

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
April 9, 2020  
7:00 P.M.**

To reduce the spread of COVID-19, Edgerton City Hall  
is closed to the public **EXCEPT FOR DURING OPEN PUBLIC MEETINGS.**

In compliance with the guidance issued by the State of Kansas Attorney General,  
the City of Edgerton remains subject to the Kansas Open Meetings Act (KOMA) and is taking  
actions as necessary and reasonable under the circumstances of the emergency declaration to  
advance the conduct of governmental affairs and ensure the transaction of government  
business is open to the public.

Any resident wishing to attend City Council meeting may do so and is required to practice the  
social distancing guidelines as established by the State of Kansas and Center for Disease  
Control (CDC). The room will be set up to be in compliance with these requirements. The City  
Council members will not be physically present in the room.

Any member of the public wishing to provide general public comment or comment about an  
agenda item without attending the meeting in person may do so by email to Kara Banks  
(kbanks@edgertonks.org). If you are unable to email the comments, you may call the following  
number, and staff will report your comment on your behalf. (913) 893-6231. Any comments  
should be submitted by phone or email by noon (12:00 PM) on day of the scheduled meeting.

**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 March 26, 2020 Regular City Council Meeting
5. Consider Agreement with Raftelis Financial Consultants for Utility Rate Study Update

**Regular Agenda**

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

**Business Requiring Action**

8. **CONSIDER ORDINANCE NO. 2036 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC VII, LLC PROJECT) SERIES 2020, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND DISTRIBUTION FACILITY**

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

9. **Report By The City Administrator**

10. **Report By the Mayor**

- Report on Impact of COVID-19 to City Operations

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

- April 14<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- April 23<sup>rd</sup>: City Council Meeting – 7:00 PM
- May 5<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- May 14<sup>th</sup>: City Council Meeting – 7:00 PM
- May 28<sup>th</sup>: City Council Meeting – 7:00 PM

12. **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, COMMUNITY DEVELOPMENT DIRECTOR AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS**

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

13. **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, PUBLIC WORKS DIRECTOR, AND CITY ADMINISTRATOR FOR THE PURPOSES OF PENDING LITIGATION**

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

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

# EVENTS

April 13<sup>th</sup>: Cooking Class-CANCELED

April 17<sup>th</sup>: ARTbor Day Contest project photo submission deadline via City's Facebook Page or emailed to Kara Banks ([kbanks@edgertonks.org](mailto:kbanks@edgertonks.org))

April 27<sup>th</sup>: Camping Day-CANCELED

May 4<sup>th</sup>: Youth Art Class: Kinetic Sand and Sand Painting

May 11<sup>th</sup>: Youth Cooking Class-CANCELED

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**March 26, 2020**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on March 26, 2020. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks via videoconference
- City Clerk/Planning and Zoning Coordinator Chris Clinton
- Development Services Director Katy Crow via videoconference
- Finance Director Karen Kindle via videoconference
- Accountant Justin Vermillion via videoconference
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks via videoconference

**2. WELCOME**

Mayor Roberts welcomed all joining the meeting remotely and in the audience. He stated it is good to be able meet but bad that the meeting needs to be held in this manner. He explained this was the best way to conduct the meeting for the City of Edgerton and still meet the requirements set forth by Kansas statute relating to the Kansas Open Meeting Act (KOMA).

Mayor Roberts outlined some guidelines for the meeting. He requested all speakers to speak slowly and clearly, this may cause a slower pace to the meeting than the City is accustomed to. Mayor Roberts asked for all remote participants to have their microphones muted while not speaking and to turn the video feed off as to not distract people who are present. He explained minutes are being taken in person so there are no technical issues disrupting the proceedings of the meeting. Councilmembers were asked to be conscious of the technical limitations and state their name so they can be acknowledged and recognized. Mayor Roberts said Mr. Dan Merkh, Public Works Director, is available to assist with technical issues and councilmembers can also text or call Ms. Beth Linn, City Administrator, and Ms. Kara Banks, Marketing and Communications Manager, if Mr. Merkh is unavailable. Mayor Roberts stated there are to be no email chains between councilmembers so there can be no subsequent meetings attached to this meeting so the City can comply with KOMA. Mayor Roberts informed the audience that they are

to speak from their seats to remain socially distant as the seats are spaced at least six (6) feet apart.

### **3. PLEDGE OF ALLEGIANCE**

### **CONSENT AGENDA**

#### **4. Approve Minutes for March 13, 2020 Regular City Council Meeting.**

Mayor Roberts removed this item from the Consent Agenda to amend the date to March 12, 2020 meeting.

Councilmember Longanecker motioned to approve the Minutes for the March 12, 2020 Regular City Council Meeting, motion seconded by Councilmember Smith. The minutes were approved, 3-0.

### **REGULAR AGENDA**

#### **5. Public Comments.**

There were no public comments made at this time.

#### **6. Declaration.**

None of the Councilmembers had any declarations at this time.

#### **7. Presentation of the Excellence in Engineering Award from the American Council of Engineering Companies (ACEC) Kansas Chapter**

Ms. Kristen Leathers with Affinis joined the meeting remotely. She explained Affinis is the Engineer on record for the 207<sup>th</sup> Street and Homestead Lane and submitted the project to ACEC for consideration of the Excellence in Engineering Award. She explained the City of Edgerton is on the leading edge to promote development and jobs. Edgerton also promotes the use of concrete which is more sustainable and does not have the heat effect asphalt does. The installation of LED lighting saves 50% in utilities and lowers the electricity used to power them. Ms. Leathers presented the Excellence in Engineering Award to Mayor Roberts, the Council and City Staff. She explained the actual award will be delivered to City Hall to be displayed. Mayor Roberts thanked Affinis for their work on the project as it moved quickly like a lot of projects in Edgerton. Ms. Leathers said it was a fun project with a great team effort with Miles Excavating, City Staff, and BG Consultants.

#### **8. Discussion Regarding City's Annual Fee Resolution and Consideration for Discount of Certain Fees for Seniors**

Mayor Roberts said he received a call from Councilmember Longanecker who made a good point that seniors on fixed incomes should be able to get a reduction in some permit fees. Councilmember Longanecker stated he has received requests from seniors to have a reduction in the permit to have chickens. He asked if it was \$50. Ms. Linn replied that is the correct amount. Councilmember Longanecker suggested the fee be waived and the fees on some building permits, such as water heater replacement and HVAC systems installs, should

be decreased. Councilmember Smith agreed it would be a great idea. Councilmember Lewis said it would be a great thing to do for the senior community. Mayor asked Councilmember Longanecker if Staff should highlight what fees should be reduced that would be most beneficial for the seniors. Councilmember Longanecker said that would be the best way to review the Fee Schedule.

Councilmember Conus joined the meeting at 7:17 PM and Mayor Roberts recapped the discussion. Councilmember Conus stated he is comfortable with the reduction of fees. Councilmember Longanecker clarified it would be on the permit to house chickens and other similar fees.

Councilmember Conus asked about the stay on disconnection of utilities and if penalty fees be included on it. Mayor Roberts replied the stay was issued by Governor Laura Kelly, but the stay on the penalties could be discussed. He did warn that regardless of the stay, the City will still have to pay for the water, and it would be an advantage to the City to have people pay on time. Mayor Roberts would like residents who are having issues paying their bill to call City Hall. Councilmember Conus stated he does not want people who have been laid off to have to pay a penalty on their bill. Councilmember Longanecker requested clarification if Councilmember Conus would like to have residents pay their bill but without the penalty. Councilmember Conus replied that is correct until the pandemic passes. Councilmember Longanecker asked how the penalty is assessed. Ms. Linn answered the Municipal Code requires the bill to be paid by the fifteenth (15<sup>th</sup>) of the month and if it is not then there is a 10% penalty. With the Governor's order, there are no disconnections, but penalty charge still stands if the bill is not paid by on time.

Ms. Linn explained the stay of the penalty would be a challenge to Staff and put them in a difficult situation as Staff would need to ask if people have lost their job. She recommends that if the Council wants to put a hold on the penalty for those affected by COVID-19, then there should not be a penalty for any resident. Ms. Linn said Staff has discussed payment plans with residents that are having issues due to COVID-19 and without the penalty, there would be little incentive for people who refuse to pay to actually pay their bill. Councilmember Longanecker understands Ms. Linn's concerns but is still worried about people who are challenged by the crisis. Councilmember Conus suggested all penalties be waived until the Governor's order is withdrawn. Councilmember Lewis agreed. Councilmember Smith said it is a good idea to help those who have lost their job due to the crisis and asked if there was a way for people to show that they lost their job due to COVID-19. Mayor Roberts agreed with Ms. Linn that all penalties would have to be suspended, not just for those who are affected by the pandemic. He said the Governor's order does not state specifically that disconnections are halted for people who lost their jobs because of COVID-19, just that all utility connections are halted. Mayor Roberts said the State has waived the waiting period for unemployment and there are companies who are looking to hire during this unprecedented time. He said he is able waive the penalty if Council thinks that is what is best for Edgerton. The Council agreed the penalty for paying the water bill late should be waived. Mayor Roberts said the fee will be waived. Ms. Linn stated this is going into effect after the latest bills and asked if this stay on penalties will start on this date or is Staff to go back retroactively to remove any penalty assessed. The Council agreed that it should start from this date forward.

Mayor Roberts said Staff will review the Fee Schedule and highlight permits and fees that could be lowered for seniors.

Councilmember Longanecker asked if a motion is needed for the water penalty. Mayor Roberts answered it is under his power to do it through the State of Emergency declaration.

### **BUSINESS REQUIRING ACTION**

#### **9. CONSIDER RENEWAL OF CORPORATE INSURANCE POLICY FOR APRIL 1, 2020-MARCH 31, 2021**

Ms. Katy Crow, Development Services Director, addressed the Council. She said annually, the City of Edgerton considers the renewal of its corporate insurance policy. The corporate insurance policy includes several coverages, such as Property, Crime (for employee theft and securities), Inland Marine (contractor's equipment), General Liability, Public Officials Errors and Omissions, Employment Practices, Business Automobile, and Pollution Liability (treatment plant coverage).

City Staff begin working with Mr. Kevin O'Brien from The Reilly Group on the insurance renewal process in January of this year. Earlier this month, Mr. O'Brien informed City Staff that One Beacon would not be submitting a bid for coverage, but he did provide bids obtained from both Travelers and EMC.

In 2019, Council directed staff to determine which property was 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 on March 28, 2019. That same methodology has been employed with regards to the coverage for this policy year. 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.

Ms. Crow stated the proposed coverages and the associated costs from both Travelers and EMC are included in the Councilmember's packet. Also included are the revised property, equipment and vehicle lists. The annual premium quote from EMC is \$100,713 and from Travelers the annual premium quote is \$85,635. Both are A rated companies for insurance provision.

In addition, Pollution Liability would still be provided from Crum & Forster for an amount of \$5,671 annual and Cyber Liability Coverage would come from Hiscox at an amount of \$3,630. These costs are both comparable to those which had been quoted from One Beacon during the last coverage period.

At the bottom of the included spreadsheet, Mr. O'Brien provided some notes regarding the coverage quote outlined. One item that Staff would like to point out for the Council's consideration is the Travelers option related to the wind/hail deductible. If that deductible is increased from \$10,000 to \$25,000 annually, a savings of \$8,750 results. Over a two-year period, that accumulated savings of \$17,500 would cover the \$15,000 increase in deductible

that City funds would need to cover. The quote provided is for a \$10,000 deductible so the savings which would be realized with the higher deductible are not included in this quote. EMC did not offer the same discount with a higher deductible for this coverage.

In addition, EMC will not provide coverage for equipment items in the "Inland Marine" category (anything that leaves a building) and as such, flood damage would not be included for much of the Public Works equipment under the EMC premium. Mr. O'Brien recommends Travelers due to broader coverage at a lower cost.

Mr. O'Brien thanked the Council for the opportunity to speak with them and thanked Staff for their assistance with this process. He said a lot of work goes into gathering information and data to obtain bids. He explained the municipal marketplace for insurance in Kansas was stable but is changing due to severe weather events across the nation. Most claims in the Midwest are due wind and hail damage. To combat the increasing costs to insure municipalities, some companies are raising rates or increasing deductibles to wind and hail damage. Others are using exclusions to limit those particular claims. EMC has a cosmetic damage exclusion stating if there is no functional damage, there would not be a replacement, but damage that causes an interruption to the function what was damage, then a claim would be paid. The City needs to change insurance companies for the first time in seven (7) years due to One Beacon being purchased by another company last year. In the last three years, Edgerton has had claims total over \$610,000 with most of that from the flood in 2017.

Mr. O'Brien recommends Travelers over EMC. He said they are two premier insurance providers in Kansas, but the difference of over \$15,000 and the lack of flood coverage on public works equipment, makes Travelers the better option for Edgerton. Travelers has agreed to provide the flood coverage based on the steps the City has taken to prevent another flood like the one in 2017 from happening again. He stated Travelers is also offering savings if the Council decides to increase the wind and hail damage deductible. Mr. O'Brien explained the different types of coverages and the premiums of each to the Council.

Mr. O'Brien explained the only downside to the coverage offered by Travelers is that City Hall is not on the blanket coverage and is its own item. The premium stated is very competitive and they will consider adding it to the blanket coverage after an engineer inspects the building and it passes the inspection. Mr. O'Brien stated there are two other policies the City has elected to have that Ms. Crow explained. The premiums and coverage are the same as the previous year. Mr. O'Brien recommended the City consider the \$25,000 wind and hail damage deductible to save a little more.

Councilmember Conus said he appreciates the effort put into keeping Council informed on the changes in the company and prices. Mayor Roberts recommended the \$25,000 deductible for the hail and wind damage. Ms. Linn stated Staff agrees.

Councilmember Longanecker motioned to purchase corporate insurance policy from Travelers with a \$25,000 deductible on wind and hail damage, purchase pollution liability from Crum and Forster and purchase cyber liability coverage from Hiscox. Councilmember Smith seconded the motion. The motion carried, 4-0.



Ms. Linn stated some assets the Council elected to self-insure last year and that will not be changing this year.

**10. CONSIDER ORDINANCE NO. 2035 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020A, OF THE CITY OF EDGERTON, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING OTHER DOCUMENTS AND ACTION IN CONNECTION THERE WITHIN; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.**

Ms. Karen Kindle, Finance Director, addressed the Council. She said at the December 12, 2019 Council Meeting, the Council approved Resolution No. 12-12-19A which authorized the City to offer bonds for sale to refund the Series 2012A General Obligation Bonds. At that meeting, the Council reached consensus to use the bank direct purchase method of selling the bonds. At the time of the December 12, 2019, meeting, Stifel had submitted a proposal pursuant to a Request for Proposals process administered by Columbia Capital, the City's Financial Advisor, to serve as placement agent and privately place the bonds with a bank purchaser. In the weeks that followed, Stifel notified Columbia Capital that the bank buyer had withdrawn from the deal. Columbia Capital contacted banks again to see if there was any interest, at which point US Bank provided a proposal.

Ms. Kindle explained US Bank's proposal included a market competitive rate that produced significant interest cost savings to the City; however, they limited the final maturity of the bonds to August 1, 2030, which is four years short of the original maturity of the bonds (2034). After analyzing the projected cash flow from the special assessments, Columbia Capital determined that the City would be able to make the annual payments for the shorter maturity. Having the shorter maturity moves the savings from the refunding to the end of the life of the bonds vs. capturing savings each year and results in the bonds being paid off earlier.

Ordinance No. 2035 authorizes the issuance of the bonds, and notes that the specific terms of the bonds will be outlined in the Bond Resolution, which will be considered by the Governing Body after consideration of this Ordinance.

Mr. Khaleen Dwyer, Columbia Capital, stated the City was looking for a buyer during the period of record low interest rates. The 2020A Bonds are refunding the 2012A Bonds. Mr. Dwyer stated the bonds allowed the City to expand and install the quiet zone on the railroad. He explained the City would have around \$540,000 in total savings with the US Bank proposal. Mr. Dwyer also explained how volatile the bond market got shortly after the City locked in their low rate.

Mr. Kevin Wempe, Bond Council with Gilmore and Bell said a majority of the proceeds are refunding the 2012A General Obligation Bonds and a small portion of the proceeds will add extra security for the payer.

Ms. Linn asked why the purchaser slightly changed some of the numbers. Mr. Dwyer answered Kansas Department of Transportation (KDOT) gained additional right-of-way on both sides of Sunflower Road when the bridge over Interstate 35 was rebuilt and KDOT prepaid the special assessment amount. He explained the change is minor to the City's perspective. Drafts of the Bonds were sent last week to the purchaser and the request for the changes came the morning before the Council Meeting.

Councilmember Conus was happy to hear the City locked in a low rate before the crisis caused the Bond Rates to jump.

Councilmember Conus motioned to approve Ordinance No. 2035 with the minor edits from Bond Council, Councilmember Longanecker seconded the motion. Ordinance No. 2035 was approved with the minor edits from Bond Council, 4-0.

**11. CONSIDER RESOLUTION 03-26-20A AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2020A, OF THE CITY OF EDGERTON, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTION CONNECTED THEREWITH.**

Mr. Dwyer explained the purpose of the tandem of Ordinance and Resolution is Kansas State statute requires the Ordinance, which then needs to be published in the local newspaper. The Resolution is used to shorten the Ordinance and save on publication costs.

Councilmember Longanecker motioned to approve Resolution No. 03-26-20A, Councilmember Smith seconded the motion. Resolution No. 03-26-20A was approved, 4-0.

**12. CONSIDER RESOLUTION NO. 03-26-20B DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUES ITS INDUSTRIAL REVENUE BONDS IN THE MAXIMUM AMOUNT OF \$10,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTION AND EQUIPPING A TRUCK STOP, RESTAURANTS AND RELATED USES FOR THE BENEFIT OF MY STORE III INC.**

Mr. Scott Anderson, Bond Council, addressed the Council. He stated the City has received an application for the issuance of Industrial Revenue Bonds from My Store III Inc., a Kansas corporation, for the construction and equipping of a truck stop, restaurants and related uses. The truck stop will be located on approximately 12 acres of land east of Homestead Lane and north of Interstate 35 in Edgerton, Kansas. The developer is requesting that the bonds be issued so that the project is eligible for a sales tax exemption certificate to be used for construction materials and personal property. The City will not require an origination fee for issuing the industrial revenue bonds.

The project is not eligible for property tax abatement. No ad valorem property tax abatement will be granted for this project at any time.

A public hearing is not required for this project. KSA 12-1744e does require that the City publish notice of its intent to adopt a resolution of intent for the project because the project will be used for retail purposes. Mr. Anderson stated the intent was published on March 18, 2020. This Resolution is the first step to issuing the Bonds. An Ordinance will be presented to Council at a later date to issue the Bonds.

Mayor Roberts stated this project has been through the Planning Commission and the plat was approved by the Council at the March 12, 2020 Meeting.

Councilmember Longanecker motioned to approve Resolution No. 03-26-20B, seconded by Councilmember Smith. Resolution No. 03-26-20B was approved, 4-0.

### **13. CONSIDER RELOCATION COSTS AGREEMENT**

Ms. Linn informed the Council, in 2020, the City of Edgerton will begin construction of the 207<sup>th</sup> Street Grade Separation Project. The Project requires acquisition of property, rights-of-way and easements from several property owners near the 207<sup>th</sup> Street and Co-op Road intersection. For properties that the City obtains title to the property as a result of eminent domain proceedings, the City is obligated to provide property owners fair and reasonable relocation payments and assistance.

The enclosed agreement provides relocations costs in the amount of \$50,000 to Jarold and Sharon Owens (410 West Braun Street) within 14 days of the signing of the Agreement. In addition, the Agreement provides 60 days for the property owners to vacate the property following the City obtaining ownership.

The 207<sup>th</sup> Street Grade Separation Project (design, construction, inspection, utility relocations, right-of-way acquisition, etc.) is funded entirely from the Public Infrastructure Fund as part of the City's agreements with BNSF Railway and Edgerton Land Holding Company for Logistics Park Kansas City (LPKC). No City general fund dollars will be used for this project.

Councilmember Longanecker inquired if \$40,000 was offered. Ms. Linn answered \$50,000 was the maximum amount set by the Council. Mayor Roberts said the property owners agreed to \$50,000 so the agreement was drafted.

Councilmember Longanecker motioned to approve the relocation costs agreement, seconded by Councilmember Lewis. The relocation costs agreement was approved, 4-0.

### **14. CONSIDER THE PROPOSAL WITH MIDLAND WRECKING FOR THE DEMOLITION OF STRUCTURES AT 36790 WEST 207<sup>TH</sup> STREET EDGERTON, KS 66021**

Mr. Merkh addressed the Council. He stated at the January 11, 2018 City Council Meeting, the Council approved the Preliminary Design Agreement with HDR for design services for the 207<sup>th</sup> Street Grade Separation Project. At the City Council Meeting on February 14, 2019, City Council approved the "Off-Alignment" bridge design. The "Off-Alignment" design required the City of Edgerton to purchase the property at 36790 West 207<sup>th</sup> Street Edgerton, KS 66021.

The City of Edgerton purchased the property at 36790 West 207<sup>th</sup> Street Edgerton, KS 66021 on March 2, 2020. At the transfer of ownership, staff toured the property and identified several public safety hazards that include electrical wiring issues from the service connection to the house, dangerous structures (both the barn and house) and a significant amount of trash/debris throughout the property. These structures have to be removed as part of the 207<sup>th</sup> Street Grade Separation Project, as per the "Off-Alignment" design selected by City Council. Staff recommends the structures be demolished and all debris removed now to mitigate any safety hazards.

In compliance with the City's purchasing policy, staff solicited bids from five companies for the demolition of the property. The City received two bids reflected in the enclosed requisition form. The apparent low bidder is Midland Wrecking at \$19,437. Mr. Merkh provided a summary of the bid for the Council.

Councilmember Conus asked how soon the demolition needs to be completed. Mr. Merkh replied City Staff strongly recommends the work be done as soon as possible due to the safety concerns. He said with the testing that needs to take place for the structures to be safely demolished it would be about one to two (1-2) weeks. Councilmember Lewis asked if asbestos testing was going to take place. Ms. Linn answered an inspection will be done to see what needs to be done for the structures to be safely taken down. Councilmember Lewis inquired to what is going to be done with the stone foundation. Mr. Merkh answered pending the asbestos inspection, certain debris can be left per the Kansas Department of Health and Environment. Councilmember Longanecker asked if that included the stone on the house. Mr. Merkh replied it does. Mayor Roberts recommends the demolition happen sooner rather than later. He explained the property was in the County, so it did not fall into the requirements of the City code.

Councilmember Longanecker motioned to approve the proposal with Midland Wrecking for the demolition of structures at 36790 West 207<sup>th</sup> Street, Edgerton, KS 66021. Councilmember Smith seconded the motion. The proposal was approved, 4-0.

#### **15. Report by the City Administrator**

Ms. Linn stated she does not have anything to report at this time.

#### **16. Report by the Mayor**

- Report on Impact of COVID-19 to City Operations

Mayor Roberts wanted to update the Council and public on how COVID-19 has impacted City Operations. He stated many staff members and himself have been in many conference calls and the information changes daily. Johnson County has updated the confirmed number of cases to fifty-six (56). The State of Kansas has 172 cases. Sixty-six (66) counties in Kansas have declared a state of emergency. The number of nationwide cases has increased to over 76,000. He said this is most likely the highest in the world. Three (3) deaths related to COVID-19 have been reported in Kansas with one (1) of those in Johnson County. Mayor Roberts has heard reports that the nation is weeks away from the peak number of cases. Mayor Roberts implored people to heed the warnings and practice social distancing and proper hand hygiene. He asked Ms. Linn to provide highlights from City Staff.

Ms. Linn stated City Hall has closed to the public. Any employee who can work remotely is. The phone system does allow phones to work off site. If somebody is to call the main number for the City, they will get the front desk Staff. The City does have many operations that cannot be done remotely. Operations such as utilities, park maintenance, and public works are still on site. Crews have been divided so proper social distancing can take place. This has led to new locations for some Staff.

Ms. Linn said some members of community do things that still need to happen in person. She recommends residents to pay utility bills online or via telephone if possible. If a cash payment does need to be made, an appointment must be made. She stated there is a drop box that can be utilized for payments as well.

City Staff continues to monitor the federal legislation that effects the City as an employer. The City will implement policies and procedures to follow the federal legislation if needed. Mayor Roberts has taken action to cancel all parks and recreation activities for March and April. Ms. Linn said this includes partnering agencies such as the Senior gatherings. There are to be no City Hall rentals for March and April as well. Staff encourages people to exercise outdoors but has discontinued rentals of the baseball fields.

Mayor Roberts mentioned Governor Laura Kelly has issued many executive orders and Johnson County is issuing and defining their orders daily. The changes in how we do business are apparent, but the City still wants an open government. He said the City's website does have a COVID-19 page with information and useful links.

Councilmember Longanecker asked how many cases are in Johnson County. Mayor Roberts replied there are fifty-six (56) confirmed cases. Councilmember Longanecker inquired if any of the cases are in Edgerton. Mayor Roberts answered he does not know and is not sure if he is able to know. He explained first responders are not informed if they are called to a plausible case. Mayor Roberts said the number of cases is growing, and the chances of somebody in Edgerton contracting COVID-19 is high and everybody should act like there is an active case in Edgerton.

Councilmember Smith asked if more contests could be done to engage the community. Mayor Roberts replied he has seen many items on social media and likes to see the citizens taking the initiative starting items like this and highlighted the ARTbor day

contest the City is doing. Councilmember Smith stated she did see that but inquired if contests could have a monetary reward, such as a gift card to a local business. Ms. Linn answered the biggest challenge is the position of Parks and Recreation Coordinator is vacant and the City is focusing on critical services and how to provide those critical services. The position has not been posted and the City wants to ensure the tax dollars are being used the best way and unsure what the outcome of the economic impact this pandemic will have on the City. Mayor Roberts agreed and stated there are some federal legislation that could impact things like water and wastewater that the City needs to focus on. Councilmember Smith understands and asked if there would be any issues with her starting some contest as a private citizen. Mayor Roberts reiterated that he likes it when movements start with citizens and is okay with her starting something as a citizen. Mayor Roberts still encourages people to visit parks, but not use the playgrounds and heed the guidelines for social distancing. Councilmember Smith agrees and stated she will start considering some idea. Mayor Roberts understands these are trying times and asked the community to stay strong.

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

- April 9<sup>th</sup>: City Council Meeting – 7:00 PM
- April 14<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- April 23<sup>rd</sup>: City Council Meeting – 7:00 PM
- May 5<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- May 14<sup>th</sup>: City Council Meeting – 7:00 PM
- May 28<sup>th</sup>: City Council Meeting – 7:00 PM

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

Mayor Roberts removed the Executive Session from the Agenda.

Mayor Roberts asked the Council their thoughts of the meeting setup. Councilmember Longanecker said it worked well for him. Mayor Roberts stated he is happy to hear that as a lot of time went into getting it set up. Councilmember Smith agreed it worked well and she could hear and understand most of what was said. She appreciates everybody's work put into getting the meeting setup. Councilmember Lewis agreed and was happy staff was able to set it up. Councilmember Conus said he greatly appreciates the solution but did have issues hearing Mayor Roberts. Mayor Roberts appreciated the feedback and it has been a difficult task. He said City Staff might try to rearrange the room or try other solutions to improve some of the issues raised.

**19. Adjourn**

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Longanecker. The motion carried and the meeting adjourned at 8:54 PM.

## EVENTS

March 31<sup>st</sup>: Knitting Class-CANCELED

April 4<sup>th</sup>: Easter Egg Hunt-CANCELED

April 6<sup>th</sup>: Art Class-CANCELED

April 7<sup>th</sup>: Knitting Class-CANCELED

April 13<sup>th</sup>: Cooking Class-CANCELED

April 17<sup>th</sup>: ARTbor Day Contest project photo submission deadline via City's Facebook Page or emailed to Kara Banks ([kbanks@edgertonks.org](mailto:kbanks@edgertonks.org))

April 27<sup>th</sup>: Camping Day-CANCELED

## City Council Action Item

**Council Meeting Date:** April 9, 2020

**Department:** Utilities

### **Agenda Item: Consider Agreement with Raftelis Financial Consultants for Utility Rate Study Update**

**Background/Description of Item:**

In 2015, the City contracted with Raftelis Financial Consultants to conduct a comprehensive rate study for the City's two utilities – Water and Sewer. Raftelis has completed updates to that initial rate study in 2017, 2018 and 2019. The update process involves updating the billing data, cost data, etc., in order to update the financial plans, and, ultimately providing a recommendation on rates. The City then uses the rate study information in development of the Water and Sewer Utility Budgets each year.

Attached is the agreement with Raftelis for the rate study update for 2020. The cost of the 2020 rate study is \$15,400. Of the \$15,400, \$4,340 is related to the wholesale sewer rate, which is charged to the City of Gardner. The agreement provides that the final report will be presented to Council at the Utility Budget Work Session on May 28, 2020.

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

**Funding Source:** Water and Sewer Funds Professional Services

**Budget Allocated:** \$15,400

**Finance Director Approval:**

x *Karen E. Kindle*  
Karen Kindle, Finance Director

**Recommendation: Approve the Agreement with Raftelis Financial Consultants for the 2020 Rate Study Update for an Amount Not to Exceed \$15,400.**

**Enclosed:** Agreement with Raftelis for the 2020 Rate Study Update

**Prepared by:** Karen Kindle, Finance Director





April 1, 2020

Beth Linn  
City Administrator  
City of Edgerton  
404 E. Nelson Street  
Edgerton, KS 66021

Dear Ms. Linn:

Thank you for this opportunity to be of continued service to the City of Edgerton and provide this proposal to update the City's water and wastewater utility rate studies. This update is intended to update the City's retail and wholesale rates to reflect the latest available cost information as well as appropriately allocate costs based on changes in operation of the City's wastewater utility that have occurred recently.

#### Task 1 – Update Revenue Requirements and Financial Plans

We will work with City Staff to update the overall revenue requirements for the water and wastewater utilities to reflect the latest actual and budgeted operation and maintenance costs, debt service, capital expenditures, and contributions to reserves. This task will include development of a financial plan for each the water and wastewater utility, including a capital financing plan for each utility identifying projected capital expenditures and the source of funding for the capital expenditures.

#### Task 2 – Determination of Units of Service

We will update the actual and projected units of service for each the water and wastewater utility based on the latest available billing information for retail and wholesale customers of the City. We will work with City Staff to ensure the units of service accurately reflects expected changes in customers and usage over the rate forecast period.

#### Task 3 – Determination of Utility Rates

Based on the financial plans developed in Task 1 and the units of service developed in Task 2 we will calculated proposed retail and wholesale rates for each the water and wastewater utility. The wholesale sewer rates will be consistent with the contract between the City of Edgerton and the City of Gardner and reflect the latest available data for use of the City of Edgerton's facilities by each.

#### Task 4 – Reports and Presentations

We will document the findings of Tasks 1 through 3 in a written report. The report will document the objectives of the study, methodology, financial plans, units of service, and the proposed rates for retail and wholesale customers. A draft of this report will be provided to City Staff and we will review the report and incorporate comments, suggestions, and changes from City Staff into a Final Report. The

Final Report will be presented to City Council by Raftelis as directed by City Staff (tentatively scheduled for May 28<sup>th</sup>, 2020, subject to change by the City).

We will present the results of the Final Report to City Council

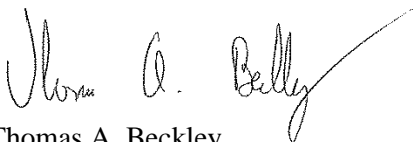
We proposed to complete this scope of work for a not to exceed price of \$15,400 as shown in the Table below. We will bill the City monthly for time and expenses incurred in the previous month.

	Thomas Beckley, Project Manager	Joe Collins, Staff Consultant	Administrative Support
Task 1 - Update Revenue Requirements & Financial Plans	6	12	
Task 2 - Determination of Units of Service	4	8	
Task 3 - Determination of Utility Rates	4	8	
Task 4 - Reports and Presentations	6	16	4
	20	44	4
Hourly rates	\$ 310	\$ 185	\$ 70
Consultant Fees	\$ 6,200	\$ 8,140	\$ 280
Estimated Fees			\$ 14,620
Technology and Communication Charges			\$ 680
Travel and Other Expenses			\$ 100
Total Estimated Fees and Expenses			\$ 15,400

Of this amount \$4,340 of the total fee is related to the determination of the wholesale rate for the City of Gardner.

We appreciate this opportunity to be of continued service to the City of Edgerton. If you have any questions please feel free to contact me at (816) 285-9024 or tbeckley@raftelis.com.

Sincerely,  
RAFTELIS FINANCIAL CONSULTANTS, INC.



Thomas A. Beckley  
Senior Manager

We accept the terms of this Engagement Letter

Signature	Date
Title	Printed name of authorized agent

### Disclosure

As a registered Municipal Advisor under the Dodd-Frank Act, Raftelis is required to inform our clients of any existing or potential conflicts of interest that may be relevant to any proposed scope of services that may include providing “advice” as that term is defined in the Dodd-Frank Act. As of the date of this engagement letter, no conflicts of interest are known to exist.

Under the Dodd-Frank Act the definition of “advice” includes providing any opinion, information or assumptions related to the size, timing and terms of possible future debt issues or borrowing. This type of information may be integrated into the capital and financial planning components of a financial forecast model. This definition is applicable regardless of whether this information is developed and used solely for planning and decision-making purposes. For the services addressed in the scope of work identified for this engagement, any information that is developed by Raftelis that falls under this definition of municipal advice is not intended to represent a recommendation that the City should issue debt based on the terms and assumptions used to develop the financial plan or forecast, or that the City will, in fact, be able to issue debt under the exact terms and conditions assumed and used to develop the financial plan or forecast. The information developed as part of these services, including any related municipal advice, is intended only to provide information useful in evaluating the potential impact on the utility and future rate adjustments of one potential course of action for the City. If the City decides at some future date to issue debt, then at that time the City will need to engage an independent, registered Financial Advisor to assist in evaluating the availability of different types of debt, and the specific terms and conditions for issuing debt, which will be affected by market conditions and the City’s credit rating at the time of issuance. At that time, as a registered Municipal Advisor, Raftelis can provide additional assistance related to a specific bond or debt issue, such as preparing a bond feasibility report or financial forecast for inclusion in bond documents.

Raftelis does not have any legal events or disciplinary history on Raftelis’ Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. Raftelis’ most recent Form MA and each most recent Form MA-I filed with the SEC may be accessed electronically at the following website:

[www.sec.gov/edgar/searchedgar/companysearch.html](http://www.sec.gov/edgar/searchedgar/companysearch.html)

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC. If any material legal or regulatory action is brought against Raftelis, Raftelis will provide complete disclosure to the City in detail.

This agreement may be terminated at any time by written notice from the City, with or without cause. In that event, all finished and unfinished work products prepared for the City shall become property of the City and shall be delivered to it or any party it may designate, provided that Raftelis shall have no liability whatsoever for any subsequent use of such work products.

By signing this engagement letter indicating its approval and acceptance of the of the proposed scope of work and fees, the City is also explicitly acknowledging that Raftelis has provided the necessary disclosures addressing conflicts of interest and any limitations on the scope of Municipal Advisory services to be provided by Raftelis as part of this engagement.

## CITY OF EDGERTON, KANSAS

### COUNCIL AGENDA ITEM

---

**Council Meeting Date:** April 9, 2020

**Agenda Item:** Ordinance Authorizing Bonds and Bond Documents

**Subject:** Industrial Revenue Bonds and Property Tax Abatement for ELHC VII Project

---

#### Summary:

The City received an application for property tax abatement from ELHC VII, LLC for a project located in the Logistics Park, consisting of an approximately 952,000 sq. ft. warehouse and distribution facility, to be located at 30901 W. 185<sup>th</sup> Street, Edgerton, Kansas (the “Project”).

The City has previously adopted Resolution No. 07-08-10A on July 8, 2010, Resolution No. 04-25-13A on April 25, 2013, and Resolution No. 04-09-15A on April 9, 2015 (collectively, the “Resolution of Intent”) expressing the intent of the City to issue its industrial revenue bonds in multiple series, the aggregate amount of all series not to exceed \$1,000,000,000, to finance the costs of acquiring, constructing, reconstructing, improving and equipping various projects within The Logistics Park-KC for the benefit of Edgerton Land Holding Company, LLC, or its assigns (the “Developer”). The City adopted Resolution No. 01-23-20C on January 23, 2020 (the “Assignment Resolution”) consenting to the assignment of \$45,000,000 of the Developer’s interest in the Resolution of Intent to ELHC VII, LLC for the Project. Prior to adopting the Assignment Resolution, the City held a public hearing on the Project and considered the cost-benefit report.

#### Ordinance:

The Ordinance authorizes the City to issue up to \$45,000,000 of industrial revenue bonds for the Project. This bond issue is commonly referred to as a “buy your own bonds bond issue.” ELHC VII will be both the lessee on the project and the owner of the bonds. When the bonds are issued, ELHC VII will lease the project site to the City as is required by state law in order to issue industrial revenue bonds. The City will then sublease the project back to ELHC VII. ELHC VII will be obligated to repurchase the project at the conclusion of the tax abatement.

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

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

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

**ORDINANCE NO. 2036**

**AN ORDINANCE AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC VII, LLC PROJECT) SERIES 2020, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND DISTRIBUTION FACILITY.**

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

**WHEREAS**, the governing body of the City has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue its Industrial Revenue Bonds (ELHC VII, LLC Project) Series 2020, in an aggregate maximum principal amount not to exceed \$45,000,000 (the "Bonds"), for the purpose of acquiring, constructing and equipping a commercial project, consisting of an approximately 952,000 sq. ft. warehouse and distribution facility, to be located at 30901 W. 185<sup>th</sup> Street, Edgerton, Kansas, including land, buildings, structures, improvements, fixtures, machinery and equipment (the "Project"), and that the City lease the Project to ELHC VII, LLC, a Kansas limited liability company (the "Company"); and

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

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

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

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

**Section 3. Authorization of Documents.** The City is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the Council of the City (copies of which documents, upon execution thereof, shall be filed in the office of the City Clerk), with such changes

therein as shall be approved by the officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

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

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

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

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

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

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

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

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

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

**PASSED** by the Council of the City of Edgerton, Kansas, this 9<sup>th</sup> day of April, 2020.

---

Donald Roberts, Mayor

[SEAL]

ATTEST:

---

Chris Clinton, City Clerk

Approved as to form:

---

Scott W. Anderson, Bond Counsel

ELHC VII