

CITY OF TONGANOXIE

April 6, 2020
7:00 Regular Meeting



REMOTE MEETING – See City of Tonganoxie website at www.tonganoxie.org for more information
This meeting may be transmitted via Facebook Live on the City of Tonganoxie page

Honorable David Frese, Mayor

Council Members

Rocky Himpel

Jacob Dale

Lisa Patterson

Loralee Stevens

Chris Donnelly

Open Regular Meeting – 7:00 p.m.

I. Update on City Council Meeting Procedures

II. Pledge of Allegiance

III. Approval of Minutes – Regular meeting dated March 16, 2020

IV. Consent Agenda

- a) Review bill payments

V. Open Agenda

Open agenda is not available at this meeting. Discussion will be held with the City Council regarding the arrangement of potential formats of public comment related to matters of City business in remote meetings.

VI. Old Business

- a) Public Hearing – West Village RHID District & Development Agreement

VII. New Business

- a) Consider Appointment of Municipal Court Judge
- b) Consider Appointment to Leavenworth County Port Authority
- c) Consideration of Proposed 2020 Street Infrastructure Maintenance Program and Associated Advertisements
- d) City Manager Agenda
 - 1. Urgent Needs Grant Update
 - 2. Library Project Update
- e) City Attorney Agenda
- f) Mayor Pro Tem Agenda
- g) City Council Agenda
- h) Mayor Agenda

VIII. Information & Communications (No Action Required)

IX. Adjourn

City Council Meeting Minutes
March 16, 2020
7:00 PM Meeting

Open Regular Meeting – 7:00 p.m.

I. Pledge of Allegiance

- Mayor Frese opened the meeting at 7:00 p.m.
- Mayor Frese, Mr. Himpel, Mr. Donnelly, Ms. Stevens, Ms. Patterson, and Mr. Dale were present. City Manager George Brajkovic, Assistant City Manager Dan Porter, Fire Chief John Zimbelman, and City Attorney Anna Krstulic were also in attendance.
- Mayor Frese led the Pledge of Allegiance.

II. Approval of Minutes – Regular meeting dated March 2, 2020

- **Ms. Patterson made a motion to approve the minutes from the March 2, 2020 City Council meeting.**
- **Mr. Donnelly seconded the motion.**
- **Vote of all ayes, motion carried.**

III. Consent Agenda

a) Review bill payments

- Ms. Patterson asked what the payment made to Busch and Associates was from the check report.
- Mr. Porter replied that the payment made to the vendor Busch and Associates was for the purchase of a 2017 Interceptor Police Department vehicle previously approved by the City Council.
- **Ms. Patterson made a motion to approve the consent agenda.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**

IV. Open Agenda

- No members of the public addressed the City Council.

V. Old Business

VI. New Business

a) Consider Approval of COVID-19 Policy

- Mr. Brajkovic introduced the item and shared information about the contents of the proposed policy. He stated that effective on March 17, 2020, the City's facilities would be closed to public access.
- **Mr. Donnelly made a motion to approve the COVID-19 Policy as presented by staff.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**

b) Consider Appointment to Fill Vacancy of Planning Commissioner Position

- Mr. Brajkovic introduced the item and explained that the Planning Commission recommended Jennifer McCutchen be appointed to the vacant City resident position. He noted that staff advised her not to attend the meeting due to COVID-19 precautions.
- **Mayor Frese requested that the City Council confirm his appointment of Jennifer McCutchen to fill the remainder of the term set to expire in August 2020 for the vacant City resident position previously held by Kevin Harris on the Planning Commission.**
- **Vote of all ayes, motion carried.**

c) Community Events Planning Committee Report & Proposed 2020 Events Budget

- Mr. Porter introduced the item and explained the work of the Community Events Planning Committee over the past several months to develop the materials included in the agenda packet. He noted that an event scheduled in June would most likely not be possible due to COVID-19.
- Mayor Frese stated that it would be appropriate to discuss proposed events later in 2020 once more is known about the impact of COVID-19.

d) Public Hearing – Resolution of Intent to Issue Industrial Revenue Bonds for the Purpose of Financing the Acquisition, Construction, Renovation and Equipping of a Commercial Facility

- **Mayor Frese opened the public hearing.**
- **No members of the public addressed the City Council during the public hearing.**
- **Mayor Frese closed the public hearing.**

e) Resolution 03-20-03: Resolution of Intent to Issue Taxable Industrial Revenue Bonds for the Purpose of Financing the Acquisition, Construction, Renovation and Equipping of a Commercial Facility

- Mr. Brajkovic introduced the item and delivered a presentation about the proposed Wilson Glass project at the southwest corner of Commerce Drive and Industrial Drive inside the Urban Hess Business Park.
- Brad Wilson, a local resident who is the applicant for the project, was present at the meeting but did not address the City Council.
- **Mr. Donnelly made a motion to adopt Resolution 03-20-03, a Resolution of Intent to issue IRBs for Wilson Glass in the amount of \$310,000.**
- **Ms. Stevens seconded the motion.**
- **Vote of all ayes, motion carried.**

f) Resolution Hearing – West Village RHID Public Hearing

- Mr. Brajkovic introduced the item and shared that the developer requested that this public hearing be continued to the next City Council meeting.
- **Ms. Patterson made a motion to continue the public hearing to the April 6, 2020 City Council meeting.**
- **Ms. Stevens seconded the motion.**
- **Vote of all ayes, motion carried.**

g) Consider Approval of 2020 Leavenworth County Economic Development Public Sector Funding

- Mr. Brajkovic introduced the item and explained that staff suggested that Executive Director Steve Jack not attend the City Council meeting to represent his request for funding in observance of COVID-19 precautions.
- **Mr. Dale made a motion to authorize the 2020 funding contribution to the Leavenworth County Development Corporation in an amount not to exceed \$8,394.**
- **Mr. Donnelly seconded the motion.**
- **Vote of all ayes, motion carried.**

h) Consider Approval of Street Sweeper Purchase

- Mr. Porter introduced the item and explained the proposed procurement methodology and financing approach to allow the City to obtain a 2020 Elgin Pelican 3-wheel Street Sweeper and replace the existing 2000 Street Sweeper.
- **Ms. Stevens made a motion to authorize acceptance of the quote to purchase a 2020 Elgin Pelican Street Sweeper for an amount not to exceed \$209,888.05, and to authorize the disposition of the City's 2000 Elgin Pelican Street Sweeper via Purple Wave upon receipt of the newly-purchased equipment.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**

- i) Resolution 03-20-04: Approval of Lease Purchase Agreement to Purchase Street Sweeper
 - o **Mr. Donnelly made a motion to approve Resolution 03-20-04, authorizing the Mayor to execute a lease purchase agreement for a 2020 Elgin Pelican Street Sweeper between the City of Tonganoxie and First State Bank and Trust of Tonganoxie.**
 - o **Ms. Patterson seconded the motion.**
 - o **Vote of all ayes, motion carried.**

- j) Consider Approval of Zero-Turn Mower Purchase
 - Mr. Porter introduced the item and explained the proposed procurement methodology to allow the City to replace the existing 2009 Kubota mower.
 - Mr. Donnelly asked how many hours of operation were logged on the existing mower equipment.
 - Mr. Porter responded that the existing mower had slightly more than 1,300 hours of utilization.
 - o **Ms. Patterson made a motion to authorize the purchase of a Kubota ZD1211-3-60 zero-turn mower from McConnell Machinery Co for an amount not to exceed \$10,000, which includes trade-in of the City's 2009 Kubota mower.**
 - o **Ms. Stevens seconded the motion.**
 - o **Vote of all ayes, motion carried.**

- k) City Manager Agenda
 - 1. Urgent Needs Grant Update
 - Mr. Brajkovic provided an update on the status of the aerial sanitary sewer creek crossing repair project.
 - 2. Library Project Update
 - Mr. Brajkovic provided an update on the current status of the Public Library construction project and noted that substantial completion of the new facility was completed on February 28 but one or two more payments were anticipated to be made to JE Dunn prior to the completion of the project and expenditure of all budgeted costs.

- l) City Attorney Agenda
 - Ms. Krstulic commented that she is researching municipal legal issues related to COVID-19, including Kansas Open Meeting Act requirements and emergency declarations.
 - Mr. Brajkovic noted that staff anticipate the need to cancel the April Planning Commission meeting and will review virtual meeting options.

- m) Mayor Pro Tem Agenda
 - Mayor Pro Tem Himpel said that Leavenworth County Planning Commission approved a special use permit for a property called Whiskey Ridge located near Tonganoxie on Tonganoxie Road, and that the Planning Commission continues to work on proposed edits to the table of uses.

- n) City Council Agenda
 - Ms. Patterson asked how staff would communicate with any applicants for the April Planning Commission meeting if it is cancelled.
 - Mr. Brajkovic replied that no projects were tracking for the April Planning Commission meeting.
 - Ms. Patterson asked that staff consider planning for decisions to be made about Water Park operations and the impact of COVID-19 on the City's revenue patterns.

o) Mayor Agenda

1. Proclamation of April 2020 as Child Abuse Prevention Month and April 3rd as Wear Blue Day

- Mayor Frese shared that he received a request on behalf of Kansas Children's Service League, the Kansas Chapter of Prevent Child Abuse America, to adopt a proclamation that April 2020 be known as Child Abuse Prevention Month and that April 3, 2020 be designated as Wear Blue Day.

Proclamation:

Whereas, children are key to the state's future success, prosperity and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and

Whereas, children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

Whereas, child abuse and neglect can be prevented by supporting and strengthening Kansas' families, thus preventing the far-reaching effects of maltreatment, providing the opportunity for children to develop healthy, trusting family bonds; and consequently, building the foundations of communities; and

Whereas, prevention happens in partnership, we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and

Whereas, by providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders, helping to secure the future of this state and nation;

Therefore, I, David Frese, Mayor of Tonganoxie, Kansas, do hereby proclaim April 2020 as Child Abuse Prevention month.

2. Review Options for Maintenance at Downtown Pocket Park

3. Executive Session for Discussion of Personnel Matters of Non-Elected Personnel

- o **Mr. Dale made a motion that the Governing Body recess into executive session to discuss the City Manager's annual review process pursuant to the personnel matters of nonelected personnel exception, K.S.A. 75-4319(b)(1). The open meeting will resume in the City Council chamber after 30 minutes at 8:20 p.m. The executive session will include the City Attorney and Assistant City Manager.**
- o **Mr. Donnelly seconded the motion.**
- o **Vote of all ayes, motion carried.**
- o **Ms. Stevens left the meeting during the executive session.**
- o **Mayor Frese resumed the meeting and noted that no binding action was taken in the executive session.**
- o **Mr. Donnelly made a motion to increase the City Manager's salary by 5% retroactive to March 1, 2020, without increasing the percentage rate of deferred compensation or annual car allowance.**
- o **Mr. Dale seconded the motion.**
- o **Vote of all ayes, motion carried.**

VII. Information & Communications (No Action Required)

VIII. Adjourn

- o **Ms. Patterson made a motion to adjourn the meeting.**
- o **Mr. Dale seconded the motion.**
- o **Vote of all ayes, motion carried.**
- o **Meeting adjourned at 8:22 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager



City of Tonganoxie, KS

Date Range: 03/13/2020 - 04/02/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
0056	BLUE CROSS AND BLUE SHIELD	03/20/2020	Regular	0	35402.89	47348
0250	HONEYCREEK DISPOSAL SERVICE	04/02/2020	Regular	0	29305.7	47420
1136	Alpha Omega Geotech, INC	04/02/2020	Regular	0	17435.49	47410
0059	Kansas City Board of Public Utilities	03/20/2020	Regular	0	16507.89	47362
0051	BG CONSULTANTS INC	03/27/2020	Regular	0	12191	47385
0671	Evergy	03/20/2020	Regular	0	10534.69	47356
0436	MCCONNELL MACHINERY CO. INC.	03/20/2020	Regular	0	10000	47370
0630	TONGANOXIE LIBRARY BOARD	03/27/2020	Regular	0	9510.53	47406
0395	Leavenworth County Development Corporation	03/20/2020	Regular	0	8394	47365
1068	Stinson LLP	04/02/2020	Regular	0	8375.6	47433
0216	GOULD EVANS PC	03/20/2020	Regular	0	3953.7	47359
0579	SECURITY BENEFIT - 457	03/20/2020	Regular	0	3530.11	47381
0579	SECURITY BENEFIT - 457	04/02/2020	Regular	0	3519.6	47431
0136	DELTA DENTAL PLAN OF KANSAS,IN	04/02/2020	Regular	0	2421.6	47414
0189	FIRST STATE BANK & TRUST	04/02/2020	Regular	0	2421.29	47416
0813	FREESTATE ELECTRIC COOPERATIVE	03/20/2020	Regular	0	1696	47357
1133	Reddi Services	03/20/2020	Regular	0	1532	47378
0964	KDOR - MISC TAX	04/02/2020	Regular	0	1531.46	47424
0959	OFFICE OF THE KANSAS STATE TREASURER	03/20/2020	Regular	0	1457	47373
0478	NEBRASKA FURNITURE MART	03/27/2020	Regular	0	1371.98	47400
0038	B & W FIRE LLC	04/02/2020	Regular	0	1259	47412
0095	CHUX TRUX OLATHE	03/27/2020	Regular	0	1250	47388
0642	USPS	04/02/2020	Regular	0	1053	47436
0243	HIMPEL LUMBER & BUILDING SUPPL	03/27/2020	Regular	0	909.03	47391
0857	MIDCONTINENT COMMUNICATIONS	03/27/2020	Regular	0	894.39	47398
1112	Life-Assist, INC	03/20/2020	Regular	0	823.01	47368
0548	RECORDNEWS	03/20/2020	Regular	0	774.95	47377
1134	American Mudjacking	03/20/2020	Regular	0	750	47346
0404	LEAVENWORTH TIMES	03/20/2020	Regular	0	730	47367
0491	OLATHE WINWATER WORKS	04/02/2020	Regular	0	650	47429
0802	LED DIRECT	04/02/2020	Regular	0	640	47425
1083	Bay Bridge Administrators, LLC FSA	03/20/2020	Regular	0	616.68	47347
0115	CONRAD FIRE EQUIPMENT, INC.	03/27/2020	Regular	0	603.06	47390
0330	KANSAS GAS SERVICE	03/20/2020	Regular	0	600.17	47363
0478	NEBRASKA FURNITURE MART	03/20/2020	Regular	0	600	47372
0596	GEOFF SONNTAG	04/02/2020	Regular	0	600	47417
0677	WILLIAM PRAY	04/02/2020	Regular	0	600	47437
0414	LINK-LITE NETWORKING, INC.	03/27/2020	Regular	0	525	47396
0614	T-MOBILE	04/02/2020	Regular	0	509.17	47434
0651	USA BLUE BOOK	03/27/2020	Regular	0	483.52	47407
0503	PACE ANALYTICAL SERVICES INC	03/27/2020	Regular	0	469	47401
0500	OREILLY AUTO PARTS	03/20/2020	Regular	0	463.84	47374
0661	VISION SERVICE PLAN	03/27/2020	Regular	0	426.42	47409
1022	Universal Chemical LLC	04/02/2020	Regular	0	419.82	47435
0824	IBT INC	03/27/2020	Regular	0	416.98	47393
0077	CARAWAY PRINTING CO., INC.	03/20/2020	Regular	0	414	47353
0348	KBI	04/02/2020	Regular	0	400	47423
0542	QUILL	03/20/2020	Regular	0	394.92	47376
0070	BROTHER' S MARKET	03/20/2020	Regular	0	368.77	47352
0248	HOLLIDAY SAND & GRAVEL COMPANY	04/02/2020	Regular	0	358.34	47419
0857	MIDCONTINENT COMMUNICATIONS	03/20/2020	Regular	0	344.02	47371
0111	COLEMAN EQUIPMENT INC	03/20/2020	Regular	0	336.59	47354
0656	VERIZON WIRELESS	03/27/2020	Regular	0	288.47	47408
0824	IBT INC	04/02/2020	Regular	0	285.82	47421

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1074	Red Fuel Repair	03/27/2020	Regular	0	285	47404
0600	SPECTRUM PAINT	04/02/2020	Regular	0	260.97	47432
0414	LINK-LITE NETWORKING, INC.	03/20/2020	Regular	0	250	47369
0015	ALL SEASONS CAR WASH	03/20/2020	Regular	0	247.68	47345
0732	METLIFE - GROUP BENEFITS	03/27/2020	Regular	0	237.2	47397
1007	LEAVENWORTH PAPER & OFFICE SUPPLY LLC	03/20/2020	Regular	0	223.75	47366
0249	HONEYBEE SEPTIC SERVICE	03/20/2020	Regular	0	215	47361
0249	HONEYBEE SEPTIC SERVICE	03/27/2020	Regular	0	215	47392
0410	LIBERTY NATIONAL	04/02/2020	Regular	0	206.42	47426
0166	EMERGENCY REPORTING	03/20/2020	Regular	0	181.33	47355
0542	QUILL	03/27/2020	Regular	0	179.99	47403
0113	COMMERCIAL AQUATIC SERVICES	04/02/2020	Regular	0	178.59	47413
0426	LEAVENWORTH COUNTY SHERIFF OFFICE	03/27/2020	Regular	0	165	47395
0111	COLEMAN EQUIPMENT INC	03/27/2020	Regular	0	158.37	47389
0659	VICTOR L PHILLIPS CO	03/20/2020	Regular	0	156.2	47384
0562	S & S AUTOMOTIVE	03/20/2020	Regular	0	154.99	47380
0555	RICOH USA, INC.	03/20/2020	Regular	0	149.4	47379
0749	BROADVOICE	03/20/2020	Regular	0	146.69	47351
0641	TYLER TECHNOLOGIES	03/20/2020	Regular	0	138	47383
0391	LAWRENCE JOURNAL WORLD	03/20/2020	Regular	0	136.23	47364
0514	PITNEY BOWES, INC.	03/20/2020	Regular	0	135.24	47375
0443	MENARDS	04/02/2020	Regular	0	132.96	47427
0080	CARTER WATERS	03/27/2020	Regular	0	125.49	47386
0857	MIDCONTINENT COMMUNICATIONS	04/02/2020	Regular	0	116.91	47428
1137	Gerry Parker	04/02/2020	Regular	0	110	47418
1138	Dominique Hernandez-Imbrogno	04/02/2020	Regular	0	105	47415
0496	KANSAS ONE CALL CONCEPTS	04/02/2020	Regular	0	97.2	47422
0034	AT&T ACCESS TRANSPORT SERVICES	04/02/2020	Regular	0	74.49	47411
0057	BLUE TARP FINANCIAL, INC.	03/20/2020	Regular	0	71.96	47349
0384	PAUL LAMB	03/27/2020	Regular	0	62	47402
0477	NAVRATS	03/27/2020	Regular	0	59.15	47399
1067	CCL Supply, LLC	03/27/2020	Regular	0	47.2	47387
0205	GALL'S LLC	03/20/2020	Regular	0	42	47358
0568	SAMS CLUB	03/27/2020	Regular	0	39.98	47405
0393	LAWRENCE MEMORIAL HOSPITAL	03/27/2020	Regular	0	30	47394
0555	RICOH USA, INC.	04/02/2020	Regular	0	29.96	47430
0217	GRAINGER	03/20/2020	Regular	0	22.58	47360
0628	TODD'S TIRE LLC	03/20/2020	Regular	0	16	47382
0669	BRIAN WELSH	03/20/2020	Regular	0	10	47350

Bank Code AP Bank Summary

Payment Type	Payable	Payment	Discount	Payment
	Count	Count		
Regular Checks	125	93	0.00	206,564.43
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
	125	93	0.00	206,564.43

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	125	93	0.00	206,564.43
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
	125	93	0.00	206,564.43

Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	3/2020	133466.04
998	Gen Fund-Pooled Cash	4/2020	73098.39
			206564.43



Office of the City Manager
AGENDA STATEMENT

DATE: April 6, 2020
To: Honorable Mayor David Frese and Members of the City Council
FROM: George Brajkovic, City Manager
SUBJECT: Authorizing the Appointment of Municipal Court Judge

DISCUSSION:

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

BUDGET IMPACT:

There is no anticipated impact on the 2020 budget.

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

ACTION NEEDED:

Mayor Frese would request the City Council's consent to appoint William Pray as Municipal Court Judge

ATTACHMENTS:

Letter from Judge Pray requesting consideration of reappointment

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

WILLIAM E. PRAY
Attorney at Law
529 Delaware Street
Post Office Box 16
Leavenworth, Kansas 66048-0016

Phone: 913-651-5678
Fax: 913-682-7136

weprayatty@kc.rr.com

25 March, 2020

Mr. George Brajkovic
City Manager
City of Tonganoxie
via Email to: gbrajkovic@tonganoxie.org

Dear Mr. Brajkovic:

Thank you for your Email, in response, I would be pleased to request reappointment as Municipal Judge for the City for another year. At this challenging time, I am heartened by the cooperation I have seen in our city government. I am sure we will be well situated to resume operations as soon as we receive clearance. Replacing Patty will not be easy, but I plan on spending time with the replacement to reduce any problems.

Please consider this my request for reappointment to the position for the next year. Should you or any of the council members have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

William E. Pray

WEP:fh



Office of the City Manager
AGENDA STATEMENT

DATE: April 6, 2020
To: Honorable Mayor David Frese and Members of the City Council
FROM: George Brajkovic, City Manager
SUBJECT: Appointment to the Leavenworth County Port Authority Board of Directors

DISCUSSION:

Leavenworth County and the City of Leavenworth, KS entered into an Amended and Restated Leavenworth County Port Authority (LCPA) Agreement dated March 24, 2020.

The new Agreement allows for the cities of Basehor, Lansing and Tonganoxie to appoint one member to the LCPA Board of Directors. That appointment would serve a four year term or until their successor is appointed; Directors shall serve at the pleasure of the governing body appointing them.

BUDGET IMPACT:

There is no anticipated impact on the 2020 budget.

ACTION NEEDED:

The Tonganoxie Elected Body should make nominations, discuss the nominees and make an appointment.

ATTACHMENTS:

LCPA Agreement

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

**AMENDED AND RESTATED
LEAVENWORTH COUNTY PORT AUTHORITY AGREEMENT**

THIS AMENDED AND RESTATED LEAVENWORTH COUNTY PORT AUTHORITY AGREEMENT (this "Agreement") is made and entered into as of the last date of approval indicated below, by and between the City of Leavenworth, Kansas ("City"), and the Board of County Commissioners, Leavenworth County, Kansas ("County") (City and County may be referred to herein together as the "Parties").

WHEREAS, pursuant to the provisions of K.S.A. 12-3401 *et seq.* (as amended, the "Port Authority Act"), the City and the County entered into that certain Leavenworth County Port Authority Agreement dated on or about December 29, 1969 (the "Original Agreement") creating a joint port authority (referred to herein as either the "Port Authority" or the "Leavenworth County Port Authority"); and

WHEREAS, the City and County find it to be in the best interests of the citizens of Leavenworth County that the Original Agreement creating the Port Authority be amended and restated to reflect the current operation of the Port Authority, optimize the operation of the Port Authority, and allow for ex-officio participation by the other incorporated cities of Leavenworth County in the planning of economic development projects of the Port Authority; and

WHEREAS, the Parties have taken all required and necessary actions to authorize the entry into this Agreement; and

WHEREAS, this Agreement is for the purpose of amending, restating, and modifying the Original Agreement such that, hereafter, the Original Agreement shall be of no further force or effect, but this Agreement does not, and is not intended to, create a new port authority and is authorized under K.S.A. 12-3402(a); and

WHEREAS the parties deem it to be in the public interest that the cities of Basehor, Lansing and Tonganoxie, Kansas, be provided representation on the board of directors of the Port Authority ("Board of Directors").

IT IS THEREFORE AGREED that the Original Agreement between the City and County be amended and restated in its entirety as follows:

- I. **PURPOSE.** There is hereby established by the Parties a port authority pursuant to the provisions of the Port Authority Act. Such port authority shall be called the Leavenworth County Port Authority ("Port Authority"). The Port Authority shall be for the purpose of promoting commerce, prosperity, industry, improvement of the health and living conditions of the people, for the promotion of the general welfare and the economic development of Leavenworth County, Kansas.
- II. **JOINT AUTHORITY.** The Port Authority hereby established may consider the combining with other port authorities. Prior to any such combining the Port Authority shall present to the Parties a study outlining the merits of such combining. No such combining shall take place without the express approval of the Parties and the entry into an agreement in accord with the provisions of the Port Authority Act.

III. JURISDICTION. The area of jurisdiction of the Port Authority shall include all of the territory of the City and County, or combination thereof, comprising it, together with any other property outside thereof conveyed to it or over which it exercises control pursuant to K.S.A. 12-3406.

IV. BOARD OF DIRECTORS; MEMBERSHIP.

- (a) Subject to the limitations of the Port Authority Act and this Agreement, the property and affairs of the Port Authority shall be managed by the Board of Directors, and the Board of Directors shall have all those powers necessary to supervise, control, direct, and manage the same.
- (b) The Board of Directors of the Port Authority shall consist of seven (7) members/directors. Subject to subsection (c) below, two (2) members shall be appointed by the County, through the County's Board of County Commissioners; two (2) members shall be appointed by the City, through the City's City Commission; and one (1) member shall be appointed by each of the cities of Basehor, Lansing and Tonganoxie, Kansas. Each director shall serve a term of four (4) years and until their successor is appointed. Directors shall serve at the pleasure of the governing body appointing them.
- (c) The initial appointment of members of Board of Directors of the Port Authority shall be as follows: The terms of office of the directors serving at the time of entry by the parties into this Agreement shall expire on March 25, 2020. On or before March 25 2020, or as soon thereafter as is practicable, the City shall appoint two (2) directors, one for a term of office of four (4) years and one for a term of office of three (3) years. On or before that same date the County shall appoint two directors, one for a term of office of four (4) years and one for a term of office of three (3) years. The cities of Basehor, Lansing, and Tonganoxie shall each, on or before the same date, appoint one (1) director, each for a term of two (2) years. The term of office for each director thereafter appointed by the City, the County, and the cities of Basehor, Lansing, and Tonganoxie, shall be for four (4) years.
- (d) The directors shall serve without compensation, but shall be entitled to receive their necessary and actual expenses incurred by them as directors. The directors shall organize themselves, maintain regular minutes and records of the Port Authority, which records and minutes shall be open to the public. The directors shall comply with the provisions of the Kansas Open Meetings Act and Kansas Open Records Act. All directors shall comply strictly with the conflict of interest provisions of the Port Authority Act, and shall be deemed to have an affirmative duty to disclose any potential conflict of interest to the remaining directors and to the parties to this Agreement, and shall recuse themselves from participation in the business of the Port Authority in which they have a conflict of interest. "Conflict of interest" shall include, but not be limited to, any transaction, or proposed transaction, involving the Port Authority and any person or business entity in which the director has a substantial interest as defined in K.S.A. 46-229, as amended. Directors shall further

refrain from soliciting or accepting any business, gifts or anything of value which exceeds \$50 from any person or business entity transacting, or proposing to transact, any business with the Port Authority.

- (e) The Board of Directors may, from time to time, appoint honorary Ex-Officio Directors of the Board, which Ex-Officio Directors shall have a voice in all matters but shall not have a vote on any issue.

V. POWERS OF THE PORT AUTHORITY. The Port Authority shall have those powers set forth in the Port Authority Act, as may be amended. The powers of the Port Authority are to be liberally construed so as to allow for the proper exercise of authority in accomplishing the purpose of the Port Authority.

VI. FUNDING OF THE PORT AUTHORITY. The port authority shall have the authority granted to it by the provisions of the Port Authority Act, as may be amended, to acquire funding for the operation of the Port Authority. The Port Authority shall be authorized to accept funding from the federal and state governments and the agencies thereof, the County, the cities of Leavenworth County, any regional governmental agency, private contributors and donations and from the development funds created by any interlocal agreements, including but not limited to those dated October 30, 1989 and November 26, 1989.

VII. ISSUANCE OF BONDS. The port authority may exercise the authority granted it under the provisions of the Port Authority Act, as may be amended. As provided for by K.S.A. 12-3415(b) the Port Authority shall not issue bonds without first having received approval, by resolution, of the governing bodies of the Parties.

VIII. DEVELOPMENT PLANS. The Port Authority shall prepare or cause to be prepared plans for the development of the area within its jurisdiction as provided for by K.S.A. 12-3407. Such plans, as adopted by the Board of Directors of the Port Authority, may be modified as provided for by K.S.A. 12-3408.

IX. DISSOLUTION, DISPOSITION OF ASSETS AND LIABILITIES. In the event that both of the Parties jointly find that the dissolution of the Port Authority created under the Original Agreement and this Agreement is in the best interests of the citizens under the jurisdiction of that Party, that Party shall so declare the same and the Parties shall proceed to the orderly dissolution of the Port Authority and dispose of the assets and liabilities of the Port Authority as follows:

1. The assets of the Port Authority shall first be applied to the satisfaction of all liabilities of the Port Authority. In applying the assets of the Port Authority to any liabilities the Parties shall first apply all cash assets, secondly, as necessary, shall proceed to the sale of any unimproved real property of the Port Authority and thirdly, if necessary, the sale of any other remaining assets. The proceeds of such sales, if necessary, shall be applied to the liabilities of the Port Authority and the remaining funds, if any, shall be disposed of as provided for herein.

2. Except as provided for by Subsection 1 of this Section, real property (including all improvements and fixtures thereon, and rights appurtenant thereto) owned by the Port Authority at the time of dissolution shall convey to the municipal government in which the real property is located.
3. All such other assets of the Port Authority shall convey to the County, provided that such assets shall be utilized by the County only for the purpose of economic development within the County.

X. SEVERABILITY. If any one or more of the provisions of this Agreement shall be declared void, or if any provision of this Agreement shall be superseded by any legislation, the validity of the remainder of this Agreement shall not be affected.

XI. MISCELLANEOUS. The parties hereby ratify all acts of the Port Authority taken prior to the date of the entry into this Agreement. The Parties agree that all obligations of the Port Authority, whether by contract or by interlocal agreement, existing at the time of the date of the entry into this Agreement, remain in full force and effect unless otherwise modified, amended or discharged by separate agreement.

XII. EFFECTIVE DATE OF AGREEMENT. This Agreement shall become effective, and supersede the terms and conditions of the Original Agreement between the Parties, subject to the terms and conditions set forth herein, upon the adoption of this Agreement by the Parties and upon the filing of the same with the County Clerk of Leavenworth County, Kansas.

APPROVED BY THE CITY THIS 24th
DAY OF MARCH, 2020.

APPROVED BY THE COUNTY THIS
11th DAY OF MARCH, 2020.

CITY OF LEAVENWORTH, KANSAS

LEAVENWORTH COUNTY, KANSAS

By: Myron J. "Mike" Griswold
Printed Name: Myron J. "M:K" Griswold
MAYOR

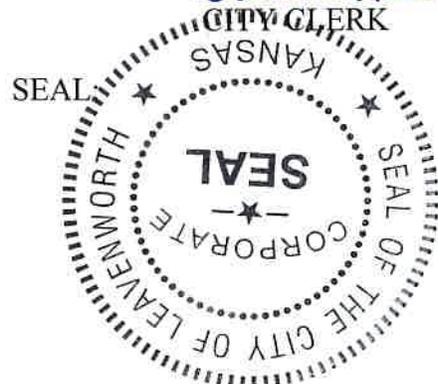
By: Doug Smith
Printed Name: Doug Smith
CHAIRPERSON,
BOARD OF COUNTY
COMMISSIONERS

ATTEST:

ATTEST:

By: Carla K. Williamson
Printed Name: Carla K. Williamson

By: Janet Klasingki
Printed Name: Janet Klasingki
COUNTY CLERK



SEAL:



Office of the City Manager
AGENDA STATEMENT

DATE: April 6, 2020
To: Honorable Mayor David Frese and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Authorizing of Proposed 2020 Street Infrastructure Maintenance Program and associated Advertisements

DISCUSSION:

As established during the development of the FY 2020 Budget, the following Street Maintenance items were prioritized:

South of 5th Street to Washington and 24/40 to Railroad ROW – Largely Overlay	2020 Budget Priority
East 4th Street from the Water Treatment Plant to East City limits - Mill and Overlay	2020 Budget Priority
Parallel from Tonganoxie Road to East City limits - Largely Overlay	2020 Budget Priority
Curb Replacements to be completed by City staff according to capacity and budget authority.	2020 Budget Priority

According to the prioritization results, an additional condition assessment of the City's road network infrastructure, and available levels of funding Public Works staff have proposed the following Street Maintenance items be bid in 2020:

BASE BID

1. Church St From Washington St to 5th St - OVERLAY
2. 500 block of Delaware St - OVERLAY
3. 6th St from 24/40 east to Delaware St –Overlay
4. Bury St from 5th St south 601 ft. - Overlay
5. Green St from 5th St south 593 ft. - Overlay
6. Shawnee St from 5th St south 162 ft. – Mill
7. Shawnee St from 5th St south to 8th St. - Overlay
8. 700 block of Green St. – Overlay (Overlay will cover concrete curb to the upslope of the curb.)
9. 7th St Terr. from Green St East to Cul-de-sac. - Overlay (Overlay will cover concrete curb to the upslope of the curb.)
10. 7th St Terr. Cul-de-sac – Overlay (Overlay will cover concrete curb to the up slope of the curb.)
11. 7th St From Shawnee St east 145 ft.- Overlay (overlay will cover concrete curb to the upslope of the curb)
12. 8th St from 24/40 east 1420 ft. – Overlay
13. 7th St from 24/40 east to Shawnee St.- Overlay
14. Ann St from Church St west to Somers St then south to Grace St. – Overlay

15. Grace St from 24/40 east to dead end. 900 ft. - Overlay

Total Estimated Measurement for Base Bid – 27,388 yards²

ADD/ALTERNATE #1

1. 4th St from east City Limit, west 1827 ft. Edge mill 7ft wide from 1 ½ inch to 0 inch. 2 inch overlay.

Total Estimated Measurement for Add/Alternate 1 – 4,665 yards²

ADD/ALTERNATE #2

1. Parallel Rd. from Tonganoxie Rd east to City Limits. 1217 ft. – Overlay
2. Approach @ Hickory Dr and Parallel. (Approximately 180 yd²) 2 inch Mill and Overlay.

Total Estimated Measurement for Add/Alternate 2 – 3,428 yards²

The preceding project scope is proposed to be subject to public bid via a request for proposals by sealed bid.

BUDGET IMPACT:

The funding for the Street Maintenance program comes from a combination of Special Highway funds and a portion of the dedicated ¾ cent Infrastructure Sales Tax. Expected budget impact is between \$300,000 - \$325,000, depending on bid outcomes, which is less than the aggregate 2020 Special Highway Fund budget authority of \$363,500.

ACTION NEEDED:

Make a motion to authorize the advertisement of the proposed 2020 street maintenance projects as presented by staff.

ATTACHMENTS:

Draft RFP

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

CITY OF TONGANOXIE, KANSAS STREET SYSTEM



LEGEND

- █ GOOD CONDITION (APPROXIMATELY 23,000 LF./4.36 M)
- █ FAIR/MODERATE CONDITION (APPROXIMATELY 71,000 LF)
- █ POOR CONDITION (APPROXIMATELY 45,000 LF./8.52 M)

SEE DETAIL "A"
1/2 MILE SOUTH OF 14TH STREET

DETAIL "A"
1/2 MILE SOUTH OF 14TH STREET

Tonganoxie Mill and Overlay Project 2020

Primary Work

- 1) **Asphalt Milling**- Total asphalt milling is approximately 470 sq. yds. (Located at 5th and Church. 162' x 26' , south of 5th St.)
- 2) **Asphalt Milling**- As needed for headers joining existing asphalt.
 - a. Milling the streets to create a uniform profile of 1/4- 1/2 inch of fall will be permitted.
- 3) **Asphalt Overlay** – Approximately 27,338 sq. yds. With a minimum 2 inch overlay.
 - a. Overlay shall maintain a minimum 1/4- 1/2 inch per foot fall to the curb line.
 - b. All drainage across intersections shall be maintained or improved.

Asphalt millings shall be hauled by the city and become city property.

Sweeping will be the responsibility of the contractor.

Application Specifications

- 1) SS1H tack oil will be used according to manufacturer specifications. Place tack coat just enough in advance of paving operations to allow the tack to cure before asphalt is placed. No traffic shall be allowed on tacked surfaces.
- 2) Asphalt shall be SR-12.5 A with a maximum 25% recycle. The use of recycled roofing materials will not be allowed.
- 3) The mix shall be transported to the jobsite in vehicles cleaned of all foreign material. The contractor shall provide a sufficient number of haul vehicles to ensure an orderly and continuous paving operation. All asphalt shall be delivered to the paver at a temperature between 250 degrees F and 325 degrees F.
- 4) In laying the mix adjacent to any finished area, it shall be placed sufficiently high so that, when compacted, the finished surface will be true and uniform and match existing surface.
- 5) Compacting equipment shall conform to the requirements of the KDOT standards. Compaction shall begin as soon as the temperature and mix conditions permit without shoving or tearing, the asphalt shall be thoroughly and uniformly compacted. The final rolling shall be accomplished with a steel roller.
- 6) Traffic control will be the responsibility of the contractor and shall conform to the MUTCD.
- 7) Public notifications informing residents of the work schedule shall be the contractor's responsibility.
- 8) All permits shall be the responsibility of the contractor to obtain.

Potential Contract and Terms

- 1) Contractor shall furnish a performance bond to the City executed by surety for the contract amount.
- 2) Contractor shall provide proof of commercial general liability and auto liability insurance for the amount of \$1,000,000 per occurrence.
- 3) A project tax exemption number will be provided.
- 4) Work is anticipated to begin approximately June 1st, 2020 with the work being completed before July 31st, 2020.
- 5) The City of Tonganoxie holds the right to reject all bids and negotiate with the winning bidder.

Bids shall be sealed and sent to:

City of Tonganoxie
Box 326
Tonganoxie Ks, 66086

Or hand delivered to City Hall at 526 E 4th St. by 1:00 PM Wednesday May 6th 2020.

Bids will be opened Wednesday, May 6th, at 1:00 PM in the Tonganoxie Council Chambers @ 321 S. Delaware St.

Questions can be directed to Kent Heskett, Public Works Superintendent, at 913-208-6590 or kheskett@tonganoxie.org. All questions and answers will be posted on the City website.

Location of work

- 1. Church St From Washington St to 5th St - OVERLAY**
- 2. 500 block of Delaware St - OVERLAY**
- 3. 6th St from 24/40 east to Delaware St –Overlay**
- 4. Bury St from 5th St south 601 ft. - Overlay**
- 5. Green St from 5th St south 593 ft. - Overlay**
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- 15. Grace St from 24/40 east to dead end. 900 ft. - Overlay**

Total Estimated Measurement for Base Bid – 27,388 yards²

All measurements shall be verified by contractors and are final upon the bid deadline.

Bid amount shall be good and valid for sixty (60) days from the bid deadline.

ADD/ALTERNATE #1

- 1. 4th St from east City Limit, west 1827 ft. Edge mill 7ft wide from 1 ½ inch to 0 inch. 2 inch overlay.**

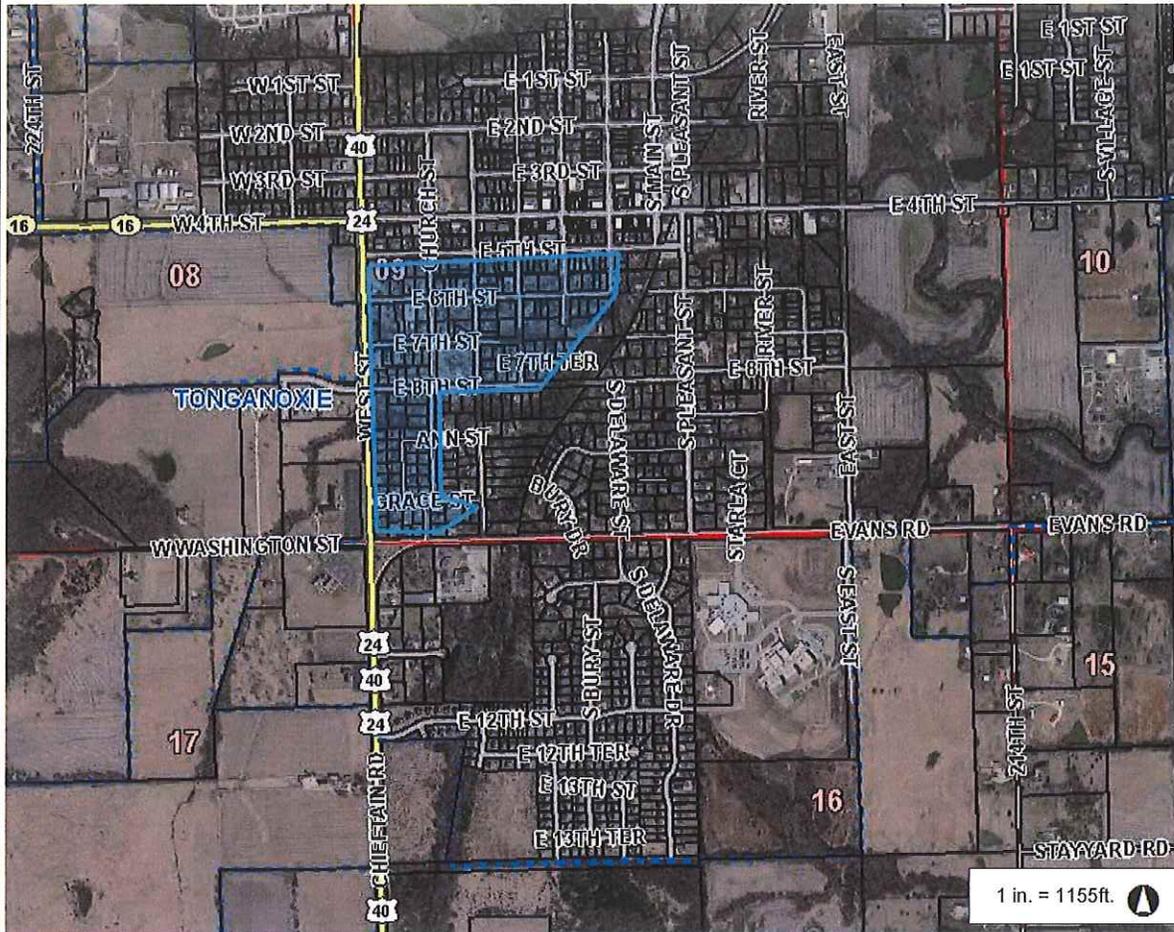
Total Estimated Measurement for Add/Alternate 1 – 4,665 yards²

ADD/ALTERNATE #2

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- 2. Approach @ Hickory Dr and Parallel. (Approximately 180 yd²) 2 inch Mill and Overlay.**

Total Estimated Measurement for Add/Alternate 2 – 3,428 yards²

Leavenworth County, KS

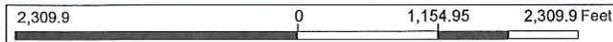


- Legend**
- Parcel
 - City Limit Line
 - Major Road**
 - <all other values>
 - 70
 - Road
 - Railroad
 - Section
 - Section Boundaries
 - County Boundary

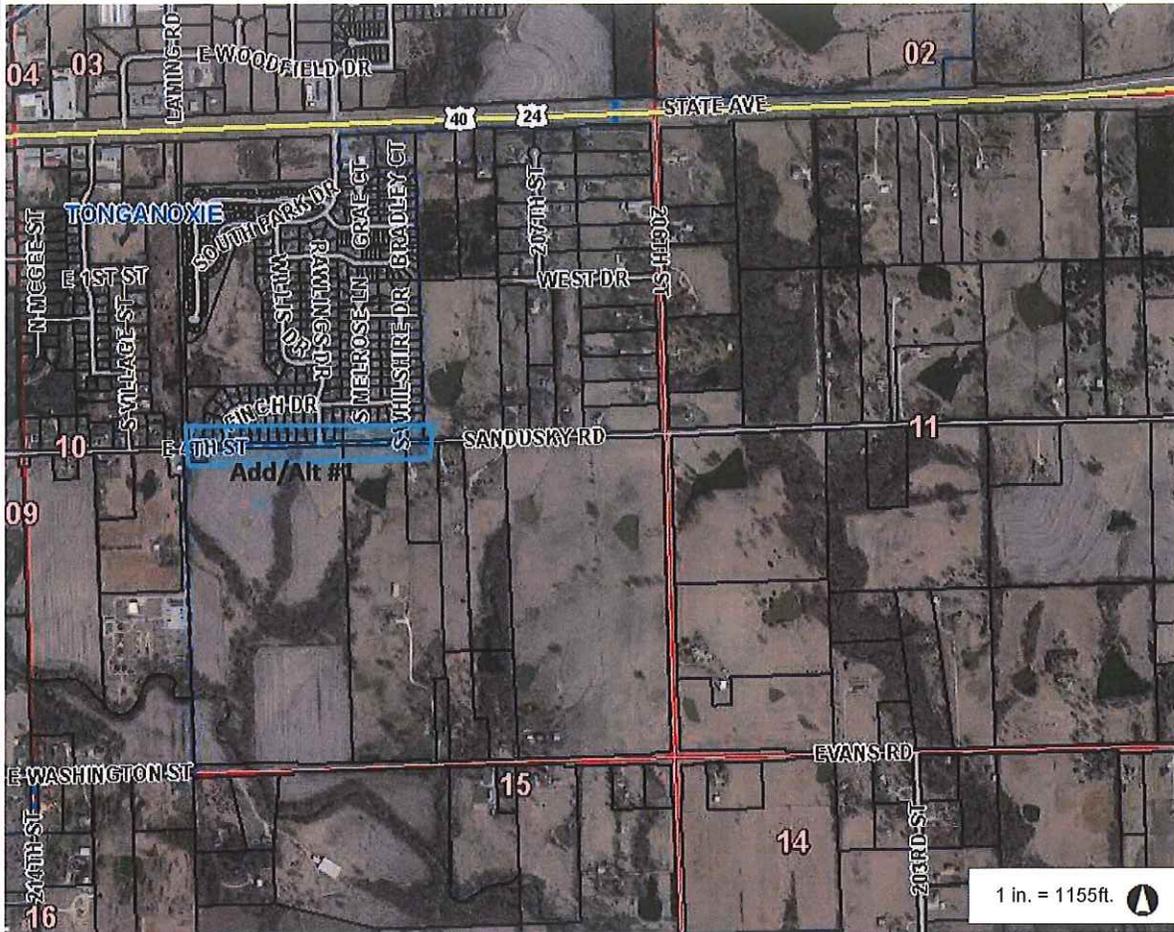
Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Leavenworth County, KS



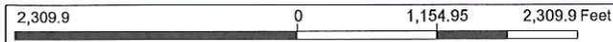
Legend

- Parcel
- City Limit Line
- Major Road**
- <all other values>
- 70
- Road
- Railroad
- Section
- Section Boundaries
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1 in. = 1155ft.

Date: 4/2/2020

Grant Liabilities

	Projection	Actual	Remaining
1b. Public Facilities Sewer Line Const	282,514.00	-	282,514.00
1h. Engineering Design	31,421.00	31,221.00	200.00
1i. Construction Inspection	23,565.00	-	23,565.00
3a. Grant Administration	10,000.00	2,499.96	7,500.04
		-	-
		-	-
		-	-
Subtotal Grant Costs	347,500	33,721	313,779

City Liabilities

	Projection	Actual	Remaining
Publications	500.00	380.00	120.00
Legal Services	2,000.00	2,500.00	(500.00)
			-
			-
Subtotal City Costs	2,500	2,880	(380)

	Budget	Actual Costs Incurred	Balance Remaining
Total Project Liabilities	350,000	36,601	313,399

Total Costs	350,000.00	36,600.96	313,399.04
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Library Project Budget Report - As of 2020-04-02

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	27,629.00	17,435.49	10,193.51
Topographical Survey	3,500.00	-	3,500.00
Subtotal Land Acquisition Liabilities	233,778	213,607	20,171
Pre-Construction, Design, and Construction Liabilities - JE Dunn	Budget	Actual Costs Incurred	Balance Remaining
SAPP Design and Preconstruction JE Dunn	386,000.00	371,466.00	14,534.00
Construct and Equip Library Facility (Design-Build Contract)	3,125,222.00	3,022,085.00	103,137.00
		-	-
		-	-
Subtotal Pre-Construction & Design Liabilities - JE Dunn	3,511,222	3,393,551	117,671
	Budget	Actual Costs Incurred	Balance Remaining
Total Project Liabilities (not including issuance costs)	3,745,000	3,607,158	137,842