

CITY OF TONGANOXIE
321 S. DELAWARE 913-845-2620
July 3, 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 June 19, 2017

III. Consent Agenda

- a) Review Bill Payments

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) Consider approval of Resolution 07-17-01: a resolution approving and authorizing the execution of release agreement with property owner at 242 S. Whilshire Drive
- b) Consider approval of Resolution 07-17-02: a resolution approving and authorizing the execution of release agreement with property owner at 238 S. Whilshire Drive

VI. New Business

- a) Presentation of 2016 financial audit – Kramer & Associates
- b) Ordinance 1425: an ordinance amending section 182.1 of the Standard Traffic Ordinance for Kansas Cities, 2016 edition, to comply with Kansas state statute.
- c) Consider approval of temporary CMB license for the Leavenworth County Fair
- d) City Manager Agenda
- e) City Attorney Agenda
- f) Mayor Agenda
- g) Mayor Pro Tem Agenda
- h) City Council Agenda

VII. Information & Communications (No Action Required)

VIII. Adjourn

City Council Meeting
June 19, 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 Curtis Oroke, Chris Donnelly, Andy Gilner, and Kara Reed. Jim Truesdell was absent. Also in attendance were City Manager George Brajkovic, Assistant City Manager Jamie Shockley, and City Attorney Shannon Marcano.

Approval of Minutes and Consent Agenda

- Mr. Gilner moved to approve the minutes from May June 5, 2017. Ms. Reed seconded. All ayes. Motion carried.
- Mr. Donnelly moved to approve the Consent Agenda. Mr. Gilner seconded. All ayes. Motion carried.

Open Agenda

- David Frese, 1012 Pleasant Street, addressed the council and thanked the City for helping to make the library run a success again this year.
- Monica Gee, 612 E. 4th Street, thanked everyone for their support of Bike Across Kansas and informed the Council that Tonganoxie was voted most hospitable and best breakfast by the cyclists.
- Kay Soetaert, 124 W. 1st Street, addressed the council and thanked them for their support of Tonganoxie Days and Bike Across Kansas. She added that they were both wonderful events.

New Business

Consider approval of retail sales of fireworks for Trieb's T-Town Fireworks and Anthony Miller Fireworks.

- Mr. Donnelly requested that each application be considered separately.
- Ms. Reed moved to approve the fireworks sales permits for Trieb's T-Town Fireworks. Mr. Donnelly abstained from voting. 3 ayes. Motion carried.
- Mr. Gilner moved to approve the fireworks sales permit for Anthony Miller Fireworks. Mr. Oroke seconded. All ayes. Motion carried.

Consider approval of waiver of building permit fee for Tonganoxie USD 464

- Interim Superintendent Tonya Phillips addressed the Council, along with David Howard, superintendent of Basehor Linwood Schools. They requested the Council waive the building permit fee of \$995 that they paid in May as part of the process to renovate a building downtown to utilize for the Tonganoxie-Basehor Linwood Special Education Cooperative.
- Mr. Donnelly moved to rebate the \$995 building permit fee for the TBLSEC. Ms. Reed seconded. All ayes. Motion carried.

Consider approval of purchasing personal protective equipment for Fire Department from Conrad Fire

- Chief Holcom addressed the council and requested to purchase 8 sets of turnout gear from Conrad Fire Equipment. The total cost for 4 sets is \$8,600. Chief Holcom requested approval to purchase 8 sets, with four being billed in 2017 and four being billed in 2018.
- Mr. Gilner moved to authorize the Fire Chief to purchase eight sets of turnout Gear from Conrad Fire. Ms. Reed seconded. All ayes. Motion carried.

City Manager Agenda

- Mr. Brajkovic gave an update on the appointment of city prosecutor and informed the Council that he would like to move forward with appointing Anna Wolf at a cost not to exceed \$15,000 per year.
- Ms. Shockley presented the May 2017 financial report.
- Ms. Shockley reminded the Council that there was a budget work session scheduled at 5:30 p.m. before the council meeting on July 3.

With no further business, Mr. Gilner moved to adjourn. Ms. Reed seconded. All ayes. Motion carried.



City of Tonganoxie, KS

Check Report

By Check Number

Date Range: 06/19/2017 - 06/29/2017

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
0005	ABSOLUTE FIRE	06/21/2017	Regular	0.00	155.00	41600
0695	ARTIC GLACIER	06/21/2017	Regular	0.00	580.00	41601
0042	BARCO PRODUCTS	06/21/2017	Regular	0.00	1,060.56	41602
0046	BAY BRIDGE ADMINISTRATORS, LLC	06/21/2017	Regular	0.00	268.56	41603
0059	BOARD OF PUBLIC UTIL.-WATER	06/21/2017	Regular	0.00	17,997.58	41604
0064	BOUND TREE MEDICAL, LLC	06/21/2017	Regular	0.00	85.33	41605
0070	BROTHER' S MARKET	06/21/2017	Regular	0.00	397.27	41606
0099	CITY OF LEAVENWORTH	06/21/2017	Regular	0.00	520.00	41607
0111	COLEMAN EQUIPMENT INC	06/21/2017	Regular	0.00	38.11	41608
0113	COMMERCIAL AQUATIC SERVICES	06/21/2017	Regular	0.00	161.01	41609
0182	FEDEX	06/21/2017	Regular	0.00	37.91	41610
0185	FERRELLGAS	06/21/2017	Regular	0.00	100.00	41611
0813	FREESTATE ELECTRIC COOPERATIVE	06/21/2017	Regular	0.00	1,488.00	41612
0200	FRITO-LAY	06/21/2017	Regular	0.00	272.32	41613
0596	GEOFF SONNTAG	06/21/2017	Regular	0.00	400.00	41614
0225	HAMM INC	06/21/2017	Regular	0.00	425.88	41615
0330	KANSAS GAS SERVICE	06/21/2017	Regular	0.00	184.69	41616
0348	KBI	06/21/2017	Regular	0.00	800.00	41617
0367	KNOLOGY, INC.	06/21/2017	Regular	0.00	947.47	41618
0391	LAWRENCE JOURNAL WORLD	06/21/2017	Regular	0.00	86.50	41619
0793	LEAVENWORTH COUNTY TREASURER	06/21/2017	Regular	0.00	15,147.24	41620
0404	LEAVENWORTH TIMES	06/21/2017	Regular	0.00	600.00	41621
0414	LINK-LITE NETWORKING, INC.	06/21/2017	Regular	0.00	13,181.21	41622
0426	LV COUNTY SHERIFF OFFICE	06/21/2017	Regular	0.00	385.00	41623
0503	PACE ANALYTICAL SERVICES INC	06/21/2017	Regular	0.00	454.00	41624
0514	PITNEY BOWES, INC.	06/21/2017	Regular	0.00	135.24	41625
0542	QUILL	06/21/2017	Regular	0.00	242.70	41626
0844	SCOTT LARSEN	06/21/2017	Regular	0.00	37.50	41627
0578	SECURITY BENEFIT	06/21/2017	Regular	0.00	621.33	41628
0579	SECURITY BENEFIT - 457	06/21/2017	Regular	0.00	2,219.23	41629
0799	THE WRAP FACTORY	06/21/2017	Regular	0.00	454.00	41630
0628	TODD'S TIRE LLC	06/21/2017	Regular	0.00	11.50	41631
0629	TONGANOXIE FIREMANS RELIEF ASC	06/21/2017	Regular	0.00	562.05	41632
0648	UNIVERSAL, INC.	06/21/2017	Regular	0.00	243.31	41633
0671	WESTAR ENERGY	06/21/2017	Regular	0.00	2,883.98	41634
0673	WESTERN EXTRALITE COMPANY	06/21/2017	Regular	0.00	7.63	41635
0848	A & D WOOD SHOP	06/29/2017	Regular	0.00	995.00	41636
0006	ACE PIPE CLEANING INC	06/29/2017	Regular	0.00	1,074.00	41637
0012	ALEXANDER PUMP & SERVICE, INC.	06/29/2017	Regular	0.00	2,200.00	41638
0015	ALL SEASONS CAR WASH	06/29/2017	Regular	0.00	123.64	41639
0849	ASHLEY TRIEB	06/29/2017	Regular	0.00	37.50	41640
0039	BAMFORD FIRE SPRINKLER CO	06/29/2017	Regular	0.00	932.00	41641
0080	CARTER WATERS	06/29/2017	Regular	0.00	424.50	41642
0705	CUTUPS	06/29/2017	Regular	0.00	951.75	41643
0157	EDWARDS CHEMICALS	06/29/2017	Regular	0.00	32.00	41644
0182	FEDEX	06/29/2017	Regular	0.00	21.61	41645
0189	FIRST STATE BANK & TRUST	06/29/2017	Regular	0.00	1,900.45	41646
0198	FRANK ROBISON	06/29/2017	Regular	0.00	1,400.00	41647
0200	FRITO-LAY	06/29/2017	Regular	0.00	176.12	41648
0205	GALL'S LLC	06/29/2017	Regular	0.00	119.96	41649
0231	HEARTLAND ALARMS, INC.	06/29/2017	Regular	0.00	325.00	41650
0243	HIMPEL LUMBER & BUILDING SUPPL	06/29/2017	Regular	0.00	744.05	41651
0851	INDUSTRIAL PROCESS SYSTEMS	06/29/2017	Regular	0.00	1,917.31	41652
0286	JDC SECURITY LLC	06/29/2017	Regular	0.00	500.00	41653

Check Report

Date Range: 06/19/2017 - 06/29/2017

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
0330	KANSAS GAS SERVICE	06/29/2017	Regular	0.00	33.50	41654
0345	KATHLEEN MCBRATNEY	06/29/2017	Regular	0.00	375.00	41655
0852	KATIE MAIZE	06/29/2017	Regular	0.00	185.00	41656
0352	KDHE-BUREAU OF WATER	06/29/2017	Regular	0.00	20.00	41657
0727	LEAVCOR LLC	06/29/2017	Regular	0.00	450.00	41658
0802	LED DIRECT	06/29/2017	Regular	0.00	564.00	41659
0410	LIBERTY NATIONAL	06/29/2017	Regular	0.00	219.53	41660
0732	METLIFE - GROUP BENEFITS	06/29/2017	Regular	0.00	195.48	41661
0462	MILLER SIGN SHOPPE	06/29/2017	Regular	0.00	1,115.00	41662
0491	OLATHE WINWATER WORKS	06/29/2017	Regular	0.00	1,683.02	41663
0512	PHYSIO CONTROL	06/29/2017	Regular	0.00	345.03	41664
0522	POLYDYNE INC	06/29/2017	Regular	0.00	1,125.00	41665
0524	POSTMASTER	06/29/2017	Regular	0.00	889.64	41666
0542	QUILL	06/29/2017	Regular	0.00	353.05	41667
0555	RICOH USA, INC.	06/29/2017	Regular	0.00	179.36	41668
0579	SECURITY BENEFIT - 457	06/29/2017	Regular	0.00	2,419.23	41669
0610	SUMMIT TRUCK	06/29/2017	Regular	0.00	119.74	41670
0642	U S POSTAL SERVICE	06/29/2017	Regular	0.00	225.00	41671
0645	UNITED RENTALS, (NORTH AMERICA	06/29/2017	Regular	0.00	562.00	41672
0651	USA BLUE BOOK	06/29/2017	Regular	0.00	329.15	41673
0661	VISION SERVICE PLAN	06/29/2017	Regular	0.00	395.08	41674
0671	WESTAR ENERGY	06/29/2017	Regular	0.00	1,107.97	41675
0677	WILLIAM PRAY	06/29/2017	Regular	0.00	600.00	41676

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	116	77	0.00	90,557.78
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
	116	77	0.00	90,557.78

Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	6/2017	90,557.78
			<u>90,557.78</u>

RESOLUTION NO. 07-17-01

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THAT CERTAIN RELEASE AGREEMENT BETWEEN THE CITY OF TONGANOXIE, KANSAS, AND LUCAS W. AND BRITTANY G. MCWILLIAMS RELATED TO THE MITIGATION OF STORM WATER ISSUES

WHEREAS, the City of Tonganoxie and Lucas W. and Brittany G. McWilliams wish to enter into that certain Release Agreement related to the mitigation of storm water issues, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1. That the Governing Body approves and hereby authorizes the Mayor to execute that certain Release Agreement between the City of Tonganoxie and Lucas W. and Brittany G. McWilliams related to the mitigation of storm water issues, attached hereto as Exhibit A.

Section 2. That this resolution shall become effective upon passage.

ADOPTED by the Governing Body this 3rd day of July, 2017.

SIGNED by the Mayor this 3rd day of July, 2017

SEAL

Jason Ward, Mayor

ATTEST:

Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

EXHIBIT A
Release Agreement

RESOLUTION NO. 07-17-02

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THAT CERTAIN RELEASE AGREEMENT BETWEEN THE CITY OF TONGANOXIE, KANSAS, AND ZAKARY J. AND JAMIE L. PROVOST RELATED TO THE MITIGATION OF STORM WATER ISSUES

WHEREAS, the City of Tonganoxie and Zakary J. and Jamie L. Provost wish to enter into that certain Release Agreement related to the mitigation of storm water issues, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1. That the Governing Body approves and hereby authorizes the Mayor to execute that certain Release Agreement between the City of Tonganoxie and Zakary J. and Jamie L. Provost related to the mitigation of storm water issues, attached hereto as Exhibit A.

Section 2. That this resolution shall become effective upon passage.

ADOPTED by the Governing Body this 3rd day of July, 2017.

SIGNED by the Mayor this 3rd day of July, 2017.

SEAL

Jason Ward, Mayor

ATTEST:

Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

EXHIBIT A
Release Agreement

RELEASE AGREEMENT

THIS RELEASE AGREEMENT ("Agreement") is executed by the City of Tonganoxie, Kansas (the "City") and Lucas W. and Brittany G. McWilliams (the "Landowners") on the ____ day of July, 2017 (the "Effective Date").

1. **Background.** The Landowners own the property located at 242 S Wilshire Dr. in the Greystone Addition, Tonganoxie, Kansas. Ongoing storm water issues have been identified by the parties. The City Engineers with BG Consultants have identified and recommended an engineered solution to mitigate the ongoing storm water issues (the "Engineered Solution"). The Engineered Solution includes; 1) the construction of a berm that is 2' above the calculated flood elevation (99.42'), the top of the berm being approximately 4' above the finish floor of the residence, 2) the construction of retaining walls between the berm and the Landowners residence, 3) the installation of a sump pump to pump out water that falls between the top of the berm and the residence, 4) the replacement of an existing 24" storm sewer pipe with a 36" storm sewer pipe located within a drainage easement on Landowners property, and 5) the regrading of the ditch located in the drainage easement on Landowners property to allow for more efficient drainage, as described in the memorandum from BG Consultants attached hereto as Exhibit A.

2. **Agreement.** The City and Landowners acknowledge that the Engineered Solution has been identified and recommended by the City Engineers as the best option to mitigate the ongoing storm water issues. The City and the Landowners also acknowledge that the construction of portions of the Engineered Solution may not fully mitigate the ongoing storm water issues without the construction of the entire Engineered Solution. The Engineered Solution identifies certain projects to be constructed by the parties as follows:

- a. City.
 - i. Provide approximately 300 cubic yards of dirt for construction of a berm on the Landowners property at no cost to the Landowners.
 - ii. Replace an existing 24" storm sewer pipe with a 36" storm sewer pipe located within the drainage easement located on Landowners property, at no cost to the Landowners.
 - iii. Regrade the ditch located within the drainage easement located on the Landowners property, subject to utility locations, at no cost to the Landowners.
- b. Landowners.
 - i. Cause a berm that is 2' above the calculated base flood elevation (99.42'), and the top of which is approximately 4' above the finish floor of the Landowners residence to be constructed on Landowners property.
 - ii. Cause rock retaining walls to be constructed between the above mentioned berm and the Landowners residence.
 - iii. Install and maintain a sump pump with a capacity of at least 140 gallons per minute to pump out water that falls between the top of the berm and the residence.

3. **Contingent upon Council Approval.** The obligations of the City under this Agreement are contingent upon final approval of the Agreement by the City Council of the City.

4. **Time for Completion.** The City shall complete its obligations under this Agreement within 6 months of the Effective Date of this Agreement. It is acknowledged by the City and the

Landowners that it is the recommendation of the City Engineer that obligations of the Landowner be completed in conjunction with the completion of the City's obligations in order to complete the entire recommended Engineered Solution as the best option to mitigate the storm water issues.

5. **Mutual Release.** In consideration of the materials and work described above and in provision of the releases, covenants and promises set forth in this Agreement, the sufficiency of which the parties acknowledge, the parties for themselves, successors and assigns expressly release each other and each other's party successors and assigns who are or might be liable, none of whom admit any liability but expressly deny any liability whatsoever from any and all claims and demands of whatever nature, actions and causes of action whether known in law or in equity, damages, costs, fees, expenses, loss of service, compensation and suits of any kind, whether known or unknown, that exist as of this date from or on account of or in any way growing out of which may be traced either directly or indirectly to the work performed to correct storm water issues on Landowners property, including all claims raised or that could have been raised by either party, and all claims arising from any alleged misrepresentations, acts of deceit or arising from any act, omission, matter, event or occurrence occurring at any time through the date of this Agreement.

6. **Denial of Liability.** Nothing stated in this Agreement shall be construed as an admission of liability by any party. This Agreement shall forever settle, adjust or discharge any and all claims which the parties may have against each other arising from the actions or inactions described in this Agreement, and each party shall pay its own costs and attorneys' fees.

7. **Entire Agreement.** This Agreement contains the entire understanding between the parties with respect to its subject matter, and supersedes all other prior and contemporaneous agreements and understandings, inducements or conditions, express or implied, oral or written, except as contained in this Agreement. The express terms of this Agreement control and supersede any course of performance and usage of the trade inconsistent with any of its terms. This Agreement may not be modified or amended other than by agreement in writing and signature by the parties.

8. **Voluntary Agreement.** The parties acknowledge that they have read this Agreement, have had the opportunity to consult with their own attorneys prior to executing it, and that they have fully understood this Agreement. This Agreement has been executed by persons having full power and authority to bind the named signatories.

THE CITY OF TONGANOXIE, KANSAS

Mayor Jason Ward

ATTEST

Patty Hagg, City Clerk

LANDOWNERS

Lucas W. McWilliams

Brittany G. McWilliams

Date

Date

RELEASE AGREEMENT

THIS RELEASE AGREEMENT ("Agreement") is executed by the City of Tonganoxie, Kansas (the "City") and Zackary J. and Jamie L. Provost (the "Landowners") on the _____ day of July, 2017 (the "Effective Date").

1. **Background.** The Landowners own the property located at 238 S Wilshire Dr. in the Greystone Addition, Tonganoxie, Kansas. Ongoing storm water issues have been identified by the parties. The City Engineers with BG Consultants have identified and recommended an engineered solution to mitigate the ongoing storm water issues (the "Engineered Solution"). The Engineered Solution includes; 1) the construction of a berm that is 2' above the calculated flood elevation (99.42'), the top of the berm being approximately 4' above the finish floor of the residence, 2) the construction of retaining walls between the berm and the Landowners residence, 3) the installation of a sump pump to pump out water that falls between the top of the berm and the residence, 4) the replacement of an existing 24" storm sewer pipe with a 36" storm sewer pipe located within a drainage easement on Landowners property, and 5) the regrading of the ditch located in the drainage easement on Landowners property to allow for more efficient drainage, as described in the memorandum from BG Consultants attached hereto as Exhibit A.

2. **Agreement.** The City and Landowners acknowledge that the Engineered Solution has been identified and recommended by the City Engineers as the best option to mitigate the ongoing storm water issues. The City and the Landowners also acknowledge that the construction of portions of the Engineered Solution may not fully mitigate the ongoing storm water issues without the construction of the entire Engineered Solution. The Engineered Solution identifies certain projects to be constructed by the parties as follows:

- a. City.
 - i. Provide approximately 300 cubic yards of dirt for construction of a berm on the Landowners property at no cost to the Landowners.
 - ii. Replace an existing 24" storm sewer pipe with a 36" storm sewer pipe located within the drainage easement located on Landowners property at no cost to the Landowners.
 - iii. Regrade the ditch located within the drainage easement located on the Landowners property, subject to utility locations, at no cost to the Landowners.
- b. Landowners.
 - i. Cause a berm that is 2' above the calculated base flood elevation (99.42'), and the top of which is approximately 4' above the finish floor of the Landowners residence to be constructed on Landowners property.
 - ii. Cause rock retaining walls to be constructed between the above mentioned berm and the Landowners residence.
 - iii. Install and maintain a sump pump with a capacity of at least 140 gallons per minute to pump out water that falls between the top of the berm and the residence.

In the alternative and at the Landowners' sole discretion and liability, the Landowners may deviate from the Engineered Solution by causing a berm that is above the calculated base flood elevation (99.42') to be constructed on Landowners' property; cause retaining walls of a material other than rock to be constructed between the berm and the Landowners' residence; and install

and maintain a sump pump of a capacity of Landowners' choosing to pump out water that falls between the top of the berm and the residence.

3. **Contingent upon City Council Approval.** The obligations of the City under this Agreement are contingent upon final approval of the Agreement by the City Council of the City.

4. **Time for Completion.** The City shall complete its obligations under this Agreement within 6 months of the Effective Date of this Agreement. It is acknowledged by the City and the Landowners that it is the recommendation of the City Engineer that obligations of the Landowner be completed in conjunction with the completion of the City's obligations in order to complete the entire recommended Engineered Solution as the best option to mitigate the storm water issues.

5. **Mutual Release.** In consideration of the materials and work described above and in provision of the releases, covenants and promises set forth in this Agreement, the sufficiency of which the parties acknowledge, the parties for themselves, successors and assigns expressly release each other and each other's party successors and assigns who are or might be liable, none of whom admit any liability but expressly deny any liability whatsoever from any and all claims and demands of whatever nature, actions and causes of action whether known in law or in equity, damages, costs, fees, expenses, loss of service, compensation and suits of any kind, whether known or unknown, that exist as of this date from or on account of or in any way growing out of which may be traced either directly or indirectly to the work performed to correct storm water issues on Landowners property, including all claims raised or that could have been raised by either party, and all claims arising from any alleged misrepresentations, acts of deceit or arising from any act, omission, matter, event or occurrence occurring at any time through the date of this Agreement.

6. **Denial of Liability.** Nothing stated in this Agreement shall be construed as an admission of liability by any party. This Agreement shall forever settle, adjust or discharge any and all claims which the parties may have against each other arising from the actions or inactions described in this Agreement, and each party shall pay its own costs and attorneys' fees.

7. **Entire Agreement.** This Agreement contains the entire understanding between the parties with respect to its subject matter, and supersedes all other prior and contemporaneous agreements and understandings, inducements or conditions, express or implied, oral or written, except as contained in this Agreement. The express terms of this Agreement control and supersede any course of performance and usage of the trade inconsistent with any of its terms. This Agreement may not be modified or amended other than by agreement in writing and signature by the parties.

8. **Voluntary Agreement.** The parties acknowledge that they have read this Agreement, have had the opportunity to consult with their own attorneys prior to executing it, and that they have fully understood this Agreement. This Agreement has been executed by persons having full power and authority to bind the named signatories.

THE CITY OF TONGANOXIE, KANSAS

Mayor Jason Ward

ATTEST

Patty Hagg, City Clerk

LANDOWNERS

Zackary J. Provost

Date

Jamie L. Provost

Date



Office of the City Manager
AGENDA STATEMENT

DATE: July 3, 2017
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jamie Shockley, Assistant City Manager
SUBJECT: Presentation of 2016 Financial Audit

DISCUSSION:

For the past several months, auditors from Kramer and Associates reviewed the City's financial information for the fiscal year ending on December 31, 2016. The attached documents provide a draft of the auditor's completed financial statement for 2016. The audit found no material misstatements in the City's financial records. A final copy of the financial statement will be provided to members of the City Council during the July 3 meeting.

Tony Kramer will be available during the Council meeting to provide a summary of the audit findings and to answer any questions members may have regarding the audit process.

Action Needed:

Make a motion to accept the 2016 financial statement into the public record.

Draft to Jamie
6/27/17

CITY OF TONGANOXIE, KANSAS

FINANCIAL STATEMENT
(with Independent Auditors' Report thereon)

For the Year Ended December 31, 2016

CITY OF TONGANOXIE, KANSAS
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INDEPENDENT AUDITORS' REPORT

Mayor and City Council
City of Tonganoxie, Kansas

REPORT ON THE FINANCIAL STATEMENT

We have audited the accompanying fund summary statement of regulatory basis receipts, expenditures, and unencumbered cash balances of the City of Tonganoxie, Kansas (the City), as of and for the year ended December 31, 2016 and the related notes to the financial statement.

Management's Responsibility for the Financial Statement

Management is responsible for the preparation and fair presentation of this financial statement in accordance with the *Kansas Municipal Audit and Accounting Guide* as described in Note 1 to meet the financial reporting requirements of the State of Kansas; this includes determining that the regulatory basis of accounting is an acceptable basis for the preparation of the financial statement in the circumstances. Management is also responsible for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, and the *Kansas Municipal Audit and Accounting Guide*. Those standards require we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement.

An audit includes performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on auditors' judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described more fully in Note 1 of the financial statement, the financial statement is prepared by the City to meet the requirements of the State of Kansas on the basis of the financial reporting provisions of the *Kansas Municipal Audit and Accounting Guide*, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the "Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles" paragraph, the financial statement referred to above does not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the City as of December 31, 2016, or changes in financial position and cash flows thereof for the year then ended.

Opinion on Regulatory Basis of Accounting

In our opinion, the financial statement referred to above presents fairly, in all material respects, the aggregate cash and unencumbered cash balance of the City as of December 31, 2016, and the aggregate receipts and expenditures for the year then ended in accordance with the financial reporting provisions of the *Kansas Municipal Audit and Accounting Guide* described in Note 1.

REPORT ON REGULATORY-REQUIRED AND OTHER SUPPLEMENTARY INFORMATION

Our audit was conducted for the purpose of forming an opinion on the fund summary statement of regulatory basis receipts, expenditures, and unencumbered cash balances (basic financial statement) as a whole. The summary of regulatory basis expenditures - actual and budget, individual fund schedules of regulatory basis receipts and expenditures - actual and budget, schedule of regulatory basis receipts and disbursements - agency funds, and schedule of regulatory basis receipts, expenditures, and unencumbered cash - district activity funds are presented for analysis and are not a required part of the basic financial statement, however are required to be presented under the provisions of the *Kansas Municipal Audit and Accounting Guide*. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statement. The information has been subjected to the auditing procedures applied in the audit of the basic financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statement or to the basic financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the basic financial statement as a whole, on the basis of accounting described in Note 1.

Kramer & Associates CPAs, LLC
Leavenworth, Kansas
July 3, 2017

CITY OF TONGANOXIE, KANSAS
 Summary Statement of Receipts, Expenditures, and Unencumbered Cash
 Regulatory Basis
 For the year ended December 31, 2016

Funds	Beginning unencumbered cash balance	Prior year cancelled encumbrances	Receipts	Expenditures	Ending unencumbered cash balance	Add encumbrances and accounts payable	Ending cash balance
Governmental type funds:							
General fund:							
General	\$ 445,870	\$ -	\$ 2,696,190	\$ 2,708,240	\$ 433,820	\$ (23,522)	\$ 410,298
Special purpose funds:							
Special parks and recreation	14,827	-	4,667	4,452	15,042	-	15,042
Special highway	134,728	-	187,485	173,239	148,974	-	148,974
Library operations	6,870	-	320,280	315,747	11,403	(2,674)	8,729
Police department equipment reserve	41,269	-	15,114	40,773	15,610	(1,500)	14,110
Fire department equipment reserve	89,312	-	101,371	94,233	96,450	-	96,450
Law enforcement trust	5,841	-	10	4,245	1,606	-	1,606
Transient guest tax	5,528	-	-	4,000	1,528	-	1,528
Water park sales tax	920	-	381,996	376,096	6,820	-	6,820
Insurance proceeds	24,434	-	-	-	24,434	-	24,434
Debt proceeds	-	-	1,090,109	1,090,109	-	-	-
Gallagher Park Festival/Event	19,160	-	2,100	6,303	14,957	-	14,957
Debt service fund:	-	-	78,620	68,347	10,273	-	10,273
Bond and interest	229,360	-	757,909	737,348	249,921	-	249,921
Capital projects funds:							
Capital projects	211,306	-	448,878	482,950	177,234	-	177,234
Capital reserve	915	-	-	-	915	-	915
Business funds:							
Water operations	325,520	-	1,170,212	1,133,707	362,025	1,268	363,293
Water capital improvement	247,297	-	48,365	22,337	273,325	-	273,325
Sewer operations	215,726	-	801,609	744,103	273,232	4,186	277,418
Sewer capital improvement	266,429	-	46,750	5,147	308,032	-	308,032
Sanitation	106,359	-	339,484	324,983	120,860	-	120,860
Total reporting entity (excluding agency fund)	\$ 2,391,671	\$ -	\$ 8,491,149	\$ 8,336,359	\$ 2,546,461	\$ (22,242)	\$ 2,524,219
			Composition of cash:				
			General checking				\$ 2,308,438
			Certificate of deposit				63,712
			Revolving loan				44,302
			Investments				187,280
			Total cash				2,603,732
			Less agency funds				(79,513)
			Total reporting entity (excluding agency funds)				\$ 2,524,219

CITY OF TONGANOXIE, KANSAS
Notes to the Financial Statement
For the year ended December 31, 2016

1. Summary of significant accounting policies

a. Municipal financial reporting entity

The City of Tonganoxie, Kansas, (the City), is a municipal corporation governed by an elected mayor and five-member council. This financial statement presents the City (the primary government) and excludes all related municipal entities of which the City appointed a voting majority of the unit's board and the City is either able to impose its will on the unit or a financial benefit or burden relationship exists. The financial statement of the City consists only of the funds of the primary government.

b. Related Municipal Entity That is Not Presented

The Tonganoxie Public Library (the Library) serves the citizens within the City's jurisdiction. Acquisition or disposition of real property by the Library must be approved by the City. Bond issues must be approved by the City. The Library is not included in the report of the primary government. Financial statements for the Library may be obtained at the Library's office in Tonganoxie, Kansas.

c. Basis of accounting

Regulatory Basis of Accounting and Departure from Accounting Principles Generally Accepted in the United States of America. The Kansas Municipal Audit and Accounting Guide (KMAAG) regulatory basis of accounting involves the recognition of cash, cash equivalents, marketable investments, and certain accounts payable and encumbrance obligations to arrive at a net unencumbered cash and investments balance on a regulatory basis for each fund, and the reporting of changes in unencumbered cash and investments of a fund resulting from the difference in regulatory basis revenues and regulatory basis expenditures for the fiscal year. All recognized assets and liabilities are measured and reported at cost, unless they have been permanently impaired and have no future cash value or represent no future obligation against cash. The KMAAG regulatory basis does not recognize capital assets, long-term debt, accrued receivables and payables, or any other assets, liabilities, or deferred inflows or outflows, other than those mentioned above.

The City has approved a resolution that is in compliance with K.S.A. 75-1120a (c), waiving the requirement for application of generally accepted accounting principles and allowing the City to use the regulatory basis of accounting.

1. Summary of significant accounting policies (continued)

d. Regulatory basis fund types

In governmental accounting, a fund is defined as an independent fiscal and accounting entity with a self-balancing set of accounts, recording cash balances and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

e. Governmental fund types

In governmental accounting, a fund is defined as an independent fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

The following types of funds comprise the financial activities of the City for the year ended December 31, 2016:

- a. General fund - the chief operating fund. Used to account for all resources except those required to be accounted for in another fund.
- b. Special purpose fund - used to account for the proceeds of specific tax levies and other specific regulatory receipts sources (other than capital projects and tax levies for long-term debt) that are intended for specified purposes.
- c. Bond and interest fund - used to account for the accumulation of resources, including tax levies, transfers from other funds and payment of general long-term debt.
- d. Capital projects fund - used to account for the debt proceeds and other financial resources to be used for acquisition or construction of major capital facilities or equipment.
- e. Business fund - funds financed in whole or in part by fees charged to users of the goods or services (i.e. enterprise and internal service fund, etc.)
- f. Agency fund - funds used to report assets held by the City in a purely custodial capacity (payroll clearing fund, county treasurer tax collection accounts, etc.).

1. Summary of significant accounting policies (continued)

f. Ad valorem tax revenues

The determination of assessed valuations and the collection of property taxes for all political subdivisions in the State of Kansas are the responsibility of the various counties. The County Appraiser annually determines assessed valuations on January 1 and the County Clerk spreads the annual assessment on the tax rolls. Property taxes are levied as of November 1 and become delinquent, with penalty, December 21. Payments of 50% are accepted through December 20, with the second 50% then being due on or before May 10 of the following year.

The County Treasurer is the tax collection agent for all taxing entities within the County. The initial distribution to the subdivisions, including the City, is on or before January 20 of the ensuing year. Additional amounts are distributed on four (4) subsequent dates throughout the calendar year.

2. Stewardship, compliance, and accountability

a. Budgetary information

Kansas statutes require that an annual operating budget be legally adopted for the general fund, special purpose funds (unless specifically exempted by statute), bond and interest funds, and business funds. Although directory rather than mandatory, the statutes provide for the following sequence and timetable in the adoption of the legal annual operating budget:

1. Preparation of the budget for the succeeding year on or before August 1st.
2. Publication in local newspaper on or before August 5th of the proposed budget and notice of public hearing on budget.
3. Public hearing on or before August 15th, but at least ten days after publication of notice of hearing.
4. Adoption of the final budget on or before August 25th.

The statutes allow for the city council to increase the originally adopted budget for previously unbudgeted increases in revenue other than ad valorem property taxes. To do this, a notice of public hearing to amend the budget must be published in the local newspaper. At least ten days after publication the hearing may be held and the governing body may amend the budget at that time. There were no such budget amendments for this year.

The statutes permit transferring budgeted amounts between line items within an individual fund. However, such statutes prohibit expenditures in excess of the total amount of the adopted budget of expenditures of individual funds. Budget comparison schedules are presented for each fund showing actual receipts and expenditures compared to legally budgeted receipts and expenditures.

2. Stewardship, compliance, and accountability (continued)

a. Budgetary information (continued)

All legal annual operating budgets are prepared using the regulatory basis of accounting, in which regulatory receipts are recognized when cash is received and expenditures include disbursements, accounts payable, and encumbrances, with disbursements being adjusted for prior year's accounts payable and encumbrances. Encumbrances are commitments by the City for future payments and are supported by documents evidencing the commitment, such as a purchase order or contract. Any unused budgeted expenditure authority lapses at year-end.

A legal operating budget is not required for capital project funds, agency funds, and certain special purpose funds as follows: Police Department Equipment Reserve Fund, Fire Department Equipment Reserve Fund, Law Enforcement Trust Fund, Insurance Proceeds, Debt Proceeds, Gallagher Park Fund, Festival/Event Fund and the Water Park Sales Tax Fund.

Spending in funds which are not subject to the legal annual operating budget requirement is controlled by federal regulations, other statutes, or by the use of internal spending limits established by the city council.

b. Compliance with Kansas Statutes

Management is not aware of any statutory violations for the period covered by the audit.

3. Deposits and investments

As of December 31, 2016, the City had the following investments with maturities less than one year:

<u>Investment Type</u>	<u>Fair Value</u>	<u>Rating</u>
Kansas Municipal Investment Pool	\$ 187,280	S&P AAf/S1+
Total	<u>\$ 187,280</u>	

Deposits. K.S.A. 9-1401 establishes the depositories which may be used by the City. The statute requires banks eligible to hold the City's funds have a main or branch bank in the county in which the City is located, or in an adjoining county if such institution has been designated as an official depository, and the banks provide an acceptable rate of return on funds. In addition, K.S.A. 9-1402 requires the bank to pledge securities for deposits in excess of FDIC coverage. The City has no other policies that would further limit interest rate risk.

3. Deposits and investments (continued)

Investments. K.S.A. 12-1675 limits the City's investment of idle funds to time deposits, open accounts, and certificates of deposit with allowable financial institutions; U.S. government securities; temporary notes; no-fund warrants; repurchase agreements; and the Kansas Municipal Investment Pool. The City has no investment policy that would further limit its investment choices.

Some of the City's investments are of bond proceeds invested pursuant to K.S.A. 10-131. This statute allows additional investment authority beyond that of K.S.A. 12-1675. Investments of bond proceeds may follow K.S.A. 12-1675 or include other investments such as the KMIP, direct obligations of the US government or any agency thereof, investment agreements with a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's investors service or Standard and Poor's corporation, and various other investments as specified in K.S.A. 10-131.

Concentration of credit risk. State statutes place no limit on the amount the City may invest in any one issuer as long as the investments are adequately secured under K.S.A. 9-1402 and 9-1405. The City's allocation of investments as of December 31, 2016, is as follows:

Investments	Percentage of Investments
Kansas Municipal Investment Pool	<u>100%</u>

Custodial credit risk - deposits. Custodial credit risk is the risk that in the event of a bank failure, the City's deposits may not be returned to it. State statutes require the City's deposits in financial institutions to be entirely covered by federal depository insurance, or by collateral held under a joint custody receipt issued by a bank within the State of Kansas, the Federal Reserve Bank of Kansas City, or the Federal Home Loan Bank of Topeka. All deposits were legally secured at December 31, 2016.

At December 31, 2016, the City's carrying amount of deposits was \$2,416,452 and the bank balance was \$2,466,645. The bank balance was held by one bank resulting in a concentration of credit risk. Of the bank balance, \$250,000 was covered by federal depository insurance, and the remaining \$2,216,645 was collateralized with securities held by the pledging financial institutions' agents in the City's name.

Custodial credit risk - investments. For an investment, this is the risk that, in the event of the failure of the issuer or counterparty, the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. State statutes require investments to be adequately secured.

3. Deposits and investments (continued)

At December 31, 2016, City had invested \$187,280 in the State's municipal investment pool. The municipal investment pool is under the oversight of the Pooled Money Investment Board. The board is comprised of the State Treasurer and four additional members appointed by the State Governor. The board reports annually to the Kansas legislature. State pooled monies may be invested in direct obligations of, or obligations that are insured as to principal and interest, by the U.S. government or any agency thereof, with maturities up to four years. No more than ten percent of those funds may be invested in mortgage-backed securities. In addition, the State pool may invest in repurchase agreements with Kansas banks or with primary government securities dealers. The fair value of the City's position in the municipal investment pool is substantially the same as the value of the pool shares.

4. Long-term debt

General obligation bonds. The City issues general obligation bonds to provide funds for the acquisition and construction of major capital facilities. General obligation bonds have been issued for both general government and proprietary funds if they are expected to be repaid from proprietary fund revenues.

General obligation bonds are direct obligations and pledge the full faith and credit of the City. These bonds generally are issued with equal amounts of principal maturing each year.

Capital leases. The City has entered into lease agreements as lessee for financing the acquisition of equipment. These lease agreements qualify as capital leases for accounting purposes.

General obligation bonds currently outstanding and a summary of changes in leases for the year ended December 31, 2016 are presented on the following pages.

4. Long-term debt (continued)

a. Changes in long-term liabilities for the City for the year ended December 31, 2016, were as follows:

Issue	Interest rate	Date of issue	Amount of issue	Date of final maturity	Balance beginning of year	Additions	Reductions/payments	Balance end of year	Interest Paid
General obligation bonds:									
Series 2000	4.85%-6.50%	12/01/2000	\$ 630,000	09/01/2021	\$ 65,000	\$ -	\$ (10,000)	\$ 55,000	\$ 4,262
Series 2002	3.50%-4.50%	12/01/2002	\$1,510,000	12/01/2016	135,000	-	(135,000)	-	6,075
Series 2006A	3.70%-4.10%	07/15/2006	\$ 370,000	09/01/2016	45,000	-	(45,000)	-	1,845
Series 2007A	3.55%-3.95%	10/15/2007	\$1,720,000	09/01/2022	1,275,000	-	(140,000)	1,135,000	48,750
Series 2007B	3.50%-3.70%	10/15/2007	\$2,990,000	09/01/2017	875,000	-	(415,000)	460,000	32,168
Series 2009A	2.80%-4.75%	04/01/2009	\$1,350,000	09/01/2029	1,080,000	-	(60,000)	1,020,000	45,563
Series 2010A	2.25%-3.15%	05/10/2010	\$1,075,000	09/01/2020	910,000	-	(85,000)	825,000	26,140
Series 2013A	2.25%-4.30%	01/29/2013	\$1,760,000	07/01/2033	1,690,000	-	(75,000)	1,615,000	57,255
Series 2013B	2.00-2.70%	01/29/2013	\$6,355,000	08/01/2031	5,680,000	-	(360,000)	5,320,000	118,078
Capital leases:									
2006 Fire Trucks	4.93%	12/01/2006	\$ 400,000	09/17/2017	68,747	-	(45,208)	23,539	2,885
2011 Ford F25	3.72%	05/17/2010	\$ 35,000	07/01/2018	11,134	-	(5,432)	5,702	370
Motorola Radi	0.00%	08/27/2010	\$ 87,537	08/01/2017	30,295	-	(15,147)	15,148	-
Police Department and City Hall	2.44%	02/16/2016	\$1,100,000	09/01/2035	-	1,100,000	(53,788)	1,046,212	14,538
Total long-term debt					\$11,865,176	\$1,100,000	\$(1,444,575)	\$11,520,601	\$ 357,929

4. Long-term debt (continued)

b. Current maturities of long-term debt and interest for the next five years and five year increments through maturity are as follows:

	Year ended December 31,					Total		
	2017	2018	2019	2020	2021		2022-2026	2027-2031
Principal:								
G.O. Bonds:								
Series 2000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 15,000	\$ -	\$ -	\$ 55,000
Series 2006A	-	-	-	-	-	-	-	-
Series 2007A	145,000	150,000	190,000	205,000	220,000	225,000	-	1,135,000
Series 2007B	460,000	-	-	-	-	-	-	460,000
Series 2009A	60,000	65,000	65,000	70,000	70,000	405,000	285,000	1,020,000
Series 2010A	85,000	235,000	250,000	255,000	-	-	-	825,000
Series 2013A	80,000	80,000	80,000	85,000	80,000	450,000	525,000	1,615,000
Series 2013B	385,000	385,000	395,000	400,000	555,000	2,310,000	890,000	5,320,000
Capital leases:								
2006 Fire Trucks	23,539	-	-	-	-	-	-	23,539
2011 Ford F250	5,702	-	-	-	-	-	-	5,702
Motorola Radi	15,147	-	-	-	-	-	-	15,147
Police Department and City Hall	41,854	43,089	\$ 44,360	45,668	47,016	256,719	296,886	1,046,212
Total principal	1,311,242	968,089	1,034,360	1,070,668	987,016	3,646,719	1,996,886	11,520,600
Interest:								
G.O. Bonds:								
Series 2000	\$ 3,163	\$ 2,588	\$ 2,013	\$ 2,300	\$ -	\$ -	\$ -	\$ 10,064
Series 2006A	-	-	-	-	-	-	-	-
Series 2007A	43,570	38,205	32,580	51,715	-	-	-	166,070
Series 2007B	17,020	-	-	-	-	-	-	17,020
Series 2009A	43,643	41,603	39,263	36,825	34,095	123,160	27,365	345,954
Series 2010A	24,185	22,230	15,533	8,033	-	-	-	69,981
Series 2013A	55,568	53,768	51,968	49,968	47,418	164,320	134,518	587,403
Series 2013B	110,878	103,178	95,478	87,578	79,578	228,288	54,510	759,488
Capital leases:								
2006 Fire Trucks	684	-	-	-	-	-	-	684
2011 Ford F250	162	-	-	-	-	-	-	162
Motorola Radi	-	-	-	-	-	-	-	-
Police Department and City Hall	25,528	24,506	\$ 23,455	22,373	21,258	88,392	55,169	277,429
Total interest	324,401	286,078	260,290	258,792	182,349	604,160	271,562	2,234,255
Total payments	\$1,635,643	\$1,254,167	\$1,294,650	\$1,329,460	\$ 1,169,365	\$4,250,879	\$ 2,268,448	\$13,754,855

5. Interfund transfers

Operating transfers were as follows:

<u>From</u>	<u>To</u>	<u>Statutory Authority</u>	<u>Amount</u>
Water Operations	General	K.S.A. 12-825d	\$ 116,160
Sewer Operations	General	K.S.A. 12-825d	106,460
Water Park Sales Tax	Bond and Interest	Bond Ordinance	<u>376,096</u>
Total fund transfers			<u>\$ 598,716</u>

6. Compensated absences

It is the City's policy to permit employees to earn non-cumulative vacation at different intervals based on length of service. The liability for compensated vacation time at December 31, 2016 is \$69,369. Sick leave accrues at 12 days per year and accumulates to a maximum of 90 days. No liability is reported for unpaid accumulated sick leave.

7. Defined benefit pension plan

a. Plan description

The City participates in the Kansas Public Employees Retirement System (KPERS), a cost-sharing multiple-employer defined benefit pension plan as provided by K.S.A. 74-4901, et seq. Kansas law establishes and amends benefit provisions. KPERS provides retirement benefits, life insurance, disability income benefits, and death benefits. Kansas law establishes and amends benefit provisions. KPERS issues a publicly available financial report that includes financial statements and required supplementary information. KPERS' financial statements are included in its Comprehensive Annual Financial Report which can be found on the KPERS website at www.kpers.org or by writing to KPERS (611 South Kansas, Suite 100, Topeka, KS 66603) or by calling 1-888-275-5737.

7. Defined benefit pension plan (continued)

b. Contributions

K.S.A. 74-4919 and K.S.A. 74-49,210 establish the KPERS member-employee contribution rates. KPERS has multiple benefit structures and contribution rates depending on whether the employee is a KPERS 1, KPERS 2 or KPERS 3 member. KPERS 1 members are active and contributing members hired before July 1, 2009. KPERS 2 members were first employed in a covered position on or after July 1, 2009, and KPERS 3 members were first employed in a covered position on or after January 1, 2015. Effective January 1, 2015, Kansas law established the KPERS member-employee contribution rate at 6% of covered salary for KPERS 1, KPERS 2 and KPERS 3 members. Member contributions are withheld by their employer and paid to KPERS according to the provisions of Section 414(h) of the Internal Revenue Code.

State law provides that the employer contribution rates for KPERS 1 and KPERS 2 and KPERS 3 be determined based on the results of each annual actuarial valuation. Kansas law sets a limitation on annual increases in the employer contribution rates. The actuarially determined employer contribution rate (not including the 0.85% contribution rate for Death and Disability Program) and the statutory contribution rate was 9.48% for the fiscal year ended December 31, 2016. Contributions to the pension plan from the City were \$150,019 for the year ended December 31, 2016.

c. Net pension liability

At December 31, 2016, the City's proportionate share of the collective net pension liability reported by KPERS was \$1,433,973. The net pension liability was measured as of June 30, 2016, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of December 31, 2014, which was rolled forward to June 30, 2016. The City's proportion of the net pension liability was based on the ratio of the City's contributions to KPERS, relative to the total employer and non-employer contributions of the Local subgroup within KPERS. Since the KMAAG regulatory basis of accounting does not recognize long-term debt, this liability is not reported in these financial statements.

The complete actuarial valuation report including all actuarial assumptions and methods, and the report on the allocation of the KPERS collective net pension liability to all participating employers are publicly available on the website at www.kpers.org or can be obtained as described above.

8. Water purchase contract

The City has water purchase contracts with Public Wholesale Water Supply District No. 6 of Tonganoxie, Kansas. The contracts require the City to make minimum monthly payments. The contract requires minimum monthly payments for a term of 20 years beginning in 1997. The City's payment is approximately \$15,600 per year.

The City has a water purchase contract with Kansas City Board of Public Utilities (BPU). The contract requires the City to take or pay a minimum purchase of fifty gallons of water per minute. If the City fails to purchase the minimum monthly volume of water for any month, the City can either pay BPU the amount of the underage by the billing due date in the following month or increase its purchase of water from BPU sufficient to utilize the underage during the succeeding month.

9. County Road No. 1 contract

In 2009, the City entered into an Interlocal agreement with Leavenworth County, Kansas to pay for the City's share of the cost of improvements to County Road No. 1. Under the \$1.5 million agreement, the City will pay \$100,000 each year for 10 years, with the final payment due on September 1, 2018. The remaining \$500,000 will be paid by the City from its share of development fees collected within the boundaries of the corridor, and is due no later than September 30, 2019.

10. Recreation Commission COP's

The City has entered into an Interlocal agreement with the Tonganoxie Recreation Commission (TRC) to open a line of credit. The recreation commission is assuming these payments as part of a lease purchase agreement with the city. The debt has been issued to purchase land for the construction of athletic facilities. The following is a summary of the changes in the line of credit for 2016:

<u>Issue</u>	<u>Beginning principal</u>	<u>Additions (reductions)</u>	<u>Ending principal outstanding</u>
TRC Lease	\$ 331,417	\$ (69,775)	\$ 261,642

11. Other post employment benefits

As provided by K.S.A. 12-5040, the local government allows retirees to participate in the group health insurance plan. While each retiree pays the full amount of the applicable premium, conceptually, the local government is subsidizing the retirees because each participant is charged a level of premium regardless of age. However, the cost of this subsidy has not been quantified in this financial statement.

11. Other post employment benefits (continued)

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), the government makes health care benefits available to eligible former employees and eligible dependents. Certain requirements are outlined by the federal government for this coverage. The premium is paid in full by the insured. There is no cost to the government under this program.

12. Subsequent event

Management has evaluated the effects on the financial statement of subsequent events occurring through the date of this report, which is the date at which the financial statement was available to be issued, and no matters were noted.

CITY OF TONGANOXIE, KANSAS
 Summary of Expenditures - Actual and Budget
 Regulatory Basis
 For the year ended December 31, 2016

Funds	Certified budget	Adjustment for qualifying budget credits	Total budget for comparison	Expenditures chargeable to current year	Variance - over (under)
Governmental type funds:					
General funds:					
General	\$ 3,136,782	-	\$ 3,136,782	\$ 2,708,240	\$ 428,542
Special purpose funds:					
Special parks and recreation	\$ 5,000	-	\$ 5,000	\$ 4,452	\$ 548
Special highway	\$ 174,100	-	\$ 174,100	\$ 173,239	\$ 861
Library operations	\$ 417,757	-	\$ 417,757	\$ 315,747	\$ 102,010
Transient guest tax	\$ 4,000	-	\$ 4,000	\$ 4,000	-
Debt service funds:					
Bond and interest	\$ 946,316	-	\$ 946,316	\$ 737,348	\$ 208,968
Capital projects fund					
	\$ 510,000	-	\$ 510,000	\$ 482,950	\$ 27,050
Business Funds:					
Water operations	\$ 1,134,499	-	\$ 1,134,499	\$ 1,133,707	\$ 792
Sewer operations	\$ 745,259	-	\$ 745,259	\$ 744,103	\$ 1,156
Sanitation	\$ 500,000	-	\$ 500,000	\$ 324,983	\$ 175,017

CITY OF TONGANOXIE, KANSAS
 GENERAL FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Taxes	\$ 1,358,013	\$ 1,442,588	\$ (84,575)
Intergovernmental	547,574	507,000	40,574
Licenses and permits	69,933	45,450	24,483
Fines and fees	211,425	165,000	46,425
Use of money and property	16,740	25,650	(8,910)
Charges for services	127,943	114,450	13,493
Miscellaneous	141,942	179,410	(37,468)
Transfers in	222,620	222,620	-
Total cash receipts	2,696,190	\$ 2,702,168	\$ (5,978)
Expenditures:			
Administration	350,180	\$ 287,199	\$ 62,981
Code enforcement	67,044	68,083	(1,039)
City planning and development	20,975	467,115	(446,140)
Police department	996,792	1,068,694	(71,902)
Fire department	603,822	581,121	22,701
Highway and streets	325,764	343,671	(17,907)
Swimming pool	144,422	136,609	7,813
Court services	90,591	73,789	16,802
Animal control	23,066	26,362	(3,296)
Mayor and council	3,445	2,000	1,445
Debt management	82,139	82,139	-
Total expenditures	2,708,240	\$ 3,136,782	\$ (428,542)
Receipts over (under) expenditures	(12,050)		
Unencumbered cash, beginning of year	445,870		
Unencumbered cash, end of year	\$ 433,820		

CITY OF TONGANOXIE, KANSAS
 SPECIAL PARKS AND RECREATION FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Intergovernmental	\$ 4,667	\$ 5,000	\$ (333)
Total cash receipts	<u>4,667</u>	<u>\$ 5,000</u>	<u>\$ (333)</u>
Expenditures:			
Contractual services	2,512	\$ 4,600	\$ (2,088)
Commodities	1,940	400	1,540
Capital outlay	-	-	-
Total expenditures	<u>4,452</u>	<u>\$ 5,000</u>	<u>\$ (548)</u>
Receipts over (under) expenditures	215		
Unencumbered cash, beginning of year	<u>14,827</u>		
Unencumbered cash, end of year	<u>\$ 15,042</u>		

CITY OF TONGANOXIE, KANSAS
SPECIAL HIGHWAY FUND
SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
REGULATORY BASIS
For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Intergovernmental	\$ 187,485	\$ 147,100	\$ 40,385
Total cash receipts	<u>187,485</u>	<u>\$ 147,100</u>	<u>\$ 40,385</u>
Expenditures:			
Capital outlay	117,771	124,536	(6,765)
Debt service	55,468	49,564	5,904
Total expenditures	<u>173,239</u>	<u>\$ 174,100</u>	<u>\$ (861)</u>
Receipts over (under) expenditures	14,246		
Unencumbered cash, beginning of year	<u>134,728</u>		
Unencumbered cash, end of year	<u>\$ 148,974</u>		

CITY OF TONGANOXIE, KANSAS
 LIBRARY OPERATIONS FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Current year		
	Actual	Budget	Variance - over (under)
Cash receipts:			
Taxes	\$ 276,023	\$ 247,063	\$ 28,960
Reimbursements	44,257	51,604	(7,347)
Total cash receipts	<u>320,280</u>	<u>\$ 298,667</u>	<u>\$ 21,613</u>
Expenditures:			
Contractual services	<u>315,747</u>	<u>417,757</u>	<u>(102,010)</u>
Total expenditures	<u>315,747</u>	<u>\$ 417,757</u>	<u>\$ (102,010)</u>
Receipts over (under) expenditures	4,533		
Unencumbered cash, beginning of year	<u>6,870</u>		
Unencumbered cash, end of year	<u>\$ 11,403</u>		

CITY OF TONGANOXIE, KANSAS
 POLICE EQUIPMENT RESERVE FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Fines and fees	\$ 11,160
Grants and donations	100
Reimbursements	3,854
Miscellaneous	-
Total cash receipts	15,114
Expenditures:	
Commodities	8
Capital outlay	40,765
Total expenditures	40,773
Receipts over (under) expenditures	(25,659)
Unencumbered cash, beginning of year	41,269
Unencumbered cash, end of year	\$ 15,610

* This fund is not statutorily required to be budgeted. See Note 2a.

CITY OF TONGANOXIE, KANSAS
 FIRE EQUIPMENT RESERVE FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Special assessments	\$ 101,271
Miscellaneous	100
Total cash receipts	101,371
Expenditures:	
Capital outlay	94,233
Total expenditures	94,233
Receipts over (under) expenditures	7,138
Unencumbered cash, beginning of year	89,312
Unencumbered cash, end of year	\$ 96,450

* This fund is not statutorily required to be budgeted. See Note 2a.

CITY OF TONGANOXIE, KANSAS
 LAW ENFORCEMENT TRUST FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Miscellaneous	\$ 10
Total cash receipts	10
Expenditures:	
Contractual services	4,245
Total expenditures	4,245
Receipts over (under) expenditures	(4,235)
Unencumbered cash, beginning of year	5,841
Unencumbered cash, end of year	\$ 1,606

* This fund is not statutorily required to be budgeted. See Note 2a.

CITY OF TONGANOXIE, KANSAS
 TRANSIENT GUEST TAX FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Intergovernmental	\$ -	\$ -	\$ -
Total cash receipts	<u> -</u>	<u> -</u>	<u> -</u>
Expenditures:			
Contractual services	4,000	\$ 4,000	\$ -
Total expenditures	<u>4,000</u>	<u>\$ 4,000</u>	<u>\$ -</u>
Receipts over (under) expenditures	(4,000)		
Unencumbered cash, beginning of year	<u>5,528</u>		
Unencumbered cash, end of year	<u>\$ 1,528</u>		

CITY OF TONGANOXIE, KANSAS
WATER PARK SALES TAX FUND*
SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
REGULATORY BASIS
For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Sales tax	<u>\$ 381,996</u>
Total cash receipts	<u>381,996</u>
Expenditures:	
Transfer out	<u>376,096</u>
Total expenditures	<u>376,096</u>
Receipts over (under) expenditures	5,900
Unencumbered cash, beginning of year	<u>920</u>
Unencumbered cash, end of year	<u>\$ 6,820</u>

* This fund is not statutorily required to be budgeted. See Note 2a.

CITY OF TONGANOXIE, KANSAS
 INSURANCE PROCEEDS FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Current year actual
Cash receipts:	
Fire insurance proceeds	\$ -
Total cash receipts	-
Expenditures:	
Reimbursed expenses	-
Total expenditures	-
Receipts over (under) expenditures	-
Unencumbered cash, beginning of year	24,434
Unencumbered cash, end of year	\$ 24,434

*This fund is not statutorily required to be budgeted. See note 2a.

CITY OF TONGANOXIE, KANSAS
 DEBT PROCEEDS FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	<u>Current year actual</u>
Cash receipts:	
Debt proceeds	<u>\$ 1,090,109</u>
Total cash receipts	<u>1,090,109</u>
Expenditures:	
Reimbursed expenses	-
Capital outlay	<u>1,090,109</u>
Total expenditures	<u>1,090,109</u>
Receipts over (under) expenditures	-
Unencumbered cash, beginning of year	<u>-</u>
Unencumbered cash, end of year	<u>\$ -</u>

*This fund is not statutorily required to be budgeted. See note 2a.

CITY OF TONGANOXIE, KANSAS
 GALLAGHER PARK FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Donations	\$ 2,100
Total cash receipts	2,100
Expenditures:	
Contractual services	-
Capital outlay	6,303
Total expenditures	6,303
Receipts over (under) expenditures	(4,203)
Unencumbered cash, beginning of year	19,160
Unencumbered cash, end of year	\$ 14,957

*This fund is not statutorily required to be budgeted. See note 2a.

CITY OF TONGANOXIE, KANSAS
 FESTIVAL/EVENT FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Donations and fees	\$ 78,620
Total cash receipts	78,620
Expenditures:	
Contractual services	26,008
Commodities	42,339
Total expenditures	68,347
Receipts over (under) expenditures	10,273
Unencumbered cash, beginning of year	-
Unencumbered cash, end of year	\$ 10,273

*This fund is not statutorily required to be budgeted. See note 2a.

CITY OF TONGANOXIE, KANSAS
 BOND AND INTEREST FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Taxes	\$ 381,813	\$ 383,053	\$ (1,240)
Transfers in	376,096	345,000	31,096
Total cash receipts	<u>757,909</u>	<u>\$ 728,053</u>	<u>\$ 29,856</u>
Expenditures:			
Debt service	737,348	946,316	(208,968)
Total expenditures	<u>737,348</u>	<u>\$ 946,316</u>	<u>\$ (208,968)</u>
Receipts over (under) expenditures	20,561		
Unencumbered cash, beginning of year	<u>229,360</u>		
Unencumbered cash, end of year	<u>\$ 249,921</u>		

CITY OF TONGANOXIE, KANSAS
 CAPITAL PROJECTS FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Intergovernmental	\$ 448,878	\$ 445,000	\$ 3,878
Other revenues	-	-	-
Total cash receipts	<u>448,878</u>	<u>\$ 445,000</u>	<u>\$ 3,878</u>
Expenditures:			
Commodities	-	\$ -	\$ -
Capital outlay	60,000	50,516	9,484
Debt service	422,950	459,484	(36,534)
Total expenditures	<u>482,950</u>	<u>\$ 510,000</u>	<u>\$ (27,050)</u>
Receipts over (under) expenditures	(34,072)		
Unencumbered cash, beginning of year	<u>211,306</u>		
Unencumbered cash, end of year	<u>\$ 177,234</u>		

CITY OF TONGANOXIE, KANSAS
 CAPITAL RESERVE FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Grants and donations	\$ -
Total cash receipts	-
Expenditures:	
Contractual services	-
Total expenditures	-
Receipts over (under) expenditures	-
Unencumbered cash, beginning of year	915
Unencumbered cash, end of year	\$ 915

* This fund is not statutorily required to be budgeted. See Note 2a.

CITY OF TONGANOXIE, KANSAS
 WATER OPERATIONS FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Charges for services	\$ 1,170,205	\$ 1,134,499	\$ 35,706
Use of money and property	7	-	7
Total cash receipts	<u>1,170,212</u>	<u>\$ 1,134,499</u>	<u>\$ 35,713</u>
Expenditures:			
Production and distribution	681,423	682,214	(791)
Debt service	336,124	336,124	-
Transfers out	<u>116,160</u>	<u>116,161</u>	<u>(1)</u>
Total expenditures	<u>1,133,707</u>	<u>\$ 1,134,499</u>	<u>\$ (792)</u>
Receipts over (under) expenditures	36,505		
Unencumbered cash, beginning of year	<u>325,520</u>		
Unencumbered cash, end of year	<u>\$ 362,025</u>		

CITY OF TONGANOXIE, KANSAS
 WATER CAPITAL IMPROVEMENT FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Charges for services	\$ 39,425
Use of money and property	8,940
Total cash receipts	48,365
Expenditures:	
Capital outlay	22,337
Total expenditures	22,337
Receipts over (under) expenditures	26,028
Unencumbered cash, beginning of year	247,297
Unencumbered cash, end of year	\$ 273,325

* This fund is not statutorily required to be budgeted. See Note 2a.

CITY OF TONGANOXIE, KANSAS
 SEWER OPERATIONS FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Charges for services	\$ 801,609	\$ 751,550	\$ 50,059
Total cash receipts	<u>801,609</u>	<u>\$ 751,550</u>	<u>\$ 50,059</u>
Expenditures:			
Plant operating costs	353,207	\$ 355,733	\$ (2,526)
Capital outlay	2,370	1,000	1,370
Debt service	282,066	282,067	(1)
Transfers out	<u>106,460</u>	<u>106,459</u>	<u>1</u>
Total expenditures	<u>744,103</u>	<u>\$ 745,259</u>	<u>\$ (1,156)</u>
Receipts over (under) expenditures	57,506		
Unencumbered cash, beginning of year	<u>215,726</u>		
Unencumbered cash, end of year	<u>\$ 273,232</u>		

CITY OF TONGANOXIE, KANSAS
 SEWER CAPITAL IMPROVEMENT FUND*
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual
Cash receipts:	
Charges for services	\$ 46,750
Total cash receipts	46,750
Expenditures:	
Capital outlay	5,147
Total expenditures	5,147
Receipts over (under) expenditures	41,603
Unencumbered cash, beginning of year	266,429
Unencumbered cash, end of year	\$ 308,032

* This fund is not statutorily required to be budgeted. See Note 2a.

CITY OF TONGANOXIE, KANSAS
 SANITATION FUND
 SCHEDULE OF RECEIPTS AND EXPENDITURES - ACTUAL AND BUDGET
 REGULATORY BASIS
 For the Year Ended December 31, 2016

	Actual	Budget	Variance - over (under)
Cash receipts:			
Charges for services	\$ 339,484	\$ 325,000	\$ 14,484
Total cash receipts	<u>339,484</u>	<u>\$ 325,000</u>	<u>\$ 14,484</u>
Expenditures:			
Personnel services	32,525	51,300	(18,775)
Contractual services	292,458	272,700	19,758
Commodities	-	176,000	(176,000)
Total expenditures	<u>324,983</u>	<u>\$ 500,000</u>	<u>\$ (175,017)</u>
Receipts over (under) expenditures	14,501		
Unencumbered cash, beginning of year	<u>106,359</u>		
Unencumbered cash, end of year	<u>\$ 120,860</u>		

CITY OF TONGANOXIE, KANSAS
 AGENCY FUNDS
 Summary of Receipts and Disbursements
 Regulatory Basis
 For the year ended December 31, 2016

	Beginning cash balance	Receipts	Disbursements	Ending cash balance
Payroll clearing	\$ 17,920	\$ 1,752,856	\$ 1,746,436	\$ 24,340
Bail bonds	8,226	5,405	2,760	10,871
Revolving loan	40,638	3,664	-	44,302
Total agency funds	<u>\$ 66,784</u>	<u>\$ 1,761,925</u>	<u>\$ 1,749,196</u>	<u>\$ 79,513</u>



Office of the City Manager
AGENDA STATEMENT

DATE: July 3, 2017
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jamie Shockley, Assistant City Manager
SUBJECT: Ordinance 1425: An Ordinance Amending Section 182.1 of the Standard Traffic Ordinance for Kansas Cities, 2016 Edition, to comply with Kansas State Statute

DISCUSSION:

The State of Kansas recently passed a law that increases the seatbelt fine from \$10 to \$30, effective July 1, 2017. The Standard Traffic Ordinance for Kansas Cities, 2016 edition, is the ordinance that the city most recently adopted that outlines the fines for seatbelt tickets. Due to this change in the law, the STO must be amended to increase the seat belt fine.

Budget Impact:

None – the increase of \$20 to the fine must be remitted to the State of Kansas, so there will not be an increase in the revenue that the City receives.

Action needed:

Make a motion to approve Ordinance 1425.

ORDINANCE NO. 1425

AN ORDINANCE AMENDING SECTION 182.1 OF THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES,” EDITION OF 2016, TO COMPLY WITH KANSAS STATUTE.

WHEREAS, current Standard Traffic Ordinance Section 182.1 requires Municipal Court to impose a \$10 fine for seat belt violations; and

WHEREAS, effective July 1, 2017, Kansas Senate Bill 89 requires Municipal Court to impose a \$30 fine for seat belt violations, and send \$20 of that fine to the state; and

WHEREAS, the City of the Governing Body desires to amend the fine portion of Section 182.1 of the Standard Traffic Ordinance to comply with this requirement.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS:

Section 1. AMENDMENT.

Pursuant to Kansas Senate Bill 89, Section 182.1(d) of the 2016 Standard Traffic Ordinance for Kansas Cities, adopted by reference in the City of Tonganoxie by Ordinance No. 1416, is hereby amended to read as follows:

- (d)(1) Persons violating subsection (a)(1) shall be fined ~~\$10~~ \$30 and no court costs; and
- (2) Persons violating subsection (a)(2) shall be fined \$60 and no court costs.

As required by Kan. Stat. Ann. 12-4120(c), on and after the effective date of this Ordinance, the amount of \$20 from each fine imposed for a violation of 2016 Standard Traffic Ordinance for Kansas Cities, Section 182.1(a)(1) shall be remitted by the Municipal Court Clerk to the state treasurer.

Section 2: EFFECTIVE DATE

The City Clerk shall make proper publication of this Ordinance, which shall be published once in the official City newspaper and which shall be effective from and after said publication. That the Mayor, City Clerk, and/or City Administration of the City of Tonganoxie, Leavenworth County, Kansas, are authorized and directed to execute any and all documents necessary to consummate the Legislative purposes and intents as expressed herein and if executed by the Mayor (or other person authorized by law to act in the event of the absence or inability of the Mayor to act), the City Clerk or Deputy City Clerk is directed to attest to and affix the Official Seal of the City thereon. City Administration is authorized to submit additional information as may be required and the Office of the City Manager shall act as the Official Representative of the City in this and subsequent related activities.

PASSED AND ORDAINED by the Governing Body of the City of Tonganoxie, Kansas on the 3rd day of July, 2017.

Jason K. Ward, Mayor

ATTEST:

Patty Hagg, City Clerk

DRAFTED AND APPROVED FOR FORM BY:

Shannon Marcano, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 1425 of the City of Tonganoxie, Kansas adopted by the governing body on July 3, 2017 as the same appears of record in my office.

DATED: _____

Patty Hagg, City Clerk



Office of the City Manager
AGENDA STATEMENT

DATE: July 3, 2017
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Jamie Shockley, Assistant City Manager
SUBJECT: Temporary CMB License for Leavenworth County Fair

DISCUSSION:

The Leavenworth County Fair Board has submitted an application for a temporary cereal malt beverage permit for their annual fair. The event is scheduled to take place at the Leavenworth County Fairgrounds July 25 – July 29, 2017.

Budget Impact:

None – the application fee for a temporary CMB license is \$150, which is anticipated to be collected in the General Fund 2017 revenues.

Action needed:

Make a motion to approve the temporary CMB application for the Leavenworth County fair for consumption on the premises.

The City of
Tonganoxie
KANSAS

Temporary CMB Permit Application

Name of Business/Organization Leavenworth County Fair

Address/Vicinity of Proposed Event 405 W 4th Tonganoxie KS

Type of Event Rodeo

Start Date 7-29-17 End Date 7-29-17 Application Date 6-28-17

Hours of Event 6pm - 12 AM (midnight+)

- \$150.00 fee is attached
- A letter is attached describing the proposed event in detail, the hours of operation, the duration of the event, anticipated attendance; and any structures, signs or attention-attraction devices used in conjunction with the event.
- A letter is attached from the property owner/manager agreeing to this special event. (Not required if applicant is the owner).

Yes No Anticipated need for police, fire or municipal services. If yes state what services will be needed. LV county Sheriff & EMS
will be on stand by

APPLICANT

NAME Mike Kissinger VP.

ADDRESS 24405 State Ave

CITY Tonganoxie KS

PHONE 913-683-4560 FAX _____

EMAIL mkissinger62@gmail.com