

Members of the public wishing to speak during Public Comment or on Items of Business must register with the County Clerk prior to the beginning of the meeting.

AGENDA

BOARD OF FRANKLIN COUNTY COMMISSIONERS Wednesday, March 16, 2016 | 8:30 a.m.

TO BE HELD IN THE ANNEX COMMISSION CHAMBERS

A. CALL TO ORDER

B. ROLL CALL:

Waymire Howard Dunn Harris Renoud

C. PLEDGE OF ALLEGIANCE

D. INVOCATION:

1. Invocation Led By Pastor Scott Dickinson, Ottawa.

E. CORRESPONDENCE & ORGANIZATIONAL BUSINESS

F. PUBLIC COMMENT:

A citizen desiring to speak on an item not on the agenda may do so at this time. Discussion is limited to five minutes and the Commission will not take action or discuss items at this time. Discussion should be limited to matters of County Commission business and public comment is not permitted in regard to personnel matters or on pending legal matters. Items introduced under '**Public Comment**' may become agenda items at a later date.

G. CONSENT AGENDA:

Items listed on the '**Consent Agenda**' are considered routine and shall be enacted by one motion of the Board of Commissioners with no separate discussion. If separate discussion is desired by a member of the Governing Body, that item may be removed from the '**Consent Agenda**' and placed on the regular agenda '**Items of Business.**'

1. Consider And Approve Franklin County Minutes For March 9, 2016.
2. Consider And Approve Claim Vouchers And Tax Change Orders.

H. ITEMS OF BUSINESS:

1. Consider Approving A Proposal From High Plains, Inc. To Repair The Culvert Just South Of Thomas Road On Texas Road In The Amount Of

\$11,685.00. James M. Haag, Jr., Public Works Director

Documents:

[2016 0316 cv motion for high plains cuvert repair texas rd.pdf](#)
[culvert repair estimate.pdf](#)

2. Consider Awarding The 2016 Dust Control To Scotwood Industries, Inc. In The Amount Of \$1.015 Per Gallon. James M. Haag Jr., Public Works Director

Documents:

[2016 0316 cvr sht awarding bid.pdf](#)
[dust control bid.pdf](#)

3. Consider Awarding The Bid For The 2016 Painted Pavement Marking Project To Midwest Striping, Inc. For The Amount Of \$40,413.60. James M. Haag, Jr., Public Works Director

Documents:

[2016 0316 cvr sht award bid for 2016 painted pavemnt.pdf](#)
[painted pavement proposal.pdf](#)

4. Consider Setting A Public Hearing To Consider Vacating Iowa Road From Allen Road To Butler Road. James M. Haag, Jr., Public Works Director

Documents:

[2016 0316 cv motion to vacate iowa rd from allen rd to butler rd.pdf](#)
[iowa rd map.pdf](#)

5. Consideration Of Resolution Regarding Bonding For Road Improvement For Kingman Road And Montana Rd For The Development Park. Jon Holmes, Administrator

Documents:

[20160314 ~ rock creek park road project resolutions.pdf](#)
[20160314 ~ rock creek park road project resolution mgmt summary.pdf](#)
[resolution authorizing road improvements - franklin county kansas - 201.....pdf](#)
[reimbursement resolution - franklin county kansas - 2016 \(road improvem....pdf](#)
[interlocal- industrial park.pdf](#)

I. STAFF REPORTS

J. COMMISSIONER COMMENTS AND BOARD REPORTS

K. CONSIDER A MOTION FOR ADJOURNMENT

L. INFORMATION AND ANNOUNCEMENTS:

1. UpComing Events

- Joint City/County/School Board Luncheon on Mar. 16, 2016 at Franklin County Commission Chambers at Noon.
- Commission Study Session on Mar. 21, 2016 at 8:30 A.M.
- Commission Meeting on March 23, 2016 at 8:30 A.M.
- Commission Meeting on March 30, 2016 at 8:30 A.M.
- Commission Study Session on April 4, 2016 at 8:30 A.M.
- Commission Meeting on April 6, 2016 at 8:30 A.M.
- Commission Meeting on April 13, 2016 at 8:30 A.M.
- Management Luncheon on April 13, 2016 in the Commission Chambers at Noon.
- SEK Regional Meeting on April 14, 2016.

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: James M. Haag, Jr.
Department: Public Works
Date: Wednesday, March 16, 2016

AGENDA ITEM NARRATIVE

Consider approving a proposal from High Plains, Inc. to repair the culvert just south of Thomas Road on Texas Road in the amount of \$11,685.00

BACKGROUND

The culvert on Texas Road suffered a failure near the east headwall. Staff and Hi Plains representatives met on-site and discussed methods of repair. Hi Plains proposal in the amount of \$11,685.00 is the result of these discussions.

SPECIFIC ACTION REQUESTED

Motion approving a proposal from High Plains, Inc. to repair the culvert just south of Thomas Road on Texas Road in the amount of \$11,685.00

ATTACHMENTS

Proposal

Hi Plains, Inc.

ESTIMATE

Joe Soper 785-759-3279
Mike Frack 785-566-3706

P.O. Box 7
Pomona, KS 66076

No 1645

Date 3-9-16

NAME FRANKLIN COUNTY
PUBLIC WORKS
OTTAWA KS 66067

JOB NAME BRIDGE AT
SOUTH OF THOMAS RD
ON TEXAS RD

QUAN.	DESCRIPTION	PRICE	AMOUNT
	SUPPORT EXCAVATION BY COUNTY FORM FOR CONCRETE CAP ON EXISTING CULVERT TUBE POUR 12" CONCRETE CAP SHORE CULVERT TO SUPPORT CONCRETE REBAR #4 AND #6 12" ON CENTER CONCRETE TO BE HIGH, EARLY STRENGTH MIX 4500 PSI		
	LABOR & MATERIAL		
			\$ 11,685.00
	THANK M. Lued		
	785 214 9606		

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: James M. Haag, Jr.
Department: Public Works
Date: Wednesday, March 16, 2016

AGENDA ITEM NARRATIVE

Consider awarding the 2016 Dust Control to Scotwood Industries, Inc. in the amount of \$1.015 per gallon

BACKGROUND

The Board of County Commissioners approved the Solicitation of Bids for 2016 Dust Control on February 24, 2016. The bids were opened in the office of the County Clerk on March 10, 2016. Scotwood Industries, Inc. was the only bid received.

SPECIFIC ACTION REQUESTED

Motion awarding the 2016 Dust Control to Scotwood Industries, Inc. in the amount of \$1.015 per gallon

ATTACHMENTS

Bid

FRANKLIN COUNTY PUBLIC WORKS

James M. Haag, Jr., Director
1428 S. MAIN, Suite 5
OTTAWA, KS 66067-3547
(785) 229-3550
FAX (785) 229-3504

BOARD OF COMMISSIONERS
Colton M. Waymire, District 1
Richard A. Howard, District 2
Roy C. Dunn, District 3
Steven W. Harris, District 4
Randall L. Renoud, District 5

February 24, 2016

Franklin County will be using Magnesium Chloride (MgCl) for dust control during 2016. The County will prepare the roadbed for application and will guide the applicator to the areas that are to be treated. We will make one application: the application will be at the rate of .50 gal per square yard.

We are currently taking applications from the landowners for dust control and will not have the total amount needed until we quit taking applications March 30, 2016. We treated 57 areas in 2007 totaling 49,578 square yards (23,301 running ft. x 20-ft wide). We treated 58 areas in 2008 totaling 47,430 square yards (21,343.5 running ft. x 20-ft wide). We treated 43 areas in 2009 totaling 37,773 square yards (16,998 running ft. x 20-ft wide). We treated 42 areas in 2010 totaling 38,389 square yards (17,275 running ft x 20-ft wide) and treated 49 areas in 2011 totaling 42,753 square yards (19,239 running ft x 20-ft wide). Treated 48 areas in 2012 totaling 40,240 square yards (18,108 running ft x 20 ft wide). Treated 58 areas in 2013 totaling 52,211 square yards (23,495 running ft x 20 ft wide). Treated 75 areas in 2014 totaling 32,070 square yards (14,446 running ft x 20 ft wide). Treated 91 areas in 2015 totaling 80,782 square yards (36,352 running ft x 20 ft wide).

I am asking for quotes for two estimates of areas to be treated. We want to do the treatment starting in early May 2016.

Franklin County would prefer for the applicator to "pre-wet" each area (.5 gallon of water per square yard) ahead of the MgCl application. We have bid "pre-wetting" as an option. If the cost of the option is higher than expected, the County may wish to do the "pre-wetting" itself. Water will be supplied by Franklin County.

- 1) MgCl (30% minimum) applied to 80,000 square yards: \$ 1.015 per gallon MgCl (applied).
- 2) Pre-wetting 80,000 square yards: \$ 0.550 per gallon (applied).
- 3) MgCl (30% minimum) applied to 40,000 square yards: \$ 1.015 per gallon MgCl (applied).
- 4) Pre-wetting 40,000 square yards: \$ 0.550 per gallon (applied).

Please make any comments below that you feel make you the best vendor to apply dust control materials on Franklin County roads during 2016.

PLEASE USE THIS FORM FOR BIDDING

Vendor Name: Scotwood Industries, Inc.

Vendor Address: 12980 Metcalf Ave, Ste 240; Overland Park, KS 66213

City

State

Zip

Vendor Representative: Jim Wilson Jim Wilson, Vice President Date: 03/08/2016

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: James Haag, Jr.
Department: Public Works
Date: Wednesday, March 16, 2016

AGENDA ITEM NARRATIVE

Consider awarding the bid for the 2016 Painted Pavement Marking Project to Midwest Striping, Inc. for the amount of \$40,413.60

BACKGROUND

Commissioners approved a Solicitation for Bids for the 2016 Painted Pavement Marking Project at their regular meeting on March 2, 2016. The bids were opened on March 10, 2016 in the office of the County Clerk. The bid from Midwest Striping, Inc. was the lowest responsible bid received.

SPECIFIC ACTION REQUESTED

Motion to award the bid for the 2016 Painted Pavement Marking Project to Midwest Striping, Inc. for the amount of \$40,413.60

ATTACHMENTS

Bids

PROPOSAL

Pavement Marking (Paint) (Yellow) (4")	43.2 Miles @	<u>\$ 349 -50 =</u>	<u>\$ 15098-40</u>
Pavement Marking (Paint) (White) (4")	86.4 Miles @	<u>\$ 293 -00 =</u>	<u>\$ 25315-20</u>
Mobilization	L.S.	\$	<u> - </u>
:	TOTAL		<u>\$ 40413 -60</u>

Company Name:

Midwest Striping, Inc.

Company Address:

43 Ponderosa Dr.

Company Address:

Grand Island, NE 68803

Company Representative:

Curt Clausen

Type or Print Name

Signature:

Curt Clausen

Company Phone Number:

308-390-2835

PROPOSAL

Pavement Marking (Paint) (Yellow) (4")	43.2 Miles @	<u>\$ 1,056.⁰⁰</u>	=	<u>\$ 45,619.²⁰</u>
Pavement Marking (Paint) (White) (4")	86.4 Miles @	<u>\$ 1,056.⁰⁰</u>	=	<u>\$ 91,239.⁴⁰</u>
Mobilization	L.S.			<u>\$136,857.⁶⁰</u>
:	TOTAL			<u>\$136,857.⁶⁰</u>

Company Name:

Quality Surface Pros

Company Address:

616 E 10th St

Company Address:

Ottawa, KS 66067

Company Representative:

Travis Mendell

Type or Print Name

Signature:

Travis Mendell

Company Phone Number:

785.214.3288

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: James M. Haag, Jr.
Department: Public Works
Date: Wednesday, March 16, 2016

AGENDA ITEM NARRATIVE

Consider setting a public hearing to consider vacating Iowa Road from Allen Road to Butler Road

BACKGROUND

The Board of County Commissioners approved removal of the bridge on Iowa Road south of Butler Road which has been accomplished. The landowners have access to their properties from Allen Road and Butler Road which makes Iowa Road unnecessary.

SPECIFIC ACTION REQUESTED

Motion setting a public hearing to consider vacating Iowa Road from Allen Road to Butler Road

ATTACHMENTS

Aerial Photo

KIPPER, DANIEL JOHN
22882 NW 2500 RD

RICHMOND, KS 66080-8114

EVANS, JOHN R & EVANS, DAVID W JR
PO BOX 67

LEBO, KS 66856-0067

DAUNER, JOHN P TRUST
485 W RIVER RD
PRATT, KS 67124-7777

IOWA RD

EVANS, JOHN R & EVANS, DAVID W JR
PO BOX 67
LEBO, KS 66856-0067

PLATT, EDWARD J & PLATT, JOANNE TRUST
Attn: PLATT, JOANNE
5416 BRIAR ST
ROELAND PARK, KS 66205-2213

PLATT, JOANNE TRUST
5416 BRIAR ST

ROELAND PARK, KS 66205-2213

SCHECKEL MANAGEMENT LP
2211 ALLEN TER

RICHMOND, KS 66080-9126

BULLER RD

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: Jon Holmes, County Administrator
Department: Administration
Date: 3/14/16

AGENDA ITEM NARRATIVE

Consideration of resolution regarding bonding for road improvement for Kingman Road and Montana Rd for the development park.

BACKGROUND

For consideration are resolution options for the financing of the road improvement project for Kingman Road and Montana Road that are located on the perimeter of the Rock Creek Development Park. In order to reimburse any current expenses related to this road improvement project from future bond proceeds, the Commissioners will need to approve one of the two considered resolutions.

SPECIFIC ACTION REQUESTED

Approval of one of the two proposed resolutions

ATTACHMENTS

Resolution 16- RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY, SUBJECT TO THE PROCEDURES DESCRIBED HEREIN, IN AN AMOUNT NOT TO EXCEED \$11,000,000 TO PROVIDE FOR THE FINANCING OF THE IMPROVEMENT OF KINGMAN AND MONTANA ROADS.

Resolution 16- A RESOLUTION OF INTENT OF FRANKLIN COUNTY, KANSAS, TO FINANCE CERTAIN IMPROVEMENTS WITH THE ISSUANCE OF FEDERALLY TAX-EXEMPT DEBT.





BOARD OF FRANKLIN COUNTY COMMISSIONERS

Richard A. Howard, 2nd District - Chairman

Colton M. Waymire, 1st District
Roy C. Dunn, 3rd District

Steve Harris, 4th District
Randall Renoud, 5th District



Office of the County Administrator
Jon Holmes, M.P.A.

To: Franklin County Commissioners
From: Jon Holmes, County Administrator
Re: Coroner's fees
Date: 2/23/2016

OVERVIEW

As part of the Interlocal agreement between the County and the City of Ottawa, the County has agreed to extend improved roads to and adjacent to the proposed location of the industrial park. Specifically, the County has agreed to "provide for the design, improvement, and construction of Kingman Road from US-59 to Montana Road; the intersection of Kingman and Montana roads; and Montana Road from Kingman Road to the I-35 overpass, on alignments acceptable to the County, to the standard of a city arterial street with all necessary stormwater enhancements and will be responsible for the costs of the same" as outlined in Section 4 of the Interlocal Agreement.

DISCUSSION

In recent months Franklin County has begun to have expenses related to this project in the form of preliminary engineering work, geotechnical and other work that needs to be completed as part of the design, improvement and construction of this road improvement project. As work continues, the County intends to finance this project through bonding at some time in the future. In the meantime, work will be continuing on this project with bills forthcoming; it is not desirable to continue to pay expenses related to this project out of reserve funds because these expenses will not be eligible for reimbursement from the bond proceeds when the bonding funds are available unless a resolution is passed stating project intent.

In order to allow the County to continue to move forward with this project, the County must pass a resolution relating to this project and has two options at this time:

OPTION 1

Resolution 1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY, SUBJECT TO THE PROCEDURES DESCRIBED HEREIN, IN AN AMOUNT NOT TO EXCEED \$11,000,000 TO PROVIDE FOR THE FINANCING OF THE IMPROVEMENT OF KINGMAN AND MONTANA ROADS.

Option 1 Details:

This resolution authorizes the County to move forward with the issuance of bonds at some future date to be determined. No bonds will be issued at this time, however, several of the statutory mandated procedures related to the issuance of bonds will be completed (public notices and public comment period) in order that the County may move forward with issuing bonds when ready to proceed. This process takes about 90 days to complete. This clears the way for any funds that are expended out of reserve funds

to pay for any current expenses relating to the road improvement (engineering, easements, construction, etc.) to be reimbursed from the bond funds after they are issued. For clarification, this only authorizes the County to issue bonds so that the statutory mandated provisions regarding public notices and public comment can be completed with the assistance of our bonding counsel at this time; no contracts, or other debt will be issued at this time. All discussions for the actual issuance of bonds come back before the Commission for consideration and approval.

OPTION 2

Resolution 2

A RESOLUTION OF INTENT OF FRANKLIN COUNTY, KANSAS, TO FINANCE CERTAIN IMPROVEMENTS WITH THE ISSUANCE OF FEDERALLY TAX-EXEMPT DEBT.

Option 2 Details: This resolution simply states that the County intends to finance the road project of the Rock Creek Development Park through issuance of federally tax-exempt financing (bonds) at some point in the future. This clears the way for any funds that are expended out of reserve funds to pay for any current expenses relating to the road improvement (engineering, easements, construction, etc.) be reimbursed back to reserve funds from the bond fund after the bonds are issued.

However, this is a temporary fix to address current expenditures, this does not address the statutory mandated processes outlined above. We would have to come back and follow the procedures necessary for the issuance of bonds as outlined above. This includes passing the resolution to authorize the issuance of bonds, as well as the public notification and public comment period process which, again, takes about 90 days.

RECOMMENDATION

At this time, it is my recommendation that the Commissioners move forward with the resolution authorizing the County to issue bonds.

I believe that working through the public notifications and public comment periods now streamlines the process, and allows for the County to be ready to move forward and possibly move forward quickly if needed. Working through this process now gives us time in the event that there is an issue or concern on the part of the community. This also avoids duplication of efforts by passing two resolutions.

It is also our intent to make application to the State for grant funding that may be available for this project. It is preferable that we be able to state that we have met statutory obligations regarding public notification and comment on this issue already, and also show a commitment on the part of the County for this project. Lastly, it shows that we are working to help ourselves. It is my experience that those assigned to review grant applications, like to see that the entity making application has obligated itself in some way instead of just asking for money for a project.

RESOLUTION NO. 16 - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY, SUBJECT TO THE PROCEDURES DESCRIBED HEREIN, IN AN AMOUNT NOT TO EXCEED \$11,000,000 TO PROVIDE FOR THE FINANCING OF THE IMPROVEMENT OF KINGMAN AND MONTANA ROADS.

WHEREAS, pursuant to K.S.A. 19-101a *et seq.*, and upon completion of the procedures set forth in Charter Resolution No. 2012-01 (the “Charter Resolution”) of Franklin County, Kansas (the “County”), adopted on December 19, 2012, the Board of County Commissioners is authorized to issue general obligation bonds of the County for the purpose of financing the construction, repair or reconstruction of any road, bridge or culvert within the County; and

WHEREAS, it is necessary to provide for the design, improvement and construction of Kingman Road from US-59 to Montana Road; the intersection of Kingman and Montana Roads; and Montana Road from Kingman Road to the I-35 overpass, with all necessary stormwater enhancements and related appurtenances (the “Road Project”); and

WHEREAS, the estimated cost of the Road Project is \$11,000,000, and the County has determined it necessary to finance such costs with the proceeds of general obligation bonds and/or temporary notes issued under the Charter Resolution of the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS AS FOLLOWS:

Section 1. The Board of County Commissioners hereby determines that it is necessary to provide for the construction of the Road Project and, in accordance with the Charter Resolution and subject to the procedures set forth in Section 2, authorizes the issuance of general obligation bonds of the County in an amount not to exceed \$11,000,000 to provide for the financing of the Road Project.

Section 2. Before issuing such general obligation bonds to pay costs of the Road Project, this resolution shall be published in the official County newspaper, once each week for three consecutive weeks and, if within 60 days following the last publication of the resolution, a petition in opposition to the issuance of such bonds, signed by not less than 5% of the qualified electors of the County, is filed with the County election officer, no such bonds shall be issued unless a majority of the electors of the County voting on the question of issuing such bonds shall approve the same in an election called and held in the manner provided for by law.

Section 3. This resolution shall constitute a declaration of official intent for purposes of United States Treasury Regulation § 1.150-2.

Section 4. The County Clerk is hereby directed and authorized to provide for the publication of this resolution in the manner described in Section 2 hereof.

Section 5. This resolution shall take effect from and after its adoption by the Board of County Commissioners.

ADOPTED by the Board of County Commissioners of Franklin County, Kansas on March 16, 2016.

FRANKLIN COUNTY, KANSAS

(Seal)

Chairman

ATTEST:

County Clerk

RESOLUTION NO. 16 - ____

A RESOLUTION OF INTENT OF FRANKLIN COUNTY, KANSAS, TO FINANCE CERTAIN IMPROVEMENTS WITH THE ISSUANCE OF FEDERALLY TAX-EXEMPT DEBT.

WHEREAS, the Internal Revenue Service has issued Section 1.150-2 of the Treasury Regulations (the “Reimbursement Regulations”) which prescribe procedures applicable to Franklin County, Kansas (the “County”), for issuing bonds, all or a portion of the proceeds of which are to be used to reimburse the County for improvement expenditures made by the County before the date the bonds are issued; and

WHEREAS, the Reimbursement Regulations generally require the County to make a declaration of official intent to reimburse itself for previous expenditures out of the proceeds of subsequently issued bonds or other tax-exempt borrowing, that the borrowing occur and the reimbursement be made within a specified period of time after the payment of the expenditure or after the improvements in question are placed in service, and that a reimbursed expenditure be a capital expenditure; and

WHEREAS, the Board of County Commissioners of the County has determined it is necessary and desirable to make or have made on the County’s behalf certain capital expenditures relating to the design, improvement and construction of Kingman Road from US-59 to Montana Road; the intersection of Kingman and Montana Roads; and Montana Road from Kingman Road to the I-35 overpass, with all necessary stormwater enhancements and related appurtenances (the “Improvements”) at an estimated cost of \$11,000,000, including the cost of issuing bonds; and

WHEREAS, the County anticipates using bonds, notes or other tax-exempt obligations to finance the cost of the Improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS, AS FOLLOWS:

Section 1. In order to comply with the requirement of the Reimbursement Regulations concerning declarations of official intent to reimburse the County for previously paid expenditures from the proceeds of subsequently issued debt, the Board of County Commissioners of the County hereby indicates its intent to reimburse the County with the proceeds of bonds, notes or other obligations of the County, the interest on which is expected to be exempt from federal income taxation, for costs of the Improvements in an amount not to exceed \$11,000,000.

Section 2. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Board of County Commissioners of Franklin County, Kansas, on March 16, 2016.

FRANKLIN COUNTY, KANSAS

(Seal)

Chairman

ATTEST:

County Clerk

INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement (the "Agreement") is made and entered into as of December 3, 2014, pursuant to K.S.A. 12-2901 et seq., as amended (the "Act") by and between the City of Ottawa, Kansas, a municipal corporation in the State of Kansas (the "City"), acting through its Governing Body (the "City Commission") and Franklin County, Kansas, a political subdivision of the State of Kansas (the "County"), through its Board of County Commissioners (the "County Commission").

BACKGROUND

WHEREAS, the City is a duly organized city of the second class in the state of Kansas (the "State") with the power and authority to purchase real property and to design, build, alter, improve and operate utility systems for the good of the public and to issue general obligation bonds of the City for such purposes; and

WHEREAS, the County is a duly organized body corporate and politic organized under the laws of the State with the power and authority to enter into contracts, do all things necessary to exercise corporate powers and to design, build, alter, improve and operate utility systems for the good of the public and to issue general obligation bonds of the County for such purposes; and

WHEREAS, the City and County agree that it is in the public interest and will advance the general welfare of the citizens of the area to develop new opportunities for businesses to locate in the area, bring jobs to the area and provide more potential for the prosperity of the people of Franklin County; and

WHEREAS, business recruitment efforts have made clear that the lack of shovel ready industrial land is a severe and persistent limiting factor that has caused businesses to reject this area and take jobs elsewhere; and

WHEREAS, the City and County recognize that a new industrial park (the "Industrial Park") is necessary to provide shovel ready land and recruit additional businesses, jobs, and investment to the area; and

WHEREAS, the City and County recognize that neither entity can afford to develop a shovel ready industrial park without the cooperation, investment, and support of the other; and

WHEREAS, the governing body of the City approved the execution of this Agreement by passage of Ordinance No. 3883-14 on December 3, 2014., and the County approved the execution of this Agreement by Resolution No. 14-34 on December 3, 2014.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein made and contained and for good and valuable consideration, the City and The County do hereby enter into this Agreement as provided and authorized by the Act, containing the following terms and provisions, to wit:

SECTION 1. PURPOSE. The purpose of this Agreement is to provide for cooperation between the City and the County in the construction of the Industrial Park.

SECTION 2. ACQUISITION. The City and County will share in the cost to acquire 320 acres, more or less, which will serve as the Industrial Park, a map of which is attached hereto as Exhibit A and incorporated by reference. The City will provide 67% of the acquisition cost and the County will provide 33% of the acquisition cost. The parties agree that the City will hold title to all of the land so acquired.

SECTION 3. SALE OF LAND.

- (a) The City shall give notice to the County within 10 days of receipt of an offer to purchase land in the Industrial Park. The City will direct its manager to consult with the County's administrator regarding the terms of the potential sale. Reasonable efforts will be made to ensure consensus of both parties prior to a sale of any land, however the City retains final authority to sell land in the Industrial Park.

- (b) The City and County will share in the proceeds of any sale of the Industrial Park land in the same proportion as their contributions for acquisition contained in paragraph 2 above, said proceeds to be divided and paid to the respective parties **within thirty days after the** closing of any sale. The City and County agree that any such proceeds will be used for reduction or repayment of bonded indebtedness used to pay for utility and road extensions to and around the Industrial Park.

SECTION 4. UTILITY AND ROAD EXTENSIONS. The parties agree to extend utilities and roads to the Industrial Park in a reasonably prudent manner to facilitate the location of businesses and to share in the cost of utility and road extensions as follows:

- (a) The City will provide for the design, improvement, and extension of water lines, sanitary sewer lines, electric lines and broadband service to the Industrial Park and be responsible for the costs of the same.
- (b) The County will provide for the design, improvement, and construction of Kingman Road from US-59 to Montana Road; the intersection of Kingman and Montana roads; and Montana Road from Kingman Road to the I-35 overpass, on alignments acceptable to the County, to the standard of a city arterial street with all necessary stormwater enhancements and will be responsible for the costs of the same.
- (c) The City will provide snow removal and ice treatment for the improved portions of Kingman and Montana Roads.

SECTION 5. FUNDING. The City and County may fund their share of the utility and road extensions as they, in their sole discretion deem best. Either or both may apply for outside assistance to help defray the expenses associated with extensions and improvements. Any outside funding shall be spent at the discretion of the party that applied for the funds.

SECTION 6. BUDGET PROCESS. The City and County agree to take any necessary steps in accordance with State law in their respective budget processes, to provide for the payments required by this Agreement.

SECTION 7. DURATION AND TERMINATION OF THIS AGREEMENT. This Agreement shall be in effect from the date set forth above until provision has been made for full payment of the principal and interest on any bonds issued to pay for utility and road extension. In no event shall this agreement continue in force later than January 1, 2045.

SECTION 8. TERMINATION OF THIS AGREEMENT.

- (a) This Agreement may be terminated for any reason with the mutual approval of the governing bodies of both the City and County at any time after its execution.
- (b) The County retains the right to unilaterally terminate the Agreement upon 60 days' notice if the City agrees to sell land in the Industrial Park upon terms that are unacceptable to the County Commission. In the event the County chooses to terminate this Agreement pursuant to this section it shall be entitled to a refund of its share of the land acquisition costs and shall forfeit any right to share in the proceeds of any sale of land in the Industrial Park. The City shall have 360 days from the date of notice under this section to refund the County's share of the acquisition costs.

SECTION 9. ADMINISTRATION AND PROPERTY. No separate legal entity is created by this Agreement. This Agreement shall be administered by the City, and the City shall cause this Agreement to be submitted to the Attorney General of Kansas for approval and, if approved, shall record this Agreement with the Kansas Secretary of State and the Register of Deeds in Franklin County, Kansas, all as provided in the Act. Upon the termination of this Agreement, any property acquired hereunder shall continue to be owned by the entity which owned it at the time the Agreement terminated.

SECTION 10. MISCELLANEOUS.

- (a) This Agreement may be amended by the City and County; provided however, that all such amendments shall be in writing, executed by both parties and any such amendment must be approved by the Attorney General of Kansas pursuant to the Act.
- (b) In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision.
- (c) This Agreement may be simultaneously executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.
- (d) This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the City and County execute this Interlocal Cooperation Agreement on this 3rd day of December, 2014, indicated below by their signatures.

The City

By: Junda Reed
Mayor

The County

By: [Signature]
Chairman

Attested by:

Carolyn S. [Signature]
City Clerk



Attested by:

Janet Paddock
County Clerk

Approval by

Cheryl J. Wheeler - Assistant Attorney General
Attorney General of the State of Kansas - Derek Schmidt
February 2, 2015

