

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
July 14, 2022
7:00 P.M.**

Call to Order

1. **Roll Call** _____ Roberts _____ Longanecker _____ Lewis _____ Beem
 _____ Stambaugh _____ Lebakken
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 June 9, 2022 Regular City Council Meeting
5. Approve Cost of Living Adjustments (COLA) for Employees
6. Accept Easements for 8th & Braun Intersection Improvements

Motion: _____ Second: _____ Vote: _____

Regular Agenda

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. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken.

The Mayor may modify these provisions, as necessary. The Mayor may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to City Council members only and should not speak to fellow audience members. City Council members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

Business Requiring Action

9. **CONSIDER ORDINANCE NO. 2111 AMENDING CHAPTER XI, ARTICLE 7, SECTION 11-706 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS REGARDING THE ENFORCEMENT OF THE PROHIBITION OF MOTORIZED WHEELED DEVICES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: _____ Second: _____ Vote: _____

10. CONSIDER THE PURCHASE OF TWO (2) STANDARD LARGE METRO MATRIX MESSAGE BOARDS FROM C-HAWKK CONSTRUCTION INC.

Motion: _____ Second: _____ Vote: _____

11. Report by the City Administrator

12. Report by the Mayor

13. Future Meeting Reminders:

- July 28th: City Council Meeting – 7:00PM
- August 9th: Planning Commission Meeting – 7:00PM
- August 11th: City Council Meeting – 7:00PM
- August 25th: City Council Meeting – 7:00PM
- September 8th: City Council Meeting – 7:00PM
- September 13th: Planning Commission Meeting – 7:00PM

14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) UNDER THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE THE CITY ATTORNEY AND CITY ADMINISTRATOR TO DISCUSS PENDING LITIGATION.

Motion: _____ Second: _____ Vote: _____

15. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) UNDER THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE THE CITY ATTORNEY AND CITY ADMINISTRATOR TO DISCUSS CONTRACT NEGOTIATIONS.

Motion: _____ Second: _____ Vote: _____

16. Adjourn Motion: _____ Second: _____ Vote: _____

EVENTS

July 15th: Life-Size Candyland
July 20th: Senior Lunch & BINGO
July 23rd: Nerf Battle in Martin Creek Park
July 27th: 50+: Trivia & Muffins
August 1st: Animal Wonders: Summer Series
August 3rd: Family Pasta Making Class
August 4th: Fun in the Sun
August 6th: Summer Movie Night in the Downtown Greenspace
August 8th: Dog Days of Summer
August 17th: Senior Lunch & BINGO

City of Edgerton, Kansas
Minutes of City Council Regular Session
June 9, 2022

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on June 9, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	absent
Josh Beem	present
Josie Stambaugh	present
Deb Lebakken	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Development Services Director, Katy Crow
- Marketing & Communications Manager, Kara Banks

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 May 26, 2022 Regular City Council Meeting
5. Approve an Agreement with Metropoint Services, LLC to Provide Janitorial Services for the Edgerton City Hall and Auxiliary Office Space

Councilmember Longanecker made motion to approve the consent agenda, seconded by Councilmember Lebakken. The items were approved, 4-0.

Regular Agenda

6. **Declaration.** There were no declarations made.

7. **Public Comments.** There were no public comments made.

Business Requiring Action

8. CONSIDER RESOLUTION NO. 06-09-22A DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS IN THE APPROXIMATE AMOUNT OF \$5,000,000 TO PAY THE COST OF IMPROVING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF COLDPOINT LOGISTICS WAREHOUSE, LLC

Mr. Scott Anderson, Bond Counsel, addressed the Council. He stated he will have two items before the council that relate to ColdPoint. He stated the first item is the resolution of intent, and the second is the ordinance authorizing bond documents. He stated there are a couple of reasons the City issues these types of bonds: property tax abatement and sales tax exemption. He stated the item tonight is related to the utilization of a sales tax exemption certificate, as ColdPoint would like to finance solar equipment to put on top of their building. He stated this will save them an estimated \$150,000 on a \$5 Million project. He stated the resolution simply states the City approves and plans to issue bonds. The ordinance authorizes the City to issue and approves the primary bond documents, base lease and lease agreement. He stated this is an 18-month agreement and the documents are just like every other bond issue the city has participated in. He stated the Governing Body did receive a couple of red-line versions of the resolution and ordinance which simply change the name of the benefit entity. He stated it is now in the owner's name rather than the buildings name.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 06-09-22A.

Councilmember Longanecker made motion to approve, seconded by Councilmember Stambaugh. The resolution was approved, 4-0.

9. CONSIDER ORDINANCE NO. 2109 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS (COLDPOINT SOLAR PROJECT) SERIES 2022, FOR THE PURPOSE OF FINANCING THE COST OF SOLAR EQUIPMENT

Mayor Roberts stated Mr. Anderson explained this item in the previous item before. He asked if the governing body had any questions or comments.

With no questions or comments, he then requested motion to approve Ordinance No. 2109.

Councilmember Longanecker made motion to approve, seconded by Councilmember Beem. The ordinance was approved 4-0.

10. CONSIDER ORDINANCE NO. 2110 ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS

Ms. Katy Crown, Development Services Director, addressed the Council. She stated the city received a request from the owner of a property to annex their land into the City of Edgerton. She stated included the application, map and other related documents are included in the council packet.

Councilmember Longanecker asked if this annexation is the final piece to annex all of the property in that area.

Ms. Crow stated yes, this is the final piece in the northwest corner of Homestead Lane and 199th Street.

City Administrator Beth Linn stated the landscape company in the northeast corner remains unincorporated Johnson County.

With no further questions or comments, Mayor Roberts then requested motion to approve Ordinance No. 2110.

Councilmember Beem made motion to approve, seconded by Councilmember Longanecker. The ordinance was approved, 4-0.

11. CONSIDER UPDATED VEHICLE AND EQUIPMENT REPLACEMENT POLICY

Mr. Dan Merkh, Public Works Director, addressed the Council. He stated in April 2015 the Governing Body approved the Vehicle and Equipment Replacement Policy. Staff has since reviewed the policy and is proposing some updates. He stated the proposed changes are listed within the council packet, which includes a change to the Estimated Useful Life chart being broken down into two charts, Vehicles and Equipment. He stated other changes to the chart include changes to estimated useful lifetime frames/units of usage based on industry standards, type of usage, staff experience with the vehicle/equipment types over time, etc.

Councilmember Lebakken asked what the difference is between useful years and units of usage.

Mr. Merkh stated these are starting numbers. He gave an example that the useful life of a mower is measured in hours, not years. He stated they would like to base the replacement schedule on actual conditions using real data specific to the city, instead of using market analysis.

Mayor Roberts stated the hours/years is really used for budget purposes. He stated the city does not want to change the mill levy to buy a dump truck every few years.

Ms. Linn stated by estimating life of equipment, staff can more efficiently project when a piece of equipment will need to be replaced. She stated the city strives hard to pay cash for equipment and have been able to do this because money is set aside to purchase equipment years down the road.

With no further questions or comments, Mayor Roberts then requested motion to approve the updates to the Vehicle and Equipment Replacement Policy.

Councilmember Longanecker made motion to approve, seconded by Councilmember Lebakken. The item was approved, 4-0.

12. CONSIDER AGREEMENTS WITH ADOPT A HIGHWAY TO SPONSOR HIGHWAY 56 (NORTHBOUND AND SOUTHBOUND) FROM 8TH ST. TO SUNFLOWER ROAD FOR LITTER REMOVAL SERVICES

Ms. Linn addressed the Council. She stated in April, Mayor Roberts presented the City Council with a proposal to consider a pilot program for litter removal services with KDOT for their Sponsor-A-Highway program. She stated at that time, an agreement had not been provided and the costs were estimated to be \$6,000 a year with cleaning occurring 12 times within the designated area. She stated this item was in response to several discussions with a property owner along Highway 56. She stated Council then directed staff to work with Adopt-A-Highway to draft agreements for northbound and southbound services along 56-Highway.

She stated the draft agreements are for a period of two (2) years and would consist of litter removal services both northbound and southbound of 56 Highway, from 8th St. (Edgerton Rd.) to Sunflower Rd. She stated the city may terminate the agreements for any reason with a 90-days written notice. Following the two-year sponsorship, the agreement will automatically renew for a successive two years unless the same written notice is given by either party.

She stated the monthly payments include a one-time set up/sponsor sign fee of \$600 per direction if the city desires, an initial deposit of \$1,000 to be applied to first and last month of services and 22 remaining month payments of \$500 for months 2-23. She stated this would be for a grand total of \$6,000/year or \$12,000 over the two-year agreements. She stated the agreement also states the sponsor will be notified upon renewal if the fees will increase more than 5% during any successive sponsorship periods.

She stated the Adopt-A-Highway Litter Removal Service of America is responsible for the cleaning of the area throughout the term of the agreements.

Mayor Roberts stated he considers this a pilot program because he wants to see how this works in Edgerton. He stated if it works well, he would like to see it expand to possibly include some major roadways within the city to try to make the town look better and be good neighbors to those around. He stated unlike Adopt-A-Highway, this program contracts out a professional company to pick up trash and does all the coordination. He stated they currently do a lot of work in the Shawnee/Lenexa area on 435.

Councilmember Longanecker asked if there is any real reason for the sign.

Ms. Linn stated the sign would say sponsored by the City of Edgerton, but if Council does not want the sign, it can be removed from the agreement.

Councilmember Stambaugh asked if they could add a sign later.

Mayor Roberts stated he would assume if the City paid for it, a sign could be added but cautioned that he was not sure. He stated he would like to see future money in the budget to do other areas if this works out well.

Councilmember Longanecker stated he expects this will work well because the City is not relying on volunteers to do litter clean-up.

With no further questions or comments, Mayor Roberts then requested a motion to approve the agreements without the sponsorship signs.

Councilmember Lebakken made motion to approve, seconded by Councilmember Longanecker. The agreements for northbound and southbound services, without the sponsorship signs, were approved, 4-0.

Mayor Roberts stated he would like an update after the agreements have been updated and finalized with how soon they will begin.

13. Report by the City Administrator

- Response to Douglas County Regarding City of Clearfield Public Hearing

Ms. Linn stated City Council has been given the updated information for the response to Douglas County. She added everything is the same minus the contact information and the information in the first paragraph.

City Attorney Lee Hendricks stated he understands that the only thing that has really changed in this letter is the first paragraph, but he would like to clarify that if the City is sending this letter directly to Douglas County, it would need to be updated to reflect the specific city/counties.

Ms. Linn stated staff would update the letter to reflect the counties/city referenced by Douglas County rather than the specific information related to Miami County.

With no further questions or comments, Mayor Roberts then requested motion to approve sending the letter with updated language and permission to have Mayor sign once complete.

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

- Information on Application to Johnson County for Temporary Use Permit for Bettis Asphalt for temporary asphalt plant at Edgerton Quarry (20125 Sunflower Road)

Ms. Linn stated City Council has been given a draft response letter to Johnson County related to the Temporary Asphalt plant at the Edgerton Quarry. She stated in 2014, the City Council made motion and approved a letter submitted to Johnson County in opposition to a permanent

asphalt plant. She stated this letter is very similar with few changes from that original letter. She stated the letter must be submitted by tomorrow. She stated the temporary permit does not require public engagement and can be approved at administrative level.

Councilmember Longanecker asked if Bettis is going for a 365-day permit.

Ms. Linn confirmed the temporary permit would be for 1 year. She stated the company has been awarded a KDOOT project along I-35 consisting of 7.5 miles of overlay.

Mayor Roberts stated he believes it is clear from 2014 and now that the community does not want this.

Ms. Linn stated she would like to also point out that this permit is for 100 working days, not calendar days and the community has seen that KDOT working/calendar days are a lot different than the normal business working days.

Councilmember Longanecker stated at one time there was an asphalt plant on 68 Highway in Ottawa.

Mayor Roberts stated he would hope that the county would allow for public engagement before approving a temporary permit.

With no questions or comments, he then requested motion to authorize the Mayor and City Administrator to sign and send the letter of opposition to the County.

Councilmember Stambaugh moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 4-0.

14. Report by the Mayor

Mayor Robert stated he would like to remind everyone that Frontier Days is next weekend, and specifically asks Council to remind neighbors of road closures and to thank the volunteers of Frontier Days as most of the event is ran by volunteers in the community.

15. Future Meeting Reminders:

- June 14th: Planning Commission – 7:00PM
- June 23rd: City Council Meeting – 7:00PM
- July 7th: City Council Budget Work Session – 7:00PM
- July 12th: Planning Commission – 7:00PM
- July 14th: City Council Meeting – 7:00PM
- July 28th: City Council Meeting – 7:00PM

16. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN

THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF POTENTIAL LITIGATION

Mayor Roberts stated he does not expect any motion after the Executive Session and adjournment will immediately follow.

He then requested motion to recess into executive session pursuant to KSA 75-4319(B)(2) under the attorney-client exception to include the City Attorney, City Administrator and Development Services Director to discuss potential litigation for 20 minutes.

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

The meeting recessed into executive session at 7:38 PM.

Mayor Roberts requested motion to return to open session.

Councilmember Longanecker made motion to return to open session with no action taken, seconded by Councilmember Stambaugh. The motion was approved, 4-0. Open session resumed at 7:58 PM.

17. Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Stambaugh. All in favor. The meeting was adjourned at 7:58 PM.

Submitted by Alexandria Clower, City Clerk

City Council Action Item

Council Meeting Date: July 14, 2022

Department: Administration

Agenda Item: Consider Cost of Living Adjustments (COLA) for Employees

Background/Description of Item:

Throughout the budget process, the Governing Body has approved the use of the Consumer Price Index for All Urban Consumers (CPI-U) as reported by the US Bureau of Labor Statistics (BLS). In previous years, the CPI-U has been in the 1.5% - 2.0% range. In January 2022, BLS stated that "from December 2020 to December 2021, consumer prices for all items rose 7.0 percent, the largest December to December percent change since 1981."

Based on this extreme spike in the CPI-U, the Governing Body gave consensus during July 7th Budget Work Session to provide a 7.0% COLA for all employees. To authorize the 7.0% COLA, the Governing Body must take formal action at a regular Council meeting. If approved, the COLA would be effective beginning on July 21, 2022.

Listed below is the allocation needed by fund for the remaining five months of 2022. There is sufficient 2022 budget available in existing salaries for each fund due to staff vacancies.

General Fund: \$41,946

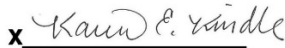
Water Fund: \$2,760

Sewer Fund: \$4,772

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

Funding Source: General Fund, Water Fund, Sewer Fund

Budget Allocated: Total 2022 Salaries by Fund: General Fund: \$1,390,928; Water Fund: \$80,947; Sewer Fund: \$139,171.

x 

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve 7% Cost of Living Adjustment (COLA) for employees effective beginning on July 21, 2022

Prepared by: Karen Kindle, Finance Director

City copy

RIGHT OF WAY EASEMENT

This Right of Way Easement is made on this ____ day of _____, 2022. **KIRK D. MASSIER**, a single person, (hereinafter called "Grantor"), for the consideration of One Thousand Four Hundred Dollars (\$1,400.00) in hand paid, convey and transfer to the City of Edgerton, Kansas (hereinafter "Grantee"), free and clear of all liens and encumbrances, a road right of way easement for the following described real property in Johnson County, Kansas:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN JOHNSON COUNTY, KANSAS, DESCRIBED BY AL DIEBALL, P.S. 758 ON NOVEMBER 22, 2021, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE ALONG THE WEST LINE OF SAID SECTION 7
N.01°36'02"W. (BEING AN ASSUMED BEARING) 170.01 FEET; THENCE
N.87°40'23"E. 30.00 FEET; THENCE
S.01°36'02"E. 140.01 FEET; THENCE
N.87°40'23"E. 130.01 FEET; THENCE
S.01°36'02"E. 30.00 FEET TO THE SOUTH LINE OF SAID SECTION 7; THENCE
ALONG THE SOUTH LINE OF SAID SECTION 7
S.87°40'23"W. 160.01 FEET TO THE POINT OF BEGINNING CONTAINING 9,001
SQUARE FEET INCLUDING 6,201 SQUARE FEET OF EXISTING R/W AND 2,800
SQUARE FEET OF ADDITIONAL EASEMENT.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and seals the date first above written.

GRANTOR:



KIRK D. MASSIER

GRANTEE:

CITY OF EDGERTON, KANSAS,
A Municipal Corporation

By: _____
Beth Linn, City Administrator

(SEAL)

ATTEST:

Alexandria Clower, City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

BE IT REMEMBERED, That on this 29th day of April 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **KIRK D. MASSIER**, a single person, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.


Notary Public

My Appointment Expires:

01-28-25



ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

BE IT REMEMBERED, That on this ____ day of _____, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **BETH LINN**, City Administrator of the City of Edgerton, Kansas, and **ALEXANDRIA CLOWER**, City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public

My Appointment Expires:

City Project: 8th and Braun Intersection
Parcel No. BF221507-2004

TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT, Made and entered into this _____ day of _____, 2022, by and between **KIRK D. MASSIER**, a single person, hereinafter called Grantor, and the **CITY OF EDGERTON, KANSAS**, a Municipal Corporation, located in the County of Johnson, State of Kansas, hereinafter called Grantee.

NOW, THEREFORE, for the sum of Twenty-Four Dollars (\$24.00) and other good and valuable consideration, including just compensation paid for all property damage resulting from the public improvement and from those factors set forth in K.S.A. 26-513 and other factors arising from the public improvement to be made, including but not limited to access to the property; productivity, convenience, use to be made of the property remaining; view; severance of the tract; changes of grade; loss or impairment of access; loss of landscaping, trees and shrubbery; loss of fences; damage to property remaining due to change of grade; medians; and increased water run-off or drainage as indicated on the construction plan; the sufficiency of which is hereby acknowledged, the Grantor do hereby grant to Grantee, its successors and assigns, a Temporary Construction Easement in, on, over, under and through the following described real estate, to wit:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN JOHNSON COUNTY, KANSAS, DESCRIBED BY AL DIEBALL, P.S. 758 ON NOVEMBER 22, 2021, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE ALONG THE SOUTH LINE OF SAID SECTION 7
N.87°40'23"E. (BEING AN ASSUMED BEARING) 30.00 FEET; THENCE
N.01°36'02"W. 30.00 FEET TO THE POINT OF BEGINNING; THENCE
N.01°36'02"W. 15.70 FEET; THENCE
S.69°44'41"E. 40.88 FEET; THENCE

S.87°40'23"W. 37.95 FEET TO THE POINT OF BEGINNING, CONTAINING 298 SQUARE FEET.

This Temporary Construction Easement shall be for a two (2) year period starting with the date of the Construction Work Order (CWO) which begins the project and expiring two (2) years thereafter, or February 28, 2024, whichever is the earliest date. Grantor agree that if the project is delayed and not completed within the temporary construction easement area prior to the expiration date set forth herein, Grantee, upon the filing of an Affidavit of Notice of Extension of Temporary Construction Easement with the Record and Tax Administration in Johnson County, Kansas, shall be granted a period of time not to exceed one (1) year from the original expiration date, to complete said project within the easement area. In no event shall the actual work of the project within the temporary construction easement area exceed a time period of two years.

For one year after the expiration date or extension of the expiration date set forth in this easement, Grantee shall have the right to perform maintenance work on or repair of the improvement and to perform landscaping work related thereto.

Grantor reserve the right to fully use and enjoy the premises except for such use as may unreasonably interfere with the exercise by Grantee of the rights granted herein.

After completion of construction, Grantee shall restore the premises and improvement within the temporary construction easement to as near as possible the conditions set out in the project plans and specifications. Said improvement within the temporary construction easement shall be permanent.

Grantee agrees to restore the temporary construction easement by seeding, replacement of sod or paving as set out in the improvement plans and specifications. Grading within the temporary construction easement may result in a permanent grade change.

Grantor covenant that they are the owner of the premises and have the right, title and capacity to grant the easements herein conveyed.

This agreement is binding upon the heirs, executors, administrators, successors and assigns of the Grantor and Grantee, and it is understood that this agreement cannot be changed or altered in any way except by writing, legally signed by both Grantor and Grantee.

TO THESE COVENANTS, the Grantor do hereby consent and agree.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and seals the date first above written.

GRANTOR:



KIRK D. MASSIER

GRANTEE:

CITY OF EDGERTON, KANSAS,
A Municipal Corporation

(SEAL)

ATTEST:

By: _____
Beth Linn, City Administrator

Alexandria Clower, City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

BE IT REMEMBERED, That on this 29th day of April, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **KIRK D. MASSIER**, a single person, who are personally known to me to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Veronica Huffman
Notary Public

My Appointment Expires:

01-28-25



ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

BE IT REMEMBERED, That on this ____ day of _____, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **BETH LINN**, City Administrator of the City of Edgerton, Kansas, and **ALEXANDRIA CLOWER**, City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public

My Appointment Expires:

City Council Action Item

Council Meeting Date: July 14, 2022

Department: Administration

Agenda Item: Consider Ordinance No. 2111 Amending Chapter XI, Article 7, Section 11-706 Of The Municipal Code Of The City Of Edgerton, Kansas Regarding The Enforcement Of The Prohibition Of Motorized Wheeled Devices And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Background/Description of Item:

In 2021, Edgerton City Council passed the new regulations allowing the use of some unconventional vehicles on city streets with a permit and in compliance with certain regulations. This summer the City has seen an increase in the operation of other motorized wheeled devices not allowed on both city streets and city sidewalks.

Edgerton City Code prohibits the operation of a motorized wheeled device on any city street, highway or sidewalk. Motorized wheeled device is defined as any device with wheels that is propelled by a motor or battery, used to transport persons, and is not subject to being registered as a vehicle by the Division of Vehicles of the Kansas Department of Revenue. This means any wheeled device (i.e. electric mini bike, electric go cart, etc.) but does not include unconventional vehicles when properly permitted and operated.

The enforcement section of this code is extremely antiquated related to minors and only allows the Sheriff's Office to escort the child home and notify the child's parent of the code violation. Staff would recommend updating this section of the Code to deem the violation a traffic infraction for either a minor or adult. This would allow the Sheriff's Office to write a citation for municipal court. The draft ordinance also includes escalating fines for repeat offenders.

Enclosed is a draft ordinance prepared by City Attorney to update the enforcement section similar to enforcement of violations by a minor of the unconventional vehicle ordinance.


Related Ordinance(s) or Statue(s): Chapter XI, Article 7



Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval:

x 

Karen Kindle, Finance Director

Recommendation: Approve Ordinance No. 2111 Amending Chapter XI, Article 7, Section 11-706 Of The Municipal Code Of The City Of Edgerton, Kansas Regarding The Enforcement Of The Prohibition Of Motorized Wheeled Devices And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Enclosed: Draft Ordinance 2111

Prepared by: Beth Linn, City Administrator

ORDINANCE NO. 2111

AN ORDINANCE AMENDING CHAPTER XI, ARTICLE 7, SECTION 11-706 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS REGARDING THE ENFORCEMENT OF THE PROHIBITION OF MOTORIZED WHEELED DEVICES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

SECTION 1. Chapter XI, Article 7, Section 11-706 of the City Code of the City of Edgerton, Kansas, is hereby amended to read as follows:

11-706. **ENFORCEMENT.** (a) Violations of this Article, whether by an adult or a minor, shall be deemed a traffic infraction;
(b) If there is a violation of this Article by any person, that person shall be charged and served with a Notice to Appear in Municipal Court. Upon conviction, the fine for first offense shall be One Hundred Fifty Dollars (\$150.00), the fine for a second offense shall be Three Hundred Dollars (\$300.00) and the fine for a third and subsequent offenses shall be Five Hundred Dollars (\$500.00).
(c) If a parent, having custody or control of a child, authorizes or knowingly permits a child to violate Section 11-703 of this Article, said parent shall be charged and Served a Notice to Appear in Municipal Court and, upon conviction, shall be subject to a fine not a exceed Three Hundred Dollars (\$300.00) and costs. (Ord. 2111, 2022)

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 14th day of July, 2022.

DONALD ROBERTS, Mayor

ATTEST:

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

City Council Action Item

Council Meeting Date: July 14, 2022

Department: Public Works

Agenda Item: Consider the Purchase of Two (2) Standard Large Metro Matrix Message Boards from C-Hawkk Construction Inc.

Background/Description of Item:

On July, 15, 2021 at the 2022 Budget City Council Budget Work Session staff made the recommendation to move several pieces of equipment from the unfunded equipment list to the funded program for 2021-2022. This included the purchase of two changeable message boards. On August 9, 2021 City Council approved this purchase as part 2022 Annual Budget (Current Program for Vehicle and Equipment: 2021-2022).

Today, the department rents the changeable message boards for local events, large scale road closures and to handle some of the annual traffic control needs. Over the last several years the number of times for which there was a need for changeable message boards has increased significantly. Staff has found that it can be difficult to secure the rental boards with short notice and the cost continues to trend upward.

Changeable message boards provide advanced warning and notification for the motoring public and commercial traffic. These units are the first line of safety for work zones, altered traffic patterns and community events. In terms of message boards there are typically three sizes: large, small and mini. These sizes refer to the physical size of the changeable message board screen and the sizing of the displayed message. The size of the displayed message is regulated by the Manual for Uniform Traffic Control Devices (MUTCD). The MUTCD states, "Word messages on changeable message signs should be composed of all upper-case letters. The minimum letter height should be 18 inches for changeable message signs on roadways with speed limits of 45 mph or higher. The minimum letter height should be 12 inches for changeable message signs on roadways with speed limits of less than 45."

The Vehicle and Equipment Policy requires the preparation of the specifications for the replacement of equipment with an effort for those to be as "standard" as possible to provide for economical and efficient repairs. It also requires that the City first use cooperative purchasing partnerships. At this time, there are no cooperative partnerships for this class of equipment. Staff solicited for four bids from local vendors as well as online retailers. Out of this process C-Hawkk Construction Inc. is the lowest most qualified bidder.

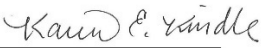
Purchasing equipment in our current economic climate has changed the bidding and quoting process. Currently, the lowest most qualified vendor, C-Hawkk Construction Inc., has provided

the structured quoting from the message board supplier, Wanco. Wanco will only honor the quote for a period of ten days. Staff obtain quotes over the last several months and the cost has increased. From February to June the cost increased approximately 3.25%. Based on the current pricing outlined in the most recent quote received on June 8, 2022, the additional 3.25% increase is still under the allocated budget for this equipment purchase.

Related Ordinance(s) or Statute(s):

Funding Source: Equipment Reserve Fund - General

Budget Allocated: \$34,000

x 

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Award the Purchase of Two (2) Standard Large Metro Matrix Message Boards from C-Hawkk Construction Inc. in an Amount Not to Exceed \$34,000.

Enclosed: Requisition Form Message Boards w/ quotes

Prepared by: Trey Whitaker, Public Works Superintendent

Item requested:

Date: _____

Describe need for requested item:

Describe bid process and attach documentation:

NAME / DESCRIPTION	UNIT COST	TOTAL COST	RECOMMEND	NOTES
	\$	\$	<input type="checkbox"/>	
	\$	\$	<input type="checkbox"/>	
	\$	\$	<input type="checkbox"/>	
	\$	\$	<input type="checkbox"/>	
	\$	\$	<input type="checkbox"/>	

Requested by: _____ Date: _____

Account Number: _____ Budget Available: ☐ *Karen P. Randle*

Department Head Approval: _____ Date: _____

City Administrator Approval (\$15,000): _____ Date: _____

City Council Approval (> \$15,000): _____ Date: _____



C-Hawkk Construction Inc

PO Box 449
Eudora, KS 66025
785-542-1800
Fax 785-542-1025

SALES QUOTATION

Quote Date	Quote ID
5/12/2022	22-002999

Valid Through: 5/26/2022

City of Edgerton Kansas

Trinity Logan

Job Location:

sales quote PCMS Boards

Edgerton

Quote Created By: Kevin Shelton

Phone: 785-760-0900

Email: tlogan@edgertonks.org

Bid Line#	Item Description	Price	UOM	Quantity	Total
1	Standard Large Metro Matrix Message Board w/ Hand tower lift	\$15,350.00	Each	2	\$30,700.00
2	Wanco standard 3 Line Message Board	\$17,845.00	Each	2	\$35,690.00
3	Freight Charges	\$850.00	Each	2	\$1,700.00

Note: The * indicates taxable items.

ONE TIME CHARGES \$68,090.00

LABOR \$0.00

Lead Time is currently running 5-6 weeks
Customer to choose from line item #1 or #2
Freight shown is per each unit delivered.

SUBTOTAL \$68,090.00

SALES TAX (0%) \$0.00

QUOTE TOTAL \$68,090.00

Prices are can only be honored for 2 weeks as shown on bid .

Scope: C-Hawkk does NOT offer warranty. Only warranty offered is by manufacture of product, which can be provided if requested.

We do NOT accept credit card payments - you will need to set up an account with our accounts receivable department.

C-Hawkk is quoting the direct shipment of these items to your business. Contractor is responsible for all unloading of items

Excluded: Sales Tax NOT included, but will be added to each invoice unless tax exempt certificate is submitted.

5/12/2022

Kevin Shelton
C-Hawkk Construction Inc

Date

Accepted By:

Signature

Date

Print Name

Title

Company

Visit Our Website at www.chawkkconstructioninc.com



Safe travels:

Traffic and Parking Control Co., Inc.

5100 West Brown Deer Road

Brown Deer, Wisconsin 53223

Phone (800) 236-0112 • TAPCOnet.com • Fax (800) 444-0331

SALES QUOTE

Customer Copy

Number	Q22002610
Date	2/15/2022
Page	1

Sell To Cust. C61905	City of Edgerton 404 E. Nelson Street EDGERTON, KS 66021 USA			Ship To Cust.	City of Edgerton 404 E. Nelson Street EDGERTON, KS 66021 USA	
Customer PO #		Expires	Slsp	Terms	Freight	Ship Via
		6/13/2022	Kieven Sperry	Net 30 DAYS	INCLUDED	BEST RATE

Item	Description	Quantity	UM	Price	Extension
1415-2000	Solar Message Center, Full matrix display, 79.5 Height x 133" Width, SMC 2000 FM ST	2	EA	22,953.40	\$45,906.80
	Lead Time: 3-4 weeks				
	TAPCO OMNIA Partners Contract # 2020-200				
	Freight Included				

Shipment within _____
Acceptance By _____
Date _____
By _____

Merchandise	Freight	Tax	Total
\$45,906.80	\$0.00	\$0.00	\$45,906.80

All prices are listed in **US Dollars (USD)**

For terms and conditions, please visit: <https://www.tapconet.com/terms-conditions>



Date: 5/13/2022
Quote Number: TEK05132022

Item #	Quantity	Description	Unit Price	Total
1	2	PCMS-1500 Ver Mac Pro Series Full Matrix Sign	\$19,312.50	\$38,625.00
		75" x 132" display, panel, 28 x 78 pixels	\$0.00	\$0.00
		3 x 85 watt solar panels, Stealth Technology,	\$0.00	\$0.00
		Jamlogic Refresh & Alerts	\$0.00	\$0.00
		NTCIP-Touch Controller with V-sync WI-FI	\$0.00	\$0.00
		4 G Modern & 10 Year Cell Plan-Non SWZ	\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
		Options	\$0.00	\$0.00
		OPT-MS-Stealth 15 AMP Batteries Charger \$380.00 each	\$0.00	\$0.00
			\$0.00	\$0.00
		Fright included	\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			Subtotal	\$38,625.00
			Tax	\$0.00
			Total	\$38,625.00

Terms and Conditions:

Accepted by:

Date

Printed Name

Title

CORPORATE
8750 West Bryn Mawr Avenue
Suite 400
Chicago, IL 60631

With over 40+ locations and satellite yards across the country, RoadSafe is the national leader in traffic control services and sales.