

**Fiscal Comments**  
**Commission Meeting**  
**May 24, 2022**  
**Regular Meeting**

**Policy Report No. 22-28**  
**Agreement with Home Depot**  
**Right-of-Way and Easement Acquisition**  
**K-7/Eisenhower Intersection Improvements**

The City of Lansing and KDOT partnered in a Cost Share Program for improvements to the intersection of K-7 and Eisenhower Road. As these improvements benefit the residents of both Lansing and Leavenworth, the two cities signed Agreement 2020-35 that defined the responsibilities and the costs to be funded by each community. The agreement states that each city is responsible for the acquisition of Easements and Rights-of-Way (ROW) for properties within their city limits.

The plans for the intersection improvements identified the need for a temporary construction easement, a permanent drainage easement and for additional rights-of-way. The City has been working with SMH Consultants to help facilitate the easement acquisition with Home Depot. SMH Consultants and our attorney from Morrison, Frost, Olsen, Irvine & Scharz, LLP, have been working with the Home Depot attorney to arrive at an agreement. At this point, the City and Home Depot are very close to an agreement.

The total cost for the acquisition of Rights-of-Way and Easements associated with Home Depot is unknown, however the costs for appraisals is approximately \$1,300 and the compensation to Home Depot is \$25,000. There will be additional costs, including attorney's fees. This City's portion of this project will be funded with FFE dollars.

The acquisition of the Right-of-Ways and Easements is required to construct this project. The City is following the required steps to obtain the property and the agreement between the City and Home Depot lays out the compensation and work items associated with this acquisition. Once the agreement is finalized and the City Manager has approved of its form and content, the signature of the Mayor will be required.

Staff recommends that the City Commission authorize the Mayor to sign the final agreement for the acquisition of Rights-of-Way and Easements associated with Home Depot for the K-7/4<sup>th</sup>/Eisenhower Intersection Improvement Project, including costs of approximately \$1,300 for appraisal fees and \$25,000 in compensation to Home Depot.

**Policy Report**  
**Bids for Mowing**

During the 2022 Annual Budget process, the City Commission approved \$25,000 for services to mow and maintain City owned properties such as rights-of-way, drainage ditches, and other parcels and \$30,000 for Code Enforcement mowing projects. Going into 2022, the City had a contract in place for these services. On April 25, 2022, staff was notified by our mowing contractor that they would be unable to fulfill the mowing contract for the remainder of the season because their company equipment had been stolen and they had to, therefore, terminate staff.

An RFP for services to mow and maintain the City owned properties and Code Enforcement projects was issued to known contractors and published in the Leavenworth Times, with bid proposals due on May 12, 2022. One bid was received for the five clusters of City owned property from Affordable Lawn & Cemetery Care. No bids were received for the Code Enforcement mowing. Bid amounts for the five clusters are as follows:

<b>Cluster</b>	<b>Cost per Mowing</b>	<b>Not to Exceed</b>
Cluster 1	\$ 1,920	\$ 21,120
Cluster 2	\$ 1,595	\$ 17,545
Cluster 3	\$ 410	\$ 4,510
Cluster 4	\$ 460	\$ 5,060
Cluster 5	\$ 540	\$ 5,940
<b>Total</b>	<b>\$ 4,925</b>	<b>\$ 54,175</b>

The total cost for the mowing contract exceeds the Annual Budget by \$29,174. This excess will be funded from general reserves.

Staff recommends acceptance of the proposal for mowing services from Affordable Lawn & Cemetery Care in an amount not to exceed \$54,175.