



CITY COUNCIL MEETING MINUTES

August 22, 2016

7:00 pm

The following councilmembers were present with Mayor John McTaggart presiding:

Garrett Mellott Jason Gillam
Margaret Shriver Chuck Adams
Chuck Stites

The following staff members were present:

- Michael Webb, City Manager
- Mark Mathies, Police Chief
- Tim Whitham, Fire Chief
- Tony Burr, EMS Supervisor
- David Duckers, City Attorney
- Michelle Bounds, City Treasurer
- Zack Daniel, Assistant to the City Manager/City Clerk

APPROVE MINUTES OF AUGUST 8, 2016

Councilmember Mellott made the motion to approve minutes of August 8, 2016. Councilmember Shriver seconded. Mayor McTaggart requested a roll call vote, which passed 4-0, with Councilmember Stites abstaining.

STATEMENT OF BILLS PAID \$139,162.65

Councilmember Mellott made the motion to approve the statements of bills paid. Councilmember Stites seconded the motion. Mayor McTaggart requested a roll call vote, which passed unanimously.

REQUESTS OR COMMENTS FROM THE PUBLIC

Tim Gates, owner of the property at 9775 Schwartz, addressed the City Council regarding a notice of violation of several codes related to commercial property being stored on the property. City Manager Mike Webb stated that this appearance will count at the formal notice of a request for a public hearing with the City Council and that staff will communicate with him regarding next steps.

CONSIDER RESOLUTION NO. 2016-13 SETTING A PUBLIC HEARING FOR THE VILLAGE SOUTH AT EDWARDSVILLE TIF PROJECT PLAN AREA 1

Mr. Webb began by stating that there are legal representatives from both parties present should they be needed to answer questions. He reviewed the history of the development to this point. The TIF District was created by an earlier Council action item. Following this, the TIF Plan must be developed and approved by the City Council. This plan will outline the working relationship between the City and the development, including financial incentives. A summary of the Feasibility Study and description and map of the area to be developed will be sent to the School District and the Unified Government of Wyandotte County.

Councilmember Adams made the motion to adopt Resolution 2016-13 setting the public hearing for the TIF Project Plan Area 1 for September 26, 2016. Councilmember Mellott seconded the motion. Councilmember Stites noted that we would like to have a workshop prior to this



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meeting. After discussion, it was agreed that said workshop would be conducted August 29, 2016. Mayor McTaggart requested a roll call vote, which passed unanimously.

CONDUCT A PUBLIC HEARING REGARDING THE FISCAL YEAR 2017 ANNUAL BUDGET

Mr. Webb reviewed the current budget figures as they were discussed in previous Council work sessions. He noted there are no changes made since the publication of the maximum budget amount the week before. He also reviewed the internal budgeting process as compared to the state budgeting process outlined in the state budget worksheets. What is proposed for the 2017 Budget is \$5.3 million in revenue, \$5.5 million in proposed expenses and an ending cash balance of \$503,600. The differences in the state worksheets are due to the fact that the state assumes 100% ad valorem tax collection while the City assumes a 3% delinquency rate and that the state assumes that all of the revenue will be spent in the budget year.

Some of the key budget discussions to this point have been regarding a commitment to maintaining the mill levy at the 2016 rate, pay adjustments for City staff, the replacement and transfer of police vehicles, City Hall security renovations, and replacing the City Hall telephone system. Deferred acquisitions which are included in the budget include construction of a covered parking area for police, purchase of a medication dispenser for EMS, and vehicle/equipment purchased for Public Works (including an articulated right-of-way mower). Mr. Webb then provided a summary of the debt service fund summary as well as a high level overview of the other funds as well.

Councilmember Gillam made the motion to open the public hearing, which Councilmember Adams seconded. Mayor McTaggart requested a roll call vote which passed unanimously.

Gary Carpenter of 11030 Riverview stated he did not see any money budgeted for the north end development. He asked if there are any City expenses dedicated to this project. Mr. Webb confirmed that there are no expenses related to this development in 2017.

Councilmember Stites inquired on the estimated costs to light the new futsal courts. Assistant to the City Manager/City Clerk Zack Daniel responded that costs were estimated at around \$25,000, not including any necessary upgrades to the power source at the City Park. Mr. Webb noted that the item is not budgeted currently, but it could be pursued in 2017 through special sales tax funding. Mr. Webb also noted that the Park Advisory Board would also need to be involved. Councilmember Stites noted that he would like to see this area explored in more depth.

Councilmember Adams made the motion to close the public hearing, which was seconded by Councilmember Gillam. Mayor McTaggart requested a roll call vote, which passed unanimously.

CONSIDER CERTIFYING THE FISCAL YEAR 2017 ANNUAL BUDGET

Councilmember Gillam made the motion to certify the Fiscal Year 2017 Annual Budget. Councilmember Adams seconded. Mayor McTaggart requested a roll call vote, which passed unanimously.



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CONSIDER ORDINANCE NO. 967 ADOPTING THE 2016 STANDARD TRAFFICE ORDINANCE FOR KANSAS CITIES

Mr. Webb reviewed the process behind the development and adoption of both the STO ordinance and the UPOC for Kansas cities. There are a number of changes that are highlighted in the handbook related to each action. Chief Mathies also provided some clarification on the changes as well.

After some additional discussion related to the shooting zones in the City, Councilmember Gillam made the motion to adopt Ordinance No. 968. Councilmember Shriver seconded the motion. Mayor McTaggart requested a roll call vote, which passed unanimously.

CONSIDER ORDINANCE NO. 968 ADOPTING THE 2016 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES

Councilmember Adams made the motion to adopt Ordinance No. 967 noting that the map will be updated. Councilmember Shriver seconded the motion. Mayor McTaggart requested a roll call vote, which passed 4-1, with Councilmember Stites dissenting.

ADVISORY REPORTS

CITY MANAGER

Mr. Webb confirmed that the futsal courts are completed and that staff is gathering pictures to help promote it. He also noted that Parks and Recreation will be adding basketball to their programming due to a new court that was installed at Edwardsville Elementary. This league will have a relationship with the Turner Recreation Commission. Mr. Webb reminded the group about the upcoming Fall Family Picnic and 5K that is coming up on October 1. Finally, he gave an update on the ongoing Kansas Ave. project and upcoming Planning Commission items.

CHIEFS (POLICE & FIRE)

Police Chief Mathies gave an update on the homicide investigation from the previous week. He also provided an update to recruitment and hiring process to this point as well as the status of current new hires at the academy. Chief Mathies also reviewed body camera procedure and ways the department has explored improving this process.

Fire Chief Whitham noted that EMS Supervisor Tony Burr was named the KEMSA EMS Administrator of the Year for 2016.

CITY ATTORNEY

David Duckers, City Attorney, shared an anecdote about a futsal court near his home.

COUNCIL AND MAYOR COMMENTS

Councilmember Adams asked whose responsibility it is to maintain the grass in the Kansas Ave. I-435 area. Mr. Webb noted that technically those are the City's responsibility, but upkeep is a



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challenge. Councilmember Adams also thanked the Police Chief for his professionalism in his TV appearance related to the homicide.

Councilmember Gillam asked if any of the I-435 bridge over the river is the City's responsibility. Mr. Webb noted that that is typically handled by KDOT. Councilmember Gillam also asked that when staff appears on television, they try to refrain from statements that make it seem like the City is unsafe or requires assistance from other agencies. His primary concern is that he does not want the City to appear ill-equipped to handle emergency or safety situations.

Councilmember Mellott congratulated Tony Burr on his award.

Councilmember Shriver asked what service provider would utilize the proposed cell tower. Mr. Webb responded that potentially several providers would take advantage of the tower. She also congratulated Tony Burr on his award and thanked Mike Martin for all his efforts for Parks & Rec.

Councilmember Stites thanked for Chief Mathies for his professionalism during his TV appearance. He also congratulated Tony Burr for his award and thanked staff for their effort in putting together the budget. Councilmember Stites asked on the status of recruiting for the Public Works Director position, which Mr. Webb provided an update. Finally, Councilmember Stites stated he has reservations of putting a cell tower in the proposed location. There was additional discussion regarding planning a work session related to the North End development.

Mayor McTaggart congratulated Tony Burr on his award.

ADJOURNMENT

The meeting was adjourned at 8:26 p.m.

Zachary Daniel

City Clerk

TO: MAYOR & CITY COUNCIL
FROM: MICHELLE BOUNDS, FINANCE MANAGER
DATE: SEPTEMBER 12, 2016
SUBJECT: STATEMENT OF BILLS



FOR YOUR REVIEW

Statement of Bills, Expense and Revenue Report

RECOMMENDATION

City Council to approve the Statement of Bills from 08/20/2016 to 09/07/2016 as submitted.

FINANCIAL IMPACT

The total of the Statement of Bills from 08/20/2016 to 09/07/2016 is **\$181,442.90**.

General Operating/Payroll	\$ 132,005.29
Cash Bond	\$ 5,300.00
Cemetery	\$ 1,313.97
Electronic Funds Transfer Account (EFT)	\$ 41,338.24
GO Bond	<u>\$ 1,485.40</u>
Total Bills	\$ 181,442.90

BACKGROUND

The EFT to Card Services represents purchases approved for payment with the city purchase cards. A total of 101 transactions were processed and paid.

We have received an invoice for the 2008 GO Bond Principal and Interest payment due on 10/01/2016. A bank certificate has been prepared for the ACH transaction totaling \$116,900.00 for 9/30/2016.

**IF YOU HAVE ANY QUESTIONS REGARDING THE STATEMENT OF BILLS, PLEASE
FEEL FREE TO CALL PRIOR TO THE COUNCIL MEETING.**

Check Register Report

EXPENSES THRU 09 07 2016

Date: 09/07/2016

Time: 12:24 pm

City of Edwardsville

BANK: BANK MIDWEST-CHECKING

Page: 1

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST-CHECKING Checks							
149960	08/26/2016	Printed		AL01	JOSHUA K ALLEN	PUBLIC DEFENDER JULY, AUG 2016	1,200.00
149961	08/26/2016	Printed		BH01	BHC RHODES CIVIL ENGINEERS	INX SITE REV, ON CALL SERV	680.40
149962	08/26/2016	Printed		BO01	BOARD OF PUBLIC UTILITIES	CITY WIDE WATER SERVICE	734.51
149963	08/26/2016	Printed		BY01	BYERS GLASS AND MIRROR, INC	INSTALL GLASS DOOR, MIRROR	1,845.00
149964	08/26/2016	Printed		CU10	CULLIGAN OF GREATER KANSAS CIT	BOTTLED WATER COOLER FEE	124.88
149965	08/26/2016	Printed		CU14	CUMMINS CENTRAL POWER LLC	FD GENERATOR REPAIR	822.26
149966	08/26/2016	Printed		DE01	DEFFENBAUGH INDUSTRIES	OVERAGE ON ROLL OFF SERV	13.80
149967	08/26/2016	Printed		EM12	EMH	CMNTY CTR WATER USAGE	151.75
149968	08/26/2016	Printed		HE22	HEARTLAND BUILDING MAINTENANCE	CITY WIDE CLEANING	1,477.89
149969	08/26/2016	Printed		IM04	IMAGE TREND INC	EMS FIELD BRIDGE SITE LICENSE	800.00
149970	08/26/2016	Printed		KCPL	K.C. POWER & LIGHT COMPANY	PW SHOP ELECTRIC SERV	177.29
149971	08/26/2016	Printed		RE43	RENNER SUPPLY CO	OVERHEAD DOOR MOTOR DRIVER	1,415.00
149972	08/26/2016	Printed		SA18	SALTUS TECHNOLOGIES	DIGI HANDHELD REPAIR	755.00
149973	08/26/2016	Printed		WY09	UNIFIED TREASURER	JAIL BOOKING FEES JUNE 2016	4,973.50
149976	09/02/2016	Printed		NI04	911 CUSTOM, LLC	REWired WATCHGUARD CAMERAS	570.00
149977	09/02/2016	Printed		CH27	CHRISTI'S CREATIVE APPAREL	FD NEW HIRE TSHIRTS, POLOS	153.00
149978	09/02/2016	Printed		J101	JIMS LOCK & SAFE SERVICE INC	CH, CMNTY CTR LOCK REPAIR	232.50
149979	09/02/2016	Printed		LA46	ANGIE LARSON	FALL FAMILY FACE PNTG DWN PYMT	35.00
149980	09/02/2016	Printed		MC18	MC ELECTRIC	REMODEL ELETRIC PANEL INSTALL	4,745.00
149981	09/02/2016	Printed		PR21	PREMIER CONTRACTING INC	REMODEL ROOF REPAIR	3,160.00
149982	09/02/2016	Printed		TI02	TIME WARNER CABLE	INTERNET, BUS CABLE	290.00
149983	09/02/2016	Printed		WA03	WAL-MART COMMUNITY BRC	OF SPLY, LAW ENF SCHOOL SPLY	703.21
149984	09/02/2016	Printed		WE16	BRIAN J WELLS	TUITION REIMB, B WELLS	259.20
149985	09/07/2016	Printed		BI10	BILLTRUST	3RD QTR 2016 DEL UB BILLING	265.35
149986	09/07/2016	Printed		BL07	BLUE SKY CLEANERS	PD AUG CLOTHING MAINT	325.80
149987	09/07/2016	Printed		CA44	CHAD M CANNON, MD	JUL AUG 2016 EMS MED DIR	1,800.00
149988	09/07/2016	Printed		DE01	DEFFENBAUGH INDUSTRIES	CITY WIDE TRASH SERVICE	15,696.00
149989	09/07/2016	Printed		KS06	KANSAS STATE TREASURER	COURT FEES AUGUST 2016	3,998.50
149990	09/07/2016	Printed		KN05	DAVID A KNOPIK	PLAN REVIEW AUG 2016	4,912.50
149991	09/07/2016	Printed		OM05	OMNI BILLING	AMB BILLING SRV AUG 2016	1,433.81
149992	09/07/2016	Printed		PE12	PERRY & TRENT L.L.C.	COURT PUBLIC DEFENDER	825.00
149993	09/07/2016	Printed		SP07	SPORTS CONDUCTOR LLC	PARK & REC WEBSITE SUPPORT	701.10
149994	09/07/2016	Printed		WY09	UNIFIED TREASURER	JAIL BOOKING FEES JULY 2016	9,604.00
149995	09/07/2016	Printed		KPL0	WESTAR ENERGY	CITY WIDE ELECTRICAL SERVICE	7,602.36
Total Checks: 34						Checks Total (excluding void checks):	72,483.61

BANK MIDWEST-CHECKING EFTs							
1149006	09/02/2016	Reconciled		JO33	CHRISTINA JOHNSON	VOLUNTEER PARAMEDIC	400.00
1149007	09/02/2016	Reconciled		MA50	EMILY S MACMURCHY	VOLUNTEER EMT	190.00
1149008	09/02/2016	Reconciled		NE30	MATTHEW NEAL	VOLUNTEER AEMT	120.00
Total EFTs: 3						EFTs Total (excluding void checks):	710.00

Total Payments: 37 **Bank Total (excluding void checks): 73,193.61**

Check Register Report

EXPENSES THRU 09 07 2016

Date: 09/07/2016

Time: 12:24 pm

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City of Edwardsville

BANK: BANK MIDWEST CASH BOND

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST CASH BOND Checks							
1411	08/25/2016	Printed		CI19	CITY OF EDWARDSVILLE, KANSAS	APPLIED CASH BOND 43467	1,550.00
1412	08/25/2016	Printed		DA34	ANDREA DAVIE	CASH BOND REFUND 45405	500.00
1413	08/25/2016	Printed		MA51	SARAH MARSHALL	CASH BOND REFUND 42125	200.00
1414	09/02/2016	Printed		CI19	CITY OF EDWARDSVILLE, KANSAS	CASH BOND APPLIED 46435AA	1,950.00
1415	09/07/2016	Printed		AL41	VICTORIA P ALEXANDER	CASH BOND REFUND 47166	200.00
1416	09/07/2016	Printed		BR41	JOHN BRUBAKER	CASH BOND REFUND 32192	335.00
1417	09/07/2016	Printed		CI19	CITY OF EDWARDSVILLE, KANSAS	CASH BOND APPLIED 43124	265.00
1418	09/07/2016	Printed		TO13	JEFFREY TOMASEVIC	CASH BOND REFUND 46328	300.00
				Total Checks: 8	Checks Total (excluding void checks):		5,300.00
				Total Payments: 8	Bank Total (excluding void checks):		5,300.00

Check Register Report

EXPENSES THRU 09 07 2016

Date: 09/07/2016

Time: 12:24 pm

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City of Edwardsville

BANK: BANK MIDWEST CEMETERY

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST CEMETERY Checks							
2655	09/06/2016	Printed		BO01	BOARD OF PUBLIC UTILITIES	CEM WATER	39.81
2656	09/06/2016	Printed		HE30	CONNIE HENRY	REIMB STAMPS, SUPPLY PURCHASE	41.21
2657	09/06/2016	Printed		HO41	OLA HOWERTON	CEM REGISTRAR MTHLY FEE	65.00
2658	09/06/2016	Printed		0002	OOTS LAWN AND SNOW	CEMETERY MOWING	900.00
2659	09/06/2016	Printed		SN05	STEVEN SNIDER	REIMB DIESEL PURCHASE	59.30
2660	09/06/2016	Printed		SN06	TAMI SNIDER	CONTRACT LABOR	51.00
2661	09/06/2016	Printed		KPL0	WESTAR ENERGY	CEMETERY ELECTRIC SERVICE	157.65
Total Checks: 7						Checks Total (excluding void checks):	1,313.97
Total Payments: 7						Bank Total (excluding void checks):	1,313.97

Check Register Report

EXPENSES THRU 09 07 2016

Date: 09/07/2016

Time: 12:24 pm

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City of Edwardsville

BANK: BANK MIDWEST-GO BONDS

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST-GO BONDS Checks							
1318	09/02/2016	Printed		BH01	BHC RHODES CIVIL ENGINEERS	LTC SEWER FINAL DESIGN	1,485.40
				Total Checks: 1		Checks Total (excluding void checks):	1,485.40
				Total Payments: 1		Bank Total (excluding void checks):	1,485.40

Check Register Report

EXPENSES THRU 09 07 2016

Date: 09/07/2016

Time: 12:24 pm

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City of Edwardsville

BANK: BANK MIDWEST EFT

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
BANK MIDWEST EFT Checks							
6156	08/22/2016	Printed		GR05	ATMOS ENERGY	CITY WIDE NATURAL GAS	334.49
6157	08/22/2016	Printed		CA34	CARD SERVICES	PURCHASE CARD PAYMENT	35,907.98
6158	08/22/2016	Printed		FP02	FRANCOTYP-POSTALIA, INC	CITY WIDE POSTAGE	500.00
6159	08/22/2016	Printed		FL04	WEX BANK	CITY WIDE FUEL	4,595.77

Total Checks: 4

Checks Total (excluding void checks): 41,338.24

Total Payments: 4

Bank Total (excluding void checks): 41,338.24

Total Payments: 57

Grand Total (excluding void checks): 122,631.22

Check Register Report

PAYROLL 09 02 2016

Emp. Code Desc.: 01
City of Edwardsville

Date: 9/7/2016
Time: 12:24:58

Check No.	Check Date	Recon.Date	Status	Employee ID	Pay To	Check Description	Amount
149974	09/02/2016		P	PRINC	PRINCIPAL LIFE GROUP	Remittance Check	\$752.87
149975	09/02/2016		P	STAND	STANDARD INS CO	Remittance Check	\$844.04
703862	09/02/2016		P	IRSEF	IRS EFT	Remittance Check	\$25,963.26
703863	09/02/2016		P	KS TA	KS STATE TAX	Remittance Check	\$3,570.48
703864	09/02/2016		P	HSA	HSA Bank	Remittance Check	\$150.00
703865	09/02/2016		P	KP&F	KP&F	Remittance Check	\$22,377.32
703866	09/02/2016		P	KPERS	KPERS	Remittance Check	\$3,163.96
703867	09/02/2016		P	AFAFL	AM FIDELITY FLEX ACCT /	Remittance Check	\$365.41
703868	09/02/2016		P	ICMA	ICMA	Remittance Check	\$1,490.03
703869	09/02/2016		P	KPC	KANSAS PAYMENT CENTE	Remittance Check	\$134.31

Total Checks: 10

Sub-Total: \$58,811.68
Total Void/Stop Payment: \$0.00
Grand Total: \$58,811.68

TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
DAVE KNOPIK, CITY PLANNER
DATE: SEPTEMBER 12, 2016
SUBJECT: FINAL PLAT (RE-PLAT) 213 South 5th St. (2016-05-FPT)

RECOMMENDATION

City Council to consider recommendation of approval from the Planning Commission regarding the Final Plat (re-plat) and acceptance of easements / rights-of-way (Wayne and Julie Burnett, Re-plat).

FINANCIAL IMPACT

Not applicable.

BACKGROUND

On August 17, 2016 the Edwardsville Planning Commission considered a re-plat application made by Wayne and Julie Burnett for the property at 213 South 5th Street. At the same meeting, a public hearing was held on the re-plat. The Planning Commission heard comments from City Staff and the Applicant. No concerns were raised by the public as part of the proceeding.

In consideration of the comments and conditions presented, the Planning Commission recommended approval of the re-plat as a final plat with the following conditions to be addressed prior to the filing of the plat:

1. Clean-up of any general typographical errors.
2. Meet the submittal and filing requirements of the County Surveyor.

Staff supports the recommendation of the Planning Commission.



City of Edwardsville
Staff Analysis Report
Planning Commission August 17, 2016
Item 3a – **PUBLIC HEARING** Final Plat (Re-plat) 213
South 5th Street. (2016-05-FPT)

General Information

Applicant: (Owner / Applicant) – Wayne and Julie Burnett

Location: 213 South 5th Street

Applications: Final Plat (Re-Plat)

Zoning & Overlay: R-2 Medium Density Residential Zoning District

Existing Land Use: Vacant

Background

On July 7, 2016 the property Owner's agent filed an application for a final plat (re-plat) of approximately 1/3 acres of land located on the east side of South 5th Street between Newton Street and Pacific Street. This property is part of the Edwardsville original town plat. The property is proposed to be platted as 1 lot and is located in the R-2 Medium Density Residential District.

Currently the site is vacant and zoned for residential use. Future use of the property is subject to further review and approval for zoning and development compliance per the R-2 district.

Per the City of Edwardsville Subdivision Regulations, the various utility providers in the area, as well as appropriate UG representatives, have been provided copies of the proposed final plat for review and comment. The final plat was also provided to the city consulting engineer for review and comment.

Analysis

The final plat application materials have been reviewed by the city planning and engineering consultants for conformance with the requirements of the Subdivision Regulations and other applicable polices and plans. As noted previously, the submitted final plat was also sent to the various utility providers and County surveyor for comment.

The review comments regarding the final plat were provided to the applicant on July 25, 2016. These comments were primarily technical in nature. The revised final plat submittal, received on August 3, 2016, has addressed these items.

Recommendation

Planning Commission to conduct public hearing to receive and consider public comment regarding this final plat / re-plat request.

In regard to a final plat, Article IV Section 13 of the City of Edwardsville Subdivision Regulations state:

- The Planning Commission shall approve a final plat if it is:*
- 1. Substantially the same as the approved preliminary plat;*

2. *There has been compliance with all conditions, restrictions and requirements of this ordinance and all other applicable ordinances of the City;*
3. *There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.*

In light of the analysis and consideration of the standards for Planning Commission approval provided above, staff recommends approval of the final plat / re-plat with the following conditions:

1. Clean-up of any general typographical errors.
2. Meet the submittal and filing requirements of the County Surveyor.

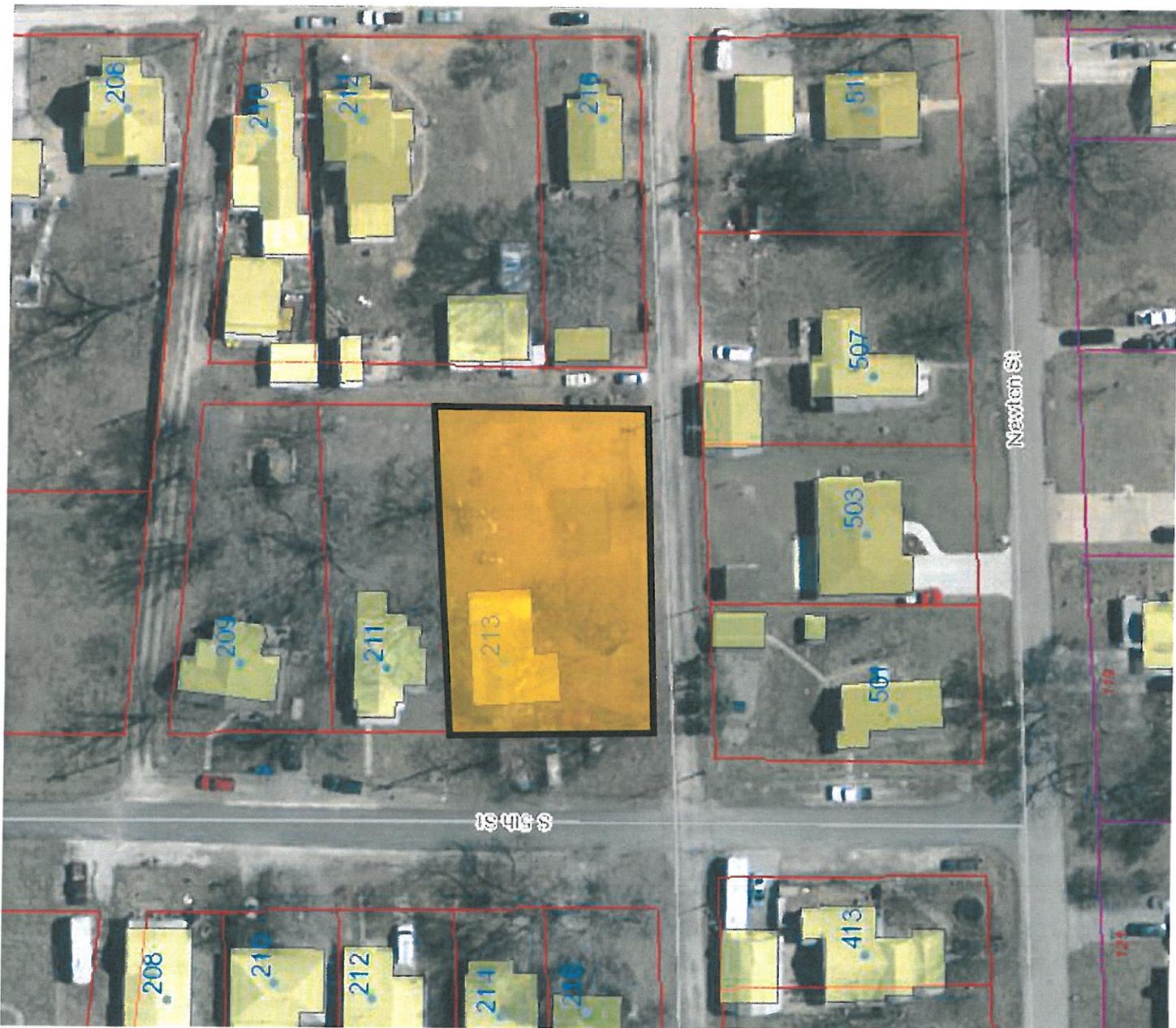
If approved by the Planning Commission, this plat will be forwarded to the City Council for approval and acceptance of public rights-of-way, easements and dedications.

Attachments

- Property Location Map
- Application Material: Final Plat / Re-plat Materials

General Location Map 213 South 5th Street Re-Plat

Case # 2016-05-FPT
August 17, 2016



**TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
DATE: SEPTEMBER 12, 2016
SUBJECT: SETTING PUBLIC HEARING FOR CREATION OF CID**

RECOMMENDATION

City Council to consider Resolution 2016-14 regarding setting a public hearing for the creation of a Community Improvement District.

FINANCIAL IMPACT

Not applicable.

BACKGROUND

A Community Improvement District (or CID) allows a commercial property owner to petition the City to levy special assessments or impose up to an additional 2% sales tax within a CID to fund eligible project costs. Costs may include infrastructure, design, engineering, and construction related activities

The proposed TIF Development Plan for Area 1, which will be discussed at a public hearing on September 26, 2016, anticipates the creation of a CID with a self-imposed 1% sales tax. Pursuant to K.S.A. 12-6a29(c), the City shall adopt a resolution of a public hearing to consider the creation of the requested CID. The notice of this public hearing would be published Thursday, September 22 and Thursday, September 29. The actual hearing would take place during the October 10, 2016 City Council session.

Staff recommends adoption of Resolution 2016-14 setting the public hearing for the creation of a Community Improvement District on October 10.

RESOLUTION NO. 2016-14

A RESOLUTION OF THE CITY OF EDWARDSVILLE, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING THE ADVISABILITY OF THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY AND DECLARING THE INTENT OF THE CITY TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX PURSUANT TO K.S.A. 12-6a26 *ET SEQ.*, AS AMENDED

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.* (the “Act”), the City of Edwardsville, Kansas (the “City”), is authorized to create a community improvement district and to provide for financing of certain costs associated with a project within such community improvement district (a “CID Project”);

WHEREAS, upon proper petition, the Act further authorizes the City, in order to pay costs of any project which is a CID Project, to impose a community improvement district sales tax on the selling of tangible personal property at retail or the rendering or furnishing of services taxable pursuant to the Kansas retailers’ sales tax act within a community improvement district in any increment of .10% or .25% not to exceed 2.0% (a “CID Sales Tax”) and to reimburse the costs of such project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such community improvement district sales tax;

WHEREAS, a petition (the “Petition”) has been filed with the City Clerk of the City proposing the creation of a community improvement district pursuant to the Act, to be known as the Village South at Edwardsville Community Improvement District (the “CID”), the completion of a CID Project within the CID as further described herein (the “Project”), and the imposition of a CID Sales Tax to pay for a portion of the costs of the Project;

WHEREAS, the proposed CID is located in the vicinity of the southeast corner of Interstate 70 and 110th Street within the City;

WHEREAS, the Petition was signed by the owners of record, whether resident or not, of more than 55% of assessed value of the land area contained within the proposed CID and by more than 55% percent of all owners of real property within the boundaries of the CID;

WHEREAS, if the CID is created by the City and certain further conditions are met, the City intends to impose a 1.0% CID Sales Tax within the CID; and

WHEREAS, the Act provides that prior to creating any community improvement district, the City shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and authorizing a CID Project therein and the intent of the City to levy a CID Sales Tax within such district and shall give notice of said public hearing in accordance with the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS, AS FOLLOWS:

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the CID and the imposition by the City of a 1.0% CID Sales Tax within the CID shall be held on October 10, 2016, at 7:00 p.m. (or as soon thereafter as is practical), Central Daylight Saving Time, at City Hall, 690 South Fourth Street, Edwardsville, Kansas.

2. The general nature of the proposed Project to be constructed within the proposed CID is set forth on *Exhibit A* attached hereto.

3. The estimated cost of the Project is \$62,449,350.

4. The Project within the proposed CID will be financed, in part, on a pay-as-you-go basis from revenues received from the imposition of a 1.0% CID Sales Tax within the proposed CID. No special assessments are proposed as part of the CID. No special or general obligation bonds or notes will be issued to finance the Project.

5. A legal description of the proposed CID is set forth on *Exhibit B* attached hereto. A map generally outlining the boundaries of the proposed CID is attached hereto as *Exhibit C*.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act by publishing this resolution at least once each week for two consecutive weeks in the official City newspaper and sending this resolution by certified mail to all owners. The second publication of this resolution shall occur at least seven days prior to the date of hearing and the certified mailed notice shall be sent at least ten days prior to the date of hearing.

PASSED AND APPROVED by the Governing Body for the City of Edwardsville, Kansas this 12th day of September, 2016.

John McTaggart, Mayor

ATTEST:

Zachary Daniel, Assistant to the City Manager/City Clerk

EXHIBIT A

GENERAL NATURE OF THE PROPOSED PROJECT

To acquire, redevelop and improve certain property located generally at or in the vicinity of the southeast corner of Interstate 70 and 110th Street in the City of Edwardsville, Kansas. The Project may be described in a general manner as consisting of: (a) two hotels containing approximately 185 rooms; (b) a conference center/meeting space; (c) a restaurant; (d) a retail component; (e) a fast food restaurant; and (f) a convenience store, along with such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and other associated and appurtenant structures and facilities to the extent permitted under the City's Community Improvement District (CID) Policy.

EXHIBIT B

LEGAL DESCRIPTION OF THE PROPOSED COMMUNITY IMPROVEMENT DISTRICT

A part of Lot 1 and Lot 2, Lustgraaf Acres, being a Replat of part of Tract 4 and Tract 5, The Norman Farm, all in Wyandotte County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 11, Township 11 South, Range 23 East, thence North 02°06'15" West, along the West line of the Southwest Quarter of said Section 11, with this and the following bearings based upon the Kansas State Plane Coordinate System of 1983, 2011 Adjustment, a distance of 471.80 feet to intersection of said West line with the South line of Lot 2, said Lustgraaf Acres; thence North 87°31'44" East (North 89°37'49" East – Platted), along said South line, a distance of 30.00 (measured and platted) feet to the Easterly right of way of 110th Street as dedicated by said Lustgraaf Acres, said point being the Southwestern most corner of said Lot 2 and POINT OF BEGINNING; thence North 02°06'15" West (North 00°00'00" East – Platted), along said Easterly right of way and Westerly line of said Lot 2, a distance of 10.71 feet (Measured and Platted); thence North 87°53'45" East (North 89°37'49" East – Platted), continuing along said right of way and Westerly line of said Lot 2, a distance of 20.00 feet (Measured and Platted) to the Easterly Right of Way of 110th Street as established for the Kansas Turnpike Authority, Contract 9-38-E(1), circa 1955; thence North 00°17'22" East (North 02°24'03" East – Platted), continuing along said Easterly right of way and Westerly line of said Lot 2 and Lot 1, a distance of 746.89 feet to the intersection of said Easterly right of way with the South line of a Permanent Easement recorded as Document No. 1197804, in Book 3744 at Page 543 in the Office of the Register of Deeds, Wyandotte County, Kansas; thence North 66°44'54" East, along said South line, a distance of 655.90 feet to the intersection of said South line with the Southerly Right of Way of said Kansas Turnpike and North line of said Lustgraaf Acres; thence North 85°25'56" East (North 87°34'00" East – Platted) along said Southerly Turnpike Right of Way and North line of said Lots 1 & 2, a distance of 637.64 feet (634.69' – Platted) to the intersection of said lines with the Easterly line of said Lot 2; thence South 02°06'15" East (South 00°00'00" East – Platted) along the East line of said Lot 2, a distance of 1,012.66 feet (1,009.20 feet – Platted) to the Southeast corner of said Lot 2; thence South 87°31'44" West (South 89°37'49" West – Platted), along the South line of said Lot 2, a distance of 1,300.00 feet (measured and platted) to the POINT OF BEGINNING;

LESS AND EXCEPT:

A part of Lot 2, Lustgraaf Acres, being a Replat of part of Tract 4 and Tract 5, The Norman Farm, all in Wyandotte County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 11, Township 11 South, Range 23 East, thence North 02°06'15" West, along the West line of the Southwest Quarter of said Section 11, with this and the following bearings based upon the Kansas State Plane Coordinate System of 1983, 2011 Adjustment, a distance of 471.80 feet to intersection of said West line with the South

line of Lot 2, said Lustgraaf Acres; thence North $87^{\circ}31'44''$ East (North $89^{\circ}37'49''$ East – Platted), along said South line (and extension thereof), a distance of 312.71 feet to the POINT OF BEGINNING; thence North $02^{\circ}30'30''$ West, departing said South line, a distance of 234.55 feet; thence North $87^{\circ}29'30''$ East, a distance of 387.70 feet to a point of curvature; thence easterly and northerly along a curve to the left, said curve having a Radius of 440.00 feet, Delta of $17^{\circ}07'35''$ for an Arc Length of 131.52 feet to the point of tangency; thence North $70^{\circ}21'54''$ East, a distance of 180.76 feet; thence North $02^{\circ}51'38''$ West, a distance of 413.57 feet; thence North $87^{\circ}42'26''$ East, a distance of 334.89 feet to a point on the East line of said Lot 2; thence South $02^{\circ}06'15''$ East (South $00^{\circ}00'00''$ East – Platted), a distance of 720.28 feet to the Southeast Corner of said Lot 2; thence South $87^{\circ}31'44''$ West (South $89^{\circ}37'49''$ West – Platted), a distance of 1,017.29 feet to the POINT OF BEGINNING.

EXHIBIT C

MAP OF THE PROPOSED COMMUNITY IMPROVEMENT DISTRICT



**TO: MAYOR & CITY COUNCIL
FROM: MICHAEL WEBB, CITY MANAGER
DATE: SEPTEMBER 12, 2016
SUBJECT: HEARING 9775 SWARTZ ROAD**

RECOMMENDATION

City Council to conduct a code enforcement hearing regarding the property at 9775 Swartz Road and record its determination of the matter by means of a resolution (Resolution No. 2016-15).

FINANCIAL IMPACT

Not Applicable

BACKGROUND

The Community Service Officer (CSO) inspected the property at 9775 Swartz Road in response to numerous complaints regarding the occupation of the property, the parking of numerous box trailers and piles of miscellaneous debris. Upon conclusion of the inspection, the CSO issued a Notice of Violation in accordance Chapter 6 of the Edwardsville Code of Ordinances (attached). The violations were not corrected within 10 days of the Notice. However, the property owner (Tim Gates) appeared before the City Council on August 22 during the public comment period to request a hearing before the City Council in accordance Chapter 6 of the Edwardsville Code of Ordinances.

The purpose of the hearing is to allow Mr. Gates an opportunity to challenge the findings of the CSO. The City Council can request and hear any evidence it believes is relevant to this case. However, the hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the City Council shall record its determination of the matter by means of adopting a resolution. If the governing body determines a nuisance exists, the resolution shall state the date by which the conditions constituting the nuisance must be abated by the person, after which date the conditions may be abated by the city, with the costs to be assessed in accordance with Edwardsville Code of Ordinances.

Staff has prepared two resolutions for consideration by the City Council including one that finds no nuisance exists and one that finds a nuisance does exist and setting a date by which the condition shall be abated.

In closing, staff recommends the City Council conduct the code enforcement hearing regarding the property at 9775 Swartz Road and record its determination of the matter by means of adopting a resolution.



CITY OF EDWARDSVILLE
690 South 4th Street
Edwardsville, Ks 66111
913-441-3707
913-441-3805 (fax)

Code Enforcement NOTICE OF VIOLATION

Date: August 12, 2016

Parcel # 940001

Property Owner: **Tim Gates**
Agnes Gates Realty
P.O. Box 4057
Overland Park, KS 66204

A recent inspection of your property at 9775 Swartz Road in Edwardsville, KS has identified numerous violations of the Edwardsville Code of Ordinances. Specifically, we believe your property is in violation of the following articles and sections:

Article 6, Section 6.02.001 – Health Nuisances
Articles 6, Section 6.03.008 – Environmental Code
Article 6, Section 6.04.003 - High Grass & Weeds

The inspection of the property found the following prohibited conditions.

1. High grass and weeds in excess of 12 inches in height (Sec. 6.04.003)
2. Allowing for the accumulation of filth, excrement, lumber, rocks, dirt, can, paper, trash, metal and other offensive and disagreeable things and substances (Sec. 6.02.001(1))
3. Maintaining grass, weeds or other unsightly vegetation not usually cultivated or grown for domestic use, or to be marketed or for ornamental purposes. (Sec. 6.02.001(5))
4. Maintaining articles or things whatsoever to the injury, annoyance or inconvenience of the public or of any neighborhood (Sec. 6.02.001(7))
5. Scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:
 - a. Lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;
 - b. Abandoned motor vehicles;
 - c. Furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property.
(Sec. 6.03.008(A-C))

6. Allowing the structure to become deteriorated, dilapidated, or unsightly.
(Sec. 6.03.008(2)(A))

Any work to be done at the property or to any structure may require approval by the City through the issuing of appropriate permits. Failure to obtain such permits is a violation of the Code of Ordinance and subject to penalties.

Please note that you are hereby given ten (10) days from receipt of this letter to bring the property in to compliance with the ordinance, and remain in compliance. If you do not believe you are in violation of the Code of Ordinances as identified in this notice of violation, you have ten (10) days from the date of service to request a hearing before the Edwardsville City Council. Should you fail to abate or remove the conditions constituting the violation described or fail to request a hearing within the time allowed, you may be subject to prosecution in the Edwardsville Municipal Court and/or the City may abate the conditions at your expense as provided by city ordinance. If convicted, you may be subject to a fine of not more than \$1,000, or imprisonment in jail for not more than 179 days, or both such fine and imprisonment.

In closing, everyone living in Edwardsville or who has property must act to support and to improve the safety, appearance and welfare of our community. Therefore, we ask for your voluntary compliance and your prompt, responsive and cooperative action to correct the condition described in this notice.

Should you have any questions please contact me at the below number during normal business - for any additional information regarding this violation.

Thank you for your prompt attention to this notice.

Rick Luttrell
Community Service Officer
Buildings & Code Enforcement
City of Edwardsville, Ks
913-441-3707 ext 16
913-369-0196 (cell)

9775 Swartz Rd. – PICTURES August 3, 2016



9775 Swartz Rd. – PICTURES August 3, 2016



RESOLUTION NO. 2016-15

A RESOLUTION OF THE CITY OF EDWARDSVILLE, KANSAS DETERMINING THE FINDINGS OF CODE VIOLATIONS AT 9775 SWARTZ ROAD.

WHEREAS, it is a violation of the City of Edwardsville, Kansas Code of Ordinances, Chapter 6, to permit various nuisances to occur; and

WHEREAS, the Public Officer for the City of Edwardsville notified the property owner by personal delivery of such violations as identified in the attached Notice of Violation dated August 12; and

WHEREAS, the property owner has not corrected the violations within the prescribed 10 day time period, but requested a hearing before the governing board; and

WHEREAS, the City may abate such nuisance(s) and assess the cost thereof against the lot or parcels of ground upon which a nuisance(s) exists.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS, AS FOLLOWS:

Section 1. The Governing Body has conducted a hearing to consider the nuisances as outlined in the Notice of Violation and has determined such nuisances do not exist.

Section 2. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

PASSED AND APPROVED by the governing body for the City of Edwardsville, Kansas this 12th day of September, 2016.

John McTaggart, Mayor

ATTEST:

Zachary Daniel, Assistant to the City Manager/City Clerk

RESOLUTION NO. 2016-15

A RESOLUTION OF THE CITY OF EDWARDSVILLE, KANSAS DETERMINING THE FINDINGS OF CODE VIOLATIONS AT 9775 SWARTZ ROAD.

WHEREAS, it is a violation of the City of Edwardsville, Kansas Code of Ordinances, Chapter 6, to permit various nuisances to occur; and

WHEREAS, the Public Officer for the City of Edwardsville notified the property owner by personal delivery of such violations as identified in the attached Notice of Violation dated August 12; and

WHEREAS, the property owner did not corrected such violations within the prescribed 10 day time period, but requested a hearing before the governing board; and

WHEREAS, the City may abate such nuisance(s) and assess the cost thereof against the lot or parcels of ground upon which the nuisance(s) exists.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS, AS FOLLOWS:

Section 1. The Governing Body has conducted a hearing to consider the nuisances as outlined in the Notice of Violation and has determined such nuisances do exist.

Section 2. The Governing Body orders the nuisances be abated no later than _____ days from the date of this hearing.

Section 3. The Governing Body hereby authorizes city staff to take any necessary actions as necessary to abate such nuisances if the property owners fails to do so within the time frame set by the Governing Body, to assess charges necessary to abate the nuisance and the filing of liens against said properties if such charges are not paid in full within 30 days of the assessment of such charges.

Section 4. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

PASSED AND APPROVED by the governing body for the City of Edwardsville, Kansas this 12th day of September, 2016.

John McTaggart, Mayor

ATTEST:

Zachary Daniel, Assistant to the City Manager/City Clerk