

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
September 28, 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 September 14, 2023 Regular City Council Meeting.
5. Approve an Agreement with Varney & Associates, CPAs, LLC, to Prepare the City's Financial Audit for Fiscal Year 2023
6. Approve Resolution No. 09-28-23A Waiving the City's Compliance with Generally Accepted Accounting Principles for Financial Reporting and Causing Such Reports to be Prepared in Compliance with the Cash Basis and Budget Laws of the State of Kansas
7. Approve Application FP2023-04, Final Plat for Whimsy Edgerton, LLC, Located at the Northwest Corner of W. 199th Street and Homestead Lane
8. Approve Final Acceptance for the Library Brick Project
9. Approve Final Acceptance for the Library Roof Project

Motion: _____ Second: _____ Vote: _____

Regular Agenda

10. **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.
11. **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

- 12. Consider Resolution No. 09-28-23B Authorizing and Providing for the Acquisition, Design, Construction, and Equipping of a New Community Building and Related Improvements in The City of Edgerton, Kansas; And Providing for the Payment of the Costs Thereof**

Motion: _____ Second: _____ Vote: _____

- 13. Consider Resolution No. 09-28-23C Authorizing the Offering for Sale of General Obligation Bonds, Series 2023A, of The City of Edgerton, Kansas**

Motion: _____ Second: _____ Vote: _____

- 14. Consider Ordinance No. 2146 Adopting the Planning Commission's Recommendation to Approve the Renewal of a Conditional Use Permit (CU2023-01) Allowing a Cargo Container Storage, Repair, Or Maintenance Facility for Whimsy Edgerton, LLC on the Property Located at the Northwest Corner of W. 199th Street and Homestead Lane**

Motion: _____ Second: _____ Vote: _____

- 15. Consider Ordinance No. 2147 Adopting the Planning Commission's Recommendation to Approve the Renewal of a Conditional Use Permit (CU2023-03) Allowing a Cargo Container Storage, Repair, or Maintenance Facility for US MMG Properties E Lot, LLC on the Property Located at 30830 W. 191st Street**

Motion: _____ Second: _____ Vote: _____

- 16. Consider a Revised Project Budget for the 2023 CDBG – 1st and Martin Sanitary Sewer Rehabilitation Project**

Motion: _____ Second: _____ Vote: _____

- 17. Consider Award of Bid to Havens Construction Co. for the 2023 CDBG – 1st and Martin Sanitary Sewer Rehabilitation Project**

Motion: _____ Second: _____ Vote: _____

- 18. Consider Authorizing the City Administrator to Approve the Purchase of a Truck for the Building Inspector**

Motion: _____ Second: _____ Vote: _____

- 19. Report by the City Administrator**

- Johnson County Sheriff's Office Quarterly Report and Municipal Court Update
- Update Dwyer Farms Sanitary Sewer Project

20. Report by the Mayor

21. Future Meeting Reminders:

- October 10th: Planning Commission Meeting – 7:00PM
- October 12th: City Council Meeting – 7:00PM
- October 12th: CIP Budget Work Session – Following Regularly Scheduled Meeting
- October 26th: City Council Meeting – 7:00PM

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

EVENTS

October 6-7: Meat Inferno

October 9: City Offices Closed for Columbus/Indigenous Peoples Day

October 10: Tales for Tots

City of Edgerton, Kansas
Minutes of City Council Regular Session
September 14, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas September 14, 2023. The meeting convened at 7:01PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant City Administrator, Meagan Borth
- Marketing & Communications Manager, Kara Banks
- Public Works Director, Dan Merkh
- CIP Project Manager, Holly Robertson
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion

2. WELCOME. Mayor Roberts welcomed all in attendance.

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

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

4. Approve Minutes from August 24, 2023 Regular City Council Meeting.
5. Approve Resolution No. 09-14-23A Approval of Indemnity Agreement Between The City And The Edgerton United Methodist Church For Use Of The Church Parking Lots During The Meat Inferno Event.
6. Approve Final Acceptance for the Wastewater Master Plan.
7. Approve Concurrence to Bid Glendell Acres Park Renovation Project.

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

Regular Agenda

8. Declaration. There were no declarations made.

9. Public Comments.

Scott Williams, 100 W McDonald, addressed the council.

He stated he would like to see about holding a special event car show down Nelson St.

Councilmember Longanecker asked if this is something he's planning now or wants to plan.

Mr. Williams stated something he'd like to have, start small, maybe something like coffee and cars.

Mayor Roberts stated Edgerton Frontier Days was started by the boy scouts many years ago and grew to what it is today. He stated he welcomes the idea of trying something new, and he would encourage Mr. Williams to work with staff and outline the event.

Mr. Williams stated he saw that there is some camping allowed at the lake, he knows people that have stages, sound systems, etc. to have a camping event festival at the lake.

Mayor Roberts stated this is really something that is up to the City Administrator, what he knows from the past is that camping was really limited to Frontier Days and the carnival people that came into town. He stated the reason it's not used for camping is because the lake is small and no control measures for safety at night as far as lighting, outdoor fires are also not allowed. He stated he would hope someday Big Bull Creek Park would have something open for this, it was in their original master plan to have a camping area, it's just not established yet.

Ms. Linn stated they do have one group spot open. However, it is only rented out to youth programs.

10. CONSIDER THE 2024 RECOMMENDED BUDGET

Ms. Kindle stated this is the final step in process for budget, we have held work session and public hearings regarding the revenue neutral rates and budget recommendation. She stated tonight is the formal adoption piece.

Councilmember Longanecker asked if any updated since the Work Session.

Ms. Kindle stated no changes have been made except those brought forward at the public hearing date. She stated included in the packet is the updated budget recommendation to include those items such as Senior Rebate Program, added cleaning with Adopt a Highway, etc.

Mayor Roberts stated Garnder News just wrote an article about the City of Gardner's budget talks, sounds like they just held their mill levy hearing. He stated Edgerton had a slight reduction, that's progress. Although inflation and housing costs continue to rise, lessening property tax on houses that the City collects.

Ms. Linn showed the demographic from budget work session. She stated keeping the appraised value constant, there has been a significant decrease over time.

Mayor Roberts stated he's very excited about the rebate program for seniors, they're the most susceptible for fixed incomes and this could be huge for them. He stated some may qualify for up to 100% of taxes back. He stated candidly, he's very proud of this council for taking these steps for the community. He stated he's also very proud of the staff as they continue to be fiscally responsible while increasing services as they can. He stated many things we see in the community today were not here when he became Mayor and not everyone recognizes that. He stated we've continued to improve what we give back to the citizens while continuing to lower what we take. He stated the citizen survey is conducted every two years with a very large turnout of response back. He stated this is used diligently to reach goals the community desires and has really improved the community over the years.

With no further questions or comments, Mayor Roberts requested motion to approve the recommended 2024 Budget as presented.

Councilmember Longanecker moved to approve the 2024 Recommended Budget as presented by City Staff. Councilmember Malloy seconded the motion. The 2024 Recommended Budget was approved, 3-0.

11. Report by the City Administrator

- **Public Works Quarterly Update**

Mr. Dan Merkh addressed the council. He stated it's been very productive and busy for public works staff. He reviewed the quarterly report with council and stated public works is really a 24/7 operation, the City has staff on call at all times, not just in snow season.

Mayor Roberts stated he still gets phone calls about how to get ahold of someone, he stated citizens can always call the city hall phone number and it will roll over to the on call phone. He stated he thinks it's important to advertise this as much as possible, it's much faster to go this route than to call him he said.

Mr. Merkh stated this is a growing process for them and they continue to work hard to provide exceptional services to the community.

Councilmember Longanecker stated for 9 guys on the crew, this is a lot of work.

All councilmembers commended public works on their work.

Ms. Linn stated next month the Sheriff's Office will be here to give their update and with that staff will provide the first Municipal Court update. She stated staff will then round out the year with a utilities update.

Mayor Roberts stated it's a lot for the amount of staff here. He stated as we continue to grow our community, with the workload, we'll have to look at adding workers to keep up with the demand. He stated these reports will allow council and citizens to see what

happens in government, people can forget and often wonder what government does, these reports on a regular basis will say what they do.

Councilmember Longanecker stated and with all that ground to maintain, equipment will have to grow too.

Mayor Roberts stated staff has worked fiscally responsibly and so far have chosen a path to continue to use equipment they already have with the increased work load.

Ms. Linn stated it's important to note that the City does have other areas that they must maintain but due to the safety challenges it brings, staff has chosen to contract that area out.

Councilmember Longanecker asked what makes it safer for those contractors.

Ms. Linn stated city staff tried, and the need for a protection vehicle on the sides of the median while mowing was not feasible for the amount of staff we have. She stated it really comes down to contractors having more people to complete the work safely.

WALK ON: City Holidays

Ms. Borth addressed the council and handed out information regarding surrounding City's holiday schedules.

She stated currently, our holidays line up pretty on par with the surrounding city's except that most have done away with Columbus Day and now observe Juneteenth, others also observe Martin Luther King Jr. Day rather than Presidents Day.

Ms. Linn stated the number is pretty on par with what other City's observe the days are just different, staff's recommendation is that we adopt the changes to observe MLK day instead of Presidents and Juneteenth instead of Columbus Day to be in comparison to the surrounding communities.

Councilmember Lebakken stated she'd love to see Juneteenth added.

Mayor Roberts stated this would make us competitive with other municipalities, he thinks swapping makes sense to pick up those holidays that are more popular to be seen as observed by the city. He stated he doesn't know the real answer to how city employees feel about this, could live with recommendation of staff.

Councilmember Malloy asked about adding Christmas Eve.

Mayor Roberts stated typically Council gives them Christmas Eve as a thank you to the staff for their work throughout the year. He stated he likes doing it this way because it forces the Council to recognize staff and their continued work.

Councilmember Longanecker stated it gives us the chance to recognize them.

Mayor Roberts stated yes, exactly, recognize such that it is a gesture to them and their hard work. He stated he did tell staff to bring this tonight but thinks along with this it would be great to have a more comprehensive look at competition time off.

With no further questions or comments, Mayor Roberts requested motion to approve staff's recommendation to remove the observation of Columbus Day and Presidents Day and adding Juneteenth and Martin Luther King Jr. Day as of January 1, 2024.

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

12. Report by the Mayor

Mayor Roberts asked Mr. Lee Hendricks, City Attorney to give an update regarding open cases.

Mr. Hendricks stated he really only has one update; July 11th was the court of appeals hearing for the project rural joco case against the City about annexation. He stated the District Court ruled they had no standing as neighboring property owners; this was then appealed to the Court of Appeals. He stated the difficulty with the Court of Appeals is that you can go months without hearing anything, however we heard back in less than two months. He stated on a 3-judge panel, it was ruled in favor of the City and prior determination in the District that there was no standing on this case. He stated this is good outcome and thus far, all good outcomes in all cases.

Councilmember Longanecker asked if this is the Kris Kobach thing.

Mr. Hendricks stated that's different, ruling by court in district would be that the county, person filing annexation or the attorney general's office would be the only ones that could take action. He stated the attorney general brought their case significantly later, that case is set for the 27th. He stated he'll keep updating as it goes along.

Mayor Roberts asked out of 3 cases, how many remain.

Mr. Hendricks stated none, none of them even went to trial.

Mayor Roberts stated this is huge as it shows the city has done nothing wrong and continue to be in compliance. He stated with the rezoning case, not only did the city not do anything wrong, but we went above and beyond to make sure all items were correct.

Mr. Hendricks stated that's exactly correct. He stated Council, Planning Commission, and staff are doing everything they can do and take their time throughout all process. He stated to see a court recognize that is huge and needs to be brought to attention.

13. Future Meeting Reminders

Mayor Roberts reminded council of the future meetings for council and planning commission.

Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 8:04PM.

Submitted by Alexandria Clower, City Clerk

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Administration

Agenda Item: Consider an Agreement with Varney & Associates, CPAs, LLC, to Prepare the City's Financial Audit for Fiscal Year 2023

Background/Description of Item:

In 2021, City Staff conducted a Request for Proposals (RFP) for Audit Services. The City of Edgerton selected Varney & Associates, CPAs, LLC, to perform the annual audit of the City's financial statements. In September 2021, Council approved a three-year agreement with Varney & Associates to audit the financial statements for fiscal years 2021, 2022 and 2023 for a flat fee per year of \$8,800. Attached is the engagement letter for the 2023 audit. The Audit Fee was included in the 2024 Budget.

The engagement letter has been reviewed and approved by City Attorney.

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

Funding Source: General Fund, Water Fund, Sewer Fund

Budget Allocated: \$8,800 divided between the General Fund, Water Fund and Sewer Fund.

Finance Director Approval: 
Karen Kindle, Finance Director

Recommendation: Approve the Engagement Letter with Varney & Associates, CPAs, LLC, to prepare the City's Financial Audit for Fiscal Year 2023.

Enclosed: 2023 Engagement Letter with Varney & Associates, CPAs, LLC

Prepared by: Justin Vermillion, Accountant



September 8, 2023

City of Edgerton, Kansas
PO Box 255
Edgerton, KS 66021

You have requested that we audit the fund summary statement of receipts, expenditures and unencumbered cash balances – regulatory basis of City of Edgerton, Kansas, as of and for the year ended December 31, 2023, and the related notes to the financial statement. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and *Kansas Municipal Audit and Accounting Guide* (KMAAG) will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

Supplementary information other than RSI will accompany City of Edgerton, Kansas's financial statement. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statement and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statement or to the financial statement itself, and additional procedures in accordance with GAAS and KMAAG. We intend to provide an opinion on the following supplementary information in relation to the financial statement as a whole:

- Summary of Expenditures – Actual and Budget
- Schedule of Receipts and Expenditures – Actual and Budget

Auditor Responsibilities

We will conduct our audit in accordance with GAAS and KMAAG. As part of our audit we exercise the professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Auditor Responsibilities (Continued)

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about City of Edgerton, Kansas's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS and KMAAG.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

Compliance with Laws and Regulations

As previously discussed, as part of obtaining reasonable assurance about whether the financial statement is free of material misstatement, we will perform tests of City of Edgerton, Kansas's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Management Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statement in accordance with KMAAG, a regulatory basis of accounting;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statement that is free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- c. To provide us with:
 - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statement such as records, documentation, and other matters;
 - ii. Additional information that we may request from management for the purpose of the audit; and
 - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
- d. For including the auditor's report in any document containing the financial statement that indicates that the financial statement has been audited by the entity's auditor;

Management Responsibilities (Continued)

- e. For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities;
- f. For adjusting the financial statement to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statement as a whole; and
- g. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- h. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- i. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials; and
- j. For the accuracy and completeness of all information provided.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited financial statement, or if the supplementary information will not be presented with the audited financial statement, to make the audited financial statement readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management, written confirmation concerning representations made to us in connection with the audit.

Reporting

We will issue a written report upon completion of our audit of City of Edgerton, Kansas's basic financial statement. Our report will be addressed to the governing body of City of Edgerton, Kansas. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

Nonattest Services

With respect to any nonattest services we perform:

At the end of the year, we agree to perform the following:

- Propose adjusting or correcting journal entries to be reviewed and approved by management.
- Assist in preparation of the financial statement as of and for the year ended December 31, 2023.

We will not assume management responsibilities on behalf of City of Edgerton, Kansas. However, we will provide advice and recommendations to assist management in performing its responsibilities.

City of Edgerton, Kansas's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Nonattest Services (Continued)

Our responsibilities and limitations of the engagement are as follows:

- This engagement is limited to the accounting services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account codings and approving journal entries. Our firm will advise City of Edgerton, Kansas with regard to tax positions taken in the preparation of the tax return, but City of Edgerton, Kansas must make all decisions with regard to those matters.

Other

We have identified the following significant risk as part of our audit planning: management override of controls - in all cases, audit standards require us to treat the potential for management override of controls as a significant risk during planning. Audit standards have concluded that since management is in a unique position to perpetrate fraud because of management's ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. We will design and perform procedures to address this risk during our audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the financial statement and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Provisions of Engagement Administration, Timing and Fees

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

April G. Swartz is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Varney & Associates, CPAs, LLC's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses. We estimate that our fee for the audit will not exceed \$8,800. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use City of Edgerton, Kansas's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the financial statement of which you may become aware during the period from the date of the auditor's report to the date the financial statement is issued.

September 8, 2023
City of Edgerton, Kansas
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Provisions of Engagement Administration, Timing and Fees (Continued)

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Varney & Associates, CPAs, LLC and constitutes confidential information. However, we may be requested to make certain audit documentation available to regulators pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Varney & Associates, CPAs, LLC's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to regulators. The regulators may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statement including our respective responsibilities. We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Please ensure that the governing body receives a copy of this engagement letter.

Sincerely,

Varney & Associates, CPAs, LLC

Certified Public Accountants
Manhattan, Kansas

RESPONSE:

This letter correctly sets forth our understanding of City of Edgerton, Kansas.

Acknowledged, agreed and shared with governing body on behalf of City of Edgerton, Kansas by:

Name: _____

Title: _____

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Administration

Agenda Item: Consider Resolution No. 09-28-23A Waiving the City's Compliance with Generally Accepted Accounting Principles for Financial Reporting and Causing Such Reports to be Prepared in Compliance with the Cash Basis and Budget Laws of the State of Kansas

Background/Description of Item:

Each year the City of Edgerton requests that the financial statements and financial reports of the City of Edgerton for the year ending December 31st be prepared in compliance with the cash basis and budget laws of the State of Kansas, and requests waiver of the requirements of K.S.A. 75-1120a(a).

K.S.A. 75-1120a(a) is the uniform system of fiscal procedure, accounting and reporting for municipalities. It requires the use of Generally Accepted Accounting Principles (GAAP). The Governing Body can, by resolution, each year make a finding that the financial statements and financial reports prepared in conformity with the requirements of GAAP are of no significant value to the Governing Body or members of the general public of the municipality. The Governing Body can then request a waiver from the Director of Accounts and Reports to prepare the City's financial statement on the basis of the cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Another requirement to receive the waiver is that the City of Edgerton may not have any bond ordinances or other ordinances or resolutions which require financial statements or reports to be prepared in conformity with K.S.A. 75-1120a(a). The City of Edgerton currently does not have any such ordinances or resolutions.

Related Ordinance(s) or Statue(s): K.S.A. 75-1120a

Funding Source: n/a

Budget Allocated: n/a

Finance Director Approval: 
Karen Kindie, Finance Director

Recommendation: Approve Resolution 09-28-23A Waiving The City's Compliance With Generally Accepted Accounting Principles For Financial Reporting And Causing Such Reports To Be Prepared In Compliance With The Cash Basis And Budget Laws Of The State Of Kansas

Enclosed: Resolution 09-28-23A

Prepared by: Justin Vermillion, Accountant

RESOLUTION NO. 09-28-23A

A RESOLUTION WAIVING THE CITY'S COMPLIANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR FINANCIAL REPORTING AND CAUSING SUCH REPORTS TO BE PREPARED IN COMPLIANCE WITH THE CASH BASIS AND BUDGET LAWS OF THE STATE OF KANSAS

WHEREAS, the City of Edgerton, Kansas, prepares its financial statements and financial reports for the year ending December 31, 2023 to be prepared in conformity with the cash basis and budget laws of this state; and

WHEREAS, K.S.A. 75-1120a (a) requires the financial statements be prepared in conformity with Generally Accepted Accounting Principles; and

WHEREAS, K.S.A. 75-1120a (a) the governing body, by resolution, annually shall make a finding that financial statements and financial reports prepared in conformity with the requirements of subsection (a) are not relevant to the requirements of the cash-basis and budget laws of this state and are of no significant value to the governing body or members of the general public of the municipality; and

WHEREAS, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K. S. A. 75-1120a (a) for the year ending December 31, 2023.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Edgerton, Kansas, in regular meeting, duly assembled, that the Director of Accounts and Reports waive the requirements of K. S. A. 75-1120a (a) as they apply to the City of Edgerton, Kansas for the year ending December 31, 2023.

BE IT FURTHER RESOLVED that the Governing Body shall cause the financial statements and financial reports of the City of Edgerton to be prepared on the basis of cash receipts and disbursements, as adjusted, to show compliance with the cash basis and budget laws of this State.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 28TH DAY OF SEPTEMBER, 2023.

ATTEST:

CITY OF EDGERTON, KANSAS

Alexandria Clower, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney



EDGERTON
global routes. local roots.

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

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Community Development

Agenda Item: Consider Application FP2023-04, Final Plat for Whimsy Edgerton, LLC, Located At The Northwest Corner Of W. 199th Street And Homestead Lane, Edgerton, Kansas.

Background/Description of Item:

The City of Edgerton has received Application FP2023-04 for the Final Plat of *Whimsy Edgerton, LLC*, located at the northwest corner of the intersection of W. 199th Street and Homestead Lane. This Final Plat request will establish lot lines for one (1) L-P (Logistics Park) zoned lot and will dedicate land for public easements and public right-of-way. The plat area includes a total of 21.92 acres, 1.79 acres of which is being dedicated as right of way for 199th Street.

The subject property was rezoned to the L-P (Logistics Park) District in May 2023 (ZA2023-02) and the Preliminary Plat (PP2023-02) for the subject property was approved at the September 12, 2023 Planning Commission meeting. This Final Plat request is consistent with the approved Preliminary Plat. A Conditional Use Permit (CU2023-01) for a cargo container storage facility on the subject property is on this agenda, following a recommendation of approval by the Planning Commission. The Planning Commission also approved a Final Site Plan for the subject property, contingent upon approval of the aforementioned Conditional Use Permit, at the September 12, 2023 Planning Commission meeting.

City staff has reviewed the Final Plat submittal for conformance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. 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.

The Planning Commission voted to recommend approval of the Final Plat (FP2023-04) for *Whimsy Edgerton* with a 3-0 vote at their meeting on September 12, 2023.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Application FP2023-04, Final Plat for Whimsy Edgerton, LLC, Located At The Northwest Corner Of W. 199th Street And Homestead Lane, Edgerton, Kansas.

Enclosed:

- Revised Final Plat dated May 22, 2023.
- Staff Report from September 12, 2023 Planning Commission including Final Plat Application FP2023-04
- Excerpt of September 12, 2023 Planning Commission Meeting Draft Minutes – Whimsy Edgerton, LLC Final Plat portion only.

Prepared by: Zachary Moore, Development Services Director

WHIMSY TRUCKING

Application FP2023-04

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

QUICK FACTS

PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Final Plat located at the northwest corner of the intersection of Homestead Lane and 199th Street.

Owner and Applicant

Clayton Rule, Agent of
Whimsy Edgerton,
LLC

Existing Zoning and Land Use

The property was rezoned to City of Edgerton L-P (Logistics Park) on May 11, 2023 (Ord. 2135). There is one (1) existing single-family residence on the western portion of the subject property.

Parcel Size

21.92 acres

Staff Report Prepared by

Chris Clinton



BACKGROUND

1. Proposal

This Final Plat request is being made in preparation for development of a cargo container storage lot on the west side of the creek. This Final Plat is requesting to establish one (1) lot for development in the L-P (Logistics Park) District, containing 20.14 acres, while also dedicating 1.79 acres of land for public right-of-way for 199th Street, as well as public utility easements, sanitary sewer easements, and drainage easements. Other development requirements and details of the any proposed buildings will be provided in Final Site Plan Application FS2023-07, which is included on this agenda as well. A Final Plat is required prior to commencement of construction for public improvements per UDC, Section 13.3.F.

2. Subject Site History

The 21.92-acre subject property is located within the Bull Creek watershed. The western 19.57 acres of the property were annexed on December 28, 2017 (Ordinance 1070) and the remaining 2.35 acres, along with additional property to the east, was annexed on June 9, 2022 (Ordinance 2110). There is currently a single-family residential structure on the western portion of the parcel. The structure has been on this site since 2000 when it was constructed. The eastern parcel is vacant with no development and has been that way since 2006 per Johnson County AIMS. The Planning Commission recommended Rezoning ZA2023-02 to the Governing Body on April 11, 2023. On May 11, 2023, the Governing Body adopted Ordinance 2135 which rezoned the subject property to City of Edgerton L-P (Logistics Park). Also at the April 11, 2023, the Planning Commission continued Preliminary Plat Application PP2023-02 and Conditional Use Permit Application CU2023-02 to a date uncertain. The applicant has brought those applications back for consideration, as well as Final Site Plan Application FS2023-07 to be heard at the August 8, 2023, Planning Commission meeting in conjunction with this application.

FINAL PLAT REVIEW

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

Content of Preliminary Plat

1. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumented with a ½" x 24" metal bar.
 - a. *Confirm section corner reports have been submitted.*
2. All easements with widths, and roads with curve data.
 - a. *There are proposed easements outside the boundary of this plat. These cannot be dedicated with this plat. Provide easement documentation to the City for dedication of these easements. Remove non-existing easements outside the boundaries of this plat.*
 - b. *Additional utility easements may be necessary. Plat should be reviewed by Utility Companies.*
 - c. *Provide locations for the utility easement (U/E).*

General Comments

1. The plat must meet the Johnson County Subdivision Plat requirements.

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 FP2023-04	6/20/2023
1	Final Plat	5/22/2023

STAFF RECOMMENDATION

City Staff recommends approval of Final Plat **Application FP2023-04 Whimsy Trucking**, subject to the following stipulations:

1. Prior to the recording of the Final Plat, an agreement on the ownership, maintenance, and responsibility for the sanitary sewer extension and required upgrades to 199th Street must be reached between the City and developer must be reached.

2. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
3. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code (UDC).
4. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
5. All City Engineer comments related to the Stormwater Management Plan must be addressed prior to issuance of a building permit.
6. All Final Plat requirements of the City listed on page 3 shall be met or addressed prior to recording of the Plat.
7. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the Final Plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

Note: For Application FP2023-04 the Planning Commission will be the approving authority for the application. However, the Governing Body must accept all dedication of land for public use, and the Final Plat will be presented to the Governing Body on August 24, 2023.

FINAL PLAT OF
WHIMSY EDGERTON
A SUBDIVISION OF LAND IN THE SOUTHEAST QUARTER OF
SECTION 4, TOWNSHIP 15 SOUTH, RANGE 22 EAST,
IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

DESCRIPTION

This description was prepared by Scott G. Chrisman, KS LS #1306 on May 19, 2023, for project no. 220808. All that part of the Southeast Quarter of Section 4, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas, being more particularly described as follows:
Commencing at the Southeast corner of the Southeast Quarter of said Section 4; thence S 88°29'06" W, along the South line of the Southeast Quarter of said Section 4, a distance of 206.97 feet, to the Point of Beginning; thence continuing S 88°29'06" W, along the South line of the Southeast Quarter of said Section 4, a distance of 1110.74 feet, to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 4; thence N 27°02'00" W, along the West line of the Southeast Quarter of the Southeast Quarter of said Section 4, a distance of 1316.77 feet, to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 4; thence N 88°31'38" E, along the North line of the Southeast Quarter of the Southeast Quarter of said Section 4, a distance of 968.89 feet; thence S 93°37'35" W, a distance of 102.56 feet; thence S 27°02'00" W, a distance of 308.00 feet; thence S 89°00'00" W, a distance of 270.00 feet; thence S 24°00'00" W, a distance of 275.00 feet; thence S 44°00'00" W, a distance of 206.00 feet; thence S 33°02'00" W, a distance of 262.00 feet, to a point 70.00 feet North of the South line of the Southeast Quarter of said Section 4; thence N 88°29'06" E, along a course being 70.00 feet North of and parallel with the South line of the Southeast Quarter of said Section 4 and along the Northern right-of-way line of 1909th Street, as now established and its westerly extension, a distance of 762.88 feet; thence S 1°00'54" E, a distance of 70.00 feet, to the Point of Beginning, containing 21.9235 acres, more or less, unplatted land.

DEDICATION

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "WHIMSY EDGERTON".
The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land as dedicated, and any pipes, lines, poles and wires, conduits, ducts or cable heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby assumes and agrees to indemnify the City of Edgerton, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.
An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under those areas outlined hereon and designated on this plat as "U/E" or "Utility Easement" is hereby granted to the City of Edgerton, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easement shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

An easement to lay, construct, alter, repair, replace or operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "sanitary sewer easement" or "S/E" on this plat are hereby dedicated to the City of Edgerton, Kansas. Sanitary Sewer Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of sanitary sewer facilities located within the easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over, under and through those areas outlined and designated on this plat as "D/E" or "Drainage Easement" is hereby granted to the City of Edgerton, Kansas. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interests not shown on this plat shall be vacated as to use and as to title, upon filing or recording of this plat.

CONSENT TO LEVY

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

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietor has caused this instrument to be executed on this ____ day of _____, 20 ____.

Whimsy Edgerton LLC, an Illinois limited liability company

By: _____
Matthew O'Mara, member

ACKNOWLEDGMENT

STATE OF _____ } SS
COUNTY OF _____ }

BE IT REMEMBERED that on this ____ day of _____, 20 ____, before me, the undersigned, a Notary Public in and for said County and State, came Matthew O'Mara, member of Whimsy Edgerton LLC, an Illinois limited liability company, who is personally known to me to be such person who executed as such officer, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of the same.

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

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

APPROVALS

Approved by the Planning Commission of the City of Edgerton, Johnson County, Kansas, this ____ day of _____, 20 ____.

Chairman: John E. Daley

Secretary: Charlie Crooks

Approved by the Governing Body of the City of Edgerton, Kansas, this ____ day of _____, 20 ____.

Mayer: Donald Roberts City Clerk: Alex Clower

APPROVED by the Zoning Administrator of the City of Edgerton, Johnson County, Kansas, this ____ day of _____, 20 ____.

Zoning Administrator: Zachary Moore

I, SCOTT G. CHRISMAN, HEREBY CERTIFY THAT IN MAY 2023, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.



BY: SCOTT G. CHRISMAN, KS LS-1306

CERTIFICATE OF AUTHORIZATION
KANSAS ENGINEERING - LS-40
ENGINEERING - E-307
(913) 393-1185



PLANNING
ENGINEERING
IMPLEMENTATION

PHILIPS ENGINEERING, INC.
1202 N. Winchmore
Olathe, Kansas 66061
(913) 393-1185
Fax (913) 393-1185

MEAS	
PARCEL	AREA (S.F.)
1	877258.80
PLAT	954886.82
ROW	77780.82

AREA (AC.)
20.1379
21.9235
1.7856

MLO = 976.0

FLOOD NOTE:
A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE, DEFINED AS SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR JOHNSON COUNTY, KANSAS, COMMUNITY NO. 200159, MAP NO. 22091C0134G, AND DATED AUGUST 3, 2009.

- e. The signature block and date for review of the Mayor needs to be added.
 - f. The floodplain can be left out of a tract or drainage easement provided the applicant obtains the appropriate permits for development.
 - g. The proposed and current access restrictions on Homestead Lane and 199th Street need to be shown.
 - h. All existing easements on the parcel need to be shown and labeled.
 - i. The "Sanitary Sewer Easement to City of Gardner, KS" has two grantees and that need to be reflected on the document.
 - j. Additional easements may be required.
 - k. Any restrictive covenants will need to be submitted with the Final Plat.
2. All infrastructure requirements of the City shall be met throughout development.
 3. All City Engineer comments related to the Stormwater Management Plan must be addressed throughout development.
 4. The preliminary plat shall be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat.

Commissioner Mueller moved to approve Preliminary Plat application PP2023-02 with the stipulations. Commissioner Draskovich seconded the motion. Preliminary Plat application PP2023-02 was approved, 3-0.

11. FP2023-04: FINAL PLAT APPLICATION FOR WHIMSY EDGERTON, LLC LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. 199TH STREET AND HOMESTEAD LANE

Mr. Finn spoke to the Commission. He stated the floodplain does not encroach on Lot 1 and is only on Lot 2. There is a new sanitary sewer easement along the south property line of Lot 1. This easement will allow sewer service to the Whimsy facility and any future development to the west. The applicant agrees to the stipulations.

Mr. Moore stated the Final Plat encompasses 21.92 acres on the northwest corner of Homestead Lane and 199th Street. The property was rezoned to L-P in May of 2023 and the applicant is proposing a cargo container storage, repair or maintenance facility. Platting the property is required prior to any development. The plat does dedicate some land for public use. The request meets all requirements in UDC and City staff recommends approval with the following stipulations:

1. Prior to the recording of the Final Plat, an agreement on the ownership, maintenance, and responsibility for the sanitary sewer extension and required upgrades to 199th Street must be reached between the City and developer must be reached.
2. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plan for all streets, sidewalks, stormwater sewers, sanitary sewer, and water mains contained within the Final Plat.

3. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
4. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
5. All City Engineer comments related to the Stormwater Management Plan must be addressed prior to issuance of a building permit.
6. All Final Plat requirements of the City listed below must be addressed prior to the recording of the Final Plat:
 - a. Confirm section corner reports have been submitted.
 - b. There are proposed easements outside of the boundary of this plat. These cannot be dedicated with this plat. Provide easement documentation to the City for dedication of these easements. Remove non-existing easements outside the boundaries of this plat.
 - c. Additional utility easements may be necessary. Plat should be reviewed by utility companies.
 - d. Provide locations for the utility easement (U/E).
 - e. The plat must meet the Johnson County Subdivision Plat requirements.
7. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the Final Plat will expire. Planning Commission reapproval and Governing Body reacceptance is required for expired Final Plats.

Chairperson Daley clarified this application is for the division of the land and not what could be built on the property.

Commissioner Draskovich moved to recommend approval of Final Plat application FP2023-04 with the stipulations outlined by City staff. Commissioner Little seconded the motion. Final Plat application FP2023-04 was recommended for approval with the stipulations, 3-0.

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Public Works

Agenda Item: Consider Final Acceptance for the Library Brick Project

Background/Description of Item:

On October 28, 2021 Edgerton City Council approved the adoption of the 2022-2026 Capital Improvement Program (CIP), including the Library Brick Project and Library Roof Project. The CIP lists a total budget of \$139,100, with the sources listed as General Fund and shared costs with Johnson County Library.

On October 13, 2022 Council approved a contract with 435 Roofing for the Library Roof Project, as well as a contract with GKW Group for the Library Brick Project. During that meeting it was approved to maximize the dollars spent by joining the two project budgets together to have the greatest impact to the facility. The project budget for the Library Brick was initially \$63,500 and initially \$75,600 for the Library Roof Project. Initial estimates from the Roof Project were below estimates, so funds were utilized to complete a greater amount of brick repairs.

On January 23, 2023, City Council approved a budget adjustment to a combined total of \$147,100 which included higher quality roofing materials and safety improvements to the brick patio. This budget adjustment included the change orders listed below. While coordinating the additional work with Johnson County Library (JCL), the County agreed to pay 50% of all items and 100% of the Awning Removal scope (CO2).

The table below summarizes the combined Library Brick and Roof project costs, final invoiced quantities, and budget overrun. The budget overrun of \$1,710 was due to miscalculation during budget updating. The needed \$1,710 can be found in the General Fund. This would revise the budget to \$148,810, matching the expenditures for the project.

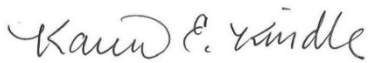
As noted above, JCL has agreed to participate in the project. The amount to be billed to JCL is \$75,267.50. After receipt of this payment, the City's portion of the project will be \$71,832.50.

Change Order Number	Description	Amount	Authority	Previously Approved
	ORIGINAL LIBRARY BRICK CONTRACT	\$ 66,900.00		
Brick #1	brick repair to East Wall, Sealant to all walls, and repoint mortar on the East Wall.	\$ 44,725.00	City Council	Yes
Brick #2	Remove awning on South Wall, and paver brick repair	\$ 3,275.00	City Council	Yes
	SUB-TOTAL	\$ 114,900.00		
	ORIGINAL LIBRARY ROOF CONTRACT	\$ 31,660.00		
Roof #1	East Wall parapet repair	\$ 2,250.00	City Council	Yes
	SUB-TOTAL	\$ 33,910.00		
	TOTAL CONTRACT TO DATE WITH CHANGE ORDERS	\$ 148,810.00		
	Library Brick Original Budget	\$ 63,500.00		
	Library Roof Original Budget	\$ 75,600.00		
	ORIGINAL LIBRARY BUDGET TOTAL	\$ 139,100.00		
	Budget revision 01/27/2023	\$ 8,000.00		
	TOTAL BUDGET TO DATE	\$ 147,100.00		
	Amount needed	\$ (1,710.00)		

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

Funding Source: General Fund & Johnson County Library

Budget Allocated: \$148,100

Finance Director Approval: x 
Karen Kindle, Finance Director

Recommendation: Approve Final Acceptance for the Library Brick Project and Approve Additional Funding of \$1,710.00 from Unencumbered Fund Balance in the General Fund.

Enclosed:

Prepared by: Holly Robertson, PE, CIP Project Manager
Dan Merkh, Public Works Director

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Public Works

Agenda Item: Consider Final Acceptance for the Library Roof Project

Background/Description of Item:

On October 28, 2021 Edgerton City Council approved the adoption of the 2022-2026 Capital Improvement Program (CIP), including the Library Brick Project and Library Roof Project. The CIP lists a total budget of \$139,100, with the sources listed as General Fund and shared costs with Johnson County Library.

On October 13, 2022 Council approved a contract with 435 Roofing for the Library Roof Project, as well as a contract with GKW Group for the Library Brick Project. During that meeting it was approved to maximize the dollars spent by joining the two project budgets together to have the greatest impact to the facility. The project budget for the Library Brick was initially \$63,500 and initially \$75,600 for the Library Roof Project. Initial estimates from the Roof Project were below estimates, so funds were utilized to complete a greater amount of brick repairs.

On January 23, 2023, City Council approved a budget adjustment to a combined total of \$147,100 which included higher quality roofing materials and safety improvements to the brick patio. This budget adjustment included the change orders listed below. While coordinating the additional work with Johnson County Library (JCL), the County agreed to pay 50% of all items and 100% of the Awning Removal scope (CO2).

The table below summarizes the combined Library Brick and Roof project costs, final invoiced quantities, and budget overrun. The budget overrun of \$1,710 was due to miscalculation during budget updating. The needed \$1,710 can be found in the General Fund. This would revise the budget to \$148,810, matching the expenditures for the project.

As noted above, JCL has agreed to participate in the project. The amount to be billed to JCL is \$75,267.50. After receipt of this payment, the City's portion of the project will be \$71,832.50.

Change Order Number	Description	Amount	Authority	Previously Approved
	ORIGINAL LIBRARY BRICK CONTRACT	\$ 66,900.00		
Brick #1	brick repair to East Wall, Sealant to all walls, and repoint mortar on the East Wall.	\$ 44,725.00	City Council	Yes
Brick #2	Remove awning on South Wall, and paver brick repair	\$ 3,275.00	City Council	Yes
	SUB-TOTAL	\$ 114,900.00		
	ORIGINAL LIBRARY ROOF CONTRACT	\$ 31,660.00		
Roof #1	East Wall parapet repair	\$ 2,250.00	City Council	Yes
	SUB-TOTAL	\$ 33,910.00		
	TOTAL CONTRACT TO DATE WITH CHANGE ORDERS	\$ 148,810.00		
	Library Brick Original Budget	\$ 63,500.00		
	Library Roof Original Budget	\$ 75,600.00		
	ORIGINAL LIBRARY BUDGET TOTAL	\$ 139,100.00		
	Budget revision 01/27/2023	\$ 8,000.00		
	TOTAL BUDGET TO DATE	\$ 147,100.00		
	Amount needed	\$ (1,710.00)		

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

Funding Source: General Fund & Johnson County Library

Budget Allocated: \$148,100

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

Recommendation: Approve Final Acceptance for the Library Roof Project

Enclosed:

Prepared by: Holly Robertson, PE, CIP Project Manager
Dan Merkh, Public Works Director

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Administration

Agenda Item: Consider Resolution No. 09-28-23B Authorizing And Providing For The Acquisition, Design, Construction, And Equipping Of A New Community Building And Related Improvements In The City Of Edgerton, Kansas; And Providing For The Payment Of The Costs Thereof.

Background/Description of Item:

At the November 14, 2019, Council Meeting, the City Council approved Resolution No. 11-14-19A, the project resolution for The Greenspace project. This was the first step to allow the City to issue bonds for the cost of the project. The project resolution authorizes the project and contains the project description, total cost and how the project is to be funded. The City is allowed to issue bonds for this project under Charter Ordinance No. 25.

The first update to Resolution 11-14-19A is to revise the project description to reflect the final scope of the project approved by Council when updates were made to the project budget at the September 8, 2022, Council Meeting.

The second update to Resolution No. 11-14-19A is to revise the project cost. Resolution 11-14-19A had established the project cost at \$4,130,000. Since that time, Council approved an updated budget of \$8,704,950 on September 8, 2022. The amount in the project resolution must be updated in order to issue the amount of bonds that will be needed to fund the project.

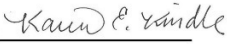
Staff has listed the project amount in the new project resolution at \$10,000,000 to allow for a contingency amount in addition to the project budget. This will prevent the need to issue additional bonds should the project run into unforeseen circumstances that cause expenditures to exceed the budget. Any bond proceeds not used for the project will be used for debt service payments on the bonds.

Attached is Resolution No. 09-28-23B. It has been approved by the City Attorney.

Related Ordinance(s) or Statue(s): Charter Ordinance No. 25, Resolution No. 11-14-19A

Funding Source: n/a

Budget Allocated: n/a

x 

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Resolution No. 09-28-23B Authorizing And Providing For The Acquisition, Design, Construction, And Equipping Of A New Community Building And Related Improvements In The City Of Edgerton, Kansas; And Providing For The Payment Of The Costs Thereof.

Enclosed: Draft Resolution No. 09-28-23B

Prepared By: Karen Kindle, Finance Director

RESOLUTION NO. 09-28-23B

A RESOLUTION AMENDING RESOLUTION NO. 11-14-19A AUTHORIZING AND PROVIDING FOR THE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF A NEW COMMUNITY BUILDING AND RELATED IMPROVEMENTS IN THE CITY OF EDGERTON, KANSAS.

WHEREAS, Charter Ordinance No. 25 of the City of Edgerton, Kansas (the “City”) authorizes the issuance of general obligation bonds to pay for the costs of various improvements, including acquiring, designing, and constructing of certain public facilities, including recreation and community facilities and off-street parking facilities; and

WHEREAS, by Resolution No. 11-14-19A duly adopted November 14, 2019, the Governing Body of the City has found and determined that it is necessary to authorize the design and construction of certain public facilities within the City; and

WHEREAS, the scope of such public facilities has changed and the estimated costs have increased, and it is necessary to amend Resolution No. 11-14-19A in certain respects.

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

Section 1. Resolution No. 11-14-19A is amended by deleting the second recital and inserting in lieu thereof the following new recital:

WHEREAS, the governing body of the City hereby finds and determines that it is necessary to authorize the design and construction of an approximately 13,000 square foot community building to include gymnasium, meeting rooms, event space, and fitness facilities, outdoor stage with lawn area including a splash pad, adjacent south parking lot, and streetscape improvements along Nelson Road from East 3rd Street to East 4th Street including street lighting, all to be located in Downtown Edgerton at approximately 305 E. Nelson Street (collectively, the “Improvements”).

Section 2. Resolution No. 11-14-19A is amended by deleting Section 2 and inserting in lieu thereof the following new Section 2:

Section 2. Pursuant to Charter Ordinance No. 25, the governing body hereby finds it necessary and desirable to authorize the issuance of general obligation bonds of the City to pay the costs of the Improvements in an amount not to exceed \$10,000,000, plus costs of issuance and interest on any temporary financing (the “Bonds”).

Section 3. Except as hereinbefore provided, all other provisions of Resolution No. 11-14-19A are herein ratified, and, excepting only those herein amended, shall remain in full force and effect.

Section 4. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

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ADOPTED AND APPROVED by the governing body of the City of Edgerton, Kansas, on September 28, 2023.

(Seal)

Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

APPROVED AS TO FORM:

Gilmore & Bell, P.C., Bond Counsel

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Administration

Agenda Item: Consider Resolution No. 09-28-23C Authorizing the Offering for Sale of General Obligation Bonds, Series 2023A, of the City of Edgerton, Kansas.

Background/Description of Item:

Earlier this evening the Governing Body considered Resolution No. 09-28-23B authorizing the Greenspace Project, which denoted that the project would be funded with General Obligation (GO) Bonds.

Resolution No. 09-28-23C does the following:

- Authorizes the offering for sale of the Series 2023A General Obligation (GO) Bonds;
- Authorizes the financial advisor and the bond counsel to prepare and issue a Notice of Bond Sale which describes the terms of the Bonds;
- Directs and authorizes the City Clerk to publish the Notice of Bond Sale;
- Directs and authorizes City staff, the Financial Advisor and the Bond Counsel to prepare a Preliminary Official Statement related to the Bonds;
- Authorizes the Mayor/Finance Director/other City officers to:
 - Approve the form of the Preliminary Official Statement;
 - Annually provide certain financial and operating data to comply with the Municipal Securities Rule Making Board continuous disclosure requirements;
 - Execute other documents that may be necessary for the purchaser of the bonds to comply with Security and Exchange Commission rules.
- Authorizes the Mayor/Finance Director/other City officers, the Financial Advisor and the Bond Counsel to take such other actions that may be necessary to carry out the sale of the bonds.

The sale of the bonds will be a competitive sale as required by Kansas statutes. Below is the anticipated calendar of events related to the sale.

- 11/2/2023 – Post Preliminary Official Statement
- 11/9/2023
 - Competitive Bond Auction
 - Council consideration of Ordinance/Resolution authorizing the final terms of the Bonds
- 11/16/2023 – Post Final Official Statement

- 11/28/2023
 - Close on the Bonds

The City Attorney has reviewed and approved this resolution.

Related Ordinance(s) or Statute(s): Resolution No. 09-28-23B

Funding Source: n/a

Budget Allocated: n/a

Finance Director Approval: 
Karen Kindle, Finance Director

Recommendation: Approve Resolution No. 09-28-23C Authorizing the Offering for Sale of General Obligation Bonds, Series 2023A, of the City of Edgerton, Kansas.

Enclosed: Resolution No. 09-28-23C

Prepared by: Karen Kindle, Finance Director

RESOLUTION NO. 09-28-23C

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS, SERIES 2023A, OF THE CITY OF EDGERTON, KANSAS.

WHEREAS, the City of Edgerton, Kansas (the “Issuer”), pursuant to Charter Ordinance No. 25 of the Issuer, has previously authorized certain improvements described as follows (the “Improvements”):

<u>Project Description</u>	<u>Authority</u>	<u>Amount</u>
Construction of a new community building	K.S.A. 12-1736 <i>et seq.</i> , as amended by Charter Ord. No. 25; Art. 12, Sec. 5 of the Constitution of the State of Kansas	\$10,000,000*

* Plus costs of issuance and interest on any temporary financing; and

WHEREAS, the Issuer proposes to issue its general obligation bonds to permanently finance a portion of the costs of the Improvements; and

WHEREAS, the Issuer has selected the firm of Columbia Capital Management, LLC, (“Municipal Advisor”), as Municipal Advisor and Gilmore & Bell, P.C. (“Bond Counsel”) as Bond Counsel for a series of general obligation bonds of the Issuer to be issued in order to provide funds to permanently finance a portion of the Improvements; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of said general obligation bonds and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation bonds; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor and Bond Counsel, in conjunction with Issuer staff, to proceed with the preparation and distribution of a preliminary official statement and notice of bond sale and to authorize the distribution thereof and all other preliminary action necessary to sell said general obligation bonds.

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

Section 1. The Issuer is hereby authorized to offer for sale the Issuer’s General Obligation Bonds, Series 2023A (the “Bonds”) as described by the presentation of the Municipal Advisor on this date. The Mayor, City Administrator, Finance Director and City Clerk, in conjunction with the Municipal Advisor and Bond Counsel, are hereby authorized and directed to cause to be prepared a Notice of Bond Sale describing the terms of the Bonds, and to use such document in connection with the sale of the Bonds. All proposals for the purchase of the Bonds shall be delivered to the governing body at its meeting to be held on the sale date referenced in the Notice of Bond Sale, at which meeting the governing body shall review such bids and award the sale of the Bonds or reject all proposals.

Section 2. The Mayor, City Administrator, Finance Director and City Clerk, in conjunction with the Municipal Advisor and Bond Counsel, are hereby authorized and directed to cause to be prepared a Preliminary Official Statement related to the Bonds (the “Preliminary Official Statement”) and to use such document in connection with the sale of the Bonds.

Section 3. The City Clerk, in conjunction with the Municipal Advisor and Bond Counsel, is hereby authorized and directed to give notice of said bond sale by publishing a summary of the Notice of Bond Sale not less than 6 days before the date of the bond sale in a newspaper of general circulation in Johnson County, Kansas, and the *Kansas Register* and by distributing copies of the Notice of Bond Sale and Preliminary Official Statement to prospective purchasers of the Bonds. Proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in the Notice of Bond Sale and awarded or rejected in the manner set forth in the Notice of Bond Sale.

Section 4. For the purpose of enabling the purchaser of the Bonds (the “Purchaser”) to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Mayor and Finance Director or other appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement and to execute the “Certificate Deeming Preliminary Official Statement Final” in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official’s signature thereon being conclusive evidence of such official’s and the Issuer’s approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of the Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Mayor, Finance Director and the other officers and representatives of the Issuer, the Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Bonds.

Section 7. The transactions described in this Resolution may be conducted, and documents related to the Bonds may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED AND APPROVED by the governing body of the City of Edgerton, Kansas, on September 28, 2023.

(SEAL)

Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

APPROVED AS TO FORM ONLY:

Gilmore & Bell, P.C., Bond Counsel

EXHIBIT A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

_____, 2023

To: _____

Re: City of Edgerton, Kansas, General Obligation Bonds, Series 2023A

The undersigned is the duly acting Finance Director of the City of Edgerton, Kansas (the “Issuer”), and is authorized to deliver this Certificate to the purchaser (the “Purchaser”) of the above-referenced bonds (the “Bonds”) on behalf of the Issuer. The Issuer has previously caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the “Preliminary Official Statement”) relating to the Bonds.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the “Rule”), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Bonds depending on such matters.

CITY OF EDGERTON, KANSAS

By: _____
Title: Finance Director

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Community Development

Agenda Item: Consider Ordinance No. 2146 Adopting The Planning Commission's Recommendation To Approve The Renewal Of A Conditional Use Permit (CU2023-01) Allowing A Cargo Container Storage, Repair, Or Maintenance Facility For Whimsy Edgerton, LLC On The Property Located At The Northwest Corner of W. 199th Street And Homestead Lane, Edgerton, Kansas.

Background/Description of Item:

The City of Edgerton has received Application CU2023-01 requesting a Conditional Use Permit (CUP) to operate a Cargo Container Storage, Repair, or Maintenance Facility for Whimsy Trucking, LLC which is located northwest of the intersection of W. 199th Street and Homestead Lane. These facilities are only permitted in the L-P (Logistics Park) District with an approved Conditional Use Permit, pursuant to Unified Development Code (UDC), Section 5.2.F.

Whimsy Edgerton, LLC is requesting this Conditional Use Permit to allow for a cargo container storage lot to be constructed on the subject property. The Planning Commission approved a Final Site Plan for an approximately 32,000 square foot building with cargo container storage yard on the subject property at their September 12, 2023 meeting, contingent upon approval of this Conditional Use Permit.

In order to recommend approval or disapproval of a proposed CUP, the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, Article 7, Section 7.1(C) of the UDC states that the Governing Body may consider all factors they deem relevant. City Staff has reviewed Application CU2023-01 with respect to all these requirements and staff's analysis can be found in the staff report from the September 12 Planning Commission meeting, which is included in this packet. The staff report presented to the Planning Commission outlining the findings of staff's review is included in the packet.

On September 12, 2023 the City of Edgerton Planning Commission held a public hearing regarding Application CU2023-01, and the Planning Commission recommended approval of the Conditional Use Permit as stipulated in the staff report, with a 4-0 vote.

Staff recommends approval of CU2023-01 as stipulated. The City Attorney has not yet reviewed the draft enclosed Ordinance No. 2146 Any changes will be provided at the October 12, 2023 City Council meeting.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2146 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2023-01) Allowing A Cargo Container Storage, Repair, Or Maintenance Facility Located At The Northwest Corner of W. 199th Street And Homestead Lane, Edgerton, Kansas

Enclosed:

- Draft Ordinance No. 2146
- CU2023-01 Staff Report prepared for the September 12, 2023 Planning Commission Meeting
- Excerpt from draft Minutes – September 12, 2023 Planning Commission Meeting.

Prepared by: Zachary Moore, Development Services Director

ORDINANCE NO. 2146

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT (CU2023-01) ALLOWING A CARGO CONTAINER STORAGE, REPAIR, OR MAINTENANCE IN THE L-P (LOGISTICS PARK) DISTRICT LOCATED AT THE NORTHWEST CORNER OF W. 199TH STREET AND HOMESTEAD LANE, EDGERTON, KANSAS

WHEREAS, the City of Edgerton, Kansas received Application CU2023-01 for a Conditional Use Permit from Whimsy Edgerton, LLC (the "Applicant") on March 7, 2023 for the property located at the northwest corner of W. 199th Street and Homestead Lane, Edgerton, Kansas (the "Property"); and

WHEREAS, both at the time of application and at the time of the signing of this Ordinance, the property is owned by Whimsy Edgerton, LLC; and

WHEREAS, the Applicant is requesting permission to operate, pursuant to the terms of a Conditional Use Permit, a cargo container storage, repair, or maintenance facility; and

WHEREAS, the Edgerton Planning Commission held a public hearing on September 12, 2023 on the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve the Conditional Use Permit request for a period of ten (10) years, conditioned on the following being adhered to by the Applicant and any future owner or tenant of the Property within that ten-year period.

1. The Conditional Use Permit for 'Cargo Container Storage, Repair, or Maintenance' is valid for a period of ten (10) years following the date of Governing Body approval.
2. The following conditions of UDC, Article 7.2.G.7 apply to the Conditional Use Permit:
 - a. The maximum height of cargo container stacking along the west property line is 30 feet.
 - b. No cargo containers or semi-trailers (either on or off a chassis), or a chassis may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
 - c. A lighting plan is to be submitted showing adequate onsite lighting.
 - d. Noise from the facility may not exceed 60 dB(A) in any adjacent residential district and 70 dB(A) in any adjacent commercial or industrial district or property.
 - e. All interior driveways, parking, loading, and storage areas shall be paved with concrete or asphalt and are to be kept free of dust, dirt or other materials.
 - f. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
 - g. Cargo containers shall not be stacked more than five (5) in number.

- h. Stacked chassis shall not be stacked more than five (5) in number
- i. Screening comprised of fencing and landscaping or berming and landscaping will be installed along all property lines in accordance with UDC, Article 5.2 and UDC, Article 7.2.G.7.i.
- j. All signage must comply with Article 12 of the UDC.
- k. All site plan requirements in Article 10 and all site requirements in Section 5.2 must be met.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Article 7 of the City Zoning regulations and the recommendations of the Planning Commission, finds the Conditional User Permit should be approved upon the terms described above.

WHEREAS, all required newspaper and mailing notifications were performed.

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

Section 1. The proposed Conditional Use Permit for a Cargo Container Storage, Repair, or Maintenance facility is hereby approved for the property located at the northwest corner of W. 199th Street and Homestead Lane, Edgerton, Kansas.

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant/Owner's strict compliance with the two (2) conditions set forth above, which were recommended by the Edgerton City staff, Planning Commission, and approved by the Edgerton City Council.

Section 3. The validity of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner with the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should the Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from the City to the Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, the Applicant/Owner will be notified that this Conditional Use Permit is revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only occur through action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. The Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

Section 4. This Ordinance shall take effect and be enforced from and after its publication once in the official City newspaper. All Zoning Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit expires, is vacated, or is declared null and void.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 28th DAY OF SEPTEMBER, 2023.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

APPROVED AS TO FORM:

Lee Hendricks, City Attorney

DRAFT

8. **FS2023-06: FINAL SITE PLAN APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191ST STREET AND KILL CREEK ROAD**

Mr. Moore explained the applicant has withdrawn the application and no action is needed by the Commission.

9. **CU2023-01: CONDITIONAL USE PERMIT APPLICATION FOR A CARGO CONTAINER STORAGE, REPAIR OR MAINTENANCE FACILITY FOR WHIMSY EDGERTON, LLC LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. 199TH STREET AND HOMESTEAD LANE**

Mr. Pete Heaven, (Spencer Fane LLP) the attorney representing property owner, addressed the Commission. He explained this application is for a CUP to be used in conjunction with the facility the property owner proposes to be constructed. He stated the property was rezoned to L-P earlier in 2023, the adjacent property to the west is zoned L-P, adjacent to the east is wetland property with a creek and C-2 zoned parcels, and the south parcels are low density residential parcels. The proposed use is a less intense use than what could be allowed in this zoning designation.

Mr. Heaven said a storage, repair or maintenance facility is needed as this type of use is needed to aid in the operations of other tenants in Logistics Park Kansas City (LPKC) and one facility was just renewed. The nature of the property owner's business is to store cargo containers. He explained there is a single-family home built in 2000 and no other development on the property.

He stated there would be no detrimental effects by the proposed use nor would there be any significant traffic impacts. The applicant is in agreement with the City regarding the improvements of 199th Street to a three (3) lane road with a center left turn lane from Homestead Lane to the western property line.

There would be no downstream effect in terms of stormwater. The applicant will retain stormwater on the property and will not increase the flow of stormwater to neighboring properties.

Mr. Heaven stated the applicant is also currently testing electric trucks that have zero emissions. The property owner is currently using electric trucks in Joliet, Illinois.

This development would bring an increase property tax to benefit the City and halo effect is the need for commercial. He states there would be no adverse effects to the public health, safety, and welfare and it is a less intense use than what is permitted by right.

Mr. Heaven said the applicant is proposing extensive screening with expansive setbacks that either meet or exceed the requirements set forth by the UDC. The applicant is requesting a CUP that is valid for 10 years and they do agree to the stipulations outlined by City staff.

Chairperson Daley opened the public hearing. There were no public comments made at this time. Commissioner Little moved to close the public hearing. Commissioner Draskovich seconded the motion, and the public hearing was closed, 3-0.

Mr. Moore spoke before the Commission. He stated the request is for a new CUP for a cargo container storage, repair or maintenance facility. The subject is 20.14 acres, which meets the parcel size requirement. He stated the property was annexed into the City of Edgerton in 2017 and rezoned to L-P in May of 2023. City staff reviewed the application against the criteria outlined in Article 7 of the UDC. The details of the development will be discussed during Final Site Plan application FS2023-07, which will be presented later in the meeting. Mr. Moore said there is a demand of businesses in LPKC to have cargo container storage lots. This is a business model that supports other businesses. City staff found that there is a need for this type of use and the neighborhood is compatible with this use. There is future nonresidential development to the east across the creek and to the southeast. There are also L-P zoned parcels to the west and to the north. Mr. Moore said a cargo container storage, repair or maintenance facility is a suitable use for this property. The property is vacant apart from the single-family dwelling, which will be removed. City staff does not see any long-term detrimental effects. He explained ingress and egress of the development will be discussed on the Final Site Plan application, but there is adequate spacing for access between the proposed access point and other existing streets and access points. Mr. Moore said the proposed use will not impact the capacity or safety of road network, there will be no negative impact to the stormwater system with no increase of runoff to neighboring property. The development is consistent with the Comprehensive Plan and will increase the property tax of the property. City staff recommends approval with the following stipulations:

1. The CUP for 'Cargo Container Storage, Repair, or Maintenance' is valid for a period of 10 years following the date of Governing Body approval.
2. The following conditions of UDC, Article 7.2.G.7 apply to the CUP:
 - a. The maximum height of cargo container stacking along the west property line is 30 feet.
 - b. No cargo containers or semi-trailers (either on or off a chassis), or a chassis may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
 - c. A lighting plan is to be submitted showing adequate onsite lighting.
 - d. Noise from the facility shall not exceed 60 dB(A) in any adjacent residential district and 70 dB(A) in any adjacent commercial or industrial district or property.
 - e. All interior driveways, parking, loading, and storage areas shall be paved with concrete or asphalt and are to be kept free of dust, dirt or other materials.
 - f. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
 - g. Cargo containers shall not be stacked more than five (5) in number.
 - h. Stacked chassis shall not be stacked more than five (5) in number.
 - i. Screening comprised of fencing and landscaping or berming and landscaping will be installed along all property lines in accordance with UDC, Article 5.2 and UDC, Article 7.2.G.7.i.
 - j. All signage must comply with Article 12 of the UDC.

- k. All site plan requirements in Article 10 and all site requirements in Section 5.2 must be met.

Commissioner Draskovich asked with the transition to electric trucks if the electrical lines will need to be improved. Mr. Dan Finn, Phelps Engineering and project engineer, replied that is still to be determined. Chairperson Daley inquired if there is space for chargers and where the future residential development would be. Mr. Moore answered that there is no proposed residential use and that the current residential structure will be removed.

Chairperson Daley asked about the improvements of 199th Street and how they will be paid for. Mr. Moore replied that development agreements will have the details of who pays for and when those improvements are made but will be made by the City Council.

Commissioner Draskovich moved to recommend approval of CUP application CU2023-01 with the stipulations outlined by City staff. Commissioner Mueller seconded the motion. CUP application was recommended for approval with the stipulations, 3-0.

Mr. Moore stated the application will be presented to the Governing Body on September 28, 2023.

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

Mr. Finn addressed the Commission. He stated this Preliminary Plat application was presented earlier this year. The Preliminary Plat is for the west and east side of the creek. CUP application CU2023-01 for Whimsy is Lot 1 on the Preliminary Plat and Lot 2 will be future commercial development. Mr. Finn explained the easements and right-of-way proposed on the Preliminary Plat and stated they agree with the stipulations outlined by City staff.

Mr. Moore stated the property is 37.39 acres and the application is being presented in preparation of a container storage, repair or maintenance facility and future commercial development. The west side of the creek was annexed in December of 2017 and the east side of the creek was annexed in June of 2022. There is currently a single-family home on the western property and will be removed prior to development. The western property was rezoned in May of 2023 to the L-P District and the east side was rezoned to the C-2 District at the same time. Mr. Moore explained there are a few items that need to be updated prior to the certification of the Preliminary Plat by the Zoning Administrator and recording of the final plat. City staff recommends approval with the following stipulations:

1. All Preliminary Plat requirements of the City listed below shall be met or addressed prior to Certification by the Zoning Administrator:
 - a. The current zoning of the property listed on the Preliminary Plat needs to be corrected.
 - b. The signature block and date for review of the Zoning Administrator needs to be added.
 - c. The signature block and date for review of the City Engineer needs to be added.
 - d. The signature block and date for review of the Chair of Planning Commission needs to be added.

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Community Development

Agenda Item: Consider Ordinance No. 2147 Adopting The Planning Commission's Recommendation To Approve The Renewal Of A Conditional Use Permit (CU2023-03) Allowing A Cargo Container Storage, Repair, Or Maintenance Facility For US MMG Properties E Lot, LLC On The Property Located At 30830 W. 191st Street, Edgerton, Kansas.

Background/Description of Item:

The City of Edgerton has received Application CU2023-03 requesting a Conditional Use Permit (CUP) to operate a Cargo Container Storage, Repair, or Maintenance Facility for US MMG Properties E Lot, LLC, which is located at 30830 W. 191st Street. These facilities are only permitted in the L-P (Logistics Park) District with an approved Conditional Use Permit, pursuant to Unified Development Code (UDC), Section 5.2.F. A Conditional Use Permit was previously approved to allow operation of a Cargo Container Storage, Repair, or Maintenance Facility on the subject property in 2013. The previously approved Conditional Use Permit expired in September 2023, but its approval has been stayed until this City Council meeting, due to the lack of a quorum at the Planning Commission meeting that the applicant had originally submitted for.

US MMG Properties E Lot, LLC is requesting this Conditional Use Permit renewal to continue operation of the subject property as a cargo container storage lot. The site has operated as a cargo container storage lot since 2013, when the original Conditional Use Permit for Nickell Properties was approved. Prior to the Planning Commission meeting, there were several items on site that did not meet Code or the previously approved site plan, including an unenclosed dumpster on site, an above ground fuel tank on site, damaged fencing, and missing landscaping. The property owner resolved each of these outstanding issues prior to the Planning Commission meeting, and the site has remained in good standing since.

In order to recommend approval or disapproval of a proposed CUP, the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, Article 7, Section 7.1(C) of the UDC states that the Governing Body may consider all factors they deem relevant. City Staff has reviewed Application CU2023-03 with respect to all these requirements and staff's analysis can be found in the staff report from the September 12 Planning Commission meeting, which is included in this packet. The staff report presented to the Planning Commission outlining the findings of staff's review is included in the packet.

On September 12, 2023 the City of Edgerton Planning Commission held a public hearing regarding Application CU2023-03, and the Planning Commission recommended approval of the Conditional Use Permit, as stipulated in the staff report, with a 4-0 vote.

Staff recommends approval of CU2023-03 as stipulated. The City Attorney has not yet reviewed the draft enclosed Ordinance No. 2147. Any changes will be provided at the City Council meeting.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2147 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2023-03) Allowing A Cargo Container Storage, Repair, Or Maintenance Facility Located At 30830 W. 191st Street, Edgerton, Kansas

Enclosed:

- Draft Ordinance No. 2147
- CU2023-03 Staff Report prepared for the September 12, 2023 Planning Commission Meeting
- Excerpt from draft Minutes – September 12, 2023 Planning Commission Meeting.

Prepared by: Zachary Moore, Development Services Director

ORDINANCE NO. 2147

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT (CU2023-03) ALLOWING A CARGO CONTAINER STORAGE, REPAIR, OR MAINTENANCE IN THE L-P (LOGISTICS PARK) DISTRICT LOCATED AT 30830 W. 191ST STREET, EDGERTON, KANSAS

WHEREAS, the City of Edgerton, Kansas received Application CU2023-03 for a Conditional Use Permit from US MMG Properties E Lot, LLC (the "Applicant") on July 5, 2023 for the property located at 30830 W. 191ST Street, Edgerton, Kansas (the "Property"); and

WHEREAS, both at the time of application and at the time of the signing of this Ordinance, the property is owned by US MMG Properties E Lot, LLC; and

WHEREAS, the Applicant is requesting permission to operate, pursuant to the terms of a Conditional Use Permit, a cargo container storage, repair, or maintenance facility; and

WHEREAS, the Edgerton Planning Commission held a public hearing on September 12, 2023 on the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve the Conditional Use Permit request for a period of ten (10) years, conditioned on the following being adhered to by the Applicant and any future owner or tenant of the Property within that ten-year period.

1. The Conditional Use Permit for 'Cargo Container Storage, Repair, or Maintenance' is valid for a period of ten (10) years following the date of Governing Body approval.
2. The following conditions of UDC, Article 7.2.G.7 apply to the Conditional Use Permit:
 - a. No cargo containers or semi-trailers (either on or off a chassis), or a chassis may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
 - b. Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
 - c. Facilities shall have a minimum lot size of 20 acres.
 - d. Noise from the facility shall not exceed 60 dB(A) in any adjacent residential district and 70 dB(A) in any adjacent commercial or industrial district or property.
 - e. All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For the purposes of this stipulation:
 - i. Paving shall mean concrete or asphalt; and
 - ii. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.
 - f. The facility shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or

loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.

- g. Cargo containers shall not be stacked more than five (5) in number.
- h. Stacked chassis shall not be stacked more than five (5) in number.
- i. All signage must meet the requirements of UDC, Article 12 related to signage. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer, or chassis.
- j. All facilities shall abide by any and all governmental rules, regulations, codes, and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Article 7 of the City Zoning regulations and the recommendations of the Planning Commission, finds the Conditional User Permit should be approved upon the terms described above.

WHEREAS, all required newspaper and mailing notifications were performed.

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

Section 1. The proposed Conditional Use Permit for a Cargo Container Storage, Repair, or Maintenance facility is hereby approved for the property located at 30830 W. 191st Street, Edgerton, Kansas.

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant/Owner's strict compliance with the two (2) conditions set forth above, which were recommended by the Edgerton City staff, Planning Commission, and approved by the Edgerton City Council.

Section 3. The validity of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner with the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should the Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from the City to the Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, the Applicant/Owner will be notified that this Conditional Use Permit is revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only occur through action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. The Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

Section 4. This Ordinance shall take effect and be enforced from and after its publication once in the official City newspaper. All Zoning Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit expires, is vacated, or is declared null and void.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF
EDGERTON, KANSAS ON THE 28th DAY OF SEPTEMBER, 2023.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

Alexandria Clower, City Clerk

APPROVED AS TO FORM:

Lee Hendricks, City Attorney

6. **CU2023-03: RENEWAL OF A CONDITIONAL USE PERMIT APPLICATION FOR A CARGO CONTAINER STORAGE, REPAIR OR MAINTENANCE FACILITY FOR US MMG PROPERTIES E LOT, LLC LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF W. 191ST STREET AND WAVERLY ROAD**

Mr. Greg Watson, McClure Engineering, spoke before the Commission. He stated the property owner, US MMG Properties E Lot, LLC is requesting a renewal of the existing Conditional Use Permit (CUP) located at 30830 W. 191st Street. The property is currently zoned L-P, Logistics Park, and the neighboring properties are zoned L-P except the property to the north is zoned Johnson County RUR, Rural. The first CUP was approved in 2013 but not by the current property owners. The property was purchased in August of 2022. The use has not changed nor are there any intentions to change the use of the property. Mr. Watson explained City staff pointed out a few existing issues with the property, but they worked with the property owner and addressed the items. The landscaping has been corrected to match the approved Site Plan and the fuel tank and dumpster that were onsite have been removed. He is there on behalf of the property owner requesting the CUP be renewed under the same conditions as previous for another ten (10) years. The property owner agrees to the stipulations and conditions required by the Unified Development Code (UDC) and outlined by City staff in the Staff Report.

Chairperson Daley opened the public hearing. There were no public comments made. Commissioner Little moved to close the public hearing. The motion was seconded by Commissioner Mueller and the public hearing was closed, 3-0.

Mr. Zachary Moore, Development Services Director, addressed the Commission. He reiterated that this application is a request for a CUP extension. The subject property is just over 22 acres in size and zoned L-P. A CUP is required for a cargo container storage lot, which is the current use of the property. The property was annexed, rezoned, and the original CUP was approved in 2013 for 10 years and is now set to expire. Mr. Moore explained the applicant does not want to expand the operations now but might in the future. Mr. Moore explained that while the applicant is not the original developer, the CUP addresses the use of the land and not the owner.

City staff reviewed the application for the CUP renewal against the regulations set forth in Section 7 of the UDC, which outlines the requirements for CUPs. There are a number of criteria that need to be met for a cargo container storage lot and the criteria for the CUP are similar to that of the Golden Criteria for rezoning applications. Those criteria have been met. There were some existing site conditions that did not meet the UDC requirements. Those were the above ground fuel tank, unscreened dumpster, and the installed landscaping did not match the approved Final Site Plan. The fuel tank and dumpster were removed from the site and the landscaping was being addressed earlier today. Mr. Moore stated City staff recommends the CUP renewal with the following stipulations:

1. The CUP for 'Cargo Container Storage, Repair, or Maintenance' is valid for a period of 10 years following the date of Governing Body approval.

2. The following conditions of UDC, Article 7.2.G.7 apply to the CUP:
 - a. No cargo containers or semi-trailers (either on or off a chassis), or a chassis may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
 - b. Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
 - c. Facilities shall have a minimum lot size of 20 acres.
 - d. Noise from the facility shall not exceed 60 dB(A) in any adjacent residential district and 70 dB(A) in any adjacent commercial or industrial district or property.
 - e. All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For the purposes of this stipulation:
 1. Paving shall mean concrete or asphalt; and
 2. Dust-free shall mean that all interior driveways and storage surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.
 - f. The facility shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
 - g. Cargo containers shall not be stacked more than five (5) in number.
 - h. Stacked chassis shall not be stacked more than 5 in number.
 - i. All signage must meet the requirements of UDC, Article 12 related to signage. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer, or chassis.
 - j. All facilities shall abide by any and all governmental rules, regulations, codes, and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.

Chairperson Daley inquired if City staff routinely monitors sites for violations. Mr. Moore answered City staff does monitor sites and when a new developer or development comes forward, City staff will make sure the site is in compliance prior to the Commission meeting.

Commissioner Draskovich moved to recommend approval with the stipulations outlined by City staff. The motion was seconded by Commissioner Little. CUP application CU2023-03 was recommended for approval with the stipulations, 3-0.

7. **PP2023-03: PRELIMINARY PLAT APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191ST STREET AND KILL CREEK ROAD**

Mr. Moore explained the applicant has withdrawn the application and since the public hearing was published previously, City staff wanted to inform readers of the agenda and packet of the withdrawal, so a note was made on the agenda and packet. No action is needed by the Commission.

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Public Works

Agenda Item: Consider a Revised Project Budget for the 2023 CDBG – 1st and Martin Sanitary Sewer Rehabilitation Project

Background/Description of Item:

On May 12, 2022 City Council approved the submission of an application to Johnson County for the 1st and Hulett Sanitary Sewer Project for Community Development Block Grant (CDBG) funding.

In October 2022, Johnson County notified staff of the proposed award of the partial funding request (\$100,000). In March 2023, Johnson County notified staff of an additional funding allocation, bringing the new total to \$108,488.37

At the time of Council approval of the CIP, the total project budget was \$328,500 assuming we would receive the biennial CDBG grant allocation of \$200,000; however, we received only partial funding for the project.

On February 9, 2023, City Staff presented a potential lower budget revision as part of the award of design to Tetra Tech, no approval was obtained at that meeting. Staff communicated that we would align project budgets to estimates/bids provided during design.

Later on tonight's Council meeting (9/28/2023) is the consideration of awarding bid to a contractor in the amount of \$191,764. Utilizing that bid, expenditures for design, and estimates for construction inspection services, the project budget is proposed to be \$314,264, summarized in the chart in the memo.

Funding for this project consists of the Johnson County CDBG award and the Sewer Fund. City Staff has identified additional funding remaining from the 2021 CDBG project. Due to having the rollover funds, the amount needed from 2022 Transfer from Sewer Fund is less than the amount provided during the CIP process. Originally in 2022, \$125,000 was transferred from the Sewer Fund, and after the amount needed for this project is utilized, there is a remaining amount of \$77,062.55. Staff will bring a proposal to utilize these remaining funds for the 2024 CDBG project to a future meeting when the award of the 2024 CDBG project is brought for consideration. A breakdown of the funding sources is included in the following table. There are sufficient funds for the 2023 CDBG Project – 1st and Martin Sanitary Sewer Rehabilitation Project.

2023 CDBG - ORIGINAL CIP BUDGET	\$328,500
Project Costs	Amount
Design	\$ 55,000.00
Construction	\$ 191,764.00
Construction Inspection	\$ 60,000.00
Estimated City Engineer	\$ 2,500.00
Misc. (Legal Fees, CDBG requirements, etc.)	\$ 2,500.00
Estimated Contingency	\$ 2,500.00
REVISED PROJECT BUDGET	\$ 314,264.00
Funding Sources Description	Amount
CDBG Award	\$ 108,488.37
2021 CDBG Balance Roll-Over	\$ 157,838.18
2022 Transfer from Sewer Fund	\$ 47,937.45
REVISED FUNDING TOTAL	\$ 314,264.00

Related Ordinance(s) or Statute(s):

Funding Source: Sewer Fund: \$47,937.45
CDBG: \$108,488.37
Rollover from 2021 CDBG: \$157,838.18

Budget Allocated: \$314,264

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

Agenda Item: Approve a Revised Project Budget for the 2023 CDBG – 1st and Martin Sanitary Sewer Rehabilitation Project in the Amount of \$314,264.

Enclosed: N/A

Prepared by: Dan Merkh, Public Works Director

2023 CDBG - ORIGINAL CIP BUDGET**\$328,500**

Funding Sources Description	Amount	Status
CDBG Award	\$ 100,000.00	Awarded
2021 CDBG Balance Roll-Over	\$ 157,838.18	Transferred
2022 Transfer from Sewer Fund	\$ 125,000.00	Transferred
REVISED BUDGET	\$ 382,838.18	

Project Costs	Amount	Status	Authority	Previously Approved
Design	\$ 36,000.00	Paid	City Council	Yes
Design Support During Construction	\$ 15,600.00	to be considered for approval 9/28/23		No
Construction	\$ 191,764.00	to be considered for approval at a later date		No
Construction Inspection	\$ 51,810.53	Approved	City Council	Yes
Estimated City Engineer	\$ 11,000.00	Approved during CIP Budgeting		Yes
Misc. (Legal Fees, CDBG requirements, etc.)	\$ 2,500.00	Approved during CIP Budgeting		Yes
Estimated Contingency	\$ 12,600.00	Approved during CIP Budgeting		Yes
ANTICIPATED BUDGET REMAINING*	\$ 61,563.65			

***to be returned to Sewer Fund during final acceptance**

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Public Works

Agenda Item: Consider Award of Bid to Havens Construction Co. for the 2023 CDBG – 1st and Martin Sanitary Sewer Rehabilitation Project

Background/Description of Item:

On May 12, 2022 City Council approved the submission of an application to Johnson County for the 1st and Hulett Sanitary Sewer Project for Community Development Block Grant (CDBG) funding.

In October of 2022, Johnson County notified staff of the proposed award of the partial funding request (\$100,000). Then in March of 2023, Johnson County notified staff of an additional funding allocation, bringing the new total to \$108,488.37

On February 9, 2023, City Council approved the contract with Tetra Tech for the design of the project.

On August 10, 2023 City Council approved the concurrence to bid.

On August 24, 2023, City Council approved the contract with RIC for construction inspection services.

On September 6, 2023, the City of Edgerton held a public bid opening. A total of two (2) bids were received, opened and read aloud to the public. This project consisted of a base bid, with two alternates. The base bids ranged from a low of \$191,764.00 to a high of \$222,006.00. Tetra Tech provided an opinion of probable cost of \$185,543.00. Tetra Tech has provided a letter to disregard the opinion of probable cost due to the volatility of the market. Tetra Tech's letter also recommends Havens Construction Co as the most qualified, apparent low bidder.

Based upon review of the bids, the letter of recommendation by Tetra Tech and requirements from US Department of Housing and Urban Development (HUD) for CDBG projects, staff recommends the apparent low bidder, Havens Construction, Co. to complete the project, as they are qualified to perform the scope of work included in this project.

The bids are within the project budget and consists of CDBG funds and Sewer funds as described in the Council Action Item earlier tonight regarding the project budget update.

Related Ordinance(s) or Statue(s):

Funding Source: Sewer Fund: \$47,937.45
CDBG: \$108,488.37
Rollover from 2021 CDBG: \$157,383.18

Budget Allocated: \$314,264

Finance Director Approval: x 
Karen Kindle, Finance Director

Agenda Item: Approve Award of Bid to Havens Construction Co. for the 2023 CDBG – 1st and Martin Sanitary Sewer Rehabilitation Project for the Amount of \$191,764.

Enclosed: Bid tabulation
Letter of Recommendation

Prepared by: Dan Merkh, Public Works Director

2023 CDBG - 1st and Hulett Sanitary Sewer Rehabilitation
BASE BID

2023 CDBG - 1st and Hulett Sanitary Sewer Rehabilitation BASE BID				Engineer's Estimate		SAK Construction, LLC		Havens Construction Co, Inc.	
ITEM NO.	ITEM DESCRIPTION	QTY.	UNIT	UNIT COST	EXTENSION	UNIT COST	EXTENSION	UNIT COST	EXTENSION
1	Mobilization (limited to 5%)	1	LS	\$ 8,835.40	\$ 8,835.40	\$ 7,230.00	\$ 7,230.00	\$ 9,500.00	\$ 9,500.00
2	Preliminary Cleaning and Closed-Circuit Television (CCTV) Inspection 8-inch	3884	LF	\$ 7.00	\$ 27,188.00	\$ 4.00	\$ 15,536.00	\$ 12.25	\$ 47,579.00
3	Cured-in-Place Pipe Lining Gravity Sewer - 8-inch	2410	LF	\$ 40.00	\$ 96,400.00	\$ 52.00	\$ 125,320.00	\$ 35.00	\$ 84,350.00
4	Point Repair 10-foot or less; 8-inch Pipe	3	EA	\$ 7,000.00	\$ 21,000.00	\$ 12,600.00	\$ 37,800.00	\$ 7,000.00	\$ 21,000.00
5	Manhole Rehabilitation - Cementitious Lining	17	VF	\$ 60.00	\$ 1,020.00	\$ 260.00	\$ 4,420.00	\$ 375.00	\$ 6,375.00
6	Raise Manhole to Grade	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 3,600.00	\$ 3,600.00	\$ 2,300.00	\$ 2,300.00
7	Rebuild Manhole Bench and Trough	1	EA	\$ 1,600.00	\$ 1,600.00	\$ 1,600.00	\$ 1,600.00	\$ 660.00	\$ 660.00
8	Pre-Cast Concrete Sanitary Sewer Manhole – 60-inch	1	EA	\$ 12,000.00	\$ 12,000.00	\$ 26,500.00	\$ 26,500.00	\$ 20,000.00	\$ 20,000.00
9	Allowance	1	LS	\$ 15,000.00	\$ 15,000.00				
TOTAL BASE BID					\$ 185,543.40	\$ 222,006.00		\$ 191,764.00	
BID ALTERNATE 1									
10	Lateral Connection Full Wrap CIPP Short Liner	50	EA	\$ 2,000.00	\$ 100,000.00	\$ 2,000.00	\$ 100,000.00	\$ 1,750.00	\$ 87,500.00
TOTAL BID ALTERNATE 1					\$ 100,000.00	\$ 100,000.00		\$ 87,500.00	
BID ALTERNATE 2									
11	Open Cut Full Replacement	325	LF	\$ 200.00	\$ 65,000.00	\$ 310.00	\$ 100,750.00	\$ 525.00	\$ 170,625.00
TOTAL BID ALTERNATE 2					\$ 65,000.00	\$ 100,750.00		\$ 170,625.00	
TOTAL BASE BID AND ALTERNATES					\$350,543.40	\$422,756.00		\$449,889.00	



September 11, 2023

Ms. Holly Robertson
Project Manager - Public Works Department
City of Edgerton
404 East Nelson
Edgerton, Kansas 66021

Re: 1st and Hulett Sanitary Sewer Rehabilitation, Project No. SAN0001-23 - Bid Evaluation and Recommendation

Dear Ms. Robertson,

Bids for the 1st and Hulett Sanitary Sewer Rehabilitation were received on September 6, 2023. A total of two (2) bids were received. The bids ranged between \$191,764.00 and \$222,006.00 for the total base bid.

Havens Construction submitted the lowest bid of \$191,764.00. No irregularities were found with the Bid Schedule Proposal. Havens Construction's bid was 3.3% higher than the Engineer's Estimate of \$185,543.00; however, our review of the current local market indicates to re-design/re-advertise the project would not result in lower bids.

Havens Construction submitted the required bid forms, statement of bidder's qualifications and experience reference summary. Based on the Statement of Bidder's Qualifications and the Engineer's prior experience with this contractor, the Bidder appears to possess a record of successfully completing work generally similar in nature, complexity, and size to the Project. Tetra Tech spoke with one additional reference listed who also expressed their satisfaction with the competency and quality of the work performed. They stated they would be willing to hire Havens Construction for future projects.

Tetra Tech recommends the award of 1st and Hulett Sanitary Sewer Rehabilitation, Project No. SAN0001-23 to Havens Construction for the lowest total base bid amount of \$191,764.00. If you have any questions regarding this letter, please contact us at 816-412-1758.

Sincerely,

A handwritten signature in blue ink that reads 'Bridget Harper'.

Bridget Harper, P.E.
Project Manager

City Council Action Item

Council Meeting Date: September 28, 2023

Department: Public Works

Agenda Item: Consider Authorizing the City Administrator to Approve the Purchase of a Truck for the Building Inspector.

Background/Description of Item:

On July 6, 2023 staff presented the Vehicle and Equipment Replacement Program to City Council at the annual Budget Work Session. Part of this presentation staff made recommendations for funding of the Vehicle & Equipment Current Program 2024-2028. Outlined in this recommendation was the purchase of a new half-ton truck (F-150 or similar) in conjunction with adding the Building Inspector position. The budget set for this vehicle is \$51,000. On September 14, 2023 the City Council approved this purchase as part 2024 Annual Budget.

The Vehicle and Equipment Policy requires the preparation of the specifications for the replacement of equipment with an effort for those to be as "standard" as possible to provide for economical and efficient repairs. It also requires that the city first use cooperative purchasing partnership if available. In this case there are currently no options for cooperative purchasing. In the current state of the market, there is not an ability to order vehicles as has been done in the past.

The new method for purchasing vehicles is off lot. This new method consists of the following factors that the City has not had to deal with in the past: (1) the price will vary depending on what vehicle a dealer receives that meets the City's specifications; (2) these purchases do not include any incentives or price breaks; (3) the City is competing with the public, private contractors, and others to secure an available vehicle; (4) these vehicles are not typically held by the seller to allow City Staff time to obtain authorization for the purchase. This new purchasing environment for vehicles requires flexibility in being able to authorize the purchase with an extremely fast turnaround, usually within 0-24 hours (with a deposit). This is a different approach than in the past when staff would present cooperative purchasing bids and request authority for an amount that was set in the bids and then order the vehicle.

Building Inspector Vehicle Specification:

Half-ton (F-150 or similar)

- Extended Cab
- 4X4

- Regular Bed
- Power Group – Power locks, power and heated mirrors, power windows
- Cruise Control

Estimated Dealership Cost: \$48,500 to \$55,500.

Aftermarket Upfit Options: Cost \$2,500

- Emergency Lighting

Total Price as Optioned = \$51,000 to \$58,000

Staff recommends the giving the City Administrator the authority to approve the purchase of a half-ton truck (F-150 or similar) off lot at \$51,000, as outlined in the Vehicle & Equipment Current Program. Due to the volatility of the market, Staff also recommends an granting City Administrator authority for an additional \$7,000 in contingency, for a total amount not to exceed of \$58,000. The payment source for the initial range is unencumbered fund balance from the general fund, therefore it is Staff's recommendation to include the contingency to come from the same source.

Staff will look at multiple dealerships in the metro area and selected dealers within a reasonable window to find a unit that meets the specifications outlined above as well as one that fits within the proposed budget.

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

Funding Source: General Fund

Budget Allocated: Total \$58,000 (\$51,000 regular with \$7,000 contingency)

Finance Director Approval:

Recommendation: Authorize the City Administrator to approve the vehicle purchase for the Community Development, Building Inspector, in an amount not to exceed \$58,000

Enclosed:

Prepared by: Dan Merkh, Public Works Director