

City of Edgerton, Kansas
Minutes of City Council Regular Session
September 9, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on September 9, 2021. The meeting convened at 7:04 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- Planning and Zoning Coordinator Chris Clinton
- Finance Director Karen Kindle
- Accountant Justin Vermillion
- CIP Manager Brian Stanley
- Public Works Superintendent Trey Whitaker
- Marketing & Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda

4. Approve Minutes from August 26, 2021 Regular City Council Meeting
5. Approve Resolution No. 09-09-21A 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.

Councilmember Longanecker moved to approve the Consent Agenda, the motion was seconded by Councilmember Beem. The Consent Agenda was approved, 4-0.

Regular Agenda

6. **Declaration.** No Councilmember had anything to declare at this time.
7. **Proclamation.**

Mayor Roberts stated he was in Hawaii for a retirement ceremony for Senior Chief Petty Officer Jon David Crawford. He explained Senior Chief Petty Officer Crawford grew up in Edgerton and has been in the Navy for many years. He said the United States has been in conflict while he has been serving.

Mayor Roberts said Senior Chief Petty Officer Crawford was working on communications in a dock in Pearl Harbor when the first plane flew into the World Trade Center on September 11, 2001. Shortly after that, the US went to DEFCON 3 and the message was sent to him encrypted from Washington, D.C. Senior Chief Petty Officer Crawford knew there were no training exercises planned and he was decoding the first message when the US went to DEFCON 4, which means the US is at war. He had to go wake the Admiral of the ship and inform the Admiral the US was at war. Luckily, the Admiral was already awake as it was the middle of the night in Hawaii.

Mayor Roberts read the Proclamation which proclaimed September 9, 2021 as Senior Chief Petty Officer Jon David Crawford Day in the City of Edgerton. Mayor Roberts stated the Proclamation will be framed and sent to Senior Chief Petty Officer Crawford who has honorably served the nation and has seen action on the front lines in the Middle East.

Mayor Roberts encourages all who come in contact with a veteran to thank them for their service.

8. Public Comments.

There were no public comments made at this time.

9. Presentation by James Oltman, President of ElevateEdgerton!.

Mr. James Oltman, President of ElevateEdgerton!, approached the Council. He explained ElevateEdgerton! has been working on a new marketing campaign to bring more recognition to the community of Edgerton. It is going to be a multi-faceted and multi-medium campaign and centers on Edgerton's story. Mr. Oltman presented a video to the council. After the video, he stated Edgerton is usually associated with Logistics Park Kansas City (LPKC), but LPKC is only one small chapter of Edgerton. He said it is time for people to explore Edgerton and everything the community has to offer. The campaign publicly kicks off tomorrow, September 10, 2021. The Council stated the video was great and they look forward to the campaign.

Business Requiring Action

10. CONSIDER A THREE-YEAR AGREEMENT WITH VARNEY & ASSOCIATES, CPAS, LLC, TO PREPARE THE CITY'S FINANCIAL AUDIT FOR FISCAL YEARS 2021, 2022 AND 2023

Ms. Karen Kindle, Finance Director, approached the Council. She stated City Staff issued a Request for Proposals (RFP) for Audit Services on June 21, 2021. The request was for proposals for financial audit services for the fiscal years ending 2021, 2022, and 2023. The previous RFP for audit services was done for the 2015 financial statements. The RFP was e-mailed to a list of firms doing business with other government clients and firms who submitted a proposal to the City's prior RFP. Ms. Kindle said the RFP was also distributed to ElevateEdgerton! members and placed on the City's website. Proposals were due by July 23, 2021. The City received five (5) proposals and two (2) decline letters. Ms. Kindle informed the Council the proposals are summarized in the packet provided.

Ms. Kindle explained City Staff reviewed the proposals and interviewed 2 firms: Gordon CPA, LLC and Varney & Associates CPAs, LLC. While both firms interviewed are qualified to perform the audit and can meet the City's timeline for fieldwork and delivery of the final audit report, City Staff felt that Varney & Associates understands the complexities in the City's accounting processes that other similar sized towns in Kansas do not experience. In addition, Varney & Associates has at least one (1) auditor that has worked as a city clerk in a city that used the same accounting software as Edgerton. Ms. Kindle said Varney & Associates expressed their commitment to continuous education and training of not only their staff, but their clients as well. Specifically, they are now offering annual training for clients on the Kansas Municipal Audit and Accounting Guide (KMAAG). She stated Varney & Associates also proactively provides communications to clients regarding regulatory changes and other matters that might affect client operations. Additionally, Varney & Associates has a payroll tax expert on staff, which is a free resource that the City has utilized several times in the past few years. Ms. Kindle said the engagement letter is still pending City Attorney review and approval and if approved by the Council, it will be subject to approval by the City Attorney, which was provided early today.

Councilmember Lewis moved to approve a 3-year contract with Varney & Associates, CPAs, LLC to prepare the City's financial audit for fiscal years 2021, 2022 and 2023.

Councilmember Longanecker seconded the motion. The 3-year contract with Varney & Associates, CPAs, LLC was approved, 4-0.

Mayor Roberts said Varney & Associates has worked a lot in Kansas and is a great resource for the City to use. The City has received high audit scores with previous auditors, and he looks forward in continuing that trend with Varney & Associates.

11. CONSIDER ORDINANCE NO. 2095 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-07 FOR THE REZONING OF APPROXIMATELY 9.88 ACRES OF LAND LOCATED NORTHEAST OF THE INTERSECTION OF 191ST STREET AND MONTROSE STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY RURAL "RUR" (RURAL DISTRICT) ZONING TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT.

Ms. Beth Linn, City Administrator, addressed the Council. She said the City of Edgerton has received rezoning Application ZA2021-07 from Dennis Cohlma, representative of Cohlma, LLC requesting the rezoning of a 9.88-acre parcel located northeast of the intersection of 191st Street and Montrose Street in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning. She stated the parcel was annexed into the City of Edgerton on June 10, 2021. The current zoning designation of RUR is considered a holding designation and thus an appropriate zoning designation is required under the City of Edgerton Unified Development Code (UDC). This request is to rezone the parcel to L-P, Logistics Park District, with the intent of expanding the current cargo container storage operation of JB Hunt located on the adjacent parcel directly to the west.

Ms. Linn stated City Staff reviewed this rezoning application with respect the Edgerton Comprehensive Plan, the Edgerton UDC Zoning and Subdivision Regulations, and the laws of

the State of Kansas, in particular the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. She explained the Planning Commission held a Public Hearing on August 10, 2021 regarding this rezoning request and voted 4-0 to recommend approval of Application ZA2021-07 subject to the following stipulations:

1. All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
2. All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
3. All Site Plan application requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
4. Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Ms. Linn stated copies of the Staff Report and draft minutes are included in the packet. City Staff has not received any further public comment for this application following the action by the Planning Commission. The City Attorney has prepared the enclosed draft ordinance approving the recommendation of the Planning Commission based on the Planning Commission Staff Report.

Councilmember Longanecker inquired to what is west of the subject parcel. Ms. Linn answered the north half of the parcel is the current JB Hunt facility and the southern half remains a parcel with a single-family home.

Councilmember Lewis motioned to approved Ordinance No. 2095 adopting the recommendation of the Edgerton Planning Commission to approve Application ZA2021-07 for the rezoning of approximately 9.88 acres of land located northeast of the intersection of 191st Street and Montrose Street in Edgerton, Kansas from Johnson County "RUR" (Rural District) zoning to City of Edgerton "L-P" (Logistics Park) zoning district. Councilmember Longanecker seconded the motion. Ordinance No. 2095 was approved, 4-0.

12. CONSIDER ORDINANCE NO. 2096 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-08 FOR THE REZONING OF APPROXIMATELY 9.89 ACRES OF LAND LOCATED NORTHEAST OF THE INTERSECTION OF 191ST STREET AND MONTROSE STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY RURAL "RUR" (RURAL DISTRICT) ZONING TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT.

Ms. Linn stated this parcel is adjacent to the previous parcel to the east. She stated all of the information relayed regarding the previous parcel are the same.

Councilmember Lewis motioned to approved Ordinance No. 2096 adopting the recommendation of the Edgerton Planning Commission to approve Application ZA2021-08 for the rezoning of approximately 9.89 acres of land located northeast of the intersection of 191st Street and Montrose Street in Edgerton, Kansas from Johnson County "RUR" (Rural District) zoning to City of Edgerton "L-P" (Logistics Park) zoning district. Councilmember Longanecker seconded the motion. Ordinance No. 2096 was approved, 4-0.

13. CONSIDER RESOLUTION NO. 09-09-21B CONSENTING TO BOND DOCUMENT AMENDMENTS TO EXTEND THE MATURITY DATE OF THE CITY'S INDUSTRIAL REVENUE BONDS (MY STORE III, INC. PROJECT), SERIES 2020

Mr. Scott Anderson, Bond Counsel, spoke before the Council. He stated My Store III, Inc, the Developer, is acquiring, constructing, and equipping a truck stop, truck maintenance facility, truck wash, and in-store and stand-alone restaurant space, located on approximately twelve (12) acres of land east of Homestead Lane and north of Interstate 35 (I-35) in Edgerton, Kansas, the Project. The Developer requested that the City finance the Project with Industrial Revenue Bonds (IRBs) to enable the Developer to obtain a sales tax project exemption certificate for the Project. The City issued bonds for the Project on December 3, 2020 and the bonds mature on December 1, 2021.

Mr. Anderson stated the Developer previously requested that the development agreement for the Tax Increment Financing (TIF) project plan be amended to allow the Developer to have additional time to complete the Project because of building supply delays. The City agreed and extended the completion deadline until October 1, 2022. The Developer is now requesting that the bond documents be amended to also provide additional time to complete the Project. He explained this resolution authorizes the City to enter into First Amendments to the Base Lease, Lease Agreement and Trust Indenture. Each amendment extends the maturity date for the bonds until December 1, 2022. It is common to have bonds mature a few months after anticipated Project competition.

Councilmember Lewis moved to approve Resolution No. 09-09-21B consenting to the assignment of bond documents to extend the maturity date of the City's IRBs (My Store III, Inc. Project), Series 2020. Councilmember Brown seconded the motion. Resolution No. 09-09-21B was approved, 4-0.

14. CONSIDER RESOLUTION NO. 09-09-21C CONSENTING TO THE ASSIGNMENT OF BOND DOCUMENTS IN CONNECTION WITH THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS (ELHC VII, LLC PROJECT), SERIES 2020, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT.

Mr. Anderson stated the City has issued IRBs for the ELHC VII, XXII and LI Projects. Every time the City issues bonds, the ELHC entity leases the project to the City, and the City then subleases the project back to the ELHC entity. This gives the City the necessary legal interest in the project which is required by Kansas law to issue bonds.

Mr. Anderson explained the City is considering three (3) resolutions that approve the assignment of the ELHC VII, ELHC XXII and ELHC LI Projects, respectively. ELHC VII, LLC is assigning its interest in the property to IPVII 185 Street LLC, a Delaware limited liability company. ELHC XXII is assigning its interest in the property to IPXXII 193 Street LLC, a Delaware limited liability company. ELHC LI is assigning its interest in the property to IPLI 207 Street LLC, a Delaware limited liability company. All of the assignees are joint venture entities between NorthPoint Development and Ares, which is a global real estate investment fund. NorthPoint will continue to manage the joint venture entities.

Mr. Anderson stated the resolutions approve the following documents:

1. Assignment and Assumption of IRB Documents. The assignment for ELHC VII is attached to this item summary as Exhibit A. The Assignment transfers all of ELHC's interest in the Base Lease, the Lease Agreement, the Performance Agreement, the Origination Fee Agreement, and the other bond documents for each project to the new joint venture entity. Each assignment has a consent page for the Mayor to sign acknowledging the City's consent to the assignment.
2. Collateral Assignment of IRB Documents. The collateral assignment for ELHC VII is attached to this item summary as Exhibit B. The acquisition of each ELHC project by the applicable joint venture entity is being financed with a loan. As a condition to making the loans, the lender is requiring that the interest of the new joint venture entities be assigned to the lender as collateral for the loans. The collateral assignment has an acknowledgement for the Mayor to sign where the City acknowledges the existence of each agreement.
3. Consent, Agreement and Estoppel Certificate. The estoppel for ELHC VII is attached to the item summary as Exhibit C. The Lender has requested that the City deliver this estoppel certificate to certify copies of bond documents, state there are no current defaults under the bond documents and acknowledge that the City agrees to the assignment of the bond documents for each project.
4. Subordination/Attornment Agreement. The subordination for ELHC VII is attached to this item summary as Exhibit D. In the subordination, the City agrees to subordinate its interest in the bond documents for each project to the lender's new mortgage. Accordingly, if any joint venture entity is in default with lender, lender can step into the shoes of the joint venture entity, and the City agrees to recognize the lender as the new counter party to the bond documents. The lender will then have the right to keep the bond documents in place, transfer the bond documents to a purchaser, or terminate the bond documents and the corresponding property tax abatement for that project.

Mr. Anderson explained Resolution No. 09-09-21C is for the bond documents associated with the ELHC VII, LLC Project.

Councilmember Lewis moved to approve Resolution No. 09-09-21C consenting to the assignment of bond documents in the connection with the City's taxable IRBs (ELHC VII, LLC Project), Series 2020, and authorizing a collateral assignment, estoppel, and subordination agreement. Councilmember Longanecker seconded the motion. Resolution No. 09-09-21C was approved, 4-0.

15. CONSIDER RESOLUTION NO. 09-09-21D CONSENTING TO THE ASSIGNMENT OF BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XXII, LLC PROJECT), SERIES 2017, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT.

Mr. Anderson explained Resolution No. 09-09-21D is for the bond documents associated with the ELHC XXII, LLC Project.

Councilmember Longanecker moved to approve Resolution No. 09-09-21D consenting to the assignment of bond documents in the connection with the City's taxable IRBs (ELHC XXII, LLC Project), Series 2017, and authorizing a collateral assignment, estoppel, and

subordination agreement. Councilmember Brown seconded the motion. Resolution No. 09-09-21D was approved, 4-0.

16. CONSIDER RESOLUTION NO. 09-09-21E CONSENTING TO THE ASSIGNMENT OF BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC LI, LLC PROJECT), SERIES 2019, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT.

Mr. Anderson explained Resolution No. 09-09-21E is for the bond documents associated with the ELHC LI, LLC Project.

Councilmember Longanecker moved to approve Resolution No. 09-09-21E consenting to the assignment of bond documents in the connection with the City's taxable IRBs (ELHC LI, LLC Project), Series 2019, and authorizing a collateral assignment, estoppel, and subordination agreement. Councilmember Brown seconded the motion. Resolution No. 09-09-21E was approved, 4-0.

17. CONSIDER THE 2022 RECOMMENDED BUDGET.

Ms. Kindle spoke before the Council. She stated the 2022 Budget process began on May 28, 2021, with presentations and funding requests from outside agencies to whom the City provides funding. On June 10, 2021, the City's Financial Advisor presented information about the changes in the tax lid law, known as Senate Bill 13. Based on that presentation and discussion, the Council directed City Staff to prepare the 2022 Budget with a Revenue Neutral Rate (RNR) adjusted for the following items:

- Roll-off of all types of incentive like property tax abatements
- New territory and annexations
- Growth in assessed value of non-residential property
- Growth in assessed value of residential property due to inflation based on the CPI-U
- Issuance of General Obligation (GO) debt
- Errors by Johnson County.

Ms. Kindle explained a budget work session was held on July 15, 2021 where City Staff reviewed the schedules for all the City's budgeted funds. This included a detailed review of the calculation of the recommended mill rate based on the adjustments to the RNR as directed by the Council on June 10, 2021. The 2021 Utility Rate Study was presented by the City's rate consultant, Raftelis. The information for Vehicles and Equipment was also reviewed at that budget work session. The vehicle and equipment schedules are included in the budget packet for final approval to include these items in the 2022 Budget. In the future, as these vehicles and equipment items are purchased, City Staff will bring the bids to Council for approval in accordance with the City's Purchasing Policy.

Ms. Kindle stated City Staff published the RNR and Budget public hearing notices in the Gardner News on August 11, 2021. The RNR and Budget public hearings were held during the Council meeting on August 26, 2021. At that meeting, the Council approved Resolution No. 08-26-21A authorizing a mill rate of 29.939 for the 2022 Budget. The final step in the

2022 Budget process is to formally adopt the 2022 Budget and submit the required budget forms to the Johnson County Clerk.

Councilmember Longanecker inquired if the mill rate was lowered from 2021. Ms. Kindle answered it was lowered almost half a mill. Ms. Linn added the mill rate in 2021 was 30.381 and City Staff calculated the proposed mill rate 29.939. Councilmember Longanecker said it was good to continue the downward trend of the mill rate. Mayor Roberts said the mill levy is how taxes are figured with a calculation of the value of the property set by the County Appraisers. The City of Edgerton did see an increase of residential value by eight percent (8%). He said the RNR prohibits growth of cities, but he thinks this bill will change in the future. The State put cities under the gun with this bill and all entities should have truth in taxation in all levels of government, including the State.

Councilmember Lewis moved to approve the recommended 2022 Budget. Councilmember Beem seconded the motion. The recommended 2022 Budget was approved, 4-0.

Ms. Linn stated the discussion for the 2023 Budget will start in October of this year. Mayor Roberts explained the RNR has changed the budget cycle and it is so crammed together. He thanked City Staff for getting the City through this difficult process. He stated there have been errors by others outside of the City for a couple years in a row. He is working with other jurisdictions on changing some items to make the process easier. He explained the County published a wrong number and the City caught the heat because it said the City is raising taxes by almost 25%, which is not correct.

18. Report by the City Administrator

- Ms. Linn thanked City Staff for fulfilling roles that they are not normally in. She said many team members had to fulfill other duties that are not normally part of their job, and the flexibility and resiliency of the City Staff has been great. Councilmember Longanecker stated the City of Edgerton has a top-notch team. Councilmember Brown added that Ms. Linn has been an amazing leader in helping City Staff through everything. Mayor Roberts said every member of the City Staff will fulfill any role that is needed, and it is unique and amazing to have staff like that. He appreciates it greatly as a mayor and a citizen of Edgerton.
- Ms. Linn stated an item in the recently approved 2022 Budget is an additional community event for 2022. She said community events ranked high on the bi-annual citizen survey. City Staff has been researching a unique event to bring into Edgerton. City Staff recommends the new community event be a barbecue competition that is sanctioned by the Kansas City Barbecue Society (KCBS). An event like this can bring a lot of people to Edgerton especially if it is hosted late in the competition season. It could bring in teams both locally and from across the nation to Edgerton. City Staff has toured some KCBS competitions, and some have live music, tasting tickets, yard games, and other ways to draw in the community. It is a competitive process to get a good date so City Staff would appreciate any direction from the Council this evening so City Staff could look into dates for next fall.

The Council agreed it would be a great event for Edgerton and directed City Staff to look into getting a date for next fall. Mayor Roberts stated it is a lot more work on the City than it looks but thinks it would be a great event. Councilmember Lewis said it would be great to have local teams and kids get involved. Ms. Linn said the City would be starting a new event from scratch and that would allow the City to start the event small and grow over the years. Councilmember Brown inquired if the Lenexa competition was a KCBS event. Ms. Linn answered it is and it brings in a large crowd.

19. Report by the Mayor

- Mayor Roberts stated he does not have anything to report at this time.

20. Future Meeting Reminders:

- September 14th: Planning Commission Meeting – 7:00PM
- September 23rd: Work Session – 6:00 PM
- September 23rd: City Council Meeting – 7:00PM
- October 12th: Planning Commission Meeting – 7:00PM
- October 14th: City Council Meeting – 7:00PM
- October 28th: City Council Meeting – 7:00PM
- November 9th: Planning Commission Meeting – 7:00 PM
- November 18th: City Council Meeting – 7:00 PM
- December 9th: City Council Meeting – 7:00 PM
- December 14th: Planning Commission Meeting – 7:00 PM

21. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Councilmember Brown moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to include the City Attorney, Bond Council, and the City Administrator for the purposes of Contract Negotiations for forty-five (45) minutes. The open meeting will resume in the Council Chambers. Councilmember Beem seconded the motion.

The meeting recessed into executive session at 7:41 PM, 4-0.

Councilmember Brown moved to return to open session with no action being taken. Councilmember Longanecker seconded the motion. Open session resumed at 8:26 PM, 4-0.

22. CONSIDER RESOLUTION NO. 09-09-21F AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A DEVELOPMENT AGREEMENT FOR A PROJECT IN THE HOMESTEAD LANE RETAIL TIF DISTRICT

Mr. Anderson addressed the Council. He stated the City created the Homestead Lane Retail TIF District (the District) on property generally located at the northeast and northwest corners of I-35 and Homestead Lane. Woodstone Properties, LLC desires to construct a project on the west side of Homestead Lane within the District. The project will consist of a hotel, an extended stay hotel, conference center, 3 quick-service restaurants and a casual

dining restaurant, travel center with truck wash and maintenance shop, and office and retail space. Woodstone Properties, LLC has requested the following incentives:

1. Community Improvement District (CID). 1% CID sales tax for a term of twenty-two (22) years to reimburse Woodstone Properties, LLC for eligible project costs.
2. TIF Project Plan. The property tax increment for a twenty (20) year period will be split half between the City and Woodstone Properties, LLC. Woodstone Properties, LLC will reimburse itself for eligible expenses and the City will reimburse itself for eligible expenses. Limited to fifteen (15) years if there is not an extra 15,000 square feet beyond the Transient Guest Tax (TGT) bump conditions.
3. IRBs. Bonds will be issued to enable Woodstone Properties, LLC to utilize a sales tax project exemption certificate. No property tax abatements will be granted.
4. TGT. The City imposes a six (6) percent surcharge on hotel rooms. The TGT for 20 years will be split between Woodstone Properties, LLC, and the City. The City will make an annual economic development grant back to Woodstone Properties, LLC each year equal to fifty (50) percent of the TGT collected.

Mr. Anderson stated Woodstone Properties, LLC is required to construct, at a minimum, the travel center, one hotel with the conference center, a quick-service restaurant, and a casual dining restaurant. Once the project minimum improvements are met, if either a second hotel or another restaurant are constructed by 2029, Woodstone Properties, LLC will receive seventy-five (75) percent of the annual TGT, and the City will receive twenty-five (25) percent for the remainder of the 20-year TGT term. Woodstone Properties, LLC agrees to commence vertical construction by July 1, 2023 and obtain a Certificate of Occupancy for the project minimum improvements no later than December 31, 2025. This resolution authorizes the City to enter into the Development Agreement with Woodstone Properties, LLC.

Mr. Shannon McMurdo, developer, addressed the Council. He stated he is excited to come into Edgerton and looks forward with working with the City and City Staff on this project. Mayor Roberts said it is quite the project and is a huge undertaking. He appreciates the partnership that this will bring and how open Mr. McMurdo has been with the City to start the development process. He added there is a concept plan for the project, but it is only a concept and not formally adopted. The developer knows there are things that will most likely change, and they typically do.

Councilmember Lewis moved to approve Resolution No. 09-09-21F authorizing the City of Edgerton, Kansas to enter into a development agreement for a project in the Homestead Lane Retail TIF District. The motion was seconded by Councilmember Longanecker. Resolution No. 09-09-21F was approved, 4-0.

23. Adjourn

Commissioner Brown requested to see the map for the rezonings approved earlier during the meeting. Ms. Linn pulled up the map. Commissioner Brown said over the last few years, there have been many complaints about the traffic at Gardner Road and I-35. The City spent \$30,000,000 at Homestead Lane interchange for the intermodal traffic to use. Drivers don't want to go that far to get to I-35, so they travel down 191st Street to get to

Gardner Road and I-35. With all of this traffic, it takes half an hour to go through the intersection. He has heard complaints from Gardner as well as safety concerns. Commissioner Brown inquired if cul-de-sacs could be constructed on 191st Street at the Edgerton city limits. He is not sure if it could be done but it would eliminate a lot of traffic in that area. Councilmember Lewis agreed and it would force people who work in LPKC to stay in Edgerton to get lunch. Commissioner Brown agreed and said it would funnel the employees at LPKC to the new restaurants. Mayor Roberts agreed with the safety concerns and stated he is unsure if the drivers would use a new route unless something is big blocking them from using 191st Street. He said the Council could ask City Staff the legality of this and to look at the concept of what it should look like. Mayor Roberts said the City did pay a lot of money for the entrance for LPKC at Homestead Lane and the City has spent a lot of money to keep trucks out of Gardner per many traffic studies. Councilmember Longanecker added there is still a problem with the work Gardner did on that road. Councilmember Beem inquired where the city limits were on the map. Ms. Linn pointed to the City line on the map. Councilmember Brown said the cul-de-sacs would have to be no parking because trucks will park there with the cargo containers still on the chassis. Mayor Roberts stated it would be better to get this information sooner rather than later. Councilmember Lewis asked the City Attorney what his thoughts were on this issue. Mr. Hendricks stated he unsure and would have to do some research. Mayor Roberts said the City Engineer might be the right choice to design it since it is a smaller project.

Councilmember Lewis moved to adjourn, seconded by Councilmember Beem. The meeting adjourned at 8:45 PM, 4-0.

Submitted by Chris Clinton, Planning and Zoning Coordinator

EVENTS

September 14th: Tales 4 Tots
September 15th: Senior Lunch & BINGO
September 17th: Yappy Hour at the Edgerton Dog Park
September 18th: Annual Fishing Derby
September 24th: Escape Room at Community Hall
September 27th: Prehistoric Paleontologists (Kids Dino Program)
September 29th: Hillsdale Watershed Program