

CITY OF TONGANOXIE

July 20, 2020  
7:00 Regular Meeting



REMOTE MEETING – See City of Tonganoxie website at [www.tonganoxie.org](http://www.tonganoxie.org) for more information. There may be an audio recording of the meeting which will be utilized to prepare the meeting minutes.

Honorable David Frese, Mayor

Council Members

Rocky Himpel

Jacob Dale

Lisa Patterson

Loralee Stevens

Chris Donnelly

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance**

**II. Approval of Minutes** – Regular meeting dated June 15, 2020 & Regular Meeting dated July 6, 2020

**III. Consent Agenda**

- a) Review bill payments

**IV. Open Agenda**

Open agenda is not available during this meeting. Comments received by the City Clerk or emailed to [info@tonganoxie.org](mailto:info@tonganoxie.org) by 1:00 PM on the date of the meeting will be reviewed and possibly shared for review by the Governing Body.

**V. Old Business**

- a) Ordinance 1487: Approving the City of Tonganoxie CARES Act Spending Plan and Requesting Funding from Leavenworth County, Kansas

**VI. New Business**

- a) Consider Authorization of Change Order #1 to the Construction Services Contract with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair Project Utilizing CDBG Urgent Need Grant Funds
- b) Ordinance 1488: Authorizing a Special Use Permit for a Home Based Dog Grooming Business at 615 E 8<sup>th</sup> Street
- c) Resolution 07-20-01: Authorizing 2020 Bridge Inspection Contract with BG Consultants, Inc.
- d) City Manager Agenda
  - 1. Urgent Needs Grant Update
- e) City Attorney Agenda
- f) Mayor Pro Tem Agenda
- g) City Council Agenda
- h) Mayor Agenda

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

**VIII. Adjourn**

City Council Meeting Minutes  
June 15, 2020  
7:00 PM Meeting

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance (Replaced by Moment of Silence)**

- Mayor Frese opened the meeting at 7:00 p.m.
- Mayor Frese noted that a flag was not available for the pledge of allegiance and instead led a moment of silence.
- Mayor Frese, Mr. Donnelly, Ms. Stevens, Ms. Patterson, Mr. Himpel, and Mr. Dale participated via Zoom. City Manager George Brajkovic, Assistant City Manager Dan Porter, and City Attorney Anna Krstulic also participated via Zoom.

**II. Approval of Minutes – Regular meeting dated June 1, 2020**

- **Ms. Patterson made a motion to approve the minutes from the June 1, 2020 City Council meeting.**
- **Mr. Dale seconded the motion.**
- Mr. Himpel said that he would abstain from voting because he did not have enough time to review the materials in the agenda packet before the meeting.
- **Roll call vote of all ayes (Himpel abstained), motion carried.**

**III. Consent Agenda**

- a) Review bill payments
- **Ms. Stevens made a motion to approve the consent agenda.**
- **Ms. Patterson seconded the motion.**
- **Roll call vote of all ayes, motion carried.**

**IV. Open Agenda**

- No open agenda comments were submitted at this meeting.

**V. Old Business**

**VI. New Business**

- a) 2020 Citizen Survey Results Presentation
  - Mr. Brajkovic presented the 2020 Citizen Survey Results.
  - Mr. Donnelly said that the City should strive to be above average in order to be competitive.
  - Ms. Patterson asked how the City can use the information presented to identify priorities.
  - Mr. Brajkovic replied that some survey questions are ambiguous so it is difficult to extrapolate an action plan, but the CMIP identifies what needs to be addressed. He suggested the Governing Body let staff know of any concerns.
  - Mayor Frese commented that the scores are good and need to be made public within and outside the City.
  - Ms. Stevens agreed and noted that the responses improve every year.
- b) Public Hearing – Opportunity for 2021 Budget Development Input
  - Mayor Frese opened the public hearing.
  - Monica Gee, President of the Tonganoxie Business Association, stated that the Tonganoxie Business Association had cancelled events planned in 2020 and anticipated a fund balance of approximately \$10,000 in 2020, which meant that no funding support was requested from the City for the Tonganoxie Business Association in 2021.
  - Keyta Kelley, representing the Tonganoxie Arts Council, addressed the City Council and requested funding support for the Tonganoxie Arts Council's planned events for 2021 in the amount of \$5,000.

- Mr. Porter said that Steve Jack from the Leavenworth County Development Corporation and Kris Roberts with the Tonganoxie Historical Society offered to attend the July 6, 2020 City Council meeting to discuss those organizations' 2021 funding requests.
- Mayor Frese requested Mr. Jack and Ms. Roberts participate in the July 6, 2020 City Council meeting for additional discussion.
- No other members of the public participated in the public hearing.
- Mayor Frese closed the public hearing.

c) Consider Appointment of Ryan Brune to a City position on the Tonganoxie Recreation Commission

- Mr. Brajkovic said that the Tonganoxie Recreation Commission sent a letter requesting that Ryan Brune, who was appointed to the Tonganoxie Recreation Commission in March 2020, be reappointed to a 4-year term beginning in July 2020.
- **Mayor Frese asked that the City Council approve his appointment of Ryan Brune to a City-appointed position on the Tonganoxie Recreation Commission.**
- **Roll call vote of all ayes, motion carried.**

d) Consider Approval of 2020 Firework Sales Permits (3)

- Mr. Porter described the three applications for fireworks vending permits received by City staff.
- Mr. Himpel asked if the three applicants were previously approved for sales within the City of Tonganoxie.
- Mr. Porter confirmed that the three applications received in 2020 were also submitted in 2019.
- **Mr. Donnelly made a motion to approve to approve the fireworks sales permit for Rockstar Fireworks, Anthony Miller and Garrett's Worldwide Enterprises LLC.**
- **Mr. Himpel seconded the motion.**
- **Vote of all ayes, motion carried.**

e) Ordinance 1486: Zoning Ordinance Changes, Amending Section 26-010 to delete Subsections A through C and Amending Section 30-010 to State "Reserved."

- Ms. Krstulic shared information about the process that was undertaken to review the proposed amendments to the Zoning Code following a recent presentation of proposed changes to the City Council.
- **Mr. Donnelly made a motion to adopt Ordinance 1486, adopting the recommended changes from the Planning Commission.**
- **Mr. Dale seconded the motion.**
- Mr. Himpel said that he would abstain from voting because he did not have enough time to review the materials in the agenda packet before the meeting.
- **Roll call vote of all ayes (Himpel abstained), motion carried.**

f) Consider Proposed Adjustments to the Planning Commission Bylaws

- Ms. Krstulic shared information about the process that was undertaken to review the Planning Commission Bylaws and noted that the recommended changes were extensive.
- **Mr. Donnelly made a motion to approve the recommended changes to the Planning Commission Bylaws.**
- **Ms. Stevens seconded the motion.**
- Mr. Himpel said that he would abstain from voting because he did not have enough time to review the materials in the agenda packet before the meeting.
- **Roll call vote of all ayes (Himpel abstained), motion carried.**

- g) Consider Authorizing the Execution of a Letter of Engagement with BT&Co. for Auditing Services
- Mr. Porter stated that Tony Kramer, with Kramer & Associates, informed City staff that the firm was unable to complete auditing services in 2020 due to staff turnover and lack of personnel capable of managing municipal audits. Mr. Kramer worked with BT&Co. to arrange for clients to have the option to move forward quickly with BT&Co. at a very similar or the same negotiated contract price for audit preparation.
  - Mr. Donnelly asked if staff had completed any investigation of the firm's other municipal clients.
  - Mr. Porter replied that staff had not checked references recently, but in March 2019 the team of evaluators that reviewed the BT&Co. RFP submission for auditing services did not note any issues with references but did identify a clear distinction between Kramer & Associates and BT&Co. in terms of the quoted cost.
  - **Mr. Donnelly made a motion to authorize the Mayor and City Manager to execute a letter of engagement with Berberich Trahan & Co., P.A., for the preparation of an audit of the fiscal year ending December 31, 2019.**
  - **Ms. Stevens seconded the motion.**
  - **Roll call vote of all ayes, motion carried.**

h) Resolution 06-20-02: Animal Control Contract with the City of Basehor

- Mr. Brajkovic described the contents of the proposed contract for animal control services with the City of Basehor.
- **Mr. Donnelly made a motion to approve Resolution 06-20-02, approving an animal control contract with the City of Basehor.**
- **Ms. Stevens seconded the motion.**
- **Roll call vote of all ayes, motion carried.**

i) City Manager Agenda

1. Urgent Needs Grant Update

- Mr. Brajkovic provided an update on construction activity for the project.

2. COVID-CV Grant Application Update

- Mr. Brajkovic said that the City received notice from the State Department of Commerce that the City's application for the CDBG-CV grant opportunity was not selected for funding in the first round of consideration, but there is still hope for another round of funding consideration in the future.
- Mr. Brajkovic provided an update on COVID-19, including expiration of the Governor's Executive Order pertaining to the Ad Astra Plan and the County's strong recommendation to continue to follow the Ad Astra Plan. He also noted changes at City Hall, including the addition of a glass partition in the lobby and a drop box outside. He said that City Hall will reopen when the glass partition is complete.
- Mr. Brajkovic stated that the Leavenworth County Administrator is coordinating the scheduling of a joint work session with the Tonganoxie City Council and the Leavenworth County Board of County Commissioners on June 24 to discuss options for handling the remaining grant funds following the completion of improvements at the Tonganoxie Business Park.

j) City Attorney Agenda

k) Mayor Pro Tem Agenda

- Mr. Himpel shared information from the recent meeting of the Leavenworth County Development Corporation.
- Mr. Himpel asked if the City Council supported holding the next meeting in the City Council Chambers instead of remotely via Zoom.
- Mayor Frese stated that Ms. Stevens left the meeting because her laptop lost power but noted that she is concerned about family members with health issues, and he is as well.

- Mr. Dale said that he participated in a Governor's call in which the Health Director recommended continuing with virtual meetings as long as possible.
- Mr. Donnelly said that he has not heard any comments from the public, and the situation should be reassessed from meeting to meeting.
- Ms. Patterson said that she prefers to follow the State's recommendation, and to address any public feedback regarding access issues.
- The City Council reached consensus with holding the July 6, 2020 meeting via Zoom.

l) City Council Agenda

m) Mayor Agenda

- Mayor Frese said that the City will send a nomination letter indicating the City's interest in being considered as a potential location for the Space Force Headquarters.

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

**VIII. Adjourn**

- Ms. Patterson made a motion to adjourn the meeting.
- Mr. Donnelly seconded the motion.
- Roll call vote of all ayes, motion carried.
- Meeting adjourned at 8:35 p.m.

Respectfully submitted,



Dan Porter, Assistant City Manager

City Council Meeting Minutes  
July 6, 2020  
7:00 PM Meeting

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance (Replaced by Moment of Silence)**

- Mayor Frese opened the meeting at 7:00 p.m.
- Mayor Frese noted that a flag was not available for the pledge of allegiance and instead led a moment of silence.
- Mayor Frese, Mr. Donnelly, Ms. Patterson, Mr. Himpel, and Mr. Dale participated via Zoom. Ms. Stevens was absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, and City Attorney Anna Krstulic also participated via Zoom.

**II. Approval of Minutes – Regular meeting dated June 15, 2020**

- Mr. Himpel asked that the rationale for his abstentions from voting at the previous meeting be added to the minutes before they are considered for approval.
- **No motion was made to approve the minutes.**

**III. Consent Agenda**

- a) Review bill payments
  - **Ms. Patterson made a motion to approve the consent agenda.**
  - **Mr. Himpel seconded the motion.**
  - **Roll call vote of all ayes, motion carried.**

**IV. Open Agenda**

- No open agenda comments were submitted at this meeting.

**V. Old Business**

**VI. New Business**

- a) Public Hearing – Opportunity for 2021 Budget Development Input
  - Mayor Frese opened the public hearing.
  - Steve Jack, Executive Director of the Leavenworth County Development Corporation, addressed the City Council and shared information about the proposed budget for LCDC in 2021, including the funding request from the City of Tonganoxie based on a formula tied to population and valuation comparisons to other communities.
  - Kris Roberts, Tonganoxie Historical Society, shared the list of initiatives proposed by her organization to the City.
  - Nicole Holifield, Director of the Tonganoxie Library, described the Library's proposed budget for 2021.
  - Mr. Brajkovic described the methodology used to determine property tax.
  - No other members of the public participated in the public hearing.
  - Mayor Frese closed the public hearing.
- b) Consider Publication of Maximum Levels of Expenditures by Fund as part of the 2021 Budget Development
  - Mr. Porter introduced the item.
  - **Ms. Patterson made a motion to direct staff to publish a notice of public hearing including the maximum level of expenditures by fund for the City's 2021 budget according to the attachment and with the incorporation of changes requested by the City Council.**
  - **Mr. Dale seconded the motion.**
  - **Roll call vote of all ayes, motion carried.**

- c) Consider Draft Ordinance Approving the City of Tonganoxie CARES Act Spending Plan and Requesting Funding from Leavenworth County, Kansas
  - Mr. Brajkovic introduced the item and shared a presentation about the CARES Act and the City’s draft proposal.
  
- d) Consider Authorization to Proceed for BG Consultants to perform a Storm Water Study of a Tributary of Tonganoxie Creek
  - Brian Kingsley, with BG Consultants, Inc., described the project scope and process.
  - Mr. Himpel asked if the project scope included the Church Street bridge across a tributary of Tonganoxie Creek.
  - Mr. Kingsley replied that the project does not extend to the bridge near the intersection of Church Street and Ann Street because that general area will need to be examined at a later date when a project to replace the bridge will be initiated.
  - **Ms. Patterson made a motion to authorize the performance of the Storm Water Study of a Tributary of Tonganoxie Creek along the Church Street corridor by BG Consultants, Inc for an amount not to exceed \$9,800.**
  - **Mr. Dale seconded the motion.**
  - **Roll call vote of all ayes, motion carried.**
  
- e) Consider Request to Return Unexpended Funds from Business Park Development Grant to Leavenworth County
  - Mr. Brajkovic described the recent discussions held with the Leavenworth County Board of County Commissioners about the remaining unexpended funds from the Business Park Development Grant and subsequent communication in a letter dated 7/1/2020 from the County Attorney requesting the return of the funds.
  - Ms. Krstulic said that her review of the contract confirmed that the City was obligated to return unspent funds.
  - Mr. Himpel said that the County Commission would have approved a request from the City to retain the funds and utilize them solely for the cost to extend a sanitary sewer interceptor to the Tonganoxie Business Park.
  - **Mr. Himpel made a motion to direct staff to return the remaining balance of grant funds to Leavenworth County and apply to the Leavenworth County Port Authority for funding support for the project to extend a sewer interceptor to the business park.**
  - **Mr. Donnelly seconded the motion.**
  - **Roll call vote of all ayes, motion carried.**
  
- f) City Manager Agenda
  - 1. Urgent Needs Grant Update
  - Mr. Brajkovic provided an update on construction activity for the project.
  
- g) City Attorney Agenda
  
- h) Mayor Pro Tem Agenda
  
- i) City Council Agenda
  
- j) Mayor Agenda

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

**VIII. Adjourn**

- **Ms. Patterson made a motion to adjourn the meeting.**
- **Mr. Donnelly seconded the motion.**

- **Roll call vote of all ayes, motion carried.**
- **Meeting adjourned at 8:35 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager

DRAFT



City of Tonganoxie, KS

Date Range: 07/01/2020 - 07/15/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP Bank-AP Bank</b>						
0250	HONEYCREEK DISPOSAL SERVICE	07/02/2020	Regular	0	29834.16	47696
0605	STANION WHOLESALE ELECTRIC CO.	07/02/2020	Regular	0	16145.98	47710
0671	Evergy	07/10/2020	Regular	0	11070.33	47718
0579	SECURITY BENEFIT - 457	07/10/2020	Regular	0	3419.6	47733
0051	BG CONSULTANTS INC	07/10/2020	Regular	0	3354.5	47715
0224	HAMM QUARRIES & LANDFILL	07/10/2020	Regular	0	2762.1	47719
0136	DELTA DENTAL PLAN OF KANSAS,IN	07/10/2020	Regular	0	2532.81	47716
0964	KDOR - MISC TAX	07/02/2020	Regular	0	1889.95	47699
0189	FIRST STATE BANK & TRUST	07/02/2020	Regular	0	1626.44	47690
0959	OFFICE OF THE KANSAS STATE TREASURER	07/02/2020	Regular	0	1442	47707
0414	LINK-LITE NETWORKING, INC.	07/10/2020	Regular	0	1222	47726
0642	USPS	07/02/2020	Regular	0	1044.5	47712
0500	OREILLY AUTO PARTS	07/10/2020	Regular	0	1020.39	47730
0243	HIMPEL LUMBER & BUILDING SUPPL	07/02/2020	Regular	0	935.18	47694
0249	HONEYBEE SEPTIC SERVICE	07/02/2020	Regular	0	900	47695
0596	GEOFF SONNTAG	07/02/2020	Regular	0	600	47692
0677	WILLIAM PRAY	07/02/2020	Regular	0	600	47714
0684	WIRENUTS	07/10/2020	Regular	0	594.39	47735
0166	EMERGENCY REPORTING	07/10/2020	Regular	0	588	47717
0476	NATIONAL SIGN COMPANY INC.	07/02/2020	Regular	0	571.2	47705
0479	NEW DIRECTIONS BEHAVIORAL HEAL	07/02/2020	Regular	0	544.68	47706
0614	T-MOBILE	07/02/2020	Regular	0	503.74	47711
1021	Katherine Kelly	07/02/2020	Regular	0	500	47698
0757	KC CLEAN	07/10/2020	Regular	0	300	47723
0818	HYDRO FLOW PRODUCTS	07/10/2020	Regular	0	288	47721
0479	NEW DIRECTIONS BEHAVIORAL HEAL	07/10/2020	Regular	0	280.35	47729
0542	QUILL	07/02/2020	Regular	0	274.9	47708
0414	LINK-LITE NETWORKING, INC.	07/02/2020	Regular	0	225	47701
0657	VERNON MANUFACTURING	07/02/2020	Regular	0	215	47713
0249	HONEYBEE SEPTIC SERVICE	07/10/2020	Regular	0	215	47720
0410	LIBERTY NATIONAL	07/02/2020	Regular	0	206.42	47700
0568	SAMS CLUB	07/02/2020	Regular	0	201.44	47709
0594	SMITHEREEN PEST CONTROL	07/10/2020	Regular	0	198	47734
0857	MIDCONTINENT COMMUNICATIONS	07/10/2020	Regular	0	153.54	47727
0330	KANSAS GAS SERVICE	07/10/2020	Regular	0	145.74	47722
0865	MEAGAN VESTAL	07/02/2020	Regular	0	140	47703
1148	Brent Lewis	07/02/2020	Regular	0	135	47689
1007	LEAVENWORTH PAPER & OFFICE SUPPLY LLC	07/10/2020	Regular	0	124.8	47725
0857	MIDCONTINENT COMMUNICATIONS	07/02/2020	Regular	0	116.5	47704
0330	KANSAS GAS SERVICE	07/02/2020	Regular	0	105.19	47697
0232	HEARTLAND TOW, INC.	07/02/2020	Regular	0	105	47693
0477	NAVRATS	07/10/2020	Regular	0	103.3	47728
0034	AT&T ACCESS TRANSPORT SERVICES	07/02/2020	Regular	0	74.49	47688
0660	Premier Automotive of Bonner Springs KS, LLC	07/10/2020	Regular	0	66.04	47731
1147	Mary Soetaert	07/02/2020	Regular	0	55	47702
0391	LAWRENCE JOURNAL WORLD	07/10/2020	Regular	0	46.31	47724
0191	FLEETWOOD MOWER & RENTAL	07/02/2020	Regular	0	34.99	47691
0555	RICOH USA, INC.	07/10/2020	Regular	0	29.96	47732

**Bank Code AP Bank Summary**

<b>Payment Type</b>	<b>Payable</b>	<b>Payment</b>	<b>Discount</b>	<b>Payment</b>
	<b>Count</b>	<b>Count</b>		
Regular Checks	71	48	0.00	87,541.92
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>71</b>	<b>48</b>	<b>0.00</b>	<b>87,541.92</b>

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**ORDINANCE NO. 1487**

**AN ORDINANCE RELATING TO THE ACCEPTANCE AND USE OF CORONAVIRUS RELIEF FUNDS BY THE CITY OF TONGANOXIE, KANSAS.**

**WHEREAS**, securing the health, safety, and economic well-being of the residents of the City of Tonganoxie, Kansas (the "City") is the Governing Body's top priority;

**WHEREAS**, the City is facing both public health and economic crises due to the pandemic and public health emergency of COVID-19, which has resulted in illness, quarantines, school closures, and temporary closures of businesses, all of which has created lost wages and financial hardship to Kansas citizens;

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic;

**WHEREAS**, on March 13, 2020, the President of the United States, pursuant to Sections 201 and 301 of the National Emergencies Act (50 U.S.C. § 1601 *et seq.*) and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning as of March 1, 2020;

**WHEREAS**, on March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, Pub. L. No. 116-136, which, among other things, established the Coronavirus Relief Fund ("CRF") to provide economic assistance to state and local governments;

**WHEREAS**, on June 2, 2020, the Strengthening People and Revitalizing Kansas ("SPARK") Taskforce Executive Committee passed a motion to direct Kansas counties to allocate and share CRF funds with public educational and municipal entities within their counties to ensure that all such entities within Kansas counties receive CRF funds to meet their respective health and economic challenges;

**WHEREAS**, on June 16, 2020, the State Finance Council approved the SPARK Taskforce's proposal to distribute CRF funds to Leavenworth County, Kansas (the "County") to help address the health and economic challenges inflicted by COVID-19, based on the County's population and impact from COVID-19, with CRF funds provided for reimbursement of COVID-19 related costs and as direct aid, unless otherwise approved by the SPARK Taskforce;

**WHEREAS**, as of this date, there have been [# to be referenced on date of meeting] reported positive cases of COVID-19 in the County, including [# to be referenced on date of meeting] deaths with a likely second wave of COVID-19 cases expected in the fall;

**WHEREAS**, on July 8, 2020, the County's Board of County Commissioners adopted Resolution No. 2020-24 to accept and distribute CRF funds to cities within the County;

**WHEREAS**, the City must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously

beginning the process of safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization;

**WHEREAS**, in these challenging times, the City will do whatever it can to avoid immediate dangers to the health, safety, and welfare of its constituents and prepare for future waves of COVID-19;

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the Governing Body's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the City, the Governing Body has determined that the evolving public health and economic threats posed by COVID-19 require a proactive approach to provide immediate financial relief and long-term economic investment in the City.

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

**SECTION 1.** Pursuant to the authority vested in the Governing Body, including its constitutional home rule authority, in order to begin the process of safely, strategically, and proactively providing the resources the City needs to both mitigate the spread of COVID-19 and invest in long-term economic recovery, the City hereby accepts any CRF funds appropriated to the City by the State of Kansas and distributed by the County pursuant to the following terms designed to ensure the lawful use of CRF funds and transparency, equity, and accountability:

**SECTION 2.** Section 5001 of the CARES Act, as codified in 42 U.S.C. § 601, provides the eligible purposes for which CRF funds may be used. Under 42 U.S.C. § 601(d), CRF funds may be used for:

- (a) Necessary expenditures incurred due to the public health emergency with respect to COVID-19;
- (b) Not accounted for in the budget most recently approved for the City as of March 27, 2020; and
- (c) Incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

The following are examples of public health expenditures allowed pursuant to subsection (a) above and 42 U.S.C. § 601(d):

- COVID-19 related expenses of public hospitals or clinics
- COVID-19 testing and quarantine costs
- Payroll of employees substantially dedicated to COVID-19 mitigation or response
- Expenses for establishing and operating public telemedicine capabilities
- Technological improvements to facilitate distance learning

- Improving telework capabilities
- Grants to small businesses to reimburse the costs of business interruption caused by required closures
- Government payroll support program
- Unemployment insurance costs related to COVID-19

The following are examples of public health expenditures NOT allowed pursuant to subsection (a) above and 42 U.S.C. § 601(d):

- Damages covered by insurance
- Payroll or benefits for employees not substantially dedicated to mitigating or responding to COVID-19
- Expenses that will be reimbursed under any federal program
- Reimbursement to donors for donating items or services
- Workforce bonuses other than hazard pay or overtime
- Severance pay
- Legal settlements

Additionally, as outlined in guidance issued by the Congressional Research Service on April 14, 2020: "Coronavirus Relief Fund payments may not be used to directly account for revenue shortfalls related to the COVID-19 outbreak. Such funds, however, may indirectly assist with revenue shortfalls in cases where expenses paid for by the Coronavirus Relief Fund would otherwise widen the gap between government outlays and receipts."

**SECTION 3.** To ensure effective and timely oversight of local spending of CRF funds, the City will comply with reporting requirements established by the County.

**SECTION 4.** To ensure transparency and accountability in the deliberation, expenditure, and oversight processes associated with CRF funds, the City will comply with all requirements of the Kansas Open Meetings Act, K.S.A. § 75-4317 *et seq.*

**SECTION 5.** The City acknowledges that the COVID-19 pandemic has disproportionately impacted racial minorities within the State of Kansas, illustrating long-standing health disparities for African-American, Latino, and other racial minority populations in the United States. Accordingly, the City will consider and incorporate efforts to address such disproportionate impacts on racial minorities in its direct aid plan.

**SECTION 6.** Pursuant to 42 U.S.C. § 601(f), the Inspector General of the Department of the Treasury determines whether CRF funds have been used for eligible purposes. CRF funds that are deemed to have been used for ineligible purposes are treated as a debt owed by the

implementing government to Treasury. Adoption of this Ordinance signifies the City's agreement that, upon approval, the City shall cooperate with any audits or inquiries by the Department of the Treasury concerning CRF funds and pay any debt incurred to the Department of the Treasury due to ineligible expenditures of appropriated CRF funds.

**SECTION 7.** The City understands that the United States Department of the Treasury or the Governor's Office of Recovery may issue guidance regarding the transfer, expenditure, reimbursement, or other use of CRF funds.

**SECTION 8.** The City understands and agrees that any unspent CRF funds must be returned to the State for recoupment. The City understands that the County must return all unspent CRF funds no later than December 30, 2020, and the City agrees to make any unspent CRF funds available for return prior to December 30, 2020. All reconciliation documents submitted to the SPARK Taskforce will be made publicly available by the Governor's Office of Recovery, including supporting documentation submitted by the City to the County.

**SECTION 9.** This Ordinance shall take effect after its passage and publication as provided by law.

*[Remainder of page intentionally left blank; signature page follows.]*

**PASSED** by the Governing Body and **APPROVED** by the Mayor this 20<sup>th</sup> day of July, 2020.

**SEAL**

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David Frese, Mayor

ATTEST:

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Daniel Porter, Interim City Clerk

APPROVED AS TO FORM:

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Anna M. Krstulic, City Attorney



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** July 20, 2020  
**To:** Honorable Mayor David Frese and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Authorization for Change Order #1 to the Construction Services Contract with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Crossing Repair Project

**DISCUSSION:**

On September 18, 2019 the City received notice that the application for CDBG Urgent Need grant funding support to complete repairs to an aerial sanitary sewer encasement damaged due to flooding in March 2019 had been approved. Since the damages occurred, the City developed a grant application, approved contracts for grant administration services and engineering services, and cleared concrete debris from the site of the damage to mitigate the risk of additional damage to the sanitary sewer aerial line. In order to repair the sanitary sewer aerial crossing located at 4<sup>th</sup> Street and vacated River Street the City entered into a contract for \$199,480 with Infrastructure Solutions, LLC for construction services in November 2019. The construction services contract represents the largest share of the approximately \$350,000 in expenditures for the project and is entirely funded by grant proceeds. Completion of the project is required within 12 months of the contract date for the contract between the City of Tonganoxie and the Kansas Department of Commerce.

During construction observation activities the City was notified of unexpected levels of erosion near the recently installed structure. The engineering solution proposed to remediate the issue included fortifying the entire area with a thicker layer of larger rip rap and digging trenches on the east side of the aerial crossing with a thick layer of grouted rip rap to absorb energy from the water flow passing over the structure during high water events.

While there is no change to construction observation and engineering costs, completion of these erosion control improvements requires a change order to be approved from the original contract. Because the proposed change order is less than \$50,000 and doesn't significantly change the scope of the project there is no requirement for approval by Department of Commerce – CDBG office. If approved, a copy of the executed change order and minutes from the City Council approval will complete the change order and allow the work to proceed. Staff at the Department of Commerce – CDBG office have been notified of the consideration of the change order.

**BUDGET IMPACT:**

CDBG Urgent Need Grant funding meets 100% of the expenditures for this contract. As the revised contract amount with the change order included still can be met completely with available grant funds, staff recommend approval of the resolution and contract change order.

**ACTION NEEDED:**

Make a motion to approve and authorize Change Order #1 to Contract 19-1330L with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair project funded via the CDBG Urgent Need Grant proceeds.

**ATTACHMENTS:**

Change Order #1 with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair project

**cc:** George Brajkovic, City Manager

Date of Issuance: July 9, 2020	Effective Date: July 9, 2020
Owner: City of Tonganoxie, Kansas	Owner's Contract No.: 19-1330L
Contractor: Infrastructure Solutions, LLC	Contractor's Project No.:
Engineer: BG Consultants, Inc.	Engineer's Project No.: 19-1330L
Project: 2019 Sanitary Sewer Repair	Contract Name: See project name

The Contract is modified as follows upon execution of this Change Order:

**Description:**

*Erosion control and slope stabilization.*

Attachments: *Sheet 2 Low Water Crossing – Plan and Profile; Summary of Changes*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price:  \$ <u>199,480.00</u>	Original Contract Times: Substantial Completion: <u>20 working days</u> Ready for Final Payment: <u>30 working days</u> days or dates
Increase from previously approved Change Orders No. <u>1</u> to No. <u>1</u> :  \$ <u>0.00</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>9 working days</u> Ready for Final Payment: <u>10 working days</u> days or dates
Contract Price prior to this Change Order:  \$ <u>199,480.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>29 working days</u> Ready for Final Payment: <u>40 working days</u> days or dates
Increase of this Change Order:  \$ <u>34,788.77</u>	Increase of this Change Order: Substantial Completion: <u>0 working days</u> Ready for Final Payment: <u>15 working days</u> days or dates
Contract Price incorporating this Change Order:  \$ <u>234,268.77</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>29 working days</u> Ready for Final Payment: <u>45 working days</u> days or dates

<p><b>RECOMMENDED:</b></p> <p>By: <u><i>Paul C. Oswing</i></u> Engineer (if required)</p> <p>Title: <u>Project Engineer</u></p> <p>Date: <u>July 9, 2020</u></p>	<p><b>ACCEPTED:</b></p> <p>By: _____ Owner (Authorized Signature)</p> <p>Title _____</p> <p>Date _____</p>	<p><b>ACCEPTED:</b></p> <p>By: <u><i>[Signature]</i></u> Contractor (Authorized Signature)</p> <p>Title: <u>Director of Operations</u></p> <p>Date: <u>07-09-2020</u></p>
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Approved by Funding Agency (if applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Title: \_\_\_\_\_

City of Tonganoxie, Kansas - 2019 Aerial Sanitary Sewer Repair  
Change Order 2 Attachment: Summary of Changes

Item #	Item	Units	Plan Quantity + Previous Change Order Quantities	Actual	Net Change	\$/Item	\$ Difference
CO2-1	24" Slope Protection (Shot Rock)	CY	0	78	78	\$ 119.52	\$9,322.56
CO2-2	24" Slope Protection (Shot Rock)(Grouted)	CY	0	34	34	\$ 390.06	\$13,262.04
CO2-3	Remove Existing Slope Protection	LS	0	1	1	\$ 6,863.50	\$6,863.50
CO2-4	Seeding and Surface Restoration	LS	0	1	1	\$ 3,197.30	\$3,197.30
CO2-5	Erosion Control	LS	0	1	1	\$ 2,143.37	\$2,143.37
<b>Change Order Total</b>							<b>\$34,788.77</b>





Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** July 20, 2020  
**To:** Honorable Mayor David Frese and Members of the City Council  
**FROM:** Melanie Bilby, Administrative Assistant  
**SUBJECT:** Ordinance No. 1488: Special use permit for a home based dog grooming business at 615 E 8<sup>th</sup> Street

**DISCUSSION:**

A public hearing was held at the Planning Commission meeting on Thursday, June 4<sup>th</sup>, 2020 for a special use permit application submitted by Brooke and Brandon Kesinger for a home based dog grooming business at 615 E 8<sup>th</sup> Street. The property is zoned Residential – Single Family, which permits home occupations with a special use permit.

After holding a public hearing and discussion, which can be viewed in the attached draft minutes, the Planning Commission recommended approval of the request for a special use permit subject to the conditions recommended by staff and additional conditions included in Ordinance No. 1488.

**ACTION NEEDED:**

Make a motion to approve Ordinance 1488 and accept the Planning Commission's recommendation for approval of a special use permit for property located at 615 E 8<sup>th</sup> Street, allowing a home based dog grooming business.

**ATTACHMENTS:**

Ordinance No. 1488  
Planning Staff Report - Case#: 2018-012SUP  
6/4/2020 Draft Planning Commission Minutes  
SUP Application & Attachments

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

**ORDINANCE NO. 1488**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW A HOME-BASED DOG GROOMING BUSINESS AT 615 EAST 8<sup>TH</sup> STREET, TONGANOXIE, LEAVENWORTH COUNTY, KANSAS.**

**WHEREAS**, pursuant to Sections 22 and 27 of the Tonganoxie Zoning and Subdivision Regulations (the "Zoning Regulations"), the Governing Body of the City of Tonganoxie, Kansas (the "City") has the power to grant special use permits (each, an "SUP") after receipt of a recommendation by the Planning Commission; and

**WHEREAS**, Brooke and Brandon Kesinger (collectively, "Applicant") submitted an application to the City to request an SUP to operate a home-based dog grooming business (the "Business") at 615 East 8<sup>th</sup> Street in the City, as legally described on **Exhibit A** attached hereto (the "Property"); and

**WHEREAS**, the City Clerk set a public hearing on June 4, 2020 at 7:00 p.m. for the Planning Commission to consider Applicant's request for the SUP, and notice of such public hearing was provided in accordance with the Zoning Regulations; and

**WHEREAS**, on June 4, 2020, the Planning Commission held a public hearing on the Applicant's request for the SUP and considered the matters set forth in Sections 22-011 and 22-030 of the Zoning Regulations; and

**WHEREAS**, the Planning Commission recommended approval of the Applicant's request for the SUP in an accurate written summary of its findings and recommended conditions submitted to the Governing Body; and

**WHEREAS**, the Governing Body has considered the Applicant's request for the SUP, reviewed all testimony and evidence submitted for the request, and hereby adopts the Planning Commission's recommendations to approve the SUP for the Property.

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

**SECTION 1.** The SUP is hereby granted for the Property, subject to the following conditions:

- (a) The SUP is valid for a period of two (2) years from the date of this Ordinance, and upon any renewal of the SUP, the Planning Commission may consider longer periods if the circumstances warrant.
- (b) The SUP is not transferable to another owner or operator of the Business.
- (c) The SUP shall be limited in scale and scope to the following proposed operations of the Business:
  - i. Employees shall be residents of the house on the Property;

- ii. Hours of operation shall be from 8:00 a.m. to 5:00 p.m.;
  - iii. Operations are by appointment only;
  - iv. Generally no more than six (6) appointments per day;
  - v. Animals and customers shall not stay beyond scheduled appointment times, and no animals shall be outside for prolonged periods; and
  - vi. Any expansion beyond these operating limitations shall require amendment of the SUP subject to all applicable review criteria and considerations.
- (d) No signs or other alterations to the Property to support the Business are permitted other than those that purely residential in nature.
- (e) Applicant shall require proof of current rabies vaccinations for each animal served by the Business.

**SECTION 2.** This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

*[Remainder of page intentionally blank; signatures follow.]*

**PASSED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS,  
AND APPROVED BY THE MAYOR ON THIS 20<sup>TH</sup> DAY OF JULY, 2020.**

**SEAL**

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David Frese, Mayor

ATTEST:

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Daniel Porter, Interim City Clerk

APPROVED AS TO FORM:

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Anna M. Krstulic, City Attorney

## **EXHIBIT A**

### **Legal Description of the Property**

The West 30.00 feet of Lot 7 AND Part of Lot 6, Block 43, RAILROAD ADDITION AND Part of vacated Railroad R/W, to the City of Tonganoxie, described as follows:

Beginning at the Southwest corner of Lot 7; thence North 89 degrees 36'38" West (assumed), 45.00 feet along the South line of Lot 6; thence North 13 degrees 04'02" West, 154.23 feet to the North line of Lot 6, extended West; thence South 89 degrees 36'38" East, 82.00 feet along said North line to the Northwest corner of Lot 7; thence South 00 degrees 48'47" West, 150.00 along the West line of Lot 7 to the point of beginning, less any part thereof taken or used for road purposes,

in LEAVENWORTH COUNTY, KANSAS.

### 3. NEW BUSINESS

a) Public Hearing – Special Use Permit – 615 E. 8<sup>th</sup> Street - Pupperazzi Dog Spa – Submitted by Brooke and Brandon Kesinger

- Mr. Brewster presented the planning report for the application. He explained the requirements for the project and the zoning requirements, as well as the limitations of the special use permit. He noted that there are no signs proposed with this application and said that any proposed signage must be submitted with a sign permit application. He discussed the applicant's business proposal, including hours of operation and how the proposed business would affect the surrounding neighborhood. He stated that staff recommends approval off a two-year special use permit.
- Mr. Morgan asked if the applicant wished to address the Planning Commission.
- Ms. Kesinger replied that it has been a long-term goal to open her own business in her home. She said that safety is her primary concern and she plans to see one customer at a time so that customers will not overlap. She stated that she has spoken with her neighbors and they were all supportive.
- Mr. Morgan asked for any comments from the commissioners.
- Mr. Kirk asked if any signs for the business would need to come back before the commissioners or if that would be approved at staff level.
- Mr. Brewster responded that an application is required and it would likely be approved at the staff level.

Minutes - Page 1 of 3

CORE/3516145.0002/160549954.1

- Ms. Krstulic asked the Planning Commissioners if anyone had any ex parte communication in regard to this application.
- Ms. Gee replied that she spoke with Mr. Porter about this application to ask if it would be necessary to note in the motion that the applicant must require rabies vaccination records.
- Ms. Krstulic stated that it would be an appropriate condition for a motion.
- Mr. Stoltenberg asked the applicant to confirm that the business would be grooming services only and not boarding or exercise.
- The applicant responded that it will be grooming and pet photography only.
- Mr. Morgan stated that he would entertain a motion.
- Ms. Gee made a motion to recommend approval to City Council of the Special Use Permit for Pupperazzi Dog Spa located at 615 E. 8<sup>th</sup> Street submitted by Brooke and Brandon Kesinger with the recommendations by staff and the added condition that applicant require rabies vaccination records for her clients.
- Mr. Kirk seconded motion.
- Vote of all eyes, motion carried.



City of Tonganoxie, Kansas

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**PLANNING STAFF REPORT**

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**Case#:** 2020-005P

**Date of Report:** May 29, 2020

**Recommendation:** Approval, based on conditions and specific findings of Planning Commission.

**Applicant Name:** Brooke and Brandon Kesinger

**Property Owner Name:** Brandon Kesinger, & Edward & Sylvia Kesinger

**Subject Property Address:** 615 E. 8<sup>th</sup> Street

**Property Size:** 14,447.84 s.f.

**Zoning:** Residential – Single -Family

**Legal Description:** WEST 30' OF LOT 7, AND PART OF LOT 6 BLOCK 43 RAILROAD ADDITION AND PART OF VACATED RAILROAD ROW.

*Type of Approval Desired:* SUP –Home Occupation

*Date of Application:* 4/21/2020

*Date of Public Hearing:* 6/7/2020

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**I. PROJECT DESCRIPTION**

- A. Subject Property. Zoned R-SF, Single Family District
- B. Proposal. To initiate a home-based business for dog grooming.
- C. Nature of Application. Request for Special Use Permit to operate a home based business.

**II. BACKGROUND**

The applicant is seeking a Special Use Permit to operate a dog grooming business as a home-based business at 615 E. 8<sup>th</sup> Street. The property is zoned R-SF, and is being used as a single-family home in conformance with the zoning requirements. The R-SF zoning district allows home-based businesses subject to approval of a special use permit.

### III. REVIEW CONSIDERATIONS

This property is zoned R-SF, Single Family District, and Section 22 of the Tonganoxie Zoning ordinance permits child daycare homes in any zoning district.

#### A. *General Considerations*

The zoning ordinance permits the Governing Body to approve special use permits, upon a recommendation of the Planning Commission, and based on general findings that the use will not injure adjacent property, meets the intent of the ordinance, and complies with all other standards of the applicable zoning district [Section 22-010]. Home occupations are allowed subject to a special use permit in the R-SF zoning district. [Section 5-010.F and 22-011.V.]

In general, Special Use Permits are used for two circumstances: (1) to allow uses that are not universally appropriate for a district, but based on specific site, location, operation or design contingencies of an individual application may be appropriate; and/or (2) to allow uses that are not ideal for the long-range goals of a particular district, but are an appropriate interim improvement on a particular site that will not undermine the long-term investments on the site or in the district that are consistent with plans or the district intent.

This application meets the first circumstance referenced above for special use permits – to enable a use that due to its limited scale and intensity, and due to the specific location and circumstances of the proposed use, it is consistent with the zoning of the area.

#### B. *Specific Standards.*

In addition, the application must be reviewed against the following standards. After each consideration are staff comments. Staff has not had the benefit of hearing testimony; therefore the Planning Commission should discuss and indicate agreement or disagreement with these criteria prior to acting on the application. [22-011]

- (a) **The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.**

*The surrounding area consists of a primarily single-family homes on comparably sized lots. The immediate area includes a creek to the west that separates the neighborhood and intercepts the street network, placing this lot at the location where 8<sup>th</sup> Street terminates and continues south as Delaware Street., plus unincorporated large-lot residential and pastures to the east. The immediately adjacent properties and properties on the block are all single-family homes with a similar lot size.*

- (b) **Accessibility of the property to police, fire, and refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.**

*Although 8<sup>th</sup> Street terminates at this location due to the creek, the lot retains good access. This area is one of the more connected and older residential areas of the City, within the predominantly gridded street network. Both 8<sup>th</sup> Street to the west and Delaware Street to the south provide connections to multiple other streets, and to Pleasant Street and Washington Street as the primary connections to the area. The low-intensity nature of the proposed use will not implicate traffic flow, parking or other impacts on adjacent property. Drop-off and pick-up procedures for a low level of business activity proposed is similar in nature to residential traffic and can be accommodated by the site and street layout in the area.*

- (c) **Utilities and services, including water, sewer, drainage, gas and electricity, with particular reference to location, availability, capacity and compatibility.**

*All utilities are provided and the proposed special use will not have any significant impact on the continued services in this area, beyond normal residential activities.*

- (d) **The location, nature and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.**

*The application is proposed in an existing building with no perceived impact on the site or adjacent sites. Operations are proposed as "by appointment" only, so that long-term parking will not be required. Appointments will be limited to generally no more than 6 per day so that traffic and circulation will not be significantly beyond ordinary residential activity. Operations will be conducted in one room of the house with easy entrance and exits, and animals will not be kept on-site beyond appointments or outside for prolonged periods.*

- (e) **The adequacy of required yard and open space requirements and sign provisions.**

*This is an existing lot and building, and no alterations are proposed to the site to accommodate the business. Additionally, all activity associated with the use will be conducted inside the building. Animals being brought in for grooming will be scheduled to have minimum disruption, and any outside activity associated with the business would be comparable in scale and nature to ordinary residential uses of property.*

- (f) **The general compatibility with adjacent properties, other properties in the district, and the general safety, health and comfort and general welfare of the community and surrounding neighborhood.**

*The proposed use is compatible with residential zoning and the proposed use is compatible with the area provided the scale and intensity of the use is maintained at low, neighborhood-compatible levels. The house sits back from the street and at an unusual angle due to both the location of the building and the configuration of the lot. This provides opportunities for low levels of access, parking and drop off, and includes an orientation that does not significantly affect other homes in the neighborhood.*

In considering these criteria, the Planning Commission "shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative that the proposed use conforms with the general standards set forth in this article. In no case shall an exception be granted if the proposed use will constitute a nuisance, public health, or safety hazard to adjacent properties or to the community at large." [Section 22-013.D.]

#### **IV. STAFF RECOMMENDATION**

Staff recommends approval of the special use permit subject to the following conditions:

- a. The Special Use Permit is limited for a period of 2 years following the date of City Council approval; upon renewal of the permit, the Planning Commission may consider longer periods if the circumstances warrant.
- b. The permit is not transferrable to another owner or operator of the business.
- c. The application shall be limited in scale and scope to the proposed operations. Specifically:

- 1) Employees are limited to residents of the house.
- 2) Hours of operation from 8AM to 5PM
- 3) Operations are by appointment only.
- 4) Generally no more than 6 appointments a day.
- 5) Animals and customers will not stay beyond scheduled appointment times, and no animals will be outside for prolonged periods.

Any expansion beyond this shall require amendment of the Special Use Permit subject to all applicable review criteria and considerations.

- d. No signs or other alterations to the property to support the business are permitted other than those that purely residential in nature.

**V. EFFECT OF DECISION**

- The Planning Commission decision is a recommendation to Governing Body; a final decision is made by the City Council. Following the consideration of any additional input from the applicant, City Staff, or the public, and based on the application and testimony at the hearing, the Planning Commission may take one of the following actions.
  - Recommend approval of the application.
  - Recommend approval of the application, subject to conditions;
  - Recommend denial of the application, or
  - Continue the application to another date for further consideration and additional information. If continued to a specific date, time and location, no new notice will be required.
- The City Council considers the application at the next meeting after 14 days .
- If a valid protest petition is filed with the City of Tonganoxie City Clerk within 14 days from the conclusion of the Planning Commission hearing, the City Council must approve the application by a  $\frac{3}{4}$  majority of the governing body.

**VI. PHOTOS AND MAPS (See next page)**

Respectfully Submitted



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Chris Brewster, AICP  
Gould Evans

Site Location: 615 E. 8th Street



Zoning Map



**Street view** – 615 E. 8<sup>th</sup> Street (house in wooded background).



# SPECIAL USE PERMIT APPLICATION

## Filing Fee Required

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

Date application filed: 4-21-20 Permit No.: \_\_\_\_\_

Applicant: Brooke and Brandon Kesinger

Address: 615 E 8th St City: Tonganoxie State: KS Zip: 66086

Telephone #: 913-414-3315 (Home) 913-634-9858 (Work)

\_\_\_\_\_ (Cell) \_\_\_\_\_ (E-mail Address)

Property Owner(s): Brooke Brandon Edward, Sylvia Kesinger Phone 913-634-9858

Address: 615 E 8th St City: Tonganoxie State: KS Zip: 66086

Name of business proposed: Pupperazzi Dog Spa

Address of business: 615 E 8th St Tonganoxie, Kansas

Description of business: Dog Grooming

Hours of operation: 8am-5pm Days: Mon Tue Wed Thu Fri Sat Sun

# of employee's 1 Family members? \_\_\_\_\_ Live on site? yes

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

\_\_\_\_\_

Briefly describe the present use and character of the property: its Brooke and Brandon's residential home.

\_\_\_\_\_

Briefly describe the requested/proposed use of the property would like to groom dogs out of one room in the house for a second income

\_\_\_\_\_

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

people will be dropping off their dog by appointment time only and picking them up after they are groomed, so no one (customers) will need long term parking. There will only be a max of 6 dogs a day. Dogs will be leashed and not permitted to stay outside for long periods.

Brooke Kesinger  
Applicant Signature

Edward E. Kesinger  
Signature

Brooke Kesinger  
Property Owner Signature if different from applicant

Sylvia A. Kesinger

AFFIDAVIT

CITY OF TONGANOXIE  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

WE, Brandon Kesinger AND Brooke Kesinger  
(Print)  
AND Edward Kesinger AND Sylvia Kesinger  
(Print)

being duly sworn, depose and say that we are the owners of said property involved in this petition and that the foregoing signatures, statements, and answers herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Signed and entered this 21<sup>st</sup> day of April, 2020

[Signature] Brooke Kesinger  
Edward L. Kesinger Sylvia A. Kesinger

Subscribed and sworn to before me on this 21<sup>st</sup> day of April, 2020

Notary Public in and for the County of Leavenworth, Kansas

[Signature]

My Commission Expires: March 19, 2024



## Special Use Permit Applicant Checklist

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- Filing Fee** \_\_\_\_\_
- Parcel ID #** \_\_\_\_\_
- Parcel Size** \_\_\_\_\_
- Current Zoning of Property** \_\_\_\_\_
- Deed with legal description attached** \_\_\_\_\_
- Completed affidavit attached** \_\_\_\_\_
- Building Sketch with room layout** \_\_\_\_\_
- Outdoor Play Areas and Lot Dimensions** \_\_\_\_\_
- Location of Parking** \_\_\_\_\_
- State and/or County License** \_\_\_\_\_
- Number of Children Allowed** \_\_\_\_\_
- Local Business License** \_\_\_\_\_
- Fire Department Inspection** \_\_\_\_\_
- Police Department Inspection** \_\_\_\_\_
- City Building Inspection** \_\_\_\_\_
- Site plan attached with location of business indicated** \_\_\_\_\_
- Outdoor Sign Permit if applicable** \_\_\_\_\_

After recording return documents to:

FIRST AMERICAN TITLE CO.  
400 Delaware  
Leavenworth, KS 66048

File # 376891

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**KANSAS WARRANTY DEED**

Grantor(s): **Edward L. Kesinger and Sylvia A. Kesinger, husband and wife**

Grantee(s): **Brandon Kesinger, a single person and Edward L. Kesinger and Sylvia A. Kesinger, husband and wife as Joint Tenants with the right of survivorship and not as tenants in common**

Grantee(s) mailing address: 615 East 8th ST, Tonganoxie, KS 66086

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) **GRANT, BARGAIN, SELL AND CONVEY** to Grantee(s), the following described premises, to wit:

**The West 30.00 feet of Lot 7 AND Part of Lot 6, Block 43, RAILROAD ADDITION AND Part of vacated Railroad R/W, to the City of Tonganoxie, described as follows: Beginning at the Southwest corner of Lot 7; thence North 89 degrees 36'38" West (assumed), 45.00 feet along the South line of Lot 6; thence North 13 degrees 04'02" West, 154.23 feet to the North line of Lot 6, extended West; thence South 89 degrees 36'38" East, 82.00 feet along said North line to the Northwest corner of Lot 7; thence South 00 degrees 48'47" West, 150.00 feet along the West line of Lot 7 to the point of beginning, less any part thereof taken or used for road purposes,**

**in LEAVENWORTH COUNTY, KANSAS**

Subject to all easements, restrictions, reservations and covenants, if any, now of record

The Grantor(s) hereby covenanting that the Grantor(s), will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), against the lawful claims of all persons whomsoever.

Dated: June 8, 2004

Edward L. Kesinger  
Edward L. Kesinger  
Sylvia A. Kesinger  
Sylvia A. Kesinger

File No.: 376891

BK 0919 PG 1046

STATE OF KANSAS  
COUNTY OF LEAVENWORTH-SS  
FILED FOR RECORD

STATE OF KANSAS )  
 ) ss.  
COUNTY OF LEAVENWORTH )

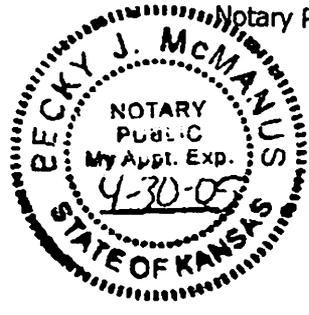
2004 JUN -9 P 1:36 P

STACY R. BRISCOLL  
REGISTER OF DEEDS

On June 8, 2004 this deed was acknowledged before me by  
Edward V. Kesinger and Sylvia A. Kesinger, h/w, Grantor(s).

Becky J. McManus  
Notary Public

My appointment expires:



Entered in the transfer record in my office this  
9<sup>th</sup> day of June, 20 04  
Linda A. Scheerby D. Cox  
County Clerk



Brian + Kelly Griffith's house

88 feet

59 feet

Delaware St

Macintosh house

112 feet

Kesinger front yard

Dog Salon

Sun Room

Kitchen

Bedroom

Dining Room

Living Room

Porch

Sidewalk

Customer parking

Kesinger house Garage

Kesinger Driveway

Kesinger Driveway

Kesinger Property line

117 feet

Mel and Pat Romier's house

E. 8th St

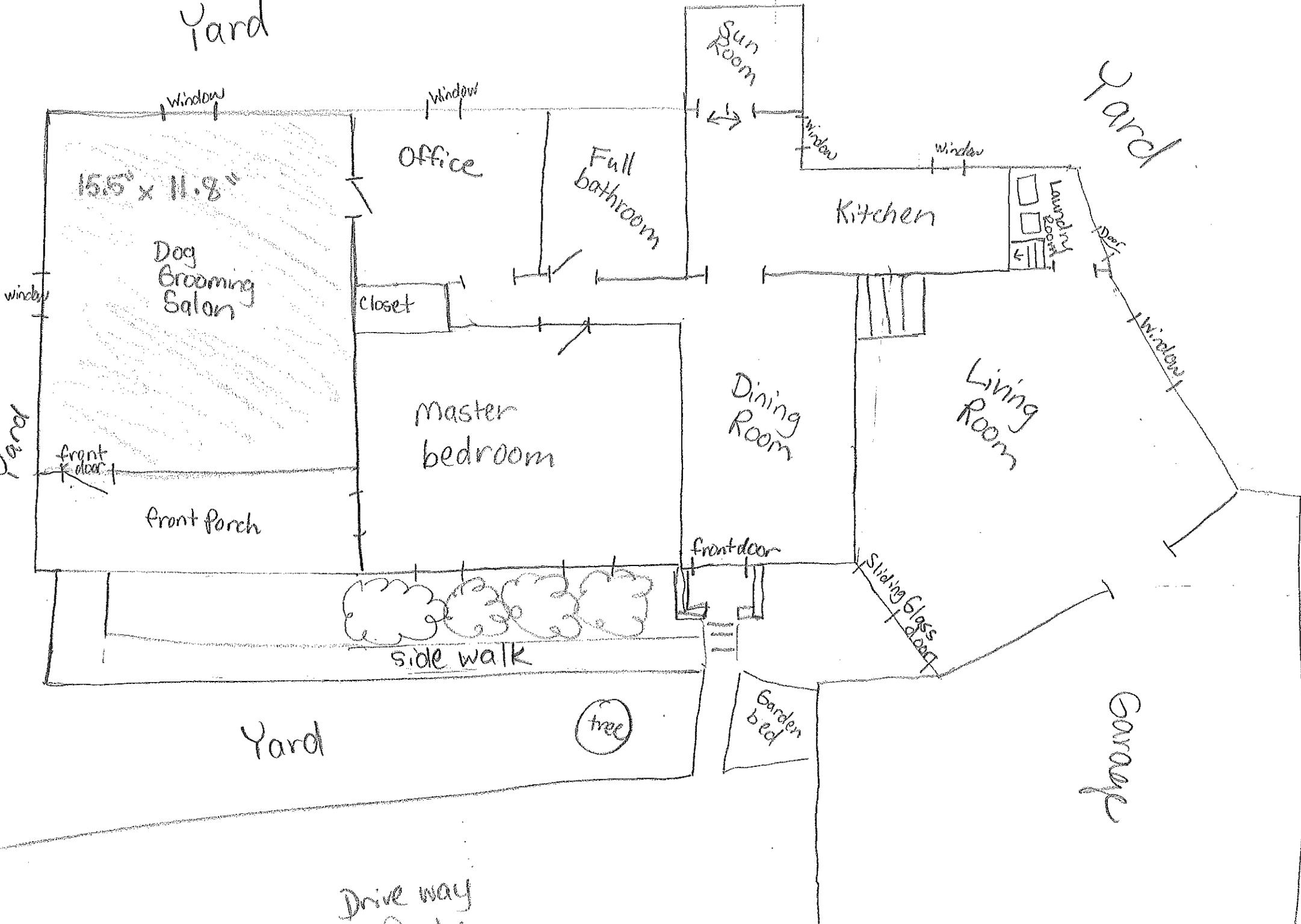
fence

fence

fence

Yard

Yard



Drive way

Garage

Yard

Yard

Window

Office

closet

Bedroom

Bathing tub for dogs

Photography Station

15.5" x 11.8"

Pupperazzi Dog Spa

kennels

Front Porch

Grooming table

Reception Desk

Entry

After recording return documents to:

FIRST AMERICAN TITLE CO.  
400 Delaware  
Leavenworth, KS 66048

File # 376891

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**KANSAS WARRANTY DEED**

Grantor(s): **Edward L. Kesinger and Sylvia A. Kesinger, husband and wife**

Grantee(s): **Brandon Kesinger, a single person and Edward L. Kesinger and Sylvia A. Kesinger, husband and wife as Joint Tenants with the right of survivorship and not as tenants in common**

Grantee(s) mailing address: 615 East 8th ST, Tonganoxie, KS 66086

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) **GRANT, BARGAIN, SELL AND CONVEY** to Grantee(s), the following described premises, to wit:

**The West 30.00 feet of Lot 7 AND Part of Lot 6, Block 43, RAILROAD ADDITION AND Part of vacated Railroad R/W, to the City of Tonganoxie, described as follows: Beginning at the Southwest corner of Lot 7; thence North 89 degrees 36'38" West (assumed), 45.00 feet along the South line of Lot 6; thence North 13 degrees 04'02" West, 154.23 feet to the North line of Lot 6, extended West; thence South 89 degrees 36'38" East, 82.00 feet along said North line to the Northwest corner of Lot 7; thence South 00 degrees 48'47" West, 150.00 feet along the West line of Lot 7 to the point of beginning, less any part thereof taken or used for road purposes,**

**in LEAVENWORTH COUNTY, KANSAS**

Subject to all easements, restrictions, reservations and covenants, if any, now of record

The Grantor(s) hereby covenanting that the Grantor(s), will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), against the lawful claims of all persons whomsoever.

Dated: June 8, 2004

Edward L. Kesinger  
Edward L. Kesinger  
Sylvia A. Kesinger  
Sylvia A. Kesinger

File No.: 376891

BK 0919 PG 1046

STATE OF KANSAS )  
 ) ss.  
COUNTY OF LEAVENWORTH )

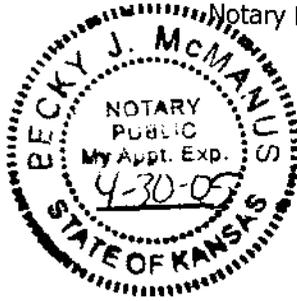
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STACY R. BRISCOLL  
REGISTER OF DEEDS

On June 8, 2004 this deed was acknowledged before me by  
Edward J. Kesinger and Sylvia A. Kesinger, h/w, Grantor(s).

Becky J McManus  
Notary Public

My appointment expires:



Entered in the transfer record in my office this  
9<sup>th</sup> day of June, 2004  
Linda A. Scheer, Jr. Clerk  
County Clerk

Text



622

624

400

4

4

5

8

7

615

Text

601

5

5.01

6

40ft

0.59

5

4





Delaware St

E 8th St

E 8th St

E 8th St

E 8th St



















Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** July 20, 2020  
**To:** Honorable Mayor David Frese and Members of the City Council  
**FROM:** Dan Porter, Assistant City Manager  
**SUBJECT:** Resolution 07-20-01: Bridge Inspection Contract with BG Consultants

**DISCUSSION:**

To qualify for state and federal funding participation in bridge construction and repairs the City must periodically complete the inspection of all bridges. The last inspections of the City of Tonganoxie's four bridges were completed in 2016 and 2019 at a cost of \$3,500. The inspection process is planned to be repeated in 2020 in order to maintain the City's eligibility for potential funding assistance for future projects.

Attached is a Resolution and draft contract from BG Consultants, the City Engineer, to complete inspections of classified bridges on record with the Kansas Department of Transportation within the City of Tonganoxie.

**BUDGET IMPACT:**

No adverse impact, as the cost of bridge inspections is budgeted within the City's Capital Projects Fund.

**ACTION NEEDED:**

Make a motion to authorize the expense to conduct the City's biennial bridge inspections in the amount not to exceed \$3,500.00

**ATTACHMENTS:**

Resolution 07-20-01: BG Consultants Contract for Biennial Bridge Inspection

**cc:** George Brajkovic, City Manager

**RESOLUTION NO 07-20-01**

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE BIENNIAL BRIDGE INSPECTIONS CONTRACT BETWEEN THE CITY OF TONGANOXIE, KANSAS AND BG CONSULTANTS, INC.**

**WHEREAS**, BG Consultants, Inc., a Kansas corporation ("Contractor"), desires to provide biennial bridge inspection services for four (4) bridges (the "Project") within the City of Tonganoxie, Kansas (the "City"); and

**WHEREAS**, the Project would promote the public good, health, and welfare within the City; and

**WHEREAS**, the Governing Body has determined that it is advisable to enter into the Biennial Bridge Inspections Contract, attached hereto as **Exhibit A** (the "Contract"), with Contractor.

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

**Section 1.** That the Governing Body hereby approves the Contract in substantially the form attached hereto.

**Section 2.** That the City Manager is hereby authorized to execute in the name of the City, the Contract, and any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

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

**ADOPTED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE,  
KANSAS, AND APPROVED BY THE MAYOR ON THIS 20<sup>th</sup> DAY OF JULY,  
2020.**

**SEAL**

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David Frese, Mayor

ATTEST:

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Daniel Porter, City Clerk

**EXHIBIT A**

**Biennial Bridge Inspections Contract**



April 29, 2020

Kent Heskett, Public Works Director  
City of Tonganoxie  
1536 E. 4<sup>th</sup> St.  
Tonganoxie, KS 66086

Re: 2020 Routine Bridge Inspections

Dear Mr. Heskett,

We are pleased to present to you this proposal for BG Consultants to complete your city's 2020 Biennial Bridge Inspections. BG has a long history of providing bridge inspection services for cities and counties across Kansas. We have a team of experienced, licensed engineers that are prequalified with KDOT to perform routine and fracture critical inspections. In the last 2 years, BG Consultants has completed or is in the process of completing routine inspections of nearly 1,000 bridges across 5 Counties as well as for numerous cities.

We understand you have the following 4 bridges for which you are requesting routine inspections:

- Main St. Bridge (570800520000010)
- Pleasant St. Bridge (570800520000020)
- Church St. Bridge (570800520000030)
- 4<sup>th</sup> St. Bridge (570800520000040)

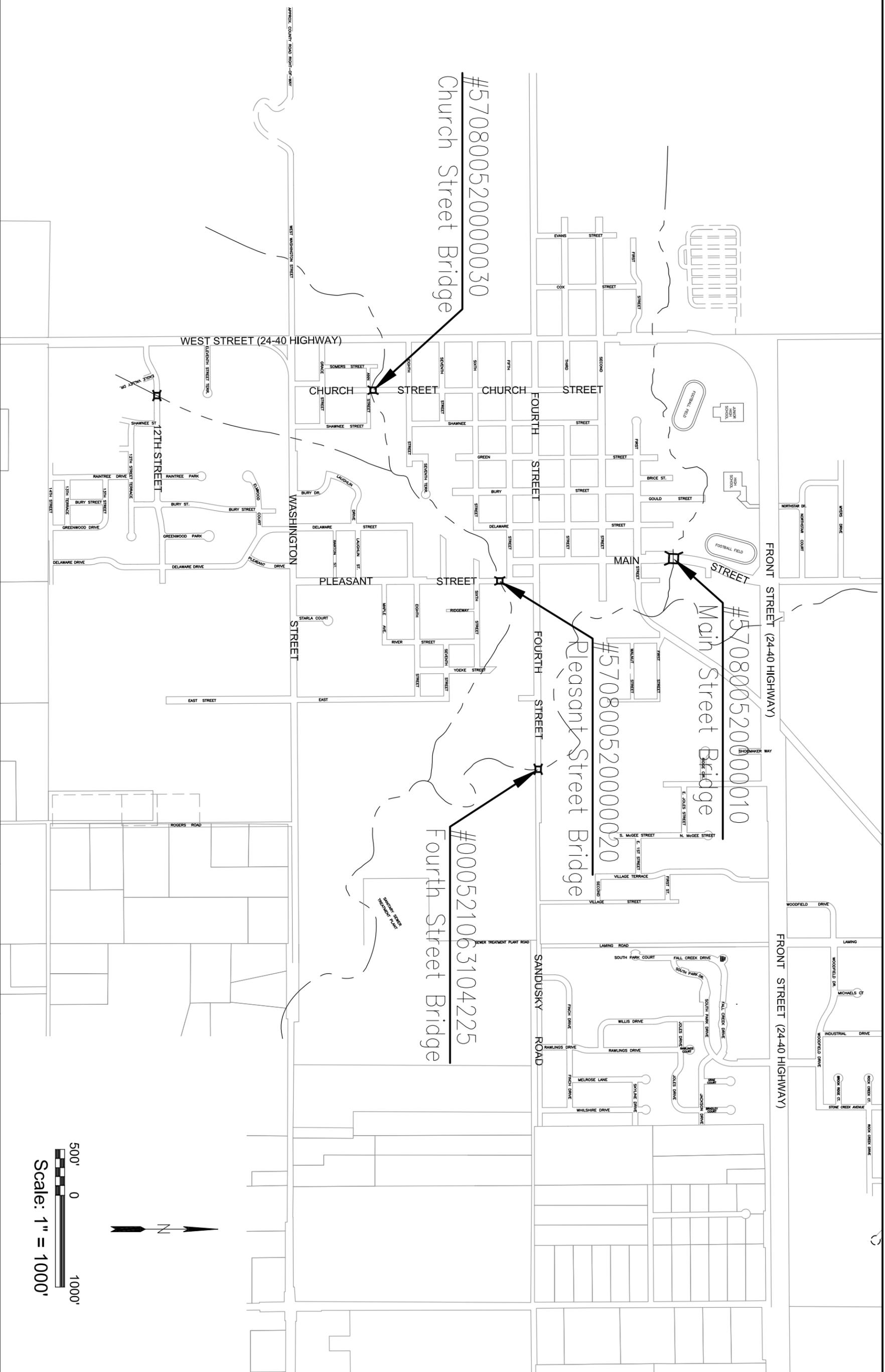
Our engineers will personally visit each of your structures and provide a thorough, high-quality inspection. BG will conduct your inspections according to KDOT's current Standard Scope of Services for Routine Bridge Inspection and federal NBIS standards. We will complete the inspections by their due dates to maintain compliance with State and Federal bridge inspection standards. We will provide bound and digital copies of the requested reports within 90 days of the completion of the field inspections.

We propose to provide these services for a lump sum fee of \$3500.00 (\$875/bridge x 4 bridges). This lump sum fee will include the 2020 Routine inspections and deliverables. If it's found you have need for other inspection or load rating services, we will be happy to provide a fee for those as well.

Thank you for your consideration of our proposal and we look forward to partnering with you on the successful completion of your routine bridge inspections. If you have any questions regarding the project please feel free to contact me.

Sincerely,

Brady Hedstrom, P.E.  
Project Engineer

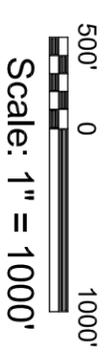
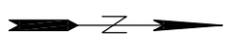


#570800520000030  
Church Street Bridge

#570800520000010  
Main Street Bridge

#570800520000020  
Pleasant Street Bridge

#000521063104225  
Fourth Street Bridge



Date: 7/17/2020

**Grant Liabilities**

	Projection	Actual	Remaining
1b. Public Facilities Sewer Line Const	282,514.00	186,561.00	95,953.00
1h. Engineering Design	31,421.00	30,600.00	821.00
1i. Construction Inspection	23,565.00	19,167.00	4,398.00
3a. Grant Administration	10,000.00	7,999.37	2,000.63
		-	-
		-	-
		-	-
<b>Subtotal Grant Costs</b>	<b>347,500.00</b>	<b>244,327.37</b>	<b>103,172.63</b>

**City Liabilities**

	Projection	Actual	Remaining
Publications	500.00	380.00	120.00
Legal Services	2,000.00	2,500.00	(500.00)
			-
			-
<b>Subtotal City Costs</b>	<b>2,500.00</b>	<b>2,880.00</b>	<b>(380.00)</b>

	Budget	Actual	Balance Remaining
<b>Total Project Liabilities</b>	<b>350,000</b>	<b>247,207</b>	<b>102,793</b>

<b>Total Costs</b>	<b>350,000.00</b>	<b>247,207.37</b>	<b>102,792.63</b>
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