Call to Order
1. Roll Call ___ Roberts ____ Longanecker ____ Brown _____ Crist _____ Conus ____ Lewis
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. Agenda Approval
5. Approve Minutes for February 22, 2018 City Council Meeting
6. Approve Ordinance No. 1075 Amending Chapter IX, Article 1, Section 9-107 Of The Municipal Code Of The City Of Edgerton, Kansas To Reflect A Revised Start Time For Municipal Court And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith
7. Approve of the Downtown Edgerton Plan

Regular Agenda
8. Public Comments. Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.

9. 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.

Business Requiring Action
10. CONSIDER RENEWAL OF CORPORATE INSURANCE POLICY FOR APRIL 1, 2018 – MARCH 31, 2019

   Motion: ____________ Second: ___________ Vote: ____________

11. CONSIDER ORDINANCE NO. 1076 ADOPTING A RECOMMENDATION BY THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 256 ACRES OF LAND [LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 207TH STREET AND WAVERLY ROAD] IN EDGERTON, KANSAS FROM JOHNSON COUNTY “RUR” RURAL DISTRICT TO CITY OF EDGERTON "L-P" LOGISTICS PARK ZONING DISTRICT

   Motion: ____________ Second: ___________ Vote: ____________

12. CONSIDER AUTHORIZATION OF HOMESTEAD LANE/ 207TH STREET ROAD IMPROVEMENT PROJECT

1 of 2
13. **Report by the City Administrator**

14. **Report by the Mayor**

15. **Future Meeting/ Event Reminders:**
   - March 13th 7:00 PM – Planning Commission Meeting
   - March 21st Noon – Senior Lunch
   - March 22nd 7:00 PM – City Council Meeting
   - March 24th 9:00 AM – 1:00 PM – Low Cost Vaccine Clinic in Downton Greenspace
   - March 24th 10:00 AM – Noon – Edgerton Easter Egg Hunt in Martin Creek Park

16. **Adjourn**  
Motion: ________  
Second: ________  
Vote: ________
City of Edgerton, Kansas  
Minutes of City Council Regular Session  
February 22, 2018

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on February 22, 2018. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. **ROLL CALL**

   Ron Conus present
   Clay Longanecker present
   Josh Lewis present
   Jody Brown present
   Darius Crist present

   With a quorum present, the meeting commenced.

   Staff in attendance: City Administrator Beth Linn  
   Assistant City Administrator Scott Peterson  
   City Attorney Lee Hendricks  
   Parks Bob McVey  
   Development Services Director Katy Crow

2. **WELCOME**

3. **PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Agenda Approval was considered.
5. Approve Minutes for January 25, 2018 was considered
6. Approve Minutes for February 8, 2018 was considered
7. Approve Final Acceptance of 183rd Street Project ad Authorize Final Payment to Amino Brothers Construction Company was considered.

   Motion by Longanecker, seconded by Brown, to approve the consent agenda.

   Motion was approved, 5-0

8. **PUBLIC COMMENTS**
   None

9. **DECLARATION**
   None
10. PRESENTATION OF DRAFT OF FINAL DOWNTOWN EDGERTON PLAN WAS CONSIDERED.

Cale Doornbos with SWT Designs presented a power point presentation to the Mayor and City Council about the Downtown Edgerton Plan. The Power point presentation contained ideas and pictures on how to do things differently in the downtown area. Mr. Doornbos also told those present that the City of Edgerton has a wonderful community engagement. He noted the open house, hosted by the City of Edgerton, had one of the largest attendance of citizens that he has seen for a public forum. He offered a big “Thank you to the City of Edgerton Community and their input.” SWT Designs hopes to begin work in April or May, 2017. There were some questions from Council members, they were asked to look over the final draft and have comments to City Administrator by March 2nd.

The presentation was well received by the City Council.

PUBLIC INFRASTRUCTURE IMPROVEMENT 181ST STREET

11. APPROVAL OF EXHIBIT E PUBLIC INFRASTRUCTURE IMPROVEMENT NOTICE FOR 181ST STREET PHASE II (ALSO KNOWN AS RAIL SERVED ROAD) WAS CONSIDERED.

Beth Linn, City Administrator, presented information about Exhibit B, which is an executed, amended and restated public infrastructure financing plan with BNSF railway and Edgerton Land Holding Company, LLC. The agreement included as Exhibit B, a list of approved infrastructure projects associated with Logistics Park Kansas City. Section 5.f of this Agreement states that all remaining Public Infrastructure Improvements (ELHC that are not specifically assigned a start date or that have not already begun) shall be commenced when ELHC executes and delivers to the City and BNSF a Public Infrastructure Improvement Notice to Proceed (the “Improvement Notice”) referenced in the Agreement as Exhibit E, with the cost estimate. ELHC has submitted Exhibit E for 181st Phase II (also known as Rail Served road) construction adjacent to Cold/Point Logistics. As this project was included in Exhibit B, staff would recommend approval of Exhibit E.

Motion by Longanecker, seconded by Brown, to accept Exhibit E.

Motion was approved, 5-0.

Motion by Longanecker, seconded by Lewis, to accept Exhibit B.

Motion was approved, 5-0.

12. REPORT BY THE CITY ADMINISTRATOR

*FINAL REPORT OF RECOVERY FOR AUGUST 22, 2017 FLOOD.

Beth Linn, City Administrator, presented information about the final report of recovery for the August 2017 flood. City Staff, together with our insurance broker Kevin O’Brien, worked with the City’s property insurance provider, One Beacon, to process and close over forty claims for damage to vehicles and equipment. Following the incident, the City of Edgerton met with representatives from Johnson County Emergency Management and Kansas Department of Emergency Management,
to qualify for submittal of a request to the State of Kansas for declaration of disaster. To qualify for submittal of a request to the State of Kansas for declaration of disaster, the uninsured loss from Johnson County had to be at a certain dollar amount. If that dollar amount is met, then the State of Kansas had to meet a threshold in uninsured loss statewide to qualify for federal declaration of disaster from FEMA. Damages verified did not exceed the state threshold and the impact does not meet the criteria for exceeding state and local capability. Kansas Department of Emergency Management indicated preliminary estimate for impact to the state was short of the federal threshold.

*2018 CITIZEN SURVEY
The citizen survey is printing now and will be handed out to Mayor and Council to look over and make comments. Please have any comments to staff within the next week.

13. REPORT BY THE MAYOR

Just a reminder that the Mayor and Governing Body Members Conference is on April 20th-21st 2018 in Topeka, Kansas. It was noted this event is a great learning experience for everyone.

*Beth Linn, City Administrator, announced that Janeice Rawles, City Clerk, will be retiring on March 23, 2018. Thanks, and congratulations from all.

14. FUTURE MEETING/EVENT REMINDERS:

March 8th 7:00 pm – City Council Meeting
March 13th 7:00 pm – Planning Commission Meeting
March 21st Noon – Senior Lunch
March 22nd 7:00 pm – City Council Meeting

15. EXECUTIVE SESSION

Motion by Brown, seconded by Crist, to recess into an executive session pursuant to K.S.A. 75-4319 (b)(2) for attorney/client privilege for contract negotiations to include City Attorney, City Administrator and Jeff White, Columbia Capital for twenty (20) minutes was considered.

Motion was approved, 5-0.

Meeting recessed at 7:59 pm.

Motion by Brown, seconded by Crist, to reconvene.

Motion was approved, 5-0.

Meeting reconvened at 8:19 pm, no action taken.

Motion by Brown, seconded by Crist, to return to executive session for an additional fifteen minutes.
Motion was approved, 5-0.

Meeting recessed at 8:21 pm.

Motion by Brown, seconded by Crist, to reconvene, no action taken.

Motion was approved, 5-0.

Meeting reconvened at 8:36 pm, no action taken.

Motion by Brown, seconded by Crist, to return to executive session for an additional twenty minutes.

Motion was approved, 5-0.

Meeting recessed at 8:38 pm.

Motion by Brown, seconded by Crist, to reconvene, no action taken.

Motion was approved, 5-0.

Meeting reconvened at 8:58 pm, no action taken.

16. ADJOURN

Motion by Crist, seconded by Lewis, to adjourn.

Motion was approved, 5-0

Meeting adjourned at 8:59 pm, no action taken.

Janeice Rawles
City Clerk
City Council Action Item

Council Meeting Date: March 8, 2018

Agenda Item #: 6

Department: Municipal Court

Agenda Item: Consider Ordinance No. 1075 Amending Chapter IX, Article 1, Section 9-107 Of The Municipal Code Of The City Of Edgerton, Kansas To Reflect A Revised Start Time For Municipal Court And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith

Background/Description of Item:
Currently Edgerton Municipal Court is held the fourth Tuesday of each Month, with a start time of 7:00 pm. Municipal Court Judge and City Prosecutor submitted a formal request for the City to consider changing the start time for Edgerton Municipal Court. Many of those attending court arrive earlier than 7:00 PM in an effort to complete their requirements for court as quickly as possible.

The draft ordinance would move the official start time for all Municipal Court days to 5:30 pm. The date of each Municipal Court would remain the same at every fourth Tuesday of each month.

Staff has confirmed with Johnson County Sheriff’s Office (JCSO), who provides bailiff services for municipal court, that they have no concerns with changing the start time. Based on recommendation from JCSO, the draft ordinance would become effective May 1st providing ample time for any citations already issued with the current start time to remain as issued. Any new citations issued for municipal court in May would include the new start time if Ordinance No. 1075 is approved.

Draft Ordinance No. 1075 was prepared by City Attorney.

Related Ordinance(s) or Statue(s): Chapter IX, Article 1, Section 9-107 of the Municipal Code of the City of Edgerton, “MUNICIPAL COURT; LOCATION; TIME”.

Funding Source: N/A
**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation:** Approve Ordinance No. 1075 Amending Chapter IX, Article 1, Section 9-107 Of The Municipal Code Of The City Of Edgerton, Kansas To Reflect A Revised Start Time For Municipal Court And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith

**Enclosed:**
- Draft Ordinance No. 1075

**Prepared by:** Scott Peterson, Assistant City Administrator
ORDINANCE NO. 1075

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, SECTION 9-107 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO REFLECT A REVISED START TIME FOR MUNICIPAL COURT AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

SECTION 1. Chapter IX, Article 1, Section 9-107 of the Municipal Code of the City of Edgerton, which is titled “MUNICIPAL COURT; LOCATION; TIME.,” is hereby amended to read as follows:

9-107. MUNICIPAL COURT; LOCATION, TIME. The municipal court of the City of Edgerton shall be held on the fourth Tuesday of each month at 5:30 P.M. at the Edgerton Community Building, 404 E. Nelson, Edgerton, Kansas 66061. The date, time and location of municipal court may be changed on a temporary basis by the municipal judge to accommodate holidays or other scheduling conflicts, so long as court staff and defendants scheduled to appear are notified of the change. (Ord. 1075, 2018; Ord. 974, 2014; Ord. 602, 1990; Ord. 581, 1988; Ord. 456, 1978)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. Effective Date. This Ordinance shall be effective as of May 1, 2018, said date being after passage, approval and publication of this ordinance in the City’s official paper.

PASSED by the Council and approved by the Mayor on this 8th day of March, 2018.

_____________________________________
DONALD ROBERTS, Mayor

ATTEST:

________________________________________
JANEICE RAWLES, City Clerk

APPROVED AS TO FORM:

_______________________________________
LEE W. HENDRICKS, City Attorney
City Council Action Item

**Council Meeting Date:** March 8, 2018

**Agenda Item #:** 7

**Department:** Administration/Community Development

**Agenda Item:** Consider Approval of the Downtown Edgerton Plan

**Background/Description of Item:**
The City of Edgerton's current Comprehensive Plan includes the goal to “Undertake a Downtown Area Study to determine the best approach to maintaining and revitalizing the civic and business function of Downtown Edgerton and improving the appearance of buildings and streetscape now and when the City is much larger.” Staff submitted a proposed project to the Mid-America Regional Council (MARC) as part of their 2017 call for projects and was one of 24 projects chosen for funding across the region through the Planning Sustainable Places Program. The proposal for the City of Edgerton was for a “Downtown Edgerton Plan” and includes that the City would contribute $20,000 while MARC has agreed to provide $60,000 for the creation of the plan.

With input from Edgerton Staff, MARC awarded the Downtown Edgerton Plan program to SWT Design. Over the past nine (9) months, SWT has worked closely with Edgerton residents, businesses, elected officials, city staff, and partnering agencies to develop a vision for a Downtown Edgerton that is vibrant, connected, safe and promotes opportunity. This vision was crafted by input from the community in two open houses, multiple meetings with stakeholders and focus groups, and regular coordination with a set advisory committee composed of lifelong Edgerton residents, elected officials, business owners, and city staff. From these conversations, three goals were developed to drive the redevelopment and expansion of Edgerton’s Downtown:

1. Improve Transportation and Mobility
2. Revitalize Downtown & Streetscapes
3. Improve Commercial and Residential Market

At the February 22, 2018 City Council Meeting, SWT Design presented the draft final report to City Council for review and comment. The Downtown Edgerton Plan includes an Existing Conditions Analysis, as well as recommendations for the City to consider and ideas on how the goals can be implemented moving forward. Should the Council approve the Edgerton Downtown Plan, the Downtown Plan can be used as tool and road map to implement the recommendations as prioritized by City Council. The Plan could be used to during annual
capital improvement program process when considering infrastructure investment in Downtown. It could also be used to apply for additional grant funding for implementation.

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

**Funding Source:** $60,000 Mid-America Regional Council Planning Sustainable Places Grant; $20,000 City of Edgerton General Fund

**Budget Allocated:** $80,000

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

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**Recommendation:** Approve the Downtown Edgerton Plan

**Enclosed:**  
Due to the file size, a copy of the DRAFT Final Downtown Edgerton Plan is on file with the City Clerk for public view. Once any changes requested by City Council are completed the Final Downtown Edgerton Plan will be available on the city’s website.

**Prepared by:** Scott Peterson, Assistant City Administrator
City Council Action Item

Council Meeting Date: March 8, 2018

Agenda Item #:

Department: Administration

Agenda Item: Consider Renewal of Corporate Insurance Policy for April 1, 2018 – March 31, 2019

Background/ Description of Item:

Annually, the City of Edgerton considers the renewal of its corporate insurance policy. The corporate insurance policy includes several coverages, such as Property, Crime (for employee theft and securities), Inland Marine (contractor’s equipment), General Liability, Public Officials Errors and Omissions, Employment Practices, Business Automobile and Pollution Liability (treatment plan coverage).

Because it had been a couple of years since the City solicited quotes and because of the unknown effect the flood would have on renewal rates, the City’s agent (The Reilly Company) recommended soliciting quotes from other insurance companies in addition to One Beacon. Quotes were solicited from three companies: One Beacon (the current insurance provider), Travelers and EMC. EMC declined to provide a quote due to the large loss the City sustained from the 8/22/2017 flood.

The attached summary and comparison of the quotes from One Beacon and Travelers shows the costs are similar, with the Travelers quote being $1,808 lower than One Beacon. The City’s agent and staff recommend staying with One Beacon due to their consistency in pricing over the years and their fair claims handling process demonstrated from the nearly $700,000 flood claim.

Some of the increase in cost over the previous renewal cost ($68,688) is due to updating replacement values and adding some locations, mostly related to facilities in the parks.

The cost for One Beacon is $10,321 higher than the amount budgeted. This difference will come from fund balance in the General Fund, Water Fund and Sewer Fund proportionate to each fund’s share of the entire bill.

Related Ordinance(s) or Statue(s):
**Funding Source:** Funding for property insurance premiums is provided for in the General Fund (Administration and Parks), Water Fund (Administration) and the Sewer Fund (Treatment Plant, Lift Stations and Administration).

**Budget Allocated:** $75,636

**Finance Director Approval:** [Signature]
Karen Kindle, Finance Director

**Recommendation:** Purchase corporate insurance policy from One Beacon for the period of April 1, 2018 – March 31, 2019

**Enclosed:**
(1) Insurance Summary & Comparison provided by Kevin O’Brien of The Reilly Company
(2) Various City Property Lists

**Prepared by:** Karen Kindle, Finance Director
INSURANCE SUMMARY & COMPARISON

2018 Renewal Program

TERM DATES: April 1, 2018 to April 1, 2019

Presented: March 8, 2018

By: Kevin O’Brien, CPCU

The Reilly Company
11225 College Boulevard, Suite 210
Overland Park, KS 66210
Overview of the Public Entity Insurance Marketplace for 2018:

The insurance marketplace in 2018 remains reasonably stable as it has been in the past several years. However, with 2017 severe storms Harvey, Irma, and Maria being 3 of the 5 costliest storms ever, combined with the impact of the California wildfires, Insurance companies who have benefited from the lack of any significant property catastrophe claims in the past few years will begin to roll out increases in property premiums over the next year.

An additional concern is that the continued low interest rate environment could push insurance rates up sooner than otherwise expected. Insurance companies are highly regulated, and therefore unable for the most part, to invest in equities to help offset underwriting losses. As a result, public entities with poor loss experience are seeing rate increases and changing terms and conditions as their insurance program renews this year. Unfortunately, last year the City sustained a very large flood loss to its Equipment and Auto Fleet. However, because of its prior excellent claims history, the impact on the City's insurance program proposed for 2018 will not be significant.

Additionally, because of the unknown impact of this large claim a few months ago, we decided to seek two other bids for insurance for the City. One of those insurance companies declined to offer a quote this year because of the impact of the large claim but we have obtained an alternative bid from Travelers Insurance, a well known municipal insurer. The pages that follow summarize the differences in coverage, limits, and premiums from 2017 to 2018 comparing both bids; One Beacon & Travelers

Summary of Changes in Coverage from 2017 to 2018:

(1) Property values have increased 38% over last year's values due to new valuations by the City and added locations.
(2) Inland Marine - Scheduled Equipment values increased (5%) from last year.
(3) General Liability premium is impacted by the growth in population and budget, both which increased slightly from 2017.
(4) Public Official Liability premium is impacted by the number of employees, which remained stable from last year.
(5) Auto premiums are increasing slightly across the industry due to the increasing cost to repair vehicles with more and more technology in them and due to greater claims from distracted driving.
(6) Excess Liability premium reflects the increased exposures of General Liability, Auto Liability, and Public Official Liability coverages described above.

PRESENTED BY: Kevin O'Brien, CPCU
The Reilly Company
11225 College Boulevard
Overland Park, KS 66213
Introduction:
Because the City had not obtained competitive bids in several years, we decided to seek alternative quotes from the two other leading insurance companies in the municipal insurance marketplace: EMC and Travelers. EMC decided that they would not be able to offer a competitive quote due to the recent large flood claim. Travelers did offer a quote as shown.

<table>
<thead>
<tr>
<th>Item of Coverage</th>
<th>2017</th>
<th>2018</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blanket Building &amp; Personal Property Values - RC</td>
<td>$13,563,500</td>
<td>$16,794,245</td>
<td>$19,895,724</td>
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<tr>
<td>Specific Building Values - ACV</td>
<td>$844,000</td>
<td>$3,101,479</td>
<td></td>
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<tr>
<td>Flood &amp; Earthquake</td>
<td>None</td>
<td>None</td>
<td>$1 mill &amp; $5 mill</td>
</tr>
<tr>
<td>Total Property Values Insured</td>
<td>$14,407,500</td>
<td>$19,895,724</td>
<td>$19,895,724</td>
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<tr>
<td>Business Interruption &amp; Extra Expense (72 hour Deductible)</td>
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<td>$100,000</td>
<td>$100,000</td>
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<tr>
<td>Computer Equipment Coverage (City Hall)</td>
<td>$72,476</td>
<td>$114,000</td>
<td>$114,000</td>
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<tr>
<td>Property Deductible</td>
<td>$1,000</td>
<td>$2,500</td>
<td>$2,500</td>
</tr>
<tr>
<td>Wind-Hail Deductible</td>
<td>$10,000</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Flood &amp; Earthquake Deductibles</td>
<td>N/A</td>
<td>N/A</td>
<td>$25,000+</td>
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<tr>
<td><strong>Property Premium</strong></td>
<td>$30,162.00</td>
<td>$42,577.00</td>
<td>$23,591.00</td>
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<tr>
<td><strong>Crime</strong></td>
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<td></td>
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</tr>
<tr>
<td>Employee Dishonesty (Excluding Treasurer)</td>
<td>$200,000</td>
<td>$200,000</td>
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</tr>
<tr>
<td>Forgery &amp; Alteration</td>
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<td>Money &amp; Securities (Inside)</td>
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<tr>
<td>Money &amp; Securities (Outside)</td>
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<tr>
<td>Money Orders and Counterfeit Paper Currency</td>
<td>$25,000</td>
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<tr>
<td>Computer Fraud</td>
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<td>None</td>
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<tr>
<td>Deductible</td>
<td>$1,000</td>
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<tr>
<td><strong>Crime Premium</strong></td>
<td>Incl In Property</td>
<td>Incl In Property</td>
<td>Incl In Property</td>
</tr>
<tr>
<td><strong>Inland Marine</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractor's Equipment - Unscheduled (ACV) -</td>
<td>$20,000</td>
<td>$20,000</td>
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<tr>
<td>Contractor's Equipment - Scheduled (ACV)</td>
<td>$607,674</td>
<td>$636,732</td>
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<td>Leased/Rented Equipment (ACV)</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$25,000</td>
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<tr>
<td>Flood &amp; Earthquake</td>
<td>Included</td>
<td>Included</td>
<td>Included</td>
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<tr>
<td>Total Equipment Values</td>
<td>$652,674</td>
<td>$681,732</td>
<td>$681,732</td>
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<td>Inland Marine Deductible</td>
<td>$1,000</td>
<td>$1,000</td>
<td>$1,000</td>
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<tr>
<td><strong>Inland Marine Premium</strong></td>
<td>$2,988.00</td>
<td>$3,866.00</td>
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<td><strong>General Liability (Occurrence Form)</strong></td>
<td></td>
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<tr>
<td>Limit of General Liability - Each Occurrence</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
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<tr>
<td>KS Tort Cap - where applicable</td>
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<td>$500,000</td>
<td>$500,000</td>
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<tr>
<td>Annual Aggregate Limit</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
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<tr>
<td>Employee Benefits Legal Liability (EBL)*</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
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<tr>
<td>Sexual Abuse &amp; Molestation</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Pesticide &amp; Herbicide Coverage</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
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<tr>
<td>Failure to Supply</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
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<tr>
<td>General Liability Deductible per claim</td>
<td>*None</td>
<td>*None</td>
<td>*None</td>
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<tr>
<td>Sewer Backup (resulting from negligence) *</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>* Except $1,000 ded for Sewer Backup and EBL</td>
<td></td>
<td></td>
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<tr>
<td><strong>General Liability Premium</strong></td>
<td>$9,029.00</td>
<td>$9,669.00</td>
<td>$25,327.00</td>
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</table>
## CITY OF EDGERTON, KANSAS  
INSURANCE PROGRAM COMPARISON & SUMMARY - 2018

<table>
<thead>
<tr>
<th>Item of Coverage</th>
<th>2017 One Beacon</th>
<th>2016 One Beacon</th>
<th>2017 Travelers</th>
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</thead>
<tbody>
<tr>
<td><strong>Public Official Errors &amp; Omissions Liability</strong></td>
<td></td>
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<tr>
<td>Limit of Liability - Each Claim</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
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<tr>
<td>Annual Aggregate Limit</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
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<tr>
<td>Public Official Liability Deductible</td>
<td>$2,500</td>
<td>$2,500</td>
<td>$2,500</td>
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<tr>
<td>Cyber/Network Security/Data Breach Coverage</td>
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<tr>
<td>Number of Employees - Full time / Part time</td>
<td>16 / 6</td>
<td>16 / 5</td>
<td>16 / 5</td>
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<tr>
<td><strong>Public Official Liability Premium</strong></td>
<td><strong>$4,216.00</strong></td>
<td><strong>$4,487.00</strong></td>
<td><strong>$8,171.00</strong></td>
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| **Employment Practices Liability**          |                 |                |                |
| Limit of Liability - Each Claim             | $1,000,000     | $1,000,000     | $1,000,000     |
| Annual Aggregate Limit                      | $2,000,000     | $2,000,000     | $2,000,000     |
| Employment Practices Liability Deductible   | $2,500         | $2,500         | $2,500         |
| Defense in Addition or Reduces Coverage Limit | In Addition    | In Addition    | Reduces        |
| Third Party Coverage - Defense Only or Full Cover | Full Coverage | Full Coverage | Full Coverage |
| Retroactive Date (None or an older date is better) | 4/1/2004       | 4/1/2004       | 4/1/2004       |
| **Employment Practices Premium**            | **Incl in POL** | **Incl in POL** | **Incl in POL** |

| **Business Automobile**                     |                 |                |                |
| Limit of Liability - Each Occurrence        | $1,000,000      | $1,000,000     | $1,000,000     |
| Uninsured/Underinsured Motorist             | $1,000,000      | $1,000,000     | $1,000,000     |
| Comprehensive Deductible                    | $500            | $500           | $500           |
| Collision Deductible                        | $500            | $500           | $500           |
| Valuation of Claim                          | ACV             | ACV            | ACV            |
| Number of Vehicles Insured/Trailers         | 14 / 6          | 12 / 3         | 12 / 3         |
| **Auto Premium**                            | **$9,397.00**   | **$9,037.00**  | **$5,893.00**  |

| **Excess Liability**                       |                 |                |                |
| Limit of General Liability - Each Occurrence | $4,000,000      | $4,000,000    | $4,000,000    |
| Annual Aggregate Limit                      | $4,000,000      | $4,000,000    | $4,000,000    |
| **Excess Over:**                            | **YES**         | **YES**       | **YES**       |
| General Liability & Auto Liability          |                 |                |                |
| Employment Practices Liability              | **YES**         | **YES**       | **YES**       |
| Public Official Liability                    | **YES**         | **YES**       | **YES**       |
| **Excess Liability Premium**                | **$6,740.00**   | **$6,930.00**  | **$7,614.00**  |
| **Terrorism Coverage Premium**              | **Included**    | **Included**   | **Included**   |
| **Pollution Insurance Coverage BBCWWTP (see attached)** | **$6,567.65** | **$5,671.00** | **$5,671.00** |
| **Data Breach & Cyber Insurance (see attached)** | **N/A**        | **$3,630.00** | **$3,630.00** |
| **Total Premium**                           | **$69,099.65**  | **$85,867.00** | **$84,059.00** |

Overall:  
In Summary, while the Travelers alternative quote is slightly lower than the One Beacon renewal quote, our recommendation is to stay with One Beacon due to their consistency in pricing over the years and their very fair claims handling as demonstrated from the nearly $700,000 flood claim in 2017.

Notes:  
(1) Property values increased 38% over 2017 values and rates are up slightly and recommending deductible increase to $2,500  
(2) Equipment values increased 5% and rates were up due to the flood loss but the overall premium increase was still less than the Travelers alternative quote  
(3) General Liability premium increased 7%, but was less than the increase in 2018 budgeted expenditures, and rates were reduced slightly  
(4) Vehicle changes from the flood loss caused the premium reduction in Auto policy  
(5) Public Official Liability premium increased 2%, and was significantly less than the Travelers Alternative quote  
(6) Excess Liability Policy increased only 3% and was still less than the Travelers Alternative quote. Also it is important to note as in the past that this excess liability coverage does not extend above sexual abuse & molestation coverage, failure to supply coverage, and pollution coverage as provided in the General Liability, or uninsured and underinsured motorist coverage in the auto liability policy.

Prepared by: The Reilly Company
03-4-18
2 of 2
<table>
<thead>
<tr>
<th>Item</th>
<th>Address</th>
<th>Bldg Value</th>
<th>Pers Prop Value</th>
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<td>Community Center/City Hall</td>
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<td>EWFLS Fence</td>
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<td>Edgerton Lake Park Shelter House #2</td>
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<td>Trash Receptacles (3)</td>
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<td>Poles/Lights (field 2)</td>
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<tr>
<td>Poles/Lights (field 3)</td>
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<tr>
<td>Playground Equipment</td>
<td>Martin Creek Park</td>
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<td>Shelter</td>
<td>Martin Creek Park</td>
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<tr>
<td>Fence &amp; Backstop (fields #1 &amp; #2)</td>
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<td>Basketball Goals</td>
<td>Martin Creek Park</td>
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<tr>
<td>Tennis Court (net, posts, fence, lights)</td>
<td>Martin Creek Park</td>
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<td>F &amp; F - Bleachers (6), Trash Receptacle (5), Tables (7), Park Benches</td>
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<td>Soccer Goals &amp; Nets</td>
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<td>Sewer Lift Station</td>
<td>W. 7th &amp; W. 8th St</td>
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<td>Library</td>
<td>319 E. Nelson St</td>
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<td>Water Tower</td>
<td>20325 County Line Rd</td>
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<td>Booster Pump Station</td>
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<td>Mulch &amp; Plastic Perimeter</td>
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<td>Homestead Lift Station</td>
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<tr>
<td>IMF Lift Station</td>
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<td>IMF Lift Station Siren</td>
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<td>Big Bull Creek WWTP-Admin Bldg</td>
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<td>Big Bull Creek WWTP-Headworks Bldg</td>
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<td>Big Bull Creek WWTP - Fence / Gate</td>
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<td>Water Control Vault w/Telemetry Equipment</td>
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<td>Bench and Trash Receptacle</td>
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<td>Widmer Waste Water Lift Station</td>
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<td>Big Industrial Waste Water Lift Station</td>
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<td>Traffic Signals</td>
<td>19108 Homestead Ln</td>
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Building Coverage is Blanket & Valuation is Replacement Cost with 120% Margin $16,464,245
Property in the Open Coverage is Specific & Valuation is Actual Cash Value = Depreciated Value $3,101,479
Contents Coverage is Specific & Valuation is Replacement Cost $330,000

Total Limit of All Property Insured $19,895,724
# City of Edgerton, KS Equipment List 2018

## Contractors Equipment

<table>
<thead>
<tr>
<th>Item #</th>
<th>Year</th>
<th>Manufacturer</th>
<th>Model</th>
<th>Description</th>
<th>Serial #</th>
<th>Amount of Ins.</th>
<th>Purchase Date</th>
<th>Dept</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2015</td>
<td>Henke</td>
<td>HXC2000</td>
<td>V-box salt spreader</td>
<td>19148</td>
<td>23,128</td>
<td>2/27/2015</td>
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<tr>
<td>2</td>
<td>2015</td>
<td>Henke</td>
<td>EXP11AK</td>
<td>Snow Plow</td>
<td>19053</td>
<td>11,746</td>
<td>2/27/2015</td>
<td>PW</td>
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<tr>
<td>3</td>
<td>2011</td>
<td>Monroe</td>
<td>1840</td>
<td>11 ft snow blade</td>
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<tr>
<td>4</td>
<td>1998</td>
<td>Case Unloader</td>
<td>1840</td>
<td>Outlaw</td>
<td>JAF0248235</td>
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<tr>
<td>5</td>
<td>1993</td>
<td>Case Backhoe</td>
<td>580</td>
<td>Super K</td>
<td>JG01788453</td>
<td>31,567</td>
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<td>6</td>
<td>1980</td>
<td>FMC</td>
<td>Outlaw</td>
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<td>7</td>
<td>2015</td>
<td>Bad Boy</td>
<td>Outlaw</td>
<td>61' Zero Turn Mower</td>
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<td>8</td>
<td>2017</td>
<td>Graphtec</td>
<td>FC8600-130</td>
<td>54' Cutting Plotter</td>
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<td>9</td>
<td>2016</td>
<td>Rotory</td>
<td>SM014</td>
<td>Vehicle Lift</td>
<td>FA7147</td>
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<td>Cornwell</td>
<td>Outlaw</td>
<td>Apprentice Tool Set</td>
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<tr>
<td>11</td>
<td>2017</td>
<td>Boss</td>
<td>8' - 10' EXT Snow Plow with Rubber deflector Kit</td>
<td>401167129 / 40125095</td>
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<td>12</td>
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<td>Boss</td>
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<td>14</td>
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<td>Hustler</td>
<td>HTE934976</td>
<td>Super Z HD 72 RD Mower</td>
<td>17090534</td>
<td>11,377</td>
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<td>15</td>
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<td>Buyers</td>
<td>RTVX1100</td>
<td>Utility Vehicle</td>
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<td>16</td>
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<td>Kubota</td>
<td>V5289</td>
<td>72' Comm Plow Blade</td>
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<td>17</td>
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<td>Kubota</td>
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<td>Hydraulic Coupler</td>
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<td>Henke</td>
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<td>ARM</td>
<td>SPX 10 Ft Plow</td>
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<td>50G Compact Excavator</td>
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<td>23</td>
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<td>Western</td>
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**Scheduled Equip Total**: 636,732

## Electronic Data Processing Equipment

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<th>Description</th>
<th>Amount of Ins.</th>
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<tr>
<td>2017</td>
<td>Phone System</td>
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</tbody>
</table>

**Scheduled EDP Equip Total**: 114,000
# City of Edgerton Vehicle List 2018

<table>
<thead>
<tr>
<th>Vehicle #</th>
<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>Body Type</th>
<th>VIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1991</td>
<td>Ford</td>
<td>F450 bucket</td>
<td>Truck</td>
<td>2FDLF47M1MCA42215</td>
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<tr>
<td>2</td>
<td>2001</td>
<td>Ford</td>
<td>F250</td>
<td>Truck</td>
<td>3FTNF21L71MA02545</td>
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<tr>
<td>3</td>
<td>2001</td>
<td>Ford</td>
<td>F250</td>
<td>Truck</td>
<td>1FTNF21L41EB39836</td>
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<tr>
<td>4</td>
<td>2003</td>
<td>Chevy</td>
<td>Silverado</td>
<td>Pickup truck</td>
<td>1GCEC19Z43Z304694</td>
</tr>
<tr>
<td>5</td>
<td>1991</td>
<td>Elgin</td>
<td>Pelican Sweeper</td>
<td>Truck</td>
<td>9135</td>
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<tr>
<td>6</td>
<td>2015</td>
<td>Ford</td>
<td>F250</td>
<td>Pickup truck</td>
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</tr>
<tr>
<td>7</td>
<td>2015</td>
<td>Ford</td>
<td>F350</td>
<td>Pickup truck</td>
<td>1FTRF3B61FEA88528</td>
</tr>
<tr>
<td>8</td>
<td>2015</td>
<td>Ford</td>
<td>F150 Supercab 4 X 4</td>
<td>Truck</td>
<td>1FTEX1EPXFKD30819</td>
</tr>
<tr>
<td>9</td>
<td>2015</td>
<td>Ford</td>
<td>F150 Supercab 4 X 4</td>
<td>Truck</td>
<td>1FTEX1EP9FKE51454</td>
</tr>
<tr>
<td>10</td>
<td>2016</td>
<td>Isuzu Elgin Broom Badger</td>
<td>Low Tilt Street Sweeper</td>
<td>Truck</td>
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<tr>
<td>11</td>
<td>2017</td>
<td>Ford</td>
<td>F350 4X4 Crew Cab w/plow</td>
<td>Truck</td>
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<td>12</td>
<td>2017</td>
<td>Mack</td>
<td>Granite GU 432</td>
<td>Truck</td>
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<tr>
<td>13</td>
<td>2018</td>
<td>Lamar</td>
<td>Utility Trailer</td>
<td>Trailer</td>
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<td>14</td>
<td>2009</td>
<td>Sewer</td>
<td>Jetter Trailer</td>
<td>Trailer</td>
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<td>15</td>
<td>1987</td>
<td>Starlight</td>
<td>Utility Trailer</td>
<td>Trailer</td>
<td>1HWFS162541</td>
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</tbody>
</table>
POLLUTION LIABILITY:
CITY OF EDGERTON, KS
BIG BULL CREEK WASTEWATER TREATMENT PLANT COVERAGE

Named Insured: City of Edgerton, Kansas
Company Name: Crum & Forster Specialty (rated A by A.M. Best)
Policy Term: May 15, 2017 to April 1, 2018

Coverage: Claims-Made Form
Retroactive Date: 4/1/2016
Location: Big Bull Creek WWTP; 20600 Homestead Lane, Edgerton, KS

Limits Coverage Description
$ 1,000,000 Cleanup / Remediation Coverage for New Pollution Condition (not pre-existing) that migrates from BBCWWTP location
$ 1,000,000 Third Party Liability Coverage for New Pollution Condition (not pre-existing) that migrates from BBCWWTP location
$ 1,000,000 Non-Owned Disposal Site Liability for New Pollution Condition (not pre-existing) that migrates from a non-owned disposal site
$ 2,000,000 Total Policy Aggregate Limit for all Pollution Incidents
$ 5,000 Deductible per Pollution Incident (per type of coverage above)

Limits above apply as an Each Pollution Condition Limit subject to the Policy Aggregate Limit. Defense costs are included within the limits above and reduce the limit of liability available.

Pollution Condition means the discharge, dispersal, release, or escape of any solid, liquid, gaseous or thermal irritant, contaminant or pollutant, including smoke, vapor, soot, fumes, acids, alkalis, toxic or hazardous substances, electromagnetic fields, chemicals, waste, and microbial matter, into or upon land or any structure on land, the atmosphere, or any watercourse or body of water, including groundwater, in concentrations or at levels in excess of those naturally present in the environment.

Note: Policy excludes cleanup coverage for a Pollution Condition within the boundaries of the BBCWWTP premises. This coverage is intended to address claims associated with off premises bodily injury, property damage, and cleanup/remediation costs resulting from a Pollution Condition migrating from BBCWWTP premises or from a non-owned disposal site. Claim includes suits and government or regulatory actions filed against the City.

Condition: 25% Minimum Earned Premium in the event of cancellation mid-term

This page is designed to provide an overview of the Pollution Insurance coverages we are recommending for the City. It is intended only as a general summary and should not be construed as a legal interpretation of the insurance policy. Please refer to the specific insurance contract for details on coverages, conditions and exclusions.

Reilly Insurance – Leavenworth – Overland Park – (913) 708-8700
CYBER LIABILITY COVERAGE

Named Insured: City of Edgerton, Kansas
Company Name: Hiscox (rated A by A.M. Best)
Policy Term: 04-01-2018 to 04-01-2019

Coverage Form: Claims-Made Form
Retroactive date: Full Prior Acts

Policy Limit of Liability: $1,000,000 Each Claim or Event
$1,000,000 Aggregate

Retention Amount: $5,000
Waiting Period: 10 Hours

**Cyber Data Risk and Media Insurance** – Coverage for loss resulting from:

**Privacy/Network Security**
- Privacy Protection provides insurance coverage for claims made against you that typically arise from your failure to protect sensitive information, including subsequent actions by a regulator

**Breach Costs**
- Breach Costs coverage provides insurance for the typical costs that you could incur arising from the failure to protect personal information. These include computer forensics, notification, call center, identity protection services and crisis management and public relations.

**Multimedia**
- Multimedia Protection provides insurance coverage for claims made against you that arise from the content of your website, social media and other promotional material.

**Hacker Damage**
- Hacker Damage coverage provides insurance for the costs to repair or replace your website, intranet, network, computer system, programs, or data following a hacking event

**Cyber Business Interruption**
- Cyber Business Interruption provides insurance coverage for your losses resulting from a hacker impairing the availability of your website, intranet, network, computer system, programs or data.

**Cyber Extortion**
- Cyber Extortion provides insurance coverage for the costs of expert assistance and the payment of a ransom in the event that a hacker threatens to damage your website, intranet, network, computer system, any programs you use or data.

*This page is designed to provide an overview of the Cyber Insurance coverages we are recommending for the City. It is intended only as a general summary and should not be construed as a legal interpretation of the insurance policy. Please refer to the specific insurance contract for details on coverages, conditions and exclusions.*
City Council Action Item

Council Meeting Date: March 8, 2018

Agenda Item #: 11

Department: Community Development

Agenda Item: Consider Ordinance No. 1076 Adopting A Recommendation By The City Planning Commission To Approve Rezoning Of Approximately 256 Acres Of Land [Located At On The Northwest Corner Of 207th Street and Waverly Road] In Edgerton, Kansas From Johnson County RUR, Rural Zoning To City Of Edgerton L-P Logistics Park Zoning District

Background/Description of Item: The City of Edgerton received an application ZA-2018-01 for rezoning from NPD Management LLC Represented by NorthPoint Development LLC requesting to rezone approximately 256 acres located on the northwest corner of 207th Street and Waverly Road from Johnson County RUR to City of Edgerton Logistics Park (L-P) zoning. The property requested to be rezoned was annexed into the City of Edgerton in December 2017. NPD Management LLC has requested to rezone the parcel to logistics park district to accommodate future intermodal-related, logistics park development as part of Logistics Park Kansas City Phase II.

Staff reviewed this rezoning application with respect to the Edgerton Comprehensive Plan, Zoning and Subdivision Regulations, and the laws in Kansas, in particular the “Golden Criteria” as established by the Supreme Court of Kansas in 1978. Attached is the staff report including the review of this rezoning based on the Golden Criteria. The Planning Commission held a public hearing on February 13, 2018 regarding this rezoning. The Planning Commission recommended approval of the application with the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

City Attorney has not reviewed the enclosed draft ordinance. Any revisions will be provided at time of presentation to City Council on March 8, 2018.
**Related Ordinance(s) or Statue(s):** K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 - Establishment of the Unified Development Code

**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation:** Approve Ordinance No. 1076 Adopting A Recommendation By The City Planning Commission To Approve Rezoning Of Approximately 256 Acres Of Land [Located At On The Northwest Corner Of 207th Street and Waverly Road] In Edgerton, Kansas From Johnson County RUR, Rural Zoning To City Of Edgerton L-P Logistics Park Zoning District

**Enclosed:**
- Draft Ordinance No. 1076
- Staff Report from February 13, 2018 Planning Commission
- Application ZA-2018-01

**Prepared by:** Katy Crow, Development Services Director
ORDINANCE NO. 1076

AN ORDINANCE ADOPTING A RECOMMENDATION BY THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 256 ACRES OF LAND [LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 207th STREET AND WAVERLY ROAD] IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" RURAL DISTRICT TO CITY OF EDGERTON "L-P" LOGISTICS PARK ZONING DISTRICT

WHEREAS, the Planning Commission has recommended that a rezoning request -- from Johnson County "RUR" Rural District to City of Edgerton "L-P" Logistics Park District -- be approved (with certain conditions) for approximately 256 acres of land, located at the northwest corner of the intersection of 207th Street and Waverly Road in Edgerton; and

WHEREAS, all newspaper and mailed notifications were performed and a public hearing was properly held before the City Planning Commission on February 13, 2018.

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

Section 1. That the following legally described property (located at the northwest corner of the intersection of 207th Street and Waverly Road) is hereby rezoned from Johnson County "RUR" Rural District to City of Edgerton "L-P" Logistics Park Zoning District, and City Staff is directed to reflect said rezoning in the City's Official Zoning map and other City records:

All that part of the Southeast and Southwest Quarters of Section 10, Township 15 South, Range 22 East of the Sixth Principal Meridian, together with all of Lots 1 thru 4, inclusive, ROCKWALL ESTATES, a platted subdivision, all in Johnson County, Kansas, more particularly described as follows:

Beginning at the South Quarter corner of said Section 10; thence on Kansas State Plane North Zone bearings, South 88°11'14" West, coincident with the South line of the Southwest Quarter of said Section 10, a distance of 1,686.12 feet; thence departing said South line, North 45°15'45" West, coincident with the centerline of Homestead Road, as it now exists, a distance of 1,235.76 feet; thence departing said centerline, North 02°16'47" West a distance of 106.90 feet; thence North 87°45'15" East a distance of 1,237.62 feet; thence North 02°16'53" West a distance of 1,626.96 feet to a point on the North line of the Southwest Quarter of said Section 10; thence North 88°01'05" East, coincident with the North line of said Southwest Quarter, a distance of 1,292.89 feet to the Northwest corner of the Southeast Quarter of said Section 10; thence North 88°18'55" East, coincident with the North line of said Southeast Quarter, a distance of 2,593.33 feet to the Northeast corner of said Lot 1, said point also lying on the West right-of-way line of Waverly Road, as it now exists; thence South 02°17'25" East, coincident with said West right-of-way line, a distance of 1,670.08 feet to the Southeast corner of said Lot 3; thence departing said West right-of-way line, North 88°09'59" East a distance of 50.00 feet to a point on the East line of said Southeast Quarter; thence South 02°17'25" East, coincident with said East line, a distance of 967.39 feet to the Southeast corner of said Southeast Quarter; thence South 88°09'59" West, coincident
with the South line of said Southeast Quarter, a distance of 315.20 feet; thence departing said South line, North 02°17'25" West a distance of 50.00 feet to the Southeast corner of said Lot 4, said point also lying on the North right-of-way line of 207th Street, as it now exists; thence South 88°09'59" West, coincident with said North right-of-way line, a distance of 784.80 feet to the Southwest corner of said Lot 4; thence departing said North right-of-way line, South 02°17'25" East, a distance of 50.00 feet to a point on the South line of said Southeast Quarter; thence South 88°09'59" West, coincident with said South line, a distance of 1,545.62 feet to the Point of Beginning, containing 11,144,515 square feet, or 255.843 acres, more or less.

Section 2. The above rezoning is expressly conditioned on the following:

a) All Site Plan application requirements of the City shall be met.
b) All infrastructure requirements of the City shall be met.
c) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Section 3. That the Governing Body, in making its decision on the rezoning, considered City Staff’s comments and recommendations. The Governing Body also based its decision on the following criteria:

a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
d) The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial.
e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

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

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 8th DAY OF MARCH, 2018.

CITY OF EDGERTON, KANSAS

By: ____________________________
    Donald Roberts, Mayor
ATTEST:

__________________________
JANEICE RAWLES, City Clerk

APPROVED AS TO FORM:

__________________________
Lee Hendricks, City Attorney
STAFF REPORT

February 13, 2018

To: Edgerton Planning Commission
Fr: Katy Crow, Development Services Director
Re: Application ZA-2018-01 Rezoning for land generally located at the NW corner at the intersection of 207th Street and Waverly Road.

APPLICATION INFORMATION

Applicant: NPD Management LLC Represented by NorthPoint Development LLC
4825 NW 41st Street, suite 500
Riverside, MO  64150

Property Owner: Moonlight Farms, LLC
South JOCO Farm, LLC
Wellsville Farms, LLC
4187 Louisiana Terrace
Ottawa, Kansas 66067

Requested Action: Rezoning from Johnson County RUR, Rural zoning to L-P, Logistics Park Zoning District, City of Edgerton.

Legal Description: SE & SW Quarters of Section 10, Township 15S and Range 22E together with Lots 1 through 4, inclusive, Rockwall Estates. See attached exhibit.

Site Address/Location: In the NW corner of the intersection of Waverly Road and 207th Street, west to Homestead Lane.

Existing Zoning and Land Uses: Johnson County Rural (RUR), Agriculture uses and single-family dwellings.

Existing Improvements: None except for single-family residences and outbuildings.

Site Size: Approximately 256 acres.
REASON FOR REZONING REQUEST:
This land was annexed into the City of Edgerton on December 28, 2017, and this rezoning is being requested for future intermodal-related, logistics park development. The Burlington Northern Santa Fe Railway (BNSF) intermodal facility is currently under development approximately 1.5 miles north of the subject site. Logistics Park Kansas City (LPKC), is a 1,700-acre master-planned distribution and warehouse development anchored by BNSF Railway’s newest intermodal facility, which opened in late 2013. Companies located at LPKC benefit from significant transportation savings and direct access to heavy-haul corridors.

The subject property is surrounded by undeveloped acreage and low-density rural, single-family residential development. The property has frontage along Homestead Lane, 207th Street and Waverly Road. Subject property is outlined in red and shown in Figures 1 and 2 below.
PROJECT DESCRIPTION
The rezoning request is to support a project which will construct and operate warehouse and distribution facilities that could include limited manufacturing.

INFRASTRUCTURE AND SERVICES
1. Access to the property and development will be from Homestead Lane and 207th Street.
2. Utilities and service providers.
   a. Water - Johnson County Water District #7
   b. Sanitary Sewer - City of Edgerton
   c. Electrical Service - Kansas City Power & Light
   d. Gas Service – Kansas Gas Service
   e. Police service is provided by the city of Edgerton through the Johnson County Sheriff's Office
   f. Fire protection is provided by Johnson County Fire District #1
3. Property is located within the Bull Creek watershed

PROPERTY ZONING HISTORY
The subject property was annexed into the City of Edgerton on December 28, 2017. Prior to that, the property was in unincorporated Johnson County and as of this application it remains zoned Johnson County RUR, in accordance with Article 1, Section 1.9 of the Edgerton Unified Development Code.

STAFF ANALYSIS
The applicant has requested rezoning to L-P, Logistics Park. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for a modern type of industrial uses or industrial park to support activities related to trade, rail and other transport services. Limitations are placed on the uses in the district to significantly restrict the outside activities and outside storage of materials, noise, vibration, etc. The UDC also states manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and external effects such as excessive noise or odor should not extend beyond the property lines.

Permitted uses within the L-P District include warehousing/distribution centers; motor freight transportation terminals; manufacturing, processing, fabrication or assembly of commodity – limited; and other permitted uses.

Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws of Kansas, and the “Golden Criteria” as established by the Supreme Court of Kansas in 1978. The following is staff's review.

1. Need for the Proposed Change - The applicant has requested L-P Zoning District designation to support construction of the project. Given the property’s proximity to LPKC, the BNSF Railway intermodal facility and the highway L-P Zoning District is the most compatible designation for these uses.
2. **Magnitude of the Change** - The existing County zoning is considered a holding designation. Due to the unexpected pace of development in Phase 1 of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35 such as the applicant property. While the Comprehensive Plan is in need of an update to address the current conditions, and need for land use and development in the City, staff believes that the proposed rezoning is compatible with the spirit and intent of future development outlined by the Comprehensive Plan in similar neighborhoods. Due to the property’s proximity to LPKC, the BNSF Railway intermodal facility and interstate highway, the magnitude of the change is not considered extreme or rare when property is being developed for its planned end use, industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. If rezoned L-P, as requested, a separate Site Plan review and approval will be required before building permits can be issued. Part of a Site Plan review will include attention to buffering and setbacks, stormwater management and transition of uses between adjoining uses and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.

4. **Effective use of Land** - L-P District permitted uses at this location is an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the interstate.

5. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** - Construction of warehousing, distribution, limited manufacturing and related facilities near the intermodal allows an inland port for goods in transit, by reducing truck traffic in the surrounding area and allowing for more efficient use of the supply chain.

6. **The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space** - With rapidly progressing intermodal development, extensive, recently completed road improvements, and the new I-35 interchange nearby, the character of the area is changing significantly from rural to industrial. Across I-35 and approximately 1.5 miles to the north Logistics Park Kansas City Phase 1 is nearing full build-out, all of which is zoned L-P. Properties to the south of the applicant property remain in unincorporated Johnson County, with a mixture of rural residential acreage, vacant land, and farming. Properties to the east and west incorporate similar neighborhood characteristics, and the regional parks and floodplain areas nearby will generally remain undeveloped, providing open space, wildlife corridors, streamway buffers, and hiking, biking, and pedestrian corridors.

7. **Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties** - The proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the north. The City’s Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The
site plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.

8. **Suitability of the uses to which the property has been restricted under its existing zoning** - The existing Johnson County RUR zoning of the applicant property is not suitable for the proposed distribution warehouse and limited manufacturing industrial use sought by the applicant. The Johnson County RUR zoning is a County designation primarily for agricultural use; an industrial use in a property annexed by the City but zoned for agriculture by the County would not be compatible or appropriate. Therefore, a rezoning to the L-P district is the most appropriate designation for the proposed use.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, prior to annexation the property was agricultural use in unincorporated Johnson County for the previous 60-plus years.

10. **The extent to which the zoning amendment may detrimentally affect nearby property** - The proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the north. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The site plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.

11. **Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage** - This is not a request for a PUD.

12. **The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services** - Homestead Lane, 207th Street and Waverly Road, adjacent to the property, are currently gravel surfaced, but the City is in discussions regarding its anticipated improvement to a standard that can better accommodate the anticipated development of this property. Homestead Lane north of the property has already been improved to a standard that will accommodate industrial development. Utilities will be provided by the developer or the City in conjunction with development of the property.

13. **The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property** - Homestead Lane to the north is improved to a standard that can accommodate industrial development traffic in the area. The City is in discussions regarding 207th Street, Homestead Lane to the south, and Waverly Road's anticipated improvement to a standard that can better accommodate the anticipated development of this property and other industrial development anticipated along the corridor to the north. On-street parking will not be allowed and adequate parking is provided for Phase 1 of this project.
14. **The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm** - The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require the developer to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

15. **The economic impact on the community from the uses allowed in the proposed zoning** - Uses allowed in the L-P District, have the potential to benefit the residents and community in a positive way by providing needed services, jobs and tax revenues.

16. **The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial** - There would be little relative gain, if any, to the public health, safety, and welfare from the denial of this zoning application. However, The City would be adversely impacted due to the lost opportunity for jobs and tax revenue if anticipated logistics park uses were to locate in another community.

17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phase 1 of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35 such as the applicant property. While the Comprehensive Plan is in need of an update to address the current conditions, and need for land use and development in the City, staff believes that the proposed rezoning is compatible with the spirit and intent of future development outlined by the Comprehensive Plan in similar neighborhoods.

18. **The recommendation of professional staff** - See Recommendation below

**Recommendation:**
City staff recommends approval of the proposed rezoning of the subject property from Johnson County RUR, to City of Edgerton Logistics Park District (L-P) with the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Reasons for Recommendation for Rezoning: (Incorporate all or part of #1-18 above in motion)

**Attachments:**
- Application for Rezoning ZA2018-01
- City of Edgerton Future Land Use Map
LOCATION OR ADDRESS OF SUBJECT PROPERTY: SE corner of I-35 & Homestead Lane (addresses listed on plat cover sheet)

PURPOSE FOR REZONING: For purposes of constructing and operating a light manufacturing and distribution center

REQUESTED REZONING CHANGE: FROM RUR (Current Zoning) TO L-P (Proposed Zoning)

LEGAL DESCRIPTION: See attached sheet

CURRENT LAND USE: Agricultural/residential

PROPERTY OWNER'S NAME(S): See attached sheet

PHONE:

COMPANY: 

FAX:

MAILING ADDRESS:

Street
City State Zip

APPLICANT/AGENTS NAME(S): John Thomas (representing the property owner) PHONE: 816-888-7380

NPD Management LLC

COMPANY: (represented by NorthPoint Development LLC) FAX: 816-888-7399

MAILING ADDRESS: 4825 NW 41st Street, Suite 500 Riverside MO 64150

Street
City State Zip

ENGINEER/ARCHITECT’S NAME(S): Steve Warger/Patrick Cassity PHONE: 816-800-0950

COMPANY: Renaissance Infrastructure Consulting FAX:

MAILING ADDRESS: 5015 NW Canal Street, Suite 100 Riverside MO 64150

Street
City State Zip

SIGNATURE OF OWNER OR AGENT:

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

FOR OFFICE USE ONLY

Case No: RZ-2019-01 Amont of Fee Paid:$250.00 Date Fee Paid: 2/9/18

Received By: Date of Hearing: 2/9/18

REZONING INSTRUCTIONS

CERTIFIED LETTERS: The applicant will be responsible for mailing notices (see attached Property Owner Notification Letter) of the public hearing for the requested rezoning by certified mail, return receipt requested, to all owners of land within the notification area: two hundred (200) feet within the city limit, one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership
of the land within the notification area can be obtained from the Johnson County Department of Records and Tax Administration, or through a title insurance company (preferred method). A list of property owners within the notification area must be submitted with the application. In addition, the responsible fire protection district (if any), affected school districts, affected park districts and affected sanitary and/or drainage district shall appear on a separate list of notification. Additional parties, specified by the applicant, may appear on the notification list.

AFFIDAVIT OF COMPLIANCE: An affidavit (see attached Property Owner Notification Affidavit) concerning the mailing of property owner notification letters must be returned to the office of the City Clerk by no later than the Thursday preceding the public hearing.

PLANNING COMMISSION REVIEW AND DECISION: The Edgerton Planning Commission meets in the City Hall on the second Tuesday of every month. The agenda and staff reports will be available prior to the public hearing. The chairperson will open the public hearing for each case to hear presentations by the City staff, the owner or authorized agent, and the audience, respectively. After everyone has had the opportunity to speak, the Planning Commission will close or continue the public hearing to a later date. After the public hearing is closed, discussion will be limited to the Planning Commission and action will be taken in the form of a recommendation for approval or denial to the Governing Body.

PROTEST PERIOD: After the conclusion of the public hearing, a fourteen (14) day protest period begins. During the protest period, property owners within the notification area of the subject property may file a petition indicating their protest to the requested rezoning in the office of the City Clerk. The submission of valid protest petitions from property owners of twenty (20) percent of the land within the notification area of the subject property within the allotted time will require a three-quarter (¾) vote for approval by the Governing Body. Copies of protest petitions may be obtained in the office of the City Clerk.

GOVERNING BODY ACTION: After the protest period has concluded, the application will be placed on an agenda for the Governing Body Action (typically within thirty (30) days after the conclusion of the public hearing). The Governing Body will review the transcript of the public hearing and the recommendation of the Planning Commission and will take action by concurring with or overriding the Planning Commission recommendation, or by returning the request to the Planning Commission.

CHECKLIST

The following items shall be submitted with the rezoning application. All materials shall be submitted by applicant to the City Clerk at least 30 days in advance of a public hearing.

☐ Title or other suitable proof of ownership to the subject property.

☐ Legal description of the subject property either in the form of a certificate of survey or a lot and block reference to the official City Map.

☐ Sketch of the subject property drawn to scale that details the lot lines, existing features or building, drives and adjacent buildings, and the current use of existing buildings.

☐ Any supporting material as requested by the Zoning Administrator depending on the magnitude of the change and the possibility of detrimental effects on surrounding properties. Supporting materials may include, but are not limited to:
  ☐ Topography at an appropriate scale
  ☐ A Certificate of Survey
  ☐ Environmental assessment
  ☐ Surface water discharge analysis
  ☐ Facilities and utilities suitability analysis
  ☐ An analysis of existing wells, tanks and other sub-structures
  ☐ Traffic and parking analysis

☐ List of the names and addresses of owners of all property situated within two hundred (200) feet of the property lines of the subject site. See details in instructions

Edgerton, KS 66021 • P: 913.893.6231 • F: 913.893.6232
www.edgertonks.org
LEGAL DESCRIPTION

Description

All that part of the Southeast and Southwest Quarters of Section 10, Township 15 South, Range 22 East of the Sixth Principal Meridian, together with all of Lots 1 thru 4, inclusive, ROCKWALL ESTATES, a platted subdivision, all in Johnson County, Kansas, more particularly described as follows:

Beginning at the South Quarter corner of said Section 10; thence on Kansas State Plane North Zone bearings, South 88°11'14" West, coincident with the South line of the Southwest Quarter of said Section 10, a distance of 1,686.12 feet; thence departing said South line, North 45°15'45" West, coincident with the centerline of Homestead Road, as it now exists, a distance of 1,235.76 feet; thence departing said centerline, North 02°16'47" West a distance of 106.90 feet; thence North 87°45'15" East a distance of 1,237.62 feet; thence North 02°16'53" West a distance of 1,626.96 feet to a point on the North line of the Southwest Quarter of said Section 10; thence North 88°01'05" East, coincident with the North line of said Southwest Quarter, a distance of 1,292.89 feet to the Northwest corner of the Southeast Quarter of said Section 10; thence North 88°18'55" East, coincident with the North line of said Southeast Quarter, a distance of 2,593.33 feet to the Northeast corner of said Lot 1, said point also lying on the West right-of-way line of Waverly Road, as it now exists; thence South 02°17'25" East, coincident with said West right-of-way line, a distance of 1,670.08 feet to the Southeast corner of said Lot 3; thence departing said West right-of-way line, North 88°09'59" East a distance of 50.00 feet to a point on the East line of said Southeast Quarter; thence South 02°17'25" East, coincident with said East line, a distance of 967.39 feet to the Southeast corner of said Southeast Quarter; thence South 88°09'59" West, coincident with the South line of said Southeast Quarter, a distance of 315.20 feet; thence departing said South line, North 02°17'25" West a distance of 50.00 feet to the Southeast corner of said Lot 4, said point also lying on the North right-of-way line of 207th Street, as it now exists; thence South 88°09'59" West, coincident with said North right-of-way line, a distance of 784.80 feet to the Southwest corner of said Lot 4; thence departing said North right-of-way line, South 02°17'25" East, a distance of 50.00 feet to a point on the South line of said Southeast Quarter; thence South 88°09'59" West, coincident with said South line, a distance of 1,545.62 feet to the Point of Beginning, containing 11,144,428 square feet, or 255.841 acres, more or less.
City Council Action Item

Council Meeting Date: March 8, 2018

Agenda Item #: 12

Department: Public Works

Agenda Item: Consider Authorization of Homestead Lane/ 207th Street Road Improvement Project

Background/Description of Item:
The Kansas Department of Transportation (KDOT) has partnered with the City of Edgerton on critical infrastructure in support of Logistics Park Kansas City (LPKC) Phase I including road improvements such as Homestead Lane north of I-35, the Homestead Lane interchange, Waverly Road Grade Separation, etc. This partnership for road infrastructure plays an important role in attracting tenants to LPKC and bringing approximately 3,900 new jobs to the State of Kansas and Edgerton. Enclosed is a letter from KDOT describing their commitment to continue this partnership for infrastructure related to Logistics Park Kansas City Phase II south of Interstate 35.

Project Scope and Cost:
KDOT has committed to participate in 80% of the construction costs of new road/bridge construction Homestead Lane/207th Street south of I-35 to support LPKC Phase II and specifically Project Mustang (located on the northwest corner of 207th Street and Waverly Road). The road improvements are currently estimated at $11.8MM. KDOT has agreed to contribute towards 80% ($9.44MM) of the construction costs. The commitment from KDOT requires the remaining 20% of the cost of road improvements be funded by another party. The City’s LPKC Phase II Agreements require Edgerton Land Holding Company to finance the remaining 20% of construction cost. No city general fund dollars will be used for this construction.

Method of Construction and Control of the Project:
The City will use the design-build method of construction. The project is a City of Edgerton led project, not a KDOT project. Because the project is city led, the method for acquisition of right-of-way and design criteria for the road/bridge used for construction are determined by the City.

Repayment:
This project does not require any repayment to KDOT from the City of Edgerton for the funding allocation.
Recommendation: Approve Homestead Lane/207th Street Road Improvement Project As City of Edgerton Project

Additional Actions:
Due to a time constraint related to Project Mustang, staff is requesting that City Council authorize the project to begin the procurement process to select a design-build team to recommend to City Council. Approval of that design-build team and corresponding agreement will be brought to City Council at a future meeting for consideration.

Staff will work with the KDOT staff to prepare the typical City/State Agreement to outline all the project details. That agreement, once reviewed and approved by the City Attorney, will be brought to City Council at a future meeting for consideration.

Related Ordinance(s) or Statute(s):

Funding Source: Kansas Department of Transportation/Public Infrastructure Fund Phase II

Budget Allocated: Approximately $11.8MM

Finance Director Approval: 

Karen Kindle, Finance Director

Enclosed:
- Letter from Kansas Department of Transportation to Kansas Department of Commerce regarding commitment for project
- Email from Kansas Department of Transportation confirming project as city-led

Prepared by: Beth Linn, City Administrator
January 31, 2018

Randi Tveitaraas Jack
International Development Manager
Kansas Department of Commerce
1000 S.W. Jackson, Suite 100
Topeka, KS 66612

Dear Randi,

The State of Kansas has committed to help finance roadway infrastructure for the launch of Logistics Park Kansas City (Phase 2), with [redacted] as the anchor tenant.

The roadway improvements are currently estimated at $11.8M and the Kansas Department of Transportation has agreed to contribute towards 80% of the construction costs, pending a commitment from other parties on remaining project expenses.

Should you have any questions or status updates, please not hesitate to contact Mike Moriarty with my staff at (785) 296-8864.

Sincerely,

Richard Carlson
Secretary of Transportation
Director of the Kansas Turnpike Authority
Good morning Beth – As we discussed, the State of Kansas has committed to help finance roadway infrastructure for the launch of Logistics Park Kansas City (Phase 2). The overall project administration will follow processes similar to recent KDOT-Edgerton partnership projects, such as Montrose Street, which is to say the project will be city-led with KDOT providing financial reimbursements up to an agreed upon maximum. Our next step is to begin drafting a City/State Agreement and my staff will prepare a preliminary version for your review.

Nelda Buckley or a member of her team will be KDOT’s point of contact – I have copied Nelda on this message.

Best regards – Mike

Michael J. Moriarty
Chief of Transportation Planning

Kansas Department of Transportation
785.296.8864 – direct
785.640.1125 – mobile