

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
June 22, 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 June 8, 2023 Regular City Council Meeting.
5. Approve Resolution No. 06-22-23A Approving The Mayoral Appointments For Certain Public Officials For The City Of Edgerton, Kansas.
6. Approve Ordinance No. 2139 Providing For The Range Of Salaries And Compensation Of Various City Officers And Employees.

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

**Regular Agenda**

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

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

**Business Requiring Action**

9. **CONSIDER APPROVAL OF ENCROACHMENT AGREEMENT WITH KPC PIPELINE LLC**

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

**10. APPROVE APPLICATION PUD2023-01, FINAL PUD PLAN/PLAT FOR DWYER FARMS, PHASE 1, LOCATED AT THE SOUTHWEST CORNER OF BRAUN STREET/207<sup>TH</sup> STREET AND W. 8<sup>TH</sup> STREET/EDGERTON ROAD, EDGERTON, KANSAS.**

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

**11. Report by the City Administrator**

- Updated Job Description for City's Building Inspector

**12. Report by the Mayor**

**13. Future Meeting Reminders:**

- July 6: Budget Work Session – 7:00PM
- July 11: Planning Commission – 7:00PM
- July 13: City Council Meeting & Work Session – 7:00PM
- July 27: City Council Meeting – 7:00PM
- August 8: Planning Committee – 7:00PM
- August 10: City Council Meeting – 7:00PM
- August 24: City Council Meeting – 7:00PM

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

# EVENTS

June 24: Intro to Karate  
June 28: Cooking Class – Chef Around the World  
June 30: Donuts & Yard Games – Horseshoes & Croquet  
July 3: Community Picnic & Fireworks Show  
July 4: City Offices Closed in Observance of Independence Day  
July 7: Animal Wonders Summer Series – Reptiles & Amphibians  
July 9: A Deadly Vintage Murder Mystery at White Tail Run Winery  
July 11: Tale for Tots  
July 13: Kid Chefs – Cake Pops



**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**June 8, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas June 8, 2023. The meeting convened at 7:01 PM with Mayor Roberts presiding.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

Staff in attendance:

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

**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 May 25, 2023 Regular City Council Meeting.

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

**Regular Agenda**

5. **Declaration.** There were no declarations made.

**6. Public Comments.**

Pattie Stutteville, who owns the salon downtown, addressed the Council. She is concerned that downtown business owners are not being treated fairly by the Frontier Days Committee. She

stated that she was insulted and demeaned by the President of the Frontier Days Committee and told that she could not have a vendor spot outside of her shop. She asked the Council to think about their donation to Frontier Days in the future. Ms. Stutteville stated she had to close her business for two days and would lose revenue due to the festival.

Councilmember Lebakken asked if Ms. Stutteville knew that the other shops downtown would be allowed to have booths outside of their businesses.

Ms. Stutteville responded that she was not sure, but she would wait to see.

Councilmember Longanecker thanked her for coming to Council and speaking out about her concerns.

Mayor Roberts stated Frontier Days is run by the Frontier Days Association volunteers, so the City is limited to what it can do, but they do have control over the donation and adding stipulations to that donation.

Ms. Stutteville stated downtown businesses were told two weeks before the event that they needed to fill out a vendor form, which was a change from years past. She added that the form was outdated and included pricing, despite comments from the committee president that business owners in downtown would not be charged for vendor space. She stated she was not comfortable signing a contract that was not clear. She reiterated the Council should carefully consider their donations to Frontier Days if the festival organizers did not support local businesses.

Councilmembers thanked her for speaking.

#### **Business Requiring Action**

#### **7. CONSIDER ORDINANCE NO. 2138 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS (ELHC IX, LLC PROJECT) SERIES 2023, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND DISTRIBUTION FACILITY.**

Mr. Scott Anderson addressed the Council. He stated this ordinance, like others previously passed by the Governing Body, authorizes the issuance of Industrial Revenue Bonds for the purpose of tax abatements for a warehouse and distribution facility. He stated this facility is to be located at 30500 and 30700 W 183<sup>rd</sup> Street. He stated this bond issue is referred to a "buy your own bonds issue" and ELHC IX will be both the lessee of the project and the owner of the bonds. He stated ELHC IX will be obligated to repurchase the project at the conclusion of the tax abatement. He stated like previous authorizations, the bonds will be limited obligations of the City, meaning the City has to make payments on the bonds only to the extent the City receives payments from ELHC IX pursuant to the lease. He stated the City is not obligated to make up any shortfall from any other funds of the City and the bonds are not a general

obligation of the City and do not count against the City's debt limit. He stated the ordinance authorizes the execution of the bond documents.

Mayor Roberts stated it is important to note that there is no obligation of the City to pay.

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2138.

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

**8. CONSIDER PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF EDGERTON AND RENAISSANCE INFRASTRUCTURE CONSULTING, INC. FOR 2<sup>ND</sup> STREET RECONSTRUCTION**

Mr. Merkh stated in March 2023 the City issued a Request for Qualifications seeking engineering teams for the 2<sup>nd</sup> Street Reconstruction project. He stated this project includes street and stormwater improvements, installation of trails, streetlighting and assistance with easement acquisition. He stated RFQs were due and interviews with the short-listed teams were conducted at the beginning of May. After consideration, the selection committee recommends Renaissance Infrastructure Consulting (RIC) as the best, most qualified team for this project.

He stated the project scope approved in the CIP includes reconstruction of 2<sup>nd</sup> Street from Nelson Street to the terminus of the Grade Separation project. While most of this roadway is within Edgerton corporate city limits, a portion of this roadway is within unincorporated Johnson County. He stated the level of participation from Johnson County in design and/or construction is yet to be determined. The project scope includes an initial preliminary design phase to assist the City in finalizing the cross section and project extents.

He stated in addition to the existing scope, Staff requested RIC provide a cost estimate for design for the portion of Edgewood from 2<sup>nd</sup> Street to approximately West 4<sup>th</sup> Street due to significant degradation of that roadway. Staff will present additional information regarding Edgewood during the City Administrator Report.

The draft Professional Services Agreement between the City of Edgerton and RIC for the Project is enclosed in the Council's packet. The Professional Services Agreement has been reviewed and approved by City Staff, City's Insurance Representative, and City Attorney.

The Project budget included in the 2023-2027 Adopted CIP is \$4,900,500. After negotiation with the consultant, the price for services are described below:

CURRENT PROJECT		
CITY	2 <sup>nd</sup> Street-Nelson to south City limits	\$ 407,025

JOCO	2 <sup>nd</sup> Street-County section	\$ 116,085
	<b>TOTAL</b>	<b>\$ 523,110</b>
<b>ALTERNATE</b>		
CITY	Edgewood-2 <sup>nd</sup> to 4 <sup>th</sup>	\$ 137,495

At this time, City Staff recommends entering into a contract with RIC to design the 2<sup>nd</sup> Street Reconstruction project to include both the City and County portions of the Current Project Scope for a total of \$523,110. This provides the City with the most flexibility to determine at a future date what level of construction, if any, the City chooses to authorize based on participation from the County or other relevant factors.

Councilmember Beem asked if the City is responsible for the County portion.

Mr. Merkh stated the City intends to request participation dollars from the county. He stated the intent is that the City will manage the project and the County would pay in.

Councilmember Longanecker asked if the City has talked to the County about this.

Mr. Merkh answered that preliminary conversations have happened, but not recently.

Ms. Linn stated the item for approval does include the total amount with City paying for design. The intention is to ask for reimbursement, but there is no guarantee from the County's side yet.

Mr. Merkh stated the design piece can be removed all together for that section of roadway if the Council decides.

Mayor Roberts stated Council makes the authorization. He stated he is not interested in designing a section of county road that does not appear to be coming into Edgerton anytime soon. He stated with the County's participation, he is willing to entertain the idea. He stated he is not opposed to approving the entire amount but would like to see a conversation happen with the county before moving forward with the design piece of their roadway.

Ms. Linn stated Council could authorize that staff negotiate participation from the county and allow for time to come back and give an update. She stated it is important to note that there have been times where the City had done projects from a drainage or traffic perspective, where County is on one side and the City is on the other. This section is county roadway on both sides.

Mayor Roberts stated easements can be very tricky too, residents, railroad, etc. right there.

Councilmember Longanecker stated the City just built a new overpass and new streets. He stated it would be nice to have it all as one piece newly constructed but it not the City's responsibility to fix the County's portion.

Councilmember Lebakken questioned how residents would react.

Mayor Roberts stated the City does not work on County roadway. This is a difference between fixing Edgerton streets with Edgerton taxpayers money or fixing County roads with Edgerton taxpayers money.

Councilmember Lebakken stated she agrees, however residents will still complain that section is not done and the City will get the blame.

Mayor Roberts stated he believes this could be the perfect time to partner with the County, but staff needs to have that conversation.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with RIC for 2<sup>nd</sup> Street Reconstruction for \$523,110, but to have conversations with the County before starting the project.

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

#### **9. CONSIDER DESIGN/BUILD AGREEMENT BETWEEN CITY OF EDGERTON AND AMERICAN RAMP COMPANY FOR GLENDELL ACRES PARK RENOVATION**

Mr. Merkh stated in May 2021 the Council authorized a contract with SWT for the design of the Glendell Acres Park Renovation project. Glendell Acres Park Renovation project includes a skatepark component, however this portion of design is not included in the contract with SWT. He stated SWT reached out to several designers and worked with American Ramp Company (ARC) to build a preliminary design. This preliminary design helped identify a scope and estimate fee.

He stated American Ramp Company is a design/construction firm dedicated to the skateboard industry. They have completed several projects of all sizes in this region. He stated SWT and City Staff recommend ARC to complete design and construct the skate park portion of the project in the amount of \$160,000.

He stated this contract amount fits within the current expanded budget provided by City Council. However, as the main portion of the project has not yet been bid, final pricing is not yet available. He stated when the bidding process is complete and ready for City Council consideration, staff will also bring updated project estimates for consideration.

The draft Contract is still under review by the City Attorney and City's Insurance Representative. Staff would recommend approval of the Contract pending any changes from these individuals.

With no questions or comments, Mayor Roberts requested motion to approve the agreement with American Ramp Company pending all necessary review and allow for the Mayor to execute the contract.

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

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

- **Report on 215<sup>th</sup> Street Closure**

Mr. Merkh gave a report on 215<sup>th</sup> Street. He stated there was significant washout after recent rainfall and the roadway, bedding and pipe was washed out and exposed. He stated this was discovered by Miami County staff and we were then notified. He stated today, the roadway was fixed as the City partnered with Miami County to complete the work. He stated the City had to emergency order the pipe, the City purchased, and Miami County did the install. He stated they were great and easy to work with and it was a great opportunity for our staff to watch, participate and learn on a project like this. He stated the roadway should be open tomorrow, if not already today.

Councilmember Longanecker asked if this was a gravel road.

Mr. Merkh stated yes, this was at Spoon Creek and Sunflower Rd.

Mayor Roberts stated there was probably some erosion already occurring, but the final straw was this heavy rain we received.

Mr. Merkh stated there was likely some backup that occurred as the trough of the pipe was found downstream and some debris was still in pipe balled up. He stated the washout was likely caused by a few different events happening at once.

- **Report of Road Conditions of Edgewood – 2<sup>nd</sup> to 4<sup>th</sup>**

Mr. Merkh stated after every winter season Public Works staff begins looking and inspecting major degradations of roadways. He stated this last season consisted of rough freezing temperatures instead of precipitation, which can be hard on road surfaces. He stated the roadway of concern at this point is Edgewood from Co-Op to the Glendell Acres subdivision and Co-Op from East to West 2<sup>nd</sup> Street. He stated last years pavement condition index (PCI) was about 67 and 92, but this year's numbers have decreased and the PCI is roughly mid-50s and mid-60s. He stated that should the County decide not to participate in the 2<sup>nd</sup> Street Reconstruction Project, Edgewood will need extensive work and this would be a plan that staff could pivot to for roughly the same dollars.

Ms. Linn stated based on the motion made for the RIC item, staff is asking for council consensus on a couple options. Option 1, if council agrees degradation is significant enough, staff can work to move forward with design and with authorization staff can bring an amendment back to include this portion and adjust project budget. She stated second option

would be hold off and have conversation with county first and report back prior to making any decisions.

Mayor Roberts stated he is comfortable to move forward with approving design and funds. He stated he would lean more toward Edgewood design and repair because it is a city street.

Ms. Linn stated the road likely degraded faster particularly due to the adjacency to the Co-Op and the traffic the road holds. She stated staff did not anticipate how quickly the road degraded.

Councilmember Longanecker questioned if the city would then have to do Edgewood next year. He stated if Edgewood and 2<sup>nd</sup> Street are fixed in entirety now, plus the intersection, it would be done all at once, likely leading to a better roadway overall.

Ms. Linn stated staff will work to bring back item to the next council meeting with a funding source and put the item on consent. She stated there is funding, but from finance perspective this will give them time to review and allow them to tie it to the right funding source before giving the green light.

#### **11. Report by the Mayor**

Mayor Roberts addressed the error written in the Gardner News. He stated there was an article published about The Greenspace and it was incorrectly listed at a project cost of \$5.5 Billion. He stated he is guessing there are not many community buildings in the surrounding area or even Johnson County that can afford that kind of build. He stated the bid is out currently for the project with hopes to have actual numbers and exact cost within the next month.

Ms. Linn stated it is scheduled to be discussed at the first meeting in July.

Mayor Roberts stated it will be a definite change in downtown and is already with the buildings down.

Pattie Stutteville stated the designs look really good!

Mayor Roberts stated he has heard some chatter that people are sad the old buildings were torn down, but he believes the new building will be a great asset for the community. He stated he has asked for a correction in the paper for this error.

#### **12. WALK ON: CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75- 4319(B)(6) FOR PRELIMINARY DISCUSSIONS REALTED TO THE ACQUISITION OF REAL PROPERTY TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR TO DISCUSS PURCHASE CONTRACT SPECIFICS**

Mayor Roberts stated he would like to recess into executive session pursuant to KSA 75-4319(B)(6) to include the City Attorney and City Administrator to discuss Purchase Contract

Specifics. He stated there will be no motion afterwards and it is expected to last 10 minutes. He stated the meeting will resume in the Council chambers for adjournment of the regular session, there is a work session to follow.

Mayor Roberts then requested motion to recess into executive session.

Councilmember Longanecker moved to recess into executive session for 10 minutes, seconded by Councilmember Lebakken.

The meeting recessed into executive session at 7:49PM, 3-0.

Councilmember Longanecker moved to return to open session to request an additional 5 minutes. Councilmember Lebakken seconded the motion.

The meeting returned to executive session at 7:59PM, 3-0.

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

Open session resumed at 8:04PM, 3-0.

### **Adjourn**

Councilmember Beem moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 8:05PM.

Submitted by Alexandria Clower, City Clerk





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## City Council Action Item

**Council Meeting Date:** June 22, 2023

**Department:** Administration

### **Agenda Item: Consider Resolution No. 06-22-23A Approving the Mayoral Appointment for Certain Public Officials for the City of Edgerton, Kansas**

**Background/Description of Item:**

Chapter 1, Article 3, Section 301 of the Edgerton City Code states that at the first regular meeting in May of each year the mayor, by and with the consent of the council, shall appoint the city clerk and city treasurer, and may appoint a city attorney, municipal judge and such other officers as may be deemed necessary for the best interest of the city.

Draft Resolution 06-22-23A includes the following appointments to serve the City of Edgerton:

Alexandria Clower as City Clerk  
Chris Clinton as Deputy City Clerk  
Karen Kindle as City Treasurer  
Lee Hendricks as City Attorney  
Nate Sutton as Municipal Judge  
Tom Barnes II as Municipal Prosecutor  
David Hamby as City Engineer

**Related Ordinance(s) or Statue(s):** Article 3, Section 1-301 of the Edgerton Municipal Code.

**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

### **Recommendation: Approve Resolution No. 06-22-23A Approving the Mayoral Appointments for Certain Public Officials for the City of Edgerton, Kansas**

**Enclosed:** Draft Resolution No. 06-22-23A

**Prepared by:** Alex Clower, City Clerk

**RESOLUTION NO. 06-22-23A**

**A RESOLUTION APPROVING THE MAYORAL APPOINTMENTS FOR CERTAIN PUBLIC OFFICIALS FOR THE CITY OF EDGERTON, KANSAS**

**WHEREAS**, City Code requires the Mayor to appoint certain public officials;

**WHEREAS**, the appointments named below meet all qualifications set forth by City Code;

**WHEREAS**, the Mayor hereby appoints, subject to the approval of the City Council, the individuals named below to fill the public appointments for the City of Edgerton, Kansas;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS:**

**SECTION ONE:** The City Council hereby approves the following Mayoral appointments to serve the City of Edgerton:

Alexandria Clower as City Clerk  
Chris Clinton as Deputy City Clerk  
Karen Kindle as City Treasurer  
Lee Hendricks as City Attorney  
Nate Sutton as Municipal Judge  
Tom Barnes II as Municipal Prosecutor  
David Hamby as City Engineer

**SECTION TWO: EFFECTIVE DATE**

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

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 22<sup>nd</sup> DAY OF JUNE, 2023.

**CITY OF EDGERTON, KANSAS**

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

ATTEST:

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

APPROVED AS TO FORM:

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



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## City Council Action Item

**Council Meeting Date:** June 22, 2023

**Department:** Administration

### **Agenda Item: Consider Ordinance No. 2139 Providing for the Range of Salaries and Compensation of Various City Officers and Employees**

**Background/Description of Item:**

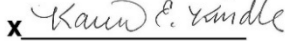
Annually, the salary ordinance is reviewed in concurrence with the next years budget development for approval in November each year and effective the following January. When working through the 2024 annual budget process, it was noted that the hourly rate for the Municipal Court Prosecutor in the current ordinance is not accurate.

The draft ordinance would correct the hourly rate for the Prosecutor from \$150 per hour to \$175 per hour. Staff also corrected the ordinance to reflect the deletion of the monthly pay for the City Treasurer due to appointment of staff to fill this role. There is sufficient budget in the 2023 Annual Budget for the increase in hourly rate. If approved, Ordinance No. 2139 will go into effect immediately and repeal the previous salary ordinance. As shown, no other pay ranges were changed at this time.

**Related Ordinance(s) or Statue(s):** Ordinance No. 2125

**Funding Source:** General – Law Enforcement – Legal Services

**Budget Allocated:** \$30,000

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

### **Recommendation: Approve Ordinance No. 2139 Providing for the Range of Salaries and Compensation of Various City Officers and Employees**

**Enclosed:** Ordinance No. 2139 Redlined

**Prepared by:** Alex Clower, City Clerk

**ORDINANCE NO. ~~2125~~2139**

**AN ORDINANCE PROVIDING FOR THE RANGE OF SALARIES AND COMPENSATION OF VARIOUS CITY OFFICERS AND EMPLOYEES OF THE CITY OF EDGERTON, KANSAS, EFFECTIVE UPON PUBLICATION AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH**

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

**SECTION ONE:** In accordance with the provisions of the Personnel Rules and Regulations of the City of Edgerton, Kansas, and Section 1-319 of Article 3 of Chapter I of the Code of the City of Edgerton, Kansas, the following appointed officers and employees of the City of Edgerton, Kansas shall have the following annual pay ranges:

**City of Edgerton, Kansas  
Base Salary Structure**

Range	Job Title	Minimum	Maximum
1	Not used		
2	Seasonal Laborer School Crossing Guard Summer Youth Coordinator	\$16,906	\$29,381
3	Customer Service Representative Maintenance Technician I Administrative Assistant Court Clerk	\$35,315	\$52,971
4	Maintenance Technician II Customer Service Representative II	\$40,920	\$61,378
5	Accounting Technician Code Enforcement/Animal Control Officer Recreation Coordinator Maintenance Technician III-Utilities	\$44,562	\$66,844
6	Foreman Planning & Zoning Coordinator Building Inspector	\$51,009	\$76,514
7	City Clerk Accountant	\$56,054	\$84,081
8	Marketing/Communications Manager	\$60,538	\$90,808
9	Public Works Superintendent Utilities Superintendent CIP Project Manager	\$67,264	\$100,897
10	Assistant City Administrator Development Services Director Finance Director Public Works Director	\$95,292	\$142,937

**SECTION TWO:** The following officers and employees of the City of Edgerton, Kansas shall receive compensation as hereinafter provided:

Position	Compensation
<del>City Treasurer</del>	<del>\$180.25 per calendar month</del>
City Attorney	\$175.00 per hour. Duties include: attendance at City Council meetings, preparation of ordinary ordinances, advise, conference and phone calls.
Municipal Judge	\$500 per docket attended
Prosecuting Attorney	<del>\$175</del> 150 per hour
Court Appointed Attorney	\$75.00 per hour for in-court time and out-of-court preparation time

**SECTION THREE:** The City Administrator shall set the individual employee's salary and compensation which shall fall within the salary and compensation ranges established by this Ordinance.

**SECTION FOUR:** All other ordinances in conflict are hereby repealed upon the adoption of this Ordinance.

**SECTION FIVE:** This Ordinance ~~shall take effect and be in full force immediately after its adoption by the Governing Body.~~ ~~shall take effect on January 1, 2023.~~

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE ~~10<sup>TH</sup>-22<sup>nd</sup>~~ DAY OF ~~JUNE, 2023.~~ ~~November 2022.~~

Formatted: Superscript

\_\_\_\_\_  
DONALD ROBERTS, Mayor

ATTEST:

\_\_\_\_\_  
ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
LEE W. HENDRICKS, City Attorney

## City Council Action Item

**Council Meeting Date:** June 22, 2023

**Department:** Public Works

### **Agenda Item: Consider Approval of Encroachment Agreement with KPC Pipeline LLC Related to Dwyer Farms Sewer Main Extension Project**

**Background/Description of Item:**

The 2023-2027 Capital Improvement Program includes the Dwyer Farms Sewer Main Extension Project to provide sanitary sewer conveyance to the new Dwyer Farms residential development and surrounding area. As designed, the alignment of the proposed 18" sewer pipe crosses the existing KPC Pipeline LLC infrastructure. KPC Pipeline's existing infrastructure consists of two high pressure natural gas, cross country pipelines, one being an 8" line and one a 10" line.

In order to construct the sewer lines over the KPC infrastructure, KPC Pipeline requires an encroachment agreement. This encroachment agreement outlines the use within the KPC Pipeline easement, enclosed is the agreement submitted by KPC Pipeline.

The Agreement requires the City to reimburse KPC Pipeline at the rate of \$800 per day in connection with KPC's observation and inspection of construction activities as referred in the Agreement. Reimbursement will be required if activities require full 8-hour day inspections. Staff anticipates number of days for required inspections to be relatively low.

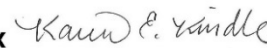
Staff, City Engineer, and City Attorney have reviewed and approved this agreement.

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

**Funding Source:** Rural Housing Incentive District (RHID)

**Budget Allocated:** \$40,000

**Finance Director Approval:**

x   
Karen Kindle, Finance Director

**Recommendation: Approve an Encroachment Agreement with KPC Pipeline LLC Related to Dwyer Farms Sewer Main Extension Project and Authorize Reimbursement as Required by Agreement**

**Enclosed:** Encroachment Agreement City of Edgerton

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

**When Recorded Return to:**

KPC Pipeline LLC  
19970 West 161<sup>st</sup> Street  
Olathe, Kansas 66062

**ENCROACHMENT AGREEMENT**

THIS AGREEMENT made and entered into between **KPC PIPELINE LLC**, a Delaware limited liability company, ("Permitter"), located at 19970 West 161<sup>st</sup> Street, Olathe, Kansas 66062, and **City of Edgerton Kansas, A Municipal Corporation**, ("Permittee"), whose address is **404 East Nelson, Edgerton Kansas 66021**.

The Permitter has completed its encroachment oversight review relative to Permittee's **construction and installation of a sanitary sewer encroaching into the KPC Pipeline easement and set back area** (the proposed "Improvements") in the vicinity of, and relative impact upon, Permitter's existing steel high pressure natural gas pipelines (the "Pipelines"). Permitter hereby grants Permittee, including designated contractors, conditional approval to proceed with the proposed construction of such Improvements, subject to the Permittee agreement to the following conditions:

**WITNESSETH:**

**WHEREAS, Permitter is the current owner of two steel high pressure natural gas pipelines, (1-8" pipeline and 1-10" pipeline) both laid within a defined pipeline easement ("easement") under terms of Right of Way Contract, filed of record in the Johnson County, Register of Deeds Office (the "Right of Way Agreement"); and amendments thereto, located in Johnson County, State of Kansas, to-wit:**



**A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE 6<sup>TH</sup> P.M. JOHNSON COUNTY, KANSAS, PREPARED BY AL DIEBALL, P.S. 758 ON DECEMBER 9, 2022, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**Legal Description of Sanitary Sewer Encroachment into Pipeline Easement**

**COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18 S.01°52'27"E. (BEING AN ASSUMED BEARING) 491.32 FEET; THENCE N.88°07'33"E. 35.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF EDGERTON ROAD AND THE POINT OF BEGINNING; THENCE ; N.88°11'01"E. 94.30 FEET; THENCE; S.72°06'16"E. 196.59 FEET; THENCE ; S.83°53'45"E. 401.11 FEET; THENCE ; S.65°50'54"E. 133.48 FEET TO THE EAST LINE OF A TRACT CONVEYED TO GREG HAMMON RECORDED IN BOOK 201106 ON PAGE 6701 AND THE WEST LINE OF A TRACT CONVEYED TO LARRY SHOWALTER RECORDED IN BOOK 3143 ON PAGE 722 IN THE JOHNSON COUNTY REGISTER OF DEEDS; THENCE ALONG THE EAST LINE OF SAID HAMMON TRACT AND THE WEST LINE OF SAID SHOWALTER TRACT; S.01°52'27"E. 31.17 FEET; THENCE ; S.09°10'58"W. 144.99 FEET; THENCE ; S.22°08'42"E. 36.69 FEET TO THE SOUTHEAST LINE OF SAID HAMMON TRACT; THENCE ALONG THE SOUTHEAST LINE OF SAID HAMMON TRACT S.33°03'33"W. 48.71 FEET; THENCE ; N.22°08'42"W. 75.71 FEET; THENCE N.09°10'58"E. 154.49 FEET; THENCE ; N.65°50'54"W. 102.60 FEET; THENCE ; N.83°53'45"W. 398.89 FEET; THENCE ; N.72°06'16"W. 193.77 FEET; THENCE S.88°11'01"W. 87.31 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID EDGERTON ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID EDGERTON ROAD N.01°52'27"W. 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.94 ACRES.**

**Dwyer Sanitary Sewer Improvement Project with Final Plans Attached**

**Design Engineer: BG Consultants**

**Date of Approved Plan Sheet:**

WHEREAS, Permittee has requested Permittor to allow Permittee, to encroach into, over and across a portion of KPC's easement with the construction of a 18-inch Sanitary sewer, (collectively the "Encroachment"); and

WHEREAS Permittor is willing to permit the Encroachments to be placed and maintained into, over, under and across portions of its easement subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the premises and of the mutual covenants and agreements herein contained, the parties hereto mutually agree as follows:

1. The permitted Encroachment shall be installed as a 18-inch PVC sanitary sewer traversing said pipelines. Construction will be open cut excavation under existing pipelines. No borings or additional improvements will be permitted other than a sanitary sewer. During excavation and construction activities it is agreed that pipeline personnel will be onsite during all related activities.
2. Except for the Encroachment expressly permitted hereunder, Permittee shall not erect, create, plant, install, construct or maintain any additional engineering works or other obstruction of any kind, including but not limited to the planting of trees, fencing, landscaping, within Permitter's defined easement and shall not cause or permit the same to be done by others.
3. **Permittee shall release, defend, indemnify, and hold Permitter, its parent company, subsidiaries, affiliates, successors and assigns, and their respective officers, directors, employees, agents and representatives, harmless from and against any and all claims, demands, damages, liabilities, costs, expenses, actions and causes of action of whatsoever nature, for loss of or damage to any property or constructed improvements on right of way, (including, but not limited to, environmental damages), or injury to or death of any persons in any way arising out of or resulting from the construction, presence, maintenance, use, damages, repair or removal of the Encroachments permitted under this Agreement or the presence of Permittee, or Permittee's guests or invitees, servants or employees, contractors or agents, or their servants and employees on, over, and across the right of way covered by the easement, regardless of how the same may occur.**
4. All construction activities across and over the Pipeline shall be performed in a good and workmanlike manner and in compliance with the General Encroachment Guidelines attached hereto and incorporated herein.
5. Specific encroachment compliance shall include:
  - a) All underground utility crossings being placed under the Pipelines shall: (i) have a minimum clearance of 24" to 26"; (ii) cross, as reasonably practicable, at 90 degrees to the Pipelines, but in no event less than 45

degrees; (iii) be encased in a minimum Schedule 40 PVC; and (iv) if open cut, be covered with a red concrete slab a minimum of 4" thick and 24" wide and over pipelines for a distance of 10 feet on both sides of the Pipelines.

- b) Permittee shall provide additional compacted cover to a total depth of 5 feet above ground over the Pipeline at all road and temporary crossing points. Additionally, crane crossing mats shall be utilized on site and used any time heavy equipment crosses the Pipeline. All fill material will be dumped and bladed into place as not to allow any additional surface pressure on the existing pipelines as are currently buried in place. All fill material will be suitable for compaction and will be clean fill material prohibiting rock and other unclassified fill over pipelines. No vibrating equipment will be utilized for compaction of fill over pipelines.
6. Prior to the commencement of construction activities, specifically including, but not limited to, utility and road grade buildup, crossings or other work, and digging or construction in the vicinity of the Pipelines, Permittee shall: (i) notify ONE CALL a minimum of 72 hours in advance of any such activity, and (ii) notify Permitter a minimum of 5 business days in advance of any such activity, in each case identifying the location of the activities so that a representative of Permitter may be on site to observe and inspect said activities. The notice required by this paragraph shall be by telephone contact as follows:

Kansas ONE CALL: Dial 811 or (800) 382-554

KPC:

Robert Clover

Operations Manager

Office: (913) 764-6015

Cell: (913) 522-7501

7. Permittee shall reimburse Permitter at the rate of \$800 per day in connection with Permitter's observation and inspection of construction activities as referred to in paragraph 3 above. Permitter will invoice Encroachment's owner on monthly billing cycles for such inspection services. **Reimbursement will be required if activities**

**require full 8-hour day inspections.**

8. Permittee acknowledges that the Pipelines are cathodically protected, and hereby covenants and agrees: (a) that Permittee shall operate and maintain the Improvements in the vicinity of the Pipelines in such a manner as not to interfere in any way with the Pipeline's cathodic protection; and (b) that Permittee assumes the risk of any injury to the Improvements which may occur due to the proximity to or existence of Permitter's cathodic protection system, and shall indemnify, defend and hold Permitter harmless of and from any and all claims in connection with any such injury to the Improvements.
9. **PERMITTEE FURTHER HEREBY COVENANTS AND AGREES TO PROTECT, DEFEND, INDEMNIFY AND FOREVER HOLD HARMLESS Permitter, ITS PARENT, SUBSIDIARY, AND AFFILIATED COMPANIES, AS WELL AS THEIR RESPECTIVE OFFICERS, DIRECTORS, MEMBERS, EMPLOYEES, AGENTS, SUCCESSORS AND ASSIGNS (HEREINAFTER COLLECTIVELY REFERRED TO AS THE "INDEMNIFIED PARTIES"), FROM AND AGAINST EACH AND EVERY CLAIM, DEMAND, LIABILITY, INJURY, DAMAGE, ACTION, AND/OR CAUSE OF ACTION ARISING FROM OR IN ANY WAY CONNECTED WITH THE CONSTRUCTION ACTIVITIES, IMPROVEMENTS AND OPERATIONS CONTEMPLATED HEREBY, EXCEPT TO THE EXTENT CAUSED SOLELY BY THE INDEMNIFIED PARTIES' NEGLIGENCE OR WILLFUL MISCONDUCT.**
10. No poles, towers, and vertical structures will be located at the edge of the existing pipeline right of way. All vertical structures will be a distance of 125% of its overall height away from said pipeline.
11. A safety meeting will be required before work can commence. This includes all contractors and subcontractors working in close proximity to said pipeline.
12. All pipeline crossings will be designated with above ground markers. Permanent above ground markers identifying the crossing pipeline or utility shall be installed and maintained at the limits of Permitter's Easement and/or at the crossing.

13. **Temporary Road Crossings.** Temporary fence to be installed 150 feet either side of the access road in a perpendicular angle to identify the approved crossing point. Pipeline crossings will require 5 feet of padding over existing pipeline. The 5 feet will be above existing ground elevation. All fill material will be of clean and compactable fill over pipeline. Padding and fill will continue 10 feet past each pipeline. Fill will be maintained and graded throughout the course of the project. A surface grade of clean gravel or geo grid mat material may be utilized if needed. Access road must be maintained to keep compaction and not allow pumping of fill material of super impressed loading over pipelines. When crossing the pipeline, no equipment over 15,000 pounds will cross without the installation of crane mats or a larger dirt berm to pad the pipelines. This includes all vehicles, concrete trucks, dump trucks, and misc. machinery, etc. All fill material will be dumped and bladed into place as not to allow any additional surface pressure on the existing pipelines that are now in place. All fill material will be suitable for compaction and be clean fill material prohibiting rock and other unclassified fill over pipelines. All equipment to be used on this project will be listed and supplied to KPC with make, model, weight, number of axles, including gross vehicle weight fully loaded.

14. Permittee agrees to immediately contact Permitter in the event of any incident involving, or potentially involving, the pipelines at the following number:

Robert Clover  
Operations Manager  
Office: (913) 764-6015  
Cell: (913) 522-7501

15. Mechanical excavation will cease once the earth has been removed to within 2 to 4 feet of Permitter's pipeline. Shovels must be used to manually clean the area above and below the pipeline. After the pipeline has been initially located, the pipeline shall be kept visible to the equipment operator during the excavation process. Permitter may require shoring or another type of support to protect the pipeline's integrity. All backfill on Permitter's easement or pipeline corridor shall be mechanically compacted to acceptable compaction ratios. No vibrating compactors are allowed within 75 feet of the pipeline(s).

16. Permittor will require each line be potholed to verify depth at centerline of proposed crossing point. Vacuum Excavation will be performed to locate pipelines. A Pipeline Company representative must be onsite during excavation. All Excavation costs will not be incurred by Permittor.
17. Identify pipeline alignment on plan sheets with size of pipeline, identify pipeline with owner's name, KPC Pipeline, LLC (Company Name), and (product) Caution High Pressure Natural Gas Pipeline. Show pipelines on all drawings including Grading plan, Drainage plan, construction Plan and Profile, Cross Sections, Landscaping plan, etc.
18. Permittor shall not be responsible for any repair or restoration of any such fences or other installations of any type within our right-of-way. In the event the Permittee requires the temporary or permanent removal of such fences or fencing said replacement installations will be at their expense. But will not obstruct pipeline right of way with any fencing efforts.
19. All improvements shall be constructed and maintained to comply with all applicable laws, rules, regulations, ordinances, and codes, pertaining to the State of Kansas and in accordance with pipeline industry standards.
20. This Agreement will be enforced by Permittor to adhere to all pipeline safety standards and to preserve all pipeline integrity standards during the course of this project. In the event of any noncompliance with any of the requirements, conditions, or specifications of this Agreement a written notice to Permittee will be issued to comply immediately. A stop work order will be issued with any noncompliance by KPC.
21. No adverse drainage will be diverted over pipeline corridor to cause erosion. Approved concrete flumes, concrete ditch liners, will be used for drainage swales and are considered on a case-by-case basis.
22. No excavation activities within pipeline corridor without pipeline representative be present at all times.
23. List emergency contact numbers on plans and Caution High Pressure Natural Gas Pipeline.

24. Permittee and all subcontractors will agree to allow a safety meeting to be conducted with all contractors and subcontractors and all personnel prior to construction over and or near the pipeline.
25. Permittee and/or its contractor shall furnish Permittor satisfactory evidence of insurance coverage or a Certificate of Insurance prior to beginning work across or near the Pipeline. Coverage must be in a form acceptable to Permittor prior to granting approval to commence construction. In the event of construction under the Pipeline, Permittor must be named as an additional insured on such insurance policies. Any rights of subrogation or recovery will be waived in favor of Permittor.
26. Permittee has the right to obtain a sanitary sewer easement for sewer project, that said easement is subservient to the existing easement rights in place of the Permittor. The Agreement and each covenant, term and condition contained herein is intended to be binding upon the heirs, successors, and assigns of the parties hereto and will run with the land perpetually.
27. No blasting within 800 feet of the pipeline and no blasting will exceed 1.0 on certified and approved seismograph. A seismograph is required on all blasting within 600 feet of pipelines. Seismograph will be place adjacent to the pipeline nearest to the blast for accurate measurement.
28. No pipeline crossings will be allowed except those authorized by Permittor designees.
29. One equipment crossing will be allowed as part of this project. When pipeline crossings are built it will be inspected by Permittor designees for integrity and safety.
30. No fences, trees, landscaping, or sheds will be allowed within the existing pipeline easement area. No above ground structures, construction of hard surfaces except as permitted herein, nor any engineering works of art will be permitted or allowed in the existing pipeline easement.
31. Permittee will supply Permittor the most current construction plans and all plans

relating to the encroachment of the pipeline right of way. The plans will be submitted with the execution of this agreement on behalf of Company. No plan changes relating to the pipeline corridor will be made without supplying adequate documentation to Permittor, including addition construction techniques and the justification for the improvements of the desired plan change(s) to be justified.

32. Additional design drawings and construction drawings may be hereto attached as Exhibits "B".

33. Permittee and City of Edgerton will give advance written notice prior to scheduled work activities crossing the pipelines. In the event of an emergency all public safety concerns will be adhered to protect the public and the integrity of the pipeline.

Any waiver of any specific portion of the above must be in writing and in no way waives any other part of this Agreement.

Please process encroachment agreement to establish acceptance of the foregoing terms and provisions by executing below and returning the three signed originals.



Permittor  
KPC Pipeline, LLC

By: \_\_\_\_\_  
Lee W.C. Bullock  
President

STATE OF KANSAS                    §  
   §  
COUNTY OF SEDGWICK        §

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned NOTARY PUBLIC, personally appeared **LEE W.C. BULLOCK**, known to me (or satisfactorily proven) to be the person whose name is subscribed as **PRESIDENT, of KPC PIPELINE LLC**, and acknowledged that he, as such being **PRESIDENT** authorized so to do, executed the foregoing instrument as the act of his principal for the purposes therein contained, by signing the name of the said **KPC PIPELINE LLC**, by himself as **PRESIDENT**.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Permittee  
City of Edgerton

By: \_\_\_\_\_

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

Title \_\_\_\_\_

STATE OF KANSAS                   §

§

COUNTY OF JOHNSON           §

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, personally appeared \_\_\_\_\_, to me personally known, who, being duly sworn did say that he / she is the \_\_\_\_\_ **OF THE CITY OF EDGERTON, KANSAS**, a municipal corporation in the State of Kansas and acknowledged to me that he / she executed the foregoing instrument on behalf of said corporation as the free and voluntary act and deed, for the uses, purposes and consideration therein set forth.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

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

## City Council Action Item

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**Council Meeting Date:** June 22, 2023

**Department:** Community Development

**Agenda Item: Consider Application PUD2023-01, Final PUD Plan/Plat for Dwyer Farms, Phase 1, located at the southwest corner of Braun Street/207<sup>th</sup> Street and W. 8<sup>th</sup> Street/Edgerton Road, Edgerton, Kansas.**

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

Rausch Coleman Homes submitted Application PUD2023-01, for a Final PUD Plan/Plat of Dwyer Farms, Phase 1 at the southwest corner of Braun Street/ 207<sup>th</sup> Street and 8<sup>th</sup> Street/Edgerton Road. This proposal is the first phase of a phased development of single-family homes that will include 275 residences when completed. This proposal includes 93 single-family residential lots and five (5) common tracts on 35.50 acres, equating to a net density of 2.61 units per acre. The five (5) common tracts will all be owned and maintained by the Homeowner's Association and will be used for open space, a playground, monument signage, stormwater detention, and landscaping.

Included with this Final PUD Plan/Plat application is the request to accept the dedication of land for public use for Utility Easements (U/E) and public street right-of-way for both Braun Street/207<sup>th</sup> Street and W. 8<sup>th</sup> Street/Edgerton Road, as well as the road network on the interior of the development.

The subject 35.50 acre parcel of land was annexed into the City of Edgerton in April 2022, and was subsequently rezoned to the PUD District (ZA2022-01) in August 2022. The Conceptual PUD Plan was also approved by the Governing Body in August 2022 with Ordinance 2114 (attached), and this Final PUD Plan/Plat is consistent with the previously approved Conceptual PUD (PUD2022-01).

The Planning Commission voted to recommend approval of PUD2023-01, the Final PUD Plan/Plat for Dwyer Farms, Phase 1 at their June 13, 2023 meeting.

City staff has reviewed the Final PUD Plan/Plat submittal for conformance with the approved Conceptual PUD Plan and requirements in Articles 6 and 13 of the Edgerton UDC. The applicant's engineer will update the Final Plat as required by stipulations listed in the staff report prior to the Final Plat being recorded with the County. This Final Plat has been reviewed by the City Engineer and found to be in compliance with City Code requirements.

**Related Ordinance(s) or Statue(s):** K.S.A. 12-741, K.S.A 12-749, K.S.A. 12-752.

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Application PUD2023-01, Final PUD Plan/Plat for Dwyer Farms, Phase 1, located at the southwest corner of Braun/207<sup>th</sup> Street and 8<sup>th</sup> Street/Edgerton Road, Edgerton, Kansas.**

**Enclosed:**

- Final Plat dated May 2023.
- Ordinance 2114, approving PUD2022-01.
- Staff Report from June 13, 2023 Planning Commission including Final PUD Application PUD2023-01.
- Excerpt of June 13, 2023 Planning Commission Meeting Draft Minutes – Dwyer Farms PUD portion only.

**Prepared by:** Zachary Moore, Development Services Director



## **ORDINANCE NO. 2114**

### **AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE THE PLANNED UNIT DEVELOPMENT (PUD) CONCEPTUAL PLAN FOR 80.4 ACRES LOCATED AT THE SOUTHWEST CORNER OF 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD.**

**WHEREAS**, the purpose of the Planed Unit Development regulations of the Edgerton Unified Development Code is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations; and

**WHEREAS**, pursuant to those regulations, an applicant is required to submit a request for approval of a Conceptual Plan to the Zoning Administrator, which is in turn submitted to the Planning Commissioner for public hearing, review and recommendation; and

**WHEREAS**, the Zoning Administrator and the Planning Commission of the City of Edgerton, Kansas received a request for approval of a Conceptual Plan from Jesse Fulcher, applicant representative for the owners, Dennis L. Dwyer, Vickie J. Dwyer, David L. Dwyer and Kendra L. Dwyer, and developer, Rausch Coleman Homes, for a parcel of land totaling approximately 80.4 acres, generally located at the southwest corner of 207<sup>th</sup> Street/Braun Street and 8<sup>th</sup> Street/Edgerton Road in Edgerton, Kansas along with the required Planned Unit Development fees; and

**WHEREAS**, a public hearing was noticed and held in front of the Planning Commission on July 12, 2022, as required by the Uniform Development Code; and

**WHEREAS**, following such hearing the Planning Commission recommended that the Conceptual Plan be approved subject to certain conditions; and

**WHEREAS**, the Edgerton City Council wishes to take action on that recommendation.

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

**Section 1.** That the Conceptual Plan for Planned Unit Development for the following legally described property generally located at the southwest corner of 207<sup>th</sup> Street/Braun Street and 8<sup>th</sup> Street/Edgerton Road, in Edgerton, Kansas is hereby approved, subject to the conditions below:

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 feet; thence

East a distance of 35.00 feet; thence North along the East line of said Northeast ¼ 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 2.** The above approval for the Concept Plan for Planned Unit Development is expressly conditioned on the following:

- a) Compliance with the stipulations stated in the Planning Commission Staff Reports for Application PUD2022-01.
- b) Adherence to the requirements outlined in the Development Agreement for this parcel as mutually agreed to by the Developer and the City.
- c) The submission and approval of a Final Plan and Final Plat as required by section 6.4 of the Unified Development Code.
- d) Strict adherence to all requirements of Article 6 of the Edgerton Unified Development Code, the remainder of the Unified Development Code, city ordinances and regulations.

**Section 3.** That City Staff is hereby directed to reflect said approval on the City's Official Zoning map and other City records.

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

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 11th DAY OF AUGUST, 2022.

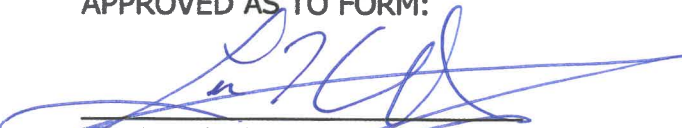
CITY OF EDGERTON, KANSAS

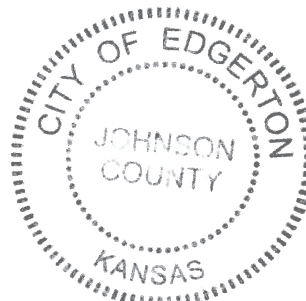
By:   
Donald Roberts, Mayor

ATTEST:

  
Christopher Clinton, Deputy City Clerk

APPROVED AS TO FORM:

  
Lee Hendricks, City Attorney





## DWYER FARMS, UNIT 1

**Application PUD2023-01**

**Southwest Corner of 207<sup>th</sup> Street/Braun Street and 8<sup>th</sup> Street/Edgerton Road**

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant requests approval of a Final Planned Unit Development Plan for single-family residential development

#### Owner and Applicant

Kyle Jones, Agent of  
Rausch Coleman Homes

#### Existing Zoning and Land Use

Currently zoned PUD (Planned Unit Development) with no current development on the subject property.

#### Legal Description

The north ½ of the NE ¼ of Section 13, Township 15 South, Range 21 East, in the City of Edgerton, Johnson County, Kansas.

#### Parcel Size

35.5 acres

#### Staff Report

#### Prepared by

Zachary Moore





## BACKGROUND

### 1. Proposal

The Applicant, Rausch Coleman Homes, has submitted a Final PUD Plan and Plat for a 35.5 acre parcel of land at the southwest corner of 8<sup>th</sup> Street and 207<sup>th</sup> Street. Article VI of the UDC, Section 6.2, requires that the Planning Commission review the Final Development Plan and Plat prior to the Governing Body's review and consideration. This application does not require a public hearing.

### 2. Subject Site

The subject property was annexed into the City of Edgerton on April 14, 2022 and was later zoned to the PUD (Planned Unit Development) on August 11, 2022 under the terms and conditions of Ordinance 2113. Also on August 11, 2022, the Governing Body of Edgerton approved the Conceptual Plan for the Dwyer Farms Planned Unit Development (PUD2022-01), which this Final PUD Plan/Plat is consistent with. This proposal is the first development proposal on the subject property that the City has received, and the property has never been developed.

### 3. Service Providers and Watershed

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

### 4. Lots and Tracts

The applicant is proposing ninety-three (93) single-family residential lots and five (5) tracts. The lots in this phase will range from 5,751 square feet to 14,074 square feet, with an average lot size of 7,210 square feet. Each of the common tracts will be owned and maintained by the Homeowners' Association (HOA) and Tracts A, B, and C will be used as Open Space, with Tracts A and C also being drainage easements. Meanwhile, Tract D will be used as Open Space/Playground and Tract E will be used for monument signage for the subdivision.

## PUD REVIEW

### STANDARDS FOR PLANNED UNIT DEVELOPMENTS

1. **Comprehensive Plan:** The proposed development of a 93-lot phase of a subdivision directly aligns with the Future Land Use Map designation of the property as 'Low-Density Residential', along with several other goals of the Comprehensive Plan, including but not limited to the following:
  - a. *"Promote a balanced and sustainable community by providing a mix of different types of development."*
  - b. *"Provide a range of housing types and price ranges for all citizens of Edgerton."*

2. **Compatibility:** The proposed use of single-family homes and associated open space is compatible with the surrounding development, as is required by the UDC, and will not have a detrimental influence on the surrounding properties.
3. **Net Density:** The net density of this phase of Dwyer Farms is 2.61 dwelling units per acre (du/ac), which is consistent with the density approved by the Governing Body with the related Conceptual PUD Plan (PUD2022-01).
4. **Site Ownership:** The subject 35.5 acres of land is under one common ownership, as is required by the UDC.
5. **Space Between Buildings:** The Planning Commission approved a reduction in the minimum separation between single-family detached dwelling units from 16 feet to 10 feet with the Conceptual PUD Plan, with the stipulation that fire-rated materials be used during construction. The applicant has not changed this request and a stipulation requiring fire-rated construction materials has been added as a stipulation to staff's recommendation.
6. **Yards:** The following lot sizes and setbacks were approved in PUD Conceptual Plan PUD2022-01 and will apply as the minimum district standards for development subject to Ordinance 2113:

	<b>PUD2022-01</b>
Interior Lot Width	50 feet
Front Yard Setback	28 feet
Rear Yard Setback	20 feet
Side Yard Setback	5 feet
Corner Yard Setback	15 feet

The development proposal will use the same proposed lot widths and setbacks that the applicant requested and Planning Commission approved with the Conceptual Plan (PUD2022-01). As stipulated in the PUD Conceptual Plan, the requested and approved 5-foot side yard setbacks remain with this proposal, provided that fire-rated materials are used during construction. This is recommended as a stipulation of approval with this proposal, as is mentioned in Section 5 above.

7. **Parking Standards:** Adequate parking will be provided for each single-family home constructed in this phase, as each home will have a two- or three-car garage, and two spaces in the driveway. This is consistent with what was approved with the Conceptual PUD Plan (PUD2022-01)
8. **Traffic:** The applicant provided a Traffic Impact Study (TIS) with their Conceptual PUD Plan (PUD2022-01), which identified that no auxiliary (turn) lanes into the site would be warranted with the development of this subdivision. Each lot in this subdivision will have direct access to a public street on the interior of the development, and no lot will have direct vehicular access to either 8<sup>th</sup> Street or Braun Street. The road network internal to the site will provide access to both 8<sup>th</sup> Street and Braun Street, and there will be 6 street stubs internal to the site, that will provide connections to future phases.

## DEVELOPMENT STANDARDS

### 1. Landscape Plan and Signage

The applicant has provided a landscape plan, as is required by the Unified Development Code (UDC). Each proposed lot has one tree proposed in the front yard and each of the internal tracts are lined with deciduous trees. Both 8<sup>th</sup> Street and Braun Street will have trees planted where residential lots are adjacent to the right-of-way. The 9.3-acre tract at the corner of 8th Street and Braun Street will remain in its natural vegetative state. Each monument sign will have landscaping including perennials, ornamental grasses, and deciduous shrubs around their base, meeting standard UDC requirements for landscaping of monument signs. The proof of the monument sign that was provided by the applicant is included in this packet and will require separate approval through a sign permit.

### 2. Sidewalk, Paths, and Cycle Trails

A sidewalk will be provided on one side of all internal public streets by the developer and a sidewalk will be constructed by the City on the west side of 8<sup>th</sup> Street and the south side of Braun Street, which the applicant has agreed to dedicate right of way for. The size and location of the sidewalks along 8<sup>th</sup> Street and Braun Street are to be determined by the City in the future.

### 3. Housing Styles

In the PUD Conceptual Plan PUD2023-01, the applicant provided five (5) models that could be used as possible floorplans for buyers to select from. With this application, the applicant has provided twelve (12) floorplans that will be available to allow for greater variety of home choices. Of each floor plan, the developer will only use some of the elevations provided in this packet. The elevations with their names outlined in red will be the options used in this phase.

### 4. Stormwater

The applicant has submitted a stormwater study that staff and the City Engineer are reviewing. The common tract in the northeast corner of the property contains floodplain and will remain vacant, and two (2) detention tracts are provided in this phase; one (1) just north of the intersection of Starside Street and Fairview Street, and the other at the southeast corner of the intersection of Braun Street and Rushmore Street.

## PLAT DOCUMENT REVIEW – UDC SECTIONS 6.4.A.3 AND 13.3.G

Below is a list of requirements for Final Plat documents that are provided in the UDC, that revisions must be made to accommodate prior to recording the final plat document. Requirements of the UDC are underlined, and the corresponding revision that must be made is italicized below each Code requirement.

1. UDC, Article 13.3.G – All easements with widths, and roads with curve data (must be shown on the plat).
  - a. *Additional easement width may be needed as noted in the construction plan comments.*
  - b. *Many of the proposed easements are missing width labels. Label all easement widths. Lots 1, 2, 26, 27, 55, 92, and Tracts A and D are missing easement width labels.*
  - c. *Additional utility easements may be necessary. The Plat should be reviewed by utility companies.*

## NOTICE OF CITY CODES AND PERMITS

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

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

## DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for PUD2023-01	April 25, 2023
1	Final Plat - Dwyer Farms, Unit 1	May 2023
2	Sheet 3 – Site Plan	May 30, 2023
3	Sheet 4 – Utility Plan	May 30, 2023
4	Sheet 18 – Grading Plan	May 30, 2023
5	Sheet 19 – Grading Plan	May 30, 2023
6	Sheet 73 – Landscape Plan	May 30, 2023
7	Sheet 74 – Landscape Plan	May 30, 2023
8-32	Elevations and Color Renderings	N/A
33	Monument Sign Proof	April 26, 2023

## STAFF RECOMMENDATION

Staff recommends approval of PUD Final Plan/Plat **Application PUD2023-01** for *Dwyer Farms, Unit 1*, as submitted, subject to the following stipulations:

1. All infrastructure requirements of the City are met.
2. Prior to plat recording, the following must occur:
  - a. Dedication language for the sign easement must be placed on the face of the plat.
  - b. All easement widths must be labeled on the plat.
  - c. The stormwater study must be approved by the City Engineer. Any necessary changes to the plat based on review of the stormwater study must be made prior to plat recording.
3. All requirements of the City for a PUD are met.
4. Fire rated materials must be used in construction of homes in lieu of the Planning Commission and Governing Body permitting a 5-foot side yard setback and minimum 10-foot separation between buildings.

***Note: For Application PUD2023-01 the Planning Commission will be recommending either approval or denial of the application to the Governing Body. If the Planning Commission recommends approval, the Application will be presented to the Governing Body on June 22, 2023.***



NAME OF PLANNED UNIT DEVELOPMENT (PUD): \_\_\_\_\_

LOCATION OR ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

ASSOCIATED PUD CONCEPTUAL PLAN APPLICATION: \_\_\_\_\_

CURRENT SITE OWNERSHIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ EMAIL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
Street City State Zip

PROPOSED SITE OWNERSHIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ EMAIL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ EMAIL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
Street City State Zip

SIGNATURE OF OWNER OR AGENT: \_\_\_\_\_

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

**FOR OFFICE USE ONLY**

Case No.: PUD-\_\_\_\_\_ Amount Paid: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Planning Commission Meeting Date: \_\_\_\_\_ Council Meeting Date: \_\_\_\_\_

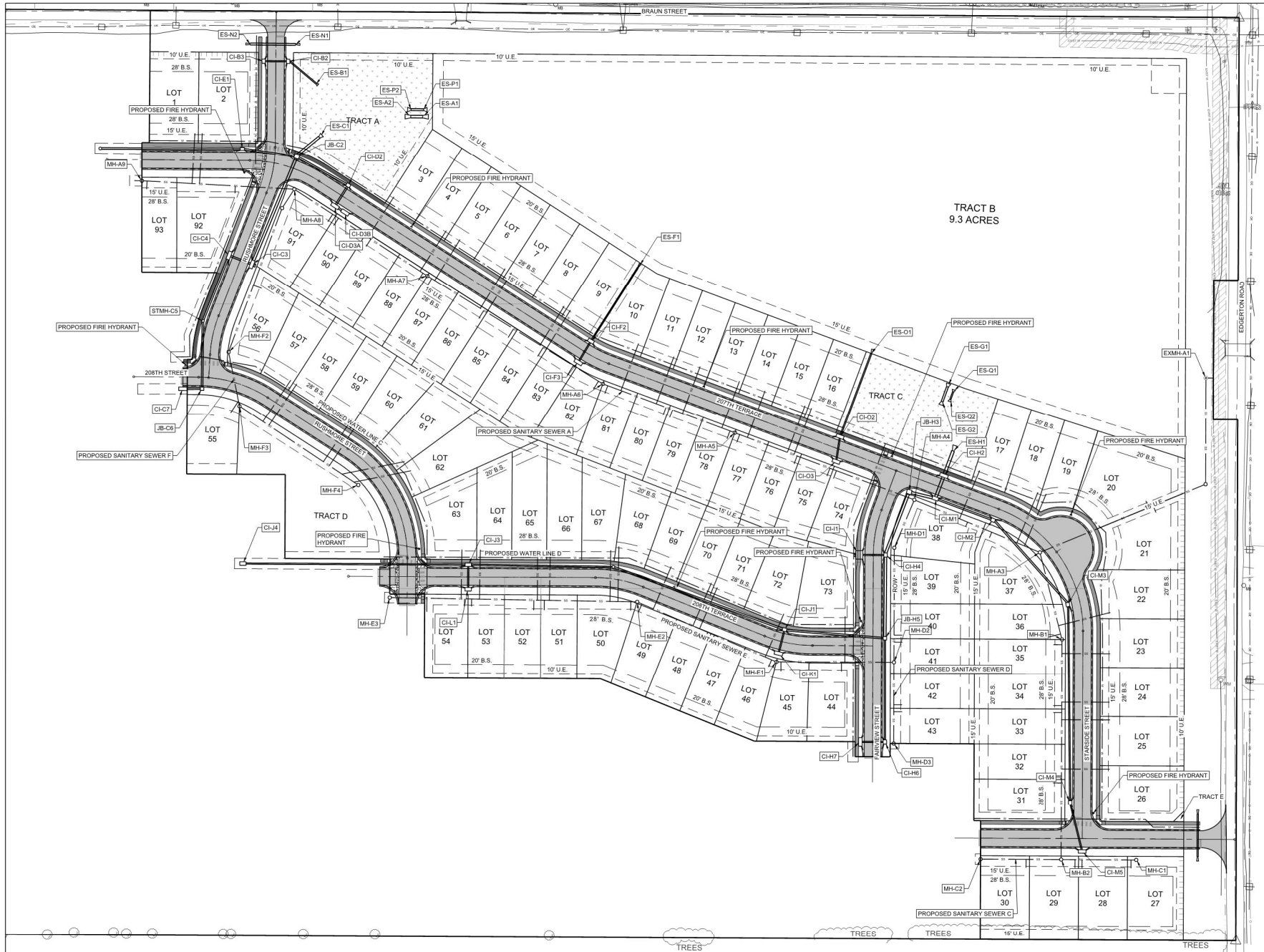
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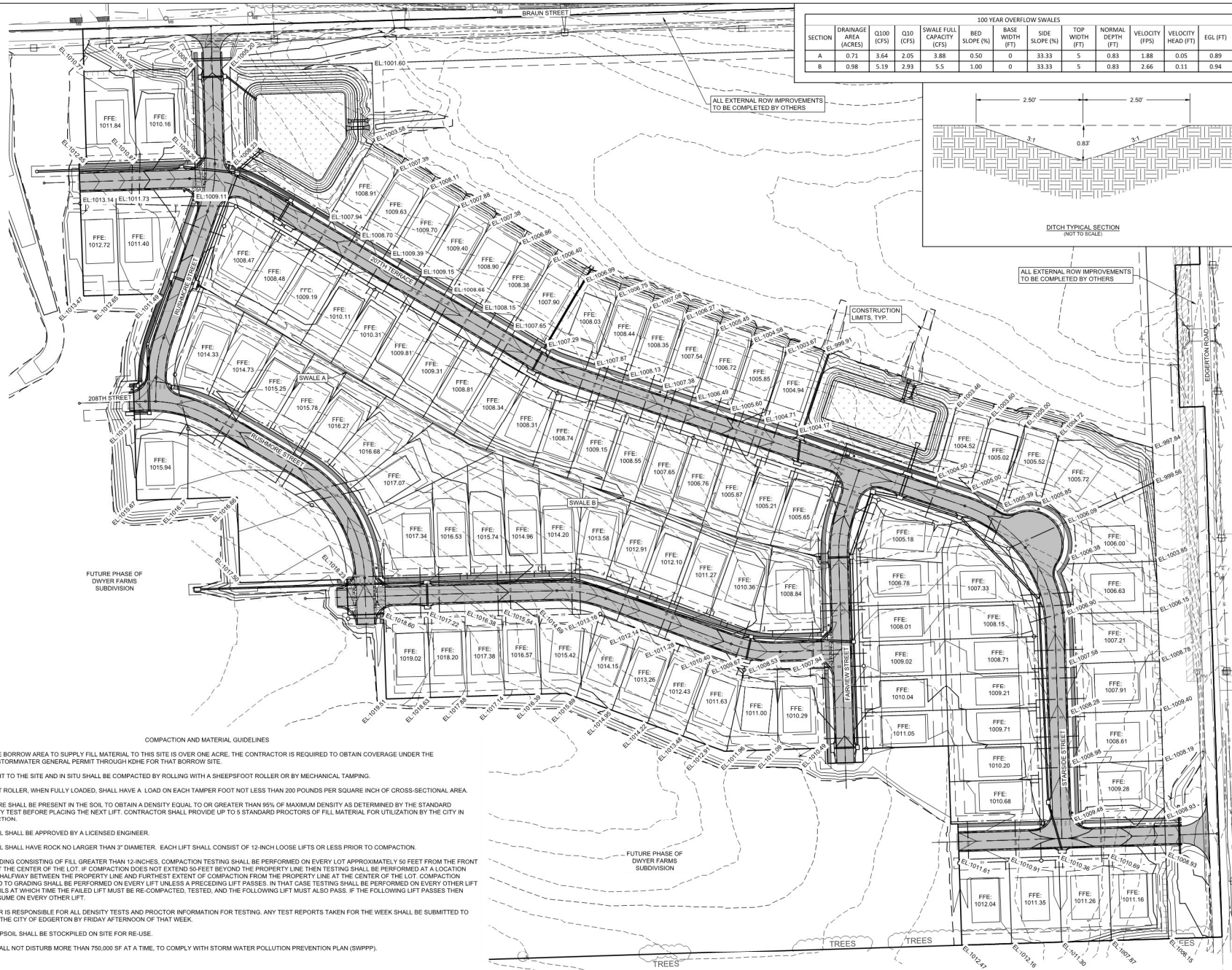




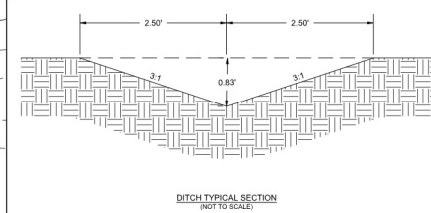








100 YEAR OVERFLOW SWALES										
SECTION	DRAINAGE AREA (ACRES)	Q100 (CFS)	Q20 (CFS)	SWALE FULL CAPACITY (CFS)	BED SLOPE (%)	BASE WIDTH (FT)	SIDE SLOPE (%)	TOP WIDTH (FT)	NORMAL DEPTH (FT)	VELOCITY (FPS)
A	0.71	3.64	2.05	3.88	0.50	0	33.33	5	0.83	1.88
B	0.98	5.19	2.93	5.5	1.00	0	33.33	5	0.83	2.66



- COMPACTION AND MATERIAL GUIDELINES
- IN THE EVENT THE BORROW AREA TO SUPPLY FILL MATERIAL TO THIS SITE IS OVER ONE ACRE, THE CONTRACTOR IS REQUIRED TO OBTAIN COVERAGE UNDER THE CONSTRUCTION STORMWATER GENERAL PERMIT THROUGH KDHE FOR THAT BORROW SITE.
  - ALL SOIL BROUGHT TO THE SITE AND IN SITU SHALL BE COMPACTED BY ROLLING WITH A SHEEPSFOOT ROLLER OR BY MECHANICAL TAMPING.
  - THE SHEEPSFOOT ROLLER, WHEN FULLY LOADED, SHALL HAVE A LOAD ON EACH TAMPER FOOT NOT LESS THAN 200 POUNDS PER SQUARE INCH OF CROSS-SECTIONAL AREA.
  - ENOUGH MOISTURE SHALL BE PRESENT IN THE SOIL TO OBTAIN A DENSITY EQUAL TO OR GREATER THAN 95% OF MAXIMUM DENSITY AS DETERMINED BY THE STANDARD PROCTOR DENSITY TEST BEFORE PLACING THE NEXT LIFT. CONTRACTOR SHALL PROVIDE UP TO 5 STANDARD PROCTORS OF FILL MATERIAL FOR UTILIZATION BY THE CITY IN TESTING COMPACTION.
  - ALL FILL MATERIAL SHALL BE APPROVED BY A LICENSED ENGINEER.
  - ALL FILL MATERIAL SHALL HAVE ROCK NO LARGER THAN 3" DIAMETER. EACH LIFT SHALL CONSIST OF 12-INCH LOOSE LIFTS OR LESS PRIOR TO COMPACTION.
  - IN AREAS OF GRADING CONSISTING OF FILL GREATER THAN 12-INCHES, COMPACTION TESTING SHALL BE PERFORMED ON EVERY LOT APPROXIMATELY 50 FEET FROM THE FRONT YARD LOT LINE AT THE CENTER OF THE LOT. IF COMPACTION DOES NOT EXTEND 50 FEET BEYOND THE PROPERTY LINE THEN TESTING SHALL BE PERFORMED AT A LOCATION APPROXIMATELY HALF WAY BETWEEN THE PROPERTY LINE AND FURTHEST EXTENT OF COMPACTION FROM THE PROPERTY LINE AT THE CENTER OF THE LOT. COMPACTION TESTING RELATED TO GRADING SHALL BE PERFORMED ON EVERY LIFT UNLESS A PRECEDING LIFT PASSES. IN THAT CASE TESTING SHALL BE PERFORMED ON EVERY OTHER LIFT UNLESS A LIFT FAILS AT WHICH TIME THE FAILED LIFT MUST BE RE-COMPACTED, TESTED, AND THE FOLLOWING LIFT MUST ALSO PASS. IF THE FOLLOWING LIFT PASSES THEN TESTING CAN RESUME ON EVERY OTHER LIFT.
  - THE CONTRACTOR IS RESPONSIBLE FOR ALL DENSITY TESTS AND PROCTOR INFORMATION FOR TESTING. ANY TEST REPORTS TAKEN FOR THE WEEK SHALL BE SUBMITTED TO THE OWNER AND THE CITY OF EDGERTON BY FRIDAY AFTERNOON OF THAT WEEK.
  - ALL STRIPPED TOPSOIL SHALL BE STOCKPILED ON SITE FOR RE-USE.
  - CONTRACTOR SHALL NOT DISTURB MORE THAN 750,000 SF AT A TIME, TO COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWPPP).

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CONSULTANTS

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**Kansas City**  
(913) 444-9815  
**Colorado Springs, CO**  
(719) 465-2145

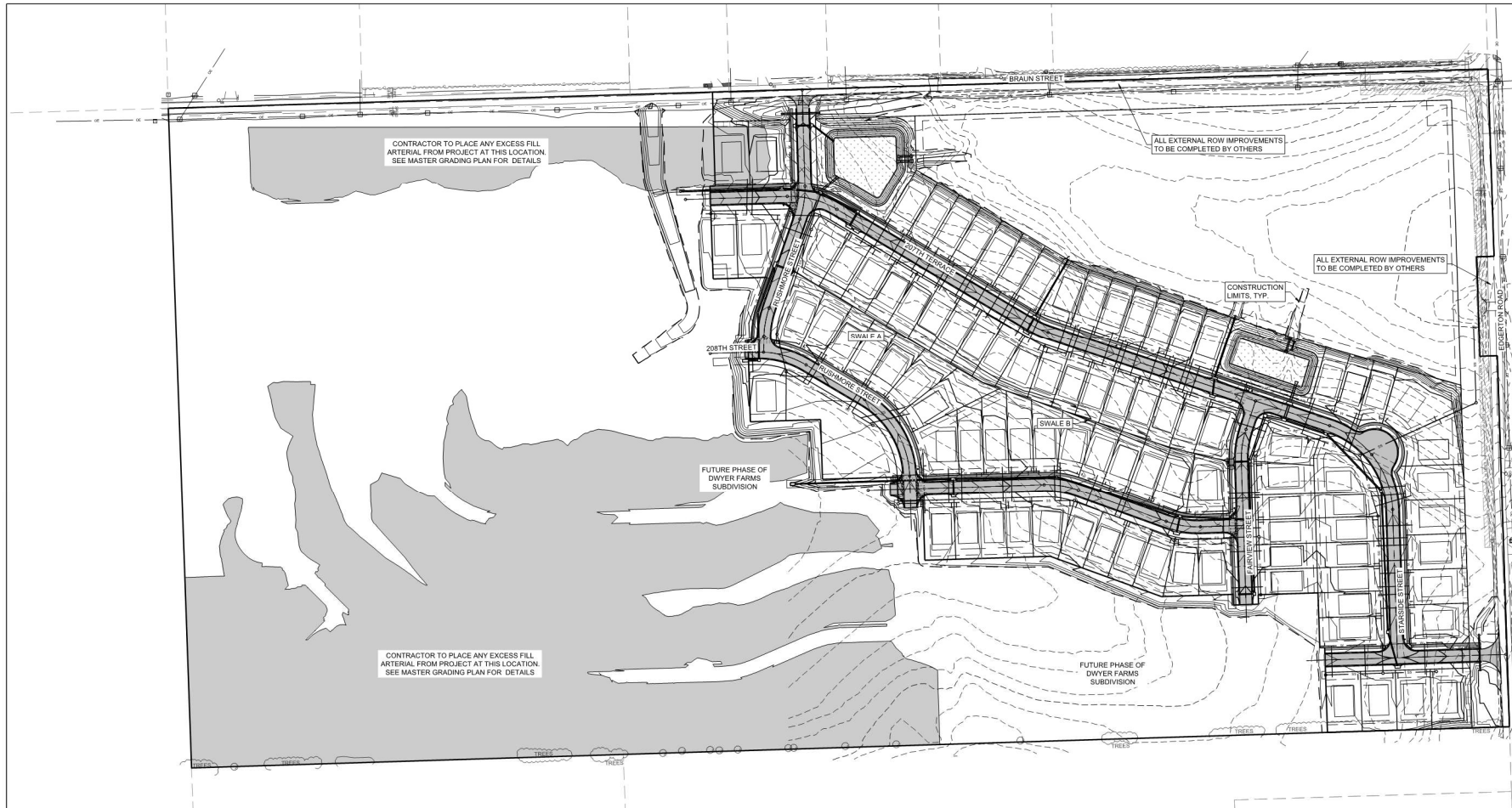
**DWYER FARMS SUBDIVISION, PHASE I**  
CONSTRUCTION DOCUMENTS  
EDGERTON, KANSAS

**LEE RYHERD**  
LICENSED  
**25977**  
PROFESSIONAL ENGINEER  
5/16/23

REVISION  
DATE  
DESCRIPTION

**NORTH**

PROJECT # 2203-0102  
CHECKED BY: J.R.  
DRAWN BY: J.M.  
DATE: 05/30/2023  
SHEET #  
**18**  
TOTAL SHEETS 104



#### COMPACTION AND MATERIAL GUIDELINES

1. IN THE EVENT THE BORROW AREA TO SUPPLY FILL MATERIAL TO THIS SITE IS OVER ONE ACRE, THE CONTRACTOR IS REQUIRED TO OBTAIN COVERAGE UNDER THE CONSTRUCTION STORMWATER GENERAL PERMIT THROUGH KDHE FOR THAT BORROW SITE.
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9. ALL STRIPPED TOPSOIL SHALL BE STOCKPILED ON SITE FOR RE-USE.
10. CONTRACTOR SHALL PROVIDE EROSION CONTROL FOR EXCESS ARTERIAL FILL AREAS SHOWN, TO AVOID SEDIMENT FROM LEAVING SITE. SEE SOIL EROSION & SEDIMENT CONTROL PLAN FOR DETAILS.
11. CONTRACTOR SHALL NOT DISTURB MORE THAN 750,000 SF AT A TIME, TO COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWPPP).

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## DWYER FARMS SUBDIVISION, PHASE I

### CONSTRUCTION DOCUMENTS

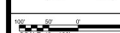
EDGERTON, KANSAS



REVISION DESCRIPTION  
(DESCRIPTION)

DATE  
(DATE)

NORTH



PROJECT # 2203-0102  
CHECKED BY: LJR  
DRAWN BY: JMT

DATE: 05/30/2023

SHEET #

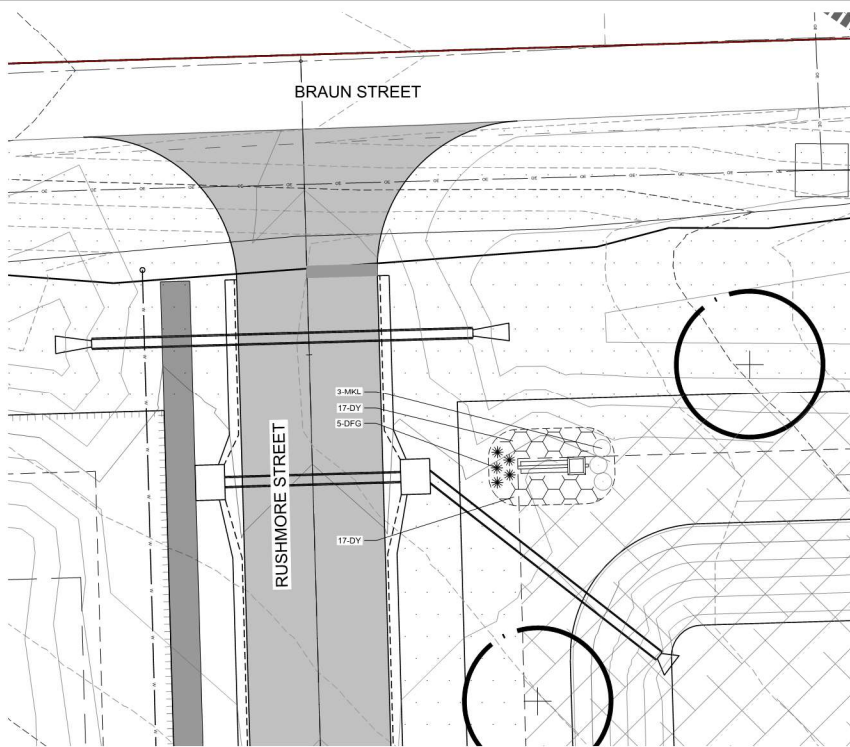
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TOTAL SHEETS 104

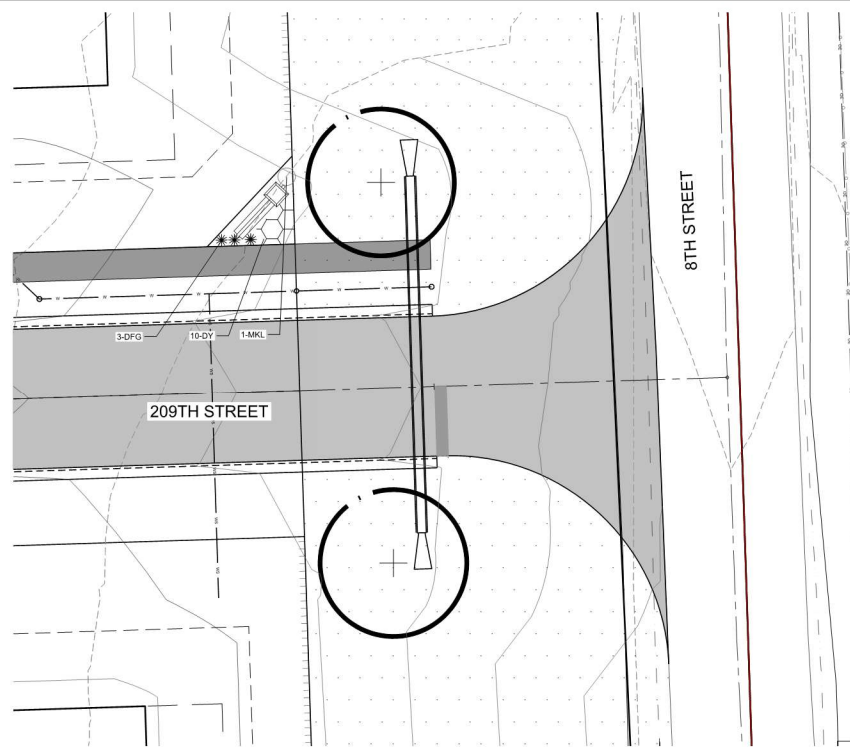
GRADING PLAN





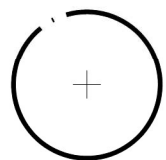


1 PLANTING ENLARGEMENT 1  
74 NOT TO SCALE



2 PLANTING ENLARGEMENT 2  
74 NOT TO SCALE

## LEGEND



DECIDUOUS TREE



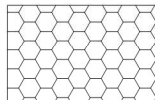
DECIDUOUS SHRUBS



ORNAMENTAL GRASSES



MONUMENT SIGN



PERENNIALS



TURF GRASS MIX

## UTILITY SCREENING PLANT LIST

### EVERGREEN SHRUBS

COMPACT ANDORA JUNIPER <i>Juniperus horizontalis 'Plumosa Compacta'</i>	5 GAL. 18"-24" WIDTH
GLOBE BLUE SPRUCE <i>Picea pungens 'Glaucia Globosa'</i>	5 GAL. 18"-24" HT.
SEA GREEN JUNIPER <i>Juniperus chinensis 'Sea Green'</i>	5 GAL. 18"-24" HT.
WINTERGREEN BOXWOOD <i>Buxus microphylla 'Wintergreen'</i>	5 GAL. 18"-24" HT.

### DECIDUOUS SHRUBS

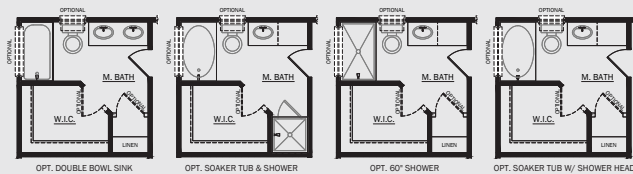
ANTHONY WATER SPIREA <i>Spiraea bumalda 'Anthony Waterer'</i>	5 GAL. 18"-24" HT.
KELSEY DOGWOOD <i>Cornus sericea 'Yellow'</i>	5 GAL. 18"-24" HT.
MISS KIM LILAC <i>Syringa patula</i>	5 GAL. 18"-24" HT.
PURPLE LEAF SANDCHERRY <i>Prunus cistena</i>	5 GAL. 18"-24" HT.
SUMMER WINE NINEBARK <i>Physocarpus opulifolius 'Seward'</i>	5 GAL. 18"-24" HT.

### ORNAMENTAL GRASSES

AUTUMN FLAME GRASS <i>Miscanthus purpurascens</i>	1 GAL. ESTABLISHED
BLONDE AMBITION GRAMA GRASS <i>Bouteloua gracilis 'Blonde Ambition'</i>	1 GAL. ESTABLISHED
HEAVY METAL SWITCHGRASS <i>Panicum virgatum 'Heavy Metal'</i>	1 GAL. ESTABLISHED
KARL FOERSTER FEATHER REED GRASS <i>Calamagrostis x acutiflora 'Karl Foerster'</i>	1 GAL. ESTABLISHED
THE BLUES LITTLE BLUESTEM <i>Schizachyrium scoparium 'The Blues'</i>	1 GAL. ESTABLISHED

\*THE SCREENING OF UTILITIES BOXES WILL BE DETERMINED BY DEVELOPER AS HOMES DEVELOP SO THAT PLANTINGS CAN BE COORDINATED WITH DRIVEWAYS AND UTILITIES. THE ABOVE PLANT LIST IS TO USED TO SCREEN THE UTILITIES AS NEEDED.





First Floor

# RC Baltimore

**3 BED • 2 BATH  
2 CAR GARAGE**



LONG LIVE HAPPY HOMES®

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



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**844.4RCHomes**



Version 05

## ELEVATIONS



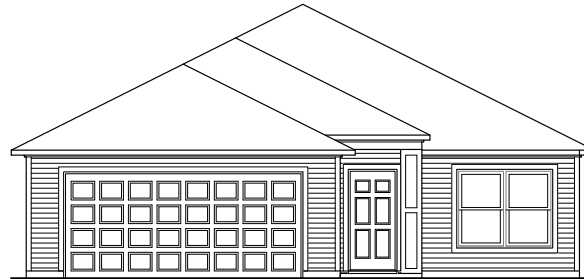
RC Baltimore Elevation A



RC Baltimore Elevation B



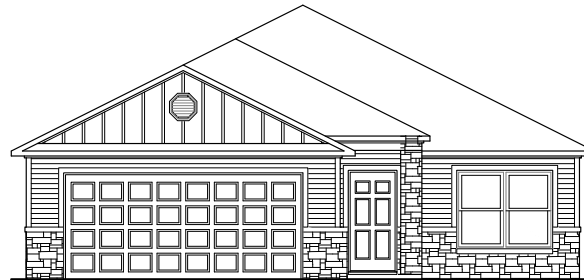
RC Baltimore Elevation C



RC Baltimore Elevation G



RC Baltimore Elevation H

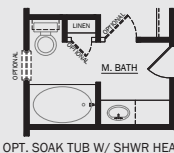
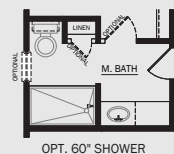
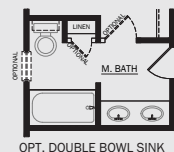


RC Baltimore Elevation I





First Floor



# RC Mitchell

**3 BED • 2 BATH  
2 CAR GARAGE**



LONG LIVE HAPPY HOMES®

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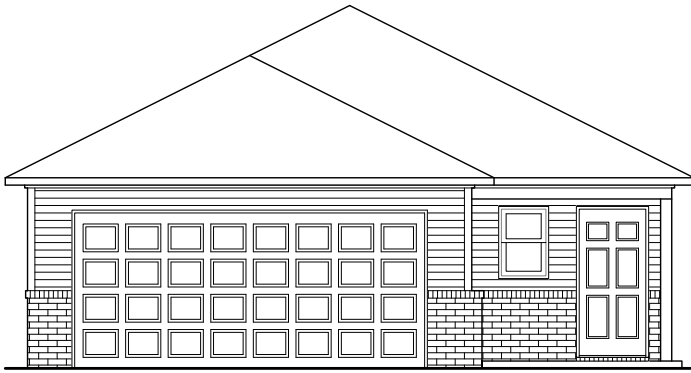
[RCH.com](http://RCH.com)

**844.4RCHomes**



Version 07

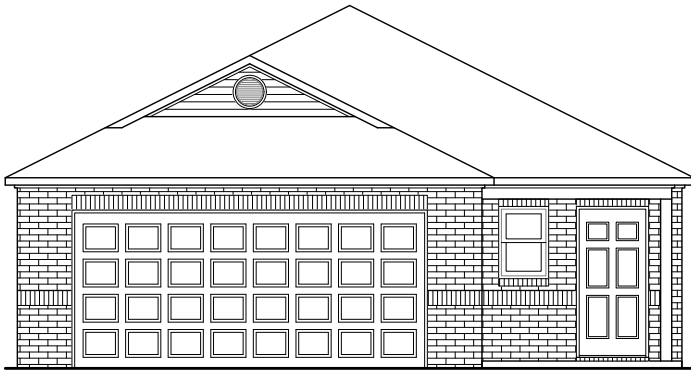
## ELEVATIONS



RC Mitchell Elevation A



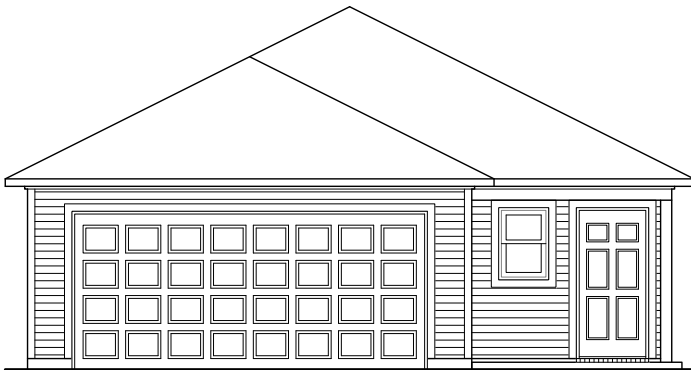
RC Mitchell Elevation B



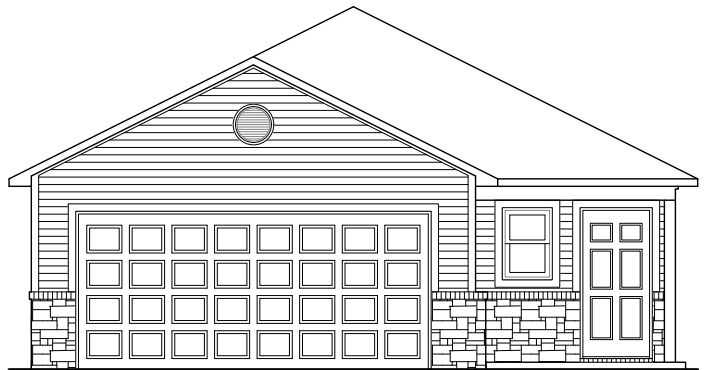
RC Mitchell Elevation C



RC Mitchell Elevation D



RC Mitchell Elevation G



RC Mitchell Elevation H



RC Mitchell Elevation I





# RC Drake

3 BED • 2.5 BATH  
1 CAR GARAGE



LONG LIVE HAPPY HOMES®

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844.4RCHomes



Version 06

# ELEVATIONS



**RC Drake Elevation A**

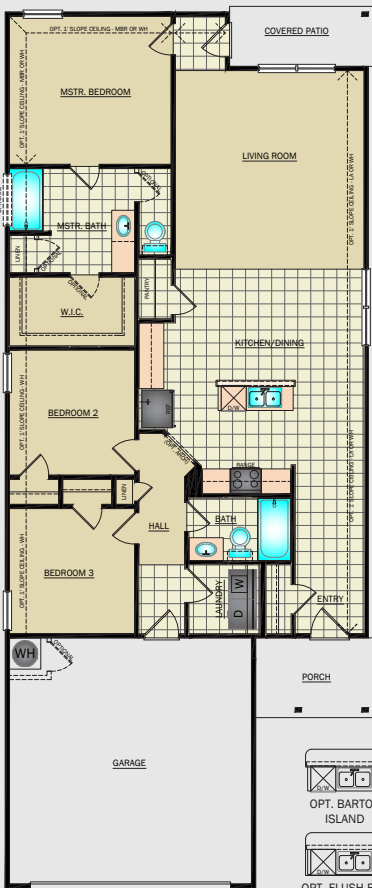


**RC Drake Elevation B**

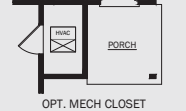
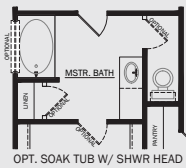
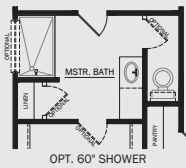
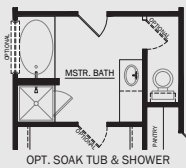
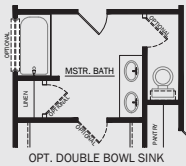


**RC Drake Elevation C**





First Floor



# RC Somerville

3 BED • 2 BATH  
2 CAR GARAGE



LONG LIVE HAPPY HOMES®

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



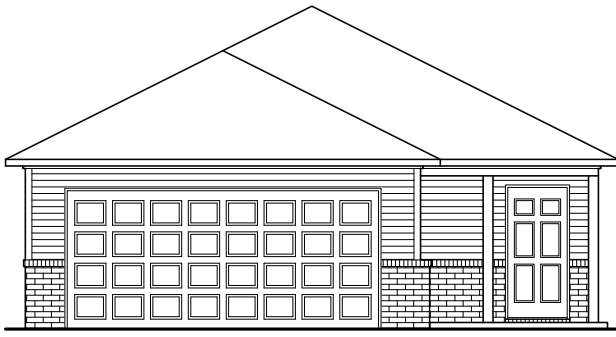
RCH.com

844.4RCHomes

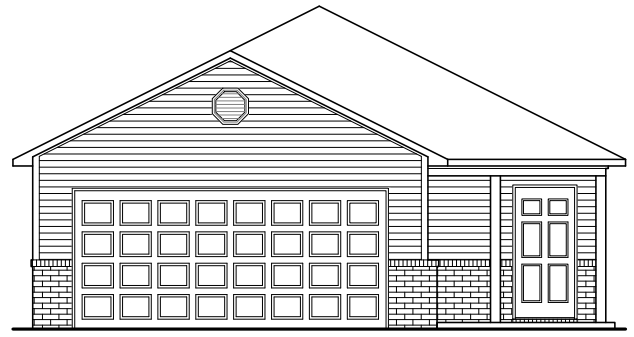


Version 06

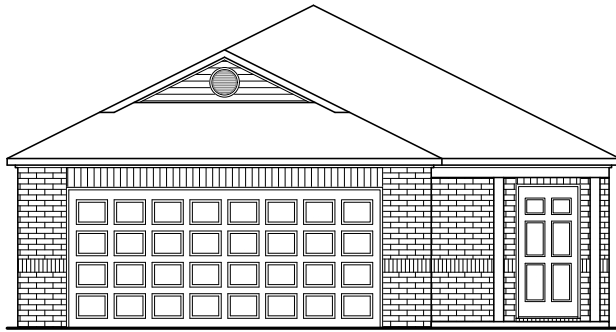
## ELEVATIONS



RC Somerville Elevation A



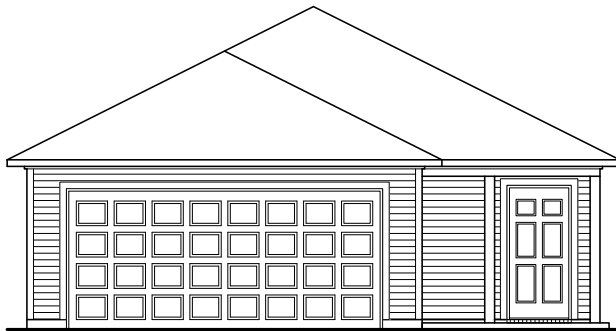
RC Somerville Elevation B



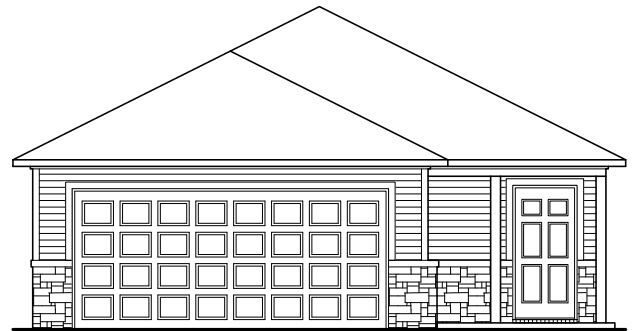
RC Somerville Elevation C



RC Somerville Elevation D



RC Somerville Elevation G



RC Somerville Elevation H



RC Somerville Elevation I





**3 BED • 2 BATH**  
**2 CAR GARAGE**



Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community.  
Optional elevation drawings on reverse side.

**RAUSCH**  
**COLEMAN**



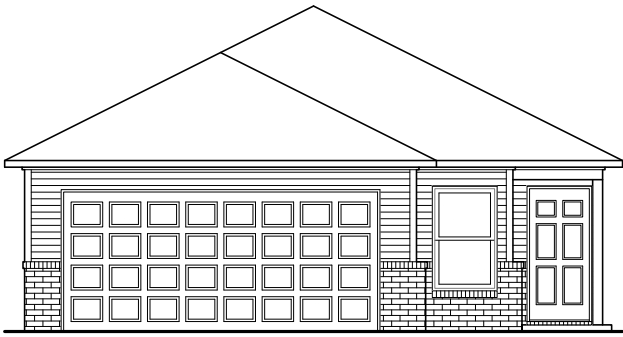
**RCH.com**

**844.4RCHomes**

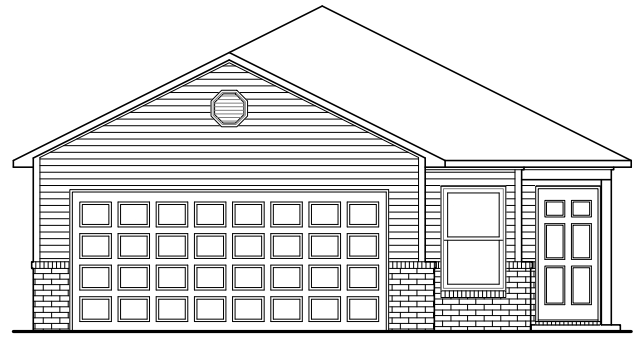


Version 07

# ELEVATIONS



RC Cooper Elevation A



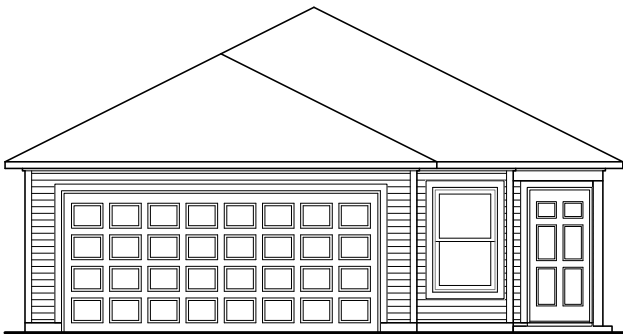
RC Cooper Elevation B



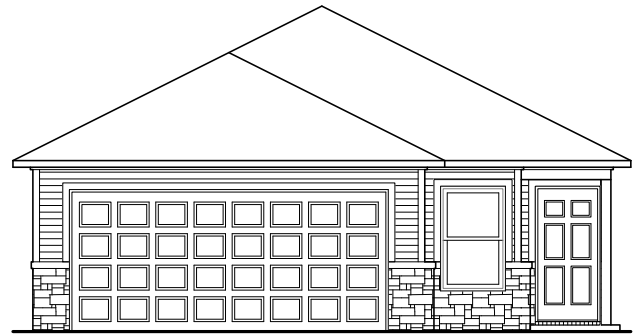
RC Cooper Elevation C



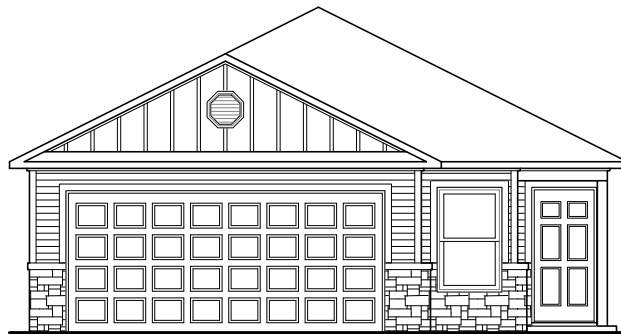
RC Cooper Elevation D



RC Cooper Elevation G

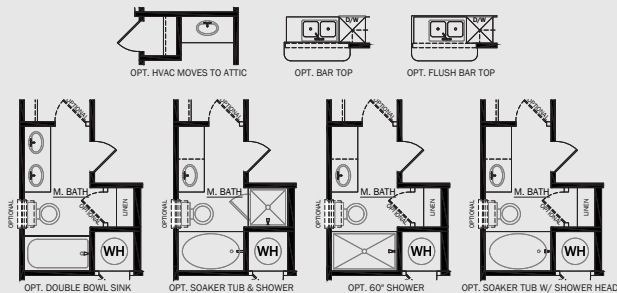


RC Cooper Elevation H



RC Cooper Elevation I





First Floor

# RC Franklin

3 BED • 2 BATH  
2 CAR GARAGE



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Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



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Version 07

## ELEVATIONS



RC Franklin Elevation A



RC Franklin Elevation B



RC Franklin Elevation C



RC Franklin Elevation D



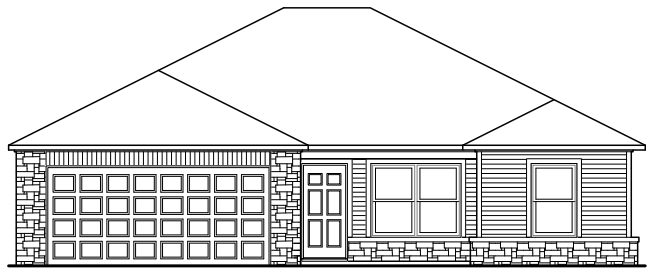
RC Franklin Elevation E



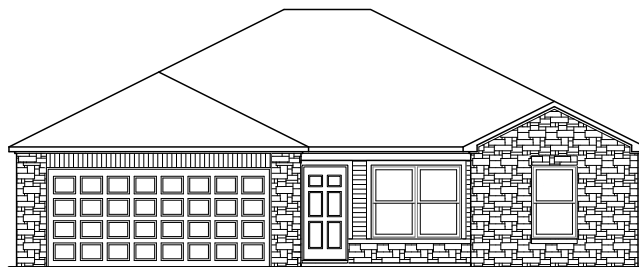
RC Franklin Elevation F



RC Franklin Elevation G

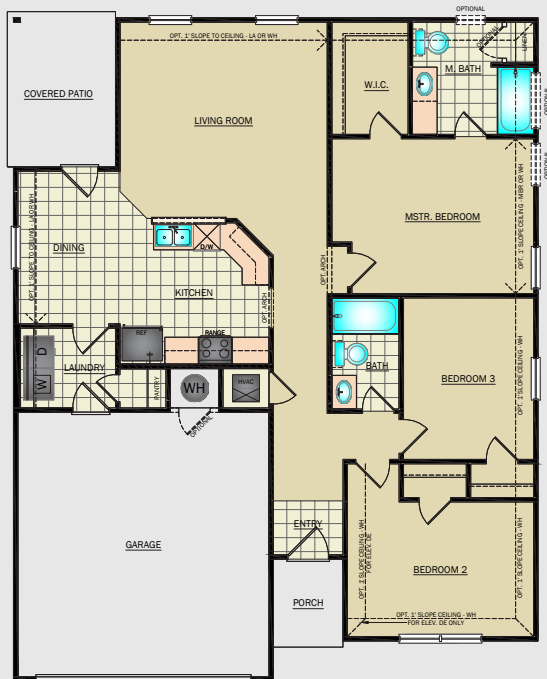
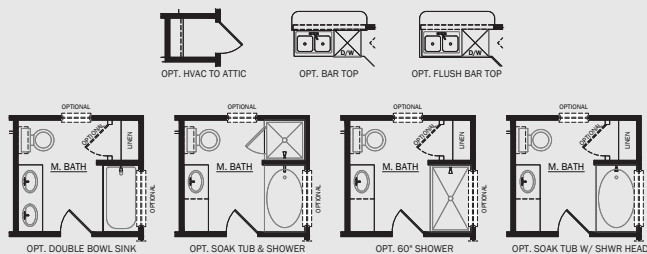


RC Franklin Elevation H



RC Franklin Elevation I





First Floor

# RC Foster II

3 BED • 2 BATH  
2 CAR GARAGE



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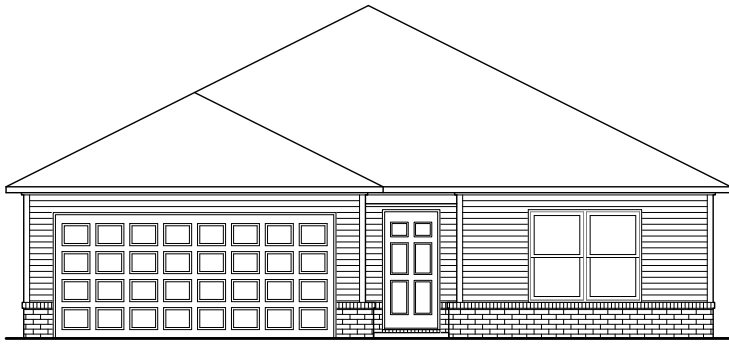
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Version 08

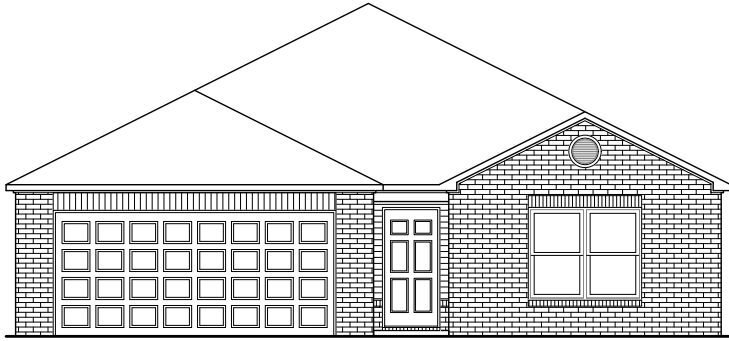
# ELEVATIONS



RC Foster II Elevation A



RC Foster II Elevation B



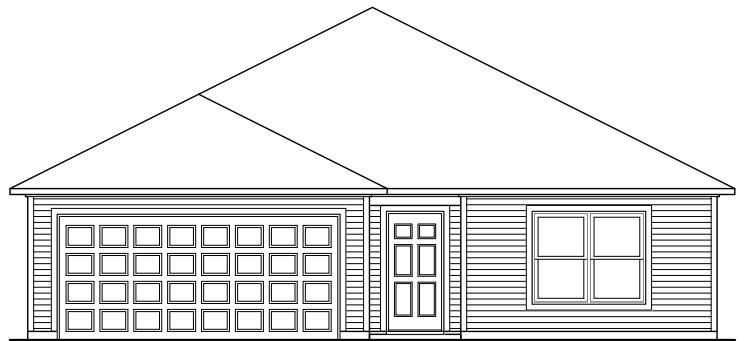
RC Foster II Elevation C



RC Foster II Elevation D



RC Foster II Elevation E



RC Foster II Elevation G

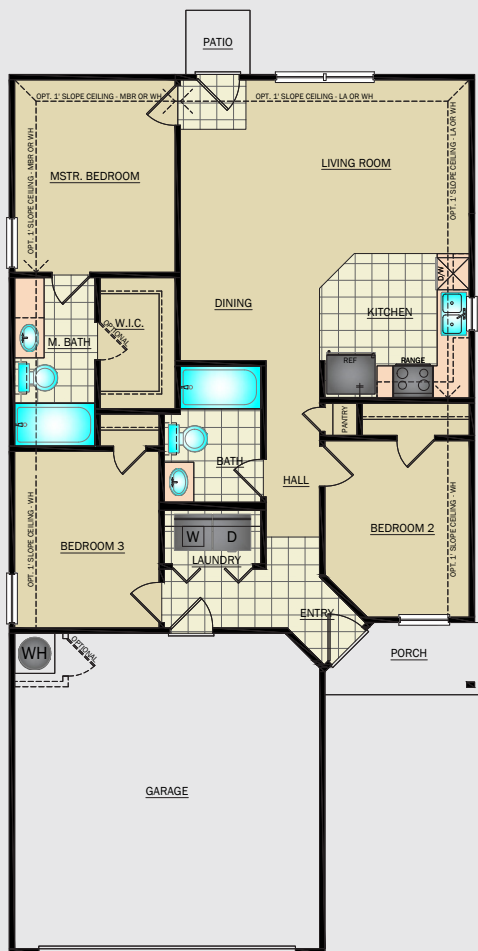


RC Foster II Elevation H

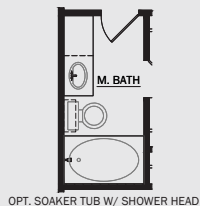
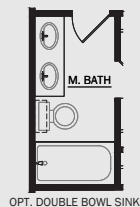


RC Foster II Elevation I





First Floor



# RC Carlie II

**3 BED • 2 BATH  
2 CAR GARAGE**



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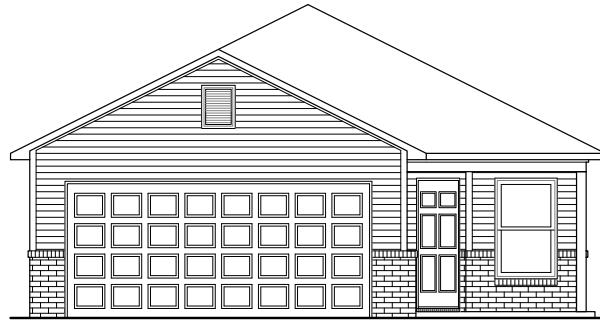


Version 02

## ELEVATIONS



**RC Carlie II Elevation A**



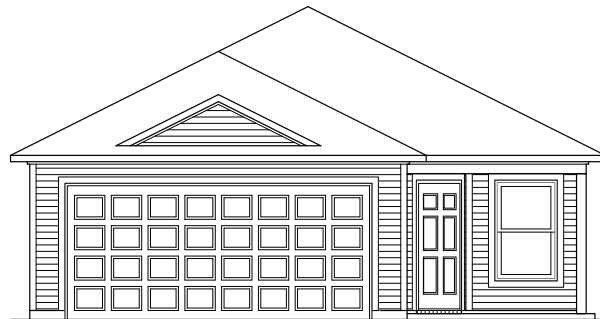
**RC Carlie II Elevation B**



**RC Carlie II Elevation C**

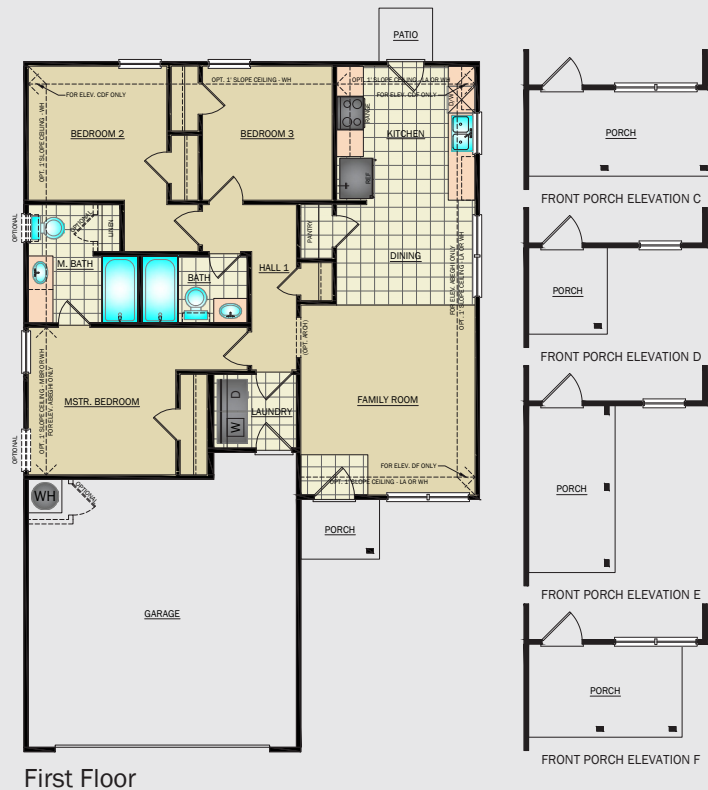
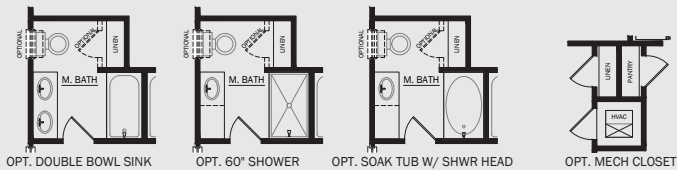


**RC Carlie II Elevation D**



**RC Carlie II Elevation G**





# RC Davenport

**3 BED • 2 BATH  
2 CAR GARAGE**



LONG LIVE HAPPY HOMES®

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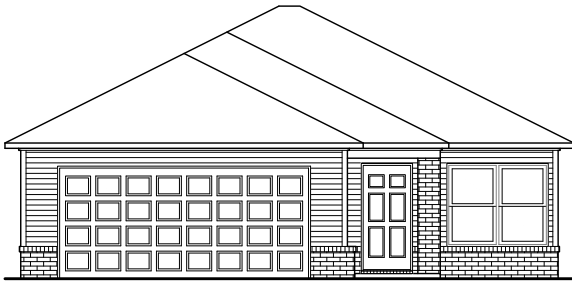
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**844.4RCHomes**



Version 05

## ELEVATIONS



**RC Davenport Elevation A**



**RC Davenport Elevation B**



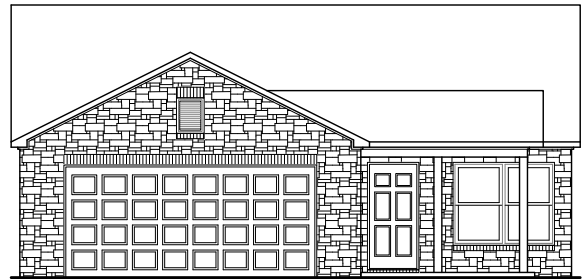
**RC Davenport Elevation C**



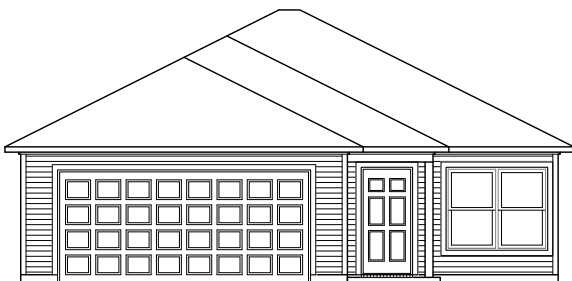
**RC Davenport Elevation D**



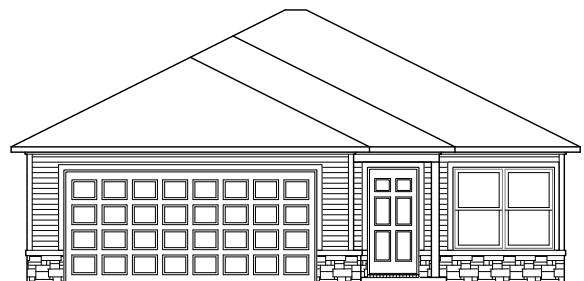
**RC Davenport Elevation E**



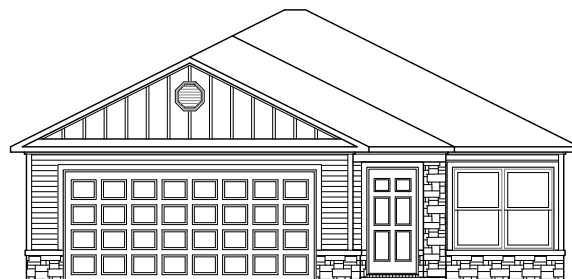
**RC Davenport Elevation F**



**RC Davenport Elevation G**



**RC Davenport Elevation H**

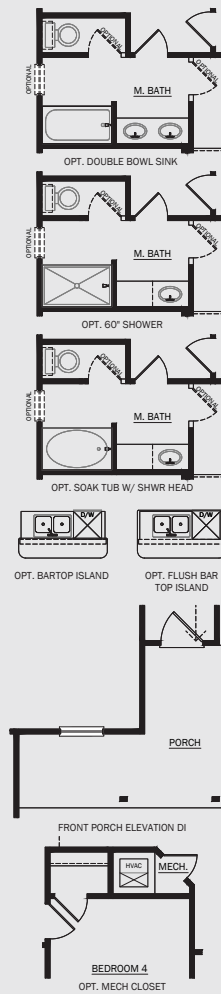


**RC Davenport Elevation I**





First Floor



# RC Bridgeport

**4 BED • 2 BATH  
2 CAR GARAGE**



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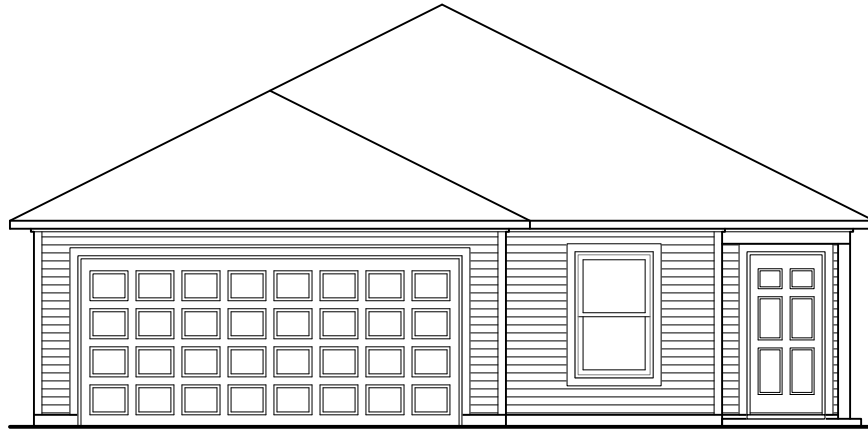
**RCH.com**

**844.4RCHomes**

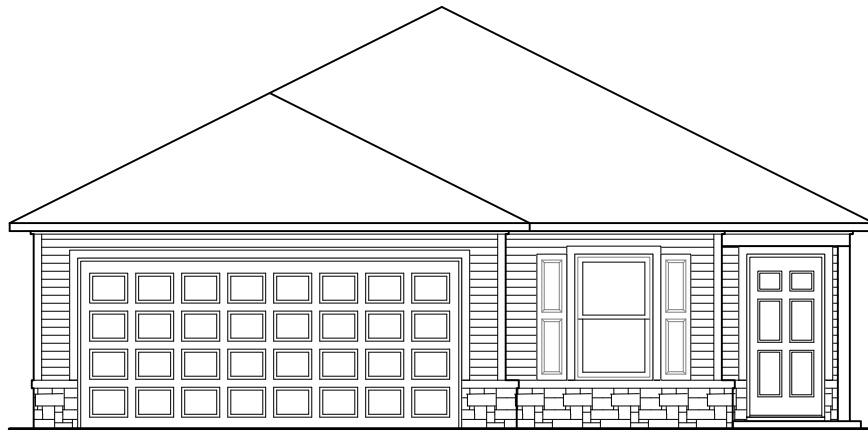


Version 05

# KC Elevations



RC Bridgeport Elevation G



RC Bridgeport Elevation H



RC Bridgeport Elevation I





# RC Camden

**3 BED • 2.5 BATH  
2 CAR GARAGE**



LONG LIVE HAPPY HOMES®

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**844.4RCHomes**



Version 11

## ELEVATIONS



RC Camden Elevation A



RC Camden Elevation B



RC Camden Elevation C



RC Camden Elevation D



RC Camden Elevation G

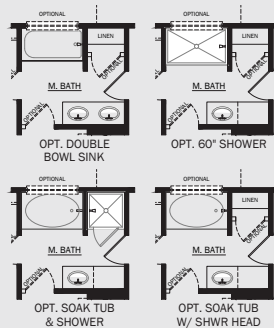
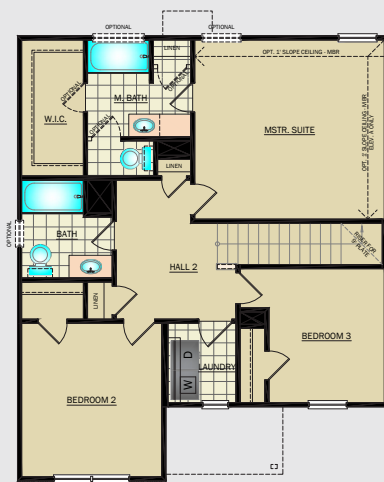


RC Camden Elevation H

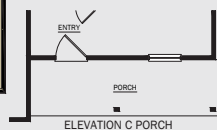
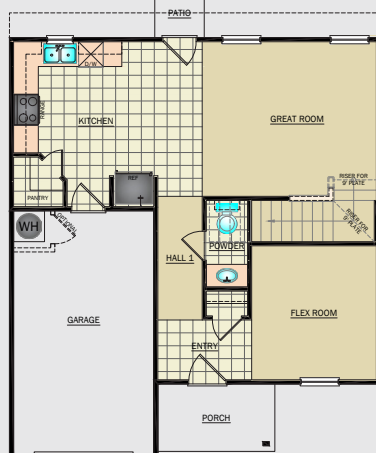


RC Camden Elevation I





Second Floor



First Floor

# RC Emory

3 BED • 2.5 BATH  
1 CAR GARAGE



LONG LIVE HAPPY HOMES®

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



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844.4RCHomes



Version 05

## ELEVATIONS



RC Emory Elevation A



RC Emory Elevation B



RC Emory Elevation C



**Gray Stone Brick Masonry, Cedar Beams, Aluminum Cabinet, Acrylic Lettering**

**Technical Drawing of a Sign**

**Materials and Components:**

- Rough Cedar
- 8' x 2' x 5.75" Aluminum Cabinet 16 sq.ft.
- Flat-Cut Letters Painted Pantone 3435
- Cabinet Painted SW 7071 Gray Screen
- 2" x 15" Steel Straps Painted

**Dimensions:**

- Overall width: 36"
- Overall height: 20"
- Horizontal beam width: 32"
- Vertical post width: 6"
- Stone pillar width: 28"
- Horizontal beam segments: 14.5", 3", 3", 7.5", 32", 32", 10.5"
- Vertical post segments: 8", 3"



NOTES:



**PLANNING COMMISSION MEETING**  
**June 13, 2023**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on June 13, 2023. The meeting convened when Chair John Daley called the meeting to order at 7:00 PM.

**1. ROLL CALL**

Jeremy Little	absent
Charlie Crooks	present
Adam Draskovich	absent
John Daley	present
Jordyn Mueller	present

With a quorum present, the meeting commenced.

Staff in attendance: Beth Linn, City Administrator  
Zachary Moore, Development Services Director  
Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk

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

**CONSENT AGENDA**

- 4.** Approve Minutes from the May 9, 2023 Planning Commission Meeting.

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

**REGULAR AGENDA**

**5. DECLARATION**

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare at this time.

**BUSINESS REQUIRING ACTION**

**NEW BUSINESS**

## 6. **ELECTION OF PLANNING COMMISSION OFFICERS**

Mr. Zachary Moore, Development Services Director, stated that pursuant to the Bylaws of the Planning Commission, an annual meeting is held in June of each year for the purpose of electing a Planning Commission Chair, Vice Chair, and a Secretary.

Chairperson Daley stated he will nominate himself to remain as Chair. Commissioner Crooks seconded the nomination. Chairperson Daley remained the Chair, 3-0.

Mr. Moore stated Commissioner Little informed him he was welcome to the idea of serving again as the Vice Chair. Commissioner Crooks nominated Commissioner Little to serve as the Vice Chair. Commissioner Mueller seconded the nomination. Commissioner Little will remain the Vice Chair, 3-0.

Commissioner Crooks stated he would serve again as the Secretary. Commissioner Mueller nominated Commissioner Crooks as the Secretary. The nomination was seconded by Commissioner Crooks. Commissioner Crooks remains the Secretary, 3-0.

## 7. **PUD2023-01: PLANNED UNIT DEVELOPMENT APPLICATION (FINAL PLAN/PLAT) FOR DWYER FARMS LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF W. 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD**

Mr. Lee Ryherd of SMH Consultants, Civil Engineer of the project, approached the Commission. He stated this is an application for a Final Planned Unit Development (PUD) for a previously approved Preliminary PUD. This request is for Phase I of the development which is to be comprised of ninety-three (93) residential lots. There are also five (5) common tracts proposed. Two (2) tracts are for stormwater detention, 1 will be used for community greenspace and amenity area, 1 will be used for a monument sign for the subdivision, and the last one is floodplain. Two (2) access roads are proposed into the site. The 2 detention ponds that are proposed will either reduce or keep the stormwater runoff the same. He explained the proposed landscaping meets the Code for street trees as each residential lot will have at least 1 street tree. Landscaping will be used with the monument signs and will screen other appurtenances. Every lot will provide underground electrical, while sanitary and storm sewer, and water services will be provided by the City. Mr. Ryherd stated there are a total of three (3) total monument signs proposed. One (1) sign will be at each entrance and one larger sign at the corner of 8<sup>th</sup> Street/Edgerton Road and 207<sup>th</sup> Street/Braun Street. He explained they have twelve (12) different floorplans for this development for future residents to select from.

Mr. Moore stated the parcel is 35.5 acres with five (5) tracts to be maintained by the Homeowners Association (HOA). There are play areas and greenspaces proposed and a 9.3 acre floodplain tract at the northeast corner of the parcel. City Staff reviewed the plans in accordance with the provisions set forth in Article 6 of the Unified Development Code (UDC). This proposal does align with the Future Land Use Map and goals of the Comprehensive Plan. Staff has found the proposal of single-family residential homes and associated open spaces is compatible with the surrounding development. The net density of this development is 2.61

dwelling units per acre, which is consistent with the density approved by the Governing Body with the related Conceptual PUD Plan. The UDC requires the development site to be under one owner, which the parcel is. The proposed yard sizes are the same as approved in the Conceptual PUD with the stipulation of fire rated materials to be used during construction if the dwelling units are separated by ten (10) feet. Mr. Moore explained that the requirement of fire rated materials will be reviewed during the building permit review. The proposed parking is consistent to that of the Conceptual PUD. There have been no changes to the information that was provided during the Conceptual PUD phase, so no new Traffic Impact Study was needed. Mr. Moore said the applicant does exceed the landscaping requirement. Each lot will have 1 street tree and the internal tracts are lined with deciduous trees. 8<sup>th</sup> Street/Edgerton Road and 207<sup>th</sup> Street/Braun Street will have trees planted where residential lots are adjacent to the right-of-way. The floodplain tract will remain in its natural vegetative state. Mr. Moore explained the applicant has expanded the number of models that were provided compared to that of the Conceptual PUD. This allows more variety and prevents a mundane and "cookie cutter" feel to the development. He said the stormwater, utility plans for sanitary sewer, water lines and street lighting plans are currently being reviewed by City staff and the City Engineer for compliance to City standards. These items are not in the purview of the Commission but will be required to meet standards. Mr. Moore stated there are a few items that need to be updated on the Plat for the PUD and are listed as stipulations. Those updates are some additional easements may be needed, and the labels mentioned in the Staff Report have been updated after the publication of the packet. He stated City staff recommends approval of Application PUD2023-01 with the stipulations outlined.

Chairperson Daley inquired as to when construction might start. Mr. Kyle Jones, Rausch Coleman Homes, Property Owner, stated they are waiting on reviews of the City Engineer and upon approval of utilities, they will be ready to start moving dirt. Their hope is to be able to start in mid-July. He explained that the same floorplan will not be next to each other. They make a six (6) lot block where the same elevation will not be built. The design team is always coming up with new plans, so there could be ones that have not been presented to the Commission. The square footage and architecture requirements will still be met that were set in the Conceptual PUD.

Commissioner Crooks asked if all of the tracts will be maintained by the property owner and HOA. Mr. Jones stated they will be owned by the HOA and will be maintained in accordance to Edgerton City Codes.

Chairperson Daley inquired if parking on the streets will be allowed. Mr. Jones stated they will be following the City's recommendation on parking that they received on the Conceptual PUD. Mr. Ryherd stated every floorplan has a 2-car garage with 2 parking spots in the driveway. He added 1 side of the street will allow for parking but no overnight parking. The proposed time restraint for street parking is midnight to 5 AM. Commissioner Crooks verified that one side of the street will be signed as no parking. Mr. Ryherd replied that is correct and it is typically the side of the street with sidewalks that does not allow parking.

Chairperson Daley requested clarification if all homes will have 2-car garages because one of the provided floorplans has a 1-car garage. Mr. Ryherd answered there might be some with a 1-car garage, but there will still be enough space for 2 cars to park in the driveway. Mr. Moore stated it is possible for that floorplan to not be used at all in the development.



Commissioner Crooks said he remembered requiring at least four (4) off street parking spaces. Mr. Jones said the City requires each lot to have parking for three (3) cars off of the street. Ms. Beth Linn, City Administrator, added these streets are a lot wider than current streets in the City and have become standard. Mr. Moore stated the number of off-street parking will be verified upon the building permit review.

Commissioner Crooks asked when construction on Phase II will start. Mr. Jones answered they will have to see how many homes sell. It is possible that Phase II won't start until May of 2024 as it is completely driven by the sales of homes.

Commissioner Crooks moved to recommend approval with the following stipulations:

1. All infrastructure requirements of the City are met.
2. Prior to plat recording, the following must occur:
  - a. Dedication language for the sign easement must be placed on the face of the plat.
  - b. All easement widths must be labeled on the plat.
  - c. The stormwater study must be approved by the City Engineer. Any necessary changes to the plat based on review of the stormwater study must be made prior to plat recording.
3. All requirements of the City for a PUD are met.
4. Fire rated materials must be used in construction of homes in lieu of the Planning Commission and Governing Body permitting a 5-foot side yard setback and minimum 10-foot separation between buildings.

Commissioner Mueller seconded the motion. Application PUD2023-01 was recommended for approval with the stipulations, 3-0.

Mr. Moore stated the Governing Body will consider this application on June 22, 2023.

8. **CU2023-02: CONDITIONAL USE PERMIT APPLICATION FOR NEW CITY CHURCH LOCATED AT 517 W. MORGAN STREET**

Mr. Moore stated this item requires continuance and will be considered at the June 20, 2023 Special Session of the Planning Commission.

9. **FUTURE MEETING REMINDERS**

Chairperson Daley stated that there is a Special Session on June 20, 2023. The next regular sessions are scheduled for July 11, 2023; August 8, 2023; and September 12, 2023.

10. **ADJOURN**

Commissioner Crooks moved to adjourn the meeting. Commissioner Mueller seconded the motion. The meeting was adjourned at 7:21 PM, 3-0.