

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
March 25, 2021
7:00 P.M.**

COVID-19 Protocol

In compliance with the guidance issued by the State of Kansas Attorney General, the City of Edgerton remains subject to the Kansas Open Meetings Act (KOMA) and is taking actions as necessary and reasonable under the circumstances of the emergency declaration to advance the conduct of governmental affairs and ensure the transaction of government business is open to the public.

Any person wishing to attend the City Council meeting may do so and is required to practice the social distancing guidelines as established by the State of Kansas and Centers for Disease Control and Prevention (CDC). The room seating will be set up to be in compliance with these requirements.

Any member of the public wishing to address the Governing Body must sign in on the sign-up sheet provided at City Hall on the night of the meeting. You will be requested to provide your name and address and comments will be limited to three (3) minutes per person. If the meeting room reaches capacity, those not in the meeting room must provide a cellphone number so they can be notified when it is their turn to provide public comment.

Any member of the public wishing to provide public comment without attending the meeting may do so by email to Kara Banks (kbanks@edgertonks.org). If you are unable to email the comments, you may call City Hall at (913) 893-6231, and staff will record your comment and report it on your behalf. Any comments must include a name and address for the record and be submitted by phone or email by noon (12:00 PM) on day of the scheduled meeting. Any written testimony provided in advance will be shared with the Governing Body.

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Conus ____ Lewis ____ Smith ____ Beem
2. **Welcome**
3. **Pledge of Allegiance**

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

4. Approve Minutes from March 11, 2021 Regular City Council Meeting
5. Consider Final Acceptance of 207th Street Phase II - East of Waverly Road

Regular Agenda

6. **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.

7. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

Business Requiring Action

8. **CONSIDER OUTSIDE CITY LIMITS WATER SERVICE APPLICATION**

Motion: _____ Second: _____ Vote: _____

9. **CONSIDER APPLICATION FP2020-04, FINAL PLAT FOR LOGISTICS PARK KANSAS CITY SOUTH, THIRD PLAT, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF WAVERLY ROAD AND 207TH STREET, EDGERTON, KANSAS.**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER A MEMORANDUM OF UNDERSTANDING WITH KANSAS GAS SERVICE REGARDING THE TREATMENT OF FRANCHISE FEES RECOVERED IN THE LOGISTICS PARK PHASE II DEVELOPMENT**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER ORDINANCE NO. 2067 ANNEXING CERTAIN LAND OWNED BY THE CITY INTO THE CITY OF EDGERTON, KANSAS**

Motion: _____ Second: _____ Vote: _____

12. **Report by the City Administrator**

- Annual Review of Water Conservation Plan
- Annual Review of Water Emergency Plan

13. **Report by the Mayor**

14. **Future Meeting Reminders:**

- April 8th: City Council Meeting – 7:00 PM
- April 13th: Planning Commission Meeting – 7:00 PM
- April 22nd: City Council Meeting – 7:00 PM
- May 11th: Planning Commission – 7:00 PM
- May 13th: City Council Meeting – 7:00 PM
- May 27th: City Council Meeting – 7:00 PM

15. **Adjourn** Motion: _____ Second: _____ Vote: _____

EVENTS

May 8th: City Wide Garage Sale
May 15th: City Wide Clean Up
June 5th: Summer Kick-off Block Party
June 18-19th: Frontier Days

City of Edgerton, Kansas
Minutes of City Council Regular Session
March 11, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on March 11, 2021. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk Alexandria Clower
- Development Services Director Katy Crow
- Finance Director Karen Kindle (via videoconference)
- Accountant Justin Vermillion (via videoconference)
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda

4. Approve Minutes from February 25, 2021 Regular City Council Meeting
5. Approve the Issuance of a Cereal Malt Beverage License for My Store III, Inc. DBA On the Go Travel Plaza, TA Express at 35201 W 200th St. for 2021

Councilmember Longanecker motioned to approve the consent agenda, seconded by Councilmember Beem. The Consent Agenda was approved 5-0.

Regular Agenda

6. **Public Comments.** There were no public comments made on items not on the agenda.
7. **Declaration.** There were no declarations made by any of the councilmembers.

Mayor Roberts stated he would like to acknowledge a conversation he had with NorthPoint Development, they had asked about the timeframe moving forward regarding the possible

rezonings and the processes of next steps if remanded back to planning commission or approved tonight through City Council.

Business Requiring Action

Public comment for all rezoning applications (Agenda items 8 – 19) will be taken before Council votes on any item. Anyone wishing to provide public comment will be limited to 3 minutes per person, you will be requested to provide your name and address for the record.

Those in attendance brought documents to be added to the record, including 5 binders for the record and a packet for each Councilmember and the City Attorney. Included in this packet is their supporting documents of opposition. This packet totals 65 pages.

Attached to these minutes is Appendix (A), a letter to Mr. Hagedorn, dated March 3, 2021. This letter was read verbatim by multiple members of the public. When applicable, the page and paragraphs of that letter read by each individual are cited in these minutes.

Mayor Roberts requested the City Clerk read names of persons providing public comments received after the deadline of 12:00PM (Noon) Monday that were not included in the packet. Ms. Alexandria Clower, City Clerk addressed the Council. She stated these comments were received after noon (12:00PM) Monday, March 8, 2021. All Comments received prior to this date were included in the packet. She stated these comments have been provided to Council in their Council folders.

Tony and Kathy Black, 26125 W 207th St. Spring Hill
Chuck and Charlene Soetaert, no address provided, could not find in Johnson County AIMS.
Tim and Lee Dye, 31308 W 217th St. Spring Hill
Curt and Debbie Kennon, 28155 W 215th St. Gardner
Kara Stubbs, 22435 Bridlewood Ln. Spring Hill
Shane Stecklin, no address provided, could not find in Johnson County AIMS
Jenni Koch, 27449 W 215th St. Spring Hill
Brett and Mindi Kuper, 22241 S Moonlight Rd. Spring Hill
Brett Hays, 21255 Clare Rd. Spring Hill
Julie McIntosh, 4701 Bond St. Shawnee
Jennifer Whitlow, 31700 W 217th St. Spring Hill
Heather Foster, 30380 W 215th St. Gardner
Kaitlin Nonamaker-Johnson, 22484 S Madison St. Spring Hill
Martha Bogart, no address provided until after the meeting, 21295 S Clare Road
Eric Goodman, BNSF, 4515 Kansas Avenue, KCK
Ted Beauchamp, 23205 Moonlight Rd.
Ed Reschke, 22032 Moonlight Rd.
James Oltman, ElevateEdgerton!, 30750 W 193rd St.
Dennis Koch, 27333 W 215th ST. Spring Hill

Mayor Roberts opened the meeting up for public comments.

Steven Steward, 16328 Mustang St., addressed the Council. He stated he would like to thank Council for allowing him the opportunity to speak. He stated he is in support of the items on the agenda. He stated without LPKC, he would not have a job. He stated when COVID happened and the economy and jobs became sparse, he was a victim of losing his job. He stated he found a job at the Logistics Park, and most importantly, a home.

Scott Mueller, Gardner, addressed the Council. He stated he works at the Logistics Park and is in support of the development out there. He stated he grew up in a rural town, much like Edgerton, and watch industry leave and had a hard time bringing industry in. He stated because of this the schools suffered, the town suffered, and people suffered. He stated locals had to pay higher prices, unless you traveled to shop, which made it difficult to support the local community. He stated the logistics park allows for more jobs, helps support the local community, schools benefit, and the community benefits and has the ability to grow. He stated that with the support, the community can have local summer programs to allow kids to stay active when not in school. He stated he used to commute 80 miles one-way to his previous job, now he lives within miles of it, which allows him more time to help build a better future for himself and his family. He stated that his children had no idea what they wanted to do when they grew up, now they want to follow in his footsteps. He stated having a place full of employment like LPKC allows for that to happen and gives his kids the opportunity to seek employment when they are of age, while still being close to home.

Deanna Barlett, 419 W Apache, addressed the Council. She stated she is for the expansion and works at LPKC. She stated when she bought her home in 2007, her yard backed up to Edgerton. She stated she thought it would be nice to work 5 minutes from her house, she decided to start looking and found just that with a job at LPKC. She stated she thinks the Logistics Park is positive, it has brought a lot of jobs and her home value has gone up. She stated the surrounding area is growing, building new homes and stores. She stated she knows people think it is an eye sore, but she sees it for all the jobs it will bring.

Jordyn Mueller, 109 W McDonald, addressed the Council. She stated she works at the Logistics Park and she is in support of the warehouse project. She stated being a single mom, working at LPKC has really allowed her to provide for her family.

Carl Derr, 16495 W 263rd. St. Paola, addressed the Council. He stated in the last 7 or so years, he has been for the warehouse development. He stated he has owned central plumbing for the last 40 years. He stated he has 155 people who work in this community and of those people, about 15-20 of them live in Johnson County or the surrounding area. He stated most of the material the company buys to work in the warehouses comes from local companies. He stated his employees use local businesses and restaurants. He stated with the ability to work on nearly every project locally, he had the ability to donate back to the community and donate insulation to the local fire station out at LPKC. He stated he has seen the growth of the community and the good that has come from the warehouses. He stated the warehouses provide better infrastructure with the water mains and sanitary sewers and it can also provide better growth within the community, schools, infrastructure and roads.

Gerald Kahl, 101 W 6th St., addressed the Council. He stated he has worked at the industrial park for about a year and there are lots of jobs supplied there. He stated a lot of the food we

eat comes from there along with products we buy from companies like Amazon. He stated he hopes they continue to grow.

Adam Norblad, 31715 W 171st. St. Gardner, addressed the Council. He stated he supports the project. He stated in 2016 he lived in Kansas City, Missouri and had the opportunity to take a job at LPKC. He stated he commuted an hour a day back and forth to work because he really enjoyed his job and the position he held with a great company. He stated he started doing research and found out the school district is great here and decided to look into moving to the area. He stated the Logistics Park and the jobs there have been a life changer for him and his family. He stated he loves the community he now lives in and that the park itself feels like a community. He stated his organization does a lot of things for families around the holidays. He stated he thinks there are a lot of positives to bringing these jobs to the area.

Rebecca Gribble, 642 N Poplar St. Gardner, addressed the Council. She stated she is for the expansion of the park. She stated she moved back to the area in August right when the pandemic hit and unemployment rose. She stated she was not sure she would be able to find a job, but luckily found a job at the Logistics Park. She stated there are so many people out of work and in need of jobs, and the growth of the warehouses and the jobs that will bring can help provide that.

Rebecca Hollingshead, 103 E Hulett St. Edgerton, addressed the Council. She stated the Logistics Park has given her the opportunity for growth and achievement that is not easily found anywhere else. She stated she moved back to Edgerton and was able to get a house because of her job. She stated she can live, support her dogs, and enjoys the ability to be close to her family and friends and having a job within a 10-minute drive.

Josh Drake, 22620 S Harrison, Spring Hill, addressed the Council. He stated he is from a small town in Missouri and when he grew up, he joined the Marines. He stated after the Marines he was looking for a place to go and a job and found that in the Logistics Park. He stated he came to Kansas because of the opportunity at LPKC. He stated a lot of businesses tend to move away and leave towns with no jobs, so people have to drive an hour away to find anything. He stated this can cause them to lose the next generation, but this is not something that will happen here. He stated generations to come can work here and live here. He stated he started out without a college education and thought that he would not go far, he now makes well into six figures by working at one of the warehouses. He stated he is in support of the expansion.

Josh Peterson, Spring Hill, addressed the Council. He stated he is in support of the project. He stated he lives about a quarter mile away from where the development will take place. He stated it is not just him that supports the development, but his employees as well. He stated the logistics park and the jobs it brings is something he would like other people to have an opportunity to obtain if they chose and the expansion can provide the jobs for that to happen.

Jason Anderson, 1065 Buffalo Trail, addressed the Council. He stated it has been a blessing for him to work at LPKC. He stated he has been able to build a home and provide for his family. He stated he is very passionate about the project. He stated his kids are doing better in school and he never thought he would be able to work for more than minimum wage. He stated his kids now want to follow in his footsteps and it makes him proud to work there.

Mary Koch, 27445 W 215th St., addressed the Council. She stated she opposes the rezoning from rural to industrial. She stated she has lived here for 40 years. She stated what she has learned from the growth of development is that the results cannot be reset. She stated it is moving through the country like a cancerous growth. She stated NorthPoint had the right to because they had a plan to build warehouses and had clients that needed warehouse space. She stated that it is not unlike cancer, that when left unchecked it will grow uncontrollable. She stated families are currently living in harmony with land and nature as it should be, and the development is devastation like a cancerous disease. She stated so many people have said it is incompatible with natural living and life as we know it is gone. She stated wildlife will leave as their food and shelter will be destroyed and warehouses will soon cover the land with constant truck traffic. She stated the last chapter will be written, and what once was known to be a jewel will be gone. She stated she would like Council to follow the guidance from Planning Commission. She stated to please stop cancer in the early stages, before we are left with a bad situation. She stated she is opposed to the rezoning.

Dennis Koch, 27445 W 215th St., addressed the Council. He stated many have talked about property rights and that people are trying to tell NorthPoint what they can and cannot do. He stated when they purchased the land, they acquired the same land rights as the previous owners, same property rights as every landowner. He stated we are not contesting those rights. He stated it is one landowner at the expense of everyone else. There will be noise, traffic and pollution. He stated there are 117 families that live closer in that half mile. He stated being opposed to intense industrial development is not the same as being opposed to all development. He stated they are always happy to welcome new neighbors. He stated NorthPoint's property rights are the same when they purchased the land, no more, no less. He stated he has heard a lot about great warehouse jobs, and when he went to look for a job during retirement to fill the time, they hired at \$13-16 an hour. He stated he thinks he will stay retired.

Jenni Koch addressed the Council. She stated with every single vote to approve, the City is running over their neighbors to the east. She stated these are next to the best homes in our community, not to mention the property value will drop tremendously. She stated there are reports that the warehouses fit the current character of what is surrounding the site, but that the Council is being lied to. She stated her in-laws own 80 acres where the family lives. She stated they rescue animals and love their quiet enjoyment. She stated it really is a community there, neighbors help neighbors with mowing lawns, plowing driveways and house sitting. She asked the Council how they would feel if the same was done to them. She stated it seems like building new homes is not wanted by Edgerton, and that maybe it is because they want to keep their 3rd class city status to receive those benefits. She stated that as neighbors that are not able to vote and they deserve better. She stated they know the standards they must adhere to, and these are standards that all must follow.

Rich Curtis, 19770 S Moonlight Rd., addressed the Council. He stated Kansas supports using the 8 points in Golden Criteria, and he has prepared evidence that shows how the rezoning violates all 8 points of the criteria. Character, rural to industrial. He stated this is false, there is nothing industrial about the neighborhood. He stated for fairs and farmers markets, grandparents and parents farm the land. There is a desire there to live a rural lifestyle, away from traffic, etc. He stated this is their sanctuary.

Connie Mayberry, 20365 S Gardner Rd., addressed the Council. She stated she has lived on the land for 53 years; the ground was purchased in 1940. She stated when she was married, she was given enough land and her family is all together on the family farm. She stated they know nothing but country living, and it is by choice. She stated this livelihood is now threatened to be destroyed. She stated her parents had heard about a couple of other long-time farms that had been sold, so we decided to hear what the developers had to say. She stated the agent claimed he was a son of a preacher who lives outside Ottawa, and that he seemed to be sincere and genuinely interested. She stated she heard the plans were to be a zoning of rural residential and stated she never thought 3 years later after her parents sold the ground to Northpoint that all of this would come to light. She stated the people who came in and talked to families to purchase the land are nothing but liars and misrepresenting by using all the LLCs that have purchased the ground. She stated there will now be a monstrosity in their backyards, with Hostess a half-mile away. She stated she hears truck traffic all hours of the day and night. She asked Council to put their family in the same place and restore the integrity of the land.

Tony Black, 26125 W 207th St., addressed the Council. He stated L-P zoning is in complete contradiction with the existing rural residential use and does not fit at all with the character of the neighborhood. He stated the residents there are a community west of Gardner Road with 117 families surrounding these parcels. He stated the majority of their homes have large out buildings and are very well maintained. He stated there has been new construction with 3 new large lot subdivisions being approved. He stated his farm home was built in 1900s, many of the other homes surrounding were built in the late 60s through the late 90s, early 2000s. He stated this is a highly desirable place to live and the average home appraises with land and improvements in excess of \$500,000. He stated the families there have come to stay, and when a house does come on the market, it does not stay long. He stated Exhibit 1-1 in the packet given to Council shows an overview of the neighborhood at large, with over 1,000 residents directly affected if the vote for industrial zoning is approved. He stated Council will set a stage for it to come adjoining and LPKC expanding across southern Johnson and northern Miami counties. He stated Exhibit 1-2 shows the 9 million square foot warehouse being put right in the middle of their neighborhood. He stated also in the packet are pictures of the homes that would be disrupted if the zoning is approved.

Tim Dye, 31308 W 217th St., addressed the Council. He stated the character of this development property best be described as rural residential with heavy wooded springs and farmland. He stated prior to the forced expansion, this land was secluded with gravel country roads and no traffic, quiet and peaceful with a natural habitat for wildlife. He stated the people there are the same as West Gardner Rd. that enjoy rural living with barns that are well maintained, and the pride of ownership shows. He stated majority of the houses were built in the 1990s with a few from the 70s and 80s and a couple original farm homes from the early 1900s. He stated Exhibit 1-3 has 100 additional homes not included in the report or figure earlier. He stated it included 74 parcels of which 46 are residential home sites, 10 are agricultural land, 1 is the logistics park and the remaining are park land and other state-owned properties. He stated prior to the invasion of LPKC, the turnover was low. He stated the past 3 years have not been as peaceful due to traffic. He referenced the packet to show the homes in these 74 parcels.

Lee Dye, 31308 W 217th St., addressed the Council. She stated Edgerton staff stated residential density is lower than some adjacent to Phase 1 of LPKC. She stated this is not a fact. She

stated as shown in Exhibit 1-4, the residential density in the area is about twice the density on the north and west side I-35, where the intermodal was planned and supposed to stay. She stated if the \$21.5 million grade separation at 199th & 56 Hwy required for further expansion to the north was completed, less residents would be uprooted. She stated Exhibit 21 shows a map from 2013 Southwest Johnson County area plan that was prepared to address planning of the upcoming intermodal growth.

Jody Brown, 314 E McCarty, addressed the Council. He stated he would like to speak on behalf of NorthPoint and the City of Edgerton. He stated he spent several years on Council working with NorthPoint and they have been a great partner for the City. He stated they have donated several things, and as far as the intermodal, they have several thousand jobs that have been provided to not just Edgerton residents, but the surrounding area. He stated some people drive 50-60 miles to work out here, some jobs may not be big paying job, but some are. He stated he would like to support NorthPoint in this development. He stated he understands the concerns of the homeowners. He stated if the rezoning approves, he encourages the homeowners to talk to Council and NorthPoint and come to a compromise and agreement. He stated he drives through the intermodal often, no trash, old trucks, etc., it is kept very clean. He stated he is in support of NorthPoint and the City as well.

Lora Winston, 28640 W 207th St., addressed the Council. She stated she and her family moved out to their property 15 years ago and raised eight kids there. She stated they have a garden and animals. She stated the master plan shows the intermodal being 30 feet from her bedroom window. She stated she does not want to look out her back deck and see a warehouse building. She stated the building will sit where she won't be able to see the sun and will not be able to continue her garden. She stated the warehouses will completely change the entire area, and the property across the road will be warehouses. She stated they built their home and have put so much equity into it and can now not get anything back. She stated they are stuck there from the intermodal expanding and nothing was said to them. She stated this is not the reason they came to the country; they came for peace and quiet. She stated they wanted to have grandkids out there.

Jason Cowden, 28145 W 207th St., addressed the Council. He stated Homestead was built to relieve Gardner of intermodal traffic, in contrast with the 2-lane road to the south. He stated it was not meant to drive South and East as shown. He stated Patrick Robinson stated they were not against residential growth but gave no options for that growth. He stated NorthPoint and other developers could develop back to the North where it was originally planned. He stated John Daley, the Planning Commission Chair, quickly dismissed the idea of growing to the North, he gave a tie break in favor of South and East. He stated let us get back to North of I-35.

Curt Kennon, 28155 W 215th St., addressed the Council. He stated he is opposed to the development. He stated he has been a resident for 30 years and is a retired police officer planning to retire on his 12 acres. He stated this is in jeopardy. He stated he is not against warehouses and the growth, but where the plan is currently, does not make sense. He asked, why would development of warehouses come down the middle of a residential rural area. He stated they now hear trucks all the time. He asked Council to please consider helping them out.

Debbie Kennon, 28155 W 215th St., addressed the Council. She stated she has lived at her residence since 1981 and opposes the rezoning. She stated at inception, it was made known

that the grade separation would be a necessity and originally planned intersection project, as well as Section 6 of the Johnson County Area Plan, however the cost and environmental impact will set back the long-term future. She asked for reconsideration to determine if it is a fair and equitable fit to the residents and environment. She asked if it was more important for the City to make a profit than to allow NorthPoint to take their development elsewhere. She stated this is against all rights of the property owners south and east of I35, it was forced into their neighborhoods despite the opposition from all residents. She stated they respectfully request that Edgerton honors their comprehensive plan that was in place before Edgerton annexed the land. She stated to not allow this to happen unlawfully without just compensation and forcing them to be surrounded. She stated they implore Edgerton and NorthPoint Development to do the work where it was originally planned. She stated they request that you do not force them to lose their homes, where the loss is greater than the combined market values.

Joanne Calvin, 29000 W 199th St., addressed the Council. She stated the 7 properties in question for the rezoning extend from 199th on the North to 215th on the South and directly touches 51 separate parcels, in which 47 have single family residential homes that are occupied. She stated the surrounding area is the unincorporated area of Johnson County within the rural tradition policy area which discourages non-agricultural-related development or residential development other than 1 homesite per 10 acres. She stated this zoning request is for a nonresidential zoning district in a rural residential area. She stated the L-P zoning district is the least restrictive commercial and industrial zoning district and would be surrounded by RUR zoning. She stated it is not an appropriate fit due to the rural residential lifestyle. She stated there are 20 agricultural farms in the immediate area. She stated Exhibit 2-2 and 2-3 show that zoning, which is primarily for agricultural and low-density use. She stated the rural residential zoning designated as a holding designation would not be permitted nor suitable for the area. She stated this could cause unfair and undo hardship forcing current residents to live with an incompatible industrial park.

Dustin Calvin, 29000 W 199th St., addressed the Council. He stated staff report shows the industrial use of the property zoned agricultural would not be permitted, therefore a rezoning to L-P would be permitted. Zoning to industrial should also not be permitted. She stated keeping with the character of the area would be agricultural and rural residential. She stated rural residential is more than a holding designation as the City of Edgerton states. She stated to twist the Johnson County Rural Residential plan to imply that holding designation means waiting for commercial and industrial rezoning into a logistics park, as opposed to further rural residential development, would take the words out of context. She stated the RUR Comp Plan in Exhibit 2-6 shows the policy area map that also confirms the area south and east of I35 was to remain rural residential and agricultural development. She stated NorthPoint's Master Plan as shown in Exhibit 2-7, plans to add almost 9 million square feet of Amazon Warehouse space in the middle of rural residential and agricultural residents in the area. She stated it seems strange that NorthPoint is moving but first needs Edgerton to annex the property and then go into rezoning. She stated Johnson County would not allow it. She stated NorthPoint is a parasite and Edgerton is the host. She stated NorthPoint was not able to go through the rezoning in the county, so they used Edgerton to do it.

Ben Johnson, 21365 S Moonlight Rd., addressed the Council. He stated he is known to be the sucker who bought the house and did not think the intermodal would end up going the way it did. He stated he looked at the rules for how zoning should be approved and what he saw was

not anything to be worried about. He stated he saw a farmer owned the land, Hillsdale or Moonlight Farms Land and Cattle. He stated there was cattle on the field and another guy farming the land. He stated he always wanted to have a farm, his wife found the property, did the research and they purchased the property. He stated not even a month later, on Christmas Eve, he walked out to see rezoning signs. He stated he tried to call the City, but they were closed because of the Holiday. He stated he could not get any answers and found out that NorthPoint was the company that owned all the different land and cattle companies. He stated the more and more he dug, he found the City had been spending money to help NorthPoint develop. He stated these warehouses will be 7 miles from LPKC, and there are warehouses there for sale now. He stated the ones for sale would be closer than the one going in across the street from his house. He stated it took a week to get his wife out of depression and his house has about \$50,000 worth of fix ups, so the ability to sell is not an option.

Mark Hall, 23506 S Gardner Rd., addressed the Council. He stated he opposes the expansion. He stated Golden Criteria 7 is the recommendation of professional planning staff. He stated the City of Edgerton staff recommended the approval of rezoning to L-P. He stated prior to the annexations, they were under the jurisdiction of Johnson County. He stated they believe as residents of the affected neighborhood; they do not have due process on this potential change through the City of Edgerton's normal rezoning procedure. He stated those voting are not their elected representatives. He stated the elected personnel receive presumed benefits, while the residents suffer the real losses. He stated NorthPoint and the City have a partnership relationship that is in conflict of interest to the citizens the City represents as well as those in the surrounding area who are being forced to bear the burden in exchange for the City and NorthPoint's financial gain. He stated they believe the City continues to usher in more projects under the LPKC name, despite the damage it causes to surrounding property owners and the environment. He stated with the City as the debtor, NorthPoint could gain an unfair advantage with certain obligations being pushed on the City to approve the projects. He stated when the City's lender is being repaid by future development projects, it puts the one in charge of approving those future developments in a compromised position. He stated Edgerton may be under pressure to approve any proposed projects and they may not have an unbiased decision-making ability when being faced with having to approve future projects for the one they owe money to. He stated the fact that the City owes NorthPoint money directly affects the ability to receive a fair and unbiased review of the negative effects of their actions. He stated the fact that NorthPoint is the chosen LPKC developer, and no others are allowed to compete further adds to the suspicion.

Cliff Hunt, 21355 S Moonlight, addressed the Council. He stated he has lived here for over 50 years in a nice established rural neighborhood. He stated by rezoning, it will change what he thinks the land is supposed to be like. He stated they will build warehouses right across the road. He stated there will be frequent truck traffic blocking out the road as they go to and from. He asked Council how they would vote if they lived in his house.

Joe Davidson, 21810 S Waverly, addressed the Council. He stated he is 58 years old and has worked for 38 years to buy a home in the beautiful area. He stated when he bought the property, nobody said there would be warehouses. He stated he understands Edgerton's point, and knows Council has a hard job to decide. He stated the area is very beautiful, he stated it is not an area for warehouses even though Kubota and Hostess have been let in. He stated they do not want the whole area warehouses, and that you can hear trucks at all hours. He stated as

homeowners they cannot offer anything except that the City build houses instead, and over time getting back the same in taxes. He stated if they are allowed to build the warehouses, it will lower the value of their homes. He stated you would not want a dog kennel or prison next to your home, and the warehouses are similar. He stated there will be lots of trucks and noise. He stated they may be nice looking buildings with nice new roads, but the trucks do not stay on their roads only and overtime the roads will be ruined. He stated trucks mess up the roads now, Gardner Bridge is ruined. He told Council to think before they allow this. He stated he understand the City owes them, but they are going to lose \$100,000 off their homes with warehouses being right next door and having to fight truck traffic.

Jennifer Williams, 21993 Moonlight Rd., addressed the Council. She stated she would like to read a letter to Council to tell them who they are. She stated to Councilmember Conus that on his Facebook page, there was a quote that said "government can not give to anybody anything that the government does not first take from somebody else" by Adrian Rogers. She began to read a letter to Mr. Hagedorn dated March 3, 2021 on page 58 of their packet given to Council. She stated they are stuck; they are not against jobs and growth.

Mary Cunningham, 29245 W 199th St., addressed the Council. She read from the letter to Mr. Hagedorn, page 59.

Brett Hays, 21255 S Care Rd., addressed the Council. He stated he noticed with the hand full of speakers, there are common factors, they are in the city limits, have Gardner or Spring Hill addresses. He stated the people who live in the city limits are there for a reason and the people who chose to live in the county have their own reasons. He stated he has lived in his home for over 20 years, he is about to retire from the police force and just added on to his home. He stated his home is where his children have spent their entire lives. He stated he knows it is a difficult decision for Council to make. He stated he understands LPKC has brought a lot of jobs and asked Council, at what point will enough be enough. He stated these jobs are going to be there to support the community and when the abatements roll off, he is sure the City will be able to pave streets with gold. He stated they have lived and invested their entire life savings in these homes and to think people can come and slither their way in, it is just not right. He stated the developers and the City need to be transparent and be honest. He asked what is right in this situation or is it all about the money. He stated in this society and culture, you as the governing body can make the difference, because like many have said, they do not have a choice. He stated they will have to disclose to a potential buyer about the rezonings.

Matt Combs, 20950 S Moonlight Rd., addressed the Council. He read from the letter to Mr. Hagedorn, page 60, paragraphs 1-4. He stated if anything as residents of Gardner, he feels for the citizens. He stated the \$500 million bond that has been granted to ELHC does not have any tax dollars going to the school. He stated the roads are destroyed, and he encouraged people to sit outside Nike Elementary during morning and afternoon traffic and stated nothing about that is area is safe. He stated the environmental and economic impacts are detrimental to the economy. He stated those are the individuals the City's very own policy increases taxes on. He stated if nothing else, this particular moment might be the only victory they see, that the citizens did not even know what their government was doing.

Karen Smith, 21175 S Moonlight, addressed the Council. She read from the letter to Mr. Hagedorn, page 60, paragraphs 5-7, finishing sentence on beginning of page 61.

Jennifer Whitlow, 31700 W 217th St., addressed the Council. She read from the letter to Mr. Hagedorn, page 61, paragraphs 2-6, and beginning paragraph on page 62. She stated she knows some members of the Council and knows that they are good people. She stated this is a city that they have no representation in and that the 5 members of Council are deciding for so many people. She stated the two warehouses already there have changed everything.

Brady Bannister, 27250 W 215th St., addressed the Council. He stated he opposed the rezoning. He read from the letter to Mr. Hagedorn, page 62, paragraphs 2-6, finishing sentence on beginning of page 63.

Shawn Winslow, 28640 W 207th St., addressed the Council. He stated he opposed the rezoning. He read from the letter to Mr. Hagedorn, page 63, paragraphs 2-4.

Erin Gallagher, PO BOX 636 Manhattan IL, 60442, addressed the Council. She stated she has seen 74 percent property tax increase county wide. She stated she is here from Illinois, a mom, her husband works in agriculture and she is a volunteer at church. She stated she was here as a volunteer and not being paid by the opposing residents, but they had offered to cover gas and hotel, but that was it. She stated she is here to stop NorthPoint, LLC and works with a grass roots group much like the people in the audience this evening. She stated she was here to echo concerns and echo the opposition to NorthPoint. She stated she has read ordinances, resolutions, meeting minutes and agendas since 2015. She stated every single Johnson County resident that has seen an increase should know about NorthPoint property tax abatements and the IRBs that are happening in this city and community. She stated she has heard words like parasite, cancer, suspicion. She stated people do not like living next to warehouses and seeing fraud purchases. She stated NorthPoint is the victim, Patrick Robinson and Mayor Roberts told our media the exact opposite. She stated they closed the loop in Illinois and closed the loop here. She stated in the 5 minutes the group was standing outside the hall, 2 trucks passed the no truck sign.

Frank Bannister, Gardner, addressed the Council. He stated he is opposed to the continued expansion and rezoning. He stated he is not opposed to growth and development, but strongly believes against this rezoning. He stated per KSA 12-756 and per Edgerton's own website announcement of proper zoning procedures, it is their belief that these properties did not receive the required public legal notice publication. He stated in an email dated Feb. 19, 2021, he sent an open records request to the City office. He stated in this request, he asked for a copy of the public notice of the February 9, 2021 Planning Commission meeting where these land parcels in question were voted on and approved for rezoning. He stated in response, he was provided with a PDF file of the post that was placed on the Edgerton City website and was told by Beth Linn that notices of public meetings are provided via an email list of those who request to receive such notices as required by the Kansas Open Meetings Act. He stated he replied to Ms. Linn and asked if the email list notification process included meeting where zoning and rezoning may be voted on by Planning Commission or City Council. He stated Ms. Linn replied yes, that notices of public meetings dealing with zoning and rezoning are provided per the email notification process. He stated if you read KSA 12-756, that discusses public notice requirements, that the statute requires a 20-day notice be posted in the local newspaper. He stated it does not mention anything about email lists being an option. He stated the minutes from the April 10, 2018 Planning Commission date the City Administrator commented on the

City's Comprehensive Plan, noting it was updated in 2010. He stated that she also informed the audience the City worked in the development of the SW Johnson County area plan in 2013 with public engagement. He said she also indicated the notification of the rezoning, preliminary plat and preliminary site plan was distributed according to state statute via notices, publication in the City's official newspaper, and with signage. He stated they believe the City is trying to push these through without opposition and not giving the proper public notification. He stated they want to bring to light the speed in which the development of these parcels is being forced. He stated he would like it to be known on the record that the City has not approved rezonings, yet the installation of the new water line has already begun. He stated he would like for his document in which he read from to be added to the record.

Fred Fraley, 18720 Moonlight, addressed the Council. He stated he owns 3 farms on Moonlight, one to the North and West half mile of the rezoning. He stated he has read and heard that everyone is against the rezoning, but he talked to a few fellow farmers and not everyone is against it. He stated he felt everyone was speaking one way, and that as a landowner, North South and West, within a half mile, he is not against the rezoning. He stated he thinks the rezonings would be the highest and best use of the property. He stated his father used to say that from 75th on, all the farms that were currently there, would be gone. He stated sure enough, he has seen from 75th on I-35 become where there is not a farm left. He stated from seeing this change, when he bought his land, he knew it was not going to be a rural setting and farming forever, and that houses and agricultural land was not the highest and best use of that land. He stated the Council owes it to the citizens of their city to make sure the property is used at its highest and best use. He stated everyone buys from Amazon, he stated we should support the fact that we need them and the further growth of these areas. He stated these warehouses provide jobs, and he knows many kids there that those jobs have changed their lives for the better.

Bill Osborn, 27223 W 235th St., addressed the Council. He stated on February 17th with the Johnson County Parks and Recreation board, Beth Linn offered testimony to deny sub surface mining of Big Bull Creek Park, stating it would have negative effects on adjacent infrastructure and an increase in truck traffic. He stated this was excellent criteria. He stated Council should keep in mind by supporting Planning Commission to deny rezoning and further overturn the narrow vote to rezone the Kill Creek parcels. He stated he has a 3rd generation family farm; his daughter and grandson represent the 4th and 5th generations living there as well. He stated he understands Council has a difficult decision to make, and it takes courage to tell NorthPoint to move North. He stated put a stop to this tonight.

Wayne Davis, 29080 W 199th St., addressed the Council. He stated he is opposed to the rezoning. He thanked Council for allowing them the opportunity to come and discuss the confusion and concerns of an L-P zoning in the middle of a residential community. He stated he sees residential to the North and larger residential lots to the Southwest, outside of that, only large open fields. He stated what he does not see are any logistics parks or warehouses in that area. He stated if the guidance is followed in the Unified Development Code, the opposite is also true when you locate L-P district near residential developments. He stated just listening to all the people that have come in front of Council affected by the rezoning that there will be conflict. He stated this is not at all what seems to be envisioned in the current UDC. He stated the land should be established as a total industrial zone and allow NorthPoint the opportunity to

negotiate for a fair price with the land and homeowners currently there. He stated NorthPoint is a real estate company, they could make residential use happen, let them prove it.

Tim Smith, 21175 S Moonlight, addressed the Council. He stated he is not against growth; he is against the annexation. He stated he does not understand why NorthPoint comes in and buys under an LLC and asked why they could not be honest and truthful. He stated if you are NorthPoint, you are NorthPoint, hiding behind an LLC has given them a bad rep. He asked Council to put themselves in his shoes. He stated he has lived on Moonlight the last 7 years, bought a property and has invested in it. He stated he thought it would be his retirement home, his forever home, and invested everything. He stated he was 2 years from paying it off. He stated the day after Christmas he was handed a certified letter and was told some development was trying to rezone the property across the street from his house. He stated he had no idea the land was annexed and had no idea why they would rezone. He stated the property was purchased as rural, and it should be used that way today. He stated just because he would want to put a gas station on his land and he is the property owner, doesn't mean he should expect to be allowed to do that just because he wants to do it. He stated John Daley stated NorthPoint owns the land, we owe it to them to do this rezoning. He stated just because you buy does not mean you can zone it however you want. He stated it was voted 4-0 in Planning Commission not to rezone this land, and he is asking Council to do the same. He stated vote against the rezoning.

Kathy Henehan, 26690 W 215th St., addressed the Council. She stated her family is in commercial including farming. She stated she honors those who have worked together as a team. She wants Council to overturn Planning Commission's recommendation to preserve the natural area. She stated she was raised in townships and cities where there were townhall meetings and the community knew what was going on. She referred to how towns grew in the 60s, the infrastructure was built around the cities and counties because they came together to make a plan for development. She asked Council to reconsider all the rezonings, especially those of 2020-02 through 2020-08. She asked for the consideration of landowners, large and small that have been impacted by development. She stated the biggest difference from the past was that landowners were offered the ability to zone their property commercial and they were offered a fair and marketable value for their land and homes.

Mike Duffield, 27555 W 207th St., addressed the Council. He stated he opposed the rezoning of parcels from rural to logistics park. He stated the special meeting on December 17th violated Kansas Statute 12-20 when Council approved Ordinance No. 2058 for annexation, conditions which prohibit unilateral annexation. He stated during regular session on December 10th, annexation occurred with Ordinance No. 2057. He stated these properties barely touched on the Southwest corner. He stated rezonings 2020-02 through 08 are not properly annexed and should not be allowed to rezone.

Karen Duffield, 27555 W 207th St., addressed the Council. She stated she does not agree with the rezonings and agrees with the people prior to her speaking about the reasons they all do not agree.

Mayor Roberts recessed the meeting for 10 minutes at 9:17PM
Council resumed regular session at 9:27 PM

Rick Simpson, 19902 Peppertree Rd., addressed the Council. He stated his wife and he grew up in the Gardner/Edgerton area and graduated from here. He stated he has two little boys now. He stated the intermodal and LPKC has been good to him and his family, he has worked there for the last 7 years. He stated it has provided numerous jobs to a lot of his family and friends. He stated he would like to continue to see the expansion of the logistics park. He stated as long as the positives outweigh the negatives and jobs provide for those who need them, the growth is a good thing.

Chris Cardwell, 100 E Angola St., addressed the Council. He stated he was an Urban Conservationist with Johnson and Miami counties as a sponsor of the Hillsdale Watershed for the past two decades. He stated nutrient and sediment reductions, as well as soil health are all meant to increase, but they are being dangerously compromised by runoff from rooftops and pavement. He stated the half-inch of rain received recently has resulted in an indirect outflow of millions of gallons of harmful runoff into the watershed. He stated this runoff contributes directly to Hillsdale Lake. He stated these developments that were not publicly planned are occurring without regard to the impact on nature. He asked the Council to pull back and refer to the southwest plan. He stated the current development patterns are not outlined and the current proposed plan is negligent to clean and safe drinking water.

Pam Smith, 27440 W 215th St., addressed the Council. She stated she opposes the rezoning efforts. She stated there have been many arguments that she is fully in support of with what they have said. She asked Council to hear their voices and respect and honor their rural community. She asked Council to protect their safety and their investments in their properties.

Lynn Smith, 27440 W 215th St., addressed the Council. He stated he opposes the proposed warehouse expansion. He stated he wishes to preserve the heritage of their farm, which goes back to the Civil War. He asked Council members to consider and understand how they cherish the land that has been entrusted to them.

Chris Bettge, 20275 S Gardner Rd., addressed the Council. He stated he opposes the rezoning. He stated he will continue the letter to Mr. Hagedorn. He read from the last sentence on page 63 to paragraph 5 on page 64. He stated please do the right thing and vote this down.

Tara Ingle, 28255 W 215th St., addressed the Council. She read from the letter to Mr. Hagedorn, from the last paragraph on page 64 to page 65, ending of the letter. She stated she opposes the rezoning.

Leah Russel, 20865 Moonlight Rd., addressed the Council. She stated manufacturing in this area will destroy the area and all that they love about it, including natural wildlife, etc. She stated the staff report states that part of the site plan will include attention to buffering and setbacks to help mitigate the impact. She stated you cannot mitigate with berms and setbacks. She stated there is infrastructure for miles around, negatively impacting the area with noise pollution and the night with lights. She stated Edgerton's code sites that industrial and residential should not be built together, being polar opposites in many respects. She stated this is a great weight on her heart as she too is a horticulturist. She stated they pave paradise with parking lots and pollute all around us. She stated we are not creating a sustainable future if you pursue these plans with NorthPoint.

Ron Dove, 22933 Bedford Rd., addressed the Council. He stated he opposes the rezoning. He stated his biggest reason for opposition is the traffic it will create and has created. He stated in 2012 the plan was logical for expansion to the South. He stated changing this designation from RUR to industrial means traffic will be routed to Gardner Rd bridge which was built in '56. He stated 207th to Homestead were to be local two-lane roads with the intent to stay rural residential until 2040. Even with the highest build out scenarios, the roadways are not built for the traffic it is seeing today. He stated the plan was to never have traffic south of the interchange. He stated he attended the Planning Commission meeting and heard Elevate Gardner speak, and that even he stated there that they did not want to see truck traffic on Sunflower interchange.

Charlie Koch, 27449 W 215th St., addressed the Council. He stated the last few topics have been on costs and he asked, what would it cost NorthPoint and Edgerton to build somewhere else. He stated moving North of 56 Hwy as planned would require around 21.5 million dollars. He stated he understands it may cost a little more but in the scope the costs are minimal. He stated the market value is 45 million for these buildings. He stated these properties are premium properties that are highly desirable and often sell at a premium price just after a day or two on the market. He stated if there really is no other area that is more appropriate, then all the property should be condemned and just compensation should be given to those property owners. He stated the rezoning should be denied and moved to a less populated area. He stated everything would still be there, jobs etc., it just would not destroy their properties.

Staci Cook, 30103 Pinecrest Dr. Spring Hill, addressed the Council. She stated she is opposed to warehouses in rural and agricultural areas. She asked where all the things in the community are that bring people here. She stated there was a plumber who spoke earlier that stated his company works and lives in this area, she stated the warehouses could build along I-35 and still be close for jobs and family business to work in. She stated Mr. Fraley is miles from I-35 in the middle of agricultural, rural residential area. She asked if the businesses would stay once the abatements expire. She stated Amazon left their Coffeyville and it sat empty for 5 years after. She stated to Council, if you are not sure what to do, you might want to consult your own Comprehensive Plan.

Brian Andrew, 22927 Sunflower Rd., addressed the Council. He stated Golden Criteria 6 states, the gain to the public health, safety and welfare by the possible diminution in value of the developer's property as compared to the hardship imposed on the individual landowners. He stated the City in their staff report stated, number 16, there would be little relative gain, if any, to the public health, safety and welfare from the denial of these zoning applications, however, the City would be adversely impacted due to the lost opportunities for jobs, economic activity and tax revenue if the anticipated logistics park uses and facilities were to locate to another community. He stated it would destroy individual landowners in the surrounding areas and increase the dangers of intermodal traffic in a residential neighborhood. He stated this will endanger the safety of the families and interfere with wildlife and diminish the quiet enjoyment of property owners. He stated the loss in home value would have significant negative effects. He stated approving a zoning change that would allow industrial development in a residential neighborhood would infringe on the current property owners' rights. He stated the gain to public health, safety and welfare by keeping the current zoning intact would be far greater than any financial loss. He stated if the proposal is denied, there will be no decrease in value of the developer's property. He stated the developer purchased the property with a rural residential

zoning and has the right to adhere to the existing Johnson County Rural Residential Zoning that was in effect at the time of purchase and prior to the annexation. He stated in remaining with the current zoning, the developers can still make a significant return on investment. He stated following this code that neighboring properties still adhere to, the developer can subdivide the property into single-family residence per every 10 acres and will not infringe on the property rights or damaging the property values of neighboring properties. He stated the new Sunrise at Timber Ridge subdivision west of 215th St. and Moonlight Rd average \$41,900.00 per acres with 5 lots left. He stated the properties at the new Hidden Prairie subdivision to the southeast at 215th and Waverly average \$28,888.00 per acre. He stated the property values closer to the rezoning have values that are less. He asked Council to vote against the rezoning.

Steven Schuering, 202 S Center St., addressed the Council. He stated he is in favor of the LPKC expansion. He stated in 2015, Concrete Strategies started an office space local to Gardner specifically for the LPKC warehouses. He stated Concrete Strategies has built 16 of the 20 warehouses and have over 120 employees in the field, office, as well as drivers and mechanics with about 25-30 percent being local to this area. He stated there is currently a batch plant that is local and reducing truck traffic by about half. He stated the company purchases from the local quarry, which helps build the local economy. He stated there are about 50 employees on a job site at a time and over the course of an entire project, hundreds of people buy from the gas station and other local stores. He stated the Logistics Park has been a tremendous opportunity and the Kansas City economy is thriving largely from the industrial boom.

Devin Self, 27200 W 215th St., addressed the Council. He stated Mr. Fraley owns hundreds of acres from 199th to 210th on the east side and next up for annexation and stands to make a profit of millions of dollars. He stated the staff report never mentions harm to development if the zoning is denied. He stated this is only for the City and the jobs which would still be available if the facilities were to locate to another community. He stated this is an eminent domain issue and that this is wrongful due process that is violating the law. He stated the fundamental right is unfair without the correct due process taking place. He stated approving this so that Edgerton and Johnson County employees can benefit is a violation of their property rights. He stated this development is burdensome and fails to meet the fundamental requirements of fairness. He stated this a great burden to those that received financial benefit from the development. He stated as property owners in Johnson and Miami counties, that there needs to be someone held liable to every property owner. He stated industrial and residential zoning should be kept separate.

Joel Riggs, 29274 W 226th St., addressed the Council. He stated he has lived in southwest Johnson county for about 24 years and is currently a real estate developer. He stated he puts in a rural residential development and subdivisions. He stated he had a lot of people fight his projects saying it would ruin the world and decrease property values. He stated LPKC was the reason he chose to develop the property and he sold all lots in the subdivision. He stated as a property owner, he was able to do what he wanted to do with his land and feels every property owner should have that right. He stated he drives Gardner Rd. every day and when he saw the yellow signs, he was excited about the opportunities to come. He stated he came to express his favor for the expansion. He stated he did not come with a prepared script like most people before him. He wanted Council to hear from his words, the excitement and great opportunities this can bring. He stated the Logistics Park has been there since 2009, and anyone that bought

their property and did not expect development to occur, did not look far enough ahead. He stated he bought and built his property, and his value is not going to go down.

Kristine Russell, 20865 S Moonlight Rd., addressed the Council. She stated she purchased her property and has lived there for 30 years and raised 5 children. She stated she is opposed to NorthPoint and the rezoning. She stated property owners around Project Mustang neighborhood have reported that contracts to sell their land to non-NorthPoint developers fell through because those developers were unable to receive the same treatment from Edgerton and were always told their projects were not a fit for LPKC, even though the projects were similar to NorthPoint's past projects. She stated others have reported they have been unable to sell except to NorthPoint due to what they call, spite strips, which is a reference to paying for access to 207th St. She stated the neighbors along 207th street said they received interested commercial buyers, but the deals always fell through because the buyers were being quoted an astronomical fee to access 207th St. She stated they would like to know if NorthPoint has been quoted the same price for the same access. She stated Patrick Robinson said if they did not get approved for the project across from Kubota, they would take it to Gardner, Spring Hill or Olathe, but someone would be getting the project. She stated they are not privy to any other threats or pressures that NorthPoint has given the City of Edgerton, but they believe the pressures are felt strongly by all involved. She stated they believe these items put the professional staff in charge of making recommendations in a conflict of interest, preventing them from making a decision that was in the best interest of the entire public. She stated ignoring the true application of the Golden Criteria and writing recommendations that suit NorthPoint's profit agenda instead of honoring their duty to residents and neighboring property owners.

Angela Dove, 22933 Bedford Rd., addressed the Council. She stated she opposes the warehouses. She referenced City of Edgerton staff report, item 17, which states: the Comprehensive Plan for the City does not currently address properties south of I35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development, and any development would be required to follow the UDC. She stated the Comprehensive Plan has not been updated since 2011. She stated the 2013 SW Johnson County Area Plan that was prepared in order to sustainably guide the development for all impacted both inside and outside the City of Edgerton. She stated when the annexation was passed to bring the land into Edgerton so that all rezoning decisions were voted on by Edgerton, the voice of the area residents was removed. She stated Edgerton's Comprehensive Plan states under Town Growth Objective, is to encourage future nonresidential development to occur in an orderly manner and in locations appropriate for such development. She stated it would appear the current residents in this area are protected by the Comprehensive Plan which goes on to state in Policy 5, discourages the introduction of retail uses in residential neighborhoods, unless they are compatible and impose no adverse impacts on nearby neighbors. She stated Policy 8 of this same plan states, it requires that non-conforming commercial and industrial uses in residential areas be modified or eventually phased out and replaced with appropriate land uses. She stated as a parent, whose child drives to high school daily, she is concerned with the semi traffic on the same road. She said should something happen to any kid who drives to and from school, the City would be guilty by association.

Tomina Meyers, 21354 S Clare Rd., addressed the Council. She stated Edgerton's Comprehensive Plan further states agricultural rural area is intended to retain an agricultural and open space character. She stated the county encourages the use of large lot residential zoning to discourage scattered non-farm housing and subdivisions from encroaching into unincorporated rural areas. She stated the rural area is not expected to be annexed by the City and therefore should remain in the zoning authority of the county. She referenced to Exhibit 8-1 in the packet provided, showing the Future Land Use Map referenced in Edgerton's Comprehensive Plan. She stated all parcels being considered for rezoning from rural to L-P are in the rural tradition policy and agricultural are to the south and east of I-35 and have always been Gardner and Spring Hill addresses. She stated these are the areas Edgerton's plan stated would not be annexed by Edgerton but would remain rural tradition with zoning of agricultural and residential housing density of 10 acres per dwelling unit. She stated previous people have brought up that housing has gone up because of LPKC, she stated this was not true and can be easily fact checked, housing has gone up everywhere. She stated with the 10-year tax abatements given to LPKC buildings, when the abatements roll off, the companies will leave, and everyone will be left with an eyesore like the inner cities.

Break to fix audio issues 10:18 PM to 10:21 PM

Andy Williams, with BNSF, addressed the Council. He stated BNSF is focused on being a partner that helps their customers with effective transportation services. He stated LPKC is one of North America's foremost inland ports. He stated they are supportive of the growth that will ultimately benefit their customers.

James Oltman, with ElevateEdgerton!, addressed the Council. He stated throughout the process Council has received emails and texts of opposition. He stated everyone hates change to a certain extent. He stated there has been a lot of talk about the impact. He stated we must not forget the single most important deciding factor, which is the 1700 residents of Edgerton. He stated this is the group that voted for your representation. He stated if you look at the facts, LPKC has been an enormous benefit to the community. He stated residents have experienced a lower mill levy, street upgrades, and they will soon have a \$15 million bridge beginning construction on 207th Street with no residential tax dollars going toward that project. He stated the school district for Edgerton receives approximately \$1 million per year in tax revenue directly from the logistics park. He stated the surrounding area has been able to see benefits as well with new investment in the park and trail systems, with the closest one being Big Bull Creek Park, a part of the Johnson County Park System. He stated soon the City of Edgerton's residents will be able to see benefits in their community with the design and build of the Community Green Space. He stated everyone can make the choice to get better, get worse or stay the same. He stated Edgerton made the choice to get better when Gardner chose not to. He stated Council has the same choice to make tonight. He stated Council should make the choice for the residents, not for the vocal minority that came tonight who live in other jurisdictions and some who do not live in the same state.

Mayor Roberts asked if there were any more speakers signed up. Ms. Clower responded there were not.

Mayor Roberts asked Lee Hendricks, City Attorney, to explain the Golden Criteria and answer a question brought forward from Councilmember Conus. Mr. Hendricks stated it is important to

clarify that the Golden Criteria are not rules and they are not statutory. He stated the Golden Criteria is from a Kansas Supreme Court case in 1978 from an individual named Donald Golden who went against the City of Overland Park.

Mr. Hendricks stated the roles of Planning Commission and City Council plays are quasi-judicial. He stated both follow standards set by the City and make determinations based on those standards. He stated if such determinations are to be argued in court, the trial court is very limited in what it can look at. He stated all courts can do is determine if such action was lawful and reasonable and up until 1978, there was not a standard set by cities to say what was considered reasonable.

Mr. Hendricks stated this case (Golden V. City of Overland Park) created 8 factors which could be considered by cities when zoning actions are needed. Findings on all factors do not have to be favorable or unfavorable, and there is no equal weight on them, it varies with each project. He stated these types of factors are what Council and Planning Commission note their decisions on when one is made, so that if the courts were later involved, these decisions could be considered reasonable.

Mayor Roberts stated he would like to address a few more concerns and questions he has seen from the public. He stated regarding truck traffic in the rural area, the City of Edgerton has designated truck routes. He stated there have been conversations with Johnson and Miami Counties to do the same, and neither county today has specific designations. He stated currently Johnson County lists every unincorporated road as a truck route. He stated he would like to see this change and believes many people in the audience would like to see this change as well. He stated to see this changed, there would need to be a call made to the County Commission.

He stated regarding project debt, none of the project debt has ever been a tax burden on the citizens of the City of Edgerton.

He referenced the claim that no other developers are allowed to develop at the Logistics Park. He stated that this claim is entirely wrong. Currently at the Logistics Park, there are two main developers Midwest Gateway and NorthPoint. He stated although there are only two now, the City welcomes ability to work with others.

He stated regarding no tax money for schools, that the School District sees approximately \$1 million a year in tax revenue directly from Logistics Park Kansas City.

He stated regarding the 74 percent increase in the property taxes. Edgerton has consistently lowered its mill rate over the last decade. If the county had done this, we would be paying less taxes. The City itself only controls about 20 percent of your overall property taxes. He stated your property value is set by the Johnson County Appraisers Office.

He stated regarding the annexation of the narrow corridor, this annexation was a consent annexation meaning the property owner requested to be annexed.

He stated regarding notification to the public about zoning changes. The City of Edgerton complies with Kansas Open Meetings Act (KOMA).

He stated regarding Miami County Conservation, the City of Edgerton is a member, and the City gets water from Hillsdale Lake. He stated the City cares about Hillsdale and the issues associated with that. He stated on Miami County Conservation website, all goals regarding nitrogen and phosphorus and sedimentation were exceeded in 2019 and at that time, about 12 million square feet was already built out at LPKC. He stated he assumes the Conservation group is still meeting or exceeding those goals but would like to see current data if it has changed.

He stated regarding spite strips that this is not something that happens in the City of Edgerton. The city has never charged for access to public roadways. He stated that he has seen this as something that has gone on in Chicago, but to his knowledge it is not something that has ever happened here.

DRAFT

8. CONSIDER ZA2020-02 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 199TH STREET AND SOUTH GARDNER ROAD. Applicant: Wellsville Farms, LLC; Agent: Brett Powell, NPD Management, LLC

Ms. Katy Crow, Development Service Director, addressed the Council. She stated on December 11, 2020 the City of Edgerton received this rezoning application ZA2020-02 from Wellsville Farms LLC requesting the rezoning of a 106.13 acre parcel generally located southeast of the intersection of W. 199th Street and S. Gardner Road in Edgerton, from Johnson County RUR zoning to City of Edgerton L-P Logistics Park zoning.

She stated a portion of this parcel is adjacent to 199th Street and current access to the parcel is from both 199th Street and Gardner Road. The parcel was annexed into the City of Edgerton on December 17, 2020. 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 prior to any development occurring on this parcel. This request is to rezone the parcels to L-P, Logistics Park District (L-P) to accommodate a future intermodal related development. The City has not received a Site Plan for development on the property.

Ms. Crow stated staff reviewed this rezoning application with respect to the Edgerton Comprehensive Plan, the Edgerton Unified Development Code 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 stated the Planning Commission held a Public Hearing on January 12, 2021 regarding this rezoning request. At the conclusion of the public hearing, the Planning Commission voted to continue the item to the February 9, 2021 meeting and requested staff provide an Economic Impact Analysis using Golden Criteria 15 – "the economic impact on the community from the uses allowed in the proposed rezoning" as a guide. She stated that memo was included in the packet for your review.

She stated upon conclusion of the presentation of the Economic Impact Analysis by staff, the Planning Commission voted 4-0 to recommend denial of the application for rezoning.

Ms. Crow stated copies of the staff report and draft minutes are included with the packet. Staff received additional written public comment for this application, submitted both directly to City Staff and to City Council members. Staff has prepared a response to public comments for the Governing Body to review. This memo addresses recurring themes and has been included in the packet.

Both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to Application ZA2020-02:

- 33 total Protest Petitions received
 - 18 Petitions were received from INSIDE the statutory notification area
 - 15 petitions were received from OUTSIDE the statutory notification area

- Of those 18 received within the notification area, 30.56% are within the buffer area that requires passage by a three-fourths (3/4) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Beth Linn, City Administrator, addressed the Council. She stated typically for any rezoning applications or zoning amendments presented to the City Council for consideration, the City Attorney would prepare a draft ordinance based on findings presented in the Planning Commission staff report and any additional discussions held by the Planning Commission. For this application and the related rezoning applications, the recommendation for denial from the Planning Commission did not include any findings or information to provide the context for recommendation for denial. She stated this information is a critical and necessary component for the City Attorney to properly prepare the ordinance for consideration by the City Council.

She stated the Edgerton UDC states that upon receiving an advisory vote from the Planning Commission related to a proposed zoning amendment, the Governing Body may "(1) approve by resolution such recommendation, (2) override the recommendation by a 2/3 majority vote, (3) return the recommendation for study and/or a new hearing, together with a statement which specifies the Governing Body's reasons for refusal to approve or disapprove. If the Governing Body returns a recommendation, the Planning Commission may resubmit the original recommendation or submit a new or amended recommendations without reconvening the Public Hearing."

Ms. Linn stated staff would recommend the Governing Body return the recommendation to the Planning Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial.

Mr. Patrick Robinson, applicant and NorthPoint Development's Vice President addressed the Council. He stated throughout the evening, he has heard people refer to the City of Edgerton and NorthPoint Development's partnership in a negative light. He stated he would like to disagree with this negative assumption and feels as though having a partnership such as the one the City and NorthPoint have is a key factor in the success of the City. He stated as a partner NorthPoint has been able to sponsor events within the City and encourages all business at the Logistics Park to do the same.

Mr. Robinson stated when NorthPoint and the City of Edgerton first entered into their agreement in 2009, it was contemplated that LPKC would take approximately 10-20 years to develop. He stated since 2009, LPKC has become a preeminent inland port in the state of Kansas and NorthPoint works hard to relocate companies. He stated DEMDACO was located in North Kansas City. Because of their relocation to LPKC, for every container they save about \$500 dollars, making a combined cost savings of a little over a million dollars a year. He stated factors like this make Logistics Park Kansas City competitive. He stated LPKC is currently about 14.4 million square feet. For the sixth time, Edgerton has had the largest spec building in the Kansas City Market, with IP 52 the largest in the history of Kansas. He stated Edgerton has seen and will continue to see a lot of great opportunity here.

Mr. Robinson stated NorthPoint expanded into LPKC South, the second agreement that contemplated Phase 2 that would include expansions to 215th St. and Moonlight Road. He

stated from their perspective, NorthPoint has done a lot of good in Edgerton and they are proud to play their part in that and would like the opportunity to continue that role. He stated in regard to the denial of the rezonings, they weren't given any substantial reasoning and would like to know and understand the reason for the denial.

Mr. Robinson stated that for a long time, what southwest Johnson County was missing was a sewer plant that could service a larger region. He stated the City of Edgerton now has the Wastewater Treatment Plant that returns cleaner water into the Hillsdale Lake Watershed.

Mr. Robinson stated there was a number of concerns and questions referencing to 199th and 56 Hwy and the expansion North for LPKC. He stated he believed the study was completed by KDOT known as the 56 Highway Corridor Plan. He stated that the expansion North did not make sense logistically and was cost prohibitive. He stated the closer you are to major trafficways, the more cost efficient it will be. He said that since those early days, much has changed.

Mr. Robinson stated a previous speaker mentioned buying a house on Peppertree Lane in Gardner, KS. He stated this brought back memories for him from when Logistics Park KC was first introduced to the area and the opposition of those specifically on Peppertree Lane and their arguments about nothing good coming from the Logistics Park. Mr. Robinson stated that the previous speaker bought a house on Peppertree LN, has a job at the logistics park and probably paid more for the house than the previous owners, who may have opposed the logistics park in early 2007.

Mr. Robinson stated one of the prior speakers stated she moved out of town and is now back in town, has her own house and a job at the logistics park that allows her to support herself and her family.

Mr. Robinson stated that when Amazon opened their first distribution center, they thought they would be selling books and tapes. He stated the logistics models have changed for efficiency and being next to an intermodal facility is cost efficient for distribution centers.

Mr. Robinson stated NorthPoint and other partners think there are durable assets at LPKC, and their long term vision is to continue to be good community partners and make sure assets are viable.

Mr. Robinson stated as a clarification to the speculation that NorthPoint buys property and just burns down houses. He stated that when land is acquired with houses, they do all they can to make sure the house is used to the fullest extent it can be. Sometimes the land is purchased with houses that are not feasible to keep, and in this case, they typically try to allow the Fire Department and Sheriff's Department to come in and use the facility for training exercises. He stated this is a substantial benefit to our first responders.

Mr. Robinson stated that there were many references to Kansas City starting as a trading hub. He stated that they would agree with this statement, and today it looks a lot like the Intermodal Facility. He stated Edgerton is now a major trading hub and one of the most successful in the region since it started in 2013.

Mayor Roberts stated, in clarification about abatements, that they are about the building the abatement is on, not the tenant of such building.

Councilmember Smith asked Mr. Robinson, in regard to his comment that DEMDACO would not move from their current location, but she questioned this because DEMDACO had to move from their previous location to their current one. Mr. Robinson stated that before DEMDACO moved to LPKC every container they handled was costing \$1,300.00 per container, now their rate is about \$500.00 less than that. He stated they return empty containers to Delong, so the companies split the chassis costs. He stated DEMDACO is saving about 1 million dollars a year.

Councilmember Smith questioned Mr. Robinson about some of the public comments that the roads are not adequate for traffic. She stated where the current rezonings are located, the roads are gravel. Mr. Robinson responded that when they first began construction on LPKC, the roads were gravel, Homestead Lane did not exist, but they made the necessary improvements. He said they have a lot of people come to tour LPKC and they ask why it does not feel as congested as other developments. Mr. Robinson stated that it is because Edgerton has more stringent requirements than other cities.

Mayor Roberts stated there are 3 problems with going to the North side of 56 Highway: a bridge over the intermodal tracks, Gardner municipal airport, and some land. He stated there was a previous concept of building a bridge at Four Corners Rd., but to do this, the infrastructure would have to cross a creek, etc. which could cost upwards of \$200 million, which is more money than all the infrastructure built today. He stated the 56 Highway corridor plan that KDOT came up with never received funding.

Ms. Beth Linn stated the challenges with skew of the intersection and proximity to rail, the road challenges and development in that area are all reasons development in that area would be hard to obtain, not to mention the flood plains, oilfields, etc.

Councilmember Smith asked how NorthPoint plans to protect the new roadway with truck traffic and children getting on school busses and driving to and from school. Ms. Linn stated the City can only control roadways within our jurisdiction, and the City of Edgerton has invested millions of dollars in roadways that allow for truck traffic. She stated we are continuing to encourage neighboring communities to designate truck routes and unfortunately neighboring communities have not done that yet. She stated that the City has made a commitment to build at the time of development. She stated when the development of LPKC commenced, the City began work on the Homestead Lane bridge to allow for a safe routing of truck traffic.

Mayor Roberts stated within a mile of a Federal Highway, the City cannot control the traffic. He stated in regard to Gardner Road Bridge, that funding keeps getting pushed by KDOT, but again, this is not in our jurisdiction and it is Gardner and KDOT's responsibility to fix and maintain those roads. He stated with IP 52, Edgerton selected a self-help route, meaning there would be a cul-de-sac on Edgerton's side and a cul-de-sac on the residential side. He stated Edgerton aims to restrict truck traffic from entering residential roadway. He stated the plan is to not route truck traffic on Gardner Rd.

Ms. Linn stated the process of rezoning is about the use of the land, there are a lot more steps in the process for roadways, access, etc. She stated there is and will be a conversation about

traffic and access points, it just doesn't happen at the time of rezoning. She stated until there is a site plan, it is premature to know how it all works together.

Councilmember Smith asked how often the Comprehensive Plan is supposed to be updated. Ms. Linn referred to Mr. Lee Hendricks, City Attorney. He stated there is no legal binding time frame in which this needs to be completed and updated, and for a city of the 3rd class, this is towards the top of the most recently done that he has seen. Ms. Linn stated it is slated in the Capital Improvement Program to be updated this year.

Councilmember Smith asked if the rezoning were to pass tonight, when might development and structures start to be built. Mr. Robinson stated he would guess maybe a year to a year and a half.

Councilmember Smith asked what the legal repercussions would be on the City if they decided not to approve the rezonings. Mr. Hendricks said he would not want to discuss legal strategy.

Mayor Roberts stated the options Council has is to agree with staff recommendation to remand this back to Planning Commission, Council could give their own gating criteria, or Council could choose to override and accept staff recommendations and move forward with the rezoning. Mayor Roberts stated it takes 75 percent of the entire body, or 5 yes votes to pass or the motion would die.

Mr. Lee Hendricks stated the recommendation is for more clarification as to why such vote was given. He stated this is needed for the description and important to the process moving forward. He stated items 8-14 on the agenda are in the same boat.

Councilmember Longanecker motioned to remand item back to Planning Commission for a description on the rational for their decision without a public hearing. Motion to remand back was seconded by Councilmember Lewis. All were in favor, 5-0.

9. CONSIDER ZA2020-03 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD. Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC

Ms. Katy Crow addressed the Council. She stated on December 11, 2020 the City of Edgerton received rezoning application ZA2020-03 from Hillsdale Land & Cattle, LLC, requesting the rezoning of a 59.51 acre parcel generally located northeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

She stated the parcel is located between the parcels requesting rezoning in applications ZA2020-02 and ZA2020-04.

Ms. Crow stated upon conclusion of the presentation of the Economic Impact Analysis by staff on February 9, the Planning Commission voted 4-0 to recommend denial of the application for rezoning.

She stated after the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to application ZA2020-03:

- 33 total Protest Petitions received
 - 10 Petitions were received from INSIDE the statutory notification area
 - 23 petitions were received from OUTSIDE the statutory notification area
- Of those 10 received within the notification area, 17.20% are within the buffer area that requires passage by a two-thirds (2/3) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Beth Linn stated staff would recommend the Governing Body return the recommendation to the Planning Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial.

Councilmember Longanecker motioned to remand item back to Planning Commission for a description on the rationale for their decision without a public hearing. Motion to remand back was seconded by Councilmember Lewis. All were in favor, 5-0.

10. CONSIDER ZA2020-04 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD. Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC

Ms. Katy Crow addressed the Council. She stated on December 11, 2020 the City of Edgerton received rezoning application ZA2020-04 from Hillsdale Land & Cattle, LLC, requesting the rezoning of a 58.36 acre parcel generally located northeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

She stated the parcel is adjacent to 207th Street and located between the parcels requesting rezoning in applications ZA2020-03 and ZA2020-07. Current access to the parcel is from 207th Street.

Ms. Crow stated upon conclusion of the presentation of the Economic Impact Analysis by staff on February 9, the Planning Commission voted 4-0 to recommend denial of the application for rezoning.

She stated after the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to application ZA2020-04:

- 32 total Protest Petitions received
 - 3 Petitions were received from INSIDE the statutory notification area
 - 29 petitions were received from OUTSIDE the statutory notification area
- Of those 3 received within the notification area, 8.33% are within the buffer area that requires passage by a two-thirds (2/3) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.

- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Beth Linn stated staff would recommend the Governing Body return the recommendation to the Planning Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial.

Councilmember Longanecker motioned to remand item back to Planning Commission for a description on the rationale for their decision without a public hearing. Motion to remand back was seconded by Councilmember Lewis. All were in favor, 5-0.

11. CONSIDER ZA2020-05 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD. Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC

Ms. Katy Crow addressed the Council. She stated the City of Edgerton received rezoning application ZA2020-05 from Hillsdale Land & Cattle, LLC, requesting the rezoning of a 38.21 acre parcel generally located northeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

She stated the parcel is adjacent to the corner of West 207th Street South Gardner Road. It is located adjacent to the parcel requesting rezoning in application ZA202-06. Current access to the parcel is from both 207th Street and Gardner Road.

Ms. Crow stated upon conclusion of the presentation of the Economic Impact Analysis by staff on February 9, the Planning Commission voted 4-0 to recommend denial of the application for rezoning.

She stated after the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to application ZA2020-05:

- 32 total Protest Petitions received
 - 0 Petitions were received from INSIDE the statutory notification area
 - 32 petitions were received from OUTSIDE the statutory notification area
- Of those 0 received within the notification area, 0.0% are within the buffer area that requires passage by a two-thirds (2/3) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Beth Linn stated staff would recommend the Governing Body return the recommendation to the Planning Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial.

Councilmember Longanecker motioned to remand item back to Planning Commission for description on rational for their decision without a public hearing. Motion to remand back was seconded by Councilmember Lewis. All were in favor, 5-0.

12. CONSIDER ZA2020-06 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD. Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC

Ms. Katy Crow addressed the Council. She stated on December 11, 2020 the City of Edgerton received rezoning application ZA2020-06 from Hillsdale Land & Cattle, LLC, requesting the rezoning of a 38.98 acre parcel generally located northeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

She stated the parcel is adjacent to South Gardner Road and adjacent to the parcel requesting rezoning in application ZA2020-05. Current access to the parcel is from South Gardner Road.

Ms. Crow stated upon conclusion of the presentation of the Economic Impact Analysis by staff on February 9, the Planning Commission voted 4-0 to recommend denial of the application for rezoning.

She stated after the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to application ZA2020-06:

- 32 total Protest Petitions received
 - 0 Petitions were received from INSIDE the statutory notification area
 - 32 petitions were received from OUTSIDE the statutory notification area
- Of those 3 received within the notification area, 0.0% are within the buffer area that requires passage by a two-thirds (2/3) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Beth Linn stated staff would recommend the Governing Body return the recommendation to the Planning Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial.

Councilmember Longanecker motioned to remand item back to Planning Commission for description on rational for their decision without a public hearing. Motion to remand back was seconded by Councilmember Lewis. All were in favor, 5-0.

13. CONSIDER ZA2020-07 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD. Applicant: East Kansas Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC

Ms. Katy Crow addressed the Council. She stated the City of Edgerton received rezoning application ZA2020-07 from Hillsdale Land & Cattle, LLC, requesting the rezoning of a 118.70 acre parcel generally located southwest of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

She stated the parcel is located adjacent to 207th Street and between the parcels requesting rezoning in applications ZA2020-04 and ZA2020-08. Current access to the parcel is from 207th Street.

Ms. Crow stated upon conclusion of the presentation of the Economic Impact Analysis by staff on February 9, the Planning Commission voted 4-0 to recommend denial of the application for rezoning.

She stated after the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to application ZA2020-07:

- 32 total Protest Petitions received
 - 3 Petitions were received from INSIDE the statutory notification area
 - 29 petitions were received from OUTSIDE the statutory notification area
- Of those 3 received within the notification area, 6.20% are within the buffer area that requires a two-thirds (2/3) vote of all members of the Governing Body.
- This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Beth Linn stated staff would recommend the Governing Body return the recommendation to the Planning Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial.

Councilmember Longanecker motioned to remand item back to Planning Commission for description on rational for their decision without a public hearing. Motion to remand back was seconded by Councilmember Lewis. All were in favor, 5-0.

14. CONSIDER ZA2020-08 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 215TH STREET AND SOUTH GARDNER ROAD. Applicant: South JOCO Farms, LLC; Agent: Brett Powell, NPD Management, LLC

Ms. Katy Crow addressed the Council. She stated the City of Edgerton received rezoning application ZA2020-08 from South JOCO Farms LLC requesting the rezoning of a 215.94 acre parcel generally located southwest of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

She stated the parcel is located adjacent to Gardner Road and 215th Street, and south of the parcel requesting rezoning in application ZA2020-07. Current access to the parcel is from Gardner Road and 213th Street.

Ms. Crow stated upon conclusion of the presentation of the Economic Impact Analysis by staff on February 9, the Planning Commission voted 4-0 to recommend denial of the application for rezoning.

She stated after the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to application ZA2020-08:

- 33 total Protest Petitions received
 - 11 Petitions were received from INSIDE the statutory notification area
 - 22 petitions were received from OUTSIDE the statutory notification area
- Of those 11 received within the notification area, 16.26% are within the buffer area that requires passage by a two-thirds (2/3) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Beth Linn stated staff would recommend the Governing Body return the recommendation to the Planning Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial.

Councilmember Longanecker motioned to remand item back to Planning Commission for description on rationale for their decision without a public hearing. Motion to remand back was seconded by Councilmember Lewis. All were in favor, 5-0.

15. CONSIDER ORDINANCE NO. 2062 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-01 FOR THE REZONING OF APPROXIMATELY 33.915 ACRES OF LAND AT 32425 W. 207TH STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) ZONING TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT.

Ms. Katy Crow addressed the Council. She stated on January 8, 2021, the City of Edgerton received rezoning Application ZA2021-01 from Johnson County Land Co., LLC requesting the rezoning of a 33.915 acre lot located at 32425 W. 207th Street in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

She stated this parcel is located adjacent to 207th Street and Homestead Lane in Edgerton, Kansas. Current access to the parcel is from 207th Street. The parcel was annexed into the City of Edgerton on March 15, 2018. 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. This request is to rezone the parcels to L-P, Logistics Park District (L-P) to construct and operate a light manufacturing and/or distribution center similar to projects already developed at Logistics Park Kansas City (LPKC).

Staff reviewed this rezoning application with respect to the Edgerton Comprehensive Plan, the Edgerton Unified Development Code 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 stated the Planning Commission held a Public Hearing on February 9, 2021 regarding this rezoning request and voted 4-1 to recommend approval of Application ZA2021-01 subject to 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 have an approved Site Plan reviewed and approved by the City.

Copies of the staff report and draft minutes, including written public comments received, are included with this packet. Staff received no further public comment for this application following Planning Commission action.

Ms. Crow stated both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on February 9, 2021, the City received the following Protest Petitions related to Application ZA2021-01:

- 5 total Protest Petitions received
 - 2 petitions were received from INSIDE the statutory notification area
 - 3 petitions were received from OUTSIDE the statutory notification area
- The 2 petitions received within the notification area total to 5.17% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

City Attorney has prepared the enclosed draft ordinance approving the recommendation of the Planning Commission based on the Planning Commission staff report.

Councilmember Longanecker made motion to approve.

Motion died because there was no second made.

Mayor asked if there were any questions from Councilmembers for staff regarding this Ordinance and the others that follow on the Agenda.

Councilmember Smith stated these buildings are already on 207th where current buildings stand.

Mr. Lee Hendricks, City Attorney stated either way the Council motions, to approve or deny, staff would need decision rational from Council as to why they voted a certain way.

Councilmember Conus requested to make comment. He stated they always say be careful what you wish for. Many wished we would have more participation from the public on City Council

nights and he thinks Council received that tonight, and that he appreciates all the input given. He stated he thinks every property owner has the right to request a change in zoning and to develop as they see fit. He stated he also believes every property owner in the surrounding area has the right to protest if they see fit, and the City of Edgerton has set up a process in both Planning Commission and Council to help make decisions. He stated Planning Commission is made up of five people, five volunteers, that take on the responsibility in directing the growth of our community. He stated he is hesitant to override the commission unless there are serious doubts about it. He stated on this particular property, he doesn't have a lot of doubts. He stated looking at the Golden Criteria, number 4 especially, which is the effective use of land and the proximity to I-35 and the Intermodal itself. He stated he wanted to assure each person, that he has read every email, letter, has had good conversations with his wife about what he should do. He stated he looks at all of these factors and has to weigh the concerns and benefits for the City. He stated there are benefits to developing this property and taxes that the City will recover from this — \$15,000 to \$2.4 million per year. He stated \$1.6 million will go to the school district, and another \$0.4 million will go to the parks in the surrounding Johnson County area. He stated there are lots of benefits there that outweigh the concerns. He stated he understands that developing this property may hurt some people, but the proximity to the interstate and intermodal makes sense for the development and use of this property.

Mayor Roberts stated he would entertain a motion to approve.

Councilmember Conus made motion to approve, seconded by Councilmember Longanecker. Motion was approved 5-1, with Councilmember Lewis opposing.

16. CONSIDER ORDINANCE NO. 2063 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-02 FOR THE REZONING OF APPROXIMATELY 5.903 ACRES OF LAND AT 32295 W. 207TH STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) ZONING TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT.

Ms. Katy Crow addressed the Council. She stated on January 8, 2021, the City of Edgerton received rezoning application ZA2021-02 from Wellsville Land Co., LLC requesting the rezoning of a 5.903 acre lot located at 32295 W 207th Street in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning. This parcel is located adjacent to 207th Street in Edgerton, Kansas. Current access to the parcel is from 207th Street.

She stated the Planning Commission held a Public Hearing on February 9, 2021 regarding this rezoning request and voted 3-2 to recommend approval of application ZA2021-02 subject to stipulations one through four as listed in the staff report.

She stated staff received no further public comment for this application following Planning Commission action.

Ms. Crow stated after the Public Hearing on February 9, 2021, the City received the following Protest Petitions related to application ZA2021-02:

- 5 total Protest Petitions received
 - 0 petitions were received from INSIDE the statutory notification area
 - 5 petitions were received from OUTSIDE the statutory notification area
- The 0 petitions received within the notification area total to 0.0% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Councilmember Longanecker made motion to approve, seconded by Councilmember Smith. Motion was approved 5-1, with Councilmember Lewis opposing.

17. CONSIDER ORDINANCE NO. 2064 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-03 FOR THE REZONING OF APPROXIMATELY 16.530 ACRES OF LAND AT 32285 W. 207TH STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) ZONING TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT.

Ms. Katy Crow addressed the Council. She stated on January 8, 2021, the City of Edgerton received rezoning application ZA2021-03 from Moonlight Farms, LLC requesting the rezoning of a 16.530 acre lot located at 32285 W 207th Street in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning. This parcel is located north of the intersection of 207th Street and Homestead Lane in Edgerton, Kansas. It is adjacent to the parcels requesting annexation in applications ZA2021-01 and ZA2021-02. She stated the current access to the parcel is from a shared access private drive which extends approximately 1200 feet south from 207th Street.

She stated the Planning Commission held a Public Hearing on February 9, 2021 regarding this rezoning request and voted 3-2 to recommend approval of application ZA2021-03 subject to the stipulations listed in the staff report.

She stated staff received no further public comment for this application following Planning Commission action.

Ms. Crow stated after the Public Hearing on February 9, 2021, the City received the following Protest Petitions related to application ZA2021-03:

- 5 total Protest Petitions received
 - 0 petitions were received from INSIDE the statutory notification area
 - 5 petitions were received from OUTSIDE the statutory notification area
- The 0 petitions received within the notification area total to 0.00% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Crow stated 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 made motion to approve, seconded by Councilmember Beem. Motion was approved 4-2, with Councilmember Lewis and Councilmember Smith opposing.

18. CONSIDER ORDINANCE NO. 2065 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-04 FOR THE REZONING OF APPROXIMATELY 22.088 ACRES OF LAND AT 32330 W. 213TH STREET IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) ZONING TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT.

Ms. Katy Crow addressed the Council. She stated the City of Edgerton received rezoning application ZA2021-04 from Wellsville Farms, LLC requesting the rezoning of a 22.088 acre lot located at 32330 W 213th Street in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

This parcel is located west of the intersection of 213th Street and Kill Creek Road in Edgerton, Kansas. It is adjacent to the parcels requesting annexation in application ZA2021-05. She stated current access to the parcel is from a private drive at the corner of South Kill Creek Road and 213th Street.

She stated the Planning Commission held a Public Hearing on February 9, 2021 regarding this rezoning request and voted 3-2 to recommend approval of application ZA2021-04 subject to the stipulations listed in the staff report.

She stated staff received no further public comment for this application following Planning Commission action.

Ms. Crow stated after the Public Hearing on February 9, 2021, the City received the following Protest Petitions related to application ZA2021-04:

- 4 total Protest Petitions received
 - 0 petitions were received from INSIDE the statutory notification area
 - 4 petitions were received from OUTSIDE the statutory notification area
- The 0 petitions received within the notification area total to 0.00% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Ms. Crow stated 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 made motion to approve, seconded by Councilmember Beem. Motion was approved 4-2, with Councilmember Lewis and Councilmember Smith opposing.

City Council Meeting recessed for IT issues from 12:01AM to 12:03AM

19. CONSIDER ORDINANCE NO. 2066 ADOPTING THE RECOMMENDATION OF THE EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2021-05 FOR THE REZONING OF APPROXIMATELY 56.528 ACRES OF LAND ON THE NORTHWEST CORNER OF W. 213TH STREET AND SOUTH KILL CREEK ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) ZONING TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT.

Ms. Katy Crow addressed the Council. She stated on January 8, 2021, the City of Edgerton received rezoning application ZA2021-05 from Wellsville Farms, LLC requesting the rezoning of a 56.528 acre lot located at the northwest corner of W. 213th Street and South Kill Creek Road in Edgerton, Kansas from Johnson County "RUR" zoning to City of Edgerton "L-P" Logistics Park zoning.

This parcel is located at the northwest corner of West 213th Street and South Kill Creek Road in Edgerton, Kansas. It is adjacent to the parcels requesting annexation in applications ZA2021-01 through ZA2021-04 and has frontage along West 213th Street. She stated the current access to the parcel is from the same private drive at the corner of South Kill Creek Road and 213th Street that provides access to the parcel in application ZA2021-05.

She stated the Planning Commission held a Public Hearing on February 9, 2021 regarding this rezoning request and voted 3-2 to recommend approval of application ZA2021-03 subject to the stipulations listed in the staff report.

She stated staff received no further public comment for this application following Planning Commission action.

Ms. Crow stated after the Public Hearing on February 9, 2021, the City received the following Protest Petitions related to application ZA2021-05:

- 4 total Protest Petitions received
 - 1 petitions were received from INSIDE the statutory notification area
 - 3 petitions were received from OUTSIDE the statutory notification area
- The 01 petition received within the notification area total to 1.13% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.

Councilmember Longanecker made motion to approve, seconded by Councilmember Beem. Motion was approved 4-2, with Councilmember Lewis and Councilmember Smith opposing.

Councilmember Conus stated he voted for all of these above Ordinances for rezoning based upon the proximity to the intermodal and I-35. He stated he does believe there should be

limitation to the expansion and rezoning of these properties that Council has sent back to Planning Commission.

20. PUBLIC HEARING FOR RESOLUTION 03-11-21A DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES, THE AGGREGATE AMOUNT OF ALL SERIES NOT TO EXCEED \$238,000,000, TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL AND INDUSTRIAL FACILITY FOR THE BENEFIT OF WELLSVILLE FARMS, LLC, OR ITS ASSIGNS

Mr. Scott Anderson, Bond Counsel, addressed the Council. He stated the City has received an IRB application from Wellsville Farms for a 600,000 square foot warehouse. He stated the City must first hold a public hearing. He stated per the development agreement, the developer has agreed to pay the annual PILOT in the amount of \$96,000 per year. He stated Columbia Capital has prepared a cost benefit analysis report for the Council to review.

Mr. Anderson introduced Mr. Jeff White with Columbia Capital for further questions on the documents prepared.

Mr. Jeff White, Columbia Capital, addressed the Council. He stated state law requires an analysis of debt cost and benefits, which was included in the packet. He stated most cities, including Edgerton, do a Payment In Lieu Of Taxes (PILOT) agreement. The final page of the cost benefit analysis provides the summary and key assumptions. He stated they take a more conservative approach because they believe it is a fairer approach. He stated that it is important to note that the development pays for itself.

Mr. Anderson stated, as with all other IRBs that the City has issued, these are not general obligation bonds of the City. The City does not owe money to Northpoint and Northpoint has no remedy against the City if the funds are not available. He stated that once the abatements roll off, the full valuation of this project will be appraised around \$35 million, which will result in approximately \$3 million per year in new property tax to the City and another \$1.7 million to the County.

Mayor Roberts repeated that IRBs are not payable by the City and there is no risk to Edgerton residents.

Mr. Anderson stated with IRBs the applicant is liable for paying principal and interest. Any money payable by the City is only to the extent that the City receives money from the applicant. IRBs are not a general obligation of the City and under no circumstance will the City be obligated to repay them.

Mayor Roberts then opened the Public Hearing at 12:16 AM

Charlott O'Hara, County Commissioner for the 3rd District addressed the Council. She stated she appreciates how the City is willing to meet in person and is not afraid of their constituents and

welcomed the community for the meeting. She stated she lives at 15712 Windsor St. Overland Park, KS and that she was appearing at the hearing as a private citizen, not in her official capacity. She stated she does not support IRBs or TIF Districts. She stated there are post audit reports that show this way simply does not work. She stated it does not decrease property taxes for the rest of the public. She stated this project is a geographically driven project and the City does not have to issue IRBs to bring the projects here. She stated the proximity to the interstate is all the City needs to make this spot valuable, and that the developer will be here because the intermodal and I-35 are here. She stated she understands her comments tonight will not do any good, but she is also here as an education to the people. She stated if it cost 16 cents per square foot for the building, they are then paying 10 cents on the dollar for property taxes. She stated there are 100-year-old houses that have gone up, some 80 percent, and these big entities are being told they do not have to worry about a tax increase for 10 years. She stated all taxes go up across the county and people are being taxed out of their homes. She asked how is it fair that huge corporations that can afford it are frozen for years and don't have to pay a dime. She stated by allowing a tax exemption, these companies do not have to pay sales tax on construction material, making it about \$50 million lost in sales tax. She stated it is the big guys taking money from the little guys. She stated they come in and require public services that everyone else has to shoulder. She thanked Council again for being here and allowing her the opportunity to speak and voice concerns.

Patrick Robinson approached the podium and questioned whether Ms. O'Hara was aware of her company having an IRB in the past. She stated that she was aware and reiterated that she had once had an IRB and that she has learned from her mistakes. Mr. Robinson then said, so it is good for your company but not good for ours. He stated his company is a family-owned company.

Ms. Beth Linn stated it is very common for Edgerton to consider applications for an assignment of an IRB early in the process so funding and allotment is available when the construction process begins.

Karen Bannister addressed the Council. She stated she worked in school tax budget for years and asked what does giving this tax abatement to Northpoint not do for the school system. Mayor Roberts responded if it doesn't get built, the school gets nothing. She stated the contribution from tax abatements to the school district does not seem like a balanced thing.

Jeff White stated in 2017 the state legislature amended the IRB statute to preclude the City from abating the levy that the school district has that is limited by rate. He stated this rate was a capital mill levy of 8 mills, so the City is unable to abate that. He stated this is not just Edgerton, it is everywhere in the state. He stated to the extent this building is built the school gets its full freight with the respect to that 8 mills. He stated all of the other school district levies are determined by a formulaic amount under the State's funding formula that is ultimately driven by student count. He stated even if the remaining levies could not be abated, the incremental revenue to the school district couldn't be captured because of the way the funding formula works. He stated school districts throughout the state are more or less held harmless in the economic development incentive process, which is why on the summary analysis that the school district cost benefit is significantly positive.

Ms. Beth Linn stated the 8 mill capital outlay that is not abated is really the one that stays locally with USD 231.

Mr. White stated the schools have the ability to use that beyond capital, they can use it for operating as well. He stated this gives them a very important source of flexible money in their budget, which they do not have a lot of.

Frank Bannister stated he does not understand IRBs. He stated he has just met Ms. O'Hara and after hearing her speak, he believes she knows what she is talking about. He stated if he was in Councils' shoes, he wouldn't want to vote for this, he would want to table it and seek advice and get facts about the taxation issue. He stated he thinks what Ms. O'Hara said made a lot of sense.

Devin Self addressed the Council. He stated he talked to County Commissioner Allenbrand about the traffic situation. He said the Commissioner told him that she was meeting with Edgerton and Gardner mayors to try to get all parties together and talk about the situation. He stated he would like to confirm this meeting. Mayor Roberts stated that he is working on a regional concept for transportation but has not yet scheduled this meeting. Mr. Self asked if Mayor Roberts was aware of this meeting. Mayor stated he is aware, but a meeting has not yet been scheduled but they are in the process of scheduling. Mayor Roberts stated this has no bearing on IRBs so if Mr. Self would like to stay until after, he is more than willing to talk to him about this.

Connie Mayberry addressed the Council. She stated it has nothing to do with bonds but there was talk earlier about taxes going up, and since the ground behind her has been annexed, the taxes on their remaining 15 acres has gone up 146% on the appraisal, from \$179,000 to \$301,000. She stated the big boys get a break, yet the people and citizens suffer the consequences.

Mayor Roberts then closed the Public Hearing at 12:34 AM.

Mayor asked for questions and comments from Council related to the Resolution.

Councilmember Conus asked on the summary of cost and benefits, under the county summary, why the number was negative under present value benefit, and all other numbers were positive.

Mr. White stated one of the challenges of the model is when they use average cost versus marginal cost, it tends to overstate the cost particularly for projects with large employee counts where they are assuming that the new employee count is going to generate new residents. He stated if you think about the county providing service today at "x" dollars and woke up tomorrow and added one new resident, the county would never know they were here because that one resident would not cause a need to increase staff, departments, etc. He asked, would the county recognize a change of 100 or maybe 1000 new residents. He stated that as large as the county is, if a thousand people were added there would be more notable differences in service demand. He stated the challenge is they never quite know which project is going to tip from ones that we did not notice to ones that we did. He stated they error on the side of caution, which is to assume whatever is cost now, it will also cost the new resident going

forward. He stated on a project-by-project basis, the models over-estimate cost, which likely underestimates revenue. He stated one of the benefits to the cost-benefit model is that it is overly conservative. He stated the direct answer to the question is that it effects both the City and the county in this case because additional employees are assumed to mean additional residents and additional residents are assumed to increase the cost of production.

Councilmember Smith asked if Council and the City has ever considered lowering the percentage for tax abatement.

Mr. Anderson stated when a property is financed with proceeds of IRBs, Kansas law says all of the property is 100% exempt. He stated this cannot be changed. He stated the City then decides what to charge them back if anything for a PILOT. This is set forth in the development agreement that was agreed to some time ago. He stated he has been doing IRBs for 25 years and this city is faced with the same things other cities are faced with. He stated developers got smart and started doing development agreements, but the terms must be agreed upon upfront.

21. CONSIDER RESOLUTION 03-11-21A DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES, THE AGGREGATE AMOUNT OF ALL SERIES NOT TO EXCEED \$238,000,000, TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL AND INDUSTRIAL FACILITY FOR THE BENEFIT OF WELLSVILLE FARMS, LLC, OR ITS ASSIGNS

Councilmember Longanecker motioned to approve Resolution 03-11-21A, seconded by Councilmember Smith. Motion was approved 4-1, with Councilmember Lewis opposing.

22. Report by the City Administrator

- Monthly update on 502 E 2nd St.

Ms. Katy Crow, Development Service Director, addressed the Council. She stated the City has been monitoring 502 E 2nd St. as a dangerous structure. She stated due to the weather, and the owner traveling, there has not been much work since the last update. She stated the attached photos show he has framed the interior walls where the bedrooms and bathrooms will be located upstairs. She stated she anticipates we will see more work as the weather begins to get nicer. She stated the City will conduct another inspection and bring the results forward at the April 8th City Council Meeting.

23. Report by the Mayor

- Mayor stated he had no report to give at this time.

24. Future Meeting Reminders:

- March 25th: City Council Meeting – 7:00 PM
- April 8th: City Council Meeting – 7:00 PM
- April 13th: Planning Commission Meeting – 7:00 PM
- April 22nd: City Council Meeting – 7:00 PM

25. **Adjourn**

Councilmember Smith motioned to adjourn, seconded by Councilmember Beem. All in favor. Meeting adjourned at 12:46 AM.

EVENTS

March 20th: Low-Cost Animal Vaccine Clinic

May 8th: City Wide Garage Sale

May 15th: City Wide Clean Up

DRAFT

Appendix A

DRAFT

March 3, 2021

Dear Mr. Hagedorn,

Although our legal complaints to date would only be against the City of Edgerton, we understand that they are in a compromised position and cannot really make an ethical decision on certain matters. That is because your company has infiltrated the city with your loans and special projects to the point that Edgerton could go bankrupt if they say no to you, or if they dare allow in another developer that is not you.

You said once that capital goes where capital is wanted, but it's not wanted here! We the citizens, do not want you here. We are the ones whose homes you burn to the ground after purchasing and whose lives you destroy when you surround us and emotionally wear us down with your intimidating presence and looming cloud of destruction that you call development.

We don't care about your promises of jobs and revenue. That's just your talking point that you use with the municipalities to get them to do your bidding. Because like Satan tempting Jesus in the desert with the promises of riches, you know – as well as anyone – that the love of money truly is the root of all evil. You have seen it turn neighbor against neighbor and town against town. You have watched good people, salivating at the thought of freedom and riches, only to become the prisoner of the god that they served.

Well - you might not have seen it - because you send out someone else.

Mr. Robinson is the face of NorthPoint Development. He's the man who takes the opposition of the pesky residents in his way, and turns it back around on them. He might even be proud of the skill because most salesmen judge themselves on their ability to get the job sold. Like a narcissist, he uses emotional and mental manipulation to further his agenda – even blaming the residents for the growth.

He threatens to take the "riches" somewhere else if the city doesn't comply. He uses buzz words from the codes, calling rural residential a "holding designation" waiting for development, implying development means intermodal instead of the residential that would be a better fit with the neighborhood and the rest of the Rural Johnson County

Comprehensive Plan, that calls these rural areas an asset to the entire County. He cites corridors on the traffic plans and twists them to fit his agenda, implying the 4-lane on 199th Street automatically means intermodal traffic instead of similar 4-lane residential-commercial corridors like what exists in the rest of the City of Gardner, and he implies the residents along Moonlight Road should accept the invasion of the intermodal traffic because the plans have said for a few decades that one day there might be an interchange miles away in town off I-35 near 183rd Street. He insults our intelligence, and he cries victim and that he's offended when we confront him with facts.

We understand that to NorthPoint Development LLC, we are just "another deal". But you are not an LLC. You are a man. You are a human. You call Kansas City home. You were the 2020 Bloch School Entrepreneur of the year for the Kansas City region, a school where many of us obtained our degrees.

Mr Hagedorn, we are Kansas City. We are part of the beautiful open spaces of the southwest corner of the Kansas City Metro area. We are the people who bring projects to the Johnson County Fair and fresh goods to the local farmers markets. We are the rural backbone of the lifestyles that surround this metro area on all corners.

Our corner just happens to be in a good logistics spot; in an area where you can move global products but at the expense of local entrepreneurship. Kansas City was founded on entrepreneurship. We were the trading hub as the pioneers moved across the nation. We built our banks and cities with money from the cattlemen, the Kansas City Board of Trade, and small businesses.

I understand your mode of trade is real estate development. As capitalists, we understand business and making a profit. But as neighbors, we value respect for one another and the common decency of the Golden Rule.

While our way of life preserves a tradition of America's foundation that can never return once it's destroyed; your way is tearing through the Midwest, as fast as your locomotives and as destructive to our homes and land as an F5 tornado.

Our story is not just the story of the Southwest region of Kansas City. Ours is the story of America.

We are more than a dot on the map of a logistics plan. We are people. This land is where our lives are intertwined. It is full of our memories and our dreams. It is our past and our future. But right now, in the present, you are stealing our ability to enjoy the gift of freedom that is our unalienable, God-given right.

We have the constitutional protection to be able to enjoy our property without fear of it being stolen – like the early American expansion did to the natives. You can send us along our trail of tears, even make some of us feel like we got the best deal we could, but at the end of the day people are crying. People are dying. People are emotionally being destroyed at the idea of everything they've invested in being ripped from their hands at the promise of progress for the masses.

This is our land. History does not have to repeat itself. We have a voice. Please hear it.

I know you don't ever see us to understand how your actions have hurt us, so please listen to our side. I know the human spirit in you is strong enough to see past the very riches you promise others. Please open your heart and your mind as we share our story.

We have over 117 homes within a half mile radius of the perimeter streets surrounding your properties east of Gardner Road, with almost 50 homes within a half mile of the proposed project west of Gardner Road. Here are just a few of their stories.

Frank is a horseman. He uses the horses as a ministry to help people understand the real nature of the awesome God we serve. He just built a new barn, after making sure all of the neighbors weren't offended by it. The code made him do that, but Frank's a good man. He would not have done it if it hurt Wayne's view back behind him.

But you've put Frank in a horribly, emotionally-draining position. Karen just beat cancer. God is good. And even though having a rezoning hearing during the middle of a Covid pandemic might make good logistics sense for someone pushing an agenda as close to the letter of the law as they can without doing anything illegal; you really put Frank in an awful position. How does he speak up to save the lifestyle he prepared for his retirement while keeping his wife safe from Covid? You have forced him to be out in the public at meetings and hearings more than he was comfortable because he had no choice! You are stealing valuable moments of his Golden Years because he is being

forced to fight a battle that is threatening to rob them anyway. It's affecting his quiet enjoyment.

Meet Gillian and Jessica. Their family just finished building their dream home! They came here, like the rest of us, to enjoy the sanctuary of serenity that only God's green earth can provide. They have a business plan to produce organic vegetables and medicinal herbs for the community. Nourishment that is not only lacking but is desperately needed to help heal the hustle and bustle of corporate life. Can you imagine the feeling of achieving a long-held dream, finally moving into your forever home, only to have those dreams crushed the moment you become aware of the grave threat to your carefully laid plans.

Poor Dan and Kelly or even Matt and Heather. They too are new to the area, living here a year or less when they got the notice. They had just bought beautiful homes that set back off the beaten path, on the rolling terrain and amongst the trees. You bought in their backyard. Suddenly being off the road doesn't look like such a good idea. What began as a strategy of privacy has now only put them closer to the potential 9 million square feet of Amazon traffic being proposed right beside them - 24 hours a day, 7 days a week. The very element they came to enjoy, you are stealing.

These open fields aren't just the next big development, Mr. Hagedorn. They're our neighbors' cattle land or where the residents on Gardner Road have their gas wells – again an asset to their homes that they took into consideration when deciding to invest their lives here. They're where the children run and play; where animals roam; and where Charlie and Jenni got married. They're where people learn valuable life skills and enjoy hobbies and interests that can only be found in the stillness of nature and the vast expansion of her open spaces.

Some of our residents were born here and others will die here. Mr. Hayden lives on the farm that's been in his family since the 1800's.

Kathy still lives on the land where her father operated a truck farm when she was a child. She is getting ready to pass the torch to her daughter and grandchildren, making it a soon-to-be 4th generation farm, growing fresh flowers and plants for wholesale and market.

They're seeing the possibility of their cherished memories of their loved-ones who have gone on before and their dreams of their future being ripped from their lives with no way to stop it or to guide it sustainably and justly for everyone involved.

Speaking of loved ones. I know this isn't legally binding, but when Mr. Robinson said he wanted to pave all the way across 207th Street, he might not have known the story behind it. In 2017 Chris and Cyndi's granddaughter had a car accident just east of Moonlight and was taken away too soon. She still has a memorial at the crash site. I know that's not the same as a burial ground and no judge would ever stop you, but again we're not a battle to be won. We're residents of your metro area. We're people. They know Haylei's in heaven and not really at that memorial site, but unless you understand about connectedness to the land, you might miss the important spiritual aspect of communion with life and death and all of these experiences that are brought to us during our lifetime.

Every time we drive by that spot, we send a prayer to the family and wrap them with the warmth of a spiritual hug because as neighbors, we mourn their loss.

Mr. Hagedorn, people we love were born here and others have passed on from here. This is a place where lives are joined together and where neighbors become friends. We are a community.

Unfortunately for us, we do not feel that we are receiving due process because a neighboring community has infiltrated our neighborhood and is trying to change the character of everything we love. We are not residents of Edgerton. We have not had the right to vote for the City Council members or the mayor. They do not represent us, yet they are in a position to steal our property rights and destroy our neighborhood. We are all residents of the rural unincorporated area of Johnson and Miami County with Gardner and Spring Hill addresses who awoke one day to discover that somehow Edgerton had infiltrated our residential neighborhood and was wanting to turn it into an industrial park.

Edgerton was always a small town of less than 2,000 people – and still is - on the West side of Gardner. The City Hall and residents are miles from our homes and none of them live amongst the intermodal district that you are promoting. Yet you have all discovered how to use Kansas Statute KS 12-520(7) in your favor, strategically purchasing land with only the narrowest of corridors touching Edgerton city limits, so that you can request by consent to join the City of Edgerton. In doing so, this removes

all zoning jurisdictions from the County and puts it into the hands of Edgerton by annexing into the City before requesting rezoning.

Although Edgerton does not have a comprehensive plan South of I-35 - nor do they have the right to decide what's best for our community here - their Staff Reports reference their general intermodal plan and their Unified Development Code, without bothering to mention that it states residential and industrial uses should not be near each other. Despite the opposition from all of the residents who are being surrounded by the industrial park, the City of Edgerton continues to recommend your inappropriate industrial projects in our residential neighborhood. Perhaps the City representatives are excited by the idea of new tax revenue or possibly they feel they have no other choice since their loans held by you are repayable with future project revenue.

So we're here asking you to please recognize that by law, the City of Edgerton owes a civic and moral duty to the citizens it serves and an ethical responsibility to her neighboring areas. We have the right to due process and the right of quiet enjoyment of our property. We are here to implore you to please loosen the grip and allow Edgerton to do the right thing for the people. You'll get your money. Please tame your development, instead of sending it out like a wild Mustang, tearing across the countryside with no master to answer to.

Perhaps you do have a master. Maybe someone else is your "NorthPoint" and you are someone else's "Edgerton." Maybe you owe debts and promises that you find yourself unable to break. Mr. Hagedorn, it takes a person of strong convictions and character to put the love of others above the love of money. Please find the will and the strength and the courage to stand up for truth and justice. Please recognize that you can't take that money with you, but the legacy you leave behind will remain forever. Development and profit might be what you believe to be the judge of a successful man, but truth and integrity and the Golden Rule will far outlast any concrete structure or business deal. Getting the prize for finding the loophole in the law that allows you to have the fastest time-to-market or any other competitive advantages that drive you is not the real prize. Neither is using networking and business connections to pave your path of future developments. Because at the end of the day, you are not in alignment with your own truth and values.

Your company's Core Values consist of putting people first and doing the right thing – every time.

Mr. Hagedorn, we are people. We are your neighbors. From sea to shining sea we are your Countrymen. God is in these fields and these streams. He's in the trees and the animals. He's in our homes and our hearts and our families. To steal that from us is not right. It is not neighborly. It is not American.

Please put us, the people surrounding these inappropriate industrial projects, first. Please do the right thing, and respect our desire to keep our countryside, our community, and our homes intact. Please do not destroy our neighborhood, our lives, and our property rights with this incompatible development.

The original plans for the intermodal was for the district to stay to the North and West of I-35. You can do the recommended grade separation at 199th and 56 Highway for the quoted \$21.5 million or so per KDOT and Johnson County Public works. That will be far less than the economic impact that will plague our neighborhood once you begin turning it into an industrial park. Plus, it's a fit. It's what was projected and planned when the idea was sold to the municipalities.

We respectfully request that you use this land that you own to match the code that was in place when you purchased it. We would more than welcome a beautiful estate community of homes on 10 acre lots, as recommended in the Rural Comprehensive Plan suggested by Johnson County. We welcome you to work with the rolling terrain of the land and all of Mother Nature's resources that can be preserved and cherished instead of flattened and destroyed.

The west side of Gardner Road, south of 207th Street does not need the trees bulldozed to build another warehouse. It needs to heal. The people need to heal. The residents there are emotionally abused. They never know when the next block is going to sell, further suffocating them because they are too small to be of value to you and owe too much on their homes to get out.

Like an abusive relationship, they are stuck and cannot leave. Help them be free. Give them a half a mile minimum buffer, preferably a mile when possible, as to not further kill their ambitions. A person needs a dream. They need a home to call their own. They find joy and spiritual satisfaction in being able to invest in their homes and customize them to fit their visions and their personalities. They can no longer do that. They're afraid to put in those new hardwood floors or do that cabinet remodel because what's it matter anymore? They're no longer investing for resale, and some day it might just get burned down anyway. So they live, in a holding pattern, waiting for their chance to

escape and succumbing to the fate of no other options. They can't sell their homes because no one wants to live by a warehouse. Even the bigger lots can't sell to outside development because obtaining building permits or getting access to infrastructure seems to be a recurring problem in Edgerton that drives away anyone other than you.

Mr. Hagedorn, you're a mastermind. In less than 9 short years you were able to build an empire of becoming the 2nd largest industrial landlord in the country. Business schools across the country may someday use you as a model of a successful business plan. They see the progress without the backroom deals and manipulations that really drive the growth.

What would become of your legacy if the true nature of the deals were revealed? What if those judging your brilliance and community impact understood the real impact?

We're not asking you to stop your development. We're asking you to follow your own words and go where capital is wanted. Please stop infiltrating our rural towns and communities with promises of riches in order to force your capital where it is not wanted or needed. We see the out-of-County and out-of-State license plates who are really getting the jobs. We know about the tax abatements and special financing deals. We know the potential profit the City, the County, and the State stand to gain some day in the distant future. What we don't know is your profit. You are not a publicly held company. You do not have to disclose the real story. You and your investors just get to keep doing what you do behind a thin veil of protection.

Mr. Hagedorn, please come out from behind the veil. See our faces. Hear our pleas.

This area in Southwest Johnson and Northwest Miami County is an asset to the community. We aren't looking for anyone to save us or to make us rich. We're already rich, with a type of wealth you do not understand. For if you did, you would cherish and preserve it instead of destroying it for personal gain.

Sincerely,

The Concerned Residents of Southwest Johnson and Northwest Miami County

City Council Action Item

Council Meeting Date: March 25, 2021

Department: Public Works

Agenda Item: Consider Final Acceptance of 207th Street Phase II - East of Waverly Road

Background/Description of Item:

On July 11, 2019 Edgerton City Council approved the 207th East of Waverly Design-Build project. This project includes the design and construction of 207th Street East of Waverly. The project was planned to include a standard section of road that is 42' back-to-back with curb and gutter. A 14' center turn lane was planned with the two 12' drive lanes.

To construct this cross section, additional rights-of-way and easements were needed. In Fall of 2019, the City was not able to obtain the additional rights-of-way and easements. As a result of this, the standard section was reduced to 26' back-to-back with two drive lanes. The grading and stormwater infrastructure was revised to coordinate with new section.

Edgerton Land Holding Company (ELHC) awarded the contract to Emery Sapp and Sons in the amount of \$2,147,883. This cost will be borne entirely by ELHC until such time the project is converted to funding from Home Rule Revenue Bonds.

The Substantial Completion date was December 16, 2020. BG Consultants as the City's Inspector has performed final inspection and noted the project for final acceptance.

Related Ordinance(s) or Statue(s): n/a

Funding Source: LPKC Phase II Public Infrastructure Fund

Budget Allocated: \$2,147,833

Finance Director Approval:  x
Karen Kindle, Finance Director

Recommendation: Approve Final Acceptance of 207th Street Phase II - East of Waverly Road

Enclosed: Jon Carlson Letter of Acceptance

Prepared by: Dan Merkh, Public Works Director

From: [Jon Carlson](#)
To: [Dan Merkh](#); [David Hamby](#)
Cc: [Carl Messer](#); andy.svehla@emerysapp.com; [Trey Whitaker](#)
Subject: RE: 207th Street East of Waverly Punch List
Date: Monday, March 1, 2021 8:34:56 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Dan,

To the best of my knowledge Emery Sapp & Sons has completed all work on the Public Street and Storm Sewer Plans, 207th Street & Waverly Road dated 8-16-2019 and the revised plans dated July 2020 in general conformance to the plans and specifications approved by the City of Edgerton. Final Completion was noted as January 11, 2021.

Respectfully submitted,

Jon Carlson

Senior Construction Observer



1405 Wakarusa Drive | Lawrence, KS 66049

T: 785.749.4474 | C: 785.331.8289 (Personal)

Web: www.bgcons.com | Map | Email

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From: Dan Merkh <dmerkh@edgertonks.org>

Sent: Thursday, February 25, 2021 8:51 AM

To: Jon Carlson <jon.carlson@bgcons.com>; David Hamby <david.hamby@bgcons.com>

Cc: Carl Messer <carl.messer@emerysapp.com>; andy.svehla@emerysapp.com; Trey Whitaker <twhitaker@edgertonks.org>

Subject: RE: 207th Street East of Waverly Punch List

Jon, that date works for me. Thank you



Dan Merkh • Public Works Director

City of Edgerton, KS

404 East Nelson • Edgerton, KS 66021

913.893.6231 • 913.271.9757 (c)

www.edgertonks.org

From: Jon Carlson <jon.carlson@bgcons.com>

City Council Action Item

Council Meeting Date: March 25, 2021

Department: Utilities

Agenda Item: Consider Outside City Limits Water Service Application

Background/Description of Item:

On February 26, 2021 Ben and Sarah Smith submitted a Water Connection Application for new water service to a property on the north side of N. 100 Road, approximately 1400 linear feet west of the Johnson County line (see included map). This property is outside the corporate city limits of Edgerton.

In the Edgerton City Code, Chapter XV, Section 15-105, it states the following:

- (1) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection.
- (2) If the premises served, or intended to be served, is located outside the corporate limits of the city, the following additional provisions shall apply:
 - (a) No connection to the city's water system shall be permitted without the approval of the governing body.
 - (b) Before any application for connection to the city's water system is considered by the governing body, all owners of the premises, or their authorized representative, shall execute in writing their consent to annexation by the city of the premises, provided, that nothing herein shall require the city to annex any property for which a consent to annex is given as aforesaid.
Edgerton City Code 15-2 2019
 - (c) The application for water service shall be accompanied with a nonrefundable processing fee of \$75.00

Specifically notice the property owner is required to submit the application and approval is required by the governing body. Staff has received this application and the consent to annex the property.

The City does have an existing 8" PVC waterline on the north side of N 100 Road. The property owners requested a 5/8" meter to serve a future residential house. No bore of the existing roadway is needed.


If approved the City will perform any construction needed to connect the customer to the system. The owner of the premises will be solely responsible for the cost of the outside city limits water connection fee and water system development fee as described in the City's Fee Resolution. Following the connection, the owner of the premise will complete the water service application to activate their utility account and pay the applicable fee as described in the City's Fee Resolution.

The application and associated documents are currently under review by the City Attorney. Staff recommends approval of the application for water service pending any revisions needed by City Attorney.

Related Ordinance(s) or Statue(s): n/a

Funding Source: N/A

Budget Allocated: N/A

x 

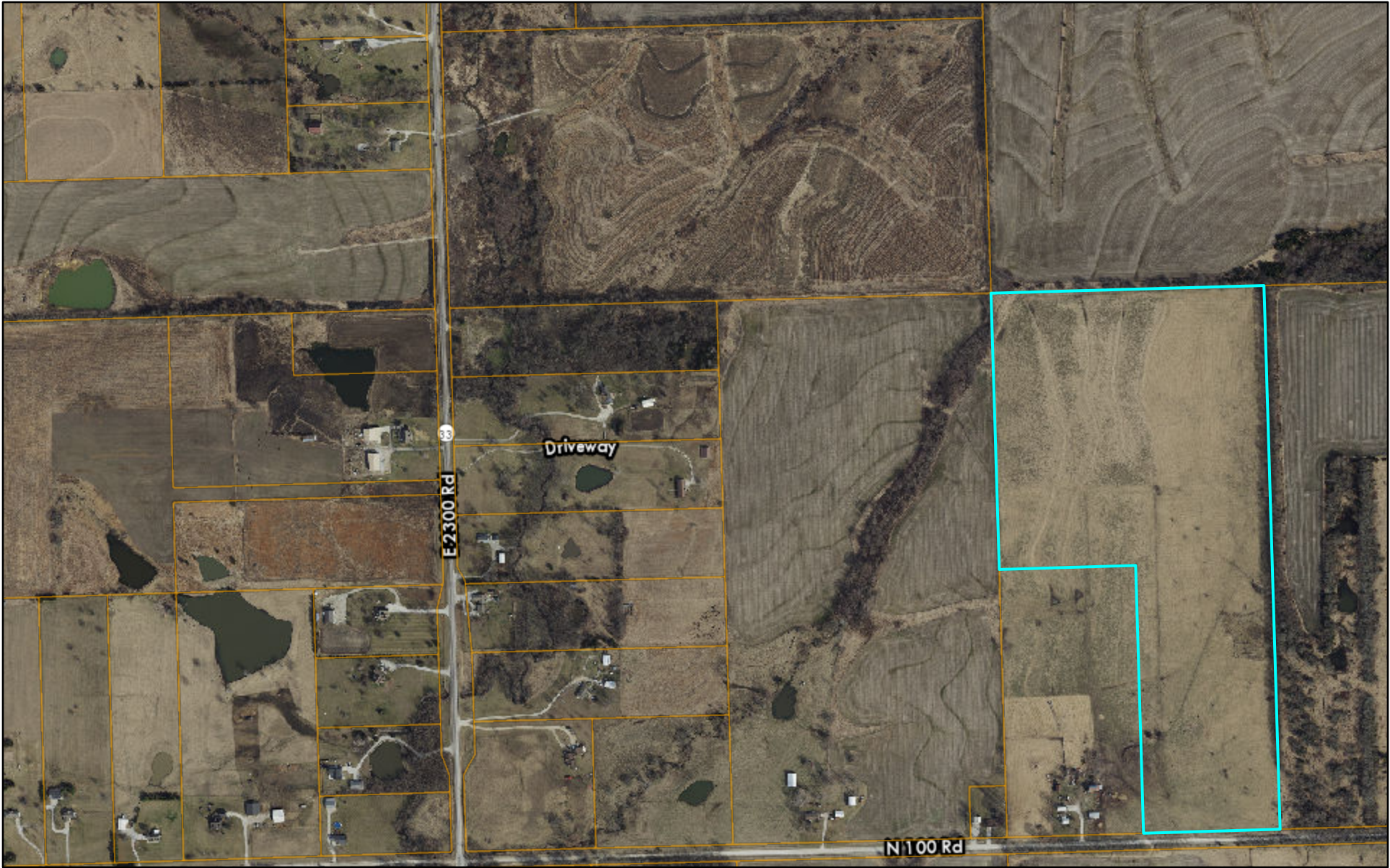
Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Water Service Application, Pending City Attorney Approval
--

Enclosed: Property Map

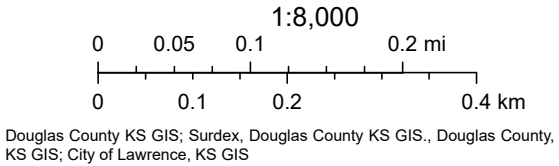
Prepared by: Dan Merkh, Public Works Director

Property Viewer for Douglas County, Kansas



3/22/2021, 10:06:28 AM

 Tax Parcel



Douglas County, Kansas

DISCLAIMER: This is not a legal survey. This map is to be used for reference purposes only, and no other use or reliance on the same is authorized.

City Council Action Item

Council Meeting Date: March 25, 2021

Department: Community Development

Agenda Item: Consider Application FP2020-04, Final Plat for Logistics Park Kansas City South, Third Plat, Generally Located Near the Northeast Corner of Waverly Road and 207th Street, Edgerton, Kansas.

Background/Description of Item: **UPDATED CAI – CHANGES HIGHLIGHTED IN YELLOW.**

On February 25, 2021 the Edgerton City Council considered acceptance of Final Plat FP2020-04 for Logistics Park Kansas City South, Third Plat. During that meeting the Governing Body discussed updates needed to reflect changes made through the recommendation process at the February 9, 2021 Planning Commission meeting. This includes proper alignment of the new Corliss Road on the east side of the parcel. The Final Plat dated March 22, 2021 is included in your packet and it reflects the necessary changes.

On December 23, 2020 the City of Edgerton received Application FP-2020-04 for the Final Plat of *Logistics Park Kansas City South, Third Plat*, generally located near the northeast corner of Waverly Road and 207th Street, Edgerton, Kansas.

This parcel was annexed into the City of Edgerton on March 15, 2018. The Planning Commission held a public hearing for Preliminary Plat Application PP2019-02 on August 9, 2019. This Final Plat application aligns with the request made in that application and combines two smaller parcels which have not been platted into one larger lot which totals approximately 62 acres. A public hearing was held on March 12, 2019 and the Planning Commission recommended these parcels for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park District). The Governing Body approved the rezoning on March 28, 2019 (Ordinances 2004 and 2005).

The applicant has requested the final platting of these parcels in anticipation of the construction of Inland Port 52.

City staff has reviewed the Final Plat submittal for compliance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. The applicant's engineer has updated the Final Plat as required by stipulations listed in the staff report and the updated Final Plat is included here. This Final Plat is submitted pending City Engineer review. City Staff requests acceptance of this plat, with the stipulation that all City Engineer comments be satisfied prior to recording.

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

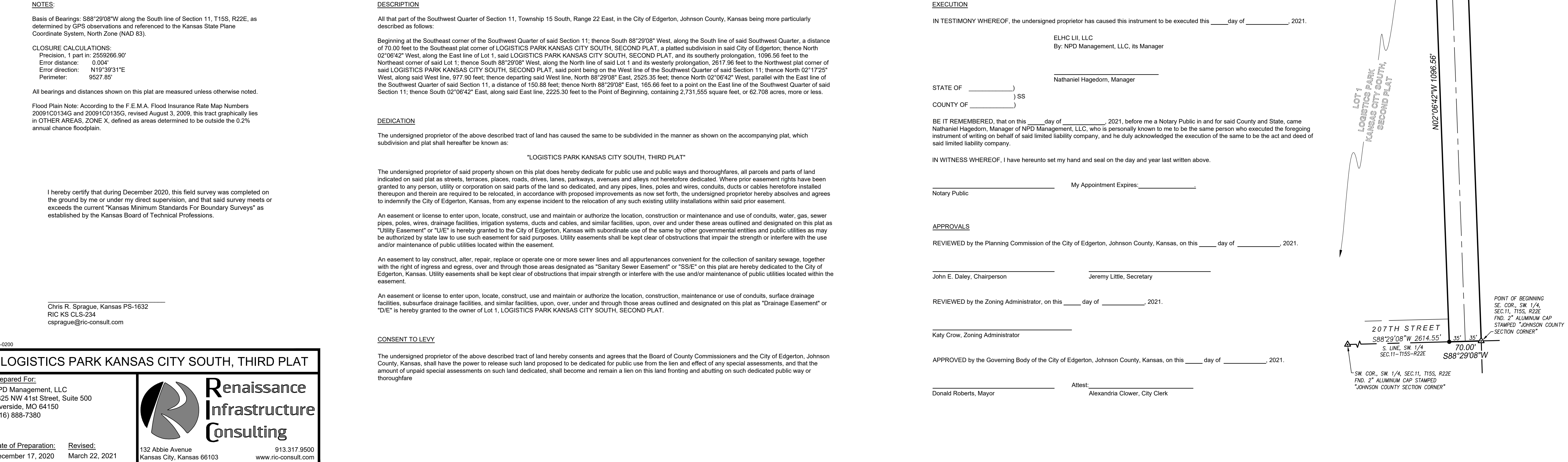
Recommendation: Approve Application FP2020-04, Final Plat for Logistics Park Kansas City South, Third Plat, Generally Located Near the Northeast Corner of Waverly Road and 207th Street, Edgerton, Kansas With the Stipulation That All City Engineer Comments Be Satisfied Prior to Recording.

Enclosed:

- Revised Final Plat received March 22, 2021.
- Staff Report from February 9, 2021 Planning Commission including Final Plat Application FP2020-04 and an excerpt of February 9, 2021 Planning Commission Meeting Draft Minutes – Logistics Park Kansas City South, Third Plat portion only.

Prepared by: Katy Crow, Development Services Director

PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 15 SOUTH, RANGE 22 EAST, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



STAFF REPORT

February 9, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: **FP2020-04** Final Plat for *Logistics Park Kansas City South, Third Plat* located northeast of the intersection of Waverly Road and 207th Street Edgerton, Kansas.

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owner: Hillsdale Farms, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Requested Action: Final Plat approval for *Logistics Park Kansas City South, Third Plat*

Legal Description: SW Quarter of Section 11, Township 15 S, Range 22 E;
see attached application for complete legal description.

Site Address/Location: Northeast of the intersection of Waverly Road and 207th Street

Existing Zoning and Land Uses: L-P (Logistics Park) District Zoning

Existing Improvements: None

Site Size: Approximately 61.961 acres

PROJECT DESCRIPTION

Application **FP2020-04**, Final Plat for *Logistics Park Kansas City South, Third Plat*, requests approval for the final platting of one (1) lot. The west side of the new lot would front the east side of Waverly Road right-of-way. The plat indicates a proposed street on the east side of the proposed lot which would be newly constructed. This Final Plat request is being made in preparation of construction of Inland Port 52. This Final Plat request aligns with the request made with Preliminary Plat Application **PP2019-02**, which was presented to and approved by the Planning Commission on August 9, 2019. This Final Plat application combines two smaller parcels which have not been platted, into one larger lot that totals 61.961 acres. The following maps show

the parcels to be combined outlined red. The applicant has indicated the approximate location in the application attached to this Staff Report.

Subject Property

Figure 1

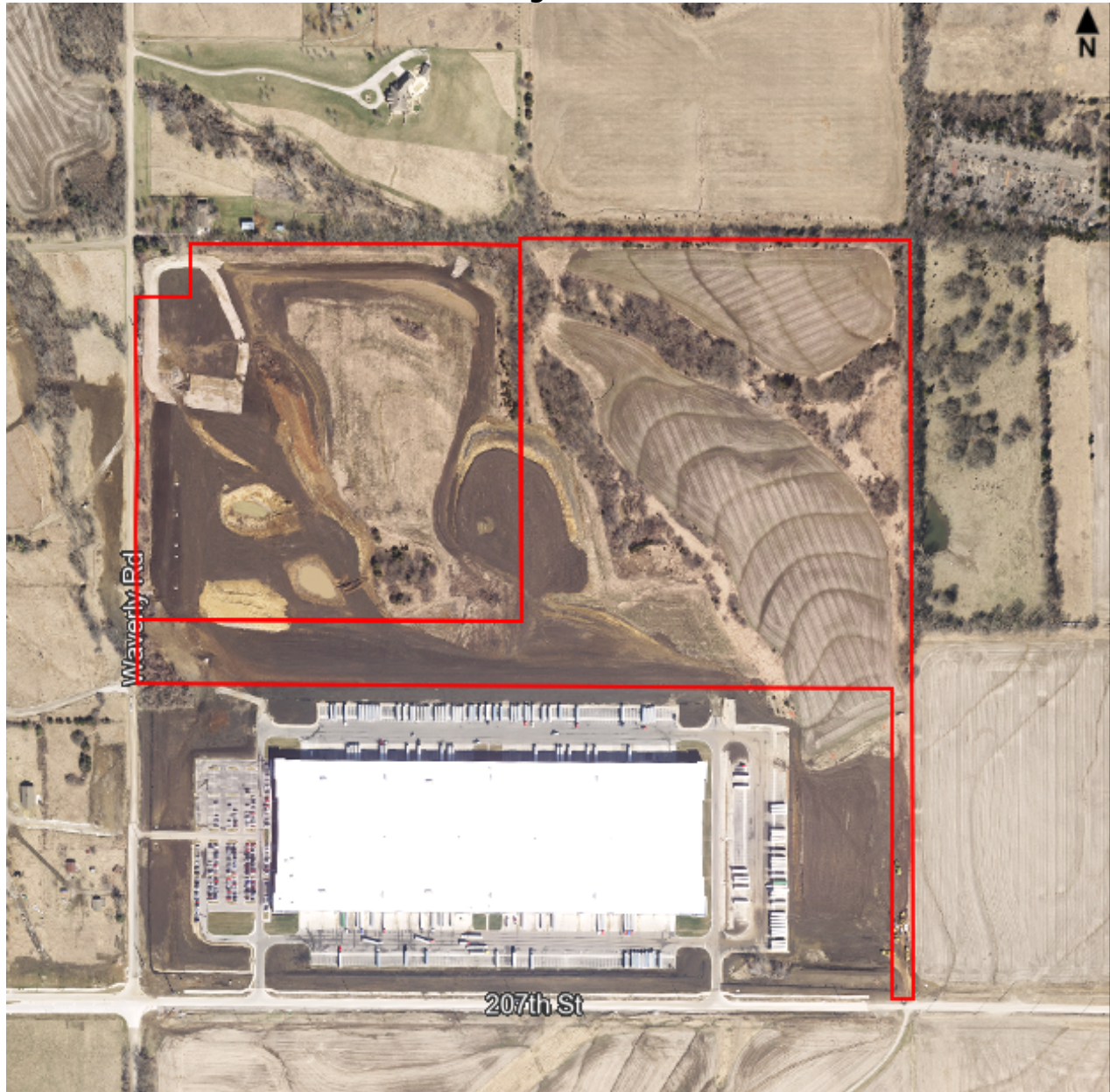
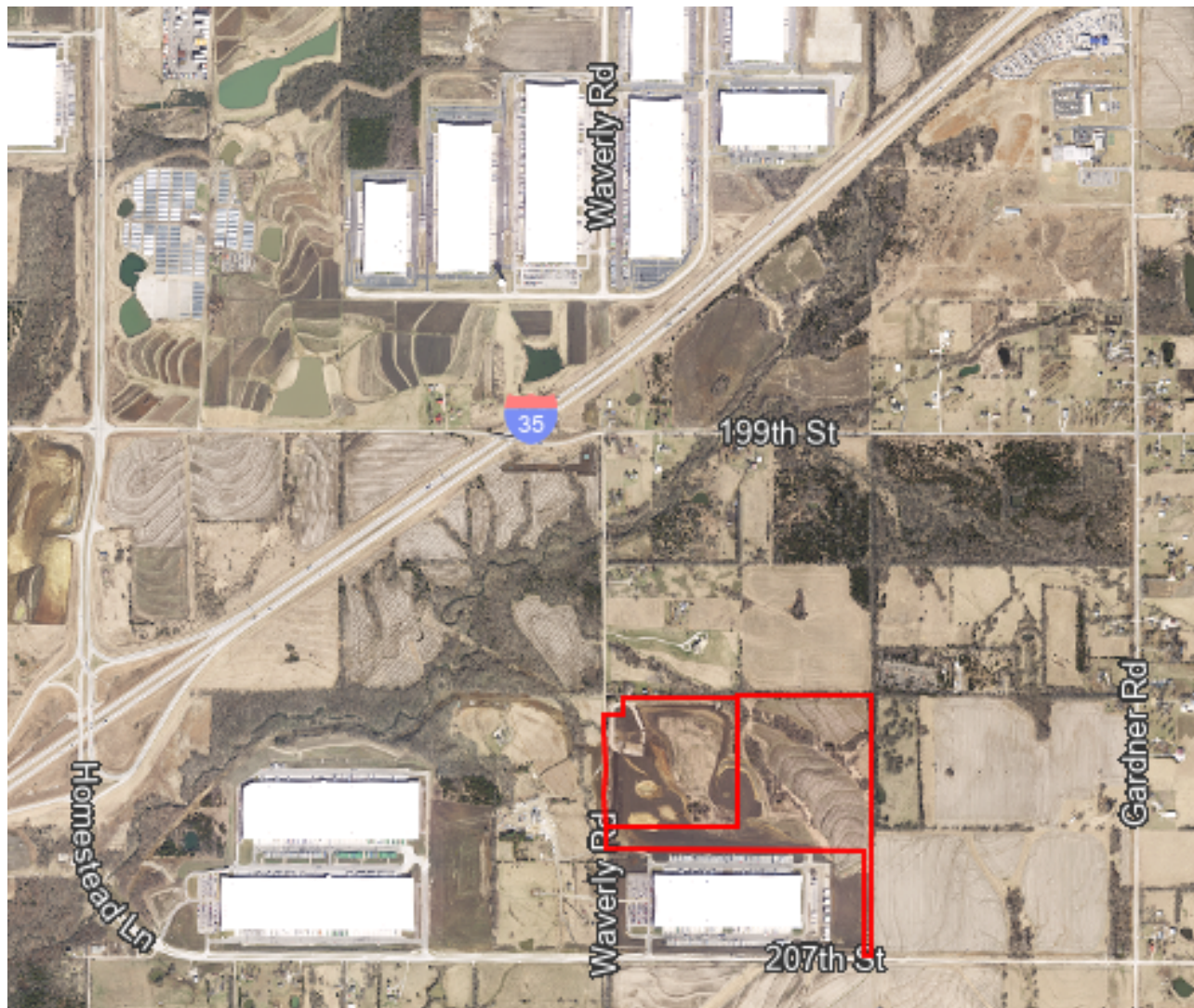


Figure 2



INFRASTRUCTURE AND SERVICES

1. Access to the site would be from Waverly Road on the west and from the proposed street A on the east.
2. Utilities and service providers.
 - a. Water Service – Johnson County Water District 7.
 - b. Sanitary Sewer – City of Edgerton.
 - c. Electrical Service – Evergy.
 - d. Gas Service – Kansas Gas Service.
 - e. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
 - f. Fire protection is provided by Johnson County Fire District #1.
3. Parcel is located within the Bull Creek watershed.

FINAL PLAT REVIEW

Staff has reviewed the Final Plat submittal for compliance with the Approved Final Plat requirements in Article 13, Section 13.3 of the Edgerton Unified Development Code. Review comments are listed below.

1. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar. ***Upon recording of the plat, confirm monuments have been set. Applicant has acknowledged.***
2. All easements with widths, and roads with curve data. *Some of the existing easements do not have the book and page labeled.* ***Update Final Plat. Applicant has stated records are being obtained to determine book and page. If records cannot confirm easements have been recorded, they will be recorded with this Final Plat.***
3. Certificate of the Register of Deeds. *Certificate needs to be added to plat.* ***Upon filing Final Plat with Johnson County Records and Tax Administration the Book/Page information will be added.***
4. Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor. *Plat is not signed or sealed by a licensed Surveyor.* ***Update Final Plat. Applicant stated the Final Plat document will be sealed prior to Governing Body approval.***

RECOMMENDATION

City staff recommends **approval** of Application **FP2020-04** Final Plat for *Logistics Park Kansas City South, Third Plat*, subject to compliance with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat. The property owner and/or developer shall work with City staff to determine the best possible placement for a storm water easement and shall dedicate said storm water easement on the submitted Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

ATTACHMENTS

- Application FP2020-04
- Final Plat, *Logistics Park Kansas City South, Third Plat*

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
February 9, 2021

The Edgerton Planning Commission met in regular session with Chairperson John Daley calling the meeting to order at 7:00 PM.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chairperson John Daley, Commissioner Jeremy Little via video conference, Commissioner Deb Lebakken via video conference, Commissioner Charlie Crooks via video conference, and Commissioner Tim Berger via video conference. Also present were City Administrator, Beth Linn, Marketing and Communications Director Kara Banks, Development Services Director Katy Crow, City Attorney Lee Hendricks and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

**FINAL PLAT FOR LOGISTICS PARK KANSAS CITY SOUTH, THIRD PLAT – APPLICATION
FP2020-04**

Chairperson Daley introduced the application and requested City Staff provide the Commission with their report.

Ms. Crow stated Application FP2020-04, Final Plat for Logistics Park Kansas City South, Third Plat requests approval for the final platting of one (1) lot. The west side of the new lot would front the east side of Waverly Road right-of-way. The plat indicates a proposed street on the east side of the proposed lot which would be newly constructed. This Final Plat request is being made in preparation of construction of Inland Port 52. This Final Plat request aligns with the request made with Preliminary Plat Application PP2019-02, which was presented to and approved by the Commission on August 9, 2019. This Final Plat application combines two smaller parcels which have not been platted, into one larger lot that totals 61.961 acres.

Ms. Crow stated access to the site would be from Waverly Road on west and from the proposed street on the east. She said the water service is provided by Johnson County Water District 7, sanitary sewer is provided by the City of Edgerton, electoral service is provided by Evergy, and gas service is provided by Kansas Gas Service. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office and fire protection is provided by Johnson County Fire District #1. Ms. Crow stated the parcel is located within the Bull Creek watershed.

Ms. Crow explained City Staff reviewed the Final Plat submittal for compliance with the Approved Final Plat requirements in Article 13, Section 13.3 of the Edgerton Unified Development Code (UDC). She said City Staff had the following comments:

- The instrument of survey which shows the point of beginning, corners, bearing, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar. The applicant has acknowledged that upon recording of the plat, confirmation of the monuments being set will be required.
- All easements with widths, and road with curve data. The applicant has not provided the book

and page on some of the exiting easements. Ms. Crow explained the applicant stated records are still being obtained to determine the book and page. If the records cannot confirm the easements, the easements will be recorded with this Final Plat.

- Certificate of the Register of Deeds. Applicant has acknowledged that the certificate will be added upon filling the Final Plat with Johnson County.
- Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor. The plat is not currently signed by the engineer. Ms. Crow informed the Commission the applicant will have the document sealed prior to Governing Body approval.

Ms. Crow said City Staff does recommend approval of Application FP2020-04 Final Plat for Logistics Park Kansas City South, Third Plat, subject to compliance with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, stormwater sewers, sanitary sewers, and water mains contained within the Final Plat. The property owner and/or developer shall work with City Staff to determine the best possible placement for a stormwater easement and shall dedicate said stormwater easement on the submitted Final Plat.
2. The applicant shall meet all requirement of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plat must be addressed.
5. All Final Plat requirements of the City listed earlier shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plat.

Chairperson Daley asked if the applicant wanted to discuss any items regarding the Final Plat.

Mr. Robinson stated he agrees with the Staff Report with the stipulations and requested approval of the application.

Chairperson Daley said this is regarding the division of the land. He said it is zoned properly and this application is not regarding what is being built.

Commissioner Crooks motioned to approve Application FP2020-04 with the stipulations. Commissioner Little seconded the motion. Application FP2020-04 was approved, 4-0.
by Chris Clinton, Planning and Zoning Coordinator

City Council Action Item

Council Meeting Date: March 25, 2021

Department: Administration

Agenda Item: Consider a Memorandum of Understanding with Kansas Gas Service Regarding the Treatment of Franchise Fees Recovered in the Logistics Park Phase II Development.

Background/Description of Item:

The Logistics Park Phase Two Development Agreement between the City and Edgerton Land Holding Company, LLC, dated January 25, 2018, requires the City to deposit 100% of the City's revenue derived from franchise fees generated in connection with utility services on the Phase II land into the Public Infrastructure Fund. Currently, the City receives the franchise fees for the whole City in one lump sum and receives a document breaking out the amount for LPKC Phase I and the rest of the City. In order to comply with the LPKC Phase II Development Agreement, the City needs Kansas Gas to provide a breakdown that shows amounts related to LPKC Phase II. The breakdown currently provided for LPKC Phase I was mandated by the State of Kansas. For LPKC Phase II, there is no such state mandate.

The enclosed Memorandum of Understanding with Kansas Gas documents the City's and Kansas Gas' responsibilities in order to provide the information needed to comply with the development agreement. The City agrees to provide Kansas Gas an initial map of LPKC Phase II and agrees going forward to give at least 90 days notice of any boundary changes. In return, Kansas Gas will break out the LPKC Phase II revenue amount on the monthly remittance.

The City Attorney was involved with discussions with Kansas Gas and has reviewed and approved the Memorandum of Understanding.

Related Ordinance(s) or Statue(s): Ordinance No.1048, K.S.A. 12-2001

Funding Source: n/a

Budget Allocated: n/a

Finance Director Approval: 
Karen Kindle, Finance Director

Recommendation: Approve the Memorandum of Understanding with Kansas Gas Service Regarding the Treatment of Franchise Fees Recovered in the Logistics Park Phase II Development

Enclosed: Memorandum of Understanding with Kansas Gas Service

Prepared by: Karen Kindle, Finance Director



Judy Jenkins Hitchye
Managing Attorney
Kansas City, Kansas 66213
judy.jenkinshitchye@onegas.com

March 3, 2021

City of Edgerton
Beth Linn, City Administrator
404 East Nelson
Edgerton, Kansas 66021

Re: Memorandum of Understanding – Franchise Fees
Distribution Request for Logistic Park Phase II

To Whom it May Concern:

This Memorandum of Understanding is between the City of Edgerton (“City”) and Kansas Gas Service, a Division of ONE Gas, Inc. (“Kansas Gas Service” or “Company”) for the treatment of the franchise fees recovered in the development commonly referred to as Logistic Park – Phase II.

Whereas, the City has requested Kansas Gas Service segregate the franchise fees collected from customers in the Logistic Park – Phase II development, for purposes of accounting, in a manner similar to treatment of franchise fees in the Logistic Park - Phase I development;

Whereas, Kansas Gas Service is able in this instance to segregate the franchise fees collected in the Logistic Park - Phase II development with the following caveats:

1. City has provided a map of the current Logistic Park, Phase II development attached hereto as “Attachment A”. City agrees to provide coordinates of the development area as may be requested by Kansas Gas Service to aid in identifying for the area to be included in the franchise fee segregation for the Logistics Park – Phase II.
2. City agrees to provide Kansas Gas Service at least 90 days’ notice prior to changing or expanding the boundaries of the collection area to permit Kansas Gas Service adequate time to make the necessary business adjustments to meet the expectation.
3. Company agrees to provide the total franchise fee related to accounts within the Logistics Park – Phase II development on a monthly basis. This total shall be separate from any other accounting provided for the City of Edgerton and/or Logistics Park – Phase I.

This MOU contains the entire understanding of the parties hereto with respect to the matters described herein. There are no other agreements (express or implied),

representations, or other matters, written or oral, purportedly agreed to or represented to or on behalf of either Kansas Gas Service or City as they relate to the treatment of franchise fee segregation in the City of Edgerton Logistic Park – Phase II development. Nothing herein shall confer any rights or remedies upon any person other than the parties hereto.

This MOU, which shall be governed by the laws of the State of Kansas and the ordinances of the City, shall inure to the benefit of and shall bind the parties and their respective successors and assigns.

The parties have signed this MOU as of the date hereof, intending to be bound hereby as of _____, 2021.

***Kansas Gas Service, a Division of
ONE Gas, Inc.***

City of Edgerton, Kansas

By: _____
Vice President

By: _____
Mayor

APPROVED:

ATTEST:

Managing Attorney

City Clerk

APPROVED:

City Attorney

City Council Action Item

Council Meeting Date: March 25, 2021

Department: Administration

Agenda Item: Consider Ordinance No. 2067 Annexing Certain Land Owned By The City Into The City Of Edgerton, Kansas

Background/Description of Item:

In September 2020, the City of Edgerton became the owner of a portion of the property generally located northwest corner of 207th Street and Co-op Road (Parcel No. 4R221507-2004). The property was purchased as part of the 207th Street Grade Separation Project. As owner of the land, the City desires to annex that land into the City of Edgerton pursuant to K.S.A. § 12-520(a)(2).

The draft ordinance was prepared by City Attorney.

Related Ordinance(s) or Statue(s): K.S.A. § 12-520(a)(2)

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2034 Annexing Certain Land Into The City Of Edgerton, Kansas

Enclosed: Draft Ordinance No. 2067
Johnson County AIMS map of parcel

Prepared by: Beth Linn, City Administrator



ORDINANCE NO. 2067

AN ORDINANCE ANNEXING CERTAIN LAND OWNED BY THE CITY INTO THE CITY OF EDGERTON, KANSAS.

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

WHEREAS, the land described below is owned by the City of Edgerton, Kansas; and

WHEREAS, the City desires to annex that land into the City of Edgerton pursuant to K.S.A. § 12-520(a)(2).

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

Section 1. The following described land is hereby annexed into the City of Edgerton, Kansas, pursuant to K.S.A. § 12-520(a)(2):

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION 7, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSON COUNTY, KANSAS; THENCE NORTH 01°30'08" WEST, ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION, A DISTANCE OF 30.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 207TH STREET, AS NOW ESTABLISHED; THENCE CONTINUING NORTH 01°30'08" WEST, ALONG SAID WEST LINE OF SAID QUARTER-QUARTER SECTION, A DISTANCE OF 666.07 FEET; THENCE DEPARTING SAID WEST LINE, SOUTH 89°29'37" EAST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 681.57 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CO-OP ROAD, AS NOW ESTABLISHED; THENCE SOUTH 89°29'37" EAST TO THE EAST RIGHT-OF-WAY LINE OF SAID CO-OP ROAD; THENCE SOUTH 26°34'25" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE SOUTH 87°40'21" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7 TO THE POINT OF BEGINNING;

Section 2. The Clerk of the City of Edgerton, Kansas shall cause a certified copy of this ordinance to be filed with the County Clerk, Register of Deeds and the County Election Commissioner of Johnson County, Kansas.

Section 3. This Ordinance shall become effective upon its publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor on this 25TH day of March, 2021.

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

Property Information for 4R221507-2004

<i>Tax Property ID</i>	4R221507-2004	<i>KS Uniform Parcel #</i>	0462030703010061010
<i>Situs Address</i>	Not Available	<i>Acres</i>	7.68 (334,738.89 ft ²)
<i>Owner1 Name</i>	CITY OF EDGERTON	<i>Owner2 Name</i>	
<i>Owner Address</i>	PO BOX 255, EDGERTON, KS 66021		
<i>Class</i>	E	<i>Year Built</i>	0
<i>LBCS</i>	4139	<i>Neighborhood Code</i>	699
<i>Zoning</i>		<i>Taxing Unit</i>	0557
<i>City</i>	McCamish Twp	<i>Zip Code</i>	66021
<i>AIMS Map No.</i>	U07 (T-R-S: 15-22-07)	<i>Quarter Section</i>	SW
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	3
<i>Commissioner Dist.</i>	6 (Shirley Allenbrand)	<i>FEMA Flood Panel #</i>	20091C0132G
<i>School District</i>	Gardner-Edgerton	<i>High School</i>	Gardner-Edgerton
<i>Middle School</i>	Pioneer Ridge	<i>Elementary School</i>	Edgerton
<i>Legal Desc.</i> <i>(abbreviated)</i>	7-15-22 BG 30' N SW CR SE1/4 SW1/4 N 666.07' E 681.57' SW 722.26' W 341.27' TO POB 7.685 ACS M/L (W 207TH ST & CO-OP RD)		

Property Map for 4R221507-2004

