



*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 March 18, 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) Ordinance 1466: Amending the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, by Rezoning Certain Property in the City of Tonganoxie, Kansas from R-Residential to R-Single Family
- b) Resolution 04-19-01: Findings of Fact related to Rezoning Certain Property in the City of Tonganoxie, Kansas from R-Residential to R-Single Family
- c) Consider Approval of Request for 2019 Funding Contribution for the Leavenworth County Development Corporation
- d) Resolution 4-19-02: Appointing Municipal Court Judge and City Attorney as Officers of the City of Tonganoxie
- e) Consider Approval of Request to Purchase Hydraulic Mower Attachment
- f) Charter Ordinance 29: Exempting the City of Tonganoxie from the Provisions of K.S.A. 14-205 and Providing Substitute Provisions Therefore, and Repealing Charter Ordinance No. 6
- g) City Manager Agenda
 - 1. 2019 Employee Benefit Renewals Update
 - 2. Library Project Update
- h) City Attorney Agenda
- i) Mayor Pro Tem Agenda
- j) City Council Agenda

k) Mayor Agenda

VII. Information & Communications (No Action Required)

VIII. Adjourn

City Council Meeting Minutes
March 18, 2019
7:00 Regular Meeting

Open Regular Meeting – 7:00 p.m.

I. Pledge of Allegiance

- Mayor Pro Tem Himpel opened the meeting at 7:00 PM with the Pledge of Allegiance.
- Roll Call: Council members present were Mayor Pro Tem Himpel, Mr. Oroke, Ms. Patterson, Ms. Stevens, and Mr. Bennett. Mayor Ward was absent. City Manager George Brajkovic and Assistant City Manager Dan Porter were also in attendance. Mayor Pro Tem Himpel recognized Leavenworth County Commission Chairman Doug Smith who was in attendance.

II. Approval of Minutes – Regular meeting dated March 4, 2019

- **Mr. Oroke made a motion to approve the minutes from the March 4, 2019 City Council meeting.**
- **Mr. Bennett seconded.**
- **Vote of all ayes, motion carried.**

III. Consent Agenda

- a) Review bill payments
- **Ms. Stevens 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 open agenda

V. Old Business

VI. New Business

- a) Presentation on Leavenworth County Road 1 Land Use Analysis
 - Mr. Brajkovic introduced the item.
 - Triveece Penelton, with Vireo, delivered a presentation on the Leavenworth County Road 1 Land Use Analysis project findings. She discussed the study process, public input opportunities, data collected in the study, and goals and strategies arising from the analysis. She noted that Concept A could be described as the highest and best utilization of land, with additional levels of density in zones of the area. She described Concept B as the most popular to the community members and focus groups, which doesn't include as much density or change from the status quo.
 - Ms. Stevens thanked Ms. Penelton for her high quality presentation.
 - Mayor Pro Tem Himpel thanked Ms. Penelton for the information.
- b) New Library Project Presentation: Bidding Procedures and Updated Design Documents
 - Mr. Brajkovic introduced the item.

- Emily Held, with JE Dunn, described the subcontractor management system that can be used for the project to track the qualifications of interested parties. She noted the project team had reached out to local contractors and encouraged them to participate in upcoming bid packages. The first bid package is scheduled to be released next week, followed by two additional bid packages. The advertisement schedule will include the Leavenworth Times and Tonganoxie Mirror. The first pre-bid meeting is scheduled to take place at the Tonganoxie Public Library. Finally, the most qualified bidder will then be recommended to the City Council for approval before continuation of the project.
 - Mr. Brajkovic reiterated the City's appreciation for
 - Michelle Kaiser, with Benson Method, delivered a presentation describing the current design elements of the new library building in advance of submission of the Site Plan to the Planning Commission on April 4, 2019. She described the color, 3-D elevations of the pre-engineered building.
 - Mr. Oroke asked whether the elevation and dirt relocation required for the building on the site would lend itself to the addition of a basement level or storm shelter as part of the design.
 - Nicole Holifield stated that the budget for the project didn't include the ability to complete a storm shelter as part of the project to build the new library.
 - Curtis Golba with JE Dunn commented that the site elevation and soil testing results did not result in the need to remove or add fill in a way that would result in cost savings by adding a basement.
 - Mr. Oroke asked if drainage on the site
 - Mr. Bennett commented that a storm shelter designation meant more than just construction of a basement, such as additional design guidelines and monitoring or access requirements, such as was done with the Fire Department in the 1990s.
- c) Consider Approval of Request to Donate Tonganoxie Water Park Family Season Pass to Cornerstone Family Worship Children's Ministry
- Mr. Brajkovic introduced the item and described the request for the donation of a family pass at the Tonganoxie Water Park.
 - Jenni Keltner, with Cornerstone Family Worship, described the nature of the request and mentioned that the bulk of the funds raised in this event would be to support children attending summer camps.
 - **Ms. Patterson made a motion to authorize the donation of 1 resident water park season pass to Cornerstone Family Worship Children's Ministry.**
 - **Mr. Oroke seconded.**
 - **Vote of all ayes, motion carried.**
- d) Resolution 03-19-02: A Resolution Declaring It Necessary To Acquire Private Property In The City Of Tonganoxie, Kansas For The Purpose Of Temporary Construction Easements And Permanent Sanitary Sewer Easements
- Mr. Brajkovic commented that staff have been in contact with the property owner in question for this item and requested that the City Council not consider this item at this time.
- e) Ordinance 1460: Amending Chapter III, Article I and Article II, Regulating the Sale of Cereal Malt Beverage and Beer Containing Not More Than 6% Alcohol by Volume
- Mr. Porter introduced the item. He noted that the State of Kansas passed legislation in 2017 authorizing the changes to the regulation of cereal malt beverage sales that will become effective statewide on April 1, 2019. The proposed ordinance would adjust the CMB licensing references in the City Code to include the definition of enhanced cereal malt beverage, or beverage with up to 6% alcohol content by volume.
 - **Mr. Oroke made a motion to authorize the execution of Ordinance 1460.**
 - **Mr. Bennett seconded.**

- **Vote of all ayes, motion carried.**
- f) Ordinance 1465: Acceptance of Utility Easement from Orison, LLC
 - Mr. Brajkovic introduced the item.
 - **Ms. Stevens made a motion to authorize the execution of Ordinance 1465.**
 - **Ms. Patterson seconded.**
 - **Vote of all ayes, motion carried.**
 - Ms. Patterson thanked staff for the efforts to reach agreement with property owners on utility easements.
- g) Tonganoxie Days Event Planning Discussion – 2019 Budget
 - Mr. Porter introduced the item and described the elements of the proposed budget for the Tonganoxie Days event in 2019.
 - **Ms. Patterson made a motion to authorize the budget for Tonganoxie Days 2019 as presented to the Council.**
 - **Mr. Bennett seconded.**
 - **Vote of all ayes, motion carried.**
- h) City Manager Agenda
 - 1. February 2019 Financial Report
 - Mr. Porter introduced the item and delivered the February 2019 Financial Report. He indicated that none of the City's large or small funds were currently at risk of exceeding budget authority, but that staff will continue to monitor the City's utility funds as the year progresses. He noted that the City has recorded a positive amount of revenue thus far in building permits, driven primarily by a handful of residential building permits in the Jackson Heights subdivision.
 - 2. Library Project Update
 - Mr. Brajkovic noted the Library project had been covered in great detail earlier in the meeting and there were no new financial payments made associated with the project to report.
- i) City Attorney Agenda
 - Mr. Brajkovic commented that an RFQ was prepared and distributed for City Attorney services and that staff anticipated proposing the appointment of a City Attorney at the April 1, 2019 meeting of the City Council.
- j) Mayor Pro Tem Agenda
- k) City Council Agenda
 - Mr. Oroke thanked the volunteers and participants in the St. Patrick's Day Parade held the previous weekend.
 - Ms. Stevens commented that the Shamrock Express was the name of the green vehicle parked downtown and that it was a hit in the St. Patrick's Day Parade.
- l) Mayor Agenda

VII. Information & Communications (No Action Required)

VIII. Adjourn

- **Ms. Patterson made a motion to adjourn the meeting.**
- **Ms. Stevens seconded.**
- **Vote of all ayes, motion carried. Meeting Adjourned at 8:21 PM.**

Respectfully submitted,



Dan Porter, Assistant City Manager

DRAFT



City of Tonganoxie, KS

My Check Report

Date Range: 03/13/2019 - 03/29/2019

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
856	HAUPT CONSTRUCTION COMPANY	03/15/2019	Regular	0	71000	46022
56	BLUE CROSS AND BLUE SHIELD	03/22/2019	Regular	0	32652.86	46039
59	Kansas City Board of Public Utilities	03/15/2019	Regular	0	14220.78	46023
671	WESTAR ENERGY	03/15/2019	Regular	0	11416.69	46034
1041	GettingGreatRates.com	03/22/2019	Regular	0	5671.5	46043
99	CITY OF LEAVENWORTH	03/15/2019	Regular	0	5520.72	46018
51	BG CONSULTANTS INC	03/22/2019	Regular	0	4202.5	46038
579	SECURITY BENEFIT - 457	03/22/2019	Regular	0	2910.23	46048
189	FIRST STATE BANK & TRUST	03/29/2019	Regular	0	1817.43	46054
813	FREESTATE ELECTRIC COOPERATIVE	03/22/2019	Regular	0	1637	46042
426	LEAVENWORTH COUNTY SHERIFF OFFICE	03/15/2019	Regular	0	1616.25	46026
198	FRANK ROBISON	03/15/2019	Regular	0	1400	46019
429	MARC	03/15/2019	Regular	0	1221	46027
6	ACE PIPE CLEANING INC	03/29/2019	Regular	0	1200.4	46050
330	KANSAS GAS SERVICE	03/15/2019	Regular	0	1061.07	46024
826	ANNA WOLF	03/15/2019	Regular	0	1050	46016
38	B & W FIRE LLC	03/22/2019	Regular	0	994.4	46037
1	911 CUSTOM	03/15/2019	Regular	0	964	46014
635	TOTAL ELECTRIC CONTRACTORS INC	03/22/2019	Regular	0	831.89	46049
809	FREESTATE ELECTRIC COOPERATIVE INC	03/29/2019	Regular	0	737.1	46056
857	MIDCONTINENT COMMUNICATIONS	03/22/2019	Regular	0	727.66	46045
113	COMMERCIAL AQUATIC SERVICES	03/22/2019	Regular	0	606.05	46041
596	GEOFF SONNTAG	03/15/2019	Regular	0	600	46021
677	WILLIAM PRAY	03/15/2019	Regular	0	600	46035
578	SECURITY BENEFIT	03/22/2019	Regular	0	552.63	46047
77	CARAWAY PRINTING CO., INC.	03/29/2019	Regular	0	510	46052
115	CONRAD FIRE EQUIPMENT, INC.	03/29/2019	Regular	0	509.97	46053
692	ZEP MANUFACTURING COMPANY	03/15/2019	Regular	0	507.97	46036
503	PACE ANALYTICAL SERVICES INC	03/15/2019	Regular	0	454	46031
661	VISION SERVICE PLAN	03/29/2019	Regular	0	405.88	46064
391	LAWRENCE JOURNAL WORLD	03/15/2019	Regular	0	375.22	46025
500	OREILLY AUTO PARTS	03/15/2019	Regular	0	368.39	46030
46	BAY BRIDGE ADMINISTRATORS, LLC	03/15/2019	Regular	0	357.54	46017
857	MIDCONTINENT COMMUNICATIONS	03/15/2019	Regular	0	353.51	46028
656	VERIZON WIRELESS	03/29/2019	Regular	0	285.98	46063
243	HIMPEL LUMBER & BUILDING SUPPL	03/29/2019	Regular	0	246.24	46058
732	METLIFE - GROUP BENEFITS	03/29/2019	Regular	0	219.41	46060
595	SOMERS HOLDINGS, LLC	03/15/2019	Regular	0	210	46033
932	RED WING SHOES	03/29/2019	Regular	0	210	46062
476	NATIONAL SIGN COMPANY INC.	03/15/2019	Regular	0	200.58	46029
205	GALL'S LLC	03/15/2019	Regular	0	174.39	46020
555	RICOH USA, INC.	03/22/2019	Regular	0	149.4	46046
15	ALL SEASONS CAR WASH	03/15/2019	Regular	0	141.48	46015
514	PITNEY BOWES, INC.	03/15/2019	Regular	0	135.24	46032
888	NATIONWIDE	03/29/2019	Regular	0	100	46061
922	BORDER STATES INDUSTRIES	03/29/2019	Regular	0	80.89	46051
1007	LEAVENWORTH PAPER & OFFICE SUPPLY LLC	03/22/2019	Regular	0	60.96	46044
1042	Foley Equipment	03/29/2019	Regular	0	58.5	46055
70	BROTHER' S MARKET	03/22/2019	Regular	0	35.57	46040
393	LAWRENCE MEMORIAL HOSPITAL	03/29/2019	Regular	0	30	46059
205	GALL'S LLC	03/29/2019	Regular	0	8.79	46057
595	SOMERS HOLDINGS, LLC	03/15/2019	Regular	0	-210	46033

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	70	51	0.00	171,402.07
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-210.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	70	52	0.00	171,192.07

Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	3/2019	171192.07
			<u>171192.07</u>



Office of the City Manager
AGENDA STATEMENT

DATE: April 1, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Melanie Tweedy, Administrative Assistant
SUBJECT: Consideration of Approval of Rezone Application for 520 Smiley

DISCUSSION:

Staff received an application from Jack Willis and South Park Development to request a change in the zoning at 520 Smiley Road. The property is currently zoned Residential-Rural and applicant is requesting a change to Residential-Single Family. This change would allow for minimum lot size of 6,000 square feet. The applicant is planning to develop part of the lot with a residential housing development.

The Planning Commission heard this item during a public hearing held at the March 7, 2019 meeting. During that meeting, a motion was approved to recommend approval to the City Council in considerations of recommendations included in the staff report.

BUDGET IMPACT:

None.

ACTION NEEDED:

Two actions are requested for the approval of this item.

Make a motion to approve b) Resolution 04-19-01: Recognizing the Findings of Fact related to Rezoning Certain Property located at 520 Smiley Road in the City of Tonganoxie, Kansas from R-Residential to R-Single Family

Make a motion to approve Ordinance 1466: Amending the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, by Rezoning Certain Property located at 520 Smiley Road in the City of Tonganoxie, Kansas from R-Residential to R-Single Family.

ATTACHMENTS:

Staff Report
Rezone Application
Zoning Exhibit Map
Planning Commission Draft Minutes 2019-03-07
Ordinance 1466
Resolution 04-19-01

cc: George Brajkovic, City Manager
File



City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#: 2019-001P – Rezoning from R-R to R-SF

Date of Report: February 28, 2019

Applicant Name: Jack Willis, South Park Development

Property Owner Name: South Park Development Company, LLC

Subject Property Address: 520 Smiley Road

Application:

Zoning District: R-R Rural District

Type of Approval Desired: Rezoning from R-R to R-SF Residential Single-family District (approximately 19 acres on the west side of Smiley Road)

Date of Application: January 22, 2019

Date of Meeting: March 7, 2019

Surrounding Property – Zoning and Use:

West: RR-2.5 (unincorporated Leavenworth County); undeveloped wooded lot

South: R-SF – 3 single family lots (approximately .5 acres), 2 single-family lots (approximately 1-2 acres), and 1 remnant lot (approximately 15 acres)

East: R-R and R-SF– 4 single-family lots (approximately 1 acre), 1 large remnant parcel, church

North: R-SF and R-R – 17 single-family lots (approximately 7,000 – 12,000 square feet), 4 remnant parcels (approximately 2 to 10 acres)

Staff Recommendation:

Recommend approval subject to specific conditions regarding access and utility issues to be addressed prior to platting, and larger street network planning required prior to any future development on remnant parcels.

I. SUMMARY:

This application proposes to rezone approximately 19 acres from “R-R” Rural District to “R-SF” Residential Single-family District. The property is on the east side of Smiley Road. The applicants immediate plan is to plat 4 single-family lots (approximately 30,000 s.f.) fronting on Smiley Road. A future phase includes potentially 16 single-family lots (approximately 10,000 – 12,000 s.f.), accessed off a cul-de-sac stemming from a future street connecting to Smiley Road. The remaining remnant parcel is approximately 10 acres and is where the existing single-family house would remain.

II. ANALYSIS

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

1. Character of the neighborhood:

The character of the surrounding area is a mix of agriculture and low-density residential uses. All directions from the subject property include a mix of houses on smaller lots, larger lots, larger remnant parcels, and then undeveloped or agriculture lands, therefore there is no distinct character in the area and in generally reflects the characteristics of the rural/suburban fringe of developed areas.

2. Zoning and uses of properties nearby:

The surrounding property is used as either single-family homes and/or agriculture. There is also a church located east of Smiley Road. All of the surrounding property is zoned either R-R Residential Rural District or R-SF Residential Single-family District.

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

This property is off Smiley Road, which has a semi-rural characteristic to it, with some subdivisions located adjacent to it and several larger lots fronting on Smiley Road. It has been used as a single-family home and agriculture for all of the relevant history, which is consistent with the existing R-R zoning designation. While this area is suitable for that use, it is also an area of transition as there is a mix of agriculture, large lot, and suburban residential development north and south of this property on Smiley Road.

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

Nearby property has been subject to similar development patterns. Property to the east and south reflect the same patterns, with larger lots fronting on Smiley Road and some remnant parcels to the rear, and property to the north has been developed in smaller lots (similar to what is proposed for the future phases of this property further west off Smiley Road.) This development pattern and the proposed uses should not detrimentally affect nearby property.

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

The subject property is currently a large agriculture lot with a single-family home on it. Leavenworth County GIS and Appraisal information indicate the home was built in 1903, and it is reasonable to conclude the property has existed in this or a similar state since that time.

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

If the property remains as “R-R” Rural District zoning, only very low levels of future development will be likely in this area. None of them will amount to the investment level or intensity to warrant future infrastructure investments in this area, so it is likely the property would remain unchanged without rezoning. The gain to the public if the property is to remain in this state is generally aesthetic (minting a rural or pastoral character) and fiscal (not needing to take on additional infrastructure obligations). Development patterns similar to what is proposed has occurred on other property surrounding this site, so to some extent these potential benefits to the public from maintaining current zoning have been reduced..

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

This area is located in the near term growth area and is designated for low density residential on the Future Land Use Map in the Comprehensive plan. Therefore, the proposed use and the development pattern is generally in conformance with the plan.

The plan also includes a number of different policies regarding infrastructure and transportation that identify the following issues with respect to the specific proposal:

- **Infrastructure Policies.** Infrastructure investments to support future growth are to be well coordinated. This area is served by water and sewer, however some of the development further to the north has experienced difficulties with levels of water service due to elevations and the fact that the service is extended far out from other developed areas. However, this development reflects filling in the gaps from some of these previous investments. These service issues will be addressed by more specific engineering at the time of platting proposed lots.
- **Transportation Policies.** The plan states that residential lots off arterial streets should generally be avoided, and Smiley Road is designated as an arterial street. However, the proposed pattern already exists in this area. Additionally, the alternative where lots back to arterial streets should also be avoided due to the negative impacts this pattern has on street networks, community character, and efficient street investments (i.e. streets that serve no other purpose except access to other streets.) Therefore this pattern with larger lots (and fewer access points) on arterials is an acceptable compromise. Despite this, continued and increasing residential driveway access points on Smiley Road is not desirable, and the access to these lots should be combined in some fashion, subject to the City Engineers review and recommendation.

The comprehensive plan also includes several policies on “neighborhood design” (Residential Neighborhood Design Policies, page 10-3). These polices are all aimed at creating distinctive, human-scale and more walkable neighborhoods through new growth. Similar policies were further developed and emphasized with the recent updates and focus areas for the Comprehensive Plan (2015 updates). The proposed development does not meet these policies, as it reflects a more “sub-urban” character of housing. However, the context and surrounding development plans in the vicinity are more similar to what is proposed for this property. The proposed re-zoning is not in a location where those policies are currently directly relevant, nor is the proposed project of a scale to influence significant changes on the existing character of the area.

A final component of residential development from the comprehensive plan addresses the connectivity of local and collector street networks. Generally, a pattern of stubs and cul-de-sacs will lead to a uncoordinated development pattern – leading to transportation, infrastructure and neighborhood character problems. To some extent development on surrounding properties exhibit the challenges that result from the cumulative effects of this pattern, as many small plats

are done over several years. Therefore, at the time of platting of the 16 lots to the west off Smiley Road, a concept plan for future street networks – in this subject property and showing potential connections to future development on adjacent property should be provided.

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

III. EFFECT OF DECISION

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

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

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

Subsequent to any decision on this particular request to rezone a preliminary and final plat will have to be prepared demonstrating infrastructure capacity, finalizing streets and access, and identifying specific lot lines and easements.

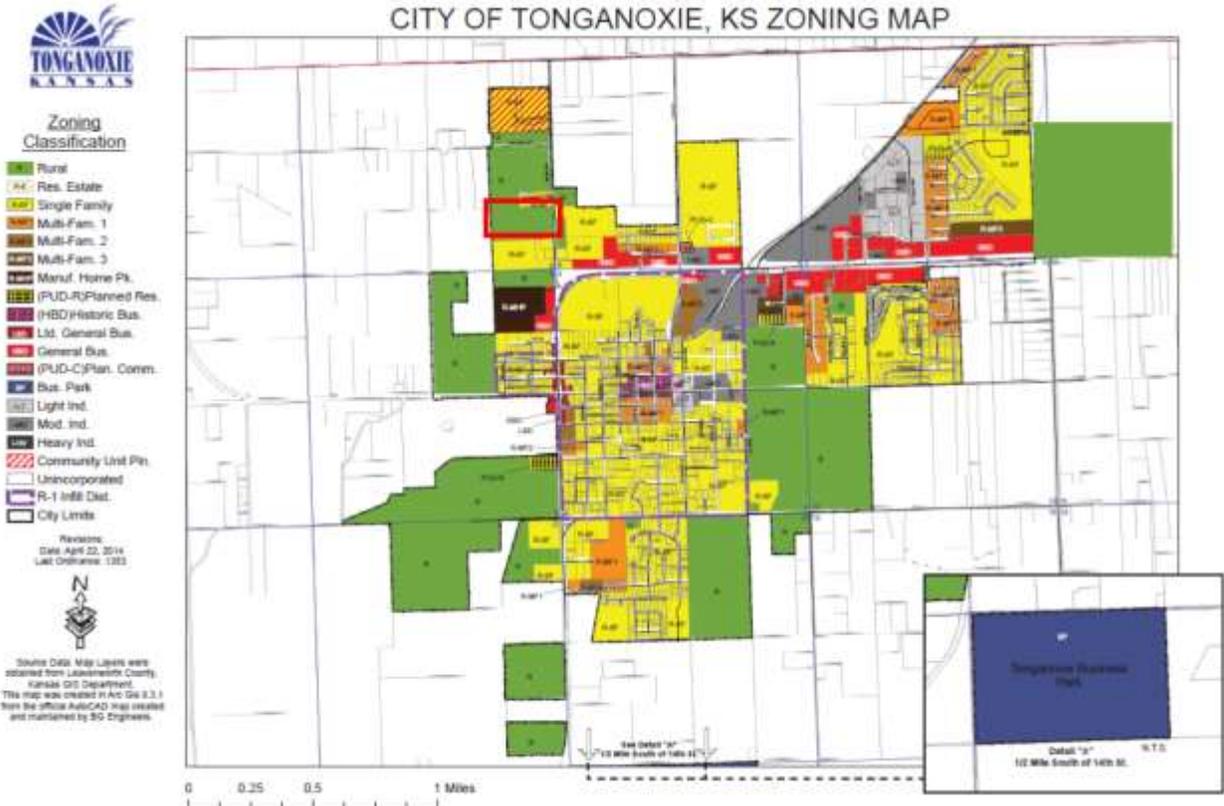
IV. RECOMMENDATION.

Staff recommends approval of the rezoning from "R-R" Rural District to "R-SF" Single-family District, subject to the following:

1. The preliminary and final plat shall demonstrate infrastructure and utility capacity to serve all lots at the appropriate levels of service. Any upgrades in service necessary shall be the obligation of the property owner.
2. Access to the 4 lots on Smiley Road shall be subject to review and approval by the City Engineer, and generally be consolidated to two points. Options to explore include shared drives between two lots, access from the proposed side street to the south of the property, access from a shared "frontage lane" connecting all lots with a common access drive, or combinations of these or similar strategies.
3. Future platting of the 16 lots to the west further off Smiley Road, or any other portions of the property being rezoned shall require a conceptual street network addressing all future development on this property, including connections to potential street networks on the surrounding property. The conceptual network shall prioritize coordinating access to Smiley Road at limited points, and establish a block structure for the vicinity so the area does not end up with several isolated stubs, cul-de-sacs and subdivision "pods" should future development occur in these areas.
4. At the time of platting, all lots shall meet the minimum dimension and development standards for the R-SF district (minimum 6,000 s.f lots; minimum 65 feet frontage). However the lots on Smiley Road shall be limited to the concept proposed – 4 larger lots with limited access points.



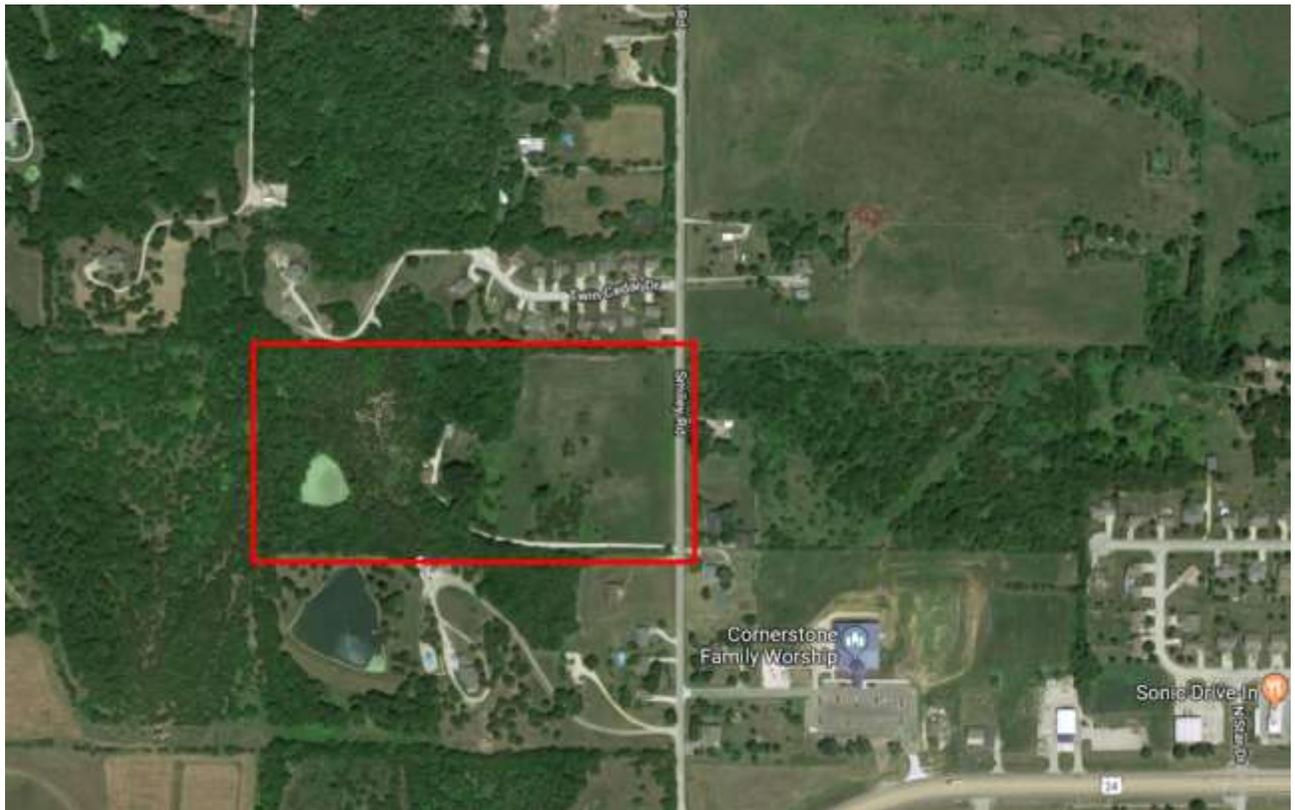
Chris Brewster
Contract City Planner



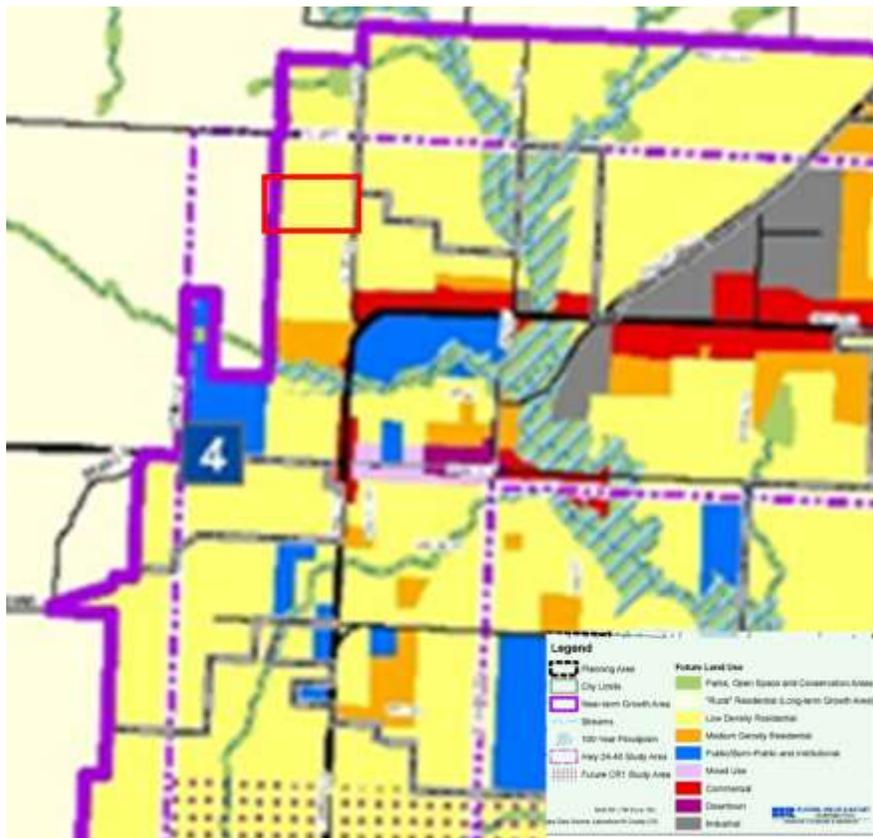
Current City Zoning (property in red box now zoned RR)



Vicinity



Property



Future Land Use (Tonganoxie Comprehensive Plan 2006)



CITY OF TONGANOXIE
CHANGE OF ZONE REQUEST AND PROCEDURES

Date Received: 1-22-19

Fee Paid: \$500

Received By: MT

ZONE CHANGE APPLICATION

REQUESTED REZONING FROM: R-R TO: R-SF
PRESENT ZONING DISTRICT PROPOSED ZONING DISTRICT

SITE ADDRESS OR PROPERTY LOCATION 520 Smiley Rd

SIZE OF SITE (ACRE/SQUARE FEET) 19 +/- Acre

ASSESSOR'S TAX PARCEL NUMBER _____

APPLICANT: JACK Willis South Park Dev.

MAILING ADDRESS: PO Box 147 Tonganoxie KS 66586

PHONE NUMBER: 913 369 7867 (daytime) _____ (cell) _____ (fax)

EMAIL ADDRESS: ES Willis @ SBC Global, net

LANDOWNER OF RECORD (If different than applicant): South Park Dev

ADDRESS: PO Box 147

PHONE NUMBER: 913 369 7867 (daytime) _____ (cell) _____ (fax)

EMAIL ADDRESS: ES Willis @ SBC Global, net

AGENT or ARCHITECT/ENGINEER /LAND PLANNER: Joe Hering

BUSINESS ADDRESS: 315 N 5th Leavenworth KS 66048

PHONE NUMBER: 913 547 2881 (daytime) _____ (cell) _____ (fax)

EMAIL ADDRESS: _____

Required materials needed to file this application:

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

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

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

Has 1 House and used as Ag (Hay)

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

Twin cedars Sub Border to the north

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

Would be ~~best~~ a good place to build houses

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

would be the same as ^{adjacent} ~~nearby~~ property

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

30 + years

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

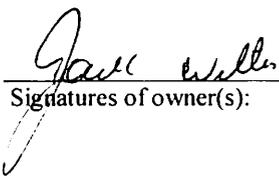
Should blend in with neighborhood

Briefly describe the adequacy of public utilities and infrastructure:

Has water & Sewer

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

should be the same as Twin Cedars Sub

 South Park Dev
Signatures of owner(s):

JACK Willis South Park Dev
Print Name

Signatures of owner(s):

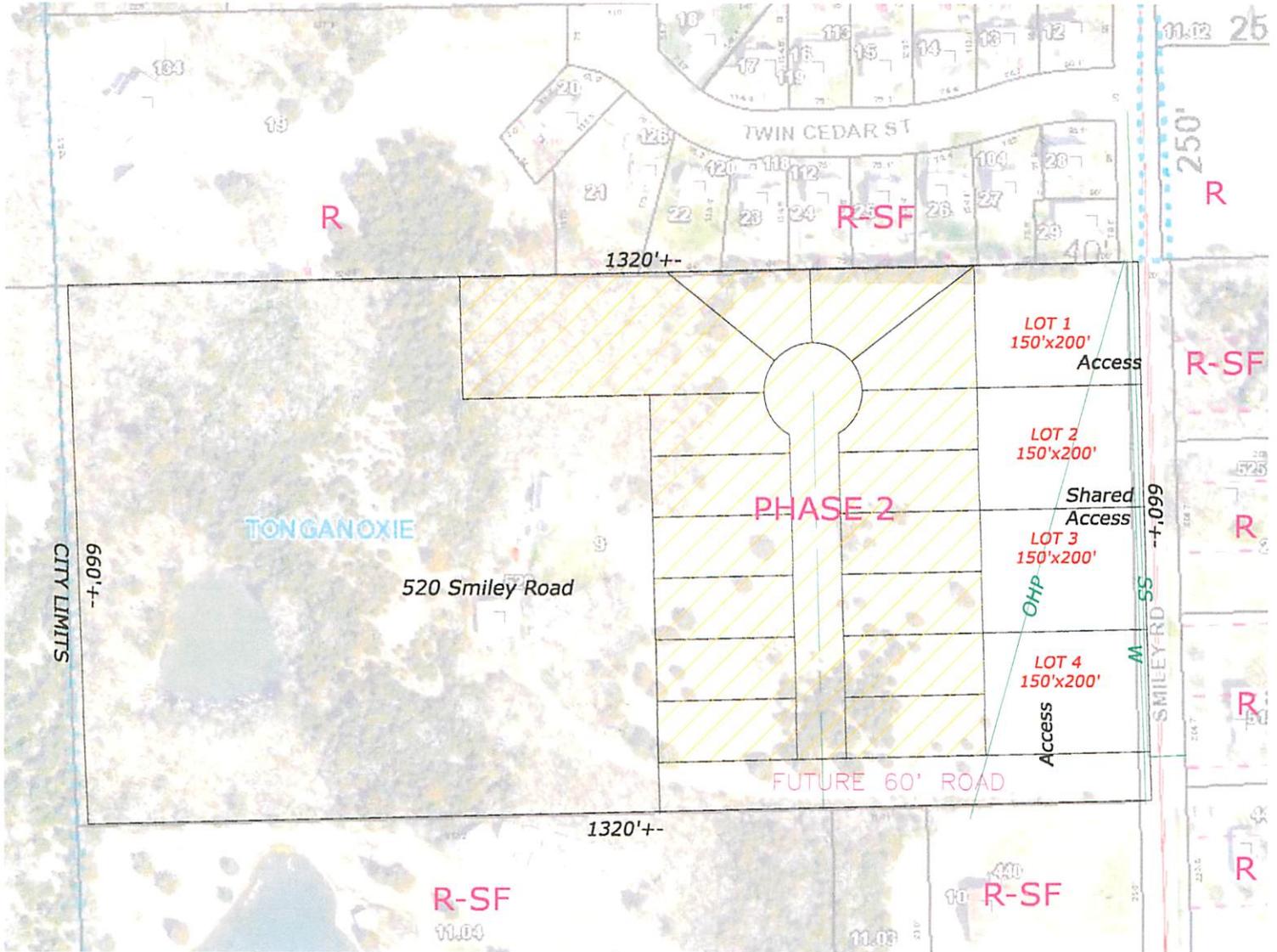
Print Name

ZONING EXHIBIT

Tract in Section 5-11-21
City of Tonganoxie,
Leavenworth County, Kansas.

PREPARED FOR:

South Park Development Co. LLC
520 Smiley Road
Tonganoxie, KS



Scale 1" = 200'

K-18-1254
January 19, 2019

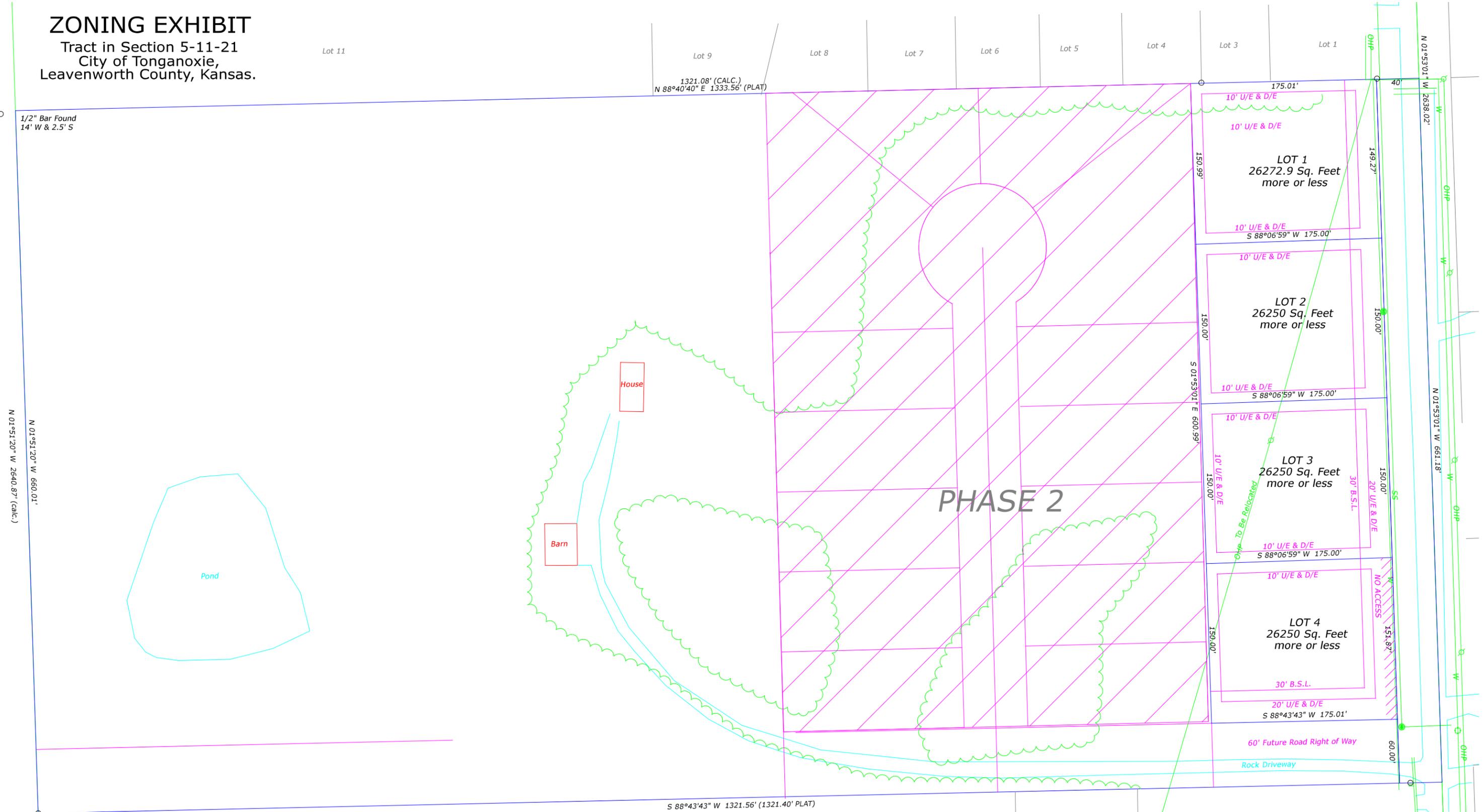
J. Herring, Inc. (dba)
HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@teamcash.com

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

ZONING EXHIBIT

Tract in Section 5-11-21
City of Tonganoxie,
Leavenworth County, Kansas.



J.Herring, Inc. (dba)
HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@teamcash.com



Not to Scale
K-18-1254
March 26, 2019

PREPARED FOR:
South Park Development Co. LLC
520 Smiley Road
Tonganoxie, KS

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

Planning Commission Meeting Minutes

March 7, 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. Assistant City Manager Dan Porter and City Planner Chris Brewster with Gould Evans were also in attendance.
1. **APPROVAL OF PC MINUTES** – January 3, 2019
 - **Ms. Gee made a motion to approve the minutes from the January 3, 2019 Planning Commission meeting.**
 - **Ms. Gabel seconded.**
 - **Vote of all ayes, motion carried.**
 2. **OPEN AGENDA** – In order to speak during open agenda, you must sign in **before the meeting**. Please give your name and address to the City Clerk or designee. Comments will be limited to 3 minutes. Please wait to be recognized by the Chair and before speaking **state your name and address** for the record.
 - No members of the public addressed the Planning Commission.
 - Chairman Morgan closed the open agenda portion of the meeting.
 3. **NEW BUSINESS**
 - a) Public Hearing - Rezone Application– R-R (Residential Rural) to R-SF (Residential Single Family) 521 Smiley Road – Submitted by Jack Willis & South Park Development
 - Mr. Brewster delivered a presentation on the item, which is a proposed rezoning of a 19 acre parcel in the general area northwest of Smiley Road. He indicated it was in accordance with the low density residential anticipated use of the area. He noted the largest consideration is the level of utility service in the area so the staff recommendation has identified that specifically. He also described the City Engineer’s proposed requirement in future platting processes for limiting the number of access points to Smiley Road to only two for the four lots with frontage. Staff recommend approval of the item with four considerations, which were listed in the Planning Commission report.
 - Chairman Morgan asked if tonight’s action included consideration of the utility service levels in the area, which have been issues in the past.
 - Mr. Brewster noted that this was on the radar for the City Engineer and Fire Department.
 - Ms. Gee requested that the cul-de-sac design would be vetted with the Fire Department to ensure water pressure would be sufficient for fire suppression and that the design include sufficient space for turn-around actions.

- Mr. Dale asked if the zoning change was completed and the developer didn't complete the project.
- Mr. Brewster responded that the City would have the option to initiate the rezoning back to the original rezoning if the proposed platting of the property wasn't in accordance with the stipulations of the rezoning.
- Mr. Stoltenberg asked if there was a signal planned for the Smiley and 24/40 intersection if volume of housing increased.
- Chairman Morgan commented that there was no signal planned at Smiley Road in the 24/40 Corridor Plan.
- Mr. Brewster stated that this would be considered in light of the Major Thoroughfare Plan included in the City's Comprehensive Plan in terms of road locations.
- Chairman Morgan opened the public hearing and asked if anyone wished to speak in favor or in opposition to the item. No members of the public participated in the public hearing.
- Chairman Morgan closed the public hearing.
 - **Mr. Dale made a motion to recommend approval to the City Council of the rezoning request for the property located at 520 Smiley Road, subject to the following staff conditions:**
 - 1. The preliminary and final plat shall demonstrate infrastructure and utility capacity to serve all lots at the appropriate levels of service. Any upgrades in service necessary shall be the obligation of the property owner.**
 - 2. Access to the 4 lots on Smiley Road shall be subject to review and approval by the City Engineer, and generally be consolidated to two points. Options to explore include shared drives between two lots, access from the proposed side street to the south of the property, access from a shared "frontage lane" connecting all lots with a common access drive, or combinations of these or similar strategies.**
 - 3. Future platting of the 16 lots to the west further off Smiley Road, or any other portions of the property being rezoned shall require a conceptual street network addressing all future development on this property, including connections to potential street networks on the surrounding property. The conceptual network shall prioritize coordinating access to Smiley Road at limited points, and establish a block structure for the vicinity so the area does not end up with several isolated stubs, cul-de-sacs and subdivision "pods" should future development occur in these areas.**
 - 4. At the time of platting, all lots shall meet the minimum dimension and development standards for the R-SF district (minimum 6,000 s.f lots; minimum 65 feet frontage). However the lots on Smiley Road shall be limited to the concept proposed – 4 larger lots with limited access points.**
 - **Mr. Stoltenberg seconded the motion.**
 - **Roll Call Vote – 6 ayes, 1 nay (Henson), motion carried.**
 - **The City Council will plan to consider this item at the regularly scheduled meeting on April 1, 2019.**
- Ms. Gee noted that the City will be losing the services of Shannon Marcano to another City and that she wished to thank her for the services rendered to the City, especially her work with the Planning Commission.

- Mr. Porter commented that he will extend the thanks of the Planning Commissioners to Ms. Marcano and that she will be missed.
- Ms. Gee noted that many buildings on 4th Street have mirrored windows with darker appearances and asked if staff could research other cities to determine how they address this issue, along with vacant buildings downtown. In addition, another thing to look at downtown would be the use of downtown buildings for storage.

4. OLD BUSINESS

- No items.

5. GENERAL INFORMATION

- a) December 2018 and January 2019 Homebuilders Association Permit Statistics
 - b) December 2018 Market Research Statistics
- No items.

6. ADJOURN

- **Mr. Dale made a motion to adjourn the meeting.**
- **Mr. Harris seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 7:38 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager

RESOLUTION 04-19-01

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

Findings of Fact and Conclusions concerning request to rezone certain property filed by Jack Willis and South Park Development, property owner.

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

FINDINGS OF FACT

REQUEST TO REZONE PROPERTY

MEETING/PUBLIC HEARING DATE: Planning Commission meeting, dated March 7, 2019, at 7:00 PM at the Tonganoxie City Council Chambers.

SUBJECT: A request to rezone from "R-R" R-Rural District to "R-SF" R-Single Family District, the following described property:

The North One-Half (N1/2) of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), of Section Five (5), Township Eleven (11) South, Range Twenty-One (21) East of the 6th P.M., excepting public highways, situated in the City of Tonganoxie, County of Leavenworth and State of Kansas, more commonly known as 520 Smiley Road.

1. **History and Current Status of Property:**

The property owner has filed an application to change the zoning classification from "R-R" (R-Rural District) to "R-SF" (R-Single Family) for the above described property. The property owner and surrounding neighbors were notified and a Public Hearing was held by the Planning Commission on March 7, 2019. The property owner proposes to rezone the property so they are in compliant with current zoning classifications.

Review Considerations:

The City's zoning regulations define the "R-SF" R-Single Family (Section 5) and permitted uses as follows:

General Description: To allow for residential development at a low density that is protected from encroachment of uses not performing a function necessary to the residential environment.

Uses Permitted:

- A. Residential Uses
 - 1. Accessory Uses 1 & 5 that are related, customary and subordinate to the existing use of the site.
 - 2. Group Home
 - 3. Secondary residential Uses (such as pool houses, guest houses, servants quarters)
 - 4. Single-family dwellings
- B. Institutional and Service Uses that are incidental to and compatible with the general existing or planned uses in the area.
 - 1. Community or Social Service/Groups
 - 2. Education: – School
 - 3. Religious Institution
 - 4. Safety Services
 - 5. Local Utilities
- C. Recreational uses that are compatible with the uses in the surrounding area
 - 1. Athletic Facilities, Outdoor
 - 2. Open Space or Areas
- D. Commercial Uses: Lodging Facilities I
- E. Signs as regulated in Section [25](#).
- F. Special Uses as allowed in Section [22](#). (Group Living, Education-Other, Personal Care Facility, Home Occupation)
- G. Temporary Uses as approved by the Governing Body. See Section [33](#).
- A. Please refer to Appendix A for a list of suggested, permitted uses.

CONCLUSIONS

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

1. Character of the neighborhood:

The character of the surrounding area is a mix of agriculture and low-density residential uses. All directions from the subject property include a mix of houses on smaller lots, larger lots, larger remnant parcels, and then undeveloped or agriculture lands, therefore there is no distinct character in the area and in generally reflects the characteristics of the rural/suburban fringe of developed areas.

2. Zoning and uses of properties nearby:

The surrounding property is used as either single-family homes and/or agriculture. There is also a church located east of Smiley Road. All of the surrounding property is zoned either R-R Residential Rural District or R-SF Residential Single-family District.

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

This property is off Smiley Road, which has a semi-rural characteristic to it, with some subdivisions located adjacent to it and several larger lots fronting on Smiley Road. It has been used as a single-family home and agriculture for all of the relevant history, which is consistent with the existing R-R zoning designation. While this area is suitable for that use, it is also an area of transition as there is a mix of agriculture, large lot, and suburban residential development north and south of this property on Smiley Road.

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

Nearby property has been subject to similar development patterns. Property to the east and south reflect the same patterns, with larger lots fronting on Smiley Road and some remnant parcels to the rear, and property to the north has been developed in smaller lots (similar to what is proposed for the future phases of this property further west off Smiley Road.) This development pattern and the proposed uses should not detrimentally affect nearby property.

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

The subject property is currently a large agriculture lot with a single-family home on it. Leavenworth County GIS and Appraisal information indicate the home was built in 1903, and it is reasonable to conclude the property has existed in this or a similar state since that time.

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

If the property remains as "R-R" Rural District zoning, only very low levels of future development will be likely in this area. None of them will amount to the investment level or intensity to warrant future infrastructure investments in this area, so it is likely the property would remain unchanged without rezoning. The gain to the public if the property is to remain in this state is generally aesthetic (minting a rural or pastoral character) and fiscal (not needing to take on additional infrastructure obligations). Development patterns similar to what is proposed has occurred on other property surrounding this site, so to some extent these potential benefits to the public from maintaining current zoning have been reduced.

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

This area is located in the near term growth area and is designated for low density residential on the Future Land Use Map in the Comprehensive plan. Therefore, the proposed use and the development pattern is generally in conformance with the plan.

The plan also includes a number of different policies regarding infrastructure and transportation that identify the following issues with respect to the specific proposal:

Infrastructure Policies. Infrastructure investments to support future growth are to be well coordinated. This area is served by water and sewer, however some of the development further to the north has experienced difficulties with levels of water service due to elevations and the fact that the service is extended far out from other developed areas. However, this development reflects filling in the gaps from some of

these previous investments. These service issues will be addressed by more specific engineering at the time of platting proposed lots.

□ Transportation Policies. The plan states that residential lots off arterial streets should generally be avoided, and Smiley Road is designated as an arterial street. However, the proposed pattern already exists in this area. Additionally, the alternative where lots back to arterial streets should also be avoided due to the negative impacts this pattern has on street networks, community character, and efficient street investments (i.e. streets that serve no other purpose except access to other streets.) Therefore this pattern with larger lots (and fewer access points) on arterials is an acceptable compromise. Despite this, continued and increasing residential driveway access points on Smiley Road is not desirable, and the access to these lots should be combined in some fashion, subject to the City Engineers review and recommendation.

The comprehensive plan also includes several policies on “neighborhood design” (Residential Neighborhood Design Policies, page 10-3). These policies are all aimed at creating distinctive, human-scale and more walkable neighborhoods through new growth. Similar policies were further developed and emphasized with the recent updates and focus areas for the Comprehensive Plan (2015 updates). The proposed development does not meet these policies, as it reflects a more “sub-urban” character of housing. However, the context and surrounding development plans in the vicinity are more similar to what is proposed for this property. The proposed re-zoning is not in a location where those policies are currently directly relevant, nor is the proposed project of a scale to influence significant changes on the existing character of the area.

A final component of residential development from the comprehensive plan addresses the connectivity of local and collector street networks. Generally, a pattern of stubs and cul-de-sacs will lead to a uncoordinated development pattern – leading to transportation, infrastructure and neighborhood character problems. To some extent development on surrounding properties exhibit the challenges that result from the cumulative effects of this pattern, as many small plats

4

are done over several years. Therefore, at the time of platting of the 16 lots to the west off Smiley Road, a concept plan for future street networks – in this subject property and showing potential connections to future development on adjacent property should be provided.

8. Recommendations of professional staff:

[see below]

III. EFFECT OF DECISION

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

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

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

Subsequent to any decision on this particular request to rezone a preliminary and final plat will have to be prepared demonstrating infrastructure capacity, finalizing streets and access, and identifying specific lot lines and easements.

IV. RECOMMENDATION.

Staff recommends approval of the rezoning from “R-R” Rural District to “R-SF” Single-family District, subject to the following:

1. The preliminary and final plat shall demonstrate infrastructure and utility capacity to serve all lots at the appropriate levels of service. Any upgrades in service necessary shall be the obligation of the property owner.
2. Access to the 4 lots on Smiley Road shall be subject to review and approval by the City Engineer, and generally be consolidated to two points. Options to explore include shared drives between two lots, access from the proposed side street to the south of the property, access from a shared “frontage lane” connecting all lots with a common access drive, or combinations of these or similar strategies.
3. Future platting of the 16 lots to the west further off Smiley Road, or any other portions of the property being rezoned shall require a conceptual street network addressing all future development on this property, including connections to potential street networks on the surrounding property. The conceptual network shall prioritize coordinating access to Smiley Road at limited points, and establish a block structure for the vicinity so the area does not end up with several isolated stubs, cul-de-sacs and subdivision “pods” should future development occur in these areas.
4. At the time of platting, all lots shall meet the minimum dimension and development standards for the R-SF district (minimum 6,000 s.f lots; minimum 65 feet frontage). However the lots on Smiley Road shall be limited to the concept proposed – 4 larger lots with limited access points.

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

Passed and approved by the Governing Body of the City of Tonganoxie this 1st day of April 2019.

Jason K. Ward, Mayor

(SEAL)

ATTEST:

Patricia C. Hagg, City Clerk

ORDINANCE 1466

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

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

WHEREAS, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Tonganoxie, Kansas, held a public hearing on the 7th day of March 2019, at 7:00 p.m., at the Tonganoxie City Hall Council Chambers, the official date set out as was published in the Tonganoxie Mirror newspaper; and

WHEREAS, pursuant to Resolution 4-19-01, the Governing Body adopted Findings of Fact and Conclusions supporting its decision to rezone said property.

WHEREAS, upon a motion made and duly seconded and passed, the Governing Body resolved to rezone from “R-R” (R-Rural District) to “R-SF” (R-Single Family), the following described property:

The North One-Half (N1/2) of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), of Section Five (5), Township Eleven (11) South, Range Twenty-One (21) East of the 6th P.M., excepting public highways, situated in the City of Tonganoxie, County of Leavenworth and State of Kansas, more commonly known as 520 Smiley Road.

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

SECTION 1. That the above-described property being in the “R-R” – R-Rural Zoning District is and the same is hereby rezoned to “R-SF” – R-Single Family Zoning District.

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

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

**PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF
TONGANOXIE, KANSAS, ON THIS 1ST DAY OF APRIL.**

(SEAL)

Jason K. Ward, Mayor

Patricia C. Hagg, City Clerk



Office of the City Manager
AGENDA STATEMENT

DATE: April 1, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Funding for the 2019 contribution to the Leavenworth County Development Corporation (LCDC)

DISCUSSION:

Staff received an invoice requesting payment for the City of Tonganoxie's 2019 Public Sector Funding for the Leavenworth County Development Corporation (LCDC). LCDC works with many entities in Leavenworth County to provide businesses and citizens with economic development resources. More than 10 years ago, cities in the County instituted a funding mechanism which factors in assessed valuation and population in order to determine the annual funding request of each participating entity. The City's Public Sector Funding Contribution in the last two years has been \$7,559 and \$7,723. The increase in the amount of requested contribution this year is due to growth in assessed valuation and in population for the City of Tonganoxie.

The City's 2019 adopted budget includes funding allocated in the General Fund for a contribution to the Leavenworth County Development Corporation (LCDC) in the amount requested. This item was a part of budget workshop discussions held in 2018 and is being brought to City Council for consideration of expenditure authorization.

BUDGET IMPACT:

The required level of funding is budgeted in the City's General Fund in 2019.

ACTION NEEDED:

Make a motion to authorize funding contribution to the Leavenworth County Development Corporation, in an amount not to exceed \$7,976.

ATTACHMENTS:

Invoice #1395
Letter Requesting Funding for 2019

cc: George Brajkovic, City Manager

Leavenworth County Development Corporation
 Leavenworth County Port Authority
 Leavenworth, KS 66048

Invoice

Phone # 9137276111 mmack@lvcountyed.org
 Fax # 913-727-5515 www.LVCountyED.org

Invoice #	Bill Date
1395	2/22/2019



Bill To
City of Tonganoxie PO Box 326 Tonganoxie, KS 66086

Quantity	Description	Rate	Amount
1	2019 LCDC Public Sector Funding	7,976.00	7,976.00

Please make payment to:
 Leavenworth County Development Corporation
 Leavenworth County Port Authority
 1294 Eisenhower Road
 Leavenworth, KS 66048

Balance Due

\$7,976.00



LEAVENWORTH
COUNTY

DEVELOPMENT CORP
DEDICATED TO THE
INDUSTRY OF INNOVATION

May 4, 2018

Mr. George Brajkovic
City Manager
Tonganoxie City Hall
526 E. 4th Street, P.O. Box 326
Tonganoxie, KS 66086

Dear George:

The Leavenworth County Development Corporation (LCDC) relies on an annual appropriation from your community and the other cities in the county as well as funding from Leavenworth County, Leavenworth County Port Authority, and nearly 80 private sector members. Our funding partnership reflects how our organization works together with multiple entities in providing economic development resources to citizens and businesses throughout the county.

Our organization would again like to formally request your participation in LCDC's economic development efforts. In order to fairly distribute the governmental/public sector contribution, nearly 15 years ago the cities instituted a funding mechanism based on valuation and population which are updated each year (see enclosure). **LCDC's request of Tonganoxie for 2019 is \$7,976.**

We value and appreciate Tonganoxie's past participation and believe your investment returns value each year to the community through our marketing, recruitment and retention efforts. We are proud of our role in bringing Unilock to the community and are working on several opportunities in the Urban Hess Business Park.

We are very excited about the new business park and are gearing up to market the property. As you know we have actually already submitted the land to a couple of prospective businesses. Additionally, LCDC has hired a new marketing firm, Candid Marketing, to prepare a new, extensive marketing plan. LCDC intends to invest heavily over the next few years in more outreach, more networking, more advertising, more brochures, a better website and other initiatives.

Again, we appreciate the partnership. If you have questions or comments, please feel free to contact us.

Sincerely,

David Schroeder
LCDC Board President

Steve Jack
LCDC Executive Director

cc: Dan Porter



Office of the City Manager
AGENDA STATEMENT

DATE: April 1, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: George Brajkovic, City Manager
SUBJECT: Authorizing the Appointment of Municipal Court Judge

DISCUSSION:

K.S.A. 14-201 requires the Mayor, by and with the consent of the City Council, to appoint certain city officers in April each year. Charter Ordinance 26 gives the Mayor, by and with the consent of the City Council, the authority to appoint two officers each year. These officers include:

Municipal Court Judge
City Attorney

BUDGET IMPACT:

There is no anticipated impact on the 2019 budget.
The City currently has an agreement with Municipal Judge William Pray to pay \$600 per month for services rendered. No change is anticipated due to this appointment.

ACTION NEEDED:

Adopt Resolution 04-19-02, authorizing the Appointment of Municipal Court Judge.

ATTACHMENTS:

Resolution 04-19-02

cc: Dan Porter, Assistant City Manager
Patricia C. Hagg, City Clerk



Office of the City Manager
AGENDA STATEMENT

DATE: April 1, 2019
To: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Consider approval of purchase of Hydraulic Skidsteer Mower Attachment

DISCUSSION:

The City's 2019 adopted budget includes funding allocated in the Special Parks Fund for the purchase of this item, which was a part of budget workshop discussions held in 2018. The rationale for the purchase includes giving staff the ability to complete mowing and mitigation efforts in right of way, City owned park properties, and on City properties which require tall grass and weed mitigation. Currently the City operates two zero turn lawn mowers better suited to working on landscaped areas and not designed to handle rough terrain or tall vegetation. This purchase would enable City staff to complete regularly required mowings using existing Skidsteer equipment.

Staff collected the quotes listed below in accordance with the purchasing policy in order to submit for consideration the expenditure authorization. The lowest responsible bid was received from Bobcat.

Skidsteer Hydraulic Mower Attachment Bids

Bobcat -	\$4,837.40
Coleman Equipment Land Pride -	\$5,567.00
Coleman Equipment Bradco -	\$5,900.00
Victor L Phillips Company -	\$6,432.00

BUDGET IMPACT:

The required level of funding is budgeted in the City's Special Parks Fund in 2019.

ACTION NEEDED:

Make a motion to authorize the purchase of a skid steer mounted brush and grass mower from Bobcat, in an amount not to exceed \$4,837.40

ATTACHMENTS:

Expense Justification and 4 Bids collected for Hydraulic Mower Attachment

cc: George Brajkovic, City Manager
Kent Heskett, Public Works Director



City of Tonganoxie

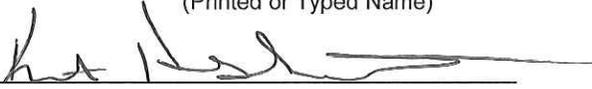
EXPENSE JUSTIFICATION FORM

DATE: March 28, 2019

REQUESTING DEPARTMENT:

Public Works Fire Police Administration

DEPARTMENT REPRESENTATIVE: Kent Heskett
(Printed or Typed Name)

DIRECTOR'S SIGNATURE: 

PURPOSE OF EXPENSE:

Purchase of a skid steer mounted heavy duty brush and grass mower. This mower will be used to maintain right of ways and properties which have code compliance issues.

WHAT DATE SHOULD THE WORK BEGIN? ASAP

WHAT ARE THE CONSEQUENCES OF DELAYING THIS EXPENSE?

Delayed delivery.

WHAT ALTERNATIVE METHODS OF THIS EXPENSE HAVE BEEN RULED OUT?

The continued use of mowers designed for maintaining parks. Damage to these mowers occurs when used for cleaning up non-compliance properties.

LIST OF BIDS/QUOTES (Attached)

Company Name	Amount
<u>Bobcat</u>	\$ <u>4,837.40</u>
<u>Coleman Equipment</u>	\$ <u>5,900.00</u>
<u>Coleman Equipment</u>	\$ <u>5,567.00</u>

Source Fund: Special Parks

Determination

Approved Denied

Authorized Signature: _____
City Manager

Requires city council approval? Yes No

COLEMAN

Equipment Inc.



24000 W. 43rd St.
Bonner Springs, Ks 66012
913-422-3040



SALES • RENTAL • SERVICE • PARTS • TOOLS

Invoice #	0
Date	3/14/2019
Time	7:34 AM

PO #:	
Document #:	14986
Due Date:	4/10/2019

Salesman:	Kenneth Morgan
Ship Via:	
Terms:	Net 10th of Mth

CITY OF TONGANOXIE (23930)		
PO BOX 326		
TONGANOXIE	KS	660860326
Contact:	Heskett, Kent (913) 845-2640	

Wholegood Estimate

Ship To:	

Item Number	Description	Qty	Price	Amount	Disc	Subtotal	Sales Tax	Extended Amount	Back Order	Drop Ship
30372A-0022-PAL	Bradco 30372A-0022 Ground Shark Front Mount Cutter - Std. Duty Standard Flow Hydraulics, Pressure Gauge Kit 1-2 week lead time Government Pricing SN: AP-SC4072-14-87-41-909	1.00	\$5,900.00	\$5,900.00	0.00%	\$5,900.00	\$0.00	\$5,900.00	0.0000	0
Land Pride AP-SC4072 72"	Rotary Cutter Standard Flow Hydraulics, replacable skid shoes, pressure gauge kit In stock at Bonner Springs Government Pricing SN:	1.00	\$5,567.00	\$5,567.00	0.00%	\$5,567.00	\$0.00	\$5,567.00	0.0000	0

Cash	Check/Check#	CC/CC Type	On Acct.	Mfg Credit	CIT	Deposit	Other
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Summary of Charges	
\$0.00	Taxable
\$11,467.00	Non-Taxable
\$11,467.00	Subtotal
\$0.00	Sales Tax
\$11,467.00	Total
\$0.00	Amount Tendered
\$0.00	Change Due

Customer Signature	Date
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Exempt Tax Cert #:	KSBUMKLYNO
Expiration Date:	

Printed:3/14/2019 8:04 AM

From: Steven Korth skorth@vlpco.com
Subject: FW: Mower Quote
Date: Mar 14, 2019 at 9:47:26 AM
To: Moe McCutchen mmccutchen@tonganoxie.org

From: Steven Korth
Sent: Thursday, March 14, 2019 9:45 AM
To: mmccutchen@tonganoxie.org; Steven Korth <skorth@vlpco.com>
Subject: Mower Quote

City of Tonganoxie
Public Works Department
c/o Moe MuCutchen

Dear Council,

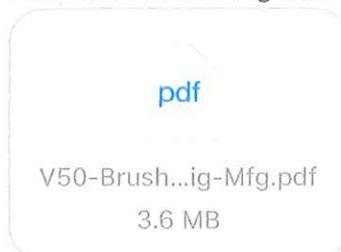
We are pleased to quote one new Virnig Hydraulic Rotary Mower equipped as follows:

- * 72" V50 Rotary Brush Cutter
- * 18GPM
- * Hoses and Quick Couplers
- * To fit Takeuchi TL130
- * FOB Tonganoxie Public Works Department
- * Front Casters

Municipal Price \$6,432.00

Thank You
Steve Korth
Victor L Phillips

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone





Bobcat

Product Quotation

Quotation Number: HMM-14498

Date: 2019-03-13 07:51:49

Customer Name/Address:	Bobcat Dealer	ORDER TO BE PLACED WITH: Contract Holder/Manufacturer
CITY OF TONGANXIE Attn: MOE PO BOX 326 TONGANXIE, KS 66086 Phone: (913) 290-0446	K.C. Bobcat, Tracy, MO 100 TRACY DR TRACY MO 64079 Phone: (816) 431-3001 Fax: (816) 431-3002	Clark Equipment Company dba Bobcat Company PO Box 6000, 250 E. Beaton Dr West Fargo, ND 58078 Phone: 701-241-8719 Fax: 701-280-7860 Contact: Heather Messmer Heather.Messmer@doosan.com

Description	Part No	Qty	Price Ea.	Total
Attachments 72" Brushcat (Std Flow)	7218087	1	\$4,837.40	\$4,837.40

Total of Items Quoted	\$4,837.40
Dealer Assembly Charges	\$0.00
Quote Total - US dollars	\$4,837.40

Notes:

**Prices per the Kansas State Contract #44071. Event ID# 3364.*
**Contract Period: 1-1-2018 thru 12-31-2020*
**Terms Net 30 Days. Credit cards accepted.*
**FOB: Destination within the 48 Contiguous States.*
**TID# 38-0425350*
**Deliver: 60 to 90 days or less from ARO.*
**State Sales Taxes apply. IF Tax Exempt, please include a Tax Exempt Certificate with order.*
**Orders Must be Placed With: Clark Equipment Co, dba Bobcat Company, Govt Sales, 250 E Beaton Dr, PO Box 6000, West Fargo, ND 58078.*

Prices & Specifications are subject to change. Please call before placing an order. Applies to factory ordered units only.

ORDER ACCEPTED BY:

SIGNATURE	DATED	<input type="checkbox"/>
PRINT NAME AND TITLE	PURCHASE ORDER #	
SHIP TO ADDRESS: _____		
BILL TO ADDRESS (if different than Ship To): _____		





Office of the City Manager
AGENDA STATEMENT

DATE: April 1, 2019
TO: Honorable Mayor Jason K. Ward and Members of the City Council
FROM: George Brajkovic, City Manager
SUBJECT: Charter Ordinance No. 29 – Exempting the City of Tonganoxie, Kansas from the Provisions of K.S.A. 14-205 and Providing Substitute Provisions therefore, and Repealing Charter Ordinance No. 6

DISCUSSION:

Charter Ordinance No. 29 is presented to City Council as an initial step in the process of adjusting a requirement within the City of Tonganoxie for the City Attorney to be a qualified elector of Leavenworth County or an adjoining county, since residency doesn't prohibit an individual from capably serving the City of Tonganoxie in such a role as long as the individual is competent and qualified to offer the services required from the position.

Following approval, the Charter Ordinance will be published for two consecutive weeks in the City's official newspaper. It will go into effect 61 days after the final publication unless a referendum petition is filed, in which case the Charter Ordinance shall become effective upon approval by the majority of voters.

RECOMMENDATION:

Make a motion to approve Charter Ordinance No. 29.

ATTACHMENTS:

Charter Ordinance No. 29

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

CHARTER ORDINANCE NO. 29

A CHARTER ORDINANCE EXEMPTING THE CITY OF TONGANOXIE, KANSAS FROM THE PROVISIONS OF K.S.A. 14-205 AND PROVIDING SUBSTITUTE PROVISIONS THEREFORE, AND REPEALING CHARTER ORDINANCE No. 6 AS IT IS NO LONGER APPLICABLE.

WHEREAS, K.S.A. 14-205 sets forth residency requirements for appointed positions in a City of the Second Class; and

WHEREAS, the Governing Body does not believe a residency requirement should prohibit a person from serving the City of Tonganoxie so long as such person is competent and qualified to offer the service required by the position.

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

Section 1. The City of Tonganoxie, Kansas, by the power invested in it by Article XII, Section 5 of the Constitution of the State of Kansas, hereby exempts itself from and makes inapplicable to it K.S.A. 14-205, a legislative enactment which is not applicable uniformly to all cities in the State of Kansas.

Section 2. The following substitute provisions for K.S.A.14-205 will be applicable upon this Ordinance taking effect:

Qualifications of officers; appointment of nonresidents; removal of officer, effect; oaths and bonds. All officers elected or appointed shall be qualified electors of said city, except that the city may appoint nonresidents of the city or state as city attorney, municipal judge and as law enforcement officers when deemed necessary, including the appointment of nonresidents who also serve as city attorney, municipal judge or law enforcement officers of another municipality or public agency. However, if the officer is appointed to perform a service for the city involving a profession requiring the issuance of, and credentials for, a Kansas license to engage in such profession, said officer must hold such license and be in good standing with the issuer of such license. The city attorney need not be a qualified elector of the county in which said city is located or of an adjoining county. The removal from such city of any officer required to be a qualified elector shall occasion a vacancy in such office. The clerk shall enter every appointment to office, and the date thereof, on the journal of proceedings. The council may require all city officers, elected or appointed, to take and subscribe an oath and give bonds and security for the faithful performances of their duties.

Section 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 4. This Charter Ordinance shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the Ordinance as provided in [Article 12](#), Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

Section 5. Charter Ordinance No. 6 is hereby repealed as it is no longer applicable.

PASSED by the City Council this 1st day of April, 2019.

APPROVED by the Mayor this 1st day of April, 2019.

SEAL

Jason K. Ward, Mayor

ATTEST:

Patricia C Hagg, City Clerk

Library Project Budget Report - As of 2019-03-29

Land Acquisition Costs	Budget	Actual Costs Incurred	Balance Remaining
Land Purchase	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 Equipt 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
	Budget	Actual Costs Incurred	Balance Remaining
Total Project Liabilities (not including issuance costs)	3,750,000	217,623	3,532,377