



\*Note – This meeting may be transmitted via Facebook Live on the City of Tonganoxie page

Honorable Jason K. Ward, Mayor

Council Members

David Bennett

Rocky Himpel

Curtis Oroke

Kara Reed

Loralee Stevens

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance**

**II. Approval of Minutes – Regular meeting dated August 6, 2018**

**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. In order to speak during open agenda, you must sign up with your name and address with the city clerk or designee **before the meeting**. Comments will be limited to 3 minutes. Please wait to be recognized by the Mayor and **state your name and address** for the record.

**V. Old Business**

- a) Ordinance 1445: Amending the Light Industrial District Zoning Ordinance to allow Daycare: Child Care Center (or) Preschool

**VI. New Business**

- a) Ordinance 1446: Issuance of Industrial Revenue Bonds in an Amount Not to Exceed \$9,200,000 for Bright Star Properties, LLC
- b) Ordinance 1447: Consideration of Final Plat for Casey's Development Project
- c) City Manager Agenda
  - 1. July 2018 Budget Report
- d) City Attorney Agenda
- e) Mayor Pro Tem Agenda
- f) City Council Agenda
- g) Mayor Agenda

**VII. Information & Communications (No Action Required)**

**VIII. Adjourn**

## CITY COUNCIL MEETING DRAFT MINUTES

August 6, 2018

7:00 p.m. Regular Meeting



### Open Regular Meeting – 7:00 p.m.

#### I. PLEDGE OF ALLEGIANCE

- Mayor Ward opened the meeting at 7:00 p.m.
- Roll Call: Council members present were Mayor Ward, Mr. Himpel, Ms. Reed, Ms. Stevens, Mr. Oroke, and Mr. Bennett. City Manager George Brajkovic and Assistant City Manager Dan Porter were also in attendance.
- Mayor Ward led the Pledge of Allegiance.

#### II. APPROVAL OF MINUTES – REGULAR MEETING DATED JULY 16, 2018

- Mr. Oroke made a motion to approve the minutes from the July 16, 2018 City Council meeting.
- Mr. Bennett seconded.
- Vote of all ayes, motion carried.

#### III. CONSENT AGENDA

- a) Review bill payments
- Ms. Reed made a motion to approve the consent agenda.
- Mr. Himpel Seconded.
- Vote of all ayes, motion carried.

#### 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. In order to speak during open agenda, you must sign up with your name and address with the city clerk or designee **before the meeting**. Comments will be limited to 3 minutes. Please wait to be recognized by the Mayor and **state your name and address** for the record.

- Lois Meadows, 21049 Parallel Road, addressed the City Council by reading a letter written by her late husband, Larry Meadows, about his vision for the future of the community. It included ideas of building a recreation center and working with community interests to build 2 gateway arches on entrances to downtown.
- Tony Maurer addressed the City Council and offered to assist in the arch project as the welding instructor at Tonganoxie High School with the assistance of the FFA coordinator and welding instructor Shelby Siemens.
- No additional comments were offered during the open agenda period.

#### V. OLD BUSINESS

- No Items

## VI. NEW BUSINESS

Mayor Ward moved to Item d – Item i in the agenda before returning to Item a.

- a) Public Hearing: Setting the property tax levy for the 2019 Budget
  - **Mayor Ward opened the public hearing.**
  - **No members of the public requested to speak during the public hearing.**
  - **Mayor Ward closed the public hearing.**
  
- b) Resolution 08-18-01: Expressing the Property Tax policy for the City of Tonganoxie
  - Mr. Porter introduced the item.
  - **Ms. Reed made a motion to approve Resolution 08-18-01.**
  - **Ms. Stevens seconded.**
  - **Vote of all ayes, motion carried.**
  
- c) Adoption of the 2019 Budget
  - Mr. Porter introduced the item and made a brief presentation on the contents of the 2019 Proposed Budget.
  - **Ms. Reed made a motion to adopt the 2019 proposed budget.**
  - **Mr. Oroke seconded.**
  - **Vote of all ayes, motion carried.**
  
- d) Resolution 08-18-02: Approving Memorandum of Understanding with Tonganoxie Public Library
  - Mr. Brajkovic introduced the item.
  - **Ms. Stevens made a motion to approve Resolution 08-18-02.**
  - **Ms. Reed seconded.**
  - **Vote of all ayes, motion carried.**
  
- e) Resolution 08-18-03: Resolution of Support to offer application for Moderate Income Housing RFP
  - Mr. Brajkovic introduced the item and delivered a short presentation.
  - Ross Vogel addressed the Council about the project as the developer.
  - **Ms. Reed made a motion to approve Resolution 08-18-03.**
  - **Mr. Himpel seconded.**
  - **Vote of all ayes, motion carried.**
  
- f) Ordinance 1445: Amending the Light Industrial District Zoning Ordinance to allow Daycare: Child Care or Preschool
  - Mr. Brajkovic introduced the item and explained the discussion which took place at the Planning Commission meeting.
  - **Ms. Stevens made a motion to approve Ordinance 1445.**
  - **Ms. Reed seconded.**
  - **Ms. Stevens withdrew her motion.**
  - **Ms. Reed withdrew her second for the motion.**
  
  - **Mr. Bennett made a motion to continue the item to a future City Council meeting to allow staff to complete additional research.**
  - **Mr. Oroke seconded.**
  - **Vote of all ayes, motion carried.**

g) Resolution 08-18-04: Authorizing the Award of Bid to Little Joe's Asphalt for the 2018 Mill & Overlay Project

- Mr. Brajkovic introduced the item.
- Tom Putoff, 113 S Village Terrace, addressed the governing body in support of eliminating the add alternate or considering an upgraded complete replacement of the segment rather than street maintenance activities.
- Mr. Oroke recused himself from voting on item g.
- **Ms. Reed made a motion to approve Resolution 08-18-04.**
- **Ms. Stevens seconded.**
- **Vote of 3 ayes and 1 nay (Himpel), motion carried.**

h) Resolution 08-18-05: Authorizing Consumption of Alcoholic Beverages at Tonganoxie Public Library during the Sunflower Stroll Event

- Mr. Porter introduced the item.
- Steve Skeet, Library Board President, commented that the Library Board was unaware of the request.
- Mr. Brajkovic noted that the Library Executive Director contacted the City about the request and the request to use the community room was signed by the Library staff.
- Monica Gee withdrew the event request from consideration on behalf of TBA.
- **The item failed for lack of a motion.**

i) Consider Approval of Subscription Renewal with Seamless Docs

- Mr. Porter introduced the item.
- **Mr. Bennett made a motion to authorize staff to execute the 3 year renewal agreement with Seamless Docs.**
- **Mr. Himpel seconded.**
- **Vote of all ayes, motion carried.**

j) City Manager Agenda

1. June Financial Report & Q2 2018 Treasurer's Report

- Mr. Porter presented the June Financial Report and Q2 Treasurer's Report to the City Council.
2. Risk Pool Annual Contributions Update
- Mr. Porter presented the annual risk pool contributions information to the City Council.
3. Shut Off Procedure
- Mr. Brajkovic presented the utility billing process overview and an adjustment to the timing of turn-on service after hours for customers who fail to pay their bill prior to the shut off date to the City Council.

k) City Attorney Agenda

- No items.

l) Mayor Pro Tem Agenda

- Ms. Reed thanked staff for all the work included in the 2019 budget development process.

m) City Council Agenda

- No items.

n) Mayor Agenda

- No items.

## VII. INFORMATION & COMMUNICATIONS (NO ACTION REQUIRED)

**VIII. ADJOURN**

- **Ms. Reed made a motion to adjourn the meeting.**
- **Ms. Stevens seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 9:10 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager

DRAFT



City of Tonganoxie, KS

# My Check Report

By Check Number

Date Range: 08/03/2018 - 08/16/2018

| Vendor Number                     | Vendor Name                             | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|-----------------------------------|---|--------------|--------------|-----------------|----------------|--------|
| <b>Bank Code: AP Bank-AP Bank</b> |   |              |              |                 |                |        |
| 0926                              | KANSAS SECURED TITLE INC. - LEAVENWORTH | 08/09/2018   | Regular      | 0.00            | 192,921.94     | 45218  |
| 0926                              | KANSAS SECURED TITLE INC. - LEAVENWORTH | 08/09/2018   | Regular      | 0.00            | -192,921.94    | 45218  |
| 0826                              | ANNA WOLF                               | 08/13/2018   | Regular      | 0.00            | 825.00         | 45219  |
| 0025                              | APAC-KANSAS, INC                        | 08/13/2018   | Regular      | 0.00            | 475.07         | 45220  |
| 0034                              | AT&T ACCESS TRANSPORT SERVICES          | 08/13/2018   | Regular      | 0.00            | 74.49          | 45221  |
| 0831                              | AXON                                    | 08/13/2018   | Regular      | 0.00            | 10,284.00      | 45222  |
| 0064                              | BOUND TREE MEDICAL, LLC                 | 08/13/2018   | Regular      | 0.00            | 3.74           | 45223  |
| 0749                              | BROADVOICE                              | 08/13/2018   | Regular      | 0.00            | 139.55         | 45224  |
| 0136                              | DELTA DENTAL PLAN OF KANSAS,IN          | 08/13/2018   | Regular      | 0.00            | 2,137.26       | 45225  |
| 0157                              | EDWARDS CHEMICALS                       | 08/13/2018   | Regular      | 0.00            | 3,991.20       | 45226  |
| 0166                              | EMERGENCY REPORTING                     | 08/13/2018   | Regular      | 0.00            | 181.33         | 45227  |
| 0179                              | FBI-LEEDA                               | 08/13/2018   | Regular      | 0.00            | 650.00         | 45228  |
| 0189                              | FIRST STATE BANK & TRUST                | 08/13/2018   | Regular      | 0.00            | 1,384.26       | 45229  |
| 0198                              | FRANK ROBISON                           | 08/13/2018   | Regular      | 0.00            | 1,400.00       | 45230  |
| 0205                              | GALL'S LLC                              | 08/13/2018   | Regular      | 0.00            | 635.61         | 45231  |
| 0207                              | GEIGER READY-MIX                        | 08/13/2018   | Regular      | 0.00            | 468.00         | 45232  |
| 0248                              | HOLLIDAY SAND & GRAVEL COMPANY          | 08/13/2018   | Regular      | 0.00            | 208.98         | 45233  |
| 0250                              | HONEYCREEK DISPOSAL SERVICE             | 08/13/2018   | Regular      | 0.00            | 26,171.75      | 45234  |
| 0755                              | INTELLICORP                             | 08/13/2018   | Regular      | 0.00            | 30.75          | 45235  |
| 0330                              | KANSAS GAS SERVICE                      | 08/13/2018   | Regular      | 0.00            | 165.33         | 45236  |
| 0345                              | KATHLEEN MCBRATNEY                      | 08/13/2018   | Regular      | 0.00            | 375.00         | 45237  |
| 0757                              | KC CLEAN                                | 08/13/2018   | Regular      | 0.00            | 240.00         | 45238  |
| 0964                              | KDOR - MISC TAX                         | 08/13/2018   | Regular      | 0.00            | 2,029.57       | 45239  |
| 0360                              | KEY EQUIPMENT & SUPPLY CO               | 08/13/2018   | Regular      | 0.00            | 439.24         | 45240  |
| 0382                              | LAIRD NOLLER                            | 08/13/2018   | Regular      | 0.00            | 57.47          | 45241  |
| 0988                              | LAURIN FOLSOM                           | 08/13/2018   | Regular      | 0.00            | 215.00         | 45242  |
| 0393                              | LAWRENCE MEMORIAL HOSPITAL              | 08/13/2018   | Regular      | 0.00            | 85.00          | 45243  |
| 0404                              | LEAVENWORTH TIMES                       | 08/13/2018   | Regular      | 0.00            | 128.00         | 45244  |
| 0414                              | LINK-LITE NETWORKING, INC.              | 08/13/2018   | Regular      | 0.00            | 1,267.25       | 45245  |
| 0857                              | MIDCONTINENT COMMUNICATIONS             | 08/13/2018   | Regular      | 0.00            | 340.20         | 45246  |
| 0462                              | MILLER SIGN SHOPPE                      | 08/13/2018   | Regular      | 0.00            | 276.00         | 45247  |
| 0479                              | NEW DIRECTIONS BEHAVIORAL HEAL          | 08/13/2018   | Regular      | 0.00            | 272.34         | 45248  |
| 0491                              | OLATHE WINWATER WORKS                   | 08/13/2018   | Regular      | 0.00            | 3,766.00       | 45249  |
| 0500                              | OREILLY AUTO PARTS                      | 08/13/2018   | Regular      | 0.00            | 587.81         | 45250  |
| 0555                              | RICOH USA, INC.                         | 08/13/2018   | Regular      | 0.00            | 29.96          | 45251  |
| 0562                              | S & S AUTOMOTIVE                        | 08/13/2018   | Regular      | 0.00            | 365.94         | 45252  |
| 0566                              | SALTUS TECHNOLOGIES                     | 08/13/2018   | Regular      | 0.00            | 2,087.50       | 45253  |
| 0568                              | SAMS CLUB                               | 08/13/2018   | Regular      | 0.00            | 1,525.57       | 45254  |
| 0579                              | SECURITY BENEFIT - 457                  | 08/13/2018   | Regular      | 0.00            | 2,356.92       | 45255  |
| 0989                              | SPEEDWAY CHRYSLER DODGE JEEP            | 08/13/2018   | Regular      | 0.00            | 58.92          | 45256  |
| 0798                              | SYMBOLARTS                              | 08/13/2018   | Regular      | 0.00            | 1,107.50       | 45257  |
| 0617                              | TBS ELECTRONICS, INC.                   | 08/13/2018   | Regular      | 0.00            | 584.00         | 45258  |
| 0625                              | THE RADAR SHOP                          | 08/13/2018   | Regular      | 0.00            | 57.50          | 45259  |
| 0990                              | TIRE HUB                                | 08/13/2018   | Regular      | 0.00            | 1,990.24       | 45260  |
| 0614                              | T-MOBILE                                | 08/13/2018   | Regular      | 0.00            | 239.30         | 45261  |
| 0628                              | TODD'S TIRE LLC                         | 08/13/2018   | Regular      | 0.00            | 1,968.00       | 45262  |
| 0629                              | TONGANOXIE FIREMANS RELIEF ASC          | 08/13/2018   | Regular      | 0.00            | 568.00         | 45263  |
| 0642                              | U S POSTAL SERVICE                      | 08/13/2018   | Regular      | 0.00            | 1,065.02       | 45264  |
| 0991                              | ULTRAMAX                                | 08/13/2018   | Regular      | 0.00            | 412.49         | 45265  |
| 0671                              | WESTAR ENERGY                           | 08/13/2018   | Regular      | 0.00            | 17,230.58      | 45266  |
| 0677                              | WILLIAM PRAY                            | 08/13/2018   | Regular      | 0.00            | 600.00         | 45267  |

My Check Report

Date Range: 08/03/2018 - 08/16/2018

|                      |                    |                     |                     |                        |                       |               |
|----------------------|--------------------|---------------------|---------------------|------------------------|-----------------------|---------------|
| <b>Vendor Number</b> | <b>Vendor Name</b> | <b>Payment Date</b> | <b>Payment Type</b> | <b>Discount Amount</b> | <b>Payment Amount</b> | <b>Number</b> |
| 0684                 | WIRENUTS           | 08/13/2018          | Regular             | 0.00                   | 119.70                | 45268         |

Bank Code AP Bank Summary

| <b>Payment Type</b> | <b>Payable Count</b> | <b>Payment Count</b> | <b>Discount</b> | <b>Payment</b>   |
|---------------------|----------------------|----------------------|-----------------|------------------|
| Regular Checks      | 72                   | 51                   | 0.00            | 284,594.28       |
| Manual Checks       | 0                    | 0                    | 0.00            | 0.00             |
| Voided Checks       | 0                    | 1                    | 0.00            | -192,921.94      |
| Bank Drafts         | 0                    | 0                    | 0.00            | 0.00             |
| EFT's               | 0                    | 0                    | 0.00            | 0.00             |
|                     | <b>72</b>            | <b>52</b>            | <b>0.00</b>     | <b>91,672.34</b> |

### All Bank Codes Check Summary

| Payment Type   | Payable Count | Payment Count | Discount    | Payment          |
|----------------|---------------|---------------|-------------|------------------|
| Regular Checks | 72            | 51            | 0.00        | 284,594.28       |
| Manual Checks  | 0             | 0             | 0.00        | 0.00             |
| Voided Checks  | 0             | 1             | 0.00        | -192,921.94      |
| Bank Drafts    | 0             | 0             | 0.00        | 0.00             |
| EFT's          | 0             | 0             | 0.00        | 0.00             |
|                | <b>72</b>     | <b>52</b>     | <b>0.00</b> | <b>91,672.34</b> |

### Fund Summary

| Fund | Name                 | Period | Amount           |
|------|----------------------|--------|------------------|
| 998  | Gen Fund-Pooled Cash | 8/2018 | 91,672.34        |
|      |                      |        | <b>91,672.34</b> |



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** August 20, 2018  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Ordinance 1445: Amending the Light Industrial District Zoning Ordinance to allow Daycare: Child Care Center (or) Preschool

**DISCUSSION:**

This item was continued from the August 6, 2018 City Council meeting for further staff research, which will be presented to the City Council for consideration.

The City's Zoning Regulations specify "Daycare: Child Care Center (or) Preschool" as a permitted use and describes the use as care for 13 or more children for more than 3 hours. (Lesser intense categories of this use include home-based and licensed or group daycare, intended for care of children in the home.) Child Care Centers are allowed by Special Use permit in residential districts and in the Historic Business District and permitted by right in the Limited Business, General Business, Business Park, and PUD Commercial Districts. The use is not currently allowed in the Industrial Districts (I-LT, I-MD, and I-H).

The City received a request for an existing Child Care Center to relocate to a building located in the I-LT district. Planning staff determined that it was likely not appropriate to rezone that particular property for a single request, but rather considered whether Child Care Centers should be located in the I-LT district throughout the City. This topic was brought to the Planning Commission as a discussion item on June 2, 2018 and the Planning Commission directed staff to proceed with a zoning text amendment to add Child Care Centers to the allowed uses in I-LT. The attached draft minutes from the July 5, 2018 Planning Commission meeting reflect the subsequent discussion of the Planning Commission and the recommendation for approval conveyed to the City Council via a 5/0 vote.

The attached staff report contains several key points which led to the staff recommendation to amend the zoning ordinance to permit Child Care Centers within I-LT districts. These include:

- Higher anticipated intensity of commercial use for Child Care Centers
- Similar uses currently allowed within I-LT
- Appropriateness of placement of Child Care Centers in proximity to employment uses

**BUDGET IMPACT:**

None.

**ACTION NEEDED:**

Make a motion to approve Ordinance 1445, amending "Zoning Regulations, Chapter 16, Item 16-012.A"- Light Industrial District zoning to read "Uses shall focus upon administrative facilities, research institutions, light manufacturing activities, warehousing and wholesaling of goods, tradesman's workshops, and other service uses that support the employment and light manufacturing business in this district." and update the Use Groups Table to identify Daycare: Child Care Center (or) Preschool as an allowable use by placing an "X" in the table under I-LT.

**ATTACHMENTS:**

Planning Staff report – Case # 2018-008A  
July 5, 2018 Planning Commission Draft Minutes  
Ordinance 1445

**cc:** Shannon Marcano, City Attorney

**ORDINANCE NO. 1445**

**AN ORDINANCE AMENDING THE TONGANOXIE ZONING CODE TO ALLOW DAYCARE: CHILD CARE CENTER (OR) PRESCHOOL IN LIGHT INDUSTRIAL DISTRICT**

WHEREAS, City staff initiated an application to amend the Tonganoxie Zoning Code to allow daycare: child care center (or) preschool in light industrial district (“I-LT”); and

WHEREAS, a public hearing was held by the Tonganoxie Planning Commission on July 5, 2018, and notice of such public hearing was provided in accordance with Kansas state law and the Tonganoxie Zoning Ordinance; and

WHEREAS, on July 5, 2018 the Tonganoxie Planning Commission considered the application and recommended approval of the amendment to the allowed uses in the I-LT district to add daycare: child care center (or) preschool; and

WHEREAS, the Planning Commission’s recommendation was presented to the Governing Body at its regularly scheduled meeting on August 20, 2018, for consideration;

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

Section 1: That Section 16 of the Tonganoxie Zoning Code, entitled “I-LT” LIGHT INDUSTRIAL DISTRICT be amended with the addition of language to Section 16-012 (A) as follows:

16-012 (A) Uses shall focus upon administrative facilities, research institutions, light manufacturing activities, warehousing and wholesaling of goods, tradesman’s workshops, and other service uses that support the employment and light manufacturing business in this district.

Section 2: That Appendix A to the Tonganoxie Zoning Code, entitled Use Groups By Category, be amended to reflect daycare: child care center (or) preschool in light industrial district as an allowable use in the I-LT district as follows:

| CATEGORY                                  | DEFINITION   | USES   | R-R   | R-E   | R-3F  | R-I   | R-MF1 | R-MF2 | R-MF3 | MHP   | PUD-R | HBD   | LBD   | GBD   | PUD-C | BP    | LT | MD | IH | Com. Plan |
|---|--|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|----|----|----|-----------|
| Aviation                                  | Facilities for the landing and takeoff of flying vehicles, including loading and unloading areas   | Airport; Airfield; Hangars; Flying School; Heliport; Helistop  | X     |       |       |       |       |       |       |       |       |       |       |       |       |       |    |    |    |           |
| Community or Social Services/Groups       | Public, non-profit, or charitable uses, generally providing a local service to a specified group or the community at large                     | Lodge/Club/Fraternal Hall; Art Gallery; Museum; Library; Cultural Facility; Senior Citizens Center; Community Center; Social Services Center | X     | X     | X     | X     | X     | X     |       |       | X     | X     | X     | X     | X     |       |    |    |    | X         |
| Daycare: Child Care Center (or) Preschool | Care, protection, tutelage and/or supervision for children on a regular basis away from their primary residence for less than 24 hours per day | 13 or more children for more than three hours and less than 24 hours. See Section 22-030 for additional requirements                         | X (S) | X  |    |    | X (S)     |
| Daycare: Home Based                       | Care, protection, tutelage and/or supervision for children on a regular basis away from their primary residence for less than 24 hours per day | Up to 2 children unrelated to the provider for not more than 20 hours a week   | X     | X     | X     | X     | X     | X     | X     | X     | X     |       |       |       |       |       |    |    |    | X         |

Section 3: That this ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Tonganoxie, Kansas as provided by law.

**PASSED** by the City Council this 20<sup>th</sup> day of August, 2018.

**APPROVED** by the Mayor this 20<sup>th</sup> day of August, 2018.

**SEAL**

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Jason K. Ward, Mayor

ATTEST:

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Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

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Shannon M. Marcano, City Attorney

**PLANNING COMMISSION MEETING DRAFT MINUTES**

July 5, 2018

7:00 p.m. Regular Meeting



**CALL TO ORDER**

- Chairman Morgan opened the meeting at 7:04 p.m.
- Roll Call: Planning Commissioners present were Chairman John Morgan, Monica Gee, Steve Ashley, Kevin Harris, Patti Gabel and Zach Stoltenberg. Jacob Dale was absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, Planning Consultant Chris Brewster with Gould Evans, City Attorney Shannon Marcano, and City Clerk Patricia Hagg were also in attendance.

**1. APPROVAL OF PC MINUTES – JUNE 7, 2018**

- **Mr. Stoltenberg made a motion to approve the minutes from the June 7, 2018 Planning Commission meeting.**
- **Mr. Ashley seconded.**
- **Vote of 5 ayes, 1 abstain (Gee), motion carried.**

**2. OPEN AGENDA**

- No members of the public signed up for public comment.
- Chairman Morgan closed the open agenda portion of the agenda.

**3. NEW BUSINESS**

**a) PUBLIC HEARING – TEXT AMENDMENTS TO ZONING REGULATIONS SECTION 16 - “I-LT” LIGHT INDUSTRIAL & APPENDIX A – USE GROUPS BY CATEGORY**

Mr. Brewster reviewed the planning staff report #2018-008A . He stated it is fairly common to see Early Education Center proposals in the industrial districts to allow for child care near work centers. He also identified the Light Industrial areas within the city limits where this change would apply. He stated staff recommends approval of adding Child Care Centers to the text amendments in the Light District Section 16 and adding Child Care Centers to the Use Group Category as a permitted use.

- The public comment portion of the agenda was opened and closed by Chairman Morgan without anyone providing comments for or against the amendments.
- Mr. Stoltenberg recused himself from discussion and voting due to a possible conflict of interest-his firm may be hired as architects for property in the Light Industrial District.
- The Commissioner’s discussed the text changes and when they had no further questions or comments
  - Ms. Gee made a motion to amend “Zoning Regulations, Chapter 16, Item 16-012.A”- Light Industrial District zoning to read “Uses shall focus upon administrative facilities, research institutions, light manufacturing activities, warehousing and wholesaling of goods, tradesman’s workshops, and other service uses that support the employment and light manufacturing business in this district.” And update the Use Groups Table to identify Daycare: Child Care Center (or) Preschool as an allowable use by placing an “X” in the table under I-LT.

- Ms. Gable seconded the motion.
- Roll Call Vote – Gabel-aye, Ashley-aye, Gee-aye, Morgan-aye, Harris-aye. Motion carried 5/0. Stoltenberg-recused

This item will be recommended for approval to the City Council on August 6, 2018, to allow for the required 14-day protest period.

**b) DISCUSSION & REVIEW – THE SCHOOLYARD FINAL PLAT - SUBMITTED BY TONGIE 5 LLC**

- Mr. Brajkovic stated a new plat survey was required to finish the purchase agreement for the new library. The survey shows 2 acres on the south side of the plat will be split for the library land purchase and the northern portion of the plat will remain residential.
- Mr. Brewster reviewed the plat and stated after further review this plat could be addressed as a lot consolidation/lot split rather than a Final Plat. He stated the lot consolidation/lot split can be approved by staff per Section 6.01.e and per f.2 would only need a planning commission review if it is “out of character” with the surrounding area. He stated this large lot used for an institutional use meets the requirement of the planning commission review and direction to staff to review and approve the lot consolidation/lot split. He also stated the smaller lots recorded on the original Railroad Addition Plat and shown on the Schoolyard Plat could be addressed through lot consolidation/lot split process and the alleys, easements and 3<sup>rd</sup> St could be reviewed during development plan reviews.
- Ms. Gee made a motion to allow staff to review and approve the lot split/lot consolidation for the Schoolyard Plat.
- Mr. Stoltenberg seconded the motion
- All ayes, Motion carried 6/0

**c) PLANNING COMMISSION OPEN POSITIONS**

- Chairman Morgan opened discussion for the city position currently held by Steve Ashley and county position currently held by Monica Gee that are open for appointment in 2018. He explained the terms will expire in 2021. The positions were advertised and five (5) applications were received. Monica Gee submitted an application for reappointment and Steve Ashley announced his resignation. Applications for the City Position were received from Robert Bieniecki, 300 W. Washington St.; Cynthia Stewart-Grant, 1182 S Delaware St. and Crystal Henson, 411 E 1<sup>st</sup> St. Applications for the County Position were received from Monica Gee, 17685 214<sup>th</sup> St. and Howard Brewington, 20260 Parallel Rd.
- Each applicant was asked to introduce themselves to the Planning Commission. They summarized their resume and provided insight as to why they wanted to be appointed to the open planning commission positions.
- After discussion the Planning Commission agreed to recommend Crystal Henson and Monica Gee to the Mayor and City Council for appointment. The applicants were advised that all applications will be reviewed again at the City Council meeting on Monday, July 16, 2018 at 7:00pm.

**4. OLD BUSINESS**

- No items.

## 5. GENERAL INFORMATION

a) **HOMEBUILDERS ASSOCIATION PERMIT STATISTICS**

b) **MARKET RESEARCH STATISTICS**

- No action was taken.

c) **THANK YOU FOR YOUR SERVICE TO STEVE ASHLEY FOR 3 YEARS AS PLANNING COMMISSIONER**

## 6. ADJOURN

- **Ms. Gee, made a motion to adjourn the meeting.**
- **Mr. Ashley seconded the motion.**
- **Vote of all ayes, motion carried 6/0.**
- **Meeting adjourned at 7:55 p.m.**

Respectfully submitted,

Patty Hagg, Planning Clerk



## City of Tonganoxie, Kansas

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### PLANNING STAFF REPORT

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**Case#:** 2018-008A

**Date of Report:** July 5, 2018

**Applicant Name:** George Brajkovic

**Property Owner Name:** NA

**Subject Property Address:** NA

**Application:**

*Zoning District:* I-LT – Light Industrial District

*Type of Approval Desired:* Amendment to the ILT district to allow Day Care

*Date of Application:* June 8, 2018

*Date of Meeting:* July 5, 2018

**Surrounding Property – Zoning and Use:**

*Not applicable* – the amendment would pertain to all I-LT zoned property within the community.

**Staff Recommendation:**

Recommend approval of the proposed language additions and Use Groups table edits.

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**ANALYSIS:**

The Zoning Regulations specify “Daycare: Child Care Center (or) Preschool” as a permitted use and describes the use as care for 13 or more children for more than 3 hours. (Lesser intense categories of this use include home-based and licensed or group daycare, intended for care of children in the home.) Child Care Centers are allowed by Special Use permit in residential districts and in the Historic Business District, and permitted by right in the Limited Business, General Business, Business Park, and PUD-Commercial Districts. It is not allowed at all in the Industrial Districts (I-LT, I-MD, and I-H).

The City recently received a request for an existing Child Care Center to relocate to a building located in the I-LT district. Staff determined that it was likely not appropriate to rezone that particular property for this one request, but rather reconsidered whether Child Care Centers should be located in the I-LT district throughout the City. This was brought to the Planning Commission as a discussion item in June

2018, and the Planning Commission directed staff to proceed with a zoning text amendment to add Child Care Centers to the allowed uses in I-LT.

It is clear that Child Care Center anticipates a higher intensity commercial use, both in terms of scale and intensity of the operation and the site design and building that likely accompanies such use. Additionally, not enabling this use in industrial districts may be either to preserve these districts for industrial functions or to not place child care facilities near uses that may be more intense in nature.

However, the intent of the I-LT district states: "This area is designed to accommodate a wide range of low level industrial activities as well as to protect and buffer nearby commercial and residential districts from more intense industrial uses. Uses in this district will be held to a higher aesthetic standard than other industrial zones."

Additional the I-LT allows other similar civic, institutional or service uses such as public safety facilities, athletic facilities (indoor and outdoor, recreation/entertainment II, restaurants, and retail sales and services I. Child Care Centers are of a similar nature and scope as these uses, and appear to be compatible with both the intent and the mix of uses permitted in the I-LT district.

Additionally from a planning and policy standpoint, it is appropriate to place child care uses in close proximity to significant employment uses, either as an accessory use or as the principle use of property as it benefits employers and employees through potential convenience. Further, the existing zoning map for Tonganoxie has many I-LT districts that are also located in close proximity to neighborhoods, due to the light nature of the industrial uses and employment-focused intent of the district. Adding Child Care Centers can add a further level of convenience to residences as well due to the relationship of compatible neighborhood-serving uses.

**Staff Recommendations:**

Staff recommends the following amendments to the Light Industrial District (I-LT) and the Use Groups Table of the Tonganoxie Zoning Ordinance:

1. The amendment of item 16-012.A to read:  

"Uses shall focus upon administrative facilities, research institutions, light manufacturing activities, warehousing and wholesaling of goods, tradesman's workshops, and other service uses that support the employment and light manufacturing business in this district."
2. Update the Use Groups Table to identify Daycare: Child Care Center (or) Preschool as an allowable use by placing a "X in the table under I-LT.



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Chris Brewster  
Contract City Planner

*Light Industrial – Development Standards*

**16-010 PURPOSE**

This area is designed to accommodate a wide range of low level industrial activities as well as to protect and buffer nearby commercial and residential districts from more intense industrial uses. Uses in this district will be held to a higher aesthetic standard than other industrial zones.

**16-011 DEVELOPMENT STANDARDS**

- A. No land use shall be allowed that produces vibration, concussion, impact, shock, dust, fly-ash, odor, noxious gases, temperature differential or glare at any point on the lot line in excess of limits normally encountered in surrounding, non-industrial districts.
- B. No land use shall be allowed that produces a noise level at the lot line that is greater than that produced by the average traffic in the area.
- C. Exterior mechanical equipment and refuse handling shall be at the rear of the site and well screened from both the right-of-way and any adjacent residential areas (Amended by Ordinance # 1184 5/9/05).
- D. All outside storage of equipment or materials must be well screened from view from either residential areas or rights-of-way.
- E. Only one main structure allowed per site. Exception--individual storage units when no administrative functions are on the site.
- F. No use of a site shall commence prior to the construction of a main structure.
- G. Accessory structures shall be compatible with the main structure both in design and materials.
- H. A minimum 20' landscaped strip shall be maintained along all rights-of-way.
- I. The use of trailers or other non-permanent structures for storage or other purposes is prohibited in this district.
- J. A buffer area shall be provided along side and rear property lines common to or across an alley from residentially zoned property. Please refer to Section 24, Landscaping and Screening, for details.

**16-012 ALLOWED USES**

- A. Uses shall focus upon administrative facilities, research institutions, light manufacturing activities, warehousing and wholesaling of goods; tradesman's workshops.
- B. Businesses requiring large equipment display yards.
- C. Accessory uses as necessary to the efficient operation of the main use on the site.
- D. Please refer to Appendix A for a list of suggested, permitted uses.

*Use Groups Table – Child Care Center*

**Appendix A**  
**Use Groups By Category Amended Ord. 1443**

| CATEGORY  | DEFINITION   | USES   | R-R      | R-E      | R-3F     | R-I      | R-MF1    | R-MF2    | R-MF3    | MHP | PUD-R    | HBD      | LBD      | GBD      | PUD-C    | BP       | ILT | IMD | IH | Com. Plan |
|---|--|--|----------|----------|----------|----------|----------|----------|----------|-----|----------|----------|----------|----------|----------|----------|-----|-----|----|-----------|
| Aviation  | Facilities for the landing and takeoff of flying vehicles, including loading and unloading areas   | Airport; Airfield; Hangars; Flying School; Heliport; Helistop  | X        |          |          |          |          |          |          |     |          |          |          |          |          |          |     |     |    |           |
| Community or Social Services/Groups             | Public, non-profit, or charitable uses, generally providing a local service to a specified group or the community at large                     | Lodge/Club/Fraternal Hall; Art Gallery; Museum; Library; Cultural Facility; Senior Citizens Center; Community Center; Social Services Center | X        | X        | X        | X        | X        | X        |          |     | X        | X        | X        | X        | X        |          |     |     |    | X         |
| Daycare:<br>Child Care Center<br>(or) Preschool | Care, protection, tutelage and/or supervision for children on a regular basis away from their primary residence for less than 24 hours per day | 13 or more children for more than three hours and less than 24 hours. See Section 22-030 for additional requirements                         | X<br>(S) |     | X<br>(S) | X<br>(S) | X<br>(S) | X<br>(S) | X<br>(S) | X<br>(S) | X   |     |    | X<br>(S)  |
| Daycare:<br>Home Based                          | Care, protection, tutelage and/or supervision for children on a regular basis away from their primary residence for less than 24 hours per day | Up to 2 children unrelated to the provider for not more than 20 hours a week   | X        | X        | X        | X        | X        | X        | X        | X   | X        |          |          |          |          |          |     |     |    | X         |



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** August 20, 2018  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** George Brajkovic, City Manager  
**SUBJECT:** Ordinance 1446: authorizing the issuance of IRBs in an Amount Not to Exceed \$9,200,000

**DISCUSSION:**

One June 4, 2018, the City Council adopted Resolution 06-18-01, a Resolution authorizing the use of Industrial Revenue Bonds (IRB) to Bright Star Properties, LLC, for a \$9,121,000 in industrial revenue bonds for a proposed commercial project involving construction of a multi-use project including an approximately 10,000 square ft retail/office commercial building, 37 residential duplexes, 6 self-storage units, and parking.

The IRB process includes two steps: 1) a Resolution of Intent and then 2) an Ordinance to authorize the issuance. For your consideration tonight is the Ordinance authorizing the issuance of IRBs for the Bright Star project described above.

No tax abatement according to the City's policy is requested for this project. The project does qualify for a Project Exemption Certificate (PEC) thru the Kansas Department of revenue, which would exempt the project's construction material and personal property purchases from sales tax.

**BUDGET IMPACT:**

The applicant has paid a non-refundable application fee of \$2,000. In addition, the City will receive a bond origination fee of 0.250% of the principal amount of bonds issued up to \$10,000,000 simultaneously with the issuance of the bonds, which could be up to \$23,000 based on the cap included in this resolution of intent.

**ACTION NEEDED:**

Make a motion to approve the Ordinance 1446, authorizing the City of Tonganoxie to issue its industrial revenue bonds in the aggregate amount not to exceed \$9,200,000 to finance the costs of acquiring, constructing and equipping a mixed-use commercial project for the benefit of Bright Star Properties, LLC, or its successors and assigns sales tax exemption only.

**ATTACHMENTS:**

Ordinance 1446

**cc:** Dan Porter, Assistant City Manager

**ORDINANCE NO. 1446**

**AN ORDINANCE AUTHORIZING THE CITY OF TONGANOXIE, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (BRIGHT STAR PROPERTIES, LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$9,200,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A MIXED-USE COMMERCIAL PROJECT, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).**

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

**WHEREAS**, the governing body of the Issuer has previously and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Bright Star Properties, LLC Project), Series 2018 (the “Bonds”), in a principal amount not to exceed \$9,200,000, for the purpose of acquiring, purchasing, constructing, installing furnishing, and equipping a mixed-use commercial project for Bright Star Properties, LLC, a Kansas limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, machinery and equipment (the “Project”); and

**WHEREAS**, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and Security Bank of Kansas City, as Trustee (the “Trustee”); and

**WHEREAS**, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

**WHEREAS**, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS, AS FOLLOWS:**

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

**Section 2. Authorization of and Security for the Bonds.** The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$9,200,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

**Section 3. Authorization of Documents.** The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the “Bond Documents”), such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company; and
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser.

**Section 4. Execution of Bond and Documents.** The Mayor of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor (or, in the Mayor’s absence, the acting Mayor) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

**Section 5. Pledge of the Project and Net Lease Rentals.** The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture

**Section 6. Further Authority.** The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer’s Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be

necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

**Section 7. Effective Date.** This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

**PASSED** by the governing body of the City of Tonganoxie, Kansas on August 20, 2018 and **APPROVED AND SIGNED** by the Mayor.

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Mayor

[SEAL]

ATTEST:

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City Clerk

(Published in *The Tonganoxie Mirror* on August \_\_, 2018.)

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_**

On August 20, 2018, the governing body of the City of Tonganoxie, Kansas passed an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE CITY OF TONGANOXIE, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (BRIGHT STAR PROPERTIES, LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$9,200,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A MIXED-USE COMMERCIAL PROJECT, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).**

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$9,200,000, for the purpose of acquiring, constructing, furnishing, and equipping a mixed-use commercial project for Bright Star Properties, LLC, a Kansas limited liability company, and constitute limited obligations of the City payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2018 Bonds, as provided in the Indenture. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 526 E. 4<sup>th</sup> Street. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.tonganoxie.org](http://www.tonganoxie.org).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: August 20, 2018.

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Shannon Marcano, City Attorney



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** August 20, 2018  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Ordinance 1447: Consideration of Final Plat for Casey's Development Project

**DISCUSSION:**

An application was submitted to City staff aimed at the development of a Casey's General Store in the area generally located on Highway 24/40 (West Side) between 5th Street & 6th Street in Tonganoxie, Kansas. On April 5, 2018 the Tonganoxie Planning Commission considered the request and recommended approval of the Rezoning, Preliminary Plat, Site Plan, and Final Plat with the presented staff recommendations.

Subsequently, City staff communicated with the applicant and related regulatory agencies in order to bring about the changes required as part of the recommendations included in the attached excerpt of meeting minutes.

To complete the preparation for the consideration of the Ordinance accepting the dedication of any easements included in the Final Plat, City staff completed a final review of current drafts of the Final Plat and all associated materials tied to the development, which resulted in the attached report from the City Engineer recommending approval of the Final Plat with the following conditions of approval:

Building permits shall not be issued until:

- a. The Kansas Department of Transportation approves the Highway permit; and
- b. The Kansas Department of Health and Environment approves the Construction plans

Agenda packet materials associated with the April 5, 2018 Planning Commission meeting are available at: <https://www.tonganoxie.org/government/boards-commissions-and-committees/planning-commission/planning-commission-agendas/2017-planning-commission-agendas/april-5-2018-planning-commission-agenda-packet/view>

**BUDGET IMPACT:**

None.

**ACTION NEEDED:**

Make a motion to approve the Final Plat for the Casey's Subdivision, generally located on Highway 24/40 (West Side) between 5th Street & 6th Street in Tonganoxie, Kansas, with the following conditions:

Building permits shall not be issued until:

- a. The Kansas Department of Transportation approves the Highway permit; and
- b. The Kansas Department of Health and Environment approves the Construction plans

**ATTACHMENTS:**

Engineering Staff Report  
04-05-2018 Planning Commission Excerpt of Approved Minutes  
Final Plat  
Ordinance 1447

**cc:** George Brajkovic, City Manager



# MEMO

**To:** George Brajkovic, City Manager  
City of Tonganoxie

**Cc:** Dan Porter, Asst. City Manager  
Kent Heskett, City Superintendent  
John Zimbelman, City Fire Chief  
Graham Smith, Gould Evans – City Planner  
Jeff Laubach, SBB Engineering

**From:** Brian Kingsley, City Engineer

**Date:** August 17, 2018

**Re:** Casey's General Store  
Prelim and Final Plat, Site Plan, Storm Water and Traffic Studies  
18-1001L

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The following are the City Engineer and staff review comments related to engineering issues:

All City Engineering review comments for the Preliminary Plat, Final Plat, Site Plan, Storm Water Study and Traffic Study have been addressed. In addition, Sanitary Sewer Plans were submitted to KDHE for review and approval and a KDOT permit has been submitted for review and approval.

**We recommend that the City consider approving the Casey's Platting and Construction documents contingent upon approval of the permits by KDHE and KDOT for the proposed site development.**

--END

For questions or comments, please contact:

**Brian Kingsley, PE**

President

T: 785.749.4474 ext. 2105

E: [brian.kingsley@bgcons.com](mailto:brian.kingsley@bgcons.com)

PLANNING COMMISSION MEETING APPROVED MINUTES EXCERPT

April 5, 2018

7:00 p.m. Regular Meeting



...

**c) PUBLIC HEARING – REZONE FROM RURAL-RR2.5 TO GENERAL BUSINESS DISTRICT-GBD AT 500 WEST ST SUBMITTED BY CASEY’S RETAIL COMPANY**

- Mr. Smith gave the Planning staff presentation on the item and reviewed the staff report dated March 1, 2018- Casey’s Subdivision /Casey’s General Store.
- Mr. Dale asked about the zoning and use of properties nearby as related to the landscaping to the west and south and asked why additional landscaping is not required to the north.
- Mr. Smith responded that they are asking for additional landscaping for residential development and the property to the north is zoned LBD-Limited Business District.
- Jeff Laubach, representing the applicant with Schmidt, Beck & Boyd Engineering LLC, also stated there is a utility easement on the north portion of the project. He stated his clients are agreeable to the additional landscaping screening in lieu of fencing around the property. He stated there will be improvements to West St as recommended by KDOT, a turn lane will be added and curb & gutter will be installed from 5<sup>th</sup> to 6<sup>th</sup> Street. He stated a concept plan has been submitted to KDOT and the review process is still on going.
- Chairman Morgan asked if Casey’s would vacate the current property and will there be non-compete restrictions placed in the selling document for the existing property.
- Mr. Laubach replied that the he could not speak for the company but thought there would be restrictions for fuel sales and pizza if the existing building is sold.
- Chairman Morgan asked to hear from those who are in favor of the project. – No one present spoke in favor.
- Chairman Morgan asked to hear from those who are opposed to the project.
  - Chris Ball, 16347 Chieftain Road, asked if Casey’s will be required to remove the tanks that are underground at the current property.
  - **Ms. Gee moved to approve the rezoning with the conditions set forth from staff.**
  - **Ms. Gabel seconded.**
  - **Vote of all ayes, motion carried.**

**This motion was approved with the following staff recommendations:**

- A. Staff recommends approval of the rezoning from “RR” Rural District and “GBD” General Business District to “GBD” General Business District, with Site Plan, for Lot 1 of Casey’s Subdivision with the following conditions:
  - i. The installation of a significantly opaque / solid screening or fencing along the western and southern property line of the subject property.
    - a. Such that the landscape screening as proposed in the site plan is preferred, it is recommended that a doubling of the Keteleeri Junipers, and additional lower evergreen shrubs be placed under the Honey locust trees. Additional Sea Green Junipers placed under the Honey locust trees would be recommended. These improvements would be to complete the screening to adjacent properties.

**This motion was also made with agreement of the following Mandatory Zoning Considerations:**

**1. Character of the neighborhood.**

The character of the surrounding area is a mix of smaller scale commercial buildings, residential neighborhoods, and agricultural open space. The property in question is located along US-24/40, a four-lane state highway. Uses along this street include automobile repair shops, gas stations, retail, restaurants, single-family houses and undeveloped land. Adjacent land, to the south and west, lies within Leavenworth County and is agricultural and vacant.

**2. Zoning and uses of properties nearby:**

Surrounding properties to the north and east are zoned for Limited Business. The property to the east is a combination of vacant land, a vacant commercial use and single-family house and a utility use. The property to the north includes a single-family house and a vacant commercial use. Rural residential zoning designations are located on currently undeveloped properties to the south and west, zoned RR 2.5 according to the Leavenworth County zoning ordinance. Other uses in the general area include general retail and food establishments and single-family homes.

The GBD zoning category requested requires the construction of a “8’ architectural screen” between commercial development and adjacent residential development according to the Zoning Ordinances, Section 14-011f. This standard would be applicable along the western and southern boundary of the subject property relating to adjacent property identified within the Comprehensive Plan for Low-Density Residential development, yet remains in Leavenworth County. Additionally, a goal of the landscape standards within the City Subdivision Regulations (Article 9, Section 4 – Landscape Requirements) is to ensure that “buffering and screening sufficiently minimizes the impact of the development upon the neighborhood.” And, identifies that screening or buffering of something short of a “completely opaque” is necessary.

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

The southern portion of the property in question has recently been annexed from the County and is zoned R-R and remains in agricultural use. The northern portion of the property is currently zoned General Business. The subject property is adjacent to properties designated for Limited Business and is located on a major road in the City (US-24/40), making the subject property suitable for uses enabled in the General Business zoning designation.

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

Rezoning the subject property to “GBD” would not likely affect adjacent properties. The proposed zoning designation is consistent with adjacent properties within the City boundaries, notably along US-24/40. The removal of restrictions on this property would make the property more consistent with properties directly north and east along US-24/40. Property directly south and west is within Leavenworth County and undeveloped.

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

The subject property has not been developed in the past and has recently been annexed from Leavenworth County.

**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:**

Until recently, a portion of the subject property laid outside the City of Tonganoxie. The “GBD” zoning category enables sufficient use of the property that supports the public welfare and is consistent with adjacent property. If the property remains “RR”, the land will be limited to primarily residential uses that may not be appropriate along this section of Us 24/40.

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

According to the 2006 Comprehensive Plan for Tonganoxie, the area is identified as a future growth area for residential development. Additionally, nearby 4<sup>th</sup> Street is identified as a commercial corridor that feeds into the Central Business District. The comprehensive plan also states the following with regard to future commercial development in Tonganoxie:

- US-24/40: The Plan calls for careful consideration for commercial expansion along this corridor and recognizes this corridor as a location for potential growth and traditionally car-oriented uses.
- Commercial Policies:
  - The Plan calls to centralize future commercial development around major intersections, wherever possible. “Strip commercial” development is generally discouraged in the city.
  - Services and retail stores should be concentrated in the downtown area.
  - Commercial uses along US-24/40 should be compatible and sensitive to surrounding neighborhoods.
  - Commercial development proposals should be examined where there is a lack of contiguous urban development.

The use of the subject property for general business use is appropriate as an extension of the 4<sup>th</sup> Street and US-24/40 commercial node based on the current zoning and surrounding uses in the area, particularly those along the highway corridor.

#### **d) PUBLIC HEARING - PRELIMINARY PLAT REVIEW SUBMITTED BY CASEY’S RETAIL COMPANY**

- Mr. Smith presented information regarding the preliminary plat along with the rezone information from his Staff Report dated March 1, 2018 Casey’s Subdivision / Casey’s General Store
- Chairman Morgan asked to hear from those who are in favor of the project. – No one present spoke in favor.
- Chairman Morgan asked to hear from those who are opposed to the project. – No one present spoke against.
- Chairman Morgan closed public comment.
- Mr. Porter noted that this property was previously part of an annexation ordinance but that further conversations with the County brought to light that the certificate of survey process was not completed by the applicant prior to the voluntary annexation. The County process has now been completed.
- Ms. Marcano noted that the next City Council meeting will include an ordinance to repeal the earlier adopted ordinance.
- Mr. Porter noted that the April 5 Planning Commission meeting agenda does include several items related to the property being annexed and the timeline of this annexation would result in the annexation being completed prior to any consideration of items related to the project by the City Council.
- **Ms. Gee made a motion to approve preliminary and final plats with conditions included in the staff recommendation.**
- **Mr. Dale seconded.**
- **Vote of all ayes, motion carried.**

#### **This motion was approved with the following staff recommendations:**

- A. Planning Staff recommends approval of the Preliminary and Final Plats with the following conditions:
  - i. The applicant will address the City Engineer comments regarding the Preliminary and Final Plat in his letter dated February 21, 2018 to the City Manager.

- ii. The applicant will address the City Engineer comments regarding the Site and Utility Plans, Traffic Impact Study and Storm Water Study in his letter dated February 21, 2018 to the City Manager.
- B. "The applicant shall resolve any remaining issues related to the annexation legal description to the satisfaction of the County Surveyor and City Attorney prior to the submittal of the Planning Commission's recommendation on the application to the City Council."

**City Engineer review comments:**

- C. The Casey's Engineer has requested that the Casey's development be considered for approval with contingent approvals for outstanding issues/required documents. This would allow staff authority to administratively approve outstanding items. If contingent approval is granted, I recommend the approval "contingent upon the applicant addressing the issues included in 02-21-2018 development review by BG Consultants, Inc. including additional issues that may be identified during the process of working through these issues with the applicant".

**02-21-2018 Engineer review**

**Preliminary Plat**

- 1) Proposed Utilities should be shown on the Preliminary Plat.
  - a. The existing City waterline should be shown and a public Utility Easement (U/E) should be provided for the waterline.
  - b. The proposed City Sanitary Sewer extension should be shown and appropriate easements provided for the sanitary sewer.
  - c. Public Improvement Construction Plans for the Sanitary Sewer Extension should be provided. Construction Plan approval is required for approval of the Final Plat.
  - d. Offsite Sanitary Sewer U/E's need to be obtained by the Developer.

**Final Plat:**

- 1) KDOT permit requirements should be determined to verify that adequate road right-of-way is provided.
- 2) Construction Plans for Public Infrastructure are required with the Final Plat. Approval of the Construction Plans are required for approval of the Final Plat.
- 3) U/E's should be provided for the proposed Sanitary Sewer.

**Site and Utility Plans:**

- 1) KDOT permit requirements should be determined to verify general layout. See Traffic Study review comments.
- 2) Storm Water Study review comments should be addressed included later in this memo.
- 3) Proposed water service utility connection location should be verified with the City Superintendent.

**Traffic Impact Study (TIS):**

- 1) KDOT Access Permit(s) will be required for any driveway(s) accessing US-24/40. KDOT will need to review and approve, at a minimum, the TIS, permit applications, and improvement plans.
  
- 2) The TIS should address the US-24/40 Corridor Study. The Access Management Standards (Table 7.3) state that in all areas, new access onto US-24/40 highway should only be allowed for public streets. The developer appears to be showing two new private driveways accessing US-24/40, one aligned with 5th Street and one aligned with 6th Street. The Corridor Study would indicate these driveways are not allowed. Private access to the site should be from the adjacent local/collector street system (which currently doesn't exist west of US-24/40).
  
- 3) If interim approval of access to US-24/40 is granted for this development, the site will need to be configured to allow future relocation of the access from US-24/40 to the future local/collector street network. This issue

may need to be addressed as part of a development agreement and/or as a condition of the Plat (timing, responsible party for improvement, etc.).

4) The TIS recommends auxiliary lanes, specifically a northbound left-turn lane approaching the south entrance (6th Street) and a southbound right-turn lane approaching the north entrance (5th Street). This segment of US-24/40 is also slated for a future 3-lane improvement and we believe the center left-turn lane should connect to the left-turn lane immediately north of the US-24/40 and 5th Street intersection to avoid excessive changes in widening/narrowing on US-24/40 within 1 city block.

5) Figure 2B of the TIS shows the swept path of a right-turning truck crossing well over into northbound US-24/40. The size of the south entrance may need to be revisited on the improvement plans to assure sufficient driveway size is provided.

**Storm Water Study:**

1) Provide a soils report for the site and use the hydrologic soil groups to determine the existing and proposed curve numbers.

2) Provide the existing calculations for the existing runoff.

3) Provide time of concentration calculations.

4) Provide hydrograph reports for each hydrograph.

5) Provide the Hydraflow and StormTech documents as separate sheets, not on the plan sheets.

6) Report does not indicate the precipitation rates that were used. The 24 hour precipitation rates shall be in accordance with the 2014 KDOT Rainfall Tables for Leavenworth County. These are 2.88, 3.60, 5.28 and 8.40 in/hr for the 1, 2, 10 and 100 year storm events, respectively.

7) Provide information about the design storm used. A 3 hour storm with a 1 minute time step can be used if time of concentration is less than 12 minutes.

8) The orifices in the south outfall structure do not appear to be modeled correctly. The model indicates that they are 30' long pipes at 1% but the detail indicates that they are orifices in the center wall of the structure.

9) Slopes for the pipes leaving the north outfall do not appear to be correct.

10) Provide freeboard of at least 6" between the 100 year WSE and the top of the overflow weir.

11) Are two openings planned in the top of the south outfall structure so both sides can be accessed?

12) Provide information about how and at what frequency the StormTech facilities will be maintained.

13) The proposed storm sewer outfall pipes connect to existing storm sewer facilities. Provide information about the capacity in the existing pipes and their ability to accept the proposed flows.

14) Additional comments may be provided after submittal and review of the requested items.

...

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Porter". The signature is fluid and cursive, with the first name "Dan" being more prominent.

Dan Porter, Assistant City Manager

# FINAL PLAT CASEY'S SUBDIVISION

A REPLAT OF LOT 1, JOHN EVANS SUBDIVISION NO. 1, CITY OF TONGANOXIE,  
LEAVENWORTH COUNTY, KANSAS AND A TRACT OF LAND IN THE SOUTHEAST  
QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE 6TH P.M., IN  
SAID LEAVENWORTH COUNTY, KANSAS.

Parent Tract Description:  
Lot 1, John Evans Subdivision, City of Tonganoxie, Leavenworth County, Kansas.  
AND  
A tract of land in the Southeast Quarter of Section 8, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 38' 21" East for a distance of 687.42 feet along the East line of said Southeast Quarter; thence South 88 degrees 26' 03" West for a distance of 49.83 feet to the Westerly line of U.S. Highway 24 as described in Condemnation Case No. 34555 and reflected on survey by Richard T. Schmidt dated December 8, 2017; thence continuing South 88 degrees 26' 03" West for a distance of 208.71 feet as established from survey by Richard T. Schmidt; thence North 01 degrees 39' 12" West for a distance of 270.00 feet as established from survey Richard T. Schmidt and to the apparent Southwest corner of JOHN EVANS SUBDIVISION #1 as platted; thence North 88 degrees 26' 03" East for a distance of 208.71 feet to the said Westerly right of way of U.S. Highway 24; thence South 01 degrees 39' 12" East for a distance of 270.00 feet to the point of beginning.

LEGAL DESCRIPTION:  
A replat of Lot 1, John Evans Subdivision No. 1, City of Tonganoxie, Leavenworth County, Kansas and a tract of land in the Southeast Quarter of Section 8, Township 11 South, Range 21 East of the 6th P.M., in said Leavenworth County, Kansas, described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 38' 21" East for a distance of 687.42 feet along the East line of said Southeast Quarter; thence South 88 degrees 26' 03" West for a distance of 49.83 feet to the Westerly line of U.S. Highway 24 as described in Condemnation Case No. 34555; thence South 01 degrees 39' 12" West for a distance of 270.00 feet as established from survey Richard T. Schmidt and to the apparent Southwest corner of JOHN EVANS SUBDIVISION #1 as platted; thence North 88 degrees 26' 03" East for a distance of 208.71 feet to the said Westerly right of way of U.S. Highway 24; thence South 01 degrees 39' 12" East for a distance of 270.00 feet to the point of beginning. Containing 2.29 acres more or less.

DEDICATION: The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which subdivision shall be known as "CASEY'S SUBDIVISION".

NOTICE: In the event there are other owners or those holding any proprietary interest in any land contained in this subdivision whom do not appear and duly acknowledge this plat prior to the time of recording in the Office of the Register of Deeds, the plat shall be null and void.

EASEMENTS: Easements are hereby granted to the public as follows: "Utility Easements" or "U.E.", to allow public utility providers, contractors, and authorized agents to locate, construct, and maintain facilities to provide utility service to the public. All public utilities specifically including but not limited to water, gas, sewer, stormwater, and telecommunications may place or locate their facilities over, under, and along the strips marked as "Utility Easements", or "U.E.". A temporary construction easement of 12 feet adjacent to the side of the utility easement is dedicated for the use of the public utilities while initial construction of the public utility's facilities are in progress.

GENERAL DRAINAGE EASEMENT: Drainage easements are hereby established as shown to provide for the unobstructed overland flow or surface water and/or the construction and maintenance of pipe, flume, ditch or any or all improvement for the drainage of said water, all as may be determined and/or approved by the director of the applicable department of public works. Property owners shall not place any permanent or semi-permanent obstruction in said easement. All maintenance within the general drainage easement (GDE) shall be the right, duty and responsibility of the property owner(s) of the property in which the easement is so located, however, if maintenance is neglected or subject to other unusual circumstances and is determined to be a hazard or threat to public safety by the applicable director of public works or designee, corrective maintenance may be performed by the governing jurisdiction with costs assessed to and borne upon, said property owner(s). Officials representing the applicable department of public works shall have the right to enter upon the easement for purposes of periodic inspection and/or corrective maintenance.

STREETS: The public ways (streets and roads) not heretofore dedicated, are hereby dedicated to the public. Temporary turn-around easements are hereby established as shown on the accompanying plat and shall be automatically vacated when streets are extended.

FLOOD PLAIN NOTE: According to "FIRM" Map Community Panel Number 20103C0301G and 20103C0302G, effective date July 16, 2015, the subject tract is in Flood Zone X, area of minimal flood hazard.

CERTIFICATE OF SURVEYOR:  
I hereby certify that the details of this plat to be correct to the best of my knowledge and belief, that all boundary corners of this subdivision of land have been monumented and that iron pins are set as shown on the attached plat this \_\_\_\_\_ day of \_\_\_\_\_, 2018.



RICHARD T. SCHMIDT, P.S. 919  
SCHMIDT, BECK & BOYD ENGINEERING, LLC  
1415 SW TOPEKA BLVD.  
TOPEKA, KS 66612  
rick.schmidt@sbbeng.com  
Corporate LS 263

OWNER:  
IN TESTIMONY WHEREOF, Richard Schappert, Vice-President of Casey's Retail Company, has caused these presents to be signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Richard Schappert, Vice-President

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, SS:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, a notary public in and for the County and State aforesaid came Richard Schappert, Vice-President of Casey's Retail Company, who is personally known to me to be the same person who executed, the within instrument of writing.

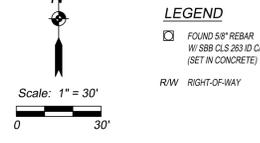
IN WITNESS WHEREOF: I have hereunto set my hand and affixed my notarial seal the day and year last written above.

My Commission Expires: \_\_\_\_\_  
Notary Public

COUNTY SURVEYOR:  
I hereby certify that this document has been reviewed by me and is being filed for survey information only.

Wayne Malnicof Date

|  |  |  |  |
|--|--|--|--|
|  | <b>Schmidt, Beck &amp; Boyd Engineering, LLC</b>               |  | SBB Proj. No.: 17-272                      |
|  | 1415 SW Topeka Blvd.<br>Topeka, KS 66612<br>Ph: (785) 215-8630 |  | Drawn by: JEM                              |
|  |  |  | Checked by: RS                             |
|  |  |  | Date: 7/26/2018                            |
|  |  |  | Scale: 1" = 30'<br>Drawing No.: Sh. 1 of 1 |



APPROVED BY CITY OF TONGANOXIE PLANNING COMMISSION  
Leavenworth County, Kansas  
On this Date: \_\_\_\_\_

John Morgan Chairman  
Zach Stoltenberg Secretary

Notary Public  
State of Kansas  
County of \_\_\_\_\_

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 before me a Notary Public in and for said County and State came the above city officials known personally to be the same persons who executed the foregoing instrument and acknowledged the same to be their voluntary act and deed.

My Commission Expires: \_\_\_\_\_  
Notary

RIGHTS OF WAY AND EASEMENTS ACCEPTED BY CITY OF TONGANOXIE  
Tonganoxie, Kansas  
On this Date: \_\_\_\_\_

Jason K. Ward Mayor  
Patricia C. Hagg City Clerk

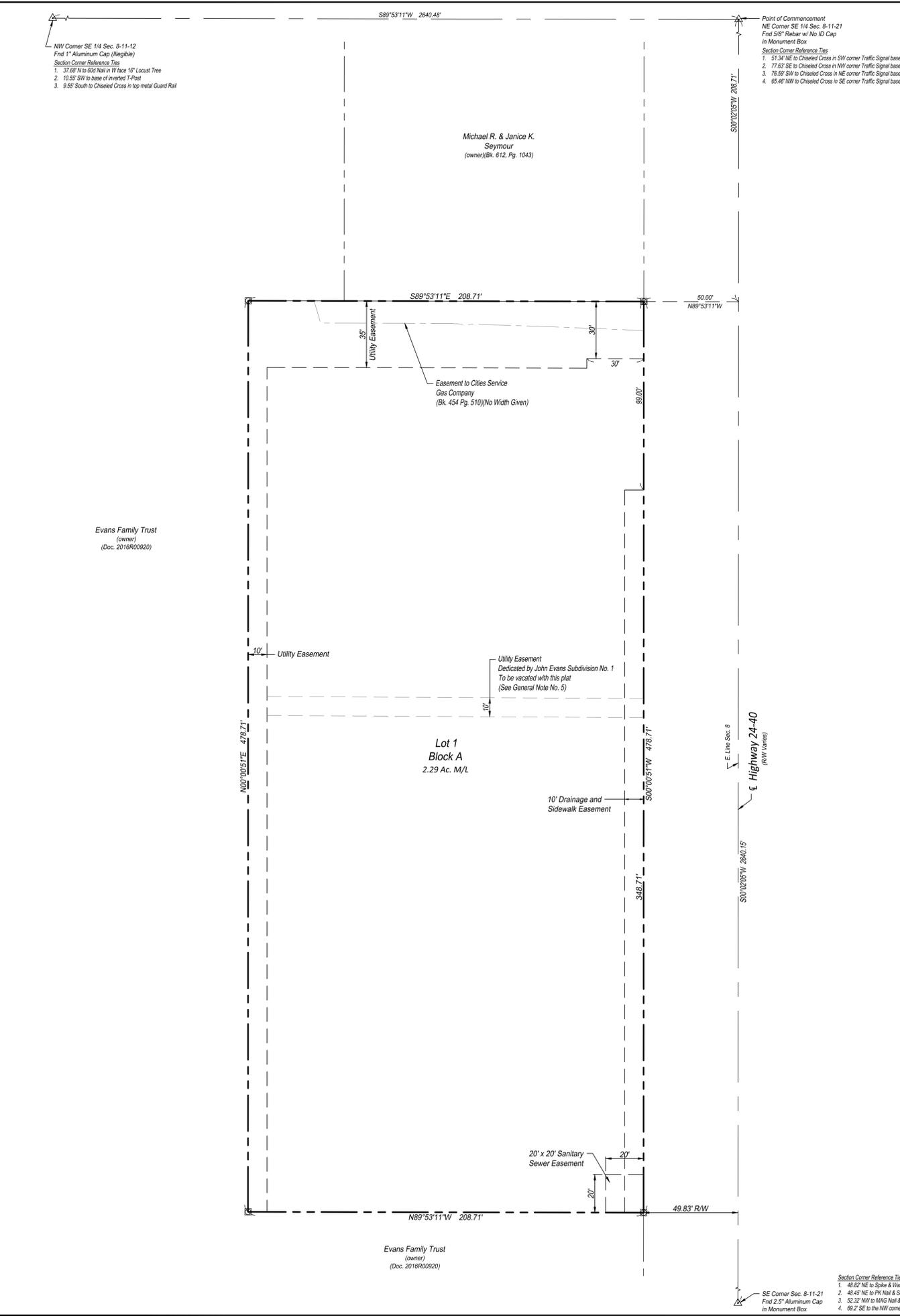
Brian Kingsley, City Engineer

FILING RECORD  
State of Kansas  
County of Leavenworth

This is to certify that this instrument was filed for record in the office of the Leavenworth County Register of Deeds on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and is duly recorded at \_\_\_\_\_ AM/PM in Plat \_\_\_\_\_

Stacy R. Driscoll  
Register of Deeds

- GENERAL NOTES:
- Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, drainage or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semi-permanent obstruction located in the permanent sewer or utility easement may be removed by personnel representing the governing body, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or replacement shall be the responsibility of the property owner.
  - Title policy issued by Old Republic National Title Insurance Company, Title Insurance Commitment, File No.: TX0012728, Effective Date: November 10, 2017 at 8:00 am.
  - The adjacent owners to subject tract are shown as per the Leavenworth County online Interactive Map.
  - Building Setbacks: Front Yard - 30', Side Yard - 20', Rear Yard - 30'
  - All easements dedicated by the plat of John Evans Subdivision No. 1 are hereby vacated with this plat



Section Corner Reference Ties  
1. 48.82' NE to Spike & Washer in N face Utility Pole  
2. 48.45' NE to PK Nail & Shiner in W face Utility Pole  
3. 52.32' NW to MAG Nail & Washer in SW face Utility Pole  
4. 69.2' SE to the NW corner of Stone monument at grade

SE Corner Sec. 8-11-21  
Fnd 2.5" Aluminum Cap  
in Monument Box

Point of Commencement  
NE Corner SE 1/4 Sec. 8-11-21  
Fnd 5/8" Rebar w/ No ID Cap  
in Monument Box

Section Corner Reference Ties  
1. 51.34' NE to Chiseled Cross in SW corner Traffic Signal base  
2. 77.83' SE to Chiseled Cross in NW corner Traffic Signal base  
3. 76.59' SW to Chiseled Cross in NE corner Traffic Signal base  
4. 65.46' NW to Chiseled Cross in SE corner Traffic Signal base

NW Corner SE 1/4 Sec. 8-11-12  
Fnd 1" Aluminum Cap (Illegible)  
Section Corner Reference Ties  
1. 37.86' N to 5/8" Nail in W face 16" Locust Tree  
2. 10.58' SW to base of mowed T-Post  
3. 9.55' South to Chiseled Cross in top metal Guard Rail

Michael R. & Janice K. Seymour  
(owner)(Bk. 612, Pg. 1043)

Evans Family Trust  
(owner)  
(Doc. 2016R00920)

Evans Family Trust  
(owner)  
(Doc. 2016R00920)

## **ORDINANCE 1447**

AN ORDINANCE APPROVING A FINAL PLAT FOR THE CASEY'S SUBDIVISION IN THE CITY OF TONGANOXIE, KANSAS.

WHEREAS, a Final Plat for the Casey's Subdivision, generally located on Highway 24/40 (West Side) between 5<sup>th</sup> Street & 6<sup>th</sup> Street in Tonganoxie, Kansas, was filed with the City for consideration by the Tonganoxie Planning Commission, and;

WHEREAS, on April 5, 2018 the Tonganoxie Planning Commission considered the request and recommended approval of the Final Plat with the presented staff recommendations:

### Planning Staff Conditions

- A. i. The applicant will address the City Engineer comments regarding the Preliminary and Final Plat in his letter dated February 21, 2018 to the City Manager.
- ii. The applicant will address the City Engineer comments regarding the Site and Utility Plans, Traffic Impact Study and Storm Water Study in his letter dated February 21, 2018 to the City Manager.
- B. "The applicant shall resolve any remaining issues related to the annexation legal description to the satisfaction of the County Surveyor and City Attorney prior to the submittal of the Planning Commission's recommendation on the application to the City Council."

### Engineering Staff Conditions

- 1. KDOT permit requirements should be determined to verify that adequate road right-of-way is provided.
- 2. Construction Plans for Public Infrastructure are required with the Final Plat. Approval of the Construction Plans are required for approval of the Final Plat.
- 3. Utility Easements should be provided for the proposed Sanitary Sewer.

WHEREAS, on August 17, 2018 the City Engineer provided notice that All City Engineering review comments for the Preliminary Plat, Final Plat, Site Plan, Storm Water Study and Traffic Study have been addressed. In addition, Sanitary Sewer Plans were submitted to KDHE for review and approval and a KDOT permit has been submitted for review and approval. The City Engineer recommended approval of the Final Plat with the presented following conditions:

- 4. Building permits shall not be issued until:
  - a. The Kansas Department of Transportation approves the Highway permit; and
  - b. The Kansas Department of Health and Environment approves the Construction plans

; and

WHEREAS, the Tonganoxie Planning Commission's recommendation was presented to the Governing Body at its regularly scheduled meeting on August 20<sup>th</sup>, 2018, for consideration.

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

Section 1. That the Final Plat for the Casey's Subdivision, generally located on Highway 24/40 (West Side) between 5<sup>th</sup> Street & 6<sup>th</sup> Street in Tonganoxie, Kansas, be approved with the following conditions:

1. Building permits shall not be issued until:
  - a. The Kansas Department of Transportation approves the Highway permit; and
  - b. The Kansas Department of Health and Environment approves the Construction plans

Section 2. That no building permits shall be granted before the conditions of approval are satisfied.

Section 3. That this ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Tonganoxie, Kansas as provided by law.

PASSED by the City Council this 20<sup>th</sup> day of August, 2018.

APPROVED by the Mayor this 20<sup>th</sup> day of August, 2018.

SEAL

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Jason K. Ward, Mayor

ATTEST:

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Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

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Shannon M. Marcano, City Attorney



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** August 20, 2018  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** July 2018 Financial Report

**DISCUSSION:**

As of July 31, or 58% through the fiscal year, the City collected 64% of budgeted revenues in all funds and spent 48% of budgeted expenditures.

Below are further highlights:

**General Fund**

Revenues

- Overall General Fund revenues are currently tracking at 77% of budget estimates. In July of 2017, General Fund revenues were tracking at 73% of budget estimates.
- Total sales tax revenue collected in the General Fund through July adds up to \$257,676, or 57% of budget estimates. Collections through July of this year came in at about \$3,000 more than what was collected through July of 2017.
- Use tax has collected \$63,413 in the General Fund through July. This equals 58% of budget estimates for the year. Collections through July show a 4% increase from what was collected through July of 2017.
- Property tax collection is currently tracking at 89% of budget estimates. The City received its largest monthly property tax remittance in June. The next significant payment will be received in October. 88% of property taxes had also been collected through July 2017.
- Building permits collected 61% of budget estimates through July, which is up from 43% of budget last month. Collections so far this year are showing a decrease from what was collected through the same time last year, but are still on a strong pace with more activity anticipated in the next several months.
- Municipal court fines have collected 51% of budget estimates through July. Collections this year are slightly behind pace with the same time last year.
- Franchise fees have collected 57% of budget estimates through July. Collections this year are showing by increased payments from the gas and cable utilities, at 73% and 60% of budget, respectively.
- The Water Park continued to perform well through the end of July, with 92% of pool admission fees, 73% of concession revenue, 79% of pool rental fees, and 83% of swim lesson fees collected.

Expenditures

- Overall General Fund expenditures are tracking at 58% of budgeted expenditures as of the end of July. In 2017, General Fund expenditures were tracking at 60% of budgeted expenditures.
- As of the end of July, 54% of the personal services budget has been expended in the General Fund, while 62% of contractual services, 50% of commodities, and 129% of equipment budgets have been expended. Compared to last year, personal services are 2% lower, contractual services are significantly lower, and capital equipment spending is greater due in part to the

expenditures tied to a portion of unanticipated revenue from property sales. Salaries, insurance premiums, payroll taxes, and pension costs are all on track to meet budget authority limits.

### **Utility Funds**

- The Water Operations Fund is tracking at 54% of revenue estimates and 56% of budgeted expenditures. Specifically, water charges collected totaled \$452,941, making up 52% of budget estimates for the year. Water purchases are tracking at 55% of budget in 2018, which is about \$6,000 less than in July 2017.
- The Sewer Operations Fund is tracking at 57% of revenue estimates and 69% of budgeted expenditures. Revenues collected through July are on track to finish the year slightly below 2018 budget projections.
- The Sanitation Fund is tracking at 55% of revenue estimates and 61% of budgeted expenditures. The trash rates for 2018 did not increase, and expenditure trends are on pace with last year.
- The Stormwater Fund collected \$3,445 in revenue in July 2018. This collection puts it on pace for close to 70% collection of budgeted revenues for 2018 and lends support to the anticipated collection of \$40,000 on an annual basis.

### **Other Funds**

- The Special Highway Fund is tracking at 46% of revenue estimates for the year and 4% of budgeted expenditures. One significant source of revenue in this fund is the construction excise fee paid as development of new properties takes place. This revenue source has collected 94% of the annual budget of \$55,000.
- The Capital Projects Fund collected 62% of budget estimates for the year and spent 7% of total budget authority. This fund's main revenue source is the countywide sales and use tax. So far this year, \$289,819 has been collected from this sales and use tax, which is roughly \$30,000 more than what was collected through July of 2017.
- The Infrastructure Sales Tax Fund collected 60% of revenue estimates for the year, and is on track to end the year slightly higher than budget estimates. Use tax has come in at 63% of budget.
- The Water Equipment and Sewer Equipment Reserve funds continue to perform well. The Water Equipment Reserve fund has collected 54% of revenue estimates for the year through July and the Sewer Equipment Reserve Fund has collected 55%. The revenue in these funds comes from water taps and sewer inspections, which are paid on new development when the building permit fee is paid. The steady level of development experienced this year is directly impacting the performance of these funds.

cc: George Brajkovic, City Manager  
Greg Lawson, Police Chief  
Kent Heskett, Public Works Director  
John Zimbelman, Fire Chief  
Darren Shupe, Water Park Manager



City of Tonganoxie, KS

# Revenue Report

## Group Summary

For Fiscal: 2018 Period Ending: 07/31/2018

| Fund                           | Original<br>Total Budget | Current<br>Total Budget | Period<br>Activity | Fiscal<br>Activity  | Variance<br>Favorable<br>(Unfavorable) | Percent<br>Used |
|--------------------------------|--------------------------|-------------------------|--------------------|---------------------|--|-----------------|
| 100 - General Fund             | 2867784.00               | 2,867,784.00            | 142,834.55         | 2,207,734.58        | -660,049.42                            | 76.98 %         |
| 210 - Water Operations Fund    | 1299100.00               | 1,299,100.00            | 114,371.67         | 697,476.17          | -601,623.83                            | 53.69 %         |
| 220 - Sewer Operations Fund    | 864000.00                | 864,000.00              | 73,139.08          | 491,078.18          | -372,921.82                            | 56.84 %         |
| 230 - Sanitation Fund          | 382000.00                | 382,000.00              | 30,271.27          | 209,497.51          | -172,502.49                            | 54.84 %         |
| 240 - Storm Water              | 40000.00                 | 40,000.00               | 3,445.20           | 10,392.40           | -29,607.60                             | 25.98 %         |
| 310 - Transient Guest Tax      | 1500.00                  | 1,500.00                | 315.99             | 937.00              | -563.00                                | 62.47 %         |
| 320 - Library Operations       | 393500.00                | 393,500.00              | 0.00               | 326,857.07          | -66,642.93                             | 83.06 %         |
| 330 - Special Parks            | 5000.00                  | 5,000.00                | 0.00               | 1,501.73            | -3,498.27                              | 30.03 %         |
| 340 - Special Highway          | 357100.00                | 357,100.00              | 69,396.23          | 166,763.91          | -190,336.09                            | 46.70 %         |
| 350 - Infrastructure Sales Tax | 405000.00                | 405,000.00              | 35,427.12          | 241,238.15          | -163,761.85                            | 59.56 %         |
| 360 - Capital Projects         | 622000.00                | 622,000.00              | 42,628.24          | 339,818.64          | -282,181.36                            | 54.63 %         |
| 410 - Fire Equipment Reserve   | 105000.00                | 105,000.00              | 6,842.44           | 49,800.55           | -55,199.45                             | 47.43 %         |
| 420 - Police Equipment Reserve | 20000.00                 | 20,000.00               | 550.00             | 5,813.44            | -14,186.56                             | 29.07 %         |
| 430 - Sewer Capital Reserve    | 60000.00                 | 60,000.00               | 6,875.00           | 33,000.00           | -27,000.00                             | 55.00 %         |
| 440 - Water Capital Reserve    | 46000.00                 | 46,000.00               | 5,000.00           | 25,000.00           | -21,000.00                             | 54.35 %         |
| 450 - Capital Reserve          | 20000.00                 | 20,000.00               | 0.00               | 0.00                | -20,000.00                             | 0.00 %          |
| 500 - Debt, Bond, and Interest | 705157.00                | 705,157.00              | 41,069.30          | 429,851.73          | -275,305.27                            | 60.96 %         |
| <b>Report Total:</b>           | <b>8,193,141.00</b>      | <b>8,193,141.00</b>     | <b>572,166.09</b>  | <b>5,236,761.06</b> | <b>-2,956,379.94</b>                   | <b>63.92 %</b>  |



City of Tonganoxie, KS

# Expenditure Report

## Group Summary

For Fiscal: 2018 Period Ending: 07/31/2018

| Fund                           | Original<br>Total Budget | Current<br>Total Budget | Period<br>Activity  | Fiscal<br>Activity  | Variance<br>Favorable<br>(Unfavorable) | Percent<br>Used |
|--------------------------------|--------------------------|-------------------------|---------------------|---------------------|--|-----------------|
| 100 - General Fund             | 2867784.00               | 2,867,784.00            | 323,025.74          | 1,671,751.95        | 1,196,032.05                           | 58.29 %         |
| 210 - Water Operations Fund    | 1299100.00               | 1,299,100.00            | 224,315.03          | 726,568.66          | 572,531.34                             | 55.93 %         |
| 220 - Sewer Operations Fund    | 864000.00                | 864,000.00              | 311,276.64          | 595,735.64          | 268,264.36                             | 68.95 %         |
| 230 - Sanitation Fund          | 382000.00                | 382,000.00              | 32,901.18           | 232,040.62          | 149,959.38                             | 60.74 %         |
| 240 - Storm Water              | 20000.00                 | 20,000.00               | 0.00                | 0.00                | 20,000.00                              | 0.00 %          |
| 310 - Transient Guest Tax      | 1500.00                  | 1,500.00                | 0.00                | 0.00                | 1,500.00                               | 0.00 %          |
| 320 - Library Operations       | 393500.00                | 393,500.00              | 6,424.73            | 327,104.69          | 66,395.31                              | 83.13 %         |
| 330 - Special Parks            | 5000.00                  | 5,000.00                | 0.00                | 1,335.21            | 3,664.79                               | 26.70 %         |
| 340 - Special Highway          | 357100.00                | 357,100.00              | 8,924.76            | 15,275.55           | 341,824.45                             | 4.28 %          |
| 350 - Infrastructure Sales Tax | 405000.00                | 405,000.00              | 0.00                | 4,450.00            | 400,550.00                             | 1.10 %          |
| 360 - Capital Projects         | 522000.00                | 522,000.00              | 2,491.25            | 35,620.08           | 486,379.92                             | 6.82 %          |
| 410 - Fire Equipment Reserve   | 105000.00                | 105,000.00              | 2,303.08            | 72,950.14           | 32,049.86                              | 69.48 %         |
| 420 - Police Equipment Reserve | 25000.00                 | 25,000.00               | 2,207.99            | 7,417.99            | 17,582.01                              | 29.67 %         |
| 430 - Sewer Capital Reserve    | 135000.00                | 135,000.00              | 4,300.00            | 10,282.24           | 124,717.76                             | 7.62 %          |
| 440 - Water Capital Reserve    | 95000.00                 | 95,000.00               | 5,884.00            | 25,883.36           | 69,116.64                              | 27.25 %         |
| 450 - Capital Reserve          | 20000.00                 | 20,000.00               | 0.00                | 0.00                | 20,000.00                              | 0.00 %          |
| 500 - Debt, Bond, and Interest | 745269.00                | 745,269.00              | 84,728.18           | 223,821.48          | 521,447.52                             | 30.03 %         |
| <b>Report Total:</b>           | <b>8,242,253.00</b>      | <b>8,242,253.00</b>     | <b>1,008,782.58</b> | <b>3,950,237.61</b> | <b>4,292,015.39</b>                    | <b>47.93 %</b>  |



| <b>Fund</b>                    | <b>Beginning Balance</b> | <b>Total Revenues</b> | <b>Total Expenses</b> | <b>Ending Balance</b> |
|--------------------------------|--------------------------|-----------------------|-----------------------|-----------------------|
| 100 - General Fund             | 498,796.37               | 2,207,734.58          | 1,671,751.95          | 1,034,779.00          |
| 210 - Water Operations Fund    | 373,363.16               | 697,476.17            | 726,568.66            | 344,270.67            |
| 220 - Sewer Operations Fund    | 301,505.76               | 491,078.18            | 595,735.64            | 196,848.30            |
| 230 - Sanitation Fund          | 122,123.82               | 209,497.51            | 232,040.62            | 99,580.71             |
| 240 - Storm Water              | 0.00                     | 10,392.40             | 0.00                  | 10,392.40             |
| 310 - Transient Guest Tax      | 2,243.18                 | 937.00                | 0.00                  | 3,180.18              |
| 320 - Library Operations       | 3,786.34                 | 326,857.07            | 327,104.69            | 3,538.72              |
| 330 - Special Parks            | 13,692.79                | 1,501.73              | 1,335.21              | 13,859.31             |
| 340 - Special Highway          | 291,450.62               | 166,763.91            | 15,275.55             | 442,938.98            |
| 350 - Infrastructure Sales Tax | 110,804.29               | 241,238.15            | 4,450.00              | 347,592.44            |
| 360 - Capital Projects         | 353,746.07               | 339,818.64            | 35,620.08             | 657,944.63            |
| 410 - Fire Equipment Reserve   | 114,646.87               | 49,800.55             | 72,950.14             | 91,497.28             |
| 420 - Police Equipment Reserve | 33,618.40                | 5,813.44              | 7,417.99              | 32,013.85             |
| 430 - Sewer Capital Reserve    | 300,263.16               | 33,000.00             | 10,282.24             | 322,980.92            |
| 440 - Water Capital Reserve    | 266,769.57               | 25,000.00             | 25,883.36             | 265,886.21            |
| 450 - Capital Reserve          | 915.03                   | 0.00                  | 0.00                  | 915.03                |
| 500 - Debt, Bond, and Interest | 151,546.38               | 429,851.73            | 223,821.48            | 357,576.63            |
| <b>Report Total:</b>           | <b>2,939,271.81</b>      | <b>5,236,761.06</b>   | <b>3,950,237.61</b>   | <b>4,225,795.26</b>   |