



CITY OF TONGANOXIE
321 S. DELAWARE 913-845-2620
February 6, 2017
7:00 Regular Meeting

Honorable Jason K. Ward, Mayor
Council Members
Chris Donnelly James Truesdell
Curtis Oroke Andy Gilner Kara Reed

Open Regular Meeting – 7:00 p.m.

I. Pledge of Allegiance

II. Approval of Minutes – Regular Meeting dated January 17, 2017

Special Meeting dated January 24, 2017

III. Consent Agenda

- a) Consider Approval of Bills - Approve Pay Ordinance A-1796
- b) Consider approval of payment to First State Bank & Trust for the Rec Commission ball fields loan payment in the amount of \$41,069.30
- c) Consider approval of payment to BG Consultants for engineering services in the amount of \$5,809.50
- d) Consider approval of payment to Ferrel Gas for propane in the amount of \$2,792.85
- e) Consider approval of payment to Gould Evans for city planning services for the months of September, October, November, and December 2016 in the amount of \$21,655.86
- f) Consider approval of payment to Honeycreek Disposal Service for waste disposal services in the amount of \$24,719.00
- g) Consider approval of payment to League of Kansas Municipalities for annual dues in the amount of \$2,718.82
- h) Consider approval of payment to the Tonganoxie Library Board for property tax revenues in the amount of \$152,051.69
- i) Consider approval of payment to Tyler Technologies for utility billing system implementation services in the amount of \$2,750.00

IV. Open Agenda

“Members of the public are welcome to use this time to comment about any matter relating to City business. The comments that are discussed under Open Agenda may or may not be acted upon by the Council during this meeting. Please wait to be recognized by the Mayor, then **state your name and address** and all comments are to be directed to the chair.”

V. Old Business

- a) Greystone drainage discussion

VI. New Business

- a) Second Reading - Ordinance 1419: An ordinance amending the zoning ordinance and subdivision regulations of the City of Tonganoxie, Kansas, 2003, Section 1, by rezoning certain property in the City of Tonganoxie, KS and Resolution 02-17-01
- b) Consider approval of outsourcing printing and mailing of utility bills beginning in March of 2017
- c) Consider approval of request for complimentary water park season pass for Genesis Christian Academy Night of Knights fundraiser
- d) Consider approval of agreement with Kansas Department of Transportation for Impaired Driving Deterrence Program
- e) City Manager Agenda
 - 1. School Zone/Traffic study update on Pleasant Street
 - 2. Executive session to discuss matters of non-elected personnel
 - 3. Sales Tax informational meeting on February 7
- f) City Attorney Agenda
- g) Mayor Agenda
- h) Mayor Pro Tem Agenda
 - 1. Enforcement of the leash law
- i) City Council Agenda

VII. Information & Communications (No Action Required)

- 1. KC Metro MarketShare Report
- 2. KC Metro Residential Building Permit Report
- 3. Citizen request – sidewalk on Laming

VIII. Adjourn

City Council Meeting
January 17, 2017
7:00 p.m. Regular Meeting



Mayor Ward opened the meeting at 7:00 p.m. with the pledge of allegiance. Council members present were Jim Truesdell, Chris Donnelly, Andy Gilner, and Kara Reed. Councilman Curtis Oroke was absent. Also in attendance were Interim City Manager Jamie Shockley, City Attorney Michael Kelly, and City Clerk Patty Hagg.

Approval of Minutes and Consent Agenda

- Ms. Reed moved to approve the minutes from January 3, 2017. Mr. Gilner seconded. All ayes. Motion carried.
- Mr. Gilner moved to approve the consent agenda A-L which includes Pay Ordinance A-1795. Ms. Reed seconded. All ayes. Motion carried.

Open Agenda-

- David Frese, Library Board Member, updated the council on the Vote Yes, for the ¾ cent sales tax campaign. He stated there will be two informational meetings sponsored by The Friends of the Library. The meeting dates are January 25th & February 7th at 6 p.m. The meetings will be held in the Council Chambers.
- Monica Gee, E.A.S.T. President, reminded the council of the Annual Appreciation dinner at the Myers Hotel on January 23, 2017.

New Business

Consider approval of cleaning and repainting water tower

- Ms. Shockley discussed the bids for cleaning and repainting the north water tower off Hwy 24/40 & Laming Rd. She reviewed the 2017 budgeted expense amount and the low bid amount.
- Mr. Truesdell made a motion to authorize a contract not to exceed \$38,217.00 with Cunningham Inc. to clean and repaint the water tower.
- Ms. Reed seconded the motion. All ayes. Motion carried.

Consider approval of purchasing new fire helmets with grant funds

- Chief Holcom reviewed the need for new fire helmets, the grant the fire department received and the costs of 18 new helmets
- Ms. Shockley reviewed budget expenses and reimbursement of the expense with the grant from the State Fire Marshall's Office.
- Mr. Donnelly made a motion to authorize the Fire Chief to purchase 18 fire helmets from Weis Fire & Safety in the amount of \$4926.60.
- Mr. Gilner seconded the motion. All ayes. Motion carried.

Consider approval of engaging BG Consultants to conduct a traffic study on Pleasant St.

- Ms. Shockley explained that a new traffic study would be needed to review lowering the speed limit on Pleasant St. She stated the cost of the traffic study by BG Consultants would be \$3000.00 and there is no guarantee that the traffic study would prove the need to lower the speed limit.
- The council discussed the existing speed limits on Pleasant St. and a designated school zone area. Mayor Ward asked to continue discussion to the next meeting and directed staff to provide more information about school zones.

City Manager Agenda

Outsourcing printing and mailing of utility bills discussion

- Ms. Shockley reviewed the new utility billing system. She stated when we go live in March we will no longer mail the postcard bills. She said all bills will be letter sized which will provide additional security for our customers. She explained she would like to use The Record, a local company that will print and mail the bills from the Tonganoxie Post Office. She stated outsourcing to a company that isn't local would mean the mail volume at the Tonganoxie Post Office would decline. She asked for an exception to the City's purchasing policy which would require a formal RFP. The council directed Ms. Shockley to contact The Record and provide a contract and analysis in February.

December/Year End 2016 Financial Report & Quarterly Treasurer's Report - 4th Quarter

- Ms. Shockley presented an overview of the year end and quarterly reports. She stated the City's operating funds met the Council's fund balance for the year.

January Planning Commission Update

- Ms. Shockley discussed the outcome of the January 5th, Planning Commission Meeting. She stated site plans were approved for an addition to Family Medicine of Tonganoxie, 410 Woodfield Dr. and new construction of an office and shop for Pendergraf Erection Services on Lot 14 & 15 in Urban Hess Business Park. The Planning Commission also heard a request from Kaw Valley

Church to rezone property at 1601 Commerce Dr. The Planning Commission recommendation will be presented to the council on February 6th to allow time for a 14-day protest period.

City Attorney Agenda

- Mr. Kelly reminded the council that they could not promote the ¾ cent sales tax extension but could educate and inform the public.

Mayor Agenda

Consider Approval of appointment of Brian Manus to Tonganoxie Library Board

- Mayor Ward reviewed an application from Brian Manus and a letter of recommendation for appointment from Megan Garren, Library Board President.
- Mr. Donnelly made a motion to approve the appointment of Brian Manus to the Tonganoxie Library Board.
- Jim Truesdell seconded the motion. All ayes. Motion Carried.

Consider letter from Midwest Carpet regarding purchase of Old Public Works Building.

- Mayor Ward discussed a letter and contract he received from Midwest Carpet expressing interest in purchasing the old city shop on Main St.
- Mr. Kelly stated the city could not sell property without offering the sale of property to the public.
- Ms. Shockley stated she will schedule an appraisal and contact Midwest Carpet with a request to continue discussion in March.

Executive Session to Discuss Matters of Non-Elected Personnel

Mayor Ward requested an executive session to discuss matters of non-elected personnel for a period of 15 minutes to include the governing body and city attorney. Mr. Gilner moved. Ms. Reed seconded. All ayes. Motion Carried.

Mr. Gilner moved to return from executive session and make a note that no action was taken Ms. Reed seconded. All ayes. Motion Carried.

Mr. Gilner moved to return to executive session to discuss matters of non-elected personnel for a period of 15 minutes to include the governing body and city attorney. Ms. Reed seconded. All ayes. Motion Carried.

Mr. Gilner moved to return from executive session and make a note that no action was taken Ms. Reed seconded. All ayes. Motion Carried.

With no further business, Mr. Gilner made a motion to adjourn the meeting. Ms. Reed seconded. All Ayes.

Meeting adjourned at 8:13 p.m.

Respectfully submitted,

Patty Hagg
City Clerk

City Council Meeting
January 24, 2017
6:00 p.m. Special Meeting



Mayor Ward opened the meeting at 6:00 p.m. with the pledge of allegiance. Council members present were Jim Truesdell, Curtis Oroke, Chris Donnelly, Andy Gilner, and Kara Reed. Also in attendance was Interim City Manager Jamie Shockley.

New Business

Consider approval of employment agreement with new city manager

- Gilner moved to enter into executive session to discuss matters of non-elected personnel for a period of 15 minutes to include the governing body and interim city manager. Mr. Donnelly seconded. All ayes. Motion carried.
- Mr. Gilner moved to return from executive session at 6:15 and make a note that no action was taken. Mr. Donnelly seconded. All ayes. Motion carried.
- Mr. Donnelly moved to authorize the Mayor to execute the employment agreement with George Bajkovic. Mr. Oroke seconded. All ayes. Motion carried.

With no further business, Mr. Gilner made a motion to adjourn the meeting. Ms. Reed seconded. All Ayes.

Meeting adjourned at 6:17 p.m.

Respectfully submitted,

Jamie Shockley
Interim City Manager



City of Tonganoxie, KS

Check Report

By Check Number

Date Range: 01/13/2017 - 02/02/2017

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
0189	FIRST STATE BANK & TRUST	01/25/2017	Regular	0.00	41,069.30	44016
0694	APPARATUS SERVICES LLC	02/02/2017	Regular	0.00	1,700.74	44017
0034	AT&T ACCESS TRANSPORT SERVICES	02/02/2017	Regular	0.00	74.49	44018
0046	BAY BRIDGE ADMINISTRATORS, LLC	02/02/2017	Regular	0.00	238.30	44019
0051	BG CONSULTANTS INC	02/02/2017	Regular	0.00	5,809.50	44020
0064	BOUND TREE MEDICAL, LLC	02/02/2017	Regular	0.00	353.15	44021
0070	BROTHER' S MARKET	02/02/2017	Regular	0.00	30.14	44022
0077	CARAWAY PRINTING CO., INC.	02/02/2017	Regular	0.00	55.00	44023
0096	CITY ATTORNEYS ASSOC OF KANSAS	02/02/2017	Regular	0.00	35.00	44024
0099	CITY OF LEAVENWORTH	02/02/2017	Regular	0.00	170.00	44025
0111	COLEMAN EQUIPMENT INC	02/02/2017	Regular	0.00	436.33	44026
0115	CONRAD FIRE EQUIPMENT, INC.	02/02/2017	Regular	0.00	210.99	44027
0136	DELTA DENTAL PLAN OF KANSAS,IN	02/02/2017	Regular	0.00	2,091.53	44028
0147	DOLLAR GENERAL	02/02/2017	Regular	0.00	28.69	44029
0185	FERRELLGAS	02/02/2017	Regular	0.00	2,792.85	44030
0189	FIRST STATE BANK & TRUST	02/02/2017	Regular	0.00	1,394.78	44031
0198	FRANK ROBISON	02/02/2017	Regular	0.00	1,400.00	44032
0199	FREE STATE FITNESS	02/02/2017	Regular	0.00	1,000.00	44033
0809	FREESTATE ELECTRIC COOPERATIVE INC	02/02/2017	Regular	0.00	479.00	44034
0205	GALL'S LLC	02/02/2017	Regular	0.00	988.77	44035
0216	GOULD EVANS PC	02/02/2017	Regular	0.00	21,655.86	44036
0243	HIMPEL LUMBER & BUILDING SUPPL	02/02/2017	Regular	0.00	196.14	44037
0250	HONEYCREEK DISPOSAL SERVICE	02/02/2017	Regular	0.00	24,719.00	44038
0251	HOUSE OF APPAREL	02/02/2017	Regular	0.00	289.60	44039
0278	JAMIE SHOCKLEY	02/02/2017	Regular	0.00	62.60	44040
0284	JAYS UNIFORMS	02/02/2017	Regular	0.00	120.94	44041
0067	JEFFERY BRANDAU	02/02/2017	Regular	0.00	150.00	44042
0330	KANSAS GAS SERVICE	02/02/2017	Regular	0.00	1,233.03	44043
0345	KATHLEEN MCBRATNEY	02/02/2017	Regular	0.00	375.00	44044
0362	KIMBALL MIDWEST	02/02/2017	Regular	0.00	195.29	44045
0808	KNAPHEIDE TRUCK EQUIPMENT CENTER	02/02/2017	Regular	0.00	51.30	44046
0367	KNOWLEDGE, INC.	02/02/2017	Regular	0.00	1,082.85	44047
0395	LCDC	02/02/2017	Regular	0.00	7,559.00	44048
0397	LEAGUE OF KANSAS MUNICIPALITIE	02/02/2017	Regular	0.00	2,718.82	44049
0402	LEAVENWORTH JEFFERSON	02/02/2017	Regular	0.00	1,578.65	44050
0410	LIBERTY NATIONAL	02/02/2017	Regular	0.00	219.53	44051
0414	LINK-LITE NETWORKING, INC.	02/02/2017	Regular	0.00	1,532.25	44052
0772	LV CO PORT AUTHORITY	02/02/2017	Regular	0.00	10.00	44053
0426	LV COUNTY SHERIFF OFFICE	02/02/2017	Regular	0.00	330.00	44054
0732	METLIFE - GROUP BENEFITS	02/02/2017	Regular	0.00	190.05	44055
0357	MIKE KELLY	02/02/2017	Regular	0.00	1,000.00	44056
0476	NATIONAL SIGN COMPANY INC.	02/02/2017	Regular	0.00	79.90	44057
0477	NAVRATS	02/02/2017	Regular	0.00	287.10	44058
0491	OLATHE WINWATER WORKS	02/02/2017	Regular	0.00	380.00	44059
0494	OMEGA DOOR & HARDWARE	02/02/2017	Regular	0.00	183.50	44060
0496	ONE CALL CONCEPTS	02/02/2017	Regular	0.00	44.00	44061
0522	POLYDYNE INC	02/02/2017	Regular	0.00	1,125.00	44062
0542	QUILL	02/02/2017	Regular	0.00	940.85	44063
0544	R & S EQUIPMENT, INC.	02/02/2017	Regular	0.00	135.38	44064
0562	S & S AUTOMOTIVE	02/02/2017	Regular	0.00	380.32	44065
0578	SECURITY BENEFIT	02/02/2017	Regular	0.00	821.33	44066
0579	SECURITY BENEFIT - 457	02/02/2017	Regular	0.00	2,200.00	44067
0599	SPECTRA	02/02/2017	Regular	0.00	604.68	44068
0614	T-MOBILE	02/02/2017	Regular	0.00	429.03	44069

Check Report

Date Range: 01/13/2017 - 02/02/2017

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
0810	TODD SCHLEUGER	02/02/2017	Regular	0.00	50.00	44070
0628	TODD'S TIRE LLC	02/02/2017	Regular	0.00	1,741.50	44071
0630	TONGANOXIE LIBRARY BOARD	02/02/2017	Regular	0.00	152,051.69	44072
0641	TYLER TECHNOLOGIES	02/02/2017	Regular	0.00	2,750.00	44073
0642	U S POSTAL SERVICE	02/02/2017	Regular	0.00	580.00	44074
0660	VICTORY FORD	02/02/2017	Regular	0.00	599.92	44075
0661	VISION SERVICE PLAN	02/02/2017	Regular	0.00	396.19	44076
0671	WESTAR ENERGY	02/02/2017	Regular	0.00	1,927.94	44077
0677	WILLIAM PRAY	02/02/2017	Regular	0.00	600.00	44078
0684	WIRENUTS	02/02/2017	Regular	0.00	50.85	44079

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	118	64	0.00	293,987.65
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	118	64	0.00	293,987.65

Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	1/2017	41,069.30
998	Gen Fund-Pooled Cash	2/2017	252,918.35
			<hr/>
			293,987.65



Office of the City Manager
AGENDA STATEMENT

DATE: February 6, 2017
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jamie Shockley, Interim City Manager
SUBJECT: Greystone Drainage

DISCUSSION:

Zach Provost recently reached out to myself and the Mayor regarding questions about the sales tax election, inquiring as to whether or not the Council views the drainage project as a priority with the sales tax revenue, if it is approved by voters. He asked to be added to the agenda to discuss the issue with the Council.

A copy of the email exchange is included with this agenda statement, which provides additional details from the conversation.

ACTION NEEDED:

None. City staff would caution the council from committing revenue from the proposed sales tax to any projects at this time. The ballot language allows for the revenue, if approved by voters, to be used for any city infrastructure projects, and stormwater drainage improvements is a project that is listed on the City's project priority list, which has been placed on the City website and distributed to voters at informational meetings.

Jamie Shockley

From: Jamie Shockley
Sent: Tuesday, January 31, 2017 8:12 AM
To: Zackary Provost
Cc: Ward, Jason (SHB); Jason Ward
Subject: Re: Sales Tax Vote

Zach,

I will add the item to the agenda. In regards to your other question, the area you are referring to is not in city limits and was not a city project.

Thanks!

Sent from my iPhone

On Jan 31, 2017, at 8:04 AM, Zackary Provost <Zackary.Provost@usengineering.com> wrote:

Jason,

I would appreciate that. I'd also like to discuss a drainage project I noticed that happened on 206th Street, north of Sandusky Rd. There was a 12"-16" pipe bored underneath the road. My main concerns would be the following:

- Was the project approved by the city?
- If so, has it been a priority for a while?

From: Ward, Jason (SHB) [<mailto:JWARD@shb.com>]
Sent: Sunday, January 29, 2017 7:37 PM
To: Zackary Provost; 'jward@tonganoxie.org'
Cc: jshockley@tonganoxie.org
Subject: RE: Sales Tax Vote

Zach,

The next city council meeting is February 6th. Happy to add your topic to the agenda if you would like to attend.

Thanks,

Jason

From: Zackary Provost [<mailto:Zackary.Provost@usengineering.com>]
Sent: Thursday, January 26, 2017 9:41 AM
To: Ward, Jason (SHB); 'jward@tonganoxie.org'
Cc: jshockley@tonganoxie.org
Subject: RE: Sales Tax Vote

Jason,

The council wasn't at last night's meeting. What would be the best way to see if our drainage project is a priority with the sales tax money (if approved)?

From: Ward, Jason (SHB) [<mailto:JWARD@shb.com>]
Sent: Monday, January 16, 2017 10:16 AM
To: Zackary Provost; 'jward@tonganoxie.org'
Cc: jshockley@tonganoxie.org
Subject: RE: Sales Tax Vote

Zach,

The sign you describe is being circulated by proponents of a new library. The governing body does not participate in campaign efforts for tax resolutions.

The council has expressed an interest in using monies from the ¾ cent sales tax (should it pass) for infrastructure maintenance and improvements.

I believe the council showed support to use some of the potential proceeds from sales tax for a Greystone drainage solution the last time the issue was discussed.

We are having a couple informational meetings leading up to the circulation of the mail ballots to discuss how proceeds may be used.

I would encourage you to attend one of the meetings and further discuss it with the council if you have any continuing concerns.

The link to the info. is provided below.

Thanks,

Jason

<http://www.tonganoxie.org/government/news/3-4-cent-sales-tax-mail-ballot-election-to-take-place-in-february>

From: Zackary Provost [<mailto:Zackary.Provost@usengineering.com>]
Sent: Monday, January 16, 2017 9:44 AM
To: Ward, Jason (SHB); 'jward@tonganoxie.org'
Subject: Sales Tax Vote

Jason,

I was recently approached by the library board to see if I wanted to place a sign regarding the sales tax vote in my yard. I allowed them to place the sign in our yard but soon noticed the sign only mentioned a new library. I'm personally not in favor of the sales tax increase if our drainage situation isn't solved. I think it would be irresponsible and/or disrespectful to the citizens of Tonganoxie (me in particular) to disregard basic public infrastructure. If we can't afford to fix this, then in my opinion a Library is not a priority.

Do you feel it's necessary to voice this opinion to the council? Because I'd like some sort of confirmation from the City that our drainage will be solved with a yes vote. If not, I'd have to vote no and educate this to the people I know in town.

Thank you for your time.

Zackary J. Provost, P.E. | Preconstruction Manager
U.S. Engineering Company | **Build. Solve. Evolve.** | Mechanical Contractor since 1893

816.753.6969 **Office**
816.751.9222 **Direct**
816.315.4313 **Mobile**

zackary.provost@usengineering.com | usengineering.com | [LinkedIn](#) | [Twitter](#)

Mail Gate made the following annotations on Mon Jan 16 2017 10:15:43

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

Mail Gate made the following annotations on Sun Jan 29 2017 19:37:01

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.



Office of the City Manager
AGENDA STATEMENT

DATE: February 6, 2017
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jamie Shockley, Interim City Manager
SUBJECT: Ordinance 1419 – Rezoning Land from Light Industrial to General Business District

DISCUSSION:

On January 5, the Planning Commission held a public hearing regarding a request to rezone a lot located in Urban Hess from Light Industrial to General Business District. Notice of the public hearing was published in the Tonganoxie Mirror and mailed to property owners within 200 feet of the property. The applicant for rezoning is Kaw Valley Church of Christ, who would like to use the building located at 1601 Commerce Drive as a church. Religious institutions are not an allowed use under light industrial zoning, so a rezoning or amendment to the zoning regulations would be needed in order for a church to locate on this property.

Once the public hearing concluded, the Planning Commission voted 5-0 to recommend denial on the rezoning to the City Council. City planner Chris Brewster also recommended denial on the application.

Attached for the City Council's review is the staff report from city planner, Chris Brewster, an excerpt of the minutes from the January 5 Planning Commission meeting, the rezoning application that was submitted with supporting documentation, and a letter from the Leavenworth County Port Authority, which requests denial of the rezoning request.

RECOMMENDATION:

Staff recommends denial of the rezoning request. Make a motion to deny the applicant's rezoning request.

If the Council wants to proceed with approval of the rezoning request, a motion is needed to adopt Resolution 02-17-01 and Ordinance 1419. A 2/3 majority of the entire governing body will be needed for approval of the ordinance since it would be overturning the Planning Commission's recommendation.



City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#: 2017-002P

Date of Report: December 23, 2016

Applicant Name: CIRE, LLC (Eric and Karen Finkbiner)

Property Owner Name: CIRE, LLC (Eric and Karen Finkbiner)

Subject Property Address: 1601 Commerce Drive, Tonganoxie, KS 66086

Application:

Zoning District: I-LT – Light Industrial

Type of Approval Desired: Rezoning from “I-LT” Light Industrial to “GBD” General Business District

Date of Application: December 12, 2016

Date of Meeting: January 5, 2017

Surrounding Property – Zoning and Use:

West: I-MD Moderate Industrial; undeveloped lot

South: I-MD Moderate Industrial; developed lot

East: I-LT Light Industrial; undeveloped lot

North: RR – I-LT Light Industrial; undeveloped lot

Vicinity: The property in question lies within an industrial park setting with a mix of light and moderate Industrial zoning, adjacent to the north of General Business zoning along US 24 / 40. Approximately ½ of the area described is developed with the rest vacant.

Staff Recommendation:

Recommend denial.

SUMMARY:

This application proposes to rezone approximately 1.44 acres from “I-LT” Light Industrial District to “GBD” General Business district. The property is part of a larger area in Northeast Tonganoxie that has been developing as the Urban Hess Business Center. The parcel in question, is zoned “I-LT” Light Industrial and the surrounding area is a mix of “I-LT” and “I-MD” Moderate Industrial Zoning. The property is currently developed with a metal building of approximately 2,500 square feet. This application is for the reuse of the property by the Kaw Valley Church of Christ. Religious Institutions are not an allowed use in the “I-LT” Light Industrial District. A religious institution is an allowable use in the “GBD” General Business District.

ANALYSIS:

This rezoning is requested for a developed parcel of land that currently has a vacant building on it. This property is located at the Northeast corner of Laming Road and Commerce Drive and is approximately 1.44 acres in size. The parcel was originally platted as part of the Urban Hess Business Center, which developed primarily as an industrial park, however several parcels remain vacant today.

The rezoning of the property to the General Business District open the property to wide variety of uses as defined by the Zoning Regulations. The Planning Commission must consider all potential development that could occur under the GBD zoning district. The General Business District enables a wide range of highway-oriented commercial uses. It is the City’s most intensive commercial district and does not include very extensive site design, building design or landscape standards. The proposed use of the property meets the basic development standards (10,000 s.f. lot minimum; 20-30’ setbacks, 2.5 story/35’ building heights) but they also enable a wide range of future development patterns, building types and uses.

Rezoning applications must be reviewed against the following considerations (in bold italic text) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011. Following each of the considerations are staff comments (in plain text). However, since staff has not had the benefit of considering testimony provided during the public hearing, the Planning Commission should consider each factor and the analysis in conjunction with testimony at the hearing prior to acting on the application. No one factor is necessarily controlling, nor do all factors need to be clearly established, but rather they are to be considered in balance as an overall evaluation of the application.

1. Character of the neighborhood.

The character of the surrounding area is a mix of smaller scale, metal industrial buildings and vacant parcels. Beyond the adjacent area, commercial uses align Highway 24/40 to the south, agricultural land to the north and west and residential subdivision to the east. This property would be to the west of proposed 206th street, so that street would serve as a transition to the neighborhood. This property is part of the Urban Hess Business Park that is not fully developed, but is zoned “I-LT” Light Industrial and “I-MD” Moderate Industrial.

2. Zoning and uses of properties nearby:

Surrounding properties are zoned for light industrial uses to the east and north and moderate industrial uses to the west and the south (I-LT and I-MD). Tonganoxie Drive lies north of the Business Park and represents the edge of the Tonganoxie City Limits. North of Tonganoxie Drive is unincorporated Leavenworth County and the land is currently vacant and is zoned for agricultural and residential use (RR-2.5).

3. *Suitability of subject property for the uses to which it has been restricted:*

The property was originally platted in 1997. The property has been developed for more than 14 years and in its current configuration for at least the past 8 years. The property was originally developed as part of the Urban Hess Business Park, designed to cluster industrial uses. Three parcels of the original 7 platted are developed today with the remaining parcels vacant. The subject property has direct access to US 24/40 through Laming Road which is adjacent to the property on the west. This access is attractive to industrial uses for delivery of goods.

The Urban Hess Business Park is one of 4 current locations within the City of Tonganoxie that are zoned for industrial uses. The other locations are immediately south of US24/40, along Tonganoxie Drive, along E. 4th Street east of Downtown Tonganoxie and the Tonganoxie Industrial Area south of town. The subject property, the second location, south of US 24/40, and the Tonganoxie Industrial Area provide larger parcels for development of industrial uses, and the Downtown location provides smaller lots for small scale industrial development. The Tonganoxie Industrial Area is a planned industrial park that has yet to see any improvements or development.

4. *Extent to which removal of the restrictions will detrimentally affect nearby property:*

The rezoning of the subject property to “GBD” could detrimentally affect adjacent industrial uses by allowing incompatible uses within the business park. The park was intended to, and currently accommodates light and moderate industrial uses. Uses that can cause noise, vibration, odor, traffic and other impacts to adjacent properties. Allowing less-intensive uses in proximity to those uses could have a detrimental impact to current uses and the future development of the business park.

The development of industrial uses within a community can be difficult because of the impacts associated with that type of development. The development of the Urban Hess Business Park has defined the development pattern in this area of Tonganoxie for several years. As the community grows the need for industrial development space will be necessary. The comprehensive plan states as an industrial development principle:

- The arrangement, size, and location of industrial areas is intended to provide sufficient area for expansion of individual operations, be conveniently sited to draw from a local and regional labor pool, and be located to minimize any negative impacts that might be generated (e.g., noise, smoke, dust, toxic spills, odor, etc.).

5. *Length of time the subject property has remained vacant as zoned:*

According to the applicant the building has been unoccupied 5 of the last 10 years and has had a variety of uses during that time, when occupied.

6. *Relative gain to the public health, safety and welfare by the destruction of the value of the landowner’s property as compared to the hardship imposed upon the landowner:*

If the property remains as “I-LT” Light Industrial District zoning, all existing uses allowed by Zoning Code will be preserved. Rezoning of the property to “GBD” will allow development of retail, restaurants, institutional, educational, lodging, athletic, religious facilities and the like. The restaurants and retails service can currently be accommodated in the “I-LT” zoning category. The “GBD” zoning category prohibits most industrial uses including manufacturing and

warehousing. Future industrial development of the Business Park is likely to occur as the community grows.

7. *Conformance of the requested change to the adopted or recognized comprehensive plan of Tonganoxie, Kansas:*

This subject property is located within the city limits of Tonganoxie and the 2006 Comprehensive Plan identifies the future land use of this area as Industrial. The plan recognizes the future industrial development for what is currently known as the Urban Hess Business Park. The plan further calls for commercial development along the US 24/40 frontage, medium density residential to the east, low density residential to the north and west of the business park.

The comprehensive plan also states the following with regard to future industrial development in Tonganoxie:

- Industrial Principle: The arrangement, size, and location of industrial areas is intended to provide sufficient area for expansion of individual operations, be conveniently sited to draw from a local and regional labor pool, and be located to minimize any negative impacts that might be generated (e.g., noise, smoke, dust, toxic spills, odor, etc.).
- Industrial Policies:
 - Industrial development should be concentrated on land zoned for industrial use, promoting the proper mix of light to moderate industrial development.
 - Traffic arteries should serve as boundaries between industrial and other uses.

8. *Recommendations of professional staff:*
[see below]

Effect of Decision

The Planning Commission recommends rezoning requests to the Governing Body. Based on the record and other findings of the testimony at the public hearing, the Planning Commission may:

1. Recommend approval,
2. Recommend approval with conditions
3. Recommend denial for rezoning request.

The Governing Body reviews the request in light of the Planning Commission's recommendation. They may accept the recommendation based on a simple majority of the Governing Body, they may refer the application back to the Planning Commission with direction for specific further discussions or consideration, or they may modify or override the Planning Commission recommendation by a 2/3 vote of the entire Governing Body.

Recommendation

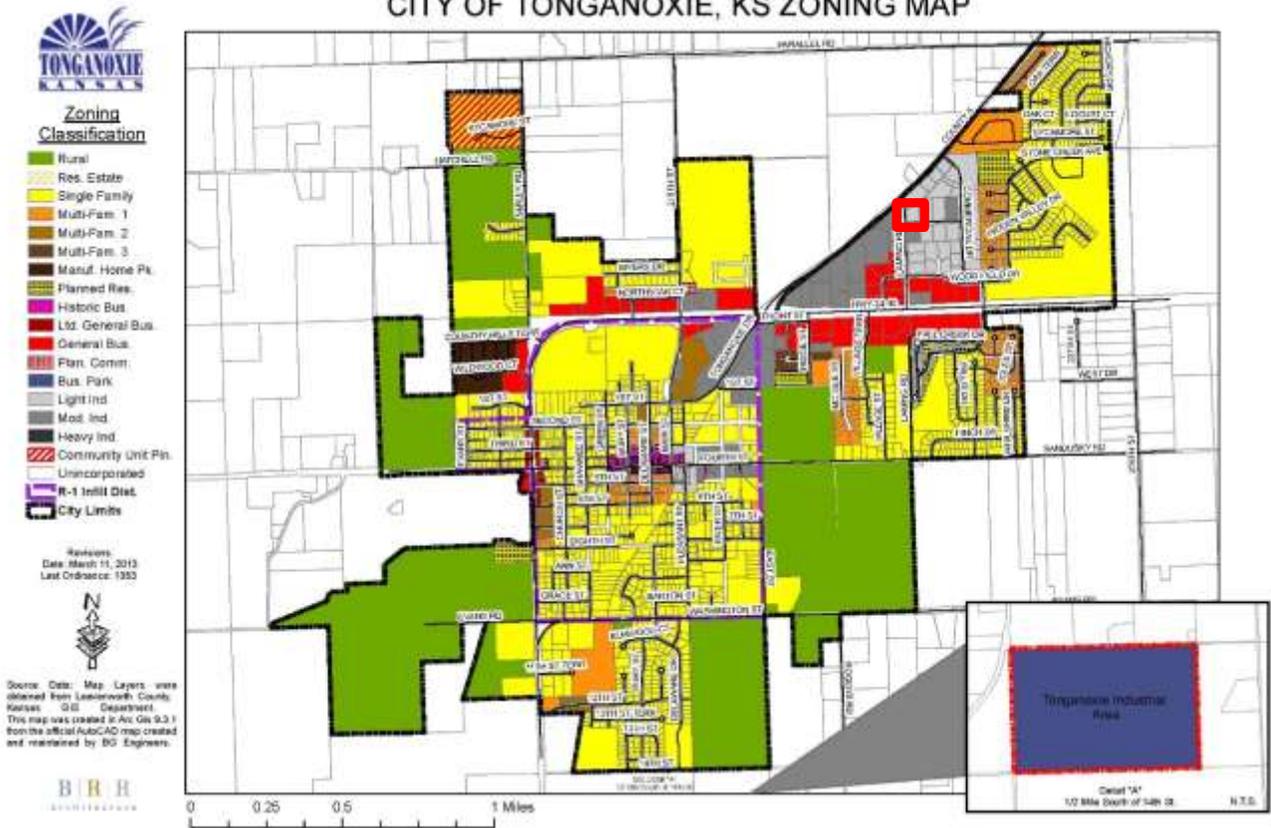
Staff recommends denial of the rezoning from "I-LT" Light industrial District to "GBD" General Business District, for the following reasons.

1. Potential uses and incompatibility – the rezoning to GBD broadens the potential uses that would be allowed in the area and would allow uses that are incompatible with the established industrial uses in the area.

- Impact to the future development of industrial uses in the city – rezoning of the parcel would reduce the amount of land available in the city for future industrial uses. The development of the Business Park is an attempt to congregate similar uses to reduce their impact to adjacent properties throughout the city.



Chris Brewster
Contract City Planner



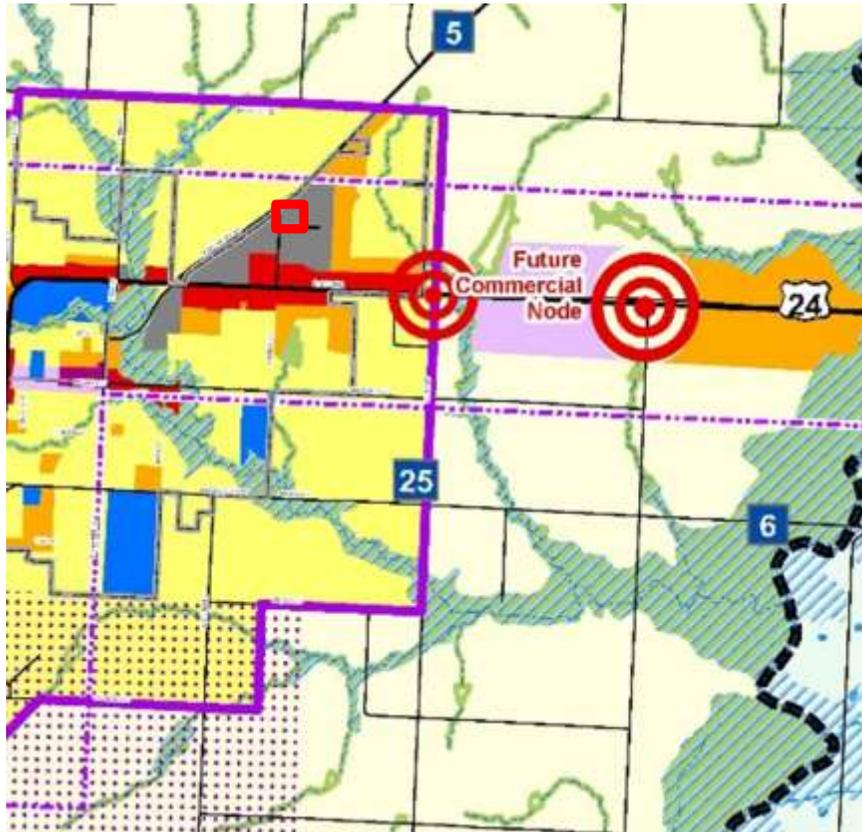
Current City Zoning (property in red box now zoned I-LT)



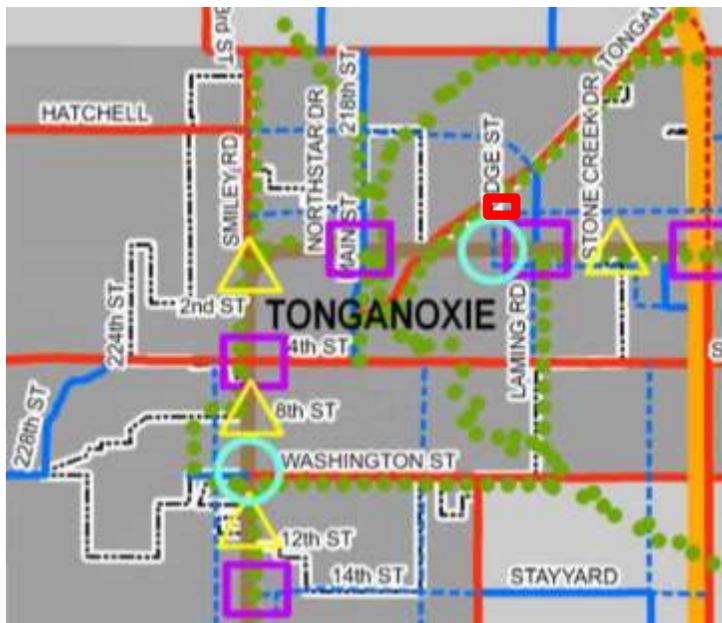
Vicinity



Area



Future Land Use (Tonganoxie Comprehensive Plan 2006)



Future Transportation (US 24-40 Corridor Study 2009)

ORDINANCE 1419

AN ORDINANCE AMENDING THE “ZONING ORDINANCE AND SUBDIVISION REGULATIONS” OF THE CITY OF TONGANOXIE, KANSAS, 2003, SECTION 1, BY REZONING CERTAIN PROPERTY IN THE CITY OF TONGANOXIE, KANSAS.

WHEREAS, UNDER THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS of the City of Tonganoxie, Kansas, the Governing Body of the City of Tonganoxie, Kansas, is given the power to amend, supplement or change existing zoning regulations within said city, and;

WHEREAS, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Tonganoxie, Kansas, held a public hearing on the 5th day of January, 2017, at 7:00 p.m., at the Tonganoxie City Hall Council Chambers, the official date set out as was published in the Tonganoxie Mirror newspaper; and

WHEREAS, pursuant to Resolution 02-17-01, the Governing Body adopted Findings of Fact and Conclusions supporting its decision to rezone said property.

WHEREAS, upon a motion made and duly seconded and passed, the Governing Body resolved to rezone from “I-LT – Light Industrial” to “GBD- General Business District”, the following described property:

LOT 2, URBAN HESS BUSINESS CENTER NO. 1, IN THE CITY OF TONGANOXIE, ACCORDING TO THE RECORDED PLATE THEREOG, IN LEAVENWORTH COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

SECTION 1. That the above-described property being in the “I-LT – Light Industrial” is and the same is hereby rezoned to “GBD-General Business District”.

SECTION 2. That the “Zoning District Map” adopted under Section 1-015 of the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, shall be and the same is hereby corrected to conform to the rezoning as set forth in Section 1 above.

SECTION 3. That this ordinance shall take effect and be in force from and after its passage, approval, and publication in the Tonganoxie Mirror, the official newspaper of the City of Tonganoxie, Kansas.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS, ON THIS 6th DAY OF FEBRUARY, 2017.

Jason K. Ward, Mayor

Patricia C. Hagg, City Clerk

RESOLUTION NO. 02-17-01

Before the Governing Body of the City of Tonganoxie, Kansas;

Findings of Fact and Conclusions concerning request to rezone certain property filed by CIRE, LLC. property owner.

Comes now the Governing Body of the City of Tonganoxie, Kansas and renders the following Findings of Fact and Conclusions regarding a request to rezone certain property within the City Limits of the City of Tonganoxie. These Findings and Conclusions represent the basis of the Governing Body's approval of the rezoning pursuant to its authority under K.S.A. 12-741 et seq., and all other applicable laws.

FINDINGS OF FACT

REQUEST TO REZONE PROPERTY

MEETING/PUBLIC HEARING DATE: Planning Commission meeting, dated January 5, 2017 at 7:00 PM at the Tonganoxie City Council Chambers.

SUBJECT: A request to rezone from "I-LT" to "GBD" General Business District, the following described property:

LOT 2, URBAN HESS BUSINESS CENTER NO. 1, IN THE CITY OF TONGANOXIE, ACCORDING TO THE RECORDED PLAT THEREOF, IN LEAVENWORTH COUNTY, KANSAS.

1. History and Current Status of Property:

This is application proposes to rezoning approximately 1.44 acres from "I-LT" Light Industrial District to "GBD" General Business district. The property is part of a larger area in Northeast Tonganoxie that has been developing as the Urban Hess Business Center. The parcel in question, is zoned "I-LT" Light Industrial and the surrounding area is a mix of "I-LT" and "I-MD" Moderate Industrial Zoning. The property is currently developed with a metal building of approximately 2,500 square feet. This application is for the reuse of the property by the Kaw Valley Church of Christ. Religious Institutions are not an allowed use in the "I-LT" "Light Industrial District. A religious institution is an allowable use in the "GBD" General Business District.

Review Considerations:

The City's zoning regulations define the "GBD" General Business District (Section 14) and permitted uses as follows:

General Description: This district is intended for retail trade and shall be located along arterial and collector streets and highways within the City. The district provides access for businesses serving the local and regional market. Businesses

located in this area are of a higher intensity and require a larger area than those allowed in the “HBD” Historical Business District.

Uses Permitted: Uses shall focus upon retailing of goods and services, office groupings, large institutional uses, restaurants and temporary lodging facilities and those businesses requiring large display yards.

- Private, public or semi-public recreational, religious or administrative uses that is appropriate and compatible in the area due to space or intensity needs.
- Accessory uses as necessary to the efficient operation of the main use on the site.
- Please refer to Appendix A for a list of suggested, permitted uses.

CONCLUSIONS

The application was also reviewed against the following considerations (*in bold italic text*) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011. Following each of the considerations are staff comments (in plain text).

a. Character of the neighborhood. The character of the surrounding area is a mix of smaller scale, metal industrial buildings and vacant parcels. Beyond the adjacent area, commercial uses align Highway 24/40 to the south, agricultural land to the north and west and residential subdivision to the east. This property would be to the west of proposed 206th street, so that street would serve as a transition to the neighborhood. This property is part of the Urban Hess Business Park that is not fully developed, but is zoned “I-LT” Light Industrial and “I-MD” Moderate Industrial.

b. Zoning and uses of properties nearby. Surrounding properties are zoned for light industrial uses to the east and north and moderate industrial uses to the west and the south (I-LT and I-MD). Tonganoxie Drive lies north of the Business Park and represents the edge of the Tonganoxie City Limits. North of Tonganoxie Drive is unincorporated Leavenworth County and the land is currently vacant and is zoned for agricultural and residential use (RR-2.5).

c. Suitability of subject property for the uses to which it has been restricted. The property was originally platted in 1997. The property has been developed for more than 14 years and in its current configuration for at least the past 8 years. The property was originally developed as part of the Urban Hess Business Park, designed to cluster industrial uses. Three parcels of the original 7 platted are developed today with the remaining parcels vacant. The subject property has direct access to US 24/40 through Laming Road which is adjacent to the property on the west. This access is attractive to industrial uses for delivery of goods.

The Urban Hess Business Park is one of 4 current locations within the City of Tonganoxie that are zoned for industrial uses. The other locations are immediately south of US24/40, along Tonganoxie Drive, along E. 4th Street east of Downtown Tonganoxie and the Tonganoxie Industrial Area south of town. The subject property, the second location, south of US 24/40, and the Tonganoxie Industrial Area provide larger parcels for development of industrial uses, and the Downtown location provides smaller lots for

small scale industrial development. The Tonganoxie Industrial Area is a planned industrial park that has yet to see any improvements or development.

d. Extent to which removal of the restrictions will detrimentally affect nearby property: The rezoning of the subject property to “GBD” could detrimentally affect adjacent industrial uses by allowing incompatible uses within the business park. The park was intended to, and currently accommodates light and moderate industrial uses. Uses that can cause noise, vibration, odor, traffic and other impacts to adjacent properties. Allowing less-intensive uses in proximity to those uses could have a detrimental impact to current uses and the future development of the business park.

The development of industrial uses within a community can be difficult because of the impacts associated with that type of development. The development of the Urban Hess Business Park has defined the development pattern in this area of Tonganoxie for several years. As the community grows the need for industrial development space will be necessary. The comprehensive plan states as an industrial development principle:

- The arrangement, size, and location of industrial areas is intended to provide sufficient area for expansion of individual operations, be conveniently sited to draw from a local and regional labor pool, and be located to minimize any negative impacts that might be generated (e.g., noise, smoke, dust, toxic spills, odor, etc.).

e. Length of time the subject property has remained vacant as zoned: According to the applicant the building has been unoccupied 5 of the last 10 years and has had a variety of uses during that time, when occupied.

f. Relative gain to the public health, safety and welfare by the destruction of the value of the landowner’s property as compared to the hardship imposed upon the landowner: This subject property is located within the city limits of Tonganoxie and the 2006 Comprehensive Plan identifies the future land use of this area as Industrial. The plan recognizes the future industrial development for what is currently known as the Urban Hess Business Park. The plan further calls for commercial development along the US 24/40 frontage, medium density residential to the east, low density residential to the north and west of the business park.

The comprehensive plan also states the following with regard to future industrial development in Tonganoxie:

- Industrial Principle: The arrangement, size, and location of industrial areas is intended to provide sufficient area for expansion of individual operations, be conveniently sited to draw from a local and regional labor pool, and be located to minimize any negative impacts that might be generated (e.g., noise, smoke, dust, toxic spills, odor, etc.).
- Industrial development should be concentrated on land zoned for industrial use, promoting the proper mix of light to moderate industrial development.
- Traffic arteries should serve as boundaries between industrial and other uses.

h. Recommendations of professional staff: Staff recommends denial of the rezoning from “I-LT” Light industrial District to “GBD” General Business District, for the following reasons:

- Potential uses and incompatibility – the rezoning to GBD broadens the potential uses that would be allowed in the area and would allow uses that are incompatible with the established industrial uses in the area.
- Impact to the future development of industrial uses in the city – rezoning of the parcel would reduce the amount of land available in the city for future industrial uses. The development of the Business Park is an attempt to congregate similar uses to reduce their impact to adjacent properties throughout the city.

THEREFORE, the Governing Body of the City of Tonganoxie, having considered the request for rezoning filed by The City of Tonganoxie, reviewed all testimony and evidence submitted for the request, and does hereby adopt the foregoing Findings of Fact and Conclusions as the basis for its decision to approve the Rezoning.

Passed and approved by the Governing Body of the City of Tonganoxie this 6th day of February, 2017.

Jason K. Ward, Mayor

ATTEST:

Patricia C. Hagg, City Clerk

Planning Commission Action

Type of Application: Rezone “I-LT”- Light Industrial to “GBD” – General Business District

Date of Meeting: 1/5/2017

Location of Property: 1601 Commerce Dr

Name of Applicant: Eric Finkbiner

Name of Developer: NA

Excerpt of Meeting Minutes:

The Planning Commission met on January 5, 2017 for a regularly scheduled session. Chairman John Morgan called the meeting to order at 7:15 pm. Members present were Commissioners Grant Watson, Steve Gumm, Jacob Dale, John Morgan, Monica Gee. Commissioner Steve Ashley & Patti Gabel were absent. A quorum was met. Also present were Jamie Shockley, Interim City Manager, Chris Brewster, Gould Evans Planning Consultant, and Patty Hagg, Recording Secretary.

The Commissioner’s followed the Public Hearing Script.

Mr. Brewster reviewed the staff report dated 12/23/2016. He discussed the current zoning district and the requested zoning district regulations. He also reviewed surrounding property zoning and reviewed the mandatory zoning considerations. He recommended denial of the application due to potential uses and incompatibility and the impact to future development of industrial uses in the Business Park.

The applicant Eric Finkbiner, 825 E 8th St., Tonganoxie KS was present to answer questions and spoke in favor of the rezone. He disagreed with the recommendation and reviewed the history of the property and the many times it has remained vacant. He discussed the intended use of the property.

Phil Gunter, 2320 E Willow Pointe Circle, Tonganoxie KS also spoke in favor of rezoning the property so that it could be used as a church

He did not think it would be detrimental to the surrounding property that is zoned Lt-Industrial. He stated the property is on a corner lot and is better suited for General Business.

Steve Jack, 25985 Clover Court, Lawrence KS, Executive Director of Leavenworth County Development Corporation (LCDC) and representative of Leavenworth County Port Authority (LCPA) presented a letter to the Planning Commissioners stating opposition to the rezone. He discussed several projects he has been working on and the recent interest in lots in the Urban Hess Business Park. He stated the board opposed the rezone request because they would like to maintain the integrity and continuity of the Business Park as Light Industrial zoning.

The Public hearing was closed.

The commissioners discussed the current zoning and reviewed the mandatory zoning considerations. The commissioners added that they were not comfortable rezoning the property, as there are few areas throughout the city that are designated with industrial zoning, and they believed it was important to remain consistent with the character of the area. Planning commissioners, added, however, that if the council denies rezoning the property, the applicant may wish to ask the council to consider whether or not churches should be an allowed use under industrial zoning designations.

- Monica Gee made a motion to deny the rezone request
- Steve Gumm seconded the motion.
- Roll Call Vote, Monica Gee, aye; John Morgan, aye; Jacob Dale, aye; Steve Gumm, aye; Grant Watson, aye. Motion carried. (5-0)

The application was reviewed against the following zoning considerations (in bold italic text) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011 The Planning Commission was in agreement with items 1-7.

1. Character of the neighborhood.

The character of the surrounding area is a mix of smaller scale, metal industrial buildings and vacant parcels. Beyond the adjacent area, commercial uses align Highway 24/40 to the south, agricultural land to the north and west and residential subdivision to the east. This property would be to the west of proposed 206th street, so that street would serve as a transition to the neighborhood. This property is part of the Urban Hess Business Park that is not fully developed, but is zoned “I-LT” Light Industrial and “I-MD” Moderate Industrial.

2. Zoning and uses of properties nearby:

Surrounding properties are zoned for light industrial uses to the east and north and moderate industrial uses to the west and the south (I-LT and I-MD). Tonganoxie Drive lies north of the Business Park and represents the edge of the Tonganoxie City Limits. North of Tonganoxie Drive is unincorporated Leavenworth County and the land is currently vacant and is zoned for agricultural and residential use (RR-2.5).

3. Suitability of subject property for the uses to which it has been restricted:

The property was originally platted in 1997. The property has been developed for more than 14 years and in its current configuration for at least the past 8 years. The property was originally developed as part of the Urban Hess Business Park, designed to cluster industrial uses. Three parcels of the original 7 platted are developed today with the remaining parcels vacant. The subject property has direct access to US 24/40 through Laming Road which is adjacent to the property on the west. This access is attractive to industrial uses for delivery of goods. The Urban Hess Business Park is one of 4 current locations within the City of Tonganoxie that are zoned for industrial uses. The other locations are immediately south of US24/40, along Tonganoxie Drive, along E. 4th Street east of Downtown Tonganoxie and the Tonganoxie Industrial Area south of town. The subject property, the second location, south of US 24/40, and the Tonganoxie Industrial Area provide larger parcels for development of industrial uses, and the Downtown location provides smaller lots for small scale industrial development. The Tonganoxie Industrial Area is a planned industrial park that has yet to see any improvements or development.

4. Extent to which removal of the restrictions will detrimentally affect nearby property:

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5. Length of time the subject property has remained vacant as zoned:

According to the applicant the building has been unoccupied 5 of the last 10 years and has had a variety of uses during that time, when occupied.

6. Relative gain to the public health, safety and welfare by the destruction of the value of the landowner’s property as compared to the hardship imposed upon the landowner:

If the property remains as “I-LT” Light Industrial District zoning, all existing uses allowed by Zoning Code will be preserved. Rezoning of the property to “GBD” will allow development of retail, restaurants, institutional, educational, lodging, athletic, religious facilities and the like. The restaurants and retails service can currently be accommodated in the “I-LT” zoning category. The “GBD” zoning category prohibits most industrial uses including manufacturing and warehousing. Future industrial development of the Business Park is likely to occur as the community grows.

7. Conformance of the requested change to the adopted or recognized comprehensive plan of Tonganoxie, Kansas:

This subject property is located within the city limits of Tonganoxie and the 2006 Comprehensive Plan identifies the future land use of this area as Industrial. The plan recognizes the future industrial development for what is currently known as the Urban Hess Business Park.

The plan further calls for commercial development along the US 24/40 frontage, medium density residential to the east, low density residential to the north and west of the business park.

The comprehensive plan also states the following with regard to future industrial development in Tonganoxie:

- Industrial Principle: The arrangement, size, and location of industrial areas is intended to provide sufficient area for expansion of individual operations, be conveniently sited to draw from a local and regional labor pool, and be located to minimize any negative impacts that might be generated (e.g., noise, smoke, dust, toxic spills, odor, etc.).
- Industrial Policies:
 - o Industrial development should be concentrated on land zoned for industrial use, promoting the proper mix of light to moderate industrial development.
 - o Traffic arteries should serve as boundaries between industrial and other uses.

Chairman John Morgan stated a recommendation of denial will be sent to the City Council for review at the City Council meeting on February 6, 2017 at 7:00 pm.

The 14-Day protest period ended on January 19, 2017. No protest petition has been filed.

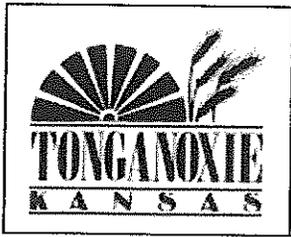
Planning Commission’s Recommendation to City Council:

After testimony from planning staff, the applicant & those in favor and against the rezone the Planning Commission recommends a denial of the rezone application.

Comments, Special Conditions, Explanations:

Staff recommends denial of the rezoning from “I-LT” Light industrial District to “GBD” General Business District, for the following reasons.

1. Potential uses and incompatibility – the rezoning to GBD broadens the potential uses that would be allowed in the area and would allow uses that are incompatible with the established industrial uses in the area.
2. Impact to the future development of industrial uses in the city – rezoning of the parcel would reduce the amount of land available in the city for future industrial uses. The development of the Business Park is an attempt to congregate similar uses to reduce their impact to adjacent properties throughout the city.



CITY OF TONGANOXIE
CHANGE OF ZONE REQUEST AND PROCEDURES

Date Received: 12/9/16
Fee Paid: 350.00
CR # 6137
Received By: PCH

ZONE CHANGE APPLICATION

REZONING FROM: Light Industrial

TO: General Business

SITE ADDRESS OR PROPERTY LOCATION: 1601 Commerce Drive

SIZE OF SITE (ACRE/SQUARE FEET: Lot 1.44 acres, building 1200 sq ft

ASSESSOR'S TAX PARCEL NUMBER: Tax ID 28701, Parcel ID Cama 192-03-0-00-00-017.08-0

APPLICANT: CIRE, LLC (Eric and Karen Finkbiner)

MAILING ADDRESS: 825 E. 8th St, Tonganoxie, KS 66086

PHONE NUMBER : 845-2024 (daytime) 909-9794 (cell) N/A(fax)

EMAIL ADDRESS: ekfinkbiner@gmail.com

LANDOWNER OF RECORD (if different than applicant): N/A

ADDRESS: _____

PHONE NUMBER : _____ (daytime) _____ (cell) _____ (fax)

EMAIL ADDRESS: _____

AGENT or ARCHITECT/ENGINEER /LAND PLANNER: N/A

BUSINESS ADDRESS: _____

PHONE NUMBER : _____ (daytime) _____ (cell) _____ (fax)

EMAIL ADDRESS: _____

Required materials needed to file this application:

- Application and fee
A signed affidavit
A copy of the current deed for the property and an electronic copy (Microsoft Word)
Site plan drawn to scale showing the dimensions of the property (See attached)
The existing streets and utilities serving the area (See attached)
New proposed streets and/or utilities (See attached)
Any improvements proposed, (See attached)
Surrounding property owners list (Told City would provide)
Four (4) folded copies of all plans
One (1) reduced copy (11"x17") of all plans
One (1) electronic copy of all plans (PDF)

In accordance with Section 27-011 of the City of Tonganoxie Zoning Ordinance, please describe how the requested application is consistent with the following considerations for approving or disapproving a rezoning application:

Briefly describe the present use and character of this property and the surrounding neighborhood:

The property is currently vacant. The majority of the neighborhood is undeveloped. The county Annex is across the street.

Briefly describe the compatibility with the zoning and uses of properties nearby:

There are two light industrial businesses in the area. Other nearby properties: county Annex, Post Office, veterinary clinic, medical clinic, bank, convenience store, and storage facility.

Briefly describe the suitability of this property for uses to which it has been restricted:

The property is well suited for light industrial use, but almost ten years of marketing has failed to attract a buyer for this purpose.

Briefly describe the extent to which the removal the restrictions will detrimentally affect nearby property.

The Kaw Valley Church of Christ would like to lease and then purchase the property. This would not seem detrimental to the area. Prolonged vacancy could be detrimental.

Briefly describe the length of time the subject property has remained vacant as zoned:

Five of the past ten years.

Briefly describe why you feel that the proposed change is suitable for this property and is the best use of this land:

We would like for the property to be occupied, and for the area to be developed.

Briefly describe the adequacy of public utilities and infrastructure:

The public utilities and infrastructure are completely adequate.

Briefly describe how the requested change is in conformance to the adopted or recognized comprehensive plan of Tonganoxie KS

As citizens of Tonganoxie, we would to see more commercial development and occupancy of the Urban Hess Business District.



Signatures of owner(s):



Print Name



Signatures of owner(s):



Print Name

Change of Zone Request Required Materials

Existing streets and utilities serving the area: The property is at the intersection of Commerce Avenue and Laming Road. Utilities currently serving the property include Westar Energy, Kansas Gas, and the City of Tonganoxie.

New proposed streets and/or utilities: None.

Any improvements proposed: None.

Additional Information about the Property

We purchased this property approximately ten years ago, with the intent to open a durable medical equipment store that would serve Tonganoxie and the surrounding area. Due to changes in federal regulations shortly after the purchase, the store never opened. During the first few years we owned the property, the American Legion used the building for meetings. They were not charged any rent, but did pay utilities and maintained the building and the lot. Approximately, five years ago, the property was leased to D&G Cycles for an amount roughly equivalent to the property taxes owed. The tenant did pay for utilities and maintained the building and the lot. We have continued to pay the loan acquired to purchase the building since 2006. The property has been for sale off and on for the majority of the past ten years (even while occupied). It has been occasionally shown to prospective buyers, but no serious negotiations have ever occurred. Upon reaching a recent lease agreement with the Kaw Valley Church of Christ, we were surprised to learn of the zoning restrictions for the property. While the property is in an area with two industrial businesses, it was a retail location (plant nursery and garden store) when we purchased it with the intent to open a retail business. Additionally, this area of town is much more residential now than it was ten years ago, with many non-industrial services in the near vicinity.

We are asking for the property to be rezoned to the General Business classification as this would allow the church to move forward with their plan to purchase the property within the next three years. The congregation feels that the building and lot are ideally suited for their needs. Based on the lack of interest in the property over the past ten years, we are concerned that it will likely remain vacant for a prolonged time if zoned only for industrial use. From a personal standpoint, we will be forced to continue to pay the loan, insurance, taxes, and utilities. The agreement with the Kaw Valley Church of Christ would reduce our financial burden and benefit Tonganoxie.

OWNERSHIP AFFIDAVIT

City of Tonganoxie
County of Leavenworth
State of Kansas

We, Eric Finkbiner and Karen Finkbiner being duly sworn depose and say that we are the owners of said property involved in this petition and the foregoing signatures.

Statements and answers herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Signed and entered this 8th day of December, 202016.

Eric Finkbiner 825 E 8th St Tonganoxie, KS 66086 913 848-2024
Print Name Address Phone No.

Signature

Karen Finkbiner 825 E 8th St, Tonganoxie 848-2024
Print Name Address Phone No.

Signature

Subscribed and sworn to before me on this 8th day of December, 2016.

Jill M. Jordan
Notary Public Signature

Jill M. Jordan
Notary Public Print Name

My commission expires:

3-18-17



Coffelt Land Title
221 E. 24-40 Highway
Tonganoxie, KS 66086
Mailing: P. O. Box 478
Basehor, KS 66007

C/CO
11
√2

6-44011

LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE, Made on the 10-6-2006 by Greenhouse, L.L.C. (GRANTOR) duly organized under the laws of the State of Kansas of the first part, and Cire, LLC (GRANTEES), party of the second part, whose mailing address is : 825 E. 8th St., Tonganoxie-KS 66086

WITNESSETH: THAT THE SAID PARTIES OF THE FIRST PART, in consideration of the sum of TEN DOLLAR AND OTHER GOOD AND VAUABLE CONSIDERATION to it paid by said parties of the second part (the receipt and of which is hereby acknowledged), does by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said parties of the second part, their heirs and assigns, the following described lots, tracts or parcels of land, to-wit:

LOT 2, URBAN HESS BUSINESS CENTER NO. 1, IN THE CITY OF TONGANOXIE, ACCORDING TO THE RECORDED PLAT THEREOF, IN LEAVENWORTH COUNTY, KANSAS

Subject to easements, restrictions and reservations of record, if any.

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said parties of the second part and unto their heirs and assigns forever; the said first party hereby covenanting that it is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; and that it will warrant and defend the title to the said premises unto the said parties of the second part and unto their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, The said party(ies) of the first part has/have caused these presents to be signed by its Member, the day and year first above written.

Greenhouse, LLC

By *Twila M. Hickman*
Twila M. Hickman, Member

James V. Hickman
James V. Hickman

ACKNOWLEDGMENT

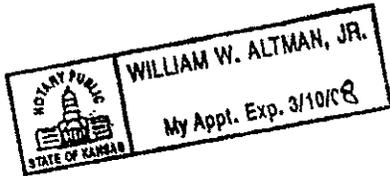
In the State of *Kansas*, County of *Leavenworth*, on this, before me, the undersigned, a Notary Public in and for said County and State, personally appeared, Twila M. Hickman*, to me personally known to be the person(s) who executed the within Limited Liability Company Warranty Deed in behalf of said limited liability company and who, being by me duly sworn, did acknowledge to me that s/he/they executed the same as the free act and deed of said Limited Liability Company.

10/6/06
*and James V. Hickman

WITNESS my hand and Notarial Seal subscribed and affixed in said County and State, the day and year in this certificate above written.

William W. Altman, Jr.
Notary Public

MY TERM EXPIRES: *03-20-2008*



STATE OF KANSAS
COUNTY OF LEAVENWORTH-SS
FILED FOR RECORD

2006 OCT 17 P 2:41 8

STACY R. DRISCOLL
REGISTER OF DEEDS

Entered in the transfer record in my office this
17th day of *October*, 20 *06*
Stacy R. Driscoll
County Clerk



LEAVENWORTH
COUNTY

PORT AUTHORITY
DEDICATED TO THE
INDUSTRY OF INNOVATION

January 5, 2017

Tonganoxie Planning Commission
City of Tonganoxie
526 E. 4th Street
Tonganoxie, KS 66086

Re: Lot 2, Urban Hess Business Center No. 1 Rezoning Request

Tonganoxie Planning Commission:

It is our understanding as an adjacent property owner to 1601 Commerce Dr. that the Tonganoxie Planning Commission has received a request to change the zoning of the property legally described as Lot 2, Urban Hess Business Park the City of Tonganoxie from I-LT-Light Industrial to GBD-General Business District. The Leavenworth County Port Authority is very much opposed to this rezoning request.

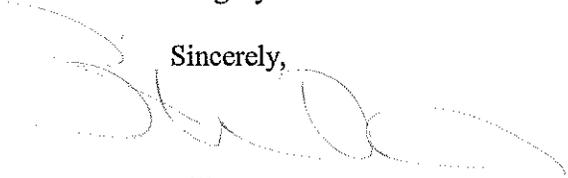
The Port Authority has been working to develop the light industrial park as an economic driver to bring jobs and capital investment to the community. Activity for the small parcels of 1.5 to 4 acres has been slow in recent years, but activity increased in 2016. Mid Star Labs purchased a 12,000-square-foot building 12 months ago, and now employs 35 people just to the east of 1601 Commerce Dr. The Port Authority owns the lot in between and an additional 9 lots totaling approximately 25 acres in Urban Hess. We believe it will be more difficult to attract primary industries if the park zoning opens to the variety of businesses allowed under the GBD-General Business District designation.

Last year the Port Authority Board was approached by a developer wishing to build multi-family housing on a lot in Urban Hess. The Board opposed the request for the same reason we oppose this request – the board's desire to maintain the continuity of zoning in the park.

We are optimistic about future development in Urban Hess. We are currently negotiating with a company to purchase two lots on Commerce Dr. That purchase should be complete in the next 30 days with construction to follow soon after. There has also been recent interest in the lot adjacent to the 1601 Commerce Dr. property.

Light industrial property in Tonganoxie is hard to come by in Tonganoxie. There are few areas available for businesses involved in light manufacturing, warehousing and wholesaling of goods, administrative facilities, and other related businesses to locate. We would support maintaining the business park's integrity.

Sincerely,


Bill New
LCPA Chairman

1294 Eisenhower Rd., Leavenworth, Kansas 66048



Office of the City Manager
AGENDA STATEMENT

DATE: February 6, 2017
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jamie Shockley, Interim City Manager
SUBJECT: Outsourcing Printing and Mailing of Utility Bills

DISCUSSION:

The City Council agreed in the 2017 budget discussions to set aside a total of \$10,000 across the utility funds to outsource the printing and mailing of utility bills in 2017. The new utility billing system, which will go live in March of this year, will provide numerous benefits to the city and our residents, including a new full page bill to replace the existing postcard bill. The City receives complaints quite often about the post card bill getting lost in the mail and being difficult to understand, and it also does not allow for confidentiality as it relates to citizens' utility accounts. As a result, city staff believes replacing the post card bill with a full page bill in a sealed envelope will address these concerns, and it will also allow the city more space to communicate with residents and promote important events and information. In addition, the new system will allow residents to sign up for e-billing, which will result in fewer bills being physically mailed each month.

In order to move forward with the new full page bill mailing, the city will need to outsource the printing and mailing of these bills, as this is not something that can be handled in-house efficiently. I contacted two printing companies within Leavenworth County, Recordnews and Caraway Printing, to get quotes and more information on their services. Caraway Printing does not have the capabilities to meet the city's printing and mailing needs for utility bills; however, the Record is very interested in earning the City's business.

Attached to this agenda statement is a formal quote from Recordnews as well as a detailed comparison of the City's current costs related to utility bills compared to the cost of outsourcing. The Record has agreed to deliver all bills to the Tonganoxie Post Office for mailing.

Budget Impact:

The 2017 budget accounts for a \$10,000 increase to pay for the increased costs of outsourcing utility bills. In addition, the new utility billing system will let residents sign up for e-billing, which will eliminate the need for the city to send a paper bill to some residents. The total annual cost to outsource the printing and mailing of utility bills is \$11,256 more than what the City currently appropriates, which is \$1,256 more than what was budgeted in 2017. However, we will not begin outsourcing until March of 2017, so the total cost for outsourcing in 2017 will only be \$6,896 more than what the City currently pays. This amount is below the \$10,000 that was budgeted and assumes that no residents will sign up for e-billing. The more residents who sign up for e-billing, the less the cost will be.

ACTION NEEDED:

Make a motion to outsource the printing and mailing of utility bills with Recordnews and authorize the interim city manager to execute the proposal and scope of services.

Printing, Mailing, and Processing Costs - In House

Item	Cost per Piece	Monthly Cost	Annual Cost
Postage for Current Bills	\$ 0.34	\$ 680.00	\$ 8,160.00
Cardstock for Current Bills	\$ 0.07	\$ 140.00	\$ 1,680.00
Cardstock for Late Notices	\$ 0.15	\$ 75.00	\$ 900.00
Printing Costs	\$ 0.03	\$ 75.00	\$ 900.00
Staff Time	17.00 per hour	\$ 272.00	\$ 3,264.00
Total	\$0.51	\$ 1,242.00	\$ 14,904.00

Printing, Mailing, and Processing Costs - Outsourced

Item	Cost per Piece	Monthly Cost	Annual Cost
Envelopes	\$ 0.06	\$ 150.00	\$ 1,800.00
Printing/Processing Bills	\$ 0.35	\$ 700.00	\$ 8,400.00
Printing/Processing Late Notices	\$ 0.35	\$ 175.00	\$ 2,100.00
Postage	\$ 0.46	\$ 1,155.00	\$ 13,860.00
Staff Time	n/a	n/a	n/a
Total	\$0.51	\$ 2,180.00	\$ 26,160.00

Printing, Mailing, & Processing Costs - Outsourced - 25% Receive E-Bills

Item	Cost per Piece	Monthly Cost	Annual Cost
Envelopes	\$ 0.06	\$ 112.50	\$ 1,350.00
Printing/Processing Bills	\$ 0.35	\$ 525.00	\$ 6,300.00
Printing/Processing Late Notices	\$ 0.35	\$ 131.25	\$ 1,575.00
Postage	\$ 0.46	\$ 843.75	\$ 10,125.00
Staff Time	n/a	n/a	n/a
Total	\$0.51	\$ 1,612.50	\$ 19,350.00

Monthly and Annual Cost Comparison

	Monthly Cost	Annual Cost	Difference from Current Annual Cost
Current Cost	\$ 1,242.00	\$ 14,904.00	\$ -
Cost to Outsource - No E-Bills	\$ 2,180.00	\$ 26,160.00	\$ 11,256.00
Cost to Outsource - 25% E-Bills	\$ 1,612.50	\$ 19,350.00	\$ 4,446.00



*Proposal and Scope of Services
Utility Bills & Late Notices
February 6, 2017*



Scope of Services

Project Overview:

The City of Tonganoxie is looking for a local printer to provide printing and mailing services for Utility Bills and Utility Late Notices. The Package consists of a #10 Window Envelope that has the same graphic and indicia for mailing. The Bill and Late Notice will consist of a single page in black and white printing on front and/or back. The Bills will mail at the beginning of each month (estimated quantity of 2000) and the Late Notices will mail near the 15th of each month (estimated quantity of 500).

The City would like to continue using the Tonganoxie Permit #3 in order to keep the mailing volume consistent at the local Post Office.

The City will provide approval for the envelope printing for an estimated six month supply that will be stored at:

The Record 14690 Parallel, Basehor, KS 66007

The City will provide on a monthly basis the PDF images of the Bill and PDF images of the Late Notice for The Record to: Print, Fold, Insert & Mail at the Tonganoxie Post Office.

The City will be invoiced for the initial printing of the envelopes, then will be invoiced on a Monthly basis for the printing/ mailing of the Bill/Late Notices. The invoice will reflect the quantity mailed for each portion of the project. The Postage will be recapped for the City to insure that adequate postage is in the permit at Tonganoxie Post Office

Pricing Overview

Envelope Printing:

The Record will print and inventory 15,000 #10 Window Envelopes with the Return address and First Class Permit #3 of City of Tonganoxie.

Estimated 6 Month Supply = 15,000 Envelopes (proof attached)

Quoted Price = \$.06 per piece = \$900

This amount will be invoiced to the City of Tonganoxie upon completion of the printing portion of the envelopes. The Record will notify the City when inventory count is low and needs to be replenished.

Monthly Printing/Mailing:

Bills: Approximately 2,000 per run mailed at the beginning of each month

Quoted Price = \$.35 per piece = \$700 per month

Late Notices: Approx. 500 per run mailed in the middle of each month

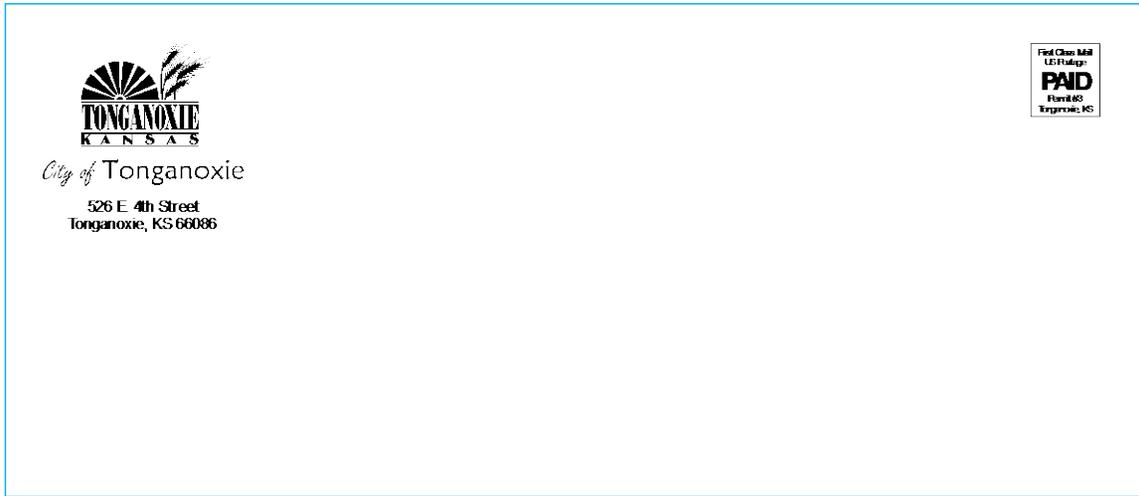
Quoted Price = \$.35 per piece = \$175 per month

Final billing will be based on the actual per piece for the given month.

Postage:

The City will need to keep ***approximately \$1,300 per month*** in the permit #3 so the mail will not be rejected at any given month that The Record submits mail. This will allow for at least 2,650 pieces to mail at the First Class Rate thru this permit. While The Record can “check to see” how much is available, the City will be responsible to fund that postage permit each month (or as determined by the City). The Record will provide a mailing statement showing count and actual postage used each month along with the invoice to the City of Tonganoxie.

Attached is proof of the #10 Window Envelopes that is to be approved prior to printing:



Renewal

This proposal is intended to last at minimum of 6 months (or until envelope supply is used). The City of Tonganoxie can renew by printing additional supply of envelopes desired for the next projected timeframe.

Pricing subject to review at each additional run of envelopes inventoried.

Signature

Date

Title

Signature

Date

Owner, Recordnews

Title



Office of the City Manager
AGENDA STATEMENT

DATE: February 6, 2017
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jamie Shockley, Interim City Manager
SUBJECT: Request to Waive Fee for Family Season Pass for Genesis Christian Academy

DISCUSSION:

The City received a letter and phone call from Genesis Christian Academy, requesting that the City donate a 2017 family season pass to Tonganoxie Water Park for the silent auction at the Night of Knights fundraiser. The City Council has voted to approve this request for the last several years. In order to provide this complimentary pass for the fundraiser, the City Council would need to waive the \$140 fee for the season pass and agree to donate it to Genesis Christian Academy for use at its upcoming fundraiser.

Attached is a copy of the letter we received from Genesis Christian Academy.

ACTION NEEDED:

Make a motion to waive the \$140 family water park season pass and donate it to Genesis Christian Academy for use at their annual silent auction.



Genesis Christian Academy

204 Washington; PO Box 994
Tonganoxie, KS 66086

Office 913-845-9498

January 15, 2017

Hello, my name is Mendy Lietzen. I am the Administrator of Genesis Christian Academy in Tonganoxie, Kansas. Genesis Christian Academy currently serves 126 students, preschool through high school, from the surrounding communities, including Tonganoxie, McLouth, Basehor, Leavenworth, Lawrence, Kansas City, and Shawnee. Genesis has been serving the community for more than 20 years, educating our students to be strong leaders who will impact the communities they live in with a Christian worldview.

To do this we rely on support from our annual Night of Knights Banquet and Auction. On April 7, 2017, we will once again be presenting this event. In the past, funds raised from this event have gone to the purchase of new lunch tables; laptops for our teachers; improvements to our wireless infrastructure; enhanced our specials program for art, music, and Physical Education; funded an educational specialist to help our struggling students; scholarships and much more.

As our school grows so do our needs. To continue to provide a first class education we need additional tools like two mobile computer labs containing 10-12 laptops each, 15 smart TV's/monitors to enhance our classroom teaching capabilities, eight additional lunch tables to catch up to our growth, and build back up our scholarship fund. Currently, we have about 25% of our student body receiving some kind of scholarship, and we would like to offer more help. I am inviting you to help us in any you can—purchase a ticket to our banquet, donate an item for our auction, help support the scholarship fund, donate gift cards, sponsor a banquet table. Every supporter is acknowledged at our event from the stage, in our program and on our website www.genesschools.org.

Thank you for taking the time to read this letter. As one of our sponsors, I will personally let you know how we do. If you would like any more information on Genesis Christian Academy and Preschool, please visit our website at www.genesschools.org. Genesis is a 501(c)3 organization and all donations are tax-deductible.

In His Service,

Mendy Lietzen
Administrator



Genesis Christian Academy

204 Washington; PO Box 994
Tonganoxie, KS 66086

Office 913-845-9498

Night of Knight Banquet and Auction Donation Form

April 7, 2017

Please help us in any you can, your help touches a life

		Amount toward
Full Scholarship	\$3,250.00	\$
Mobile Computer Lab (2 NEEDED)	\$1,625.00	\$
Smart TV / Monitor (15 NEEDED)	\$ 350.00	\$
Lunch Table (8 NEEDED)	\$ 650.00	\$
<u>Table Sponsor</u>		
2 Tickets included (25 NEEDED)	\$ 200.00	\$
Banquet Ticket	\$ 15.00	\$
Gift of Cash		\$

I am not able to help with the items above but I can donate to the following to the Auction:

Tell us about you! We want to help to promote your business in our Night of Knight's Program, from the microphone, at the tables, on our posters, website and more!

Company Name: _____

Contact Person: _____

Company Address: _____

Company Phone: _____ Website URL: _____

If you have a logo you would like included in the program, please forward the jpeg or png to:

wendy.lietzen@genesisschools.org .

*All donors will receive [2] complimentary tickets. If you would like to attend,
please RSVP to Wendy Lietzen at wendy.lietzen@genesisschools.org.*

City of Tonganoxie

Office of the City Administrator

AGENDA STATEMENT

DATE: February 6, 2017
TO: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jeffery J Brandau, Chief of Police
SUBJECT: Impaired Driving Deterrence Program

DISCUSSION:

The Kansas Department of Transportation through the Impaired Driving Deterrence Program is providing funding to Police Departments for Impaired Driving deterrence. This includes both saturation patrols and check lanes. Both these enforcement actions are proven effective in deterring Impaired Driving. The program will also fund up to \$500 in equipment purchases to aid the Police Department in the program.

BUDGET IMPACT:

KDOT will pay up to \$7,682 to fund the enforcement actions in 2017, the Police Department will not surpass this amount.

Staff Recommendation: Have the Mayor sign the agreement.

cc: Michael Kelly, City Attorney
Patricia Hagg, Interim City Clerk
File

**KANSAS DEPARTMENT OF TRANSPORTATION
HIGHWAY SAFETY PROJECT AGREEMENT WITH A GOVERNMENT AGENCY
Impaired Driving Deterrence Program (IDDP)**

PARTIES:

Richard Carlson, Secretary of Transportation
Department of Transportation for the State of Kansas
Eisenhower State Office Building
700 SW Harrison Street
Topeka, KS 66603-3754

Hereinafter, referred to as the "Secretary."

and:

Chief Jeffery Brandau
Tonganoxie Police Department

Hereinafter, referred to as the "Project Agency."

Collectively, referred to as the "Parties."

PURPOSE:

To promote highway safety improvement. This highway safety improvement is identified by the project number above and the city or county listed above, hereinafter referred to as the "Project." The Project is further identified by the Impaired Driving Deterrence Program (IDDP) Fact Sheet, available by calling 785-296-3618.

EFFECTIVE DATE:

The Parties shall be mutually obligated to perform in accordance with this Agreement as of: October 1, 2016

TERMS OF THE AGREEMENT

Article I - THE SECRETARY AGREES:

1) To reimburse the Project Agency for the added salary and approved commodity expenses incurred in the performance of the Project Agreement in the following amounts:

Year 1:	0	Year 2:	7,682
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2) To reimburse the Project Agency for approved expenses following receipt of required time sheets, invoices, and other accounting documents and activity reports.

Article II - THE PROJECT AGENCY AGREES:

1) To furnish the necessary personnel, facilities, and such other professional services as may be required to perform additional impaired driving law enforcement patrol activities in each year's IDDP campaign schedule issued by the Secretary. While maintaining the impaired driving focus and schedule, the contracting agency also agrees to enforce and report on general traffic enforcement activities.

2) To promptly begin the Project upon receipt of Secretary's written Notice to Proceed.

3) To complete the Project by: January 1, 2018

4) To prepare and deliver to the Secretary during and upon completion of the Project all reports as required by the Secretary.

5) To pay actual project costs prior to submitting any reimbursement claim to the Secretary. After the added salary costs have been incurred, the Project Agency shall submit reimbursement invoices to the Secretary.

6) Funds provided under this Agreement shall not supplant any salary expenditure provided for by the Project Agency's current budget.

7) The services to be performed by the Project Agency are personal and cannot be assigned, sublet, or transferred without consent of the Secretary.

8) To maintain accounting records, which shall be made available at all times during the agreement period and for five (5) years from the date of the final payment. The Secretary shall have access to the premises to review and inspect the work and related records. Arrangements for all reviews and inspections by the appropriate federal agency shall be made by the Secretary.

9) Upon request from the Secretary, the Project Agency shall supply progress reports at monthly or at mutually agreed intervals in conformity with the official Project schedule.

10) All local governmental units, state agencies or instrumentalities, non-profit Organizations, institutions of higher education and Indian Tribal governments shall comply with Federal-Aid Transportation Act and the requirements of 2 C.F.R. Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (commonly known as the "Super Circular"). Further, the Project Agency agrees to the following provisions:

a) It is the policy of the Secretary to make any final payments to the Project Agency for services related to the Highway program in a timely manner. The Single Audit Standards set forth in Federal O.M.B. Circular A-133, "Audits of States, Local Government and Non-Profit Organizations" in 49 C.F.R. Part 18 (Common Rule), require an audit be performed by an independent certified public accountant in accordance with these standards. All information audited shall comply with 49 C.F.R. Part 18 (Common Rule.)

b) The Secretary may pay any final amount due for the authorized work performed based upon the Project Agency's most recent Single Audit Report available and a desk review of the claim by the Contract Audit Section of KDOT's Bureau of Fiscal Services. The Project Agency, by acceptance of this Agreement, acknowledges the final payment is subject to all single audits which cover the time period of the expenses being claimed for reimbursement. The Parties agree as the Single Audit Report becomes available for the reimbursement period (normally should occur within a period of 1-2 years), the Secretary will review the Single Audit Report for items which are declared as not eligible for reimbursement. The Project Agency agrees to refund payment made by the Secretary to the Project Agency for items subsequently found to be not eligible for reimbursement by audit.

c) If the Project Agency is not subject to the Audit Standards set forth in 2 C.F.R. Part 200, the Secretary and/or NHTSA may request, in their sole discretion, to conduct an audit of the Project. Upon the request of the Secretary and/or NHTSA for an audit, the Project Agency will participate and cooperate in the audit and shall make its records and books available to representatives of the requesting agency for a period of five (5) years after date of final payment under this Agreement. If any such audit reveals payments have been made with federal funds by the Project Agency for items considered Non-Participating Costs, the Project Agency shall promptly reimburse the Secretary for such items upon notification by the Secretary.

11) If it has not already done so, the Project Agency shall obtain a Data Universal Numbering System (DUNS) number, which may be obtained from Dun and Bradstreet, Inc. (D & B) by telephone (currently 866-705-5711) or the Internet (currently <http://fedgov.dnb.com/webform>).

12) The Project Agency agrees it shall maintain current registrations in the System for Award Management (SAM) (<http://www.sam.gov>) at all times during which it has active federal awards.

13) That the agency has, operates under, or will have in place within one year, a policy which requires employees to comply with stipulations of the Kansas Safety Belt Use (K.S.A. 8-2503) and Child Passenger Safety (K.S.A. 8-1344) Acts when engaged in official travel by public or private vehicle. A model policy is available from KDOT (785-296-3618) upon request.

14) That it is reasonable for KDOT to expect an average of at least two (2) enforcement contacts per reimbursed hour of enforcement by the Project Agency over the term of each STEP year.

Article III - THE PARTIES AGREE:

1) Disputed matters arising under this Agreement that are not mutually resolved, shall be decided by the Secretary, whose decision shall be final and binding.

2) This Agreement, for any reason, may be terminated upon thirty (30) days written notice by either party; Provided, however, the Project Agency shall not be paid more than that which would be received under the terms of the Agreement for that portion of services rendered to the date of termination.

3) The IDDP Project Information Sheet, Attachment 1, is incorporated by reference and made a part of this Agreement.

4) Attachment 2, pertaining to the implementation of the Civil Rights Act of 1964, is incorporated by reference and made a part hereof.

5) The Certification of the Project Agency, Attachment 3, is incorporated by reference and made a part hereof.

6) The provisions found in the Contractual Provisions Attachment (Form DA-146a, Rev. 04-11) which is attached hereto as Attachment 4, are hereby incorporated in this contract and made a part thereof.

7) If the total value of this agreement exceeds \$100,000, a Certification for Federal Aid Contracts and Accompanying Disclosure of Lobbying Activities will be included as Attachment 5 to this agreement and be incorporated by reference and made a part thereof.

8) This Agreement shall be binding upon the parties hereto and their successors and assigns.

9) It is expressly agreed that no third party beneficiaries are intended to be created by this Agreement, nor do the parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

10) The goal of this contract is to reduce death and injury on Kansas roads. A strategic combination of education and enforcement plays a vital role in achieving this reduction.

LOCAL AUTHORIZING OFFICIALS

X

Mayor Jason Ward

X

Chief Jeffery Brandau

**KANSAS DEPARTMENT OF
TRANSPORTATION**

Richard Carlson
Secretary of Transportation for
the State of Kansas

Form Approved
From 12/9/2015 to 2/29/2016
By JA Legal Dept. KDOT

Revised Jan 2017



Office of the City Manager
AGENDA STATEMENT

DATE: February 6, 2017
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jamie Shockley, Interim City Manager
SUBJECT: Update on School Zone/Speed Limit Reduction on Pleasant

DISCUSSION:

At the last Council meeting, the council directed city staff to look into establishing a school zone on Pleasant Street from 4th Street to Washington.

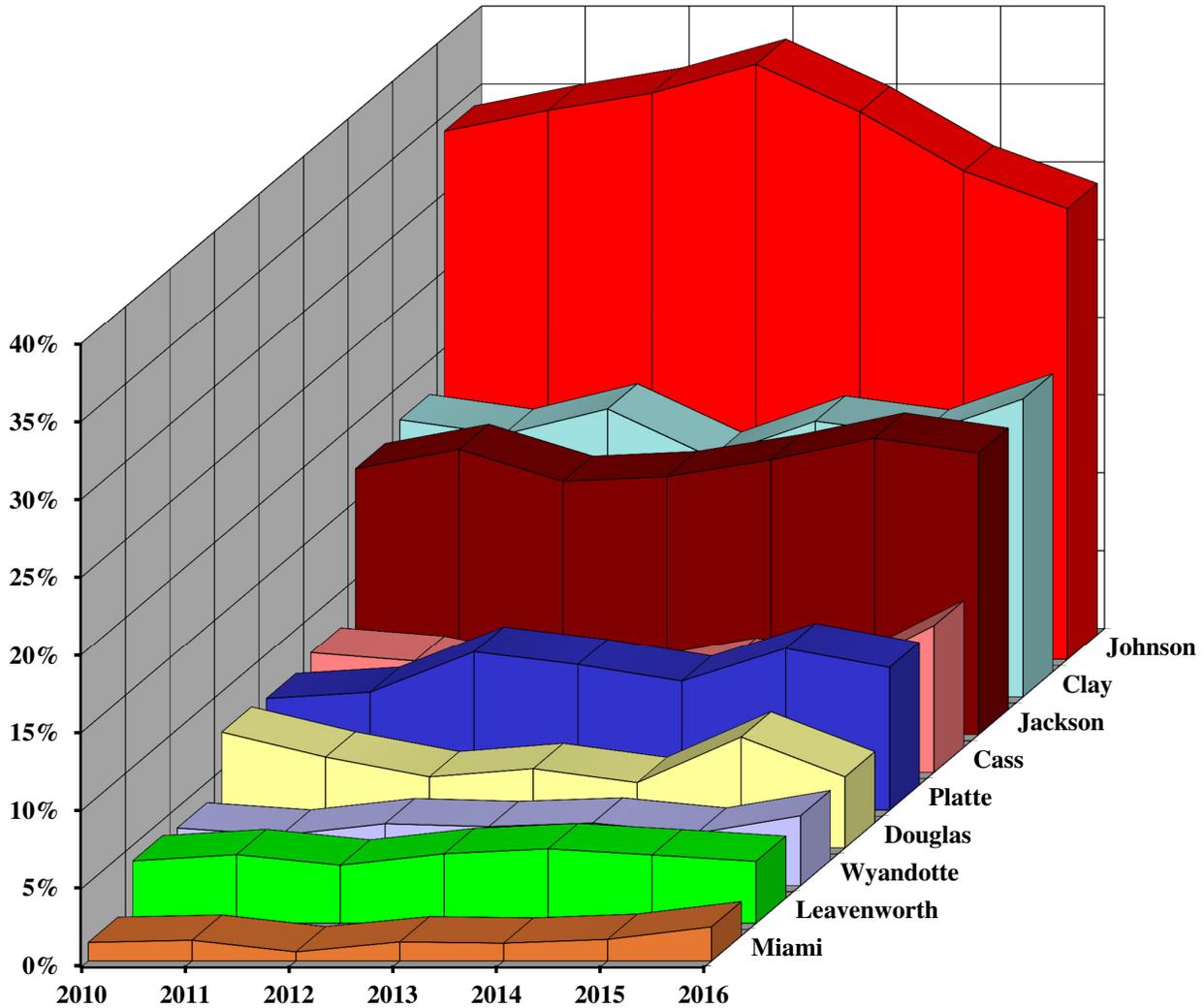
It was determined by staff that the creation of a school zone also would require a traffic study. However, since the last meeting, staff was made aware of the Traffic Engineering Assistance Program (TEAP) through KDOT. This program has funding available for traffic safety studies, which are conducted at no cost to the City. City staff recently submitted an application to this program to conduct a traffic safety study on Pleasant, as well as 12th Street, which was requested by the Chief of Police.

City staff will keep the council informed on the status of the application and the results of the traffic study, if approved for funding by KDOT.

Kansas City Metro, KS and MO (9 Counties)

Market Share by County

(Based on Building Permits Issued)



County	2010	2011	2012	2013	2014	2015	2016
Johnson	33.99%	35.32%	36.43%	38.29%	35.23%	31.43%	29.01%
Clay	17.82%	16.88%	18.51%	15.40%	17.73%	16.84%	19.14%
Jackson	17.09%	18.33%	16.28%	16.58%	17.66%	19.06%	18.09%
Cass	7.68%	7.15%	5.81%	5.85%	7.02%	6.09%	9.44%
Platte	7.14%	7.55%	10.15%	9.34%	8.27%	10.37%	9.14%
Douglas	7.41%	5.81%	4.55%	5.07%	4.18%	7.10%	4.54%
Wyandotte	3.69%	3.23%	3.96%	3.77%	4.00%	3.35%	4.47%
Leavenworth	3.99%	4.40%	3.73%	4.46%	4.77%	4.38%	3.97%
Miami	1.19%	1.33%	0.59%	1.23%	1.14%	1.39%	2.19%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



DECEMBER 2016

	Single Family Units ^A	Multi-Family Units [%]	Total Units	S-F Units YTD	M-F Units YTD	Total Units YTD
CASS COUNTY						
Archie	0	0	0	3	0	3
Belton	2	0	2	104	0	104
Cass County	0	0	0	40	0	40
Cleveland	0	0	0	1	0	1
Drexel	0	0	0	0	0	0
Garden City	0	0	0	0	0	0
Harrisonville	0	0	0	52	0	52
Lake Winnebago	0	0	0	8	0	8
Lee's Summit	0	0	0	11	0	11
Peculiar	1	0	1	77	0	77
Pleasant Hill	5	0	5	72	0	72
Raymore	14	0	14	207	12	219
Village of Loch Lloyd	0	0	0	11	0	11
	22	0	22	586	12	598
CLAY COUNTY						
Clay County	6	0	6	66	0	66
Excelsior Springs	0	0	0	6	0	6
Gladstone	0	0	0	33	0	33
Kansas City	43	0	43	746	387	1133
Kearney	3	0	3	98	0	98
Lawson	0	0	0	0	0	0
Liberty	2	0	2	27	48	75
North Kansas City	0	0	0	11	0	11
Pleasant Valley	0	0	0	0	0	0
Smithville	3	0	3	114	12	126
	57	0	57	1101	447	1548
JACKSON COUNTY						
Blue Springs	19	0	19	180	43	223
Buckner	0	0	0	0	0	0
Grain Valley	12	0	12	112	0	112
Grandview	0	0	0	0	0	0
Greenwood	5	0	5	31	0	31
Independence	7	0	7	81	0	81
Jackson County	2	0	2	68	0	68
Kansas City	8	40	48	81	1228	1309
Lake Lotawana	0	0	0	4	0	4
Lee's Summit	20	0	20	368	66	434
Oak Grove	4	0	4	49	0	49
Raytown	0	0	0	0	0	0
Sugar Creek	0	0	0	0	0	0
	77	40	117	974	1337	2311
PLATTE COUNTY						
Edgerton	0	0	0	0	0	0
Kansas City	15	126	141	263	472	735
Parkville	5	0	5	58	0	58
Platte City	0	0	0	0	0	0
Platte County	5	0	5	126	0	126
Riverside	0	0	0	27	0	27
Weatherby Lake	1	0	1	16	0	16
Weston	0	0	0	0	0	0
	26	126	152	490	472	962
JOHNSON COUNTY						
De Soto	2	0	2	16	0	16
Edgerton	0	0	0	1	0	1
Fairway	0	0	0	6	0	6
Gardner	8	0	8	94	0	94
Johnson County	2	0	2	54	0	54
Leawood	2	0	2	47	18	65
Lenexa	7	0	7	201	459	660
Merriam	1	0	1	4	0	4
Mission Hills	0	0	0	1	0	1
Olathe	44	0	44	599	214	813
Overland Park	30	0	30	429	798	1227
Prairie Village	1	0	1	29	0	29
Shawnee	13	0	13	155	288	443
Spring Hill	3	0	3	45	0	45
Westwood	0	0	0	3	0	3
	113	0	113	1684	1777	3461

	Single Family Units ^A	Multi-Family Units [%]	Total Units	S-F Units YTD	M-F Units YTD	Total Units YTD
LEAVENWORTH COUNTY						
Basehor	6	0	6	101	0	101
Lansing	0	0	0	18	0	18
Leav. County	5	0	5	73	0	73
Leavenworth	0	0	0	14	0	14
Tonganoxie	0	0	0	40	0	40
	11	0	11	246	0	246
WYANDOTTE COUNTY						
Bonner Springs	3	0	3	25	0	25
Edwardsville	0	0	0	2	0	2
KCK/Wyandotte Co	18	0	18	245	0	245
	21	0	21	272	0	272
MIAMI COUNTY						
Louisburg	2	0	2	48	0	48
Miami County	9	0	9	70	0	70
Osawatomie	0	0	0	0	0	0
Paola	0	0	0	6	0	6
Spring Hill	7	0	7	12	124	136
	18	0	18	136	124	260
Totals	345	166	511	5489	4169	9658

Comparison of Single Family

Building Units for Greater Kansas City

(Cass, Clay, Jackson, Platte, Johnson, Leavenworth, Miami, Wyandotte Counties)

Month/Year	2009	2010	2011	2012	2013	2014	2015	2016
January	96	137	90	188	273	287	240	274
February	129	145	121	182	224	216	260	408
March	131	252	180	270	335	362	393	542
April	184	228	210	277	444	439	437	523
May	189	213	230	294	337	385	395	503
June	204	239	262	268	333	364	438	578
July	196	180	204	288	409	375	399	494
August	207	243	205	260	354	352	425	530
September	219	173	202	379	384	383	462	418
October	226	279	205	331	369	468	459	462
November	192	173	185	283	340	312	360	412
December	182	209	207	279	288	328	432	345
Annual Total	2,155	2,471	2,301	3,299	4,090	4,271	4,700	5,489

Comparison of Permits By Units Issued Year to Date

	2009 - 2016		
	S-F Units	M-F Units	Total Units
2009	2155	1497	3652
2010	2471	253	2724
2011	2301	600	2901
2012	3299	1775	5074
2013	4090	2879	6969
2014	4271	3910	8181
2015	4700	3995	8695
2016	5489	4169	9658

^AThe Single Family number is units and includes both attached and detached units.
[%]Multi-Family units are in buildings with 5 or more units.
 # Not available at time of report

Permit information reflects the most recent data at time of publication. In order to ensure accurate recording of residential building permit statistics, the HBA may revise monthly and year-to-date figures when updated data is made available. Copyright 2017 Home Builders Assoc of Greater Kansas City. All rights reserved.

From: [Paul Akers](#)
To: [Jamie Shockley](#)
Subject: Projected Tax Proposal
Date: Tuesday, January 24, 2017 10:07:35 AM

Mr. Schockley,

It is my sincere desire to support the proposed tax continuation but only if we can get a sidewalk project listed along side the list of projects. The sidewalk that I am proposing and we are in desperate need of is from Laming Road to Sycamore Drive which is not very long and is on the east side of Tonganoxie Road. This sidewalk which could run from the walking trail at Laming Rd & Tonganoxie Dr. to Sycamore Dr. could give residents of Jackson Heights and Willow Point Circle safe access to the rest of the town. Please don't forget that these areas are growing and are a vital part of the community. Right now we are isolated from using the walking trail which we have helped pay for. Please do your best to get this listed as a major improvement. A lot of people would use this sidewalk and there are a lot of senior citizens who could use the exercise that this project would provide. I have a handicapped son who rides a bicycle and he could safely ride his bike to other parts of the community. Tonganoxe Drive is a very dangerous road to be riding a bicycle on especially for a hadicapped individual. We have lived up here in Willow Point Cir since 2006 and have felt isolated from the rest of town by foot ever since. There are an awful lot of voting citizens up here who could benefit..

Thank you,
Paul Akers