

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
October 10, 2024
7:00 P.M.**

Call to Order

1. **Roll Call**

_____ Roberts _____ Longanecker _____ Lewis _____ Lebakken _____ Malloy _____ Conus

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 September 26, 2024 Regular City Council Meeting

Motion: _____ Second: _____ Vote: _____

Regular Agenda

5. **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.

6. **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

7. **CONSIDER A NO COST CHANGE ORDER TO EXTEND THE PROJECT COMPLETION DATES TO CM CONCRETE FOR CONSTRUCTION OF THE GLENDELL ACRES PARK IMPROVEMENTS PROJECT.**

Motion: _____ Second: _____ Vote: _____

8. CONSIDER CHANGE ORDER #18 TO CONTRACT WITH COMBES CONSTRUCTION FOR \$70,927 TO CONSTRUCT A DUMPSTER ENCLOSURE FOR THE GREENSPACE PROJECT

Motion: _____ Second: _____ Vote: _____

9. CONSIDER ACCEPTANCE OF A PROPOSAL FOR DIGITAL SIGN AT THE GREENSPACE WITH SIGNS ETC. FOR \$20,220.79.

Motion: _____ Second: _____ Vote: _____

10. Report by the City Administrator

- 312 E 5th St. Update

11. Report by the Mayor

12. Future Meeting Reminders:

- October 24: City Council Meeting – 7:00PM
- November 12: Planning Commission – 7:00PM
- November 14: City Council Meeting – 7:00PM
- December 10: Planning Commission – 7:00PM
- December 12: City Council Meeting – 7:00PM
- December 26: City Council Meeting – 7:00PM

13. Adjourn Motion: _____ Second: _____ Vote: _____

EVENTS

- 10/22: Royal Iced Candy Corn Cookie
- 10/28: Spooktacular Jack-O-Lantern Showcase
- 11/8: Mayors Christmas Tree Fund Trivia Night
- 11/12: Tales for Tots
- 11/15: DIY Christmas Round Door Hanger
- 11/20: Senior Lunch & BINGO
- 11/22: Golden Oldies Music Bingo
- 12/4: Kids DIY Handprint Holiday Towel
- 12/6: Tree Lighting Ceremony
- 12/7: Jingle Puzzle Dash
- 12/10: Tales for Tots
- 12/13: Kids Night Out

City of Edgerton, Kansas
Minutes of City Council Regular Session
September 26, 2024

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas September 26, 2024. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. **ROLL CALL**

Clay Longanecker	present
Josh Lewis	absent
Deb Lebakken	present
Bill Malloy	present
Ron Conus	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Clerk, Alex Clower
- City Attorney, Todd Luckman
- Public Works Director, Dan Merkh
- Parks and Recreation Director, Levi Meyer
- Development Services Director, Zach Moore
- Assistant to the City Administrator, Kara Banks
- Assistant to the City Administrator, Trey Whitaker
- Public Works Foreman, Chase Forrester
- Senior Accountant, Justin Vermillion

2. **WELCOME.** Mayor Roberts welcomed all in attendance.

3. **PLEDGE OF ALLEGIANCE.** All present participated in the 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 September 12, 2024 Regular City Council Meeting
5. Approve Resolution No. 09-26-24A Establishing Fees and Rates for Permits, Licenses and Services for the City of Edgerton, Kansas

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

Regular Agenda

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

7. **Public Comments.**

Mr. Charlie Troutner addressed the Council. He stated the Gardner Alumni hall of fame event went very well. He thanked the City Administrator, Mayor Roberts and Councilmember and Mrs. Conus for attending the event. He stated the Braun family told him that the event was above and beyond anything they could have expected. He stated the deadline now to submit someone for the next year is March 1st, but cautioned that the person who nominates someone is responsible for providing all info on behalf of the person they nominate.

Mayor Roberts stated it was a great event and thought that all nominees were well represented.

Mr. Troutner thanked the City for their sponsorship. He also added that he ran into a First Amendment Auditor for the first time. The individual was walking around recording businesses and people on camera. He stated he had never heard of this before and wanted everyone to know this person was around.

Mayor stated that the First Amendment Auditors have been going around for years, but have been picking up steam lately.

Business Requiring Action

8. CONSIDER AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE THE PURCHASE OF A TRUCK TO REPLACE TRUCK 528

Public Works Director Dan Merkh addressed the Council. Mr. Merkh stated in August, staff presented the recommended budget for 2025 and as part of this presentation, staff made recommendations for funding of the Current Vehicle & Equipment Program 2025-2029. He outlined the purchase recommendation for a Class 5 Truck with flat-bed to replace truck 528 which has reached the end of its useful life. He stated the budget set for this vehicle, including upfit with plow and salt spreader is \$92,150.

He stated the policy requires the preparation of specifications for the replacement of equipment with an effort for those to be as standard as possible to provide economical and efficient repairs. He stated it also requires the city first use cooperative purchasing, if available. In this case there are no options for cooperative purchasing and in the current state of the market there is no ability to order vehicles as has been done in the past. He stated with this process staff will be taking the lowest most qualified bid.

He stated the new method for purchasing vehicles is off the lot and includes several variables for purchasing. He stated this new purchasing environment for vehicles requires flexibility in being able to authorize the purchase with an extremely fast turnaround, usually within 24 hours with a deposit. He stated this is a different approach from what has been used in the past when staff would present cooperative purchasing bids and request authority for an amount that was set in the bids and then order the vehicle.

He stated included in the packet is the vehicle specification, including cost from dealership and upfit for aftermarket options. He stated staff recommends granting the City Administrator the authority to approve the purchase of a class 5 truck off-lot and upfit for a price not to exceed

\$92,150 with the payment source for the budgeted amount being from the Equipment Reserve Fund-General.

He stated staff will look at multiple dealerships in the metro area, as well as dealers in the region not exceeding a distance of 250 miles to find a unit that meets the specifications outlined, as well as one that fits within the proposed budget. He stated the attached pricing shows available inventory and pricing in that 250-mile radius as of the publication of the council packet. Pricing and availability can change. He stated staff recommends disposing of the current public works truck 528 via online auction.

Councilmember Longanecker asked about the plow outfitting, specifically if the plow normally wears out at the same time as the truck itself.

Mr. Merkh answered the plow and the truck typically are bought together and wear out at the same rate.

Councilmember Longanecker stated that he did not know if the plow would be sold with truck.

Mr. Merkh affirmed the plow would be sold with the truck.

Mr. Whitaker stated that he assessed the condition of the salt spreader and found it to be viable, but the plow is declining in condition.

Councilmember Longanecker asked about the age of the truck.

Mr. Whitaker answered the truck is either from 2014 or 2015.

Councilmember Longanecker asked if the old equipment can fit on the new vehicle. He added he thinks they have had discussion about this in the past.

Mr. Merkh stated that he thinks that the old salt spreader will work on this truck, which doesn't always happen, but staff has found some different options that may make this viable for a little longer.

Mayor asked if staff had looked into the trade-in value instead of auctioning off the old truck and equipment.

Mr. Merkh stated that he did not investigate trade-in value but can look into it before the new truck is purchased.

Mayor stated that it may bring some value on trade-in with the truck not being that old. He stated it would be worth looking into at least.

With no further questions or comments, Mayor Roberts requested motion to approve authorizing the City Administrator to approve the purchase of a Public Works truck to replace truck 528 for an amount not to exceed \$92,150, including upfit.

Councilmember Longanecker moved to approve, seconded by Councilmember Malloy. The item was approved, 4-0.

9. CONSIDER ORDINANCE NO. 2170 AMENDING CHAPTER XII ARTICLE 2 REGARDING USE AND REGULATION OF CITY PARKS AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Parks and Recreation Director Levi Meyer appeared before the Council. He reviewed a memo that was presented to Council in September regarding updates to the City's Park Regulations. He stated these updates included clarification, new items, and removal of some items to better make the City's code more cohesive. He stated with the impending opening of The Greenspace, staff determined the existing codes should be updated as the current chapter has been in place since at least 2013. He stated the primary goal of this update is to keep the language simple, consistent across all chapters and allow staff the opportunity to post specific rules and regulations on site at properties. He stated a common example of this would be having regulations that ban damage to park property and a sign at a park that states "hanging on basketball rims is prohibited" because it would damage the basketball goal.

He stated this comprehensive chapter was developed by comparing codes from other agencies, including Olathe, Overland Park, Merriam, Shawnee, Gardner, Ottawa, Wellsville, Sterling, and Johnson County Parks and Recreation District.

He stated the proposed update combines the previous Chapter 12, Articles 1 and 2 of the Edgerton Municipal Code into a new Article 1 to include all "City Properties", such as park lands, recreational areas, and other City facilities.

Councilmember Lebakken asked if the UPOC prohibits swimming at all of them and if that is open to change, especially at the lake.

Mayor stated that if there are no lifeguards there is liability.

City Attorney, Todd Luckman, agreed that having no lifeguards is a liability and depending on the body of water it may not be good for people to swim in as well.

Mayor stated that is very common across other agencies.

Councilmember Lebakken asked if there is something that is different between our body of water and Hillsdale Lake.

Mr. Luckman stated that the issue here is that Kansas Tort Claims Act, has nuanced views about what is recreational vs body of water. He continued that if swimming is allowed, it must be in a structured area with proper equipment and safeguards.

With no further questions or comments Mayor Roberts requested motion to approve Ordinance No. 2170 amending Chapter 12 of the Municipal Code regarding use and regulation of City Parks.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. Ordinance No. 2170 was approved, 4-0.

10. Report by the City Administrator

- 312 E 5th St. Update

Mr. Moore stated Council adopted a resolution deeming this structure dangerous or unsafe. The City has established deadlines for the property owner to bring the building back into compliance and has been extending that deadline to tonight through series of updates. He included a brief timeline in the packet.

He stated the property owner has been collecting bids and he included an email with the most recent update from property owner. Property owner will likely choose to repair, instead of demolish. That was last update staff has received. The attorney for the property owner Ashlee Yager is in attendance.

Councilmember Longanecker requested clarification that the property owner has been granted 4 extensions.

Mr. Moore stated that is correct.

Mayor invited Ms. Yager up to the podium.

Ms. Yager stated the only update that she has since the last email sent to Zach is that the contractor did visit the property yesterday. She stated they will install a door that meets the building code as well as complete foundation repairs listed in the structural engineer's report. That report came back essentially saying structure is secure and safe except for a few foundation items. She stated this report did come in a week late. They have been working for the last two weeks trying to obtain repair bids. The owners will most likely opt to repair structure. However, she cautioned that final financial analysis cannot be done until bids are received.

Councilmember Lebakken questioned if the owner would be able to find a contractor willing to do the work.

Ms. Yager stated they are fairly confident they will repair, but they are still discussing the best financially feasible option.

Councilmember Longanecker stated it did not sound like a decision has been made.

Ms. Yager stated there has been progress and the owners have advised they are most likely repairing the structure. Final financials have not been put in place until this last repair bid.

Councilmember Longanecker stated that this is the same as last time.

Ms. Yager stated the owners are taking steps to repair and hopes that Council can see that.

Mayor asked the City Attorney that what the next steps are in the process.

Mr. Luckman stated Council will either order it demolished or repaired. He stated usually to order demolished, Council would need to believe the building cannot be restored to a state that is not a nuisance or problem. In this instance, the engineers report indicates the structure is sound and that was a main concern.

Ms. Yager agrees with City Attorney.

Mr. Luckman states that it is a policy choice ultimately. The progress is slow, but we do have a responsive owner, which is not always the case. He then questioned if the City would end up with a vacant lot and no house, or if the owner would ultimately end with a liveable structure.

Councilmember Longenecker asked if the City's building inspector could decide if a home was fixable.

Mr. Moore stated in order for the building inspector to offer an opinion on this matter, he would need to be granted access. The only portion the building inspector has been inside was the basement when there was an issue with the water meter.

Mr. Luckman stated that the request for access could be condition of extension.

Mayor asked Ms. Yager if she or the owner had sent the structural engineering report to the city.

Ms. Yager stated that what she is authorized to say, is that the report was found sound as long as there are one or two foundational repairs done and that the report has not been sent to the city.

Mayor stated that the structure is then not sound until they do repairs.

Councilmember Longanecker stated the consensus here is that the City has been waiting.

Ms. Yager there is cost and timeline from contractors. Ideally, the owners want more than one bid. Hopefully will have one or two more contractors submit bids.

Ms. Linn stated when the initial assessment was made the list was prepared without staff being in all spaces of the structure. She stated staff would recommend we obtain the report to allow staff to review and understand if the structure is dangerous and unsafe. She stated this will then allow for more time for the owners to obtain more bids.

Mayor stated that the City should be granted access and be given a copy of the structural engineers report. The Council does not want this issue to go on forever and wants to see this back at the next council meeting.

Mr. Luckman states that the City's inspector should have the structural engineer report in hand sooner rather than later.

Councilmember Longanecker expressed his displeasure at the lengthy timeline and lack of answers from the property owner.

Ms. Yager stated that she will try and move this forward, but maybe not as quickly as anybody would like. The owners appear to be committed to repairing structure.

Mayor stated that this has been going on for almost 6 months and within those six months the property owners have not given any answers.

Ms. Yager argued that they did not have access to the property until end of January. This is close to the time when the inspector went in. She added that an owner having it before and not taking care of is different than the new owner taking it over. Basically the same time the city found it to be unsafe, is when they took over and the occupants now are moving along as quickly as they can.

Councilmember Lebakken stated it seems that the owners are doing just enough to say we're doing something and calling it good.

Ms. Yager stated the City and her company have two different points of view. They see the balance sheet vs the emotions behind it.

Councilmember Lebakken agreed because everyone in the community is driving past it, while they are only looking at balance sheet and do not have to see it every day.

Mayor recommends Council instruct the owner to provide the structural engineering report by end of next week and access be granted to the City's building inspector and scheduled before next council and then a report to be given back at the next council meeting.

Councilmember Longanecker suggested Council start the condemnation process at the next meeting to give the owners an incentive to keep moving on it.

Councilmember Lebakken agreed with Councilmember Longanecker.

Ms. Yager asked what Council would like to see.

Mayor answered that the City needs access to the building and structural engineer report and then determine the next steps by the next Council meeting. He stated in a dream world the city would like a complete timeline by next meeting for scheduling surrounding

improvements to the structure. He added they have had six months to get bids and work on the building. He stated the City was in this same process with another house, that was actually started after this one, and they have completed those repairs already.

With no further questions or comments, Mayor requested motion to extend the date based upon condition that the owner provides the structural engineer report by end of next week, October 4th, that scheduled access be given by October 7th, and that a report back be given at the next council meeting on October 10th.

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

- **Public Works Quarterly Update**

Mr. Whitaker referred to the update provided in the council packet and reviewed the information. There were no questions.

- **2024-2025 Snow Season Presentation**

Mr. Merkh referred to the presentation included in the packet and reviewed the information.

Councilmember Longanecker asked if residents are notified prior to being towed.

Mr. Merkh stated yes, through NotifyJoco, Facebook, the website and then at the two-hour mark staff is mobilized for door knocking.

Councilmember Lebakken asked if they are ticketed.

Ms. Linn stated no, vehicles left on the street are just towed. This is to ensure that plows can clear the streets so emergency vehicles can get through.

There were no further questions or comments.

WALK ON: Job Descriptions

Ms. Linn invited Mr. Meyer back up to the podium to give an update on The Greenspace and review new positions needed to staff The Greenspace.

Mr. Meyer stated currently a public works employee handles facility repairs, maintenance, etc. With the new building opening soon, a full-time person is needed to handle the day-to-day operations. This person will be in the building most of the time, but will also serve as support during seasonal weather.

The other position is for a full-time customer service specialist II position. This person will be primarily located as The Greenspace and will serve as the frontline employee there. This position will be responsible for opening the building and work into the afternoon until part

time staff. This will be the first target to hire and will be cross trained to support city hall taking utility payments, answering the phone, etc.

He stated the next position is for a part time customer service staff member, they will start around 2-3 in the afternoon and fill the evening hours. This will be a similar role but more of an entry level position, they will also be responsible for setting up rentals, cleaning, functionality and keeping people happy at the facility. They will also have the responsibility to work evenings and weekends. He stated the full time position will have hours during the work week.

Ms. Linn stated we felt it was important to hire the same level as front office staff and to have someone be the ambassador for the building. The operational hours during the work session will still be evaluated and may change those hours depending how opening goes, leaving these descriptions available to change.

Councilmember Longanecker asked how the part time position will work.

Mr. Meyer stated the full time will open in the morning and just leave a little earlier, then the part time position will come in and close.

With no further questions or comments, Mayor Roberts requested motion to approve the job descriptions as provided.

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

WALK ON: CIP Work Session Update

Memo regarding the strategic planning was provided to council for the work session. The memo provides highlighted areas that staff put together regarding the areas that seemed to be more of a priority the last few years and the end of the memo has pages for review prior to that work session.

Ms. Linn stated there are two components, short council meeting on the 10th to then have a work session to follow, the bulk of the CIP will be more of a planning process.

She stated Councilmember Lebakken reached out about streetlights because a couple people had asked her about this related to safety near their house. She stated the direction council had given in the past was to address street lights at the time of street reconstruction. There will be a portion of that evening that if residents were to come in they can address council about why their project is important. Streetlights however, based off past direction should be looked at holistically instead of personally, unless council has desire to change that approach.

There were no questions or comments.

Mr. Merkh stated he would like to re-introduce to some and introduce to others, Mr. Chase Forrester, the Public Works Foreman. He stated he has been with the City for about 10 years where he started out as a part time employee with utilities and has worked his way

up. He has expressed interest in wanting to know and learn more. He is very crucial to our system.

Ms. Linn stated this is what we love to see, growing folks within our organization and the ones with the desire to learn more.

Mayor stated this is a great example of an employee who wants to grow and learn new things, who take what they learn and do new things with it.

11. Report by the Mayor

Mayor had no report to give. He stated there will be two executive sessions tonight, both with no action expected to be taken afterwards.

12. Future Meeting Reminders

Mayor Roberts reminded the Council of the future meetings for the Council and Planning Commission.

13. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, AND ASSISTANT TO THE CITY ADMINISTRATOR, KARA BANKS FOR DISCUSSIONS RELATED TO CONTRACT NEGOTIATIONS (K.S.A. 75-4319(B)(2))

Mayor Roberts requested motion for the City Council to recess into executive session for discussions related to Contract Negotiations. The justification for such executive session is for a consultation with the City Attorney, which is deemed privileged in an attorney-client relationship (K.S.A. 75-4319B(2)). Present in the executive session will be the Governing Body and the following staff members: City Administrator Beth Linn, City Attorney Todd Luckman, and Assistant to the City Administrator Kara Banks.

The executive session will start at 8:27PM and last 10 minutes. The open meeting will resume in the Council Chambers at 8:37PM.

Councilmember Lebakken moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to discuss contract negotiations. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 8:27PM, 4-0.

Councilmember Conus moved to return to open session with no action being taken. Councilmember Longanecker seconded the motion. Open session resumed at 8:37PM, 4-0.

WALK ON:

14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE CITY ATTORNEY AND CITY

**ADMINISTRATOR FOR DISCUSSIONS RELATED TO ON-GOING LITIGATION
(K.S.A. 75- 4319(B)(2))**

Mayor Roberts requested motion for the City Council to recess into executive session for discussions related to on-going litigation. The justification for such executive session is for a consultation with the City Attorney, which is deemed privileged in an attorney-client relationship (K.S.A. 75-4319B(2)). Present in the executive session will be the Governing Body and the following staff members: City Administrator Beth Linn and City Attorney Todd Luckman.

The executive session will start at 8:38PM and last 5 minutes. The open meeting will resume in the Council Chambers at 8:43PM.

Councilmember Lebakken moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to discuss on-going litigation. Councilmember Conus seconded the motion. The meeting recessed into executive session at 8:38PM, 4-0.

Councilmember Lebakken moved to return to open session with no action being taken. Councilmember Longanecker seconded the motion. Open session resumed at 8:43PM, 4-0.

15. Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Longanecker. The meeting was adjourned at 8:43PM with a 4-0 vote.

Submitted by Alex Clower, City Clerk

City Council Action Item

Council Meeting Date: October 10, 2024

Department: Public Works

Agenda Item: Consider a No Cost Change Order to Extend the Project Completion Dates to CM Concrete for Construction of the Glendell Acres Park Improvements Project.

Background/Description of Item:

On February 22, 2024 City Council approved an update to the project budget and contract with CM Concrete for construction of the improvements at Glendell Acres Park.

In July of 2024 City Staff presented a project update related to the award of the KDHE Waste Tire Grant that reduced the total contract amount of CM Concrete by contracting the safety surfacing installation to Ecoturf Playground Surfacing. In accordance with the City's Purchasing Policy, the City Administrator has approved a deduction of \$44,490 from CM Concrete's construction contract.

The contract with CM Concrete included a substantial completion date of October 1, 2024 and final completion date of October 31, 2024. Construction is ongoing at the project site with signage, garden bed preparation, plantings, 50% of seeding, and about 150 feet of sidewalk remaining. The contractor is requesting a contract extension of 30 days for a substantial completion of October 31, 2024 and final completion of November 29, 2024.

The contractor has provided a list of delays in the enclosed exhibit. The project inspector and design team have reviewed the descriptions or the requested schedule change and do not have any objections.

- **Item #1 Excessive Rainfall,** Rainfall in May resulted in the site being very wet for the contractor resulting in delay of mobilizing equipment for grading and installation of construction access.
- **Items #2 Additional Skate Park Layout and Grading,** due to an error in plan details provided by the Skate Park contractor, some additional grading was performed by CM Concrete as requested by City Staff. City Staff was not notified that this additional work would cause a schedule delay.
- **Item #3 Inoperable Soil at the Rain Garden,** due to unforeseen subgrade conditions at the rain garden location the engineering rain garden drainage layers were adjusted to provide adequate drainage. This required reworking the excavation. City Staff was not notified that this additional work would cause a schedule delay.

- **Item #4 Playground – Missing Parts**, during installation of the playground the support structures for one of the slides was not onsite and had not been delivered. The complete installation of the playground was delayed approximately 2 weeks as the missing pieces were shipped from the manufacturer. This caused a ripple effect that then delayed the completion of the playground surfacing and connecting sidewalk to allow machinery to access that area without damaging new sidewalk. City Staff was not notified that this additional work would cause a schedule delay.
- **Item #6 Shelter – Missing Parts**, during installation of the pavilion shelter the trim pieces were observed to not be onsite. City Staff communicated with the manufacturer who confirmed the trim was not in the shipping document and shipped the parts to the site. City Staff was not notified that this additional work would cause a schedule delay.
- **Item #7 Raingarden – Underdrain Connection**, also due to unforeseen subgrade conditions at the rain garden the design engineer and City Staff worked out a plan to improve the drainage at the rain garden to avoid ponding. This underdrain connection was an additional scope requested by City Staff. City Staff was not notified that this additional work would cause a schedule delay.

According to the contract for every calendar day the project is not completed beyond the October 1st, 2024 substantial completion date, liquidated damages of \$1,000 would be due billed to the contractor. Typically these funds are withheld from payment to the contractor. Should this extension be awarded to the contractor, liquidated damages would start to occur after the updated contract dates.

City Staff will monitor the schedule and the contractor progress closely over the next couple weeks to ensure compliance with City Council guidance and contractual requirements.

Related Ordinance(s) or Statue(s):

Funding Source: Park Impact Fee, General Fund, KDHE Waste Tire Grant

Budget Allocated: \$1,140,867

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve a No Cost Change Order to Extend the Project Completion Dates to CM Concrete for Construction of the Glendell Acres Park Improvements Project.

Enclosed: Schedule Adjustment Request Delays

Prepared by: Holly Robertson, P.E., CIP Project Manager

CM Concrete, INC.
16621 W 146th Ter, Olathe, KS 66062. Ph: (816) 405-3414

Project Number
Project Title

PRK0001-19
Glendell Acres Park Improvements

9/30/2024

Schedule Adjustment Due to Delays

	Description of Delay	Additional Days
1	Excessive Rainfall in May - Raingarden repeatedly filled up and had to be drained.	4
2	Additional Layout and Excavation for Skate Park	5
3	Inoperable Soil at the Rain Garden	2
4	Playground - Missing Parts	11
6	Shelter - Missing Parts	7
7	Raingarden - Underdrain Connection	1
Total Additional Days		30

City Council Action Item

Council Meeting Date: October 10, 2024

Department: Public Works

Agenda Item: Consider Change Order #18 to Contract with Combes Construction for \$70,927 to Construct a Dumpster Enclosure for The Greenspace Project

Background/Description of Item:

On July 13, 2023, City Council awarded the contract with Combes Construction, LLC for construction of The Greenspace Project for \$6,761,000.00. Construction began in August of 2023.

The City's Purchasing Policy sets the approval authority for change orders as summarized in the table below.

Change Order Amount	Authorizing Party
<ul style="list-style-type: none"> • Less than 10% of the approved amount for the project or item; and • Less than \$15,000; and • Does not cause the project/item to exceed the budget for the project/item. 	City Administrator
Greater than 10% of the approved amount for the project or item	Governing Body
Greater than \$15,000	Governing Body
Causes the project/item budget to be exceeded	Governing Body

In March of this year City Council was updated about Change Orders #1, #2, #4, and #5 that were approved within the authority of the City Administrator. At that same council meeting City Council approved Change Order #6 related to access controls and security modifications that required Council authorization. Then in April of this year City Council approved Change Order #8 to rebuild the sanitary sewer connection for the library.

In September 2024 City Council was updated about Change Orders #3, and #9-#13 that were approved within authority of the City Administrator. A summary of those approved change orders is below. City Council also approved a maximum not to exceed change order (Change Order #16) for Combes Construction and their subcontractors rebuild the asphalt pavement

On September 9, 2022 an updated project scope and budget was approved by Council with an overall project cost of \$8,704,500. The dumpster enclosure Change Order #18 with Combes Construction are within the miscellaneous category of the project budget.

Therefore, it is the recommendation of Staff to approve Change Order #18 for construction of the dumpster enclosure for The Greenspace to Combes Construction.

Related Ordinance(s) or Statue(s):

Funding Source: General Obligation Bonds

Budget Allocated: \$ 8,704,950

x *Karen E. Kindle*

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Change Order #18 to Contract with Combes Construction for \$70,927 to Construct a Dumpster Enclosure for The Greenspace Project

Enclosed: Potential Change Order #18
Dumpster Enclosure Exhibit

Prepared by: Dan Merkh, Public Works Director

COMBES Construction, LLC**POTENTIAL CHANGE ORDER**6946 W. 207th Street
Bucyrus, KS 66013Phone: 913-782-9400
Fax: 913-782-9401**Number** **18**
PR# **05****PROJECT:** The Greenspace**DATE:** **9/27/2024**
JOB: **2330****Incite Design Studio****TO:** Incite Design Studio
 110 W 18th St
 Kansas City, MO 64108**Attn:** Josh Conard**From:** Austin Hickman**DESCRIPTION OF PROPOSAL**

PR-05 Trash Enclosure

Unit Cost	
Unit Tax	
Lump Sum	
Lump Tax	
Total	70,927

APPROVAL**By:** _____**Date:** _____

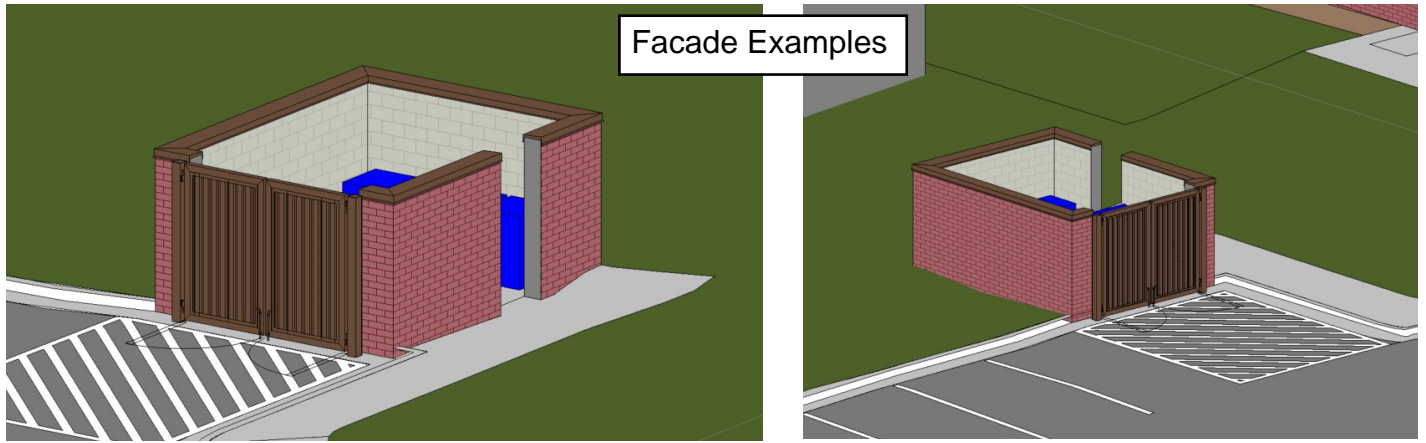
COMBES POTENTIAL CHANGE ORDER REQUEST NO. 18
 Architect's Proposal Request No.
 COMBES JOB # 2330

PR-05 Trash Enclosure

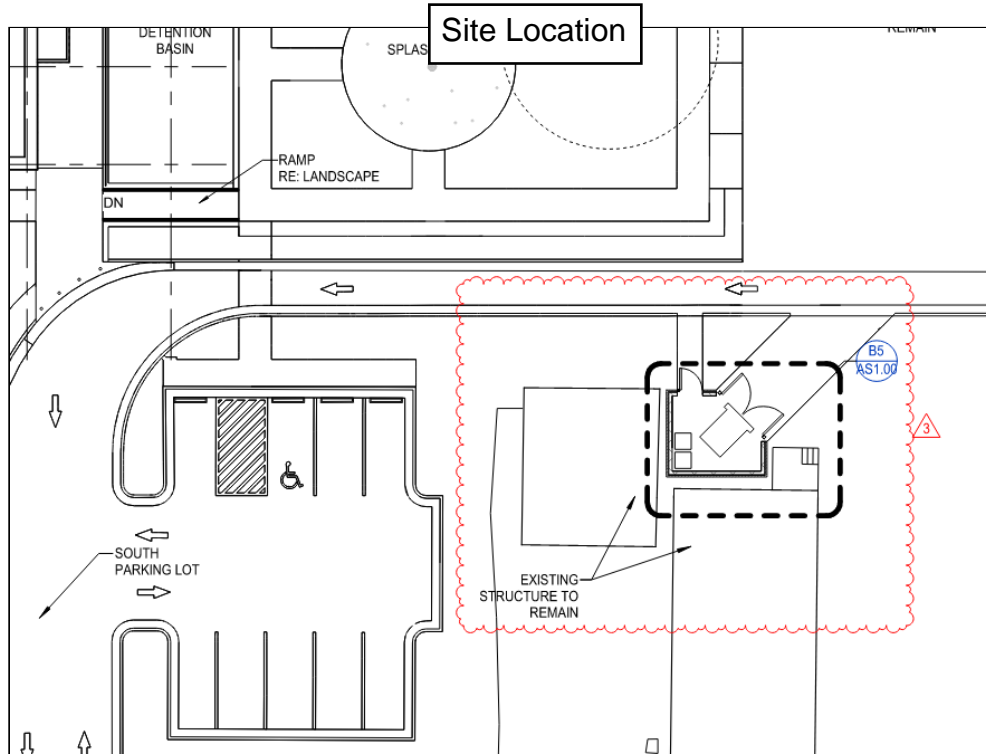
DESCRIPTION:

	QTY	UNIT	U.P.	TOTAL
COMBES LABOR				
Site Strip/Final Grade	1	LS	880.00	880.00
Footings/SOG	1	LS	1,910.00	1,910.00
Parapet Blocking	1	LS	416.00	416.00
Structural Steel Erection Gates/Columns	1	LS	1,650.00	1,650.00
Existing Ramp Demo	1	LS	2,275.00	2,275.00
SUBTOTAL LABOR				7,131.00
COMBES MATERIAL / EQUIPMENT				
				0.00
Gates/Columns	1	LS	7,823.00	7,823.00
Footing Foundations/SOG	1	LS	6,157.00	6,157.00
Parapet Blocking/Ramp Demo	1	LS	859.00	859.00
Rebar	1	Tn	1,900.00	1,900.00
Earthwork	1	LS	1,700.00	1,700.00
Paving	1	LS	3,550.00	3,550.00
SUBTOTAL MATERIAL / EQUIPMENT				21,989.00
SUBCONTRACT				
Norco Painting				
		Steel Only		
	1	LS	1,400.00	1,400.00
JR&CO	1	LS	2,750.00	2,750.00
Carpio Masonry, LLC	1	LS	30,000.00	30,000.00
SUBTOTAL SUBCONTRACT				34,150.00
SUBTOTAL: Labor, Material, Subcontractor (raw cost)				63,270.00
Less: Allowance Budgeted (raw cost)				0.00
SUBTOTAL THIS PROPOSAL				63,270.00
Sales Tax on Combes Material	NA	%		0.00
Burden on Combes Labor	38	%		2,709.78
SUBTOTAL WITH TAX/Combes LABOR BURDEN				65,979.78
Fee on Combes Work	10	%		3,182.98
Fee on Sub Work	5	%		1,707.50
SUBTOTAL WITH Combes Fee				70,870.26
Builders Risk Insurance				
Performance & Payment Bonds	0.08	%		56.70
TOTAL THIS PROPOSAL				\$ 70,927

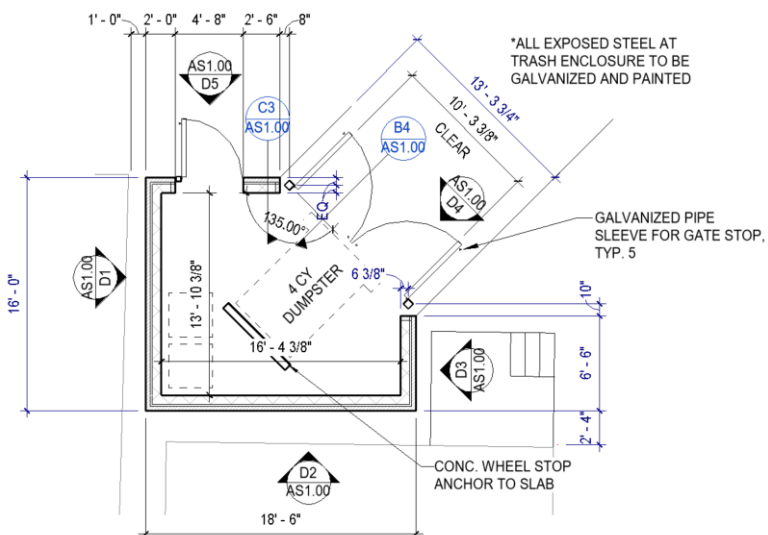
Facade Examples



Site Location



Layout Detail



Location Existing Photo



City Council Action Item

Council Meeting Date: October 10, 2024

Department: Public Works

Agenda Item: Consider Acceptance of a Proposal for Digital Sign at The Greenspace with Signs Etc. for \$20,220.79.

Background/Description of Item:

On July 13, 2023, City Council awarded the contract with Combes Construction, LLC for construction of The Greenspace Project. Construction began in August of 2023. The construction contract includes construction of the monument sign structure and electrical conduit. The digital signage to be installed within the monument sign is an owner procured item. City staff and the project architect have been working with a signage contractor to provide a quote for the digital sign and installation.

The attached quote from Signs Etc. includes the mounting frame, digital sign, and installation for the signage within the monument sign. The 55-inch digital LCD signage is rated to withstand a range of temperature and weather conditions and includes cloud based electronic messaging software and training. Additionally, a 3-year parts warranty is included in the proposal. Also attached is an exhibit showing the signage and monument sign that will be located within the lawn of The Greenspace facing Nelson Street.

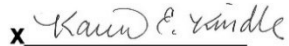
City Staff recommends approving the purchase of digital signage including mounting frame and installation for \$20,220.79. This amount is within the budget initially estimated for IT/Security to prepare the project budget. There will be other costs yet to be determined within this budget item (audio visual equipment, tvs, computers, etc.). Staff will continue to monitor the project budget and periodically update the Governing Body as categories of cost are set.

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

Funding Source: GO Bonds

Budget Allocated: \$8,704,950

Finance Director Approval:

x 
Karen Kindle, Finance Director

Recommendation: Approve Acceptance of a Proposal for Digital Sign at The Greenspace with Signs Etc. for \$20,220.79.

Enclosed:

Quote from Signs Etc
Monument Sign Exhibit

Prepared by:

Holly Robertson, PE, CIP Project Manager

SIGNS ETC
 PO Box 791 Farmington, MO 63640
 info@signsetonline.com
 (573) 756-9000

www.signsetonline.com

DIGITAL · LIGHTED · INTERIOR & EXTERIOR



SIGNSETC

ONE COMPANY. LIMITLESS SOLUTIONS.

573.756.9000

Quote 7828

The Green Space

SALES REP INFO
KEVEN HARRINGTON
 Owner
 keven@signsetonline.com
 (573) 756-9000

QUOTE DATE
09/24/2024
 QUOTE DUE DATE
09/25/2024
 QUOTE EXPIRY DATE
10/24/2024
 TERMS
50/30/20

REQUESTED BY
INCITE DESIGN STUDIO
 Incite Design Studio
 1800 Lafayette Ave, Suite B
 St. Louis, MO 63104

CONTACT INFO
Josh Conrad
 joshc@incitedesignstudio.com
 (816) 590-4725

#	ITEM	QTY	UOM	U.PRICE	TOTAL (EXCL. TAX)	TAXABLE
1	MATERIALS Materials & shop labor to build mounting frame	1	Each	\$2,560.00	\$2,560.00	Y
2	DIGITAL SIGN Electronic message centers are premium Daktronics machines, outdoor 55" LCD display approximate dimensions 4' 2.9" W x 2' 5" H, outdoor wall mount kit including cellular communication, time and temp modules, cloud based software, LCD 3 year parts warranty and software training, including engineering, installation and disposal.	1	Each	\$13,260.79	\$13,260.79	Y
3	INSTALL - Customer Location Install at Customer Location	1	Each	\$4,400.00	\$4,400.00	N
4	NOTE Quoted prices are valid for the current cost of materials - increases in market value of materials may be reflected in final price. Pricing above does not permit fees if applicable. If any hard substance is incurred during excavation, additional charges will apply. Proper electrical service will need to be provided within 3 ft of installation area, by others. Any unforeseen items will be addressed and billed on a time and material basis. If this project installation is delayed due to, wind, rain, snow, ice, saturated ground hindering access, cold temperatures or supply chain issues etc, we trust our client will understand and know we are making it a priority to get the project completed as soon as possible. Standard warranties are included.	1	Each	\$0.00	\$0.00	N

*****THIS QUOTE IS GOOD FOR 15 DAYS ONLY*** Upon approval, all deposits and/or payments are required to begin production. All deposits are NON-REFUNDABLE.**

Additional artwork, materials, and labor may be required to complete this project. If additional items are needed, we will make every effort to contact you before proceeding. However, if we cannot reach you, we will complete the project unless we feel your approval is needed. Additions will be itemized on the final invoice.

Quoted prices are valid for the current cost of materials - increases in market value of materials may be reflected in final price. Pricing above does not include permit fees if applicable. If any hard substance is incurred during excavation, additional charges will apply. Proper electrical service will need to be provided within 3 ft. of installation area, by others. Any unforeseen items will be addressed and billed on a time and material basis. If this project installation is delayed due to, wind, rain, snow, ice, saturated ground hindering access, cold temperatures or supply chain issues etc., we trust our client will understand and know we are making it a priority to get the project completed as soon as possible. Standard warranties are included.

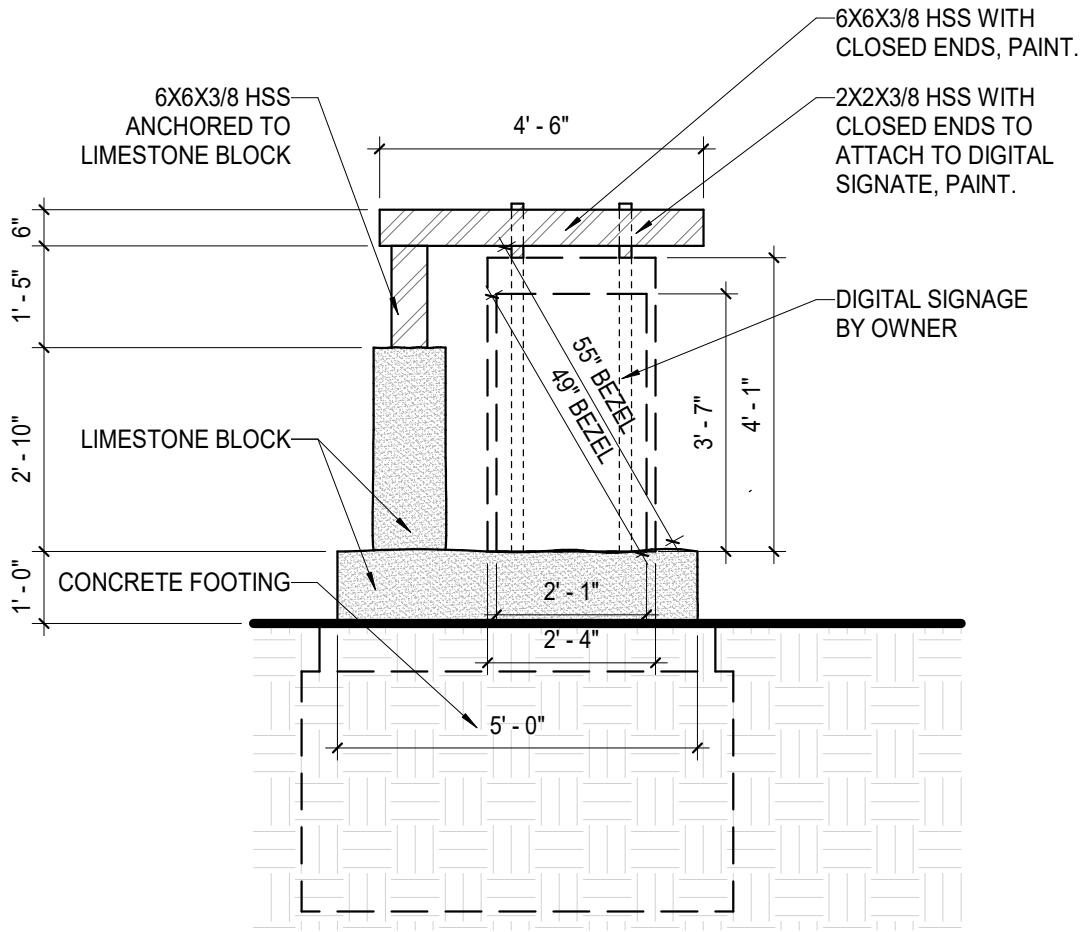
Subtotal:	\$20,220.79
Sales Tax (0%):	\$0.00
Total:	\$20,220.79

Downpayment (50.0 %)

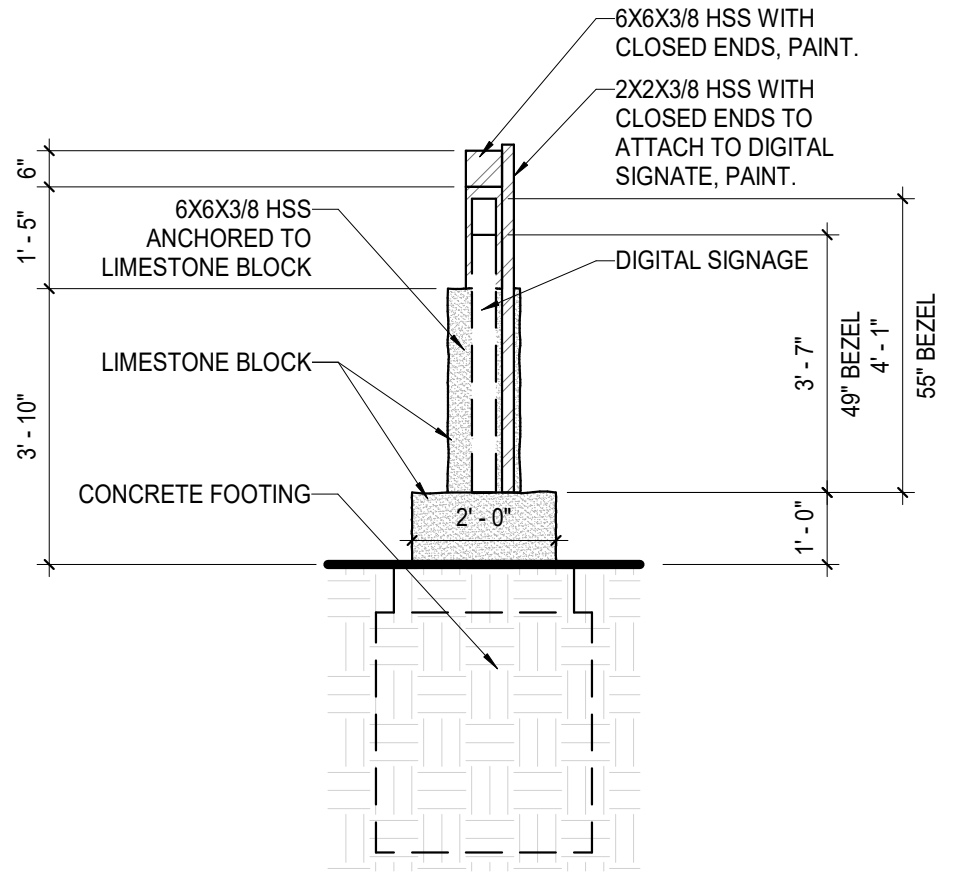
\$10,110.40

SIGNATURE:

DATE:



(A) NORTH ELEVATION



(B) WEST ELEVATION

MEMORANDUM

Date: October 10, 2024
To: City of Edgerton Governing Body
From: Zachary Moore, Development Services Director
Re: Status Update – 312 E. 5th Street, Edgerton, Kansas

On May 9, 2024 the Edgerton City Council passed Resolution 05-09-24B, which requires the owners of 312 E. 5th Street, Edgerton, Kansas to resolve the dangerous and unfit structure which exists on said property by either bringing the property within compliance with the City Code or by demolishing the structures on site. The City Council has extended the original deadline from June 10, 2024 to October 10, 2024 and a summary of action that has occurred related to the property is listed below.

- March 14, 2024 – Resolution 03-14-24A adopted, establishing a date for a public hearing
- May 9, 2024 – Resolution 05-09-24B adopted, deeming the structure to be dangerous or unsafe
- May 14, 2024 – City utility account set up in Property Owner's name
- June 10, 2024 – Dilapidated trailer removed from property
- June 13, 2024 – Update provided to City Council, extension granted to June 27, 2024 (later extended to July 11, 2024)
- July 11, 2024 – Update provided to City Council, extension granted to August 22, 2024
- August 1, 2024 – Demolition of dilapidated shed began and completed first week of August
- August 22, 2024 – Update provided to City Council, extension granted to September 26
- September 9, 2024 – New section of chain link fence installed in northeast portion of yard
- September 26, 2024 – City Council granted extension to October 10, 2024 with two conditions, provided below:
 - 1) A copy of the Structural Engineer's Report (SER) be provided to City staff no later than October 4.
 - 2) City staff be granted access to the interior of the structure no later than October 7.
- October 2, 2024 – Property owner's representative provided copy of the SER to City staff. A copy of that report is attached to the packet.
- October 4, 2024 – Property owner's representative sent staff an email stating that the property owner will repair the subject property, that a contractor has been secured to complete required foundational repairs and provided an estimate and timeline for the work. This email and the proposed estimate and timeline are attached to the packet.

At the time of drafting of this report, staff has not been granted access to the structure, as was required by Council as a condition of the extension to October 10. Additionally, the utility bill for the subject property has an outstanding balance of \$167.86, of which, \$123.22 is past due. The property owner's representative has indicated that payment has been submitted; however, staff has not received this payment as of the writing of this report. If any additional information is received between the drafting of this report and the October 10, 2024 City Council meeting, staff will provide an update at the meeting.

September 9, 2024

Yvette Barajas
Mortgage Specialists
yvette.barajas@msionline.com

**RE: 312 E 5TH STREET
EDGERTON, KANSAS**

JOB #2024-1729

On Tuesday, September 3, 2024 visual observations of the residence at the above location were made per your request. The structure in question is a one-story house facing east for the purposes of this report. This report has been prepared for your use only and is not intended to benefit any third parties. Following is a summary of the findings and opinions for your review.

SCOPE OF WORK

The purpose of the examination was to determine the present structural integrity of the house, to determine the cause and extent of structural damage found, and to make repair recommendations where required. The structural items checked include only the load-bearing elements mentioned in this report.

It should be noted that this examination did not attempt to check for possible termite damage, water damage, or for structural components that are concealed from view by finish or stored materials. Nor were the existing conditions reviewed for possible asbestos, lead paint, radon gas, or any other toxic substances or environmental risks.

When making visual observations of a building, it is required that certain assumptions be made regarding the existing conditions. Because these assumptions may not be verifiable without expending added sums of money, or destroying adequate or serviceable portions of the building, the owner of this report agrees that we will be held harmless, indemnified and defended by you from and against all claims, loss, liabilities, or expenses (including legal fees) arising out of the services provided by this report.

OBSERVATIONS

FOUNDATION

The foundation of this building consists of combination concrete, concrete block and limestone rock foundation walls, which enclose a mostly inaccessible shallow crawl space with one deeper accessible area from the exterior. It is assumed that the footings are combination limestone rock and concrete spread footings resting on virgin soil.

An examination of the exposed portions of the foundation walls revealed minor rock and mortar deterioration due to the normal aging and weathering process, as well as the leaning of the north foundation wall and failure of the west foundation wall between the deep crawl space and the shallow crawl space. The rock and mortar deterioration can be repaired as a part of normal homeowner maintenance by removing the loose material and tuck pointing the walls as needed.



This is a part of homeowner maintenance. The north foundation wall of the deeper crawl space can be strengthened by installing vertical wall restraints at 5' on center per the enclosed detail. In addition, the west wall between the deep crawl space and the shallow inaccessible crawl space should be rebuilt to retain the soil and return it to a structurally sound condition.

An examination of the foundation for the southeast porch area revealed it to be minimal with the porch frame sagging. It appears that an attempt was made to make this area "finished space"; however, a proper foundation does not exist under this location. Therefore, either the southeast porch will need to be properly re-supported or a new foundation added to provide proper support in this location.

WOOD FRAME

A check of the exposed floor framing members revealed no signs of major structural defects or damage. The majority of the floor frame shows normal sagging due to the age of the construction. However, nothing appeared to be structurally "unsound" or need additional repairs except for the front porch area as noted above.

A check of the slope of the roof revealed minor typical deflection. This is due to the original construction and age of the structure. Before the roof covering is replaced in the future, all existing layers of shingles should be removed to help reduce the weight to minimize deflection.

INTERIOR

An examination of the interior of the house revealed it to be in a state of disrepair. Basically, all of the house will need to be renovated to restore it to a livable condition. However, this all appears to be cosmetic work as no signs of major structural issues were found.

EXTERIOR

A check of the exterior deck at the northeast corner of the building revealed it to be sagging and deflecting excessively. This deck is at the end of its economic life and will need to be replaced in the near future.

As with any home, it is important to maintain a positive slope of 1" per foot drop away from the house for the first 6' to 10'. This is important because poor drainage will double or triple the forces and stresses on the foundation walls and can cause lateral movement, heaving and water damage. Maintaining positive drainage includes cleaning the gutters, down spouts, splash blocks, and subterranean drain tile.

Since the soil in the area generally contains expansive clay, it is susceptible to volumetric changes with changes in the moisture content. Therefore, the entire yard should be watered properly with 1" to 2" of rainfall equivalent per week to help minimize future shifting. Proper watering practices include watering at least ½" of water at a time through a lawn sprinkler or an underground sprinkler system. This should be completed three (3) times a week, if it doesn't rain, during the spring and fall months, and may need to be completed daily during the dry summer months. To determine how much water is being applied through the sprinkler, a rain gauge can be placed in the section that is being watered. The time should then be adjusted so that each zone is set to provide the proper amount of water every time the sprinkler system is activated. The watering should be completed regularly to minimize changes in the moisture content of the subsoil beneath the house.



CONCLUSIONS

In conclusion, it is my opinion that this house be considered structurally sound, provided the above-mentioned opinions and recommendations are followed. If I may be of further service to you in this matter, please feel free to call.

Sincerely,

Warren D. Schwabauer, Jr., P.E., CBIE
Principal
Charter Member of NABIE
Kansas P.E. #10709; Missouri P.E. #E-22664
Norton & Schmidt Consulting Engineers
311 East 11th Avenue
North Kansas City, Missouri 64116
direct line: (816) 701-7329
e-mail: wds@nortonschmidt.com



ENCLOSURES: photo sheets, detail, receipt
(©Norton & Schmidt Consulting Engineers, LLC 2024)
lw







Norton & Schmidt

Consulting Engineers, LLC

311 East 11th Avenue

North Kansas City, MO 64116

Phone 816-421-4232 Fax 816-421-1956

Direct 816-701-7329 * wds@nortonschmidt.com

Job No. 2024-1729

Address 312 E 5th Street

Edgerton, Kansas

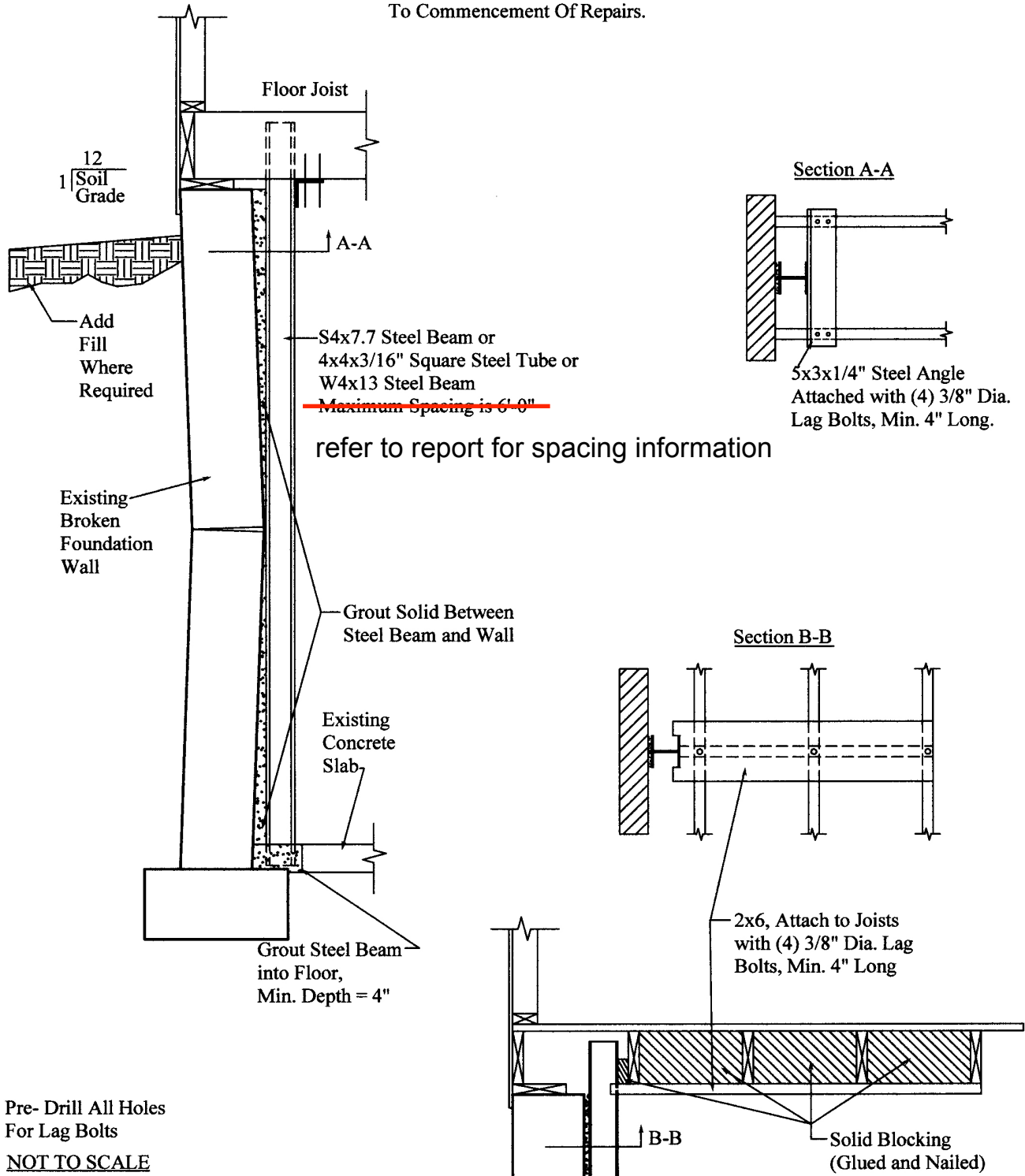
Approved by: Barney

Date: 9/9/2024

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VERTICAL WALL RESTRAINT DETAIL ~~(6" SPACING)~~

Alternate Methods Or Member Sizes
Must Be Approved By The Engineer Prior
To Commencement Of Repairs.



Pre- Drill All Holes
For Lag Bolts

NOT TO SCALE

Zach Moore

From: Zach Moore
Sent: Monday, October 7, 2024 12:25 PM
To: Ashlee Yager
Cc: Amy Trentadue; Todd Luckman; Beth Linn; James Brown
Subject: RE: 312 E. 5th Street I SL 236031

Good afternoon Ashlee,

Thank you for providing this information, it will be included in the packet for Thursday's City Council meeting. City staff has not received and thus has not denied any permits for the property since this process has begun. Additionally, staff has not yet received the payment for the utility bill at this time. If we do not receive the check by the time the packet is published, the report will reflect that. If we receive the payment between this afternoon and the Council meeting, we will verbally update the Council accordingly.

Please let us know if you have any questions.

Thanks,



Zachary Moore • Development Services Director
City of Edgerton, KS
404 East Nelson • Edgerton, KS 66021
913.893.6231 • 913.787.3717 (cell)
www.edgertonks.org

From: Ashlee Yager <Ashlee.Yager@southlaw.com>
Sent: Friday, October 4, 2024 3:29 PM
To: Zach Moore <zmoore@edgertonks.org>
Cc: Amy Trentadue <Amy.Trentadue@southlaw.com>; Todd Luckman <todd@stumbolaw.com>; Beth Linn <blinn@edgertonks.org>; James Brown <jamesbrown@edgertonks.org>
Subject: RE: 312 E. 5th Street I SL 236031

Hi, Zach:

Lakeview has advised that **it will repair the subject property.**

A contractor has been secured to complete the required foundational repairs to the home.

Please see attached estimate and timeline. The project's estimated completion timeframe is 5 to 6 weeks. This includes installation of the Bilco doors.

I believe either a permit was requested and denied, or it should be requested soon. Does the City have record of denying a permit?

Also, MSI has confirmed that an additional payment for the utility bill was mailed to the address on the invoice today. Please confirm once the balance is satisfied.

Let me know if there is any additional information you need from me to resolve these outstanding issues at this time. Hope you have a nice weekend. Thank you.

Ashlee

Ashlee Yager, Senior Attorney - Litigation
Admitted in MO & KS
SouthLaw, P.C., 13160 Foster, Suite 100, Overland Park, KS 66213
913.663.7600 ext. 138
Offices in Missouri, Kansas, Nebraska, Iowa

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From: Ashlee Yager
Sent: Friday, October 4, 2024 12:22 PM
To: 'Zach Moore' <zmoore@edgertonks.org>
Cc: Amy Trentadue <Amy.Trentadue@southlaw.com>; Todd Luckman <todd@stumbolaw.com>; Beth Linn <blinn@edgertonks.org>; James Brown <jamesbrown@edgertonks.org>
Subject: RE: 312 E. 5th Street I SL 236031

Good afternoon, Zach:

Thank you, and thank you for your patience. I had a personal emergency that required me to step away from my desk for the last few days.

First, regarding the City's request for the owner to grant the City's Building Inspector access to the Property, I believe the City is aware that MSI is the owner's vendor that maintains and addresses preservation issues with the subject property. While I have advised my client of the City's request, I do not have access to the property nor has my client retained me to be the middle man and coordinate schedules. I am sure the City understands this financial investment. MSI should be able to timely address your inquiries and coordinate a convenient and reasonable time. I assume you have been in contact with MSI regarding your request for access.

Second, appreciate you relaying the SER. Please let me know if there is any additional assistance I can provide regarding this objective.

Third, I have relayed the attached Utility Bill that the City claims is past due to M&T/Lakeview. MSI has provided that it has been paying the invoices each month. I'm not sure what the discrepancy is or which Department MSI has been paying, but hopefully this is resolved by now. Are you able to confirm the disposition of the attached invoice from the City's perspective?

Thanks, Zach. I'll circle back when I receive additional information.

Ashlee

Ashlee Yager, Senior Attorney - Litigation
Admitted in MO & KS
SouthLaw, P.C., 13160 Foster, Suite 100, Overland Park, KS 66213
913.663.7600 ext. 138
Offices in Missouri, Kansas, Nebraska, Iowa

From: Zach Moore <zmoore@edgertonks.org>
Sent: Wednesday, October 2, 2024 3:10 PM
To: Ashlee Yager <Ashlee.Yager@southlaw.com>
Cc: Amy Trentadue <Amy.Trentadue@southlaw.com>; Todd Luckman <todd@stumbolaw.com>; Beth Linn <blinn@edgertonks.org>; James Brown <jamesbrown@edgertonks.org>
Subject: RE: 312 E. 5th Street I SL 236031

Good afternoon Ashley,

Thank you for sending this over. I have shared the SER with our Building Inspector and he will review.

The document that you provided is an order of violation from our Code Enforcement Officer regarding some exterior items that at the time had not been addressed. and are unrelated to Resolution 05-09-24B, which is the mechanism that declared the structure dangerous and unsafe. I've attached a copy of the Resolution that was adopted as well as a copy of the Building Officials Report following his on-site inspection in January as a result of the issue with the water meter. The Building Officials Report is what was used when the City Council adopted the attached resolution pertaining to the structure being unsafe.

The other condition of Council's most recent extension to October 10 was that the Building Inspector be granted access to the interior of the structure no later than Monday, October 7. I have copied our Building Inspector to this email, so he can be included as to when an inspection will be scheduled. Once your client has some available times to meet with us on site, please let us know so we can get that coordinated.

Thanks,



Zachary Moore • Development Services Director
City of Edgerton, KS
404 East Nelson • Edgerton, KS 66021
913.893.6231 • 913.787.3717 (cell)
www.edgertonks.org

From: Ashlee Yager <Ashlee.Yager@southlaw.com>
Sent: Wednesday, October 2, 2024 10:56 AM
To: Zach Moore <zmoore@edgertonks.org>
Cc: Amy Trentadue <Amy.Trentadue@southlaw.com>; Todd Luckman <todd@stumbolaw.com>; Beth Linn <blinn@edgertonks.org>
Subject: 312 E. 5th Street I SL 236031

Good morning, Zach:

Per the Council's request, please find a copy of the SER dated 9.9.2024 attached. Please be advised that this SER was prepared for Lakeview's review; however, in an effort to relay information and work with the City of Edgerton, M&T/Lakeview have agreed to provide a copy.

As you can see, the structural engineer found the house to be considered structurally sound. Per our last discussion, Lakeview intends to complete the necessary repairs, the Bilco doors are in route (with an estimated 4 week delay), the grass has been cut and shrubs trimmed, RV removed, trash and debris removed, storage building razed, and the fencing has been repaired.

Attached is a list of violations that were required to be completed to resolve this Resolution. It appears all of these cited violations are complete. Please review and advise if there are any outstanding items that still need to be cured and that are addressed in the current Resolution. Frankly, the attached SER is not mentioned in the list of code violations, and it is information being used by the owner of a Property to improve and repair the home.

I will relay additional information regarding repairs as it comes through, but it does appear that the City's concerns addressed in the Resolution are resolved.

Talk to you soon.

Ashlee

Ashlee Yager, Senior Attorney - Litigation

Admitted in MO & KS

SouthLaw, P.C., 13160 Foster, Suite 100, Overland Park, KS 66213

913.663.7600 ext. 138

Offices in Missouri, Kansas, Nebraska, Iowa

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File Number: 0104875216

Estimator:

Phone:

Email:

Project Default:

Pricelist: KSKC_OCT24

Street: 312 E 5th St

City: Edgerton

State: KS

Zip: 66021

Job Began: Wed, Oct 2, 2024

Job Completed:

MSI is pleased to present this bid proposal for the structural repairs at 312 E 5th Street, Edgerton, KS. **Due to current scheduling constraints, material delays, and ongoing supply chain issues, the projected lead time for this project is approximately 5 to 6 weeks**

We recognize the urgency surrounding this work, as the city is considering demolition if a plan is not in place soon. This proposal is part of the immediate action plan to address these concerns and provide a path forward for preserving the property.

Estimate Summary

Line Item Total:	<hr/>	\$18,000.35
Subtotal:	<hr/>	\$18,000.35
Estimate Total:		\$18,000.35

Line Item Detail

Foundation / SER Repairs

Description	Quantity	Remove	Replace	Total
Foundation Wall - West	1.00 EA	0.00	5,250.00	5,250.00
<p>Rebuild West Wall called out in SER Report [Job # 2024-1729] - page 1-2 of report</p> <p>Issue Being Addressed _ the west wall between the deep crawl space and the shallow inaccessible crawl space should be rebuilt to retain the soil and return it to a structurally sound condition</p> <p>Foundation Wall West - Demo 12 lf of existing wall and rebuild foundation</p> <p>Target Project duration is 5 to 6 weeks</p>				
Wall Bracing - North Wall	1.00 EA	0.00	2,500.00	2,500.00
<p>Brace walls that are called out in SER Report [Job # 2024-1729] - page 2 of report</p> <p>Issue Being Addressed - The north foundation wall of the deeper crawl space can be strengthened by installing vertical wall restraints at 5' on center per the enclosed detail.</p> <p>We will use a total of four braces</p> <p>Target Project duration is 5 to 6 weeks</p>				
Footing Pad & Foundation Jacks - East Wall	1.00 EA	0.00	3,250.00	3,250.00
<p>Rebuild West Wall called out in SER Report [Job # 2024-1729] - page 1-2 of report</p> <p>Issue Being Addressed _ An examination of the foundation for the southeast porch area revealed it to be minimal with the porch frame sagging. It appears that an attempt was made to make this area "finished space"; however, a proper foundation does not exist under this location. Therefore, the southeast porch will need to be properly re-supported.</p> <p>Includes: Place Footing Pad & Place 3 Foundation jacks with bracing to support the floor</p> <p>Target Project duration is 5 to 6 weeks</p>				
Grading & Backfill	1.00 EA	0.00	3,375.00	3,375.00
<p>Grading & Back fill _ called out in SER Report [Job # 2024-1729] - page 2 of report</p> <p>As with any home, it is important to maintain a positive slope of 1" per foot drop away from the house for the first 6' to 10'. This is important because poor drainage will double or triple the forces and stresses on the foundation walls and can cause lateral movement, heaving and water damage.</p> <p>Target Project duration is 5 to 6 weeks</p>				
Access Door Install & Repair of Access Entrance	1.00 EA	0.00	3,625.35	3,625.35
<p>1. Bilco Doors: Basement/cellar/bulkhead door - steel - 36" X 58" - 36" X 58" Sloped Wall Basement Door Primer Finish - Bilco BR-1 -With 6" extension and 12" extension.</p> <p>2. Haul debris - per cubic yard - 2 CYDS of Debris generated from work</p> <p>3. Permits & Fees (Miscellaneous Item) - Permit required per building inspector. Receipt will be provided to support cost. (this was denied)</p> <p>4. Concrete Repair- Concrete wall - labor & materials - Includes site preparation, setting the form, pouring concrete, curing/finishing the concrete, and removing the forms.</p> <p>5. Labor/Retro Fit- Labor for Installation for bilco doors and Additional Labor</p> <p>Target Project duration is 5 to 6 weeks</p>				
Foundation / SER Repairs Total:				\$18,000.35