

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
June 12, 2014
7:00 PM**

Call to Order

1. **Roll Call** ___ Roberts___ Longanecker ___ Crooks___ Cross___ Wiseman___ Brown
2. **Welcome**
3. **Pledge of Allegiance**

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

4. Agenda Approval
5. City Council Meeting Minutes May 22, 2014

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.
8. Presentation by Southwest Johnson County Chamber
9. Presentation by Candid Marketing

Business Requiring Action

10. **CONSIDER THE 2013 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY MIZE HOUSER**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER ORDINANCE NO. 972 AMENDING SECTION 14-208 OF ARTICLE 2 OF CHAPTER XIV OF THE CITY CODE TO INCLUDE NEW PARKING RESTRICTIONS ON EAST 6TH STREET**

Motion: _____ Second: _____ Vote: _____

12. **CONSIDER FINAL ACCEPTANCE OF PUBLIC ROAD SOUTH PHASE I**

Motion: _____ Second: _____ Vote: _____

13. CONSIDER CHANGE ORDER #4 TO THE DESIGN/BUILD AGREEMENT WITH BURNS AND MCDONNELL/CAS CONSTRUCTION, LLC TO INCREASE THE CONTRACT AMOUNT BY \$5050.00

Motion: _____ Second: _____ Vote: _____

14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (2) CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP

Motion: _____ Second: _____ Vote: _____

RECONVENE INTO OPEN SESSION

15. Report by the City Administrator

16. Report by the Mayor

17. Future Meeting/Event Reminders:

- June 14th – 15th – Father’s Day Campout
- June 18th Noon – Senior Lunch
- June 20-22 – Edgerton Frontier Days
- June 26th 7:00 PM – City Council Meeting and Budget Work Session
- July 3rd 6:30 PM – Edgerton Community Picnic and Fireworks
- July 4th – City Offices Closed
- July 8th 7:00 PM – Planning Commission
- July 10th 7:00 PM – City Council Meeting and Budget Work Session
- July 16th Noon – Senior Lunch
- July 24th 7:00 PM – City Council Meeting
- July 31st 7:00 PM – City Council Work Session – Truck Related Ordinances

18. Adjourn Motion: _____ Second: _____ Vote: _____

City of Edgerton, Kansas
Minutes of City Council Regular Session
May 22, 2014

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton Kansas on May 22, 2014. The meeting convened at 7:00 p.m. with Mayor Roberts presiding, and City Clerk Janeice L. Rawles recording.

1. ROLL CALL

Heidi Wiseman	present
Frances Cross	present
Cindy Crooks	present
Clay Longanecker	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator Beth Linn
City Attorney Patrick Reavey

Consultants in attendance: Johnson County Sheriff Representative
Johnson County Fire District Jerry Holly

2. WELCOME

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

- A. Agenda Approval
- B. Minutes of May 8, 2014

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

Motion carried, 4-0.

5. PUBLIC COMMENTS

- A. None

6. DECLARATIONS BY COUNCIL MEMBERS

- A. None

7. REQUEST FOR DONATION TO RELAY FOR LIFE FOR EDGERTON UNITED METHODIST CHURCH TEAM

Rita Jones, Team Captain for the Edgerton United Methodist Church team, was present with information about the Relay for Life on July 11th and 12th, 2014. She indicated this event is open to

the public and everyone is invited to attend. The event will take place at the Wheatridge Middle School track in Gardner, Kansas starting at 6:00 p.m. to 6:00 a.m.

Motion by Crooks, seconded by Cross, to approve a donation in the amount of \$500.00 to the Edgerton United Methodist Church Relay for Life Team.

Motion carried, 4-0.

8. INTRODUCTION OF DEFFENBAUGH COMMUNITY RELATIONS MANAGER

John Blessing, Community Relations Manager with Deffenbaugh, was present to answer questions that the Mayor and Council might have. Mr. Blessing informed the Mayor and council that Deffenbaugh would like to help with Edgerton Frontier Days and the Mayor's Christmas Tree Program. City Administrator Beth Linn commented that since there is a supervisor in town the service is good and it is nice to have him in town on pick up days. She added he has made a big difference in making sure all and any problems are resolved immediately.

BUSINESS REQUIRING ACTION

9. RESOLUTION NO. 05-22-14A WAIVING CITY REQUIREMENTS PERTAINING TO THE COMSUMPTION OF ALCOHOLIC BEVERAGES ON CERTAIN PUBLIC PROPERTY AND NOISE RESTRICTIONS FOR FRONTIER DAYS IN THE CITY OF EDGERTON, KANSAS WAS CONSIDERED.

The City Administrator explained that other than changing the dates on the resolution, everything is exactly like last years. President Glyn Powers and Vice President Ken Newcome of the Frontier Days committee were present to answer any questions and also to promote this year's events.

Motion by Longanecker, seconded by Wiseman, to approve Resolution No 05-22-14A waiving City requirements pertaining to the consumption of alcoholic beverages on certain public property, to waive fees associated with the Cereal Malt Beverage License and noise restrictions for Frontier Days on June 20th and 21st, 2014.

Motion carried, 4-0.

10. AN APPLICATION FROM THE EDGERTON FRONTIER DAYS ASSOCIATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES AT 307 E. NELSON WAS CONSIDERED.

Motion by Cross, seconded by Crooks, to approve the application from the Edgerton Frontier Days Association for a license to sell cereal malt beverages at 307 E. Nelson.

Motion carried, 4-0.

11. RESOLUTION NO. 05-22-14B APPROVING THE CLOSURE OF THE PUBLIC STREETS NAMED HEREIN DURING THE EDGERTON FRONTIER DAYS FESTIVAL.

Motion by Cross, seconded by Crooks, to approve Resolution No. 05-22-14B approving the closure of the public streets named herein during the Edgerton Frontier Days Festival.

Motion carried, 4-0.

12. A REVISED PURCHASING POLICY FOR THE CITY OF EDGERTON WAS CONSIDERED

The City Administrator informed the council that the current purchasing plan was adopted in 2010 by the Governing body as part of the City's Financial Policies. She added the revised Purchasing Policy does not change any approval levels, however it does remove the requirement to use purchase orders. It also offers a better overall formatting of the information in the policy for ease of use by staff, removal of the check signing requirements and clarification of petty cash requirements. Ms. Linn noted the check signing requirements will be consolidated in a banking resolution, which is a separate agenda item.

Motion by Crooks, seconded by Longanecker, to approve a revised purchasing policy for the City of Edgerton.

Motion carried, 4-0.

13. RESOLUTION NO. 05-22-14C APPROVING THOSE AUTHORIZED TO SIGN CITY OF EDGERTON BANKING ACCOUNTS WAS CONSIDERED.

The Council was informed that staff developed a banking resolution to consolidate all authority for Metcalf Bank into one document. This resolution will be used to work with the bank to update signature cards for the various accounts and certificates of deposit, as well as any other paperwork which Metcalf Bank requires for the City's accounts.

Motion by Cross, seconded by Longanecker, to approve Resolution No. 05-22-14C approving those authorized to sign City of Edgerton banking accounts.

Motion carried, 4-0.

14. ORDINANCE NO. 971 ESTABLISHING A PARKS FUND IN THE CITY OF EDGERTON AND ESTABLISHING POLICIES AND PROCEDURES FOR SPENDING THE FUND WAS CONSIDERED.

The City Administrator indicated results from the 2013 citizen survey gave staff the initiative to establish the Parks Fund. This ordinance also establishes policies and procedures for spending the funding.

Motion by Wiseman, seconded by Longanecker, to approve Ordinance No. 971 establishing a Parks Fund in the City of Edgerton and establishing policies and procedures for spending the fund.

Motion carried, 4-0.

15. REPORT BY THE CITY ADMINISTRATOR

The first items presented were Preliminary Code Compliance Reports completed by the Code Enforcement Officer, on two residential structures. The recommendation is to have the City of

Edgerton Building Official and the Building Inspector for Johnson County to inspect the structures for any structural damage and report back to the City Administrator.

Second item discussed was the Quiet Zone, and the impact that the quiet zones are having on the farmers in the area. The City of Edgerton has been in contact with David Hamby, City Engineer, about three separate options that could aid the farmers being able to use the crossings. The date for establishment of the Quiet Zone is June 9th.

The third item discussed was the rock quarry, and the Conditional Use Permit to operate asphalt and concrete plants at the Edgerton Quarry. It was announced there is public hearing on the 28th of May, 2014 at 7:00 p.m. at the Gardner Senior Center. Everyone is encouraged to attend the meeting with any questions or concerns.

16. REPORT BY THE MAYOR

The Mayor gave some brief comments about the trip to Washington D.C. to accept an award for the Big Bull Creek Waste Water Treatment Plant. Mayor Roberts, City Administrator, Beth Linn and Council member Crooks met with Senator Moran, Senator Roberts and Congressman Yoder about several issues. Mayor Roberts stated that it is his hope that some long term relationships were started in Washington, D.C. Mayor Roberts and City Administrator Beth Linn recently attended a Kansas Department of Transportation meeting in Salina with the Kansas Freight Advisory Committee. He stated they are not on the committee but feel they need to be in attendance to represent the City of Edgerton and Logistics Park Kansas City (LPKC).

17. FUTURE MEETING/EVENT REMINDERS:

- May 29th 10 AM to 1 PM – Connecting Communities Fair and Lunch
- May 29th 6:00 PM – Southwest Johnson County Elected Officials Forum
- May 31st Saturday Night Movie Night (Frozen)
- June 10th 7:00 PM – Planning Commission
- June 12th 7:00 PM – City Council Meeting
- June 14th – 15th – Father’s Day Campout
- June 18th Noon – Senior Lunch
- June 20-22 – Edgerton Frontier Days
- June 26th 7:00 PM – City Council Meeting

18. ADJOURN

Motion by Wiseman, seconded by Cross, to adjourn.

Motion carried, 4-0.

Meeting adjourned at 10:00 p.m.

Janeice L. Rawles, CMC

Approved by the Governing Body on _____.

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider the 2013 Audit of Financial Statements as Presented by Mize Houser

Department: Administration

Background/Description of Item: In November 2013, the City of Edgerton renewed a contract with Mize Houser for professional services to perform the annual audit of the City's financial statements for fiscal year 2013. The approved contract included a single audit of the city's loan program with the State of Kansas Water Pollution Control Revolving Loan Fund for construction of the Big Bull Creek Wastewater Treatment Facility and Conveyance System. The single audit is required by the State of Kansas because the dollar amount exceeded \$500,000. The 2013 Audit of Financial Statements is now complete.

The objective of the audit is the expression of an opinion as to whether the City's financial statements are fairly presented, in all material respects, in conformity with the Kansas prescribed basis of accounting. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditors perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

The audit procedures include tests of documentary evidence supporting the transactions recorded in the accounts and may include direct confirmation of certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. The audit also included obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

A representative from Mize Houser will present their findings to the City Council on June 12, 2014. The final Audit of Financial Statements will be provided to City Council that evening.

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

Recommendation: Accept the 2013 Audit of Financial Statements as Presented by Mize Houser

Funding Source: N/A

Prepared by: Beth Linn, City Administrator
Date: June 3, 2014

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Ordinance No. 972 Amending Section 14-208 Of Article 2 Of Chapter XIV of the City Code to Include New Parking Restrictions On East 6th Street

Department: Public Works

Background/Description of Item: The City of Edgerton recently completed the construction of the Nelson Street Quiet Zone. This project included the realignment of East 6th Street to move the intersection of East 6th Street and Nelson Street out of the quiet zone. The reconstruction of East 6th Street now includes a tight s-shaped curve. Public Works recommends the City Council consider prohibiting parking on this section of East 6th Street to insure traffic is always able to maneuver the curve particularly for the residents that must use East 6th Street to access their homes.

Chapter XIV (Traffic) Section 14-208 of the Edgerton City Code lists parking restrictions that apply upon the installation of signage or markings. City Attorney has drafted Ordinance No. 972 to add the section of East 6th Street as described below.

(c) On-street parking prohibited on East 6th Street from Nelson Street to the southern edge of the Edgerton boat ramp at Edgerton Lake Park.

Enclosure: Ordinance No. 972

Related Ordinance(s) or Statute(s): Chapter XIV, Article 2, Section 14-208 of Edgerton City Code

Recommendation: Approve Ordinance No. 972 Amending Section 14-208 Of Article 2 Of Chapter XIV of the City Code to Include New Parking Restrictions On East 6th Street

Funding Source: N/A

Prepared by: Beth Linn, City Administrator
Date: June 3, 2014

ORDINANCE NO. 972

AN ORDINANCE AMENDING SECTION 14-208 OF ARTICLE 2 OF CHAPTER XIV OF THE CITY CODE TO INCLUDE NEW PARKING RESTRICTIONS ON EAST 6TH STREET

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Edgerton:

Section 1. The Governing Body hereby adopts the following new Subsection (c) as part of Section 14-208 of Article 2 of Chapter XIV of the Code of the City of Edgerton:

(c) On-street parking prohibited on East 6th Street from Nelson Street to the southern edge of the Edgerton boat ramp at Edgerton Lake Park.

Section 2. This Ordinance shall take effect upon its adoption by the City Council, approval by the Mayor and publication in the City's official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS AND APPROVED BY THE MAYOR ON THE 22ND DAY OF MAY, 2014.

(seal)

DONALD ROBERTS, Mayor

ATTEST:

JANEICE RAWLES
City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY
City Attorney

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Final Acceptance of Public Road South Phase I

Department: Public Works

Background/Description of Item: On August 22, 2013, the Edgerton City Council approved a Development Agreement with Edgerton Land Holding Company, LLC (ELHC) for the construction of Public Road South Phase I to serve Inland Port I (also known as the spec building) and DEMDACO. This road is approximately 2,000 linear feet of public road beginning at 191st Street (west of Waverly) and proceeding north. The road is officially name Kill Creek Road. This name was unknown at the time of initial approval.

As discussed during the approval of the Development agreement, the City inspected the construction of the road for conformance to plans and city standards. The Public Road South Phase I (Kill Creek Road Phase I) is now complete. The City's Construction Inspector with BG Consultants has indicated that the project has been completed in general conformance to the plans and specifications approved by the City of Edgerton.

Staff would recommend final acceptance of the project and consider the construction complete.

Enclosure: Email from BG Consultants

Related Ordinance(s) or Statute(s):

Recommendation: Approve Final Acceptance of Public Road South Phase I (also known as Kill Creek Road Phase I)

Funding Source: N/A

Prepared by: Beth Linn, City Administrator
Date: June 10, 2014

Beth Linn

From: Jon Carlson <jon.carlson@bgcons.com>
Sent: Thursday, May 15, 2014 7:19 AM
To: Beth Linn; David Hamby
Cc: Brad Haymond; John Thomas; Ken Ashmore
Subject: Kill Creek Road Phase I

Beth and David,

Please note that the Amino Brothers Construction has completed all items from the punch list dated April 22, 2014 with the exception of items #8 and #9 for the Kill Creek Road Phase I project. These two items are being corrected by other contractors or as part of the work for phase II of this project.

To the best of my knowledge this project has been completed in general conformance to the plans and specifications approved by the City of Edgerton.

This project can be accepted by the City at your discretion.

Respectfully,



Jon Carlson | Senior Construction Inspector
BG Consultants, Inc.
1405 Wakarusa Drive | Lawrence, KS 66049
P: 785.749.4474 | F: 785.749.7340
www.bgcons.com

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Change Order #4 to the Design/Build Agreement with Burns and McDonnell/CAS Construction, LLC to increase the contract amount by \$5050.00

Department: Administration

Background/Description of Item: In May 2012, the City of Edgerton approved a Design/Build Agreement with Burns and McDonnell/CAS Construction LLC for completion of design and construction of the Big Bull Creek Wastewater Treatment Facility and conveyance system.

In addition, the City of Edgerton entered into an agreement with the City of Gardner for Construction of Wastewater Improvements and Transportation and Treatment of Wastewater. This agreement anticipated the need for additional infrastructure to be constructed by the City of Gardner to connect Gardner's existing wastewater infrastructure to the Big Bull Creek conveyance system. The new infrastructure includes gravity interceptor northeast of 191st Street and Waverly, the Waverly lift station and the force main to connect Waverly lift station to the Big Bull Creek conveyance system.

To date, Edgerton City Council has approved three change orders to the agreement.

- Change Order #1 was approved by Edgerton City Council in August 2012. Change Order #1 was a zero-cost change order that added language (such as wage rate requirements, anti-discrimination, etc.) to the contract as required by Kansas Department of Health and Environment (KDHE).
- Change Order #2 was approved by Edgerton City Council in February 2013. Change Order #2 amended the agreement to add the costs for the design and construction of the Gardner infrastructure of \$2,450,000. In addition, Change Order #2 additional calendar days to the contract time. The Change Order extended the Contract Time due to added day-for-day adjustment time of execution after December 15, 2012. The entire cost of this change order was funded by the City of Gardner. However, the City of Edgerton holds the contract with Burns and McDonnell/CAS Construction LLC; therefore, the City of Edgerton City Council also approved the change order. The City of Gardner approved the change order and amended their Kansas Water Pollution Control Revolving Fund in the amount of \$2,629,000 on January 22, 2013.
- Change Order #3 was approved by Edgerton City Council in January 2014. Change Order #3 amended the agreement to "true up" the allowance items with actual costs incurred. Change Order #3 included items associated with both the Edgerton and Gardner portions of the project. The total project savings for Edgerton was \$12,056.06.

The project is now complete. The design-build team has now submitted the final change order #4 and final pay application for city to consider acceptance of the project. Change Order #4 closes out the remaining allowance items to actual dollars spent and a few final changes in scope requested by the City of Gardner for the Waverly Lift Station. Change Order #4 is attached.

1. Decrease the \$5,000.00 "Sidewalk" allowance line item to account for the aggregate sum of actual costs associated with this scope of work. Decrease the Sidewalk allowance by (\$1,018.00), for an allowance expenditure of \$3,982.00. (**savings for Edgerton \$509; savings for Gardner \$509**)

2. Decrease the \$15,000.00 "Seeding" allowance line item to account for the aggregate sum of actual costs associated with this scope of work. Decrease the Seeding allowance by (\$5,000.00), for an allowance expenditure of \$10,000.00. **(decrease for Gardner \$5000)**
3. Increase the \$42,528.00 "Conduit/Wire to Motor Actuated Valve" allowance line item to account for the aggregate sum of actual costs associated with this scope of work. Increase the Conduit/Wire to Motor Actuated Valve allowance by \$8,637.00, for an allowance expenditure of \$51,165.00. **(increase for Gardner \$8637)**
4. Increase for changes made to the Waverly Lift Station level transducer, specifically for adding a PVC stilling well. Net increase of \$946.00. **(increase for Gardner \$946)**
5. Increase for changes made to the Waverly Lift Station access hatches, specifically for adding a fall protection netting system. Net increase of \$1,485.00. **(increase for Gardner \$1485)**

Change Order #4 would result in an increase to the agreement of \$5,050.00. That cost is split in decrease cost to Edgerton of (\$509) and an increase in cost to Gardner of \$5559. Change Order #4 does not include any extension of time.

Change Order #4 has not yet been formally accepted by the City of Gardner. Staff would recommended approval by the City of Edgerton be contingent on approval by the City of Gardner.

Enclosures: Change Order #4

Recommendation: Approve Change Order #4 to the Design/Build Agreement with Burns and McDonnell/CAS Construction, LLC to increase the contract amount by \$5050.00 contingent on approval by the City of Gardner

Funding Source: KWPCRLF Project # C20-1926-01; Contract for Services with City of Gardner

Prepared by: Beth Linn, City Administrator
Date: June 12, 2014

CITY OF EDGERTON, KS
EDGERTON BIG BULL CREEK WWTP
MODIFICATIONS TO WWTP DESIGN-BUILD CONTRACT

CHANGE ORDER NO. 4

This Change Order No. 4 covers adjustments to the Contract Price and Contract Time which resulted from the changes in the work described herein.

Description of work –

The following outline adjustments to various Contract allowance line items based upon actual allowance utilization to date, as well as adjustments for additional scope of work not associated with allowance line items:

- 1) Decrease the \$5,000.00 **“Sidewalk”** allowance line item to account for the aggregate sum of actual costs associated with this scope of work. Decrease the Sidewalk allowance by **(\$1,018.00)**, for an allowance expenditure of \$3,982.00.
- 2) Decrease the \$15,000.00 **“Seeding”** allowance line item to account for the aggregate sum of actual costs associated with this scope of work. Decrease the Seeding allowance by **(\$5,000.00)**, for an allowance expenditure of \$10,000.00.
- 3) Increase the \$42,528.00 **“Conduit/Wire to Motor Actuated Valve”** allowance line item to account for the aggregate sum of actual costs associated with this scope of work. Increase the Conduit/Wire to Motor Actuated Valve allowance by **\$8,637.00**, for an allowance expenditure of \$51,165.00.
- 4) Increase for changes made to the Waverly Lift Station level transducer, specifically for adding a PVC stilling well. Net increase of **\$946.00**.
- 5) Increase for changes made to the Waverly Lift Station access hatches, specifically for adding a fall protection netting system. Net increase of **\$1,485.00**.

Cost of change – A lump sum Increase of **\$5,050.00**

Contract Time –

Original Contract Value :	\$ 16,947,000.00
Change Orders to Date :	\$ 2,402,053.31
Amount This Lump Sum Change :	\$ 5,050.00
Total Contract Value to Date :	\$ 19,354,103.31
Contract time adjustment :	<u> 0 </u> calendar days

This change order includes all costs, direct, indirect, and consequential, and all changes in contract time arising from the work as known at this time.

All other provisions of the contract remain unchanged.

Agreed to this _____ day of _____, 201_

Approved:

Burns & McDonnell /CAS, LLC

By:  _____
Date: _____

Approved:

City of Edgerton, KS

By: _____
Date: _____