



*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 January 7, 2019

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

VI. New Business

- a) Resolution 02-19-01: Referral Agreement between the City of Tonganoxie and School Yard Townhomes, LP
- b) Resolution 02-19-02: Approving Request for Waiver of Pet License Fees in Conjunction with Rabies and Micro Chipping Event
- c) Consider Approval of 2019 Funding for Tonganoxie Business Association
- d) Ordinance 1462: Approval of Special Use Permit for Casey's Sign Located at 500 West St
- e) Ordinance 1445: Amending the Light Industrial District Zoning Ordinance to allow Daycare: Child Care Center (or) Preschool
- f) Discussion of 2019 City Sponsored Events
- g) City Manager Agenda
 - 1. Presentation of 2019 Budget Book
 - 2. Q4 2018 Financial Report
 - 3. RFP Update
 - 4. Library Project Update
- h) City Attorney Agenda
- i) Mayor Pro Tem Agenda
- j) City Council Agenda

k) Mayor Agenda

1. Executive session pursuant to the preliminary discussion of the acquisition of real property
2. Executive session pursuant to the discussion of personnel matters of non-elected personnel

VII. Information & Communications (No Action Required)

VIII. Adjourn

City Council Meeting Minutes
January 7, 2019
7:00 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 Mr. Bennett, Ms. Stevens, Mr. Himpel, and Ms. Patterson. Mr. Oroke was absent. City Manager George Brajkovic, City Attorney Shannon Marcano, and Assistant City Manager Dan Porter were also in attendance.
- Mayor Ward led the Pledge of Allegiance.

II. Approval of Minutes – Regular meeting dated December 17, 2018

- **Mr. Himpel made a motion to approve the minutes from the December 17, 2018 City Council meeting.**
- **Mr. Bennett seconded.**
- **Vote of all ayes, motion carried.**

III. Consent Agenda

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

- No members of the public addressed the City Council during the open agenda period.

V. Old Business

VI. New Business

- a) Resolution 01-19-01: Landscape Design Documents Agreement with GBA Architects and Engineers for the Tonganoxie Business Park
- Mr. Brajkovic introduced the item and delivered a presentation on the history of the development activities at the Tonganoxie Business Park.
- **Mr. Bennett made a motion to approve Resolution 01-19-01, approving an agreement for additional landscape design services at the Tonganoxie Business Park.**
- **Ms. Stevens seconded.**
- **Vote of all ayes, motion carried.**
- b) Consider Approval of Funding for the League of Kansas Municipalities 2019 Annual Dues
- Mr. Porter introduced the item and provided background on the services of the League of Kansas Municipalities.
- **Ms. Patterson made a motion to approve payment of the 2019 League of Kansas Municipalities Membership Fee.**
- **Ms. Stevens seconded.**

- **Ms. Patterson amended her motion to approve payment of the 2019 League of Kansas Municipalities Membership Fee in an amount not to exceed \$2,856.75.**
 - **Ms. Stevens amended her second.**
 - **Vote of all ayes, motion carried.**
- c) Ordinance 1461: Approval of Final Plat for Stone Creek Subdivision Phase #8.
- Mr. Brajkovic introduced the item.
 - Chris Donnelly addressed the City Council as the applicant and relayed his conversations with the City Public Works Director, which resulted in the adjustment to move one connection from underneath the street and created two additional manholes.
- **Mr. Himpel made a motion to approve Ordinance 1461, approving the final plat for Stone Creek Subdivision Addition 8 with conditions recommended by staff and accepting the dedication of land for public purposes. Conditions included:**

Engineering

- 1) Contingent on the City Engineer's review and approval of construction plans for Stone Creek Addition No. 8

Planning

- 1) Compliance with any recommendations of the City Engineer review.
- 2) An address plat must be submitted meeting the Tonganoxie Street Naming and Addressing Policy be submitted to the City prior to recording of the final plat.
- 3) All proposed improvements shall include a performance bond or irrevocable letter of credit from the applicant, approved by the City Attorney, prior to installation.
- 4) The Planning Commission's recommendation shall be forward to the City Council, and the City Council approve and accept all public improvements prior to recording the final plat.
- 5) No building permits shall be issued and no lots shall be sold until the Final Plat is recorded with the Register of Deeds of Leavenworth County.
- 6) No occupancy permits shall be issued prior to acceptance of public improvements by the City.

- **Mr. Bennett seconded.**
- **Vote of all ayes, motion carried.**

d) City Manager Agenda

1. Review Judicial Order on Electronic Media

- Mr. Brajkovic introduced the item and relayed that this administrative order falls within the Municipal Court Judge's purview and was deemed acceptable by staff.

2. Library Project Update

- Mr. Brajkovic reviewed recent progress on the Library project, which included efforts to collect public input from display boards posted at public locations and the resulting touch point planned for an upcoming meeting in February for the design elements and overall budget of the project to be presented to the City Council.

e) City Attorney Agenda

f) Mayor Pro Tem Agenda

g) City Council Agenda

h) Mayor Agenda

- Mayor Ward commented on the positive accomplishments in 2018 and wished everyone a happy new year as he looked forward to a great 2019.

VII. Information & Communications (No Action Required)

VIII. Adjourn

- **Ms. Patterson made a motion to adjourn the meeting.**
- **Mr. Bennett seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 7:40 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager

DRAFT



City of Tonganoxie, KS

My Check Report

By Check Number

Date Range: 01/06/2019 - 02/01/2019

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
630	TONGANOXIE LIBRARY BOARD	01/25/2019	Regular	0	181366.74	45871
189	FIRST STATE BANK & TRUST	01/11/2019	Regular	0	41069.3	45800
56	BLUE CROSS AND BLUE SHIELD	01/18/2019	Regular	0	31596.14	45835
250	HONEYCREEK DISPOSAL SERVICE	01/11/2019	Regular	0	26474.5	45804
51	BG CONSULTANTS INC	01/11/2019	Regular	0	20537.89	45795
59	Kansas City Board of Public Utilities	01/18/2019	Regular	0	15016.1	45841
99	CITY OF LEAVENWORTH	01/18/2019	Regular	0	5720.72	45837
462	MILLER SIGN SHOPPE	01/18/2019	Regular	0	4403	45847
671	WESTAR ENERGY	01/11/2019	Regular	0	4226.51	45831
914	LOCAL LAW, LLC.	01/11/2019	Regular	0	2950	45815
1014	The League of Kansas Municipalities	01/11/2019	Regular	0	2856.75	45827
671	WESTAR ENERGY	01/18/2019	Regular	0	2797.63	45852
579	SECURITY BENEFIT - 457	01/11/2019	Regular	0	2781.92	45824
579	SECURITY BENEFIT - 457	01/25/2019	Regular	0	2781.92	45870
641	TYLER TECHNOLOGIES	01/11/2019	Regular	0	2673.75	45829
216	GOULD EVANS PC	01/25/2019	Regular	0	2554.86	45857
642	U S POSTAL SERVICE	01/31/2019	Regular	0	2218	45876
964	KDOR - MISC TAX	01/11/2019	Regular	0	1943.51	45811
813	FREESTATE ELECTRIC COOPERATIVE	01/18/2019	Regular	0	1862	45839
491	OLATHE WINWATER WORKS	01/25/2019	Regular	0	1557.89	45867
826	ANNA WOLF	01/18/2019	Regular	0	1312.5	45832
414	LINK-LITE NETWORKING, INC.	01/25/2019	Regular	0	1291.5	45861
373	Kansas Health and Environmental Laboratories	01/11/2019	Regular	0	1232	45808
500	OREILLY AUTO PARTS	01/11/2019	Regular	0	1153.37	45820
308	KANSAS STATE TREASURER	01/11/2019	Regular	0	1069.5	45806
642	U S POSTAL SERVICE	01/11/2019	Regular	0	1067	45830
414	LINK-LITE NETWORKING, INC.	01/11/2019	Regular	0	1008	45814
641	TYLER TECHNOLOGIES	01/25/2019	Regular	0	960	45872
330	KANSAS GAS SERVICE	01/11/2019	Regular	0	940.16	45807
857	MIDCONTINENT COMMUNICATIONS	01/18/2019	Regular	0	893.54	45846
548	RECORDNEWS	01/11/2019	Regular	0	848.1	45821
995	MEBULBS	01/25/2019	Regular	0	803.88	45862
555	RICOH USA, INC.	01/11/2019	Regular	0	755.72	45822
70	BROTHER' S MARKET	01/18/2019	Regular	0	677.03	45836
30	ASBESTOS CONSULTING & TESTING	01/18/2019	Regular	0	578.6	45833
578	SECURITY BENEFIT	01/25/2019	Regular	0	552.63	45869
476	NATIONAL SIGN COMPANY INC.	01/11/2019	Regular	0	502.95	45818
254	HUBER & ASSOCIATES, INC	01/11/2019	Regular	0	500	45805
77	CARAWAY PRINTING CO., INC.	01/25/2019	Regular	0	475	45855
503	PACE ANALYTICAL SERVICES INC	01/25/2019	Regular	0	454	45868
426	LEAVENWORTH COUNTY SHERIFF OFFICE	01/11/2019	Regular	0	440	45813
651	USA BLUE BOOK	01/25/2019	Regular	0	416.67	45874
1022	Universal Chemical LLC	01/25/2019	Regular	0	415	45873
614	T-MOBILE	01/11/2019	Regular	0	404.42	45828
661	VISION SERVICE PLAN	01/25/2019	Regular	0	402.53	45875
362	KIMBALL MIDWEST	01/25/2019	Regular	0	375.63	45859
757	KC CLEAN	01/11/2019	Regular	0	360	45810
46	BAY BRIDGE ADMINISTRATORS, LLC	01/18/2019	Regular	0	357.54	45834
542	QUILL	01/18/2019	Regular	0	343.44	45848
857	MIDCONTINENT COMMUNICATIONS	01/11/2019	Regular	0	341.08	45816
243	HIMPEL LUMBER & BUILDING SUPPL	01/25/2019	Regular	0	330.58	45858
645	UNITED RENTALS, (NORTH AMERICA	01/18/2019	Regular	0	314.22	45851
886	CREATIVE PRODUCT SOURCE, INC.	01/18/2019	Regular	0	295	45838
479	NEW DIRECTIONS BEHAVIORAL HEAL	01/11/2019	Regular	0	272.34	45819

My Check Report

Date Range: 01/06/2019 - 02/01/2019

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
460	MIDWEST SINGLE SOURCE	01/25/2019	Regular	0	270	45865
224	HAMM QUARRIES & LANDFILL	01/11/2019	Regular	0	265.75	45803
330	KANSAS GAS SERVICE	01/18/2019	Regular	0	264.88	45842
589	SMITH & LOVELESS INC	01/11/2019	Regular	0	235	45825
393	LAWRENCE MEMORIAL HOSPITAL	01/11/2019	Regular	0	228	45812
732	METLIFE - GROUP BENEFITS	01/25/2019	Regular	0	225.34	45863
462	MILLER SIGN SHOPPE	01/11/2019	Regular	0	212	45817
594	SMITHEREEN PEST CONTROL	01/11/2019	Regular	0	198	45826
166	EMERGENCY REPORTING	01/11/2019	Regular	0	181.33	45799
942	CALLBACK STAFFING	01/25/2019	Regular	0	173.4	45854
15	ALL SEASONS CAR WASH	01/11/2019	Regular	0	157.01	45793
205	GALL'S LLC	01/25/2019	Regular	0	143.96	45856
749	BROADVOICE	01/11/2019	Regular	0	139.55	45796
381	LADD SERVICE COMPANY	01/18/2019	Regular	0	128	45843
990	TIRE HUB	01/18/2019	Regular	0	117.94	45849
476	NATIONAL SIGN COMPANY INC.	01/25/2019	Regular	0	112.8	45866
710	EAGLE MEMORIALS	01/11/2019	Regular	0	100	45798
772	LV CO PORT AUTHORITY	01/18/2019	Regular	0	100	45845
1032	Mid-States Organized Crime Information Center	01/25/2019	Regular	0	100	45864
1007	LEAVENWORTH PAPER & OFFICE SUPPLY LLC	01/25/2019	Regular	0	59.19	45860
334	KANSAS MAYORS ASSOCIATION	01/11/2019	Regular	0	50	45809
556	RNKY DINK GRAPHICS, LLC	01/11/2019	Regular	0	48	45823
1031	Bobby Knowles	01/25/2019	Regular	0	39.42	45853
824	IBT INC	01/18/2019	Regular	0	35.94	45840
96	CITY ATTORNEYS ASSOC OF KANSAS	01/11/2019	Regular	0	35	45797
20	AMERICAN EQUIPMENT CO.	01/11/2019	Regular	0	28.97	45794
628	TODD'S TIRE LLC	01/18/2019	Regular	0	18	45850
809	FREESTATE ELECTRIC COOPERATIVE INC	01/11/2019	Regular	0	14.21	45801
205	GALL'S LLC	01/11/2019	Regular	0	11.99	45802
1030	Lawrence Hose	01/18/2019	Regular	0	6.6	45844

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	99	84	0.00	383,233.34
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
	99	84	0.00	383,233.34

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	99	84	0.00	383,233.34
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
	99	84	0.00	383,233.34

Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	1/2019	383233.34
			383233.34



Office of the City Manager
AGENDA STATEMENT

DATE: February 1, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: George Brajkovic, City Manager
SUBJECT: Resolution 02-19-01: Referral Agreement between the City of Tonganoxie and School Yard Townhomes, LP

DISCUSSION:

You may recall that at the October 15, 2018 City Council meeting, Kelley Hrabe, with Prairie Fire Development Group, gave an overview of both an interest to develop the balance of the former elementary school site downtown, and the potential use of Tax Credit financing. His presentation included information about tax Credit financing as a tool from the IRS to help create capital for a project. The project proposes about 32 units on the 2.5 acre tract of ground.

As the Developer moves an application to the Kansas Housing Resource Corporation (KHRC) for Tax Credit financing, part of KHRC's application allocates additional "points" to a submittal for giving preference for tenants in the development to existing community residents. As such, School Yard Townhomes, LP is asking the City of Tonganoxie to consider approving the submitted "Referral Agreement," which affords that preference to Tonganoxie residents.

ACTION NEEDED:

Make a motion to adopt Resolution 02-19-01, approving a Referral Agreement for School Yard Townhomes, LP.

ATTACHMENTS:

Resolution 02-19-01
Referral Agreement School Yard Townhomes

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

RESOLUTION NO. 02-19-01

A RESOLUTION OF SUPPORT AUTHORIZING THE EXECUTION OF THE REFERRAL AGREEMENT BETWEEN THE CITY OF TONGANOXIE AND THE SCHOOL YARD TOWNHOMES, LP

WHEREAS, the City of Tonganoxie supports residential development and supports the preference of opportunities for residents of the City of Tonganoxie in new residential developments; and

WHEREAS, the School Yard Townhomes, LP is applying to the Kansas Housing Resources Corporation for Federal Housing Tax Credits for the project and a Referral Agreement would provide a benefit in the application process; and

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

Section 1. That the Governing Body approves and hereby authorizes the execution of the referral agreement.

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

ADOPTED by the Governing Body this 4th day of February, 2019.

SIGNED by the Mayor this 4th day of February, 2019.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

**CITY OF TONGANOXIE, KANSAS
REFERRAL AGREEMENT
SCHOOL YARD TOWNHOMES**

This Referral Agreement is made between the School Yard Townhomes, LP (hereinafter referred to as OWNER) and the City of Tonganoxie, Kansas (hereinafter referred to as CITY):

Whereas, CITY supports Residential development and desires that OWNER gives preference to Tonganoxie, Kansas residents; and

Whereas, OWNER is applying to the Kansas Housing Resources Corporation for Federal Housing Tax Credits for its project and this Referral Agreement benefits OWNER in the application process.

Therefore, upon the condition that OWNER receives an allocation of Housing Tax Credits from the Kansas Housing Resources Corporation and constructs the project, and for the mutual promises herein made, the parties agree as follows:

OWNER shall give priority consideration to residents of Tonganoxie, Kansas when leasing units.

It is expressly understood that: (1) OWNER shall have final authority to determine tenants of the project; (2) OWNER need not lease to any applicant who does not qualify as an eligible tenant according to terms defined in Section 42 of the Internal Revenue Code; and (3) CITY shall have no liability for the actions of residents referred to the OWNER.

This Referral Agreement shall terminate by the mutual agreement of OWNER and CITY or upon the conclusion of the Compliance Period applicable to the project.

OWNER:

Date:

School Yard Townhomes, LP

CITY OF TONGANOXIE, KANSAS:

Date:



Office of the City Manager
AGENDA STATEMENT

DATE: February 1, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: George Brajkovic, City Manager
SUBJECT: Resolution 02-19-01: Referral Agreement between the City of Tonganoxie and School Yard Townhomes, LP

DISCUSSION:

You may recall that at the October 15, 2018 City Council meeting, Kelley Hrabe, with Prairie Fire Development Group, gave an overview of both an interest to develop the balance of the former elementary school site downtown, and the potential use of Tax Credit financing. His presentation included information about tax Credit financing as a tool from the IRS to help create capital for a project. The project proposes about 32 units on the 2.5 acre tract of ground.

As the Developer moves an application to the Kansas Housing Resource Corporation (KHRC) for Tax Credit financing, part of KHRC's application allocates additional "points" to a submittal for giving preference for tenants in the development to existing community residents. As such, School Yard Townhomes, LP is asking the City of Tonganoxie to consider approving the submitted "Referral Agreement," which affords that preference to Tonganoxie residents.

ACTION NEEDED:

Make a motion to adopt Resolution 02-19-01, approving a Referral Agreement for School Yard Townhomes, LP.

ATTACHMENTS:

Resolution 02-19-01
Referral Agreement School Yard Townhomes

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



Office of the City Manager
AGENDA STATEMENT

DATE: January 22, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Rabies and Micro Chipping Event Registration Fee Waiver Request

DISCUSSION:

In 2018 a group of participants in the Southern Leavenworth County Leadership Development Program approached the City with a proposal to collaborate by waiving licensing fees as the group promoted and provided a low-cost rabies and micro chipping clinic in Chieftain Park in April 2018. The event lasted 3 hours with services administered to between 50 and 100 animals by animal care professionals affiliated with HOPE (Help Overpopulation of Pets Economically) Inc., a 501(c)(3) nonprofit organization based in Leavenworth, Kansas. Monica Gee, who was a member of the organizing group in 2018, has reached out the City to submit a request to repeat this collaboration in 2019 on one of two dates (dependent on the schedule of the vet administering services) and she will be available to answer questions or provide more information.

The City Code requires licensing all cats and dogs over 90 days old owned by residents on an annual basis, with a fee of \$10 for spayed or neutered pets and \$15 for pets that are not spayed or neutered. Pet licenses are due in May each year and are sold at half-price during the month of April.

The proposed collaboration involves a request that the City waive the (half-price) licensing fee associated with the pets who take part in the rabies and micro chipping event held in April by permitting the on-site event organizers to issue a certificate of completion to event participants that they could, in turn, submit along with their license application in lieu of payment in April 2019. The reasons for this request are to encourage widespread participation in the clinic event, encourage registration of more pets within the City of Tonganoxie, and also to potentially save on the costs the City of Tonganoxie can incur when animals at large are recovered by City staff and lack the identification to immediately point out ownership. Easier recognition for more animals within the City could result in the avoidance of impoundment and transportation costs, especially of any animals remaining unclaimed.

BUDGET IMPACT:

The City's 2019 General Fund budget plans for \$1,500 in revenue from Pet Licenses. The following chart demonstrates budget and actual for pet licensing fees over the past several years. Historically, licensing activity peaks in April and May of each year. Based on the estimated level of participation and fee structure, the revenue impact associated with this request to temporarily waive licensing fees from pets participating in this one-time event is approximately \$500.

Year	Budget	Actuals
2019 (YTD)	\$1,500	\$ 22
2018	\$1,500	\$1,350
2017	\$2,000	\$1,980
2016	\$2,000	\$1,665

ACTION NEEDED:

Make a motion to approve Resolution 02-19-02 and authorizing the waiver of pet license fees in conjunction with a rabies and micro chipping event to be held on April 13, 2019 or April 27, 2019.

ATTACHMENTS:

Draft Resolution 02-19-02

CC: George Brajkovic, City Manager

RESOLUTION NO. 02-19-02

A RESOLUTION APPROVING AND AUTHORIZING THE WAIVER OF PET LICENSE FEES IN CONJUNCTION WITH RABIES AND MICRO CHIPPING EVENT TO BE HELD IN APRIL 2019

WHEREAS, the City of Tonganoxie has a public health, safety, and welfare interest in animal control and requires the registrations of pets over 90 days old in the City, at a cost of \$10 each for spayed or neutered pets, and \$15 pets not spayed or neutered, such registrations to be completed in May of each year; and

WHEREAS, the Southern Leavenworth County Leadership Development Program collaborated with the City of Tonganoxie in which the City waived registration fees for any pets taking part in the low-cost rabies and micro chipping event on April 14, 2018; and

WHEREAS, the event organizer group is holding a low-cost rabies and micro chipping event in the City of Tonganoxie in April 2019; and

WHEREAS, the event organizing group has proposed a collaboration with the City in which the City will waive registration fees for any pets taking part in the low-cost rabies and micro chipping event in April 2019; and

WHEREAS, the City of Tonganoxie wishes to collaborate with the event organizing group by waiving registration fees for any pets taking part in the low-cost rabies and micro chipping event in April 2019 to encourage participation in the event and facilitate compliance with the City's pet registration requirements.

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

Section 1. That in collaboration with the Southern Leavenworth County Leadership Development Program low-cost rabies and micro chipping event in April 2019, the Governing Body approves and hereby authorizes the waiver of pet registration fees for pets participating in the event.

Section 2. That the Governing Body hereby directs City Staff to provide the event organizers with a waiver form to be presented to pet owners participating in the low-cost rabies and micro chipping event in April 2019 and which upon presentation to the City will allow registration fees to be waived for the pet identified in such waiver form.

Section 3. That this resolution shall become effective upon passage.

ADOPTED by the Governing Body this 4th day of February, 2019.

SIGNED by the Mayor this 4th day of February, 2019.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney



Office of the City Manager
AGENDA STATEMENT

DATE: January 22, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Consider Approval of 2019 Funding for Tonganoxie Business Association

DISCUSSION:

The 2019 Adopted Budget includes funding allocated in the City's General Fund for supporting the Tonganoxie Business Association (TBA) and other community organizations. This item was part of budget workshop discussions in 2018 and is being brought before City Council for consideration of expenditure authorization, per the City's Purchasing Authority & Procedures policy.

The Tonganoxie Business Association is responsible for the St Patrick's Day Parade, downtown beautification efforts, the Businessmen's Annual Appreciation Dinner, the Sunflower Stroll event, the Spooktacular and contributions to the Mayor's Christmas Tree Lighting. The organization was established in 2010 and consolidated with the Tonganoxie Chamber of Commerce in 2017. Members of the organization gather in frequent meetings, participate in various sub-committees, and connect with the community using a social media presence and the organization's website.

BUDGET IMPACT:

None. The required funding is budgeted in the City's General Fund in 2019.

ACTION NEEDED:

Make a motion to authorize a 2019 contribution to the Tonganoxie Business Association, in an amount not to exceed \$5,000.

ATTACHMENTS:

Letter requesting funding support in 2019 from the Tonganoxie Business Association

cc: George Brajkovic, City Manager
File



Tonganoxie Business Association
PO Box 466
Tonganoxie KS 66086
January 17, 2019
Subject: Budget Request

Dear City Council,

Tonganoxie Business Association is requesting \$5000.00 for 2019. Tonganoxie Business Association is a thriving business group whose members share a passion for our local businesses, entrepreneurs, and community.

Our association continues to bring valuable assistance and insight to business owners while they grow and prosper in Tonganoxie. Tonganoxie Business Association has increased members from less than 30 members in 2016-2017 to over 75 members in 2018.

Tonganoxie Business Association is responsible for the St Patrick's Day Parade, Downtown Beautification, Businessmen's Annual Appreciation Dinner, Sunflower Stroll, Spooktacular and contribution to Mayors Christmas Tree. We have a website featuring Tonganoxie businesses, city amenities and opportunities that drew over 14,000 page views in 2018. Our managed Facebook page attracts attention for many Tonganoxie functions and events. We have weekly meetings where members here from speakers, educators and business professionals.

In October 2018 Tonganoxie Business Association facilitated 7 business owners along with myself to Destination Business Bootcamp to help transform businesses and cities into consumer destinations. We have advertised Tonganoxie with full page ads in The Kansas By Ways Magazine, Kansas Tourism and Kansas Travel Guide.

We are seeking a \$5000.00 investment in Tonganoxie Business Association to supplement the continued growth and development of our organization that benefits our city and the community.

Respectfully Submitted,
Monica Gee
President, Tonganoxie Business Association



Office of the City Manager
AGENDA STATEMENT

DATE: January 22, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Melanie Tweedy, Administrative Assistant
SUBJECT: Ordinance No. 1462: Special use permit for an electronic sign at Casey's located at 500 West Street.

DISCUSSION:

A public hearing was held at the Planning Commission meeting on Thursday, January 3rd, 2018 for a special use permit application submitted by Casey's General Store for an electronic sign located at 500 West Street. The Planning Commission originally considered the Special Use Permit at the December 6th, 2018 meeting, but due to an error in the original neighbor notifications, the public hearing was re-noticed and completed at the January 3rd, 2019 Planning Commission Meeting. The property is zoned General Business District, which permits electronic signs with a special use permit.

After holding a public hearing and discussion, which can be viewed in the attached draft minutes, the Planning Commission recommended approval of the request for a special use permit subject to the conditions recommended by staff and additional conditions included in Ordinance No. 1462.

ACTION NEEDED:

Make a motion to approve Ordinance 1462 and accept the Planning Commission's recommendation for approval of a special use permit for property located at 500 West Street, allowing an electronic sign.

ATTACHMENTS:

Ordinance No. 1462
Planning Staff Report - Case#: 2018-012SUP
1/3/19 Draft Planning Commission Minutes
12/12/18 Revised Sign Rendering
SUP Application

cc: George Brajkovic, City Manager
Shannon Marcano, City Attorney
Patricia C. Hagg, City Clerk
File

ORDINANCE NO. 1462

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW AN ELECTRONIC SIGN AT 500 WEST STREET, TONGANOXIE, LEAVENWORTH COUNTY, KANSAS

WHEREAS, under the ZONING ORDINANCE AND SUBDIVISION REGULATIONS OF THE CITY OF TONGANOXIE, KANSAS, 2003, (the “Zoning Ordinance”) the Governing Body of the City of Tonganoxie, Kansas, is given the power to amend, supplement or change existing zoning regulations or grant special use permits within the City; and

WHEREAS, an application for a Special Use Permit to an electronic sign at 500 West Street was received by the City and forwarded to the Tonganoxie Planning Commission in accordance with the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance requires a public hearing to be held prior to the granting of a special use permit; and

WHEREAS, a public hearing was held by the Tonganoxie Planning Commission on January 3, 2019, and notice of such public hearing was provided in accordance with Kansas state law and the Zoning Ordinance; and

WHEREAS, on January 3, 2019, the Tonganoxie Planning Commission considered the application and recommended approval of the special use permit for the electronic sign for an unlimited period of time, for the property legally described as:

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 Southerly along the East line of said Quarter on an assumed bearing of S00°02'05W, 208.71 feet; thence N89°53'11”W, parallel with the North line of said Southeast Quarter, 50.00 feet for the Point of Beginning, said point being on the Westerly right of way line of U.S. Highway 24 as described in Condemnation Case No. 34555, thence S00°00'51”W along said right of way line, 478.71 feet; thence N89°53'11”W parallel with said North line of the Southeast Quarter, 208.71 feet; thence N00°00'51”E, 478.71 feet; thence S89°53'11”E, parallel with said North line, 208.71 feet to the Point of Beginning. Containing 2.29 acres or less. More commonly known as 500 West Street.

with the following conditions:

- a. The sign design be interpreted as a pylon sign, despite the base being a single support that is less than the outermost portions of the sign, and that the Planning Commission finds that it is otherwise a compatible material to the primary building and canopy.
- b. The electronic pricing portion of the sign shall be subject to all operational and performance criteria of Section 25-017.E of the sign ordinance, applicable to electronic message centers.

WHEREAS, the Planning Commission’s recommendation was presented to the Governing Body at its regularly scheduled meeting on February 4, 2019, for consideration.

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

SECTION 1. That the unlimited special use permit is hereby granted for storage units for the property legally described as:

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 Southerly along the East line of said Quarter on an assumed bearing of S00°02'05"W, 208.71 feet; thence N89°53'11"W, parallel with the North line of said Southeast Quarter, 50.00 feet for the Point of Beginning, said point being on the Westerly right of way line of U.S. Highway 24 as described in Condemnation Case No. 34555, thence S00°00'51"W along said right of way line, 478.71 feet; thence N89°53'11"W parallel with said North line of the Southeast Quarter, 208.71 feet; thence N00°00'51"E, 478.71 feet; thence S89°53'11"E, parallel with said North line, 208.71 feet to the Point of Beginning. Containing 2.29 acres or less. More commonly known as 500 West Street.

with the following conditions:

- a. The sign design be interpreted as a pylon sign, despite the base being a single support that is less than the outermost portions of the sign, and that the Planning Commission finds that it is otherwise a compatible material to the primary building and canopy.
- b. The electronic pricing portion of the sign shall be subject to all operational and performance criteria of Section 25-017.E of the sign ordinance, applicable to electronic message centers.

SECTION 2. That this order shall take effect and be enforced from and after its passage, approval, and publication in the Tonganoxie Mirror, the official newspaper of the City of Tonganoxie.

PASSED BY THE CITY COUNCIL THIS 4th DAY OF FEBRUARY, 2019.

APPROVED BY THE MAYOR THIS 4th DAY OF FEBRUARY, 2019.

(Seal)

Jason K. Ward, Mayor

Attest:

Patricia C. Hagg, City Clerk

Approved as to form:

Shannon M. Marcano, City Attorney



City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case: 2018-012SUP, Special Use Permit for Pylon Sign

Date of Report: November 30th, 2018

Subject Property Address: Highway 24/40 (West Side) between 5th Street & 6th Street

Legal Description: CASEY'S SUBDIVISION; 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.

Application:

Zoning District: GBD (General Business District)

Type of Approval Desired: Approval of pylon sign.

Date of Application: September 7, 2018

Date of Meeting: December 6th, 2018

Surrounding Property Zoning and Use:

West: RR-2.5 (unincorporated Leavenworth County); rural homes on large lots and undeveloped parcels (2 to 40 acres)

North: LBD (Limited Business District); Auto-shop and single-family house

East: LBD (Limited Business District); Undeveloped parcels

South: RR-2.5 (unincorporated Leavenworth County); Large lot single family homes fronting on Hatchell Road (1.1 to 1.16 acres)

Recommendation: Approval subject to conditions

I. PROJECT DESCRIPTION

- A. Subject Property. The property is planned to be a new Casey's General Store on the west side of Highway 24/40 between the current alignment of 5th and 6th street. The property was recently annexed and rezoned by the city to facilitate the proposed development project for which the preliminary and final plats and site plan were approved with conditions in March. The existing site is currently undeveloped land.
- B. Proposal. The Casey's General Store is proposing a sign for their business as follows:
- A pylon structure that is approximately 20' high x 10'-2" wide x 2.5' deep containing the following:
 - A 11' base consisting of a material that is consistent with some of the primary building materials and canopy.

- A 2'-6" x 10'-2" (25.42 sq. ft) internally-luminated tri-color LED price sign.
- A 5'-9 5/16" x 7'-4" (35.59 sq. ft) aluminum internally-luminated house logo sign

C. Surrounding Area. The surrounding property is zoned / used as follows:

- South and west – RR 2.5 by the County of Leavenworth, Kansas to accommodate low-density residential development. Land is currently agricultural and undeveloped.
- North and east – Limited Business, enabling neighborhood-oriented retail shopping and services. Property further east is designated for Limited Business and RMF-2 (Multifamily 2), accommodating two to sixteen dwelling units per site.

II. Analysis

The City of Tonganoxie Sign Ordinance was adopted in 2015. Two factors of the new sign ordinance require Planning Commission review for this application:

1. The ordinance requires pylon signs to be approved by a special use permit. (25-017.I)
2. The digital display of gas prices meets the definition of an electronic message board, which must be approved by a "special permit." (25-017.E)

The criteria for granting approval for all special use permits are the following:

- General Considerations: (Section 22-010.a)
 - The use will not seriously injure the appropriate use or safety of neighboring property;
 - The use conforms to the general intent and purpose of this ordinance;
 - The use complies with the height and area regulations of district.
- Additional Considerations: (Section 22-010.b)
 - Location and size of use in relation to site and adjacent sites and uses;
 - Accessibility of municipal services; adequacy of ingress and egress; and parking
 - Availability and capacity of utilities;
 - Location, nature and height of structures; buffering or screening;
 - Adequacy of yards and open space; signs;
 - General compatibility with adjacent properties and neighborhood.

The proposed pylon sign meets the standards in 25-017.I. The proposed location for the sign meets all applicable setbacks. At 20' high, it will be consistent with the allowed height of 20' for pylon signs. The overall proposed size for the sign is approximately 61.01 square feet, less than the allowed size limit for pylon signs (85 sq. ft) (Table 5 – Signs in Commercial Districts – Single Tenant).

The ordinance states that "pylon signs" be "supported by two structural supports located at the outermost extremities of the sign face." (25-017.I.5) It is unclear what this requirement would specifically achieve, and in this case, it would serve to increase the prominence of the overall sign structure without improving communication. The base of the sign meets the intent of the ordinance by eliminating a "pole" appearance in enclosing the supports in a structure. It uses primary and accent materials and colors used proposed for the primary building and gas canopy.

In addition, the electronic message portion of the sign meets the criteria in Section 25-017.E. Electronic message signs is that they are limited to one per lot no more than "50% of the permitted sign area" (20-017.E.1.b). This would effectively limit electronic message signs to 42.5

square feet, when associated with the largest allowed pylon sign. This electronic message center is proposed to be 25.42 square feet, which is well beneath the allowable size.

Section 25-017.E also includes performance and operational standards that the sign ordinance requires of all electronic message signs. These involve automatic dimming controls, and minimum display standards to protect adjacent property and the safety of traffic on the roadway.

III. Recommendation

Staff recommends that the sign permit / special use permit be approved subject to the following:

- a. The sign design be interpreted as a pylon sign, despite the base being a single support that is less than the outermost portions of the sign, and that the Planning Commission finds that it is otherwise a compatible material to the primary building and canopy.
- b. The applicant the electronic pricing portion of the sign shall be subject to all operational and performance criteria of Section 25-017.E of the sign ordinance, applicable to electronic message centers.

Respectfully Submitted

Abby Newsham Kinney
Contract City Planner

PLANNING COMMISSION MEETING MINUTES

January 3, 2019

7:00 p.m. Regular Meeting



CALL TO ORDER

- Chairman Morgan opened the meeting at 7:00 p.m.
- Roll Call: Planning Commissioners present were John Morgan, Monica Gee, Jacob Dale, Patti Gabel, Zach Stoltenberg, Crystal Henson, and Kevin Harris. No members were absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, City Administrative Assistant Melanie Tweedy, City Planner Chris Brewster with Gould Evans and City Attorney Shannon Marcano were also in attendance.

1. APPROVAL OF PC MINUTES – DECEMBER 6, 2018

- Ms. Gee made a motion to approve the minutes from the December 6, 2018 Planning Commission meeting.
- Mr. Stoltenberg seconded.
- Vote of 6 ayes, 1 abstaining (Morgan), motion carried.

2. OPEN AGENDA

- Ray Stockman, 201 W Washington, addressed the Planning Commission and noted his role as the Chairman of the Board of the Tonganoxie Historical Society. He noted several concerns with the sign placement, size, and character.
- Scott Hueschen, Infinity Sign- 4900 Listen Ave, Kansas City, MO, commented on the efforts of Casey's General Store to adhere to the City's requirements and regulations in the sign design as presented to the Planning Commission.
- Chairman Morgan closed the open agenda portion of the agenda.

3. NEW BUSINESS

a) PUBLIC HEARING – SPECIAL USE PERMIT – SIGN PERMIT – 500 WEST STREET– SUBMITTED BY CASEY'S

- Mr. Brewster reviewed the most recent submission to the City of a revised sign document and that the item was being reconsidered due to an error noted in the public notice distributed for the December 6, 2018 Planning Commission meeting. He reviewed that the Planning Commission is reviewing this sign as part of a special use permit, which is required because the sign is a pylon sign. He noted that the most recent submission has been changed in material from the red matching the metal material on the building to a masonry appearance matching other elements on the building exterior.

CHAIRMAN MORGAN OPENED THE PUBLIC HEARING.

- No members of the public chose to speak in favor of the special use permit request.
- No members of the public chose to speak in opposition of the special use permit request.

CHAIRMAN MORGAN CLOSED THE PUBLIC HEARING.

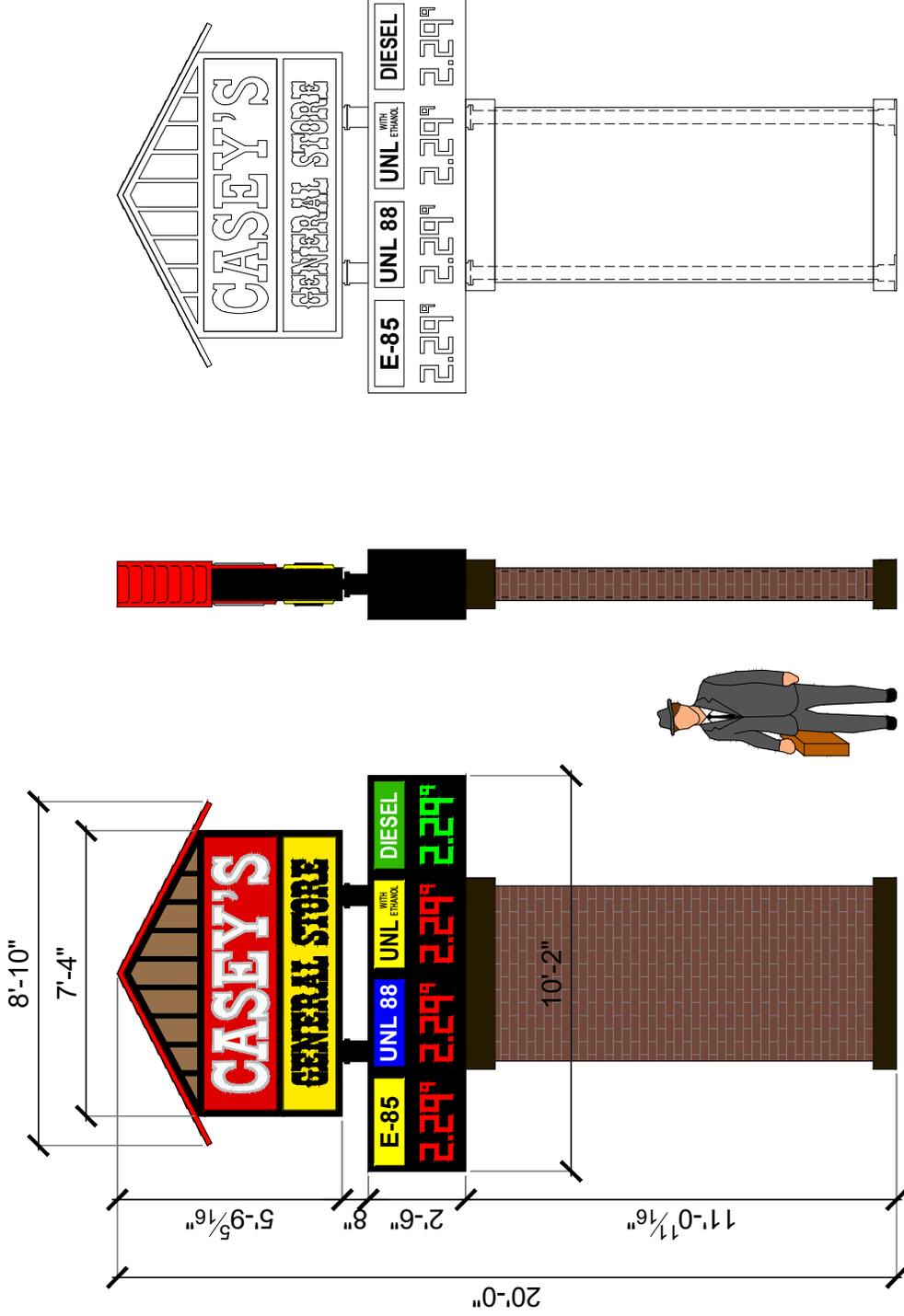
- Mr. Dale asked what the material would look or feel like.
- Mr. Hueschen, applicant, commented that the material is a close imitation of brick.
- Mr. Stoltenberg commented that the current sign meets the sign ordinance requirements and makes concessions to the requests presented by the Planning Commission at the last meeting, but he also understands the concerns expressed with the fit of the canopy and building with the surrounding part of the community.
- Chairman Morgan noted that he feels the request meets the general considerations but doesn't seem to meet the additional considerations listed in the staff report based on the residential character of the surrounding area.
- Ms. Gabel commented that she feels it is unnecessarily tall compared to shorter signs.
- Mr. Stoltenberg added that this sign will not be much taller than the church sign located near the Casey's location. He also stated that with the landscaping, he feels that the sign is within reason.
 - **Mr. Stoltenberg made a motion to make a recommendation to the City Council to approve the special use permit subject to staff recommendations.**
 - **Ms. Gee seconded the motion.**
 - **Roll Call Vote – 4 ayes, 3 no (Morgan, Henson, Gabel), motion carried.**
 - **The City Council will plan to consider this item on January 22nd, 2019 at 7:00pm, in the City Council Chambers at 321 S. Delaware St., Tonganoxie KS.**
- Mr. Hueschen, applicant, commented that future edits to the sign ordinance might consider this type of sign to be a monument sign.
- Mr. Stockman added that lumens and light output is another consideration to consider.
- Mr. Hueschen noted that the lights on this sign are adjustable and that Casey's will be willing to work with the city to find a comfortable lumen output.

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Pylon Sign (Custom 4 Product)

Sign #	Sign	Type	Location	Illumination	Dimensions			Area Ft ²
					Bottom	Top	Width	
6	House Logo	Freestanding	Street	Internal	16' 9"	22' 6-5/16"	7' 4"	35.59
7	Price Sign	Freestanding	Street	Internal	13' 7"	16' 1"	10' 2"	25.42
Total								61.01

NOT TO EXCEED 20' OAH @ 85 FT²



- PRICER NOTES:**
- 10" RED AND GREEN LED
 - STATIC LABELS, NON-INTERCHANGEABLE
 - CABINET IS BLACK IN COLOR
 - 300' WIRELESS KEYPAD RANGE



TONGANOXIE, KS
500 WEST STREET

DRAWN BY:
J. CLARK

DATE:
12-10-18

SPECIAL USE PERMIT APPLICATION

Filing Fee Required

In Accordance with Section 22-013, of the City of Tonganoxie's Zoning Ordinances, an application is hereby made for a Special Use Permit:

Date application filed: 10/8/18 Permit No.: _____

Applicant: Infinity Sign Systems

Address: 1 SE Convenience Blvd City: Ankeny State IA Zip 50021

Telephone #: _____ (Home) 515-963-3831 (Jacob Clark) (Work)

(Cell) permits@infsign.com E-mail Address)

Property Owner(s): Casey's Retail Company (Contract Purchaser) Phone _____

Address: 1 SE Convenience Blvd City: Ankeny State IA Zip 50021

Name of business proposed: Casey's General Store

Address of business: 500 West Street

Description of business: Convenience Store - Gas Station

Hours of operation: _____ Days: Mon Tue Wed Thu Fri Sat Sun

of employee's _____ Family members? N/A Live on site? NO

If business is to be operated by someone other than the applicant or owner, give name and address:

Briefly describe the present use and character of the property: Agriculture Field

Briefly describe the requested/proposed use of the property Convenience Store - Gas Station

Briefly describe what effect the requested use will have on the property and the surrounding area:

Improve availability of gas and supplies
for motorists

[Signature] _____
Applicant Signature Signature

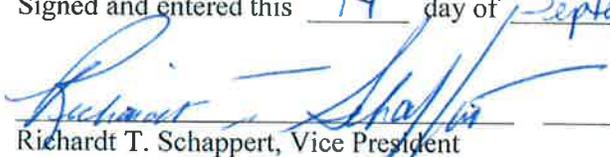
Property Owner Signature if different from applicant

AFFIDAVIT

CITY OF ANKENY
COUNTY OF POLK
STATE OF IOWA

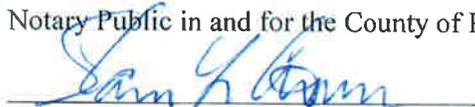
I, Richardt. T. Schappert, Vice President of Casey's Retail Company, being duly sworn, depose and say that Casey's Retail Company is the owner of said property involved in this petition and that the foregoing signatures, statements, and answers herein contained in the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed and entered this 14 day of September, 2018.


Richardt T. Schappert, Vice President

Subscribed and sworn to before me on this 14 day of September, 2018.

Notary Public in and for the County of Polk, Iowa





My Commission Expires: 3/20/19



Office of the City Manager
AGENDA STATEMENT

DATE: January 22, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Melanie Tweedy, Administrative Assistant
SUBJECT: Reconsideration of Ordinance 1445: Amending the Light Industrial District Zoning Ordinance to allow Daycare: Child Care Center (or) Preschool

DISCUSSION:

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 consideration of whether Child Care Centers should be located in the I-LT district in the City was initially 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 ordinance to add Child Care Centers to the allowed uses in I-LT. On July 5, 2018 the Planning Commission meeting recommended approval to the City Council via a 5-0 vote following a public hearing. The item was then continued from the August 6, 2018 City Council meeting and continued again from the November 19, 2018 City Council meeting in order to complete further staff research.

On December 3, 2018 the City Council considered Ordinance 1445, which would implement changes to the permitted uses within the Light Industrial Zoning District previously recommended for approval by the Planning Commission several months earlier. These changes would amend the Zoning Ordinance to allow Daycare (child care centers or preschools) as a permitted use within the Light Industrial Zoning District. As seen in the attached excerpt of the approved meeting minutes, the City Council took the action of directing the Planning Commission to reconsider this item and consider adding a requirement for a Special Use Permit.

At the January 3, 2019 Planning Commission meeting the Commissioners reconsidered the item and held a discussion reflected in the draft meeting minutes, which are provided as an attachment. Following discussion and the presentation of the staff report, the Planning Commission approved a motion to make a recommendation to the City Council to approve the proposed language additions and use groups table edits, without an adjustment to require a special use permit. The motion was passed by a vote of 6-1 (Henson).

ACTION NEEDED:

A motion to approve would be: 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:

Excerpt from Planning Commission Draft minutes – January 3, 2019
Planning Staff Report
Draft Ordinance 1445

...

4. OLD BUSINESS

a) RECONSIDERATION OF TEXT AMENDMENTS TO ZONING REGULATIONS SECTION 16 & APPENDIX A-USE GROUPS BY CATEGORY TO ALLOW FOR A USE DESCRIBED AS "EARLY EDUCATION CENTER" – WITH RECOMMENDATIONS FROM CITY COUNCIL

- Mr. Brewster provided some background on the history of the consideration of this item and how adding the use to the light industrial district was the original recommendation from staff which was recommended for approval by the Planning Commission. He noted that the City Council most recently continued the item to the Planning Commission asking for consideration of adding a special use permit requirement to the
- Mr. Morgan commented that it made to sense to him to add the special use permit based on consideration of safety and proximity of various uses.
- Mr. Stoltenberg stated that he didn't see the need for a special use permit based on licensing and safety requirements of other agencies.
- Ms. Marcano presented 3 different available procedural options. First, recommending approval again to the City Council as previously recommended for approval. Second, the Planning Commission could change the recommendation to recommend denial, where the City Council could review again and make a determination. Finally, the Planning Commission could agree with the recommendation to include the special use permit requirement and request that staff resubmit a new application to the Planning Commission with this
- Ms. Gee noted that a special use permit would add overly burdensome steps to the process of opening such a business.
 - **Ms. Gee made a motion to make a recommendation to the City Council to approve the proposed language additions and use groups table edits, without an adjustment to require a special use permit.**
 - **Mr. Harris seconded the motion.**
 - **Roll Call Vote – 6 ayes, 1 nay (Henson), motion carried.**

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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



Chris Brewster
Contract City Planner

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; and

WHEREAS, the Governing Body directed the Planning Commission to reconsider the recommendation & consider adding the requirement for a special use permit for the use in the light industrial zoning district at its regularly scheduled meeting on December 3, 2018, for consideration; and

WHEREAS, the Governing Body’s recommendation was presented to the Planning Commission at its regularly scheduled meeting on January 3, 2019, for consideration; and

WHEREAS, on January 3, 2019 the Planning Commission considered the recommendation and recommended approval of the amendment to the allowed uses in the I-LT district to add daycare: child care center (or) preschool without the requirement for a special use permit; and

WHEREAS, the Planning Commission’s recommendation was presented to the Governing Body at its regularly scheduled meeting on February 4, 2019, 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	LSD	GBD	PUD-C	BP	I-LT	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: 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 (S)	X	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 4th day of February, 2019.

APPROVED by the Mayor this 4th day of February, 2019.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C. Hagg, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney



Office of the City Manager
AGENDA STATEMENT

DATE: January 22, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Discussion of 2019 City Funded Events

DISCUSSION:

The City of Tonganoxie 2019 Adopted Budget included an allocation of funding to support several local community events. Planning efforts for these events involves City staff and volunteers from within the community, and determining the date for each event and the community members to help serve on planning committees is one of the earliest steps required to ensure each event is successful. Information on the previous year's City events is included below for reference.

2018 Events

Tonganoxie Days was held on Saturday, June 9, 2018 and featured live music, food trucks, a beer garden, craft vendors, and enjoyable activities for children to participate in.

Another fun event, the Mayor's Tree Lighting, was held on Saturday, November 17, 2018 and featured beautiful lights, visits with Santa, a food truck, local school entertainment group performances, and the Mayor reading "Twas the Night before Christmas" with the class from Tonganoxie Elementary School that led the school in donations to a food drive benefitting the Good Shepherd Thrift Store and Food Bank that was held before the event.

ACTION NEEDED:

No official action requested.

ATTACHMENTS:

None.

CC: Shannon Marcano, City Attorney
George Brajkovic, City Manager



Office of the City Manager
AGENDA STATEMENT

DATE: January 22, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Presentation of the 2019 Budget Book

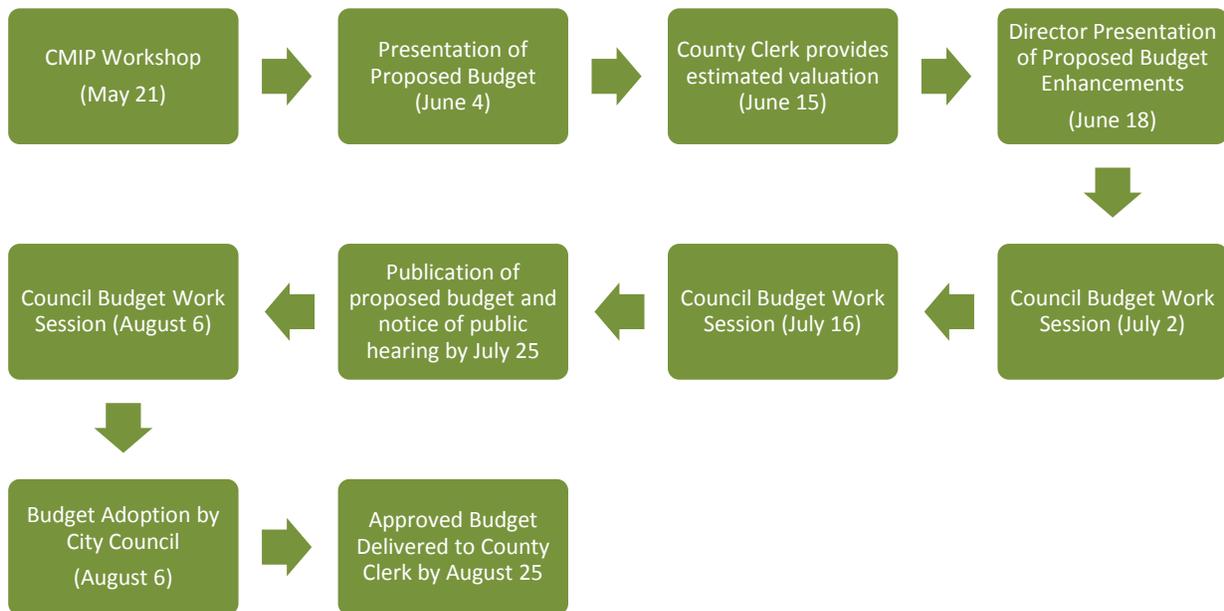
DISCUSSION:

The City of Tonganoxie 2019 Adopted Budget book is now available online and hard copies are also available for viewing at City Hall.

Links:

<https://www.tonganoxie.org/departments/administration/finance/Budgets>
<https://online.flippingbook.com/view/72518/>

The Tonganoxie City Council adopted the 2019 budget on August 6, 2018, following an extensive budget development process that included multiple public input opportunities and numerous opportunities for consideration by the City Council at budget workshops. The budget development process is visualized in the graphic below.



ACTION NEEDED:

None requested.

ATTACHMENTS:

None.

CC: Shannon Marcano, City Attorney
George Brajkovic, City Manager
Patricia C. Hagg, City Clerk
John Zimbelman, Fire Chief
Greg Lawson, Police Chief
Kent Heskett, Public Works Director
Darren Shupe, Water Park Director

City of Tonganoxie Financial Report

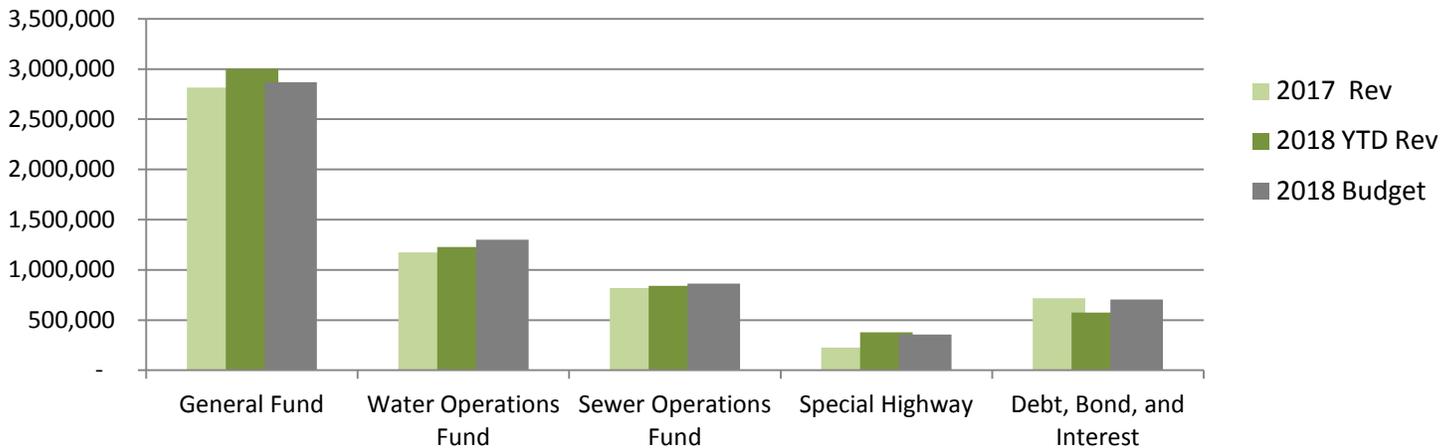
December (Q4) 2018

Significant Events in Most Recent Period

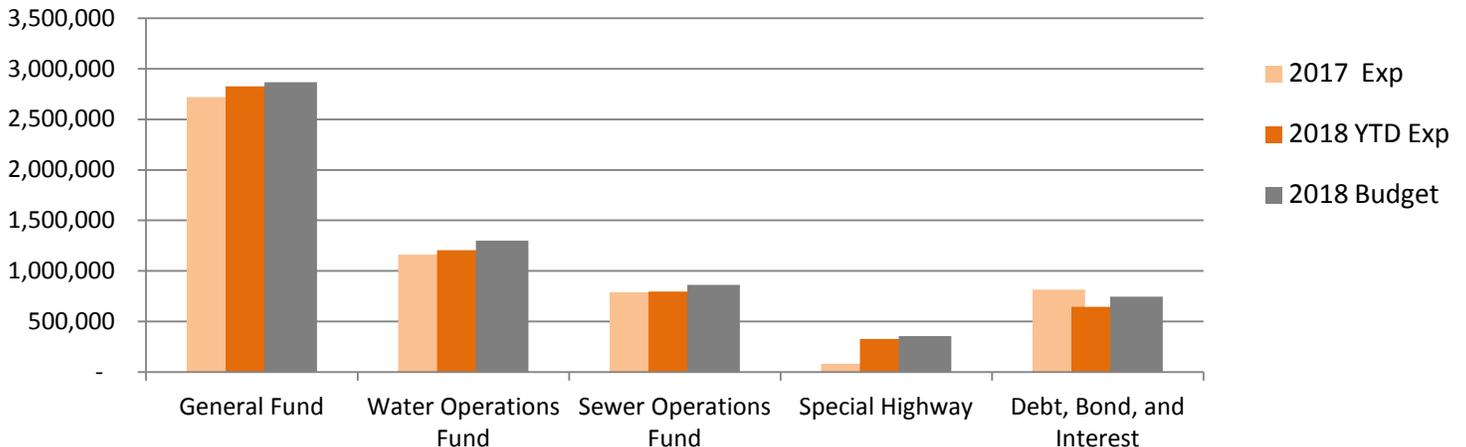
Pay app for Amino Brothers at TBP
KS Gas payment for TBP service ext.
Initial expenses for Interceptor Sewer

Final payment for new dump truck.
Completed final payments for 2018.
394 total payments in Q4 2018.

Major Fund Revenues



Major Fund Expenditures



General Fund

Principal funding mechanism for general services.

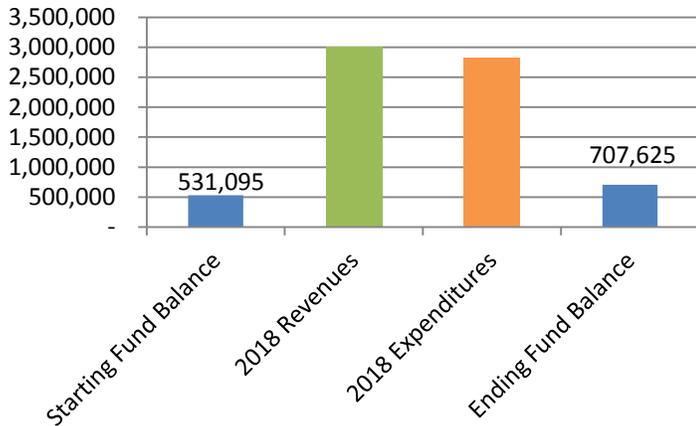
Revenue

Overall, collected 104.7% of General Fund revenues.
 Sales and Use Tax collection was almost exactly as budgeted.
 Franchise Fees were on track with budget.
 Building Permits were slightly less than budgeted, but strong performance compared to 2016.

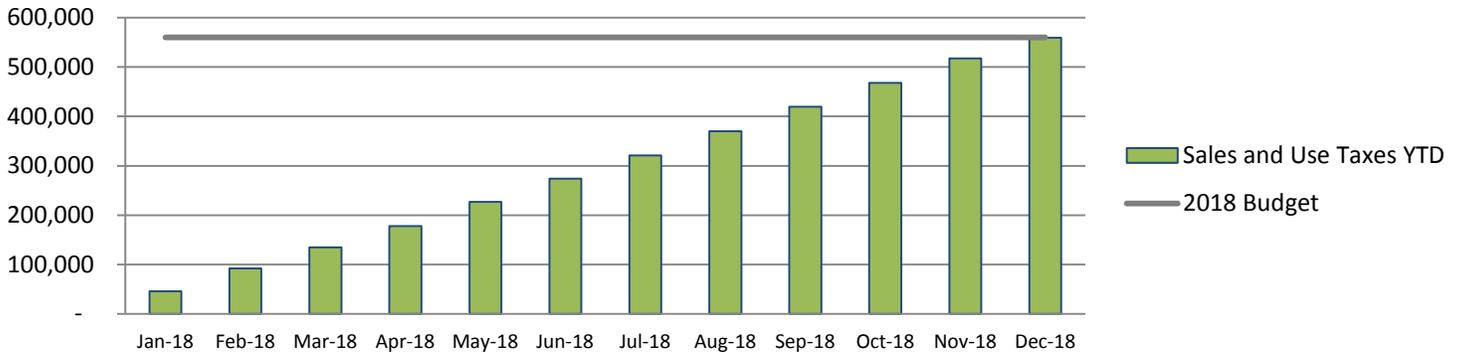
Expenditures

Overall, spent 98.5% of General Fund budget.
 Personal Services were conservatively under budget.
 Contractuals exceeded budget, but were accounted for with savings in Commodities.
 Capital Outlay was over budget due to unplanned projects funded by specific revenues.

Projected Fund Balance



Category	% of Budget Spent
Personal Services	96.7%
Contractuals	102.5%
Commodities	85.8%
Capital Outlay	164.7%



YTD Property Tax Collections

\$ 1,226,502	101.7% of Budget
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YTD Franchise Fee Collections

\$ 298,900	100.1% of Budget
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YTD Sales & Use Tax Collections

\$ 559,016	99.8% of Budget
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YTD Building Permit Collections

\$ 57,508	95.8% of Budget
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Utility Funds

Enterprise Funds, operated in a similar manner to private enterprise, and capital funds to finance capacity and infrastructure.

Water Operations Fund

Revenue

Water Sales didn't meet budget projections but exceeded prior year by 6.4%, due largely to rate increase enacted in Spring 2018.

Category	Receipts	Change from PY
Water Sales	95.5%	6.4%
Debt Surcharge	105.3%	9.6%
Other Fees	76.6%	-9.5%
Total	94.6%	4.8%

Sewer Operations Fund

Revenue

Sewer revenues didn't meet budget projections but exceeded PY by 2.7% due to rate increase enacted in Spring 2018. Inspection fees were also under budget.

Category	Receipts	Change from PY
Sewer Sales	98.8%	4.6%
Debt Surcharge	96.8%	9.5%
Sewer Inspections	77.9%	-24.4%
Total	97.3%	2.7%

Sanitation Fund

Revenue

Revenue did not meet budget targets but increased from prior year. The total number of accounts billed increased in 2018.

Category	Receipts	Change from PY
Sanitation Charges	94.7%	4.3%

Storm Water Fund

Revenue

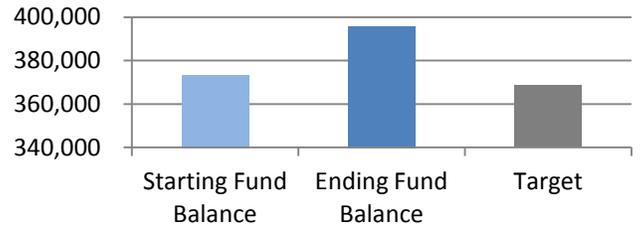
Collected revenue for only part of 2018, as fees were enacted in Spring 2018.

Category	Collections
Storm Water Charges	27,708

Expenditures

Commodities spent 100% of budget, but contractals and personal serviced only spent 91% of budget. Water purchases from BPU totaled \$220,000.

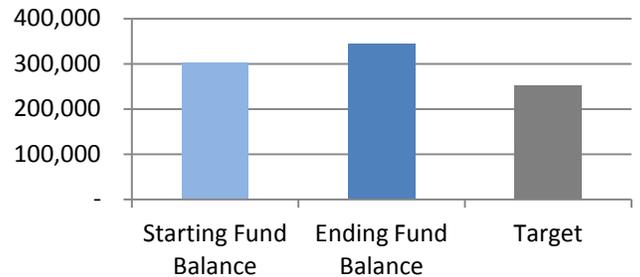
Projected Fund Balance



Expenditures

Spent 94% of budget, but revenues still outpaced expenditures enough to reach 40% fund balance.

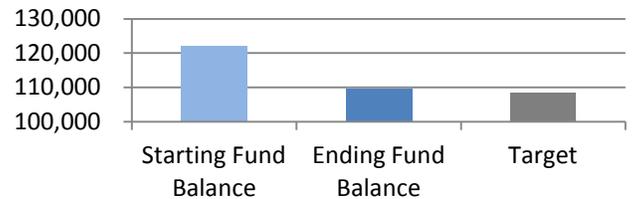
Projected Fund Balance



Expenditures

Spent 98% of Budget. Mostly pass through.

Projected Fund Balance



Expenditures

No major expenditures yet as the fund is building up available resources before addressing projects.

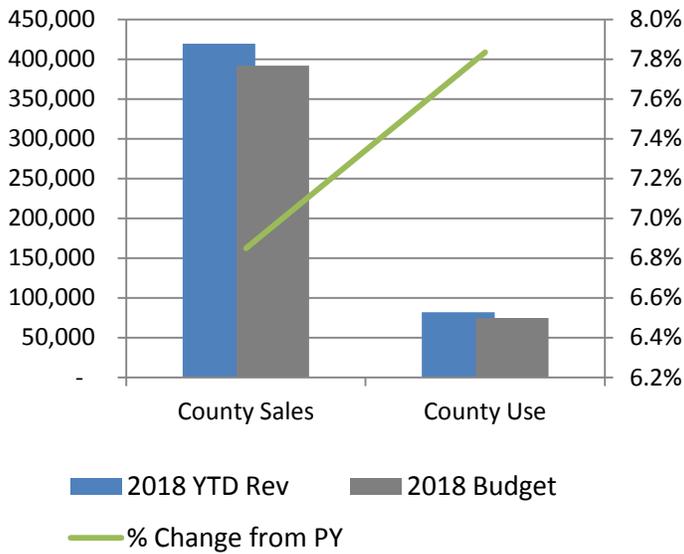
Cap Projects and Debt Funds

County Road 1 debt, capital projects, and debt service payments.

Capital Projects Fund

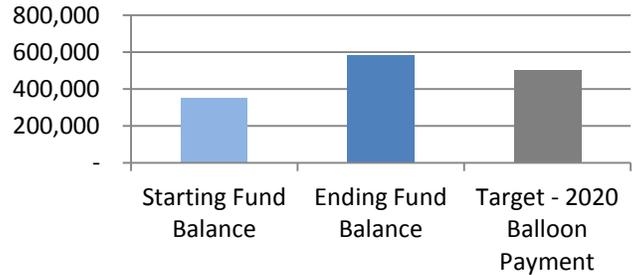
Revenue

Some revenue derived from transfers from other funds, but the majority in this fund is from the City's share of County Sales and County Use taxes, which have outpaced budget and the prior year's collections.



Expenditures

Completed \$100,000 CR1 Debt payment, with a similar payment scheduled in 2019 before balloon payment in 2020. Fund balance is being built up intentionally in advance of this payment.



Debt, Bond, and Interest Fund

Revenue

Property Tax is the largest source of revenue in this fund, and it came in at 101% of budget in 2018. Certain debt service like the 2018A Library issuance is funded by transfers from other funds dedicated to supporting those issuances (Infrastructure sales tax).

Expenditures

Made 13 scheduled debt service payments in 2018 totaling \$646,577.

Special Revenue Funds

Funds restricted in use based on source and type of revenue collected.
Street and Infrastructure Maintenance Funds

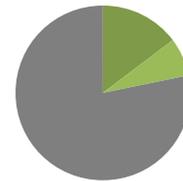
Special Highway Fund

Revenue

The special highway fund receives funding from 3 primary sources: fuel tax distributions, construction excise taxes on development, and transfers from other funds like the Infrastructure Sales Tax Fund. In 2018, each funding source either met or exceeded budgeted collections.

Expenditures

In addition to replacing 1,800 ft of linear curbing, the City completed either asphalt rejuvenation or mill and overlay treatment of almost 22% of the City's street network in 2018. This activity was completed utilizing 92% of the \$357,100 budget allocated for street maintenance in 2018.



■ Asphalt Rejuvenation ■ Mill and Overlay
■ Unimpacted Network

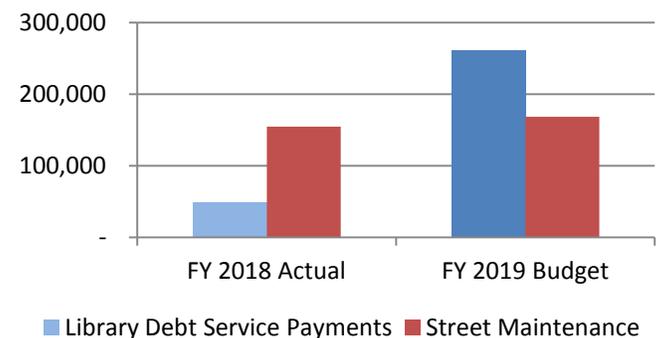
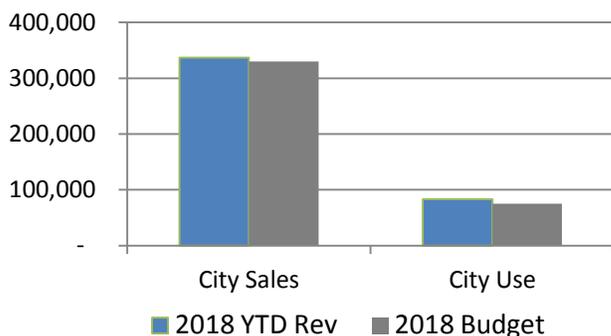
Infrastructure Sales Tax Fund

Revenue

Collections of the general purpose sales tax deducted to funding infrastructure improvements, including the construction of a new Library, came in 2% over budget in sales tax and 10% over budget in use tax.

Expenditures

2018 activity included a transfer to cover the first payment of debt service for Series 2018A, debt issued to fund the construction of the new Library. The fund also added the budgeted \$150,000 contribution to the Special Highway Fund to help maintain and preserve the City's road network.



CITY OF TONGANOXIE, KANSAS
SUMMARY OF RECEIPTS, DISBURSEMENTS & CASH BALANCES

	12/31/2017				12/31/2018	
	BEGIN. BALANCE		RECEIPTS		DISBURSEMENTS	ENDING BALANCE
GENERAL	\$ 531,095	\$	3,002,288	\$	2,825,758	\$ 707,625
<u>Enterprise Funds</u>						
WATER	\$ 373,363	\$	1,228,516	\$	1,206,074	\$ 395,805
SEWER	\$ 301,506	\$	840,401	\$	798,254	\$ 343,653
SANITATION	\$ 122,124	\$	361,712	\$	374,285	\$ 109,551
STORM WATER	\$ -	\$	27,708	\$	469	\$ 27,239
SEWER CAP IMPROVEMENT	\$ 300,263	\$	46,750	\$	42,628	\$ 304,385
WATER CAP IMPROVEMENT	\$ 266,770	\$	34,000	\$	67,551	\$ 233,218
<u>Special Revenue Funds</u>						
TRANSIENT GUEST TAX	\$ 2,243	\$	1,291	\$	-	\$ 3,535
LIBRARY	\$ 14,410	\$	385,091	\$	392,717	\$ 6,783
LAW ENFORCEMENT.TRUST	\$ 1,706	\$	9,689	\$	5,138	\$ 6,257
SPECIAL PARKS	\$ 13,693	\$	4,344	\$	2,335	\$ 15,702
<u>Debt Service Funds</u>						
DEBT SERVICE	\$ 151,546	\$	575,076	\$	646,578	\$ 80,045
INFRASTRUCTURE SALES TAX	\$ 110,804	\$	419,996	\$	202,795	\$ 328,006
<u>Capital Projects Funds</u>						
SPECIAL HIGHWAY	\$ 291,451	\$	378,110	\$	328,827	\$ 340,734
EQUIPMENT RESERVE	\$ 915	\$	-	\$	-	\$ 915
CAPITAL PROJECTS	\$ 353,746	\$	601,904	\$	373,441	\$ 582,210
POLICE DEPT EQUIP RESERVE	\$ 35,757	\$	24,514	\$	31,000	\$ 29,271
FIRE DEPT EQUIP RESERVE	\$ 115,847	\$	93,114	\$	80,827	\$ 128,134
TOTALS	\$ 2,987,239	\$	8,034,505	\$	7,378,676	\$ 3,643,068

OUTSTANDING DEBT

<u>GENERAL OBLIGATION BONDS</u>	<u>4th Quarter</u>
2000 4th Street Improvement	\$ 45,000
2009A Streets	\$ 65,000
2010A Streets	\$ 505,000
2013A Industrial Park	\$ 1,455,000
2013B Refunding Rev. Loans	\$ 4,550,000
2017A Refunding 2007A and 2009A	\$ 1,715,000
2018A Library Sales Tax	\$ 3,660,000
Sub-Total	\$ 11,995,000
<u>OTHER OBLIGATIONS</u>	
City Hall/PD Lease Purchase	\$ 961,269
Fire Pumper Lease Purchase	\$ 300,449
Ball Fields - Rec Commission	\$ 114,640
County Road 1	\$ 600,000
Sub-Total	\$ 1,976,358
Grand Total	\$ 13,971,358

I, JoAnn Ferguson, Treasurer of the City of Tonganoxie, do hereby certify that the above statement is correct.

Attest:
Subscribed and sworn before me this 22nd Day of January, 2019

Signed: JoAnn Ferguson, Treasurer

(Seal)

Signed: Dan Porter, Assistant City Manager

Library Project Budget Report - As of 2019-01-18

Land Acquisition Costs	Budget	Actual Costs Incurred	Balance Remaining
Land Purchase from Tongie 5 LLC	195,149.00	192,921.94	2,227.06
Geotech	7,500.00	3,250.00	4,250.00
Special Inspections	35,000.00	-	35,000.00
Topographical Survey	3,500.00	-	3,500.00
Subtotal Land Acquisition Liabilities	241,149	196,172	44,977
Pre-Construction & Design Liabilities - JE Dunn	Budget	Actual Costs Incurred	Balance Remaining
Architectural Fee	285,000.00	20,772.00	264,228.00
Structural	26,280.00	-	26,280.00
Civil	29,160.00	-	29,160.00
Interior/Furnishing	24,510.00	-	24,510.00
Travel Reimbursement JE Dunn	21,050.00	679.00	20,371.00
Subtotal Pre-Construction & Design Liabilities - JE Dunn	386,000	21,451	364,549
Design Build Construction Liabilities - JE Dunn	Budget	Actual Costs Incurred	Balance Remaining
Construct and Equip Library Facility (Design-Build Contract)	3,122,851.00	-	3,122,851.00
Subtotal Design Build Construction Liabilities - JE Dunn	3,122,851	-	3,122,851
Total Project Liabilities (not including issuance costs)	Budget 3,750,000	Actual Costs Incurred 217,623	Balance Remaining 3,532,377