



\*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 October 14, 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 11-19-01: Setting a Public Hearing on December 16, 2019 in Consideration of the Proposed Schoolyard Townhomes Development Plan and Designation of an RHID District
- b) Tonganoxie Public Library Logo Update
- c) Consider Appointment of Jerome A. Gorman as City Prosecutor
- d) Resolution 11-19-02: Authorizing Approval of a Construction Services Contract with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair project
- e) Resolution 11-19-03: Approval of Code of Ethics Policy
- f) Resolution 11-19-04: Approval of Civil Rights Coimplaints Procedure Policy
- g) Consider Approval of Potential Change Items 002 and 003 for the Tonganoxie Public Library Project
- h) City Manager Agenda
  - 1. Urgent Needs Grant Update
  - 2. Library Project Update
- i) City Attorney Agenda
- j) Mayor Pro Tem Agenda
- k) City Council Agenda
- l) Mayor Agenda

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

**VIII. Adjourn**

City Council Meeting Minutes  
October 14, 2019  
7:00 PM Meeting

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance**

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

**II. Approval of Minutes – Regular meeting dated October 7, 2019**

- **Ms. Patterson made a motion to approve the minutes from the October 7, 2019 City Council meeting.**
- **Ms. Stevens seconded the motion.**
- **Vote of 2 ayes, 2 abstentions (Oroke and Himpel), motion carried.**

**III. Consent Agenda**

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

- Mike Stieben, Leavenworth County District 5 Commissioner, updated the City Council on County initiatives. He stated that there would be a town hall meeting held on October 15 at 6 PM at the Leavenworth County Annex to discuss the CR1 Land Use Study. He also stated that the County's road improvement efforts have recently been hampered by the irregularity of utility easements underneath County roads.
- No other members of the public addressed the City Council during open agenda.

**V. Old Business**

**VI. New Business**

a) Ordinance 1477: Amending the "Zoning Ordinance and Subdivision Regulations" of the City of Tonganoxie, Kansas, 2003, by Rezoning Certain Property Generally Known as 304 Shawnee in the City of Tonganoxie, Kansas from R-SF to R-MF2-P

b) Resolution 10-19-02: Findings of Fact Associated with Proposed Rezoning of 304 Shawnee

- Mr. Brajkovic introduced the item and explained that items VI a and VI b are associated with the proposed rezoning of property generally located at 304 Shawnee. He recognized the attendance of Kelley Hrabe with Prairie Fire and Jason Swords with Sunflower Development.
- Chris Brewster, City Planner with Gould Evans, delivered a presentation on the contents of the staff report.
- Kelley Hrabe, with Prairie Fire, addressed the City Council on behalf of the applicant.

- Mr. Himpel asked what the income restricted units would include.
  - Mr. Hrabe shared that 6 units would be market rate, or open ended, while other units would include various ranges of income restriction based on the number of people per household.
  - Mr. Oroke asked what the qualifications to live at the property would be.
  - Mr. Hrabe shared that the applicants would be required to prove income, complete a criminal history check, and other credit checks.
  - Corrie Jones, 215 E 2<sup>nd</sup> Street, addressed the City Council in opposition to the rezoning item.
  - Andy Jones, 215 E 2<sup>nd</sup> Street, addressed the City Council in opposition to the rezoning item.
  - Mr. Himpel stated that he believed there would be several additional opportunities for the City Council to review the proposed development and that he appreciated efforts made so far in parking and design.
  - Ms. Patterson stated that she appreciated the challenge of infill development, the City is fortunate to have this project as a possibility, and that she understood the concerns of neighbors.
  - Ms. Stevens commented that she appreciates the concerns of neighbors and does not live too far from the project. She shared that the pedestrian friendly nature of the design was appealing and that affordability is a key component of the project for people like teachers.
  - Mr. Oroke stated that he lives across the street from the project and that though it is impossible to make everyone happy, the developer did a good job taking feedback from the neighborhood and that he appreciates the developer's commitment to the community.
  - Mayor Ward shared that in his 15 years of service on the City Council he has been part of many emotional decisions, and that he appreciated hearing references to working within the City's Comprehensive Plan. He stated that he appreciated the work of the developer and staff.
  - Mr. Brajkovic reiterated that the project includes several other necessary levels of approval and consideration by the City Council, including the final development plan and a resolution to hold a public hearing related to the establishment of the RHID District. He added that the voting requirement for the rezoning item is a ¾ majority vote of the entire governing body, or at least 5 affirmative votes, due to the submission of a valid protest petition by neighboring property owners following the Planning Commission's recommendation for approval of the rezoning.
  - **Mr. Himpel made a motion to approve Ordinance 1477, approving the rezoning of 304 Shawnee from R-SF to R-MF-2-P.**
  - **Mr. Oroke seconded.**
  - **Roll Call Vote of all ayes, motion carried 5-0.**
  - **Mr. Himpel made a motion to approve Resolution 10-19-02, adopting the findings of fact for rezoning 304 Shawnee from R-SF to R-MF-2-P.**
  - **Mr. Oroke seconded.**
  - **Vote of all ayes, motion carried 5-0.**
- c) Consideration of 2020 Budget Year Purchase of 2020 Dodge Charger for the Police Department
- Mr. Brajkovic introduced the item and explained that the Police Department was requesting authority to place an order for a 2020 Dodge Charger for the Police Department. He explained that the conditional order was being proposed in order to secure a vehicle under a pre-bid contract that would be renegotiated effective October 31, 2019. He added that the auditors were consulted and the purchase order details allowed cancellation of the order in January 2020, which ensure that the purchase can be initially authorized in 2019 and still take effect against the 2020 Budget.
  - **Ms. Patterson made a motion to approve purchase of a 2020 Dodge Charger Police Vehicle through the MARC contract for an amount not to exceed \$24,747.**
  - **Mr. Oroke seconded.**

- **Vote of all ayes, motion carried.**

d) City Manager Agenda

1. Urgent Needs Grant Update

- Mr. Brajkovic commented that the Urgent Need Grant agreement was completed at the last City Council meeting and that the details of the arrangement with the City's bank and accounting setup were being coordinated by staff in advance of the first payments associated with the grant activities.
- Mr. Himpel asked if the new design would be able to be used to walk across the creek.
- Mr. Brajkovic stated that the design was not finalized, but that it would likely be very similar to the previous aerial crossing and thus possibly be able to be used to cross Tonganoxie Creek.

2. Library Project Update

- Mr. Brajkovic provided an update on the status of the Tonganoxie Public Library construction project.

b) City Attorney Agenda

c) Mayor Pro Tem Agenda

d) City Council Agenda

e) Mayor Agenda

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

**VIII. Adjourn**

- **Ms. Patterson made a motion to adjourn the meeting.**
- **Ms. Stevens seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:15 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager



City of Tonganoxie, KS

# Check Report

Date Range: 10/11/2019 - 10/31/2019

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP Bank-AP Bank</b>						
1015	JE Dunn	10/14/2019	Regular	0	481390	46784
1102	Infrastructure Solutions, LLC	10/17/2019	Regular	0	84484.8	46807
56	BLUE CROSS AND BLUE SHIELD	10/25/2019	Regular	0	33123.89	46815
250	HONEYCREEK DISPOSAL SERVICE	10/14/2019	Regular	0	27268	46783
59	Kansas City Board of Public Utilities	10/25/2019	Regular	0	20709.38	46828
671	Evergy	10/14/2019	Regular	0	14742.4	46802
369	KRAMER & ASSOCIATES	10/14/2019	Regular	0	9425	46790
861	GBA ARCHITECTS ENGINEERS	10/17/2019	Regular	0	8000	46806
1101	Candid, LLC	10/15/2019	Regular	0	4063.69	46803
216	GOULD EVANS PC	10/25/2019	Regular	0	3507.5	46825
579	SECURITY BENEFIT - 457	10/17/2019	Regular	0	3380.23	46808
224	HAMM QUARRIES & LANDFILL	10/25/2019	Regular	0	3158.32	46826
641	TYLER TECHNOLOGIES	10/14/2019	Regular	0	2743.77	46799
320	KANSAS DEPT OF REVENUE	10/14/2019	Regular	0	2214.64	46785
157	EDWARDS CHEMICALS	10/14/2019	Regular	0	2192.9	46777
826	ANNA WOLF	10/14/2019	Regular	0	1905	46772
566	SALTUS TECHNOLOGIES	10/25/2019	Regular	0	1843.68	46846
548	RECORDNEWS	10/14/2019	Regular	0	1712.15	46796
813	FREESTATE ELECTRIC COOPERATIVE	10/25/2019	Regular	0	1564	46822
1018	UNITED RENTALS	10/14/2019	Regular	0	1549.42	46800
198	FRANK ROBISON	10/25/2019	Regular	0	1400	46821
399	LEAVENWORTH ASPHALT MATERIALS	10/25/2019	Regular	0	1362.35	46832
1082	1st Due Emergency Response Solutions, LLC	10/25/2019	Regular	0	1185.2	46809
857	MIDCONTINENT COMMUNICATIONS	10/25/2019	Regular	0	1065.53	46837
1078	Environmental & Process Systems, Inc.	10/25/2019	Regular	0	1000	46820
495	OMNI-SITE	10/14/2019	Regular	0	916.46	46792
476	NATIONAL SIGN COMPANY INC.	10/25/2019	Regular	0	846.45	46838
1103	A&A Granite Fabrication, INC	10/25/2019	Regular	0	700	46810
1083	Bay Bridge Administrators, LLC FSA	10/17/2019	Regular	0	616.68	46805
596	GEOFF SONNTAG	10/25/2019	Regular	0	600	46824
677	WILLIAM PRAY	10/25/2019	Regular	0	600	46852
500	OREILLY AUTO PARTS	10/14/2019	Regular	0	583.25	46793
409	LEXIPOL LLC	10/25/2019	Regular	0	577	46835
651	USA BLUE BOOK	10/14/2019	Regular	0	567.89	46801
684	WIRENUTS	10/25/2019	Regular	0	563.98	46853
651	USA BLUE BOOK	10/25/2019	Regular	0	498.81	46850
205	GALL'S LLC	10/14/2019	Regular	0	490.19	46780
617	TBS ELECTRONICS, INC.	10/25/2019	Regular	0	481.15	46848
555	RICOH USA, INC.	10/14/2019	Regular	0	478.66	46797
503	PACE ANALYTICAL SERVICES INC	10/25/2019	Regular	0	474	46841
922	BORDER STATES INDUSTRIES	10/25/2019	Regular	0	446.57	46816
491	OLATHE WINWATER WORKS	10/25/2019	Regular	0	442	46840
46	BAY BRIDGE ADMINISTRATORS, LLC	10/25/2019	Regular	0	403.85	46814
373	Kansas Health and Environmental Laboratories	10/14/2019	Regular	0	401	46787
635	TOTAL ELECTRIC CONTRACTORS INC	10/14/2019	Regular	0	399	46798
635	TOTAL ELECTRIC CONTRACTORS INC	10/25/2019	Regular	0	362.93	46849
857	MIDCONTINENT COMMUNICATIONS	10/14/2019	Regular	0	343.66	46791
115	CONRAD FIRE EQUIPMENT, INC.	10/25/2019	Regular	0	338.63	46818
1028	Active 911	10/25/2019	Regular	0	338	46811
1074	Red Fuel Repair	10/25/2019	Regular	0	315	46844
1003	NAVY BRAND MFG CO	10/25/2019	Regular	0	307	46839
757	KC CLEAN	10/14/2019	Regular	0	300	46789
404	LEAVENWORTH TIMES	10/25/2019	Regular	0	296	46834
542	QUILL	10/25/2019	Regular	0	295.81	46843

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
25	APAC-KANSAS, INC	10/14/2019	Regular	0	260.71	46773
205	GALL'S LLC	10/25/2019	Regular	0	249.84	46823
732	METLIFE - GROUP BENEFITS	10/25/2019	Regular	0	219.41	46836
249	HONEYBEE SEPTIC SERVICE	10/14/2019	Regular	0	215	46782
284	JAYS UNIFORMS	10/25/2019	Regular	0	210.81	46827
932	RED WING SHOES	10/25/2019	Regular	0	210	46845
1021	Katherine Kelly	10/14/2019	Regular	0	200	46788
594	SMITHEREEN PEST CONTROL	10/25/2019	Regular	0	198	46847
1104	Dan Porter	10/25/2019	Regular	0	192	46819
166	EMERGENCY REPORTING	10/14/2019	Regular	0	181.33	46778
656	VERIZON WIRELESS	10/25/2019	Regular	0	179.15	46851
752	DIRECTOR OF ACCOUNTS & REPORTS	10/14/2019	Regular	0	175	46776
15	ALL SEASONS CAR WASH	10/25/2019	Regular	0	174.07	46812
749	BROADVOICE	10/14/2019	Regular	0	151.58	46774
189	FIRST STATE BANK & TRUST	10/14/2019	Regular	0	147.55	46779
330	KANSAS GAS SERVICE	10/14/2019	Regular	0	143.73	46786
70	BROTHER' S MARKET	10/14/2019	Regular	0	136.61	46775
77	CARAWAY PRINTING CO., INC.	10/25/2019	Regular	0	130	46817
381	LADD SERVICE COMPANY	10/25/2019	Regular	0	118	46830
315	KANSAS DEPT. OF AGRICULTURE	10/15/2019	Regular	0	100	46804
391	LAWRENCE JOURNAL WORLD	10/25/2019	Regular	0	82.18	46831
505	PATCHEN	10/14/2019	Regular	0	70.34	46794
505	PATCHEN	10/25/2019	Regular	0	70.34	46842
542	QUILL	10/14/2019	Regular	0	63.98	46795
929	KS DEPT OF HEALTH & ENVIRONMENT	10/25/2019	Regular	0	20	46829
395	Leavenworth County Development Corporation	10/25/2019	Regular	0	10	46833
20	AMERICAN EQUIPMENT CO.	10/25/2019	Regular	0	9.76	46813
239	HERITAGE TRACTOR, INC.	10/14/2019	Regular	0	8.64	46781

## Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	111	82	0.00	732,903.85
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>111</b>	<b>82</b>	<b>0.00</b>	<b>732,903.85</b>

## All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	111	82	0.00	732,903.85
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
	111	82	0.00	732,903.85

## Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	10/2019	732903.85
			732903.85

(Published in the *Tonganoxie Mirror* on the \_\_\_\_ day of \_\_\_\_\_, 2019)

**RESOLUTION NO. 11-19-01**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING THE SCHOOLYARD TOWNHOMES RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN THE PROPOSED DISTRICT, AND PROVIDING FOR NOTICE OF A PUBLIC HEARING.**

**WHEREAS**, the City of Tonganoxie, Kansas (the "City") has the authority to create one or more rural housing incentive districts (each, an "RHID") pursuant to K.S.A. 12-5241 *et seq.*, as amended from time to time (the "RHID Act"), for the purpose of financing public improvements that will support housing in rural areas which experience a shortage of housing; and

**WHEREAS**, on June 5, 2017, the Governing Body of the City made certain findings related to the need for housing in the City and approved the creation of an RHID pursuant to the RHID Act through the adoption of Resolution No. 06-17-01 (the "RHID Resolution"); and

**WHEREAS**, on June 6, 2017, the City submitted a certified copy of the RHID Resolution to the Secretary of Commerce (the "Secretary") for approval of the establishment of the RHID in the City, as required by Section 12-5244(c) of the RHID Act; and

**WHEREAS**, on June 9, 2017, the Secretary provided written confirmation approving the establishment of the RHID; and

**WHEREAS**, pursuant to Section 12-5245(a) of the RHID Act, the City has caused to be prepared a plan for the development of housing and public facilities (the "Development Plan") within a portion of the RHID, as legally described and depicted on **Exhibit A** attached hereto, to be known as the "Schoolyard Townhomes RHID"; and

**WHEREAS**, the Development Plan includes the following requirements set forth in Section 12-5245(a) of the RHID Act:

1. The legal description and map of the Schoolyard Townhomes RHID;
2. The existing assessed valuation of the real estate in the Schoolyard Townhomes RHID, listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the Schoolyard Townhomes RHID;
4. A description of the housing and public facilities project that is proposed to be constructed or improved in the Schoolyard Townhomes RHID, and the location thereof (the "Project");

5. A listing of the names, addresses and specific interests in real estate in the Schoolyard Townhomes RHID of the developer responsible for development of the Project in the Schoolyard Townhomes RHID;
6. The contractual assurances the Governing Body has received from such developer, guaranteeing the financial feasibility of the Project in the Schoolyard Townhomes RHID;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the Schoolyard Townhomes RHID as provided in the RHID Act, which shows that the public benefits derived from the Schoolyard Townhomes RHID will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in the Schoolyard Townhomes RHID. Other sources of public or private funds used to finance the improvements are identified in the analysis; and

**WHEREAS**, the Governing Body of the City proposes to continue proceedings necessary to consider adopting the Development Plan and designating the Schoolyard Townhomes RHID in accordance with the provisions of the RHID Act.

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

**Section 1. Proposed Rural Housing Incentive District.** The Governing Body hereby declares its intent to establish within the City the Schoolyard Townhomes RHID. The Schoolyard Townhomes RHID is proposed to be formed within the boundaries of the real estate legally described and depicted on **Exhibit A** attached hereto. The existing assessed valuation of the real estate in the Schoolyard Townhomes RHID, listing the land and improvement values separately, and a list of the names and addresses of the owners of record of all real estate parcels within the Schoolyard Townhomes RHID is attached hereto as **Exhibit B**.

**Section 2. Development Plan.** The Governing Body hereby further declares its intent to adopt the Development Plan in substantially the form presented to the Governing Body on this date. A copy of the Development Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the Project that is proposed to be constructed or improved in the Schoolyard Townhomes RHID, and the location thereof are described in **Exhibit C** attached hereto. A summary of the contractual assurances by the developer and the comprehensive feasibility analysis is contained in **Exhibit D** attached hereto.

**Section 3. Public Hearing.** Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider designation of the Schoolyard Townhomes RHID and adoption of the Development Plan on December 16, 2019 at Tonganoxie Council Chamber, 321 Delaware Street, Tonganoxie, Kansas 66086. The public hearing will commence at 7:00 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on such matters, and may, after the conclusion of

the public hearing, designate the Schoolyard Townhomes RHID and adopt the Development Plan, all pursuant to the RHID Act.

**Section 4. Notice of Public Hearing.** This Resolution shall be published at least once in the *Tonganoxie Mirror* not less than one week or more than two weeks preceding the date fixed for the public hearing. A certified copy of this Resolution shall be delivered to the Planning Commission of the City, the Board of Education of Tonganoxie Unified School District No. 464, and the Board of County Commissioners of Leavenworth County, Kansas. This Resolution and the Development Plan are available for inspection at the office of the City Clerk during normal business hours. Members of the public are invited to review the Development Plan and attend the public hearing on December 16, 2019.

**Section 5. Further Action.** The Mayor, City Manager, Assistant City Manager, City Clerk and other officials and employees of the City, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

**Section 6. Effective Date.** This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS,  
AND APPROVED BY THE MAYOR ON THIS 4<sup>th</sup> DAY OF NOVEMBER, 2019.**

**SEAL**

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Jason K. Ward, Mayor

ATTEST:

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Patricia C. Hagg, City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION AND MAP OF SCHOOLYARD TOWNHOMES RHID

Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 7, in the RAILROAD ADDITION to the City of Tonganoxie, Leavenworth County, Kansas, and to include the North 35 feet of vacated 3<sup>rd</sup> Street, and the vacated alley in said Block 7, all in the City of Tonganoxie, Leavenworth County, Kansas.

Leavenworth County, Kansas Parcel ID Number 052-192-09-0-20-11-001.00-0.



**EXHIBIT B**

**EXISTING ASSESSED VALUATION AND LIST OF NAMES AND ADDRESSES  
OF THE OWNERS OF RECORD OF ALL REAL ESTATE PARCELS WITHIN  
THE SCHOOLYARD TOWNHOMES RHID**

Assessed Valuation:	Land:	\$97,800
	Improvements:	\$0

Owner(s) of record:	TONGIE5 LLC
	124 West 1 <sup>st</sup> Street
	Tonganoxie, Kansas 66086

## EXHIBIT C

### DESCRIPTION OF PROPOSED HOUSING AND PUBLIC FACILITIES PROJECT WITHIN THE SCHOOLYARD TOWNHOMES RHID

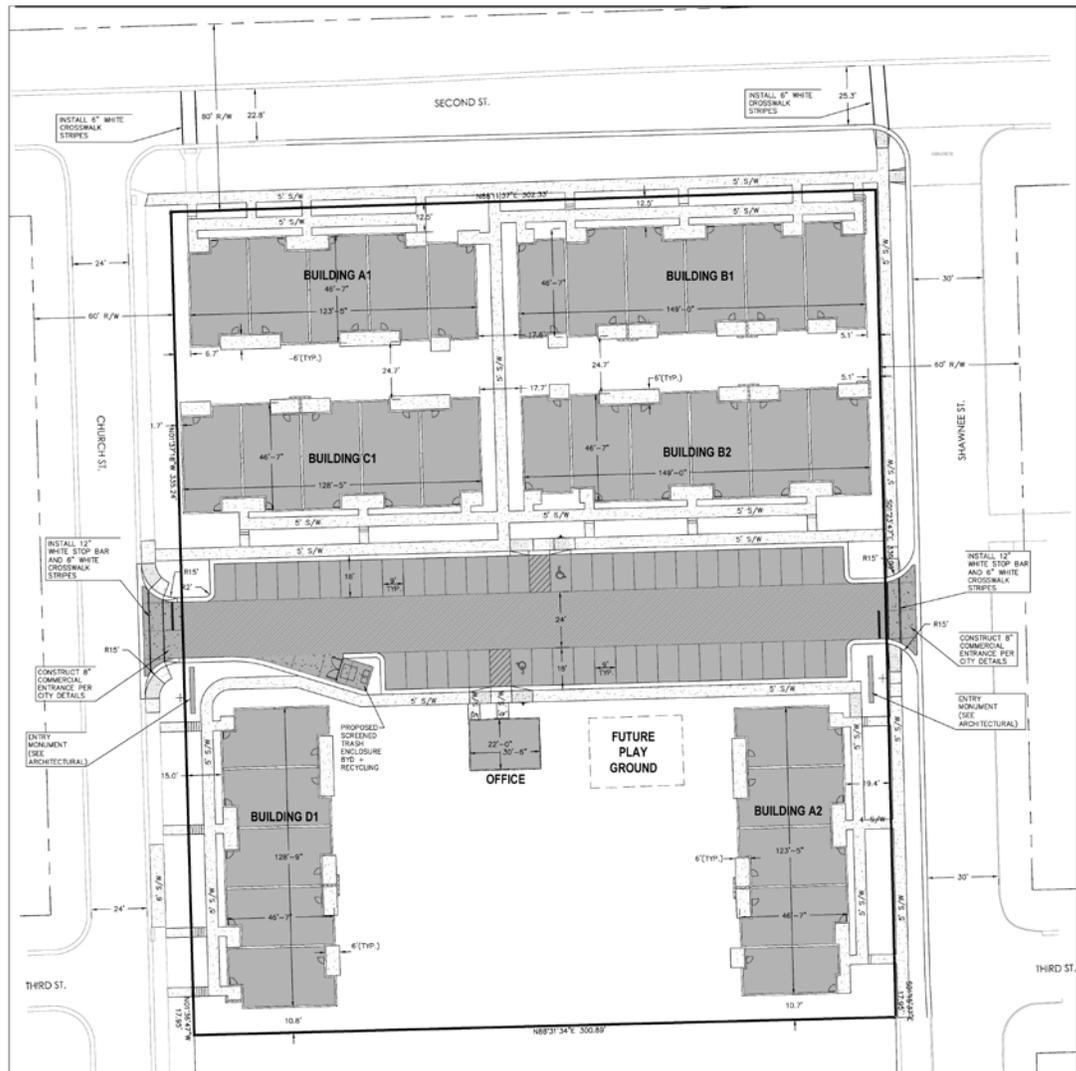
#### Housing Facilities

Thirty-two (32) townhomes of multi-family rental housing comprised of six (6) three (3) bedroom units, twenty-six (26) two (2) bedroom units, and a small Leasing Office.

#### Public Facilities

Public facilities will include the construction of infrastructure improvements that are necessary to support the Project within the boundaries of the Schoolyard Townhomes RHID, including parking, water, sanitary sewer, and electric improvements. The public facilities will be constructed concurrently with the housing facilities.

#### Depiction of the Project



## EXHIBIT D

### **SUMMARY OF CONTRACTUAL ASSURANCES BY DEVELOPER AND OF THE COMPREHENSIVE FEASIBILITY ANALYSIS**

#### *Contractual Assurances*

The Governing Body of the City will enter into a Development Agreement with SCHOOLYARD TOWNHOMES, LP, a Missouri limited partnership ("Developer"). The Development Agreement will include a description of the Project, the construction schedule, financial obligations of the Developer and financial and administrative support from the City. Among other things, the Development Agreement will provide for the following:

- Developer shall complete the Project within twenty-four (24) months after Development Agreement approval.
- Developer will advance all of the funds necessary to complete the Project. The City will reimburse Developer from the incremental real property taxes created by the Project, less a 1% administrative fee (the "RHID Proceeds") on a pay-as-you-go basis for eligible Project costs under the RHID Act, specifically hard costs of site preparation and infrastructure (the "RHID Eligible Expenses"). The City will reimburse Developer for RHID Eligible Expenses up to a maximum amount of \$350,000 (the "RHID Cap"). The City will initially reimburse Developer for RHID Eligible Expenses with 100% of the RHID Proceeds for ten (10) years from the effective date of the Development Agreement. Thereafter, the City's reimbursements to Developer will decrease each year for the remainder of the Term. Specifically, Developer will receive 80% of the RHID Proceeds in Year 11, 75% of the RHID Proceeds in Year 12, 70 % of the RHID Proceeds in Year 13, 65% of the RHID Proceeds in Year 14, and 60% of the RHID Proceeds in Year 15. In no event shall Developer be reimbursed for RHID Eligible Expenses in an amount that exceeds the RHID Cap or for a duration in excess of fifteen (15) years. In connection with the Development Agreement, Developer will affirmatively agree to timely pay its property taxes.
- Developer agrees that it shall be responsible for all design, construction and permitting of the build out of the Project and the Developer agrees to obtain all necessary approvals, permits and licenses and to keep the City informed on a monthly basis throughout the construction and leasing process. Developer will construct the Project in accordance with the City's specifications.
- Developer will provide the City with indemnification for design and construction of the Project, as well as damage and injury that occurs on the site and environmental.
- In addition to the City's costs associated with the preparation and negotiation of the Development Agreement and other related transaction documents, the City's

ongoing expenses for administration of the Project will be paid by Developer in the form of an annual administrative fee equal to 1% of the incremental real property taxes created by the Project.

- Developer will agree to use and operation provisions for the Project, including maintenance and repair obligations, insurance requirements, obligations to rebuild in the event of casualty, prohibitions on sales and transfers and environmental covenants.

### ***Feasibility Study***

Developer has conducted a comprehensive analysis of the feasibility of providing housing tax incentives in the Schoolyard Townhomes RHID, as provided in the RHID Act, that shows the public benefits derived from the Schoolyard Townhomes RHID will exceed the costs and that the income therefrom, together with other sources of funding, will be sufficient to pay for the public improvements within the Project. The analysis estimates the property tax revenues that will be generated from the Schoolyard Townhomes RHID, less existing property taxes, to determine the revenue stream available to support reimbursement to the Developer for all or a portion of the costs of financing the public improvements for the Project. The estimates indicate that the revenue realized from the Project, together with other available sources of revenue, will be adequate to pay the costs of the public improvements. The comprehensive feasibility analysis is set forth in detail in the Development Plan.

**CERTIFICATE OF DELIVERY AND PUBLICATION**

STATE OF KANSAS )  
 ) SS.  
COUNTY OF LEAVENWORTH )

The undersigned, City Clerk of the City of Tonganoxie, Kansas (the "City"), does hereby certify, as follows:

(a) On the \_\_\_\_ day of November, 2019, I caused a certified copy of Resolution No. 11-19-01 with **Exhibits A** through **D** attached (the "Resolution"), to be delivered to the following:

- 1) The Planning Commission of the City,
- 2) The Board of Education of Tonganoxie Unified School District No. 464, and
- 3) The Board of County Commissioners of Leavenworth County, Kansas.

(b) I caused a copy of the Resolution to be published one time in the *Tonganoxie Mirror* the official newspaper of the City, on the \_\_\_\_ day of \_\_\_\_\_, 2019, which date was not less than one week nor more than two weeks preceding the date fixed for the public hearing. A true copy of the affidavit of publication of the Resolution is attached to this Certificate.

**WITNESS** my hand and seal on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Patricia C. Hagg, City Clerk



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** 11/01/2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** George Brajkovic, City Manager  
**SUBJECT:** Proposed Appointment for City Prosecutor Services

**DISCUSSION:**

On October 17, 2019, City Prosecutor Anna Wolf submitted a letter of resignation, indicating she would provide a two week notice period as required in her contract.

Subsequently, City staff released a RFP for City Prosecutor Services on 10/17/19. The RFP was open until 11am on 10/31/19. We received a total of five responses. A review committee, comprised of relevant City staff, convened to review the submittals.

As a result, I am recommending Jerome A. Gorman for the position of City Prosecutor. Mr. Gorman has 38 years of experience, which includes serving as the Wyandotte County District Attorney for a 12 year period.

**BUDGET IMPACT:**

Mr. Gorman's compensation proposal is within the budgetary parameters established for these services in the 2019 and 2020 Annual Budgets.

**ACTION NEEDED:**

Make a motion to select Jerome A. Gorman as City Prosecutor.

**ATTACHMENT:**

Resume

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

# GORMAN LAW FIRM

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JEROME A. GORMAN  
509 Armstrong  
Kansas City, Kansas 66101  
jeromegormanlaw@gmail.com

October 30, 2019

Mr. George Brajkovic  
City Manager  
Tonganoxie, Kansas

RE: response to RFP for Municipal Prosecutor

Dear Mr. Brajkovic:

Please accept this letter and the accompanying resume as my response to the request for proposal for the position of municipal prosecutor. A prosecutor in any jurisdiction, whether it be a city, county, state or federal prosecutor plays a vital role in maintaining peace and lawfulness. Prosecutors must do so with a balanced approach of enforcing the laws in a firm, but just and equitable manner.

Nearly my entire career has been spent in the field of prosecution. As an assistant district attorney, and then as the elected District Attorney, I had accepted the responsibility of enforcing state statutes in Wyandotte County. During that time, I worked closely with all the law enforcement agencies within the county.

I have extensive courtroom experience in presenting evidence in criminal and traffic matters. In addition to conducting more than 200 jury trials, I presented evidence in tens of thousands other hearings. I also have extensive experience negotiating with attorneys to obtain just results.

I worked closely with law enforcement during my years in the District Attorneys Office. I have spent time leading the direction of cases and assisting in developing policy with commanders, and in the field at crime scenes with detectives and uniformed officers. For many years I provided training to command staff, detectives and uniformed officers.

I have management experience also. As the elected official I was responsible for developing and overseeing a department budget of over \$4 million dollars. I had sixty employees that I was responsible for hiring, managing, training, coaching and disciplining.

Since opening my own practice, Jerome Gorman Law, I initially limited the practice to defense appointed criminal cases and municipal court cases. I recently started accepting some retained criminal cases. I have limited my practice to a part-time practice. Typically, I work between 18-22 hours per

week. I would have no difficulty with my schedule being available for the monthly municipal court dates. I also would be available for any meetings with the court clerk or probation officer. My schedule would easily permit me to do all the administrative duties that would be required of this position. I would be available for any special situations with the court clerk or police department.

I have been licensed only in Kansas since graduation from Washburn Law School in 1981. In those thirty-eight years I have never been disciplined in the practice of law. My Kansas bar number is 10792.

At the present time I would not anticipate missing the court docket. However, should illness or other emergency arise, Mr. Mike Nichols has agreed in those rare cases to stand in for the court docket. I am also aware that the City of Basehor has been in the process of hiring a new municipal prosecutor. When the permanent replacement is named, I would contact that person to try to work out trading emergency coverage.

I would propose a monthly fee for this position for legal services in the amount of One Thousand One Hundred Dollars (\$1100) per month. This would require all necessary services, including the arraignment docket, trial docket and sentencing docket. It would also include all negotiating with defense counsel on court days and otherwise. All monthly duties or administrative duties with the court clerk would be included. Also, this would include any preparation for trials including time to meet with police officers.

I would include in this fee any appeals to the district court or to the Kansas Court of Appeals. This monthly fee could include up to eight annual hours of training for the police department.

Since I had initially limited my practice to cases in which I was appointed and paid by the Kansas State Board of Indigent Defense Services, I did not obtain malpractice insurance. Since I have been accepting privately retained criminal defense cases I have begun the application process to The Bar Plan for malpractice insurance. I anticipate that the policy should be in place by the end of November 2019. Also, since I am self-employed, I am not required to have Workers' Compensation Insurance. I do however collect my monthly pension from KPERS for the 36 years of government service.

I feel with my experience in prosecution that I would be a perfect fit for the Tonganoxie municipal prosecutor's position. I would look forward to discussing this matter further with you and others involved in this decision.

Thank you,

*/s/ Jerome A. Gorman*

# Jerome A. Gorman

509 Armstrong Avenue

Kansas City, KS 66109

H: 913-721-1559

C: 913-269-5534

JeromeGormanLaw@gmail.com

## Executive Profile

Career prosecutor with management experience in overseeing a fast paced office with a significant budget, a high volume of criminal cases and a professional staff.

## Legal Experience

### WYANDOTTE COUNTY DISTRICT ATTORNEY'S OFFICE

- Elected District Attorney 2005-2017
  - o Served as the elected District Attorney for three four year terms.
  - o Led fast paced office of 60 employees; responsibilities covered all felony, misdemeanor, traffic, juvenile, involuntary commitment, and appeal cases.
  - o Prepared and oversaw a budget of over \$4 million annually.
- Trial Attorney 1981-2005
  - o Was responsible at all stages for all assigned cases, especially violent crime.
  - o Tried more than 250 criminal jury trials.
    - 45 of those jury trials were homicides
  - o Wrote over 125 appellate briefs to the Kansas Supreme Court and Kansas Court of Appeals.
    - Delivered oral arguments in over 70 of those cases.

### OFFICE OF SPECIAL INVESTIGATIONS – Kansas Department of Revenue

- Director, March, 2017 – January, 2018
- Served as director of a law enforcement agency for the state that was responsible for conducting fraud investigations resulting in criminal and administrative charges affecting the Department of Revenue.
  - o Areas of Investigation: drivers license fraud, automobile dealers' fraud and tax fraud.
  - o Criminal charges filed in Kansas state courts and district of Kansas federal court and administrative charges before the Kansas Director of Motor Vehicles.

## JEROME GORMAN LAW

- Private practice of law
- Since March, 2019
- 509 Armstrong, Kansas City, Kansas
- Practice limited to criminal and traffic defense

## OTHER PROFESSIONAL EXPERIENCE AND AFFILIATIONS

- Adjunct Professor of Law
  - o Johnson County Community College
    - January, 1992 – June, 2004
    - Taught Constitutional Law every spring semester
  - o Kansas City, Kansas Community College (Leavenworth Campus)
    - August, 1986 – December, 1996
    - Taught criminal law and criminal procedure
- Member of the Kansas Bar
  - o Supreme Court License Number 10792
  - o Eligible for reciprocity with the State of Missouri
- Kansas County and District Attorney Association
  - o Member 1981 – 2017
  - o Board of Directors, 1996 – 2003
  - o President, 2002
- *The Kansas Prosecutor*
  - o Founding member of The Kansas Prosecutor magazine
  - o Official publication of the Kansas County and District Attorneys Association
  - o Board of editors, 2005-2016
- National District Attorneys Association
  - o Member since 1981
  - o Member of Board of Directors
    - 2014-2017
- Kansas City Kansas Police Department Police Academy
  - o Taught criminal law and procedure at the KCKPD Academy
  - o 1984 - 2011

## Education

- 1976      Kansas City Kansas Community College
  - o Associate of Arts Degree
  
- 1978      University of Kansas
  - o Bachelor of Arts in Economics
  
- 1981      Washburn University School of Law
  - o Juris Doctor

## Recognitions

- Kansas County and District Attorneys Association
  - o Lifetime Achievement Award, 2015
  
- Wyandotte County Bar Association
  - o Liberty Bell Award, 2016

## References

Mr. Rick Armstrong  
President, Kansas City Metropolitan Crime Commission  
3100 Broadway, Suite 226  
Kansas City, Missouri 64111  
Work 816-960-6800  
Cell 913-302-4688  
[rarmstrong@kc-crime.org](mailto:rarmstrong@kc-crime.org)

Mr. Greg Lawson  
Chief of Police  
City of Tonganoxie  
128 E. 6<sup>th</sup> Street  
Tonganoxie, Kansas  
913-369-3754

Mr. Kevin E. J. Regan  
Attorney at Law  
The Regan Law Firm  
1821 Wyandotte St # 200,  
Kansas City, MO 64108  
Work 816-221-5357

Mr. John Duma  
Attorney at Law  
Duma Law Offices, L.L.C.  
303 E. Poplar Street  
Olathe, Kansas 66061  
Work 913-225-8555  
[john@dumalaw.com](mailto:john@dumalaw.com)

Mr. Jeff Carson  
Kansas Director of Realtor Advocacy  
Kansas City Regional Association of Realtors  
11150 Overbrook Rd.  
Leawood, Kansas  
Work 913-266-5916  
[jeffcarsonkc@gmail.com](mailto:jeffcarsonkc@gmail.com)

Reverend Anthony Oullette  
Pastor of Holy Name Catholic Church  
16 S. Iowa Street  
Kansas City, KS 66103  
913-236-9219  
[froullette@gmail.com](mailto:froullette@gmail.com)



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** November 4, 2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Resolution 11-19-02: Authorizing Construction Services Contract with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair project

**DISCUSSION:**

On September 18, 2019 the City received notice that the application for CDBG Urgent Need grant funding support to complete repairs to an aerial sanitary sewer encasement damaged due to flooding in March 2019 had been approved. Since the damages occurred, the City developed a grant application, approved contracts for grant administration services and engineering services, and cleared concrete debris from the site of the damage to mitigate the risk of additional damage to the sanitary sewer aerial line. In continuation of the project to repair the sanitary sewer aerial crossing located at 4<sup>th</sup> Street and vacated River Street the City must enter into a contract for construction services. The construction services contract represents the largest share of the approximately \$350,000 in expenditures for the project and is entirely funded by grant proceeds. Construction initiation is required within 60 days of the notice of award and completion of the project is required within 12 months of the contract date for the contract between the City of Tonganoxie and the Kansas Department of Commerce.

The engineering services and grant administration services firms selected for this project worked with City staff to design and publish the project manual and an addendum with additional design details. 5 complete bids were received by the bid deadline of 9:00 AM on November 1, 2019 and following review the City's engineering services firm recommended award of the contract to Infrastructure Solutions, LLC with a bid of \$199,480. The engineer's estimate of probable cost was \$282,514.

Approval of the contract by the City Council is contingent upon approval of the contract and bid documents by the Kansas Department of Commerce and provision of environmental clearance for the project, which should both be completed within a period of 1-2 weeks.

**BUDGET IMPACT:**

CDBG Urgent Need Grant funding meets 100% of the expenditures for this contract. As the contract amount falls completely within the available grant funds, staff recommend approval of the resolution and contract.

**ACTION NEEDED:**

Make a motion to approve Resolution 11-19-02, approving and authorizing a notice of award with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair project funded via the CDBG Urgent Need Grant proceeds.

**ATTACHMENTS:**

Engineering Services Report and Recommendation of Award  
Resolution 11-19-02: Authorizing Construction Services Contract with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair project

**cc:** George Brajkovic, City Manager

November 4, 2019

George Brajkovic  
City of Tonganoxie  
526 East 4<sup>th</sup> Street  
Tonganoxie, KS 66086

RE: Tonganoxie, KS  
2019 Aerial Sanitary Sewer Repair  
Engineer Project Number: 19-1330L

Dear Mayor and City Council:

On November 1, 2019 at 9:00 a.m., five valid bids were received and read publicly for the above referenced project. Bid summaries are shown below with the Engineer's Opinion of Probable Cost in ascending order based on the total bid cost. Detailed bid tabulations are attached.

Bidder	Base Bid
Infrastructure Solutions, LLC	\$199,480.00
Linaweaver Construction, Inc.	\$200,125.00
Kansas Heavy Construction, LLC	\$212,500.00
King's Construction Co., Inc.	\$219,409.50
Kissick Construction Company	\$314,423.00
<b>Engineer's Opinion of Probable Cost</b>	<b>\$282,514.00</b>

Infrastructure Solutions, LLC has provided past project experience, and although their company does not have similar experience, employees working for their company have similar experience while working for other Contracting companies. A copy of Infrastructure Solutions, LLC past experience is attached to this correspondence. Based upon the experience provided for the proposed project manager, we believe the Contractor has demonstrated similar experience. BG Consultants, Inc. recommends the City consider awarding the construction contract to Infrastructure Solutions, LLC in the amount of \$199,480.00

This recommendation is based upon our opinion of the lowest responsive, responsible bidder for the project. As always, our staff will be available for questions pertaining to this project or recommendation.

Sincerely,



Paul Owings, P.E.  
Project Manager

Attachments



## **Current Projects**

### **Lake City Army Ammunition Plant**

GBA Builders – John Wilcox 913-593-0168

Scope of Work: Excavation for new footings and pier supports for new steam lines. Installation of reinforcing steel and placement of concrete in the excavated areas. Removal of the existing supports and finish grading of the area with the placement of seed and mulch.

### **Tonganoxie Business Park Monument**

City of Tonganoxie - George Brajkovic 913-845-2620

Scope of Work: Placed embankment / structural fill for the monument locations. Excavated for the foundations of the monument. Installed reinforcing steel and placed concrete for the footing and for the base of the monument. Fine graded and landscaped the area.

### **KCMO, Salt Dome**

GBA Builders – Kyle Quigley 816-500-2284

Scope of Work: Structural excavation for the perimeter footings and grading for the placement of the pavement.

### **KCMO, Brush Creek Area 2 I&I**

Burns & McDonnell – John Duvenci 816-708-6206

Scope of Work: Excavation for the replacement of sanitary sewer mains and sewer service connections, including excavating around existing utilities and rerouting utilities that were in conflict with the sanitary sewer main and services. Backfill of the excavations and restoration of the excavated area, including grading, concrete pavement replacement, curb replacement, sidewalk replacement, and driveway replacement.



### **KCMO, Northeast Area and Gooseneck Creek, Neighborhood Sewer Repair**

Burns & McDonnell – John Duvenci 816-708-6206

Scope of Work: Excavation for the replacement of sanitary sewer mains and sewer service connections, including excavating around existing utilities and rerouting utilities that were in conflict with the sanitary sewer main and services. Backfill of the excavations and restoration of the excavated area, including grading, concrete pavement replacement, curb replacement, sidewalk replacement, and driveway replacement.

### **Completed Projects** \*Completed Projects are projects completed by Infrastructure Solutions, LLC employees while working at a different company.

#### **2018 - KCMO, 135<sup>th</sup> Street Improvements, \$3.75MM**

City of KCMO – Kim Pemberton 816-513-2741

Scope of Work: Excavate for the placement of new storm sewer, waterline, curb, sidewalk, driveway approaches, and asphalt roadway. Finish grade and place sod for the restoration of the project area.

#### **2017 - Prairie Village, KS Mission Road Reconstruction, \$3.5MM**

City of Prairie Village, KS – Chris Hutton 913-530-3227

Scope of Work: Removal and replacement of existing curb and gutter, excavate and place new concrete bike path, remove and replace existing storm sewer inlets, and mill and overlay of the existing asphalt roadway.

#### **2016 - KCMO, Union at Berkley Riverfront, \$3MM**

Taliaferro and Browne – Richard Montgomery 816-283-3456

Scope of Work: Excavate for the placement of new 12” waterline, 12” sanitary sewer bore under Font Street, 120” diameter storm sewer detention tanks, concrete pavement, and curb and gutter.



**2014 - City of Lee's Summit, John Knox Village the Meadows, \$4.25MM**

Paric Corporation – Eric Scott 913-216-5357

Scope of Work: Excavate for the installation of 10" and 12" Sanitary Sewer Main, 6" and 8" waterline, replacement of an existing creek with double barrel 72" storm sewer and storm sewer structures. Grading for the placement of concrete sidewalk, curb and gutter, asphalt pavement. Grading for and placement of LVC building pad material.

**2011 – Johnson County Wastewater, CMSD 6B Stream Crossings / Sanitary Sewer Rehab \$1.0MM**

GBA - Paul Miller 913-492-0400

Concrete Encasement of 30" diameter Sanitary Sewer Main at two locations which was undermined in Indian Creek at the intersection of 103<sup>rd</sup> and Metcalf, Overland Park Kansas. Also included channel relocation and improvements.

**2010 – Johnson County Wastewater, Emergency Manhole Repair and Stream Crossing \$36,000**

JCW - Joe Barnes 913-715-8600

Repair of Sanitary Sewer Manhole in the creek near 115<sup>th</sup> and Tomahawk, Leawood, Kansas. Included the stabilization of the creek bank to protect the manhole from future damage.

**RESOLUTION NO. 11-19-02**

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE CONSTRUCTION CONTRACT FOR 2019 AERIAL SANITARY SEWER REPAIR BETWEEN THE CITY OF TONGANOXIE, KANSAS AND INFRASTRUCTURE SOLUTIONS, LLC.**

**WHEREAS**, INFRASTRUCTURE SOLUTIONS, LLC, a Kansas limited liability company ("Contractor") desires to provide construction services for improvements to an aerial sanitary sewer encasement damaged due to flooding in March 2019 (the "Project"); and

**WHEREAS**, the Project, located at 4<sup>th</sup> Street and vacated River Street, would promote the public good, health, and welfare within the City of Tonganoxie, Kansas (the "City"); and

**WHEREAS**, this Project is to be funded by a grant in the amount of Three Hundred Forty Seven Thousand Five Hundred Dollars (\$347,500) (the "CDBG Grant") awarded by the Kansas Department of Commerce ("Commerce") to the City; and

**WHEREAS**, the Governing Body has determined that it is advisable to enter into the Notice of Award to Contractor attached hereto as **Exhibit A**, and the Construction Contract for 2019 Aerial Sanitary Sewer Repair (the "Contract") with Contractor; and

**WHEREAS**, the Contract is contingent upon Commerce approval and environmental clearance for the Project.

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

**Section 1.** That the Governing Body hereby approves the Notice of Award in the form attached hereto and the Contract in the form on file with the City Clerk.

**Section 2.** That, the Mayor is hereby authorized to execute in the name of the City, the Notice of Award, and following Commerce approval of the Contract and environmental clearance for the Project, the Contract. The City Manager is hereby authorized to execute in the name of the City any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 3.** This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE,  
KANSAS, AND APPROVED BY THE MAYOR ON THIS 4<sup>th</sup> DAY OF  
NOVEMBER, 2019.**

**SEAL**

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Jason K. Ward, Mayor

ATTEST:

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Patricia C. Hagg, City Clerk

**EXHIBIT A**

**Notice of Award**

[Attached.]

**NOTICE OF AWARD**

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Date of Issuance: November 4, 2019

Owner: City of Tonganoxie                      Owner's Contract No.: 19-1330L

Engineer: BG Consultants, Inc.                      Engineer's Project No.: 19-1330L

Project: 2019 Aerial Sanitary Sewer Repair    Contract Name:                      See Project Name

Bidder: Infrastructure Solutions, LLC

Bidder's Address: 9801 Renner Boulevard, Lenexa, KS 66219

**TO BIDDER:**

You are notified that Owner has accepted your Bid dated November 1, 2019 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

*Base Bid work for 2019 Aerial Sanitary Sewer Repair*

The Contract Price of the awarded Contract is: \$ 199,480.00 [note if subject to unit prices, or cost-plus]

~~[ ] unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy~~  
Five copies of the Contract Documents accompanies accompany this Notice of Award, or has been  
~~transmitted or made available to Bidder electronically.~~

~~a set~~ Five sets of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of this Notice of Award:

1. Deliver to Owner 5 counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security [Bonds] and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ~~ten~~ fifteen days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

---

Owner

By:

Authorized Signature

Title:

Copy: Engineer



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** November 4, 2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Resolution 11-19-03: Approving the City of Tonganoxie, Kansas Code of Ethics, as Required by the Kansas Department of Commerce for Recipients of Community Development Block Grants

**DISCUSSION:**

On September 18, 2019 the City received notice that the application for CDBG Urgent Need grant funding support to complete repairs to an aerial sanitary sewer encasement damaged due to flooding in March 2019 had been approved. As part of the requirements to receive grant funding the City must adopt a Code of Ethics illustrating that in completion of the grant funded project the associated public officials and employees are independent, impartial and responsible to the people; that governmental decisions and policy are made in the proper channels and that the public have confidence in the integrity of government.

**BUDGET IMPACT:**

None.

**ACTION NEEDED:**

Make a motion to approve Resolution 11-19-03, approving the City of Tonganoxie, Kansas Code of Ethics, as required by the Kansas Department of Commerce for Recipients of Community Development Block Grants.

**ATTACHMENTS:**

Resolution 11-19-03: Approving the City of Tonganoxie, Kansas Code of Ethics, as Required by the Kansas Department of Commerce for Recipients of Community Development Block Grants

**cc:** George Brajkovic, City Manager

**RESOLUTION NO. 11-19-03**

**A RESOLUTION APPROVING THE CITY OF TONGANOXIE, KANSAS CODE OF ETHICS, AS REQUIRED BY THE KANSAS DEPARTMENT OF COMMERCE FOR RECIPIENTS OF COMMUNITY DEVELOPMENT BLOCK GRANTS.**

**WHEREAS**, the Kansas Department of Commerce ("Commerce") has awarded a Community Development Block Grant in the amount of Three Hundred Forty Seven Thousand Five Hundred Dollars (\$347,500) (the "CDBG Grant") to the City of Tonganoxie, Kansas (the "City") for improvements to an aerial sanitary sewer encasement damaged due to flooding in March 2019 (the "Project"); and

**WHEREAS**, Commerce requires the grantees of CDBG funds to have an active Code of Ethics; and

**WHEREAS**, the Project, located at 4<sup>th</sup> Street and vacated River Street, would promote the public good, health, and welfare within the City; and

**WHEREAS**, the Governing Body has determined that it is advisable to adopt the Code of Ethics attached hereto as Exhibit A.

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

**Section 1.** That the Governing Body hereby approves and adopts the Code of Ethics in the form attached hereto as Exhibit A.

**Section 2.** This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS, AND APPROVED BY THE MAYOR ON THIS 4<sup>th</sup> DAY OF NOVEMBER, 2019.**

**SEAL**

---

Jason K. Ward, Mayor

ATTEST:

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Patricia C. Hagg, City Clerk

## EXHIBIT A

### **CITY OF TONGANOXIE, KANSAS CODE OF ETHICS**

#### A. Declaration of Policy

The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code of Ethics is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the City.

#### B. Responsibilities of Public Office

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

#### C. Dedicated Service

All officials and employees of the City should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

#### D. Fair and Equal Treatment

1. Interest in Appointments. Canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment for the provision of supplies, equipment, construction, and services to the City shall disqualify the candidate for such appointment except with reference to municipal positions filled by appointment by the City Council.

2. Use of Public Property. No official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business.
3. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

E. Conflict of Interest

1. Persons Covered: The conflict of interest provisions of this policy shall apply to any person who is an employee, elected or appointed official, agent, consultant, officer, or any immediate family member or business partner of the above, of the recipient, or of any designated public agencies, or subrecipients, which are receiving funds from the Kansas Community Development Block Grant ("CDBG") program.
2. Applicability:
  - a. In procurement of supplies, equipment, construction, and services by recipients, subrecipients, or designated public agencies, the conflict of interest provisions in Public Law 103-355 or OMB Circular A-110, as applicable, shall apply.
  - b. In all cases not governed by Public Law 103-355, the provisions of this Code of Ethics shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or subrecipients to individuals, businesses and other private entities in the form of grants, loans, or other assistance through eligible activities of the CDBG program, which authorize assistance.
3. Conflicts Prohibited: Except for approved eligible administrative or personnel costs, no persons described in Section E.1. above who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under the State program or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the CDBG program, the above restrictions shall apply to all activities that are a part of the funding approval for all projects, and shall cover any such interest or benefit during, or at any time after, such person's tenure.

- a. An exception may be considered only after the grant applicant has provided the following:
  - i. A disclosure of the nature of the conflict accompanied by an assurance that there has been a public disclosure of the conflict and a description of how the public disclosure was made;
  - ii. A recording of the disclosure in the official minutes of the governing body of the grantee; and
  - iii. An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
  
- b. In determining whether to grant an exception, after the above three items have been received, the State shall consider the following factors, where applicable:
  - i. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the CBDG program or project which would otherwise not be available;
  - ii. Whether an opportunity was provided for open competitive bidding or negotiation;
  - iii. Whether the person affected is a member of a group or class of low- or moderate- income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class;
  - iv. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
  - v. Whether the interest or benefit was present before the affected person was in position as described in Section E.3.;
  - vi. Whether undue hardship will result either to the recipient or the person affected when weighted against the public interest served by avoiding the prohibited conflict; and

vii. Any other relevant considerations.

If after all considerations, determination is made to grant an exception, the State shall issue a waiver noting such exception and the conditions and the basis for the issuance of same.

It is policy of the CDBG program that no waiver will be issued concerning benefit to the chief elected official or governing body members of the grantee, except in dire circumstances.

F. Penalty to Code of Ethics Policy

Violations of the Code of Ethics by the City's elected officials, appointed officials, officers, employees or agents of the City shall be prosecuted to the fullest extent permitted according to Local, State, and Federal law or regulations.



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** November 4, 2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Resolution 11-19-04: Approving the City of Tonganoxie, Kansas Civil Rights Complaints Procedure, as Required by the Kansas Department of Commerce for Recipients of Community Development Block Grants

**DISCUSSION:**

On September 18, 2019 the City received notice that the application for CDBG Urgent Need grant funding support to complete repairs to an aerial sanitary sewer encasement damaged due to flooding in March 2019 had been approved. As part of the requirements to receive grant funding the City must adopt Civil Rights Complaints Procedures illustrating that in completion of the grant funded project the City will follow set out procedures to report, investigate, and properly refer any complaints of civil rights violations based on discrimination in housing or construction employment.

**BUDGET IMPACT:**

None.

**ACTION NEEDED:**

Make a motion to approve Resolution 11-19-04, approving the City of Tonganoxie, Kansas Code of Ethics, as required by the Kansas Department of Commerce for Recipients of Community Development Block Grants.

**ATTACHMENTS:**

Resolution 11-19-04: Approving the City of Tonganoxie, Kansas Code of Ethics, as Required by the Kansas Department of Commerce for Recipients of Community Development Block Grants

**cc:** George Brajkovic, City Manager

**RESOLUTION NO. 11-19-04**

**A RESOLUTION APPROVING THE CITY OF TONGANOXIE, KANSAS CIVIL RIGHTS COMPLAINT PROCEDURE, AS REQUIRED BY THE KANSAS DEPARTMENT OF COMMERCE FOR RECIPIENTS OF COMMUNITY DEVELOPMENT BLOCK GRANTS.**

**WHEREAS**, the Kansas Department of Commerce ("Commerce") has awarded a Community Development Block Grant in the amount of Three Hundred Forty Seven Thousand Five Hundred Dollars (\$347,500) (the "CDBG Grant") to the City of Tonganoxie, Kansas (the "City") for improvements to an aerial sanitary sewer encasement damaged due to flooding in March 2019 (the "Project"); and

**WHEREAS**, Commerce requires the grantees of CDBG funds to have an active Civil Rights Complaint Procedure; and

**WHEREAS**, the Project, located at 4<sup>th</sup> Street and vacated River Street, would promote the public good, health, and welfare within the City; and

**WHEREAS**, the Governing Body has determined that it is advisable to adopt the Civil Rights Complaint Procedure attached hereto as Exhibit A.

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

**Section 1.** That the Governing Body hereby approves and adopts the Civil Rights Complaint Procedure in the form attached hereto as Exhibit A.

**Section 2.** This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS, AND APPROVED BY THE MAYOR ON THIS 4<sup>th</sup> DAY OF NOVEMBER, 2019.**

**SEAL**

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Jason K. Ward, Mayor

ATTEST:

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Patricia C. Hagg, City Clerk

## EXHIBIT A

### CITY OF TONGANOXIE, KANSAS CIVIL RIGHTS COMPLAINT PROCEDURE

Citizens' complaint procedures are an integral part of civil rights activities.

Civil rights complaints received by the city will be those complaints alleging violation of one or more of the following statutes:

- \*Title VI & Title VIII, Civil Rights Act of 1968 (Fair Housing Act)
- \*Section 109, Housing and Community Development Act of 1974
- \*Section 504, Rehabilitation Act of 1973
- \*Age Discrimination Act of 1975
- \*Fair Housing Amendments Act of 1988

Several areas in which housing discrimination occurs under Title VIII of the Fair Housing Act include:

- to refuse to show, rent, lease, sell or transfer housing,
- to cause unequal terms, conditions and privileges of housing,
- to cause unequal terms, conditions and privileges in obtaining and use of financial assistance for the purpose, construction or maintenance of housing,
- to segregate and/or separate in the occupancy of housing,
- to include or honor restrictive covenants which are discriminatory,
- to advertise any discriminatory preference or limited housing,
- to aid and abet in unfair housing practices,
- to retaliate against an employee or agent who complies with fair housing practices through such an action as demolition, discharge or unequal compensation,
- to refuse to receive and transmit bona fide offers to buy, rent, sell or lease housing,
- to practice blockbuster, red-lining or steering.

The City has established the following procedures for complaints pertaining to discrimination and violations of civil rights related to housing:

1. Should anyone feel their civil rights have been violated by any City employee, that person shall contact the City Clerk in writing to register their complaint.
2. Upon receipt of any such complaint, the City Clerk will immediately provide a HUD 903 Form to the complainant. The City Clerk will also advise the complainant that he/she can also initiate housing discrimination complaints by calling the US. Department of Housing and Urban Development (HUD) at 1-800-669-9777 (TTY: 1-800-927-9275).
3. Upon receipt of the completed HUD 903 Form, the City Clerk will refer it to the City Attorney for his/her recommendations and comments.
4. The City Attorney will then present his/her recommendations to the Governing Body for final disposition to be sent to the Kansas Community Development Block Grant Program Administrator.
5. The City Attorney will submit the completed HUD 903 Form along with the City Attorney's legal comments to the U.S. Department of Housing and Urban Development, Kansas City Regional Office, 400 State Avenue, Room 200, Kansas City, Kansas 66101.
6. The names of the complainants and the names of respondents will not be disclosed to any entity other than HUD.

Any complaints filed with the Kansas Community Development Block Grant Program Administrator alleging violation of Executive Order 11246 (discrimination in employment by construction contractors) will be referred to the:

Kansas City District Office  
U.S. Department of Labor – OFCCP  
2300 Main Street, Suite 1030  
Kansas City, Missouri 64108 66101

Original copies of all civil rights complaints received by the City Clerk will be retained in the City's files.

The City will adhere to all rules and regulations contained in the Kansas Commission on Civil Rights Complaint Procedures Handbook, which is available to all parties at the City Clerk's Office and includes filing forms.



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** 11/04/2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** George Brajkovic, City Manager  
**SUBJECT:** Change items #002 and #003 as submitted by JE Dunn for the Public Library Project

**DISCUSSION:**

JE Dunn has submitted two Potential Change Items (PCIs) related to the Public Library construction project.

<b>PCI #</b>	<b>Item</b>	<b>Cost</b>
002	Additional manhole demolition	\$3,611.00
003	Evergy sectionalizer	\$3,760.00
		<u>\$7,371.00</u>

Based on the fact that both of these items can be categorized as unforeseen existing conditions, JE Dunn is requesting the City covers these costs from our owner's contingency, as opposed to the project's overall construction contingency. The City's current balance in the owner's contingency (savings from geotech, special inspections and topo survey) is \$33,425.

I asked JE Dunn to prepare a Cost Risk Assessment for the overall project, in an attempt to identify where unforeseen existing conditions can cause unexpected cost. Based on that analysis, and the large percentage of the project already completed (where these cost could occur), I am recommending paying these two PCI's from the City's contingency fund.

**BUDGET IMPACT:**

The total of \$7,371 would decrease the City's contingency funds to a new balance of \$26,054.

**ACTION NEEDED:**

Make a motion to approve using the City's Owner Contingency fund to pay PCI #002 in the amount of \$3,611 and PCI #003 in the amount of \$3,760.

**ATTACHMENT:**

JE Dunn letter re: PCI #002 and #003  
JE Dunn letter re: TPL Project Risk Opportunities

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



**JE DUNN CONSTRUCTION**  
1001 LOCUST STREET  
KANSAS CITY, MO 64106  
TEL 816.474.8600 | FAX 816.391.2510

[www.jedunn.com](http://www.jedunn.com)

October 30, 2019

Mr. George Brajkovic  
City Manager  
City of Tonganoxie  
321 Delaware Street  
Tonganoxie, Kansas 66086

Re: Tonganoxie Public Library PCIs 002 and 003

Dear George:

We present the following Potential Change Items to you for the additional Every sectionalizer and manhole demo in the east parking lot.

Every required a new electrical sectionalizer to be added to the new library's feed based on the proposed needs for future development to the north of our site.

The existing manhole that was discovered while grading the east parking lot was not located on the site survey of existing conditions or any document given to JE Dunn and our design partners.

Both of these items can be categorized as unforeseen existing conditions that were at no fault of JE Dunn, our design partners or the Tonganoxie Public Library.

Due to each of these items not being included in our original scope of work or proposal, we request a change order in the amount of \$7,371. The value of the Every sectionalizer is \$3,760. The value of the existing manhole demolition is \$3,611. Attached to this letter is the backup documentation for each of these items.

Please let me know what questions or comments you might have and I would be happy to discuss.

Very truly yours,

Emily Held  
J. E. Dunn Construction Company

Cc  
Curtis Golba – J.E. Dunn  
Ryan Bradshaw – J.E. Dunn  
Michelle Kaiser – Benson Method

File/17069300/Owner/PCI002 + 003 Cover Letter





October 30, 2019

Mr. George Brajkovic- City Manager  
City of Tonganoxie  
321 Delaware Street  
Tonganoxie, Kansas 66086

Re: Tonganoxie Public Library Project Risk Opportunities

Dear George:

Please see a matrix below of the major project risks from the perspective of JE Dunn Construction. This list is based on assumption and past experiences and has the potential to change at any point in the project.

Item / Activity	Current Status	Notes
Construction Demo	Completed	
PEMB Design & Erection	Completed	
Design-Build Coordination & Planning	Completed	
Inflation or Tariffs on Substantial Building Materials	Completed	
Utility Work	Nearly Completed	Outstanding is final Midco and Evergy Hookups & Procurement of Transformer
Exterior Skin Cladding Coordination & Install	20% Completed	
MEP Design-Build Coordination & Install	50% Completed	
Building Fully Enclosed & Dried In	70% Completed	
Weather Delays	Ongoing	Concerns with completing asphalt and fall/winter sitework
Coordination and protection of existing and adjacent properties	Ongoing	

Please let me know what questions you have.

Sincerely,

Emily Held  
J. E. Dunn Construction Company

Cc  
Curtis Golba – J.E. Dunn  
Ryan Bradshaw – J.E. Dunn  
Michelle Kaiser – Benson Method

File/17069300/Owner/TPL Project Risk Opportunities

