



\*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

Lisa Patterson

Loralee Stevens

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance**

**II. Approval of Minutes** – Regular meeting dated November 19, 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) Appointment to Fill Existing City Council Vacancy – Lisa Patterson
- b) UTV Discussion
- c) Ordinance 1445: Amending the Light Industrial District Zoning Ordinance to allow Daycare: Child Care Center (or) Preschool

**VI. New Business**

- a) Election of Mayor Pro Tem
- b) Request to Approve Purchase of Utility Rate Study Analysis
- c) Request to Amend 2018 Police Equipment Fund Budget and Approval to Purchase Police Facility Security Improvements
- d) City Manager Agenda
  - 1. October Monthly Budget Report
  - 2. Library Project Update
- e) City Attorney Agenda
- f) Mayor Pro Tem Agenda
- g) City Council Agenda

h) Mayor Agenda

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

**VIII. Adjourn**

**CITY COUNCIL MEETING MINUTES**  
November 19, 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. Stevens, Mr. Oroke, and Mr. Bennett. City Manager George Brajkovic, City Attorney Shannon Marcano, Fire Chief John Zimbelman, Police Chief Greg Lawson, Administrative Assistant Melanie Tweedy, and Assistant City Manager Dan Porter were also in attendance.
- Mayor Ward led the Pledge of Allegiance.

**II. APPROVAL OF MINUTES – REGULAR MEETING DATED NOVEMBER 5, 2018**

- Mr. Oroke made a motion to approve the minutes from the November 5, 2018 City Council meeting.
- Ms. Stevens seconded.
- Vote of all ayes, motion carried.

**III. CONSENT AGENDA**

- a) Review bill payments
- Mr. Bennett made a motion to approve the consent agenda.
- Mr. Oroke 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.

- Cody Thornton, 227 South Village, addressed the City Council and asked for consideration for the topic of UTVs to be put on the agenda for the next City Council meeting.

**V. OLD BUSINESS**

- No Items

**VI. NEW BUSINESS**

- a) Introduction of New Administration Department and Police Department Employees
- Mr. Lawson introduced Eric Janesko and Bill Storms.
- Mr. Porter introduced Melanie Tweedy

b) Second Consideration of City Council Vacancy Applications (item was considered fourth under new business)

- Ms. Marcano provided an update on the steps to fill a council vacancy.
- Mayor Ward asked the other members of the governing body to describe their top two candidates, and described his top two as Lisa Patterson and Jake Dale.
- Mr. Himpel said his top two were Lisa Patterson and Andy Pierson.
- Mr. Oroke said his top two were Andy Pierson and Lisa Patterson.
- Mr. Bennett said his top two were Andy Pierson and Lisa Patterson.
- Ms. Stevens said her top two were Jake Dale and Sally Ryan.
- **Ms. Stevens made a motion to appoint Jake Dale.**
- **Motion died for lack of a second.**
- **Ms. Stevens motioned to appoint Lisa Patterson.**
- **Mr. Bennett seconded.**
- **Roll Call Vote: All ayes**
- Mayor Ward congratulated Ms. Patterson and said that she would be sworn in at the December 3, 2018 meeting.
- Ms. Marcano advised the Council to wait until the new councilmember is sworn in to elect a Mayor Pro Tem from amongst the Council.

c) Resolution 11-18-04: Fire Apparatus Purchase Proposal and Lending Agreement (item was considered third under new business)

- Mr. Porter and Chief Zimbelman delivered a presentation to the City Council about the proposed purchase and trade in, along with accompanying budget information and the amortization schedule.
- Mr. Bennett asked if the proper bids were collected for this purchase.
- Chief Zimbelman noted that this truck bid was received under the umbrella of NPP, which utilizes a lead public agency to solicit and award contracts through the public RFP process undergone by the lead public agency. This approach allows other entities like the City to consider that process as if it were performed by the City.
- **Ms. Stevens made a motion to authorize acceptance of quote to purchase stock unit 31454 and trade in unit 661 for an amount not to exceed \$300,449.46.**
- **Mr. Bennett seconded.**
- **Vote of all ayes, motion carried.**
- **Ms. Stevens made a motion to approve Resolution 11-18-04.**
- **Mr. Oroke seconded.**
- **Vote of all ayes, motion carried.**

d) Ordinance 1445: Amending the Light Industrial District Zoning Ordinance to allow Daycare: Child Care Center (or) Preschool (item was considered fifth under new business)

- Mr. Brajkovic introduced the item and described the revised staff report with additional research by the City Planner.
- Mr. Himpel noted several questions and comments that he had about the proposed adjustment, including the safety of other allowable uses in the zoning district which could be located in close proximity to the day care.
- Ms. Stevens commented that regulation of daycares by the State would exceed the level of regulation or oversight offered by City zoning use restrictions.

- **Ms. Stevens made a motion to approve Ordinance 1445, amending the light industrial district zoning to allow Daycare: Child Care.**
- **Motion died for lack of a second.**
- Zach Stoltenberg was recognized by the Mayor and he provided information on the discussion held at the Planning Commission meeting when the item was considered. He commented that the rationale behind this proposal was to avoid spot zoning.
- Ms. Marcano commented that the Planning staff report included information that an adjoining or nearby use of a dangerous nature being added once a day care in this zoning district was established would not be allowed due to the imposition of a burden on the daycare business.
- Mr. Oroke said that he would like more review and discussion on the issue.
- Mr. Bennett added that he would not like to see spot zoning pursued or unsafe conditions due to proximity of two incompatible businesses.
- **Mr. Himpel made a motion to deny Ordinance 1445.**
- **Motion died for lack of a second.**
- Ms. Marcano commented that staff would need to research how many times this can be sent to the Planning Commission for review, and that if that was done the motion ought to include clear direction for concerns to address.
- **Mr. Oroke made a motion to continue consideration of Ordinance 1445, amending the light industrial district zoning to allow daycare: child care, until the December 3, 2018 meeting in order for staff to complete more research on the options for the City Council.**
- **Mr. Bennett seconded.**
- **Vote of 3 ayes and 1 nay (Stevens), motion carried.**
  
- e) Ordinance 1458: Special Use Permit for Community National Bank Sign (item was considered sixth under new business)
  - Mr. Brajkovic introduced the item.
  - **Mr. Himpel made a motion to approve Ordinance 1458, approving a special use permit for Community National Bank's sign.**
  - **Ms. Stevens seconded.**
  - **Vote of all ayes, motion carried.**
  
- f) Ordinance 1459: Adoption of Specialized and Miscellaneous Building Permit Fees (item was considered seventh under new business)
  - Mr. Porter introduced the item.
  - Mr. Himpel asked how many fees or permits would be required for a project with 2 separate excavations on a single piece of property.
  - Mr. Porter stated that he would provide that information to Mr. Himpel after confirming with the City Building Official.
  - **Mr. Bennett made a motion to approve Ordinance 1459, adopting specialized and miscellaneous building permit fees.**
  - **Mr. Himpel seconded.**
  - **Vote of all ayes, motion carried.**
  
- g) Request for Approval of Disposition of City Vehicles & Equipment (item was considered eighth under new business)
  - Mr. Brajkovic introduced the item.

- Mr. Porter described the equipment being considered for disposal and the handling of sale proceeds.
  - Mr. Oroke asked if an appraised value was available on the City property if a private or individual sale would be possible in the local community.
  - Mr. Porter noted that the use of the Purple Wave online auction site is considered more equitable and advantageous to the City in the recovery of maximum value for assets and its objectivity helps protect the City from even the appearance of any impropriety.
  - **Mr. Bennett made a motion to authorize the disposition of a 2005 Ford F-250 Super Duty Truck, a 1997 Chevy C8500 Dump Truck and a 1984 Chevy 4x4 Pickup, along with fire department equipment including a motor and 6 tires.**
  - **Mr. Himpel seconded.**
  - **Vote of all ayes, motion carried.**
- h) Request for Approval of Payment to Jefferson County Sheriff's Office (item was considered ninth under new business)
- Mr. Brajkovic introduced the item.
  - **Ms. Stevens made a motion to approve a payment to the Jefferson County Sheriff's Office in an amount not to exceed \$5,250.**
  - **Mr. Oroke seconded.**
  - **Vote of all ayes, motion carried.**
- i) City Manager Agenda
1. October Monthly Budget Report
- Mr. Brajkovic noted that the October Monthly Budget report would be delivered to the City Council on the December 3, 2018 City Council meeting.
  - 2. Library Project Update (item was considered second under new business)
    - Mr. Brajkovic introduced the item and noted that Curtis Golba (JE Dunn), Nicole Holifield (Library Director) and Michelle Kaiser representing the Library Board were present for the update to the City Council.
    - A joint presentation was delivered to the City Council describing initial design considerations and upcoming steps in the project implementation.

j) City Attorney Agenda

k) Mayor Pro Tem Agenda

l) City Council Agenda (item was considered tenth under new business)

    - Mr. Oroke thanked all volunteers who worked to help make the Mayor's Tree Lighting event a success.
    - Ms. Stevens described the inaugural Tonganoxie Business Expo as a success and thanked all participants and visitors.
    - Mayor Ward commented on the outstanding Mayor's Tree Lighting event and noted his enjoyment every year. He thanked the volunteers who helped make this year's event run smoothly and provide a great benefit to the community.

m) Mayor Agenda (item was considered eleventh under new business)

    1. Executive session for the discussion of matters related to security
    - Ms. Stevens left the meeting prior to item m1.

- **Mr. Himpel made a motion at 8:58 PM to recess the City Council into executive session to discuss facility security pursuant to the discussion matters related to security exception, K.S.A. 75-4319 (b) (12). The open meeting will resume in the City Council chambers after 15 minutes at 9:13 PM. The executive session will include the governing body, City Manager, City Attorney, Police Chief, and Assistant City Manager.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- ...
- **Mr. Himpel made a motion at 9:13 PM to return from executive session and noted that no action was taken.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**

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

## **VIII. ADJOURN**

- **Mr. Himpel made a motion to adjourn the meeting.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 9:14 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager



City of Tonganoxie, KS

# Check Report

By Check Number

Date Range: 11/15/2018 - 11/29/2018

| Vendor Number                     | Vendor Name                           | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|-----------------------------------|---------------------------------------|--------------|--------------|-----------------|----------------|--------|
| <b>Bank Code: AP Bank-AP Bank</b> |                                       |              |              |                 |                |        |
| 0015                              | ALL SEASONS CAR WASH                  | 11/15/2018   | Regular      | 0.00            | 111.06         | 45594  |
| 0937                              | ARROWHEAD FORENSICS                   | 11/15/2018   | Regular      | 0.00            | 217.10         | 45595  |
| 0053                              | BJ TAYLOR                             | 11/15/2018   | Regular      | 0.00            | 450.00         | 45596  |
| 0922                              | BORDER STATES INDUSTRIES              | 11/15/2018   | Regular      | 0.00            | 123.52         | 45597  |
| 0070                              | BROTHER' S MARKET                     | 11/15/2018   | Regular      | 0.00            | 291.41         | 45598  |
| 0099                              | CITY OF LEAVENWORTH                   | 11/15/2018   | Regular      | 0.00            | 170.00         | 45599  |
| 0115                              | CONRAD FIRE EQUIPMENT, INC.           | 11/15/2018   | Regular      | 0.00            | 344.99         | 45600  |
| 0131                              | DATA TECHNOLOGIES                     | 11/15/2018   | Regular      | 0.00            | 2,291.55       | 45601  |
| 0938                              | E2 EMBROIDERY & SCREEN PRINTING       | 11/15/2018   | Regular      | 0.00            | 618.00         | 45602  |
| 0166                              | EMERGENCY REPORTING                   | 11/15/2018   | Regular      | 0.00            | 181.33         | 45603  |
| 0813                              | FREESTATE ELECTRIC COOPERATIVE        | 11/15/2018   | Regular      | 0.00            | 1,748.00       | 45604  |
| 0225                              | HAMM INC                              | 11/15/2018   | Regular      | 0.00            | 324.50         | 45605  |
| 0348                              | KBI                                   | 11/15/2018   | Regular      | 0.00            | 2,800.00       | 45606  |
| 0757                              | KC CLEAN                              | 11/15/2018   | Regular      | 0.00            | 300.00         | 45607  |
| 0372                              | KS DEPT HEALTH & ENVIRONMENT          | 11/15/2018   | Regular      | 0.00            | 20.00          | 45608  |
| 0426                              | LEAVENWORTH COUNTY SHERIFF OFFICE     | 11/15/2018   | Regular      | 0.00            | 275.00         | 45609  |
| 1007                              | LEAVENWORTH PAPER & OFFICE SUPPLY LLC | 11/15/2018   | Regular      | 0.00            | 171.98         | 45610  |
| 0429                              | MARC                                  | 11/15/2018   | Regular      | 0.00            | 294.00         | 45611  |
| 0857                              | MIDCONTINENT COMMUNICATIONS           | 11/15/2018   | Regular      | 0.00            | 354.17         | 45612  |
| 0477                              | NAVRATS                               | 11/15/2018   | Regular      | 0.00            | 142.90         | 45613  |
| 0959                              | OFFICE OF THE KANSAS STATE TREASURER  | 11/15/2018   | Regular      | 0.00            | 1,146.50       | 45614  |
| 1002                              | PRAIRIE FIRE SIGNS AND GRAPHICS       | 11/15/2018   | Regular      | 0.00            | 644.98         | 45615  |
| 0542                              | QUILL                                 | 11/15/2018   | Regular      | 0.00            | 50.84          | 45616  |
| 0579                              | SECURITY BENEFIT - 457                | 11/15/2018   | Regular      | 0.00            | 2,556.92       | 45617  |
| 0603                              | SPRINGSTED INCORPORATED               | 11/15/2018   | Regular      | 0.00            | 1,000.00       | 45618  |
| 1016                              | 1866 Bar & Grill                      | 11/29/2018   | Regular      | 0.00            | 327.75         | 45619  |
| 0001                              | 911 CUSTOM                            | 11/29/2018   | Regular      | 0.00            | 572.38         | 45620  |
| 0896                              | BETTY KIRBY                           | 11/29/2018   | Regular      | 0.00            | 305.02         | 45621  |
| 0056                              | BLUE CROSS AND BLUE SHIELD            | 11/29/2018   | Regular      | 0.00            | 31,596.13      | 45622  |
| 0057                              | BLUE TARP FINANCIAL, INC.             | 11/29/2018   | Regular      | 0.00            | 992.95         | 45623  |
| 0707                              | DIANE BRETTHAUER                      | 11/29/2018   | Regular      | 0.00            | 97.77          | 45624  |
| 0938                              | E2 EMBROIDERY & SCREEN PRINTING       | 11/29/2018   | Regular      | 0.00            | 960.00         | 45625  |
| 0189                              | FIRST STATE BANK & TRUST              | 11/29/2018   | Regular      | 0.00            | 1,507.24       | 45626  |
| 0824                              | IBT INC                               | 11/29/2018   | Regular      | 0.00            | 29.56          | 45627  |
| 0258                              | ICE MASTERS                           | 11/29/2018   | Regular      | 0.00            | 140.00         | 45628  |
| 1019                              | Jefferson County Sheriff's Office     | 11/29/2018   | Regular      | 0.00            | 5,250.00       | 45629  |
| 0059                              | Kansas City Board of Public Utilities | 11/29/2018   | Regular      | 0.00            | 15,446.72      | 45630  |
| 0348                              | KBI                                   | 11/29/2018   | Regular      | 0.00            | 2,000.00       | 45631  |
| 0393                              | LAWRENCE MEMORIAL HOSPITAL            | 11/29/2018   | Regular      | 0.00            | 30.00          | 45632  |
| 0409                              | LEXIPOL LLC                           | 11/29/2018   | Regular      | 0.00            | 3,982.00       | 45633  |
| 0410                              | LIBERTY NATIONAL                      | 11/29/2018   | Regular      | 0.00            | 224.71         | 45634  |
| 0414                              | LINK-LITE NETWORKING, INC.            | 11/29/2018   | Regular      | 0.00            | 3,063.80       | 45635  |
| 0732                              | METLIFE - GROUP BENEFITS              | 11/29/2018   | Regular      | 0.00            | 225.34         | 45636  |
| 0857                              | MIDCONTINENT COMMUNICATIONS           | 11/29/2018   | Regular      | 0.00            | 749.65         | 45637  |
| 0470                              | MUELLER CO                            | 11/29/2018   | Regular      | 0.00            | 819.00         | 45638  |
| 0491                              | OLATHE WINWATER WORKS                 | 11/29/2018   | Regular      | 0.00            | 2,542.76       | 45639  |
| 1002                              | PRAIRIE FIRE SIGNS AND GRAPHICS       | 11/29/2018   | Regular      | 0.00            | 110.35         | 45640  |
| 1017                              | PROSEAL INC.                          | 11/29/2018   | Regular      | 0.00            | 55,270.53      | 45641  |
| 0542                              | QUILL                                 | 11/29/2018   | Regular      | 0.00            | 194.12         | 45642  |
| 0548                              | RECORDNEWS                            | 11/29/2018   | Regular      | 0.00            | 863.15         | 45643  |
| 0555                              | RICOH USA, INC.                       | 11/29/2018   | Regular      | 0.00            | 1,482.68       | 45644  |
| 0578                              | SECURITY BENEFIT                      | 11/29/2018   | Regular      | 0.00            | 338.33         | 45645  |
| 0579                              | SECURITY BENEFIT - 457                | 11/29/2018   | Regular      | 0.00            | 2,556.92       | 45646  |
| 1018                              | UNITED RENTALS                        | 11/29/2018   | Regular      | 0.00            | 628.44         | 45647  |

Check Report

Date Range: 11/15/2018 - 11/29/2018

| Vendor Number | Vendor Name         | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---------------|---------------------|--------------|--------------|-----------------|----------------|--------|
| 0651          | USA BLUE BOOK       | 11/29/2018   | Regular      | 0.00            | 33.43          | 45648  |
| 0656          | VERIZON WIRELESS    | 11/29/2018   | Regular      | 0.00            | 130.08         | 45649  |
| 0661          | VISION SERVICE PLAN | 11/29/2018   | Regular      | 0.00            | 402.53         | 45650  |
| 0684          | WIRENUTS            | 11/29/2018   | Regular      | 0.00            | 230.00         | 45651  |

Bank Code AP Bank Summary

| Payment Type   | Payable Count | Payment Count | Discount    | Payment           |
|----------------|---------------|---------------|-------------|-------------------|
| Regular Checks | 67            | 58            | 0.00        | 149,732.09        |
| Manual Checks  | 0             | 0             | 0.00        | 0.00              |
| Voided Checks  | 0             | 0             | 0.00        | 0.00              |
| Bank Drafts    | 0             | 0             | 0.00        | 0.00              |
| EFT's          | 0             | 0             | 0.00        | 0.00              |
|                | <b>67</b>     | <b>58</b>     | <b>0.00</b> | <b>149,732.09</b> |

### All Bank Codes Check Summary

| Payment Type   | Payable Count | Payment Count | Discount    | Payment           |
|----------------|---------------|---------------|-------------|-------------------|
| Regular Checks | 67            | 58            | 0.00        | 149,732.09        |
| Manual Checks  | 0             | 0             | 0.00        | 0.00              |
| Voided Checks  | 0             | 0             | 0.00        | 0.00              |
| Bank Drafts    | 0             | 0             | 0.00        | 0.00              |
| EFT's          | 0             | 0             | 0.00        | 0.00              |
|                | <b>67</b>     | <b>58</b>     | <b>0.00</b> | <b>149,732.09</b> |

### Fund Summary

| Fund | Name                 | Period  | Amount            |
|------|----------------------|---------|-------------------|
| 998  | Gen Fund-Pooled Cash | 11/2018 | 149,732.09        |
|      |                      |         | <b>149,732.09</b> |



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** December 03, 2018  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** George Brajkovic, City Manager  
**SUBJECT:** UTV Discussion Materials

**DISCUSSION:**

City staff presented information gathered about UTVs and the regulatory environment in the City of Tonganoxie and other communities to the City Council at the November 5, 2018 meeting.

**cc:** Shannon Marcano, City Attorney  
Dan Porter, Assistant City Manager

# UTV Discussion



CITY COUNCIL MEETING

DECEMBER 3, 2018



# What is an UTV?



**ATV**



**VS**

**UTV**



**What is an ATV? – All Terrain Vehicle.**

Also known as a four wheeler, a quad, quad bike, three-wheeler, or quadricycle.

*You sit on top and straddle the motor.*

**What is a UTV?**

Utility Vehicle or **Utility Task Vehicle** also know as a **Side by Side (SxS)**.

These are also called ROV (recreational off-highway vehicle), or a MOHUV (multipurpose off-highway utility vehicle).

*You sit beside each other in your own seat.*

# UTV features



- Use of seat belt or harness and cover with a roll bar
- Cargo holding area
- Doors, roof and windshield (if installed)

Yamaha Wolverine  
EPS



Honda Pioneer 700



Arctic Cat Wildcat  
Sport Limited EPS



Can Am Commander



Polaris RZR 900 Trail



# Current City Code



## 14-204 OPERATION OF WORK-SITE VEHICLES AND MICRO UTILITY VEHICLES

### (1) WORK-SITE VEHICLES

- (a) It shall be unlawful for any person to operate a work-site utility vehicle:
- (1) On any interstate highway, federal highway, or state highway; or
  - (2) Within the corporate limits of any city unless authorized by such city

14-4

### (c) Operation

- (1) Work-site utility vehicles are restricted from work-site to work-site by the most direct route. Work-site utility vehicles may operate upon the public highway, streets, roads and alleys within the corporate limits of the City of Tonganoxie, to get from work-site to work-site.
- (4) No work-site utility vehicle shall be operated on any public highways, streets, roads, and alleys within the corporate limits of the City of Tonganoxie, with posted speed limits greater than 30 miles per hour; provided, however, that provisions of this subsection shall not prohibit a work-site utility vehicle from crossing any public highways, streets, roads and alleys within the corporate limits of the City of Tonganoxie with posted speed limits greater than 30 miles per hour.

# What are other similar Communities doing?



| City             | State | Population | Year Approved    | Permit Fee | Allowed |
|------------------|-------|------------|------------------|------------|---------|
| Parkville        | MO    | 6,500      | March 15, 2012   | \$50       | GC      |
| Nickerson        | KS    | 1,000      |                  | \$15       | GC      |
| Clyde            | KS    | 700        | January 14, 2010 | N/a        | GC      |
| Kanopolis        | KS    | 500        | June 7, 2018     | \$25       | GC&ATV  |
| McClouth         | KS    | 900        |                  | N/A        | UTV     |
| South Hutchinson | KS    | 2,500      | June 20, 2011    | \$50       | GC      |
| Paola            | KS    | 5,600      | October 27, 2009 | N/A        | GC      |

## Not Allowed/No Ordinance:

Eudora

DeSoto

Spring Hill

Basehor



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** December 3, 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 and continued again from the November 19, 2018 City Council meeting for further staff research.

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:**

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

**cc:** Shannon Marcano, City Attorney



## City of Tonganoxie, Kansas

---

### PLANNING STAFF REPORT

---

**Case#:** 2018-008A

**Date of Report:** September 14, 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.

---

**SUMMARY:**

The Planning Commission considered an amendment to the Zoning District Use Table at its July meeting. The amendment would allow Day Care Centers as a principle use in the I-LT Light Industrial District. After a staff presentation and discussion, the Commission recommended approval of a proposed amendment to update. The City Council discussed this recommendation, had concerns over this use and asked for more information from planning staff.

**BACKGROUND:**

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.

Based on the structure of the Tonganoxie Zoning Ordinance uses and districts, and based on an analysis of all of the existing contexts around the I-LT zoning districts, staff recommended approval of the amendment. This was specifically based on the following:

- The City has three tiers of industrial districts, and the I-LT is the least intensive in both intent, allowed uses, and development standards.
- The I-LT district allows many other commercial and institutional uses that would have the same level of public interaction and access as a Day Care Center.
- A day care center could be a complimentary use to some of the employment-oriented uses allowed in the I-LT district.
- Any potential impacts from other uses that could be allowed in the I-LT district are required by the district standards to not be evident or have any impacts beyond the property boundaries.
- The specific context of the original inquiry would be appropriate for the proposed use.
- Other instances of I-LT zoning do not present any conditions, adjacencies or other situations that present planning or land use concerns any different than other allowed uses.
- The health and safety issues associated with day care uses are addressed through the City's building code and permitting process, and requirements for licensing through the Kansas Department of Health and Environment (KDHE).

In surveying other City's zoning ordinances and comparable zoning districts resulted in the following:

- Gardner, KS – allowed use
- North Kansas City, MO – allowed only as an accessory use to a business.
- Basehor, KS – allowed only through planned district
- Leavenworth, KS – not allowed
- Lansing, KS – not allowed
- Kansas City Kansas – allowed use
- Parkville, MO – allowed use
- Lawrence, KS – allowed use
- Shawnee, KS – allowed as planned district or through special use permit
- Bonner Springs, KS – not allowed

An inquiry to KDHE regarding any concerns on licensing a facility in this zoning districts would be property specific in looking at potential hazards based on the state fire marshals review. Typical concerns that may arise include very close proximity to hazardous and combustible materials, and other site-specific concerns with respect to outside play areas that are typically checked with specific licenses.

More detailed information on the extent of these reviews can be found in the KDHE forms:

[http://www.kdheks.gov/bcclr/application\\_packets\\_and\\_forms/child\\_care/Instructions\\_for\\_CCL\\_301.pdf](http://www.kdheks.gov/bcclr/application_packets_and_forms/child_care/Instructions_for_CCL_301.pdf)



---

Chris Brewster  
Contract City Planner

## PLANNING COMMISSION MEETING 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

**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 6, 2018, for consideration and was continued with a request for additional information from staff; and

WHEREAS, the Planning Commission’s recommendation & additional research from staff was presented to the Governing Body at its regularly scheduled meeting on November 19, 2018, for consideration; and

WHEREAS, the Planning Commission’s recommendation & additional research from staff was presented to the Governing Body at its regularly scheduled meeting on December 3, 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-SF     | 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 (S) | X (S) | X (S) |     | X (S) | X<br>(S) | X   | X   | X     | X  | X   | 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         |

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 3rd day of December, 2018.

**APPROVED** by the Mayor this 3rd day of December, 2018.

**SEAL**

---

Jason K. Ward, Mayor

ATTEST:

---

Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

---

Shannon M. Marciano, City Attorney



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** December 03, 2018  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** George Brajkovic, City Manager  
**SUBJECT:** Request to Approve Purchase of Utility Rate Study Analysis

**DISCUSSION:**

To adequately fund operation of our utilities, build and maintain reserves, fund capital improvements and related debt service, and establish rates that are fairly structured for ratepayers, we need to analyze our rates and fees, set them appropriately and periodically reset them. In reviewing files, and speaking with tenured City staff, it has been well over a decade since the City has invested in the services of a third party to adequately perform an Utility Rate Study Analysis.

The goals of performing a Utility Rate Study Analysis should include the following:

1. We will discover at what level our utilities need to be funded to accomplish needed system development, refurbishment, repair, maintenance and operation.
2. We will have the “proof” we need to convince council members, ratepayers and property owners why rates and fees should be set as modeled.
3. We will have the “proof” you need to show funding agencies and the lending market why our systems deserve the grants, loans and loan terms we desire.
4. We will successfully comply with our permit to dispense water, NPDES permit and other requirements from the regulatory agencies.

Staff initially reached out to the Kansas Rural Water Association (KWRA) with an interest to explore their free basic review thru the “Rate, Analysis & Training for Environmental Systems” (RATES) program. Due to the complex nature of our systems, they recommended we use Carl Brown, with GettingGreatRates.com, who serves as the rate analyst service for the Kansas RATES program. Since Tonganoxie is also a member system of KWRA, we qualify for a 25% discount on all fees, and that discount is reflected in the proposal below:

- **Service package 1**, water rate analysis – full fee of \$7,703, less the Kansas RATES Program 25 percent discount of \$1,926 yields a **net fee of \$5,777**
- **Service package 2**, sewer rate analysis – full fee of \$7,703, less our multi-study discount of \$1,155, and less the Kansas RATES Program discount of \$1,637 yields a **net fee of \$4,911**
- **Service package 3**, on-site visits – \$887, less the Kansas RATES Program discount of \$222 yields a **net fee of \$665 per visit**

If we choose service packages 1, 2 and one visit from package 3, the group of services we most likely need, the total investment will be **\$11,353**, including total multi-study and Kansas RATES Program discounts of \$3,784.

**BUDGET IMPACT:**

\$11,353 to be paid from the Water Ops Fund and Sewer Ops Fund.

**MOTION REQUESTED:**

Make a motion to authorize purchase of the utility rate study analysis for an amount not to exceed \$11,353.

**ATTACHMENTS:**

**cc:** Kent Heskett, Public Works Director  
Shannon Marcano, City Attorney  
Dan Porter, Assistant City Manager

## Proposal for Water and Sewer Rate Analyses City of Tonganoxie, Kansas

### **Purpose and Need**

This proposal describes the need, responsibilities, timing, investment and other issues for rate analyses (later referred to as “analyses”) of the water and sewer utilities for the City of Tonganoxie, Kansas (later referred to as “you”). These analyses will be performed by GettingGreatRates.com (later referred to as “I”). To adequately fund operation of your utilities, build and maintain reserves, fund capital improvements and related debt service, and establish rates that are fairly structured for ratepayers, you need to analyze your rates and fees, set them appropriately and periodically reset them. The services proposed are intended to support you as you satisfy those needs.

### **Expected Results**

With completion of the analyses:

1. You will discover at what level your utilities need to be funded to accomplish needed system development, refurbishment, repair, maintenance and operation.
2. You will have the “proof” you need to convince council members, ratepayers and property owners why rates and fees should be set as modeled.
3. You will have the “proof” you need to show funding agencies and the lending market why your systems deserve the grants, loans and loan terms you desire.
4. You will successfully comply with your permit to dispense water, NPDES permit and other requirements from the regulatory agencies.

### **Firm Revenues, Qualifications and References**

One-hundred percent of the firm’s revenues come from rate analysis and related work. Visit [gettinggreatrates.com/ggr/freebies/ReferenceList.pdf](http://gettinggreatrates.com/ggr/freebies/ReferenceList.pdf) and see the attached for detailed qualifications and references. The list includes all rate analysis clients since 2013. GettingGreatRates.com has one office in Jefferson City, Missouri but we operate nation-wide.

Carl Brown, President, will perform all analysis work for this project. He has been doing rate analysis work since 1993. For most of that time he has also been teaching practitioners all over the U.S. on rate analysis and rate setting, writing the rate setting book called, “How to Get Great Rates” and designing rate analysis software.

Jacki Hicks, the firm's Vice-president, will likely assist in these analyses by doing data testing and data input. Ms. Hicks prepares analysis models, especially those for analyses that require databases. Ms. Hicks has approximately 23 years of experience in accounting, financial assurance and complex spreadsheet and database design. Seven of those years have been devoted to utility rate analysis.

GettingGreatRates.com serves as the rate analyst for the Kansas RATES Program <https://krwa.net/TECHNICAL-ASSISTANCE/Rate-Reviews>. Kansas Rural Water Association (KRWA) member systems qualify for a 25 percent discount on all fees. The Association verified that Tonganoxie is a member system of KRWA, therefore, you qualify for this discount.

You may expect your analysis results package to look much like the rate analysis report package attached and others that can be found at the bottom of this Webpage <https://gettinggreatrates.com/freebies/freebies.shtml>.

### **Form of Agreement**

This proposal and your acceptance (probably by e-mail message) of one or more service packages is all the agreement I need. Nearly all my clients acquire my services this way. However, if you prefer to attach a cover "letter of agreement" or signature page to this proposal, you are welcome to do so.

### **Guarantee**

**If you are not satisfied with our work, don't pay us.**

Details: If you are unsatisfied with our work, simply tell me about it. I will do my best to make it right by you. If I still am not able to satisfy you, notify me by mail or e-mail. I will cease the services in question at that point, you will owe me nothing for those services and I will refund any payments you may have already made for those services.

This has been my guarantee policy from the day the company was formed. No client has invoked this guarantee to date and I don't plan to have you be the first.

### **Scope of Services That You May Select or Decline, at Your Option**

The following service packages are intended to satisfy your rate analysis and rate setting needs.

- Service package 1 is analysis of your water utility's user charge and other fee adjustment needs. Analysis will include output from modeling of your current financial situation and, perhaps, several proposed rate scenarios that depict rate structures and other variables you may want to consider. All potentially productive scenarios that you or I conceive of will be modeled and reported to you.
- Service package 2 is the same as service package 1, except it is for the sewer utility.
- Service package 3 is for on-site visits. Each visit will be one instance of this service package. (I generally recommend one on-site visit to present the completed analyses and recommendations and to answer questions at a public council meeting. That is especially useful when I analyze more than one utility, or the analyses and rate adjustments are complex.)

You may add or drop service packages at any time.

### **Approach and Timeline**

For most of my clients, rate analysis and eventual rate adjustments take about six months from start to finish. That is mainly because clients must gather data for the analysis and make some interim decisions as the project proceeds – that takes time. Completion time is only slightly affected by my workload. Generally, we are able to move analyses along almost as fast as data and guidance are available. If we start soon and you are able to gather data very quickly, we can have your analyses and report done by January 1, 2019.

Most analyses include the same basic elements, but they do not necessarily get completed in the same order. And, each situation calls for special considerations and treatments. However, your project will likely proceed approximately as follows:

1. I will call your contact person, probably the day I am notified that I will be doing the analyses, to discuss data needs and get the contact started on initial data retrieval.
2. Your staff will assemble and send to me data and information, most of which is described in the “Data Needs Sheet,” attached. I will guide your staff through the entire process. Where data is missing, I will create estimates or help you to create estimates. Initial data retrieval will be accomplished early on, preferably within a few weeks. But, some data will be acquired throughout the project.
3. I will analyze this data and information and build your rate analysis models.
  - a. Coordinating with your contact, I will target a set of goals ten years in the future. These will include, at least, covering all costs, including capital improvements over that time period, and building appropriate reserves.
  - b. I will model rates on a “cost-to-serve” basis to satisfy those goals. You may request other structures and I will model those, as well.
  - c. Key model building will probably be completed about three months into the project, if you collect data quickly. Some modeling will continue through nearly the end of the project.
  - d. Once models have been built, “what-if” scenarios will be run to find the optimum mix of rate and fee levels and structures, capital improvement funding options, reserve levels, etc. to suit the needs of your utilities.
4. During the last half of the project I will examine as many scenarios of your possible future as it makes sense. I will share with you all that are potentially useful.
5. You will likely choose to consider adopting rates and funding levels from the one or two most promising scenarios for each utility.

6. Final output will include a cover letter, a narrative report of my findings and recommendations and copies of the analysis scenarios that interest you.
  - a. The project is “complete” when you say it is. Until then, I will reanalyze and issue supplemental reports until you are satisfied.
7. If you choose the on-site visit service package, I will present my final analysis results and recommendations to your council in person. While there I would also like to meet with staff to discuss how to make needed changes to billing, equipment replacement scheduling and any other administration or operational issues that are discovered.
8. As you draft proposed amendments to your ordinances and budgets to make the rate, fee and other changes, at your request I will review those changes to assure that they will accomplish what you intend to accomplish.
9. The council will pass ordinance amendments to set new rates and fees and make budget revisions and other changes. From this point forward, your utilities will be headed to a better financial future.

### **Work Coordination and Contacts**

Generally, I will only communicate with your designated contact(s) about the analysis.

There are degrees of exceptions:

1. I keep KRWA informed of my activities through the RATES Program. Therefore, I copy them on proposals, invoices, rate analysis reports and similar importance level communications. But, I have an understanding with them that they will not divulge to others, information I share with them. Other than, perhaps, using your project as a teaching example, they have little call for discussing your situation anyway.
2. It is rarely, but sometimes, beneficial for me to contact funding or permitting agencies, and similar entities, about funding options and such. But, I would discuss that with your contact first.
3. On occasion, a ratepayer, developer or someone else who would be affected by new rates will call or e-mail me direct. In those situations, I speak courteously with people and give them general information about how I perform analysis and the like. But, I do not divulge important specific information about the client’s analyses. I leave that up to the client. I apply Point Number 3 above to council members, staff and other people who are not designated contacts but who are concerned about the rate analysis or they want to “guide” the analysis even though they are not one of my contacts.

Early on you will probably designate your finance director and public works director or delegated staff to be my contacts. This stage is primarily a data gathering and modeling function. When we progress to the reporting out stage you may want to also designate a policy-related staff person or governing member as I prepare rate, fee and proposed policy action recommendations.

I sum up my contacts policy like this. You are my client. I work for you. When I give my work product to your designated contact, it becomes your property and no one else's until you make it public.

### **Use of Electronic Technology**

I do almost all analysis work electronically and remotely, receiving and sharing data and information by e-mail attachment. I prefer to receive numerical data in a spreadsheet format and textual material in a word processor format, but we can work with other formats, too. When I return material to you that you need to manipulate further, such as a revised ordinance, I will return it electronically in a format you can conveniently use. You will receive my analysis reports, the analyses and my recommendations electronically as PDF documents.

### **Investment**

Because Tonganoxie is a member system of KRWA, you qualify for the 25 percent Kansas RATES Program discount. Therefore, following are your complete investments for my services, materials and travel costs, based upon the service descriptions above:

- **Service package 1**, water rate analysis – full fee of \$7,703, less the Kansas RATES Program 25 percent discount of \$1,926 yields a **net fee of \$5,777**
- **Service package 2**, sewer rate analysis – full fee of \$7,703, less our multi-study discount of \$1,155, and less the Kansas RATES Program discount of \$1,637 yields a **net fee of \$4,911**
- **Service package 3**, on-site visits – \$887, less the Kansas RATES Program discount of \$222 yields a **net fee of \$665 per visit**

**If you choose service packages 1, 2 and one visit from package 3, the group of services you most likely need, the total investment will be \$11,353, including total multi-study and Kansas RATES Program discounts of \$3,784.**

Once the project gets started you may add or drop service packages as your needs become clearer.

### **Proposal Acceptance**

This proposal is effective through December 31, 2019, if you choose at least one service package by November 1, 2018. Once you tell me what service packages you desire, and you provide data to work with, I will immediately start to produce the analyses.

Promptly given the data I need, there is no good reason why I cannot complete the analysis part of the project by January 1, 2019.

**Action item: If you accept this proposal call me to tell me what services you desire. Or, give me the same information in writing by e-mail message.**

### Payment

I will first invoice you the day of, or perhaps the day after I am notified you want me to do the analyses. In that invoice you will have the opportunity to pre-pay (make payment by the 30-day due date) and capture an additional 2.5 percent pre-payment discount. **For packages 1, 2 and one visit from package 3, that discount would amount to \$284.**

If you choose not to pre-pay (about two-thirds of my clients select that option), I will re-invoice you for one-half of the project dollar amount after 90 days from proposal acceptance and the balance when I submit the final report package. You shall promptly pay the full amounts of those invoices. If you request and pay for services but later cancel those services, I will refund those fees to you. If I cancel any services in this proposal (I have yet to do such a thing), you will owe me no fees for those services and I will refund any fees you have already paid for those services.

### In Closing

I am looking forward to the opportunity to conduct your rate analyses, so you can get your utility rates and finances set on an excellent course.

Best regards,  
GettingGreatRates.com



Carl E. Brown  
President



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** December 03, 2018  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Greg Lawson, Police Chief  
**SUBJECT:** Request to Amend 2018 Police Equipment Fund Budget and Approval to Purchase Police Facility Security Improvements

**DISCUSSION:**

City staff recently completed an assessment of operating procedures and physical equipment in the Police Department building and identified several opportunities to make improvements. One important item is an updated system to log and record evidence and other property stored at the Police Department building located at 128 E. 6<sup>th</sup> Street. In order to complete regular and thorough audits of property it is necessary to have a modern and capable inventory system in place.

After assessing the current procedures and completing a survey of the technology utilized by surrounding agencies, staff propose acquiring the Progressive Micro technology, Inc. (PMI) Evidence Tracker system. This system allows officers to log in evidence on a computer, print an associated label, and utilize a bar code scanner to assign a numerical storage space. Thereafter, evidence can be quickly located in the data base and subsequently retrieved for court or disposal. Checking evidence in or out is straightforward, with the custodian simply scanning the bar code to memorialize the chain of custody (a log of where the evidence went). The system is intuitive and can be programmed to meet the needs of any police department. It also includes a function that will instruct custodians to randomly conduct audits of property such as cash, guns, and narcotics. The expectation is that this system will be a long-term solution to the needs of property management.

A budget amendment in the Police Equipment Fund is also requested. The City Council recently authorized the purchase of a Police vehicle for \$20,000 to replace the loss of another vehicle from the City fleet, and the purchase was almost entirely funded by insurance proceeds which were deposited into the Police Equipment Fund. This transaction, though making a minor impact to the cash balance available in the equipment fund, did nearly exhaust the level of expenditure authority approved by the City Council in the development of the 2018 budget. The Fund is currently anticipated to have a fund balance of approximately \$33,000, so the authorization for up to \$6,000 in additional expenditures should reduce the fund balance to a level of no less than \$27,000. The Police Department also plans to utilize existing budget authority to acquire several other items of lesser value that were identified in the assessment.

**BUDGET IMPACT:**

Anticipated reduction in fund balance to approximately \$27,000 in the Police Equipment Fund. This fund is utilized for equipment purchases related to the Police Department, including those associated with grant reimbursement like ballistic vests.

**ACTION NEEDED:**

Make a motion to amend the Police Equipment Fund 2018 budget from \$25,000 to \$31,000 and authorize staff to purchase the PMI Evidence Tracker System in an amount not to exceed \$2,700.

**ATTACHMENTS:**

PMI Evidence Tracker Quote

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



November 30, 2018

**TO: Tonganoxie Police Dept.**  
**Attn: Chief Greg Lawson**  
 128 E. 6th Street  
 Tonganoxie, KS 66086  
 Tel: (913) 369-3754

**FROM: John Alex**  
 jalex@scanpmi.com  
 Tel: 904-797-1050  
 Toll: 800-325-7636  
 Fax: 904-797-6100

Quote # JAR1130181525  
 Pages in Quote: 2

Dear Greg,

Thank you for giving PMI the opportunity to quote you on your bar-coding needs. We appreciate the fact that you are interested in our PMI Evidence Tracker™ system. I am pleased to offer our **PMI Evidence Tracker™ Basic** package, which is a complete system; that includes evidence and asset management software, Barcode Printer, labels, ribbons, barcode scanner with cable, a two-user license, one year of tech supports including updates plus free shipping. You will also find pricing for renewing the service agreement and the cost of additional labels and ribbon. The pricing, herein, is good through January 30, 2019.

| <u>Qty.</u>       | <u>Product/Description</u>   | <u>Your Price</u> |
|-------------------|--|-------------------|
| 1 pkg.            | <b>PMI Evidence Tracker™ Basic (SoPMI-ET7-B)</b><br>Includes PMI Evidence Tracker™ Software, Asset Management Module, one corded Barcode Scanner with USB Cable, one Zebra Barcode Printer with USB Cable, one Evidence Label Kit (1000 Labels), one Asset Label Kit (2000 Labels) and one Roll Shelf Labels (1450 Labels). Includes Installation Support, one year of the Technical Service with Updates, <u>Two User License</u> , plus <u>Free Shipping</u> . | <b>\$2450.00</b>  |
| 1 ea.             | <b>Web Based Training</b> – Includes two hours of training through the internet.<br>Two hours of web training for your program administrator(s) to include the following: software overview, system setup, admin security, customizing evidence screen, entering evidence, checking evidence in/out, creating reports, conducting a physical inventory, and creating short cuts that save time and effort, etc. Must have ability to utilize go-to-meeting.      | <b>\$ 250.00</b>  |
| <b>Total Cost</b> |  | <b>\$2,700.00</b> |

Unless otherwise stated herein, all prices are in U.S. dollars, FOB Saint Augustine, Florida and do not include import duties or any other fee associated with the sale and shipping of your purchase. For your convenience, unless otherwise discussed and put into writing by the parties, PMI accepts MasterCard, Visa, AMEX, COD, pre-payment by wire transfer (only method for international sales), and Net-30 terms with approved credit. If you have any questions, concerns, or comments, please feel free to contact me at any time. I certainly hope that we may do business together and I appreciate you giving PMI the opportunity to work with you on this project.

Sincerely,



John Alex

