



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

Honorable Jason K. Ward, Mayor

Council Members

David Bennett

Rocky Himpel

Curtis Oroke

Lisa Patterson

Loralee Stevens

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance**

**II. Approval of Minutes** – Regular meeting dated November 4, 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**

- a) Consideration of Parking on Unimproved Surfaces Policy

**VI. New Business**

- a) Ordinance 1478: Water and Sewer Rates Temporary Adjustment to Minimum Charges for Large Meters
- b) Consider Approval of Purchase of Ventilation Fan with Leighty Grant Proceeds
- c) Consider Approval of Purchase of Active Shooter Response Safety Equipment with Leighty Grant Proceeds
- d) Consider Approval to Proceed with Geotechnical Borings as part of Interceptor Sewer Project
- e) Planning Commission Attendance Evaluation
- f) City Manager Agenda
  - 1. Urgent Needs Grant Update
  - 2. Library Project Update
  - 3. October 2019 Financial Report
- g) City Attorney Agenda
- h) Mayor Pro Tem Agenda
- i) City Council Agenda
- j) Mayor Agenda

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

**VIII. Adjourn**

City Council Meeting Minutes  
November 4, 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, Mr. Himpel, Mr. Bennett, and Mr. Oroke. Ms. Stevens was absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, City Attorney Anna Krstulic, and City Engineer Brian Kingsley were also in attendance.
- Mayor Ward led the Pledge of Allegiance.

**II. Approval of Minutes – Regular meeting dated October 14, 2019**

- **Ms. Patterson made a motion to approve the minutes from the October 14, 2019 City Council meeting.**
- **Mr. Bennett seconded the motion.**
- **Vote of all ayes, motion carried.**

**III. Consent Agenda**

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

- Joe Herring, Herring Surveying, addressed the City Council and advised that his client's preliminary and final plat application for Saunders Estates was scheduled to be considered by the Planning Commission on November 7. He asked that the City Council hear his client's application at the November 18, 2019 City Council meeting.
- Ms. Krstulic commented that under Kansas statute, the Planning Commission has the authority to approve plats and not the City Council. The City Council only accepts or refuses dedication of land for public purposes, so in the case of the Saunders Estates application, the plat needs to go back to the Planning Commission if the applicant does not wish to adhere to Planning Commission's conditions for approval.
- No other members of the public addressed the City Council during open agenda.

**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
- Mr. Brajkovic introduced the item and delivered a short presentation
- Mr. Himpel asked how many more times the City Council will see the item.

- Mr. Brajkovic replied that the City Council would have the opportunity on December 16 to hold a public hearing and consider a Development Agreement, as well as possibly consider the Final Plat and Development Plan if approved by the Planning Commission on November 7, 2019.
- **Mr. Himpel made a motion to approve Resolution No. 11-19-01, 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.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**

b) Tonganoxie Public Library Logo Update

- Nicole Holfield, Tonganoxie Public Library Director, addressed the City Council and introduced the representatives of Sprout Creative, who have completed the logo update project.
- Caleb Asher, Sprout Creative, delivered a presentation to the City Council about the new logo project for the Tonganoxie Public Library, including the public process used in developing the logo.
- Rachel Huff, Sprout Creative, presented the logo imagery to the City Council.

c) Consider Appointment of Jerome A. Gorman as City Prosecutor

- Mr. Brajkovic noted that Anna Wolf provided notice of termination of her agreement to act as the City Prosecutor effective at the end of October 2019. He shared that staff reviewed five proposals for the position and recommended the selection of Mr. Gorman. He added that Mr. Gorman included a favorable compensation proposal and offered additional training for the City's Police Department.
- **Ms. Patterson made a motion to select Jerome A. Gorman as City Prosecutor.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**

d) Resolution 11-19-02: Authorizing Approval of a Construction Services Contract with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair project

- Mr. Porter introduced the item and explained that this is the initiation of the construction phase of the Community Development Block Grant ("CDBG") Urgent Needs project for the aerial sanitary sewer repair.
- Mr. Kingsley described the deadline for contract approval as well as completion of the bid process.
- Mr. Himpel asked what it will look like when completed.
- Mr. Kingsley replied that the corrugated pipes underneath the encasement around the aerial sanitary sewer line will be replaced by concrete pipes that should be a more permanent solution on the site. He added that the structure will be constructed in a fashion that will allow someone to walk on the structure.
- **Ms. Patterson made a motion to approve Resolution No. 11-19-02, authorizing execution of a notice of award and authorizing a construction services contract in the amount of \$199,480.00 with Infrastructure Solutions, LLC, for the 2019 aerial sanitary sewer repair project.**
- **Mr. Bennett seconded the motion.**
- **Vote of all ayes, motion carried.**

e) Resolution 11-19-03: Approval of Code of Ethics Policy

- Mr. Porter introduced the item and explained that a specifically worded Code of Ethics Policy and Civil Rights Complaints Procedure Policy are required as part of the City receiving CDBG funds, which are largely comprised of federal funding. These federal and state regulations cover a wide range of activities, such as labor practices, environmental impacts and civil rights. The City has an ethics policy and complaint procedure policy for City employees but does not have policies of general applicability and written in the manner and format required in order to receive CDBG funds.

- Ms. Patterson asked how employees would be notified of the policies.
- Mr. Porter responded that the respective policies will be referenced in the City's Personnel Policy and shared via email with public officials and employees.
- **Ms. Patterson made a motion to approve Resolution No. 11-19-03, authorizing approval of a Code of Ethics Policy.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
  
- f) Resolution 11-19-03: Approval of Civil Rights Complaints Procedure Policy
- **Mr. Oroke made a motion to approve Resolution No. 11-19-04, authorizing approval of a Civil Rights Complaints Procedure Policy.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**
  
- g) Consider Approval of Potential Change Items 002 and 003 for the Tonganoxie Public Library Project
- Mr. Brajkovic explained JE Dunn's request for the City to cover the costs of change items from the City's owner contingency. He said that the changes involve unforeseen conditions, including demolition of a manhole that was not identified on the site survey and the addition of an electrical sectionalizer that will enable future development to the north of the Library site.
- Ms. Patterson asked if the costs for the sectionalizer can be reimbursed by a future developer.
- Mr. Brajkovic replied that he will consider that possibility.
- **Mr. Himpel made a motion to approve the change items for the Tonganoxie Public Library in the amount of \$3,611.00 for item 002 and \$3,760.00 for item 003.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**
  
- h) City Manager Agenda
  1. Urgent Needs Grant Update
- Mr. Brajkovic commented that the Urgent Need Grant was covered in depth with the new business items.
- 2. Library Project Update
- Mr. Brajkovic provided an update on the status of the Tonganoxie Public Library construction project.
  
- i) City Attorney Agenda
- Ms. Krstulic noted that she will research whether the sectionalizer would be an eligible rural housing incentive district cost.
  
- j) Mayor Pro Tem Agenda
- Mr. Himpel stated that a zoning table of uses would be considered at the Leavenworth County Planning Commission meeting on November 13.
  
- k) City Council Agenda
- Ms. Patterson asked about the timing for consideration of parking on unimproved surfaces regulations.
- Mr. Brajkovic replied that staff are finalizing a proposed draft that should be ready for the next City Council meeting.
  
- l) Mayor Agenda
- Mayor Ward noted that tomorrow is Election Day and thanked everyone for their public service.

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

**VIII. Adjourn**

- **Ms. Patterson made a motion to adjourn the meeting.**
- **Mr. Himpel seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:01 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager

DRAFT



City of Tonganoxie, KS

# Check Report

Date Range: 11/01/2019 - 11/15/2019

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP Bank-AP Bank</b>						
1015	JE Dunn	11/08/2019	Regular	0	555894	46918
0415	LITTLE JOE'S ASPHALT, INC.	11/08/2019	Regular	0	286195.75	46928
1102	Infrastructure Solutions, LLC	11/01/2019	Regular	0	-67871.7	46862
1102	Infrastructure Solutions, LLC	11/01/2019	Regular	0	67871.7	46862
1102	Infrastructure Solutions, LLC	11/01/2019	Regular	0	67871.7	46886
0228	HARBOUR CONSTRUCTION, INC.	11/01/2019	Regular	0	57842.5	46859
0228	HARBOUR CONSTRUCTION, INC.	11/01/2019	Regular	0	-57842.5	46859
0228	HARBOUR CONSTRUCTION, INC.	11/01/2019	Regular	0	57842.5	46883
0250	HONEYCREEK DISPOSAL SERVICE	11/08/2019	Regular	0	27359.5	46916
0671	Evergy	11/08/2019	Regular	0	9567.45	46912
1068	Stinson LLP	11/01/2019	Regular	0	-5631.8	46873
1068	Stinson LLP	11/01/2019	Regular	0	5631.8	46873
1068	Stinson LLP	11/01/2019	Regular	0	5631.8	46897
0491	OLATHE WINWATER WORKS	11/08/2019	Regular	0	5523.2	46932
0630	TONGANOXIE LIBRARY BOARD	11/01/2019	Regular	0	-4264.93	46877
0630	TONGANOXIE LIBRARY BOARD	11/01/2019	Regular	0	4264.93	46877
0630	TONGANOXIE LIBRARY BOARD	11/01/2019	Regular	0	4264.93	46901
0189	FIRST STATE BANK & TRUST	11/01/2019	Regular	0	-3467.19	46857
0189	FIRST STATE BANK & TRUST	11/01/2019	Regular	0	3467.19	46857
0189	FIRST STATE BANK & TRUST	11/01/2019	Regular	0	3467.19	46881
0579	SECURITY BENEFIT - 457	11/01/2019	Regular	0	-3380.23	46872
0579	SECURITY BENEFIT - 457	11/01/2019	Regular	0	3380.23	46872
0579	SECURITY BENEFIT - 457	11/01/2019	Regular	0	3380.23	46896
1107	Thomas Turf and Landscape LLC	11/01/2019	Regular	0	-2750	46874
1107	Thomas Turf and Landscape LLC	11/01/2019	Regular	0	2750	46874
1107	Thomas Turf and Landscape LLC	11/01/2019	Regular	0	2750	46898
0136	DELTA DENTAL PLAN OF KANSAS,IN	11/08/2019	Regular	0	2216.06	46911
0828	TEDROW CONSTRUCTION, LLC	11/08/2019	Regular	0	1500	46936
0642	USPS	11/08/2019	Regular	0	1082.5	46938
1101	Candid, LLC	11/08/2019	Regular	0	936.31	46908
0826	ANNA WOLF	11/08/2019	Regular	0	905	46902
0959	OFFICE OF THE KANSAS STATE TREASURER	11/08/2019	Regular	0	765.37	46931
0284	JAYS UNIFORMS	11/01/2019	Regular	0	761.76	46863
0284	JAYS UNIFORMS	11/01/2019	Regular	0	-761.76	46863
0284	JAYS UNIFORMS	11/01/2019	Regular	0	761.76	46887
0395	Leavenworth County Development Corporation	11/08/2019	Regular	0	700	46926
0025	APAC-KANSAS, INC	11/08/2019	Regular	0	611.15	46903
0224	HAMM QUARRIES & LANDFILL	11/08/2019	Regular	0	600.6	46915
0596	GEOFF SONNTAG	11/08/2019	Regular	0	600	46914
0064	BOUND TREE MEDICAL, LLC	11/08/2019	Regular	0	539.99	46906
1004	GEORGE BRAJKOVIC	11/01/2019	Regular	0	521.27	46858
1004	GEORGE BRAJKOVIC	11/01/2019	Regular	0	-521.27	46858
1004	GEORGE BRAJKOVIC	11/01/2019	Regular	0	521.27	46882
0990	TIRE HUB	11/01/2019	Regular	0	-479.12	46875
0990	TIRE HUB	11/01/2019	Regular	0	479.12	46875
0990	TIRE HUB	11/01/2019	Regular	0	479.12	46899
0243	HIMPEL LUMBER & BUILDING SUPPL	11/01/2019	Regular	0	-415.31	46860
0243	HIMPEL LUMBER & BUILDING SUPPL	11/01/2019	Regular	0	415.31	46860
0243	HIMPEL LUMBER & BUILDING SUPPL	11/01/2019	Regular	0	415.31	46884
0661	VISION SERVICE PLAN	11/08/2019	Regular	0	412.23	46939
0348	KBI	11/08/2019	Regular	0	400	46924
1111	Kage Manufacturing	11/08/2019	Regular	0	381.58	46920
0568	SAMS CLUB	11/08/2019	Regular	0	357.02	46935
0205	GALL'S LLC	11/08/2019	Regular	0	335	46913

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
0391	LAWRENCE JOURNAL WORLD	11/08/2019	Regular	0	295.03	46925
0484	NORTHERN SAFETY CO	11/08/2019	Regular	0	291.83	46930
1007	LEAVENWORTH PAPER & OFFICE SUPPLY LLC	11/01/2019	Regular	0	270.62	46867
1007	LEAVENWORTH PAPER & OFFICE SUPPLY LLC	11/01/2019	Regular	0	-270.62	46867
1007	LEAVENWORTH PAPER & OFFICE SUPPLY LLC	11/01/2019	Regular	0	270.62	46891
0404	LEAVENWORTH TIMES	11/01/2019	Regular	0	258	46868
0404	LEAVENWORTH TIMES	11/01/2019	Regular	0	-258	46868
0404	LEAVENWORTH TIMES	11/01/2019	Regular	0	258	46892
0414	LINK-LITE NETWORKING, INC.	11/08/2019	Regular	0	212.5	46927
0410	LIBERTY NATIONAL	11/01/2019	Regular	0	206.42	46869
0410	LIBERTY NATIONAL	11/01/2019	Regular	0	-206.42	46869
0410	LIBERTY NATIONAL	11/01/2019	Regular	0	206.42	46893
1106	Edgars Transmission	11/01/2019	Regular	0	202.43	46854
1106	Edgars Transmission	11/01/2019	Regular	0	-202.43	46854
1106	Edgars Transmission	11/01/2019	Regular	0	202.43	46878
0477	NAVRATS	11/01/2019	Regular	0	201.45	46871
0477	NAVRATS	11/01/2019	Regular	0	-201.45	46871
0477	NAVRATS	11/01/2019	Regular	0	201.45	46895
1021	Katherine Kelly	11/01/2019	Regular	0	200	46865
1021	Katherine Kelly	11/01/2019	Regular	0	-200	46865
1021	Katherine Kelly	11/01/2019	Regular	0	200	46889
0166	EMERGENCY REPORTING	11/01/2019	Regular	0	-181.33	46855
0166	EMERGENCY REPORTING	11/01/2019	Regular	0	181.33	46855
0166	EMERGENCY REPORTING	11/01/2019	Regular	0	181.33	46879
1067	CCL Supply, LLC	11/08/2019	Regular	0	162	46909
0857	MIDCONTINENT COMMUNICATIONS	11/08/2019	Regular	0	153.48	46929
0500	OREILLY AUTO PARTS	11/08/2019	Regular	0	149.22	46933
0330	KANSAS GAS SERVICE	11/08/2019	Regular	0	147	46921
1108	Joe Byrne	11/08/2019	Regular	0	146.29	46919
0749	BROADVOICE	11/08/2019	Regular	0	145.63	46907
0857	MIDCONTINENT COMMUNICATIONS	11/01/2019	Regular	0	-116.95	46870
0857	MIDCONTINENT COMMUNICATIONS	11/01/2019	Regular	0	116.95	46870
0857	MIDCONTINENT COMMUNICATIONS	11/01/2019	Regular	0	116.95	46894
0330	KANSAS GAS SERVICE	11/01/2019	Regular	0	-105.41	46864
0330	KANSAS GAS SERVICE	11/01/2019	Regular	0	105.41	46864
0330	KANSAS GAS SERVICE	11/01/2019	Regular	0	105.41	46888
0251	HOUSE OF APPAREL	11/01/2019	Regular	0	99	46861
0251	HOUSE OF APPAREL	11/01/2019	Regular	0	-99	46861
0251	HOUSE OF APPAREL	11/01/2019	Regular	0	99	46885
0126	CSE	11/08/2019	Regular	0	99	46910
0496	KANSAS ONE CALL CONCEPTS	11/08/2019	Regular	0	98.4	46922
0818	HYDRO FLOW PRODUCTS	11/08/2019	Regular	0	94	46917
0034	AT&T ACCESS TRANSPORT SERVICES	11/08/2019	Regular	0	74.49	46904
0628	TODD'S TIRE LLC	11/01/2019	Regular	0	72	46876
0628	TODD'S TIRE LLC	11/01/2019	Regular	0	-72	46876
0628	TODD'S TIRE LLC	11/01/2019	Regular	0	72	46900
0381	LADD SERVICE COMPANY	11/01/2019	Regular	0	56.88	46866
0381	LADD SERVICE COMPANY	11/01/2019	Regular	0	-56.88	46866
0381	LADD SERVICE COMPANY	11/01/2019	Regular	0	56.88	46890
0922	BORDER STATES INDUSTRIES	11/08/2019	Regular	0	46.32	46905
0671	Evergy	11/01/2019	Regular	0	38.97	46856
0671	Evergy	11/01/2019	Regular	0	-38.97	46856
0671	Evergy	11/01/2019	Regular	0	38.97	46880
0555	RICOH USA, INC.	11/08/2019	Regular	0	29.96	46934
0341	KANSAS STATE BOARD OF PHARMACY	11/08/2019	Regular	0	20	46923
0628	TODD'S TIRE LLC	11/08/2019	Regular	0	8	46937

<b>Vendor Number</b>	<b>Vendor Name</b>	<b>Payment Date</b>	<b>Payment Type</b>	<b>Discount Amount</b>	<b>Payment Amount</b>	<b>Number</b>
0677	WILLIAM PRAY	11/08/2019	Regular	0	600	46940

**Bank Code AP Bank Summary**

	<b>Payable</b>	<b>Payment</b>		
<b>Payment Type</b>	<b>Count</b>	<b>Count</b>	<b>Discount</b>	<b>Payment</b>
Regular Checks	114	87	0.00	1,198,446.40
Manual Checks	0	0	0.00	0.00
Voided Checks	0	24	0.00	-149,395.27
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>114</b>	<b>111</b>	<b>0.00</b>	<b>1,049,051.13</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	114	87	0.00	1,198,446.40
Manual Checks	0	0	0.00	0.00
Voided Checks	0	24	0.00	-149,395.27
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>114</b>	<b>111</b>	<b>0.00</b>	<b>1,049,051.13</b>

### Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	11/2019	1049051.13
			<b>1049051.13</b>



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** November 18, 2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** George Brajkovic, City Manager  
**SUBJECT:** Consideration of Parking on Unimproved Surfaces Policy

**DISCUSSION:**

After discussions during the 08/19/2019 and 09/03/2019 City Council meetings, the City Council directed staff to prepare recommendations to reinstate the currently repealed Code of Ordinances for the City of Tonganoxie, Chapter XIV. Traffic, Article 2, Local Traffic Regulations, Section 14-206 "Parking on Unpaved Surfaces."

Rather than simply reinstating a broad prohibition, Council directed staff to examine practices in other communities and ultimately to review a new proposal with attention given to the following:

- Defining vehicle
- Defining improved surface – discretion by Building official for other hard surface materials (gravel)
- Defining yard – side, rear, corner lot, building line
- Age and pre-existing conditions
- Conditions/areas that would allow for parking/storage on unimproved surfaces

Using the above as general guidelines, staff has prepared the attached draft proposal for review and discussion.

Based on the City Council findings, future action will be required on the Standard Traffic Ordinance and potentially the City's Junk Vehicle Ordinance for impoundment issues.

**BUDGET IMPACT:**

None

**ACTION NEEDED:**

Consider draft proposal as a discussion item.

**ATTACHMENT:**

Consider draft Code of Ordinances City of Tonganoxie, Chapter XIV. Traffic, Article 2 "Local Traffic Regulations," Section 14-206 "parking on Unpaved Surfaces."

**cc:** Dan Porter, Assistant City Manager  
Anna Krstulic, City Attorney

**Code of Ordinances City of Tonganoxie**

**Chapter XIV. Traffic**

**Article 2. Local Traffic Regulations**

**Section 14-206. PARKING ON UNPAVED SURFACES.**

- (a) Definitions. As used in this Section 14-206, the following definitions apply:

"Building line" means a line parallel or approximately parallel to the street line and beyond which buildings or fences may not be erected.

"Corner lot" means a residential property located at the intersection or confluence of two (2) or more streets such that public street rights-of-way are directly adjacent to at least two (2) contiguous sides of the lot.

"Driveway" means the primary improved or unimproved parking surface which provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

"Front yard" means the area from the front face of a residential structure to the front property line or street right-of-way line or, when a structure does not exist, the area from the front building line to the front property line or street right-of-way.

"Improved parking surface" means an area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones or other hard surfaced durable material approved by the building official.

"Rear yard" means the area from the rear face of a residential structure to the rear property line.

"Side yard" means the area from the side of a residential structure to the side property line.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn or moved upon a street, highway, waterway or airway and shall include any automobile, bus, truck, tractor, motor house, farm machinery, motorcycles, scooters, mopeds, all-terrain vehicles, boats, aircraft, recreational vehicles, golf carts, go-carts, trailers, fifth wheel trailers, campers, camper shells, wheeled towing frames, semi-tractor trailers, truck beds mounted on chassis and mobile homes. This definition does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale.

- (b) Parking on unimproved surfaces restricted.

(1) A person commits an offense if, upon a residential single-family, duplex or townhouse lot or tract:

(A) The person causes, permits or allows the parking or storage of any vehicle in the front yard upon any surface other than an improved

parking surface.

- (B) The person causes, permits or allows the parking or storage of any vehicle upon the side yard or rear yard of a corner lot upon any surface other than an improved parking surface, unless otherwise concealed from view from all public street rights-of-way by:
  - (i) A solid, opaque screening fence or wall at least six feet (6') in height;
  - (ii) Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet (6');
  - (iii) Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height; or
  - (iv) Any other form of compatible and appropriate screening approved by the building official.
- (2) No driveway or improved parking surface shall cover more than sixty-seven percent (67%) of a residential front yard.
- (3) It is an affirmative defense to prosecution for parking or storing vehicles in an unimproved driveway if an existing residence has no improved parking surface on *[DATE OF ADOPTION]*. However, at such time that such existing residence is completely rebuilt, or improvements to the same real property constitute fifty percent (50%) or more of the property's total assessed value, compliance with this Section 14-206 shall be required.
- (4) It is an affirmative defense to prosecution for parking or storing vehicles on an unimproved surface or in an unconcealed or unscreened manner if such vehicles are parked in the rear yard and the rear yard is not a corner lot or directly adjacent to a public street right-of-way.
- (c) Maintenance. All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of an adjoining property.
- (d) Penalty. Violation of the terms of this Section 14-206 shall be deemed a misdemeanor, and upon conviction thereof any person so violating same shall be fined a sum not to exceed Five Hundred Dollars (\$500).



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** November 18, 2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Ordinance 1478: Temporarily Amending Water and Sewer Minimum Charges for Large Meters Effective for the February 1, 2020 through the June 1, 2021 Billing Cycle

**DISCUSSION:**

In October 2019 the City Council adopted Ordinance 1476, which revised the format of the City's water and sewer utilities' rate structure to a format best described as "cost to serve" as a result of the rate analysis completed in Spring 2019. This type of rate structure allows the utility to recover the costs associated with providing the utility, as well as allowing for an amount to be dedicated towards future infrastructure maintenance and expansion needs. The adjustments included in Ordinance 1476 became effective with the February 1, 2020 Billing Cycle. The adjustments included the following items:

- Monthly Minimum Charges for Water & Sewer utilities to be set on the basis of meter size, or demand for capacity to be available within the utility
- Combination of the separate Debt Service Fee into the respective Water & Sewer Monthly Minimums
- System Development Fees (SDF), or tap/connection fees, to be set on the basis of meter size, or demand for capacity to be available within the utility
- Cessation of practice of charging "multiple minimums" for meters serving more than one residential or commercial space
- Removal of credit for 1,000 gallons usage currently applied within Monthly Minimums
- Changes in Unit Charge per 1,000 gallons from current rates
- Slight adjustment in payment for out of town consumers for SDF (connection fees)

The schedule of monthly minimum charges for water and sewer were based on meter size, or the comparative level of demand each size of meter allowed the customer to place on the utility. Staff completed a thorough examination of utility accounts and found that between 30-40 customers out of the approximately 2,000 customers in the utility have water meters larger than 1" in diameter. Many of the current and potential uses at the properties served by these water meters didn't seem to warrant the level of demand offered through a large water meter, so staff researched potential alternatives that would allow the rates to reflect cost of service, while at the same time not unduly burdening properties with oversized meters. After consulting with other utilities and industry experts it was determined that proposing an 18 month window of time to bill large meter customers at a reduced monthly minimum charge would allow the City to fully vet and design a limited-time opportunity for property owners to assess their property's demand for service and, if possible, apply for the replacement or adjustment of the water meter located at their property to a smaller size. The cost for this retrofitting would be borne by the property owner as it promises to reduce monthly minimum charges in the future, sometimes by a significant amount.

**Proposed Adjustments**

The amended rate schedule proposed includes the following change to the water and sewer utilities' rates.

- Monthly Minimum Charges for Water & Sewer utilities to be set on the basis of meter size, or demand for capacity to be available within the utility. **Accounts with water meters over 1" in size will be billed the minimum charges of a 1" water meter for both water and sewer bill calculation.**

- Adjustments to the minimum charges are proposed to take place effective with February 1, 2020 utility billing cycle and be reversed back to the previously approved rate schedule effective on the July 1, 2021 Utility Billing cycle.

Link to 2019 Water and Sewer Rate Analysis Report: <http://www.tonganoxie.org/government/news/2019-water-and-sewer-utility-rate-analysis-report>.

### Proposed Water & Sewer Rates

<b>WATER Minimums by Meter Size</b>		<b>Unit Charge</b>	<b>System</b>
<b>Meter Size</b>	<b>Minimum</b>	<b>Per \$1,000 Gallons</b>	<b>Development Fee</b>
5/8"	\$ 18.73	\$ 6.32	\$ 3,000
3/4"	\$ 18.73	\$ 6.32	\$ 3,000
1" and Larger	\$ 30.68	\$ 6.32	\$ 3,538
1 1/2"	<del>\$ 50.61</del>	\$ 6.32	\$ 4,434
2"	<del>\$ 74.51</del>	\$ 6.32	\$ 5,510
2 1/2"	<del>\$ 110.38</del>	\$ 6.32	\$ 7,124
3"	<del>\$ 138.27</del>	\$ 6.32	\$ 8,917
4"	<del>\$ 209.99</del>	\$ 6.32	\$ 13,759
6"	<del>\$ 409.23</del>	\$ 6.32	\$ 25,952
8"	<del>\$ 648.32</del>	\$ 6.32	\$ 52,849
10"	<del>\$ 1,684.35</del>	\$ 6.32	\$ 77,953

<b>SEWER Minimums by Meter Size</b>		<b>Unit Charge</b>	<b>System</b>
<b>Meter Size</b>	<b>Minimum</b>	<b>Per \$1,000 Gallons</b>	<b>Development Fee</b>
5/8"	\$ 15.94	\$ 4.49	\$ 3,000
3/4"	\$ 15.94	\$ 4.49	\$ 3,000
1" and Larger	\$ 32.24	\$ 4.49	\$ 3,733
1 1/2"	<del>\$ 59.40</del>	\$ 4.49	\$ 4,956
2"	<del>\$ 92.01</del>	\$ 4.49	\$ 6,423
2 1/2"	<del>\$ 140.91</del>	\$ 4.49	\$ 8,624
3"	<del>\$ 178.94</del>	\$ 4.49	\$ 11,069
4"	<del>\$ 276.74</del>	\$ 4.49	\$ 17,670
6"	<del>\$ 548.42</del>	\$ 4.49	\$ 34,297
8"	<del>\$ 874.43</del>	\$ 4.49	\$ 70,973
10"	<del>\$ 2,287.14</del>	\$ 4.49	\$ 105,204

**Out of Town Connections Require 3 x System Development Fee**

**Out of Town Connections include 25% meter reading charge, minimum monthly fee of \$5.00**

**BUDGET IMPACT:**

The Fiscal Year 2020 Budget adopted in August 2019 included assumptions tied to revenue projections resulting from the Utility Rate Analysis Report. This temporary adjustment promises to lower the revenue collected from several accounts with large size meters, but the disparity between historic rates and the proposed capped minimum at the 1" meter size promises to still provide slightly more revenue to the utilities in 2020 and 2021. The preparation of the 2021 Annual Budget will include consideration of the adjusted minimum charges for the first half of the fiscal year in the City's Water Operations, Sewer Operations, Water Capital Equipment, and Sewer Capital Equipment Funds.

**ACTION NEEDED:**

Make a motion to approve Ordinance 1478.

**ATTACHMENTS:**

Ordinance 1478

**cc:** George Brajkovic, City Manager

**ORDINANCE NO. 1478**

**AN ORDINANCE SUPPLEMENTING ORDINANCE NO. 1476 CONCERNING THE CITY OF TONGANOXIE WATER AND SEWER REGULATIONS; PROVIDING FOR TEMPORARY ADJUSTMENT TO THE RATES CHARGED FOR WATER AND SEWER SERVICES FOR LARGE METERS.**

**WHEREAS**, the Governing Body adopted Ordinance No. 1476 to amend water and sewer rates because the costs associated with operation, maintenance and management of the water and sewer utilities owned by the City of Tonganoxie, Kansas (the "City") exceeded the amount collected through the prior rate schedule;

**WHEREAS**, following adoption of Ordinance No. 1476, City staff completed a thorough examination of utility accounts and identified a significant number of consumers with meters larger than one inch (1") in diameter, although the current and potential uses at many of these consumers' properties do not warrant the level of demand offered by large meters;

**WHEREAS**, a period of eighteen (18) months in which consumers with meters larger than one inch (1") in diameter will be billed at a reduced monthly minimum charge will allow these consumers to assess their demand for service and apply for replacement or adjustment of meters to a smaller size if appropriate; and

**WHEREAS**, the Governing Body has determined that it advisable to temporarily adjust the rates charged for water and sewer services for meters larger than one inch (1") in diameter in order to allow consumers an opportunity to assess and replace oversized meters.

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

**SECTION 1. Temporary Adjustment to Water and Sewer Rates for Certain Meter Sizes.** The minimum water and sewer rates based on meter size set forth in the charts provided in Section 4 of Ordinance No. 1476 for meters larger than one inch (1") shall not take effect until the billing to be mailed July 1, 2021 for each service. Prior to the July 1, 2021 billing, all meter sizes of one and one-half inch (1 1/2") through ten inches (10") shall be billed at the minimum rate for the one inch (1") meter size.

**SECTION 2. Ratification of Ordinance No. 1476.** Except as modified by this Ordinance No. 1478, Ordinance No. 1476 remains in full force and effect.

**SECTION 3. Effective Date.** This Ordinance No. 1478 shall take effect after its passage and publication as provided by law.

**SECTION 4. Sunset.** This Ordinance No. 1478 shall expire on June 30, 2021 and be of no further force and effect thereafter.

**PASSED** by the Governing Body and **APPROVED** by the Mayor this 18<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

APPROVED AS TO FORM:

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Anna M. Krstulic, City Attorney



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** November 18, 2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Consider Approval of Ventilation Fan Purchase with Grant Proceeds

**DISCUSSION:**

The Fire Department's recent application for funding support from the Pete and Margaret Leighty Trust for the purchase of a battery operated ventilation fan, charger, and supplemental support kit was approved and awarded full funding. This equipment will improve the structure fire response capability of the Fire Department and offer greater safety to employees involved in such a response.

The attached quote reflects the purchase price for the above described equipment, and staff request approval of the attached bid as a sole source procurement based on the necessary technical specifications for the equipment to fit with the City's fire apparatus.

**BUDGET IMPACT:**

The City's Fire Equipment Fund has received \$4,618.09 in grant proceeds for this initiative as part of the award made by the Leighty Trust. The purchase will be made from the Fire Equipment Fund, which includes adequate budget authority.

**ACTION NEEDED:**

Make a motion to authorize staff to advance with the quote from Conrad Fire Equipment, Inc for an amount not to exceed \$4,618.09.

**ATTACHMENTS:**

Quote

**cc:** George Brajkovic, City Manager  
John Zimbelman, Fire Chief

# CONRAD FIRE EQUIPMENT, INC.

887 N. Jan-Mar Court Olathe, KS 66061  
www.CONRADFIRE.com  
(913) 780-5521  
(913) 780-5251 Fax

## QUOTATION 137061

CUSTOMER NO.  
1731

**BILL TO:**

TONGANOXIE FIRE DEPT  
825 E 4TH ST  
TONGANOXIE, KS 66086

**SHIP TO:**

TONGANOXIE FIRE DEPT  
825 E 4TH ST  
TONGANOXIE, KS 66086

PHONE: 913/845-9494  
FAX: 913/845-9495

PAGE 1

DATE	SHIP VIA	F.O.B.	TERMS			
08/26/19	GROUND		NET 30 DAYS			
PURCHASE ORDER NUMBER	ORDER DATE	SALESPERSON	OUR QUOTE NUMBER			
RAM FAN	08/26/19	137 179	137061			
QUANTITY	ITEM NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT		
ORDERED	SHIPPED					
1		RAC.EL-55ZAC	EX50LI FAN, ZERO DOWNTIME PKG -AC CHARGER	4,416.09	4,416.09	
1		RAC.EL8111	Rehab Supplemental Kit for EX5 PER EMAIL FROM CHIEF ZIMBELMAN ON 9/24 ONLY THE FOLLOWING PEOPLE MAY PLACE ORDERS JOHN ZIMBELMAN JOHN CALLAGHAN MO MCCUTCHEM	202.00	202.00	
Product Total	Discount	Freight	Taxable Amount	Tax	Misc. Amt.	QUOTATION TOTAL
4,618.09	0.00		4,618.09	0.00		4,618.09

**"WE APPRECIATE YOUR BUSINESS"**

RETURNED GOODS WILL NOT BE ACCEPTED WITHOUT PRIOR RETURN AUTHORIZATION NUMBER FROM CONRAD  
FIRE EQUIPMENT. ALL RETURNS ARE SUBJECT TO A RESTOCKING FEE.



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** November 18, 2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Consider Approval of Active Shooter Emergency Response Safety Equipment Purchase with Grant Proceeds

**DISCUSSION:**

The Police Department's recent application for funding support from the Pete and Margaret Leighty Trust for the purchase of equipment aimed at helping to combat an active shooter incident at Tonganoxie area schools or in other parts of the community was approved and awarded funding. This equipment includes ballistic helmets, a ballistic shield, and "leg rigs" which transport medical supplies for quick application in order to help save injured persons encountered in a response. This equipment will help the Tonganoxie Police Department intervene in a more effective manner and increase the probability of saving the lives of children, teachers, first responders, and other persons in the vicinity of such an incident.

The attached quote reflects the purchase price for the above described equipment and staff request approval of the attached bid as a sole source procurement based on the unique specifications for the equipment to protect first responders against rounds discharged from rifles and remain light enough to protect the mobility of first responders.

**BUDGET IMPACT:**

The City's Police Equipment Fund has received \$3,000 in grant proceeds for this initiative as part of the award made by the Leighty Trust. The proposed purchase is less than \$3,000, and the remaining grant proceeds will be utilized for other purchases of related equipment included in the grant application.

**ACTION NEEDED:**

Make a motion to authorize staff to advance with a ballistic vest equipment order from Boyd products for an amount not to exceed \$3,000.

**ATTACHMENTS:**

Order Form

**cc:** George Brajkovic, City Manager  
Greg Lawson, Police Chief

# BOYDD PRODUCTS

HOME THE SHIELD VIDEOS TRAINING **ORDERING** OTHER PRODUCTS CONTACT US

## ORDERING

Contact Us to Order

Boydd's Compact Response Shields are sold only to Law Enforcement, Active Military or Licensed Professional Security Personnel. The shipping address must be your verified agency address. To ship to your home address your valid credentials must be submitted prior to the order being processed.



\*Optional Sling, Pouches & Shield Lighting System shown not included.

### CRS 21 - BASIC PACKAGE: (21" X 16.5") - \$1399.00 + SHIPPING

#### Includes:

- Load Bearing Cordura Shield Cover (Black, OD, Ranger Green, Coyote or Multi-Cam)
- Level III Curved Ballistic Rifle Panel
- Matching 4"x11" Cordura Velcro ID Patch (Police or Sheriff, Gold or White Lettering, or Custom Lettering.)
- 2 Kydex Rifle Support Brackets (Left & Right Sides)
- Fully Padded Storage Bag



Price Includes Padded Storage Bag.  
\*Light & Sling Not Included. See accessories below.

### CRS 26 - BASIC PACKAGE: (26" X 16.5") - \$1699.00 + SHIPPING

#### Includes:

- Load Bearing Cordura Shield Cover (Black, OD, Ranger Green, Coyote or Multi-Cam)
- Level III Curved Ballistic Rifle Panel
- Matching 4"x11" Cordura Velcro ID Patch (Police or Sheriff, Gold or White Lettering,

- or Custom Lettering.)
- 2 Kydex Rifle Support Brackets (Left & Right Sides)
- Fully Padded Storage Bag

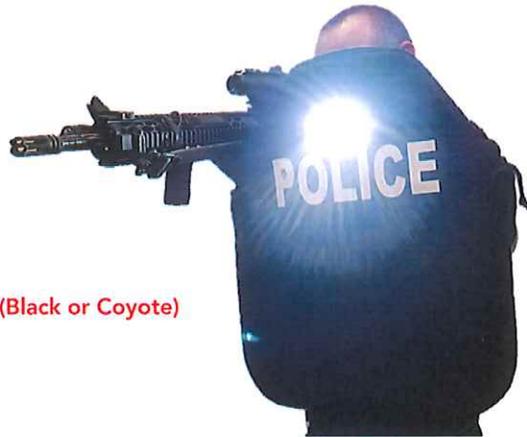
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## OPTIONAL ACCESSORIES

### Pricing:

**Foxfury Taker B30 600 Lumen Shield Lighting System \$235.00**

(Includes Battery Pack Pouch for Shield Mounting)



**Boydd Double Adjustable Shield Sling \$45.00 (Black or Coyote)**



[Back to Top](#)

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CA Certified Disabled Veteran & Small Business Enterprise (DVBE & SB #2012570)



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** November 18, 2019  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Consideration of Authority to Proceed with Geotechnical Borings as part of Interceptor Sewer Design

**DISCUSSION:**

On October 15, 2018 the City Council approved a motion to authorize spending up to \$125,000 of the proceeds from the sale of property at the Tonganoxie Business Park for costs associated with acquisition and preliminary design for an interceptor sanitary sewer line running through 7 unique easements between the Tonganoxie Business Park and the City's Waste Water Treatment Plant. The following services were completed:

- Preliminary Topo Survey
- Section Corner Survey
- Set Alignment – Easement Descriptions
- Easement Acquisitions & Support Services
- Initial Design Engineering

In order to have the project "shovel-ready", an additional phase of final design for the interceptor sewer that also needed to be completed. This phase of the project includes construction drawing and specification design and plans submittal for review and approval by the Kansas Department of Health and Environment. Final design in the maximum amount of \$109,000 was authorized by the City Council on July 1, 2019. Once this phase is completed, the project could be advanced quickly in order to match the construction timeframe of a new user at the Business Park who would require that the sewer service to be available.

Another portion of the project is the completion of geotechnical borings & exploration needed for the completion of the design of the aerial crossing of Tonganoxie Creek included as part of the project. The cost incurred for this service is anticipated to be recouped at some level in the future when bids are collected for the construction project, as the additional knowledge of the underground conditions will lead to bids developed at a higher level of certainty. The City Engineer collected 3 bids for the work and recommended approval of the proposal from Geosource, which was evaluated as the lowest qualified bidder for the project.

**BUDGET IMPACT:**

No impact to the 2019 Budget. The current costs associated with this project are being funded in the Industrial Park Fund through the proceeds of property sales at the Business Park.

Following the expenditure of \$117,328 for easement acquisition and preliminary design, along with estimated expenditures of \$109,000 for final design, the remaining funding available from the sale of property at the Tonganoxie Business Park totals \$185,770. Authorizing this expenditure of \$6,000 would reduce the available funding to \$179,770.

**ACTION NEEDED:**

Make a motion to authorize staff to execute a notice to proceed and draft agreement for geotechnical services associated with the Industrial Park Interceptor Sewer Project, subject to the review and approval of the City Attorney, for an amount not to exceed \$6,000.

**ATTACHMENTS:**

Industrial Park Interceptor Sewer Project Geotech Recommendation from BG Consultants  
Proposal from Geosource  
Project Cost Estimate - Industrial Park Interceptor Sewer Project

**cc:** George Brajkovic, City Manager



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

October 9, 2019

Re: Wastewater Treatment Facility Proposals for Geotechnical Engineering

Dear Mr. Brajkovic:

I solicited proposals from three geotechnical engineers for the exploration and engineering needed to complete the aerial crossing design. Geotechnical engineers provided quotes for additional borings that can be used by bidders to establish a better understanding of field conditions. I received proposals from Terracon Consultants, GSI Engineering, and GeoSource, LLC. A summary of the proposals is tabulated below:

	<b>Terracon</b>	<b>GSI</b>	<b>Geosource</b>
Lump Sum Base Bid	\$10,500	\$7,000	\$6,000
Tonganoxie Creek Borings (TWO)	Auger Refusal	Auger Refusal	Auger Refusal
Number of Other Borings	8	6	6
Total Depth of Borings	125-ft	95-ft	130-ft
Clearing	Included in Bid	\$2,000	\$2,000
Total Cost for Similar Work	\$10,500	\$9,000	\$8,000

Based on the proposals received, we recommend signing and returning the proposal from Geosource as quickly as possible to reserve a spot on their field work schedule. Note, GeoSource is proposing to offset the bore locations to avoid tree removal.

I have attached the full proposals from each firm. The agreement with Geosource can be found in their proposal. If you have any questions or comments about these proposals, please feel free to contact me.

Sincerely,

Paul Owings, P.E.  
Project Engineer

enc.

September 27, 2019

City of Tonganoxie  
c/o Mr. Paul Owings, P.E.  
BG Consultants  
1405 Wakarusa Drive  
Lawrence, Kansas 66049

**Subject: Proposal for Geotechnical Services  
Tonganoxie Interceptor Sewer, BG Project No. 18-1457L  
Kansas Avenue to Washington Street  
Tonganoxie, Kansas  
Proposal No. T19P2366**

Dear Mr. Owings:

We are pleased to submit the following proposal to provide geotechnical engineering services for the above referenced project. The purpose of the exploration will be to obtain information on the subsurface conditions at the proposed lift station, gravity sanitary sewer, and sanitary sewer forcemain and, based on this information to provide geotechnical engineering recommendations for foundation design and construction.

GeoSource is committed to providing quality geotechnical service, commensurate with our Client's needs, budget and desired level of risk. If our proposal does not meet your needs, GeoSource will consider appropriate modifications to our work scope, subject to the local standard of care which we must adhere to as professionals. Modifications of the work scope, schedule or contract terms and conditions may result in changes to the risks assumed by the Client, as well as changes to our fees.

**Project Description** - We understand that the City of Tonganoxie plans to develop a new lift station, gravity sanitary sewer, and sanitary sewer forcemain, approximately between Kansas Avenue and Washington Street in Tonganoxie, Kansas.

**Scope of Services** – As requested, we propose drilling one (1) boring at the site of the proposed lift station, drilled to a depth of thirty (30) feet. The final depths of the boring will depend on the actual subsurface conditions encountered at the site. Additionally, we recommend drilling a series of five (5) borings to depths of approximately twenty (20) feet along the proposed sewer lines. These borings will be approximately evenly spaced along the proposed lines. Two (2) borings will be drilled on either side of Tonganoxie Creek to identify bedrock for driven piling. We anticipate these borings to extend to about thirty-five (35) feet.

The field work for this project will be performed under the direct supervision of a geotechnical engineer, who will determine the depths and sampling sequence for each boring. The boring will be performed by our own experienced and reliable drill crews.

Samples of the overburden soils and bedrock units will be obtained at selected intervals using thin-walled Shelby tube samples (ASTM D-1587) in cohesive soils and the split-barrel sampler (ASTM D-1586) in granular soil, miscellaneous fill, weathered bedrock or other hard materials. Samples will be obtained every five (5) feet or change of material for the entire depth of the boring. At the proposed water tower site, if limestone or other hard bedrock is encountered within the planned depths of the boring, we will core a minimum of five (5) feet into the bedrock at selected locations using NQ3 size diamond bit coring equipment.

Laboratory testing will also be performed in accordance with our standard procedures wherein unconfined compression and/or hand penetrometer tests, water content and density tests are routinely performed on representative portions of the thin-walled tube samples. Split-barrel samples are normally tested for water content and, where appropriate, the consistency of the soil is estimated with a calibrated hand penetrometer.

The results of the exploration, including the substantiating data and our recommendations, will be presented in a written report prepared by a registered professional engineer. The report will provide subsurface information and recommendation to be used in addition to our December 23, 2015 report.

**Estimated Fees** – GeoSource will perform the scope of service outlined above for a lump sum fee of \$6,000.00. If additional boring are requested by the Project Engineer or if it is necessary to drill the proposed boring to depths greater than the depths requested in order to reach suitable bearing material, there will be an additional charge of \$24.00 per foot. If auger refusal is encountered above the planned depths of the water line and sewer line boring, we will reduce the cost of these boring at a unit rate of \$24.00 per foot. If it is necessary to perform bedrock coring at the proposed water storage tank site, there will be an additional charge of \$42.00 per foot for coring of the bedrock.

If subsurface conditions are encountered that require major revisions in the subsurface exploration program and/or result in higher costs, we will contact you prior to proceeding with any additional work to discuss the matter and obtain authorization to proceed. Unless otherwise directed, our invoice will be submitted directly to the City of Tonganoxie upon completion of our services.

**Conditions** - The Client will be required to provide right-of-entry to conduct the exploration. GeoSource will contact "DIGSAFE" and arrange for them to locate the underground utility lines that are in the vicinity of the planned boring locations. We can normally offset the test boring to avoid either underground or overhead utilities that may conflict with the planned locations of the boring. All of the boring will be properly backfilled at the completion of our field work.

The lump sum price given above does not include any cost for layout and elevations of the boring. Our proposed fee is based on the boring being staked by BG Consultants, prior to the start of our field work.

Our proposal is based on all boring being readily accessible to a drill rig mounted on an all-terrain carrier. The all-terrain drill rig is capable of traversing soft ground, but does not have the capability of crossing deep ditches or move through trees or heavy brush. Our proposed lump sum fee does not include any

cost for clearing of trees and brush and/or the construction of temporary ditch crossings and earthen ramps in order to provide access for our drilling equipment. If bulldozer work is required, there will be an additional charge of "Cost" plus 15 percent.

GeoSource will take reasonable precautions to minimize damage to the site, but it is understood by the Client that some unavoidable damage, such as rutting of the ground surface, may occur during the normal course of work and the correction of such damage is not part of our scope of services for this project.

**Performance Schedule** - We will mobilize our drill crew and begin the field work within fifteen (15) days after we receive written notice to proceed. We expect that the field work will take about one (1) to day to complete. We will perform the remainder of our work and provide the City and the Project Engineer with one (1) electronic copy each of the finished report within fifteen (15) days after completion of the field work. Bound copies will be delivered upon request.

**Environmental Assessment** - This proposal does not include an assessment of environmental characteristics involving hazardous or toxic substances. In the event potentially hazardous materials are identified visually or by odor within our exploratory boring, such boring will be immediately terminated and we will notify the Client as soon as possible. Costs incurred by GeoSource as a result of encountering suspected hazardous materials would be charged on a time-and-materials basis over and above the estimated fee for the geotechnical site exploration.

**Construction Testing Services** - The lump sum fee, previously given in this proposal, does not include any costs for observation and testing services during construction. GeoSource would be pleased to prepare an estimated work scope and budget for construction testing services after the design plans and specifications have been completed.

If our proposal is acceptable, please return a signed copy of the enclosed Notice-to-Proceed and Acceptance of Agreement to this office, as our formal authorization to proceed. Please note the attached General Conditions are an integral part of this proposal. Unless otherwise instructed, invoices will be submitted to the undersigned firm.

Thank you for the opportunity to submit this proposal. If you have questions regarding this proposal or require additional information, please contact us at your convenience.

Respectfully submitted,

**GeoSource, LLC**



Matthew J. Williamson, Ph.D., P.E.  
Senior Project Engineer

Enclosures: General Conditions

\*\*\*\*\*

**NOTICE-TO-PROCEED AND ACCEPTANCE OF AGREEMENT**  
**PROJECT: Tonganoxie Interceptor Sewer**  
**LOCATION: Kansas Avenue to Washington Street, Tonganoxie, Kansas**

By signing this agreement, the undersigned will be responsible for all charges and are acting on behalf of your firm. You also acknowledge receiving, reading and agreeing to the *General Conditions*, which are attached to this proposal/contract

BY: \_\_\_\_\_  
(Print Name of Individual)

FOR: \_\_\_\_\_  
(Print Name of Firm)

BILLING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Please fax Notice-to-Proceed to (785) 272-7203 as soon as possible and return a signed original for our records.

## GENERAL CONDITIONS

1. **STANDARD OF CARE:** GeoSource, LLC, its officers, directors, employees, agents, shareholders, partners, consultants, sub-consultants, contractor, and sub-contractors (collectively "GeoSource, LLC") shall provide professional services to Client, its officers, directors, employees, agents, owners, members, shareholders, partners, consultants, sub-consultants, contractors, and sub-contractors, (collectively "Client") according to the agreed upon scope of services. GeoSource, LLC will perform the services with the level of care and skill ordinarily exercised by other consultants of the same profession under similar circumstances at the time the services are performed, and in the same locality.

2. **USE OF DOCUMENTS:** Drawings, specifications, reports, programs, manuals, cost estimates, or other documents, including documents on electronic media, prepared under this Agreement are instruments of service and as such are only applicable to the subject PROJECT. Use of these documents for any other purpose without written authorization and consent of GeoSource, LLC is prohibited. GeoSource, LLC shall retain ownership thereof. The Client may retain copies of drawings and specifications for information and reference in connection with the Client's use and occupancy of the project.

3. **INSURANCE:** GeoSource, LLC and the Client agree to each maintain statutory Worker's Compensation, Employer's Liability Insurance, General Liability Insurance, and Automobile Insurance coverage for the duration of this agreement. Additionally, GeoSource, LLC will maintain Professional Liability Insurance in the amount of \$2,000,000.00 for GeoSource, LLC's negligent acts, errors, or omissions in providing services pursuant to this Agreement. If the Client is a design professional, then the Client agrees to maintain Professional Liability Insurance for its negligent acts, errors, or omissions in providing services pursuant to this Agreement. If a project is Design-Build, the Client and all subcontractors providing professional design or other services (e.g., architects, engineers, inspectors) shall maintain professional or similar liability insurance for claims arising from its negligent performance of said services. Proof of insurance shall be provided, upon request, prior to commencement of said services.

4. **NO GUARANTEE:** GeoSource, LLC does not provide a warranty or guarantee, express or implied, for any portion of the scope of services including drawings, specifications, reports, programs, manuals, cost estimates, or other documents of service. GeoSource, LLC does not warrant or guarantee any certification of the project, including any level of LEED certification. Items of beneficial use to the Owner, whether or not included in the contract documents, shall be paid for by the Owner. The provisions of this paragraph shall apply notwithstanding any statement or language contained in any other document or agreement that might be related to the project.

5. **INDEMNIFICATION/HOLD HARMLESS:** GeoSource, LLC agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client and its employees from any liability, damages, or costs (including reasonable attorneys' fees and costs of defense) resulting from GeoSource, LLC's negligent acts, errors, or omissions through services provided pursuant to this Agreement by GeoSource, LLC or anyone for whom GeoSource, LLC is legally liable. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless GeoSource, LLC, its employees and subconsultants from any liability, damages, or costs (including reasonable attorneys' fees and costs of defense) resulting from the negligent acts, errors, or omissions by Client or those contractors, subcontractors, consultants, or anyone for whom Client is legally liable, and arising from the project(s) that is the subject of this agreement. GeoSource, LLC is not obligated to indemnify the Client in any manner whatsoever for the Clients' own negligence. If any liability, damages, or costs (including reasonable attorneys' fees and costs of defense) result from the concurrent negligence of GeoSource, LLC and the Client, this indemnification shall only apply to the extent of each party's proportion of the responsibility. Client is not obligated to

indemnify GeoSource, LLC in any manner whatsoever for GeoSource, LLC's own negligence.

6. **DISPUTES:** Any action or claims arising out of or related to this Agreement or the project that is the subject of this Agreement shall be governed by Kansas law. Good faith negotiation and mediation are express conditions precedent to the filing of any legal action. Mediation shall be conducted in accordance with rules agreed to by the parties.

7. **ASSIGNMENT OR SUBLETTING OF CONTRACT:** Neither party shall assign, transfer, or sublet any rights, duties, or interests accruing from this Agreement without the prior written consent of the other party. This Agreement shall be binding upon the parties, their successors and assigns.

8. **NON PAYMENT/TERMINATION OF AGREEMENT:** If the Client fails to make payment for services and expenses within 30 days following receipt of an invoice, GeoSource, LLC may, after giving seven days written notice to the Client, without liability for delay charges, suspend services under this Agreement until GeoSource, LLC has been paid in full for all amounts due. Each party to this Agreement reserves the right to terminate the Agreement at any time, without cause, upon 15 days written notice and subject to payment to GeoSource, LLC for the value of services rendered up to the time of termination.

9. **DIFFERING SITE CONDITIONS:** The conditions at the site are the property of the Client/Owner regardless of whether or not they could be identified by an investigation or exploration conducted according to the professional standard of care. A "Differing Site Condition" is a subsurface, hidden, latent, or physical condition at a project site/building not revealed by the site exploration, site investigation, or other information provided to the Client and which cannot be reasonably anticipated. Special risks occur whenever engineering is applied to identifying site/building conditions. Even a comprehensive investigation according to the professional standard of care may not detect all subsurface or site/building conditions. GeoSource, LLC shall not be liable for site/building conditions which could not be identified by such an investigation or exploration. Accordingly, the Owner/Client agrees to indemnify, including all costs and attorney fees, and hold GeoSource, LLC harmless from all claims for Differing Site Conditions, provided GeoSource, LLC performs the services specified in the Contract in a manner reasonably conforming to the terms of the Contract and to the Standard of Care.

10. **EXTRA WORK:** Services not specified in the Scope of Services set forth in this Agreement or due to regulatory changes shall be considered "extra work". No "extra work" will be performed without additional compensation per a supplemental agreement.

11. **FORCE MAJEURE:** The Client shall not hold GeoSource, LLC responsible for damages or for delays in performance caused by force majeure, acts of God, or other acts or circumstances beyond the control of GeoSource, LLC, or that could not have been reasonably foreseen and prevented including, but not limited to, fire, weather, floods, earthquakes, epidemics, war, riots, terrorism, strikes, and unanticipated site conditions.

12. **AGREEMENT SOLELY FOR PARTIES' BENEFIT:** This agreement is solely for the benefit of GeoSource, LLC and Client. Nothing herein is intended in any way to benefit any third party or otherwise create any duty or obligation on behalf of GeoSource, LLC or Client in favor of such third parties.

13. **LIMITATION OF LIABILITY:** To the fullest extent permitted by law, GeoSource, LLC's total liability to Client is limited to our fee or \$25,000.00, whichever is less, for any and all damages or expenses arising out of this Agreement from any cause(s) or under any theory of liability.

Sept 5, 2019



**City of Tonganoxie, Kansas**  
**2019 Sanitary Sewer Improvements**  
**Interceptor Sewer, Lift Station, and Forcemain**  
 Engineer's Opinion of Probable Cost  
**18-1457L**

**Proposed Project**

<u>No</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Total Price</u>
1	Mobilization		Lump Sum	\$ 40,000	\$ 40,000
2	Construction Staking		Lump Sum	\$ 25,000	\$ 25,000
3	Clearing and Grubbing		Lump Sum	\$ 25,000	\$ 25,000
4	Seeding		Lump Sum	\$ 8,000	\$ 8,000
5	Erosion Control		Lump Sum	\$ 15,000	\$ 15,000
6	Traffic Control		Lump Sum	\$ 2,500	\$ 2,500
7	Sanitary Sewer Lift Station		Lump Sum	\$ 374,000	\$ 374,000
8	Generator		Lump Sum	\$ 66,000	\$ 66,000
9	Electrical		Lump Sum	\$ 100,000	\$ 100,000
10	Aerial Crossing		Lump Sum	\$ 150,000	\$ 150,000
11	12" Forcemain (PVC)(SDR 21)(In Place)	1,025	Lin Ft	\$ 45	\$ 46,125
12	8" Sanitary Sewer (PVC)(SDR 26)(In Place)	1,005	Lin Ft	\$ 40	\$ 40,200
13	18" Sanitary Sewer (PVC)(Ultra Rib)(In Place)	7,237	Lin Ft	\$ 55	\$ 398,035
14	21" Sanitary Sewer (PVC)(Ultra Rib)(In Place)	1,091	Lin Ft	\$ 60	\$ 65,460
15	20" Sanitary Sewer (PVC) (RJ) (In Casing)	110	Lin Ft	\$ 180	\$ 19,800
16	Std. Manhole (4' Dia.)	40	Each	\$ 5,000	\$ 200,000
17	Chainlink Fence (6')	68	Lin Ft	\$ 30	\$ 2,040
18	Single Leaf Gate (12')	1	Each	\$ 600	\$ 600
19	Connect to Existing Manhole	1	Each	\$ 1,500	\$ 1,500
20	Connect to Existing Lift Station	1	Each	\$ 2,000	\$ 2,000
21	Flowable Fill	205	Cu Yds	\$ 120	\$ 24,600
22	Remove & Replace Surfacing (Sidewalk)	6	Sq. Yds	\$ 100	\$ 600
23	Remove & Replace Surfacing (Asphalt)	100	Sq. Yds	\$ 110	\$ 11,000
24	Remove & Replace Surfacing (Concrete)	43	Sq. Yds	\$ 130	\$ 5,590
25	Remove & Replace Surfacing (Gravel)	14	Sq. Yds	\$ 20	\$ 280
26	Remove & Replace Surfacing (Curb & Gutter)	25	Lin Ft	\$ 80	\$ 2,000
				<b>Subtotal</b>	<b>\$ 1,625,330</b>
				<b>Contingency (10%)</b>	<b>\$ 162,533</b>
				<b>Total Construction Cost</b>	<b>\$ 1,787,863</b>
				Easements	\$ 40,000
				Preliminary Design	\$ 15,000
				Final Design	\$ 109,000
				Construction	\$ 138,000
				Geotechnical Borings	\$ 6,500
				<b>Total Opinion of Cost</b>	<b>\$ 2,096,363</b>

	01/03/19	03/07/19	04/04/19	05/02/19	08/01/19	09/05/19	10/03/19	11/07/19
Stoltenberg	Y	Y	Y	N	Y	Y	N	N
Harris	Y	Y	Y	Y	N	Y	Y	N
Dale	Y	Y	Y	Y	N	Y	Y	Y
Morgan	Y	Y	Y	N	Y	Y	Y	Y
Gee	Y	Y	Y	Y	Y	Y	Y	Y
Henson	Y	Y	N	Y	N	Y	Y	N
Bitler	N/A	N/A	N/A	N/A	N/A	Y	Y	Y

# TONGANOXIE PLANNING COMMISSION

## BY-LAWS RULES AND REGULATIONS

October 2017

### REGULAR MEETINGS

1. Annual Business Meeting for the election of Planning Commission officers shall be held in the Tonganoxie City Council Chambers on the first Thursday in the month of June each year. Elected officers shall take office at that same time.
1. Regular Meetings. The regular monthly meetings of the Commission shall be held on the 1<sup>st</sup> Thursday of each month in the Tonganoxie City Council Chambers unless that Thursday is a holiday, under which circumstance the monthly meeting shall be held on the first Wednesday.
2. Workshop Meetings. The Commission will hold a Workshop as necessary for discussion and training purposes or any other business deemed appropriate by the Chairperson of the Commission. Said meetings will be held in the City Council Chambers.
3. Adjourned Meeting. An adjourned meeting of the Commission may be held at such time and place as may be fixed in the resolution of adjournment or notice of special meeting. If no other place is fixed in the notice, the meeting shall be held in the Tonganoxie City Council Chambers.

### AGENDA ITEMS

1. Any concerned citizen, City Council member or Planning Commission member shall follow the procedure as outlined here:
  - A. The annually updated Application & Review schedule of submissions shall be followed for items to be heard by the Planning Commission.
  - B. When calling a special meeting, the item to be discussed will be a part of the meeting's call.
  - C. At each regular meeting there shall be an item on the agenda worded "Open Agenda and any person present may ask to have a particular subject discussed. The Chairperson will call for a motion and a second; if the motion passes the item shall be discussed. Should the motion fail the item will be put on the agenda for the next regular meeting. NOTE: No item shall be discussed at this time which should be legally published, or which necessitates notification of adjoining property owners.

## **SPECIAL MEETINGS**

1. A special meeting of the Commission may be called by the Chairperson and held at any time or place fixed in the notice.
2. The Chairperson shall call a special meeting of the Commission at the request of any three or more commission members submitted in writing. If the Chairperson fails to comply with such a request, the meeting shall be called by the said requesting members, all of whom sign the notice.
3. An adjourned special meeting of the Commission may be held at such time and place as is fixed in the notice of adjournment. If no other place is fixed in the notice, the meeting shall be held in the Tonganoxie City Council Chambers.

## **NOTICE OF MEETINGS**

1. It shall be necessary to give notice of all annual or regular monthly meetings. Failure to give notice for any meeting or to receive the same shall not affect the validity of any election held or acts done at such meeting.
2. Notice of regular and special meetings shall name the time, place and the business to be transacted. Notices shall be mailed to each member not less than three (3) days prior to the meeting.
4. All meetings, both regular and special shall be open to the public.

## **EXECUTIVE SESSIONS**

1. The Planning Commission and its sub-committees have the right to meet in executive session as set out in the state statutes, KSA 75-4319; Closed or Executive Meetings; Conditions; Authorized Subjects for Discussion; Binding Action Prohibited.
  - A. Upon formal motion made, seconded and carried, all bodies and agencies subject to this act may recess, but not adjourn, and then re-open as a closed or executive meeting. Any motion to recess for a closed or executive meeting shall include a statement of (1) The justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting, and (3) the time and place at which the open meeting will resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.
  - B. No subjects shall be discussed at any closed or executive meeting, except the following;

1. Specific personnel matters of non-elected personnel, not general personnel policies;
  2. Consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationships;
  3. Matters relating to employer-employee relations or negotiations whether or not an employee representative is present;
  4. Confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
  5. Matters affecting a student, a patient or a resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
  6. Preliminary discussions relating to the acquisition of real property only, not the sale thereof.
- C. No binding action shall be taken during the closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purpose of this act.

## **QUORUM**

1. At least the majority of the members of this commission shall be necessary to constitute a quorum for the transaction of business.
2. The affirmative vote of a majority of those members present shall be required for the exercise of powers or functions conferred or imposed upon this commission, but less than the majority of the members may meet and adjourn from time to time until a quorum is present.

## **MEMBERS' ABSENCE**

1. Should any member of the Planning Commission fail to attend three (3) meetings in a rolling calendar year, the clerk of the commission shall notify the Mayor in writing, giving the name of the individual and the dates of the meetings missed.
2. The Mayor shall cause the matter to be placed on the agenda for consideration by the governing body at its next regular meeting or shortly thereafter.
3. The Assistant City Manager or City Clerk of the governing body shall notify the individual of the date and time of the meeting at which said matter shall be considered by the governing body.
4. At the time of consideration, the Mayor, with the consent of the governing body, will declare a vacancy existing and proceed to appoint a successor for the remaining term of the vacant position by majority vote. The governing body may continue the consideration of the vacancy or the appointment of a successor.

## OFFICERS

### 1. Chairperson

- A. The Chairperson shall preside at all meetings of the Commission.
- B. The Chairperson shall, when authorized by the Commission, execute in his/her name all contracts, bonds, and other obligations.
- C. The Chairperson shall appoint the committees.
- D. The Chairperson shall perform such other duties as are usually exercised by the chairperson of a commission or the president or the chief officer of such commission.

### 2. Vice-Chairperson

- A. The position of Vice-Chairperson is hereby established.
- B. The Vice-Chairperson's duties shall be to perform the duties of the Chairperson during the absence or disability of the Chairperson.

### 3. Secretary

- A. The Secretary shall be a member of the Planning Commission and will be responsible for signing approved plats and perform the duties of the Chairperson during the absence or disability of the Chairperson and Vice-Chairperson.

### 4. Planning Commission Clerk

- A. The Planning Commission Clerk shall be designated by City Staff and shall be responsible for keeping a record of and transcribing all meeting minutes into the official minute book of the Commission. Minutes of the meetings shall be prepared within seven (7) days after the meeting. Copies of the minutes shall be furnished to each member of the governing body and each member of the Planning Commission. In order to assist the planning commission clerk in preparing the minutes of scheduled public Planning Commission meetings, a recording device may be used. Any recording will be kept on file for two (2) years before being destroyed unless litigation requires a permanent copy to be kept. Any recording will be kept in Tonganoxie City Hall for anyone to listen to concerning Planning Commission activities.
- B. The planning commission clerk shall cause notices to be sent on all regular and special meetings required under these by-laws or as directed by the Chairperson.

- C. The planning commission clerk, when required, shall attend meetings of the committees and shall be responsible for the minutes thereof, furnishing each member of the committee with a copy.
- D. The planning commission clerk shall have charge of the office of the commission and all books, papers and records thereof and shall attend to all correspondence of the commission.

## **COMMITTEES**

1. Whenever necessary, the Chairperson of the commission shall appoint special committees for such purposes as he or she sees fit, or as may be authorized by the commission.
2. The Chairperson shall appoint, upon a motion, second and vote from any commission member, two (2) members to a committee. This appointment shall be made at regular or special meetings and any interested persons are invited to provide input or accompany committee members on any inspections.
3. The Chairperson shall appoint one (1) member of each committee as the Chairperson thereof, and the committee shall meet at such times and places as directed by the Chairperson of said committee. A committee constitutes a miniature assembly and may act only when a quorum is present.
4. When a committee originates a report, it must be complete when presented. All committee reports should close with definite recommendation(s) and will be written in the third person. A committee report is to be presented by the Chairperson of the committee.

## **ELECTIONS AND APPOINTMENTS – City Code Chapter XVI, Article 1**

Appointments - The Planning Commission shall consist of seven (7) members, of which five members shall be residents of the city and two members shall reside outside the city, but within the designated planning area of the city which is within at least three miles of the corporate limits of the city. K.S.A 12-744(a).The members of the Planning Commission shall be appointed by the Mayor with approval of the Governing Body for the City of Tonganoxie. Members of the Commission shall serve without compensation.

1. The Chairperson of the commission shall be elected at the annual meeting thereof and shall hold office for one year or until a successor is appointed and qualified.
2. The Vice-Chairperson shall be elected at the annual meeting of the commission immediately after the election of the Chairperson and shall hold his or her office for one year or until a successor is appointed and qualified.

3. The Secretary shall be elected at the annual meeting of the commission immediately after the election of the Vice-Chairperson and shall hold his or her office for one year or until a successor is appointed and qualified.
4. Any vacancy in the office of Chairperson, Vice-Chairperson or Secretary of the commission may be filled at any regular or special meeting after such a vacancy.
5. The planning commission clerk shall be designated by city staff.
6. In the event that the Chairperson and the Vice-Chairperson or the Secretary of the commission should be absent or unable for any reason to attend to the duties of their office, the members of the commission may, at any regular meeting or at any special meeting called for that purpose, appoint a Chairperson pro term, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to his duties.

## **ORDER OF BUSINESS**

1. Roll Call
2. Approval of the minutes of the previous meeting.
3. Open Agenda
4. Old business
5. New Business (Public Hearings)
6. Information & Communications (No Action Required)
7. Adjourn

## **MOTION AND VOTING**

1. Motions must be seconded and require a majority vote by voice. On a roll call vote an entry must be made in the minutes of the names of all those voting affirmative and negative.
2. No member can vote who is not present when the question is put forth and no vote by proxy is permitted.
3. No member can vote on a question in which he has a direct personal or pecuniary interest.
4. A member has the right to change his or her vote until the time that the vote is announced.

5. In announcing a vote the chairperson should state first whether the motion is carried or lost.
6. The chairperson should restate every motion before it is put to vote.
7. Motion to dispense with the reading of the minutes and to approve them as mailed to the members is in order.

#### **AMENDMENT OF BY-LAWS**

1. The foregoing by-laws, or any part thereof, may be amended at any regular meeting of the Planning Commission, or at any special meeting of the Planning Commission where not less than three (3) days notice has been given to all members of the Planning Commission and a copy of the proposed amendment sent with the notice, providing, however, that it shall require the vote of not less than two-thirds (2/3) of the members to make any amendment or change in these by-laws. The amendment will then go to the City Council for approval.

## 3 Year Term - Expires 2022

**Patti Bitler**  
**City Representative**

Original Appt 08/05/2019 -  
Filled expired term of Patti  
Gabel

**Jacob Dale**  
**City Representative**

Reappointed 8/05/2019

Original Appt 9/29/2015 -  
Filled unexpired term of  
Robert Bieniecki resigned  
9/3/2015

## 3 Year Term - Expires 2020

**John Morgan**  
**County Representative**

Reappointed 8/21/2017  
Reappointed 5/19/2014  
Reappointed 5/2011

Original Appt 6/12/2006  
City Rep. Appointed Co.  
Rep 7/8/2013

**Kevin Harris**  
**City Representative**

Original Appt 05/21/2018  
filled unexpired term of  
Steve Gumm

**Zach Stoltenberg**  
**City Representative**

Reappointed 8/21/2017

Original Appt 3/7/2017 - Filled unexpired  
term of Grant Watson resigned 2/2/2017

## 3 Year Term - Expires 2021

**Monica Gee**  
**County Representative**  
Reappointed 07/16/2018  
Original Appointment  
5//18/2015 - Filled  
unexpired term of  
Catherine Patrick Resigned  
4/2/15

**Crystal Henson**  
**City Representative**  
  
Original Appointment  
07/16/2018 -Filled expired  
term of Steve Ashley

Elections held - 08/03/2017  
John Morgan - Chairman  
Monica Gee- Vice Chairman  
Zach Stoltenberg - Secretary

# City of Tonganoxie Financial Report

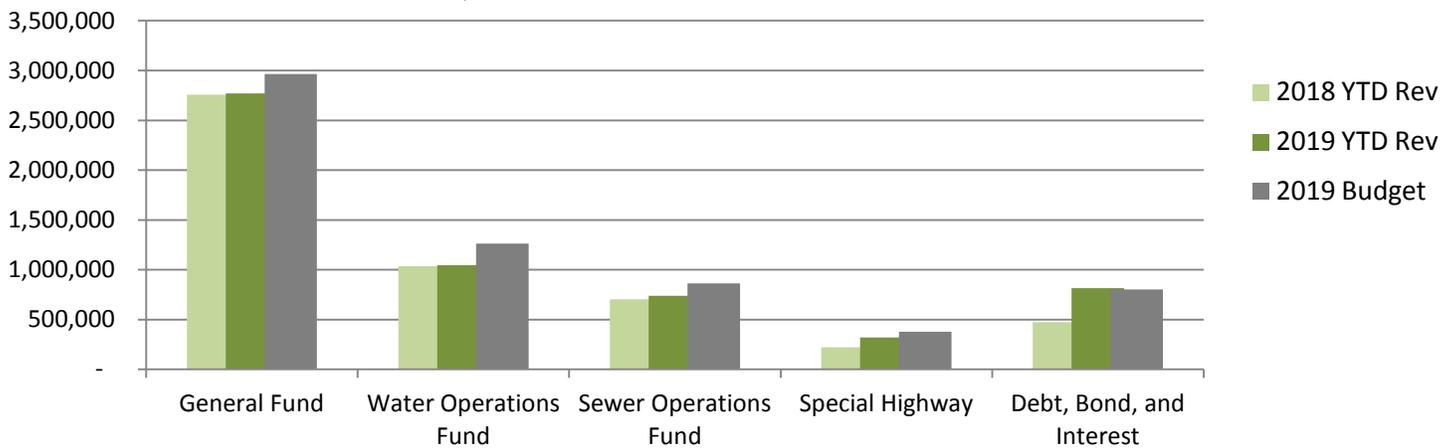
Oct-19

## Significant Events in Most Recent Period

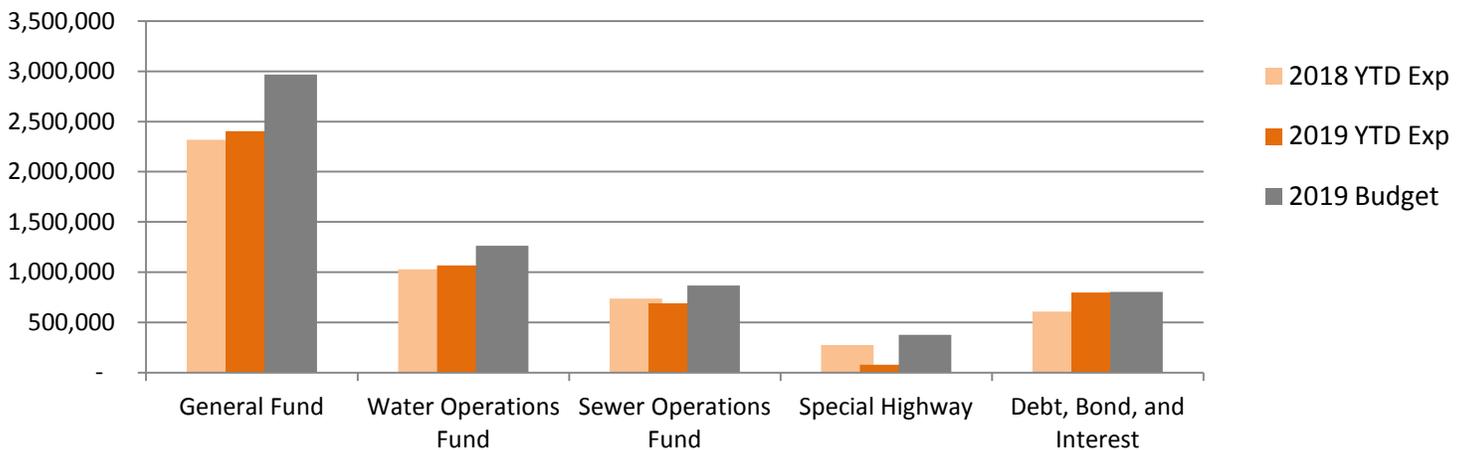
Spent 79% of budget authority in all funds YTD
Sanitation Fund Budget Amendment Required
Paid JE Dunn Pay App #7 & #8

Received 90% of budgeted revenue YTD
Strong building activity in 2019
273 total payments in last two months

## Major Fund Revenues



## Major Fund Expenditures



# General Fund

Principal funding mechanism for general services.

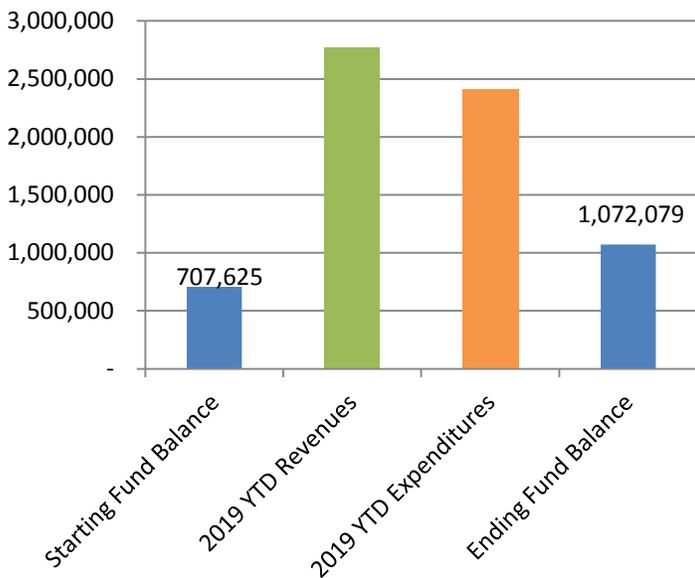
## Revenue

Overall, collected 78% of General Fund revenues.  
 Sales and Use Tax collection tracking ahead of budget due to good performance from Use Tax.  
 Franchise Fees were slightly less than budgeted and Court Fines are down.  
 Building Permits revenues are tracking at 195% of budget.

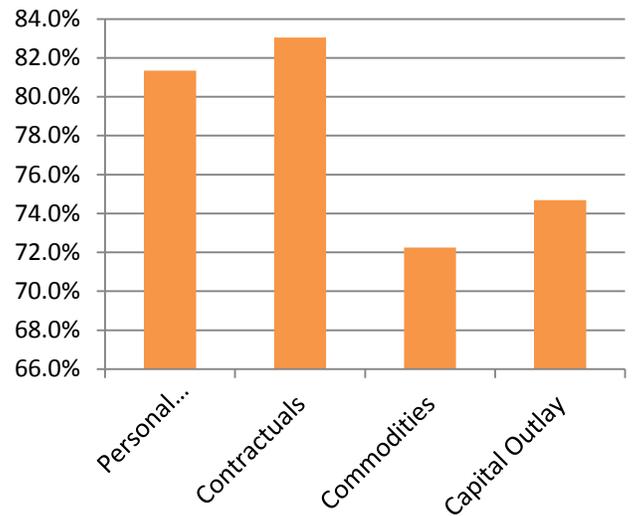
## Expenditures

Overall, spent 81% of General Fund budget.  
 Personal Services is on track with budget.  
 Contractuals are slightly elevated but Commodities and Capital Outlay are less than budget.

Projected Fund Balance



% of Budget Spent by Category



YTD Property Tax Collections

\$ 1,311,445	108.7% of Budget
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YTD Franchise Fee Collections

\$ 252,635	82.6% of Budget
------------	--------------------

YTD Sales & Use Tax Collections

\$ 510,603	91.2% of Budget
------------	--------------------

YTD Building Permit Collections

\$ 116,818	194.7% of Budget
------------	---------------------

# Utility Funds

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

## Water Operations Fund

### Revenue

Water Sales specifically were 84% of budget projections, on pace with the prior year.

Category	Receipts	Change from PY
Water Sales	84.7%	0.6%
Debt Surcharge	88.5%	1.7%
Other Fees	65.0%	2.2%
<b>Total</b>	<b>82.3%</b>	<b>1.1%</b>

## Sewer Operations Fund

### Revenue

Sewer sales and sewer inspection revenues met budget projections through October, with inspections revenue mirroring strong building activity.

Category	Receipts	Change from PY
Sewer Sales	85.3%	4.0%
Debt Surcharge	80.7%	2.0%
Sewer Inspections	89.4%	18.2%
<b>Total</b>	<b>85.3%</b>	<b>4.8%</b>

## Sanitation Fund

### Revenue

The total number of billed accounts continues to increase from last year, which impacts budget authority for expenditures.

Category	Receipts	Change
Sanitation Charges	81.3%	3.3%

## Storm Water Fund

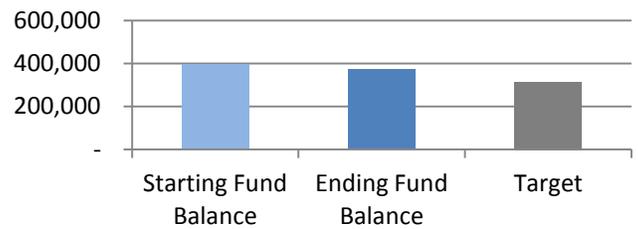
### Revenue

Collected revenue for only part of 2018, as fees were enacted in spring 2018. 2019 revenue is tracking according to budget.

Category	YTD Collections
Storm Water Charges	34,998

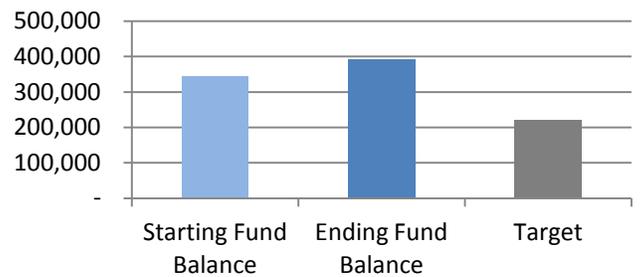
### Expenditures

Commodities and capital outlay are on track with budget, while Contractuals are elevated. Budgeted transfers are only made on a quarterly basis, so only 3 quarters are recorded. Target fund balance is based on YTD revenues.



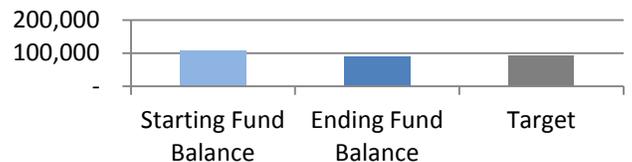
### Expenditures

More expenditures in contractual services are anticipated before the end of the year, but otherwise most major expenditures have been completed.



### Expenditures

12.7% of budget remaining. As a pass through, staff will recommend a budget amendment in December due to rate increase on December 1, 2019 bill.



### Expenditures

Only minor billing support expenditures have been completed as the fund is building up available resources before addressing larger projects.

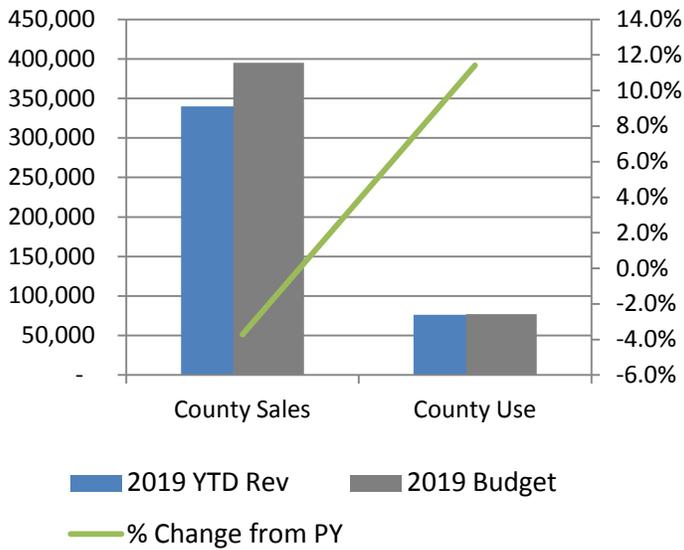
# Cap Projects and Debt Funds

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

## Capital Projects Fund

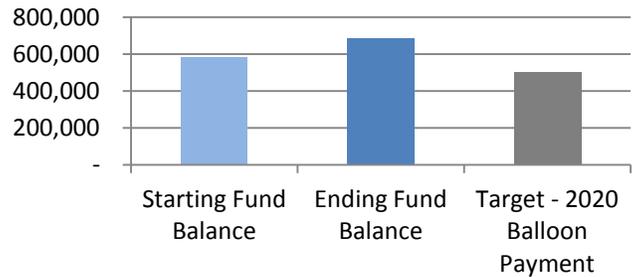
### Revenue

Some revenue is derived from transfers from other funds, but the majority in this fund is from the City's share of County Sales and County Use taxes. County Sales Tax is behind pace from last year but County Use Tax is still tracking ahead of pace for budget. Overall County Tax is down 1.25%.



### Expenditures

\$100,000 CR1 Debt payment will be made soon as budgeted, with a balloon payment planned in 2020. Fund balance is being built up intentionally in advance of this payment.



## Debt, Bond, and Interest Fund

### Revenue

Property Tax is the largest source of revenue in this fund, and it came in at 101% of budget in 2018. Revenue is on track in 2019. Certain debt service payments like the 2018A Library issuance are funded by transfers from other funds dedicated to supporting those issuances (Infrastructure sales tax).

### Expenditures

Made 11 scheduled debt service payments in 2019. The next scheduled debt payment is in December. The \$65,925 payment for interest associated with the Series 2018A Library GO Bonds was paid in February 2019, and the \$195,925 payment for principal and interest on the Series 2018A Library GO Bonds was paid in August 2019.

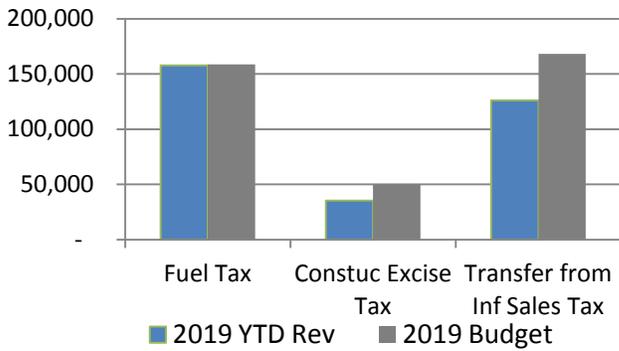
# Special Revenue Funds

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

## Special Highway Fund

### Revenue

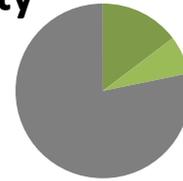
The special highway fund receives funding from 3 primary sources: fuel tax distributions, construction excise taxes on development, and transfers from other funds like the Infrastructure Sales Tax Fund. In 2018, each funding source either met or exceeded budgeted collections. Through the current month,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



### Expenditures

Major expenditures are complete in 2019, with approximately \$363,000 spent on improvements to roadways within the City of Tonganoxie. The application of maintenance in 2019 included mill & overlay and chip seal treatments.

## 2018 Activity

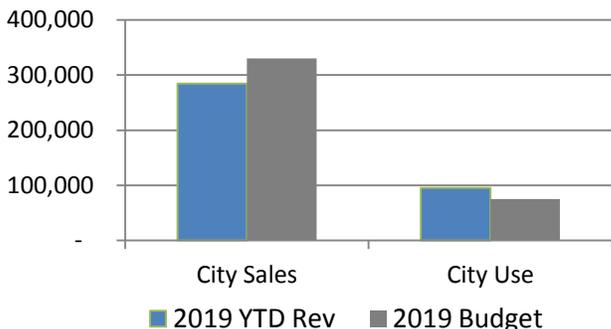


- Asphalt Rejuvenation
- Mill and Overlay
- Unimpacted Network

## Infrastructure Sales Tax Fund

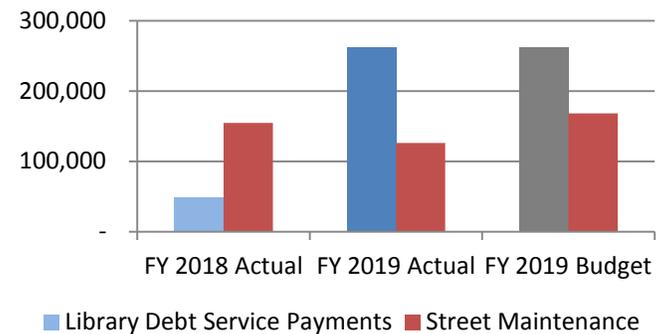
### Revenue

Collections of the general purpose sales tax deducted to funding infrastructure improvements, including the construction of a new Library, on track with budget in sales tax and over budget in use tax. The net of these two revenues is about 8% over budget YTD.



### Expenditures

The third quarterly transfer of funds related to street maintenance was completed for Q3 2019, along with the entirety of transfers for debt service payments.



## Special Revenue Funds

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

### Utility Capital Funds

Fund	Beg. Fund Balance	YTD Rev	YTD Exp	End. Fund Balance	Change
<b>Water Capital</b>	233,218	49,550	41,322	241,446	8,228
<b>Sewer Capital</b>	304,385	62,275	51,469	315,191	10,806

### Public Safety Capital Funds

Fund	Beg. Fund Balance	YTD Rev	YTD Exp	End. Fund Balance	Change
<b>Fire Capital</b>	128,134	115,312	101,404	142,042	13,908
<b>Police Capital</b>	29,271	21,433	11,262	39,443	10,172

### Other Funds

Fund	Beg. Fund Balance	YTD Rev	YTD Exp	End. Fund Balance	Change
<b>Special Parks</b>	15,702	5,061	6,469	14,295	(1,407)

# Sanitation Fund

## Proposed 2019 Budget Amendment Details

### 2019 Fund Detail

Fund	Beg. Fund Balance	YTD Rev	YTD Exp	End. Fund Balance
Sanitation	109,551	333,241	345,896	96,896 29%

### Proposed Change Detail

Fund	2019 Revenues	2019 Expenditures	End. Fund Balance
Current 2019 Budget	382,000	376,796	127,328
Proposed Amended 2019 Budget	394,000	388,796	127,328

### Library Project Budget Report - As of 2019-11-15

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
<b>Subtotal Land Acquisition Liabilities</b>	<b>241,149</b>	<b>196,172</b>	<b>44,977</b>
<b>Pre-Construction, Design, and Construction Liabilities - JE Dunn</b>	<b>Budget</b>	<b>Actual Costs Incurred</b>	<b>Balance Remaining</b>
SAPP Design and Preconstruction JE Dunn	386,000.00	371,466.00	14,534.00
Construct and Equip Library Facility (Design-Build Contract)	3,122,851.00	992,301.00	2,130,550.00
		-	-
		-	-
<b>Subtotal Pre-Construction &amp; Design Liabilities - JE Dunn</b>	<b>3,508,851</b>	<b>1,363,767</b>	<b>2,145,084</b>
<b>Total Project Liabilities (not including issuance costs)</b>	<b>Budget</b>	<b>Actual Costs Incurred</b>	<b>Balance Remaining</b>
	<b>3,750,000</b>	<b>1,559,939</b>	<b>2,190,061</b>