

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
August 09, 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 July 26, 2018 Regular City Council Meeting
5. Consider Ordinance No. 1084 Annexing Certain Land Into The City Of Edgerton, Kansas

Regular Agenda

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

Business Requiring Action

8. **CONSIDER RESOLUTION NO. 08-09-18A RESOLUTION AMENDING A RESOLUTION OF INTENT**

Motion: _____ Second: _____ Vote: _____

9. **CONSIDER ORDINANCE NO. 1085 AMENDING CHAPTER XIV OF THE EDGERTON, KANSAS MUNICIPAL CODE TO INCORPORATE THE 2018 STANDARD TRAFFIC ORDINANCE, SUBJECT TO EXISTING LOCAL TRAFFIC PROVISIONS IN THE CITY CODE WHICH SUPPLEMENT AND/OR MODIFY CERTAIN SECTIONS THEREOF**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER ORDINANCE NO. 1086 AMENDING CHAPTER XI, ARTICLE 1, SECTION 11-101 OF THE CODE OF THE CITY OF EDGERTON, KANSAS, CONCERNING THE UNIFORM PUBLIC OFFENSE CODE**

Motion: _____ Second: _____ Vote: _____

11. Report by the City Administrator

12. Report by the Mayor

13. Future Meeting/Event Reminders:

- August 14th: 7:00 PM – Planning Commission
- August 15th: Noon – Senior Lunch
- August 23rd: 7:00 PM – City Council Meeting
- September 8th: Dusk – Summer Movie Night feat. Disney's Coco

14. Adjourn Motion: _____ Second: _____ Vote: _____

City of Edgerton, Kansas
Minutes of City Council Regular Session
July 26, 2018

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on July 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	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Clerk Rachel James
- City Attorney Lee Hendricks
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Utility Superintendent Mike Mabrey
- Parks Maintenance Bob McVey

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for July 12, 2018 Regular City Council Meeting

Motion by Brown, Second by Longanecker, to approve the consent agenda.

Motion was approved, 4-0.

REGULAR AGENDA

5. Public Comments.

Demas Busby, 21385 Evening Star Road, Edgerton KS 66021, presented to the Council on his Eagle Scout Project. Mr. Busby requested Council's permission to build a Public Book Cache at Manor Park for young people visiting the park to share books and stories. Mr. Busby estimates the project would take a day to build and would be no cost to the city.

Councilmember Brown asked if Mr. Busby was doing this project alone or overseeing a group. Mr. Busby replied he would be overseeing his uncle and other hands.

Mayor Roberts suggested Mr. Busby work with City Staff for instillation at Manor Park.

Motion by Longanecker, Second by Brown to allow project installation at Manor Park with the help of City Staff.

Motion was approved 4-0.

6. Declaration. None.

BUSINESS REQUIRING ACTION

7. Report by the City Administrator

8. Report by the Mayor

9. Future Meeting/Event Reminders:

- August 4th: Dusk – Summer Movie Night featuring Cars 3
- August 9th: 7:00PM – City Council Meeting
- August 14th: 7:00 PM – Planning Commission
- August 23th: 7:00 PM – City Council Meeting

10. EXECUTIVE SESSION

Motion by Lewis , Second by Brown to recess into an executive session pursuant to K.S.A. 75-4319(b)(2) for attorney/client privilege and to include City Attorney and City Administrator for fifteen (15) minutes was considered.

Motion was approved 4-0.

Motion by Lewis, Second by Brown to return to regular session.

Motion was approved 4-0.

11. Adjourn

Motion by Brown, Second by Lewis to adjourn.

Motion was approved 4-0.



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City Council Action Item

Council Meeting Date: August 9, 2018

Agenda Item #:

Department: Administration

Agenda Item: Consider Ordinance No. 1084 Annexing Certain Land Into The City Of Edgerton, Kansas.

Background/Description of Item:

When Waverly Road was built in 2016, the west side right of way (ROW) adjacent to the road, between 191st and 196th, was not annexed into the City of Edgerton. This oversight was brought to the attention of City Staff when the plat for TSL was taken to the county for recording. This action is a housekeeping item to take care of the annexation of these ROW remnant parcels. Parcel ID#s 2R221503-3024 through 2R221503-3029 (owned by City of Edgerton) and 2R221503-3021 (owned by Johnson County Board of Commissioners) are included in this action. The accompanying Ordinance 1084 includes the legal description which encompasses all these parcels.

Kansas Statute 12-520 states that the governing body of any city, by ordinance, may annex land into such city if that land abuts property on one or both sides that is already within the city. This property is contiguous to property within the City of Edgerton corporate city limits.

The draft ordinance was prepared by City Attorney. The legal description was reviewed by City Engineer.

Related Ordinance(s) or Statute(s): K.S.A. 12-520(7)(f), Ordinance Nos. 969 and 1002 (annexation of properties adjacent to ROW)

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Consider approval of Ordinance No. 1084 annexing certain land into the City of Edgerton, Kansas

Enclosed: Ordinance 1084 with Exhibit A
Johnson County AIMS map of parcel

Prepared by: Beth Linn, City Administrator

ORDINANCE NO. 1084

AN ORDINANCE UNILATERALLY ANNEXING SPECIFIC LAND INTO THE CITY OF EDGERTON, KANSAS, PURSUANT K.S.A. 12-520

WHEREAS, City Staff has identified right-of-way adjoining Waverly Road a portion of which is owned by the City and a portion of which is owned by Johnson County, which has not yet been annexed into the City; and

WHEREAS, K.S.A. 12-520(a) allows the City to unilaterally annex property which is owned by the City; and

WHEREAS, K.S.A. 12-520(f) allows the City to unilaterally annex right-of-way which abuts property already within the City.

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

Section 1. That the right-of-way legally described as

All of the East 40 feet of the Northeast Quarter of Section 3, Township 15 South, Range 22 East, in Johnson County, Kansas, together with all of the East 20 feet of the North half of the Southeast Quarter of said Section 3, less that part previously annexed to the City of Edgerton in said County.

and shown in the attached **Exhibit A** is hereby annexed to become part of the incorporated boundaries of the City of Edgerton, Kansas pursuant K.S.A. 12-520.

Section 2. That pursuant to K.S.A. 12-522, the City Clerk is hereby ordered to file a Certified Copy of this ordinance with the Clerk of Johnson County, the Records and Tax Administration of Johnson County, and the Johnson County Election Commissioner.

Section 3. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 9th day of August 2018.

(Seal)

Donald Roberts, Mayor

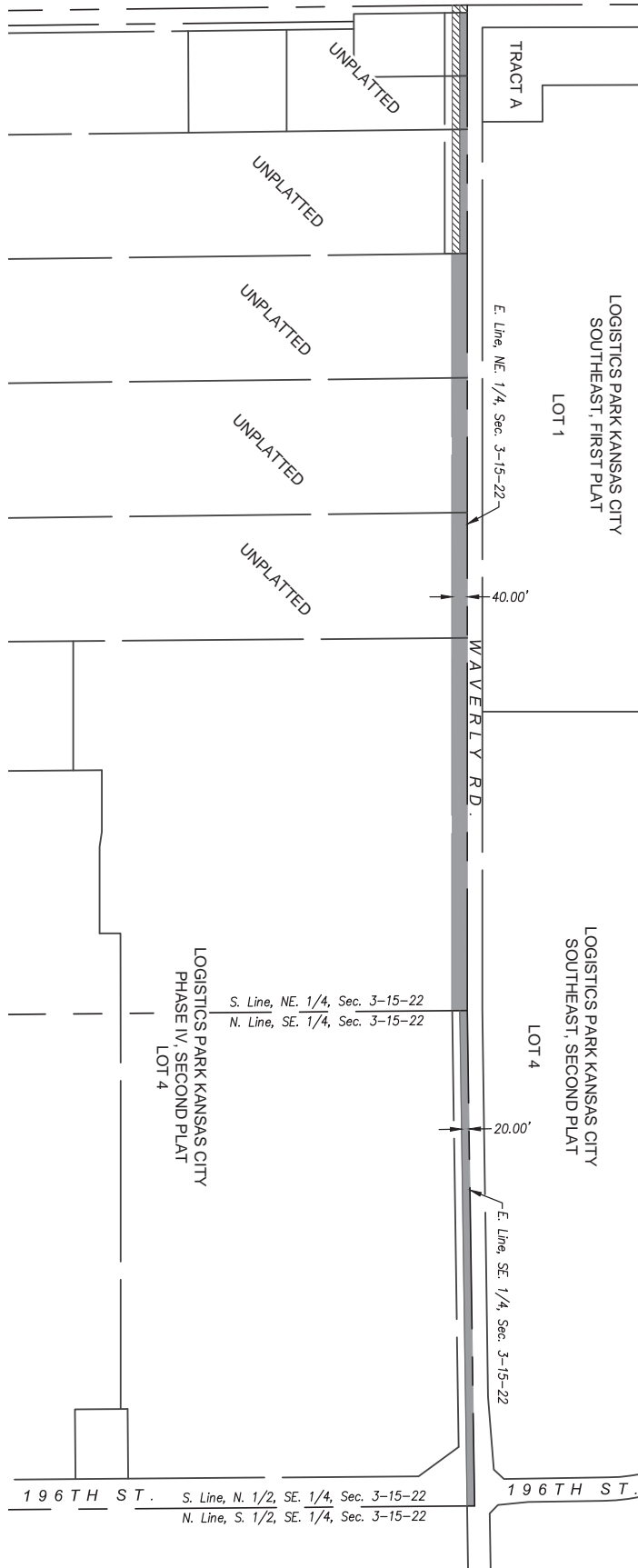
ATTEST:

Rachel James, City Clerk

APPROVED AS TO FORM:

Lee Hendricks, City Attorney

Exhibit A



LEGEND:

- AREA TO BE ANNEXED
- PREVIOUSLY ANNEXED AREA



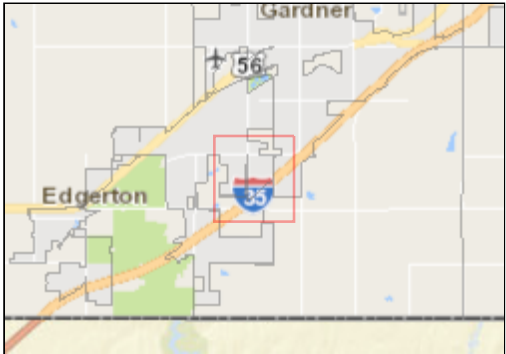
NO.	XXX	XX-XX-XX	DATE	REVISION



Johnson Co AIMS Map

LEGEND

AIMS Imagery: Current Imagery (2016)



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CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: August 9, 2018

Agenda Item: Resolution Amending a Resolution of Intent

Subject: Transpec Leasing Incorporated Ordinance

Summary:

The City adopted Resolution No. 10-22-15B evidencing the intent of the City to issue industrial revenue bonds for a project for Transpec Leasing Incorporated. The project consisted of constructing a 478,000 sq ft surface container storage lot, a 4,800 sq ft shop building and a 400 sq ft security building at the southwest corner of 191st and Waverley Road in Edgerton, Kansas. The City issued not to exceed \$19 million in Series 2016 industrial revenue bonds for the project on July 14, 2016.

Amending Resolution:

Transpec desires to expand the original project by constructing an additional 1 million square feet of surface container storage space on approximately 30 acres of land adjacent to the original project. Transpec desires to finance this project expansion with proceeds of the Series 2016 bonds.

The amending resolution evidences the intent of the City to amend the Series 2016 bond issue to allow Transpec to use proceeds of the Series 2016 bonds to finance the expansion project. The City will need to approve amended bond documents at a later date to expand the scope of the project.

Transpec did not receive any property tax abatement for this project. The bonds were issued solely to provide Transpec with a sales tax exemption certificate for construction materials and equipment. The expansion portion of the project will also not receive any property tax abatement. Transpec will be entitled to use the project exemption certificate for the expansion project.

RESOLUTION NO. 08-09-18A

A RESOLUTION AMENDING A RESOLUTION OF INTENT TO ISSUE INDUSTRIAL REVENUE BONDS FOR A COMMERCIAL FACILITY FOR THE BENEFIT OF TRANSPEC LEASING INCORPORATED 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, Transpec Leasing Incorporated, a Kansas corporation (the “Company”), has previously requested the City to issue its industrial revenue bonds in the approximate principal amount of \$19,000,000 (the “Bonds”), for the purpose of financing the cost of acquiring, constructing, improving and equipping an approximately 478,000 sq. ft. surface container storage lot, 4,800 sq. ft. shop building and a 400 sq. ft. security building (the “Original Project”) located on 50 acres of land at the southwest corner of 191st Street and Waverley Road in Edgerton, Kansas, and to sublease the Project to the Company all pursuant to the Act; and

WHEREAS, the City previously approved Resolution No. 10-22-15B (the “Resolution of Intent”) evidencing the intent of the City to issue industrial revenue bonds for the Original Project, and the City issued its \$19,000,000 aggregate maximum principal amount of Industrial Revenue Bonds (Transpec Leasing Incorporated Project), Series 2016 (the “Series 2016 Bond”) to finance the Original Project; and

WHEREAS, the Company has requested that the Original Project be expanded to include an additional approximately 30 acres of ground and an additional approximately 1 million square feet of surface container storage lot space (the “Expansion Project”);

WHEREAS, the City has found and determined it to be advisable and in the interest and for the welfare of the City and its inhabitants that the City amend the Resolution of Intent to include the financing of the Expansion Project;

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

Section 1. Approval of Expansion Project. The Governing Body of the City finds and determines that the acquisition, construction and equipping of the Expansion 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 payment of such costs with proceeds of the Series 2016 Bonds will be in furtherance of the public purposes set forth in the Act.

Section 2. Intent to Amend Series 2016 Bond Documents. The Governing Body of the City determines and declares the intent of the City to amend the Series 2016 Bond documents to allow for the financing of the Expansion Project with proceeds of the Series 2016 Bonds.

Section 3. Authority to Proceed. The Company is authorized to proceed with the acquisition and completion of the Expansion 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 Series 2016 Bonds after the amendment of the Series 2016 Bond documents. Notwithstanding such authorization, the Company proceeds at its own risk and if for any reason, the Series 2016 Bond documents are not amended.

Section 4. Further Action. SA Legal Advisors LC, Bond Counsel for the City, and officers and employees of the City, are authorized to work with the Company and the purchaser of the Series 2016 Bonds to amend the Series 2016 Bond documents.

Section 5. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

ADOPTED August 9, 2018.

CITY OF EDGERTON, KANSAS

(Seal)

Mayor

ATTEST:

City Clerk

Approved as to form:

Scott W. Anderson, Bond Counsel



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City Council Action Item

Council Meeting Date: August 9, 2018

Agenda Item #: 10

Department: Administration

Agenda Item: CONSIDER ORDINANCE NO. 1085 AMENDING CHAPTER XIV OF THE EDGERTON, KANSAS MUNICIPAL CODE TO INCORPORATE THE 2018 STANDARD TRAFFIC ORDINANCE, SUBJECT TO EXISTING LOCAL TRAFFIC PROVISIONS IN THE CITY CODE WHICH SUPPLEMENT AND/OR MODIFY CERTAIN SECTIONS THEREOF

Background/Description of Item:

Annually, the League of Kansas Municipalities prepares and publishes the code known as the Standard Traffic Ordinance (STO) for Kansas Cities. This ordinance will adopt the Standard Traffic Ordinance for Kansas Cities Edition 2018 except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Sections 14-102 through 14-105 of the Code of the City of Edgerton. Please find enclosed with this agenda item an article prepared by the League of Kansas Municipalities regarding the changes in the STO.

Related Ordinance(s) or Statue(s): Edgerton City Code Chapter XIV

Funding Source: N/A

Budget Allocated: _____

Finance Director Approval: _____

Recommendation: Approve Ordinance No. 1085 Amending Chapter XIV Of The Edgerton, Kansas Municipal Code To Incorporate The 2018 Standard Traffic Ordinance, Subject To Existing Local Traffic Provisions In The City Code Which Supplement And/Or Modify Certain Sections Thereof

Enclosed: Draft Ordinance No. 1085
July 2018 Article in Kansas Government Journal regarding Changes to 2018 STO

Prepared by: Rachel James, City Clerktaf

ORDINANCE NO. 1085

AN ORDINANCE AMENDING CHAPTER XIV OF THE EDGERTON, KANSAS MUNICIPAL CODE TO INCORPORATE THE 2018 STANDARD TRAFFIC ORDINANCE, SUBJECT TO EXISTING LOCAL TRAFFIC PROVISIONS IN THE CITY CODE WHICH SUPPLEMENT AND/OR MODIFY CERTAIN SECTIONS THEREOF.

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

SECTION 1: Article 1 of Chapter XIV of the Edgerton, Kansas Municipal Code is hereby amended to state the following:

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

14-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Edgerton, Kansas, that certain code known as the "Standard Traffic Ordinance for Kansas Cities" Edition 2018, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Section 14-102 of the existing Code of the City of Edgerton. No fewer than one copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 10__" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. The Sheriff's Department of Johnson County, Kansas, the municipal judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost to the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

14-102. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10 nor more than \$500, except for speeding, which shall not be less than \$30 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500, but said fine for subsequent convictions for the same offense may be increased in accordance with Section 201 of the Standard Traffic Ordinance.

SECTION 2: Article 2 of Chapter XIV of the Edgerton, Kansas Municipal Code is hereby preserved and any modifications or supplements to the Standard Traffic Ordinance stated therein are now applicable to the "Standard Traffic Ordinance for Kansas Cities" Edition 2018.

SECTION 3: Repeal. Former Article 1 of Chapter XIV of the Edgerton Municipal Code is hereby repealed.

SECTION 4: Effective Date. This Ordinance shall be effective after its passage, approval and publication once in the City's official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 9TH DAY OF AUGUST, 2018.

DONALD ROBERTS, Mayor

ATTEST:

RACHEL JAMES, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

Legal Forum

Uniform Public Offense Code and Standard Traffic Ordinance

By Eric Smith, Deputy General Counsel, League of Kansas Municipalities

The 2018 editions of the *Uniform Public Offense Code* (UPOC) and the *Standard Traffic Ordinance* (STO) are now available for cities to order. (See the ad on page 164 in this month's KGJ or find it online at www.lkm.org.) This article describes the legislative changes to both publications and changes made by the editor.

UPOC

The legislature passed four bills – HB 2458, HB 2581, HB 2145 and SB 310 – affecting the UPOC this year.

HB 2458 amended criminal statutes resulting in two changes to the UPOC. Section 3.2, Battery Against a Law Enforcement Officer, and Section 3.3, Assault and Assault of a Law Enforcement Officer. Both sections were amended to add federal law enforcement officers to those who can be victims of these crimes.

HB 2581 made a major change to the crime of Giving a False Alarm. This crime is now titled Making an Unlawful Request for Emergency Service Assistance. The changes made to this crime include the addition of higher levels of felony sentencing, up to and including severity level 1, person felony, when the false request for assistance results in a death. The felony changes do not have any impact on the UPOC; however, Section 9.7 has been amended to reflect the change in name and some technical changes to the description of the crime.

HB 2145 made changes to the crime of Criminal Use of Weapons. Section 10.1 has been amended to remove throwing star from the list of items which are illegal to sell, manufacture, purchase, or possess. Dangerous knife, straight-edged razor, throwing star, and stiletto have been added to the list of items that are illegal to possess with the intent to use unlawfully against another. It is now legal to possess a throwing star so long as there is no intent to use it in an unlawful manner.

SB 310 made several changes to the Amusement Ride Act. These changes resulted in a few technical changes to the UPOC. Section 10.27, Illegal Operation of an Amusement Ride, has been amended to add the terms antique amusement ride, limited-use amusement



ride, and registered agritourism activity to the list of operations required to have a valid permit. The section has also been modified to remove the prior language which delayed the enactment of the crime to January 1, 2018.

STO

The legislature also passed three bills – H. Sub. SB 374, HB 2439 and Sub. SB 272 – affecting the STO.

H. Sub. SB 374 and HB 2439 addressed the Constitutional issues raised by several court cases concerning the crime of Driving Under the Influence of Intoxicating Liquor or Drugs and implied consent. These two bills resulted in amendments to Section 30, Driving Under the Influence of Intoxicating Liquor or Drugs; Section 30.1, Driving a Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs;

and Section 194, Driving while License Canceled, Suspended or Revoked.


Section 30(c) has been amended to enhance sentencing if there are passengers under the age of 18 in the vehicle at the time of the DUI. Section 30(g) now requires the court to include any finding of alcohol concentration in the offender's blood or breath to be reported to the Division of Vehicles of the Department of Revenue. Section 30(h) and (i) have been modified to address the applicability of prior convictions for DUIs from other jurisdictions.


Section 30.1 has been amended to address many of the same changes made to Section 30. Section 194 has been amended to reflect changes made to the crime of vehicular homicide as a basis for license suspension.

Sub. SB 272 addressed several traffic related sections of the STO. New Section 40.1, Passing a Stationary Waste Collection Vehicle, has been added. It requires the driver of a motor vehicle to slow down and to move over as far as safely possible when passing a waste collection vehicle collecting trash. Law enforcement officers must give a warning to any violators prior to July 1, 2019, but officers can begin ticketing violators after that date. Section 81, Overtaking and Passing School Bus, has been amended to reflect the increase in fines for repeat offenses. Section 114.4,

Unlawful Operation of a Golf Cart, has been amended to allow a municipality to authorize the operation of a golf cart after sunset if equipped with lights as required for motorcycles and a slow-moving vehicle symbol.

Editor's Changes

In addition to the changes described above, there have been changes made to both the UPOC and the STO based on conversations with members as well as a desire to produce a more comprehensive product. The UPOC will now contain the crimes of Unlawful Possession of Marijuana and Tetrahydrocannabinols, Section 9.1.1, Unlawful Possession of Drug Paraphernalia and Simulated Controlled Substances, Section 9.9.2 and Criminal Littering, Section 6.8. A definition for Waste Collection Vehicle has been added to Section 1 of the STO in conjunction with the new Section 40.1. The crime of Littering from a Motor Vehicle, Section 112.1, was included to assist some members who have had problems with this in the past. 

 **Eric Smith** is the Deputy General Counsel for the League of Kansas Municipalities. You can reach him at esmith@lkm.org or (785) 354-9565.



Nominees for the E.A. Mosher Excellence in Local Government Award must meet the following qualifications:

- Must be an elected official from a League member city;
- Must have held elective office for a minimum of four years;
- Must demonstrate contributions that have had a significant impact on the quality of life of the citizens of his or her city;
- Must demonstrate contributions in promoting positive intergovernmental relationships; and
- Must show involvement with the League.


Sign up Today!

LEAGUE GOVERNING BODY NOMINATIONS

The League encourages officials from all member cities to participate in our organization and to consider serving on the governing body. Being part of the governing body is an excellent way to shape the future development of the organization. The League welcomes officials from all cities, in all regions of Kansas, to nominate their colleagues or themselves for governing body positions.

Article 4 of the League Bylaws charges the Nominating Committee with submitting a written report at least 24 hours before the start of the annual business meeting of the organization. This year's business meeting, including elections, will be held Monday, October 8, during the League's Annual Conference in Topeka.

In order to facilitate the process, we ask that all nominations be received by Friday, August 24 at 5:00 p.m. to the League of Kansas Municipalities, 300 SW 8th Ave., #100, Topeka, KS 66603. **You can also go online and submit your form electronically at lkm.org/GovBodyNomination.**



The E.A. Mosher Excellence in Local Government Award is presented annually to an elected city official who has not only demonstrated outstanding service to his or her own city, but has also shown an active commitment to strong local government and service to the League of Kansas Municipalities. Named in honor of E. A. Mosher, League Executive Director from 1960 to 1991, this award is designed to honor excellence and leadership at the highest level.

Guidelines for the selection of the 2018 award winner are as follows:

- Nominations will not be accepted after 5:00 p.m. on August 24, 2018;
- Nominations may be made by any elected or appointed official of a League member city;
- The Awards Committee of the League Governing Body will select the award recipient; and
- The winner's name will be kept confidential until the presentation at the League Annual Conference in Topeka.

For a nomination form, go to www.lkm.org/excellence or, contact Kate Cooley (785) 354-9565 or kcooley@lkm.org



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City Council Action Item

Council Meeting Date: August 9, 2018

Agenda Item #: 11

Department: Administration

Agenda Item: CONSIDER ORDINANCE NO. 1086 AMENDING CHAPTER XI, ARTICLE 1, SECTION 11-101 OF THE CODE OF THE CITY OF EDGERTON, KANSAS, CONCERNING THE UNIFORM PUBLIC OFFENSE CODE

Background/Description of Item:

Annually, the League of Kansas Municipalities prepares and publishes the code known as the Uniform Public Offense Code (UPOC) for Kansas Cities. This ordinance will adopt the Uniform Public Offense Code Edition 2018, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed Section 11-102 of the existing Code of the City of Edgerton.

Related Ordinance(s) or Statue(s): Edgerton City Code Chapter XI

Funding Source: N/A

Budget Allocated: _____

Finance Director Approval: _____

Recommendation: Approve Ordinance No. 1086 Amending Chapter XI, Article 1, Section 11-101 Of The Code Of The City Of Edgerton, Kansas, Concerning The Uniform Public Offense Code

Enclosed: Draft Ordinance No. 1086
July 2018 Article in Kansas Government Journal regarding Changes to 2018 UPOC

Prepared by: Rachel James, City Clerk

ORDINANCE NO. 1086

AN ORDINANCE AMENDING CHAPTER XI, ARTICLE 1, SECTION 11-101 OF THE CODE OF THE CITY OF EDGERTON, KANSAS, CONCERNING THE UNIFORM PUBLIC OFFENSE CODE

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

SECTION 1: That Chapter XI, Article 1, Section 11-101 of the Code of the City of Edgerton is hereby amended to read as follows:

11-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Edgerton, Kansas, that certain code known as the "Uniform Public Offense Code," Edition 2018, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are omitted, deleted, modified, or changed by Section 11-102 of the existing Code of the City of Edgerton. No fewer than one copy of said Uniform Public Offense Code "Official Copy as Adopted by Ordinance No. 1086" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. The Sheriff's Department of Johnson County, Kansas, the municipal judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost to the city, such number of official copies of such Uniform Public Offense Code similarly marked, as may be deemed expedient.

SECTION 2: Repeal. Former Chapter XI, Article 1, Section 11-101 of the Edgerton Municipal Code is hereby repealed.

SECTION 3: Effective Date. This Ordinance shall be effective after its passage, approval and publication once in the City's official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 9TH DAY OF AUGUST, 2018.

DONALD ROBERTS, Mayor

ATTEST:

RACHEL JAMES, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

Legal Forum

Uniform Public Offense Code and Standard Traffic Ordinance

By Eric Smith, Deputy General Counsel, League of Kansas Municipalities

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UPOC

The legislature passed four bills – HB 2458, HB 2581, HB 2145 and SB 310 – affecting the UPOC this year.

HB 2458 amended criminal statutes resulting in two changes to the UPOC. Section 3.2, Battery Against a Law Enforcement Officer, and Section 3.3, Assault and Assault of a Law Enforcement Officer. Both sections were amended to add federal law enforcement officers to those who can be victims of these crimes.

HB 2581 made a major change to the crime of Giving a False Alarm. This crime is now titled Making an Unlawful Request for Emergency Service Assistance. The changes made to this crime include the addition of higher levels of felony sentencing, up to and including severity level 1, person felony, when the false request for assistance results in a death. The felony changes do not have any impact on the UPOC; however, Section 9.7 has been amended to reflect the change in name and some technical changes to the description of the crime.

HB 2145 made changes to the crime of Criminal Use of Weapons. Section 10.1 has been amended to remove throwing star from the list of items which are illegal to sell, manufacture, purchase, or possess. Dangerous knife, straight-edged razor, throwing star, and stiletto have been added to the list of items that are illegal to possess with the intent to use unlawfully against another. It is now legal to possess a throwing star so long as there is no intent to use it in an unlawful manner.

SB 310 made several changes to the Amusement Ride Act. These changes resulted in a few technical changes to the UPOC. Section 10.27, Illegal Operation of an Amusement Ride, has been amended to add the terms antique amusement ride, limited-use amusement



ride, and registered agritourism activity to the list of operations required to have a valid permit. The section has also been modified to remove the prior language which delayed the enactment of the crime to January 1, 2018.

STO

The legislature also passed three bills – H. Sub. SB 374, HB 2439 and Sub. SB 272 – affecting the STO.

H. Sub. SB 374 and HB 2439 addressed the Constitutional issues raised by several court cases concerning the crime of Driving Under the Influence of Intoxicating Liquor or Drugs and implied consent. These two bills resulted in amendments to Section 30, Driving Under the Influence of Intoxicating Liquor or Drugs; Section 30.1, Driving a Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs;

and Section 194, Driving while License Canceled, Suspended or Revoked.


Section 30(c) has been amended to enhance sentencing if there are passengers under the age of 18 in the vehicle at the time of the DUI. Section 30(g) now requires the court to include any finding of alcohol concentration in the offender's blood or breath to be reported to the Division of Vehicles of the Department of Revenue. Section 30(h) and (i) have been modified to address the applicability of prior convictions for DUIs from other jurisdictions.


Section 30.1 has been amended to address many of the same changes made to Section 30. Section 194 has been amended to reflect changes made to the crime of vehicular homicide as a basis for license suspension.

Sub. SB 272 addressed several traffic related sections of the STO. New Section 40.1, Passing a Stationary Waste Collection Vehicle, has been added. It requires the driver of a motor vehicle to slow down and to move over as far as safely possible when passing a waste collection vehicle collecting trash. Law enforcement officers must give a warning to any violators prior to July 1, 2019, but officers can begin ticketing violators after that date. Section 81, Overtaking and Passing School Bus, has been amended to reflect the increase in fines for repeat offenses. Section 114.4,

Unlawful Operation of a Golf Cart, has been amended to allow a municipality to authorize the operation of a golf cart after sunset if equipped with lights as required for motorcycles and a slow-moving vehicle symbol.

Editor's Changes

In addition to the changes described above, there have been changes made to both the UPOC and the STO based on conversations with members as well as a desire to produce a more comprehensive product. The UPOC will now contain the crimes of Unlawful Possession of Marijuana and Tetrahydrocannabinols, Section 9.1.1, Unlawful Possession of Drug Paraphernalia and Simulated Controlled Substances, Section 9.9.2 and Criminal Littering, Section 6.8. A definition for Waste Collection Vehicle has been added to Section 1 of the STO in conjunction with the new Section 40.1. The crime of Littering from a Motor Vehicle, Section 112.1, was included to assist some members who have had problems with this in the past. 

 **Eric Smith** is the Deputy General Counsel for the League of Kansas Municipalities. You can reach him at esmith@lkm.org or (785) 354-9565.



Nominees for the E.A. Mosher Excellence in Local Government Award must meet the following qualifications:

- Must be an elected official from a League member city;
- Must have held elective office for a minimum of four years;
- Must demonstrate contributions that have had a significant impact on the quality of life of the citizens of his or her city;
- Must demonstrate contributions in promoting positive intergovernmental relationships; and
- Must show involvement with the League.

Guidelines for the selection of the 2018 award winner are as follows:

- Nominations will not be accepted after 5:00 p.m. on August 24, 2018;
- Nominations may be made by any elected or appointed official of a League member city;
- The Awards Committee of the League Governing Body will select the award recipient; and
- The winner's name will be kept confidential until the presentation at the League Annual Conference in Topeka.

For a nomination form, go to www.lkm.org/excellence or, contact Kate Cooley (785) 354-9565 or kcooley@lkm.org

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LEAGUE GOVERNING BODY NOMINATIONS

The League encourages officials from all member cities to participate in our organization and to consider serving on the governing body. Being part of the governing body is an excellent way to shape the future development of the organization. The League welcomes officials from all cities, in all regions of Kansas, to nominate their colleagues or themselves for governing body positions.

Article 4 of the League Bylaws charges the Nominating Committee with submitting a written report at least 24 hours before the start of the annual business meeting of the organization. This year's business meeting, including elections, will be held Monday, October 8, during the League's Annual Conference in Topeka.

In order to facilitate the process, we ask that all nominations be received by Friday, August 24 at 5:00 p.m. to the League of Kansas Municipalities, 300 SW 8th Ave., #100, Topeka, KS 66603. You can also go online and submit your form electronically at lkm.org/GovBodyNomination.

