

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
March 14, 2024
7:00 P.M.**

Call to Order

1. Roll Call

____ Roberts ____ Longanecker ____ Lewis ____ Lebakken ____ Malloy ____ Conus

2. Welcome

3. Pledge of Allegiance

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

4. Approve Minutes from February 22, 2024 Regular City Council Meeting

Motion: _____ Second: _____ Vote: _____

Regular Agenda

5. Declaration. At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

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

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

7. New Hire Introduction – Alex Firth, Assistant City Clerk

Business Requiring Action

8. CONSIDER RENEWAL OF CORPORATE INSURANCE POLICY FOR APRIL 1, 2024 – MARCH 31, 2025

Motion: _____ Second: _____ Vote: _____

9. **CONSIDER AN AGREEMENT WITH BG CONSULTANTS, INC. TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE GLENDELL ACRES PARK RENOVATION PROJECT**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER RESOLUTION 03-14-24A PROVIDING FOR A HEARING TO DISCUSS A POSSIBLE DANGEROUS AND UNSAFE BUILDING EXISTING AT 312 E 5TH STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO THE CITY OF EDGERTON MUNICIPAL CODE, CHAPTER IV, ARTICLE 4, SECTION 4-405**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER SUBMITTAL OF AN APPLICATION FOR EAST 2ND STREET RECONSTRUCTION PROJECT TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR A SPRING 2024 COST SHARE PROGRAM**

Motion: _____ Second: _____ Vote: _____

12. **CONSIDER AN AGREEMENT WITH BG CONSULTANTS, INC. FOR CONSTRUCTION PLANS FOR DWYER FARMS WATER SERVICES**

Motion: _____ Second: _____ Vote: _____

13. **Report by the City Administrator**

- Utility Quarterly Update
- Recommended Code Changes – Utilities – New Water Connections
- 2024-2028 Capital Improvements Program (CIP) Update
- Marketing and Communications Quarterly Update
- Update on Greenspace Security Contract

14. **Report by the Mayor**

15. **Future Meeting Reminders:**

- March 14: City Council Meeting – 7:00PM
- March 28: City Council Meeting – 7:00PM
- April 9: Planning Commission – 7:00PM
- April 11: City Council Meeting – 7:00PM
- April 25: City Council Meeting – 7:00PM

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

EVENTS

3/11-3/15: Spring Break Activities
3/? : Surprise Easter Egg Hunt
3/20: Senior Lunch
3/27: Mushroom Wood Painting
3/30: Low-Cost Pet Vaccine Clinic
3/30: Edgerton Lake and Dam Exploration and Trails Master Plan
4/04: Make It: Hop into Carrot Cake
4/17: Senior Lunch
4/27: Compost 101
4/29: Polymer Clay Animals Workshop

City of Edgerton, Kansas
Minutes of City Council Regular Session
February 22, 2024

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas February 22, 2024. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant to the City Administrator, Kara Banks
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- Holly Robertson, CIP Project Manager
- Development Services Director, Zach Moore
- Building Inspector, Jim Brown

2. WELCOME. Mayor Roberts welcomed all in attendance.

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

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

- 4. Approve Minutes from February 8, 2024 Regular City Council Meeting
- 5. Approve Final Acceptance of 2023 CDBG – 1st And Hulett Sanitary Sewer Rehabilitation Project

Councilmember Lewis moved to approve the Consent Agenda, seconded by Councilmember Longanecker. The Consent Agenda was approved, 5-0.

Regular Agenda

6. Declaration. There were no declarations made.

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

Business Requiring Action

8. CONSIDER AGREEMENT WITH STRATEGY LLC FOR THE GREENSPACE PROJECT TO PROVIDE SECURITY SYSTEM AND ACCESS CONTROLS

Ms. Robertson addressed the council. She stated in July, the City entered into an agreement with Combes Construction for The Greenspace Project, construction began in August.

She stated the City currently holds a contract with Strategy for IT Services. As the project includes access controls and security to The Greenspace facility, staff would recommend entering into an agreement with Strategy to provide those services. She stated the summary of services to be provided are included in the council packet, but include Access Controls, Intrusion Alarm, Video Surveillance, Cabling and Equipment, and Professional Services.

She stated this agreement structures payment as a lump sum of \$124,738.27, this is within budget initially estimated for IT and Security to prepare the project budget. She stated there will be other costs yet to be determined within this budget item, including workstations, printers, etc. She stated staff will continue to monitor the project budget and periodically update the governing body as categories of costs are set.

Councilmember Conus stated he's concerned with the section of the agreement that states they will attempt to identify any unforeseen complications, on page 20. He stated he's witnessed a lot of networks and upgrades and there always seems to be unforeseen problems. We are paying them to provide network, aren't they supposed to foresee certain problems?

Mr. Lee Hendricks stated he reviewed the agreement and he's comfortable with that language in there. He stated you cannot see all unforeseen items, the agreement states they are supposed to provide help should a problem arise and if they cannot help, find someone who can. He stated it also states they are then supposed to charge an agreed upon fee.

Councilmember Lewis stated at least it says in there that the fee must be agreed upon should they need to outsource the assistance to fix whatever issue.

Ms. Linn stated there are pieces of equipment that are not theirs. Their focus is the network, but there may be pieces of equipment that don't work and they then have to find the appropriate providers to assist.

Mr. Hendricks stated he appreciates it saying there could be unforeseen scenarios because that then gives basis on why certain things should have been foreseen.

Councilmember Lewis stated this allows them to research the problem, take to staff and discuss fees prior to troubleshooting the issue and give the ability to make an educated decision.

Councilmember Conus asked if we've used this company before.

Ms. Linn stated yes, they are the City's current IT provider.

Mayor Roberts stated he's comfortable with this language in the agreement, however he's not comfortable with the section regarding boom lifts being provided by the City.

Ms. Robertson stated she believes that will be provided by Combes Construction since they're already using lifts during their construction phase of the project, but will double check.

Mr. Hendricks stated if it's already resolved through Combes, strike that sentence from the agreement.

Mayor Roberts stated he would feel more comfortable with that approach because we do not control the construction schedule.

Ms. Robertson stated staff will follow up with Combes and Strategy.

Mayor Roberts stated he'd also like a guaranteed not to exceed amount listed if we are the ones that have to provide the equipment.

Councilmember Malloy stated they should be supplying it. He stated at his company, they would never agree to provide something like that for this. He stated he would recommend we push back that the contractor has to pay as part of their construction agreement.

Mr. Hendricks stated he would suggest the first step be to see if the contractor is providing the lift, if that's not the case, then staff can figure out a cost to come back with for approval.

Councilmember Lewis stated this should have already been included in the cost of the contract before, not something now. It shouldn't be open ended billing.

With no further discussion, Mayor Roberts requested motion to approve the agreement for \$124,738.27 with the scissor lift section struck from the contract and if that is not an agreed upon path, then to have the agreement reference a not to exceed cost or hours for rental of equipment.

Councilmember Longanecker asked if there was anyway to bid this.

Ms. Linn stated our relationship already exists per our network agreement with them. She stated we could have gone out to bid, but then often with a new vendor integrating it becomes a challenge and could be more expensive. She stated we do bid our IT Services every couple of years, once we have this established for The Greenspace it can then become something we include in that bidding process. She stated Strategy has been the preferred vendor, even in the bidding process.

Mayor Roberts stated strategy already put in a lot of time for design for conduits to be run and have been a tremendous assistance with The Greenspace.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 4-0 with Councilmember Malloy absent at voting.

9. CONSIDER BUDGET ADJUSTMENT FOR GLENDELL ACRES PARK RENOVATION PROJECT

Mr. Merkh addressed the council. He stated the Glendell Acres Park Renovation project was first funded as a project in the 2019-2023 adopted CIP. At that time, the budget was set at roughly \$740 Thousand and scheduled for construction in 2020. He stated due to the COVID pandemic, the design and construction of the project was postponed.

He stated the project did not restart until mid-2021 when Council approved the contract with SWT Design for design services for the park. He stated as part of those services, the city and SWT Design held a robust public engagement with over 140 participants about the community's desire for the park renovation. He stated those results were presented to the governing body at a work session in September 2021. The takeaways from the public included play for all ages, specifically teens, walking trails, keeping the skate park component, a park shelter, and updating safety and lighting.

He stated at this work session SWT presented conceptual designs based on the public engagement. The design selected includes a new skate park, concrete paths, park pavilion, inclusive playground and fitness equipment with poured-in-place rubber surface. He stated the new park signage, safety lighting, rain gardens, and greenspace are also included in the project.

He stated later in September 2021, staff updated the City Council on the impacts of the pandemic on construction and pricing, in addition to the market pricing for the types of amenities included in the design. At that time, council discussed allocating \$200,000 in the future additional Park Impact Fee towards the Project Budget to offset the increase in costs. He stated staff has carried that amount as possible allocation through the CIP programs since. Staff has continued to track anticipated revenues and expenditures for the project and have included new procedures in an effort to control costs or possible future mark ups. He stated council approved an early procurement for the playground, ninja warrior style fitness equipment, and the shelter, however these were just the materials/equipment. He stated the construction bid still has to include the subcontracted labor costs and install of these elements. He stated additionally, council approved the design build contract for the skate park element.

He stated in early February 2024, staff completed the bid process for construction. The City received bids from three contractors for construction and installation of the park project, all of which were opened and read aloud publicly. He stated these bids ranged from roughly \$650,000 - \$750,000. He stated included in the packet is a summary of the project budget since the project was programmed in 2019. He stated the bids exceed the amount previously budgeted.

He stated based on the costs listed, there are three options for council to consider moving forward. These include, fully funding the project with the recommended budget adjustment, changing the scope of the project, and rebidding the project. He stated staff would recommend the first option with a budget adjustment and moving forward with the construction of the project.

Councilmember Conus asked why the playground, skatepark, etc. weren't first included in the original CIP.

Mr. Merkh stated the skatepark wasn't originally included back in 2017 because the demand wasn't there. After public engagement it was realized that the community really wanted to keep that aspect at the park. He stated the playground was included, however the price is now higher than in 2019.

Ms. Linn stated based on public engagement, the scope of the project changed.

Councilmember Conus stated this would be \$1,800 per household.

Mr. Merkh stated the city has applied for grants and we're hoping to find out those results soon to help mitigate costs. However, we still have not heard the results.

Ms. Linn stated it's important to note the revenue resources, the Park Impact Fee can only be used on park related projects. She stated when new development occurs, they pay a fee that goes directly to the Park Impact Fee.

Councilmember Conus asked if those funds are available now.

Ms. Linn stated yes, they are in the account.

Councilmember Lewis stated outside of the \$100,000 slated to be used from the general fund, we'd be using park dedicated funds for what we wanted to use it for to begin with.

Mayor Roberts stated it's money well spent in his opinion and really the increase is somewhat out of the council's control. He stated it took time to get easements from the pipeline that we had no control over. He stated the community still wants this amenity and if anyone is on social media, they'll see conversations related to this often. He stated he's gone back and forth on whether or not it would be worth rebidding, there was some success in the past on rebidding Manor to lower the cost, however times are different. He stated he doesn't like it, but in general the costs on everything have gone up drastically. He stated he's going to side with the citizens and say we fund the project and move forward, rebidding would delay even more and wouldn't know for sure if it would come out less in the end even if we did rebid.

Councilmember Lebakken stated what would we change if we did adjust the scope, the residents are expecting what they have asked for and what we've said we're giving them. She stated she doesn't think going back on what they're expecting would be the right call.

Mayor Roberts stated the Skate Park design build is costly, we could stop that but it was a highly rated element to have in the public engagement process. He stated can't really take much out that isn't what's wanted by our community.

Councilmember Lebakken stated she doesn't want to take away what's already been said they're getting. She stated she would rather go with the first option, the budget adjustment, then to say no.

Councilmember Longanecker stated we'd be spending money on the same type of thing in the future regardless.

Councilmember Lewis stated it's a good place for a park.

Mayor Roberts stated in the Master Plan it shows as a walkable park. The playground equipment will be the largest we have in the community, the addition of the shelter and lights for safety. He stated all of these are positives.

Councilmember Lewis stated he's in favor of fully funding.

Councilmember Conus stated it's a lot of money. He stated he's only been to that park 3 times and he'll be paying \$1,800 per household, that's \$600 a trip. He stated on the other hand, people use it more than he does himself.

Ms. Linn stated the \$100,000 out of the general fund is what should be divided by residents, that's the only taxable part. She stated the other \$300,000 is from LPKC, which residents do not pay.

Mayor Roberts stated if his father were here, he would likely agree with Councilmember Conus. He saw parks as a waste, but parks help grow the community.

Ms. Linn stated it would be \$60 per resident.

Councilmember Longanecker stated it's what the people want. He saw a statistic that roughly 14.5% of the population are seniors, the remaining is the younger generation who would use it.

Mayor Roberts stated the teenagers are a big focus with this park, we often hear there is nothing to do for that age group. He stated reality is, this would be for them, that's loud and clear from the public's perspective of what they want in this park. He stated we have the funds, he doesn't like seeing the cost increase, however some of the equipment has already been purchased.

Councilmember Lewis stated trying to stay proactive on pricing.

Mayor Roberts stated it's a huge community let down to not move forward, the only hit to the general fund would be the \$100,000. The remaining comes from the fund that can only be used for parks.

Mr. Hendricks stated with the easements granted for this project, there is nothing that can go there that is better than this. He stated not only are you able to use it at it's highest and best use, it could not be used as almost anything else based on the issued dealt with the pipeline. He stated in reality, having the sidewalk designed where it is would almost never happen. He stated when you have the greenlight, please use it.

Councilmember Conus stated he appreciates the discussion. He thinks the change for him is that the city has already bought the equipment and that we would likely lose more money if we didn't move forward.

With no further discussion, Mayor Roberts requested motion to approve increasing the budget from \$740,867 to \$1,140,867 by utilizing \$300,000 from the Park Impact Fee and \$100,000 from the Unencumbered General Fund.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Conus. The motion was approved, 5-0.

10. CONSIDER AWARD OF CONSTRUCTION OF THE GLENDELL ACRES RENOVATION PROJECT TO CM CONCRETE INC. AT \$651,200 TO INCLUDE THE FULL PROJECT BASE BID

Mr. Merkh stated as previously noted, the City held a public bid opening for the construction of Glendell Acres Park Renovation early February 2024. He stated the bids ranged from roughly \$650 – \$750 Thousand with the architect's estimate being \$523,833.25. He stated a copy of the bid tabs are included in the packet.

He stated the construction portion of the project have some unique elements. The Council previously authorized the purchase of both playground and fitness equipment elements through the early procurement process, the construction dollars allocated in the bid tabs are for the install of that equipment as this work must be performed by a certified installer. He stated all three contractors would have used a subcontractor for this work. He stated additionally, the city also approved early procurement purchase for the park shelter, the construction line item includes install of that shelter.

He stated as customarily done following the bid opening, the design team reviewed the bid information from each contractor, as well as the information provided by CM Concrete, Inc. to gain a better understanding of the apparent low bidder. He stated following that review, the architect, together with staff, recommends CM Concrete, Inc. as the lowest responsive, responsible, and most qualified bidder for the project. He stated a written recommendation is included, the architect recommends rejecting the low bid from the architect, due to market pricing.

He stated the total budget with the previously approved budget adjustment is now \$1,140,867 with the construction budget being \$651,200. He stated the contract with CM Concrete, Inc. is within the revised budgeted amount.

Mayor Roberts asked how the park impact fee is raised for the funding of this project.

Ms. Linn stated it's paid per square foot on new construction in town, both residential and non-residential construction. She stated about 98% of this fund is from LPKC.

Mayor Roberts stated a lot of people will say there's no value to having the logistics park, this here shows a direct value to the citizens.

With no further discussion, Mayor Roberts requested motion to approve the construction award with CM Concrete, INC. for \$651,200 to include the full project base bid.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 5-0.

11. CONSIDER SENIOR PROPERTY TAX REBATE PROGRAM ELIGIBILITY REQUIREMENTS AND DETAILS

Ms. Banks addressed the council. She stated in July 2023, the City Council reviewed the 2024 budget with several optional programs and initiatives to consider, including a senior property tax rebate program. She stated several cities in the county have property tax rebate programs for certain populations of their citizens. She stated City Council decided to focus the Edgerton program on seniors, who often lived on fixed-income and are one of the cities most vulnerable population. Generally, a property tax rebate program is designed to alleviate some of the burden of home ownership for seniors due to rising property values. She stated the budget for the Edgerton Senior Property Tax Program was approved on September 14, 2023 as part of the 2024 Annual Budget.

She stated based on previous discussions by City Council, staff recommends the following eligibility requirements:

- Age 65+ with valid proof or ID
- Only applies to owner-occupied homes
- Current on property taxes and any special assessments

Annually, the maximum rebate would be based on the average appraised value of a home in Edgerton. In 2023, the Johnson County Appraiser's Office found the average appraised value of a home in the City of Edgerton was \$209,672. She stated the City's portion of property taxes would be \$715.51. A senior with a home valued at or above the average appraised value would have their rebate capped at \$715.51. Seniors with homes appraised at less than \$209,672 would receive 100% of their Edgerton property tax back. She stated the value will change annually based on the County's average appraisal.

Moving forward, staff recommends the property tax rebate program would open annually on January 20th and run through September 30th, or until funds are depleted. Qualifying seniors would be required to show proof of property taxes paid in full at the time of application. Applications will be processed in order received.

She stated for 2024, staff recommends opening the program on April 1st to allow time for internal procedures to be created to process the applications. She stated according to MARC, 14.5% of county residents are 65 years and older. She stated the City has 632 households, which would predict approximately 91 senior households. She stated the 2024 budget includes \$65,000 for this program.

Mayor Roberts stated there could be some rentals that don't qualify under this and could be a tremendous assistance to the community.

Ms. Linn stated the Edgerton program is drafted to be very simple for applicants. Staff can verify on the county website that the home is owner occupied. She stated in other cities, this program is based off income which could require a lot of paperwork and seniors would come and spend a significant amount of time to apply. She stated how this is crafted, staff can meet with those seniors and meet those needs. As soon as the county makes the designation, this is a very streamlined process.

Councilmember Conus asked if it can be done online.

Ms. Linn stated for the first year, staff would like to have it all done in person but would like to look at offering it online in the future.

With no further discussion, Mayor Roberts requested motion to approve senior property tax rebate program.

Councilmember Lebakken moved to approve, seconded by Councilmember Conus. The motion was approved, 5-0.

12. CONSIDER PROGRAM TO ENCOURAGE RESIDENTS TO COMPLETE THE LEAD SERVICE LINE INVENTORY SURVEY

Ms. Robertson and Mr. Merkh addressed the council. Ms. Robertson stated in February of this year the city held a work session discussing the new Lead and Copper Revision Rule. In this work session, staff reviewed the new unfunded federal mandates from the Environmental Protection Agency (EPA) that includes requirements for the City that will be administered by the Kansas Department of Health and Environment (KDHE).

She stated in March, the City Council approved the contract with NEER to provide professional services related to the EPA's Lead and Copper Rule Revision, including a Lead Service Line Inventory due by October 16, 2024.

She stated city staff has been working on verifying records of as-built materials to NEER who is then incorporating that data into the inventory to be used for predictive modeling. She stated in order to verify records, a survey of service lines within the homes and buildings will provide the additional detail needed. She stated NEER has created a draft survey based on available EPA guidance. This survey was presented at the last council meeting. She stated the survey is interactive since it requires identification and documentation from residents as to what materials are in their home.

She stated each survey completed is will directly lower the level of resource that would be otherwise required to gather this data. It is for that reason, that staff is recommending implementing a program to incentivize residents to respond in a timely manner to complete their survey.

She stated city staff is anticipating publishing this survey on March 1st, 2024 and keeping this survey open for 3 months. She stated the deadline to collect data is set for October 2024, the sooner residents complete the survey the better. She stated with that in mind, staff is recommending to provide a \$10 reduction to the May 2024 water bills for all residents who complete the survey by March 31st, 2024 at 11:59PM.

She stated there are currently 711 meters within the City, based on response goals only 10% of responses are needed, however with the responses received from the Citizen Survey, roughly 200 responses, staff would estimate that we would have roughly 50% or less responses within the first month. She stated this would equal 356 responses and \$3,560 issued in credit to water bills. She stated if the city would receive a full 100% of responses within that first month, then a max of \$7,110 would be issued in credit.

Councilmember Conus asked if this is a requirement by the Fed to complete this survey in every household.

Ms. Robertson stated there is not a 100% requirement, the information received will be to help verify the information already gathered, but they do have to have a certain percentage of certainty of material type.

Ms. Linn stated we do have to inventory every address, whether we can confirm that or not. If it is not confirmed, it will be marked as lead.

Mr. Merkh stated yes, it would be registered as lead which would then lead to the address needing to be followed up on and verified.

Mayor Roberts stated the downstream of this is that it could get very expensive on the city's side.

Councilmember Conus stated he thinks the incentive is a great idea, however he wonders if \$10 would be enough to make people take action.

Ms. Linn stated it's about finding the right amount, that's why staff suggested the 30 days. She stated finding that right amount is important because with more participation within that time frame will increase that dollar amount, \$10 on a water bill can be very impactful. She stated staff does plan to have paper copies at senior lunch. She stated she would really appreciate if councilmembers would be willing to help assist those that need it or direct those that need it to get in touch with staff, the point is to relieve the cost from a staff perspective and not have them do it.

Mayor Roberts stated also try to get the churches involved. Staff will collect a list of people and disperse to those that have volunteered to help with this.

Ms. Linn stated yes, please let Kara know and she can keep track.

Mr. Hendricks stated he's seen other entities do a credit like this and received 73% of responses back.

Ms. Robertson asked how much they gave as an incentive.

Mr. Hendricks stated \$20.

Mayor Roberts stated he wouldn't oppose \$20.

Mr. Merkh stated he believes the budget can hold it, but will confirm.

Councilmember Conus asked if this can come out of the water/sewer fund.

Ms. Linn stated staff would recommend the best resource would be from the money already allocated to this project.

Councilmember Conus asked if there's enough to cover \$20.

Mr. Merkh stated he believes so.

With no further discussion, Mayor Roberts then requested motion to approve the program to encourage completion of the LSLI survey for an amount not to exceed a \$20 credit to residents utility bills if the survey is completed by the end of the month as long as the \$20 credit is within the project budget.

Councilmember Conus moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

13. CONSIDER AN AGREEMENT TO PARTICIPATE AS PART OF A 7-PARTY AGREEMENT FOR THE SOUTHWEST METRO AREA TRANSPORTATION COMMUNICATION PLAN

Mr. Merkh addressed the council. He stated in fall 2023, staff participated in a series of meeting with several other cities and counties to discuss the transportation connectivity between development in the wester/southwestern areas of Johnson County and the existing transportation network. He stated the primary development driving those meetings was the Panasonic development in DeSoto. He stated the overall size of the development in DeSoto will likely impact several neighboring jurisdictions including the nearby cities and unincorporated counties.

He stated from those meetings came the desire for impacted jurisdictions to cooperatively participate in a discussion of the regional transportation network. The Agreement provides for the preparation of an area plan which can be used as a framework for potential transportation system enhancements and identify the infrastructure recommended to restore and/or upgrade the regional network. He stated a complete scope and list of deliverables is included in the packet.

He stated the Study Area includes approximately one hundred eighty-five (185) square mile area generally bounded by I-435, Lone Elm Road, I-35, 215th Street, and 2200 Road. A Study Area map is included as Attachment A.

He stated the agreement is made up of a Core Team and a Technical Committee. The Core Team consists of the City of DeSoto, Johnson County and Kansas Department of Transportation. He stated the Technical Committee consists of Edgerton, Gardner, Olathe and Douglas County. Other parties that have participated in the meetings leading up to the Agreement include Mid-America Regional Council, Douglas County MPO and Johnson County Parks and Recreation District.

He stated the proposed agreement would total \$250,000. Edgerton's portion as a member of the Technical Committee would be \$15,625, which is just over 6% of the total. He stated this percentage of participation is the same for all members of the Technical Committee. The Core Team members are responsible for 25% each.

He stated the City's participation in this planning process was included as an unfunded project in the 2024-2028 CIP approved by Council on November 9, 2023. At the time, Staff indicated they would bring back more information regarding the Agreement as it was finalized. He stated staff recommends funding the project from unencumbered fund balance in the General Fund.

He stated with this being a 7-party agreement, should any of the entities not approve, the agreement would need to be revised and reintroduced for approval. He stated the Agreement has already been approved by the cities of DeSoto, Gardner and Olathe.

Mayor Roberts asked if the MPO's and JCPRD participate for free.

Ms. Linn stated they are not included in the agreement moving forward.

Mr. Merkh stated they were not included in the participation.

Councilmember Lewis asked how they decide who falls into which category and gets to participate. He asked how Gardner is in the same bucket we're in.

Mr. Merkh stated it's all based on proximity to the development, the ripple effect to then match up with who will encounter the expansion.

Ms. Linn stated the percentages are the same because it's the entities on the outside. She stated the biggest piece of this agreement is having a seat at the table to understand what, when and where this development will happen.

Mr. Merkh agreed and stated it will allow Edgerton to properly educate where we think the best fit would be.

Councilmember Longanecker stated that was one of the biggest questions with the drafting of the Comprehensive Plan.

Ms. Linn stated correct, in Envision Edgerton there was question about the connector.

Mayor Roberts stated there is value in having a seat at the table, we are working to adopt our newly developed Comprehensive Plan, this will allow for us to help facilitate our ideas and what we think is best for Edgerton's future.

With no further discussion, Mayor Roberts requested motion to approve the 7-Party participation agreement for the Southwest Metro Area Transportation Connection Plan and to allocate \$15,625 from the Unencumbered General Fund Balance.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 5-0.

14. Report by the City Administrator

- KRWA Designation of Voting Delegate

Ms. Linn stated the request tonight is to adjust the previous motion from last council meeting as Mike Mabrey will not be attending the conference. She stated staff would suggest the designees be Dan Merkh and Darren Ross.

Mayor Roberts requested motion to resend the previous motion from February 8, 2024 City Council Meeting.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 50.

Mayor Roberts then requested motion to approve the new voting delegates, Dan Merkh and Darren Ross for KRWA.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 5-0.

- 4th Quarter Financial Report

Ms. Kindle addressed the council and referred to the 4th Quarter 2023 Report provided in the council packet and stated all funds had adequate fund balance to be within the reserve requirement and budget authority for each.

Councilmember Conus asked what's included in the employee benefits line.

Ms. Kindle stated KPERS retirement, health/dental/vision insurance, match for the KPERS 457 plan, etc.

Ms. Linn stated there would be a line item in each fund for those specific employees who fall in that department.

Councilmember Conus confirmed salaries for payroll are allocated in each department.

Ms. Kindle stated yes.

There were no questions regarding the water and sewer fund.

- 2025 Budget Calendar

Ms. Linn referenced the 2025 Budget Calendar provided. She stated one of the most important things to note is the budget work session on July 18th.

She stated we have received 75 surveys back to date. She stated she would encourage council to remind their neighbors, share on Facebook, etc. to complete their survey soon.

She stated she received some questions from Councilmembers and typically when that happens, she then brings that forward to answer to the group in case these questions may come from someone else.

She stated she received a question regarding code enforcement and basketball goals in the street. She stated if a basketball goal is in the street, that is something we will pursue as it prohibits city equipment from operating where it should, if it needs to. However, if the basketball goal is in a yard and overhanging into the street, that is not something that would be a violation and if it's a concern about placement, etc. that that be something for neighbors to discuss.

She stated the other concern was related to parked cars in driveways that block the sidewalk. She stated the City has not been proactive in this unless habitual problem. She said typically this is something that occurs outside normal business hours. She stated she understands the purpose of the sidewalk is to allow for a safe way to get through and would encourage council if there is a concern to reach out directly to neighbors if possible.

15. Report by the Mayor

Mayor Roberts stated he had no report to give.

16. Future Meeting Reminders

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

Ms. Linn stated on March 30th the City will hold a public engagement open house at the Edgerton Lake and Dam for the Trails and Lake Master Plan.

17. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCPTION TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS (K.S.A. 75-4319(B)(2))

Mayor Roberts stated he would like to recess into executive session pursuant to KSA 75-4319(B)(2) to include City Attorney and City Administrator to discuss Contract Negotiations. He stated there will be no motion afterwards and it's expected to last 10 minutes. Mayor Roberts then requested motion to recess into executive session.

Councilmember Longanecker moved to recess into executive session for 5 minutes, seconded by Councilmember Lewis.

The meeting recessed into executive session at 8:39PM, 5-0.

Councilmember Lewis made motion to return to open session with no action taken, seconded by Councilmember Longanecker.

Open session resumed at 8:49PM, 5-0.

18. Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 8:50PM.

Submitted by Alexandria Clower, City Clerk

City Council Action Item

Council Meeting Date: March 14, 2024

Department: Administration

Agenda Item: Consider Renewal of Corporate Insurance Policy for April 1, 2024 – March 31, 2025

Background/Description of Item:

Annually, the City of Edgerton considers the renewal of its corporate insurance policies. The corporate insurance policies include several coverages, such as Property, Crime (for employee theft), Inland Marine (contractor's equipment), General Liability, Public Officials Errors and Omissions, Employment Practices, Business Automobile, Pollution Liability (from the treatment plant) and Cyber Liability., etc.

The same methodology has been employed with regards to the coverage for this policy year as it has in past years. Staff determines which properties are to be insured in which manner (replacement cost, actual cash value (ACV), or self-insured). A comprehensive list was developed with those methods of coverage valuation and Council adopted those methods of replacement.

The property of the City can be insured in one of three ways: (1) at replacement cost, (2) actual cash value; or (3) self-insured.

Replacement Cost

- Assets insured at replacement cost are insured at a value that represents the cost to replace/rebuild including materials and labor with no deduction for depreciation.
- Council included assets at replacement cost when the cost to replace the asset is significant or when the need to replace the asset is immediate or is an emergency.
- To determine replacement cost, staff contacted contractors for pricing for assets in today's dollars, looked at prices recently paid by the City for similar items and researched the costs on the internet. For buildings, staff used a per square foot reconstruction cost researched on the internet and multiplied it by the square footage of City buildings as noted in the County Appraiser's records.

Actual Cash Value (ACV)

- Assets insured at ACV are insured at a value that represents the asset's current market value (replacement cost less depreciation).
- Council included assets at ACV when the City would not replace the asset or replace it in the same location or with the same type of asset.
- Staff determined the current value of an asset by depreciating the asset using the straight-line method of depreciation for assets that still have more than 25% of their useful life left. The straight-line depreciation method takes the cost of the asset less any value that might be left at the end of the asset's useful life and divides the result evenly over the useful life of the asset.
- For assets with less than 25% of their useful life left, staff researched the internet for a current value.

Self-Insure

- Assets that are self-insured are not included in the City's insurance policy. The cost to replace the asset will be paid in full by the City from reserves.
- Council included assets as self-insured when the cost to replace the asset is low or when the need to replace the asset isn't immediate or an emergency.

Attached is the coverage comparison between 2023-24 and 2024-25 from EMC Insurance.

The annual premium quote from EMC for the 2024-2025 coverage period is \$90,944.00, which is an increase of roughly \$3,000 from last year's coverage period. The only major change for 2024 came from the wind/hail deductible, which went from \$25,000 to \$50,000. While property values increased 7.3%, the property premium is lower than the expiring premium.

Included with the Insurance Proposal is a Coverage Comparison Summary and 2024 Property List.

The City's insurance agent Mr. Kevin O'Brien recommends renewing Property, Liability, Auto and Umbrella Coverage Insurance from EMC. Cyber Liability Insurance will remain with Evolve, and Pollution Liability Insurance will remain with Crum & Foster for this year's renewal.

Insurance premium cost comparison is below:

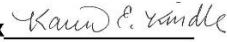
Insurance Type	2023-2024	2024-2025	Change
Property, Liability, Auto, Umbrella Coverage	\$87,985.00	\$90,944.00	\$2,959.00
Pollution Liability	\$5,855.44	\$5,901.90	\$46.46
Cyber Liability	\$5,040.30	\$6,386.00	\$1,345.70
Total Insurance Coverage Quote	\$98,880.74	\$103,231.90	\$4,351.16

The total 2024 budget allocated for insurance premiums is \$112,150.

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

Funding Source: Funding for property insurance premiums is provided for in the General Fund (Administration and Parks), Water Fund (Administration) and the Sewer Fund (Treatment Plant, Lift Stations and Administration).

Budget Allocated: \$112,150

x 

Finance Director Approval: Karen Kindle, Finance Director

<p>Recommendation: Purchase Corporate Insurance Policy from EMC Insurance for the Period of April 1, 2024 – March 31, 2025, for a Premium Amount Not to Exceed \$103,231.90</p>

Enclosed:

Insurance Proposal with Summary & Comparison provided by Kevin O'Brien of The Reilly Company

Prepared by: Kara Banks, Assistant to the City Administrator



City of Edgerton
404 E Nelson St
Edgerton, KS 66021

Policy Term:

April 1, 2024
to
April 1, 2025

Presented: March 14, 2024

ACCOUNT SERVICING TEAM

No matter how comprehensive or price competitive your insurance program is, it's still people who service it to ensure that the coverage will respond when it's needed. We feel our people are our greatest asset - courteous professionals who know that you expect and deserve the very best.

These are the people who will be handling your account:

KEVIN O'BRIEN	AGENT	kevin.obrien@reillyinsurance.com
KAREN LORE	ACCOUNT MANAGER	karen.lore@reillyinsurance.com
TAMMY WAGNER	CLAIMS/BONDS	tammy.wagner@reillyinsurance.com

The Reilly Company
Leavenworth Office: 608 Delaware, Leavenworth, KS 66048
Phone: 913-682-1234; FAX: 913-682-8136
Kansas City Office: 11225 College Blvd., Ste 210, Overland Park, KS
Phone: 913-708-8700; FAX: 913-708-8880

This presentation is designed to give you an overview of the insurance coverages we recommend for your company. It is intended only as a general understanding of your insurance needs and should not be construed as a legal interpretation of the insurance policies that will be written for you. Please refer to your specific insurance contracts for details on coverages, conditions and exclusions.

In evaluating your exposures to loss, we have been dependent upon information provided by you. If there are any other areas that need to be evaluated prior to binding of coverage, please bring these areas to our attention. Should any of your exposures change after coverage is bound, such as your beginning new operations, hiring employees in new states, buying additional property, etc., please let us know so proper coverage can be discussed.

COMMERCIAL PROPERTY COVERAGE

Named Insured: City of Edgerton
Company Name: EMC Insurance (rated **A** by A.M. Best)
Policy Term: April 1, 2024 to April 1, 2025

Causes of Loss: Special Form subject to policy exclusions
Deductible: \$5,000 for All Perils Except \$50,000 on Wind/Hail and 10% on Earthquake (per Occurrence); 72 Hours for Business Income
Valuation: Replacement Cost
Coinsurance: Waived by Agreed Value
Inflation Increase: 9% Enclosed Buildings; 5% All Other Structures & Contents

Blanket Limit of All Property Insured - \$22,360,491 – This is 90% of the Total Values on the Schedule Provided (copy attached)

Business Income/Extra Expense - \$1,000,000

Equipment Breakdown – Included

Earthquake - \$2,500,000

Key Exclusions:

Cyber Incidents

Cannabis

Virus or Bacteria

Limitation on Coverage for Roof Surfacing - Cosmetic Damage

Flood

Note: This year, EMC, like all other insurance companies offering property insurance, are increasing their wind/hail deductibles. Specifically, The City's wind/hail deductible is increasing from \$25,000 to \$50,000 per occurrence. An Optional Wind/Hail Deductible Buy-Down Coverage is provided under the Optional Coverage Page (see page 22 of the Proposal)

Description	Location	Building / Property in the Open Value	Contents Value
Community Center/City Hall	404 E. Nelson St	\$2,220,252	\$38,989
Traffic Lights and Street Signals	Throughout the City	\$2,581,648	\$0
Water Tanks & Telemetry Equipment (150,000 gallons)	818 W 8th St	\$501,275	\$0
Fence - Water Tower	818 W 8th St	\$4,679	\$0
Water Tanks & Telemetry Equipment (50,000 gallons)	408-410 1st St at E. Martin St Manor Park	\$417,730	\$0
Fence - Water Tower	408-410 1st St at E. Martin St Manor Park	\$3,342	\$0
Outdoor Warning Siren	408-410 1st St at E. Martin St Manor Park	\$28,962	\$0
Playground Equipment	408-410 1st St at E. Martin St Manor Park	\$48,089	\$0
Rubber Mulch	408-410 1st St at E. Martin St Manor Park	\$23,381	\$0
Shelter	408-410 1st St at E. Martin St Manor Park	\$31,770	\$0
Parks Maint Bldg	710 E. Nelson St	\$143,392	\$5,570
Public Works Building	710 E. Nelson St	\$419,041	\$38,989
Fence	710 E. Nelson St	\$311,905	\$0
Barn (Lean To w/Equipment) (80x40)	710 E. Nelson St	\$86,729	\$0
Salt Storage Barn (Quonset Hut) (65x30)	710 E. Nelson St	\$25,441	\$0
Edgerton Waste Water Lift Station (EWWLS)	710 E. Nelson St	\$816,522	\$0
EWWLS Fence	710 E. Nelson St	\$37,875	\$0
EWWLS Generator	710 E. Nelson St	\$35,646	\$0
Shelter House #1	501 E. 6th St Edgerton Lake Park	\$20,969	\$0
Shelter House #2	501 E. 6th St Edgerton Lake Park	\$31,770	\$0
Shelter House #3	501 E. 6th St Edgerton Lake Park	\$20,969	\$0
Concessions Building	20200 Sunflower Road Martin Creek Park	\$80,947	\$5,570
Poles/Lights (field 1)	20200 Sunflower Road Martin Creek Park	\$167,092	\$0
Poles/Lights (field 2)	20200 Sunflower Road Martin Creek Park	\$167,092	\$0
Poles/Lights (field 3)	20200 Sunflower Road Martin Creek Park	\$167,092	\$0
Shelter	20200 Sunflower Road Martin Creek Park	\$50,128	\$0
Tennis Court Lights	20200 Sunflower Road Martin Creek Park	\$167,092	\$0
Playground Equipment	20200 Sunflower Road Martin Creek Park	\$14,782	\$0

Baseball backstops (field #1 & #2)	20200 Sunflower Road Martin Creek Park	\$4,723	\$0
Baseball Fence (field #1 & #2)	20200 Sunflower Road Martin Creek Park	\$3,342	\$0
8th Street Sewer Lift Station	W. 7th & W. 8th St	\$525,000	\$0
Library (not on historic register)	319 E. Nelson St	\$1,003,065	\$0
Water Tower (200,000 gallons) (County Line)	20325 County Line Rd	\$668,367	\$0
Fence - Water Tower (County Line)	20325 County Line Rd	\$14,482	\$0
Baldwin Booster Pump Station	200 Road	\$155,952	\$0
Fence - Baldwin Booster Pump Station	200 Road	\$10,416	\$0
Edgerton Community Museum	406 E. Nelson St	\$127,202	\$0
Skate Park	310 W. Edgewood Dr Glendell Acres Park	\$5,641	\$0
IMF Lift Station	32882 W. 191st St	\$525,000	\$0
IMF Lift Station - Fence	32882 W. 191st St	\$4,925	\$0
IMF Lift Station - Generator	32882 W. 191st St	\$25,621	\$0
Outdoor Warning Siren-IMF Lift Station	32882 W. 191st St	\$28,962	\$0
Big Bull Creek WWTP	20600 Homestead	\$6,662,772	\$0
Big Bull Creek WWTP - Solids Bldg	20600 Homestead	\$1,734,572	\$0
Big Bull Creek WWTP - Admin Bldg	20600 Homestead	\$988,706	\$0
Big Bull Creek WWTP - Headworks Bldg	20600 Homestead	\$612,882	\$27,849
Big Bull Creek WWTP - Fence/Gate	20600 Homestead	\$59,039	\$0
Big Bull Creek WWTP - Generator	20600 Homestead	\$133,673	\$0
Outdoor Warning Siren - Braun St.	1100 W. Braun St	\$28,962	\$0
Water Control Vault w/Telemetry Equipment-US 56	100 W. 8th Street	\$5,013	\$0
Water Control Vault w/Telemetry Equipment-207th Street	900 W. Braun	\$3,342	\$0
Government Offices	312B E. Nelson St	\$0	\$16,710
Essex Waste Water Lift Station	19129 Essex St	\$835,459	\$0
Essex Waste Water Lift Station - Generator	19129 Essex St	\$111,395	\$0
Essex Waste Water Lift Station - Fence	19129 Essex St	\$14,203	\$0
Big Industrial Waste Water Lift Station	18517 Waverly Rd	\$525,000	\$0
Big Industrial Waste Water Lift Station - Generator	18517 Waverly Rd	\$25,621	\$0
Big Industrial Waste Water Lift Station - Fence	18517 Waverly Rd	\$13,758	\$0

BBCLS	32500 W 207th St	\$525,000	\$0
BBCLS Generator	32500 W 207th St	\$24,875	\$0
BBCLS Fencing	32500 W 207th St	\$13,357	\$0
Spoon Creek Booster Pump Station	20690 Spoon Creek	\$300,765	\$0
Spoon Creek Booster Pump Station - Fence	20690 Spoon Creek	\$3,509	\$0
Government offices	414 E. 4th Street	\$316,100	\$45,000
Total Insured Values		\$24,666,313	\$178,677
Inflation Increase: 9% Enclosed Buildings; 5% All Other Structures & Contents		\$24,844,990 x 90% = \$22,360,491	

EQUIPMENT COVERAGE

Named Insured: City of Edgerton
Company Name: EMC Insurance (rated **A** by A.M. Best)
Policy Term: April 1, 2024 to April 1, 2025

Causes of Loss: Special Form subject to policy exclusions
Deductible: \$1,000
Valuation: Actual Cash Value
Coinsurance: 80%

<u>Limits</u>	<u>Coverage Description</u>
\$882,074	Scheduled Equipment – As Per Schedule Provided (copy attached)
\$ 20,000	Unscheduled Owned Equipment (\$2,500 Per Item)
\$ 75,000	Unscheduled Equipment Owned by Others (Leased/Rented)
\$ 5,000	Rental Costs Reimbursement (72 Hours Waiting Period)
\$224,000	Electronic Data Processing – Hardware
\$ 50,000	Electronic Data Processing - Media

Contractors Equipment Form Includes Coverage for Earthquake and Flood
Data Processing Form Includes Coverage for Earthquake and Sewer Back-Up, but not Flood

Key Exclusions:

Virus or Bacteria
Cannabis

Year	Manufacturer	Model	Description	Serial #	Value
2017	Kubota	RTVX1100	Utility Vehicle	A5KC2GDBAHG034584	13,772
2017	Caterpillar	PNG0729	12M3 AWD Motor Grader	CAT0112MHN9B00409	265,963
2020	Caterpillar	212-6231	Motor Grader Scarifier	8AW02416	3,428
2018	Volvo	DD25B	Roller	VCE0D25BF0H661034	35,029
2017	Kubota	SSV75PHFRC	Skid Loader w/ Cab, Pilot Controls, Hydraulic Coupler	JKUS0751K00J23116	39,742
2017	Kubota	AP-HD74	Skid Steer Tooth Bucket	1031804K	incl w/Skid Loader
2017	Kubota	AP-HD74	Skid Steer Smooth Bucket	1011803K	incl w/Skid Loader
2018	Coneqtec Universal	AP450HD	Mill Head	C13117	9,332
2019	Kubota	AP-HB74-16	Box Broom Attachment - Skid Loader	1072694K	4,882
2017	John Deere	50G	Compact Excavator	1FF050GXPGH284368	51,550
2016	John Deere	AT439374	12" Bucket	2067093	Incl w/ 50G
2016	John Deere	AT316565	36" (Smooth) Bucket	2045041	Incl w/ 50G
2016	John Deere	AT316562G	18" Bucket	2380913	Incl w/ 50G
2018	Mahindra	2555HTS Cab	Tractor Product #25554CHIL	55HCK00859	35,957
2018	Mahindra	2555	Loader & Bucket	55CL K00383	Incl w/tractor
2018	Mahindra	20KPL3PT72-M	Aerator	K13361-1	Incl w/tractor
2018	KOD	KBSHD6	Heavy Duty 6' Box Blade	245749	Incl w/tractor
1998	Case Uniloader	1840		JAF0248235	8,500
2020	Caterpillar	926M	W/ 3yd Bucket - 360-3323	D8T628932J308897	156,879
2020	Dymax	Grapple Bucket	With 2020 CAT - Model DX-BK-GL-3	170430	21,810
2020	Caterpillar	Fork Attachment	With 2020 CAT	532-8222	3,505
2020	Seal Master	Crack Pro 125	Crack Seal Machine	1S9P1151XL0420511	57,804
2021	American Equipment Co	WXL-16	Dump Bed / Hydraulics / Electrical		Incl w/Truck
2021	American Equipment Co	VariTech	Anti Ice Unit AI1620-HCL-3NBPDN	14180	16,674
2011	Simplicity	17 HP Pacer	Walk Behind Mower		1,819

2018	Wright Stander	WSZK61s61E8E-49s	61" Zero Turning Mower	107296EF	5,607
2015	Bad Boy	Outlaw	61' Zero Turn Mower	BB0612T74002151006	5,517
2017	Graptect	FC8600-130	54' Cutting Plotter		3,771
2017	HSRA	HSRA-48	Squeese Roller	1708-3771	1,143
2017	Kubota	V5289	72' Comm'l Plow Blade for UTV	21615504	2,639
2017	Boss	STB19200 - EXT	8'-10' Plow w/ Rubber deflector	401250953	3,480
2017	Boss	STB19200 - EXT	8'-10' Plow w/ Rubber deflector	401250652	3,480
2014	Caterpillar	230-7098	V-Plow for Cat Motor Grader	7YW03939	19,200
2017	ARM	SPX-10	10 ft Plow	7796	3,000
2017	Western	MVP - 76980		1702211-0090376980	2,850
2019	Meyer	Lot Pro	9 ft Lot Pro	oo251809403	3,651
2021	American Equipment Co	Henke 36R12IS-ECT	12 ft Plow	32232	12,000
2015	Cub Cadet	31DH975W710	Snow Blower	16174B10153	1,707
2016	Cornwell		Apprentice Tool Set	n/a	4,200
2016	Rotory	SM014	Vehicle Lift	FA7147	9,450
2021	Wacker Neuson	ABCe	Concrete Vibrator w/ Battery		2,857
2021	ABI	Rascal Pro	Infield Groomer 10-99077	A-112037	5,800
2021	Cyclone Rake	Z-10	Leaf Vacuum	1L23V0013F121032455 61575	3,600
2017	Buyers	BU-1400601SS	8' Electric Stainless Steel Spreader	4780	2,550
2017	ARM	UTC	Tail Gate Spreader		1,500
2021	American Equipment Co	AC-2400-16	Spreader AC-2400-13	SC20815	16,000
2022	John Deere	970R Z Track	60 in commercial mower	1TC970RCCNT100425	12,425
2022	John Deere	970R Z Track	72 in commercial mower	1TC970RDANT101299	12,687
2020	Motorola		(4) Portable Radios \$2,795 ea		11,180
2022	Motorola		(2) Portable Radios \$2,567 ea		5,134
Total Values					
					\$882,074

COMMERCIAL CRIME COVERAGE

Named Insured: City of Edgerton
Company Name: EMC Insurance (rated **A** by A.M. Best)
Policy Term: April 1, 2024 to April 1, 2025

<u>Limits</u>	<u>Deductible</u>	<u>Coverage Description</u>
\$200,000	\$4,000	Employee Dishonesty
\$ 25,000	\$1,000	Forgery and Alteration
\$ 25,000	\$1,000	Theft Disappearance & Destruction-Inside Premises
\$ 25,000	\$1,000	Theft Disappearance & Destruction-Outside Premises
\$ 25,000	\$1,000	Computer and Funds Transfer Fraud
\$ 25,000	\$1,000	Robbery or Safe Burglary Inside/Outside Premises

COMMERCIAL GENERAL LIABILITY COVERAGE

Named Insured: City of Edgerton
 Company Name: EMC Insurance (rated **A** by A.M. Best)
 Policy Term: April 1, 2024 to April 1, 2025

Coverage Written On: ☒ Occurrence Form
 Deductible: \$500 for Property Damage per Claim

<u>Limits</u>	<u>Coverage Description</u>
\$1,000,000	Each Occurrence - Bodily Injury and Property Damage
\$2,000,000	General Aggregate
\$2,000,000	Products and Completed Operations Aggregate
\$1,000,000	Personal and Advertising Injury
\$ 500,000	Fire Damage (any one fire)
\$ 10,000	Medical Expense
\$1,000,000	Employee Benefits Liability/Each Employee / \$1,000 deductible
\$2,000,000	Employee Benefits Liability Aggregate Limit / 4/1/2000 Retro
\$1,000,000	Abuse or Molestation Each Offense
\$2,000,000	Abuse or Molestation Aggregate Limit
Includes:	Premises and Operations Products and Completed Operations Owners and Contractors Liability Employees as Additional Insureds Incidental Malpractice Non-Owned Aircraft Non-Owned Watercraft Liability under 60 ft Government Subdivisions Pesticide/Herbicide Applicator Coverage – Weed Control and Mosquito Fogging Workplace Violence Expenses-\$25,000 per person/\$100,000 agg **Additional Insured; Primary and Non-Contributory **Waiver of Subrogation

****When required by written contract.**

COMMERCIAL GENERAL LIABILITY COVERAGE (CONTINUED)

(S) GROSS SALES - PER \$1,000/SALES (A) AREA - PER 1,000/SQ. FT. (M) ADMISSIONS - PER 1,000/ADM
(P) PAYROLL - PER \$1,000 PAY (C) TOTAL COST - PER \$1,000/COST (U) UNIT - PER UNIT (E) Each
(O) Other

Exposure/Classification	State	Premium Basis
Dam, Levee or Dike – Existence Hazard Only	KS	1 E
Water Companies	KS	\$91,255 P
Town Liability Incl Work Subcontracted to Others	KS	1,741 O
Parades	KS	If Any
Skateboard/In-Line Skating	KS	1 E
Special Events – Kickoff Summer Block Party / 3 rd of July Picnic **	KS	2 E
Fireworks Exhibitions – Sponsor Risk Only	KS	1 E

** Need the specific dates for 2024

*General Liability Subject to Annual Audit

Key Exclusions:

Medical Payments (goodwill coverage) Applicable to Skate Park
Punitive Damages Acts of Terrorism
Silica, Asbestos, Lead, Fungi or Bacteria, Nuclear Energy Liability
Employment Related Practices (but included in Linebacker coverage)
Failure to Supply
Injury to Volunteer Firefighters
Communicable Disease
Services by Healthcare Providers
Perfluoroalkyl/Polyfluoroalkyl
Cyber Incidents
Communicable Disease

PUBLIC ENTITY MANAGEMENT LIABILITY AND EMPLOYMENT PRACTICES LIABILITY AKA LINEBACKER COVERAGE

Named Insured: City of Edgerton
Company Name: EMC Insurance (rated **A** by A.M. Best)
Policy Term: April 1, 2024 to April 1, 2025

Coverage Written On: Claims-Made Form
Retroactive Date: 4/1/2004

<u>Limits</u>	<u>Coverage Description / Features</u>
\$1,000,000	Each Wrongful Act
\$2,000,000	Aggregate for Each Policy Term
\$ 2,000	Deductible Each Claim

Linebacker public officials' errors and omissions (E&O) and employment practices liability covers defense and judgements protecting:

- The organization named in the declarations
- The organization's past, present and future employees, volunteers and lawfully elected or appointed officials
- Lawfully appointed members of the commissions, boards or other units operated under the organization's jurisdiction and within an allocation of the organization's operating budget
- The estates, heirs or legal representatives of deceased persons who were policyholders
- Policyholders serving on boards of other tax-exempt entities at the direction of the insured organization

Public Officials Wrongful Acts

- Acts, omissions, neglect or breach of duty by a policyholder in the discharge of organizational duties including actual or alleged errors, misstatements or misleading statements

Employment Wrongful Acts The following actual or alleged practices directed against your clients' employees, leased workers, temporary employees, former employees and applicants for employment for which remedy is sought under any federal, state or local statutory or common civil employment law:

- Employment-related misrepresentation
- Harassment, coercion, discrimination or humiliation as a consequence of race, color, creed, national origin, marital status, gender, age, pregnancy, sexual orientation (where applicable) and more
- Oral or written publication of material that slanders, defames or libels an employee or invades right of privacy

LINEBACKER COVERAGE (CONTINUED)

- Wrongful demotion, negligent evaluation, negligent reassignment or wrongful discipline
- Wrongful failure to promote or deprivation of career opportunity
- Wrongful refusal to employ
- Wrongful termination of employment including retaliatory or constructive discharge

Note: Refer to policy and forms for all terms, conditions and exclusions.

COMMERCIAL AUTOMOBILE COVERAGE

Named Insured: City of Edgerton
 Company Name: EMC Insurance (rated **A** by A.M. Best)
 Policy Term: April 1, 2024 to April 1, 2025

Limits

\$1,000,000
 \$1,000,000

Coverage Description

Combined Single Limit - Bodily Injury and Property Damage
 Uninsured/Underinsured Motorists

Physical Damage Coverage (see attached automobile schedule)

Includes: ☒ Non-Owned Auto Liability
 ☒ Hired Auto Liability
 ☒ Hired Car Physical Damage – Included, no limit

Automatic Coverages:

Temporary Substitute Auto Physical Damage	
Employee Hired Autos	
Kansas Tort Liability	\$500,000
Temporary Transportation Expenses	\$75 day/\$2,500 maximum
Rental Reimbursement (not theft)	\$75 day/30 days/\$2,250 maximum
Towing	\$100 private passenger/\$500 all other
Property of Others	\$500
Lockout/Key Expense	\$250 private passenger
Glass Repair – Deductible waiver	If repaired or replaced
Loan/Lease Coverage	Included; \$500 max for fees or penalties
Blanket Additional Insured	When Required by Contract

COMMERCIAL AUTOMOBILE COVERAGE (CONTINUED)

Commercial Automobile Schedule

Veh #	Year	Vehicle Make Vehicle Model Serial Number	Liab	Med Pay/KS PIP	UM/UIM	Comp Deductible	Collision Deductible
1	2015	Ford F250 1FT7W2B68FEA88530	x	x	x	\$1,000	\$1,000
2	2015	Ford F350 1FTRF3B61FEA88528	x	x	x	\$1,000	\$1,000
3	2015	Ford F150 1FTEX1EPXFKD30819	x	x	x	\$1,000	\$1,000
4	2015	Ford F150 1FTEX1EP9FKE51454	x	x	x	\$1,000	\$1,000
5	2016	Isuzu Elgin Broom Badger Street Sweeper JALE5W160G7303812	x	x	x	\$3,000	\$3,000
6	2017	Ford F350 w/plow 1FT8W3B60HEE05312	x	x	x	\$1,000	\$1,000
7	2017	Mack Granite GU 432 1M2AX34C2HM010728	x	x	x	\$3,000	\$3,000
8	2018	Lamar Utility Trailer 5RVUC12XJP056353	x	x		\$1,000	\$1,000
9	2022	Trailer with Sewer Jetter mounted 1S9S22123ND381543	x	x		\$1,000	\$1,000
10	2018	Diamond C Flatbed Trailer 46UFU2426J1195966	x	x		\$1,000	\$1,000
11	2018	Diamond C Road Clipper Trailer 46UFU2423J1203361	x	x		\$1,000	\$1,000
12	1987	Starlight Utility Trailer 1HWFS162541	x	x		\$1,000	\$1,000
13	2019	Ford F350 w/ plow 1FD8W3H64KED68646	x	x	x	\$1,000	\$1,000
14	2019	Ford F350 w/ 9ft Utility Bed + Crane 1FD8W3H64KED68647	x	x	x	\$1,000	\$1,000
15	2021	Ford F350 1FT8X3B60MEC70520	x	x	x	\$1,000	\$1,000
16	2022	Mack Granite FR 1M2GR3GC3NM025427	x	x	x	\$3,000	\$3,000
17	2022	Wanco Trailer 5F12S1013N10005078	x	x		\$1,000	\$1,000
18	2022	Wanco Trailer 5F12S1013N10005079	x	x		\$1,000	\$1,000
19	2023	Ram 1500 1C6SRFGT5PN609526	x	x	x	\$1,000	\$1,000

Note: The 2022 Jetter trailer is valued at \$94,840

EXCESS LIABILITY COVERAGE

Named Insured: City of Edgerton
 Company Name: EMC Insurance (rated **A** by A.M. Best)
 Policy Term: April 1, 2024 to April 1, 2025

<u>Limits</u>	<u>Coverage Description</u>
\$4,000,000	Each Occurrence
\$4,000,000	Annual Aggregate
\$ 10,000	Retention

Underlying Insurance Information:

Auto Liability	\$1,000,000	Combined Single Limit
General Liability	\$1,000,000	Each Occurrence
	\$2,000,000	General Aggregate
	\$2,000,000	Products Aggregate
	\$1,000,000	Personal Injury
Employee Benefits Liability	\$1,000,000	Each Claim
	\$2,000,000	Aggregate
Public Entity Management Liability	\$1,000,000	Each Loss
& Employment Practices Liability	\$2,000,000	Aggregate

Exclusions:

Failure to Supply
 Lead
 Fungi or Bacteria
 Nuclear Energy Liability
 Communicable Disease
 Punitive Damages Acts of Terrorism
 Unmanned Aircraft
 Silica
 Cannabis
 Violent Event Response
 Emergency Vehicles-Volunteer Firefighter
 Cyber Incidents
 Asbestos

CYBER COVERAGE

Named Insured: City of Edgerton
 Company Name: Evolve - Certain Underwriters at Lloyds of London (rated **A** by A.M. Best)
 Policy Term: April 1, 2024 to April 1, 2025

 Retroactive Date: Full Prior Acts
 Waiting Period: 6 Hours
 Deductible: \$5,000 (unless shown differently below)

Limits

\$1,000,000
 \$ 250,000
 \$ 50,000
 \$ 250,000
 \$ 250,000
 \$ 250,000
 \$ 250,000
 \$ 250,000

Insuring Agreement A – Cyber Crime

Extortion
 Social Engineering
 Invoice Manipulation
 Electronic Theft of Third Party Funds
 Executive Financial Loss
 Telephone Fraud
 Service Fraud
 Business Identity Fraud

Limits

\$1,000,000
 \$1,000,000
 \$1,000,000
 \$1,000,000
 \$1,000,000
 \$1,000,000
 \$ 50,000

Insuring Agreement B – Breach Response

24/7 Hotline and Breach Coach (\$0 Deductible)
 Legal Breach Advice Costs
 Forensic Costs
 Notification and ID Monitoring Costs
 Public Relations and Crisis Management Costs
 Third Party Privacy Notification and ID Monitoring Costs
 Information Security Assessment Costs (\$0 Deductible)

Limits

\$1,000,000
 \$1,000,000
 \$ 100,000
 \$1,000,000
 \$1,000,000
 \$ 25,000
 \$1,000,000

Insuring Agreement C – System Restoration Costs and Business Interruption Loss

System Restoration
 Business Income Loss and Extra Expense
 Additional Extra Expense
 Contingent Business Income Loss
 Reputational Loss
 Forensic Accounting Costs (\$0 Deductible)
 Bricking

Limits

\$1,000,000
 \$1,000,000
 \$1,000,000
 \$1,000,000

Insuring Agreement D – Cyber Liability

Network Security Liability
 Privacy Liability
 Regulatory Penalties
 Payment Card Industry Liability

CYBER COVERAGE (CONTINUED)

Limits

\$1,000,000

\$1,000,000

\$ 100,000

\$ 50,000

\$ 250,000

\$ 50,000

Additional Coverages

Media Wrongful Acts

Intellectual Property Infringement Wrongful Acts

Attendance Expenses (\$0 Deductible)

Criminal Reward Expenses

Contingent Bodily Injury Expenses

HIPAA Corrective Action Plan Expenses

POLLUTION LIABILITY COVERAGE

Named Insured: City of Edgerton
Company Name: Crum & Forster Specialty Insurance Co (rated **A** by A.M. Best)
Policy Term: April 1, 2024 to April 1, 2025

Coverage: Claims Made
Retro Date: 04/01/2016

<u>Limits</u>	<u>Deductible</u>	<u>Coverage Description</u>
\$2,000,000		General Aggregate
\$1,000,000	\$5,000	Third Party Pollution Each Condition
\$1,000,000	\$5,000	Onsite Cleanup Each Pollution Condition

Additional Coverages / Exclusions:

Non-Owned Disposal Site Liability - \$1,000,000/\$2,000,000
Covered Locations Endorsement – 20590 Homestead Lane, Edgerton, KS 66021
Primary and Non-Contributory Additional Insured with Waiver of Subrogation*
Exclusion – Communicable Disease
Exclusion – Glyphosate
Exclusion – PFAS
Exclusion – Cyber Security

*Blanket when specifically required by written contract with named insured

PREMIUM SUMMARY

DESCRIPTION OF COVERAGE	2023/24 PREMIUM	2024/25 PREMIUM
Commercial Property + Crime	\$50,475.00	\$50,113.00
Commercial Inland Marine	\$ 7,075.00	\$ 7,774.00
Commercial General Liability	\$ 9,616.00	\$ 10,573.00
Public Entity Management Liability	\$ 4,320.00	\$ 4,799.00
Public Entity Employment Related Practices Liability	Included	Included
Commercial Auto	\$10,286.00	\$10,927.00
Excess Liability	\$ 6,213.00	\$ 6,758.00
Cyber Liability	\$ 5,040.30	\$ 6,386.00
Pollution Liability	\$ 5,855.44	\$ 5,901.90
Total Estimated Premium	\$98,880.74	\$103,231.90

Payment Plans:

All Coverages except Pollution and Cyber – EMC - Direct Bill – Full Pay

Pollution – Crum & Forster - Agency Bill – Full Pay

Cyber – Lloyds of London - Agency Bill – Full Pay

OPTIONAL COVERAGE

Wind/Hail Deductible Buy Down from \$50,000 (EMC Deductible) to \$25,000 per Occurrence

Policy Coverage Applies to the Following Locations:

Description	Location	Building Value	Contents Value
Big Bull Creek WWTP - Admin Bldg	20600 Homestead	\$988,706	\$0
Big Bull Creek WWTP - Headworks Bldg	20600 Homestead	\$612,882	\$27,849
Community Center/City Hall	404 E. Nelson St	\$2,220,252	\$38,989
Library (not on historic register)	319 E. Nelson St	\$1,003,065	\$0
Concessions Building – Martin Creek Park	20200 Sunflower Road	\$80,947	\$5,570
Edgerton Community Museum	406 E. Nelson St	\$127,202	\$0
Parks Maint Bldg	710 E. Nelson St	\$143,392	\$5,570
Public Works Building	710 E. Nelson St	\$419,041	\$38,989
Government offices	414 E. 4th Street	\$316,100	\$45,000

Total Insured Values - \$6,073,554

Total Annual Premium: \$4,714.00

City Council Action Item

Council Meeting Date: March 14, 2024

Department: Public Works

Agenda Item: Consider an Agreement with BG Consultants, Inc. to Provide Construction Inspection Services For The Glendell Acres Park Renovation Project.

Background/Description of Item:

On May 27, 2021 City Council approved the agreement with SWT Design for design services for the renovation of Glendell Acres Park. City Council approved Amendment #1 for a 3rd party company to complete potholing as required by KPC Pipeline and Amendment #2 for gas line and Skatespot coordination as well as electrical service to the pavilion.

On February 22, 2024 City Council approved the award for the Glendell Acres Park Renovation project. On February 22, 2024 City Council approved the construction award to CM Concrete, Inc. for the Glendell Acres Park Renovation project. Construction is anticipated to take 6 to 7 months.

As the City Engineer, BG Consultants, Inc. has been involved in aspects of the Glendell Acres Renovation Project throughout design and pre-construction. BG Consultants has performed the construction inspection services for multiple projects in the past few years with a high level of satisfaction and attention to detail.

City Staff recommends utilizing our on-call agreement with BG Consultants for Construction Inspection services of the construction associated with the Glendell Acres Park Renovation Project. Selection of BG Consultants will expedite the start date for the project. City Staff and BG Consultants will utilize the same agreement for services as previously agreed upon for other City projects as the City Engineer. The Agreement provides a scope of work to include such services as performing inspections, notification of the City of any significant issues/changes to the plans, providing detailed reports of construction activity, reviewing testing reports and pay estimates, etc. The Agreement also includes an hourly rate schedule applicable for the term of the Agreement. The City is only billed for actual hours of work performed. As with prior projects, BG Consultants provided an estimate for the project (\$10,000), staff will work with BG Consultants to best prioritize the use of their services to limit the project budget.

The Glendell Acres Renovation total project budget is \$740,867 and revised to \$1,140,867 on February 22, 2024. The maximum not to exceed lump sum provided by BG Consultants is \$10,000 and within the budgeted amount.

The Agreement is the City's standard agreement approved by City Attorney.

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

Funding Source: Park Impact Fee, General Fund

Budget Allocated: \$1,140,867

Finance Director Approval:

x Karen E. Kindle

Karen Kindle, Finance Director

Agenda Item: Approve an Agreement with BG Consultants, Inc. to Provide Construction Inspection Services For The Glendell Acres Park Renovation Project for a Maximum Not to Exceed Sum of \$10,000.

Enclosed: Work Order with BG Consultants, Inc. for Inspection Services

Prepared by: Holly Robertson, PE, CIP Project Manager



WORK ORDER CONSULTANT-CLIENT

THIS WORK ORDER made and entered into by and between BG CONSULTANTS, INC., party of the first part, (hereinafter called the CONSULTANT), and THE CITY OF EDGERTON, KANSAS, party of the second part, (hereinafter called the CLIENT).

WITNESSETH:

WHEREAS, the CLIENT and CONSULTANT have entered into an Agreement for “On-Call” Engineering Services; and

WHEREAS, the CLIENT wishes to engage the CONSULTANT to provide Services under the terms and conditions of said Agreement for the following improvement:

Construction Administration and Observation Services for Glendell Acres

Park Improvements, Edgerton, Kansas

IT IS AGREED by and between the two parties aforesaid as follows:

SECTION 1 – SCOPE OF SERVICES

I. PROJECT LOCATION AND DESCRIPTION

- a. Provide professional services described as follows: Provide construction administration and observation services for the construction of the Glendell Acres Park Improvements in Edgerton, Kansas.

II. INFORMATION GATHERING

- a. Meet with Edgerton staff to determine specific project needs and general project desires of the CLIENT. Receive and review available information, reports and plans.

III. CONSTRUCTION OBSERVATION

- a. Perform part-time construction observation of the Project. This work order provides for up to 65 hours of Senior Construction Observer time.
- b. Keep CLIENT informed of significant issues, problems, or changes to the plans during construction.
- c. Provide daily reports of construction activity, review testing reports, calculate quantities and review pay requests, provide technical support in the field to City Staff, serve as the conduit for communication between the Contractor and the CLIENT, make recommendation on disposition of questionable product and attend progress meetings with the project team.
- d. Complete and submit paperwork and documentation during the project and final paperwork and documentation to complete the project.

- e. At completion of project, provide documented construction plan changes to the Design Architect so they can provide record drawings to CLIENT for their permanent records.

SECTION 2 – COST AND SCHEDULE

FEE:

The CLIENT agrees to pay the CONSULTANT a fee based on the actual hours expended on the Project at the rates indicated in the attached Fee Schedule; Exhibit 1 and the actual reimbursable expenses permitted under this Agreement and incurred on the Project, but not to exceed a maximum fee of **\$10,000.00**. This fee is based on the scope of services outlined in Section 1 of this Work Order and shall be completed on or before **December 31, 2024**.

SCHEDULE:

Provide construction observation services on days and times to observe and document work being performed by the contractor.

SECTION 3 – SPECIAL PROVISIONS

None.


IN WITNESS WHEREOF, the parties have executed this Work Order this _____ day of _____, 2024.

CONSULTANT:

CLIENT:

BG Consultants, Inc.

City of Edgerton, Kansas

By: 
Printed Name: David J. Hamby, P.E., CFM
Title: Vice President

By: _____
Printed Name: _____
Title: _____

END OF CONSULTANT-CLIENT WORK ORDER

EXHIBIT 1 **SPECIAL PROVISIONS**

2024 BG CONSULTANTS STANDARD HOURLY RATES		
POSITION		STANDARD PER HOUR 2024
PRINCIPAL III		\$308.00
PRINCIPAL II		\$267.00
PRINCIPAL I		\$256.00
ENGINEER/ARCHITECT V		\$240.00
ENGINEER/ARCHITECT IV		\$201.00
ENGINEER/ARCHITECT III		\$186.00
ENGINEER/ARCHITECT II		\$176.00
ENGINEER/ARCHITECT I		\$159.00
INTERN ENGINEER/GRADUATE ARCHITECT IV		\$181.00
INTERN ENGINEER/GRADUATE ARCHITECT III		\$168.00
INTERN ENGINEER/GRADUATE ARCHITECT II		\$158.00
INTERN ENGINEER/GRADUATE ARCHITECT I		\$136.00
TECHNICIAN IV		\$156.00
TECHNICIAN III		\$141.00
TECHNICIAN II		\$122.00
TECHNICIAN I		\$110.00
TECHNICIAN		\$88.00
SENIOR CONSTRUCTION OBSERVER		\$153.00
CERTIFIED CONSTRUCTION OBSERVER		\$127.00
CONSTRUCTION OBSERVER		\$111.00
SENIOR PROJECT SURVEYOR		\$200.00
PROJECT SURVEYOR		\$197.00
ASSISTANT PROJECT SURVEYOR		\$131.00
FIELD SUPERVISOR		\$122.00
FIELD SURVEYOR II		\$99.00
FIELD SURVEYOR I		\$86.00
CLERICAL II		\$82.00
CLERICAL I		\$66.00
Note: 1) The hourly rates shown above are effective for services through December 31st of the contract year and are subject to revision annually.		
2) For any Federal Wage and Hour Law non exempt personnel, overtime will be billed at 1.5 times the hourly labor billing rates shown.		
3) Expert Witness and Depositions will be charged at 1.5 times the hourly labor billing rates shown.		

City Council Action Item

Council Meeting Date: March 14, 2024

Department: Community Development

Agenda Item: Consider Resolution 03-14-24A Providing For A Hearing To Discuss A Possible Dangerous and Unsafe Building Existing At 312 E. 5th Street In The City Of Edgerton, Johnson County, Kansas Pursuant to City of Edgerton Municipal Code, Chapter IV, Article 4, Section 4-405.

Background/Description of Item:

On January 23rd, 2024, the City Building Inspector conducted an inspection of the property at 312 E. 5th Street in response to unpermitted work completed on the water meter at the subject property. The result of this inspection is provided in the inspection report included as Exhibit A.

The Edgerton Municipal Code provides that when it appears to the Public Officer (Building Inspector) that a structure is dangerous, unsafe or unfit for human habitation, they may report such findings to the Governing Body (Municipal Code, Chapter IV, Article 4, Section 4-405). Upon receipt of this report, and pursuant to Municipal Code, Chapter IV, Article 4, Section 4-401, should the Governing Body of the City of Edgerton find a structure unfit for human use or habitation because of dilapidation, defects, unsanitary conditions, or conditions which provide a general blight upon the neighborhood or surrounding properties, the Governing Body may fix a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.

Resolution 03-14-24A has been prepared pursuant to Section 4-405 of the Edgerton Municipal Code to set the date and time for such a hearing. This resolution must be published once each week for two consecutive weeks, and 30 days must elapse between the last publication and the date set for the hearing. Publication of this resolution will occur on March 27, 2024 and April 3, 2024, with a public hearing set for 36 days later on Thursday, May 9, 2024 at 7:00 PM, should this resolution be adopted.

Related Ordinance(s) or Statute(s): Municipal Code Chapter IV, Article 4; KSA 12-1752

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Resolution 03-14-24A Providing For A Hearing To Discuss A Possible Dangerous and Unsafe Building Existing At 312 E. 5th Street In The City Of Edgerton, Johnson County, Kansas Pursuant to City of Edgerton Municipal Code, Chapter IV, Article 4, Section 4-405.

Prepared by: Zachary Moore, Development Services Director

Enclosed:

Exhibit A - Building Official's Request for Condemnation/Inspection Report

Exhibit B - Resolution Requesting Public Hearing

EXHIBIT A
BUILDING OFFICIALS REQUEST FOR
CONDEMNATION/INSPECTION REPORT



Building Official's Request for Condemnation

The City of Edgerton Community Development Department has determined that the following structure is dangerous and unsafe as defined by the Municipal Code and Kansas Statutes Annotated.

Request By: Jim Brown, CBO, LEED Green Associate

Date: 03/11/2024

Address: 312 E 5th Street

KS Uniform Parcel #: 0462030701013008000

City of Edgerton, Kansas.

Legal Description: CITY OF EDGERTON (MARTIN) LTS 22 THRU 24 BLK 21 EDC 352

Occupancy Status: Vacant

Building Description: Residential building

Zoning: R-1

Appraised value of the structure: \$163,000 (Per Johnson Co. Appraiser's office as of March 6, 2024)

Taxes and other assessments owed: Taxes are current. Not aware of other assessments at this time.

Background:

The structure at 312 E 5th Street is a 1,214 square foot single family structure constructed in 1920. The property is currently zoned R-1 (Single Family Residence District).

Previous owner: Darren Seute

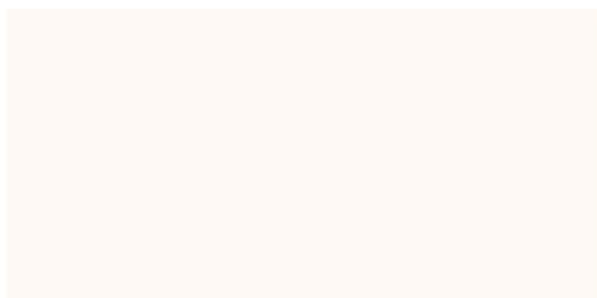
Current Owner: Lakeview Loan Servicing LLC

4425 Ponce De Leon Blvd. #MS 5-252

Coral Gables, FL 33146

On January 23, 2024, in response to complaints received involving an unauthorized water service at 312 E 5th Street an investigation was carried out. Staff met with the occupant on-site to discuss the complaint and unauthorized water service. During this inspection, several other significant violations were also observed and documented as noted in the inspection report (attached).

In response to additional complaints staff performed a follow-up inspection on March 6, 2024.



DANGEROUS STRUCTURES INSPECTION

Municipal Code Chapter IV, Article 4

Following an inspection of the subject property at 312 E. 5th Street, the City Building Inspector found the following:

1. The means of egress at the lower level has been eliminated due to the removal of the existing door and replacement thereof with various sizes of plywood.
2. The lower-level stairway is in disrepair and unsafe.
3. The structural foundation elements of the southeast enclosed porch area is in extreme disrepair with no means of egress or access to the exterior door. The lack of stability is instrumental to the structure becoming detached or dislodged.
4. The structure shows evidence of extreme dilapidation and deterioration. Evidence of faulty construction is apparent at the southeast enclosed porch area. The foundation, (rubble stone masonry) as observed in the basement area from the exterior doorway shows evidence of partial to major collapse with large sections of the foundation wall crumbling away. The structural support columns for the first-floor beams have dislodged and fallen into the 2.5 to 3 feet of standing water in the basement area.
5. Due to the violations observed and noted in item 4 clearly demonstrates the building is unsafe for its intended use and occupancy.
6. The building is now vacant, leading to its enticement as an attractive nuisance. The access to the lower level remains unsecured (no door, only makeshift plywood) which may contribute to harboring of vagrants and other unauthorized persons.
7. In addition to the violations noted on the principal dwelling, there were also reports of individuals residing in an unauthorized and damaged recreational vehicle (RV Trailer) and a makeshift dilapidated container located on the property.
8. An unauthorized material was installed from the meter to the water service connection located in the basement area. This unauthorized and illegal work was performed to provide some water service to the residence after the main water line froze and broke. The Public Works Department has since abated the illegal service line and issued the applicable citation for the violation.
9. There is no current water service to this structure. There is no evidence of operating fire(smoke) alarms or mechanical or plumbing systems.
10. The building now appears to be vacant and abandoned thereby leading to its being determined to be an unattractive nuisance and ongoing hazard.

All dangerous buildings and structures are hereby declared to be a public nuisance and shall be vacated, repaired and/or demolished in accordance with the procedures specified in the Municipal Code and under authority of Kansas Statutes Annotated KSA 12-1750 through 12- 1756a.

EXHIBIT B
RESOLUTION ESTABLISHING DATE OF PUBLIC HEARING

RESOLUTION NO. 03-14-24A

A RESOLUTION IN THE CITY OF EDGERTON, KANSAS, ESTABLISHING THE TIME AND PLACE FOR A PUBLIC HEARING REGARDING A PROPERTY LOCATED AT 312 EAST 5th STREET HAVING A DANGEROUS OR UNSAFE STRUCTURES, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-405

WHEREAS, the Public Officer has filed with the Governing Body a written statement that the structures located upon the property located at of 312 E. 5th Street, Edgerton, Kansas (the "Property"), is declared unsafe or dangerous; and

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF EDGERTON, JOHNSON COUNTY, KANSAS:

Section 1: That pursuant to Section 4-405 of the Municipal Code of the City of Edgerton, Kansas and K.S.A. 12-1752, the owner, the owner's agent, any lien holders of record, and any occupant of the Property may appear and show cause why such structure should not be condemned and ordered repaired or demolished at 7:00 PM on May 9, 2024, in Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas.

Section 2: This resolution shall be in full force and effect from and after its adoption by the Governing Body and the City Clerk shall cause it to be published once each week for two consecutive weeks on the same day of each week in the official City newspaper as required by Edgerton Municipal Code, Chapter IV, Article 4, Section 4-406 and K.S.A. 12-1752.

BE IT FURTHER RESOLVED:

That any and all costs incurred by the City of Edgerton, Kansas, of any repairs, alterations, improvements, vacating, removal, or demolition, including making the site safe shall be assessed against the Property as provided in Section 4-411 of the City Code. Should those amounts go unpaid, the County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City of Edgerton as other City taxes are collected and paid.

PASSED by the City Council on this 14th day of March, 2024.

APPROVED BY the Mayor on this 14th day of March, 2024.

DONALD ROBERTS, MAYOR

ATTEST:

CHRIS CLINTON, DEPUTY CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY

City Council Action Item

Council Meeting Date: March 14, 2024

Department: Public Works

Agenda Item: Consider Submittal of Application for East 2nd Street Reconstruction Project to the Kansas Department of Transportation (KDOT) for a Spring 2024 Cost Share Program

Background/Description of Item:

The KDOT Cost Share Program provides financial assistances to local entities for transportation projects that improve safety, support job retention and growth, improve access or mobility, relieve congestion, and help areas access the state improve the transportation system. Communities can apply for assistance for a wide range of surface transportation and transit capital projects as long as the community provides at least a 15% local cash match. Funds are used exclusively to match construction costs.

Applications are accepted twice a year for the KDOT Cost Share Program, and it is encouraged to reapply if not selected. Up to \$9 million is available for the Spring 2024 round of funding with a maximum award of \$1 million per project. Applications for this round of funding are due March 21, 2024.

The East 2nd Street Reconstruction Project is currently in design with construction anticipated in 2025. Funds have been allocated to the construction phase of this project which will cover the required match for the KDOT Cost Share Program. City Staff recommends applying for the Spring 2024 KDOT Cost Share Program for the maximum \$1 million to use towards construction of the East 2nd Street Reconstruction Project. Current preliminary construction estimates indicate a potential need for additional funds for the project.

Throughout the application process, should additional/substitute projects be identified, City Staff would update Council at a future meeting. If the City is notified of any grant awards, this too will be brought before Council for further approvals.

Related Ordinance(s) or Statue(s):

Funding Source: N/A

Budget Allocated: N/A

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Submittal of Application for East 2nd Street Reconstruction Project to KDOT for a Spring 2024 Cost Share Program.

Enclosed: NA

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

City Council Action Item

Council Meeting Date: March 14, 2024

Department: Public Works

Agenda Item: Consider an Agreement with BG Consultants, Inc. for Construction Plans for Dwyer Farms Water Services

Background/Description of Item:

Dwyer Farms is a development on the southwest corner of 8th Street and Braun Street. This development consists of single-family residential homes, installation of streets, stormwater, sanitary sewer, water systems, as well as other appurtenances. During the concept phase, City Staff recommended the connections of the proposed development to the existing water distribution system be studied. The City's distribution system along Braun Street (west of 8th Street), and along 8th Street (north of Braun Street) is designed to carry water from the County Line Water tower to the 8th Street Water tower. There are a few homes on these lines, but the addition of the development needed to be studied to understand if there would be any impacts limiting the overall system management.

BG Consultants has concluded that study and recommends two connections to the mains along Braun and install a pressure regulating device at the connection to mains along 8th Street.

Based on this finding, City Staff recommends utilizing our on-call agreement with BG Consultants for the development of construction plans for two water service connections to serve the Dwyer Farms development. Selection of BG Consultants will expedite the start date for the project. In addition, as the City Engineer, BG Consultants, Inc. has been involved in many other aspects of the Dwyer Farms development including preconstruction and construction inspection of interior public infrastructure.

City Staff and BG Consultants will utilize the same agreement for services as previously agreed upon for other City projects as the City Engineer. The Agreement Work Order provides a scope of work to include such services as survey, utility coordination, construction plans, and bid phase services. The lump sum for these services provided by BG Consultants is \$17,800 with an additional \$200 reimbursable expense allowance. This cost will be reimbursed through the Rural Housing Incentive District (RHID)

The Agreement is the City's standard agreement approved by City Attorney.

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

Funding Source: Rural Housing Incentive District (RHID)

Budget Allocated: NA

Finance Director Approval: x 
Karen Kindle, Finance Director

Recommendation: Approve an Agreement with BG Consultants, Inc. for Construction Plans for Dwyer Farms Water Services for \$18,000 (inc. \$200 allowance)

Enclosed: Work Order with BG Consultants, Inc. for Dwyer Farms Water Services

Prepared by: Dan Merkh, Public Works Director



WORK ORDER CONSULTANT-CLIENT

THIS WORK ORDER made and entered into by and between BG CONSULTANTS, INC., party of the first part, (hereinafter called the CONSULTANT), and THE CITY OF EDGERTON, KANSAS, party of the second part, (hereinafter called the CLIENT).

WITNESSETH:

WHEREAS, the CLIENT and CONSULTANT have entered into an Agreement for “On-Call” Engineering Services; and

WHEREAS, the CLIENT wishes to engage the CONSULTANT to provide Services under the terms and conditions of said Agreement for the following improvement:

Dwyer Farms Water Services
Edgerton, Kansas

IT IS AGREED by and between the two parties aforesaid as follows:

SECTION 1 – SCOPE OF SERVICES

The Scope of Services is for the development of construction plans for two water service connections to serve the Dwyer Farms development (PROJECT). The City will provide domestic water service connections to the Dwyer Farms development but will need to control the pressure and direction of flow of the water with the use of valves. The City also desires the CONSULTANT survey approximately 100’ of existing water line on the west side of 8th Street just north of 207th Street to confirm water line depth. This scope includes the design of lowering this section of water line to provide a minimum of 42” of cover.

i. DESIGN PHASE SERVICES

CONSULTANT will provide the following Design Phase Services.

1. Meet with CLIENT to discuss project goals. Receive any available information from CLIENT applicable to the PROJECT.
2. CONSULTANT will provide the topographic survey of the project area for use in developing the construction plans.
 - a. The connections will be located approximately where Rushmore Street intersects 207th Street and where 209th Street intersects Edgerton Road.
 - b. The City will excavate the existing water line (W. side of 8th Street) so the CONSULTANT can get top of water line elevations.
3. Receive information from utility companies having facilities within the PROJECT limits.
4. Develop construction plans and documents for the proposed project.
 - a. A water line extension under 207th Street and a valve vault on the south side of 207th Street.
 - b. A valve vault on the west side of Edgerton Road.

- c. A water line relocation to a lower elevation on the west side of 8th Street just north of 207th Street (approximately 100 feet).
5. Prepare an opinion of probable construction costs prior to bid letting.
6. Applying for and obtaining a Section 404 Permit from the U.S. Army Corps of Engineers is not anticipated or included in this scope of services.
7. Environmental Assessment or Environmental Impact Statement services concerning the National Environmental Policy Act are specifically excluded from this AGREEMENT. The CONSULTANT does not anticipate these services will be necessary for the PROJECT. Should the need for such services arise, the CONSULTANT can provide these services by supplemental agreement.
8. Geotechnical engineering services are not included within this scope of services.
- ii. **PROPERTY ACQUISITION PHASE SERVICES (NOT INCLUDED)**
- iii. **BID PHASE SERVICES**

CONSULTANT will provide the following Bid Phase Services.

 1. Assist CLIENT with advertising the PROJECT to Construction Contractors.
 2. Address questions from prospective bidders regarding the PROJECT bid documents.
 3. If necessary, issue addenda prior to the bid opening.
 4. Review bids and provide a recommendation to CLIENT regarding awarding the construction contract.
- iv. **CONSTRUCTION PHASE SERVICES** – Construction Phase Services are not included but can be added by Supplemental Agreement.

SECTION 2 – COST AND SCHEDULE

DESIGN FEE:

As compensation for the services required as described in Section 1, the CLIENT agrees to pay the CONSULTANT a lump sum fee of **\$17,800.00** which includes transportation expenses in connection with the PROJECT. This will be billed monthly based upon the percentage of work completed the previous month.

Reimbursable expenses are not included in the Engineering Fee above and may include, but are not limited to, expenses such as the purchase of title reports, maps, expenses of printing and reproductions, expenses to obtain copies of deeds, plots, plats, prints, plans, or other direct costs incurred by CONSULTANT. CONSULTANT and CLIENT agree to a reimbursable expenses allowance of **\$200.00**.

SCHEDULE:

The CONSULTANT will endeavor to complete the engineering scope of work based on a mutually agreed-upon schedule, exclusive of items outside the CONSULTANT's control, including CLIENT reviews.

SECTION 3 – SPECIAL PROVISIONS

None.

IN WITNESS WHEREOF, the parties have executed this Work Order this _____ day of _____, 2024.

CONSULTANT:

CLIENT:

BG Consultants, Inc.

City of Edgerton, Kansas

By:



By:

Printed Name: David J. Hamby, P.E., CFM

Printed Name: _____

Title: Vice President

Title: _____

END OF CONSULTANT-CLIENT WORK ORDER



Utilities Quarterly Update

November 2023-
February 2024

Water

7,305,000
gallons pumped through January



0 Failed Tests



Flushing

- 88,400 gallons

Testing

- Daily Chlorine
- Monthly Bac-T (Ecoli)
- Quarterly S2DBPR



Emergencies

The Utilities Department responded to 7 contractor-related water emergencies. Two were main lines hit and five were service lines.



Locates

Locates include water and sewer lines. During the last three months, 12 of these locates were emergency.

Maintenance Highlights

2 Meters Repair/Replace	1 New Customer
8 Meter Maintenance	45 Monthly meter readings



Service Orders

Nov 1 -Feb. 28



55
turn-offs for
non-payment



21
turn-ons

31
continuous flow reports

Investigations

7 Meters "not reporting" or not working
3 CL17 (chlorine monitors) not reading



Lead Service Line Inventory

The City of Edgerton launched a residential inventory survey on March 1 for residents to share what their service lines are made of. Residents who complete the survey before the end of March will earn a \$20 bill credit.

Edgerton Utilities is committed to providing excellent water, wastewater, and stormwater services that ensure the health and safety of our community with a focus on protecting our limited water resources efficiently and effectively for generations to come.



Utilities Quarterly Update

November 2023-
January 2024

Sewer

17,396,000
gallons treated



0

Leaks

1

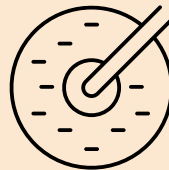
Sanitary Sewer
Overflow

About BBCWWTP & Collection System

6
Lift Stations

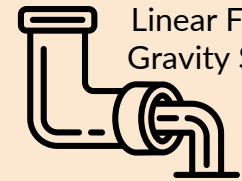


350
Manholes



500,000 ^{gpd}
Processing Capability

34,000 
Linear Feet of Forcemain



115,000
Linear Feet of
Gravity Sewer

Plant Maintenance

1 Pump installed	36 tons of sludge removed
6 Safety work orders	3 A.C. work orders
1 A.C. filter replacements	1 SPEB filter repair
1 Generator Maintenance	3 Radio System Repair/Troubleshoot Alarm

Lift Station Maintenance

- EWWLS -3 inspections/week
- EWWLS -grate cleaning
- West 8th St LS - Weekly inspection

Testing

Daily Operational
NPDES 24-hr (federal and
state required)
Sludge Test
Annual WET
Priority Pollutant Scan

Certifications

1 Class 3 Operator
1 Class 1 Operator (PW)
1 Certified Backflow Tester

Investigations



12 Emergency locates
12 Weekly I & I manhole inspections
1 Sanitary sewer inspection
System Alarm responses

State Requirements

- KDHE Sanitary Inspection - Every 3 yrs
- BBCWWTP Inspection/Collection System Inspection - Every 3 yrs
- Stormwater Permit for BBCWWTP - Annually

Edgerton Utilities is committed to providing excellent water, wastewater, and stormwater services that ensure the health and safety of our community with a focus on protecting our limited water resources efficiently and effectively for generations to come.

Marketing/Communications Update

March 2024

http://

EdgertonKS.org

11K

35,054

Total number of users visiting
between Aug 1 - Feb 28

Pages viewed between
Aug 1 - Feb 28

Most accessed pages: Job Openings, City Council Agendas, & Utilities Department

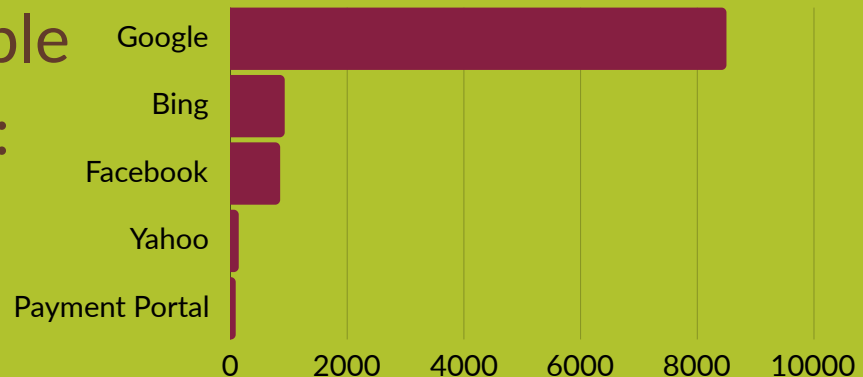
21

News Posts
since Aug. 1

6%

Site traffic from social
media referrals

How People Find Us:



Social Media: Facebook & X (Twitter)



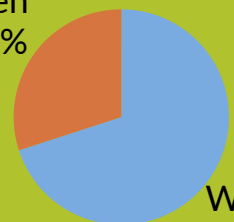
Total # of followers

1,623

People reached since Aug 1

29.9K

Men
30%



Women
70%



215

Total # of followers