

**City of Edgerton, Kansas
Minutes of City Council Special Session
November 4, 2024**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas November 4, 2024. The meeting convened at 4:00PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance: Beth Linn, City Administrator
Assistant to the City Administrator, Kara Banks
City Clerk, Alex Clower
Public Works Director, Dan Merkh
Finance Director, Karen Kindle
CIP Project Manager, Holly Robertson

2. WELCOME. Mayor Roberts welcomed all in attendance.

3. PLEDGE OF ALLEGIANCE. All present participated in the Pledge of Allegiance.

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

4. Confirm Request for a Special Meeting of the Edgerton City Council
5. Approve Temporary Construction Easement for Hammit, Thore J. at 609 E 2nd Street for the 2nd Street Reconstruction Project

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

Regular Agenda

6. Declaration. None.

7. Public Comments. None.

Business Requiring Action

- 8. CONSIDER AN INVOICE FOR UTILITY INSPECTION & ROADWAY WORKER IN CHARGE SERVICES FROM WILSON & COMPANY FOR \$45,000 FOR DWYER SEWER EXTENSION PROJECT**

Ms. Robertson addressed the Council. She stated in August 2023, Council approved an agreement with BNSF Railway to access BNSF property to perform the work related to the Dwyer Sewer Extension beneath the railroad. Subsequently the agreement was executed, and a permit was issued by BNSF to the City. Part of the agreement includes additional services including inspection coordination and flagging/safety oversight known as Roadway Worker In Charge (RWIC). The costs for these additional services are based on days and hours required by the contractor to perform the work within the BNSF right of way.

In May 2024, City Council approved a contract with Beemer Construction, Inc. for the construction of the Dwyer Sewer Extension. Since then, the contractor has reviewed all necessary permits and have mobilized to site. In preparation for the work within the BNSF right-of-way the contractor provided the City with an estimated number of days where RWIC services will be needed. City Staff then coordinated with BNSF through Wilson & Company who provides these services to schedule inspections.

On July 25, 2024, City Council approved payment of a pre-payment invoice to Wilson & Company for inspections and RWIC services that included 40 working days of 10-hour days and working on Saturdays as requested by the contractor, plus 40 hours of overtime for flagging set up and travel time.

Due to unforeseen circumstances encountered by the contractor that slowed down boring under the railroad right-of-way, additional days beyond the original schedule are needed to complete the work. Additionally, scheduling expenses from BNSF for BNSF personnel overtime and remobilization have been billed to the original prepayment account depleting the funds before the original schedule was completed. City Staff has worked with Beemer Construction and Wilson & Company to identify an estimate for additional days, overtime, and mobilizations needed for the completion of the project. Based on these quantities, City Staff recommends a not to exceed of \$45,000. This amount will be enough for approximately two additional work weeks. This is in addition to the 4 days previously paid under the City Administrators authority on October 29, 2024 for \$14,350 to continue working the remainder of last week (October 30-November 1).

This invoice is through the same agreement made with BNSF, with Wilson & Company working on behalf of BNSF. The cost for BNSF inspections and RWIC are budgeted within the construction budget for the Dwyer Sewer Extension project. By billing this invoice directly to the City, we are saving the likely mark-up associated with processing this work through the contractor. City Staff recommends approving \$45,000 as a maximum not to exceed for prepayment of additional inspection and RWIC services. Any unused funds will be returned to the City.

Councilmember Lewis asked what the unforeseen circumstances were.

Ms. Robertson stated the surface of the rock was unexpectedly crumbly and the boring did not work as expected, so crews had to do the work with a pick axe amounting to extra labor involved.

With no further questions, Mayor Roberts requested a motion to approve the not to exceed pre-payment of \$45,000 for additional inspection and RWIC services.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lewis. The motion carried, 4-0.

9. CONSIDER CHANGE ORDER #2 AND #3 TO AGREEMENT WITH RENAISSANCE INFRASTRUCTURE CONSULTING FOR DESIGN SERVICES OF 2ND STREET RECONSTRUCTION.

The City of Edgerton is reconstructing East 2nd Street / COOP Road from Nelson Street to the south City Limits and East Edgewood/West Edgewood Road from East 2nd Street / COOP Road to West 4th Street. The project includes complete reconstruction of the pavement down to subgrade, new sidewalks, streetlights, new stormwater infrastructure, utility improvements, and drainage improvements along the project.

During the Greenspace project, 3rd Street had to be cut to install curb and a connection to the alley between 3rd Street and 4th Street. Construction revealed that many areas of 3rd Street were found to be very thin, less than 2 inches thick in some areas and in poor condition.

On September 12, 2024 City Council requested that City Staff consider reconstructing East 3rd Street adjacent to The Greenspace in conjunction with the design and construction of the 2nd Street Reconstruction project.

On October 24, 2024 City Council approved the 2025-2029 Capital Improvement Program that included funding the reconstruction of East 3rd Street. This amount will revise the project budget for 2nd Street Reconstruction. The addition of 3rd Street included an estimate is \$427,500 which includes design, construction, utility relocation, easements, and inspection. It was recommended to include the construction of East 3rd Street with 2nd Street to limit mobilization costs and combine contractor efforts. City Staff recommend amending the design contract for the 2nd Street Reconstruction Project with Renaissance Infrastructure Consulting (RIC) to add the design of East 3rd Street. RIC has provided a change order (CO#3) and cost breakdown of \$45,440.00 to perform the design for East 3rd Street.

Additionally, RIC has requested a change order (CO#2) for additional design services performed for the 2nd Street Reconstruction project. This includes preparing design plans and specifications for waterline relocation, additional drainage improvements for the West 2nd Street Cul-de-sac, design for West 3rd Street Sanitary Sewer Relocation, and additional services related to prepared right-of-way exhibits for easements. The change order for additional services is \$20,470.00.

A breakdown of total contract amount, previously approved change orders, and the proposed change orders are included in the packet.

Change Order #2 and #3 for additional services is within the total project budget for 2nd Street Reconstruction. A budget update will be brought to City Council in early 2025 as easements are acquired, an engineer's cost estimate is provided for construction of both projects, and concurrence to bid is prepared.

Councilmember Conus asked about the progress on easements for 2nd Street.

Ms. Robertson stated notices have been sent to about 46 households about the easements.

With no further questions or comments, Mayor Roberts requested motion to approve Change Orders 2 and 3 with RIC for design services for 2nd Street Reconstruction.

Councilmember Lewis moved to approve, seconded by Councilmember Conus. The motion carried, 4-0.

10. Report by the City Administrator

There was no report.

11. Report by the Mayor

Mayor stated he received a thank you card from the GEHS students who requested a contribution so that they could purchase homecoming shirts for the entire student body. He again thanked Council for their individual contributions.

12. Future Meeting Reminders

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

13. Adjourn

Councilmember Lewis moved to adjourn, seconded by Councilmember Lebakken. The meeting was adjourned at 4:10PM with a 4-0 vote.

Submitted by Alex Clower, City Clerk