

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
February 27, 2020
7:00 P.M.**

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Conus ____ Lewis ____ Smith ____ Beem
2. **Welcome**
3. **Pledge of Allegiance**

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

4. Approve Minutes for January 23, 2020 Regular City Council Meeting
5. Approve Minutes for February 7, 2020 Special City Council Meeting
6. Approve Resolution No. 02-27-20A Setting Forth the Authority for Members of the Governing Body and City Staff with Regard to the City's Accounts at Central Bank of the Midwest
7. Final Acceptance of Street Reconstruction

Regular Agenda

8. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
9. **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.
10. Introduction of New Accountant, Justin Vermillion
11. Introduction of Master Deputy Brad Johnson, Edgerton's Community Officer
12. Presentation for 2020 Budget Request by Project Grad

Business Requiring Action

13. **CONSIDER RESOLUTION NO. 02-27-20B PURSUANT TO K.S.A. SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED**
14. **Report By The City Administrator**
 - Designate Voting Member and Alternate for KRWA
 - Field Rental Discussion
 - Marketing and Communications Quarterly Update

15. Report By the Mayor

16. Future Meeting/Event Reminders:

- March 10th: Planning Commission Meeting – 7:00 PM
- March 12th: City Council Meeting – 7:00 PM
- March 26th: City Council Meeting – 7:00 PM
- April 9th: City Council Meeting – 7:00 PM
- April 14th: Planning Commission Meeting – 7:00 PM
- April 23rd: City Council Meeting – 7:00 PM

17. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Motion: _____ Second: _____ Vote: _____

18. Adjourn Motion: _____ Second: _____ Vote: _____

EVENTS

March 2nd: Youth Art Class: Floam, Slime, and Puffy Slime
March 9th: Youth Cooking Class
March 13th: Card Sharks
March 16th-20th: Spring Break Parks and Rec Activities
March 31st: Knitting Class

City of Edgerton, Kansas
Minutes of City Council Regular Session
January 23, 2020

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on January 23, 2020. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	present, arrived at 7:02pm

With a quorum present, the meeting commenced.

Staff in attendance:

City Attorney Lee Hendricks
City Clerk Rachel James
Development Services Director Katy Crow
Finance Director Karen Kindle
Public Works Director Dan Merkh
Public Works Superintendent Trey Whittaker
Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for January 9, 2020 Regular City Council Meeting
5. Approve a Right of First Refusal to Purchase Real Estate
6. Consider Agreement between Johnson County, Kansas, and the City of Edgerton, Kansas, for the Public Improvement of 207th Street Overpass at BNSF Railroad
7. Approve Ordinance 2030 amending Chapter III, Article 1 of the City Code of the City of Edgerton, Kansas, Regulating the Sale of Cereal Malt Beverage or Beer containing Not More Than 6% Alcohol by Volume Within the City of Edgerton, Kansas
8. Approve Resolution No. 01-23-20A Establishing Fees and Rates for Permits, Licenses and Services Within the City of Edgerton, Kansas

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

Motion passed, 4-0.

REGULAR AGENDA

9. **Public Comments.** None.

Council Member Josh Beem arrives at 7:02pm

10. **Declaration.** None.

11. Introduction of Master Deputy Brad Johnson, Edgerton's Community Officer

Master Deputy Johnson was not able to attend the Council Meeting but will be at future meetings. Master Deputy Johnson has focused on introducing himself to people around town and being available daily at Edgerton Elementary. The statistics from the first month of his full-time patrol in the city include: 47 Traffic Stops, 35 Business Checks (entering the business and talking with owners/employees/patrons), 45 Area Checks logged into the system (specific police metric as he is actively patrolling at a greater rate), 23 calls for service, and 10 times running school zone traffic enforcement.

Mayor Roberts stated that he has received lots of positive comments on the addition of a full-time police officer in town. Council Member Longanecker stated it sounds like Master Deputy Johnson is doing a great job. Council Member Smith stated she has seen him patrolling frequently and always waves. Mayor Roberts added that Master Deputy Johnson mentioned how many people have been waving at him in town.

Business Requiring Action

12. **CONSIDER RESOLUTION NO. 01-23-20B CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT AND RELATED BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (MIDWEST GATEWAY VENTURE, LLC PROJECT), SERIES 2017B**

Scott Anderson, City Bond Counsel, introduced the Resolution which is the assignment of the lease agreement from Midwest Gateway to Dot's Pretzel. The Assignment transfers all of Midwest Gateway's interest in the Base Lease, the Lease Agreement, the Performance Agreement, the Origination Fee Agreement and the other bond documents for the project to Dot's Pretzel.

Mr. Anderson stated that the City has to execute a consent page every time it enters into a base lease, lease agreement, or tax incentives. He stated that

Randy Johnson, Dot's Pretzel CEO and President, gave background on the history of Dot's and their expanding footprint. He thanked council and stated the economics of the incentive helped Dot's select this site and they look forward to working in Edgerton.

Motion by Longanecker, Second by Conus to approve Resolution. No. 01-23-20B.

Mayor Roberts announced a quick recess for pictures with Dot's Pretzel representatives and samples of Dot's Pretzels to be handed out to the Council and public in attendance.

13. PUBLIC HEARING FOR RESOLUTION NO. 01-23-20C CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC VII, LLC, OR ITS SUCCESSORS IN INTEREST

Scott Anderson, City Bond Counsel, introduced the application for the construction of a 952,000 square foot warehouse and distribution facility located at 30901 W. 185th Street Edgerton, Kansas. Mr. Anderson stated that the first thing that needs to occur in this process is for the City to hold a public hearing. The School District and County were notified of the public hearing.

Jeff White, Colombia Capital Management, presented the prepared cost-benefit report which is included in the Council packet.

Mayor Roberts opened the public hearing at 7:32pm.

There were no comments.

Mayor Roberts closed the public hearing at 7:33pm.

14. CONSIDER RESOLUTION NO. 01-23-20C CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC VII, LLC, OR ITS SUCCESSORS IN INTEREST

Scott Anderson, City Bond Counsel, stated this Resolution is a partial assignment of the Master Resolution of Intent for Logistics Park Kansas City. \$45 Million of the Master Resolution of Intent is assigned to ELHC VII for constructing this project.

Mayor Roberts stated this approach has not change since the inception of LPKC.

Motion by Longanecker, Second by Lewis to approve Resolution No. 01-23-20C.

Motion was approved, 5-0.

15. CONSIDER ORDINANCE NO. 2031 AMENDING CHAPTER XIV, ARTICLE 2 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO REPLACE CODE SECTION 14-203 AND REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Dan Merkh, Public Works Director, introduced the Ordinance which pertains to routing of overweight truck traffic. Ordinance No. 2031 simply formalizes the differentiation between a standard truck route and the Overweight Corridor as previously designated by City Council. A standard truck route allows a gross vehicle weight of up to 80,000 pounds, the same weight as allowed on the federal interstate system. The Overweight Corridor routes allow a gross vehicle weight of up to 96,000 pounds. These routes are only in LPKC, north of Interstate 35.

Lee Hendricks, City Attorney, checked with other local municipalities and they do not allow for exceptions in their weight limits. Mr. Hendricks recommended striking subsection D 1-4.

Motion by Lewis, Second by Smith to Approve Ordinance No. 2031 striking subsection D 1-4.

Motion was approved, 5-0.

16. CONSIDER ORDINANCE NO. 2032 APPROVING THE DESCRIPTIONS AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF RIGHT OF WAY AND EASEMENTS NEEDED FOR CONSTRUCTING THE 207TH STREET GRADE SEPARATION PROJECT AND ASSOCIATED IMPROVEMENTS

Katy Crow, Development Services Director, introduced the Ordinance which is a follow-up to Resolution No. 01-09-20A, passed on January 9, 2020, confirming the necessity for condemnation and authorizing the preparation of survey and legal descriptions. The 207th Street Grade Separation Project requires the acquisition of rights-of-way and easements from several property owners near the 207th Street and Co-op Road intersection. Passing the Ordinance does not prohibit the City from continuing to negotiate and/or acquire the easements.

Motion by Smith, Second by Longanecker to approve Ordinance No. 2032.

Motion was approved, 5-0.

17. Report by the City Administrator

Dan Merkh, Public Works Director and Acting City Administrator, stated that a Winter Storm is on the way and gave an overview of snow operations.

18. Report by the Mayor

Mayor Roberts thanked the Directors for stepping up as a team to lead Staff and the Council meeting while Beth Linn, City Administrator, has been on vacation. Mr. Merkh joked that it takes three of them to do Ms. Linn's job.

19. Future Meeting Reminders:

- January 14th: Planning Commission – 7PM
- January 23rd: City Council Meeting – 7PM

20. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND PUBLIC WORKS DIRECTOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Motion by Longanecker, Second by Lewis to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney and Public Works Director for thirty (30) minutes.

Motion was approved, 5-0.

Session recessed at 7:54 pm. Meeting reconvened at 8:24 pm.

Motion by Smith, Second by Longanecker to return to open session.

Motion was approved, 5-0.

21. WALK ON ITEM

Lee Hendrick, City Attorney, introduced an item regarding the purchase of Real Estate for a City Project. The property is located at 36790 W. 207th Street, Edgerton, KS 66021. The property is owned by 9 family members which have signed an agreement allowing \$15,000 initially to one sibling and then \$250,000 split among the 9 siblings at closing. Closing must occur on or before March 2, 2020 and the seller is to fully vacate the property by that date.

Council Member Conus thanked Mr. Hendricks for a good job on negotiating with the multiple parties that are the property owners.

Motion by Longanecker, Second by Lewis to approve the Real Estate Purchase/Sale Contract for 36790 W. 207th Street.

Motion was approved, 5-0.

22. Adjourn

Motion by Beem, Second by Lewis to adjourn.

Motion was approved 5-0. The meeting adjourned at 8:25 pm.

EVENTS

January 24th – Paint Nite

February 1st – Princess Tea Party

**City of Edgerton, Kansas
Minutes of City Council Special Session
February 7, 2020**

A Special Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on February 7, 2020. The meeting convened at 9:00 a.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present via telephone
Katee Smith	present via telephone
Josh Beem	absent

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator Beth Linn
 City Attorney Lee Hendricks via telephone
 Planning and Zoning Coordinator Chris Clinton
 Development Services Director Katy Crow
 Public Works Director Dan Merkh

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Deed of Dedication of Right-of-Way and Permanent Utility Easement for 207th Grade Separation Project

Councilmember Longanecker motioned to approve the consent agenda, Councilmember Conus seconded. The consent agenda was approved, 4-0.

REGULAR AGENDA

5. Public Comments.

There were no public comments made.

6. **Declaration.** There were no declarations made by the Councilmembers.

- 6.5. **Resolution No. 02-07-20A** Mayor Roberts stated this resolution needed to be added to the agenda as the City of Edgerton needs to name a City Clerk per Kansas State Statute. Mayor Roberts introduced Resolution Number 02-07-20A naming the Planning and Zoning Coordinator Chris Clinton as the City Clerk. Councilmember Longanecker

motioned to approve Resolution Number 02-07-20A, Councilmember Lewis seconded the motion. The resolution was approved, 4-0.

BUSINESS REQUIRING ACTION

7. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR AND PUBLIC WORKS DIRECTOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS**

Councilmember Longanecker motioned to recessing into executive session for ten minutes, Councilmember Conus seconded. The meeting was recessed into executive session at 9:07 a.m., 4-0.

Councilmember Smith motioned to return to open session with no action taking place at 9:17 a.m., Councilmember Longanecker seconded. The meeting returned to open session at 9:17 a.m., 4-0.

8. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (1) PERSONNEL MATTERS OF NONELECTED PERSONNEL TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR**

Councilmember Longanecker motioned to recessing into executive session for three minutes, Councilmember Smith seconded. The meeting was recessed into executive session at 9:18 a.m., 4-0.

Councilmember Longanecker motioned to return to open session with no action taking place at 9:21 a.m., Councilmember Conus seconded. The meeting returned to open session at 9:21 a.m., 4-0.

9. **Adjourn**

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Longanecker. The motion was approved, 4-0. The meeting adjourned at 9:22 a.m.

City Council Action Item

Council Meeting Date: February 27, 2020

Department: Administration

Agenda Item: Consider Resolution No. 02-27-20A Setting Forth the Authority for Members of the Governing Body and City Staff with Regard to the City's Accounts at Central Bank of the Midwest

Background/Description of Item: The City maintains accounts at Central Bank of the Midwest to carry out the business of the City. In October 2019, the Governing Body approved Resolution No. 10-24-19A documenting banking authority for staff and members of the Governing Body. Due to recent staff changes, a new resolution is needed by the bank.

Changes to the banking resolution are:

- Removed Rachel James.
- Added Justin Vermillion, Accountant, for the ability to discuss City accounts.

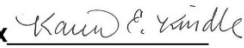
Staff will use this banking resolution to work with the bank to update their records for the City's accounts.

Related Ordinance(s) or Statue(s): Resolution No. 10-24-19A

Funding Source: n/a - this resolution denotes who has authority regarding the City's bank accounts at Central Bank of the Midwest.

Budget Allocated: n/a

Finance Director Approval:

x 
Karen Kindle, Finance Director

Recommendation: Approve Resolution No. 02-27-20A Setting Forth the Authority for Members of the Governing Body and City Staff with Regard to the City's Accounts at Central Bank of the Midwest.

Enclosed: Draft Resolution 02-27-20A

Prepared by: Karen Kindle, Finance Director

RESOLUTION NO. 02-27-20A

A RESOLUTION SETTING FORTH THE AUTHORITY FOR MEMBERS OF THE GOVERNING BODY AND CITY STAFF REGARDING THE CITY'S ACCOUNTS AT CENTRAL BANK OF THE MIDWEST.

WHEREAS, the City of Edgerton, Kansas, maintains accounts at Central Bank of the Midwest; and

WHEREAS, the City Council wishes to designate by Resolution those members of the Governing Body and City of Edgerton Staff who are authorized to discuss accounts, withdraw funds, endorse or authorize checks, amend online banking preferences, be listed as authorized signors and take any and all other actions listed below involving City accounts at Central Bank of the Midwest.

NOW, THEREFORE, BE IT RESOLVED, that Central Bank of the Midwest, ("Financial Institution") is hereby designated a depository of the City of Edgerton, Kansas, for the purpose of banking services, and that with the exception of Municipal Court Account #***82, which is described further below the following individuals are authorized to discuss with Financial Institution any and all City accounts:

<u>Name</u>	<u>Title</u>
Donald Roberts	Mayor
Elizabeth Linn	City Administrator
Karen Kindle	Finance Director
Irene Eastwood	City Treasurer
Kathy Clark	Accounting Technician
Kathleen Crow	Development Services Director
Justin Vermillion	Accountant

BE IT FURTHER RESOLVED that the following individuals are hereby individually authorized to open any deposit or checking accounts in the name of the City; to endorse or authorize checks and orders for the payment of money; and withdraw funds on deposit with Financial Institution and shall be listed as signers on said account signature cards. This authority shall be for all City accounts with the exception of Municipal Court Account #***82 which is described further below:

<u>Name</u>	<u>Title</u>
Donald Roberts	Mayor
Elizabeth Linn	City Administrator
Irene Eastwood	City Treasurer

BE IT FURTHER RESOLVED that the following individuals acting individually, are authorized to instruct Financial Institution, either by written or verbal instructions, to make changes to the set up of the on-line banking system.

<u>Name</u>	<u>Title</u>
Donald Roberts	Mayor
Elizabeth Linn	City Administrator

BE IT FURTHER RESOLVED that for Municipal Court Account, account #***82, the following individuals are hereby individually authorized to endorse or authorize checks and orders for the payment of money; and withdraw funds on deposit with Financial Institution in Municipal Court Account, account #***82, and shall be listed as signers on said account signature cards:

<u>Name</u>	<u>Title</u>
Donald Roberts	Mayor
Elizabeth Linn	City Administrator

BE IT FURTHER RESOLVED that the following individuals are hereby authorized to discuss Municipal Court Account, account #***82:

<u>Name</u>	<u>Title</u>
Donald Roberts	Mayor
Elizabeth Linn	City Administrator
Karen Kindle	Finance Director
Kathy Clark	Accounting Technician
Alexandria Clower	Customer Service Representative II
Kathleen Crow	Development Services Director
Justin Vermillion	Accountant

BE IT FURTHER RESOLVED that the City acknowledges and agrees that Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term “alternative signature and verification codes” includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with Financial Institution from time to time) Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file.

BE IT FURTHER RESOLVED that this resolution shall continue in force and Central Bank of the Midwest may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

ADOPTED THIS 27th DAY OF FEBRUARY, 2020,

By: _____
Donald Roberts, Mayor

ATTEST:

Chris Clinton, City Clerk

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 23, 2019

Department: Public Works

Agenda Item: Consider Adjusted Change Order #1 Amount, Final Acceptance of 2019 Street Reconstruction Project and Final Payment to Miles Excavating, Inc.

Background/Description of Item:

On March 29, 2019, the City of Edgerton issued a Request for Qualifications seeking Design-Build teams for the design and construction of residential roadways, see attached map for street locations. These roadways are identified in the 2017 Street Program as passed their useful life. Once identified as passed their useful life, maintenance operations ceased, and development of this project began. The Project includes new installation of roadway, storm inlets, storm pipe, sidewalks, curb & gutter, and adjustments as needed to street lighting and utilities.

On May 23, 2019, City Council approved the preliminary design-build agreement with Miles Excavating. This agreement provided partial design plans, partial drainage plans, construction schedule, and a Guaranteed Maximum Price (GMP).

On June 27, 2019, Council approved the typical section for the project. The typical section is to consist of asphalt roadway, 28 foot from back of curb to back of curb, low back curb, sidewalk on one side of the street, sidewalk to be 5 foot in width, and 50 feet of street right-of-way. Sidewalk is to be replaced in the same location if it exists currently. When it does not exist, it is to be installed on either the North side or West side of the street.

On July 11, 2019, Council approved the Guaranteed Maximum Price of \$3,031,399.10. Also approved was the schedule with construction starting August 1, as well as an owner held and owner-controlled contingency of \$30,000. On August 8, 2019, Council approved the Final Agreement with design-build team. Council also approved the overall project cost at \$3,442,434.

On September 26, 2019, Council approved Change Order #1 increasing the project budget to \$3,774,621. This change order included the repairs to surrounding streets by Mill & Overlay, base repair, and curb replacement. This change order also repaired a stormwater outfall along Heather Knoll Drive. While the scope remained the same, once construction began, actual conditions caused the quantities to change. This caused an increase to the Change Order and subsequently to the GMP in the amount of \$3,378,534. The increase to the Change

Order in the amount of \$14,948 is to be paid by the owner-controlled contingency (\$30,000) which is funded by the Street Excise Tax.

Original Contracted Amount:	\$3,031,399
Change Order #1: (as of Sept. 2019)	\$332,187
Adjustment to Change Order #1:	\$ 14,948

New Construction Contract:	\$3,378,534
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This project came in under budget. The proposed project budget was \$3,774,621. Including construction, estimated total project cost estimated at \$3,460,000.

Related Ordinance(s) or Statue(s):

<u>Funding Source:</u>	General Fund	\$ 41,694
	Street Excise Tax	\$ 414,675
	Public Infrastructure Fund	\$ 1,483,252
	Proposed Temp Notes	\$ 1,835,000
	Project Total:	\$ 3,774,621

Budget Allocated: N/A

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Adjusted Change Order #1 Amount; Approve Final Acceptance of 2019 Street Reconstruction Project; and Authorize Final Payment to Miles Excavating, Inc.

Enclosed: Final Inspection Email BG Consultants

Prepared by: Dan Merkh, Public Works Director

From: [Jon Carlson](#)
To: [Dan Merkh](#)
Cc: [Trey Whitaker](#); david.hamby@bgcons.com
Subject: 2019 Design Build Neighborhood Reconstruction Project
Date: Monday, February 24, 2020 7:48:29 AM

Mr. Dan Merkh,

To the best of my knowledge Miles Excavating has completed all work on 2019 Neighborhood Reconstruction Project in general conformance to the plans and specifications approved by the City of Edgerton. Substantial Completion was noted as November 21, 2019. This project can be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

Jon Carlson

Senior Construction Observer



1405 Wakarusa Drive | Lawrence, KS 66049
T: 785.749.4474 | C: 785.331.8289 (Personal)
Web: www.bgcons.com | [Map](#) | [Email](#)

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*Gardner Edgerton High School
425 N. Waverly Rd.
Gardner KS 66030*

**PROJECT GRAD
CLASS OF 2020**

Dear Sir or Madam:

Gardner Edgerton High School is planning its annual Project Graduation event on Saturday, May 16th, 2020. Because of the generosity of surrounding businesses, this event has been well attended by our students over the past fourteen years. It is once again our intention to provide a drug and alcohol free event that promotes fun as well as safety for our graduating seniors.

Project Graduation is a national movement by students, parents, and school administrators to provide an alternative party for graduation. The movement began in the State of Maine when, in 1982, sixteen seniors were killed on graduation night. We know from statistics that graduation night is the most dangerous night of the year in regard to teen alcohol and drug related accidents.

Because this is such a large financial task, we would appreciate a donation. Any donation you might wish to make toward our cause this year in the way of cash donations, tickets, gift certificates or prizes is tax deductible. Our Tax ID # is 261499297. *More importantly, it may help save a life.*

The senior parents and USD 231 would most certainly welcome your partnership in promoting a safe and chemical free future for our graduating seniors. If one alcohol or drug related tragedy is prevented from happening on this evening of celebration, all of our efforts will have paid off for years to come.

Please send your contributions to:

GEHS Project Grad, 425 N. Waverly Rd., Gardner KS 66030 OR...we have a new PayPal account as well! (see email address below)

Checks made payable to GEHS Project Graduation. If you have any questions or would like to request pick-up of a donation, you may contact us at the numbers listed below or email us at gehsprojectgrad@gmail.com. Please include your business card with your donation so that the senior class may Thank you!

Sincerely,

Tammy Waterman

GEHS Class of 2020 President for Project Graduation
913-980-5345 cell phone

Thank you for supporting Project Grad!!

City of Edgerton, Kansas
Minutes of City Council Regular Session
May 23, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on May 23, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks
- City Clerk Rachel James
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Utilities Superintendent Mike Mabrey
- ElevateEdgerton! President James Oltman

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for May 9, 2019 Regular City Council Meeting
5. Approve Final Acceptance of 2018 CARS 4th & Nelson Street Improvements Project and Authorize Final Payment to Linaweaver Construction
6. Approve Resolution No. 05-23-19A Providing for the Creation of Temporary No Parking Zones On Certain Streets To Permit The Holding of Frontier Days
- 6a. Approve Consent Agreement KS6193/FA #10130621/MRKSL014913 Between The City Of Edgerton And AT&T Wireless Services

Motion by Longanecker, Second by Lewis to the consent agenda.

Motion passed 4-0.

REGULAR AGENDA

7. **Public Comments.**

Eric Orrison, 100 W 7th Street, Mr. Orrison had general questions about Highway 56 Trail easements and negotiations for his property.

Beth Linn, City Administrator, outlined the process for the trail and acquiring right-of-way and stated that City Staff would be in contact with Mr. Orrison as the project progresses.

8. **Declaration.** None.

9. Presentation for 2020 Budget Request by Project Grad

No representative from Project Grad 2020. Consensus to continue funding for 2020 at \$2000.

10. Presentation for 2020 Budget Request by UCS

Marya Schott, for Human Service Fund, a non-profit serving Johnson County which focuses on mobilizing targeted resource allocations for residents of Johnson County who are in need of assistance. Ms. Schott went into detail on the history of UCS in Johnson County, how these funds are raised and distributed.

Mayor Roberts stated that UCS has a ton of data and they have taken real initiative looking at affordable workforce housing within the county.

There was a consensus to provide funding at \$2000 for the 2020 Budget Year to UCS.

11. Presentation for 2020 Budget Request by Johnson County Human Services

Brandy Hodge and Joanne Hayworth, Johnson County Human Services Representatives, presented on the 2020 Budget Request from Johnson County Human Services which provides stabilization assistance, homelessness assistance, and utility assistance for county residents needing support.

This organization has been providing Utility and Emergency Assistance to citizens for over 25 years. The organization receives dollar matching from Johnson County and they are requesting \$2000 for the 2020 Budget year.

Mayor Roberts asked about KCP&L and Kansas Gas. Ms. Hodge stated that both have assistance programs that are managed within the individual companies.

Councilmember Conus asked how someone applies for assistance through Johnson County Human Services. Ms. Hodge stated that residents can call the Southwest Multi-Service Center at (913) 715-6653. Beth Linn, City Administrator, also stated that residents can always call City Hall at (913) 893-6231 if they have any questions or need help getting connected to available services.

There was a consensus to provide funding at \$2000 for the 2020 Budget Year to Johnson County Human Services.

12. Presentation for 2020 Budget Request by Miami County Conservation

Leslee Rigney, Miami County Conservation Representative, introduced the 2020 Budget request for the organization.

Ms. Rigney stated they have been working over the past years to reduce nitrogen, phosphorous, and other pollutants from entering local streams. Recently the conservation group has been working on stabilization techniques for the local stream banks. Ms. Rigney also outlined other conservation and education efforts the group has focused on in the past couple years and what they hope to focus on in 2020.

Mayor Roberts asked how much the large storms we've been having affect velocity through the streams. Ms. Rigney stated that the streams in this area were not meant for this kind of rainfall, so there definitely has been an impact from these larger storms.

There was a consensus to provide funding at \$4,000 for the 2020 Budget Year to Miami County Conservation.

Supplemental information for the Miami County Conservation presentation is available on the Edgerton City website on the May 23rd, 2019 City Council page.

13. Presentation for 2020 Budget Request by Gardner Edgerton Chamber of Commerce

Jason Camus, President of the Gardner Edgerton Chamber of Commerce, presented the budget request which is \$2,000 for the contract and \$2,000 for the GE magazine. Mr. Camus overviewed the status of 2019 deliverables and events happening in the Gardner Edgerton community.

There was a consensus to provide funding at \$4,000 for the 2020 Budget Year to Gardner Edgerton Chamber of Commerce.

14. Presentation for 2020 Budget Request by ElevateEdgerton!

James Oltman, ElevateEdgerton! President, gave an overview of the completed 2018-2019 deliverables, a progress update on 2019 deliverables, and plans ElevateEdgerton! has going into 2020. Highlights include a completed hotel feasibility study, five new ElevateEdgerton! members, and successful events where local high schoolers were able to tour LPKC and learn about careers.

Councilmember Conus thanks Mr. Oltman for a tour of the ElevateEdgerton! offices and stated he feels more confidence in the progress Elevate is making.

Mayor Roberts stated Mr. Oltman has a difficult job as a one man show and he has done an excellent job and that they are seeing the potential on the horizon.

There was a consensus to fund ElevateEdgerton! at \$75,000 for the 2020 Budget Year with \$10,000 in-kind contributions.

Supplemental information for the ElevateEdgerton! presentation is available on the Edgerton City website on the May 23rd, 2019 City Council page.

BUSINESS REQUIRING ACTION

15. PUBLIC HEARING FOR RESOLUTION NO 05-23-19B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO COLDPOINT LOGISTICS REAL ESTATE, LLC OR ITS SUCCESSORS IN INTEREST

Scott Anderson, City Bond Attorney, outlined the Resolution of Intent for Phase 4 of the Coldpoint Building. This would be an approximately 147,820 sq. ft. expansion to the existing 473,270 sq. ft. facility.

Mayor Roberts opened the Public Hearing at 8:15pm. There were no public comments.

Mayor Roberts closed the Public Hearing at 8:17pm.

16. CONSIDER RESOLUTION NO. 05-23-19B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO COLDPOINT LOGISTICS REAL ESTATE, LLC OR ITS SUCCESSORS IN INTEREST

Scott Anderson, City Bond Attorney, outlined that the partial assignment of the Master Resolution of Intent assigns \$26,000,000 of the Master Resolution of Intent to ColdPoint for constructing this project.

Mayor Roberts requested the Cost-Benefit analysis be available in a supplemental packet that is posted on the Edgerton City website on the May 23rd, 2019 City Council page.

Motion by Longanecker, Second by Smith to approve Resolution No. 05-23-19B.

Motion passed 4-0.

17. AN ORDINANCE AUTHORIZING THE CREATION OF THE LPKC DISTRICT NO. 2 COMMUNITY IMPROVEMENT DISTRICT, LEVYING SPECIAL ASSESSMENTS WITHIN SUCH DISTRICT, AND APPROVING A DEVELOPMENT AGREEMENT

Scott Anderson, City Bond Attorney, stated this Ordinance would create a Community Improvement District on some or all of the Phase Two Land. The Special assessments would be equal to \$0.05 a square foot for all structures constructed within the district that are 50,000 square feet or larger that constitute a warehouse, manufacturing, or distribution facility.

The Ordinance would create the LPKC District No. 2 Community Improvement District and the City would be able to levy the special assessments provided for in the Development Agreement. Mr. Anderson stated that a similar Community Improvement District was created for the Kubota project.

There were no questions or comments.

Motion by Longanecker, Second by Lewis to approve Ordinance No. 2011.

Motion passed, 4-0.

18. CONSIDER COLLATERAL ASSIGNMENT OF RIGHTS UNDER THE LPKC DISTRICT NO. 2 COMMUNITY IMPROVEMENT DISTRICT DEVELOPMENT AGREEMENT

Scott Anderson, City Bond Counsel, stated that NorthPoint was obtaining loans from UMB Bank to finance its project and public infrastructure improvements. As a condition to making the loans, UMB Bank is requiring that NorthPoint assign payments it is to receive under the Phase 2 Development Agreement, LPKC CID District No. 1 and LPKDC CID District No. 2 to UMB Bank pursuant to the Collateral Assignment of CID Revenues and Collateral Assignment of Development Agreement. UMB Bank is requiring that the City acknowledge both of these collateral assignments. The resolution authorizes the City to acknowledge both of these collateral assignments.

Motion by Longanecker, Second by Lewis to approve Collateral Assignment of Rights under the LPKC District No. 2 Community Improvement District Development Agreement.

Motion passed, 4-0.

19. CONSIDER PRELIMINARY DESIGN-BUILD AGREEMENT BETWEEN CITY OF EDGERTON AND MILES EXCAVATING, INC. FOR 2019 STREET RECONSTRUCTION PROJECT

Dan Merkh, Public Works Director, introduced the Preliminary Design-Build Agreement between the City of Edgerton and Miles Excavating, Inc. and Cook Flat Strobel for the 2019 Street Reconstruction Project which targets streets identified as passed their useful life.

Requests for Qualifications were due April 24, 2019 and interview with the teams were conducted May 2, 2019. Staff recommends the Miles Excavating/ Cook Flat Strobel (CFS)/TREKK and the most qualified team for the project.

Councilmember Smith asked about a general overview of the project. Mr. Merkh and Beth Linn, City Administrator, provided detail and described information shown on the map attachments within the Agenda Packet.

Councilmember Conus stated that residents have complained about the road for a long time and that this is an important project. Mayor Roberts stated that the partnership with Logistics Park- Kansas City has provided the funds for the complete reconstruction of the

roads. Ms. Linn stated that this is the most extensive replacement/residential street reconstruction with the pace the City wants.

Motion by Lewis, Second by Smith to approve the Preliminary Design-Build Agreement between the City of Edgerton, Kansas and Miles Excavating, Inc. for 2019 Street Reconstruction Project pending changes from City Attorney and authorize the Mayor to execute the Agreement.

Motion passed, 4-0.

20. CONSIDER 2019 ANNUAL STREET MAINTENANCE PROGRAM

Dan Merkh, Public Works Director, stated that Staff and BG Consultants compiled information on the section of roadway needing maintenance activities in 2019. Staff recommends that Council consider Ultrathin Bonded Asphalt Surface (UBAS) and concrete joint sealing for sections of roadway at LPKC for the 2019 Street Maintenance Program.

The 2019 Budget includes funding of \$51,469. Staff would recommend allocating additional funds from (1) \$19,869 of unused funds originally budgeted for the 2018 Annual Street Maintenance Program, and (2) \$6,552 from unallocated LPKC Maintenance Fee not previously dedicated to any project.

Motion by Lewis, Second by Longanecker to approve the 2019 Annual Street Maintenance Program.

Motion passed, 4-0.

21. Report by the City Administrator

Kara Banks, Marketing and Communications Manager, was introduced to Council. She overviewed her background on KMBZ.

Dan Merkh, Public Works Director, gave an overview of the 2018-2019 Snow Season. In total, there was 29.1 inches of snowfall, 672 man-hours, 2301 lane miles of snow plow operations. There were issues with the level of inconsistency in the towing of vehicles as well as LPKC clearing the sidewalks. Recommendations for next season include more coordination with the Sheriff's Office, Equipment Assessment, Snow Crew Structure, and an RFP for Salt. Mr. Merkh also stated that Staff had received a number of compliments on the Snow Removal during the 2018-2019 Season which he read excerpts from.

Councilmember Lewis said kudos to City Staff for the Snow Removal and to keep up the good work next snow season.

Mayor Roberts said that Staff should keep up the good work and that we have done better than neighboring communities throughout the season.

There were more general compliments on the snow season and a few questions about towing during the season.

22. **Report by the Mayor** None.

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

- June 1st: Summer Kick Off Block Party – 6:30PM
- June 11th: Planning Commission Work Session – 5PM
- June 11th: Planning Commission – 7PM
- June 13th: City Council – 7PM
- June 13th: City Council Budget Work Session – Immediately following Council
- June 14th-15th: Edgerton Frontier Days
- June 19th: Senior Lunch – Noon
- June 27th: City Council – 7PM
- June 27th: City Council Budget Work Session – Immediately following Council
- July 3rd: Community Picnic & Fireworks Show – 6PM to 10:30PM

24. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, AND ASSISTANT CITY ADMINISTRATOR**

Motion by Smith, Second by Lewis to recess into executive session pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, and Assistant City Administrator for five (5) minutes.

Motion was approved, 4-0.

Session recessed at 9:20 pm. Meeting reconvened at 9:25 pm.

Motion by Lewis, Second by Longanecker to returned to open session.

Motion was approved, 4-0.

Motion by Longanecker, Second by Lewis to approve Wiedemann Inc. Change Order #4 related to Nelson Street Water Line Improvements.

Motion was approved, 4-0.

25. **Adjourn**

Motion by Lewis, Second by Smith to adjourn.

Motion was approved 4-0. The meeting adjourned at 9:30 pm.

City Council Action Item

Council Meeting Date: February 27, 2020

Department: Public Works

Agenda Item: Consider Resolution No. 02-27-20B Pursuant to K.S.A. 26-201 Setting Forth The Necessity For Condemnation Of Private Property And Authorizing Preparation Of A Survey And Legal Descriptions Of The Property To Be Condemned

Background/Description of Item:

The Highway 56 Trail Project includes construction of a new multi-use path along the southside of Highway 56 to provide pedestrian/bicycle access from neighborhood/residences along Highway 56 to Dollar General, Edgerton Elementary, and other future development. The Project requires acquisition of easements from several property owners along the corridor.

In September 2019, City Council passed Resolution 09-12-19B and Ordinance No. 2026 to acquire the necessary permanent easements for the Project. Following that action, staff determined that the temporary construction easements that are necessary to construct the improvements were inadvertently left out of the resolution and ordinance.

Enclosed with the packet is a draft resolution to include both the temporary construction and permanent easements in the condemnation action.

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

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 02-27-20B Pursuant to K.S.A. 26-201 Setting Forth The Necessity For Condemnation Of Private Property And Authorizing Preparation Of A Survey And Legal Descriptions Of The Property To Be Condemned

Enclosed:

Draft Resolution No. 02-27-20B

Prepared by:

Dan Merkh, Public Works Director
Trey Whitaker, Public Works Superintendent

RESOLUTION NO. 02-27-20B

A RESOLUTION PURSUANT TO K.S.A. § 26-201 SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED

WHEREAS, K.S.A. § 26-201 authorizes a City to acquire by condemnation any interest in real property when it is deemed necessary, for use by the City, by the governing body of the City; and

WHEREAS, the City wishes to construct a pedestrian trail running parallel to U.S. Highway 56 on the south side of said highway from Edgerton Road to 1st Street, said location being within the city limits of the City of Edgerton, Kansas; and

WHEREAS, the City additionally has determined it necessary to acquire water line easements along the same line of properties to ensure that city water lines currently running on the properties are fully within water line easements held by the City; and

WHEREAS, in order to complete the pedestrian trail and protect the city water lines, the City needs to obtain permanent pedestrian, water line, storm water and temporary construction easements generally located across property bordering the south side of U.S. Highway 56 from Edgerton Road to 1st Street within the City and Johnson County, Kansas; and

WHEREAS, the City has attempted, and will continue to attempt, to negotiate with the private landowners for the rights-of-way and easements needed for the Project but to date such negotiations have been unsuccessful with some of the owners; and

WHEREAS, the City Council previously approved Resolution 09-12-19b on September 12, 2019, at which time it set forth the necessity for condemnation of these same properties but subsequently determined that the descriptions failed to include the temporary construction easement necessary to complete the project; and

WHEREAS, the City wishes to again proceed with this project and to include those temporary construction easements in the listed descriptions.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Edgerton, Kansas:

SECTION 1: That pursuant to K.S.A. § 26-201, the City declares that the easements are necessary for the Project.

SECTION 2: That the locations of the permanent pedestrian, water line and temporary construction easements needed are generally located across property bordering the south side of U.S. Highway 56 from Edgerton Road to 1st Street within the City of Edgerton, Johnson County, Kansas, and are more specifically described below.

Permanent Water Line and Pedestrian Easement

THE NORTH 12.5 FEET OF LOT 10, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,650 SQUARE FEET.

Temporary Construction Easement

THE SOUTH 5.00 FEET OF THE NORTH 17.50 FEET OF LOT 10, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 660 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

THE NORTH 12 FEET OF LOT 9, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,765 SQUARE FEET.

Temporary Construction Easement

THE SOUTH 5.00 FEET OF THE NORTH 17.00 FEET OF LOT 9, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 735 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 8, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 8 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56 N.88°04'51"E. (BEING AN ASSUMED BEARING) 243.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE ALONG THE EAST LINE OF SAID LOT 8 S.01°45'17"E. 15.90 FEET; THENCE N.84°05'35"W. 36.01 FEET; THENCE

S.88°04'51"W. 42.93 FEET; THENCE
S.81°45'22"W. 40.24 FEET; THENCE
S.88°04'51"W. 5.22 FEET; THENCE
N.85°35'39"W. 40.24 FEET; THENCE
S.88°04'51"W. 57.52 FEET; THENCE
S.82°05'43"W. 10.05 FEET; THENCE
S.88°04'51"W. 5.15 FEET; THENCE
N.85°56'00"W. 6.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE
ALONG THE WEST LINE OF SAID LOT 8
N.01°42'51"W. 11.36 FEET TO THE POINT OF BEGINNING, CONTAINING 2,977
SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 8, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST
QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID LOT 8 AND ON THE
PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE
WEST LINE OF SAID LOT 8
S.01°42'51"E. (BEING AN ASSUMED BEARING) 11.36 FEET TO THE POINT OF
BEGINNING; THENCE
S.85°56'00"E. 6.61 FEET; THENCE
N.88°04'51"E. 5.15 FEET; THENCE
N.82°05'43"E. 10.05 FEET; THENCE
N.88°04'51"E. 57.52 FEET; THENCE
S.85°35'39"E. 40.24 FEET; THENCE
N.88°04'51"E. 5.22 FEET; THENCE
N.81°45'22"E. 40.24 FEET; THENCE
N.88°04'51"E. 42.93 FEET; THENCE
S.84°05'35"E. 36.01 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE
ALONG THE EAST LINE OF SAID LOT 8
S.01°45'17"E. 5.05 FEET; THENCE
N.84°05'35"W. 36.34 FEET; THENCE
S.88°04'51"W. 42.31 FEET; THENCE
S.81°45'22"W. 40.24 FEET; THENCE
S.88°04'51"W. 5.77 FEET; THENCE
N.85°35'39"W. 40.24 FEET; THENCE
S.88°04'51"W. 56.99 FEET; THENCE

S.82°05'43"W. 10.05 FEET; THENCE
S.88°04'51"W. 5.67 FEET; THENCE
N.85°56'00"W. 6.37 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE
ALONG THE WEST LINE OF SAID LOT 8
N.01°42'51"W. 5.03 FEET TO THE POINT OF BEGINNING, CONTAINING 1,220 SQUARE
FEET.

Permanent Water Line, Storm-Water and Pedestrian Easement

A TRACT OF LAND IN LOT 7, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST
QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 7 AND ON THE
PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE
PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56
N.88°10'58"E. (BEING AN ASSUMED BEARING) 219.63 FEET TO A POINT ON THE
EAST LINE OF SAID LOT 7; THENCE ALONG THE EAST LINE OF SAID LOT 7
S.01°50'59"E. 15.94 FEET; THENCE
N.79°43'38"W. 14.02 FEET; THENCE
S.88°10'58"W. 98.26 FEET; THENCE
S.76°19'14"W. 35.69 FEET; THENCE
S.87°58'43"W. 39.06 FEET; THENCE
N.84°05'35"W. 19.89 FEET; THENCE
S.01°45'17"E. 12.28 FEET; THENCE
S.88°14'43"W. 14.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE
ALONG THE WEST LINE OF SAID LOT 7
N.01°45'17"W. 30.06 FEET TO THE POINT OF BEGINNING, CONTAINING 3,653
SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 7, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST
QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SAID LOT 7 AND ON THE
PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE
EAST LINE OF SAID LOT 7

S.01°50'59"E. (BEING AN ASSUMED BEARING) 15.94 FEET TO THE POINT OF BEGINNING; THENCE
N.79°43'38"W. 14.02 FEET; THENCE
S.88°10'58"W. 98.26 FEET; THENCE
S.76°19'14"W. 35.69 FEET; THENCE
S.87°58'43"W. 39.06 FEET; THENCE
N.84°05'35"W. 19.89 FEET; THENCE
S.01°45'17"E. 5.05 FEET; THENCE
S.84°05'35"E. 19.57 FEET; THENCE
N.87°58'43"E. 39.91 FEET; THENCE
N.76°19'14"E. 28.73 FEET; THENCE
S.00°00'00"E. 9.77 FEET; THENCE
N.90°00'00"E. 13.39 FEET; THENCE
N.00°00'00"W. 11.62 FEET; THENCE
N.88°10'58"E. 90.57 FEET; THENCE
S.79°43'38"E. 14.56 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE
ALONG THE EAST LINE OF SAID LOT 7
N.01°50'59"W. 5.11 FEET TO THE POINT OF BEGINNING, CONTAINING 1,183 SQUARE
FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 14, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF
PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF
SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE
EAST LINE OF SAID LOT 14
S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.18 FEET; THENCE
N.46°30'24"W. 16.18 FEET; THENCE
N.83°28'15"W. 4.62 FEET; THENCE
S.88°09'32"W. 95.61 FEET; THENCE
S.78°41'47"W. 24.33 FEET; THENCE
S.88°09'32"W. 6.38 FEET TO THE WEST LINE OF SAID LOT 14; THENCE ALONG THE
WEST LINE OF SAID LOT 14
N.01°50'59"W. 16.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE
ALONG THE NORTH LINE OF SAID LOT 14
N.88°09'32"E. 141.96 FEET TO THE POINT OF BEGINNING, CONTAINING 1,852
SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 14, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14 S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.18 FEET TO THE POINT OF BEGINNING; THENCE N.46°30'24"W. 16.18 FEET; THENCE N.83°28'15"W. 4.62 FEET; THENCE S.88°09'32"W. 95.61 FEET; THENCE S.78°41'47"W. 24.33 FEET; THENCE S.88°09'32"W. 6.38 FEET TO A POINT ON THE WEST LINE OF SAID LOT 14; THENCE ALONG THE WEST LINE OF SAID LOT 14 S.01°50'59"E. 5.00 FEET; THENCE N.88°09'32"E. 6.79 FEET; THENCE N.78°41'47"E. 24.33 FEET; THENCE N.88°09'32"E. 94.83 FEET; THENCE S.83°28'15"E. 2.58 FEET; THENCE S.46°30'24"E. 19.56 FEET TO A POINT ON THE EAST LINE OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14 N.01°47'02"W. 7.11 FEET TO THE POINT OF BEGINNING, CONTAINING 738 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 1, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1 N.88°09'32"E. (BEING AN ASSUMED BEARING) 149.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1

S.01°43'25"E. 16.01 FEET; THENCE
S.88°11'06"W. 12.01 FEET; THENCE
N.84°11'46"W. 30.13 FEET; THENCE
S.88°09'32"W. 87.14 FEET; THENCE
S.79°37'41"W. 11.81 FEET; THENCE
S.38°26'56"W. 13.86 FEET TO THE WEST LINE OF SAID LOT 1; THENCE ALONG THE
WEST LINE OF SAID LOT 1
N.01°47'02"W. 24.32 FEET TO THE POINT OF BEGINNING, CONTAINING 1,977
SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 1, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF
PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF
SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG
THE WEST LINE OF SAID LOT 1
S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.32 FEET TO THE POINT OF
BEGINNING; THENCE
N.38°26'56"E. 13.86 FEET; THENCE
N.79°37'41"E. 11.81 FEET; THENCE
N.88°09'32"E. 87.14 FEET; THENCE
S.84°11'46"E. 30.13 FEET; THENCE
N.88°11'06"E. 12.01 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE
ALONG THE EAST LINE OF SAID LOT 1
S.01°43'25"E. 5.00 FEET; THENCE
S.88°11'06"W. 12.33 FEET; THENCE
N.84°11'46"W. 30.13 FEET; THENCE
S.88°09'32"W. 86.44 FEET; THENCE
S.79°37'41"W. 9.56 FEET; THENCE
S.38°26'56"W. 17.89 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE
ALONG THE WEST LINE OF SAID LOT 1
N.01°47'02"W. 7.74 FEET TO THE POINT OF BEGINNING, CONTAINING 778 SQUARE
FEET.

SECTION 3: City Staff is authorized to have a survey conducted and a description of the
land and easements to be condemned to be prepared by a competent engineer. Both the survey and
the description of the property to be condemned shall be filed with the City Clerk upon their
completion.

SECTION 4: The City Clerk is hereby directed to publish this Resolution once in the City's official newspaper.

SECTION 5: This Resolution shall be effective upon its approval and adoption.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS
ON THIS 27th DAY OF FEBRUARY, 2020.

DONALD ROBERTS, MAYOR

ATTEST:

CHRIS CLINTON, CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY

February 10, 2020

TO: Mayor and City Council

FROM: Beth Linn, City Administrator

SUBJECT: Baseball Field Research

In November 2019, staff presented an End of Season report to the Governing Body regarding the use of the baseball fields at Martin Creek Park. Following that report, the Governing Body directed staff to research the requirements for the City to host tournament play at the fields. This memo summarizes the usage of the fields for 2019 and provides City Council a menu of options to consider for the 2020 ball season.

2019 USAGE REPORT (MARCH 1 – OCTOBER 31)

For the 2019 season, Field One (closest to Sunflower Rd) was available for reservation only. Seven (7) teams reserved Field One for practice. Practice allowed for one team each night for two (2) hours long. Coaches paid a \$50 deposit to receive a key to Field One, and coaches who returned their keys by the return date deadline received a full refund. Teams were allowed one weeknight and weekend day for practice. Teams were given their requested practice times on a first come, first serve basis. Lights were available for \$20 an hour. One team request to use lights near the end of their season. Field Two was available on a first come first serve basis so that the public had access to a field for pick-up games, catch with friends and family, practice, etc.

OPTIONS FOR FIELD USAGE FOR 2020

In researching the requirements (both programming and capital improvements) for the tournament play, staff discovered that several smaller communities around Edgerton participate in youth league play. Below is summary of research related to different options for the Governing Body to consider for the 2020 ball season. For each option, staff has compiled programming information (scheduling, sign up, etc) and estimated capital improvement costs (physical improvements to the fields/facilities). Please note the estimates included below are preliminary to provide a level of magnitude of expenditure. Further research will be necessary to develop actual budgetary costs based on City Council direction.

Option 1: Enhanced Practice Fields

This option would build upon the usage of the Martin Creek fields as practice fields for area teams. This information was presented to the City Council in November 2019 and spurred the request to research other options.

PROGRAMMING

Staff recommended several changes to the current program for practice field rental.

- Field rental fees: Staff recommended adding a field rental charge with a discount for resident teams. Suggested rates were \$5/hour for resident teams (at least 60% Edgerton address) and \$10/hour for non-resident teams. Deposit remain \$50.
- Season dates: Staff recommended to divide the season into Spring season (March 1 – June 30) and a Fall season (July 1 – October 31). Separating the season into two shorter seasons gives teams a chance to change their practice times halfway through the year.
- Practice times: Staff would recommend changing the length of practice reservation to 1½ hours, rather than two hours to allow more than one team each night.
- Reservation process: Staff researched reservation process used by surrounding communities. Staff recommends each team submit their top three choices for practice times with preference given to Edgerton teams with others on a first-come, first-serve basis. Coaches would email their completed registration to the Parks and Recreation Coordinator for each season. Exact submittal dates would be set if City Council moves forward with this option.

CAPITAL

In 2018, the City invested in a capital improvement project to elevate the conditions of both Ballfield #1 and Ballfield #2 to be suitable for practice fields. Following that investment, staff budgeted for annual maintenance dollars in the Parks operating budget to maintain that level of service. The 2020 annual maintenance funding is \$8,574. This option would not require additional capital improvement funding outside the operating budget.

Option 2: Youth Recreation League

May 4 – July 11

Today the cities of Baldwin City, Wellsville, Eudora and De Soto participate in a youth league called the Big Four (ages 7 and 8). For older age groups (9 and up), Gardner and Spring Hill participate in the League as well.

PROGRAMMING

Each participating City determines the enrollment specifications for their program. These specifications include the cost per child to participate, equipment provided, deadline to enroll, etc. Most cities provide teams some level of equipment (i.e. catcher's gear) and some level of uniform (shirt and hat, or more).

Edgerton would need to enroll enough kids for each age group to form at least one team. Currently Edgerton youth can participate in the league by enrolling with the City of Gardner. Below is a breakdown of the number of Edgerton kids per age group participating in the league through Gardner.

Tball- 11
 B7/8- 3
 B9/10- 11
 B11/12- 5
 B13/15- 5

Additionally, to support the league, each City provides a League Coordinator for enrollment and administration of the league. During games, the City provides a Field Supervisor and Umpires when they are hosting at their own fields. Staff believes the Parks and Recreation Coordinator could serve as the City's League Coordinator. However, likely the other positions would have to be new seasonal staff.

CAPITAL IMPROVEMENTS

Staff met with the league staff from the lead community to determine what capital improvements would be needed to bring our fields to an operating level consistent with the surrounding communities. League staff recommended to be consistent with other communities in the League, the City should consider investment in several upgrades to the facilities/fields including modern restroom, upgraded lights and dugouts. However, due to timing of this discussion with the annual budget process, the Governing Body could choose to try membership in the League with smaller, incremental improvements for one year. Then consider more significant improvements during the capital improvement budget process. The breakdown of those options is below.

- Estimated Limited Improvements for 2020 Season - \$94,925 (per field)
 - Turf Maintenance Stage I: \$22,125
 - Dugouts: \$38,000
 - Bleachers: \$14,800
 - Lighting Repairs: \$20,000
- Estimated Improvements for Future Seasons - \$524,925 - \$674,925 (per field)
 - Turf Maintenance Stage I: \$22,125
 - Dugouts: \$38,000
 - Bleachers: \$14,800
 - New Lighting: \$200,000
 - Concession Stand & Restroom: \$250,000 to \$400,000

Option 3: Youth Tournament Play

Staff contacted local and national tournament management organizations to research the requirements for the City to host tournament play.

PROGRAMMING

Generally, tournament management organizations indicated the City would need to have groups of fields (typically at least four) to be considered as a destination for tournament play. With two fields that include the required amenities, the City could be considered as overflow fields during times of make-up play for inclement weather, etc. The City would have to reserve our fields for possible use during specific tournament dates with the guarantee of use.

CAPITAL

Similar to League play, for the City to be considered for tournament play (even as overflow or backup), the field facilities would have to include a modern restroom facility, concessions and dugouts in place. In addition to all of the requirements of League play, tournament play would also require the fields tested for compaction and impact concerns (which can dictate additional requirements to the turf) and perimeter fencing to control access to the fields.

- Estimated Field/Facility Improvements as listed in League: \$524,925 - \$674,925
- Additional Facility/Field Improvements: \$340,000
 - Perimeter Fencing: \$50,000
 - Turf Maintenance Stage II: \$115,000
 - Irrigation System: \$175,000
- TOTAL: \$864,925 – 1,014,925

Option 4: Adult Tournament Play

In researching options for additional play on the City fields, staff discovered that some cities provide a location for adult tournament play with more limited requirements for facility amenities.

PROGRAMMING

Adult tournament play would include the City marketing the use of two fields for adult softball tournaments. Similar to youth league play, the City would provide a Field Supervisor and Umpires during games. Staff believes the Parks and Recreation Coordinator could serve as the coordinator of adult tournament play. However, likely the other positions would have to be new seasonal staff.

CAPITAL

Other cities provide similar level of service to the City's existing fields and facilities. If the City Council desired to try this option due to timing of this discussion with the annual budget process, staff would recommend the installation of additional portable restroom for patrons at an estimate cost of \$10,000. Otherwise, City Council no additional investment outside funding programmed in the operating Parks budget. In future years, City Council could consider investment similar to Youth League play.

ADDITIONAL CONSIDERATIONS

REVENUE

Each of the options outlined above has the opportunity to generate revenue depending on the option (if any) selected by City Council. The revenue projections vary widely based on the option selected and the level of participation in that option. If City Council provides direction on a preferred option, staff would bring back additional research and a budget (including revenues and expenditures) for that option

INSURANCE

Currently our insurance coverage does not cover league play for accidents that could potentially happen on the ballfields under our insurance. If city moves forward that type of option, staff would work with the City's insurance carrier to research any additional policies necessary, the costs associated with those policies, and any specific capital improvements required by the insurance carrier.

STAFFING

Several of the options could require additional city staff including positions such as field supervisor, umpires, concession stand attendants, etc. If City Council selects an option for additional research, staff will provide these estimates as part of the additional research and budget mentioned above.

NEXT STEPS

This memo was developed to provide City Council a menu of options to consider related to the ball fields at Martin Creek Park. Staff would request direction from City Council related to a program option, if any, related to the 2020 ball season and any additional research discussion to be considered in future as part of the 2021 Annual Budget Process including the 2022 – 2027 Capital Improvement Program.