

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
May 10, 2018  
7:00 P.M.**

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Brown \_\_\_\_ Conus \_\_\_\_ Lewis
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 for April 25 Special City Council Meeting
5. Approve Minutes for April 26 Regular City Council Meeting
6. Consider Resolution 05-10-18A Appointing Katy Crow as Zoning Administrator for the City of Edgerton
7. Consider Final Acceptance of North Widmer Main & Lift Station and Authorize Final Payment
8. Consider Final Acceptance of North Widmer Gravity Main Extension and Authorize Final Payment
9. Consider Final Acceptance of Big Industrial Lift Station and Force Main and Authorize Final Payment
10. Consider Final Acceptance of Big Industrial Phase I Main and Authorize Final Payment
11. Consider Final Acceptance of Big Industrial Phase II and Authorize Final Payment
12. Consider a Three-Year Agreement with Varney & Associates, CPAs, LLC, to Prepare the City's Financial Audit for Fiscal Years 2018, 2019 and 2020.
13. Consider Approval of 2018 Annual Street Maintenance Program, with McAnany Construction, Inc for Ultrathin Bonded Asphalt Surface & Mill and Overlay

**Regular Agenda**

14. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
15. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

**Business Requiring Action**

16. **CONSIDER RESOLUTION NO. 05-10-18D AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS DURING THE EDGERTON FRONTIER DAYS FESTIVAL, PERMISSION TO USE REQUESTED CITY BUILDINGS/PUBLIC SPACES, AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**17. PUBLIC HEARING REGARDING A REQUEST BY THE FRONTIER DAYS ASSOCIATION FOR A WAIVER (AS ALLOWED PURSUANT TO SECTION 3-202 OF ARTICLE 1 OF CHAPTER III OF THE CITY CODE) FROM THE PROHIBITION AGAINST SERVING ALCOHOLIC LIQUOR WITHIN 300 FEET OF THE LIBRARY FOR THE JUNE 15 AND 16, 2018 ANNUAL FRONTIER DAYS FESTIVAL**

**18. CONSIDER RESOLUTION NO. 05-10-18E TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY, AND RECOGNIZING FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**19. CONSIDER RESOLUTION NO. 05-10-18F AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**20. PUBLIC HEARING REGARDING RESOLUTION NO. 05-10-18G DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE MAXIMUM AMOUNT OF \$100,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES FOR THE BENEFIT OF WELLSVILLE FARMS, LLC, OR ITS ASSIGNS**

**21. CONSIDER RESOLUTION NO. 05-10-18G DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE MAXIMUM AMOUNT OF \$100,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES FOR THE BENEFIT OF WELLSVILLE FARMS, LLC, OR ITS ASSIGNS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**22. CONSIDER ORDINANCE NO. 1080 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC SECOND EXPANSION PROJECT) SERIES 2018, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND COLD-STORAGE DISTRIBUTION FACILITY**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**23. Report by the City Administrator**

**24. Report by the Mayor**

**25. Future Meeting/Event Reminders:**

- May 16<sup>th</sup> 12:00 PM – Senior Lunch
- May 24<sup>th</sup> 7:00 PM – City Council Meeting
- June 2<sup>nd</sup>: 6:30-9:00 PM – Summer Kickoff Block Party
- June 2<sup>nd</sup>: 9:00-11:00 PM – Downtown Summer Movie Night
- June 7<sup>th</sup> 7:00 PM – Budget Work Session and Citizen Survey Review
- June 15<sup>th</sup>-16<sup>th</sup> – Edgerton Frontier Days

**26. 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**

**RECONVENE INTO OPEN SESSION**

**27. Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**City of Edgerton, Kansas**  
**Minutes of City Council Special Session**  
**April 25, 2018**

A Special Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 25, 2018. The meeting convened at 9:15 am with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present
Clay Longanecker	present
Josh Lewis	absent
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:      Assistant City Administrator/Interim City Clerk Scott Peterson  
   City Attorney Lee Hendricks  
   Katy Crow Development Services Director  
   Charlie Lydon Code Enforcement/Animal Control Officer

**REGULAR AGENDA**

**2. SPECIAL MEETING OF THE CITY COUNCIL FOR A HEARING REGARDING A JUNKED MOTOR VEHICLE ON PRIVATE PROPERTY PURSUANT TO 8-412 OF THE CITY CODE.**

Mayor Roberts opened the hearing. Mr. Danny O'Neal, 26845 W 207<sup>th</sup> Street, Gardner, KS, is the owner of property in Edgerton located at 409 E Morgan Street. On April 5, 2018, Mr. O'Neal received a notice of violation from the Edgerton Development Services Department for a junked vehicle located on his property. Pursuant to Sections 8-206 and 8-209 of the Edgerton Municipal Code, Mr. O'Neal requested a hearing before the governing body to appeal the City's determination of a violation existing on his property.

At the opening of the hearing, Mr. O'Neal responded in the affirmative that the vehicle belonged to him and that it is on his property. Mr. O'Neal argued before the City Council that the vehicle was not actually a vehicle any longer, but instead a monument that serves as an icon to its previous owner, Ray Braun. Mr. O'Neal stated that the vehicle is a landmark that makes Edgerton unique, and therefore should be allowed to stay. Mr. O'Neal also stated that he had received approval from the governing body a few years in the past to leave the car where it is; Mr. O'Neal did not produce evidence of such an approval at the hearing.

Bill Braun, son of the car's original owner Ray Braun, spoke on behalf of the vehicle. Mr. Braun stated that the car was purchased by his father for the specific purpose of cutting it in half and displaying it with the humorous signs. Therefore, he believed the vehicle

when purchased was never intended to be used as a vehicle, and therefore should not be considered one.

Charles Troutner, 707 W. Nelson #5, also spoke in favor of keeping the vehicle. Mr. Troutner stated that as the curator of the Edgerton museum there is an entire section in the museum dedicated to Mr. Braun. Mr. Troutner stated it was his wish that the City Council would grant a one-time exception to the code for this vehicle, and allow it to stay as a part of Edgerton's history.

Councilmember Brown stated that he sympathizes with those who wish to keep the car, but as a councilmember he must follow what the Municipal Code says, and it clearly states in his mind that the vehicle should be considered a junk or inoperable vehicle.

Councilmember Conus stated that he struggles between the rights of the property owner, and rules and procedures of the Municipal Code. He asked staff what would be the procedure moving forward. City Attorney Lee Hendricks stated that if the Council deemed the vehicle to be a violation, then they would approve a resolution drafted by Mr. Hendricks at the next regular City Council meeting requiring the vehicle to be removed from the premises by May 7<sup>th</sup>.

Motion by Brown, Second by Longanecker to proceed with a resolution requiring Mr. Danny O'Neal to remove the junk vehicle from the property of 409 E Nelson St, by May 7<sup>th</sup>, or the City will remove it at his expense.

Motion was approved 3-0.

**3. ADJOURN-** The Special Session was adjourned at 10:17 pm.

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**April 26, 2018**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 26, 2018. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator/Interim City Clerk Scott Peterson
- City Attorney Lee Hendricks
- Parks Maintenance Bob McVey
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Superintendent Trey Whitaker
- Parks and Recreation Coordinator Maddie Becker
- Code Enforcement Officer Charlie Lydon

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

- 4. Agenda Approval was considered.
- 5. Approve Minutes for April 12, 2016 City Council Meeting was considered.
- 6. Approval of Final Plat for Logistics Park Kansas City South, First Plat was considered.

Motion by Longanecker, second by Lewis to approve the Consent Agenda.

Motion was approved 3-0.

**REGULAR AGENDA**

**7. Public Comments.**

Pat Peer, 32695 W 215<sup>th</sup> Street, Spring Hill, KS, spoke about the pace of growth around the intermodal. Ms. Peer wanted to know why the intermodal and surrounding logistics park were growing so fast. She believes that the development is encroaching on rural residents who don't want to live near major industrial developments. Ms. Peer asked the City Council when the Project Mustang deal was made.

**8. Declaration.** None.

\*\*\*Scott Peterson, Assistant City Administrator, introduced Maddie Becker, new Parks and Recreation Coordinator, to the City Council. We are very excited to have Maddie on staff and look forward to her doing great things for the City of Edgerton.\*\*\*

**9. CONSIDER RESOLUTION IN THE CITY OF EDGERTON, KANSAS, PROVIDING FOR A DEADLINE OF MAY 7, 2018 TO REMOVE A JUNKED MOTOR VEHICLE NUISANCE FROM THE PROPERTY AT 405 EAST MORGAN STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EGERTON, CITY CODE 8-410**

Mayor Roberts provided a brief prepared statement regarding the vehicle, and the history behind its code violation. Mayor Roberts also allowed the public to provide comment prior to the Council voting on this resolution.

Carl Peer, 32695 W 215<sup>th</sup> Street, Spring Hill, KS, spoke about growing up around Edgerton and going to Ray Braun's service station. Mr. Peer believed Ray Braun to be something like a "City Father", and has fond memories of Mr. Braun driving the vehicle in parades and finding it humorous. Mr. Peer asked who the car is hurting, and suggested that the vehicle be used to erect a monument to Ray Braun instead of being removed from the property.

David Shelton, 201 Martin St., Edgerton, KS, also believed that the car should be allowed to remain on the property. He believes it's just an old car with a sense of humor, and it doesn't seem like a big deal to let it stay on the property.

Charles Troutner, 707 W. Nelson, Edgerton, KS, provided an alternative solution to the car for the City Council to consider. As a lifelong resident and curator of the Edgerton Museum, Mr. Troutner recommended finding a place for the vehicle at either the Edgerton Museum or Edgerton Lake. Mr. Troutner stated that residents would be willing to pitch in and clean up the car to make it more presentable wherever it was placed.

Laura DePew, 514 W. Meriwood LN, Edgerton, KS, also requested that Council allow the vehicle to remain on the property. She asked if another solution could be found that would allow the car to stay.

Larry DePew, 514 W. Meriwood LN, stated that he believes that America is constantly wanting to trash history. He believes that an alternative solution can be found that would make everyone happy.

Laurissa DePew, 514 W. Meriwood LN, believes the vehicle is a monument to Edgerton, and should be allowed to stay. As a teenager Ms. DePew has grown up enjoying the car and it makes her laugh. She thinks there should be an alternative to allow the car to stay.

Deb Lebakken, 900 W. 7<sup>th</sup> St., Edgerton, KS, stated that many residents are hurt by the loss of the car. Ms. Lebakken has created an online petition asking for signatures in support of keeping the car. So far, she believes that the petition has been very successful, and has received support from many different countries.

Mayor Roberts stated that this code violation was driven by citizen complaints over the vehicle, and was not started by either City Council or City Staff members. Mayor Roberts stated that he shared no pleasure in dealing with this vehicle, but that as City Councilmembers they must treat all residents and property equally.

Councilmember Conus asked City Attorney Lee Hendricks if Mr. Troutner's proposed alternative were feasible. Mr. Hendricks responded that in the current state the vehicle is in, it would need to be indoors in a garage and would not be allowed to be displayed anywhere outdoors.

Motion by Longanecker, second by Lewis to approve the resolution.

Motion was approved 3-0.

**10. CONSIDER ORDINANCE NO. 1079 ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 256 ACRES OF LAND, LOCATED ON THE NORTHWEST CORNER OF 207<sup>TH</sup> STREET AND WAVERLY ROAD, FROM JONSON COUNTY RUR, RURAL ZONING TO CITY OF EDGERTON L-P LOGISTICS PARK ZONING DISTRICT**

Mayor Roberts asked for public comment prior to Council discussion on this item.

Carl Peer, 32695 W 215<sup>th</sup> St., Spring Hill, KS, spoke in opposition to the rezoning. Mr. Peer stated that the logistics park is already developing too rapidly, and the City should slow down and build more slowly. Mr. Peer also stated his dissatisfaction with the way Mayor Roberts only answers certain questions selectively during public comment. Mr. Peer stated that the area at Sunflower Rd and I-35 should be developed instead, since that is closer to Edgerton.

Pat Peer, 32695 W 215<sup>th</sup> St., also spoke in opposition to the rezoning. Ms. Peer stated that the industrial site clearly looks industrial in nature, despite any efforts to make it look like something else. Ms. Peer is already frustrated by the amount of bulldozing and blasting occurring at the site. She urged the City Council to reject the proposed rezoning.



Jennifer Whitlow, 31700 W. 217<sup>th</sup> St., Spring Hill, KS, also spoke in opposition to the rezoning. Ms. Whitlow and her family just recently purchased land in rural Jonson County, and is disappointed to hear that NorthPoint will be constructing near them. They had hoped to be away from development when they moved out of Gardner. Ms. Whitlow is afraid that her property will lose value being so close to industrial developments.

Mayor Roberts addressed a few of the comments. He stated that he has always been willing to meet with residents regarding this issue, and to walk through the process, but so far nobody has asked to meet with him. He also clarified statements made about Gardner's rejection of the intermodal years ago. He reiterated that there has been no "secret deal" in regards to the project, and that everything has been legal and transparent to the maximum extent the law allows.

Motion by Longanecker, second by Lewis to approve Ordinance No. 1079.

Motion was Approved 3-0.

## **11. CONSIDER APPROVAL OF 2017 AUDIT OF FINANCIAL STATEMENTS**

April Swartz, with Varney & Associates, CPAs, LLC, presented the 2017 Audit of Financial Statements for the City of Edgerton to the City Council. Ms. Swartz stated that her team is recommending a clean opinion, with no budget violations or findings of fraud or suspicion of fraud. Ms. Swartz stated that this city is unique in the ways it collects revenue, and that the City does a great job of managing those funds.

Motion by Lewis, Second by Longanecker to approve the 2017 Audit of Financial Statements.

Motion was approved 3-0.

## **12. CONSIDER RESOLUTION OF 04-26-18A, PROVIDING FOR A DEADLINE FOR REMOVAL OF YARD NUISANCES AT 502 E SECOND STREET, PURSUANT TO EDGERTON MUNICIPAL CODE SECTION 8-208 AND ALLOWING FOR THE CITY TO ABATE THE COSTS ASSOCIATED WITH THE REMOVAL OF SAID NUISANCES.**

Katy Crow, Development Services Director, presented the item. The previous owner at the nuisance address passed away and the property taxes are all delinquent. In that time the property has accumulated numerous code violation between August 2015 and April 2018.

Mayor Roberts asked why the house hasn't been sold on the courthouse steps. Ms. Crow responded that Staff didn't know.

Council asked for clarification on what the next step would be regarding the house itself. Charlie Lydon, Code Enforcement Officer, responded that they have not been allowed to go on the property itself to inspect the house. Approval of the resolution would provide him that ability to get a better understanding of the state the property is in.

Motion by Longanecker, Second by Conus, to approve Resolution 04-26-18A.

Motion was approved 3-0.

### **13. CONSIDER APPROVAL OF 2018 STREET MAINTENANCE PLAN**

Trey Whitaker, Public Works Superintendent, presented the item. Trey presented a new overlay technology, called UBAS, that staff is recommending being used on several roads in 2018. This will be done through a cooperative bid with the City of Lenexa.

Councilmember Longanecker asked how much the project at 4<sup>th</sup> and Nelson will cost out of the street maintenance budget? Ms. Linn responded that the project does not come out of the street program budget, but that the City is responsible for 50% of the cost of the 4<sup>th</sup> and Nelson Project, with the remainder being paid by the Johnson County CARS program.

Councilmember Conus asked why the Street Program for 2018 is being approved in April of this year? Staff responded that the funds were approved last year during budgeting, and now that it's construction season staff can take an accurate assessment of the state of roads before making a recommendation.

Staff stated that for the roads in the worst condition, those roads would be presented to Council as CIP projects for full reconstruction, since they are not salvageable through asphalt overlay.

### **14. REPORT BY THE CITY ADMINISTRATOR**

Ms. Linn asked if the City Council would be willing to consider Varney & Associates for the next three audits? Ms. Linn stated that the team is easy to work with, and is very familiar with the City's unique budget structure. All present members of the Council stated their willingness to consider the item at the next council meeting.

### **15. REPORT BY THE MAYOR**

None.

### **16. FUTURE MEETING/EVENT REMINDERS**

- May 8<sup>th</sup> 7:00 PM – Planning Commission Meeting
- May 10<sup>th</sup> 7:00 PM – City Council Meeting
- May 10<sup>th</sup> 7:00 PM – Edgerton Family Fitness Fun Run
- May 24<sup>th</sup> 7:00 PM – City Council Meeting
- June 2<sup>nd</sup>: 6:30-9:00 PM – Summer Kickoff Block Party
- June 2<sup>nd</sup>: 9:00-11:00 PM – Downtown Summer Movie Night

### **17. Executive Session**

**18. 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, FINANCIAL ADVISOR AND CITY ADMINISTRATOR**

Motion by Conus, Second by Longanecker, to recess into Executive Session for 10 minutes.

Motion was approved 3-0. Meeting was recessed at 8:56 pm.

Executive Session commenced at 9:01 pm.

**RECONVENE INTO OPEN SESSION**

Motion by Longanecker, second by Lewis to return from executive session.

Motion was approved 3-0. Council returned from executive session at 9:11 pm.

**19.ADJOURN**

Motion by Lewis, Second by Longanecker, to adjourn the meeting.

Motion as approved 3-0. Meeting was adjourned at 9:11 pm.



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## City Council Action Item

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**Council Meeting Date:** May 10, 2018

**Agenda Item #:** 7

**Department:** Administration

### **Agenda Item: Consider Resolution No. 05-10-18A Appointing Katy Crow as Zoning Administrator for the City of Edgerton**

**Background/Description of Item:**

Article 8, Section 8.7 of the Edgerton Unified Development Code (UDC) states that the Governing Body shall appoint a Zoning Administrator to administer the UDC.

Previously, City Council appointed Scott Peterson as Interim Zoning Administrator. Now that a Development Services Director, Katy Crow, has been appointed, staff would recommend appointment of Ms. Crow as the permanent Zoning Administrator. Said appointment to remain in effect until otherwise resolved by the Governing Body.

City Attorney has reviewed and approved the draft resolution.

**Related Ordinance(s) or Statue(s):** Edgerton Unified Development Code, Article 8, Section 8.7

**Funding Source:** N/A

**Budget Allocated:** \_\_\_\_\_

**Finance Director Approval:** \_\_\_\_\_

**Recommendation: Approve Resolution NO. 05-10-18A Appointing Katy Crow as Zoning Administrator for the City of Edgerton.**

**Enclosed:** Draft Resolution 05-10-18A

**Prepared by:**

**Scott Peterson** \* Assistant City Administrator

**RESOLUTION NO. 05-10-18A**

**A RESOLUTION APPOINTING KATY CROW AS ZONING ADMINISTRATOR  
FOR THE CITY OF EDGERTON**

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

The Governing Body of the City of Edgerton, Kansas, hereby appoints City employee Katy Crow as Zoning Administrator pursuant to Section 8.7 of Article 8 of the Edgerton, Kansas Unified Development Code, said appointment to remain in effect until otherwise resolved by the Governing Body.

**ADOPTED AND APPROVED** by the Governing Body of the City of Edgerton, Kansas, this 10<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Donald Roberts, Mayor

ATTEST:

\_\_\_\_\_  
Scott Peterson, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee Hendricks, City Attorney



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## City Council Action Item

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**Council Meeting Date:** May 10, 2018

**Agenda Item #:**

**Department:** Utilities

**Agenda Item:** Consider Final Acceptance for North Widmer Main and Lift Station

**Background/Description of Item:** In May 2017, the Edgerton City Council was presented a draft Sanitary Sewer Master Plan for Logistics Park Kansas City (LPKC) as developed by Edgerton Land Holding Company and reviewed by City Staff. At that time, Edgerton City Council approved the designation of projects by classification type to include Interceptor Sewer, Trunk Sewer and Main Sewer.

In addition to approving the classification of infrastructure, City Council approved/authorized the projects necessary to serve the buildings under construction. These projects are not included in the LPKC Plan of Finance to date. Therefore, construction costs to date have been funded solely by Edgerton Land Holding Company. Based on direction from City Council, staff anticipates bringing forward documentation necessary to add the Interceptor and Trunk level infrastructure to LPKC List of Projects to allow those projects to be eligible for funding from the Public Infrastructure Fund at a future date.

To support construction of UPS (Inland Port XXI) and Horizon Global (Inland Port XXII), Edgerton Land Holding Company has constructed the North Widmer Main and Lift Station Project consisted of approximately 4,220 linear feet of 10" PVC Forcemain, lift station with generator to flow sanitary sewer from the North Widmer Lift Station to the tie manhole of the previously constructed Big Bull Creek Conveyance System. In addition, the project also decommissioned the Homestead Lane Lift Station with installation of 1,685 linear feet of 10" Gravity Sewer flowing west to the North Widmer Lift Station. This project will also be able to serve future commercial/retail development on the Widmer property.

The project was authorized by the Edgerton City Council on May 25, 2017 as part of the LPKC Sanitary Sewer Master Plan with an estimated design and construction cost of \$1,860,642.40. All costs of construction have been funded by Edgerton Land Holding Company until such time as the project approved for inclusion in the LPKC List of Projects.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** Edgerton Land Holding Company

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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<p><b>Recommendation:</b> Approve Final Acceptance for North Widmer Main and Lift Station</p>
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**Enclosed:**

Sanitary Sewer Construction Map (see previous agenda item)  
Excerpt from LPKC Sanitary Sewer Master Plan May 23, 2017  
Email of Acceptance by Project Inspector Jon Carlson

**Prepared by:** Michael Mabrey, Utility Superintendent



**Opinion of Probable Construction Costs**  
**LPKC Sanitary Sewer Masterplan**  
City of Edgerton, KS  
May 23, 2017



**Big Industrial Lift Station & Forcemain**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$5,000.00	\$5,000.00
2	Connect to Lift Station	EA	1	\$5,000.00	\$5,000.00
3	4" Air Release Valve	EA	2	\$7,500.00	\$15,000.00
4	Lift Station w/ Generator	LS	1	\$275,000.00	\$275,000.00
5	4" PVC Forcemain	LF	4166	\$35.00	\$145,810.00
6	Directional Drill	LF	345	\$75.00	\$25,875.00
7	Erosion Control	LS	1	\$5,000.00	\$5,000.00
8	Seeding & Restoration	LS	1	\$3,500.00	\$3,500.00
9	Construction Staking	LS	1	\$2,500.00	\$2,500.00
10	Performance & Maintenance Bond	LS	1	\$10,000.00	\$10,000.00
Construction Subtotal					\$492,685.00
Contingencies (20%)					\$98,537.00
Design & Survey Fee					\$40,000.00
<b>Total Design &amp; Construction Cost</b>					<b>\$631,222.00</b>

**North Widmer Main & Lift Station**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$30,000.00	\$30,000.00
2	Clearing, Grubbing, and Demolition	LS	1	\$20,000.00	\$20,000.00
3	4' Dia. Std. Concrete Manhole	EA.	6	\$3,000.00	\$18,000.00
4	5' Dia. Std. Concrete Manhole	EA.	7	\$6,000.00	\$42,000.00
5	10" PVC (SDR 26)	LF	1685	\$50.00	\$84,250.00
6	18" PVC (PS 115)	LF	1616	\$84.50	\$136,552.00
7	21" PVC (PS 115)	LF	40	\$110.00	\$4,400.00
8	10" x 10" x 8" Tee	EA	2	\$600.00	\$1,200.00
9	20" Steel Casing Pipe	LF	120	\$150.00	\$18,000.00
10	30" Steel Casing Pipe	LF	60	\$200.00	\$12,000.00
11	22" Jack & Bore w/ Steel Casing Pipe	LF	200	\$700.00	\$140,000.00
12	2200 GPM Lift Station w/ Generator	LS	1	\$600,000.00	\$600,000.00
13	10" PVC Forcemain	EA	4220	\$40.00	\$168,800.00
14	10" 90 Degree DIP Bend	EA	5	\$2,000.00	\$10,000.00
15	4" Air Release Valve	EA	2	\$7,500.00	\$15,000.00
16	Connect to Existing Manhole	EA	1	\$2,500.00	\$2,500.00
17	Decommission Existing Lift Station	LS	1	\$150,000.00	\$150,000.00
18	Erosion Control	LS	1	\$10,000.00	\$10,000.00
19	Seeding & Restoration	LS	1	\$7,000.00	\$7,000.00
20	Construction Staking	LS	1	\$10,000.00	\$10,000.00
Construction Subtotal					\$1,479,702.00
Contingencies (20%)					\$295,940.40
Design & Survey Fee					\$85,000.00
<b>Total Design &amp; Construction Cost</b>					<b>\$1,860,642.40</b>

**From:** Jon Carlson  
**To:** [Mike Mabrey](#); [Beth Linn](#); [Scott Peterson](#)  
**Cc:** [Aaron Burks](#); [bpowell@northpointkc.com](mailto:bpowell@northpointkc.com); [david.hamby@bgcons.com](mailto:david.hamby@bgcons.com); [Katy Crow](#); [Curt Talcott](#); [John Thomas](#); [Matt Anderson](#)  
**Subject:** North Widmer Gravity Main and North Widmer LS & FM  
**Date:** Monday, May 7, 2018 4:34:32 PM

---

To the best of my knowledge Site Rite Construction has completed all work for the North Widmer Gravity Main and the North Widmer Lift Station and Force Main projects as noted in the plans approved by the City of Edgerton as of March 20, 2018 with the exception of minor warranty items noted in the final punch lists for these projects. The North Widmer Gravity Main was placed in service October 25, 2017 and the North Widmer LS & FM was placed in service March 8, 2018 for each respective date of Substantial Completion. This project may be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

**Jon Carlson**

Senior Construction Observer



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## City Council Action Item

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**Council Meeting Date:** May 10, 2018

**Agenda Item #:**

**Department:** Utilites

**Agenda Item:** Consider Final Acceptance for North Widmer Gravity Main Extension

**Background/Description of Item:**

In May 2017, the Edgerton City Council was presented a draft Sanitary Sewer Master Plan for Logistics Park Kansas City (LPKC) as developed by Edgerton Land Holding Company and reviewed by City Staff. At that time, Edgerton City Council approved the designation of projects by classification type to include Interceptor Sewer, Trunk Sewer and Main Sewer.

In addition to approving the classification of infrastructure, City Council approved/authorized the projects necessary to serve the buildings under construction. These projects are not included in the LPKC Plan of Finance to date. Therefore, construction costs to date have been funded solely by Edgerton Land Holding Company. Based on direction from City Council, staff anticipates bringing forward documentation necessary to add the Interceptor and Trunk level infrastructure to LPKC List of Projects to allow those projects to be eligible for funding from the Public Infrastructure Fund at a future date.

To support construction of UPS (Inland Port XXI) and Horizon Global (Inland Port XXII), Edgerton Land Holding Company has constructed the North Widmer Gravity Main Extension consisted of approximately 1,150 linear feet of 8 and 10" PVC gravity sewer serving current building UPS (IP21) and Horizon Global (IP22) flowing north to the North Widmer Lift Station.

The project was authorized by the Edgerton City Council on May 25, 2017 as part of the LPKC Sanitary Sewer Master Plan with an estimated design and construction cost of \$232,710. All costs of construction have been funded by Edgerton Land Holding Company.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** Edgerton Land Holding Company

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

---

<b>Recommendation:</b> Approve Final Acceptance for North Gravity Main Extension
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**Enclosed:**

LPKC Sanitary Sewer Master Plan Map (see previous agenda item)

LPKC Sanitary Sewer Master Plan May 23, 2017

Email of Acceptance by Project Inspector Jon Carlson

**Prepared by:** Michael Mabrey, Utility Superintendent

**Opinion of Probable Construction Costs**  
**LPKC Sanitary Sewer Masterplan**  
City of Edgerton, KS  
May 23, 2017



**Big Industrial Phase II**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$10,000.00	\$10,000.00
2	4' Dia. Std. Concrete Manhole	EA	5	\$2,900.00	\$14,500.00
3	8" PVC (SDR 26)	LF	30	\$40.00	\$1,200.00
4	10" PVC (SDR 26)	LF	1576	\$45.25	\$71,314.00
5	10" x 10" x 8" Tee	EA	3	\$575.00	\$1,725.00
6	6" Concrete Encasement	LF	25	\$100.00	\$2,500.00
7	Erosion Control	LS	1	\$8,000.00	\$8,000.00
8	Seeding & Restoration	LF	1	\$4,000.00	\$4,000.00
9	Construction Staking	LS	1	\$2,500.00	\$2,500.00
Construction Subtotal					\$115,739.00
Contingencies (10%)					\$11,574.00
Design & Survey Fee					\$16,075.00
<b>Total Design &amp; Construction Cost</b>					<b>\$143,388.00</b>

**North Widmer Gravity Main Extension**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$30,000.00	\$30,000.00
2	Clearing, Grubbing, and Demolition	LS	1	\$20,000.00	\$20,000.00
3	4' Dia. Std. Concrete Manhole	EA	7	\$3,000.00	\$21,000.00
4	8" PVC (SDR 26)	LF	20	\$45.00	\$900.00
5	10" PVC (SDR 26)	LF	1130	\$50.00	\$56,500.00
6	10" x 10" x 8" Tee	EA	2	\$600.00	\$1,200.00
7	20" Steel Casing Pipe	LF	120	\$150.00	\$18,000.00
8	6" Concrete Encasement	LF	47	\$100.00	\$4,700.00
9	Erosion Control	LS	1	\$10,000.00	\$10,000.00
10	Seeding & Restoration	LS	1	\$5,000.00	\$5,000.00
11	Construction Staking	LS	1	\$3,000.00	\$3,000.00
Construction Subtotal					\$170,300.00
Contingencies (20%)					\$34,060.00
Design & Survey Fee					\$28,350.00
<b>Total Design &amp; Construction Cost</b>					<b>\$232,710.00</b>

**South Widmer Main & Lift Station**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$20,000.00	\$20,000.00
2	Clearing, Grubbing, and Demolition	LS	1	\$15,000.00	\$15,000.00
3	4' Dia. Std. Concrete Manhole	EA	7	\$3,000.00	\$21,000.00
4	8" PVC (SDR 26)	LF	20	\$45.00	\$900.00
5	10" PVC (SDR 26)	LF	2089	\$50.00	\$104,450.00
6	10" x 10" x 8" Tee	EA	2	\$600.00	\$1,200.00
7	200 GPM Lift Station w/ Generator	LS	1	\$300,000.00	\$300,000.00
8	4" PVC Forcemain	EA	536	\$30.00	\$16,080.00
9	4" 45 Degree PVC Bend	EA	4	\$300.00	\$1,200.00
10	4" Air Release Valve	EA	1	\$7,500.00	\$7,500.00
11	Connect to Existing Manhole	EA	1	\$2,500.00	\$2,500.00

**From:** Jon Carlson  
**To:** [Mike Mabrey](#); [Beth Linn](#); [Scott Peterson](#)  
**Cc:** [Aaron Burks](#); [bpowell@northpointkc.com](mailto:bpowell@northpointkc.com); [david.hamby@bgcons.com](mailto:david.hamby@bgcons.com); [Katy Crow](#); [Curt Talcott](#); [John Thomas](#); [Matt Anderson](#)  
**Subject:** North Widmer Gravity Main and North Widmer LS & FM  
**Date:** Monday, May 7, 2018 4:34:32 PM

---

To the best of my knowledge Site Rite Construction has completed all work for the North Widmer Gravity Main and the North Widmer Lift Station and Force Main projects as noted in the plans approved by the City of Edgerton as of March 20, 2018 with the exception of minor warranty items noted in the final punch lists for these projects. The North Widmer Gravity Main was placed in service October 25, 2017 and the North Widmer LS & FM was placed in service March 8, 2018 for each respective date of Substantial Completion. This project may be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

**Jon Carlson**

Senior Construction Observer



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**Subject:** North Widmer Gravity Main and North Widmer LS & FM  
**Date:** Monday, May 7, 2018 4:34:32 PM

---

To the best of my knowledge Site Rite Construction has completed all work for the North Widmer Gravity Main and the North Widmer Lift Station and Force Main projects as noted in the plans approved by the City of Edgerton as of March 20, 2018 with the exception of minor warranty items noted in the final punch lists for these projects. The North Widmer Gravity Main was placed in service October 25, 2017 and the North Widmer LS & FM was placed in service March 8, 2018 for each respective date of Substantial Completion. This project may be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

**Jon Carlson**

Senior Construction Observer



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## City Council Action Item

---

**Council Meeting Date:** May 10, 2018

**Agenda Item #:**

**Department:** Utilities

**Agenda Item:** Consider Final Acceptance for Big Industrial Lift Station & Forcemain

**Background/Description of Item:**

In May 2017, the Edgerton City Council was presented a draft Sanitary Sewer Master Plan for Logistics Park Kansas City (LPKC) as developed by Edgerton Land Holding Company and reviewed by City Staff. At that time, Edgerton City Council approved the designation of projects by classification type to include Interceptor Sewer, Trunk Sewer and Main Sewer.

In addition to approving the classification of infrastructure, City Council approved/authorized the projects necessary to serve the buildings under construction. These projects are not included in the LPKC Plan of Finance to date. Therefore, construction costs to date have been funded solely by Edgerton Land Holding Company. Based on direction from City Council, staff anticipates bringing forward documentation necessary to add the Interceptor and Trunk level infrastructure to LPKC List of Projects to allow those projects to be eligible for funding from the Public Infrastructure Fund at a future date.

To support construction of Inland Port VIII (Hopkins) and Inland Port VI, Edgerton Land Holding Company has constructed the Big Industrial Lift Station & Forcemain Project consisting of approximately 4,166 linear feet of 4" PVC Forcemain, lift station with generator to flow sanitary sewer from the Big Industrial Lift Station to tie in manhole prior to the previously constructed IMF Lift Station.

The project was authorized by the Edgerton City Council on May 25, 2017 as part of the LPKC Sanitary Sewer Master Plan with an estimated design and construction cost of \$631,222. All costs of construction have been funded by Edgerton Land Holding Company until such time as the project approved for inclusion in the LPKC List of Projects.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** Edgerton Land Holding Company



**Budget Allocated:** N/A

**Finance Director Approval:** N/A

---

<p><b>Recommendation:</b> Approve Final Acceptance for Big Industrial Lift Station &amp; Forcemain</p>
--

**Enclosed:**

LPKC Sanitary Sewer Master Plan Map

Excerpt from LPKC Sanitary Sewer Master Plan May 23, 2017

Email of Acceptance by Project Inspector Jon Carlson

**Prepared by:** Michael Mabrey, Utility Superintendent



**Opinion of Probable Construction Costs**  
**LPKC Sanitary Sewer Masterplan**  
City of Edgerton, KS  
May 23, 2017



**Big Industrial Lift Station & Forcemain**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$5,000.00	\$5,000.00
2	Connect to Lift Station	EA	1	\$5,000.00	\$5,000.00
3	4" Air Release Valve	EA	2	\$7,500.00	\$15,000.00
4	Lift Station w/ Generator	LS	1	\$275,000.00	\$275,000.00
5	4" PVC Forcemain	LF	4166	\$35.00	\$145,810.00
6	Directional Drill	LF	345	\$75.00	\$25,875.00
7	Erosion Control	LS	1	\$5,000.00	\$5,000.00
8	Seeding & Restoration	LS	1	\$3,500.00	\$3,500.00
9	Construction Staking	LS	1	\$2,500.00	\$2,500.00
10	Performance & Maintenance Bond	LS	1	\$10,000.00	\$10,000.00
Construction Subtotal					\$492,685.00
Contingencies (20%)					\$98,537.00
Design & Survey Fee					\$40,000.00
<b>Total Design &amp; Construction Cost</b>					<b>\$631,222.00</b>

**North Widmer Main & Lift Station**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$30,000.00	\$30,000.00
2	Clearing, Grubbing, and Demolition	LS	1	\$20,000.00	\$20,000.00
3	4' Dia. Std. Concrete Manhole	EA.	6	\$3,000.00	\$18,000.00
4	5' Dia. Std. Concrete Manhole	EA.	7	\$6,000.00	\$42,000.00
5	10" PVC (SDR 26)	LF	1685	\$50.00	\$84,250.00
6	18" PVC (PS 115)	LF	1616	\$84.50	\$136,552.00
7	21" PVC (PS 115)	LF	40	\$110.00	\$4,400.00
8	10" x 10" x 8" Tee	EA	2	\$600.00	\$1,200.00
9	20" Steel Casing Pipe	LF	120	\$150.00	\$18,000.00
10	30" Steel Casing Pipe	LF	60	\$200.00	\$12,000.00
11	22" Jack & Bore w/ Steel Casing Pipe	LF	200	\$700.00	\$140,000.00
12	2200 GPM Lift Station w/ Generator	LS	1	\$600,000.00	\$600,000.00
13	10" PVC Forcemain	EA	4220	\$40.00	\$168,800.00
14	10" 90 Degree DIP Bend	EA	5	\$2,000.00	\$10,000.00
15	4" Air Release Valve	EA	2	\$7,500.00	\$15,000.00
16	Connect to Existing Manhole	EA	1	\$2,500.00	\$2,500.00
17	Decommission Existing Lift Station	LS	1	\$150,000.00	\$150,000.00
18	Erosion Control	LS	1	\$10,000.00	\$10,000.00
19	Seeding & Restoration	LS	1	\$7,000.00	\$7,000.00
20	Construction Staking	LS	1	\$10,000.00	\$10,000.00
Construction Subtotal					\$1,479,702.00
Contingencies (20%)					\$295,940.40
Design & Survey Fee					\$85,000.00
<b>Total Design &amp; Construction Cost</b>					<b>\$1,860,642.40</b>

**From:** Jon Carlson  
**To:** [Mike Mabrey](#); [Beth Linn](#); [Scott Peterson](#)  
**Cc:** [Aaron Burks](#); [david.hamby@bgcons.com](mailto:david.hamby@bgcons.com); [Katy Crow](#); [Matt Anderson](#); [Curt Talcott](#); [bpowell@northpointkc.com](mailto:bpowell@northpointkc.com)  
**Subject:** Big Industrial Phase 1 & 2 Gravity and Big Industrial LS & FM  
**Date:** Monday, May 7, 2018 4:17:39 PM

---

To the best of my knowledge Site Rite Construction has completed all work for the two above referenced projects as noted in the plans approved by the City of Edgerton, Kansas as of March 20, 2018 with the exception of several minor warranty items noted in prior punch lists to be completed. This project may be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

**Jon Carlson**

Senior Construction Observer



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## City Council Action Item

---

**Council Meeting Date:** May 10,

**2018 Agenda Item #:** 10

**Department:** Utilities

<b>Agenda Item:</b> Consider Final Acceptance for Big Industrial Phase I Main
---

**Background/Description of Item:**

In May 2017, the Edgerton City Council was presented a draft Sanitary Sewer Master Plan for Logistics Park Kansas City (LPKC) as developed by Edgerton Land Holding Company and reviewed by City Staff. At that time, Edgerton City Council approved the designation of projects by classification type to include Interceptor Sewer, Trunk Sewer and Main Sewer.

In addition to approving the classification of infrastructure, City Council approved/authorized the projects necessary to serve the buildings under construction. These projects are not included in the LPKC Plan of Finance to date. Therefore, construction costs to date have been funded solely by Edgerton Land Holding Company. Based on direction from City Council, staff anticipates bringing forward documentation necessary to add the Interceptor and Trunk level infrastructure to LPKC List of Projects to allow those projects to be eligible for funding from the Public Infrastructure Fund at a future date.

To support construction of Inland Port VIII (Hopkins), Edgerton Land Holding Company has constructed the Big Industrial Phase I Main consisting of approximately 1,710 linear feet of 8" and 10" PVC gravity main to flow sanitary sewer to the Big Industrial Lift Station.

The project was authorized by the Edgerton City Council on May 25, 2017 as part of the LPKC Sanitary Sewer Master Plan with an estimated design and construction cost of \$276,541. All costs of construction have been funded by Edgerton Land Holding Company.

**Related Ordinance(s) or Statue(s):**

---

**Funding Source:** Edgerton Land Holding Company

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

---

<b>Recommendation:</b> Approve Final Acceptance for Big Industrial Phase I Main
---

**Enclosed:**

LPKC Sanitary Sewer Master Plan Map (see previous agenda item)

Excerpt from LPKC Sanitary Sewer Master Plan May 23, 2017

Email of Acceptance by Project Inspector Jon Carlson

**Prepared by:** Michael Mabrey, Utility Superintendent

**From:** Jon Carlson  
**To:** [Mike Mabrey](#); [Beth Linn](#); [Scott Peterson](#)  
**Cc:** [Aaron Burks](#); [david.hamby@bgcons.com](mailto:david.hamby@bgcons.com); [Katy Crow](#); [Matt Anderson](#); [Curt Talcott](#); [bpowell@northpointkc.com](mailto:bpowell@northpointkc.com)  
**Subject:** Big Industrial Phase 1 & 2 Gravity and Big Industrial LS & FM  
**Date:** Monday, May 7, 2018 4:17:39 PM

---

To the best of my knowledge Site Rite Construction has completed all work for the two above referenced projects as noted in the plans approved by the City of Edgerton, Kansas as of March 20, 2018 with the exception of several minor warranty items noted in prior punch lists to be completed. This project may be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

**Jon Carlson**

Senior Construction Observer



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## City Council Action Item

---

**Council Meeting Date:** May 10, 2018

**Agenda Item #:**

**Department:** Utilities

<b>Agenda Item:</b> Consider Final Acceptance for Big Industrial Phase II
---

**Background/Description of Item:**

In May 2017, the Edgerton City Council was presented a draft Sanitary Sewer Master Plan for Logistics Park Kansas City (LPKC) as developed by Edgerton Land Holding Company and reviewed by City Staff. At that time, Edgerton City Council approved the designation of projects by classification type to include Interceptor Sewer, Trunk Sewer and Main Sewer.

In addition to approving the classification of infrastructure, City Council approved/authorized the projects necessary to serve the buildings under construction. These projects are not included in the LPKC Plan of Finance to date. Therefore, construction costs to date have been funded solely by Edgerton Land Holding Company. Based on direction from City Council, staff anticipates bringing forward documentation necessary to add the Interceptor and Trunk level infrastructure to LPKC List of Projects to allow those projects to be eligible for funding from the Public Infrastructure Fund at a future date.

To support construction of Inland Port VI, Inland Port IX and Inland Port X, Edgerton Land Holding Company has constructed the Big Industrial Phase I Main consisting of approximately 1,636 linear feet of 8" and 10" PVC Gravity main to flow sanitary sewer to the Big Industrial Lift Station via previously installed Big Industrial Phase I Main.

The project was authorized by the Edgerton City Council on May 25, 2017 as part of the LPKC Sanitary Sewer Master Plan with an estimated design and construction cost of \$143,388. All costs of construction have been funded by Edgerton Land Holding Company.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** Edgerton Land Holding Company

**Budget Allocated:** N/A



**Finance Director Approval:** N/A

---

<b>Recommendation:</b> Approve Final Acceptance for Big Industrial Phase II
---

**Enclosed:**

LPKC Sanitary Sewer Master Plan Map (see previous agenda item)  
Excerpt from LPKC Sanitary Sewer Master Plan May 23, 2017  
Email of Acceptance by Project Inspector Jon Carlson

**Prepared by:** Michael Mabrey, Utility Superintendent

**Opinion of Probable Construction Costs**  
**LPKC Sanitary Sewer Masterplan**  
City of Edgerton, KS  
May 23, 2017



**Big Industrial Phase II**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$10,000.00	\$10,000.00
2	4' Dia. Std. Concrete Manhole	EA	5	\$2,900.00	\$14,500.00
3	8" PVC (SDR 26)	LF	30	\$40.00	\$1,200.00
4	10" PVC (SDR 26)	LF	1576	\$45.25	\$71,314.00
5	10" x 10" x 8" Tee	EA	3	\$575.00	\$1,725.00
6	6" Concrete Encasement	LF	25	\$100.00	\$2,500.00
7	Erosion Control	LS	1	\$8,000.00	\$8,000.00
8	Seeding & Restoration	LF	1	\$4,000.00	\$4,000.00
9	Construction Staking	LS	1	\$2,500.00	\$2,500.00
Construction Subtotal					\$115,739.00
Contingencies (10%)					\$11,574.00
Design & Survey Fee					\$16,075.00
<b>Total Design &amp; Construction Cost</b>					<b>\$143,388.00</b>

**North Widmer Gravity Main Extension**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$30,000.00	\$30,000.00
2	Clearing, Grubbing, and Demolition	LS	1	\$20,000.00	\$20,000.00
3	4' Dia. Std. Concrete Manhole	EA	7	\$3,000.00	\$21,000.00
4	8" PVC (SDR 26)	LF	20	\$45.00	\$900.00
5	10" PVC (SDR 26)	LF	1130	\$50.00	\$56,500.00
6	10" x 10" x 8" Tee	EA	2	\$600.00	\$1,200.00
7	20" Steel Casing Pipe	LF	120	\$150.00	\$18,000.00
8	6" Concrete Encasement	LF	47	\$100.00	\$4,700.00
9	Erosion Control	LS	1	\$10,000.00	\$10,000.00
10	Seeding & Restoration	LS	1	\$5,000.00	\$5,000.00
11	Construction Staking	LS	1	\$3,000.00	\$3,000.00
Construction Subtotal					\$170,300.00
Contingencies (20%)					\$34,060.00
Design & Survey Fee					\$28,350.00
<b>Total Design &amp; Construction Cost</b>					<b>\$232,710.00</b>

**South Widmer Main & Lift Station**

No.	Item	Unit	Quantity	Unit Cost	Cost
1	Mobilization	LS	1	\$20,000.00	\$20,000.00
2	Clearing, Grubbing, and Demolition	LS	1	\$15,000.00	\$15,000.00
3	4' Dia. Std. Concrete Manhole	EA	7	\$3,000.00	\$21,000.00
4	8" PVC (SDR 26)	LF	20	\$45.00	\$900.00
5	10" PVC (SDR 26)	LF	2089	\$50.00	\$104,450.00
6	10" x 10" x 8" Tee	EA	2	\$600.00	\$1,200.00
7	200 GPM Lift Station w/ Generator	LS	1	\$300,000.00	\$300,000.00
8	4" PVC Forcemain	EA	536	\$30.00	\$16,080.00
9	4" 45 Degree PVC Bend	EA	4	\$300.00	\$1,200.00
10	4" Air Release Valve	EA	1	\$7,500.00	\$7,500.00
11	Connect to Existing Manhole	EA	1	\$2,500.00	\$2,500.00

**From:** Jon Carlson  
**To:** [Mike Mabrey](#); [Beth Linn](#); [Scott Peterson](#)  
**Cc:** [Aaron Burks](#); [david.hamby@bgcons.com](mailto:david.hamby@bgcons.com); [Katy Crow](#); [Matt Anderson](#); [Curt Talcott](#); [bpowell@northpointkc.com](mailto:bpowell@northpointkc.com)  
**Subject:** Big Industrial Phase 1 & 2 Gravity and Big Industrial LS & FM  
**Date:** Monday, May 7, 2018 4:17:39 PM

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To the best of my knowledge Site Rite Construction has completed all work for the two above referenced projects as noted in the plans approved by the City of Edgerton, Kansas as of March 20, 2018 with the exception of several minor warranty items noted in prior punch lists to be completed. This project may be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

**Jon Carlson**

Senior Construction Observer



1405 Wakarusa Drive | Lawrence, KS 66049

T: 785.749.4474 | F: 785.749.7340

C: 785.331.8289 (Personal)

Web: [www.bgcons.com](http://www.bgcons.com) | [Map](#) | [Email](#)

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## City Council Action Item

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**Council Meeting Date:** May 10, 2018

**Agenda Item #:**

**Department:** Administration

**Agenda Item:** Consider a Three-Year Agreement with Varney & Associates, CPAs, LLC, to Prepare the City's Financial Audit for Fiscal Years 2018, 2019 and 2020

**Background/Description of Item:**

In 2015, the City of Edgerton conducted an RFP for audit services and selected Varney & Associates, CPAs, LLC, to perform the annual audit of the City's financial statements. The RFP solicited audit services for three fiscal years: 2015, 2016 and 2017. At this time, staff is not recommending the City conduct another RFP process due to the satisfactory services received from Varney & Associates and the administrative cost of on-boarding a new audit firm.

Varney & Associates has proposed a flat audit fee of \$8,400 per financial audit for the fiscal years 2018, 2019 and 2020, which is \$400 higher than the charge for the 2017 audit. Please find attached a copy of the Engagement Letter detailing the work to be performed by Varney & Associates, CPAs, LLC, as part of the audit of the financial statements for those three fiscal years.

Staff will include the new audit fee in the 2019 Budget.

The City Attorney has reviewed and approved the agreement.

**Related Ordinance(s) or Statue(s):** K.S.A. 44-1030

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**Funding Source:** General Fund, Water Fund, Sewer Fund

**Budget Allocated:** The cost of the audit will be included in the 2019 Budget and divided between the General Fund, Water Fund and Sewer Fund.

**Finance Director Approval:**

**X** Karen E. Kindle

Karen Kindle, Finance Director

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**Recommendation:** Approve the agreement with Varney & Associates, CPAs, LLC, to prepare the City's Financial Audit for Fiscal Years 2018, 2019 and 2020.

**Enclosed:** Engagement Letter with Varney & Associates, CPAs, LLC

**Prepared by:**

**Karen Kindle \* Finance Director**



April 3, 2018

City of Edgerton, Kansas  
PO Box 255  
Edgerton, KS 66021

The following represents our understanding of the services we will provide the City of Edgerton, Kansas.

You have requested that we audit the statement of regulatory basis receipts, expenditures and unencumbered cash balances of the City of Edgerton, Kansas (the City), as of December 31, 2018, 2019, and 2020 and for the years then ended and the related notes to the financial statement, which collectively comprise the City's basic financial statement as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on the basic financial statement.

#### **Regulatory-Required Supplementary Information**

Regulatory-required supplementary information other than RSI will accompany the City's basic financial statement. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statement and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the basic financial statement or to the basic financial statement itself, and additional procedures in accordance with U.S. GAAS. We intend to provide an opinion on the following supplementary information in relation to the basic financial statement as a whole:

- Schedule of expenditures – actual and budget (regulatory basis)
- Schedule of individual fund receipts and expenditures – actual and budget (regulatory basis)

#### **Auditor Responsibilities**

We will conduct our audit in accordance with U.S. GAAS and the *Kansas Municipal Audit and Accounting Guide* (KMAAG). Those standards and KMAAG require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statement is free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the basic financial statement, whether due to fraud or error, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used, and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the basic financial statement. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the basic financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and KMAAG.

### **Auditor Responsibilities (Continued)**

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the basic financial statement in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the basic financial statements that we have identified during the audit. Our responsibility as auditors is, of course, limited to the period covered by our audit and does not extend to any other periods.

We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinion on the basic financial statement is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

### **Compliance with Laws and Regulations**

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statement is free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Management Responsibilities**

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the basic financial statement in accordance with KMAAG;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- c. To provide us with:
  - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements such as records, documentation, and other matters;
  - ii. Additional information that we may request from management for the purpose of the audit; and
  - iii. Unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.
- d. For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by the City's auditor;
- e. For identifying and ensuring that the City complies with the laws and regulations applicable to its activities;
- f. For adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole; and
- g. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets.

With regard to the regulatory-required supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to

**Management Responsibilities (Continued)**

present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

**Reporting**

We will issue a written report upon completion of our audit of the City's basic financial statement. Our report will be addressed to the governing body of the City. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

**Other**

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the basic financial statement and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

**Provisions of Engagement Administration, Timing and Fees**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

April G. Swartz, CPA, is the engagement principal for the audit services specified in this letter. Her responsibilities include supervising Varney & Associates, CPAs, LLC's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

With respect to any nonattest services we perform, the City's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities. Nonattest services will include assistance with financial statement preparation.

Our fees are based on the amount of time required at various levels of responsibility, not to exceed \$8,400 per year for 2018, 2019 and 2020. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use the City's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statement of which you may become aware during the period from the date of the auditor's report to the date the financial statement is issued.



April 3, 2018  
City of Edgerton, Kansas  
Page four

**Provisions of Engagement Administration, Timing and Fees (Continued)**

We agree to retain our audit documentation or work papers for a period of at least five year from the date of our report.

At the conclusion of our audit engagement, we will communicate to the governing body the following significant findings from the audit:

- Our view about the qualitative aspects of the City's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Varney & Associates, CPAs, LLC and constitutes confidential information. However, we may be requested to make certain audit documentation available to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Varney & Associates, CPAs, LLC's personnel.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the basic financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Sincerely,

*Varney & Associates, CPAs, LLC*

Certified Public Accountants

Encls. (as noted)

**RESPONSE:**

This letter correctly sets forth our understanding of the City of Edgerton, Kansas.

Acknowledged and agreed on behalf of the City of Edgerton, Kansas by:

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**EDGERTON**  
global routes. local roots.

404 East Nelson  
Edgerton, KS 66021  
P: 913.893.6231  
EDGERTONKS.ORG

## City Council Action Item

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**Council Meeting Date:** May 10<sup>th</sup>, 2018

**Agenda Item #:** 16

**Department:** Public Works

### **Agenda Item: Consider Approval of 2018 Annual Street Maintenance Program, with McAnany Construction, Inc for Ultrathin Bonded Asphalt Surface & Mill and Overlay.**

**Background/Description of Item:**

Annually, staff presents recommendation to City Council for the City of Edgerton's Annual Street Program. To prepare recommendation for 2018 Street Maintenance Program, staff along with BG Consultants and partnering City entities took a comprehensive look at the sections of roadway needing maintenance activities in 2018. Public Works Staff continues to collect distress and other roadway information on an on-going basis to better refine and prioritize the needs of the street maintenance program, improving the benefit to the community throughout this progression.

As part of the Cooperative Purchasing Policy outlined in the Purchasing Policy approved on May 22<sup>nd</sup>, 2014, staff utilized the cooperative language within the City of Lenexa contract Documents to access the competitive pricing secured in the Lenexa contract.

At the April 26<sup>th</sup>, 2018, City Council Meeting, City Council approved the preliminary 2018 Street Maintenance Program. At this meeting staff recommended the City Council considered two types of maintenance for the 2018 Street Maintenance Program to include the following sections of roadway eligible for maintenance. The 2018 Street maintenance program will include UBAS (Ultrathin Bonded Asphalt Surface), and Mill and Overlay.

The approved 2018 budget includes \$46,589 in gasoline tax that the City Council programs through the Capital Improvement Budget for the Annual Street Maintenance Program. City Council also dedicated funds from the LPKC Maintenance Fee to bring the total for the Annual Street Maintenance Program to \$150,000 for 2018.

The two projects below total \$132,212.75. These amounts are based on cost proposals provided by McAnany Construction, Inc. as part of the cooperative contract documents stated above.

1. UBAS (Ultrathin Bonded Asphalt Surface): \$89,719.00

- a. UBAS is a new maintenance application for the City of Edgerton. Preventative maintenance tool that is used to extend the useful life of a roadway. This is done by placing a thin, course aggregate hot mix of a special asphalt membrane. This membrane prevents water leakage and provides a superior bond to the existing asphalt. UBAS can be installed quickly and has a longer life span than a basic seal.

Recommendation: W 1<sup>st</sup> Street (56 Highway to Edgewood Dr) & W 8<sup>th</sup> Street (56 Highway to W Nelson St). Approximately 11474 Square Yards of Ultrathin Bonded Asphalt Surface.

2. Mill and Overlay: \$42,493.75

- a. Mill and Overlay will remove a predefined thickness of asphalt off the proposed roadway, this will then be replaced with a new surface course. This process improves the ride condition as well as sealing off any further water intrusion. Staff is looking at the option of spray paving this section of roadway, this application process removes the tack oil from being applied out ahead of the paving system, this improves the bonding between the existing asphalt and the new surface course.

Recommendation: W 7<sup>th</sup> Street (W Nelson Street to End of Roadway) & W Hulett Street (W 7<sup>th</sup> Street to End of Roadway). Approximately 3400 Square Yards of Mill and Overlay.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** LPKC Maintenance Fee and Gasoline Tax

**Budget Allocated:** \$150,000

**Finance Director Approval:**

**X** 

Karen Kindle, Finance Director

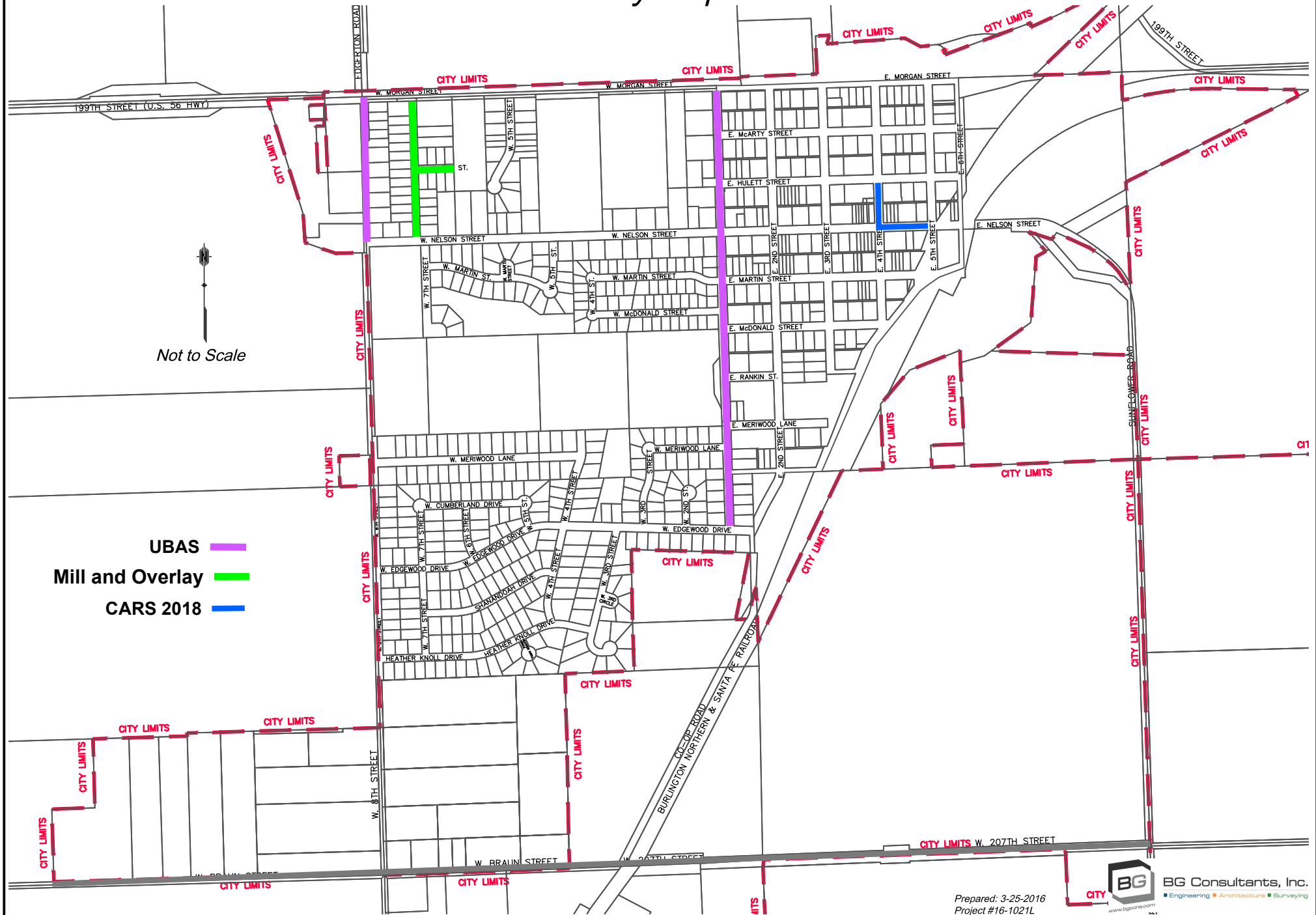
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<p><b>Recommendation: Approve the 2018 Annual Street Maintenance Program with McAnany Construction, Inc. to Include UBAS and Mill and Overlay of the above-mentioned locations in an amount not to exceed \$132,212.75</b></p>
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**Enclosed:** McAnany Construction, Inc. Proposal (UBAS and Mill and Overlay)  
City of Lenexa line item cost breakdown  
2018 Street Maintenance Map

**Prepared by:** Trey Whitaker, Public Works Superintendent

*City of Edgerton Kansas*  
*City Map*



2018 PMP UBAS							
							3/13/2018
Item				Engineer's Estimate		McAnany Construction	
No.	Description	Unit	Qty.	Unit Price	Total	Unit Price	Total
MAIN BID							
1	Asphaltic Concrete Surface, 2"	S.Y.	200.00	\$7.00	\$1,400.00	\$13.75	\$2,750.00
2	Asphaltic Concrete Intermediate, 4"	S.Y.	200.00	\$14.00	\$2,800.00	\$24.75	\$4,950.00
3	Asphalt Patching	S.Y.	150.00	\$58.50	\$8,775.00	\$61.60	\$9,240.00
4	Ultrathin Bonded Asphalt Surface (UBAS)	S.Y.	321720.00	\$4.10	\$1,319,052.00	\$4.65	\$1,495,998.00
5	Milling (Total Width Cut) 2"	S.Y.	200.00	\$2.00	\$400.00	\$1.75	\$350.00
6	Milling (Total Width Cut) 4"	S.Y.	200.00	\$3.00	\$600.00	\$2.00	\$400.00
7	Macrotexturing	S.Y.	321720.00	\$1.10	\$353,892.00	\$1.40	\$450,408.00
8	Concrete Pavement (7")	S.F.	3000.00	\$8.50	\$25,500.00	\$8.40	\$25,200.00
9	Curb & Gutter, (All Types)	L.F.	2051.00	\$30.00	\$61,530.00	\$32.00	\$65,632.00
10	Handicapped Ramp	EA	116.00	\$1,300.00	\$150,800.00	\$1,195.00	\$138,620.00
11	Concrete Sidewalk 4"	S.F.	10665.00	\$7.00	\$74,655.00	\$6.55	\$69,855.75
12	Concrete Trail 6"	S.F.	26000.00	\$8.00	\$208,000.00	\$6.50	\$169,000.00
13	Loop 6x50	EA	58.00	\$1,250.00	\$72,500.00	\$1,280.00	\$74,240.00
14	Junction Box - Type I	EA	5.00	\$450.00	\$2,250.00	\$420.00	\$2,100.00
15	Conduit	L.F.	100.00	\$2.00	\$200.00	\$9.45	\$945.00
16	Pavement Markings, 6" White Channalization Line	L.F.	2219.00	\$1.60	\$3,550.40	\$0.94	\$2,085.86
17	Pavement Markings, 6" White Extension Skip Line Thermoplastic	L.F.	330.00	\$1.60	\$528.00	\$0.94	\$310.20
18	Pavement Markings, 12" White Extension Skip Line Thermoplastic	L.F.	174.00	\$3.40	\$591.60	\$3.15	\$548.10

19	Pavement Markings, 4" Solid Double Yellow Line Thermoplastic	L.F.	10058.00	\$2.20	\$22,127.60	\$1.26	\$12,673.08
20	Pavement Markings, 4" Solid Yellow Edge Line Thermoplastic	L.F.	591.00	\$1.10	\$650.10	\$0.68	\$401.88
21	Pavement Markings, 4" Solid White Edge Line Thermoplastic	L.F.	6281.00	\$1.10	\$6,909.10	\$0.68	\$4,271.08
22	Pavement Markings, 12" Yellow Hatch Thermoplastic	L.F.	91.00	\$1.60	\$145.60	\$3.15	\$286.65
23	Pavement Markings, 12" White Hatch Thermoplastic	L.F.	90.00	\$3.40	\$306.00	\$3.15	\$283.50
24	Pavement Markings, 24" White Stop Bar Thermoplastic	L.F.	282.00	\$6.50	\$1,833.00	\$10.50	\$2,961.00
25	Pavement Markings, Triangle Yield Line Thermoplastic	EA	28.00	\$17.50	\$490.00	\$26.25	\$735.00
26	Pavement Markings, 6" White Crosswalk Line Thermoplastic	L.F.	397.00	\$1.60	\$635.20	\$2.63	\$1,044.11
27	Pavement Markings, 12" White Crosswalk Line Thermoplastic	L.F.	1468.00	\$3.40	\$4,991.20	\$4.20	\$6,165.60
28	Pavement Markings, Right Turn Arrows Preformed Thermoplastic	EA	10.00	\$225.00	\$2,250.00	\$178.50	\$1,785.00
29	Pavement Markings, Left Turn Arrows Preformed Thermoplastic	EA	1.00	\$225.00	\$225.00	\$178.50	\$178.50
30	Pavement Markings, Railroad Crossing Preformed Thermoplastic	EA	2.00	\$950.00	\$1,900.00	\$577.50	\$1,155.00
31	Pavement Markings, Combination Thru/Right Roundabout Arrows Preformed Thermoplastic	EA	1.00	\$270.00	\$270.00	\$420.00	\$420.00
32	Pavement Markings, Combination Thru/Left Roundabout Arrows Preformed Thermoplastic	EA	1.00	\$270.00	\$270.00	\$420.00	\$420.00
33	Pavement Markings, Combination Thru/Right Arrows Preformed Thermoplastic	EA	1.00	\$270.00	\$270.00	\$420.00	\$420.00
34	Pavement Markings, Combination Thru/Left Arrows Preformed Thermoplastic	EA	1.00	\$270.00	\$270.00	\$420.00	\$420.00
35	Pavement Marking Eradication - Pavement Marking Program	L.S.	1.00	\$10,000.00	\$10,000.00	\$9,085.00	\$9,085.00

36	Traffic Control (Residential UBAS)	L.S.	1.00	\$25,000.00	\$25,000.00	\$30,000.00	\$30,000.00
37	Traffic Control (All Remaining Areas)	L.S.	1.00	\$10,000.00	\$10,000.00	\$12,865.00	\$12,865.00
<b>Item</b>				<b>Engineer's Estimate</b>		<b>McAnany Construction</b>	
<b>No.</b>	<b>Description</b>	<b>Unit</b>	<b>Qty.</b>		<b>Total</b>		<b>Total</b>
	<b>TOTAL BASE BID</b>				<b>\$2,375,566.80</b>		<b>\$2,598,203.31</b>



# PROPOSAL

## McANANY CONSTRUCTION, INC. ASPHALT PAVING-SITE DEVELOPMENT

TO: Edgerton, KS  
ATTN: Trey Whitaker

JOB: UBAS 1<sup>st</sup> Street and 8<sup>th</sup> Street  
DATE: April 30, 2018

1<sup>st</sup> Street Hiway 56 to Edgewood, 8<sup>th</sup> Street Hiway 56 to West Nelson

Full depth asphalt repair	150 s.y.	@	\$58.50/s.y.	\$8775.00
Macrotexture milling	12074 s.y.	@	\$1.40/s.y.	\$16903.60
place UBAS	12074 s.y.	@	\$4.60/s.y.	\$55540.40
Bonds, mobilization and traffic control			Lump Sum	<u>\$8500.00</u>
				\$89719.00

Quantities ate estimated, units installed will determine billings. Project is bid tax exempt, will need tax exempt certificate before beginning work. Millings to be hauled to site in Edgerton provided by City.

Qualifications: Exclusions; Permits, testing, pavement markings, signs.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature \_\_\_\_\_

Roger Vossman

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_ days.

**Acceptance of Proposal-** the above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

PLEASE SIGN AND RETURN

15320 MIDLAND DRIVE SHAWNEE, KS 66217 (913) 631-5440 FAX (913) 631-7043

# PROPOSAL

## McANANY CONSTRUCTION, INC. ASPHALT PAVING-SITE DEVELOPMENT

TO: Edgerton, KS  
ATTN: Trey Whitaker

JOB: Mill and Overlay 7<sup>th</sup> and Hullett  
DATE: April 30, 2018

Mill where necessary and place 2" BM2R asphalt on 7<sup>th</sup> Street from West Nelson to end of road and West Hullett from 7<sup>th</sup> Street to end of road.

375 tons	@	\$94.95/ton	\$35606.25
Base repair (6") 75 s.y	@	\$58.50/s.y.	\$4387.50
Mobilization		Lump Sum	<u>\$2500.00</u>
			\$42493.75

Quantities are estimated, units installed will determine billings. Project is bid tax exempt, will need tax exempt cert before beginning work. Millings to be hauled to site in Edgerton provided by City.

Qualifications: Exclusions; Permits, testing, pavement markings, signs.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature \_\_\_\_\_

Roger Vossman

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_ days.

Acceptance of Proposal- the above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

PLEASE SIGN AND RETURN

## City Council Action Item

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**Council Meeting Date:** May 10, 2018

**Agenda Item #:** 18

**Department:** Parks and Recreation

**Agenda Item: Consider Resolution No. 05-10-18D Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival, Permission to use requested City Buildings/Public Spaces, and the approval of additional Service Requests.**

**Background/Description of Item:**

Background/Description of Item: The Edgerton community celebrates its heritage with their annual Frontier Days. Since 1971 this celebration has brought the town together through carnival, craft, sports, music and parade. This year's event will take place Friday June 15th-Saturday, June 16th. Full schedule of details may be found at the event website at <https://frontier-days.com/>. The event is supported by the Edgerton Frontier Days Association.

Similar to recent years, the Edgerton Frontier Days Association has made several requests to support the event that includes closure of various public streets, use of certain city facilities/public spaces, etc. Below is a summary of those requests. Additionally, please find enclosed a draft resolution to approve those requests.

**Street Closure**

The Edgerton Frontier Days Committee has requested the closure of the following street beginning at 9:00 AM on Tuesday, June 12th until 12:00 PM on Sunday, June 17th:

- East 4th Street between Nelson and McCarty Streets;

The Edgerton Frontier Days Committee has requested the closure of the following streets beginning at 9am on Friday, June 15th until 12:00 PM on Sunday, June 17<sup>th</sup>:

- East 4th Street between Nelson and south to the nearest alley;
- Nelson Street between 3rd and East 4th Streets and;
- Nelson Street between East 4th Street to the Metcalf Bank drive located on Nelson Street

The Edgerton Frontier Days Committee has requested the closure of the following street on Saturday, June 16th for the community parade:

- Nelson Street between West 8th Street to East 5th Street.

**Use of City Facilities/Public Spaces**

The Edgerton Frontier Days Committee has requested permission to use the following City Facilities/Public Spaces during the time of the festival:

- Downtown greenspace along with all designated streets and sidewalks that are request street closures;
- Office and garage located at 305 E. Nelson;
- City Hall;
- Downtown Maintenance shop beginning on Monday, June 12th at 8:00 AM.

**Additional Service Requests**

The Edgerton Frontier Days Committee has requested the following additional Service Requests to support the festival:

- City to hang street banners by Wednesday, June 13th;
- City to order event dumpsters and trash bins for the festival days;
- City to issue camping permits to carnival workers at Edgerton Lake for the week prior to the festival and during the festival.

City staff has reviewed the proposed street closures, the facility/public space use requests, and other service requests and does not anticipate any conflicts or issues.

City staff recommends approving all requests pending proof of the following:

- Certificate of Insurance for Edgerton Frontier Days with the City of Edgerton additionally insured.
- Certificate of Insurance for each Vendor with the City of Edgerton additionally insured.

If approved, City staff will inform the Johnson County Sheriff's Office and Johnson County Fire District 1 of the proposed closings.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** N/A

**Budget Allocated:** \_\_\_\_\_

**Finance Director Approval:**

---

**Recommendation: Approve Resolution No. 05-10-18D Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival, Permission to use requested City Buildings/Public Spaces, and the approval of additional Service Requests.**

**Enclosed:**

Draft Resolution No. 05-10-18D  
Frontier Days Special Event Application

**Prepared by:**

**Scott Peterson** \* Assistant City Administrator

## **RESOLUTION NO. 05-10-18D**

### **A RESOLUTION AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS DURING THE EDGERTON FRONTIER DAYS FESTIVAL, PERMISSION TO USE REQUESTED CITY BUILDINGD/PUBLIC SPACES, AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS**

**WHEREAS**, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Frontier Days Festival; and

**WHEREAS**, the City has determined that the closure of certain streets and the use of certain City facilities and public spaces would be beneficial to the safety and enjoyment of the Frontier Days Festival; and

**WHEREAS**, City staff has reviewed the proposed street closures and does not anticipate any conflicts or issues that would prevent said closures; and

**WHEREAS**, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 9:00 AM on June 12, 2018 until 12:00 PM on June 17, 2018: • East 4th Street between Nelson and McCarty Streets; and

**WHEREAS**, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 9:00 AM on June 15, 2018 until 12:00 PM on June 17, 2018: • East 4th Street between Nelson and south to the nearest alley; • Nelson Street between East 3rd and East 4th Streets and; • Nelson Street between East 4th Street to the Metcalf Bank drive located on Nelson Street; and

**WHEREAS**, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days on June 16, 2018 during the Frontier Days Parade: Nelson Street from West 8th to East 5th Streets; and

**WHEREAS**, the following City owned facilities and public spaces will be reserved for the use of Edgerton Frontier Days. • Downtown Greenspace along with all designated streets and sidewalks that are requested as street closures • Office and garage located at 305 E. Nelson • City Hall • Downtown Maintenance shop; and

**WHEREAS**, the following service requests will be carried out by the City. • Hang street banners. • Provide event dumpsters and trash bins. • Issue camping permits to carnival workers at Edgerton Lake for the week prior to the festival and during the festival.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS** that the City hereby authorizes the closure of the public streets named above, the reservation of City facilities named above, the reservation of City public spaces named above and further authorizes that the above named service requests are carried out for the durations specified above for the 2018 Edgerton Frontier Days Festival.

**SECTION ONE: EFFECTIVE DATE** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 10TH DAY OF MAY, 2018.

ATTEST:

CITY OF EDGERTON, KANSAS

\_\_\_\_\_  
Scott Peterson, City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney

Return May 1<sup>st</sup>



**City of Edgerton, Kansas**  
**Special Event Permit Application**

Date Stamp Received:

Received by:

Scott Peterson

4-25-18

**Cover Page**

Edgerton Frontier Days

Attachments Included with Application:

- ☒ List of services requested by the City and/or County
- ☒ Description of publicly owned property for event
- ☐ Description of publicly owned vehicles/equipment for event
- ☐ Classification of dangerous and/or exotic animals

Pending Operator's Certificate of Insurance

Pending Sponsoring Agency's Certificate of Insurance

☐ Completed Indemnification Statement

☒ Site/Route/Staging/Dispersal/Parking Plans (Including, but not limited to, bulleted items below)

- Assembly areas
- Fire hydrant locations
- Normal routes of fire department vehicle access (20 Foot-wide minimum)
- Main Entrances/Exits
- Food Vendor Fire Extinguishers, with minimum rating of 2A10BC
- Ensure Extension Cord(s) used to power food production or other portable equipment is minimum 12-gauge.
- Vendor Sites (includes food, merchant, non-commercial vendor)
- Barricade/signs
- Street/Sidewalk closures

☒ Fee

☐ Emergency Plan (for reporting fire or other emergency)





City of Edgerton, Kansas  
Special Event Permit Application

Submit this application, with supporting documentation and fees to:  
City of Edgerton, KS  
404 W. Nelson  
P.O. Box 255  
Edgerton, Kansas 66021

For assistance, call 913/893-6231 during regular business hours.

**APPLICANT INFORMATION (Primary Contact):**

Name: Glyn Powers, president  
Address: 1606 W. 8th, Edgerton Ks Zip Code: 66021  
Driver's License Number and State Issue: K 02-40-4556, Kansas  
Home phone: \_\_\_\_\_ Cell phone: 913-238-9539  
E-Mail: glynrd@embargmail.com Employer's Number: \_\_\_\_\_

**OPERATOR/ORGANIZATION/AUTHORIZED MEMBER/SPONSOR:**

Operator/Organization/Authorized Member/Sponsor:

Edgerton Frontier Days Association  
Address: P.O. Box 222, Edgerton Ks Zip Code: 66021  
Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail: grammie-sue@embargmail.com Web-Site: www.frontier-days.com  
Is the event for profit? \_\_\_\_\_ Yes ☒ No

If no, who is beneficiary: \_\_\_\_\_

Registration/Entry Fee for event? ☒ Yes \_\_\_\_\_ No for craft & food vendors

(If available, please attach a copy of the event flier or information listing)

**EVENT INFORMATION:**

Please complete the following. In addition, Fliers/Informational Brochures may be attached for detailed information.

Date/s of Event: June 15 & 16, 2018

Hours of Event: 6/15 4 pm - 12 midnight, 6/16 9 am - 12 midnight

Location of Event: Downtown City of Edgerton on Nelson St.  
& 4th Street

- Designated Parking Spots
  - Edgerton City Lake
  - Edgerton Elementary
  - Martin Creek Park

Type of Event: Festival Parade Sporting Competition Circus  
Trade Show Car Show Other: \_\_\_\_\_

Event Details: X Alcohol/Cereal Malt Beverage Served  
X Alcohol /Cereal Malt Beverage Sales  
TBD X Number of Food Vendors  
X Number of Merchant Vendors  
X Number of Non-Commercial Vendors  
X Animals  
X Street/Sidewalk Closure

### Equipment at Event:

X Amplified Speaking/Music  
Hours: 6/16 4pm to 6/17 Midnight  
X Portable Restrooms  
X Stage/Props/Production  
X Dumpsters/Receptacles  
X Signage  
X Barricades (Number of volunteers staffing)  
Other item/s: \_\_\_\_\_

**State Sales Tax Information:** State of Kansas Tax Identification Number(s) must be provided for ALL food and merchant vendors. (Event sponsors are required to provide the Kansas Department of Revenue with notification of an event and a list of participating vendors.)

Food Vendor Tax Information: \_\_\_\_\_  
Merchant Vendor Tax Information: \_\_\_\_\_

**COMMUNITY NOTIFICATION:** Provide copy of written notification or log of personal contacts to identify surrounding residents/businesses of street closure, if applicable.

**COMPLETION OF EVENT:** Plan for cleaning and disposing of refuse from this event location. Who will complete the cleaning of the area and how long after close of event will this occur.

Other Requests:  
- Permission to use the Yellow House & Garage  
@ 305 E. Nelson  
- Green Space & Old City Maintenance Building

**INSURANCE:** The operator of a special event shall furnish with application an original copy of a certificate of insurance indicating the City as certificate holder and executed within the previous ten (10) days. The certificate of insurance must provide evidence of occurrence form general liability insurance coverage of at least \$500,000 combined single limit per occurrence for bodily injury and property damage with a minimum aggregate limit of \$1,000,000, and shall include the City as an additional insured. Any sponsoring agency of a special event shall also provide to the City an original copy of a certificate of insurance indicating the City as certificate holder and executed within the previous ten (10) days. The certificate of insurance must provide evidence of occurrence form general liability insurance coverage of at least \$500,000 combined single limit per occurrence for bodily injury and property damage with a minimum aggregate limit of \$1,000,000, and shall include the city as an additional insured.

The operator and sponsoring agency, if any, shall complete and submit a hold harmless and indemnification agreement for review and approval of City officials.

**APPLICANT'S STATEMENT OF AGREEMENT:**

Everything stated on this application is true and correct to the best of my knowledge. I further understand that the facilities for this event must be in compliance with all the City regulations (including adopted codes by reference). It is further understood that failure to comply with these regulations may result in permission to operate being withheld until all codes are met. I understand this permit, if granted, is not transferable and is revocable at any time at the absolute discretion of the City of Edgerton. I, Glyn R. Powers, the undersigned, agree to abide by the provision in this application and regulations of the City of Edgerton.

Glyn R. Powers, president  
Name of Applicant and Title, if any (Print or type)

Glyn R. Powers  
Signature of Applicant

Date: 4-25-18



MADDIE'S COPY



City of Edgerton Kansas  
City Map

# **City of Edgerton**

## **Event Traffic Control Plan**

**Event:** Edgerton Frontier Days

**Date(s) plan is in effect:** 6/12/18 – 6/17/18



## Alternate Truck Route

See Map attached.

## Alternate Truck Route Message Boards

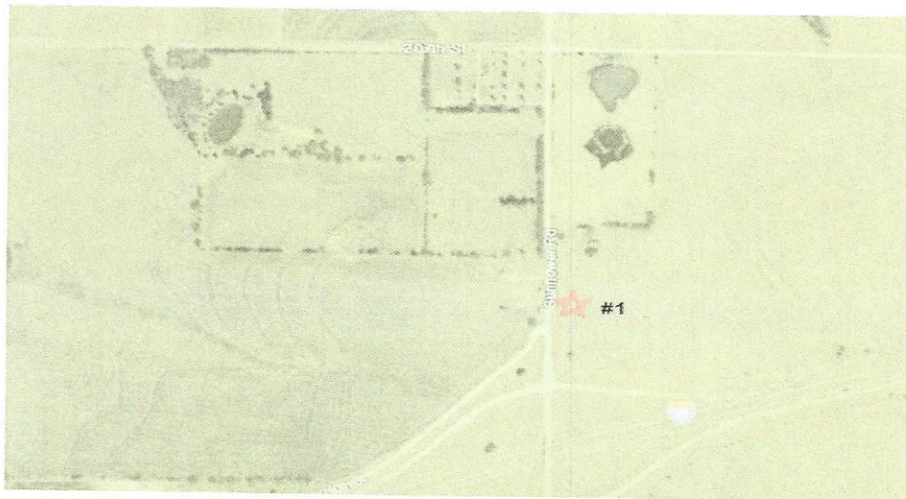
**Set up Date:** Tuesday 6/12/18 by 9am

**Removal Date:** Sunday 6/17 anytime (or a later date, whichever is cheaper)

**# of message boards:** 3

### 1. Sunflower Rd. Northbound

- Address: Near 207<sup>th</sup> St. and Sunflower Road, Edgerton, KS, 66021
- Location details: Northbound traffic needs enough time to read all text.
- Text: EVENT IN DOWNTOWN. ALT TRUCK ROUTE. USE 207<sup>TH</sup> TO CO-OP RD.



### 2. 56 HWY Westbound

- Address: Near Sunflower Rd. and 56 HWY, Edgerton, KS 66021
- Location details: Along 56 HWY for Westbound traffic
- Text: EVENT IN DOWNTOWN. ALT TRUCK ROUTE. USE 2<sup>ND</sup> ST TO 207<sup>TH</sup> ST.



### 3. 56 HWY Eastbound

- a. Address: Near 8<sup>th</sup> St. and 56 HWY, Edgerton, KS 66021
- b. Location: Along 56 HWY for Eastbound Traffic
- c. Text: EVENT IN DOWNTOWN. ALT TRUCK ROUTE. USE 2<sup>ND</sup> ST TO 207<sup>TH</sup> ST.





## Street Closures and No Parking Zones

**Timing:**

- Tuesday 6/12/18 (9am)
  - Street closures on 4<sup>th</sup> Street, from Nelson to McCarty St. are in affect at 9am on Tuesday 6/12/18 to allow for carnival set up.
- Friday 6/15/18 (9am)
  - All other street closures are in affect at 9am on Friday 6/15/18.
  - No Parking Zones are in affect at 9am on Friday 6/15/18.
- Sunday 6/17/18 (Noon)
  - All Street closures and No Parking Zones will no longer be in affect at Noon on Sunday 6/17/18.

## **Notifying Local Businesses**

City staff will notify local businesses who may be affected by street closures, the alternate truck route, and no parking zones 2 weeks prior to event dates. This includes all downtown businesses and the quarry.

## City Council Action Item

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**Council Meeting Date:** May 10, 2018

**Agenda Item #:** 19

**Department:** Parks and Recreations

**Agenda Item: Consider Resolution No. 05-10-18E Temporarily Waiving City Prohibition As To The Sale And Consumption Of Alcoholic Liquor On Certain Public Property, And Recognizing Frontier Days As A "Public Festival" For Purposes Of The City's Noise Restrictions**

**Background/Description of Item:**

Edgerton Frontier Days will be held June 15-16, 2018. The Edgerton Frontier Days Committee has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the Festival.

Chapter III, Article I, Section 3-202 of the Code of the City of Edgerton prohibits serving cereal malt beverages or alcoholic liquor within 300 feet of a library (as well as other buildings/institutions). This prohibition may be waived by the governing body after public notice, followed by a hearing and finding by the governing body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not adverse to the public welfare or safety.

City Council will hold a Public Hearing on May 10, 2018 prior to considering this resolution.

If approved, Resolution No. 05-10-18E would grant the waiver requested by the Frontier Days Association, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator)
- Between the hours of 6:00 pm and 11:59 pm on June 15, 2018.
- Between the hours of 2:00 pm and 11:59 pm on June 16, 2018.
- Point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

Also within this same resolution is permission to waive the City's noise restrictions in order for all to enjoy music as part of the festival on Friday June 15 and Saturday June 16. It is anticipated that both concerts will be completed by 11:59 p.m. each evening.

City staff will inform the Johnson County Sheriff's Office of the proposed request to serve alcoholic liquor on the above dates and hours as well as the request to waive the City's noise restrictions.

City Attorney has not yet reviewed the resolution and will provide any changes at City Council meeting.

**Related Ordinance(s) or Statue(s):** Chapter III, Article I, Section 3-202

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**Funding Source:** N/A

**Budget Allocated:** \_\_\_\_\_

**Finance Director Approval:**

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<p><b>Recommendation: Approve Resolution No. 05-10-18E Temporarily Waiving City Prohibition As To The Sale And Consumption Of Alcoholic Liquor On Certain Public Property, And Recognizing Frontier Days As A "Public Festival" For Purposes Of The City's Noise Restrictions</b></p>
---

**Enclosed:**

Draft Resolution No. 05-10-18E

**Prepared by:**

**Scott Peterson\*** Assistant City Administrator

## **RESOLUTION NO. 05-10-18E**

### **A RESOLUTION TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY, AND RECOGNIZING FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS**

**WHEREAS**, the 2018 annual celebration known as Frontier Days will be held June 15 through June 16 in the City of Edgerton, Kansas; and

**WHEREAS**, a request has been received by the City of Edgerton from the Edgerton Frontier Days Association for permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its annual festival; and

**WHEREAS**, Chapter III, Article 1, Section 3-202 of the Code of the City of Edgerton prohibits serving cereal malt beverages or alcoholic liquor within 300 feet of a library (as well as other buildings/institutions), but said prohibition may be waived by the governing body after public notice, followed by a hearing and finding by the governing body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not adverse to the public welfare or safety; and

**WHEREAS**, Article 6 of Chapter XI of the Code of the City of Edgerton regulates the levels of noise and sound within the City but said regulations do not apply when the governing body recognizes the event where the noise and sound is to occur as a "public festival"; and

**WHEREAS**, the City wishes to recognize this event as a "public festival" and to be exempt from any noise or sound restrictions during the pendency of the event.

### **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:**

**SECTION ONE: Finding:** That the Governing Body, after receiving a request from the Frontier Days Association, does hereby find and conclude that the proximity of the requested location for the sale and consumption of alcoholic liquor is not adverse to the public welfare or safety and the Governing Body's conclusion in this regard is supported by the fact that the Frontier Days Association has served cereal malt beverages in this location for several years without any adversity to the public welfare or safety.

**SECTION TWO: Waiver Granted:** That the Governing Body, pursuant to Chapter III, Article I, Section 3-202 of the Edgerton City Code, hereby grants the waiver requested by the Frontier Days Association, with the following stipulations:

- a) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator) between the hours of 6:00 pm and 11:59 pm on June 15, 2018 and between the hours of 2:00 pm and 11:59 pm on June 16, 2018.

- b) The location of the point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only.
- c) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

**SECTION THREE: Frontier Days a "Public Festival":** Edgerton Frontier Days is recognized as a public festival and, therefore, the noise restrictions contained within Article 6 of Chapter XI of the Code of the City of Edgerton shall not apply to noise and sounds made or generated by the 2018 public festival on June 15 and 16.

**SECTION FOUR - Effective Date:** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 10<sup>TH</sup> DAY OF MAY 2018.

ATTEST:

**CITY OF EDGERTON, KANSAS**

\_\_\_\_\_  
Scott Peterson, City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks , City Attorney

## City Council Action Item

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**Council Meeting Date:** May 10, 2018

**Agenda Item #:** 20

**Department:** Parks and Recreation

**Agenda Item: Consider Resolution No. 05-10-18F Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas**

**Background/Description of Item:**

Edgerton Frontier Days will be held June 15-16, 2018. The Edgerton Frontier Days Committee has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the Festival.

If approved, Resolution No. 05-10-18F would grant the waiver requested by the Frontier Days Association, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator)
- Between the hours of 6:00 pm and 11:59 pm on June 15, 2018.
- Between the hours of 2:00 pm and 11:59 pm on June 16, 2018.
- Point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

City Attorney has not yet reviewed the resolution and will provide any changes at City Council meeting.

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

**Funding Source:** N/A

**Budget Allocated:**\_\_\_\_\_

**Finance Director Approval:**

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<p><b>Recommendation: Approve Resolution No. 05-10-18F Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas</b></p>
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**Enclosed:**

Draft Resolution No. 05-10-18F

**Prepared by:**

**Scott Peterson\*** Assistant City Administrator



## **RESOLUTION NO. 05-10-18F**

### **A RESOLUTION AUTHORIZING A SPECIAL EVENT PERMIT FOR THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

**WHEREAS**, the 2018 annual celebration known as Frontier Days is scheduled for June 15 through June 16 in the City of Edgerton, Kansas; and

**WHEREAS**, Article 5 of Chapter III of the Code of the City of Edgerton requires that an entity desiring to sell and serve alcoholic liquor on public property at an event open to the public must, in addition to obtaining the required permit from the State of Kansas, also apply and obtain a Special Event Permit from the City; and

**WHEREAS**, a request has been received by the City of Edgerton from the Edgerton Frontier Days Association for a Special Event Permit to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its annual festival on June 15 and 16, 2018.

### **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:**

**SECTION ONE: Special Event Permit Authorized:** That the Governing Body does hereby authorize the City Clerk, in accordance with Article 5 of Chapter III of the Edgerton City Code, to issue the Frontier Days Association a Special Event Permit for sale and consumption of alcoholic liquor per the requirements contained within Article 5 and with the following additional stipulations:

- a) The Special Event Permit provided for herein is only valid if the required permit from the State of Kansas is obtained by the Frontier Days Association.
- b) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator) between the hours of 6:00 pm and 11:59 pm on June 15, 2018 and between the hours of 2:00 pm and 11:59 pm on June 16, 2018.
- c) The location of the point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only.
- d) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

**SECTION TWO: Waiver of Application Fees:** The City of Edgerton, in appreciation for the many benefits enjoyed by the community from the annual Frontier Days festival, waives any City application or permit fees for issuance of the Special Event Permit.

**SECTION THREE - Effective Date:** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF  
EDGERTON, KANSAS ON THE 10<sup>TH</sup> DAY OF MAY 2018.

ATTEST:

**CITY OF EDGERTON, KANSAS**

\_\_\_\_\_  
Scott Peterson, City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks City Attorney

## CITY OF EDGERTON, KANSAS

### COUNCIL AGENDA ITEM

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**Council Meeting Date:** May 10, 2018

**Agenda Item:** Public Hearing and Resolution of Intent

**Subject:** Bonds and Property Tax Abatement for the Wellsville Farms, LLC Kubota Project

**Hearing Notice Published:** May 2, 2018 in the *Gardner News*

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#### **Summary:**

The City has received an application for industrial revenue bonds and property tax abatement from Wellsville Farms, LLC. Wellsville Farms, LLC desires to construct two approximately 1 million sq. ft. warehouse, office, manufacturing and distribution facilities on approximately 205 acres of land near the northeast corner of 207<sup>th</sup> Street and Homestead Lane. The project has been previously identified as “Project Mustang” and is being constructed for use by Kubota.

In order for the City to issue industrial revenue bonds and grant property tax abatement, the City must first hold a public hearing, consider the cost-benefit report and then approve a Resolution of Intent.

#### **Public Hearing**

A notice of the public hearing has been published at least seven days prior to the date of this meeting. Written notice of the public hearing has also been provided to the County and the School District. The Council should take comments from the public.

#### **Cost-Benefit Report**

Columbia Capital Management, LLC has prepared a cost-benefit report for the proposed project. The Council should consider the cost-benefit report and ask any questions the Council may have about the report.

#### **Resolution of Intent**

The Resolution of Intent evidences the intent of the City to issue up to \$100,000,000 in industrial revenue bonds to finance the project. When bonds are issued for the project, the project will be exempt from the payment of property taxes. The company will agree to make payments in lieu of tax equal to \$0.16 a sq. ft. The company will also agree to pay the City’s origination fee.

## **RESOLUTION NO. 05-10-18G**

### **A RESOLUTION DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE MAXIMUM AMOUNT OF \$100,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES FOR THE BENEFIT OF WELLSVILLE FARMS, LLC, OR ITS ASSIGNS**

**WHEREAS**, the City of Edgerton, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and to further promote, stimulate and develop the general welfare and economic prosperity of the state of Kansas; and

**WHEREAS**, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease or sublease such facilities to private persons or entities; and

**WHEREAS**, Wellsville Farms, LLC, a Kansas limited liability company (the “Company”), has requested the City to issue its industrial revenue bonds in the maximum principal amount of \$100,000,000 (the “Bonds”), for the purpose of financing the cost of acquiring, constructing, improving and equipping two approximately 1,000,000 sq. ft. warehouse, office, manufacturing and distribution facilities (the “Project”) to be located on approximately 205 acres of land near the northeast corner of 207<sup>th</sup> Street and Homestead Lane in Edgerton, Kansas, and to sublease the Project to the Company all pursuant to the Act; and

**WHEREAS**, it is found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that the City issue the Bonds pursuant to the Act, such Bonds to be payable solely out of rentals, revenues and receipts derived from the sublease of the Project by the City to the Company, or its successors or assigns, as lessee; and

**WHEREAS**, the Company has also requested that the City consider granting an exemption from ad valorem taxes for the Project in accordance with K.S.A. 79-201a *Twenty-Fourth* and has indicated its intent to make payments in lieu of taxes upon terms to be mutually agreed to by the City and the Company in the amount set forth herein;

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

**Section 1. Approval of Project.** The Governing Body of the City finds and determines that the acquisition, construction and equipping of the Project will promote, stimulate and develop the general welfare and economic prosperity of the City through the promotion and advancement of commercial development of the City and the issuance of the Bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

**Section 2. Intent to Issue Bonds.** The Governing Body of the City determines and declares the intent of the City to assist the Company in completing the Project through the issuance of the Bonds pursuant to the Act.

**Section 3. Provision for the Bonds.** Subject to the conditions of this Resolution, the City will (i) issue its Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the City; (ii) provide for the sublease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the City and take or cause to be taken such other action as may be required to implement this Resolution.

**Section 4. Ad Valorem Tax Exemption.** The Company has requested an exemption from ad valorem taxes for the Project in exchange for making certain payments in lieu of taxes. In consideration of the Company's decision to construct and equip the Project and subject to the further terms and conditions of this Resolution, the City intends to request the Kansas Board of Tax Appeals to approve an ad valorem tax exemption, exclusive of special assessments, for all real property financed with the Bonds; provided, however, that no tax exemption shall be requested for any portion of the Project that is not eligible for property tax exemption pursuant to K.S.A. 79-201a *Twenty-Fourth*. The Project financed with the proceeds of the Bonds will be eligible for a 10-year property tax exemption with the first year of the exemption commencing on January 1 of the calendar year following the year in which the Bonds are issued. In consideration for the City's agreement to request a property tax exemption for the Project, the Company agrees to make payments in lieu of taxes to the City for the Project for the duration of any approved tax exemption and such payments shall be in an amount equal to \$0.16 a sq. ft.; provided, however, that amount of payments in lieu of taxes may be subject to adjustment in accordance with a performance agreement to be entered into between the City and the Company. The Company agrees to pay a \$0.41 a sq. ft. origination fee to the City in exchange for the City agreeing to issue the Bonds pursuant to the City's industrial revenue bond policy.

**Section 5. Conditions to Issuance.** The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to:

- (i) obtaining any necessary governmental approvals;
- (ii) agreement by the City, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project, including, but not limited to, provisions relating to the security for the payment of the Bonds and provisions relating to the maintenance of the Project;
- (iii) agreement by the City and the Company on mutually acceptable terms and conditions of a payment-in-lieu of tax agreement;
- (iv) payment of all costs of issuance of the Bonds and all other costs and fees of the City, including the City's origination fee; and
- (v) compliance with the Act relating to the issuance of industrial revenue bonds and ad valorem tax exemption.

**Section 6. Sale of the Bonds/Authority to Proceed.** The sale of the Bonds shall be the responsibility of the Company, but arrangements for the sale of the Bonds shall be subject to the City's approval. The Company is authorized to proceed with the acquisition and completion of the Project (provided all other City approvals and permits have been obtained) and to advance such funds as may be necessary to accomplish such purposes, and to the extent permitted by law, the City shall reimburse the Company for such expenditures out

of the proceeds of the Bonds, when and if issued. Notwithstanding such authorization, the Company proceeds at its own risk and if for any reason, the Bonds are not issued, the City shall have no liability to the Company for any reason.

**Section 7. Assignment.** The Company may, without the consent of the City but with advance written notice to the City, assign all or a portion of its interest in this Resolution to any Affiliated Entity. For the purposes of this Resolution, “Affiliated Entity” means any entity or person directly or indirectly controlling or controlled by or under direct or indirect common control with the Company. “Control,” when used with respect to a particular entity or person, means the possession, directly or indirectly, of the power to direct or cause the direction of management and policies of such entity whether through the ownership of voting stock, by contract or otherwise. The Company may assign all or a portion of its interest in this Resolution to any party that is not an Affiliated Entity only with the consent of the City.

**Section 8. Limited Obligations of the City.** The Bonds and the interest thereon shall be special, limited obligations of the City payable solely out of the rents, revenues and receipts of the City derived from the sublease of the Project to the Company. The Bonds shall not constitute a general obligation of the City, the State of Kansas or any other political subdivision thereof, shall not constitute a pledge of the full faith and credit of the City, the State of Kansas or any other political subdivision thereof and shall not be payable in any manner by taxation.

**Section 9. Further Action.** SA Legal Advisors LC, Bond Counsel for the City, and officers and employees of the City, are authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the City all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

**Section 10. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

**ADOPTED** May 10, 2018.

**CITY OF EDGERTON, KANSAS**

(Seal)

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Donald Roberts, Mayor

ATTEST:

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Scott Peterson, Interim City Clerk

Approved as to form:

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Scott W. Anderson, Bond Counsel



6330 Lamar  
Suite 200  
Overland Park, Kansas 66202  
Jeff White, Principal  
913.312.8077  
jwhite@columbiacapital.com

April 24, 2018

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

*RE: Cost-Benefit Analysis for Wellsville Farms, LLC—Kubota Project (Project Mustang)*

Dear Beth:

Please find attached the results of our cost-benefit analysis related to the projected property tax abatement to be granted by the City to applicant Wellsville Farms, LLC which plans to construct two 1,000,000 square foot warehousing facilities in Phase 2 of Logistics Park Kansas City (**LPKC**). The purpose of this analysis is to satisfy the City's requirement pursuant to KSA 12-1749d or KSA 79-251(a)(1) to undertake a cost-benefit analysis before granting a property tax abatement. Consistent with City policy for development within LPKC, this analysis assumes the City will grant a 100% property tax abatement for 10 years with the applicant paying an annual payment-in-lieu-of-taxes equal to \$0.16 per square foot on the project.

#### **BACKGROUND**

In 2017 the Edgerton City Council approved an incentives program that provides ten-year property tax abatements for projects locating in Phase 2 of LPKC. The purpose of these abatements is to ensure that rents paid by the eventual users of buildings constructed by the master developer will be competitive against warehouse/distribution developments in Olathe, south Kansas City, Riverside and those located in other cities, including Dallas, Chicago, Memphis and Indianapolis. Like Edgerton, these communities also have incentives programs in place for warehouse and distribution facilities.

The master developer reports that, without the abatement incentives, large-scale warehouse and distribution facilities would not materialize in Phase 2 of LPKC and certainly not at the pace of development LPKC has seen in recent years: the presence of the abatements has been and will continue to be a necessary condition to the development of the project.

#### **ABATEMENT MECHANICS**

Under Kansas law, every ad valorem tax abatement is a 100% abatement. Cities granting an abatement have the right to negotiate payments-in-lieu-of-tax (**PILOT**) payments from the abatement beneficiary to reduce the effective value of the abatement to that party. PILOT payments are distributed by Kansas counties to all taxing



jurisdictions affected by the abatement in the same proportion as regular property taxes.

Property tax abatements effectively defer a portion of the tax benefit on new development for a period of up to 10 years. Although property tax abatements can create a loss of status quo ante tax revenues for taxing jurisdictions, abatements at LPKC have a very limited impact on existing tax revenues. Because the vast majority of undeveloped land within the boundaries of LPKC is classified for property tax purposes as “farming or ranch operations,” status quo ante property taxes in the aggregate within LPKC tend to total less than \$50 per acre per year.

## ECONOMICS

The subject property is approximately 205 acres in size and will house two 1,000,000 square foot warehousing facilities. Pursuant to the City’s agreement with the master developer, this analysis assumes the City will provide the applicant with a 100% property tax abatement for 10 years. We have further assumed that, consistent with its agreement with the master developer, the City will impose a \$0.16 per square foot per year PILOT, or \$320,000 per year.

The table below reflects the immediate impact on property tax/PILOT receipts from the subject property, assuming a status quo ante tax burden of \$50 per acre per year and based upon November 2017 levy rates published by Johnson County.

ENTITY	LEVY	% of TOTAL	EXISTING TAXES LOST	NEW PILOTs PAID	ANNUAL NET TAX GAIN/(LOSS)
State of KS	1.500	1.06%	\$(108)	\$ 3,377	\$ 3,269
Johnson Co.	19.318	13.59%	(1,393)	43,493	42,100
JCCC	9.503	6.69%	(685)	21,395	20,710
JCPRD	3.112	2.19%	(224)	7,006	6,782
Edgerton	30.633	21.55%	(2,209)	68,968	66,759
USD 231 Uniform	20.000	14.07%	(1,442)	45,029	43,587
USD 231 Capital †	n/a	n/a	-	-	-
USD 231 Other	23.967	16.86%	(1,728)	53,960	52,232
USD 231 Bond	15.017	10.57%	(1,083)	33,810	32,727
Fire Dist #1	15.160	10.67%	(1,093)	34,132	33,039
Library	3.921	2.76%	(283)	8,828	8,545
	142.131	100.00%	\$(10,250)	\$ 320,000	\$ 309,750

† The USD 231 Capital Levy will not be abated.

## COST-BENEFIT ANALYSIS DETAILS AND ASSUMPTIONS

KSA 12-1749d(2) requires notification of anticipated abatements only to counties or school districts affected. As a result, our analysis focuses on financial impacts to the City, Johnson County and USD 231 Gardner/Edgerton Schools (the **District**). We have not calculated the cost-benefit impacts for other taxing jurisdictions. State law also requires the analysis to include “the effect of the exemption on state revenues.” Our modeling includes such an estimate.

Our cost-benefit modeling relies on a number of key assumptions in the calculation of net present value benefit to the City, Johnson County and USD 231. Most of our assumptions are derived from public information, although some inputs are based upon

dialogue with subject matter experts, including staff of the Kansas Department of Revenue. Some of these key assumptions include:

- An evaluation of the direct costs and benefits of the project. Columbia's model does not include indirect or "spin-off" effects as a result of input-output multipliers.
- A ten-year analysis timeframe, matching the maximum permitted term of the abatement.
- Direct costs to affected taxing jurisdictions as estimated by Columbia based upon annual audits, proposed and adopted budgets, published tax rates and other publically available information for the taxing jurisdictions affected.
- Where applicable, reliance upon statistical data as reported by the United States Census Bureau and Kansas Department of Revenue.
- The use of a discount rate comprised of two components: a risk-free rate of return (the current yield of the on-the-run 10-year US Treasury) plus a risk premium of two (2) percent. The value of the discount rate is a proxy for the opportunity cost of the City (and other agencies) of foregoing the future property and/or sales tax revenues that would be generated by the development. Thought of another way, if the City had those revenues in hand and placed them in an alternative investment with the same risk characteristics, what would be its expected rate of return?

### **RECENT STATUTORY CHANGE**

Reflecting a change adopted during the 2017 legislative session, this analysis assumes the District's capital levy (approximately 8 mills) will not be abated.

### **USING THE COST-BENEFIT MODELING RESULTS**

The output of the model is presented as the net present value benefit/(cost) of the project for the City, County and school district over the 10-year life of the abatement on each project. The net benefit (or, if negative, cost) of the incentive package is presented in today's dollars. The estimated impact on State revenues is presented in nominal (future value) terms. We also provide an estimated future value project contribution to the City's Public Infrastructure Fund (**PIF**). While the modeling shows a significant net present value benefit to the City, it is important to note that the vast majority of this net benefit is reinvested in Phase 2 of LPKC through the Public Infrastructure Fund which is the funding source for the majority of public infrastructure to be developed to serve Phase 2 of LPKC.


In the preparation of this cost-benefit analysis, Columbia has relied upon the information provided to it by applicant and has not independently verified or validated these data. The City must draw its own conclusions as to the reliability of these data.



Finally, the intent of this analysis and of the applicable statutes is to inform the governing body's policy debate about the value of the abatement incentive it is providing to the applicant. The project's generation of a net present value benefit to the agencies affected should be but one of the many factors in the governing body's decision about whether and how much incentive to provide to any applicant.

Thank you in advance for your thoughtful consideration of the analysis attached. Please let me know if you have any questions.

Respectfully submitted,  
**COLUMBIA CAPITAL MANAGEMENT, LLC**



Jeff White  
Principal



**SUMMARY OF COSTS AND BENEFITS****City of Edgerton, Kansas****APPLICANT INFORMATION:**

**Application Date:** 3/7/18  
**Firm Name:** Wellsville Farms, LLC—Kubota Project  
**Firm Address:** 4825 NW 41st St, Suite 500  
 Riverside, Missouri 64150  
**Firm Contact:** Nathaniel Hagedorn  
 816.888.7380

**Summary of Incentives Provided:** 100% real property tax abatement for a 10 year period, as well as a construction sales tax exemption for materials, with a PILOT payment of \$0.16/s.f. per year.

**Building Size (sf):** 2,000,000

**SUMMARY OF INCENTIVE PACKAGE (LOCAL GOVERNMENT IMPACTS ONLY):**

Year	Property Tax Abatement		Construction Sales Tax Abatement		Direct Incentives		
	(%)	(\$)	(%)	(\$)	City	County	School
2	100	1,648,272	100	72,275	0	0	0
3	100	1,648,272	100	0	0	0	0
4	100	1,648,272	100	0	0	0	0
5	100	1,648,272	100	0	0	0	0
6	100	1,648,272	100	0	0	0	0
7	100	1,648,272	100	0	0	0	0
8	100	1,648,272	100	0	0	0	0
9	100	1,648,272	100	0	0	0	0
10	100	1,648,272	100	0	0	0	0
11	100	1,648,272	100	0	0	0	0

**PAYMENT IN LIEU OF TAXES RECEIPTS:**

City	County	School
(\$)	(\$)	(\$)
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771
65,295	41,177	142,771

**SUMMARY OF PRESENT VALUE BENEFITS:**

City Summary				
Year	Total Benefits	Total Costs	Net Benefit	Net PV Benefit
2	1,336,343	431,802	904,541	822,794
3	1,333,847	431,802	902,045	782,569
4	1,333,847	431,802	902,045	746,370
5	1,333,847	431,802	902,045	711,846
6	1,333,847	431,802	902,045	678,918
7	1,333,847	431,802	902,045	647,514
8	1,333,847	431,802	902,045	617,562
9	1,333,847	431,802	902,045	588,996
10	1,333,847	431,802	902,045	561,751
11	1,333,847	431,802	902,045	535,766
	13,340,966	4,318,023	9,022,943	6,694,086

County Summary			
Total Benefits	Total Costs	Net Benefit	Net PV Benefit
392,284	363,037	29,246	26,603
317,735	294,454	23,282	20,198
317,830	294,454	23,377	19,342
317,930	294,454	23,476	18,526
318,035	294,454	23,581	17,748
318,145	294,454	23,691	17,006
318,260	294,454	23,807	16,299
318,382	294,454	23,928	15,624
318,509	294,454	24,055	14,981
318,643	294,454	24,189	14,367
3,255,752	3,013,119	242,633	180,694

School District Summary			
Total Benefits	Total Costs	Net Benefit	Net PV Benefit
1,093,216	820,807	272,409	247,791
1,099,498	827,222	272,276	236,213
1,099,498	827,222	272,276	225,287
1,099,498	827,222	272,276	214,866
1,099,498	827,222	272,276	204,927
1,099,498	827,222	272,276	195,448
1,099,498	827,222	272,276	186,407
1,099,498	827,222	272,276	177,784
1,099,498	827,222	272,276	169,561
1,099,498	827,222	272,276	161,717
10,988,697	8,265,804	2,722,893	2,019,999

**SUMMARY OF ECONOMIC IMPACT (over 10-year period):**

**Number of jobs to be created :** 70

**Number of new residents:**

City 0  
 County 12  
 School District 4

**Expected 10-Year Contribution to PIF:** \$ 5,567,500

**Impact of exemption on state revenues:** \$ (211,440)

## CITY OF EDGERTON, KANSAS

### COUNCIL AGENDA ITEM

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<b>Council Meeting Date:</b>	May 10, 2018
<b>Agenda Item:</b>	Ordinance Authorizing Bonds and Bond Documents
<b>Subject:</b>	Industrial Revenue Bonds and Property Tax Abatement for ColdPoint Logistics Real Estates, LLC Second Expansion Project

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#### Summary:

The City received an application for industrial revenue bonds and property tax abatement from ColdPoint Logistics Real Estate, LLC for a project located in the Logistics Park, consisting of an approximately 173,770 sq. ft. expansion to an existing approximately 314,000 sq. ft. warehouse and cold-storage distribution facility, located at 31301 W 181<sup>st</sup> Street, Edgerton, Kansas (the “Project”).

The City has previously adopted Resolution No. 07-08-10A on July 8, 2010, Resolution No. 04-25-13A on April 25, 2013, and Resolution No. 04-09-15A on April 9, 2015 (collectively, the “Resolution of Intent”) expressing the intent of the City to issue its industrial revenue bonds in multiple series, the aggregate amount of all series not to exceed \$1,000,000,000, to finance the costs of acquiring, constructing, reconstructing, improving and equipping various projects within The Logistics Park-KC for the benefit of Edgerton Land Holding Company, LLC, or its assigns (the “Developer”). The City adopted Resolution No. 12-14-17C on December 14, 2017 (the “Assignment Resolution”) consenting to the assignment of \$28,000,000 of the Developer’s interest in the Resolution of Intent to ColdPoint Logistics Real Estate, LLC for the Project. Prior to adopting the Assignment Resolution, the City held a public hearing on the Project and considered the cost-benefit report.

#### Ordinance:

The Ordinance authorizes the City to issue up to \$28,000,000 of industrial revenue bonds for the Project. This bond issue is commonly referred to as a “buy your own bonds bond issue.” ColdPoint Logistics Real Estate will be both the lessee on the project and the owner of the bonds. When the bonds are issued, ColdPoint Logistics Real Estate will lease the project site to the City as is required by state law in order to issue industrial revenue bonds. The City will then sublease the project back to ColdPoint Logistics Real Estate. ColdPoint Logistics Real Estate will be obligated to repurchase the project at the conclusion of the tax abatement.

The bonds will be limited obligations of the City. This means that the City has to make payments on the bonds to ColdPoint Logistics Real Estate, as the owner of the bonds only to the extent the City receives payments from ColdPoint Logistics Real Estate pursuant to the lease. If lease payments from ColdPoint Logistics Real Estate insufficient to cover scheduled debt service on the bonds, the City is not obligated to make up any shortfall from any other funds of the City. The bonds are not a general obligation of the City and do not count against the City’s debt limit.

The Ordinance authorizes the City to enter into the following documents:

- (a) Trust Indenture which contains the terms governing the Bonds and contains the form of the Bonds;
- (b) Base Lease Agreement whereby the City leases the project site from ColdPoint Logistics Real Estate;
- (c) Lease Agreement whereby the City will lease the project to ColdPoint Logistics Real Estate for the term of the tax abatement;
- (d) Bond Purchase Agreement whereby ColdPoint Logistics Real Estate agrees to acquire the Bonds;
- (e) Performance Agreement whereby ColdPoint Logistics Real Estate agrees to make certain payments-in-lieu of tax payments; and
- (f) Origination Fee Agreement whereby ColdPoint Logistics Real Estate agrees to pay the origination fee to the City over time.

**ORDINANCE NO. 1080**

**AN ORDINANCE AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC SECOND EXPANSION PROJECT) SERIES 2018, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND COLD-STORAGE DISTRIBUTION FACILITY.**

**WHEREAS**, the City of Edgerton, Kansas (the "City"), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

**WHEREAS**, the governing body of the City has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue its Industrial Revenue Bonds (ColdPoint Logistics Real Estate, LLC Second Expansion Project) Series 2018, in an aggregate maximum principal amount not to exceed \$28,000,000 (the "Bonds"), for the purpose of acquiring, constructing and equipping a commercial project, consisting of an approximately 173,770 sq. ft. expansion to an existing approximately 314,000 sq. ft. warehouse and cold-storage distribution facility, located at 31301 W. 181<sup>st</sup> Street, Edgerton, Kansas, including land, buildings, structures, improvements, fixtures, machinery and equipment (the "Project"), and that the City lease the Project to ColdPoint Logistics Real Estate, LLC, a Kansas limited liability company (the "Company"); and

**WHEREAS**, the governing body of the City further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the City enter into certain agreements, and that the City take certain other actions and approve the execution of certain other documents as herein provided;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:**

**Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project.** The City is hereby authorized to provide for the acquisition, purchase, construction, installation, rehabilitation and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease Agreement hereinafter authorized.

**Section 2. Authorization of and Security for the Bonds.** The City is hereby authorized to issue and sell the Bonds for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the hereafter defined Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the City from the Project, and the Project and the net earnings derived by the City from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

**Section 3. Authorization of Documents.** The City is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the Council of the City (copies of which documents, upon execution thereof, shall be filed in the office of the City Clerk), with such changes therein as shall be approved by the officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Trust Indenture dated the date set forth therein (the "Indenture"), between the City and the trustee named therein (the "Trustee"), pursuant to which the Bonds shall be issued and the City shall pledge the Project and assign the rents, revenues and receipts received pursuant to the hereafter defined Lease to the Trustee for the benefit of and security of the holder of the Bonds upon the terms and conditions as set forth in said form of Indenture;

(b) Base Lease Agreement dated the date set forth therein (the "Base Lease"), between the Company and the City, under which the City will lease the project site from the Company;

(c) Lease Agreement dated the date set forth therein (the "Lease Agreement"), between the City and the Company, under which the City will agree to use the proceeds derived from the sale of the Bonds for the purpose of acquiring, purchasing, constructing, installing and equipping the Project and to sublease the Project to the Company, and the Company will agree to make payments in amounts sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same become due;

(d) Bond Purchase Agreement dated the date set forth therein (the "Bond Purchase Agreement"), among the City, the Company, as lessee, and the Company, as purchaser;

(e) Performance Agreement dated the date set forth therein (the "Performance Agreement"), between the City and the Company; and

(f) Origination Fee Agreement dated the date set forth therein (the "Origination Fee Agreement"), between the City and the Company.

**Section 4. Execution of Bonds and Documents.** The Mayor of the City is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor of the City is hereby authorized and directed to execute the Indenture, the Base Lease, the Lease Agreement, the Bond Purchase Agreement, the Performance Agreement, the Origination Fee Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds, the Indenture, the Base Lease, the Lease Agreement, the Bond Purchase Agreement, the Performance Agreement, the Origination Fee Agreement and such other documents, certificates and instruments as may be necessary.

**Section 5. Further Authority.** The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds, the Indenture, the Base Lease, the Lease Agreement, the Performance Agreement, the Bond Purchase Agreement and the Origination Fee Agreement.

**Section 6. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in summary form in the official City newspaper.

**PASSED** by the Council of the City of Edgerton, Kansas, this 10<sup>th</sup> day of May, 2018.

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Donald Roberts, Mayor

[SEAL]

ATTEST:

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Scott Peterson, Interim City Clerk

Approved as to form:

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Scott W. Anderson, Bond Counsel

ELHC ColdPoint Second Expansion