Longanecker asked what the differences are between the two zoning types.

Mr. Moore stated the LP zoning ranges from distribution to many different types of auxiliary uses, including cargo container which would require a conditional use permit. He stated this is

their intended use. He stated C2 zoning allows for many different types of commercial uses, such as restaurants, retail, etc.

Mayor Roberts stated the applicant is in attendance tonight and invited him to address the council.

Mr. Pete Heaven stated he remembers when LPKC was a dream for Edgerton, almost 10 years ago. He stated he represents Whimsy Trucking. He stated the roughly 20 acres will be used for cargo container, which will require permits to be drawn, etc. He stated they concur with the stipulations listed and the actions of planning commission. He stated on the roughly 20-acre parcel, there's about 10 acres of wet land that cannot be developed. He stated the intended use is low intensity of the remaining land.

There were no further questions or comments.

Mayor Roberts then requested motion to approve Ordinance No. 2135 adopting the recommendation of planning commission to approve application ZA2023-02 for the rezoning of 20.55 acres from CTY RUR, Johnson County Rural to LP, City of Edgerton Logistics Park, located at the northwest corner of 199th Street and Homestead Lane.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. Ordinance No. 2135 was approved, 4-0 including Mayor Roberts.

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

Mayor Roberts stated Mr. Moore gave description of the item on the previous summary, he asked if there were any questions or comments for staff or the applicants.

With no questions or comments, Mayor Roberts then requested motion to approve Ordinance No. 2136 adopting the recommendation of planning commission to approve application ZA2023-02 for the rezoning of 19.26 acres from CTY RUR, Johnson County Rural to LP, City of Edgerton Logistics Park, located at the northwest corner of 199th Street and Homestead Lane.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. Ordinance No. 2136 was approved, 4-0 including Mayor Roberts.

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

Ms. Brittany Paddock, Recreation Coordinator, addressed the Council. She stated the next few items on the agenda are related to Frontier Days. She stated included in the packet is a list of street closures requested by the Edgerton Frontier Days committee along with a map to reference the proposed closures and no parking zones. She stated these closures are to ensure a successful and safe event for the community. She stated the event this year takes place from June 16th-23rd. She stated staff has reviewed the proposed closures and do not anticipate any conflicts or issues. She stated the Sheriff's Office, Fire District and Med-Act have been notified.

Councilmember Beem asked if they are handing out flyers like in years past.

Ms. Paddock stated yes, they will notify the surrounding area homes of closures and no parking.

With no further questions or comments Mayor Roberts then requested motion to approve Resolution No. 05-11-23A.

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

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

Ms. Paddock stated like the road closure resolution, the roadways listed for no parking and a map are included in the council packet. She stated residents will be notified within the area of the no parking zones.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 05-11-23B.

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

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

Ms. Paddock stated the Edgerton Frontier Days committee has made requests to use certain city facilities and public spaces. She stated a list has been provided in the council packet, which includes the Downtown Greenspace, City Offices at 312 E Nelson, City Hall outside of normal business hours, and others. She stated also included in this resolution is the approval of certain service requests to support the Frontier Days Festival. These requests are also included in the packet. She stated they include waiving special event permit fee, city to order dumpsters related to the event, no parking signage, event flyer printing, street sweeping before and after event, employees to be public safety liaisons during the event, etc. She stated staff is

recommending approval of the resolution pending submission/proof of special event permit, certificate of insurance for Edgerton Frontier Days and for each vendor.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 05-11-23C.

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

13. CONSIDER RESOLUTION NO. 05-11-23D RECOGNIZING THE EDGERTON FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS

Ms. Paddock stated this resolution for approval is to recognize Frontier Days as a public festival in order to waive the city's noise restrictions during the event.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 05-11-23D.

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

14. Report by the City Administrator

- Q1 2023 Finance Update

Ms. Kindle referenced the first quarter finance report provided. She stated the general fund revenue line items are about where they are expected to be. She reviewed some of the revenue sources and expenditures. She stated the estimated fund balance is within the required reserves and within budget authority.

She stated the water fund revenues are where they are expected to be. She stated we are seeing benefits from higher interest rates. She stated debt service is at 50% because the City has already made the first payment of two this year. She stated this fund is within the reserve and budget authority.

She stated in the sewer fund, the charges for services are a little lower. The city purchased Gardner interest in the plant, so they are no longer sending flow. She stated this fund is within the reserve and budget authority.

There were no questions or comments.

Ms. Linn stated the recreation department is kicking off the first movie night of the year with E.T. at Martin Creek. She stated Brittany acts as the city's liaison for Frontier Days and is getting ready to kick off the busy season for the City's recreation department.

She reminded Council that the Budget Work Session will be held on July 6th, which is an off night for Council. She added that representatives from outside agencies will be in attendance to present their funding requests at the next council meeting.

15. Report by the Mayor

Mayor Roberts stated it was brought up at a previous meeting snow removal in the downtown area. He stated he would like staff to research how other cities handle snow removal adjacent to city property but privately owned. He would like it to be put on the agenda for discussion at an upcoming council meeting.

16. Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 7:28PM.

Submitted by Alexandria Clower, City Clerk

Johnson County Utility Assistance Program Funding Request

City of Edgerton - City Council
May 2023



1

Past to Present

- For over 30 years, Johnson County Government has operated a Utility Assistance & Emergency Assistance program for low-income residents.
- The demand for assistance continues to grow with ever-increasing complex household situations.
- A lasting negative economic impact of COVID-19 continues to affect households.



2

Utility Assistance Program

- Provides financial assistance to qualifying households for past due electric, water, propane, gas, & wastewater utility bills.
- Johnson County Government partners with **14 cities, 5 local utility companies, faith-based organizations, and Community & Family Support Services** to provide assistance for our neighbors in need.

\$489,486 in funds contributed in 2022.



3

Qualifications for Utility Assistance

- Residents must be Johnson County residents and reside in Edgerton to utilize the City of Edgerton funds.
- Residents must be at or below the 200% poverty level. Eligibility is based on the last 30 days of income and must provide income documentation.
- Residents must have a past-due utility bill in their name or need assistance with a current payment plan or assistance getting on a payment plan to receive services.
- Residents must provide a history of the account showing recent payments



4

Dollar Matching

- The City of Edgerton contributes “up to” \$150 per qualifying household. In 2024, we request to increase ‘up to’ \$200 per qualifying household.
- Johnson County Government currently contributes “up to” \$300 per qualifying household.
- Use of additional funds such as Water One, Atmos Gas-Share the Warmth, faith-based, and Community & Family Social Services can also be utilized if available.

City of Edgerton Pledge History

- City of Edgerton has pledged \$2000 annually from 2019-2022. For 2023, \$1500 was pledged.
 - In 2019, \$1,016 was utilized.
 - In 2020, \$744 was utilized.
 - In 2021, \$602 was utilized.
 - In 2022, \$547 was utilized.
 - In 2023, as of May 9th, \$327.28 has been utilized.

Five Year History - Edgerton

	2018	2019	2020	2021	2022
Households Served	13	13	8	6	6
Total amount of Utility Assistance from all sources	\$3,715	\$3,431	\$2,659	\$2,327	\$1,966

Additional Services Provided by the South West Multi-Service Center

- Food Pantry
- Medical Vouchers through Kansas City Medicine Cabinet
- Limited Rental Assistance
- Budgeting
- Resources and Referral
- Case Management

2024 Request for Funding

- In 2023, the City of Edgerton pledged \$1500.
- To date, \$2,704.72 is remaining from the City of Edgerton fund which includes a rollover from the previous year's balance.
- We are requesting \$1500 from the City of Edgerton for the 2024 year.



9

Contact Information

Joanne Haworth
Outreach Services Manager
913-715-8923
Joanne.Haworth@jocogov.org

Multi-Service Centers
Call for appointment
913-715-6653



10



United Community Services
of Johnson County

2024 Human Service Fund (HSF)

Edgerton City Council Meeting
May 25, 2023

Christina Ashie Guidry, Director of Resource Allocation

What is the Human Service Fund?

- A City-County partnership that supports priority health and human services and has been managed by UCS since 1990.
- General tax dollars are awarded to nonprofits which operate vital health and human service programs that meet needs of Johnson County residents who live with income at, below or near federal poverty level.
- Edgerton has invested resources to support services since 2012.

Human Service Fund Focus

- Programs that address well-being, personal safety and stability of JoCo residents.
- Programs that fit within safety net investment components of basic needs, work and incomes supports, or health, wellness and personal safety.
- Primary beneficiaries are residents at or below 200% FPL (\$49,720 for a family of 3)
 - ~15% of the population in Johnson County
 - ~27% of the population in Edgerton
- In 2023, 14 cities and county contributed \$439,040

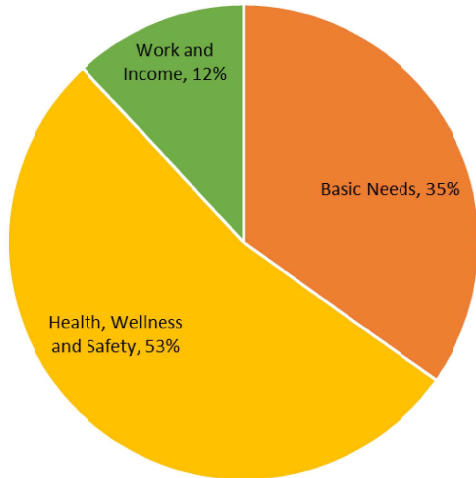


Human Service Fund Impact

- Through a UCS-managed competitive grant process, HSF supports 20 programs in providing safety net services:
 - Small grants of <\$5,000 to growing nonprofits: Community Center of Shawnee, Gateway to Hope, Pathway to Hope
 - Larger grants: CASA, Catholic Charities, El Centro, FosterAdopt, Growing Futures, Habitat for Humanity, Health Partnership Clinic, Hillcrest Transitional Housing, JoCo IHN, KS Children's Service League, Kansas Parents as Teachers, KidsTLC, NCircle, Safehome, Salvation Army Family Lodge, Sunflower House
- In 2022, HSF grantees provided >221,000 units of service provided to >61,000 individuals
 - Over 23,000 medical/dental appointments
 - >45,000 meals
 - >20,000 nights of safe shelter



Distribution of Human Service Funds by Program Type
Total Recommended Grants in 2022: \$410,830



Small Grants Pool Initiative

Indicators of Success

- ❖ Grantees built internal capacity, focused mission, and developed data-driven outcomes
- ❖ Utilized \$18,998 to provide services to over 3,500 Johnson County residents
 - Transportation, mental health services, home accessibility modifications, and work supports
- ❖ Leveraged outcomes and stronger credibility to obtain additional grant funding: REACH, Health Forward, ARPA



2024 Human Service Fund Request

- Since 2012, Edgerton has supported HSF
- In 2023, Edgerton provided \$2,500
- In 2024, requesting \$2,625



Questions?

Thank you!

Direct questions to:

Christina Ashie Guidry

Director of Resource Allocation

United Community Services of Johnson County

(913) 689-2326 (direct); (913) 438-4764 (main office)

christinag@ucsjoco.org





To: Edgerton City Council

From: James Oltman – President, ElevateEdgerton!

Re: 2024 Contract for Economic Development Services

Date: 5/22/2023

Overview

ElevateEdgerton! has been operating as a 501(c)6 membership-based organization since the beginning of 2017. Since formation ElevateEdgerton! has contracted with the City of Edgerton for Economic Development Services and in consultation with the City of Edgerton, ElevateEdgerton! has focused its efforts on residential development recruitment, commercial development recruitment, workforce development efforts and being a resource in the continued growth of Logistics Park Kansas City.

Prior to the formation of ElevateEdgerton! in 2017 the City of Edgerton previously executed a contract for Economic Development Services with the Southwest Johnson County Economic Development Corporation (SWJCEDC) in the amount of \$35,000/yr. At that time, SWJCEDC split their efforts between the City of Edgerton, the City of Gardner, and New Century Airfield.

The purpose/mission of ElevateEdgerton! (EE!) is to promote/facilitate organized growth of the Edgerton, KS and Logistics Park Kansas City (LPKC) community by taking advantage of opportunities available because of the Burlington Northern Santa Fe Intermodal Facility.

2022-2023 ElevateEdgerton! Officers

Chip Corcoran – Chairman - Renaissance Infrastructure Consulting
Eric Goodman – Vice-Chair – BNSF Railways
Mary Nelson – Treasurer – Central Bank of the Midwest
Chris Stara – Secretary – TSL



2022-2023 Edgerton Economic Development Highlights:

- Dwyer Farms Housing Development
- Addition of Goodcents to the Edgerton Community
- Renewal of EDGE Grant program
- Support to Edgerton Elementary PTO for construction of sensory garden at Edgerton Elementary
- Addition of Simmons Pet Food Distribution Center
- JB Hunt Expansion
- TSL Expansion
- ColdPoint Container Storage Construction
- IP IX construction
- Financial contributions to community organizations





2024 Scope of Economic Development Services

- Housing development efforts
 - o Raise awareness in the development community of Edgerton as a viable development market
 - o Maintain and update inventory of properties well positioned for residential development
 - o Meet with potential housing developers about new residential construction in Edgerton
 - o Compile data relevant to aiding housing development efforts
- Retail/commercial recruitment efforts
 - o Continue to assess the needs of the community and proceed accordingly
 - o Maintain and update marketing material specifically geared towards commercial recruitment
 - o Attend events and meetings geared towards active recruitment of retail/commercial
- Workforce
 - o Host monthly HR roundtable for all LPKC tenants
 - o Coordinate LPKC exclusive career fairs
 - o Regional marketing for LPKC employment opportunities
- Represent Edgerton within the following organizations:
 - o Team Kansas
 - o Kansas Economic Development Alliance
 - o Kansas City Area Development Council
 - o Kansas City SmartPort
 - o Johnson County Economic Research Institute
 - o Southern Economic Development Council
 - o Greater Kansas City Foreign Trade Zone
 - o Kansas Housing Association
 - o Johnson County Transportation Council



Financial terms of the 2024 Contract for Economic Development Services:

\$60,000.00 cash contribution

\$10,000 in-kind contributions from City of Edgerton Marketing and Communications employee

\$5,000 targeted allocation – Commercial Development Recruiting Fund – Provides ability to leverage money from other partners for the purpose of commercial development recruitment activities:

- Data Collection – Targeted Industries
- Commercial development related marketing
- Enhance efforts to capitalize on the addition of the On the Go Travel Center and Edgerton Crossing Commercial Developments.

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: May 25, 2023

Agenda Item: Ordinance Establishing a Rural Housing Incentive District and Adopting a Plan for Development of Housing and Public Facilities

Subject: Dwyer Farms Rural Housing Incentive District

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

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

As required by Kansas Statute, the City called a public hearing concerning the establishment of the proposed district for April 13, 2023 at 7:00 p.m. and provided for notice of such hearing as provided in the Act. However, the notice of the April 13, 2023 hearing published in the newspaper was not legible so the City adopted Resolution No. 04-13-23A on April 13, 2023, which also made a finding that the City is considering the establishment of the district and adopting the proposed Plan and called for a continuation of the public hearing concerning the establishment of the proposed district to May 25, 2023 at 7:00 p.m. and provided for notice of such hearing to be published in the newspaper as provided in the Act.

The Ordinance establishes the Rural Housing Incentive District and approves the plan for development of housing and public facilities. The City just held a public hearing on the establishment of the district and the approval of the plan for development. The Governing Body should approve the Ordinance if it desires to establish the district and approve the plan.

[Summary Published in *The Gardner News* on May 31, 2023]

ORDINANCE NO. 2137

AN ORDINANCE ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH

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

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

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

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

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed district in accordance with the Act, a copy of which is attached as **Exhibit A** (the “Plan”); and

WHEREAS, the City adopted Resolution No. 02-23-23A on February 23, 2023, which made a finding that the City is considering the establishment of the district and adopting the proposed Plan and called a public hearing concerning the establishment of the proposed district for April 13, 2023 at 7:00 p.m. and provided for notice of such hearing as provided in the Act; and

WHEREAS, the public hearing was opened on April 13, 2023; and

WHEREAS, the notice of the April 13, 2023 hearing published in the newspaper was not legible so the City adopted Resolution No. 04-13-23A on April 13, 2023, which also made a finding that the City is considering the establishment of the district and adopting the proposed Plan and called for a continuation of the public hearing concerning the establishment of the proposed district to May 25, 2023 at 7:00 p.m. and provided for notice of such hearing to be published in the newspaper as provided in the Act; and

WHEREAS, upon and considering the information and public comments received at the public hearing, the Governing Body of the City hereby deems it advisable to establish the district and adopt the Plan.

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

Section 1. Findings. The Governing Body hereby finds that due notice of the public hearing opened on April 13, 2023 and continued to this date was made in accordance with the provisions of the Act.

Section 2. Establishment of Rural Housing Incentive District. A Rural Housing Incentive District is hereby created within the City in accordance with the provisions of the Act. The boundaries of the district (the “District”) are described as follows:

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

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

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

Section 3. Approval of Development Plan. The Plan for the development or redevelopment of housing and public facilities in the District is hereby approved.

Section 4. Further Action. The Mayor, City Clerk and other officials and employees of the City are hereby further authorized and directed to take such other actions as may be appropriate to accomplish the purposes of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED by the Governing Body of the City of Edgerton, Kansas, this 25th day of May, 2023.

Donald Roberts, Mayor

[SEAL]

ATTEST:

Alexandria Clower, City Clerk

Approved as to form:

Scott W. Anderson, Economic Development Counsel

Exhibit A
Development Plan

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

February 2023

DEVELOPMENT PLAN INTRODUCTION

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

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

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

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

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

DEVELOPMENT PLAN ADOPTION

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

DEVELOPMENT PLAN

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

1. The legal description of the district:

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

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

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

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

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

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

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

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

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

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

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

Suite 100
Fayetteville, Arkansas 72703

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

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

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

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

EXHIBIT A
MAP OF PROPOSED DISTRICT

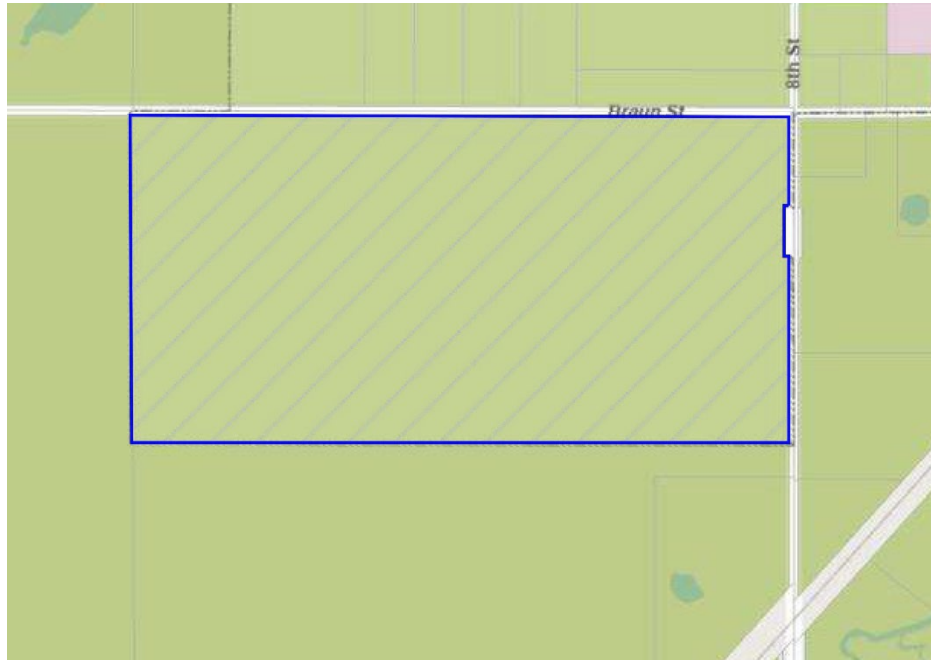


EXHIBIT B

COMPREHENSIVE FINANCIAL FEASIBILITY ANALYSIS



City of Edgerton, Kansas

Kansas LD, LLC
RHID Project Plan

Financial Analysis | October 2022





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

Jeff White
Managing Member
jwhite@columbiacapital.com

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



INTRODUCTION

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

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

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

RELATIONSHIPS

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

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

RELIANCE

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

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

HOUSING NEEDS

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

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

THE PRIVATE IMPROVEMENTS

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

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

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

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

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

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

THE CITY IMPROVEMENTS

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

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

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

USE OF RHID PROCEEDS

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

PRIVATE IMPROVEMENTS/SOURCES AND USES OF FUNDS

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

CITY IMPROVEMENTS/SOURCES AND USES OF FUNDS

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

STATUTORY FINDINGS

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

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

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



Exhibit A—RHID Incentives and City Improvements Cost Modeling



DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

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

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

Assumed Development

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

New Market Value Generated

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

Tax Revenues Generated (Total)

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

Tax Revenues Captured by RHID

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

DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

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

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

Assumed Development

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

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

New Market Value Generated

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

Tax Revenues Generated (Total)

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

Tax Revenues Captured by RHID

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

DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

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

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

Assumed Development

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

New Market Value Generated

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

Tax Revenues Generated (Total)

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

Tax Revenues Captured by RHID

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

DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

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

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

Assumed Development

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

New Market Value Generated

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

Tax Revenues Generated (Total)

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

Tax Revenues Captured by RHID

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

DWYER FARMS

RHID Estimated Production

ASSUMPTIONS

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

Levy Yr	2046
Collect Yr.	2047

Assumed Development

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

New Market Value Generated

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

Tax Revenues Generated (Total)

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

Tax Revenues Captured by RHID

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

DWYER FARMS

City Improvements

ASSUMPTIONS

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

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

Assumed Development

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

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

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

DWYER FARMS

City Improvements

ASSUMPTIONS

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

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

Assumed Development

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

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

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

DWYER FARMS

City Improvements

ASSUMPTIONS

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

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

Assumed Development

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

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

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

DWYER FARMS

City Improvements

ASSUMPTIONS

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

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

Assumed Development

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

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

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

DWYER FARMS

City Improvements

ASSUMPTIONS

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

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

Assumed Development

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

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

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

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

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: May 25, 2023

Agenda Item: Ordinance Authorizing Execution of Lease Subordination

Subject: ELHC LII, LLC Project

Summary:

The City issued industrial revenue bonds for the benefit of ELHC LII, LLC (the “Company”) for an approximately 1,028,880 sq. ft. warehouse and distribution facility located at 20500 Corliss Road (the “Project”). The Company financed the Project on an interim basis. The Company now desires to obtain permanent financing on the Project from USAA Life Insurance Company (the “Lender”).

Resolution:

In order to make the loan, the Lender requires that it have a fee mortgage on the Project. The City is a party to both the Base Lease and Lease Agreement for the industrial revenue bonds. Memorandums of both of these leases have been recorded. In order for the Lender to obtain a fee mortgage, the City must subordinate its interest in the Base Lease and the Lease Agreement to the Lender.

It is common practice to enter into lease subordination agreements on industrial revenue bond financings. The City has done this for many projects in the Logistics Park.

RESOLUTION NO. 05-25-23A

**RESOLUTION AUTHORIZING THE CITY TO EXECUTE AND
DELIVER A LEASE SUBORDINATION AGREEMENT IN
CONNECTION WITH THE ELHC LII, LLC PROJECT**

WHEREAS, the City of Edgerton, Kansas (the “City”) is a duly organized and existing municipal corporation under the laws of the State of Kansas;

WHEREAS, the City issued its Taxable Industrial Revenue Bonds (ELHC LII, LLC Project), Series 2021 (the “Bonds”), in the aggregate maximum principal amount of \$52,000,000, pursuant to a Trust Indenture dated as of June 1, 2021 (the “Indenture”), between the City and UMB Bank, N.A., as trustee (the “Trustee”), for the purpose of acquiring, purchasing, improving, constructing and equipping a commercial project, consisting of an approximately 1,028,880 sq. ft. warehouse and distribution facility, to be located at 20500 Corliss Road in Edgerton, Kansas (the “Project”);

WHEREAS, the Project was leased by ELHC LII, LLC, a Kansas limited liability company (the “Company”) to the City pursuant to a Base Lease Agreement dated as of June 1, 2021 (the “Base Lease”), between the Company and the City, and subleased by the City to the Company pursuant to a Lease Agreement dated as of June 1, 2021 (the “Lease Agreement”), between the City and the Company;

WHEREAS, the Company is requesting that the City execute a Lease Subordination Agreement in the form attached as **Exhibit A** (the “Lease Subordination”), whereby the City will subordinate its interests under the Base Lease and the Lease Agreement to the lender named in the Lease Subordination to allow the Company to refinance the Project; and

WHEREAS, the City desires to execute the Lease Subordination to assist the Company in refinancing the Project;

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

Section 1. Approval of Lease Subordination. The Governing Body hereby approves the Lease Subordination in substantially the form attached hereto as **Exhibit A**.

Section 2. Execution of Lease Subordination. The Mayor of the City is hereby authorized to execute and deliver the Lease Subordination, in substantially the form presented to and reviewed by the City Council at this meeting (a copy of which upon execution shall be filed in the office of the City Clerk), with such changes therein as shall be approved by the Mayor, the Mayor’s signature thereon being conclusive evidence of his approval thereof. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Lease Subordination.

Section 3. Further Authority. The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the City with respect to the Lease Subordination.

Section 4. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED this 25th day of May, 2023.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

Approved as to form:

Scott W. Anderson, Bond Counsel

EXHIBIT A
FORM OF LEASE SUBORDINATION

LEASE SUBORDINATION AGREEMENT

RECORDING REQUESTED BY
AND RETURN TO:

FIRST AMERICAN TITLE INSURANCE COMPANY

LEASE SUBORDINATION AGREEMENT

This Lease Subordination Agreement ("**Agreement**"), made as of _____, 2023, between the CITY OF EDGERTON, KANSAS, a municipal corporation organized and existing under the laws of the State of Kansas ("**Ground Tenant**"), USAA LIFE INSURANCE COMPANY, a life insurance company organized under the laws of Texas ("**Lender**") and ELHC LII, LLC, a Kansas limited liability company ("**Borrower**").

R E C I T A L S

A. On or about June 1, 2021, Borrower ground leased the real property described on Exhibit "A" attached hereto (the "**Premises**") to Ground Tenant, pursuant to a Base Lease Agreement dated as of June 1, 2021 (as amended from time to time, the "**Ground Lease**").

B. Immediately following such Ground Lease, Ground Tenant subleased the Premises to Borrower pursuant to a Lease Agreement dated as of June 1, 2021, a memorandum of which has been recorded as Instrument No. 20210630-0012743 in the public records of Johnson County, Kansas (the "**Lease**").

C. The City's interest in the Ground Lease and the Lease were assigned pursuant to an Assignment of Lease Agreements dated June 23, 2021 by the City to UMB Bank, N.A., a national banking association ("**UMB**"), which is the Trustee under the Trust Indenture dated as of June 1, 2021 between the City and UMB.

D. In connection with the Ground Lease and the Lease, the Borrower and the City entered into the following agreements: (i) an Origination Fee Agreement dated as of June 1, 2021 (the "Origination Fee Agreement"); and (ii) Performance Agreement dated as of June 1, 2021 (the "**Performance Agreement**").

E. Lender has now agreed to make a loan to Borrower in the aggregate amount of FORTY-NINE MILLION EIGHT HUNDRED THOUSAND AND 00/100 DOLLARS (\$49,800,000.00) (the "**Loan**") which will repay the construction loan made by UMB Bank, N.A.

F. The Loan, in part, is evidenced by a Promissory Note dated _____, 2023, in the principal sum of FORTY-NINE MILLION EIGHT HUNDRED THOUSAND AND 00/100 DOLLARS (\$49,800,000.00) (herein, together with all notes issued and accepted in substitution or exchange therefor, and as any of the foregoing may from time to time be modified, extended, renewed, consolidated, restated or replaced, called the "**Note**"), executed by Borrower and payable to Lender.

G. The Loan is secured, in part, by a Mortgage, Security Agreement and Fixture Filing dated _____, 2023, made by Borrower in favor of Lender and to be recorded in the public

records of Johnson County, Kansas (herein, together with any and all modifications or amendments thereto, called the “**Mortgage**”).

H. Lender has required, as a condition precedent to making of the Loan, in addition to the leasehold mortgage and other documents executed by Borrower in favor of Lender, that Ground Tenant subordinate its leasehold interest in the Ground Lease and otherwise agree as hereinafter set forth.

Capitalized terms used herein and not otherwise defined shall have the meaning set forth in the Ground Lease.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Estoppel.** As of the date of this Agreement, the Lease, the Ground Lease, Origination Fee Agreement and Performance Agreement are in full force and effect; no default has occurred by either the City or the Borrower under the terms of the Lease, the Ground Lease, Origination Fee Agreement or Performance Agreement and there is no existing condition, but for the passage of time or the giving of notice, or both, would result in a default under any of the Lease, the Ground Lease, Origination Fee Agreement and/or the Performance Agreement; the Completion Date has occurred.
2. **Leasehold Mortgage.** The City acknowledges that the Lender is the holder of a Leasehold Mortgage and is entitled to all protections under Section 10.4 of the Lease including, without limitation the right to receive notices of default under Section 10.4(d) of the lease (which would include notice that Borrower is in default under the Performance Agreement and/or Origination Fee Agreement) and the right to cure defaults under Section 10.4(d)(iv) and (vii) of the Lease. The address to which notices are to be sent to Lender is set forth in Section 8 hereof.
3. **Subordination.** The Ground Lease is and at all times shall be subordinate to the Mortgage and all renewals, modifications and amendments thereof and thereto and to all other documents securing the Loan.
4. **Termination.** Ground Tenant agrees that upon completion of any foreclosure proceedings with respect to the Premises or upon any conveyance of the Premises in lieu of foreclosure, the Ground Lease shall, except as otherwise provided in Section 5 hereof, terminate and be of no further force or effect. Upon any such termination: (a) the Ground Lease shall immediately terminate; (b) all of Ground Tenant’s rights with respect to the Premises shall immediately cease; (c) Lender and its Successors (as hereinafter defined) shall have no liability to Ground Tenant with respect with respect to the Ground Lease, the Performance Agreement, the Origination Fee Agreement or the Premises. For the purposes hereof, the Lender’s “Successors” shall mean: (i) each of the Lender’s successors and assigns; and (ii) each purchaser at a foreclosure or conveyance in lieu of foreclosure.
5. **Lease.** Ground Tenant and Borrower, agree that upon termination of the Ground Lease pursuant to this Agreement, the Lease shall terminate and be of no further force or effect. Notwithstanding anything to the contrary contained in the Ground Lease or the Lease,

Ground Tenant agrees to deliver to Lender physical possession of, and title to, by quitclaim deed and bill of sale, any improvement or other personal property located on the Premises upon termination of the Ground Lease, which conveyance shall be, as is, where is and subject to damage, destruction or taking by eminent domain.

6. **Obligations.** Ground Tenant acknowledges that neither Lender nor any successor shall have any obligation to indemnify, or to assume the indemnification obligations of any third party, on account of any early termination of the Ground Lease or the Lease or with respect to any other matters set forth in the Ground Lease.
7. **Attornment.** Lender or its Successor has the right, by giving written notice to Ground Tenant, to elect to keep the Ground Lease in full force and effect following the completion of any foreclosure proceeding or conveyance in lieu thereof, in which event neither the Lender nor any Successor shall: (a) be liable to the Ground Tenant for any past act, omission or default on the part of the Borrower; (b) be subject to any offsets or deficiencies which Ground Tenant might be entitled to assert against the Borrower as landlord under the Ground Lease; (c) be obligated to perform any construction or other improvements to the Premises; and/or (d) be obligated to indemnify the Ground Tenant in connection with any subsequent termination of the Ground Lease or the Lease by Lender or Successor; provided however that Lender or its Successor shall remain obligated to make the payments under Section 2.3 of the Performance Agreement and Section 2.1 of the Origination Fee Agreement.
8. **Notices.** All notices, demands, requests, consents or approvals and other communications required or permitted hereunder will be in writing, and will be addressed to such party at the address set forth below or to such other address as any party may give to the other in writing for such purpose:

If to Borrower:

ELHC LII, LLC
4825 NW 41st Street, Suite 500
Riverside, Missouri 64150
Attention: Nathaniel Hagedorn
Telephone: (816)-888-7380

With a copy to:

Levy Craig Law Firm
4520 Main Street, Suite 1600
Kansas City, Missouri 64111
Attention: Scott Seitter
Telephone: (815) 460-1821

If to Ground Tenant:

Attention: _____
Telephone: _____

With a copy to:

Attention: _____
Telephone: _____

If to Lender:

USAA Life Insurance Company
c/o Affinius Capital Advisors LLC
9830 Colonnade Boulevard, Suite 600
San Antonio, Texas 78230
Attention: Asset Manager, Capital Markets

With a copy to:

USAA Life Insurance Company
c/o Affinius Capital Advisors LLC
9830 Colonnade Boulevard, Suite 600
San Antonio, Texas 78230
Attention: General Counsel

All such communications, if personally delivered, will be conclusively deemed to have been received by a party hereto and to be effective when so delivered; if sent by overnight courier service, on the day after deposit thereof with such service; or if sent by certified or registered mail, on the later of the date received or the date delivery is refused.

9. **Successors and Assigns.** This Agreement will be binding upon and inure to the benefit of Borrower, Ground Tenant, and Lender and their respective successors and assigns, provided, however, that neither Borrower nor Ground Tenant may assign this Agreement in whole or in part without the prior written consent of Lender and Lender at any time may assign this Agreement in whole or in part to any person or entity.
10. **Continued Effectiveness of this Agreement.** The terms of this Agreement and the rights and obligations of Lender, the Ground Tenant, and Borrower arising hereunder will not be

affected, modified or impaired in any manner or to any extent by (a) any renewal, replacement, amendment, extension, substitution, revision, consolidation, modification or termination of or any of the Loan; (b) the validity or enforceability of any document evidencing or securing the Loan; (c) the release, sale, exchange for surrender, in whole or in part, of any collateral security, now or hereafter existing, for any of the Loan; (d) any exercise or nonexercise of any right, power or remedy under or in respect of the Loan; or (e) any waiver, consent, release, indulgence, extension, renewal, modification, delay or other action, inaction or omission in respect of the Loan, all whether or not the Ground Tenant had notice or knowledge of any of the foregoing and whether or not it will have consented thereto.

11. **Counterpart.** This Agreement may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed will be deemed to be an original and all of which taken together will constitute one and the same agreement.
12. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.

[Signature Pages Follow]

Executed in and to be governed by the laws of the State of Ohio as of the date first above written.

BORROWER

ELHC LII, LLC, a Kansas limited liability company

By: NPD Management, LLC, a Missouri limited liability company, Manager

By: _____
Name: Nathaniel Hagedorn
Title: Manager

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 2023, before me, a notary public in and for the above county and state, personally appeared Nathaniel Hagedorn, the Manager of NPD Management, LLC, a Missouri limited liability company, the Manager of ELHC LII, LLC, a Kansas limited liability company, who acknowledged that he signed the foregoing instrument on behalf of the company.

Notary Public
My commission expires:

[Borrower Signature Page to Lease Subordination Agreement]

GROUND TENANT:

CITY OF EDGERTON, KANSAS

By: _____
Name: _____
Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

On this ____ day of _____, 2023, before me, a notary public in and for the above
county and state, personally appeared _____, the
_____ of the CITY OF EDGERTON, KANSAS, a municipal
corporation organized under the laws of the State of Kansas, who acknowledged that he signed the
foregoing instrument on behalf of the City.

Notary Public
My commission expires:

LENDER:

USAA LIFE INSURANCE COMPANY, a life insurance company organized under the laws of Texas

By: Affinius Capital Advisors LLC, a Texas limited liability company, its authorized agent

By: Affinius Capital LLC, a Delaware limited liability company, its sole member

By: _____
Name: _____
Title: _____

STATE OF)
) SS:
COUNTY OF)

On this ____ day of _____, 2023, before me, a notary public in and for the above county and state, personally appeared _____, _____ of Affinius Capital LLC, a Delaware limited liability company, as sole member of Affinius Capital Advisors LLC, a Texas limited company, as authorized agent of USAA Life Insurance Company, a life insurance company organized under the laws of Texas, who acknowledged that he signed the foregoing instrument on behalf of the company.

Notary Public
My commission expires:

ACKNOWLEDGMENT OF UMB

The undersigned is executing this Agreement for acknowledgement purposes at the request of Borrower.

UMB:

UMB BANK, N.A.

By: _____

Name: _____

Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

On this ____ day of _____, 2023, before me, a notary public in and for the above county and state, personally appeared _____, the _____ of the UMB Bank, N.A., a national bank association, who acknowledged that he signed the foregoing instrument on behalf of the association.

Notary Public

My commission expires:

This instrument was prepared by:

INSTRUMENT PREPARED BY:

[Lender Signature Page to Lease Subordination Agreement]

EXHIBIT A

DESCRIPTION OF PROPERTY

City Council Action Item

Council Meeting Date: May 25, 2023

Department: Utilities

Agenda Item: Consider Submittal of E 2nd & E Hulett Sanitary Sewer Project Application to Johnson County for Community Development Block Grant (CDBG) Funding for 2024

Background/Description of Item:

Each year Johnson County invites cities to submit applications for Community Development Block Grant (CDBG) funds made available by the federal government. Johnson County states that the primary goal of Johnson County's Community Development program is to provide federal financial assistance to eligible applicants for the purpose of community development. Toward this goal, the County has identified a number of strategic priorities.

1. Complete/advance existing projects approved by voters and the Board of County commissioners with efficiency and effectiveness.
2. Strengthen and finance the appropriate level of service to meet the needs of the County's vulnerable populations, pursuing innovative strategies.
3. Develop a creative and innovative vision for a transit plan that is fiscally stable.
4. Focus on developing innovative initiatives that enhance operational effectiveness and efficiency, levels of customer service and stewardship.

Typically, Edgerton has applied for CDBG projects every other year due to the fact that we apply for \$200,000, the two-year maximum award amount. However, in 2023 we did not receive the applied for amount. In response, staff recommends applying for funding in 2024 to continue maximizing available outside funding to leverage city dollars to continue the replacement of aging city infrastructure.

The E 2nd & E Hulett Sanitary Sewer Project is an eligible Public Facilities and Improvement project for use of CDBG funds. Additionally, all of Edgerton is within a Census Block Group that qualifies for funding by area benefit. The E 2nd and E Hulett Sanitary Sewer Project area would be north of the 2023 CDBG Project. The Project would consist of Cured In Place Pipe (CIPP), Manhole Patches, and Point Repairs. Quantities of each repair type will be analyzed by an engineer but anticipated to be approximately three to six thousand (3,000-6,500) linear feet of CIPP. The project will be sized to maximize budget dollars should the market change drastically before bidding occurs or the award amount differs from the amount applied for.

The project will continue the City's replacement of aging sanitary sewer infrastructure to reduce the amount of Inflow and Infiltration (I&I) from this area. I&I is the wastewater system receiving stormwater, then conveying it to the plant for treatment.

Cities who are interested in submitting a CDBG application to the County are required to obtain the views of citizens through at least one public hearing held before the City Council and advertised at least fourteen (14) days in advance in the city's newspaper of record. The public comment period begins on the day after publication. The City of Edgerton published a Public Hearing Notice in the Gardner News on May 10th. At time of preparation of the packet, the City has received no comments. The City will hold a Public Hearing on Thursday, May 25th prior to considering this item.

CDBG is a reimbursement program in which cities may apply for up to \$200,000 every two years, or \$100,000 annually. CDBG funds do not have a required match. However, the City is expected to provide leveraged funds in accordance with its financial capability. The application must contain verifiable statements indicating that the local leveraged funds represent the maximum amount available for the activity and that without the requested CDBG funds the activity could not be completed. However, those costs may be documented and used as local leveraged funds. Staff recommends applying for \$200,000 CDBG funding for 2024, to be used together with \$53,300 of unused sewer funds from 2023 CDBG project. If the City is awarded all \$200,000, we would be ineligible to apply for funds in 2025.

This Project is not currently included in the approved 2023-2027 Capital Improvement Plan, because at time of approval the City anticipated being ineligible to apply. If the City is successful in being awarded a grant, staff will include the project with a recommendation for funding during this year's CIP discussion.

Related Ordinance(s) or Statue(s):

Funding Source: Sewer Fund: \$53,500
CDBG: \$200,000

Budget Allocated: N/A

Finance Director Approval: ☒ Karen E. Kindle
Karen Kindle, Finance Director

Recommendation: Approve Submittal of Application to Johnson County for E 2nd & E Hulett Sanitary Sewer Project for Community Development Block Grant (CDBG) Funding for 2024

Enclosed:

Notice of Public Hearing

Prepared by:

Dan Merkh, Public Works Director

NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested parties, groups, and residents that the City of Edgerton will hold a public hearing on May 25, 2023 at 7:00 PM at the following location:

Edgerton City Hall, 404 E. Nelson Street, Edgerton, KS

The purpose of the public hearing is to receive input and funding proposals from the public on the possible use of Community Block Grant (CDBG) funds in resolving local community development and housing needs. CDBG funds may be used to carry out eligible activities including, but not limited to, housing rehabilitation, public improvements, economic development, and public services. All CDBG projects must address one of three national objectives: 1) benefit low and moderate income persons; 2) aid in the prevention or elimination of slums or blight; and/or 3) meet other community development needs having a particular urgency.

The City is considering an application to the Johnson County CDBG program for Fiscal Year 2024. Those interested in community development and housing needs in the City should attend and make their ideas known. Written comments are also invited.

Dated this 10th of May, 2023.

Alex Clower
City Clerk
404 E. Nelson Street
Edgerton, Kansas 66021
(913) 893-6231



EDGERTON
global routes. local roots.

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

City Council Action Item

Council Meeting Date: May 25, 2023

Department: Public Works

Agenda Item: Consider a Project Budget Adjustment for the Nelson Street from East 3rd Street to West 8th Street (CARS) Project, including 2022 Street Preservation Project

Background/Description of Item:

As part of the ERP Software Implementation, staff has been migrating data from our legacy system to our new Tyler Technologies ERP system. During an internal QA/QC inspection of this data migration, staff discovered two project accounts had been created for 2022 annual street maintenance activities (2022 CARS Nelson Street Project and the 2022 Street Preservation Program).

Below is a history of those project approvals and budget.

ACTION	BUDGET	EXPENDITURE
2022 CARS Project Approved by City Council in CIP	\$202,300	
2022 Street Preservation Approved by City Council in CIP	\$76,980	
TOTAL PROJECT BUDGET	\$279,280	
Contract Awarded to McAnany Construction		\$276,742.66
City Council Added Unused 2021 Street Preservation Program funds to 2022	+\$3,645	
Final Change Order		\$13,024.66
City Council Authorize Additional Budget	+\$7,472.32	
NEW TOTAL PROJECT BUDGET VS. EXPENDITURES	\$289,767.32	\$289,767.32

Due to the error in two accounts, unaccounted expenditures mostly for design of the CARS project totaling \$19,029 not previously accounted for. To properly close out the 2022 projects and accurately reflect the project budget versus expenditures, Staff recommends approving a project budget adjustment from \$289,767.32 to \$308,795 by allocating \$19,029 additional funds from the Unallocated Fund Balance/Reserves.

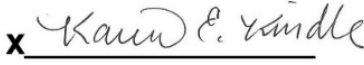
The 2022 City of Edgerton Financial Statements as presented by the auditor show \$270,025 in unallocated funds added to reserves due to 2022 receipts over 2022 expenditures.

Staff has implemented procedures to prevent this error in the future.

Related Ordinance(s) or Statue(s):

Funding Source: Special Highway Fund, Street Excise Tax Fund & General Fund, Johnson County CARS Program, Public Works Operating Budget

Budget Allocated: Nelson Street from E 3rd to W 8th & 2022 Street Preservation Program Budget \$289,767.32

Finance Director Approval: ☒ 
Karen Kindle, Finance Director

Recommendation: Approve a Project Budget Adjustment for the Nelson Street from East 3rd Street to West 8th Street (CARS) Project, including 2022 Street Preservation Project in the amount of \$19,029 from General Fund Unallocated Fund Balance/Reserves

Enclosed:

Prepared by: Dan Merkh, Public Works Director

City Council Action Item

Council Meeting Date: May 25, 2023

Department: Public Works

Agenda Item: Consider Project Budget Adjustment for the 2023 Street Preservation Program and Award of Construction to Harbour Construction Inc. for the UBAS & Asphalt Overlay portion of the 2023 Street Preservation Program

Background/Description of Item:

On February 9, 2023, staff presented the 2023 Street Preservation Program to the City Council. Following this council meeting, the 2023 Street Preservation Program RFP went out for submission. This project has two different maintenance methods, both consist of the base bid, with two (2) alternates. The bid documents included quantities 2023 Street Preservation Project. The Project Budget is \$158,063 as identified in the approved CIP.

On Tuesday, April 11, 2023, the City held a public bid opening and received three (3) bids for UBAS & Asphalt Overlay Program and two (2) bids for the Chip Seal Program, all of which were opened and read aloud to the public.

The bids for the UBAS & Asphalt Overlay Program ranged from \$124,575 to 142,705. The Engineer's Estimate was provided by BG Consulting and is \$104,800. The bids exceed the estimate; therefore, staff recommend waiving the Engineer's Estimate and awarding the project to the low bid from Harbour Construction.

The bids for the Chip Seal Program ranged from \$63,240 to \$65,010. The Engineer's Estimate was provided by BG Consulting and is \$42,250. The bids exceed the estimate; therefore, staff recommend waiving the Engineer's Estimate and awarding the project to the low bid from Vance Brothers.

The combined bids for the programs total \$187,815, the project budget is \$158,063. The difference is \$29,752. The project manual allows the City to match bid quantities to align with budgeted funds. After reviewing the bids and the proposed project scope, staff recommend allocating additional funding.

Over the last several years the overall project cost related to the Street Preservation Program have been difficult to estimate. To identify trends or the reasons behind the fluctuation in pricing staff reviewed historical data over the last three (3) years. We analyzed the cost per unit as well as the size of the project.

Street Preservation Program 2021-2023: Bid Tabulation Comparison

UBAS:

2021 - \$10.10 per square yard;	project size – 4,700 square yards
2022 - \$8.38 per square yard;	project size – 18,247 square yards
2023 - \$12.00 per square yard;	project size – 2,100 square yards

Chip Seal:

2021 - \$3.29 per square yard	project size – 14,000 square yards
2022 – No data	
2023 - \$4.80 per square yard	project size – 11,500 square yards

Curb & Gutter:

2021 - \$60.00 per linear foot	project size – 150 linear feet
2022 - \$71.40 per linear foot	project size – 1,580 square yards
2023 - \$85.00 per linear foot	project size – 200 linear feet

While there are several reasons that the pricing changes from year to year, or from medium to medium, one of the most noticeable differences is in the quantities bid on in each program. Another major factor is the rising cost across the board, as we have previously discussed with several other projects throughout the last couple of years.

Options for 2023 Street Preservation Program

With the submissions/bids for the 2023 Street Preservation Program coming in at 30% above the engineers estimate, staff developed three options for City Council to consider that would align the scope of services with the allocated budget. These options are outlined in the following section. Additionally, the Project Manual allows the city to match bid quantities to the available budget or reject the bids in total.

Option #1 (Contractor with Reserves): Award the 2023 Street Preservation Program in totality to the lowest/best bidders as bid.

Budget: Contracted total would be \$187,815. This exceeds the allocated project budget (\$158,063) by \$29,752. Would require a budget adjustment in the amount of \$29,752. Staff recommends use of funds from Unallocated Fund Balance/General Fund Reserves.

PRO	CON
Keeps the entire scope of the project as bid in the RFP	Requires allocation of additional funding
Ease of coordination of work as all work done by Contractor	
Requires very little allocation of staff resources from Public Works other than coordination and inspection	

Option #2 (Patching by PW with Reserves): Remove the Asphalt Patching line item from Contractor. Perform that work in house by Public Works Staff.

Budget: Contracted total would be \$167,815 with removal of asphalt patching line item. Public Works would need \$12,000 in materials to perform asphalt patching in house. Total project cost \$179,815. This exceeds the allocated project budget (\$158,063) by \$21,752. Would require a budget adjustment in the amount of \$21,752. Staff recommend use of funds from Unallocated Fund Balance/General Fund Reserves.

PRO	CON
Keeps the scope of the project close to the submitted bid	Estimated work would take 45 days for the Public Works to complete. Includes a buffer for inclement weather or other competing issues.
Lowers amount of budget adjustment needed	Is significant more asphalt patching than PW typically completes in a year
	Would prioritize PW resources to asphalt patching over other activities typically completed during busy warm weather season (i.e. other street maintenance activities, stormwater repair and maintenance, sidewalk maintenance with ADA improvements)
	Would require coordination with Contractor to insure patching complete as necessary prior to contracted work

Option #3 (Patching by PW with Operating Budget): Remove the Asphalt Patching line item from Contractor. Perform that work in house by Public Works Staff. Scope of work for Option #2 vs Option #3 is the same with the exception of method of funding.

Budget: Contracted total would be \$167,815 with removal of asphalt patching line item. Total project cost would be \$167,815. This exceeds the allocated project budget (\$158,063) by \$9,752. Would require a budget adjustment in the amount of \$9,752. Staff recommend use of funds from Unallocated Fund Balance/General Fund Reserves.

Public Works would need \$12,000 in materials to perform asphalt patching in house. This cost would be absorbed by 2023 Public Works Operating Budget for street maintenance activities. This allocation would use ALL funds dedicated in the PW Operating Budget for street maintenance.

PRO	CON
Keeps the scope of the project close to the submitted bid	Estimated work would take 45 days for the Public Works to complete. Includes a buffer for inclement weather or other competing issues.
Lowers amount of budget adjustment needed	Is significant more asphalt patching than PW typically completes in a year
	Would prioritize PW resources to asphalt patching over other activities typically completed during busy warm weather season (i.e. other street maintenance activities, stormwater repair and maintenance, sidewalk maintenance with ADA improvements)
	Would require coordination with Contractor to insure patching complete as necessary prior to contracted work
	Removes all funding for remainder of 2023 for street maintenance activities reducing the department's ability to respond to emergency street maintenance repairs
	Would postpone street maintenance activities planned for 2023 to provide available funding

Recommendation for 2023 Street Preservation Program

Based on the above analysis, Staff recommends Option 1 as described above to approve a budget adjustment of \$29,752 from general fund unallocated fund balance/reserves and award the 2023 Street Preservation Program to the two lowest/best bidders.

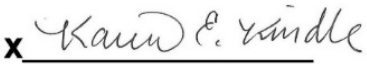
The 2022 City of Edgerton Financial Statements as presented by the auditor show \$270,025 in unallocated funds added to reserves due to 2022 receipts over 2022 expenditures. The lowest and best bidders for the 2023 Street Preservation Program are listed below.

UBAS & Asphalt Overlay Program:	Harbour Construction	\$124,575
Chip Seal Program:	Vance Brothers	<u>\$ 63,240</u>
		\$187,815

Related Ordinance(s) or Statue(s):

Funding Source: Special Highway Fund, PIF Maintenance Fee & General Fund

Budget Allocated: 2023 Street Preservation Program: \$158,063

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

Recommendation: Approve Project Budget Adjustment of \$29,752 from General Fund Unallocated Fund Balance/Reserves for the 2023 Street Preservation Program and Award of Construction to Harbour Construction Inc. for the UBAS & Asphalt Overlay portion of the 2023 Street Preservation Program

Enclosed: Bid Tabulation

Prepared by: Dan Merkh, Public Works Director

City Council Action Item

Council Meeting Date: May 25, 2023

Department: Public Works

Agenda Item: Consider Award of Construction to Vance Brothers Inc. for the Chip Seal portion of the 2023 Street Preservation Program

Background/Description of Item:

On February 9, 2023, staff presented the 2023 Street Preservation Program to the City Council. Following this council meeting, the 2023 Street Preservation Program RFP went out for submission. This project has two different maintenance methods, both consist of the base bid, with two (2) alternates. The bid documents included quantities 2023 Street Preservation Project. The Project Budget is \$158,063 as identified in the approved CIP.

On Tuesday, April 11, 2023, the City held a public bid opening and received three (3) bids for UBAS & Asphalt Overlay Program and two (2) bids for the Chip Seal Program, all of which were opened and read aloud to the public.

The bids for the UBAS & Asphalt Overlay Program ranged from \$124,575 to 142,705. The Engineer's Estimate was provided by BG Consulting and is \$104,800. The bids exceed the estimate; therefore, staff recommend waiving the Engineer's Estimate and awarding the project to the low bid from Harbour Construction.

The bids for the Chip Seal Program ranged from \$63,240 to \$65,010. The Engineer's Estimate was provided by BG Consulting and is \$42,250. The bids exceed the estimate; therefore, staff recommend waiving the Engineer's Estimate and awarding the project to the low bid from Vance Brothers.

The combined bids for the programs total \$187,815, the project budget is \$158,063. The difference is \$29,752. The project manual allows the City to match bid quantities to align with budgeted funds. After reviewing the bids and the proposed project scope, staff recommend allocating additional funding.

Over the last several years the overall project cost related to the Street Preservation Program have been difficult to estimate. To identify trends or the reasons behind the fluctuation in pricing staff reviewed historical data over the last three (3) years. We analyzed the cost per unit as well as the size of the project.

Street Preservation Program 2021-2023: Bid Tabulation Comparison

UBAS:

2021 - \$10.10 per square yard;	project size – 4,700 square yards
2022 - \$8.38 per square yard;	project size – 18,247 square yards
2023 - \$12.00 per square yard;	project size – 2,100 square yards

Chip Seal:

2021 - \$3.29 per square yard	project size – 14,000 square yards
2022 – No data	
2023 - \$4.80 per square yard	project size – 11,500 square yards

Curb & Gutter:

2021 - \$60.00 per linear foot	project size – 150 linear feet
2022 - \$71.40 per linear foot	project size – 1,580 square yards
2023 - \$85.00 per linear foot	project size – 200 linear feet

While there are several reasons that the pricing changes from year to year, or from medium to medium, one of the most noticeable differences is in the quantities bid on in each program. Another major factor is the rising cost across the board, as we have previously discussed with several other projects throughout the last couple of years.

Options for 2023 Street Preservation Program

With the submissions/bids for the 2023 Street Preservation Program coming in at 30% above the engineers estimate, staff developed three options for City Council to consider that would align the scope of services with the allocated budget. These options are outlined in the following section. Additionally, the Project Manual allows the city to match bid quantities to the available budget or reject the bids in total.

Option #1 (Contractor with Reserves): Award the 2023 Street Preservation Program in totality to the lowest/best bidders as bid.

Budget: Contracted total would be \$187,815. This exceeds the allocated project budget (\$158,063) by \$29,752. Would require a budget adjustment in the amount of \$29,752. Staff recommends use of funds from Unallocated Fund Balance/General Fund Reserves.

PRO	CON
Keeps the entire scope of the project as bid in the RFP	Requires allocation of additional funding
Ease of coordination of work as all work done by Contractor	
Requires very little allocation of staff resources from Public Works other than coordination and inspection	

Option #2 (Patching by PW with Reserves): Remove the Asphalt Patching line item from Contractor. Perform that work in house by Public Works Staff.

Budget: Contracted total would be \$167,815 with removal of asphalt patching line item. Public Works would need \$12,000 in materials to perform asphalt patching in house. Total project cost \$179,815. This exceeds the allocated project budget (\$158,063) by \$21,752. Would require a budget adjustment in the amount of \$21,752. Staff recommend use of funds from Unallocated Fund Balance/General Fund Reserves.

PRO	CON
Keeps the scope of the project close to the submitted bid	Estimated work would take 45 days for the Public Works to complete. Includes a buffer for inclement weather or other competing issues.
Lowers amount of budget adjustment needed	Is significant more asphalt patching than PW typically completes in a year
	Would prioritize PW resources to asphalt patching over other activities typically completed during busy warm weather season (i.e. other street maintenance activities, stormwater repair and maintenance, sidewalk maintenance with ADA improvements)
	Would require coordination with Contractor to insure patching complete as necessary prior to contracted work

Option #3 (Patching by PW with Operating Budget): Remove the Asphalt Patching line item from Contractor. Perform that work in house by Public Works Staff. Scope of work for Option #2 vs Option #3 is the same with the exception of method of funding.

Budget: Contracted total would be \$167,815 with removal of asphalt patching line item. Total project cost would be \$167,815. This exceeds the allocated project budget (\$158,063) by \$9,752. Would require a budget adjustment in the amount of \$9,752. Staff recommend use of funds from Unallocated Fund Balance/General Fund Reserves.

Public Works would need \$12,000 in materials to perform asphalt patching in house. This cost would be absorbed by 2023 Public Works Operating Budget for street maintenance activities. This allocation would use ALL funds dedicated in the PW Operating Budget for street maintenance.

PRO	CON
Keeps the scope of the project close to the submitted bid	Estimated work would take 45 days for the Public Works to complete. Includes a buffer for inclement weather or other competing issues.
Lowers amount of budget adjustment needed	Is significant more asphalt patching than PW typically completes in a year
	Would prioritize PW resources to asphalt patching over other activities typically completed during busy warm weather season (i.e. other street maintenance activities, stormwater repair and maintenance, sidewalk maintenance with ADA improvements)
	Would require coordination with Contractor to insure patching complete as necessary prior to contracted work
	Removes all funding for remainder of 2023 for street maintenance activities reducing the department's ability to respond to emergency street maintenance repairs
	Would postpone street maintenance activities planned for 2023 to provide available funding

Recommendation for 2023 Street Preservation Program

Based on the above analysis, Staff recommends Option 1 as described above to approve a budget adjustment of \$29,752 from general fund unallocated fund balance/reserves and award the 2023 Street Preservation Program to the two lowest/best bidders.

The 2022 City of Edgerton Financial Statements as presented by the auditor show \$270,025 in unallocated funds added to reserves due to 2022 receipts over 2022 expenditures. The lowest and best bidders for the 2023 Street Preservation Program are listed below.

UBAS & Asphalt Overlay Program:	Harbour Construction	\$124,575
Chip Seal Program:	Vance Brothers	<u>\$ 63,240</u>
		\$187,815

Related Ordinance(s) or Statue(s):

Funding Source: Special Highway Fund, PIF Maintenance Fee & General Fund

Budget Allocated: 2023 Street Preservation Program: \$158,063

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

Recommendation: Approve Award of Construction to Vance Brothers Inc. for the Chip Seal portion of the 2023 Street Preservation Program

Enclosed: Bid Tabulation

Prepared by: Dan Merkh, Public Works Director

City Council Action Item

Council Meeting Date: May 25, 2023

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-25-23B Temporarily Waiving City Prohibition As To The Sale And Consumption Of Alcoholic Liquor On Certain Public Property

Background/Description of Item:

Edgerton Frontier Days will be held June 16-17, 2023. The Edgerton Frontier Days Committee has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the Festival.

Chapter III, Article I, Section 3-202 of the Code of the City of Edgerton prohibits serving cereal malt beverages or alcoholic liquor within 200 feet of any church, school, nursing home, library, or hospital. This prohibition may be waived by the governing body after public notice, followed by a hearing and finding by the governing body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not adverse to the public welfare or safety.

City Council will hold a Public Hearing on May 25, 2023 prior to considering this resolution.

If approved, Resolution No. 05-25-23B would grant the waiver requested by the Frontier Days Association, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street including the intersection of East Nelson Street and East 4th Street (specifically designated and approved by the City Administrator)
- Between the hours of 6:00 pm and 11:59 pm on June 16, 2023
- Between the hours of 2:00 pm and 11:59 pm on June 17, 2023
- Point of sale for alcoholic liquor shall be from a covered tent on the gravel drive next to the greenspace at 311 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

City staff will inform the Johnson County Sheriff's Office of the proposed request to serve alcoholic liquor on the above dates and hours.

Related Ordinance(s) or Statue(s): Chapter III, Article I, Section 3-202

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

<p>Recommendation: Approve Resolution No. 05-25-23B Temporarily Waiving City Prohibition As To The Sale And Consumption Of Alcoholic Liquor On Certain Public Property</p>

Enclosed: Draft Resolution No. 05-25-23B

Prepared by: Brittany Paddock, Recreation Coordinator

RESOLUTION NO. 05-25-23B

A RESOLUTION TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

WHEREAS, the 2023 annual celebration known as Frontier Days will be held June 16 through June 17 in the City of Edgerton, Kansas; and

WHEREAS, a request has been received by the City of Edgerton from the Edgerton Frontier Days Association for permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its annual festival; and

WHEREAS, Chapter III, Article 1, Section 3-202 of the Code of the City of Edgerton prohibits the serving alcoholic liquor within 200 feet of a church, school, nursing home, library or hospital, but said prohibition may be waived by the governing body after public notice, followed by a hearing and finding by the governing body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not adverse to the public welfare or safety.

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

SECTION ONE: Finding: That the Governing Body, after receiving a request from the Frontier Days Association, does hereby find and conclude that the proximity of the requested location for the sale and consumption of alcoholic liquor is not adverse to the public welfare or safety and the Governing Body's conclusion in this regard is supported by the fact that the Frontier Days Association has served cereal malt beverages in this location for several years without any adversity to the public welfare or safety.

SECTION TWO: Waiver Granted: That the Governing Body, pursuant to Chapter III, Article I, Section 3-202 of the Edgerton City Code, hereby grants the waiver requested by the Frontier Days Association, with the following stipulations:

- a) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street including the intersection of East Nelson Street and East 4th Street (specifically designated and approved by the City Administrator) between the hours of 6:00 pm and 11:59 pm on June 16, 2023 and between the hours of 2:00 pm and 11:59 pm on June 17, 2023
- b) Point of sale for alcoholic liquor shall be from a covered tent on the gravel drive next to the greenspace at 311 E. Nelson Street by properly licensed individuals or groups only
- c) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

SECTION THREE - 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 25TH 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 Council Action Item

Council Meeting Date: May 25, 2023

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-25-23C Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas

Background/Description of Item:

Edgerton Frontier Days will be held June 16-17, 2023. The Edgerton Frontier Days Committee has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the Festival.

If approved, Resolution No. 05-25-23C authorize the Special Event Permit to be submitted by the Frontier Days Association, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street including the intersection of East Nelson Street and East 4th Street (specifically designated and approved by the City Administrator)
- Between the hours of 6:00 pm and 11:59 pm on June 16, 2023
- Between the hours of 2:00 pm and 11:59 pm on June 17, 2023
- Point of sale for alcoholic liquor shall be from a covered tent on the gravel drive next to the greenspace at 311 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

Chapter III, Article 3-202 of the Edgerton Municipal Code prohibits the sale or service of alcoholic liquor within two hundred feet of any church, school, nursing home, library or hospital. The location requested by the Frontier Days Association is within two hundred feet of the Edgerton Library.

Section 3-202(b) allows the Governing Body to waive this distance requirement for special event permit holder following holding a public hearing, which will be held on May 25, 2023.

Related Ordinance(s) or Statue(s): Chapter III, Article 5 of Edgerton Municipal Code

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

<p>Recommendation: Approve Resolution No. 05-25-23C Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas</p>

Enclosed: Draft Resolution No. 05-25-23C
Edgerton Frontier Days Special Event Application
Edgerton Frontier Days flyer

Prepared by: Brittany Paddock, Recreation Coordinator

RESOLUTION NO. 05-25-23C

A RESOLUTION AUTHORIZING A SPECIAL EVENT PERMIT FOR THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS

WHEREAS, the 2023 annual celebration known as Frontier Days is scheduled for June 16 through June 17 in the City of Edgerton, Kansas; and

WHEREAS, Article 5 of Chapter III of the Code of the City of Edgerton requires that an entity desiring to sell and serve alcoholic liquor on public property at an event open to the public must, in addition to obtaining the required permit from the State of Kansas, also apply and obtain a Special Event Permit from the City; and

WHEREAS, a request has been received by the City of Edgerton from the Edgerton Frontier Days Association for a Special Event Permit to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its annual festival on June 16 and 17, 2023.

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

SECTION ONE: Special Event Permit Authorized: That the Governing Body does hereby authorize the City Clerk, in accordance with Article 5 of Chapter III of the Edgerton City Code, to issue the Frontier Days Association a Special Event Permit for sale and consumption of alcoholic liquor per the requirements contained within Article 5 and with the following additional stipulations:

- a) The Special Event Permit provided for herein is only valid if the required permit from the State of Kansas is obtained by the Frontier Days Association.
- b) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street including the intersection of East Nelson Street and East 4th Street (specifically designated and approved by the City Administrator) between the hours of 6:00 pm and 11:59 pm on June 16, 2023 and between the hours of 2:00 pm and 11:59 pm on June 17, 2023.
- c) Point of sale for alcoholic liquor shall be from a covered tent on the gravel drive next to the greenspace at 311 E. Nelson Street by properly licensed individuals or groups only
- d) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

SECTION TWO: Waiver of Application Fees: The City of Edgerton, in appreciation for the many benefits enjoyed by the community from the annual Frontier Days festival, waives any City application or permit fees for issuance of the Special Event Permit.

SECTION THREE - 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 25TH 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

Edgerton Frontier Days

Event Name: _____

Primary Contact Name: Nate Eggleston Phone: 913-461-5511Email Address: nateeggleston@gmail.comAre you the contact for day of the event? ☒ Yes ☐ No

If no, please provide contact name and phone: _____

Sponsoring Organization/Event Operator: Edgerton Frontier Days AssociationAddress: PO Box 222 Edgerton, KS Email: _____Website: Edgertonfrontierdays.com**Event Information:**Event Date(s): June 16th and 17th, 2023 Hours of Event: 6/16 4pm- midnight 6/18 9AM-midnightRequested Location(s): E Nelson from E 5th to E 3rd, 4th from Nelson to the nearest alley behind the Edgerton library to E Hulett St.Type of Event:
Circle all applicableFestival

Trade Show

Parade

Car Show

Sports

Competition

Other: _____

Is this event for profit? ☐ Yes ☒ NoIf no, who is the beneficiary: Edgerton Frontier Days AssociationEstimated number of participants*: 1500/day Estimated number of support personnel: TBD

*Events in excess of 1,000 people may be required to have additional security and/or crowd control

Event description: SUMMER COMMUNITY FESTIVALWill you be selling or serving alcohol/cereal malt beverages? ☒ Yes ☐ NoWill you have any food vendors? ☒ Yes ☐ NoWill you have any merchant vendors? ☒ Yes ☐ NoWill you have any non-commercial vendors? ☐ Yes ☐ No

If you checked any yes boxes, please fill out the vendor information on the following page

Do you need to close a publicly owned facility, street or sidewalk? ☒ Yes ☐ No

If yes, please specify which facility, streets, or sidewalk (list all and include date and times of closures): _____

SEE ATTACHEDWill there be amplified music or speaking? ☒ Yes ☐ NoIf yes, please specify dates and hours: 6/16 (8PM TO MIDNIGHT) 6/17 10AM TO MIDNIGHT

Vendor Information:

Alcohol Vendors

Total number of alcohol/cereal malt beverage vendors: 1

Cereal Malt Beverage Permit Holder(s): CITY CENTER PIB LLC.

Temporary Permit for Alcohol Vendors # from Kansas Alcohol and Beverage Control: PENDING

Copy of temporary permit must be turned in to City Clerk prior to start of event and is not required at application

Vendor Contact Name/Company: Scott Anderson Phone: _____

2nd Vendor Contact Name/Company: _____ Phone: _____

3rd Vendor Contact Name/Company: _____ Phone: _____

Please attach additional vendor contacts, if necessary

Description of alcohol control measures (beer garden, wristbands for 21+, etc):

designated area, between specific times, alcohol served in only plastic, paper cups or cans, sheriff department contact

Food Vendors

Total number of food vendors: 3-PENDING

Vendor Contact Name/Company: _____ Phone: _____

2nd Vendor Contact Name/Company: _____ Phone: _____

3rd Vendor Contact Name/Company: _____ Phone: _____

Please attach additional vendor contacts, if necessary

Food Vendor License #(s) from Kansas Department of Agriculture: PENDING

Copy of license(s) must be turned in to the City Clerk prior to the start of event

Merchant Vendors

Total number of merchant vendors: PENDING

Vendor Contact Name/Company: _____ Phone: _____

2nd Vendor Contact Name/Company: _____ Phone: _____

3rd Vendor Contact Name/Company: _____ Phone: _____

Please attach additional vendor contacts, if necessary

Public Sanitation Measures:

Depending on the size of your event, public sanitation measures may be required. Please describe your plans to handle trash and portable restrooms. Include contact information for any vendors.

There will be 6 portable restrooms and 2 handwash stations.

The city will provide trash receptacles, Gardner disposal will deliver and empty dumpsters, volunteers will pick up trash at the event.

Event Equipment:

Please check equipment required (additional charges may apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Traffic or Event Signage | <input checked="" type="checkbox"/> Bleachers |
| <input checked="" type="checkbox"/> Barricades | <input type="checkbox"/> Tables |
| <input type="checkbox"/> Extension cord covers | <input type="checkbox"/> Chairs |

Please check if you plan to have other Entertainment/Amusements:

*Attach additional description and/or proof of insurance

- | | |
|---|--|
| <input checked="" type="checkbox"/> Carnival rides | <input type="checkbox"/> Animals |
| <input type="checkbox"/> Fireworks | <input checked="" type="checkbox"/> Hired performers |
| <input checked="" type="checkbox"/> Stage | <input checked="" type="checkbox"/> Live Music |
| <input checked="" type="checkbox"/> Other (please specify): <u>WILD WEST SHOWS INCLUDING GUNS WITH BLANKS</u> | |

Information for Event Organizer

State Sales Tax Information: State of Kansas Tax Identification Numbers must be provided for all food and merchant vendors. Event sponsors are required to provide the Kansas Department of Revenue with notification of an event and a list of participating vendors.

Community Notification: Provide copy of written notification or log of personal contacts to notify surrounding residents/businesses of street closures, if applicable. Notification must be completed prior to consideration of special event application by the Governing Body.

Completion of Event/Clean Up: Event organizer is responsible for cleaning and disposing of refuse from event.

Insurance: The operator and sponsoring agency of a special event shall furnish an original copy of a certificate of insurance indicating the City as a certificate holder and executed within the previous ten (10) days. The certificate of insurance must provide evidence of occurrence form general liability insurance coverage of at least \$1,000,000 combine single limit per occurrence for bodily injury and property damage with a minimum aggregate limit of \$2,000,000 and shall include the City as an additional insured. The operator and sponsoring agency, if any, shall complete and submit a hold harmless and indemnification agreement for review and approval by City officials.

Applicant's Statement of Agreement

Everything stated on this application is true and correct to the best of my knowledge. I further understand that the facilities for this event must be in compliance with all the City regulations (including adopted codes by reference). It is further understood that failure to comply with these regulations may result in permission to operate being withheld until all codes are met. I understand this permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Edgerton.

I agree to abide by the provisions in this application and regulations of the City of Edgerton.

Name of Applicant and Title (please print) NATHAN EGGLESTON - PRESIDENT

Signature  Date 5-1-23

To the fullest extent permitted by law,

Nathan Eggleston [hereafter referred to as OPERATOR and/or SPONSOR] shall indemnify, hold harmless and defend the City of Edgerton, hereafter referred to as the CITY, and all of its appointed and elected officials, agents, officials and employees from and against all claims, damages, losses and expenses, including but not limited to reasonable attorneys' fees arising out of or resulting from the conduct or management of the Special Event, known as

Frontier Days and any condition created in, about, or resulting from the Special Event or any accident, injury or damage whatsoever occurring in or at the Special Event, provided that any such claim, damage, loss or expense: (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting there from, and (b) is caused in whole or in part by any alleged act or omission of the OPERATOR / SPONSOR or anyone directly or indirectly employed or appointed by them or anyone for whose acts they may be liable, regardless of whether it is caused in part by the negligent act or omission of the CITY or any of its appointed and elected officials, agents, officials and employees. Notwithstanding the foregoing, the special event OPERATOR'S / SPONSOR'S obligation to indemnify the CITY or any of its appointed and elected officials, agents, officials and employees for any judgment, decree or arbitration award shall extend only to the percentage of negligence of the CITY in contributing to such claim, damage, loss and expense. In any and all claims against the CITY or any of its appointed and elected officials, agents, officials and employees, by any employee of the OPERATOR and/or SPONSOR, the indemnification obligation under this paragraph shall not be limited by any limitation on the amount or type of damages, compensation or benefits payable by or for OPERATOR and/or SPONSOR under workers compensation acts, disability benefit acts or other employee benefit acts. Such workers compensation policies or plans maintained on behalf of OPERATOR and/or SPONSOR shall waive subrogation against the CITY.

Date: 5-5-23

PRESIDENT

Title

STATE OF Kansas)

COUNTY OF Johnson

) ss:
)

BE IT REMEMBERED that on this 5th day of May, 2023, before me, the undersigned, a notary public in and for the County and State aforesaid, came Nathan Eggleston President of Frontier Days Committee who is personally known to me to be the person who executed, as such officer, the within instrument on behalf of said entity and such person duly acknowledged the execution of the same to be the voluntary act and deed of said entity.

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

Veronica Huffman
Notary Public

My Commission Expires:

01/20/25



OFFICE USE ONLY:

Received by: _____ Date: _____

Application Fee Paid Date: _____ Receipt Number: _____

Required documents? ☐ Map ☐ Indemnification ☐ Vendor Licenses ☐ Insurance
☐ Emergency Plan ☐ Site/Staging Plan

Requested public equipment approved? ☐ Bleachers ☐ Tables/chairs

Requested public street, facility, or sidewalk approved? ☐ Yes ☐ No

Council Review Date of application: _____

Ord. # for Special Event: _____ Ord. # for Street/Sidewalk/Facility Closure: _____

Ord. # for Noise Waiver: _____ Ord. # for Public Alcohol Waiver: _____

Application Checklist: (Attach required documents)

- ☒ List of services requested from the City
- ☒ Description of publicly owned property for event
- ☒ Map of event (show vendor areas, stage, carnival, beer garden, etc.)
- ☒ Description of Amusement/Entertainment
- ☒ Operators' Certificates of Insurance (includes entertainment/amusement companies)
- ☐ Sponsoring Agency's Certificate of Insurance *pending*
- ☒ Completed indemnification statement *pending*
- ☒ Site/Route/Staging/Parking Map (including by not limited to:)
 - Main Entrances/Exits
 - Street/Sidewalk closures
 - Barricades
 - Traffic Signs
 - Assembly areas
 - Fire hydrant locations
 - Food Vendor Fire Extinguishers, with minimum rating of 2A10BC
 - Extension Cord Locations for food production or other portable equipment (minimum 12-gauge cords required)
 - Fire Department Vehicle Access Locations (20-feet wide minimum)
 - Parking/No Parking Areas
- ☒ Emergency Plan for reporting police, fire or medical emergencies
- ☐ Food Vendor License from KS Department of Agriculture (if applicable)
- ☐ Temporary Permit for Alcohol Vendors from Kansas Alcohol and Beverage Control (if applicable) *pending*
- ☐ Retailers' Sales Tax Registration Event Certificate (if applicable) *pending*
- ☐ State of Kansas Tax Identification Numbers for all food and merchant vendors *pending*
- ☒ Application Fee *pending*

52nd Annual

★ Edgerton Frontier Days ★

June 16 & 17, 2023

EDGERTON, KS • Est. 1883

Parade Grand Marshal:
Charlie Troutner

A special THANK YOU to our sponsors for making Frontier Days possible



- Enright Gardens
- Dee's Mini Mart
- Voigts Farms
- Bruce's Funeral Home
- Central Bank of the Midwest
- Farm Bureau Financial Services

Agent Sean Snyder

SCHEDULE - FRIDAY, JUNE 16

5:00 PM OPENING CEREMONY

Color Guard, Prayer, and National Anthem

5:00 PM to 12 AM CARNIVAL OPENING

\$10 armbands for all day

5:00 PM CRAFT & FOOD BOOTHS OPEN

5:00 to 9 PM FACE PAINTING BY JULIE MURRAY

Green Space - Free

5:30 PM KANSAS BORDER OUTLAWS

Green Space

5:30 PM BABY CONTEST REGISTRATION

Frontier Days Booth in the Green Space

Age groups: 0-6 Months, 7-12 Months,
13-18 Months & 19-24 Months

6:00 PM BABY CONTEST JUDGING

Green Space

6:00 PM BEER GARDEN OPENS

Beer and Mixed drinks available

MUST BE 21 TO CONSUME ALCOHOL

Beer Garden operated by Saints Pub & Patio

6:45 PM ICE CREAM SOCIAL

Green Space

Brought to you by Central Bank of the Midwest

7:00 PM KANSAS BORDER OUTLAWS

Green Space

8:00 PM Music by **Burning Pianos**



10:00 PM Music by **Landslide**



We always accept volunteers and donations for our events throughout the year. Contact any board member.

Saturday Schedule on reverse side

For the latest information on Frontier Days, please visit www.edgertonfrontierdays.com

Out of respect to others, please leave animals and bikes at home or animals on leashes at all times, and under control.

Frontier Days Schedule Continued for Saturday, June 17

7:00 to 10 AM BISCUITS & GRAVY BREAKFAST

Edgerton Methodist Church

9:00 AM PARADE REGISTRATION & LINE UP

Edgerton Elementary front parking lot off Nelson

10:00 AM PARADE BEGINS

Prizes \$100 first place \$50 second place

10:30 AM CRAFT & FOOD BOOTHS OPEN

10:30 AM FROG & TURTLE RACES

Nelson – CASH prizes

Sponsored by Farm Bureau Financial Services

11:00 AM KANSAS BORDER OUTLAWS

Green Space

12:00 PM to 12AM CARNIVAL OPENING

\$10 armbands for all day

12:30 PM KANSAS BORDER OUTLAWS

Green Space

2:00 PM KANSAS BORDER OUTLAWS

Green Space

2:00 PM BEER GARDEN OPENS

Beer and Mixed drinks available

MUST BE 21 TO CONSUME ALCOHOL

Beer Garden operated by Saints Pub & Patio

3:30 PM KANSAS BORDER OUTLAWS

Green Space

4:00 to 8 PM FACE PAINTING BY JULIE MURRAY

Green Space - Free

5:30 to 7:30 PM SILENT AUCTION/FLOWER SALE

Green Space

6:00 PM KANSAS BORDER OUTLAWS

Green Space

8:00 PM Music by **Eastern Heights**



10:00 PM Music by **Little Texas**



Handicap parking on Nelson Street between East 5th and East 4th Street

Edgerton Frontier Days
PO BOX 222 • Edgerton, KS 66021
913.238.9539 www.edgertonfrontierdays.com

EDGERTONTM
global routes. local roots.

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