



City of Tonganoxie City Council Meeting Agenda

December 15, 2025

7:00 Regular Meeting

There may be an audio recording of the meeting which will be utilized to prepare meeting minutes and the meeting may be broadcast on the City of Tonganoxie YouTube Channel

Mayor: David Frese; Council Members: Jacob Dale, Lorelee Stevens, Chris Donnelly, Jennifer McCutchen, Matt Partridge

Open Regular Meeting – 7:00 p.m.

- I. Pledge of Allegiance**
- II. Approval of Minutes** - Regular meeting dated December 1, 2025
- III. Consent Agenda**
 - a) Review bill payments
- IV. Old Business**
 - a) Ordinance No. 1538: Amending Water & Sewer Rates, System Development Fees, & Water & Sewer Regulations
 - b) Ordinance No. 1539: Trash and Recycling Utility Rates Adjustments
- V. New Business**
 - a) Introduction of New Police Officer
 - b) Resolution 12-25-02: Reimbursement Resolution 14th St Improvements Project
 - c) Resolution 12-25-03: Consider Approval of Design Engineering Services Contract for 14th St Improvements Project
 - d) Ordinance No. 1540: Amending the City's Comprehensive Plan to add the Downtown Regulating Plan, pursuant to K.S.A. 12-747 and City Code Section 16-104
 - e) Ordinance No. 1541: Amending the Tonganoxie Zoning and Subdivision Regulations ("Zoning Code") to replace the "R-I" Infill District with "R-DT" Residential Downtown District in Zoning Code Section 6, update the standards for the "HBD" Historic Business District in Zoning Code Section 12, update the use groups by category in Zoning Code Appendix A and other updates to reflect the proposed district changes, pursuant to K.S.A. 12-757 and Zoning Code Section 27-011
 - f) Ordinance No. 1542: Consider Approval of Adopting the 2025 version of the Standard Traffic Ordinance for Kansas Cities
 - g) Ordinance No 1543: Consider Approval of Adopting the 2025 version of the Uniform Public Offense Code for Kansas Cities
 - h) City Personnel Policies Update
 - i) Consider Approval of 2026 Cereal Malt Beverage (CMB) License Renewal Applications



City of Tonganoxie City Council Meeting Agenda

- j) Public Hearing – Consider Budget Amendments to 2025 Adopted Budget for Multiple Funds as Presented and Advertised
- k) Consider Approval of Budget Amendments for 2025 Adopted Budget for Multiple Funds

VI. City Manager Agenda

- 1. November 2025 Financial Report
- 2. Update on Solicitation of Financing for Chieftain Park Improvements Project

VII. City Attorney Agenda

VIII. Mayor Pro Tem Agenda

IX. City Council Agenda

X. Mayor Agenda

- 1. Recognition of Service for Council Members Chris Donnelly and Matt Partridge

XI. Adjourn

Council Meeting Minutes
December 1, 2025
7:00 PM Meeting

I. Pledge of Allegiance

- Mayor David Frese opened the meeting at 7:00 p.m.
- Mayor David Frese led the pledge of allegiance.
- Mayor David Frese, Mr. Jacob Dale, Ms. Lorelee Stevens, Mr. Matt Partridge, Ms. Jennifer McCutchen and Mr. Chris Donnelly were present.

II. Approval of Minutes – Regular meeting dated November 17, 2025

- Mr. Donnelly made a motion to approve draft minutes from the regular meeting dated November 17, 2025.
- Ms. McCutchen seconded the motion.
- Vote of all ayes, motion carried.

III. Consent Agenda

a) Review bill payments

- Ms. McCutchen made a motion to approve the consent agenda.
- Ms. Stevens seconded the motion.
- Vote of all ayes, motion carried.

IV. Old Business

V. New Business

a) Ordinance No. 1536: Special Use Permit Elle's Bakery Home Occupation

- Mr. Brajkovic gave the staff presentation. Staff is recommending approval.
- Lisa Perkins shared comments on plans of being open on Saturdays or Sundays.
- Mr. Donnelly made a motion to approve Ordinance No. 1536: Special Use Permit Elle's Bakery Home Occupation
- Mr. Partridge seconded the motion.
- Vote of all ayes, motion carried.

b) Ordinance No. 1537: Ordinance 1537 Amending Water & Sewer Rates, System Development Fees & Water & Sewer Regulations

- Mr. Brajkovic and Mr. Porter gave the staff presentation to the City Council.
- Last rate adjustments were in 2020.
- The analysis was procured under the oversight of the Kansas Rural Water Association Rates Program.
- The report provides the City Council with information necessary to operate under a cost-of-service model. This approach is designed to assign cost to different utility users at the respective levels of service demanded by each user.
- The draft report is posted on the City Website.
- Staff recommend Option B.
- System Development Fee has a December 12, 2025, change date. Water & Sewer Utility Rates and Trash rates are projected to be January 30, 2025 (2nds monthly bill in 2026) if changes are adopted.
- Questions from the council were presented.
- Mr. Frese tabled the vote for 2 weeks.

c) Ordinance No. 1538: Trash and Recycling Utility Rates Adjustments

- Mr. Porter gave the staff presentation.

- **Mr. Donnelly made a motion to table Ordinance No. 1537: Ordinance 1537 Amending Water & Sewer Rates, System Development Fee & Water & Sewer Regulations as well as Ordinance No. 1538: Trash and Recycling Utility Rates Adjustment until the late December City Council Meeting.**
 - **Mr. Partridge seconded the motion.**
 - **Vote of all ayes, motion carried.**
- d) **Ordinance No. 1539: Approving First Amendment to the Loan Agreement with KDHE for KWPCRF Project No. C20 3067 01-City Wastewater Treatment Plant Improvements Project**
- **Mr. Brajkovic gave the staff presentation. Staff recommends approval.**
 - **Mr. Dale made a motion to approve Ordinance No. 1539: Authorizing the execution of the First Amendment to the city's Loan Agreement with KDHE for KWPCRF Project No. C20 3067-01 City Wastewater Treatment Plant Improvements Project.**
 - **Mr. Donnelly seconded the motion.**
 - **Vote of all Ayes, motion carried.**
- e) **Resolution 12-25-01: Adopting and Approving the Official Boundaries of the City of Tonganoxie in 2025**
- **Mr. Brajkovic gave the staff presentation. Staff recommends approval.**
 - **Mr. Dale made a motion to approve the Resolution 12-25-01: Adopting and Approving the Official Boundaries of the City of Tonganoxie in 2025**
 - **Ms. Stevens seconded the motion.**
 - **Vote of all ayes, motion carried.**
- f) **Consider Approval of Utilization of Opioids Settlement Proceeds for Procurement of Equipment**
- **Mr. Porter gave the staff presentation.**
 - **Chief John Zimbelman shared with staff the plan of purchasing a UTV to utilize at community events or public events to distribute Narcan and utilize in other capacities that may help the city. This purchase will help in other capacities. It will be used as community outreach. This will be a public service PR tool for the City of Tonganoxie. It will allow us to be in the public eye.**
 - **There will also be an AED on the vehicle.**
 - **Ms. McCutchen made a motion authorizing staff to purchase a 2025 Polaris General 4 1000 Sport not to exceed \$19,499.00**
 - **Mr. Dale seconded the motion.**
 - **Vote of all ayes, motion carried.**
- g) **Consider Approval of Issuance of Request for Qualifications for 2025 Chieftain Park Playground Renovation Project**
- **Mr. Porter gave the staff presentation.**
 - **Mr. Donnelly made a motion to approve release of the enclosed draft request for qualifications for the 2025 Chieftain Park Playground Renovation Project.**
 - **Ms. Stevens seconded the motion**
 - **Vote of all ayes, motion carried**
- h) **Consider Approval of Quote for Gallagher Park Stage Structure**
- **Mr. Porter gave the staff presentation.**
 - **Mr. Donnelly made a motion to authorize the purchase a 16 x 20 Kokomo Amphitheater Structure from Portercorp/Poligon according to the amount not to exceed \$48,895.00.**
 - **Ms. Stevens seconded the motion.**
 - **Vote of all ayes, motion carried.**

VI. City Manager Agenda

1. Review of Upcoming City Code Adjustments

- Mr. Brajkovic gave the staff presentation.
- Chief Lawson also addressed the Council with E bike/scooter concerns.

VII. City Attorney Agenda

VIII. Mayor Pro Tem Agenda

IX. City Council Agenda

X. Mayor Agenda

1. Executive Session-Attorney-Client Consultation. 8:55 pm-9:10 pm

- **Ms. Stevens made a motion for the City Council recess into executive session to obtain legal advice regarding a potential request for annexation and related matters pursuant to the attorney client consultation exception KSA 75-4319B2, the executive session will include the city attorney, city manager, assistant city manager, and city clerk. Meeting will resume in zoom platform in 15 minutes.**
- **Mr. Partridge seconded the motion**
- **Vote of all ayes, motion carried.**

XI. Adjourn

- **Mr. Dale made a motion to adjourn the meeting.**
- **Mr. Donnelly seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 9:12 p.m.**

Respectfully submitted,

Lindsay Huntington

Lindsay Huntington, City Clerk



City of Tonganoxie, KS

My Check Report

By Check Number

Date Range: 11/26/2025 - 12/12/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
1218	Amazon Capital Services, Inc	12/04/2025	Regular	0	1461.48	54679
0034	AT&T ACCESS TRANSPORT SERVICES	12/04/2025	Regular	0	78.51	54680
1541	AUSTIN SALES INC	12/04/2025	Regular	0	19499	54681
0099	CITY OF LEAVENWORTH	12/04/2025	Regular	0	1100	54682
1274	CIVICPLUS, LLC	12/04/2025	Regular	0	2662.54	54683
1495	CLINE I. BOONE	12/04/2025	Regular	0	1200	54684
0175	EVANS REAL ESTATE COMPANY INC	12/04/2025	Regular	0	100	54685
1484	GOTO COMMUNICATIONS, INC.	12/04/2025	Regular	0	627.94	54686
1544	HEATHER WILSON	12/04/2025	Regular	0	250	54687
0250	HONEYCREEK DISPOSAL SERVICE	12/04/2025	Regular	0	39552.94	54688
1034	John Zimbelman	12/04/2025	Regular	0	405.85	54689
0496	KANSAS ONE-CALL SYSTEM, INC.	12/04/2025	Regular	0	106.4	54690
0757	KEBRA CHILSON	12/04/2025	Regular	0	695	54691
1271	KENNETH J MOORE	12/04/2025	Regular	0	800	54692
1030	Lawrence Hose	12/04/2025	Regular	0	254.15	54693
0426	LEAVENWORTH COUNTY SHERIFF OFFICE	12/04/2025	Regular	0	780	54694
0732	METLIFE	12/04/2025	Regular	0	495.05	54695
0857	MIDCONTINENT COMMUNICATIONS	12/04/2025	Regular	0	393.31	54696
0857	MIDCONTINENT COMMUNICATIONS	12/04/2025	Regular	0	75.39	54697
0959	OFFICE OF THE KANSAS STATE TREASURER	12/04/2025	Regular	0	3219.3	54698
1360	PARK ENTERPRISE LLC	12/04/2025	Regular	0	356.99	54699
0514	PITNEY BOWES, INC.	12/04/2025	Regular	0	273.87	54700
0542	QUILL	12/04/2025	Regular	0	243.16	54701
0542	QUILL	12/04/2025	Regular	0	26.57	54702
0542	QUILL	12/04/2025	Regular	0	249.3	54703
0548	RECORDNEWS	12/04/2025	Regular	0	2458.95	54704
0579	SECURITY BENEFIT - 457	12/04/2025	Regular	0	7916.93	54705
1448	THE ALEXANDER LAW FIRM, LLC	12/04/2025	Regular	0	1400	54706
0642	USPS	12/04/2025	Regular	0	1417.84	54707
1347	VERIZON CONNECT INC	12/04/2025	Regular	0	126.71	54708
0656	VERIZON WIRELESS	12/04/2025	Regular	0	458.84	54709
1262	WESTLAND CONSTRUCTION INC	12/04/2025	Regular	0	117723.12	54710

Bank Code AP Bank Summary

	Payable	Payment		
Payment Type	Count	Count	Discount	Payment
Regular Checks	36	32	0.00	206,409.14
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
	36	32	0.00	206,409.14

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	36	32	0.00	206,409.14
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
	36	32	0.00	206,409.14

Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	12/2025	206409.14
			206409.14



Office of the City Manager **AGENDA STATEMENT**

DATE: December 15, 2025
TO: Honorable Mayor David Frese and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Ordinance No. 1538: Amending Water & Sewer Rates, System Development Fees, & Water & Sewer Regulations

DISCUSSION:

In 2019 the City of Tonganoxie City Council approved adjustments to the City's Water & Sewer Rates, System Development Fees, and the City's Water & Sewer Regulations with Ordinance No. 1476. These changes were adopted following the completion of the first comprehensive rate analysis by a third-party for over 20 years and adjustments were made in accordance with the recommendations of the rate analysis completed by Carl Brown with GettingGreatRates.com. The rate changes took effect in February 2020, and the City has not made subsequent adjustments to the rates and fees.

In July 2025 the City Council approved procurement of the completion of an additional in-depth review and analysis of the City's water and sewer utilities respective rate structures by Carl Brown with GettingGreatRates.com under the oversight of the Kansas Rural Water Association (KRWA) RATES Program, which offers an industry-standard, discounted approach to completing complex rate analysis in a fashion designed for smaller to medium-sized communities in Kansas. The report format is designed to provide the City Council with the information necessary to operate under a cost-of-service model, which is an approach designed to assign costs (service charges) to different utility users (customers) at the respective levels of service demanded by each user. Since July 2025 City staff have worked closely with Mr. Brown to provide significant amounts of current and historical data, discuss trends and real-time challenges for the utilities, and to forecast future changes and regulatory impacts. This work culminated in the preparation of the enclosed final Utility Rate Analysis Report dated October 25, 2025. This report outlines two possible models for Water Utility rate adjustments and two possible models for Sewer Utility rate adjustments with corresponding assumptions and forecasted outcomes. Based on the full contents and analysis of the report, City staff recommend that the City Council consider approving either incremental or full rate changes associated with WATER MODEL 1 and SEWER MODEL 1 from the report as outlined below. Based on the timing of upcoming cost of service provision increases there is an alternative option to consider approving the utility rate changes being applied in an incremental approach spread out across multiple years. That alternative is shown as Option B below. The proposed water & sewer rate changes would take effect in the Utility Billing Cycle with individual bills generated for customers on March 31, 2026, and development fees would be adjusted effective on January 1, 2026. If approved, the City will make efforts to communicate notice of the upcoming changes on the City's website, in the utility billing message section on future billing periods, and in other forums.

In summary, the proposed rate changes reflect the need to move towards adjustment of water rates and resulting revenues by a small amount and to adjust sanitary sewer rates by a more significant amount. Some level of adjustment in rates was highly probable considering that the City has not increased or adjusted utility billing rates for water or sewer since February 2020, a period of 6 years. During that time period, the costs for provision of services have increased significantly in areas like the wholesale purchase of potable water from other suppliers (+19.1% from 2023-2025), increases in disposal fees for sludge resulting from sanitary sewer treatment, and overall increases in expenditures associated with City personnel, contractual services, and necessary commodities. The strong and steady level of growth in the City's customer base and increased demand for consumption of additional water supply and sanitary sewer treatment volume have allowed the City to avoid increasing rate while at the same time strengthening fund balance levels in utility enterprise funds, cash or grant financing major and minor capital projects, and increasing maintenance funding incrementally over time.

Current Utility Rates

2020 Rates effective February 1, 2020.

WATER Minimums by Meter Size

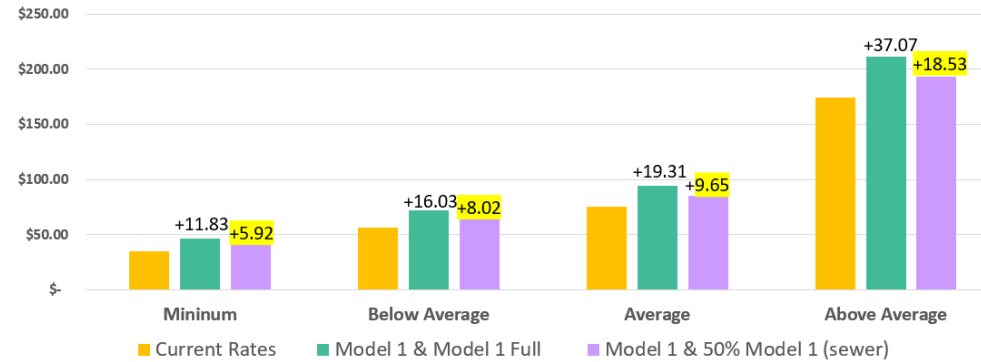
Meter Size	Minimum	Unit Charge Per \$1,000 Gallons	System Development Fee
5/8"	\$ 18.73	\$ 6.32	\$ 3,000
3/4"	\$ 18.73	\$ 6.32	\$ 3,000
1"	\$ 30.68	\$ 6.32	\$ 3,538
1 1/2"	\$ 50.61	\$ 6.32	\$ 4,434
2"	\$ 74.51	\$ 6.32	\$ 5,510
2 1/2"	\$ 110.38	\$ 6.32	\$ 7,124
3"	\$ 138.27	\$ 6.32	\$ 8,917
4"	\$ 209.99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

SEWER Minimums by Meter Size

Meter Size	Minimum	Unit Charge Per \$1,000 Gallons	System Development Fee
5/8"	\$ 15.94	\$ 4.49	\$ 3,000
3/4"	\$ 15.94	\$ 4.49	\$ 3,000
1"	\$ 32.24	\$ 4.49	\$ 3,732
1 1/2"	\$ 59.40	\$ 4.49	\$ 4,956
2"	\$ 92.01	\$ 4.49	\$ 6,422
2 1/2"	\$ 140.91	\$ 4.49	\$ 8,624
3"	\$ 178.94	\$ 4.49	\$ 11,065
4"	\$ 276.74	\$ 4.49	\$ 17,670
6"	\$ 548.42	\$ 4.49	\$ 34,297
8"	\$ 874.43	\$ 4.49	\$ 70,972
10"	\$2,287.14	\$ 4.49	\$ 105,204

\$ 34.67	Minimum Water & Sewer monthly fees for water & sewer
\$ 56.29	Below Average Water & Sewer monthly fees for water & sewer (2,000 gal water/2,000 winter avg sewer)
\$ 75.35	Average Water & Sewer monthly fees for water & sewer (4,000 gal water/3,430 winter avg sewer)
\$ 174.47	Above Average Water & Sewer monthly fees for water & sewer (10,000 gal water/8,000 winter avg sewer)

All scenarios assume residential service with 5/8" meter size.



Projected Monthly Bill by Customer Type

Minimum User (0-999 gallons)

Below Average User (2,000 gal water/2,000 winter avg sewer)

Average User (4,000 gal water/3,430 winter avg sewer)

Above Average User (10,000 gal water/8,000 winter avg sewer)

All scenarios assume residential service with 5/8" meter size

Option A – Full Changes Proposed in 2025 Utility Rate Analysis

2026 Proposed Rates effective January 30, 2026.

WATER Rates by Meter Size

Meter Size	Base Charge	Unit Charge Per \$1,000 Gallons	System Development Fee
5/8"	\$ 18.57	\$ 6.80	\$ 4,010
3/4"	\$ 18.57	\$ 6.80	\$ 4,010
1"	\$ 27.15	\$ 6.80	\$ 5,254
1 1/2"	\$ 41.44	\$ 6.80	\$ 9,013
2"	\$ 58.58	\$ 6.80	\$ 10,949
2 1/2"	\$ 84.31	\$ 6.80	\$ 12,562
3"	\$ 104.31	\$ 6.80	\$ 24,115
4"	\$ 155.75	\$ 6.80	\$ 27,578
6"	\$ 298.65	\$ 6.80	\$ 42,468
8"	\$ 470.12	\$ 6.80	\$ 64,980
10"	\$ 1,213.18	\$ 6.80	\$ 111,583

SEWER Rates by Meter Size

Meter Size	Base Charge	Unit Charge Per \$1,000 Gallons	System Development Fee
5/8"	\$ 27.93	\$ 6.11	\$ 3,000
3/4"	\$ 27.93	\$ 6.11	\$ 3,000
1"	\$ 39.29	\$ 6.11	\$ 3,917
1 1/2"	\$ 58.22	\$ 6.11	\$ 5,445
2"	\$ 80.94	\$ 6.11	\$ 7,279
2 1/2"	\$ 115.02	\$ 6.11	\$ 10,029
3"	\$ 141.53	\$ 6.11	\$ 12,168
4"	\$ 209.69	\$ 6.11	\$ 17,669
6"	\$ 399.02	\$ 6.11	\$ 32,950
8"	\$ 626.22	\$ 6.11	\$ 87,959
10"	\$ 1,610.75	\$ 6.11	\$ 130,744

\$ 46.50	Minimum Water & Sewer monthly fees for water & sewer
\$ 72.32	Below Average Water & Sewer monthly fees for water & sewer (2,000 gal water/2,000 winter avg sewer)
\$ 94.66	Average Water & Sewer monthly fees for water & sewer (4,000 gal water/3,430 winter avg sewer)
\$ 211.54	Above Average Water & Sewer monthly fees for water & sewer (10,000 gal water/8,000 winter avg sewer)

All scenarios assume residential service with 5/8" meter size.

Option B – Incremental Adjustments – recommended by City Staff

2026 Proposed Rates effective January 30, 2026.

WATER Rates by Meter Size

Meter Size	Base Charge	Unit Charge Per \$1,000 Gallons	System Development Fee
5/8"	\$ 18.65	\$ 6.56	\$ 4,010
3/4"	\$ 18.65	\$ 6.56	\$ 4,010
1"	\$ 28.92	\$ 6.56	\$ 5,254
1 1/2"	\$ 46.03	\$ 6.56	\$ 9,013
2"	\$ 66.55	\$ 6.56	\$ 10,949
2 1/2"	\$ 97.35	\$ 6.56	\$ 12,562
3"	\$ 121.29	\$ 6.56	\$ 24,115
4"	\$ 182.87	\$ 6.56	\$ 27,578
6"	\$ 353.94	\$ 6.56	\$ 42,468
8"	\$ 559.22	\$ 6.56	\$ 64,980
10"	\$ 1,448.77	\$ 6.56	\$ 111,583

SEWER Rates by Meter Size

Meter Size	Base Charge	Unit Charge Per \$1,000 Gallons	System Development Fee
5/8"	\$ 21.94	\$ 5.30	\$ 3,000
3/4"	\$ 21.94	\$ 5.30	\$ 3,000
1"	\$ 35.77	\$ 5.30	\$ 3,917
1 1/2"	\$ 58.81	\$ 5.30	\$ 5,445
2"	\$ 86.48	\$ 5.30	\$ 7,279
2 1/2"	\$ 127.97	\$ 5.30	\$ 10,029
3"	\$ 160.24	\$ 5.30	\$ 12,168
4"	\$ 243.22	\$ 5.30	\$ 17,669
6"	\$ 473.72	\$ 5.30	\$ 32,950
8"	\$ 750.33	\$ 5.30	\$ 87,959
10"	\$ 1,948.95	\$ 5.30	\$ 130,744

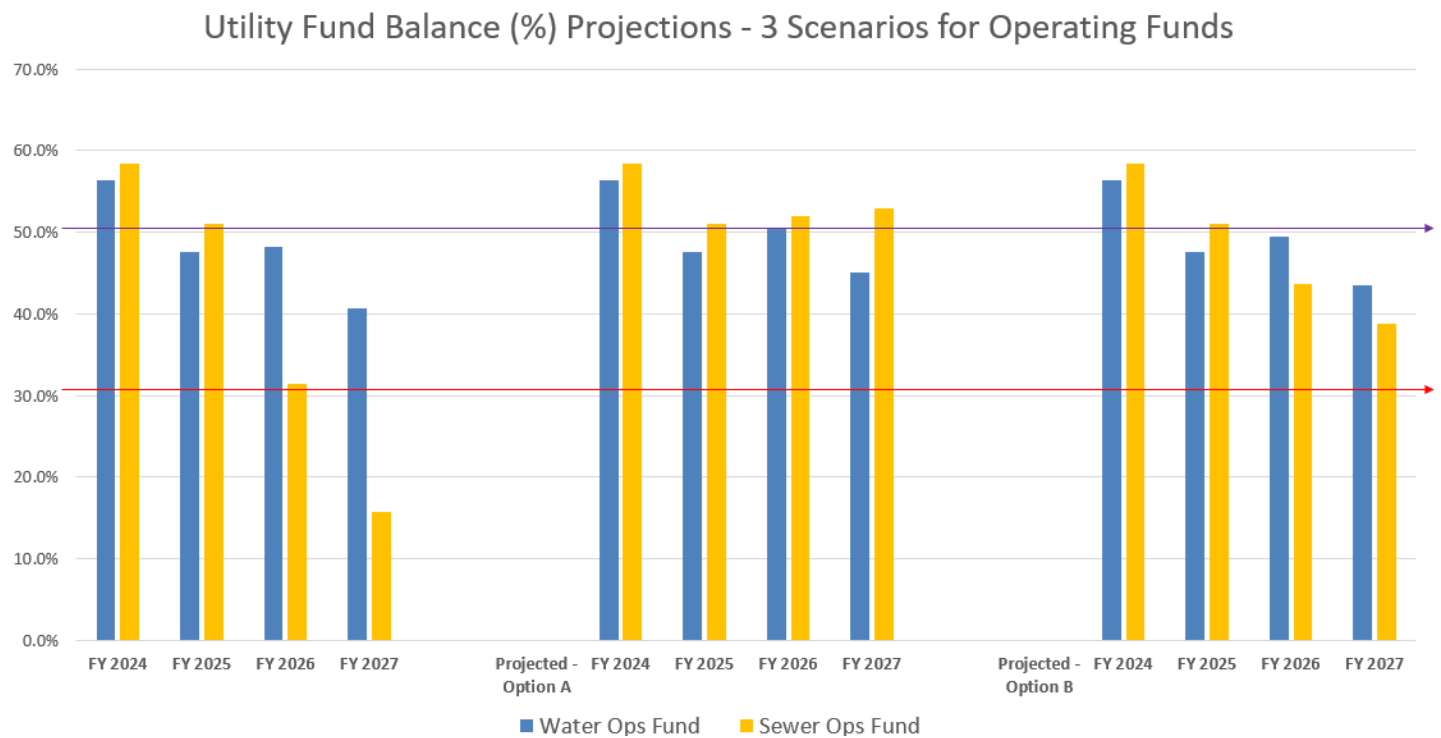
\$ 40.59	Minimum Water & Sewer monthly fees for water & sewer
\$ 64.31	Below Average Water & Sewer monthly fees for water & sewer (2,000 gal water/2,000 winter avg sewer)
\$ 85.00	Average Water & Sewer monthly fees for water & sewer (4,000 gal water/3,430 winter avg sewer)
\$ 193.00	Above Average Water & Sewer monthly fees for water & sewer (10,000 gal water/8,000 winter avg sewer)

All scenarios assume residential service with 5/8" meter size.

The other changes incorporated in the ordinance include edits to several sections of the City's Water & Sewer Regulations. These regulations were last adjusted in 2019, and several amendments were noted in the intervening years as necessary to align with current practices and procedures and for the regulations to remain effective.

BUDGET IMPACT:

The Fiscal Year 2026 Budget adopted in September 2025 included assumptions tied to revenue projections resulting from the Utility Rate Analysis. Failing to adopt a revised rate structure as defined or in aim of keeping with the 2025 Utility Rate Analysis Report's recommendations would result in a lower year end fund balance for 2026 than was projected as part of the budget process or would necessitate adjusting planned and budgeted expenditures in the City's Water Operations, Sewer Operations, Water Capital Equipment, and Sewer Capital Equipment Funds. Before the middle of fiscal year 2027 it is highly likely that the City will be required to change sanitary sewer rates to increase revenue to pay increased debt service obligation costs starting in that year.



ACTION NEEDED:

OPTION A - Make a motion to approve Ordinance 1537, amending Ordinance No. 1476 concerning the Use of Public and Private Sewers and Drains Regulations of the City of Tonganoxie, Kansas, Amending the City of Tonganoxie Water and Sewer Regulations, and Amending the Rates Charged For Water and Sewer Services as presented in Option A.

or,

OPTION B (recommended by City staff) – Make a motion to approve Ordinance 1537, amending Ordinance No. 1476 concerning the Use of Public and Private Sewers and Drains Regulations of the City of Tonganoxie, Kansas, Amending the City of Tonganoxie Water and Sewer Regulations, and Amending the Rates Charged For Water and Sewer Services as presented in Option B.

ATTACHMENTS:

Draft Ordinance 1538

Link to the Draft 2025 Water & Sewer Rate Analysis Report: tonganoxie.org/utilities/pages/2025-water-and-sewer-rate-study-analysis

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

cc: George Brajkovic, City Manager; Lindsay Huntington, City Clerk; Kent Heskett, Public Works Director

ORDINANCE NO. 1538

AN ORDINANCE AMENDING THE CITY OF TONGANOXIE WATER AND SEWER REGULATIONS RELATING TO RATES CHARGED FOR WATER AND SEWER SERVICES AND TIMING FOR WHEN RATE CHANGES TAKE EFFECT; AMENDING AND REPEALING SECTIONS 2 THROUGH 4, INCLUSIVE, AND SECTION 6 OF ORDINANCE NO. 1476.

WHEREAS, the City of Tonganoxie, Kansas (the "City") operates a water utility which provides water to residential and commercial customers;

WHEREAS, the City also operates a wastewater treatment works;

WHEREAS, pursuant to Section 15-201 of the Tonganoxie City Code, the City has incorporated Water and Sewer Regulations that, among other things, set forth applicable rates and charges for use of the City's water and sewer utilities;

WHEREAS, the costs associated with operation, maintenance and management of the City-owned water and sewer utilities has exceeded the amount collected through the present rate schedule; and

WHEREAS, the Governing Body has determined it advisable to amend the Water and Sewer Regulations to increase the water and sewer rates.

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

SECTION 1. Existing Article 1, Section 11 of the Water and Sewer Regulations is hereby amended to read as follows:

Section 11. PAYMENT BY CITY CONSUMERS FOR WATER SERVICE CONNECTIONS: The cost of water service connections for consumers within the City limits shall be paid at the time of application. The cost payable under this section shall be as follows:

- (A) A system development fee shall be paid to the City based upon meter size in accordance with the Water Rates chart set forth in Section 5 of Ordinance No. 1538.
- (B) All connections must meet City specifications. The property owner or the property owner's contractor must arrange with the City Superintendent for the inspection of the tap before it can be covered.

SECTION 2. Existing Article 1, Section 12 of the Water and Sewer Regulations is hereby amended to read as follows:

Section 12. PAYMENT BY OUT-OF-TOWN CONSUMERS FOR WATER SERVICE CONNECTIONS: The cost of water service connections for consumers outside

the City limits shall be paid at the time of application. Only residential services that are outside the City limits will be allowed to hook up to the City's water. The cost payable under this section shall be as follows:

- (A) A system development fee shall be paid to the City based upon meter size at a rate of three (3) times the applicable amount in the Water Rates chart set forth in Section 5 of Ordinance No. 1538.
- (B) All connections must meet City specifications. The property owner or the property owner's contractor must arrange with the City Superintendent for the inspection of the tap before it can be covered.
- (C) A meter reading fee in an amount equal to twenty-five percent (25%) of the water charge, with a minimum monthly fee of Five Dollars and 00/100 (\$5.00), will be added to the bills of out-of-town consumers who are connected to the City water services.

SECTION 3. Existing Article 3, Section 2 of the Water and Sewer Regulations is hereby amended to read as follows:

Section 2. MONTHLY BILLING; TERM OF PAYMENT: All water meters shall be read and bills for water and sewage disposal system service, or either, are rendered monthly. All bills will be mailed on the 1st day of the month and will be due and payable no later than business hours on the 15th of the month or the next business day if the 15th falls on a weekend or holiday. A ten percent (10%) late payment fee will be assessed and collected on all bills that are not paid by the due date.

SECTION 4. New Section 12 shall be added to existing Article 3 of the Water and Sewer Regulations to read as follows:

Section 12. SEWER CHARGES CALCULATION: For residential customers, monthly unit charges for sewer services shall be calculated based on the average monthly water usage volume from the water meter readings completed on January 15, February 15, and March 15 each year. The updated "winter average" will be incorporated into the utility bill generated on April 1 each year. For new customers joining the City's sewer utility who do not have a recent record of water usage the Citywide residential sewer "winter average" will be applied and billed to their account until an individual record of water usage during the measurement period is established.

If a residential customer provides documented evidence to the City of a water leak or other unique circumstance which potentially could support adjustment to the calculation of a winter average for their account, the City Manager or their designee is authorized to consider approval of an adjustment to the calculated "winter average."

All non-residential customers' unit charges for sewer service shall be calculated based on the actual record of water usage billed for the same period.

SECTION 5. The water and sewer rates and system development fee for each service shall apply to all consumers of City water and sewer services in accordance with the following charts. The base and unit charges shall take effect with the billing to be mailed March 31, 2026. The system development fees shall take effect on January 1, 2026.

WATER Rates by Meter Size			
Meter Size	Base Charge	Unit Charge Per \$1,000 Gallons	System Development Fee
5/8"	\$ 18.65	\$ 6.56	\$ 4,010
3/4"	\$ 18.65	\$ 6.56	\$ 4,010
1"	\$ 28.92	\$ 6.56	\$ 5,254
1 1/2"	\$ 46.03	\$ 6.56	\$ 9,013
2"	\$ 66.55	\$ 6.56	\$ 10,949
2 1/2"	\$ 97.35	\$ 6.56	\$ 12,562
3"	\$ 121.29	\$ 6.56	\$ 24,115
4"	\$ 182.87	\$ 6.56	\$ 27,578
6"	\$ 353.94	\$ 6.56	\$ 42,468
8"	\$ 559.22	\$ 6.56	\$ 64,980
10"	\$ 1,448.77	\$ 6.56	\$ 111,583

SEWER Rates by Meter Size			
Meter Size	Base Charge	Unit Charge Per \$1,000 Gallons	System Development Fee
5/8"	\$ 21.94	\$ 5.30	\$ 3,000
3/4"	\$ 21.94	\$ 5.30	\$ 3,000
1"	\$ 35.77	\$ 5.30	\$ 3,917
1 1/2"	\$ 58.81	\$ 5.30	\$ 5,445
2"	\$ 86.48	\$ 5.30	\$ 7,279
2 1/2"	\$ 127.97	\$ 5.30	\$ 10,029
3"	\$ 160.24	\$ 5.30	\$ 12,168
4"	\$ 243.22	\$ 5.30	\$ 17,669
6"	\$ 473.72	\$ 5.30	\$ 32,950
8"	\$ 750.33	\$ 5.30	\$ 87,959
10"	\$ 1,948.95	\$ 5.30	\$ 130,744

SECTION 6. That Sections 2 through 4, inclusive, and Section 6 of Ordinance No. 1476 and any other ordinance in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary hereof, in the official City newspaper.

PASSED by the Governing Body and **APPROVED** by the Mayor on December 15, 2025.

SEAL

David Frese, Mayor

ATTEST:

Lindsay Huntington, City Clerk



Office of the City Manager **AGENDA STATEMENT**

DATE: December 15, 2025
TO: Honorable Mayor David Frese and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Ordinance No. 1539: Amending Solid Waste and Recycling Disposal Customer Rates following Changes to Contracted Service Provider Rates

DISCUSSION:

In 2019 the City of Tonganoxie City Council approved adjustments to the City's trash and recycling rates charged to residential utility customers with Ordinance No. 1475. Solid Waste fees charged to customers have remained unchanged since 2019 and recycling fees have remained unchanged since initially being offered in 2014.

Honey Creek Disposal Service, LLC is the City of Tonganoxie's current solid waste and recycling services provider. The contractual agreement currently in place and scheduled to conclude in late 2025 was renewed for an extension of 2 more years with approval of Resolution 06-25-01 in June 2025.

The rates now being paid by the City to Honey Creek Disposal Service for contracted service provision are:

- \$15.50 rate for residential solid waste collection paid to service provider, which is an increase of \$2.00
- \$5.50 rate for residential bi-weekly recycling collection paid to service provider, which is an increase of \$1.00
- Continued option for future rate modification upon evidence of 10% change in recycling, fuel, or landfill costs
- Continued \$3.00 for an extra solid waste container
- Continued \$35.00 for a requested extra-large pick-up outside of the first pick-up of the month

The proposed customer rate changes outlined below would take effect in the Utility Billing Cycle with individual bills generated for customers on January 30, 2026. If approved, the City will make efforts to communicate notice of the upcoming changes on the City's website, in the utility billing message section on future billing periods, and in other forums.

As discussed in greater detail in the City's 2026 Annual Budget development and adoption, the proposed rate changes reflect the need to adjust trash water rates by a small amount of the cost increase experienced by the City in the agreement with the service provider and to adjust recycling rates to account for the entire cost increase experienced by the City in the agreement with the service provider.

Current Customer Solid Waste & Recycling Collection Rates

\$16.00 per month per residence for the first solid waste container assigned to the residence

\$4.50 per month per residence for the first recycling container assigned to the residence

Proposed Rate Changes

\$16.25 per month per residence for the first solid waste container assigned to the residence (+\$0.25)

\$5.50 per month per residence for the first recycling container assigned to the residence (+\$1.00)

BUDGET IMPACT:

The Fiscal Year 2026 Budget adopted in September 2025 included assumptions tied to revenue projections resulting from the change in user charges. Failing to adopt a revised rate structure as defined would result in a lower year end fund balance for 2026 than was projected as part of the budget process or would necessitate adjusting service levels planned within the City's Sanitation Fund, which is a utility enterprise fund.

ACTION NEEDED:

Consider motion to approve Ordinance No. 1539, adjusting the City's rates charged to customers for solid waste collection and recycling collection effective in the utility billing period with bills generated on March 31, 2026.

ATTACHMENTS:

Draft Ordinance 1539

cc: George Brajkovic, City Manager; Lindsay Huntington, City Clerk; Kent Heskett, Public Works Director

ORDINANCE NO. 1539

AN ORDINANCE AMENDING THE CITY OF TONGANOXIE, KANSAS REGULATIONS RELATING TO COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLING; AMENDING AND REPEALING SECTIONS 9 AND 13 OF ORDINANCE NO. 1475.

WHEREAS, pursuant to K.S.A. 65-3410, the City of Tonganoxie, Kansas (the “City”) is authorized to provide for the collection and disposal of solid wastes and recyclables generated within the City and, among other things, to levy fees and charges upon persons receiving such service;

WHEREAS, the City most recently updated its regulations pertaining to collection and disposal of solid waste and recycling pursuant to Ordinance No. 1475 passed by the Governing Body on September 16, 2019; and

WHEREAS, the Governing Body has determined it advisable to increase the rates set forth in Section 9 of Ordinance No. 1475 and to modify the effective date set forth in Section 13 thereof.

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

SECTION 1. Existing Section 9 of Ordinance No. 1475 is hereby amended to read as follows:

Section 9. RESIDENTIAL COLLECTION CHARGES.

- (A) Generally. The City Council may from time to time, by ordinance, prescribe charges for the service of collection and disposal of bulky waste, solid waste, recycling and yard waste. Such charges shall be paid to the City Clerk and shall be billed each month. Should the collection charge(s) become delinquent, the water utility service shall be discontinued under the terms as provided for failure to pay for such service. Any other appropriate legal means are authorized for delinquent accounts. Recipients of bills for collection charges which they believe to be erroneous must report the possible error to the City Clerk’s office within thirty (30) days so that any required corrections may be made. The City Manager will make recommendations to the City Council concerning collection charges annually.
- (B) Solid Waste. For each residence, the solid waste collection rate shall be as follows:
 - (1) Sixteen Dollars and 25/100 (\$16.25) per month per residence for the first solid waste container assigned to the residence.
 - (2) Each additional solid waste container requested shall be Three Dollars and No/100 (\$3.00) per month.
 - (3) The solid waste rates set forth above include only routine maintenance. Damages from neglect or from fires or other casualty in or around the solid

waste container will result in additional charges to cover labor and material for restoration or replacement of the solid waste container.

- (C) Recycling. Participation in recycling collection is voluntary. For each residence, the recycling collection rate shall be as follows:
- (1) Five Dollars and 50/100 (\$5.50) per month per residence for the first recycling container assigned to the residence.
 - (2) Each additional recycling container requested shall be Four Dollars and No/100 (\$4.00) per month.
 - (3) The recycling rates set forth above include only routine maintenance of the recycling container. Damages from neglect or from fires or other casualty in or around the recycling container will result in additional charges to cover labor and material for restoration or replacement of the recycling container.
- (D) Bulky Waste. No extra charge will be made for bulky waste collection one time each month at the regular collection site for each residence on the first regularly scheduled collection day of the month. This bulky waste collection is limited to two (2) bulky waste items. Any residence desiring collection of bulky items (i) during any times other than the first regularly scheduled collection day of the month or (ii) in excess of two (2) bulky waste items but not to exceed six (6) bulky waste items, must do so by contacting the City Clerk to make arrangements for a special pickup. Such special pickup shall be subject to a charge of Twenty-Five Dollars and No/100 (\$25.00).

SECTION 2. Existing Section 13 of Ordinance No. 1475 is hereby amended to read as follows:

Section 13: EFFECTIVE DATE.

The rates set forth in Section 9 shall be effective with the billing to be mailed March 31, 2026.

SECTION 3. Existing Sections 9 and 13 of Ordinance No. 1475 are hereby repealed.

SECTION 4. This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary hereof, in the official City newspaper.

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

PASSED by the Governing Body and **APPROVED** by the Mayor on December 15, 2025.

SEAL

David Frese, Mayor

ATTEST:

Lindsay Huntington, City Clerk



Office of the City Manager
AGENDA STATEMENT

DATE: December 15, 2025
To: Honorable Mayor David Frese and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Resolution 12-25-02: Authorizing and Providing for Reimbursement of Certain Capital Project Expenditures from Tax-Exempt Bond Proceeds of the City of Tonganoxie – 14th Street Improvements Project

DISCUSSION:

This item is prepared for consideration following the recent presentation of the results of a traffic study and analysis and in advance of consideration of a contract for design project activities. The enclosed draft resolution is the first step in the process of the City potentially issuing general obligation bonds to finance some or all of the project costs associated with construction of improvements to and realignment of East Street and improvements to 14th Street in the City. The resolution acts as a reimbursement resolution, which allows certain project costs to be eligible for reimbursement with debt proceeds provided the project expenditures are made on or after the date which is 60 days before the date of this Resolution. A reimbursement resolution does not commit the City to debt financing some portion or the entire cost of a project. The enclosed draft resolution was prepared by the City's bond counsel (Gilmore & Bell, P.C.).

BUDGET IMPACT:

\$50.00 Application fee received.

ACTION NEEDED:

Make a motion to approve Resolution 12-25-02, authorizing and providing for reimbursement of certain capital project expenditures from tax-exempt bond proceeds of the City of Tonganoxie for the 14th Street Improvements Project.

ATTACHMENT:

Resolution 12-25-02: Authorizing and Providing for Reimbursement of Certain Capital Project Expenditures from Tax-Exempt Bond Proceeds of the City of Tonganoxie – 14th Street Improvements Project

cc: Anna Krstulic, City Attorney; George Brajkovic, City Manager; File

RESOLUTION NO. 12-25-02

**A RESOLUTION AUTHORIZING AND PROVIDING FOR REIMBURSEMENT
OF CERTAIN CAPITAL PROJECT EXPENDITURES FROM TAX-EXEMPT
BOND PROCEEDS OF THE CITY OF TONGANOXIE, KANSAS.**

WHEREAS, the City of Tonganoxie, Kansas (the “Issuer”) is authorized to issue its tax-exempt obligations for the purpose of financing certain capital expenditures; and

WHEREAS, the Issuer has paid certain expenditures in connection with the acquisition, construction, equipping, or improvement of the project described herein (the “Project”) prior to the issuance of such tax-exempt obligations; and

WHEREAS, Treasury Regulation §1.150-2 permits the Issuer to reimburse itself from the proceeds of subsequently issued tax-exempt bonds for expenditures paid prior to the issuance of such bonds if the Issuer adopts an official intent to reimburse such expenditures; and

WHEREAS, the Issuer reasonably expects to issue tax-exempt obligations to finance all or a portion of the costs of the Project and to use a portion of the proceeds of such obligations to reimburse the Issuer for capital expenditures originally paid from other funds of the Issuer;

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

1. **Official Intent to Reimburse.** The Issuer hereby declares its official intent, pursuant to Treasury Regulation §1.150-2, to reimburse itself for expenditures paid with respect to the Project from the proceeds of tax-exempt obligations to be issued by the Issuer.
2. **Maximum Principal Amount.** The maximum principal amount of tax-exempt obligations expected to be issued for the Project is \$8,945,000.
3. **Description of Project.** The Project consists of improvements to and realignment of East Street and improvements to 14th Street in the City.
4. **Reimbursement Period.** The reimbursable expenditures will be capital expenditures that are (i) paid on or after the date that is 60 days before the date of this Resolution (or such other date permitted by Treasury Regulation §1.150-2), and (ii) reimbursed within the period required by §1.150-2, generally the later of (A) 18 months after the date the original expenditure is paid or (B) 18 months after the date the Project is placed in service, but in no event more than three years after the expenditure is paid.
5. **No Binding Obligation.** Adoption of this Resolution is a declaration of official intent and does **not** bind the Issuer to issue the tax-exempt obligations or to reimburse any expenditures.
6. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

ADOPTED by the Governing Body of the City of Tonganoxie, Kansas on December 15, 2025.

Mayor

(SEAL)

ATTEST:

Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF TONGANOXIE, KANSAS
HELD ON DECEMBER 15, 2025**

The Council (the "Governing Body") met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION AUTHORIZING AND PROVIDING FOR REIMBURSEMENT
OF CERTAIN CAPITAL PROJECT EXPENDITURES FROM TAX-EXEMPT
BOND PROCEEDS OF THE CITY OF TONGANOXIE, KANSAS.**

The Resolution was considered and discussed; and thereupon on motion of Councilmember _____, seconded by Councilmember _____, the Resolution was adopted by the following vote:

Yes: _____

No: _____

Thereupon, the Resolution having been adopted by majority vote of the Governing Body, it was given No. ____; was directed to be signed by the Mayor and attested by the City Clerk.

* * * * *

(Other Proceedings)

(Seal)

City Clerk

RESOLUTION NO. 12-25-03

A RESOLUTION APPROVING THE AGREEMENT WITH BG CONSULTANTS, INC. FOR SURVEY AND DESIGN ENGINEERING SERVICES FOR IMPROVEMENTS TO 14TH STREET AND EAST STREET (US-24/40 TO EAST STREET).

WHEREAS, BG Consultants, Inc., a Kansas corporation ("Consultant"), desires to provide survey and design engineering services in connection with improvements to 14th Street and East Street (US-24/40 to East Street) (the "Project") within the City of Tonganoxie, Kansas (the "City");

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 Agreement for the Project, attached hereto as **Exhibit A**, with Consultant.

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

Section 1. The Governing Body hereby approves the Agreement in substantially the form attached hereto.

Section 2. The City Manager is hereby authorized to execute in the name of the City, the Agreement, and other officials and representatives of the City are hereby further authorized and directed to take such actions and to execute 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 and shall remain in effect until future action is taken by the Governing Body.

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

**ADOPTED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE,
KANSAS, AND APPROVED BY THE MAYOR ON DECEMBER 15, 2025.**

SEAL

David Frese, Mayor

ATTEST:

Lindsay Huntington, City Clerk

EXHIBIT A
Agreement
Consultant - Client

[Attached on following pages.]



AGREEMENT CONSULTANT-CLIENT

THIS AGREEMENT made and entered into by and between BG CONSULTANTS, INC., party of the first part, (hereinafter called the CONSULTANT), and City of Tonganoxie, Kansas, party of the second part, (hereinafter called the CLIENT).

WITNESSETH:

WHEREAS, the CLIENT is authorized and empowered to contract with the CONSULTANT for the purpose of obtaining Services for the following improvement:

14 th Street and East Street Improvements
(US-24/40 to East Street)
Tonganoxie, Kansas

WHEREAS, the CONSULTANT is licensed in accordance with the laws of the State of Kansas and is qualified to perform the Professional Services desired by the CLIENT now therefore:

IT IS AGREED by and between the two parties aforesaid as follows:

SECTION 1 – DEFINITIONS

As used in this Agreement, the following terms shall have the meanings ascribed herein unless otherwise stated or reasonably required by this contract, and other forms of any defined words shall have a meaning parallel thereto.

- 1.1 “Additional Services” means any Services requested by the CLIENT which are not covered by Exhibit 1 of this Agreement.
- 1.2 “Agreement” means this contract and includes change orders issued in writing.
- 1.3 “CLIENT” or “Client” means the agency, business or person identified on page 1 as “CLIENT” and is responsible for ordering and payment for work on this project.
- 1.4 “CONSULTANT” or “Consultant” means the company identified on page 1. CONSULTANT shall employ for the Services rendered, engineers, architects and surveyors licensed, as applicable, by the Kansas State Board of Technical Professions.
- 1.5 “Contract Documents” means those documents so identified in the Agreement for this Project, including Engineering, Architectural and/or Survey documents under this Agreement. Terms defined in General Conditions shall have the same meaning when used in this Agreement unless otherwise specifically stated or in the case of a conflict in which case the definition used in this Agreement shall prevail in the interpretation of this Agreement.
- 1.6 “Engineering Documents” or “Architectural Documents” or “Survey Documents” means plans, specifications, reports, drawings, tracings, designs, calculations, computer models, sketches, notes, memorandums or correspondence related to the work described in Exhibit 1 attached hereto.

- 1.7 “Consulting Services” or “Engineering Services” or “Architectural Services” or “Survey Services” means the professional services, labor, materials, supplies, testing and other acts or duties required of the CONSULTANT under this Agreement, together with Additional Services as CLIENT may request and evidenced by a supplemental agreement pursuant to the terms of this Agreement.
- 1.8 “Services” is a description of the required work as shown in **Exhibit 1**.
- 1.9 “Subsurface Borings and Testing” means borings, probings and subsurface explorations, laboratory tests and inspection of samples, materials and equipment; and appropriate professional interpretations of all the foregoing.

SECTION 2 – RESPONSIBILITIES OF CONSULTANT

- 2.1 SCOPE OF SERVICES: The CONSULTANT shall furnish and perform the various Professional Services of the Project to which this Agreement applies, as specifically provided in **Exhibit 1** for the completion of the Project.

2.2 GENERAL DUTIES AND RESPONSIBILITIES

- 2.2.1. **Personnel:** The CONSULTANT shall assign qualified personnel to perform professional Services concerning the Project. At the time of execution of this Agreement, the parties anticipate that the following individual will perform as the principal point of contact on this Project.

Name:	Jason Hoskinson
Address:	1405 Wakarusa Drive
	Lawrence, KS 66049
Phone:	785-749-4474

- 2.2.2. **Standard of Care:** In the performance of professional Services, CONSULTANT will use that level of care and skill ordinarily exercised by reputable members of CONSULTANT’s profession currently practicing in the same locality under similar conditions. No other representation, guarantee or warranty, express or implied, is included or intended in this agreement or in any communication (oral or written) report, opinion, document or instrument of service.
- 2.2.3. **Independent Contractor:** The CONSULTANT is an independent contractor and as such is not an employee of the Client.
- 2.2.4. **Insurance:** CONSULTANT will maintain insurance for this Agreement in the following types: (i) worker’s compensation insurance as required by applicable law, (ii) comprehensive general liability insurance (CGL), (iii) automobile liability insurance and (iv) Professional liability insurance.
- 2.2.5. **Subsurface Borings and Material Testing:** If tests additional to those provided in Exhibit 1 are necessary for design, the CONSULTANT shall prepare a request for the necessary additional borings and procure at least two proposals, including cost, from Geotechnical firms who engage in providing Subsurface Borings and Testing Services. The CONSULTANT will provide this information to the Client and the Client will contract directly with the Geotechnical firm. The CONSULTANT will not charge an add-on percentage for the Geotechnical firm’s work. The Client will pay the Geotechnical firm separately from this Agreement.

- 2.2.6. **Service by and Payment to Others:** Any work authorized in writing by the Client and performed by a third party, other than the CONSULTANT or their subconsultants in connection with the proposed Project, shall be contracted for and paid for by the Client directly to the third party or parties. Fees for extra work shall be subject to negotiation between the CLIENT and the third party. Fees shall be approved by the CLIENT prior to the execution of any extra work. Although the CONSULTANT may assist the CLIENT in procuring such Services of third parties. Where any design services are provided by persons or entities not under CONSULTANT's direct control, CONSULTANT's role shall be limited to its evaluation of the general conformance with the design intent and the interface with CONSULTANT's design and portion of the project. Except to the extent it is actually aware of a deficiency, error, or omission in such design by others, CONSULTANT shall have no responsibility for such design and may rely upon its adequacy, accuracy, and completeness in all respects.
- 2.2.7. **Subcontracting of Service:** The CONSULTANT shall not subcontract or assign any of the architectural, engineering, surveying or consulting Services to be performed under this Agreement without first obtaining the approval of the Client regarding the Services to be subcontracted or assigned and the firm or person proposed to perform the Services. Neither the CLIENT nor the CONSULTANT shall assign any rights or duties under this Agreement without the prior consent of the other party.
- 2.2.8. **Endorsement:** The CONSULTANT shall sign and seal final plans, specifications, estimates and data furnished by the CONSULTANT according to Kansas Statutes and Rules and Regulations.
- 2.2.9. **Force Majeure:** Should performance of Services by CONSULTANT be affected by causes beyond its reasonable control, Force Majeure results. Force Majeure includes, but is not restricted to, acts of God; acts of a legislative, administrative or judicial entity; acts of contractors other than contractors engaged directly by CONSULTANT; fires; floods; labor disturbances; epidemics; and unusually severe weather. CONSULTANT will be granted a time extension and the parties will negotiate an equitable adjustment to the price of any affected Work Order, where appropriate, based upon the effect of the Force Majeure on performance by CONSULTANT.
- 2.2.10. **Inspection of Documents:** The CONSULTANT shall maintain Project records for inspection by the CLIENT during the contract period and for three (3) years from the date of final payment.
- 2.2.11. **No Fiduciary Duty:** The CONSULTANT shall perform its services consistent with the professional skill and care ordinarily provided by consultants practicing in the same or similar locality under the same or similar circumstances ("Standard of Care"). The CONSULTANT shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project. CONSULTANT makes no warranties or guarantees, express or implied, under this Agreement or otherwise in connection with CONSULTANT's services. Notwithstanding any other representations made elsewhere in this Agreement or in the execution of the Project, this Standard of Care shall not be modified. The CONSULTANT shall act as an independent contractor at all times during the performance of its services, and no term of this Agreement, either expressed or implied, shall create an agency or fiduciary relationship.

SECTION 3 – CLIENT RESPONSIBILITIES

3.1 GENERAL DUTIES AND RESPONSIBILITIES

- 3.1.1. **Communication:** The CLIENT shall provide to the Consultant information and criteria regarding the CLIENT's requirement for the Project; examine and respond in a timely manner to the Consultant's submissions and give notice to the Consultant whenever the CLIENT observes or otherwise becomes aware of any defect in the Services. The CLIENT represents that all information they provide is accurate. Our review and use of the information will be to the standard of care and any delays or additional costs due to inaccurate information will be the responsibility of the CLIENT.
- 3.1.2. **Access:** The CLIENT will provide access agreements for the Consultant to enter public and private property when necessary.
- 3.1.3. **Duties:** The CLIENT shall furnish and perform the various duties and Services in all phases of the Project which are outlined and designated in Exhibit 1 as the CLIENT's responsibility.
- 3.1.4. **Program and Budget:** The CLIENT shall provide full information stating the CLIENT's objectives, schedule, budget with reasonable contingencies and necessary design criteria so that Consultant is able to fully understand the project requirements.
- 3.1.5. **Testing:** Any additional tests required to supplement the Scope of Services or tests required by law shall be furnished by the CLIENT.
- 3.1.6. **Legal, Insurance, Audit:** The CLIENT shall furnish all legal, accounting and insurance counseling Services as may be necessary at any time for the Project. The CLIENT shall furnish all bond forms required for the Project.
- 3.1.7. **Project Representative:** The CLIENT will assign the person indicated below to represent the CLIENT in coordinating this Project with the CONSULTANT, with authority to transmit instructions and define policies and decisions of the CLIENT.

Name: George Brajkovic
Address: 526 E. 4th Street
Tonganoxie, KS 66086
Phone: 913-845-2620

- 3.1.8. **Billing Contact:** In this section, the CLIENT will identify the billing contact and address. The CONSULTANT will submit invoices according to this contract to the CLIENT's billing contact at the address shown:

Name: George Brajkovic
Address: 526 E. 4th Street
Tonganoxie, KS 66086
Phone: 913-845-2620

SECTION 4 – PAYMENT

4.1 COMPENSATION

- 4.1.1. **Fee and Expense:** The CLIENT agrees to pay the CONSULTANT a Lump Sum Fee according to **Exhibit 2** of this Agreement. The Lump Sum Fee for this project is a total of **Six Hundred Thousand and NO/100 Dollars (\$600,000.00)** plus reimbursable expenses as outlined in **Exhibit 2** and for the Scope of Services as shown in **Exhibit 1** of this Agreement.

Payment of the Lump Sum Fee and reimbursables shall be made by the CLIENT according to the schedule and upon completion of work as shown in **Exhibit 2**.

Other methods of compensation are allowed only after written approval by both parties to this Agreement. Payment is due within thirty (30) days of billing by the CONSULTANT and any late payment will incur an interest charge of one and one-half (1½) percent per month.

- 4.1.2. **Hourly Rate:** Any Additional Services which are not set forth in this Agreement will be charged on the basis of BG Consultants, Inc. standard hourly rate schedule in effect at the time of services, unless stated otherwise in a properly executed addendum to this contract for Additional Services. No Additional Services or costs shall be incurred without proper written authorization of the CLIENT.
- 4.1.3. **Annual Rate Adjustment:** The payment amounts listed in this Agreement are based on the work being performed within one year of the contract date. Because of natural time delays that may be encountered in the administration and work to be performed for the project, each value will be increased at the rate of 3%, compounded annually, beginning after one year from the date of the contract and ending when that item is approved for billing.
- 4.1.4. **Reimbursable Expenses:** An estimate of reimbursable expenses plus ten (10) percent shall be included in the total estimate of cost for this project and as shown in **Exhibit 2**. Total estimated cost is calculated as Lump Sum plus reimbursable expenses plus ten (10) percent. Reimbursable expenses include, but are not limited to, expenses of transportation in connection with the Project; expenses in connection with authorized out-of-town travel; expenses of printing and reproductions; postage; expenses of renderings and models requested by the CLIENT and other costs as authorized by the CLIENT. Reimbursable expenses will not include overhead costs or additional insurance premiums.
- 4.1.5. **Sales Tax:** Compensation as provided for herein is exclusive of any sales, use or similar tax imposed by taxing jurisdictions on any amount of compensation, fees or Services. Should such taxes be imposed, the CLIENT shall reimburse the CONSULTANT in addition to the contractual amounts provided. The CLIENT shall provide tax exempt number, if required, and if requested by the CONSULTANT.
- 4.1.6. **Billing:** CONSULTANT shall bill the CLIENT monthly for services and reimbursable expenses according to **Exhibit 2**. The bill submitted by CONSULTANT shall state the services and reimbursable expenses for which payment is requested, notwithstanding any claim for interest or penalty claimed in a CONSULTANT's invoice. The CLIENT agrees to pay within thirty (30) days of billing by the CONSULTANT and any late payment will incur an interest charge of one and one-half (1½) percent per month.
- 4.1.7. **Timing of Services:** CONSULTANT will perform the Services according to Exhibit 2. However, if during their performance, for reasons beyond the control of the CONSULTANT, delays occur, the parties agree that they will negotiate in writing an equitable adjustment of time and compensation, taking in to consideration the impact of such delays. CONSULTANT will endeavor to start its services on the anticipated start date and continue to endeavor to complete its services according to the schedule indicated in Exhibit 2. The start date, completion date and any milestone for project delivery are approximate only and CONSULTANT reserves the right to adjust its schedule and all of those dates at its sole discretion for delays caused by the CLIENT, Owner or third parties.
- 4.1.8. **Change in Scope:** For modifications in authorized scope of services or project scope and/or modifications of drawings and/or specifications previously accepted by the CLIENT, when requested by the CLIENT and through no fault of the CONSULTANT, the CONSULTANT

shall be compensated for time and expense required to incorporate such modifications at CONSULTANT's standard hourly rates. Provided, however, that any increase in contract price or contract time must be requested by the CONSULTANT and must be approved through a written supplemental agreement prior to performing such services. CONSULTANT shall correct or revise errors or deficiencies in its designs, drawings or specifications without additional compensation when due to CONSULTANT's negligence, error or omission.

- 4.1.9. **Additional Services:** The CONSULTANT shall provide, with the CLIENT's concurrence, Services in addition to those listed in Exhibit 1 when such Services are requested in writing by the CLIENT. Prior to providing Additional Services, the CONSULTANT will submit a proposal outlining the Additional Services to be provided, and an hourly or lump sum fee adjustment. Payment to the CONSULTANT, as compensation for these Additional Services, shall be in accordance with the mutually agreed adjustment to the CONSULTANT's fee. Reimbursable expenses incurred in conjunction with Additional Services shall be paid separately and those reimbursable expenses shall be paid at cost plus ten (10) percent. Records of reimbursable expenses and expenses pertaining to Additional Services and Services performed on an hourly basis shall be made available to the CLIENT if so requested in writing.
- 4.1.10. **Supplemental Agreement:** This Agreement may be amended to provide for additions, deletions and revisions in the Services or to modify the terms and conditions thereof by written amendment signed by both parties. The contract price and contract time may only be changed by a written supplemental agreement approved by the CLIENT, unless it is the result of an emergency situation, in which case the CLIENT may give verbal, e-mail or facsimile approval which shall be the same as written and approved supplemental agreement.

SECTION 5 – MUTUAL PROVISIONS

5.1 TERMINATION

- 5.1.1. **Notice:** The CLIENT reserves the right to terminate this Agreement for either cause or for its convenience and without cause or default on the part of the CONSULTANT, by providing written notice of such termination to the CONSULTANT. Such notice will be with Twenty Four (24) hours' notice.

The CONSULTANT reserves the right to terminate this Agreement based on failure of CLIENT to make payments or any material breach by the CLIENT.

If the CLIENT fails to make payments to the CONSULTANT in accordance with this Agreement or fails to meet its other material responsibilities under this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the CONSULTANT's option, cause for suspension of performance of services under this Agreement. If the CONSULTANT elects to suspend services, the CONSULTANT shall give seven (7) days' written notice to the CLIENT before suspending services. In the event of a suspension of services, the CONSULTANT shall have no liability to the CLIENT for delay or damage caused the CLIENT because of such suspension of services. Before resuming services, the CONSULTANT shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the CONSULTANT's services. The CONSULTANT's fees for the remaining services and the time schedules shall be equitably adjusted.

- 5.1.2. **Compensation for Convenience Termination:** If CLIENT shall terminate for its convenience, as herein provided, CLIENT shall compensate CONSULTANT for all Services completed to date prior to receipt of the termination notice.
- 5.1.3. **Compensation for Default Termination:** If the CLIENT shall terminate for cause or default on the part of the CONSULTANT, the CLIENT shall compensate the CONSULTANT for the reasonable cost of Services completed to date of its receipt of the termination notice. Compensation shall not include anticipatory profit or consequential damages, neither of which will be allowed.
- 5.1.4. **Incomplete Documents:** Neither the CONSULTANT, nor its subconsultant, shall be responsible for errors or omissions in documents which are incomplete as a result of an early termination under this section, the CONSULTANT having been deprived of the opportunity to complete such documents and certify them as ready for construction and/or complete.

5.2 DISPUTE RESOLUTION

- 5.2.1. If a claim, dispute or controversy arises out of or relates to the interpretation, application, enforcement or performance of Services under this Agreement, CONSULTANT and CLIENT agree first to try in good faith to settle the dispute by negotiations between senior management of CONSULTANT and CLIENT. If such negotiations are unsuccessful, CONSULTANT and CLIENT agree to attempt to settle the dispute by good faith mediation. If the dispute cannot be settled through mediation, and unless otherwise mutually agreed, the dispute shall be settled by litigation in an appropriate court in Kansas. Except as otherwise provided herein, each party shall be responsible for its own legal costs and attorneys' fees.

5.3 OWNERSHIP OF INSTRUMENTS OF SERVICE

- 5.3.1. All documents prepared or furnished by CONSULTANT pursuant to this Agreement are instruments of CONSULTANT's professional service, and CONSULTANT shall retain ownership and property interest therein, including all copyrights. Upon payment for services rendered, CONSULTANT grants CLIENT a license to use instruments of CONSULTANT's professional service for the purpose of constructing, occupying, or maintaining the project. Reuse or modification of any such documents by CLIENT, without CONSULTANT's written permission, shall be at CLIENT's sole risk, and CLIENT agrees to indemnify, defend, and hold CONSULTANT harmless from all claims, damages, and expenses, including attorneys' fees, arising out of such reuse by CLIENT or by others acting through CLIENT.

5.4 INDEMNIFY AND HOLD HARMLESS

- 5.4.1. CLIENT shall indemnify and hold CONSULTANT, its officers and employees harmless from and against any claim, judgment, demand, or cause of action to the extent caused by: (i) CLIENT's breach of this Agreement; (ii) the negligent acts or omissions of CLIENT or its employees, contractors or agents; (iii) site access or damages to any surface or subterranean structures or any damage necessary for site access.
- 5.4.2. In addition, where the Services include preparation of plans and specifications and/or construction observation activities for CLIENT, CLIENT agrees to have its construction contractors agree in writing to indemnify and hold harmless CONSULTANT from and against loss, damage, or injury attributable to personal injury or property damage to the extent caused by such contractors' performance or nonperformance of their work. The CLIENT will cause the contractor to name BG Consultants, Inc. (CONSULTANT) as additional insured on the contractor's General Liability Policy.

- 5.4.3. CONSULTANT shall indemnify and hold CLIENT and its employees and officials from loss to the extent caused or incurred by the negligence, errors or omissions of the CONSULTANT, its officers or employees in performance of Services pursuant to this Agreement.

5.5 ENTIRE AGREEMENT

- 5.5.1. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

5.6 APPLICABLE LAW

- 5.6.1. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with laws of the State of Kansas.

5.7 ASSIGNMENT OF AGREEMENT

- 5.7.1. This Agreement shall not be assigned or transferred by either the CONSULTANT or the CLIENT without the written consent of the other.

5.8 NO THIRD PARTY BENEFICIARIES

- 5.8.1. Nothing contained herein shall create a contractual relationship with, or any rights in favor of, any third party.

5.9 LIMITATION OF LIABILITY

- 5.9.1. CLIENT's exclusive remedy for any alleged breach of standard of care hereunder shall be to require CONSULTANT to re-perform any defective Services. Notwithstanding any other provision of this Agreement, the total liability of CONSULTANT, its officers, directors and employees for liabilities, claims, judgments, demands and causes of action arising under or related to this Agreement, whether based in contract or tort, shall be limited to the total compensation actually paid to CONSULTANT for the Services. All claims by CLIENT shall be deemed relinquished unless filed within one (1) year after completion of the Services.
- 5.9.2. It is agreed to by the parties to this Agreement that the CONSULTANT's services in connection with the Project shall not subject CONSULTANT's employees, officers, or directors to any personal liability or legal exposure for risks associated with the Project. Therefore, the CLIENT agrees that the CLIENT's sole and exclusive remedy for any claim, demand or suit shall be directed and/or asserted only against the CONSULTANT, a Kansas corporation, and not against any of the CONSULTANT's individual employees, officers or directors.
- 5.9.3. CONSULTANT and CLIENT shall not be responsible to each other for any special, incidental, indirect or consequential damages (including lost profits) incurred by either CONSULTANT or CLIENT or for which either party may be liable to any third party, which damages have been or are occasioned by Services performed or reports prepared or other work performed hereunder.

5.10 COMPLIANCE WITH LAWS

- 5.10.1 CONSULTANT shall abide by known applicable federal, state and local laws, ordinances and regulations applicable to this Project until the Consulting Services required by this Agreement are completed consistent with the Professional Standard of Care. CONSULTANT shall secure occupational and professional licenses, permits, etc., from public and private sources necessary for the fulfillment of its obligations under this Agreement.
- 5.11 TITLES, SUBHEADS AND CAPITALIZATION
- 5.11.1 Titles and subheadings as used herein are provided only as a matter of convenience and shall have no legal bearing on the interpretation of any provision of the Agreement. Some terms are capitalized throughout the Agreement but the use of or failure to use capitals shall have no legal bearing on the interpretation of such terms.
- 5.12 SEVERABILITY CLAUSE
- 5.12.1. Should any provision of this Agreement be determined to be void, invalid or unenforceable or illegal for whatever reason, such provisions shall be null and void; provided, however that the remaining provisions of this Agreement shall be unaffected hereby and shall continue to be valid and enforceable.
- 5.13 FIELD REPRESENTATION
- 5.13.1. Unless otherwise expressly agreed to in writing, CONSULTANT shall not be responsible for the safety or direction of the means and methods at the contractor's project site or their employees or agents, and the presence of CONSULTANT at the project site will not relieve the contractor of its responsibilities for performing the work in accordance with applicable regulations, or in accordance with project plans and specifications. If necessary, CLIENT will advise any contractors that Consultant's Services are so limited. CONSULTANT will not assume the role of "prime contractor", "constructor", "controlling employer", "supervisor" or their equivalents, unless the scope of such Services are expressly agreed to in writing.
- 5.14 HAZARDOUS MATERIALS
- 5.14.1. The CONSULTANT and the CONSULTANT's subconsultants shall have no responsibility for the discovery, presence, handling, removal or disposal or exposure of persons to hazardous materials in any form at the Project site.
- 5.15 AFFIRMATIVE ACTION
- 5.15.1. The CONSULTANT agrees to comply with the provisions of K.S.A. 44-1030 in the Kansas Acts Against Discrimination.
- 5.16 SPECIAL PROVISIONS
- 5.16.1. Special Provisions may be attached and become a part of this agreement as **Exhibit 3**.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate this _____ day
of _____, 20____.

CONSULTANT:

CLIENT:

BG Consultants, Inc.

City of Tonganoxie, Kansas

By:  _____

By: _____

Printed Name: Jason Hoskinson

Printed Name: _____

Title: Corporate Secretary

Title: _____

END OF CONSULTANT-CLIENT AGREEMENT

EXHIBIT 1

SCOPE OF SERVICES

The Scope of Services described in this Exhibit 1 is for the survey and design of the CLIENT's 14th Street and East Street Improvements Project in Tonganoxie, Kansas, hereinafter referred to as "PROJECT". The PROJECT generally consists of widening of US-24/40 for auxiliary lanes and a new intersection for 14th Street, along with new street improvements for 14th Street extending east from US-24/40 to East Street to include curb/gutter, asphalt pavement, storm sewer, sidewalk, and shared use path as shown on the graphic in Exhibit 3. The PROJECT also includes design of the US-24/40 and 12th Street intersection to convert the intersection to a right-in/right-out only intersection.

A. SURVEY AND DESIGN SERVICES

CONSULTANT will provide the following survey and design services.

1. Receive any available information from CLIENT applicable to the PROJECT.
2. Perform a topographical survey of the PROJECT site.
3. Establish survey control points and benchmarks.
4. CONSULTANT shall contact ONECALL to request utility companies locate their infrastructure within and/or adjacent to the PROJECT area. Existing utilities that are marked at the time of the topographic survey may be included in the topographic survey. The accuracy of the location of existing utilities is beyond the CONSULTANT's control and is not guaranteed.
5. CONSULTANT shall perform design of the PROJECT to prepare construction plans and project manual referencing the most current edition, at the time of rendering services, of the following design guides and specifications:
 - a. A Policy on Geometric Design of Highways and Streets, 7th Edition published by AASHTO.
 - b. Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Admin.
 - c. Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way published by the United States Access Board.
 - d. Standard Specifications for State Road and Bridge Construction, 2015 Edition and applicable Special Provisions prepared by KDOT.
6. Perform engineering design of PROJECT improvements. CONSULTANT and CLIENT anticipate the improvements shall primarily include the following:
 - a. Horizontal and vertical profile design of the street, storm sewer, sidewalk and shared use path improvements.
 - b. US-24/40 pavement widening and auxiliary lane design.
 - c. Intersection design.
 - d. Cross section design.
 - e. Traffic engineering design of permanent signing and pavement markings.
 - f. ADA (PROWAG) compliant sidewalk and curb ramps for pedestrian crossings.
7. The construction plans shall include a preliminary traffic control plan that may be used by the Owner's Contractor as a general guide in preparing their final traffic control plan for implementation during construction. Consultant's preliminary traffic control plan may include an outline of anticipated construction sequencing and shall reference the requirements of the MUTCD to be used by the Owner's Contractor in preparation of their final traffic control plan. Consultant's preliminary traffic control plan shall be submitted to the Owner for review and approval prior to inclusion in the Final Design construction plans.
8. Prepare a project manual to include bidding forms, construction contract documents, and technical specifications for items of work included in the PROJECT design.
9. After the Preliminary Check meeting, CONSULTANT shall address CLIENT's review comments and prepare Final Check construction plans and project manual.

10. CONSULTANT shall submit the Final Check construction plans and project manual to CLIENT for review and comment.
11. After the Final Check review, CONSULTANT shall address CLIENT's comments and provide CLIENT with up to three (3) hard copies and one (1) PDF of the final construction plans and project manual sealed by a licensed professional engineer.
12. Prepare an opinion of probable project costs at the Preliminary Check and Final Check PROJECT development stages.
13. Prepare the permit application and applicable exhibits for known permits required for construction. CONSULTANT shall deliver permit application(s) to CLIENT for CLIENT to submit for approval. Permit application fees will be the CLIENT's responsibility. CONSULTANT and CLIENT anticipate the following permits may be needed.
 - a. KDOT Use of Highway Right-of-Way Permit.
 - b. KDOT Access Permit.
 - c. KDHE Notice of Intent (NOI) Permit.
14. Environmental Assessment or Environmental Impact Statement services concerning the National Environmental Policy Act are specifically excluded from this AGREEMENT. The CONSULTANT does not anticipate these services will be necessary for the PROJECT. Should the need for such services arise, the CONSULTANT can provide these services by supplemental agreement.
15. Applying for and obtaining a Section 404 Permit from the U.S. Army Corps of Engineers is not anticipated and therefore is not included in this scope of services.
16. Geotechnical engineering services are not included within this scope of services. CONSULTANT may assist CLIENT in soliciting proposals for services from geotechnical engineering companies. CLIENT will contract directly with a qualified geotechnical engineering firm to provide geotechnical services.
17. CLIENT acknowledges existing storm water conveyance features may be present within and/or adjacent to the PROJECT area which have insufficient capacity and may not be included in the PROJECT design scope of services. CLIENT acknowledges that the CONSULTANT's hydrologic and hydraulic analysis services are limited to the storm water conveyance features included in the PROJECT design scope of services.

B. PROJECT MEETINGS

CONSULTANT shall attend the following meetings for the PROJECT.

- One (1) design progress meeting per month with CLIENT during performance of services.
- Up to three (3) City Council meetings to provide project progress updates.
- Up to three (3) meetings with KDOT Staff.

C. RIGHT-OF-WAY AND EASEMENT ACQUISITION SERVICES – Right-of-Way and Easement Acquisition Phase services are not included, but the CONSULTANT can provide these services by supplemental agreement or under the City Engineering On-Call services agreement at the request of the City.

D. BID PHASE SERVICES – Bid Phase services are not included, but the CONSULTANT can provide these services by supplemental agreement or separate agreement.

E. CONSTRUCTION PHASE SERVICES – Construction Phase services are not included, but the CONSULTANT can provide these services by supplemental agreement or separate agreement.

END EXHIBIT 1

EXHIBIT 2
COST AND SCHEDULE

A. FEE

1. CONSULTANT shall provide services in Exhibit 1, Items A and B for a lump sum fee **Six Hundred Thousand and NO/100 Dollars (\$600,000.00).** CLIENT shall be invoiced in accordance with Section 4 of this AGREEMENT. Monthly invoicing shall be based on the percentage of the scope of services performed.

B. ESTIMATED SCHEDULE

1. CONSULTANT shall perform services in Exhibit 1 in an effort to meet CLIENT scheduling goals for start of PROJECT Construction in calendar year 2027.

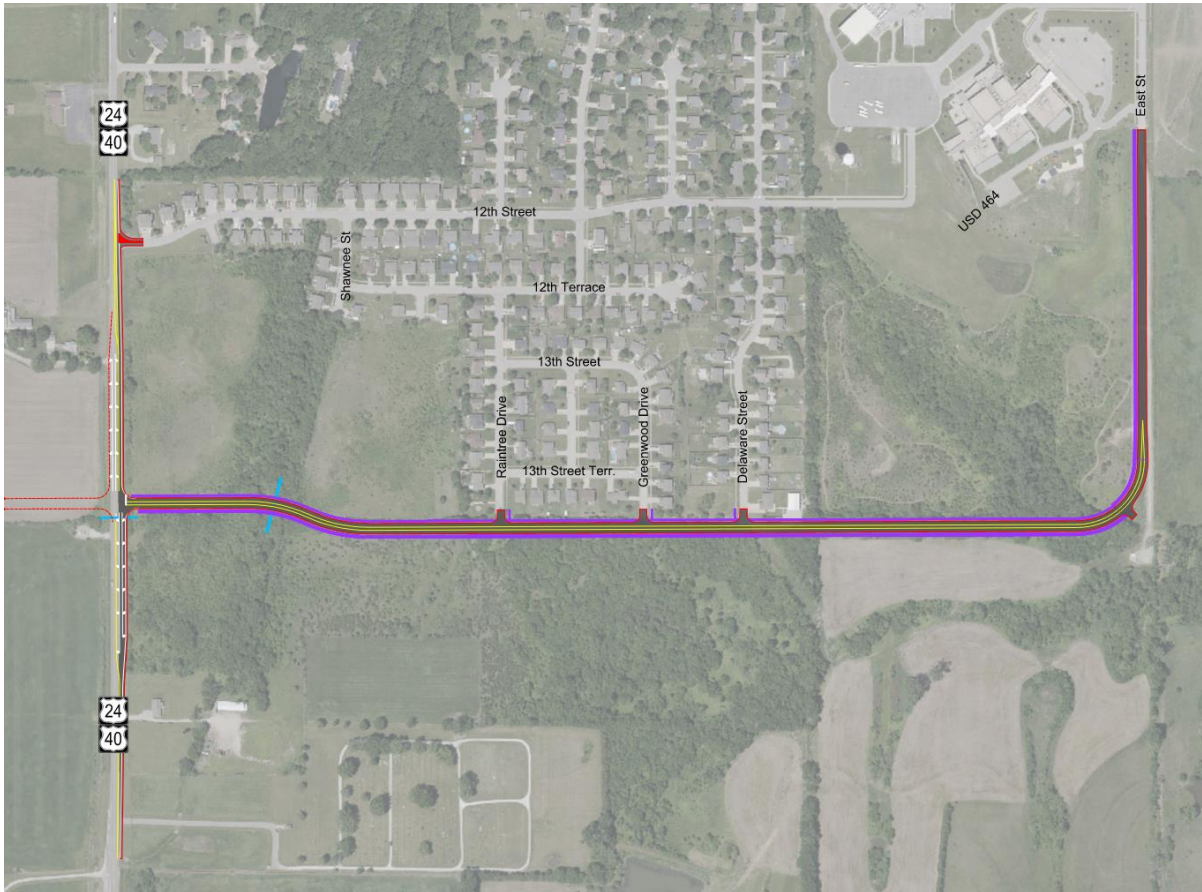
END OF EXHIBIT 2

EXHIBIT 3

SPECIAL PROVISIONS

The scope of services included within this AGREEMENT are based on the PROJECT being funded wholly by the CLIENT and for the PROJECT to be constructed in one (1) phase. Funding from an agency(ies) other than the CLIENT for some, or all, of the PROJECT and/or changing the PROJECT design for phased construction are not included within this AGREEMENT.

Project Location Map:



END OF EXHIBIT 3



Office of the City Manager **AGENDA STATEMENT**

DATE: December 15, 2025

TO: Honorable Mayor David Frese and Members of the City Council

FROM: Lindsay Huntington, City Clerk

SUBJECT: Ordinance No. 1540: Amending the City's Comprehensive Plan to add the Downtown Regulating Plan, pursuant to K.S.A. 12-747 and City Code Section 16-104

Ordinance No. 1541: Amending the Tonganoxie Zoning and Subdivision Regulations ("Zoning Code") to replace the "R-I" Infill District with "R-DT" Residential Downtown District in Zoning Code Section 6, update the standards for the "HBD" Historic Business District in Zoning Code Section 12, update the use groups by category in Zoning Code Appendix A and other updates to reflect the proposed district changes, pursuant to K.S.A. 12-757 and Zoning Code Section 27-011

DISCUSSION:

City staff and the planning consultant have completed the proposed Downtown Regulating Plan, intended to guide future development, redevelopment, and streetscape design within the Downtown area. The plan establishes updated building form standards, block and frontage requirements and land-use transitions compatible with the City's long-term planning goals.

To implement the new Downtown Regulating Plan, amendments to the Zoning Regulations are required.

- Replace the "R-I" Infill District with a new "R-DT" Residential Downtown District, reflecting updated lot, frontage, and form standards appropriate for the downtown environment.
- Update the standards for the "HBD" Historic Business District to align with the adopted Downtown Regulating Plan and encourage compatible infill and redevelopment.
- Revise the Use by Category Table (Appendix A) to show the new district standards
- Apply Additional district-specific updates to maintain consistency throughout the zoning code and updated plan

The Planning Commission held the required public hearing on December 4, 2025 and recommended approval.

BUDGET IMPACT:

None. All work associated with these amendments has been completed as part of the City's previously approved planning and zoning update initiatives.

ACTION NEEDED:

Make a motion to approve Ordinance No. 1540, Amending the City's Comprehensive Plan to add the Downtown Regulating Plan, pursuant to K.S.A. 12-747 and City Code Section 16-104.

Make a motion to approve Ordinance No. 1541: Amending the Tonganoxie Zoning and Subdivision Regulations ("Zoning Code") to replace the "R-I" Infill District with "R-DT" Residential Downtown District in Zoning Code Section 6, update the standards for the "HBD" Historic Business District in Zoning Code Section 12, update the use groups by category in Zoning Code Appendix A and other updates to reflect the proposed district changes, pursuant to K.S.A. 12-757 and Zoning Code Section 27-011

ATTACHMENT:

Ordinance No. 1540

Ordinance No. 1541

Downtown Regulating Plan FAQ

Downtown Regulating Plan – Zoning Updates FAQ

Link to City of Tonganoxie Website Page with Downtown Regulating Plan Information

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

ORDINANCE NO. 1540

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN TO ADD THE DOWNTOWN REGULATING PLAN PURSUANT TO K.S.A. 12-747 AND SECTION 16-104 OF THE TONGANOXIE CITY CODE.

WHEREAS, pursuant to K.S.A. 12-747 and Section 16-104 of the Tonganoxie City Code, the City of Tonganoxie, Kansas (the "City") adopted a Comprehensive Plan;

WHEREAS, on November 12, 2025, notice of a public hearing on amending the City's Comprehensive Plan to add the Downtown Regulating Plan was published in *The Tonganoxie Mirror*, the official City newspaper, as required by K.S.A. 12-747;

WHEREAS, on November 24, 2025, the City Planner prepared a Planning Staff Report, a copy of which is attached hereto as **Exhibit A** (the "Staff Report");

WHEREAS, on December 4, 2025, the Planning Commission held a public hearing on the proposed amendment to the Comprehensive Plan to add the Downtown Regulating Plan, provided an opportunity for interested parties to be heard, and considered the Staff Report and the Downtown Regulating Plan attached hereto as **Exhibit B**;

WHEREAS, the Planning Commission recommended approval of the proposed amendment to the Comprehensive Plan to add the Downtown Regulating Plan, by resolution adopted by a majority vote of all members of the Planning Commission attached hereto as **Exhibit C**, and caused an accurate written summary of the to be made of the proceedings in the meeting minutes attached hereto as **Exhibit D**; and

WHEREAS, the Governing Body has reviewed the Staff Report, the Downtown Regulating Plan, the resolution adopted by the Planning Commission, and the written summary of the proceedings, and hereby adopts the Planning Commission's recommendations.

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

SECTION 1. The Governing Body hereby approves the Downtown Regulating Plan.

SECTION 2. This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary thereof, in the official City newspaper.

[Remainder of page intentionally blank; signature page and exhibits follow.]

**PASSED BY THE GOVERNING BODY OF THE CITY OF TONGANOXIE, KANSAS,
AND APPROVED BY THE MAYOR ON DECEMBER 15, 2025.**

SEAL

David Frese, Mayor

ATTEST:

Lindsay Huntington, City Clerk

EXHIBIT A

Planning Staff Report dated November 24, 2025

[Attached on following pages.]



PLANNING STAFF REPORT

Case#:	2025-008P –Downtown Regulating Plan & Zoning Updates
Date of Report:	November 24, 2025
Application:	Plan Approval and Recommended Zoning Updates
<i>Date of Application:</i>	11/26/25 (official city action)
<i>Date of Meeting:</i>	12/4/2025
Action:	<p><i>After comprehensive surveys of and studies of past and present conditions and trends, a plan may show the Planning Commission's recommendations for development or redevelopment of the city or specific areas in the city. A plan requires the commission to hold a public hearing before the Planning Commission, adoption by a majority of all members of the Commission, and approval by the City Council.</i></p> <p><i>A zoning ordinance text amendment requires a public hearing before the Planning Commission, with a recommendation to the City Council. Any zoning amendment consistent with the land use component of the comprehensive plan is presumed reasonable, and amendments to the ordinance should be evaluated against the comprehensive plan, and any other plans, policies, or programs of the City.</i></p>
Applicant Name:	City of Tonganoxie; George Brajkovic, City Manager; Dan Porter, Assistant City Manager
Property Owner Name:	n/a, multiple owners; Downtown area and surrounding neighborhoods
Subject Property	
<i>Address:</i>	n/a - downtown area and surrounding neighborhoods
<i>Property Size:</i>	na/ - refer to plan documents
<i>Zoning / Use:</i>	HBD & R-SF/R-I; smaller pockets of R-MF1, R-MF-2, I-LT and I-MD
<i>Legal Description:</i>	n/a - refer to plan documents
Surrounding Property – Zoning / Use:	
<i>West:</i>	n/a - refer to plan documents
<i>South:</i>	n/a - refer to plan documents
<i>East:</i>	n/a - refer to plan documents
<i>North:</i>	n/a - refer to plan documents
Staff Recommendation:	
Recommend approval.	

SUMMARY

The City of Tonganoxie began a planning process for the downtown area and surrounding neighborhoods in August 2024. The planning process occurred in 3 phases: existing conditions assessing the physical and regulatory context; engagement and goal development working with key stakeholders to develop the direction of the plan; and plan development formulating specific recommendations for the plan and related zoning updates. The process involved public open houses, work sessions and surveys with the downtown stakeholder group, and work sessions with the Planning Commission and City Council. A final draft was reviewed by the Planning Commission and City Council in August 2025, prior to introduction into the official adoption process.

The plan includes immediate, incremental and long-term recommendations for development and public improvements downtown; strategies to better coordinate the downtown area with surrounding and supporting neighborhood; and specific zoning ordinance updates to enable development that better meets the physical development context and policy recommendations for downtown and the near-downtown neighborhoods.

ANALYSIS

The initial study area for the plan includes what most consider “Downtown Tonganoxie” - blocks fronting on 4th Street from just east of Main Street to U.S. 24/40 and including some lots and blocks that extend deeper to 3rd Street. This roughly corresponds with the HBD (Historic Business District) in the zoning ordinance. The study also impropriated areas that affect or are affected by downtown and its vision for future development, specifically: areas zoned industrial along 4th Street east of Main Street; areas zoned residential and commercial along 4th Street and abutting the 24/40 Corridor; and all residential areas in the surrounding vicinity that include 3 different residential zoning districts and all covered by the R-I (Residential Infill) overlay district - roughly U.S. 24/40 on the north and west; Washinton Street on the south; and East Street on the East.

The plan is based on a vision to strengthen Downtown Tonganoxie as the heart of the community and a unique, walkable, and vibrant mixed-use area. The vision is supported by increased residential investment in and around the downtown area, and improved connections to downtown from adjacent areas, including a downtown-adjacent industrial area to the east and neighborhoods to the north, west, and south.

The plan includes two key components: a Public Spaces component that focuses on strategic interim, incremental, and long-term investments in the public realm; and a Development and Regulating Plan that addresses policies and codes affecting private development in and around downtown.

Key recommendations of the public space plan include:

- Tactical, incremental, and long-term streetscape updates that improve both the pedestrian attributes of downtown streets (primarily 4th Street, but also side streets and neighborhood streets) and the capacity for on-street parking to support downtown businesses.
- Opportunities for more activation and programing of public spaces in and around downtown.
- Improvements to the image and identity of downtown through public art and wayfinding.

- Improved connectivity through two gateways - the west gateway keyed on future mixed-use development, and the east gateway keyed on natural attributes and civic assets in this vicinity.

A “regulating plan” is different from typical plans as it identifies future land use and development policies in a specific area, and on a block-by-block basis, and then includes development standards that directly implement those policies. Regulating plans focus on two key attributes that make them a valuable tool for strategic and expedited implementation in walkable neighborhoods and downtowns: (1) they key development and design standards on relationships to public investments - primarily streetscapes and public spaces; and (2) they promote fine grained transitions in use, development patterns, and intensity based on the block structure and public realm designs in the area. Each of these distinct attributes are crucial to creating cohesive development but diverse activities that strengthen walkable communities.

The key code updates associated with the regulating plan are:

- Updates to the HBD (Historic Business District) that strengthens traditional downtown and pedestrian scaled development and design standards; allow more flexible and mixed uses; and incorporate and update the Historic Business District Design Guidelines.
- Conversion of the east industrial areas (I-LT and I-MD) into a downtown-adjacent industrial district (I-DT). These changes retain all existing uses but update for more downtown appropriate development standards in terms of lot sizes, setbacks, frontage design, and building and use scale. (most uses and lots in this area were “non-conforming” due to I-LT and I-MD having standards that were not appropriate for a near-downtown context)
- Updates of the residential districts, and primarily those currently subject to the R-I (Residential Infill standards). These updates provide a “building type” approach which identifies a range of low- and moderate scale housing options that are compatible with the downtown area and includes building and site design standards that are appropriate for walkable neighborhoods, and which create compatibility across the wider range of housing that is enabled. Based on existing base zoning in this - primarily R-SF and some R-MF-1 or R-MF-2, these updates now correspond to two downtown residential districts: R-DT-1 for lower-scale residential (update of the R-SF/R-I areas) and R-DT-2 for moderate-scale residential and limited mixed use (update of the R-MF-1 or 2 / R-I areas).

The plan also recommends two areas for potential future rezoning based on these updates.

- The 4th Street corridor west of Green Street to just east of U.S. 24/40. This area has some non-conforming uses and, in the past, has been subject of rezoning requests to commercial. This area would best support downtown if rezoned to R-DT-2, which allows a wider range of moderate density housing and some limited mixed use.
- A small area on the southeast side of downtown, currently zoned industrial but has been used and has more potential if incorporated into the core HBD district. This area includes the historic depot property.

These zoning actions would take future steps by the city to rezone the property. Other zoning actions in and around downtown may also be appropriate in the future; however, those would be based on either subsequent investment in the Public Space Plan that corresponded with future development opportunities and/or other actions by private investors relative to their specific property.

Overall, approval of the Downtown Regulating Plan, including the public space plan, the regulating plan, and code updates will enable the city, downtown stakeholders, and private property owners to collaboratively invest in the vision and future of Downtown Tonganoxie.

EFFECT OF DECISION

Downtown Regulating Plan.

The Planning Commission approves the comprehensive plan, and any other plans that are parts of the plan or for specific areas of the city. The plan is not effective until approval by the City Council. Once effective the plan becomes a guide for future decisions on development, capital investments, or any other plan, program, policy, or public action of the city.

Zoning Ordinance Text Amendments

The Planning Commission recommends zoning ordinance text amendments to the Governing Body. Based on the record and other findings of the testimony at the public hearing, the Planning Commission may:

1. Recommend approval,
2. Recommend approval with specific modifications
3. Continue the hearing for further deliberation or discussions
4. Recommend denial of the text amendment.

The Governing Body reviews the request considering the Planning Commission's recommendation. They may accept the recommendation based on a simple majority of the Governing Body, they may refer the application back to the Planning Commission with direction for specific further discussions or consideration, or they may modify or override the Planning Commission recommendation by a 2/3 vote of the entire Governing Body. The text amendments are effective based on the effective date of an ordinance adopting the amendments.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Downtown Regulating Plan. (Upon approval by the Commission the plan will be forwarded to the City Council for approval prior to becoming effective.)

Without benefit of any public testimony at the public hearing, staff recommends that the Planning Commission recommend the zoning text amendments to the City Council for approval.



Chris Brewster,
City Planning Consultant

EXHIBIT B

Downtown Regulating Plan

[Attached on following pages.]

Link to City of Tonganoxie Website page with Downtown Regulating Plan Information –

Last Updated November 22, 2025

tonganoxie.org/city-planning-and-zoning/pages/downtown-regulating-plan

EXHIBIT C

Planning Commission Resolution

[Attached on following page.]

**A RESOLUTION OF THE CITY OF TONGANOXIE PLANNING COMMISSION
ADOPTING THE DOWNTOWN REGULATING PLAN AS AN ADDITION TO THE
COMPREHENSIVE PLAN.**

WHEREAS, pursuant to K.S.A. 12-747 and Section 16-104 of the Tonganoxie City Code, the City of Tonganoxie, Kansas (the "City") adopted a Comprehensive Plan;

WHEREAS, on November 12, 2025, notice of a public hearing on amending the City's Comprehensive Plan to add the Downtown Regulating Plan was published in *The Tonganoxie Mirror*, the official City newspaper, as required by K.S.A. 12-747;

WHEREAS, on November 24, 2025, the City Planner prepared a Planning Staff Report regarding the proposed amendment to the City's Comprehensive Plan;

WHEREAS, on December 4, 2025, the Planning Commission held a public hearing on the proposed amendment to the Comprehensive Plan to add the Downtown Regulating Plan, provided an opportunity for interested parties to be heard, and considered the Staff Report and the Downtown Regulating Plan; and

WHEREAS, the Planning Commission recommends approval of the proposed amendment to the Comprehensive Plan, to add the Downtown Regulating Plan, to the Governing Body.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF TONGANOXIE, KANSAS:

SECTION 1. The Downtown Regulating Plan is hereby adopted as an addition to the Comprehensive Plan, by a majority vote of all members of the Planning Commission, pursuant to K.S.A. 12-747(b), and recommended for final approval by the Governing Body.

SECTION 2. The Recording Secretary shall submit a certified copy of the Downtown Regulating Plan, together with a written summary of the public hearing thereon, to the Governing Body, as required by K.S.A. 12-747(b).

SECTION 3. This Resolution shall be effective upon adoption by the Planning Commission.

ADOPTED THIS 4th DAY OF DECEMBER 2025.



Monica Gee, Chair

EXHIBIT D

Excerpt of December 4, 2025 Planning Commission Minutes

[Attached on following pages.]



TONGANOXIE PLANNING COMMISSION
Meeting Minutes
December 4, 2025 7:00 p.m.
303 S. Bury Street

CALL TO ORDER

- Chair Monica Gee opened the meeting at 7:00 p.m.

Roll Call: Planning Commission members present were Chair Monica Gee, Vice Chair Patti Bitler, John Kirk, and Howie Brewington, Kirsten Moreland and Jamie Shurtz.

1. APPROVAL OF PC MINUTES – November 6, 2025

- **Ms. Bitler made a motion to approve the minutes from the November 6, 2025, Commission meeting.**
- **Ms. Shurtz seconded the motion.**
- **Vote of all ayes, motion carried.**

2. OLD BUSINESS

3. EX PARTE COMMUNICATION

4. NEW BUSINESS

- a) Public Hearing: Amending the City's Comprehensive Plan to add the Downtown Regulating Plan, pursuant to K.S.A. 12-747 and City Code Section 16-104; And amending the Tonganoxie Zoning and Subdivision Regulations ("Zoning Code") to replace the "R-I" Infill District with "R-DT" Residential Downtown District in Zoning Code Section 6, update the standards for the "HBD" Historic Business District in Zoning Code Section 12, update the use groups by category in Zoning Code Appendix A and other updates to reflect the proposed district changes, pursuant to K.S.A. 12-757 and Zoning Code Section 27-011. **This hearing began at 7:37 pm and closed at 7:37 pm.**
- b) Consider recommendation to the City Council regarding Amending the City's Comprehensive Plan to add the Downtown Regulating Plan, pursuant to K.S.A. 12-747 and City Code Section 16-104; And Amending the Tonganoxie Zoning and Subdivision Regulations ("Zoning Code") to replace the "R-I" Infill District with "R-DT" Residential Downtown District in Zoning Code Section 6, update the standards for the "HBD" Historic Business District in Zoning Code Section 12, update the use groups by category in Zoning Code Appendix A and other updates to reflect the proposed district changes, pursuant to K.S.A 12-757 and Zoning Code Section 27-011
 - **Ms. Bitler made a motion to approve.**
 - **Mr. Brewington seconded the motion.**
 - **Roll call vote – All ayes, motion passed.**
 - **Roll call vote-All ayes, motion passed.**

5. GENERAL INFORMATION

- a) Home Builder's Association Reports

6. ADJOURN

- **Ms. Bitler made a motion to adjourn the meeting.**
- **Mr. Kirk seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 7:39 p.m.**

Respectfully submitted,

Lindsay Huntington

Lindsay Huntington, City Clerk

DRAFT

Downtown Regulating Plan FAQ

What is Tonganoxie's Downtown Regulating Plan?

The Downtown Regulating Plan is the guidebook for future growth and improvement in Downtown. It describes the community's vision for Downtown, provides specific strategies to make that vision reality, and kick-starts implementation by including updates to zoning regulations and design standards in and around Downtown.

Where does this Plan apply?

The plan applies to Tonganoxie's Historic Business District and neighborhoods near the Historic Business District. (Roughly bound by U.S. 24 / 40 on the north and west, Washington Street on the south, and East Street on the east.

How was this plan created, and why was it created?

This Plan was created to promote the vision and goals established by stakeholders and planning officials through a public process. A series of community engagement workshops and activities shaped each phase of the project, and provided guidance for the Plan.

The Plan recognizes opportunities, challenges, and provides specific strategies designed to address these in the short-term, while celebrating and enhancing Downtown's strengths now and in the future.

What is the vision for Downtown?

This plan captures a vision to build upon Downtown Tonganoxie's historic patterns and design, strengthen Downtown as a vibrant and walkable destination, improve its connection to nearby neighborhoods, promote more housing options in and around Downtown, and encourage investments that enhance this area as the thriving heart of Tonganoxie.

To implement the vision, the Plan coordinates several strategies:

- Short-term, incremental, and long-term capital investment strategies to improve walkable streetscapes around Downtown and nearby areas.
- Design better connections between the many parks, recreation opportunities, civic destinations, and community assets in and around Downtown.
- Increase and improve Downtown's social and civic gathering spaces.
- Strengthen Downtown's unique sense of identity and history.
- Promote two distinct gateways into Downtown:
 - A Downtown development-oriented gateway anchored by new mixed-use buildings at the west end of 4th Street, and
 - A recreational gateway at the east end of 4th Street, capitalizing on parks, civic uses, and trail connection opportunities.
- Improve housing options and promote the unique neighborhood design characteristics of Downtown-adjacent neighborhoods.

What does the Plan mean for my property, business, or home?

The Downtown Regulating Plan doesn't require you change anything about your business or home. Instead, the Plan is designed to be a source of ideas and a tool to guide future development and city improvements. In nearly all instances the plan and regulation updates will allow the same things that are currently allowed but enable more opportunities. The design standards do include standards or guidelines for how future investments or new opportunities fit into Downtown, but those will only apply to future changes and investments.

Is a regulating plan different than a typical downtown plan?

Yes! A **regulating plan** has some key differences from a typical policy plan. Regulating plans provide a more specific vision and physical design strategies for development than a typical policy plan. A key component of a regulating plan is a block-by-block plan of an area that determines how different design standards, land uses, and building types come together to implement a more vibrant, mixed-use Downtown and support the Downtown with a wider range of connected and walkable neighborhoods.

Tonganoxie's Downtown Regulating Plan provides this for the Downtown area, along with updates to the Downtown area zoning districts to ensure that the plan and the zoning districts are coordinated together. The Downtown Regulating Plan also includes many elements of a typical downtown policy plan, like goals and recommended strategies for investing in Downtown's public spaces, streets, and overall identity.

Downtown Regulating Plan – Zoning Updates FAQ

Why are zoning updates a part of the Downtown Regulating Plan?

Currently, the zoning districts and design standards that apply to Downtown cannot ensure that potential future development enhances the area. The updates to the Downtown zoning districts are designed to protect the area's historic character while also providing property owners with greater flexibility about what they can do on their property. The changes will apply to future development and redevelopment and include strengthened design standards for the scale (size) and form (design) of future Downtown buildings.

Is my property being rezoned?

Generally, no. The zoning updates associated with the Downtown Regulating Plan are only updates to the existing zoning districts. The plan does recommend changes to zoning districts in specific areas, and the City is considering making those changes in a future process. The proposed areas are the single family areas on 4th Street west of downtown, and a small industrial property on the east side of downtown. If you property is in this area, you will receive and specific notice about any subsequent rezoning process.

Will the zoning updates require me to do anything on my property?

No – updates to zoning regulations do not mean that you need to take any action about your property. They apply to future development or redevelopment and are designed to coordinate new opportunities and actions taken by an area's property owners to improve the area together over time. Most of these updates retain all existing allowed land uses and allow some additional opportunities for property owners.

What are the specific updates to Downtown-area zoning districts?

Historic Business District (HBD)

Current Challenges:

- Lack of standards to ensure future investment reflects Downtown's historic main street character.
- Design guidelines for the HBD are out of date and incomplete.
- Residential on upper floors is challenging to implement due impractical requirements.

How does the zoning update address these challenges?

- The Downtown Regulating Plan updates the HBD's design & development standards to ensure future development and investment reflects the area's historic character.
- All previously permitted uses retained. Some new uses (under 5K SF) in Downtown-appropriate buildings are added.
- Residential on upper floors is easier to implement.
- Design standards are added to ensure that future development enhances a walkable Downtown:
 - o Main Street Frontage: Pedestrian-oriented design for 4th Street in the HBD.
 - o Transitional Frontage: More flexibility for residential design, primarily for side streets.
 - o Workshop Frontage: Balance of walkable and vehicular design for Downtown's industrial area.

Light Industrial & Moderate Industrial (I-LT & I-MD)

Current Challenges:

- In Downtown, most industrially-zoned properties are "legal nonconforming" – meaning that they do not meet the standards of the zoning district.
- I-LT & I-MD standards are not appropriate for Downtown's historic, walkable character.
- These regulatory barriers make future investment / development on these properties a challenge.

How does the zoning update address these challenges?

- The Downtown Regulating Plan updates these districts (in the Downtown area only) to HBD-I (Historic Business District – Industrial).
- All permitted uses are retained.
- Development standards limit the scale of industrial uses to ensure future industrial / artisanal development is appropriate for Downtown.
- More opportunities for mixed uses are added.
- Design standards ensure that future development contributes to Downtown's streetscape.

Residential – Multifamily 1 & Residential – Multifamily 2 (R-MF1 & R-MF2)

Current Challenges:

- Current standards work against the traditional building patterns appropriate for Downtown.
- Lot standards do not integrate multifamily housing into existing blocks and neighborhood streets.
- Recently built housing in these districts had to use a "planned district" designation to overcome these issues.

How does the zoning update address these challenges?

- The Downtown Regulating Plan updates these two districts (in the Downtown area only) to R-DT-2 – Residential Downtown 2.
- All currently permitted uses are maintained.
- Standards for buildings allow Downtown-appropriate lot and building patterns and will ensure that neighborhood-scale buildings are required.
- Design standards require buildings to enhance neighborhood streets. Parking & vehicle access is oriented to the interior of blocks or use alleys were available.
- Targeted and strategic options for mixed-use buildings through the special use permit process.

Residential – Single-Family (R-SF)

Current Challenges:

- Downtown R-SF is subject to the R-I – Residential Infill overlay, which does not set clear expectations for how appropriate development may occur or be designed compatibly with the Downtown neighborhood context.
- The R-SF districts use suburban-style development standards that are not tailored for Downtown.

How does the zoning update address these challenges?

- The Downtown Regulating Plan converts R-SF into R-DT-1 (in the Downtown area only).
- Three new types of detached homes are enabled based on existing homes observed in Downtown neighborhoods:
 - o Large lot (12K SF)
 - o Standard lot (6K SF)
 - o Small lot (2.5K SF)
- In limited locations, houses may include multiple dwelling units (2-6, based on lot and house size)
- Development standards require neighborhood-scale buildings.

ORDINANCE NO. 1541

AN ORDINANCE AMENDING THE TONGANOXIE ZONING AND SUBDIVISION REGULATIONS TO REPLACE THE “R-I” INFILL DISTRICT WITH “R-DT” RESIDENTIAL DOWNTOWN DISTRICT, AMEND THE STANDARDS FOR THE “HBD” HISTORIC BUSINESS DISTRICT, AND UPDATE THE USE GROUPS BY CATEGORY; AMENDING AND REPEALING EXISTING SECTIONS 6 AND 12, AND APPENDIX A, OF THE TONGANOXIE ZONING AND SUBDIVISION REGULATIONS.

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

SECTION 1. Existing Section 6 of the Tonganoxie Zoning and Subdivision Regulations (the “Zoning Code”) is hereby amended to read as follows:

Section 6 “R-DT” RESIDENTIAL – DOWNTOWN DISTRICT

6-010 INTENT

The intent of the R-DT district is to maintain the traditional pattern and historic character of neighborhoods near downtown, and to increase housing options in a human-scale, walkable context. The building scale is predominantly low-scale detached houses with additional low-scale residential buildings at strategic points and transitional areas to Downtown or adjacent corridors, providing housing options and supporting businesses with a strong residential population proximate to downtown. The character of the area is based on consistent frontage designs with comfortable and walkable streetscapes, moderate building setbacks, diverse and human-scale front entry features including social spaces, and understated garages and driveways. The R-DT district is divided into two sub-districts identified on the Downtown Regulating Plan: R-DT-1 is predominantly detached houses and establishes the predominant fabric throughout the area; and R-DT-2 is a mix of low-scale, multi-unit buildings that are compatible with the pattern and scale of houses.

6-011 ALLOWED USES

A. *Residential Uses.*

1. Principal dwellings subject to the building type and development standards in 6-012
2. Group homes.
3. Group living (R-DT only)
4. Secondary and accessory uses
5. Accessory dwelling units are permitted either attached or internal to the principal building, or in a permitted secondary building, provided all development and design standards are met.

B. *Institutional Uses.* Institutional and service uses provided they are that are incidental to other permitted uses, compatible with the surrounding area, and further the intent of the district.

1. Community or social service / groups
 2. Education – schools
 3. Religious institutions
 4. Safety services
 5. Local utilities
 6. Long term health care facilities (R-DT-2 only)
- C. **Recreational Uses.** Recreational uses provided they are incidental to permitted uses, compatible with the surrounding area, and further the intent of the district.
1. Athletic facilities, outdoor
 2. Open space or areas.
- D **Commercial Uses.** Lodging Facilities I
- E. **Special Uses.**
1. Special uses are permitted as listed in Appendix A and Section 22.
 2. Mixed use buildings may be permitted in the R-DT district according to the process and criteria in Section 22 and the additional standards in this section.
 - a. Mixed use buildings may be permitted in 3 scales or types:
 - (1) Live/Work buildings according to the Detached House or Townhouse building type standards.
 - (2) Small mixed-use buildings, according to the Small Apartment building type standards
 - (3) Medium mixed-use buildings, according to the Medium Apartment building type standards.
 - b. Mixed-use buildings should generally be limited in the same manner as location-limited buildings in Table 6-1 and criteria in 6-012.A., with the added threshold that the uses create no negative impacts on surrounding residential property and form effective transitions to the HBD District or corridors adjacent to the R-DT districts.

6-012 DEVELOPMENT STANDARDS

The development standards applicable in each district are based on the building types in Table 6-1, which are enabled depending on the R-DT-1 or R-DT-2 districts.

Table 6-1: Downtown Neighborhoods Building Types & Development Standards

Building Type	R-DT-1	R-DT-2	# of Dwellings		Lot Standards			Building Standards				
			Principal	Accessory	Area (min.)	Width [1]	Coverage (max.)	Setbacks				Height
								Front	Side [2]	Street Side	Rear	
Detached House – Large Lot	■		1	2	12K+	80'+	35%	30' +	10'	15'	30'	35' 2.5 stories
Detached House – Standard Lot	■	■	1	1	6K +	50' – 79'	50%	30' – 60'	7'	15'	30'	35' 2.5 stories
Detached House – Small Lot	□	■	1	x	2.5K +	25' – 49'	65%	10' – 30'	5'	10'	30'	35' 2.5 stories
Multi-unit House – Large Lot	□	■	2 -6 3K / unit	1	12K+	80'+	35%	30' +	10'	15'	30'	35' 2.5 stories
Multi-unit House – Standard Lot	□	■	2-3 3K / unit	1	6K +	50' – 79'	50%	30' – 60'	7'	15'	30'	35' 2.5 stories
Townhouse – Standard Lot		■	3 - 6	1	2K / unit	19' – 30' per unit	65%	10' – 30'	5'	10'	20'	35' 2.5 stories
Townhouse – Small Lot		□	3 - 8	x	1.2K / unit	12' – 18' per unit	75%	10' – 30'	5'	10'	15'	40' 3 stories
Small Apartment		■	3 - 12	x	6K – 12K	50' – 79'	65%	10' – 30'	7'	10'	15'	40' 3 stories
Medium Apartment		□	13 - 24	x	12K – 25K	80' – 200'	75%	10' – 30'	10'	15'	20'	40' 3 stories
Mixed Use Building	S	S	Mixed-use buildings may be approved by special use permit according to the procedures and criteria in Section 22, and the additional intent of the R-DT districts and Downtown Regulation Plan, and all design objectives and design standards in this Section.									

■ Permitted building type.

□ Limited building type, subject to administrative approval based on location criteria in A.1, and the intent and design objectives of the R-DT district.

S Permitted only by Special Use Permit

[1] Lot and building types shall be primarily based on the width at the frontage in addition to meeting the minimum lot size. For example, a 55' wide lot is generally interpreted as a "Standard Lot," even if it were over 12K square feet; however, if it were under 3K square feet it could be interpreted as a small lot.

[2] Interior side setbacks of attached buildings (townhouse and side-by-side duplexes) may be 0' if platted and constructed according to common wall standards of the building code.

- A. **Limited Building Types.** Buildings indicated as limited application in Table 6-1 (□) shall only be permitted after administrative review by staff finding that they meet the intent of the R-DT district and the design objectives of all applicable design standards. Applications that do not meet these criteria may be denied by staff or referred to Planning Commission for a determination under the site plan procedures. Limited building types are allowed to create a greater mix of housing in the R-DT area in the following locations and circumstances:
1. Any corner lots.
 2. Lots oriented to the end grain or short-side of a block on a collector street classification or higher.
 3. Lots fronting on or on block faces opposite of public or common open space.
 4. Blocks adjacent to a non-residential zoning district or transition to the HBD district.
- B. **Setback Encroachments.** The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
1. Primary entrance features may encroach beyond the required front building line, as specified in Section 6-013.C
 2. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, provided they:
 - a. Are no closer than 2 feet from any lot line and
 - b. Are limited to no more than 15% of the total area of a building elevation.
 3. Unenclosed and un-roofed decks or patios at or below the first-floor elevation may extend into the rear or side setback up to 15 feet but no closer than 5 feet from any street side lot line and 3 feet to any other lot line.
 4. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided they
 - a. Are no taller than 4 feet high.
 - b. Extend no more than 6 feet from the principal building, and no closer than 3 feet to the lot line.
 - c. Are screened from public right-of-way by a solid structure and landscape.

These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.
 5. Any other accessory structure within the setback, not specified in Section 6-012.C. shall have a setback of at least one-half its height from the property line.

- C. **Accessory Buildings.** Accessory buildings shall be permitted in the R-DT district in association with and on the same lot as a principal building, subject to the standards in Table 6-2, R-DT Accessory Structures, and to the following additional limitations.

Table 6-2: R-DT Accessory Structures			
Type	Quantity	Size	Height
Minor Structure (small shed, playhouse, and similar structures)	<ul style="list-style-type: none"> 1 / each 3k s.f. of lot Maximum of 4 	<ul style="list-style-type: none"> 200 s.f. max 	<ul style="list-style-type: none"> 12' max 16' if roof pitch is 6:12 or greater.
Secondary Building (detached accessory building, guest house, and similar structures)	<ul style="list-style-type: none"> 1 / principal building 	<ul style="list-style-type: none"> No more than 1/2 of principal building footprint, up to 800 s.f. max 	<ul style="list-style-type: none"> 16' max 24' if roof pitch is 6:12 or greater No higher than principal structure
Any building over 16' high or more than 200 square feet shall meet the design standards in Section 6-012.C.3			

1. Accessory buildings shall be clearly incidental and subordinate to the principal building or use in terms of scale, location, and orientation.
2. Accessory buildings shall be 2 feet from any side or rear lot line and located behind the front building line. On corner lots, accessory buildings shall not be located closer to the street side the lessor of 20 feet or the line between the principal building and any building on the adjacent lot.
3. Secondary buildings over 200 square feet or over 16 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
 - a. The wall height shall not exceed 10 feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
 - b. The roof peak or other top of structure shall not exceed 24 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
 - c. The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
 - d. Secondary buildings with vehicle access directly from an alley or shared easement shall be positioned to prevent parking that encroaches in the alley or easement. They may be built with the access between 0 and 3 feet from the alley or shared easement, or with the access at least 20 feet from the alley or shared easement.

6-013 DESIGN STANDARDS

- A. **Design Objectives.** The design standards in the R-DT districts shall be interpreted and applied to achieve the following design objectives:
1. Enhance neighborhood character by coordinating streetscape investment with private lot and building investment on lot frontages.

2. Design lot frontages to the context of the street and block and relate lots and buildings to the streetscape in a compatible manner along the block face.
 3. Provide outdoor social spaces that activate the streetscape and limit the cumulative impact of multiple lot frontages designed for car access.
 4. Use front entry features to create human-scale connections to the streetscape, apply compatible building forms along the frontage where the scale of buildings differ, and differentiate adjacent buildings with unique architectural details and subtle variations in entry feature design.
 5. Promote appropriate building mass in relation to the lot and streetscape, and in relation to buildings and open spaces on adjacent lots.
- B. **Building Placement.** Front building lines create a consistent pattern and rhythm along a block defining frontages and streetscapes. The front building line shall be established for each lot and building within the ranges expressed in table 6-1, and based on the following:
1. Front building lines should generally be consistent along each block face, or create gradual transitions to different building types.
 2. Front building lines should not deviate from adjacent homes by more than 5 feet, except where buildings are separated by more than 40 feet.
 3. Front entry features designed according to Section 6-013.D may extend beyond the front building line
 4. Staff may approve an administrative exception to the requirements in Table 6-1 when the block establishes a clear pattern of different front building lines on the same block, and where the proposed building line better meets the intent of the R-DT district and the design objectives in Section 6-013.A.
- C. **Garage & Driveway Limits.** Garage and driveway limits establish the visual priority of human-scale elements of buildings, active and social spaces, and landscape along the streetscape. Front-loaded garages and driveways shall be limited to no more than 20% of the lot width, and up to 20 feet wide maximum.
1. Front loaded garages that are stepped-back between 12 feet and 20 feet from the front building line may be up to 40% of the lot width and up to 27' wide maximum, and the driveway may be expanded within 20' of the entrance to allow access.
 2. Garages and driveways set back more than 20 feet beyond the front building line have no limits other than general lot and building standards.
 3. Where these standards limit front-loaded driveways and garages, shared driveways, side-access, or common lanes and alleys should be used.
 4. Any parking area larger than 8 spaces shall be located behind the front building line and screened from the streetscape and adjacent property according to Sections 20 and 24.
- D. **Front Entry Features.** Front entry features create consistent human-scale massing elements that relate buildings to the block frontage, provide outdoor social spaces that activate streetscapes, and establish subtle variations in design and style among similar buildings along a block. All buildings shall have one of the following front entry features:

Table 6-3: Residential Front Entry Features

Type	Width (Min.)	Depth (Min.)	Area (Min.)
<i>Porch</i>	10', but at least 50% of front elevation	7'	80 s.f.
<i>Stoop</i>	8'	6'	60 s.f.
<i>Entry Court</i>	12', but no more than 50% of front elevation	10'	200 s.f.

1. Front entry features shall be oriented to the lot front and have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk.
2. Entry features shall be integrated into the overall building design including compatible materials, roof pitch and forms, and architectural style and details.
3. Entry features shall be single story, and any roof structure and ornamentation shall be between 8 feet and 14 feet above the floor level of the entry feature. If not roofed, a canopy, pediment, transom windows, enlarged trim or molding shall be used to emphasize the entry.
4. Entry features shall be unenclosed but may include a decorative wall or railing between 2.5 feet and 4 feet high along the perimeter
5. Entry features of adjacent buildings shall differ in one or more of the following ways to provide streetscape variation, particularly for the same building type or models:
 - a. Different entry feature types (i.e. porch, stoop, or courtyard)
 - b. Different location (i.e. centered, shifted – left/right, side, or wrapped)
 - c. Different extent (i.e. full or half)
 - d. Different roof type (i.e. shed, hip, flat, gabled, arched, trellis, or no roof)
 - e. Any other significantly different architectural detail or massing elements.
6. Entry features meeting the requirements of this section may encroach up to 10 feet into the front setback, but never closer than 5 feet to the lot line

E. Building Design. The design of buildings should create a compatible scale and appearance among all buildings, even when the size or types of buildings differ and when the architectural styles differ from adjacent buildings on the same block. All buildings shall use the following massing, façade design, and transparency strategies.

1. **Massing.** Break up larger buildings into smaller masses, especially when larger buildings are adjacent to smaller buildings. Techniques to vary masses and create compatible scale with adjacent buildings include:
 - a. Distinguish primary masses from secondary masses or wings with offsets of more than 8 feet.
 - b. Step backs in portions of the building footprint or upper stories by at least 4 feet in association with usable outside spaces such as decks, patios, balconies, or building entries.

- c. Cantilever of upper stories that provide at least 2 feet of overhang from other portions of the wall planes.
 - d. Articulated rooflines using gables, dormers, eaves, and parapets that create projections of at least 2 feet.
- 2. ***Façade Design.*** Limit blank walls, particularly on frontages, street facing elevations, or other portions of buildings visible from public spaces.
 - a. Create projections in wall planes between 2 and 4 feet with bay windows, balconies, awnings, or canopies.
 - b. Differentiate stories, roofs, or other masses with prominent trim materials or incorporate material changes for different components of the building mass. Significant trim elements should be at least 8 inches wide and project between 3 inches and 2 feet from the wall plane.
 - c. Use ornamental trim, material changes, or color changes to group significant architectural features such as entry points or groups of windows.
- 3. ***Transparency.*** Provide actual and perceptual connections to outside spaces with transparency of windows and doors, generally achieving at least 25% on street facing facades, 15% on other visible walls, and 10% on more remote elevations.
 - a. Locate windows to create a visual rhythm and balance along the entire façade, organizing architectural elements both vertically and horizontally.
 - b. Incorporate distinct and visually significant windows and doors at key locations that relate to architectural features or important outside spaces.
 - c. Locate and design windows strategically in relation to privacy concerns but maintain consistent exterior patterns and façade composition. High-bank windows, transom windows, opaque windows, and window treatments that are adaptable and user-controlled should be used to deliver privacy as opposed to omitting windows.
 - d. Use projecting trim and ornamentation on windows and doors to create depth, texture, and shadows on the facade; to emphasize openings; or to group openings into a single architectural feature.
- F. ***Landscape Design.*** Landscape design provides environmental benefits, creates comfortable spaces, and mitigates impacts or more intense elements of lots and buildings. All lots shall have the following landscape elements.

Table 6-4: Plant Requirements

Site Elements	Landscape Requirement
Streetscape: <i>The landscape area in the ROW or along the lot line immediately abutting the right of way.</i>	<ul style="list-style-type: none"> 1 shade tree per 40' of lot frontage; Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement. Constrained right-of-way or streetscapes may substitute 1 understory tree per 20'
Frontage & Foundation. <i>The area between the building line and ROW along a street, including street sides of corner lots.</i>	<ul style="list-style-type: none"> 1 understory tree per 40' of lot frontage for buildings set back more than 10' from the front lot line; 1 additional shade tree per 40' of lot frontage for buildings set back 30' or more from the front lot line. 1 shrub per 5' of building frontage for buildings setback more than 10' from the front lot line. Evergreen trees may be substituted for understory trees at a rate of 1 for 1, and for shade trees at a rate of 2 for 1, for up to 50% of the requirement. Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement
Parking. <i>Landscape areas on the perimeter or interior of parking.</i>	<ul style="list-style-type: none"> Any parking area for more than 8 cars shall have 1 shade tree per every 8 parking spaces and be screened from the streetscape and any adjacent lots according to Section 24-012.B
Other	<ul style="list-style-type: none"> All other non-residential uses shall have one shade tree per 7,000 square feet of lot. Trees meeting the above requirements may contribute to this requirement.

1. Street trees shall be located in line with other trees along the block to create a rhythm, enclosure, and canopy along the streetscape. Trees should be centered between the curb and sidewalk where at least 6 feet of landscape area exists. Alternatively, trees may be located 5 feet to 10 feet from the curb where sidewalks do not exist or where space is otherwise constrained.
2. Frontage and foundation plantings should be located in association with any outside social spaces, to frame entries, to enhance architectural features, or to anchor corners of buildings. In general ornamental trees should be planted within 10 to 20 feet of the building and shrubs should be planted with 3 to 6 feet of the building.
3. Parking lot landscape shall be located within 8 feet of the perimeter of spaces, or within internal parking lot islands and allocated evenly across parking areas to minimize impacts, reduce heat elements, and provide filtering and infiltration of rain and runoff.

6-014 COURTYARD PATTERN

- A. Design Objective.** A courtyard pattern can integrate multi-building projects into the neighborhood pattern by organizing formal open space part of the site and street frontage. It is an effective infill strategy or appropriate on deeper lots and blocks, for irregular blocks, or breaking larger-scale projects into more neighborhood-friendly patterns. Residential buildings and lots may be designed to front on a courtyard based on additional design and development standards in this section.
- B. Applicability.** The courtyard pattern is appropriate where:
 1. Courtyards are designed and visible as an extension of the public streetscape and open space system for the neighborhood;
 2. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or

3. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
- C. **Eligible Building Types.** The following building types, if permitted according to Table 6-1, are eligible for the courtyard pattern, subject to the limitations stated:
1. Small Apartments, up to 5 buildings or 36 units, whichever is less.
 2. Townhouses, up to 4 buildings or 24 units, whichever is less.
 3. Multi-unit Houses, and Detached Houses, up to 12 buildings or 18 units, whichever is less.
- D. **Design Standards and Exceptions.**
1. Lots may front on a common courtyard, rather than along a street.
 2. The courtyard shall be at least 25 feet wide in all directions, and at least 1,000 square feet, and shall have frontage on a public street or be accessible from the streetscape by a pedestrian passage.
 3. Building frontage standards shall apply on the courtyard and on the public street frontage.
 4. The minimum lot size per building may be reduced by up to 25%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
 5. The front setback may be reduced to 5 feet from the courtyard boundary.
 6. Any buildings fronting the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in this section
 7. Vehicle access and parking shall be coordinated for all lots and buildings, be designed in a way that minimizes the impact on the public street and the courtyard. Access for the project shall meet all frontage standards along the public street.

6-015 PARKING

Refer to Section 20, Off-street Parking and Loading.

6-016 SIGNS

Refer to Section 25, Signs. Any district-specific standards shall go by R-SF for the R-DT-1 sub-district, and R-MF-1 for the R-DT-2 sub-district.

SECTION 2. Existing Section 12 of the Zoning Code is hereby amended to read as follows:

**Section 12
“HBD” HISTORIC BUSINESS DISTRICT**

12-010 INTENT

The intent of the HBD district is to be the social, civic, cultural, and commercial heart of Tonganoxie, providing a mix of complimentary uses in a traditional compact and walkable format that is consistent with maintaining the historic buildings and spaces of the original town. Uses and building formats that are large-scale, require excessive parking, or are automobile oriented and generate extensive vehicle traffic that is not a “park once” type of use are not appropriate for these districts. All uses shall be organized around and support a well-designed public realm, as identified in the Downtown Regulating Plan. The HBD district encompasses two sub-districts identified on the Downtown Regulating Plan: the HBD district (the traditional mixed-use downtown), and the HBD-I district (an older and established Downtown-adjacent industrial area).

12-011 ALLOWED USES

A. *Residential Uses.*

1. Limited lodging facilities such as bed and breakfast, rooming, or boarding house
2. Residential use shall be allowed in the form of apartments accessory to primarily non-residential buildings with the following limitations:
 - a. If on the ground level, residential uses shall be no more than 50% of the ground level floor area, and located behind the street-front non-residential uses.
 - b. Residential units shall not be accessible from the common storefront entrance.
 - c. The width of a non-residential frontage shall not be reduced, except only for accommodating access to the upper level or rear residential uses.
3. Accessory uses associated with any permitted residential use.

B. *Institutional Uses.* Institutional and service uses that are incidental to other permitted uses, compatible with the surrounding area, and further the intent of the district.

1. General uses such as museums, libraries, art centers, churches, lodges or fraternal organizations, mortuaries or funeral homes.
2. Educational uses such as private or group instruction in the arts or athletics, technical and professional training classes, university or college satellite classes.
3. Municipal and government service office or centers.

C. *Commercial.*

1. Retail, office and service businesses such as medical or dental office or clinic, legal and administrative services, financial institution, restaurant, retail outlet, clothing store, specialty shop, tradesmen, and other similar uses.

2. Any commercial use that is allowed in the LBD – Limited Business District with the following limitations:
 - a. The use is 5,000 square feet or less measured by the building square footage the use occupies; and
 - b. The lot and building must comply with the applicable development and design standards in this Section, and further the intent and design objectives in this Section.
- D. **Industrial Uses** (HBD-I only) Industrial uses are permitted to the extent they remain consistent with the scale, format, and development patterns of downtown-adjacent industrial uses.
1. Uses that focus on the administrative facilities, research institutions, light manufacturing activities, warehousing and wholesaling of goods; tradesman's workshops.
 2. Uses with moderate-scale manufacturing of goods and products, storage and transfer of goods and products, and wholesaling of raw material.
 3. Businesses requiring large equipment and display yards.
- E. **Special Uses.** Special uses allowed in Section 22 and according to Appendix A.
- F. **Prohibited.**
1. Any business using highly flammable or hazardous material is prohibited unless the business files an approved fire plan with the City Fire Department.
 2. Any use whose operation and format requires deviation from the development or design standards of this code is presumed prohibited, unless otherwise reviewed according to other discretionary or design review processes.
 3. Any use over 10,000 square feet or which occupies more than half of a block face in downtown is prohibited unless approved through a Special Use Permit according to Section 22. This process shall not be used to approve a use that is otherwise prohibited.

12-012 DEVELOPMENT STANDARDS

- A. **Building & Lot Standards.** To meet the intent of the HBD district and to maintain the traditional compact, walkable pattern of the HBD district, the following development standards apply:

Table 12-1; HBD Building and Lot Development Standards			
		HBD	HBD - I
Lot standards			
Area		<ul style="list-style-type: none"> ▪ 1.5K min. ▪ 15K max. 	<ul style="list-style-type: none"> ▪ 3K min. ▪ 25K max
	Width	<ul style="list-style-type: none"> ▪ 25' min. ▪ 100' max. 	<ul style="list-style-type: none"> ▪ 25' min. ▪ 150' max.
Building Standards			

Front Setback	0' – 10'	0' – 30'
Street Side Setback	0' – 10'	0' – 30'
Side Setback	0'	10'
Rear Setback	<ul style="list-style-type: none"> 10'; 0' if abutting a publicly accessible alley. 15' if abutting residential zoned property. 	<ul style="list-style-type: none"> 10' 0' If abutting a publicly accessible alley. 30' if abutting residential zoned property.
Height	40' 3 stories	40' 3 stories

B. Operation & Performance Standards.

1. Temporary exterior display of merchandise or sidewalk seating for patrons on sidewalks immediately adjacent to a business is permitted during business hours provided at least 6 feet of sidewalk is maintained clear and the display never occupies more than 50% of the sidewalk width.
2. Except for provided in B.1, all other business activities shall be conducted indoors. This does not preclude limited storage areas to the rear of buildings subject to screening requirements, or service or other accessory areas in private patios, balconies, or decks.
3. All access, service, delivery or other vehicle-oriented elements of the site, whether for customers or service, shall be located to the rear of buildings and lots, or otherwise designed to occur on the interior of blocks and away from public streetscapes.
4. Open air balconies, awnings, canopies, and marquees may extend up to 6 feet from any wall plane provided they are:
 - a. At least 8 feet above the grade and any sidewalk;
 - b. Are no closer than 5 feet from any common property line, except on the frontage where they may project into the right-of-way, but no closer than 4 feet from any curb.
5. No temporary storage structures or movable containers shall be permitted.
6. Outdoor storage is only permitted in the HBD-I district subject to the following:
 - a. All storage should be located in as remote of an area as possible considering impacts on the streetscape and adjacent commercial or residential property.
 - b. Any permitted outside storage or other industrial related activities may require screening from adjacent property or public streetscapes.
 - c. Frontages of industrial property where outdoor storage is permitted may require enhanced building standards, enhanced frontage design, or a combination of each to define edges of pedestrian-oriented downtown streets.

12-013 DESIGN STANDARDS

- A. **Design Objectives.** The community design standards have the following design objectives:
1. Enhance the image of downtown by coordinating streetscape investment with private lot and building investment.
 2. Arrange buildings to define streetscapes, public spaces, and other valuable active and social spaces on the site and create appropriate transitions to adjacent areas.
 3. Refine the scale, massing, and human-scale details of buildings to a greater degree the closer they are to the streetscape and other publicly used spaces and the greater the degree of pedestrian amenity on the abutting streetscape.
 4. Use landscape and outdoor civic spaces as organizing elements for development, creating focal points, gateways, and establishing transitions between distinct building sites.
 5. Encourage unique architectural expressions and promote the use of key details and design characteristics inherent in the chosen style for a building.
 6. Strengthen the identity and economic value of downtown by reinforcing a consistent pattern and character throughout the district.
- B. **Frontage Types.** Downtown frontages and buildings shall be designed according to the types and standards in Table 12-2 and based on the frontage type map designated on the regulating plan. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 12-2: HBD Frontage Types & Design Standards			
	Main Street Frontage	Transitional Frontage	Workshop Frontage
Building Placement			
A - Front Building Line (build-to range)	0' – 10'	0' – 10'	10' – 30'
B - Required Front Building Line	80% +	60% +	35% +
Access & Parking Limits			
C - Access Width (max.)	12'	24'	32'
Parking Setback (min.)	Behind rear of building	Behind front building line	6' min.
Extent of Parking / Garage Bays	0%	40%	65%
Building Design			
Entry Feature Spacing	50' max.	75' max	1 per building
Massing & Modulation	50' / 500 s.f.	100' / 1,000 s.f.	150' / 2,000 s.f.
Minimum First Story Transparency	60%	40%	40% w/in 50' of entry
Minimum Upper Story Transparency	25%	20%	15% n/a for industrial buildings

- C. **Building Placement.** The front building line frames the streetscape and forms the street wall that shapes the streetscape as pedestrian-oriented public space. All buildings shall establish a front building line within the range specified in Table 12-2 based on the applicable frontage types. Building frontages shall occupy the minimum percentage specified for required front building line with either of the following:
1. Front building facades meeting the design standards; or
 2. Civic space such as plazas or courtyards provided:
 - a. It is limited to no more than 20 feet along the street or 50% of the lot frontage, whichever is greater;
 - b. There is a defined edge at the extension of the required front building line, such as decorative walls or fences, landscape features and other human scale details; and
 - c. All building facades fronting the open space meet the standards otherwise applicable along the streetscape.
 3. Corner lots shall meet the frontage requirement on the side street for at least 30' or 25% of the lot depth, whichever is greater.
- D. **Access & Parking Limits.** Parking, driveways, and other vehicle-oriented designs on the frontage should be limited so that the visual priority of buildings and pedestrian-scale elements are established along the streetscape. Driveway widths, vehicle bays on front building facades, parking placement, and the extent of parking areas along the frontage shall be limited based on the frontage type as indicated in Table 12-2.
1. Access width limits apply to the first 50 feet of the lot depth, or up to the front building line, whichever is less.
 2. In cases where the access standards limit access to one or more lots, mid-block alleys, common access lanes, or cross access easements for two or more lots shall be used to coordinate access on the block.
 3. Any parking areas permitted along the frontage shall be screened by a 2.5 feet to 4 feet decorative wall or fence compatible with the architecture of the building, a landscape hedge, or a combination of each.
 4. Any garage doors or vehicle bays that are permitted on the frontage should include transparency and architectural details that add human-scale features and quality appearances if visible from the street.
- E. **Front Entry Features.** Front entry features activate the streetscape and public spaces and create consistent human-scale massing elements along the block frontage. Primary public entrances shall be located on all front facades at intervals specified in Table 12-2 and be clearly defined with at least two of the following elements:
1. A single-story architectural emphasis such as raised parapets, gables, canopies, porticos, overhangs, pediments, arches, or recessions within the wall plane of at least three feet.
 2. Transom or sidelight windows that frame and emphasize the entry.

3. Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes.
 4. Integral planters, seating, or wing walls associated with an entry court or plaza that integrate landscape and hardscape designs.
- F. **Building Design.** Building design refines the scale and form of buildings beyond basic setback and height standards and relates buildings to public space, affecting the character of the streetscape, block, and downtown. The standards in Table 12-2 shall be interpreted and applied with the following specific design strategies and techniques.
1. **Massing & Modulation.** Building elevations that exceed the massing and modulation limits in Table 12-2 by square footage or linear feet of elevation, shall be broken into smaller components by one or more of the following design techniques:
 - a. Emphasize bays and vertical breaks at regular intervals with visible features such as columns, pillars, pilasters, or other details and accents that are between 6 and 48 inches wide, and project between 4 and 24 inches off the facade.
 - b. Define horizontal elements with projections between 2 feet and 4 feet from the wall associated with entrance features or differentiating stories, such as awnings, canopies, storefront lintel / cornice, or similar horizontal elements.
 - c. Break the volume of the building into distinct components with:
 - (1) Step-backs of upper stories of at least 10 feet;
 - (2) Recesses of the building footprint greater than 4 feet.
 - (3) Deviations should encompass at least 20% of wall planes on the entire elevation.
 - d. Horizontal differentiation of a base, body and top of buildings with materials and architectural details.
 - (1) All elevations should have a distinct foundation, a main facade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
 - (2) Any belt course or trim band establishing the break in base, body and top shall use a material or pattern distinct from the primary material, be 6 to 36 inches wide, and off-set from the wall plane 4 to 24 inches; or be a lessor trim associated with a material change.
 - e. Use material changes and the use of primary and secondary materials with different colors and textures to emphasize different elements of the buildings.
 - (1) Where material changes are vertical (i.e., different materials stacked one above another) the transition between materials should include a belt course, trim band, sill or similar element to

separate materials. Heavier and larger materials should be below lighter and smaller materials.

- (2) Where material changes are horizontal (i.e., materials side-by-side) the transition between materials should occur at interior corners or at the trim line, architectural column, or pilaster to emphasize different structural or massing components.
- f. Use patterns of windows and doors, meeting the transparency requirements to break up blank walls, add depth and texture to the wall, and create a rhythm and balance along the elevation.
- 2. **Transparency.** Building elevations shall meet the required transparency on any street-facing elevation in Table 12-2 through one or more of the following design techniques:
 - a. Where expressed as a first story requirement the percentage shall be measured between two feet and eight feet above the sidewalk grade, or within ten feet above the first-floor elevation if the building is set back more than 15 feet from the street.
 - b. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
 - c. All required first story windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three feet behind the window.
 - d. Architectural features drawing emphasis on windows and doors such as window lintels, window sills, transom or sidelight windows can count to the required transparency percentage
 - e. For industrial and civic buildings set back more than 30 feet from the street, clerestory windows may meet the first or upper story window requirements.

12-014 PARKING

There are no off-street parking requirements in the Historic Business District, except:

- A. There shall be 1 parking space for each dwelling unit.
- B. Industrial uses in the HBD-I district shall provide 1 space for every 1,000 square feet of building. The Planning Commission may recommend additional or fewer spaces if consistent with the intent and design objectives of this district.

Any parking that is provided shall be designed according to the design standards in this section and any other applicable standards in Section 20.

12-015 Signs.

Refer to Section 25, Signs.

SECTION 3. Existing Appendix A of the Zoning Code is hereby amended to read as follows:

Appendix A
Use Groups by Category

[TBD]

SECTION 4. Sections 6 and 12, and Appendix A, of the Zoning Code are hereby repealed.

SECTION 5. This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary hereof, in the official City newspaper.

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

PASSED by the Governing Body and **APPROVED** by the Mayor on December 15, 2025.

SEAL

David Frese, Mayor

ATTEST:

Lindsay Huntington, City Clerk

APPROVED AS TO FORM:

Anna M. Krstulic, City Attorney

Tonganoxie Use Table - Final Updates

Update / replace current use table as indicated in this table (only changes for this ordinance indicated)

- Convert R-I in prior table to new R-DT district (incorporate all R-SF, R-I, R-MF-1 and R-MF-2 uses of prior code)
- Add new HBD-I district – include all HBD uses of existing code, but allow prior I-LT / I-MD uses subject to new limits on lots and use scale impacts included in the downtown regulating plan and HBD-I district standards.
- Update HBD allowed uses to reflect inconsistencies in 12-012 and table (specifically office and retail allowed)

	R-I	R-DT	HBD	HBD-I
Accessory				
Accessor Uses I	■	■		
Accessor Uses II				
Accessor Uses III		■		
Accessor Uses IV				
Accessor Uses V	■	■		
Residential				
Assisted Living				
Group Home	■	■		
Group Living		■		
Multi-unit living I (1-4) bat categories		■		
Multi Unit Living II (2-16) – bad categories		■		
Multi-unit Living III (16)				
Secondary Residential		■		
SF Residential	■	■		
2F Residential	■	■		
Residential – Mixed Use (not in use table but HBD district list)			■	■
Institutional & Service				
Community / Social Service Groups	■	■	■	■
Daycare – Child Care Center or Preschool (13+)	□	□	□	□
Daycare – home based up to 2	■	■		
Daycare – Licensed Daycare or Group Daycare (up to 10 to 12)	□	□		
Education - College			■	■
Education - Other	□	□	■	■
Education - School	■	■		
Healthcare – short term		■		
Healthcare – long term		■		

Internment Facilities I			■	■
Internment Facilities II & III				
Municipal services			■	■
Personal Care Facilities (adult day care)	☐	☐	■	■
Public Transportation				
Religious Institution	■	■	■	■
Safety Services	■	■	■	■
Utilities local			■	■
Utilities major				
Recreational				
Athletic Facilities indoor (skating/ bowling, heath fitness, racquetball)			■	■
Athletic facilities outdoor	■	■		
Open Space Areas	■	■	■	■
Rec / entertainment I - banquet halls, etc			■	■
Rec / entertainment II – stadium, fair ground, gun clubs...				■
Rec / Entertainment – race track, ski slope (seriously...)				
Commercial				
Parking Facility			■	■
Lodging I	■	■	■	■
Lodging II				
Lodging III (under Recreation uses)				
Professional Office			■	
Restaurant I			■	■
Restaurant II			■	■
Retail Sales / Services I			■	■
Retail Sales / service II ---				
Trades / Contractors - small scale			■	■
Vehicle Repair				■
Vehicle Service, Repair Limited				■
Industrial Service				
Industrial Service				■
Manufacturing / Production I				■
Manufacturing / Production II				■
Manufacturing / Production III				
Research Laboratory I				■
Research Laboratory II				

Retail Sales / Service Industrial				■
Self Storage				■
Trades Contractors – large scale				■
Vehicle Equipment Repair - Industrial				
Ware house				■
Wholesale Sales				■



Office of the City Manager **AGENDA STATEMENT**

DATE: December 15, 2025
To: Honorable Mayor David Frese and Members of the City Council
FROM: Lindsay Huntington, City Clerk
SUBJECT: Ordinances Nos. 1542 and 1543: Consider Approval of Adopting the 2025 version of the Standard Traffic Ordinance (STO) and Uniform Public Offense Code (UPOC)

DISCUSSION:

STO & UPOC

The Standard Traffic Ordinance (STO) has been published by LKM since 1960 and it is designed to provide a comprehensive traffic code for Kansas cities in parallel to the State Traffic Act. The Uniform Public Offense Code (UPOC) has been published by LKM since 1980 and it is designed to provide a comprehensive public offense ordinance for Kansas cities in parallel to the State Criminal Code.

Each year, the League of Kansas Municipalities (LKM) provides an updated Standard Traffic Ordinance and Uniform Public Offense code for cities across the state to potentially utilize. Cities are not required to incorporate the annual updates every year and due to cost implications involved and limited changes some cities choose to take the approach of waiting until a tipping point of the number of alterations are reached or enough time passes cities without the updated versions are in a degree of contradiction to neighboring communities. Many years there are minimal updates and sometimes major updates occur simply due to changes in things like technology.

Since 2022 the City of Tonganoxie has incorporated by reference the 2022 respective editions of the Uniform Public Offense Code & Standard Traffic Ordinance. Over the years prior to 2022 the City also incorporated by reference the 2019, 2016, 2014, & 2009 editions of the Uniform Public Offense Code & Standard Traffic Ordinance.

The City Attorney has reviewed existing City Code references and has prepared draft Ordinances 1542 and 1543 to note that no exemptions were being made at this time, but those actions will be recommended in the future. City Police Department and Municipal Court staff also reviewed the draft ordinances and support moving forward with approval of each ordinance. The Uniform Public Offense Code & Standard Traffic Ordinance are too extensive to be included as an attachment in the Council packet but City staff maintain multiple print copies at City Hall for viewing or reference.

BUDGET IMPACT:

None. The cost of purchasing printed and digital copies of the STO and UPOC was planned for and expended within the 2025 Municipal Court operating budget.

ACTION NEEDED:

Make and consider individual motions to approve the following ordinances:

Ordinance 1542 - Incorporating by Reference the Standard Traffic Ordinance of Kansas Cities, 2025 edition
Ordinance 1543 - Incorporating by Reference the Uniform Public Offense Code for Kansas Cities, 2025 edition

ATTACHMENT:

Ordinance No. 1542
Ordinance No. 1543

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

ORDINANCE NO. 1542

AN ORDINANCE RELATING TO THE REGULATION OF TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF TONGANOXIE, KANSAS; INCORPORATING BY REFERENCE THE *STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES*, 52ND EDITION, WITH CERTAIN ADDITIONS AND CHANGES; AMENDING AND REPEALING EXISTING SECTIONS 14-101 THROUGH 14-103, INCLUSIVE, OF THE TONGANOXIE CITY CODE.

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

SECTION 1. Existing Sections 14-101 through 14-103, inclusive, of the Tonganoxie City Code are hereby amended to read as follows:

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Tonganoxie, Kansas, that certain standard traffic ordinance known as the *Standard Traffic Ordinance for Kansas Cities*, 52nd Edition (the "STO"), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter added or changed. One official copy of the STO shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1542," with all sections or portions thereof intended to be added or changed clearly marked to show any such addition or change and to which shall be attached a copy of Ordinance No. 1542, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal court judge, and all administrative departments of the city charged with enforcement of the STO shall be supplied, at the cost of the city, such number of official copies of the STO similarly marked as may be deemed expedient.

14-102. SAME; ADDITIONS AND AMENDMENTS.

Sections 33.2, 103.1, 104.1 and 116.1 are hereby added to the STO, and Section 136 of the STO is hereby changed, to read as follows:

Sec. 33.2. Local Speed Limits.

The City Council, based on sound engineering and traffic principles and in the furtherance of public safety, having established maximum speed limits on all streets within the city hereby determines and declares that the maximum speed limits shall be as follows:

- (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with Section 32 of the STO, the limits specified in this section or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits, except where otherwise posted:

- (1) Twenty miles per hour (20 mph) in any business district;
- (2) Thirty miles per hour (30 mph) in any residential district, except where otherwise posted;
- (3) Twenty miles per hour (20 mph) in any park;
- (4) As posted in all school zones between the hours of 7:00 A.M. and 5:00 P.M., on regular school days as designated by the school calendar of the school with the zone;
- (5) On any county or township highway, fifty-five miles per hour (55 mph), except where otherwise posted;
- (6) On all other highways, sixty-five miles per hour (65 mph), except where otherwise posted.
- (7) Except as provided in subsection (b), the maximum speed limit on Fall Creek Drive within the City limits of Tonganoxie shall be 20 miles per hour.

(b) Whenever the person in possession or control of any private property used by the public for purposes of vehicular traffic by permission of the owner, shall cause to be posted at each entrance thereto a permanently lettered and clearly legible sign with the following legend: Traffic Regulations of the City of Tonganoxie, Kansas, enforced on this property. Speed Limit _____. Then such private property shall thereafter be deemed to be under the traffic regulations of the city as provided by law.

Sec. 103.1. Loud Amplification Systems; Noises from Vehicles.

No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit operation of any sound producing device or any amplification system from within a vehicle so that the sound is plainly audible at a distance of fifty feet (50') or more from the vehicle.

Sec. 104.1. Careless Driving.

- (a) It shall be unlawful for any person to drive or operate a vehicle upon a highway or a street or public-access private property (e.g., parking lot) in a careless or heedless manner or in an inattentive manner, or without due caution or circumstances, or in any manner not constituting reckless driving but so as to endanger any person or property.
- (b) Every person convicted of a violation of this section shall be fined an amount not more than \$150 and may be imprisoned for a period of not more than 10 days.

Sec. 116.1. Bicycling on Specific Sidewalks Prohibited.

It shall be unlawful for any person to use a bicycle on the sidewalks on 4th Street from Main to Green Streets.

Sec. 136. Use of Coasters, Skate Boards, Roller Blades, Rollers Skates and Similar Devices Restricted.

- (a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, roller blades, skate boards, or similar device, shall go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.
- (b) It shall be unlawful for any person to use a coaster, roller skates, skateboards, roller blades or any other similar device on the streets or sidewalks on 4th Street from Main Street to Green Street.

14-103. SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

- (a) An ordinance traffic infraction is a violation of any section of this Chapter XIV that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118 (as may be amended).
- (b) All traffic violations that are included within this Chapter XIV and are not ordinance traffic infractions as defined in subsection (a) above shall be considered traffic offenses.

SECTION 2. Existing Sections 14-101 through 14-103, inclusive, are hereby repealed. The repeal of any ordinance or parts of an ordinance by this Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding under or by virtue of the repealed ordinance.

SECTION 3. This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary thereof, in the official City newspaper.

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

PASSED by the Governing Body and **APPROVED** by the Mayor on December 15, 2025.

SEAL

David Frese, Mayor

ATTEST:

Lindsay Huntington, City Clerk

APPROVED AS TO FORM:

Anna M. Krstulic, City Attorney

ORDINANCE NO. 1543

AN ORDINANCE RELATING TO THE REGULATION OF PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF TONGANOXIE, KANSAS; INCORPORATING BY REFERENCE THE *UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES*, 41ST EDITION; AMENDING AND REPEALING EXISTING SECTION 11-101 AND REPEALING EXISTING SECTION 11-102 OF THE TONGANOXIE CITY CODE.

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

SECTION 1. Existing Section 11-101 of the Tonganoxie City Code is hereby amended to read as follows:

11-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Tonganoxie, Kansas, that certain code known as the *Uniform Public Offense Code for Kansas Cities*, 41st Edition (the "UPOC"), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. One official copy of the UPOC shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1543," and to which shall be attached a copy of Ordinance No. 1543, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal court judge, and all administrative departments of the city charged with enforcement of the UPOC shall be supplied, at the cost of the city, such number of official copies of the UPOC similarly marked as may be deemed expedient.

SECTION 2. Existing Sections 11-101 and 11-102 are hereby repealed. The repeal of any ordinance or parts of an ordinance by this Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding under or by virtue of the repealed ordinance.

SECTION 3. This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary thereof, in the official City newspaper.

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

PASSED by the Governing Body and **APPROVED** by the Mayor on December 15, 2025.

SEAL

David Frese, Mayor

ATTEST:

Lindsay Huntington, City Clerk

APPROVED AS TO FORM:

Anna M. Krstulic, City Attorney



Office of the City Manager **AGENDA STATEMENT**

DATE: December 15, 2025
TO: Honorable Mayor David Frese and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: City Personnel Policies Update

DISCUSSION:

In July 2025 the City contracted with Dennis Dumovich to aid in completing a project which included review of the existing set of personnel policies and employee handbook and development of changes and additional content. The scope also included inclusion of addition policies, relevant employee & employer matters in terms of state and federal legislation, compliance with state and federal law, and improving the readability of the policies and communication of policy contents.

The City's previous form of personnel policies and employee handbook were largely developed and implemented from 2012-2014. At that time personnel policies were developed in keeping with current regulations and best practices, and changes since that time were incremental and relatively minor in nature, such as adjustments to the list of observed holidays. However, in the intervening years the City organization and scope of work as an employer have continued to grow, along with periodic changes to federal and state regulations, requirements, and best practices. In late 2024 the City Council also authorized adjustments to the practices associated with paid leave accruals including vacation, sick, and floating holiday leave. One key goal of the recommended policy revisions is simplification and removal of any policy contradictions or vagueness in terms. The revised policy is intended to be more understandable to a wider audience, concise, and much easier to locate specific references to desired information.

The draft complete personnel policies are available at the following link and at City Hall in hard copy format: tonganoxie.org/administration/files/2025-draft-city-personnel-policies

BUDGET IMPACT:

No budget impact is associated with this item.

ACTION NEEDED:

Make a motion to approve the City Personnel Policies and revisions as presented.

ATTACHMENT:

Summary of changes resulting from the 2025 Project to review and update the City's personnel policies.

cc: Anna Krstulic, City Attorney; George Brajkovic, City Manager; File



TONGANOXIE

KANSAS

Summary of Proposed Changes to City of Tonganoxie Employee Handbook December 15, 2025

- 1.30 Administration of Personnel Records
- 1.80 Minor Work Permits – *Removed*
- 1.100 One Year Training Period for All Employees
- 1.110 Re-Employment – *Clarified*
- 1.160 Performance Evaluations
- 2.50 Deferred Compensation -*City Council Could Authorize Employer Match*
- 2.70 One Year Probation -*All New Hires*
- 3.20 Compensatory Time Accrual
- 3.70 Working Out of Classification – *5 days vs. 2 days*
- 3.130 Distribution of Paychecks
- 4.70 Leave of Absence Without Pay – *Approved by City Manager*
- 4.100 Sick Leave – *Clarified Payout at Termination*
- 6.20 Grievance Process – *Removed City Council Steps*
- 6.30 Policy Concerning Harassment – *Updated Language*
- 6.140 Cell Phone Policy – *Removed*
- 7.90 On-The-Job Injury or Illness -*Updated Language*
- 9.40 Hiring of City Clerk & Department Heads – *Removed*

Appendix A – *Added*



Office of the City Manager **AGENDA STATEMENT**

DATE: December 15, 2025
TO: Honorable Mayor David Frese and Members of the City Council
FROM: Jami Burke, Administrative Coordinator
SUBJECT: CMB License Applications for Casey's General Store and Brothers Market 5, Inc.

DISCUSSION:

The State of Kansas Department of Revenue has revamped the CMB licensing process beginning in 2026. Applicants must submit their applications and a \$25.00 State of Kansas CMB Stamp fee to the State of Kansas prior to applying for a City or County CMB license. If the application is approved by the State Alcoholic Beverage Control, they will affix the State CMB Stamp to the application and return it to the applicant. The applicant will then submit the application to the City for the required approval. Previously, the City application fee was \$75.00, of which \$25.00 was submitted to the State. The fee now has been reduced to \$50.00 to account for the fee the applicant has already paid to the State of Kansas before engaging with the City. Attached are the State-approved applications for the annual renewal of CMB licenses for Casey's General Store and Brothers Market 5 Inc. If approved staff will affix the State CMB Stamp to the new CMB license which will be conspicuously displayed in their place of business. Staff will also report all approved CMB licenses and effective dates to ABC.

The City currently has 3 businesses that maintain an active CMB License. City staff have reached out and held discussions frequently with all current license holders to advise them of the procedural changes mandated by the State of Kansas. To date, 1 business has not yet submitted a copy of the State-approved license application materials to the City so, in the event that they do not submit in time for the City Council meeting on December 15, 2025 there will be a period of time starting on January 1, 2026 when that business will not be able to sell CMB items until the license is acquired and approved.

BUDGET IMPACT:

The \$50.00 application fee has been received from each license applicant.

ACTION NEEDED:

Make a motion to approve the renewal of Cereal Malt Beverage license for Casey's General Store and Brothers Market 5, Inc. to sell retail Cereal Malt Beverages in original unopened containers and not for consumption on the premises.

ATTACHMENTS:

CMB renewal application for Casey's General Store and Brothers Market 5 Inc.
Kansas Department of Revenue Alcoholic Beverage Control Application Checklist

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

Cereal Malt Beverage (CMB) Application Checklist

Applicant Checklist:

- ☐ Complete the appropriate CMB application on the form prepared by the Office of the Kansas Attorney General as required by K.S.A. 41-2702(c). If applying for both Off-Premises Consumption and On-Premises Consumption, two separate applications are required.
- ☐ Submit your completed application form and the \$25 State CMB Stamp fee to the Alcoholic Beverage Control (ABC) at the following address:
KDOR - Alcoholic Beverage Control
Mills Building
109 SW 9th Street, 5th Floor
PO Box 3506
Topeka, KS 66601-3506
- ☐ Once approved, ABC will affix the State CMB Stamp to the application and mail back to the application with two additional State CMB Stamps for the city/county to affix to the license certificate and report.
- ☐ Take the ABC approved CMB application, State CMB Stamps, and applicable CMB license fees to the city or county to apply for the CMB license.
- ☐ If your CMB application is approved by the city or county, the city or county will affix the State CMB Stamp to the CMB license certificate.
- ☐ After your CMB license has been issued, the city or county will report your license and the effective dates of the license to ABC. ABC will update our records to ensure your State CMB Stamp reflects the effective dates of the CMB license issued by the city or county. You may view current State CMB Stamps and the effective dates at <https://www.kdor.ks.gov/apps/liquorlicensee/Active.aspx>.

City or County Clerk Checklist:

- ☐ The application is on the form prepared by the Office of the Kansas Attorney General as required by K.S.A. 41-2702(c).
- ☐ The application is complete and has the new State CMB Stamp affixed to it by ABC.
- ☐ Collect the appropriate annual license fee. Pursuant to K.S.A. 41-2702(d)(1) and K.S.A. 41-2702(d)(2), the fees schedule is:
 - On-Premises Consumption \$25 - \$200
 - Off-Premises Consumption \$25 - \$50
 - Special Event \$25 - \$200
- ☐ Issue the appropriate license certificate and affix the white State CMB Stamp provided by ABC to the licensee. The stamp number must match the stamp number on the application. If the applicant is applying for both an on-premises consumption license and an off-premises consumption license, two applications must be received, and two licenses must be issued.
- ☐ Complete your CMB Monthly Report (ABC-307 <https://www.ksrevenue.gov/pdf/abc307.pdf>). Attach the blue State CMB Stamp to the form and complete the information for each CMB license issued for the month you are reporting. Submit the report to ABC. Note: failure to report CMB licenses issued to ABC may result in the State CMB Stamp not reflecting the accurate start date and expiration date, impacting the business' ability to operate.

Place on
City/County

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

C50227

☒ City or ☐ County of

TONGANOXIE

SECTION 1 - LICENSE TYPE

Check One: ☐ New License ☒ Renew License ☐ Special Event Permit

AUG 28 2025

Check One:

☐ License to sell cereal malt beverages for consumption on the premises.

☒ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

SECTION 2 - APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 004-201025921F-01

I have registered as an Alcohol Dealer with the TTB. ☒ Yes (required for new application)

Name of Corporation CASEY'S RETAIL COMPANY	FEIN 20-1025921		
Corporation Street Address ONE SE CONVENIENCE BLVD	Corporation City ANKENY	State IA	Zip Code 50021
Date of Incorporation 04/14/04	Articles of Incorporation are on file with the Secretary of State.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name UNITED AGENT GROUP, INC	Phone No. (561) 508-5033		
Residence Street Address 4601 E. DOUGLAS AVENUE #700	City WICHITA	State KS	Zip Code 67218

SECTION 3 - LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name CASEY'S #3780	Name CASEY'S RETAIL COMPANY, ATTN: BECKY PETERSON
Business Location Address 500 WEST ST	Address 1 SE CONVENIENCE BLVD
City TONGANOXIE, KS 66086	City ANKENY, IA 50021
Email Address(s) Please separate values with a comma. LICENSINGTEAM@CASEYS.COM	
Business Phone No. 913-303-8077	<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.
Business Location Owner Name(s) CASEY'S RETAIL COMPANY	

SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse*, if applicable. Attach additional pages if necessary.

Name	Position	Date of Birth
NO PERSONS INDIVIDUALLY OR IN AGGREGATE OWN 25% OR MORE OF CORPORATE STOCK		
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Age
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Age
Residence Street Address	City	State Zip Code

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
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Residence Street Address	City	State Zip Code
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Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION

My place of business or special event will be conducted by a manager or agent.

☒ Yes ☐ No

If yes, provide the following:

Manager/Agent Name

TIAGO COELHO

Phone No.

515-881-8811

Date of Birth

[REDACTED]

Residence Street Address

[REDACTED]

City and State

[REDACTED]

Zip Code

[REDACTED]

Manager or Agent Spousal Information*

Spouse Name

N/A

Phone No.

Date of Birth

Residence Street Address

City and State

Zip Code

SECTION 6 – QUALIFICATIONS FOR LICENSURE

Applies to each partner or member of a firm or association AND their spouses*. Enter lowest residency length number**.

Are all persons identified in Sections 4 & 5 Citizens of the United States*?

☒ Yes ☐ No

Is the person identified in Section 5 currently a resident of Kansas*?

☒ Yes ☐ No

All persons identified in Sections 4 & 5 are at least 21 years old*?

☒ Yes ☐ No

All persons in Sections 4 & 5 have been a Kansas resident for at least 3+ years prior to submitting this application.**

Within 2 years immediately preceding the date of this application, have any persons identified in Sections 4 & 5 been convicted of, released from incarceration for or released from probation or parole for any of the following crimes*:

(1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law?

☐ Yes ☒ No

Does the partnership, firm or association have a manager, officer, director or stockholder owning in the aggregate more than 25% of the stock of a corporation that has had any license issued pursuant to the Kansas Liquor Control Act, Kansas Club and Drinking Establishment Act or Kansas Cereal Malt Beverage Act, revoked for a violation of such acts?

☐ Yes ☒ No

Has the spouse of any partner or member ever been convicted of any of the crimes identified in Section 6 during the time the partner or member held a CMB license?

☐ Yes ☒ No**SECTION 7 – DURATION OF SPECIAL EVENT**

Start Date

Time

☐ AM ☐ PM

End Date

Time

☐ AM ☐ PM

Proceed to Section 8 on the next page.

SECTION 8 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: ☒ 8 ½" by 11" drawing attached.



I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE Douglas M. Reed DATE 8/20/2025

FOR CITY/COUNTY OFFICE USE ONLY:

☒ License Fee Received Amount \$ 50.00 Date 10/8/2025
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)

☒ \$25 CMB Stamp Fee Received Date 8/28/25

☐ Background Investigation ☐ Completed Date _____ ☐ Qualified ☐ Disqualified

☐ Verified applicant has registered with the TTB as an Alcohol Dealer

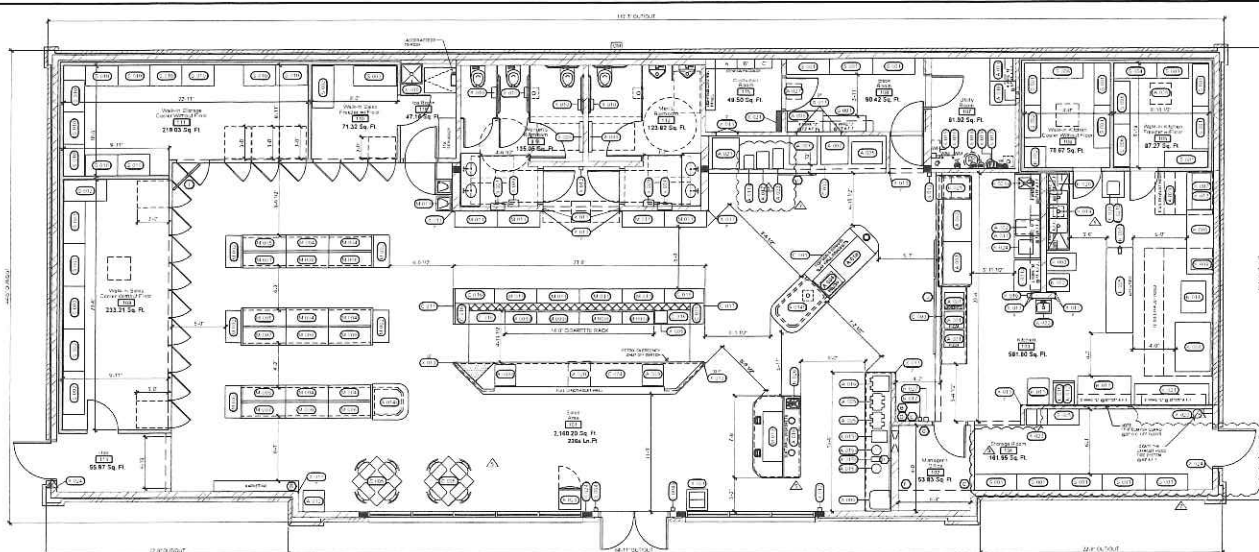
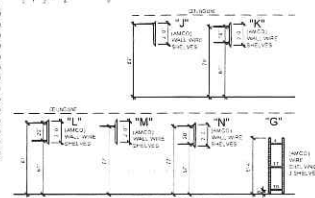
☐ New License Approved Valid From Date _____ to _____ By: _____



☒ License Renewed Valid From Date 1/1/2026 to 12/31/2026 By: _____

☐ Special Event Permit Approved Valid From Date _____ to _____ By: _____

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 109 SW 9TH ST, 5TH FLOOR, PO BOX 3506, TOPEKA, KS 66601.

* Applicant's spouse is not required to meet citizenship or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)

[illegible]

 CASEY'S 	
CASEY'S CONSTRUCTION DIVISION One Commonwealth Blvd. P.O. Box 13000, Erie, PA 16511-8004-600	
PROJECT: 2018 "OK" STYLE STORE FLAT ROOF	DATE: 05/04/18 TIME: 06:08 AM
DRAWING NUMBER: CONG-BUILD-010-010-010	DRAWING TITLE: EQUIPMENT PLAN
DRAWN BY: ALAN GUSTAFSON	AQ-101

Place on
City/County

C50692

RECEIVED
DEPARTMENT OF REVENUE

OCT 06 2025

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BE

(This form has been prepared by the Attorney General's Office)

☒ City or ☐ County of

Tonganoxie

SECTION 1 - LICENSE TYPE

Check One: ☐ New License ☒ Renew License ☐ Special Event Permit

Check One:

☐ License to sell cereal malt beverages for consumption on the premises.

☒ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

SECTION 2 - APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 004-470962776F-01

I have registered as an Alcohol Dealer with the TTB. ☐ Yes (required for new application)

Name of Corporation Brothers Market 5, Inc	FEIN 47-0962776
Corporation Street Address 12345 University Ave, Ste 200	Corporation City Cline
Date of Incorporation 3/2014	State IA
Resident Agent Name Jay DeVries	Zip Code 50325
Residence Street Address 10415 NW Beaver Dr.	Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Phone No. (315) 457 1276 ext 112
	City Johnston
	State IA
	Zip Code 50131

SECTION 3 - LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name Brothers Market	Name
Business Location Address 314 Ridge St.	Address PO Box 915
City Tonganoxie	City Tonganoxie
State KS	State KS
Zip 66086	Zip 66086
Email Address(s) Please separate values with a comma. Tonganoxie@shopbrothersmarket.com	
Business Phone No. 913-845-2949	<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.
Business Location Owner Name(s) Jay DeVries, Jared DeVries, Mariah DeVries, Casey Hiegmann, Robert Schuck	

SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse*, if applicable. Attach additional pages if necessary.

Name Jay DeVries	Position President	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City [REDACTED]	State IA
Spouse Name [REDACTED]	Position	Zip Code 50131
Residence Street Address	City	Date of Birth
	State	Zip Code
Name Jared DeVries	Position Vice President	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City [REDACTED]	State IA
Spouse Name [REDACTED]	Position	Zip Code 50428
Residence Street Address	City	Age
	State	Zip Code
Name Mariah DeVries	Position Secretary	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City [REDACTED]	State IA
Spouse Name [REDACTED]	Position	Zip Code 50363
Residence Street Address	City	Age
	State	Zip Code

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
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Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION

My place of business or special event will be conducted by a manager or agent.

☒ Yes ☐ No

If yes, provide the following:

Manager/Agent Name Rich Sredo	Phone No. [REDACTED]	Date of Birth 12/1/2
Residence Street Address [REDACTED]	City and State [REDACTED]	Zip Code 66086

Manager or Agent Spousal Information*

Spouse Name	Phone No.	Date of Birth
Residence Street Address	City and State	Zip Code

SECTION 6 – QUALIFICATIONS FOR LICENSURE

Applies to each partner or member of a firm or association AND their spouses*. Enter lowest residency length number**.

Are all persons identified in Sections 4 & 5 Citizens of the United States*? ☒ Yes ☐ NoIs the person identified in Section 5 currently a resident of Kansas*? ☒ Yes ☐ NoAll persons identified in Sections 4 & 5 are at least 21 years old*? ☒ Yes ☐ No

All persons in Sections 4 & 5 have been a Kansas resident for at least _____ years prior to submitting this application.**

Within 2 years immediately preceding the date of this application, have any persons identified in Sections 4 & 5 been convicted of, released from incarceration for or released from probation or parole for any of the following crimes*:

(1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law?

☐ Yes ☒ No

Does the partnership, firm or association have a manager, officer, director or stockholder owning in the aggregate more than 25% of the stock of a corporation that has had any license issued pursuant to the Kansas Liquor Control Act, Kansas Club and Drinking Establishment Act or Kansas Cereal Malt Beverage Act, revoked for a violation of such acts?

☐ Yes ☒ No

Has the spouse of any partner or member ever been convicted of any of the crimes identified in Section 6 during the time the partner or member held a CMB license?

☐ Yes ☒ No**SECTION 7 – DURATION OF SPECIAL EVENT**

Start Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
End Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM

Proceed to Section 8 on the next page.

SECTION 8 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: ☐ 8 1/2" by 11" drawing attached.



I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE

DATE

9/29/25

FOR CITY/COUNTY OFFICE USE ONLY:

☐ License Fee Received Amount \$ 50.00 Date 10/27/2025
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)

☒ \$25 CMB Stamp Fee Received Date 10.6.25BP

☐ Background Investigation

☐ Completed Date _____

☐ Qualified

☐ Disqualified

☐ Verified applicant has registered with the TTB as an Alcohol Dealer

☐ New License Approved

Valid From Date _____

to _____

By: _____

☒ License Renewed

Valid From Date 11/1/2024

to 12/31/2024

By: _____

☐ Special Event Permit Approved

Valid From Date _____

to _____

By: _____

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 109 SW 9TH ST, 5TH FLOOR, PO BOX 3506, TOPEKA, KS 66601.

* Applicant's spouse is not required to meet citizenship or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)



Office of the City Manager **AGENDA STATEMENT**

DATE: December 15, 2025
To: Honorable Mayor David Frese and Members of the City Council
FROM: Dan Porter, Assistant City Manager
SUBJECT: Consider Budget Amendment for 2025 Adopted Budget for the General Fund, Library Benefits Fund, Water Operations Fund, Sewer Operations Fund, Police Equipment Fund

DISCUSSION:

The 2025 annual budget was adopted by the City Council in September 2024. The City's financial statements are organized into unique funds, including 13 funds included in the state budget forms and others with annual expenditure limits authorized by the City Council during annual budget approval. Periodically changes in revenue collections or necessary expenditures compared to prior assumptions require budget amendments. Funds budgeted through the state budget forms require provision of public notice, completion of a public hearing, and filing the amended budget certificate with the County Clerk prior to the end of the fiscal year, while funds with expenditure budgets authorized by the City Council can be amended at any point in the year by a vote of the City Council on a motion to amend the budgeted expenditures.

Only 1 fund, the Fire Equipment Fund, has previously completed a mid-year budget amendment in 2025. A mid-year budget amendment to four funds included in the State Budget Forms and one fund not included in the State Budget Forms is being presented for the City Council's consideration.

General Fund, Library Employee Benefits Fund, Water Ops Fund, and Sewer Ops Fund –

General Fund – Increase in planned expenditures for employee personal services costs, including health insurance premiums, as well as credit card processing fees associated with municipal court operations. Of the adjustments, 45% are associated with employee compensation, 49% are associated with employee benefits, and 6% are contractual services. The Police Department, the largest City department in terms of staffing and budget in the General Fund, represents about 61% of the adjustments, followed by the Public Works Department at 19% of the adjustments. \$155,000 is the total change in planned expenditures, no change (\$0) in authorized expenditure limit of approved 2025 Budget for this fund.

Library Employee Benefits Fund – Increase in planned expenditures for reimbursed expenditures (employee benefits costs) compared to previous budget assumptions. Increase in planned expenditures for pass through of property tax and PILOT revenues from Leavenworth County to the Tonganoxie Public Library. \$10,000 total change in planned expenditures, no change (\$0) in authorized expenditure limit of approved 2025 Budget for this fund.

Water Operations Fund – Increase in planned revenues for water charges compared to previous budget assumptions. Increase in planned and authorized expenditures for wholesale water purchases, credit card processing fees, and remittance of collected sales tax to the State on increased water sales. \$70,000 total change in planned revenues and \$70,000 total change in planned and authorized expenditures for this fund in the 2025 Budget.

Sewer Operations Fund – Increase in planned revenues for sewer charges compared to previous budget assumptions. Increase in planned and authorized expenditures for sewer sludge hauling and disposal fees and credit card processing fees. \$27,000 total change in planned revenues and \$27,000 total change in planned and authorized expenditures for this fund in the 2025 Budget.

These budget amendments to the aforementioned 4 funds do require provision of a newspaper notice, conducting a public hearing, and completion of revised State budget forms as they are considered budgeted funds in the State of Kansas and these actions have been completed or prepared.

Police Equipment Fund –

In 2025 the Police Equipment Fund activity in revenues and expenditures has outpaced the budget expectations prepared initially in June-August 2024. Some reimbursed types of expenditures such as partially grant-funded purchases of ballistic safety vests for new or tenured sworn personnel in the department exceeded projections, as well as increases in the costs of certain key commodities purchased from this fund such as ammunition for City issued firearms used by sworn personnel.

It is proposed that the City amend the 2025 Adopted Budget in the Police Equipment Fund for both revenue and expenditure budgets as follows:

Revenue

Account	Account Name	Original Budget	Budget Adjustment	Current Budget
420-44106	UTV LICENSES	-2,000	-500	-2,500
420-46301	GRANT RECEIPTS	-2,000	-500	-2,500
420-46501	SALE OF EQUIPMENT	-8,000	-3,000	-11,000
420-62820	COURT COSTS	-6,000	-4,000	-10,000

Expenditure

Account	Account Name	Original Budget	Budget Adjustment	Current Budget
420-200-63103	OPERATING SUPPLIES	6,000	8,000	14,000

This budget amendment does not require provision of a newspaper notice, conducting a public hearing, or completion of revised State budget forms as it is not a budgeted fund in the State of Kansas.

BUDGET IMPACT:

See individual notes in Discussion Section regarding each unique fund. No budget amendments as presented are anticipated to result in negative impacts to year end fund balance levels compared to budget projections.

ACTION NEEDED:

1. Open, conduct, and close required public hearing for funds included in the State Budget Form.
2. Consider motion to approve 2025 budget amendments to the General Fund, Library Benefits Fund, Water Operations Fund, Sewer Operations Fund, Police Equipment Fund as presented and direct City staff to complete necessary steps to file and record the budget amendments.

ATTACHMENTS:

Affidavit of Publication – 2025 Mid-Year Budget Amendment to multiple funds
Complete State Budget Forms - 2025 Mid-Year Budget Amendment to multiple funds

cc: George Brajkovic, City Manager

Affidavit in Proof of Publication

STATE OF KANSAS
Leavenworth County

(Proof on next page)

Kelly Schellman of the Legal Dept. of the Tonganoxie Mirror
being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and
published in and of general circulation in Leavenworth
County, Kansas, with a general paid circulation on a weekly
basis in Leavenworth County, Kansas, and that said newspaper
is not a trade, religious or fraternal publication, and which
newspaper has been admitted to the mails as periodicals class
matter in said County, and that a notice of which is hereto
attached, was published in the regular and entire issue of the
Tonganoxie Mirror


Said newspaper is published six days per week, 52 weeks per
year; has been so published continuously and uninterruptedly
in said county and state for a period of more than five years
prior to the first publication of said notice and been admitted at
the post office of Tonganoxie in said County as second class
matter.

That the attached notice is a true copy thereof and was
published in the regular and entire issue of said newspaper for
1 consecutive weeks the first publication thereof being made as
aforesaid on 12/03/2025 with publications being made on the
following dates:

12/03/2025



Subscribed and sworn to before me this 3rd day
of December, 2025.



Notary Public

My Appointment expires: 7/18/2029

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	<u>\$108.20</u>
	\$108.20



**Notice of Budget Hearing for Amending the
2025 Budget**

The governing body of

Tonganoxie

will meet on the day of 12/15/2025 at 7:00 PM at City Council Chambers, 303 Bury Street for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Tonganoxie City Hall or www.tonganoxie.org
and will be available at this hearing.

Summary of Amendments

Fund	2025 Adopted Budget			2025 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
General	27.733	2,097,347	6,280,959	6,280,959
Library Employee Benefits	1.377	104,138	206,766	206,766
Water Operations			2,122,835	2,192,835
Sewer Operations			1,621,119	1,648,119

Daniel Porter

Official Title: Assistant City Manager

2025

**Amended
Certificate
For Calendar Year 2025**

To the Clerk of Leavenworth, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
Tonganoxie
certify that: (1) the hearing mentioned in the attached publication was
held;(2) after the Budget Hearing this Budget was duly approved and
adopted as the maximum expenditure for the various funds for the year.

			2025 Amended Budget		
			Amount of 2024 Tax that was Levied	Adopted 2025 Expenditures	Proposed Amended 2025 Expenditures
Table of Contents:		Page No.			
Fund	<u>K.S.A.</u>				
General	12-101a	2	2,097,347	6,280,959	6,280,959
Library Employee Benefits	12-16,102	3	104,138	206,766	206,766
Water Operations		4		2,122,835	2,192,835
Sewer Operations		5		1,621,119	1,648,119
Totals		xxxxxxx	2,201,485	10,231,679	10,328,679
Summary of Amendments		6			

Attested date: _____

County Clerk

Assisted by:
Daniel Porter
Assistant City Manager
Address:
526 E 4th Street
Tonganoxie, KS 66086

Email:
dporter@tonganoxie.org

Governing Body

CPA Summary

Tonganoxie

2025

Adopted Budget

General	2025 Adopted Budget	2025 Proposed Budget
Unencumbered Cash Balance January 1	1,779,416	1,779,416
Receipts:		
Ad Valorem Tax	2,097,412	2,097,412
Delinquent Tax	-61	-61
Motor Vehicle Tax	175,108	175,108
Recreational Vehicle Tax	2,263	2,263
16/20M Vehicle Tax	0	0
Commercial Vehicle Tax	2,115	2,115
Watercraft Tax	1,898	1,898
Gross Earning (Intangible) Tax	0	0
Special Assessments - IRBs/EDXs	29,038	29,038
Mineral Production Tax	0	0
Local Alcoholic Liquor	4,800	4,800
Local Compensating Use Tax	319,760	319,760
Local Sales Tax	690,910	690,910
Franchise Tax	499,000	499,000
Licenses	88,300	88,300
Charges for Service	170,000	170,000
Fines	190,000	190,000
Grants and Other Revenues	91,000	91,000
Interest	100,000	100,000
Transfer from Water Operations Fund	20,000	20,000
Transfer from Sewer Operations Fund	20,000	20,000
Total Receipts	4,501,543	4,501,543
Resources Available:	6,280,959	6,280,959
Expenditures:		
Administration	709,105	714,105
Municipal Court	166,540	175,540
Animal Control	16,000	16,000
Codes & Building Inspections	119,174	127,174
Planning	50,000	50,000
Mayor & Council	36,500	36,500
Police	1,730,437	1,825,437
Public Works	493,136	523,136
Fire	1,233,638	1,241,638
Water Park	197,972	197,972
Cash Reserve	1,115,401	1,115,401
Miscellaneous	413,056	258,056
Total Expenditures	6,280,959	6,280,959
Unencumbered Cash Balance December 31	0	0

CPA Summary

Tonganoxie

2025

Adopted Budget

Library Employee Benefits	2025 Adopted Budget	2025 Proposed Budget
Unencumbered Cash Balance January 1	11,547	11,547
Receipts:		
Ad Valorem Tax	104,187	104,187
Delinquent Tax	0	0
Motor Vehicle Tax	8,734	8,734
Recreational Vehicle Tax	113	113
16/20M Vehicle Tax	0	0
Commercial Vehicle Tax	105	105
Watercraft Tax	95	95
Reimbursed Expense	80,500	80,500
Special Assessments - IRBs/EDXs	1,485	1,485
Interest on Idle Funds		
Total Receipts	195,219	195,219
Resources Available:	206,766	206,766
Expenditures:		
Contractual Services (Liab Insur Reimbursed by Libr	0	0
Contractual Services (Prop Tax Pass through to Libra	114,719	119,719
Personal Services (Reimbursed by Library)	80,500	85,500
Cash Reserve	11,547	1,547
Miscellaneous	0	0
Total Expenditures	206,766	206,766
Unencumbered Cash Balance December 31	0	0

CPA Summary

Tonganoxie

2025

Adopted Budget

Water Operations	2025 Adopted Budget	2025 Proposed Budget
Unencumbered Cash Balance January 1	710,662	710,662
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Tax Revenue	36,000	36,000
Charges for Services	1,892,000	1,962,000
Fines and Fees	300	300
Miscellaneous	17,500	17,500
Interest on Idle Funds		
Total Receipts	1,945,800	2,015,800
Resources Available:	2,656,462	2,726,462
Expenditures:		
Personal Services	516,532	516,532
Contractual Services	1,213,000	1,273,000
Commodities	71,000	71,000
Capital Outlay	134,000	144,000
Debt Service	168,303	168,303
Transfer to General Fund	20,000	20,000
Transfer to Capital Projects Fund	0	0
Cash Reserve	0	0
Miscellaneous		
Total Expenditures	2,122,835	2,192,835
Unencumbered Cash Balance December 31	533,627	533,627

CPA Summary

Tonganoxie

2025

Adopted Budget

Sewer Operations	2025 Adopted Budget	2025 Proposed Budget
Unencumbered Cash Balance January 1	590,347	590,347
Receipts:		
Ad Valorem Tax	0	0
Delinquent Tax	0	0
Motor Vehicle Tax	0	0
Recreational Vehicle Tax	0	0
16/20M Vehicle Tax	0	0
Charges for Services	1,274,000	1,301,000
Grants and Other Revenues	5,000	5,000
Miscellaneous	0	0
Interest on Idle Funds		
Total Receipts	1,279,000	1,306,000
Resources Available:	1,869,347	1,896,347
Expenditures:		
Personal Services	543,237	543,237
Contractual Services	333,000	360,000
Commodities	67,000	67,000
Capital Outlay	191,000	191,000
Debt Service	466,882	466,882
Transfer to General Fund	20,000	20,000
Transfer to Capital Projects Fund	0	0
Cash Reserve (2025 column)	0	0
Miscellaneous	0	0
Total Expenditures	1,621,119	1,648,119
Unencumbered Cash Balance December 31	248,228	248,228

CPA Summary

2025

**Notice of Budget Hearing for Amending the
2025 Budget**

The governing body of

Tonganoxie

will meet on the day of 12/15/2025 at 7:00 PM at City Council Chambers, 303 Bury Street for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

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Water Operations			2,122,835	2,192,835
Sewer Operations			1,621,119	1,648,119

Daniel Porter

Official Title: Assistant City Manager

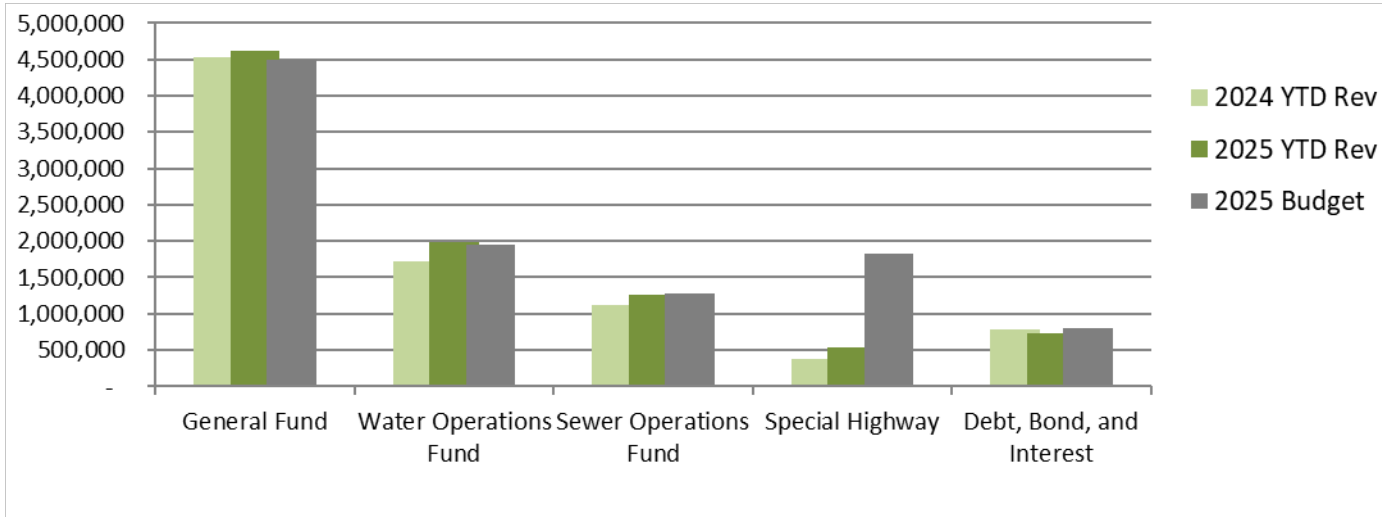
CITY OF TONGANOXIE FINANCIAL REPORT

NOVEMBER 2025

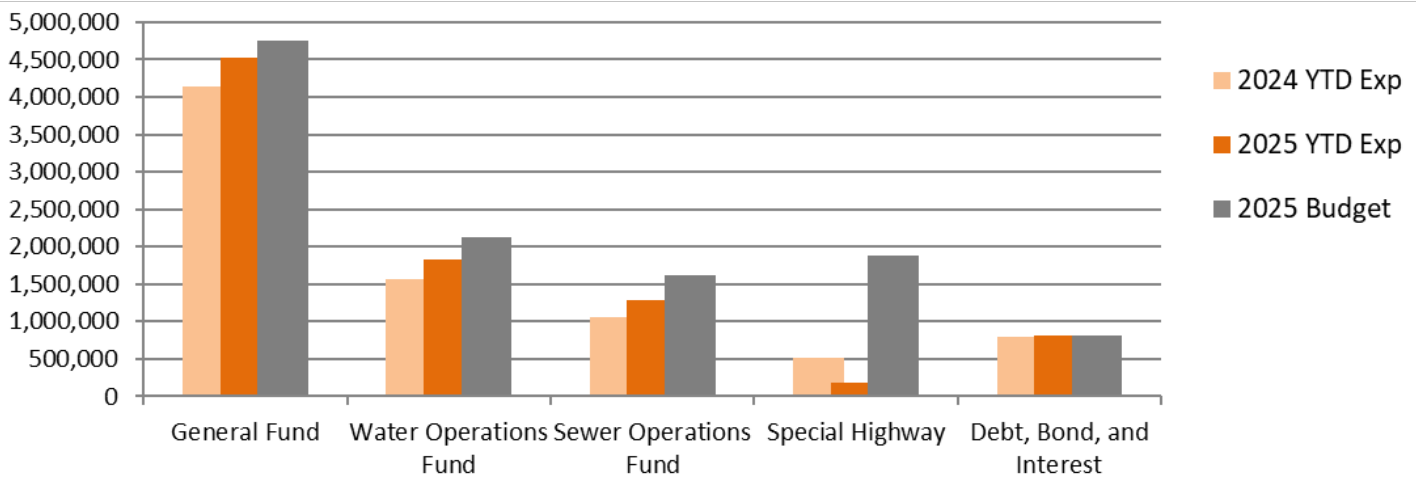
EXECUTIVE SUMMARY

- 92% of FY 2025 completed as of November 30, 2025.
- Revenue and Expenditure Summaries for the City's Major Funds are shown on page 2 – 3 of the financial report.
- All debt service payments for fiscal year 2025 were previously completed.
- American Rescue Plan Act (ARPA) - The City currently retains \$348,991 in funds for future payment for the WWTP Improvements Project contract after expenditures of \$104,467 in fiscal year 2025. Required reporting for “non-entitlement unit” local governments like the City of Tonganoxie was completed in April 2025 with the next report due in April 2026. In 2023 the City approved the spending obligation for all the City's remaining ARPA funds on a majority portion of the costs of the design engineering contract costs for the WWTP Improvements Project.
- The City did not receive a remittance of the November 2025 sales and compensating use tax from the State in November 2025. The November 2025 sales and use tax receipts were remitted to the City on December 1, 2025, so they will be reported in the City's upcoming financial reports.
- At the December 15, 2025, City Council meeting City staff prepared and advertised draft amendments to the General Fund (planned expenditures only), Library Benefits Fund (planned expenditures only), Water Operations Fund, Sewer Operations Fund, and Police Equipment Fund.
- To date, 1 fund has completed a mid-year budget amendment in 2025 as outlined below. Staff will continue to monitor fund activities to determine if presenting any other additional mid-year amendments are necessary.
 - On October 6, 2025, the City Council approved a budget amendment to the City's Fire Equipment Fund to adjust expectations to include the expenditures and revenues associated with the FY2024 FEMA Assistant to Firefighters Grant program, pending final approval of acceptance of the grant.

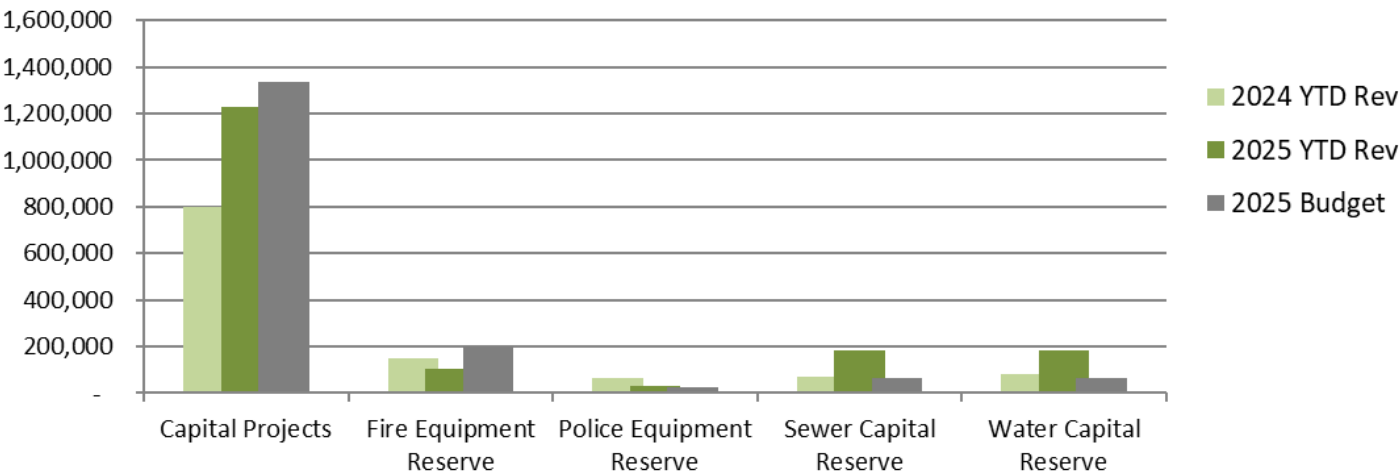
Major Fund Revenues



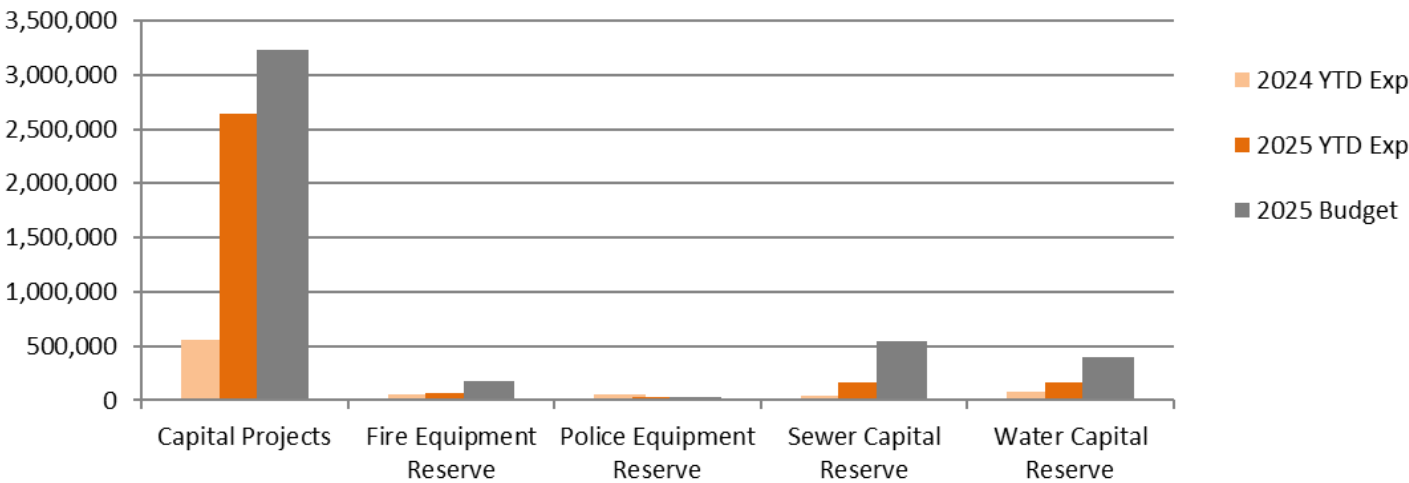
Major Fund Expenditures



Utility & Non-Utility Capital Funds Revenues



Utility & Non-Utility Capital Funds Expenditures



MAJOR REVENUES DETAIL VIEW

SALES & USE TAX –

City of Tonganoxie Sales Tax Rate (9.25%) is comprised of:

6.5% - State, 1% LV County, 1% City General Fund, 0.75% City Infrastructure General Purpose

- ☒ The receipt of the eleventh monthly remittance of sales and use tax proceeds from the State of Kansas was received late and recorded in December 2025.

2025 BUDGET INITIATIVES

CITY INFRASTRUCTURE & SHARE OF LEAVENWORTH COUNTY SALES TAX PROCEEDS

- ☒ \$500,000 total from the Infrastructure Sales Tax (\$240,000) and special highway funding to support an 8th consecutive year of enhanced street maintenance activities
- ☒ \$261,850 from the Infrastructure Sales Tax to support the 8th of 20 years of scheduled Library bldg. debt service payments
- ☒ \$80,000 from the Infrastructure Sales Tax & County Sales Tax to support Water Park painting and diving board replacements
- ☒ \$136,000 from the City's share of the County Sales Tax and the Infrastructure Sales Tax for replacement of 4th Street Bridge – Survey & partial design completed in 2023, engineering and construction commencing in 2024 with completion in 2025.

CONTINUED COMMUNITY BUILDING AND SUPPORT

- ☒ Police Station Interior Flooring Updates
- ☒ Fire Station Facility Kitchen Updates
- ☒ \$21,897 for funding assistance for LCDC
- ☒ \$20,000 for funding assistance for the following community organizations:
Tonganoxie Business Association (\$5,000) Tonganoxie Arts Council (\$5,000) Tonganoxie Farmers Market (\$5,000)
Tonganoxie Historical Society (\$5,000)
- ☒ \$12,500 for funding assistance for community events

UTILITY FUNDS

- ☒ Cash repayment of Series 2023A Temporary Notes final obligations in February 2025 utilizing fund balances available in the Water Operations, Water Capital, Capital Projects, Infrastructure Sales Tax, and Business Park Development Funds
- ☒ Wastewater Treatment Plant Improvements – Design & construction engineering contract (\$967,100) approved in 2022. Design largely completed in 2024 with construction planned in 2025-2026.
- ☒ Elevated Water Tower Repainting and Maintenance (HW 24/40 Tower location)
- ☒ \$140,000 for replacement of 3 Public Works utility trucks
- ☒ \$45,000 for purchase of Lift Equipment
- ☒ \$50,000 in Storm Water Fund for engineering assessment projects and maintenance services/projects
- ☒ \$50,000 for sewer TV inspection & maintenance activities

OPERATIONAL RESOURCES AND STAFFING TO PROVIDE QUALITY SERVICES

- ☒ 5% annual merit pool funding available to high performing City employees
- ☒ Addition of City Match Increase to 457(b) Deferred Compensation Plan
- ☒ Conversion of one Administration Department Position from Part-Time to Full-Time
- ☒ \$136,000 for Police Department vehicles replacements (2)
- ☒ Fire Department and Police Department Operational Budget Increases for items including automotive maintenance, medical supplies, and conducted energy weapons replacements

2026 BUDGET DEVELOPMENT TIMELINE

- ☒ March 2025 – Spring Retreat
- ☒ May 19, 2025 & June 2, 2025 – Capital Maintenance & Improvements Plan (CMIP) City Council work session
- ☒ June 16, 2025 – Base Budget Review & Department Budget presentations
- ☒ July 7, 2025 – Budget work session & notice to County Clerk of proposed mill levy & RNR
- ☒ July 21, 2025 – Budget work session
- ☒ August 20, 2025 – Publication of notice of public hearings
- ☒ September 2, 2025 – RNR & Budget Public Hearings and Budget Adoption
- ☒ September 2025 – Delivery of Adopted FY 2026 Budget Forms to the Leavenworth County Clerk
- ☐ Fall 2025 – Production of the Adopted FY 2026 Budget Book and publication



City of Tonganoxie, KS

Revenue Budget Report Fund Summary

For Fiscal: 2025 Period Ending: 11/30/2025

SubCategor...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 100 - General Fund							
411 - Property Taxes	2,307,838.00	2,307,838.00	50,694.80	2,273,096.92	0.00	-34,741.08	1.51%
412 - Sales and Use Taxes	1,015,470.00	1,015,470.00	0.00	887,622.53	0.00	-127,847.47	12.59%
421 - Franchise Fees	499,000.00	499,000.00	33,841.25	487,175.46	0.00	-11,824.54	2.37%
432 - Pool Charges	170,000.00	170,000.00	0.00	156,021.50	0.00	-13,978.50	8.22%
441 - Business L&P	10,100.00	10,100.00	3,350.00	17,885.00	0.00	7,785.00	77.08%
442 - Development L&P	77,000.00	77,000.00	48,194.00	121,224.00	0.00	44,224.00	57.43%
443 - Individual/Miscellaneous L&P	1,200.00	1,200.00	0.00	1,100.00	0.00	-100.00	8.33%
451 - Fines	190,000.00	190,000.00	24,724.00	210,849.70	0.00	20,849.70	10.97%
464 - Reimbursed Expenses	90,000.00	90,000.00	604.50	146,607.20	0.00	56,607.20	62.90%
466 - Miscellaneous Revenues	1,000.00	1,000.00	125.00	3,292.50	0.00	2,292.50	229.25%
471 - Interest	100,000.00	100,000.00	21,740.79	288,724.72	0.00	188,724.72	188.72%
491 - Interfund Transfers In	40,000.00	40,000.00	0.00	20,000.00	0.00	-20,000.00	50.00%
Fund: 100 - General Fund Total:	4,501,608.00	4,501,608.00	183,274.34	4,613,599.53	0.00	111,991.53	2.49%
Fund: 210 - Water Operations Fund							
412 - Sales and Use Taxes	36,000.00	36,000.00	4,979.91	49,083.91	0.00	13,083.91	36.34%
431 - Utility Charges	1,892,000.00	1,892,000.00	206,949.62	1,918,462.15	0.00	26,462.15	1.40%
451 - Fines	300.00	300.00	0.00	280.00	0.00	-20.00	6.67%
466 - Miscellaneous Revenues	17,500.00	17,500.00	1,458.54	16,043.94	0.00	-1,456.06	8.32%
Fund: 210 - Water Operations Fund Total:	1,945,800.00	1,945,800.00	213,388.07	1,983,870.00	0.00	38,070.00	1.96%
Fund: 220 - Sewer Operations Fund							
431 - Utility Charges	1,279,000.00	1,279,000.00	131,532.78	1,261,370.54	0.00	-17,629.46	1.38%
Fund: 220 - Sewer Operations Fund Total:	1,279,000.00	1,279,000.00	131,532.78	1,261,370.54	0.00	-17,629.46	1.38%
Fund: 230 - Sanitation Fund							
431 - Utility Charges	468,000.00	468,000.00	39,791.34	430,371.49	0.00	-37,628.51	8.04%
Fund: 230 - Sanitation Fund Total:	468,000.00	468,000.00	39,791.34	430,371.49	0.00	-37,628.51	8.04%
Fund: 240 - Storm Water							
431 - Utility Charges	50,000.00	50,000.00	4,315.40	46,219.13	0.00	-3,780.87	7.56%
464 - Reimbursed Expenses	47,000.00	47,000.00	0.00	0.00	0.00	-47,000.00	100.00%
Fund: 240 - Storm Water Total:	97,000.00	97,000.00	4,315.40	46,219.13	0.00	-50,780.87	52.35%
Fund: 310 - Transient Guest Tax							
412 - Sales and Use Taxes	2,200.00	2,200.00	0.00	2,598.83	0.00	398.83	18.13%
Fund: 310 - Transient Guest Tax Total:	2,200.00	2,200.00	0.00	2,598.83	0.00	398.83	18.13%

For Fiscal: 2025 Period Ending: 11/30/2025

SubCategor...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 320 - Library Operations							
411 - Property Taxes	535,984.00	535,984.00	11,849.87	528,435.05	0.00	-7,548.95	1.41%
464 - Reimbursed Expenses	91,500.00	91,500.00	0.00	60,539.11	0.00	-30,960.89	33.84%
Fund: 320 - Library Operations Total:	627,484.00	627,484.00	11,849.87	588,974.16	0.00	-38,509.84	6.14%
Fund: 330 - Special Parks							
412 - Sales and Use Taxes	4,800.00	4,800.00	0.00	5,404.08	0.00	604.08	12.59%
466 - Miscellaneous Revenues	5,200.00	5,200.00	0.00	0.00	0.00	-5,200.00	100.00%
Fund: 330 - Special Parks Total:	10,000.00	10,000.00	0.00	5,404.08	0.00	-4,595.92	45.96%
Fund: 331 - Special Alcohol & Drug Programs							
412 - Sales and Use Taxes	0.00	0.00	0.00	5,404.10	0.00	5,404.10	0.00%
Fund: 331 - Special Alcohol & Drug Programs Total:	0.00	0.00	0.00	5,404.10	0.00	5,404.10	0.00%
Fund: 340 - Special Highway							
414 - Fuel Tax	166,200.00	166,200.00	4,955.86	184,495.34	0.00	18,295.34	11.01%
442 - Development L&P	50,000.00	50,000.00	7,272.45	7,930.71	0.00	-42,069.29	84.14%
463 - Other Grants	935,000.00	935,000.00	0.00	0.00	0.00	-935,000.00	100.00%
464 - Reimbursed Expenses	290,000.00	290,000.00	0.00	43,844.34	0.00	-246,155.66	84.88%
491 - Interfund Transfers In	390,000.00	390,000.00	0.00	292,500.00	0.00	-97,500.00	25.00%
Fund: 340 - Special Highway Total:	1,831,200.00	1,831,200.00	12,228.31	528,770.39	0.00	-1,302,429.61	71.12%
Fund: 350 - Infrastructure Sales Tax							
412 - Sales and Use Taxes	759,330.00	759,330.00	0.00	662,822.57	0.00	-96,507.43	12.71%
Fund: 350 - Infrastructure Sales Tax Total:	759,330.00	759,330.00	0.00	662,822.57	0.00	-96,507.43	12.71%
Fund: 360 - Capital Projects							
412 - Sales and Use Taxes	754,000.00	754,000.00	0.00	647,927.18	0.00	-106,072.82	14.07%
464 - Reimbursed Expenses	0.00	0.00	0.00	3,263.10	0.00	3,263.10	0.00%
491 - Interfund Transfers In	580,000.00	580,000.00	0.00	580,000.00	0.00	0.00	0.00%
Fund: 360 - Capital Projects Total:	1,334,000.00	1,334,000.00	0.00	1,231,190.28	0.00	-102,809.72	7.71%
Fund: 410 - Fire Equipment Reserve							
431 - Utility Charges	94,000.00	94,000.00	7,910.60	85,804.02	0.00	-8,195.98	8.72%
463 - Other Grants	104,000.00	104,000.00	0.00	12,508.00	0.00	-91,492.00	87.97%
464 - Reimbursed Expenses	0.00	0.00	0.00	7,450.00	0.00	7,450.00	0.00%
Fund: 410 - Fire Equipment Reserve Total:	198,000.00	198,000.00	7,910.60	105,762.02	0.00	-92,237.98	46.58%
Fund: 420 - Police Equipment Reserve							
441 - Business L&P	2,000.00	2,000.00	100.00	2,500.00	0.00	500.00	25.00%
463 - Other Grants	2,000.00	2,000.00	868.06	3,317.31	0.00	1,317.31	65.87%
465 - Sale of Assets	8,000.00	8,000.00	0.00	10,900.00	0.00	2,900.00	36.25%
466 - Miscellaneous Revenues	5,000.00	5,000.00	0.00	5,300.00	0.00	300.00	6.00%
628 - Other Contractual Services	6,000.00	6,000.00	950.00	8,230.00	0.00	2,230.00	37.17%
Fund: 420 - Police Equipment Reserve Total:	23,000.00	23,000.00	1,918.06	30,247.31	0.00	7,247.31	31.51%

My Budget Report

For Fiscal: 2025 Period Ending: 11/30/2025

SubCategor...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 430 - Sewer Capital Reserve							
431 - Utility Charges	62,500.00	62,500.00	73,934.00	163,934.00	0.00	101,434.00	162.29%
465 - Sale of Assets	0.00	0.00	0.00	16,550.00	0.00	16,550.00	0.00%
Fund: 430 - Sewer Capital Reserve Total:	62,500.00	62,500.00	73,934.00	180,484.00	0.00	117,984.00	188.77%
Fund: 440 - Water Capital Reserve							
431 - Utility Charges	62,500.00	62,500.00	74,456.00	164,456.00	0.00	101,956.00	163.13%
464 - Reimbursed Expenses	0.00	0.00	0.00	585.10	0.00	585.10	0.00%
465 - Sale of Assets	0.00	0.00	0.00	16,550.00	0.00	16,550.00	0.00%
Fund: 440 - Water Capital Reserve Total:	62,500.00	62,500.00	74,456.00	181,591.10	0.00	119,091.10	190.55%
Fund: 500 - Debt, Bond, and Interest							
411 - Property Taxes	548,485.00	548,485.00	12,437.77	541,475.79	0.00	-7,009.21	1.28%
491 - Interfund Transfers In	261,850.00	261,850.00	0.00	196,387.50	0.00	-65,462.50	25.00%
Fund: 500 - Debt, Bond, and Interest Total:	810,335.00	810,335.00	12,437.77	737,863.29	0.00	-72,471.71	8.94%
Report Total:	14,011,957.00	14,011,957.00	767,036.54	12,596,542.82	0.00	-1,415,414.18	10.10%

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
100 - General Fund	4,501,608.00	4,501,608.00	183,274.34	4,613,599.53	0.00	111,991.53	2.49%
210 - Water Operations Fund	1,945,800.00	1,945,800.00	213,388.07	1,983,870.00	0.00	38,070.00	1.96%
220 - Sewer Operations Fund	1,279,000.00	1,279,000.00	131,532.78	1,261,370.54	0.00	-17,629.46	1.38%
230 - Sanitation Fund	468,000.00	468,000.00	39,791.34	430,371.49	0.00	-37,628.51	8.04%
240 - Storm Water	97,000.00	97,000.00	4,315.40	46,219.13	0.00	-50,780.87	52.35%
310 - Transient Guest Tax	2,200.00	2,200.00	0.00	2,598.83	0.00	398.83	18.13%
320 - Library Operations	627,484.00	627,484.00	11,849.87	588,974.16	0.00	-38,509.84	6.14%
330 - Special Parks	10,000.00	10,000.00	0.00	5,404.08	0.00	-4,595.92	45.96%
331 - Special Alcohol & Drug Prog	0.00	0.00	0.00	5,404.10	0.00	5,404.10	0.00%
340 - Special Highway	1,831,200.00	1,831,200.00	12,228.31	528,770.39	0.00	-1,302,429.61	71.12%
350 - Infrastructure Sales Tax	759,330.00	759,330.00	0.00	662,822.57	0.00	-96,507.43	12.71%
360 - Capital Projects	1,334,000.00	1,334,000.00	0.00	1,231,190.28	0.00	-102,809.72	7.71%
410 - Fire Equipment Reserve	198,000.00	198,000.00	7,910.60	105,762.02	0.00	-92,237.98	46.58%
420 - Police Equipment Reserve	23,000.00	23,000.00	1,918.06	30,247.31	0.00	7,247.31	31.51%
430 - Sewer Capital Reserve	62,500.00	62,500.00	73,934.00	180,484.00	0.00	117,984.00	188.77%
440 - Water Capital Reserve	62,500.00	62,500.00	74,456.00	181,591.10	0.00	119,091.10	190.55%
500 - Debt, Bond, and Interest	810,335.00	810,335.00	12,437.77	737,863.29	0.00	-72,471.71	8.94%
Report Total:	14,011,957.00	14,011,957.00	767,036.54	12,596,542.82	0.00	-1,415,414.18	10.10%



City of Tonganoxie, KS

Expenditure Budget Report Fund Summary

For Fiscal: 2025 Period Ending: 11/30/2025

Categor...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 100 - General Fund							
61 - Personal Services	3,340,752.00	3,340,752.00	316,459.64	3,272,816.01	0.00	67,935.99	2.03%
62 - Contractual Services	981,650.00	981,650.00	51,859.90	942,403.70	0.00	39,246.30	4.00%
63 - Commodities	250,050.00	250,050.00	9,838.03	161,776.95	0.00	88,273.05	35.30%
64 - Capital Outlay	180,050.00	180,050.00	1,044.00	156,516.92	0.00	23,533.08	13.07%
Fund: 100 - General Fund Total:	4,752,502.00	4,752,502.00	379,201.57	4,533,513.58	0.00	218,988.42	4.61%
Fund: 210 - Water Operations Fund							
61 - Personal Services	516,532.00	516,532.00	43,044.33	473,487.63	0.00	43,044.37	8.33%
62 - Contractual Services	1,213,000.00	1,213,000.00	76,794.75	996,863.92	0.00	216,136.08	17.82%
63 - Commodities	71,000.00	71,000.00	1,225.62	30,839.16	0.00	40,160.84	56.56%
64 - Capital Outlay	134,000.00	134,000.00	115,870.00	188,841.50	0.00	-54,841.50	-40.93%
68 - Debt Service	168,303.00	168,303.00	0.00	133,198.00	0.00	35,105.00	20.86%
69 - Transfers	20,000.00	20,000.00	0.00	10,000.00	0.00	10,000.00	50.00%
Fund: 210 - Water Operations Fund Total:	2,122,835.00	2,122,835.00	236,934.70	1,833,230.21	0.00	289,604.79	13.64%
Fund: 220 - Sewer Operations Fund							
61 - Personal Services	543,237.00	543,237.00	0.00	452,697.50	0.00	90,539.50	16.67%
62 - Contractual Services	333,000.00	333,000.00	24,536.56	286,498.64	0.00	46,501.36	13.96%
63 - Commodities	67,000.00	67,000.00	1,563.87	38,075.99	0.00	28,924.01	43.17%
64 - Capital Outlay	191,000.00	191,000.00	0.00	134,699.03	0.00	56,300.97	29.48%
68 - Debt Service	466,882.00	466,882.00	0.00	364,882.00	0.00	102,000.00	21.85%
69 - Transfers	20,000.00	20,000.00	0.00	10,000.00	0.00	10,000.00	50.00%
Fund: 220 - Sewer Operations Fund Total:	1,621,119.00	1,621,119.00	26,100.43	1,286,853.16	0.00	334,265.84	20.62%
Fund: 230 - Sanitation Fund							
62 - Contractual Services	468,000.00	468,000.00	40,456.33	381,208.75	0.00	86,791.25	18.55%
Fund: 230 - Sanitation Fund Total:	468,000.00	468,000.00	40,456.33	381,208.75	0.00	86,791.25	18.55%
Fund: 240 - Storm Water							
62 - Contractual Services	92,000.00	92,000.00	500.00	81,097.50	0.00	10,902.50	11.85%
63 - Commodities	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	100.00%
Fund: 240 - Storm Water Total:	97,000.00	97,000.00	500.00	81,097.50	0.00	15,902.50	16.39%
Fund: 310 - Transient Guest Tax							
62 - Contractual Services	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	100.00%
Fund: 310 - Transient Guest Tax Total:	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	100.00%
Fund: 320 - Library Operations							
61 - Personal Services	80,500.00	80,500.00	4,385.77	63,961.43	0.00	16,538.57	20.54%

My Budget Report

For Fiscal: 2025 Period Ending: 11/30/2025

Categor...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
62 - Contractual Services	546,984.00	546,984.00	11,849.87	539,748.87	0.00	7,235.13	1.32%
Fund: 320 - Library Operations Total:	627,484.00	627,484.00	16,235.64	603,710.30	0.00	23,773.70	3.79%
Fund: 330 - Special Parks							
62 - Contractual Services	7,000.00	7,000.00	0.00	0.00	0.00	7,000.00	100.00%
63 - Commodities	3,000.00	3,000.00	0.00	0.00	0.00	3,000.00	100.00%
Fund: 330 - Special Parks Total:	10,000.00	10,000.00	0.00	0.00	0.00	10,000.00	100.00%
Fund: 340 - Special Highway							
62 - Contractual Services	1,725,000.00	1,725,000.00	902.00	173,249.99	0.00	1,551,750.01	89.96%
64 - Capital Outlay	150,000.00	150,000.00	0.00	0.00	0.00	150,000.00	100.00%
Fund: 340 - Special Highway Total:	1,875,000.00	1,875,000.00	902.00	173,249.99	0.00	1,701,750.01	90.76%
Fund: 350 - Infrastructure Sales Tax							
69 - Transfers	1,231,850.00	1,231,850.00	0.00	1,068,887.50	0.00	162,962.50	13.23%
Fund: 350 - Infrastructure Sales Tax Total:	1,231,850.00	1,231,850.00	0.00	1,068,887.50	0.00	162,962.50	13.23%
Fund: 360 - Capital Projects							
62 - Contractual Services	217,500.00	217,500.00	15,590.77	147,498.86	0.00	70,001.14	32.18%
63 - Commodities	65,000.00	65,000.00	0.00	45,136.00	0.00	19,864.00	30.56%
64 - Capital Outlay	2,930,150.00	2,930,150.00	0.00	2,428,989.09	0.00	501,160.91	17.10%
68 - Debt Service	22,613.00	22,613.00	0.00	22,612.82	0.00	0.18	0.00%
Fund: 360 - Capital Projects Total:	3,235,263.00	3,235,263.00	15,590.77	2,644,236.77	0.00	591,026.23	18.27%
Fund: 410 - Fire Equipment Reserve							
62 - Contractual Services	0.00	0.00	0.00	31,730.93	0.00	-31,730.93	0.00%
64 - Capital Outlay	119,000.00	119,000.00	0.00	5,978.50	0.00	113,021.50	94.98%
65 - Grants and Other Programs	26,000.00	26,000.00	0.00	0.00	0.00	26,000.00	100.00%
68 - Debt Service	34,693.00	34,693.00	0.00	34,692.34	0.00	0.66	0.00%
Fund: 410 - Fire Equipment Reserve Total:	179,693.00	179,693.00	0.00	72,401.77	0.00	107,291.23	59.71%
Fund: 420 - Police Equipment Reserve							
62 - Contractual Services	0.00	0.00	0.00	4,500.00	0.00	-4,500.00	0.00%
63 - Commodities	6,000.00	6,000.00	2,700.00	13,643.10	0.00	-7,643.10	-127.39%
64 - Capital Outlay	27,000.00	27,000.00	0.00	11,145.17	0.00	15,854.83	58.72%
Fund: 420 - Police Equipment Reserve Total:	33,000.00	33,000.00	2,700.00	29,288.27	0.00	3,711.73	11.25%
Fund: 430 - Sewer Capital Reserve							
62 - Contractual Services	220,000.00	220,000.00	0.00	0.00	0.00	220,000.00	100.00%
64 - Capital Outlay	326,000.00	326,000.00	0.00	161,540.76	0.00	164,459.24	50.45%
Fund: 430 - Sewer Capital Reserve Total:	546,000.00	546,000.00	0.00	161,540.76	0.00	384,459.24	70.41%
Fund: 440 - Water Capital Reserve							
62 - Contractual Services	20,000.00	20,000.00	0.00	0.00	0.00	20,000.00	100.00%
64 - Capital Outlay	375,000.00	375,000.00	56,835.00	169,038.40	0.00	205,961.60	54.92%
Fund: 440 - Water Capital Reserve Total:	395,000.00	395,000.00	56,835.00	169,038.40	0.00	225,961.60	57.21%

My Budget Report

For Fiscal: 2025 Period Ending: 11/30/2025

Categor...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 500 - Debt, Bond, and Interest							
68 - Debt Service	804,230.00	804,230.00	0.00	804,228.98	0.00	1.02	0.00%
Fund: 500 - Debt, Bond, and Interest Total:	804,230.00	804,230.00	0.00	804,228.98	0.00	1.02	0.00%
Report Total:	18,003,976.00	18,003,976.00	775,456.44	13,842,485.94	0.00	4,161,490.06	23.11%

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
100 - General Fund	4,752,502.00	4,752,502.00	379,201.57	4,533,513.58	0.00	218,988.42	4.61%
210 - Water Operations Fund	2,122,835.00	2,122,835.00	236,934.70	1,833,230.21	0.00	289,604.79	13.64%
220 - Sewer Operations Fund	1,621,119.00	1,621,119.00	26,100.43	1,286,853.16	0.00	334,265.84	20.62%
230 - Sanitation Fund	468,000.00	468,000.00	40,456.33	381,208.75	0.00	86,791.25	18.55%
240 - Storm Water	97,000.00	97,000.00	500.00	81,097.50	0.00	15,902.50	16.39%
310 - Transient Guest Tax	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	100.00%
320 - Library Operations	627,484.00	627,484.00	16,235.64	603,710.30	0.00	23,773.70	3.79%
330 - Special Parks	10,000.00	10,000.00	0.00	0.00	0.00	10,000.00	100.00%
340 - Special Highway	1,875,000.00	1,875,000.00	902.00	173,249.99	0.00	1,701,750.01	90.76%
350 - Infrastructure Sales Tax	1,231,850.00	1,231,850.00	0.00	1,068,887.50	0.00	162,962.50	13.23%
360 - Capital Projects	3,235,263.00	3,235,263.00	15,590.77	2,644,236.77	0.00	591,026.23	18.27%
410 - Fire Equipment Reserve	179,693.00	179,693.00	0.00	72,401.77	0.00	107,291.23	59.71%
420 - Police Equipment Reserve	33,000.00	33,000.00	2,700.00	29,288.27	0.00	3,711.73	11.25%
430 - Sewer Capital Reserve	546,000.00	546,000.00	0.00	161,540.76	0.00	384,459.24	70.41%
440 - Water Capital Reserve	395,000.00	395,000.00	56,835.00	169,038.40	0.00	225,961.60	57.21%
500 - Debt, Bond, and Interest	804,230.00	804,230.00	0.00	804,228.98	0.00	1.02	0.00%
Report Total:	18,003,976.00	18,003,976.00	775,456.44	13,842,485.94	0.00	4,161,490.06	23.11%



Fund Balance Report

As Of 11/30/2025

Fund	Beginning Balance	Total Revenues	Total Expenses	Ending Balance
100 - General Fund	2,249,971.35	4,613,599.53	4,533,513.58	2,330,057.30
210 - Water Operations Fund	1,015,163.01	1,983,870.00	1,833,230.21	1,165,802.80
220 - Sewer Operations Fund	699,324.37	1,261,370.54	1,286,853.16	673,841.75
230 - Sanitation Fund	342,252.53	430,371.49	381,208.75	391,415.27
240 - Storm Water	140,793.76	46,219.13	81,097.50	105,915.39
310 - Transient Guest Tax	11,491.65	2,598.83	0.00	14,090.48
320 - Library Operations	15,786.79	588,974.16	603,710.30	1,050.65
330 - Special Parks	23,461.25	5,404.08	0.00	28,865.33
331 - Special Alcohol & Drug Programs	1,289.70	5,404.10	0.00	6,693.80
340 - Special Highway	579,716.76	528,770.39	173,249.99	935,237.16
350 - Infrastructure Sales Tax	1,261,615.71	662,822.57	1,068,887.50	855,550.78
360 - Capital Projects	2,171,526.96	1,231,190.28	2,644,236.77	758,480.47
410 - Fire Equipment Reserve	297,821.18	105,762.02	72,401.77	331,181.43
420 - Police Equipment Reserve	68,166.04	30,247.31	29,288.27	69,125.08
430 - Sewer Capital Reserve	435,913.82	180,484.00	161,540.76	454,857.06
440 - Water Capital Reserve	390,709.04	181,591.10	169,038.40	403,261.74
450 - Capital Reserve	915.03	0.00	0.00	915.03
500 - Debt, Bond, and Interest	241,951.13	737,863.29	804,228.98	175,585.44
930 - Debt Proceeds	641,372.97	175,751.08	817,124.05	0.00
940 - Gallagher Park Fund	19,331.59	0.00	0.00	19,331.59
950 - Festival/Event Fund	3,679.80	0.00	0.00	3,679.80
960 - Law Enforcement Trust	0.00	0.00	0.00	0.00
961 - Opioid Addiction Fund	34,966.35	8,331.64	0.00	43,297.99
971 - RHID 1	684.68	21,801.20	21,583.19	902.69
972 - RHID 2	509.83	102,705.40	101,678.35	1,536.88
973 - RHID 3	0.00	14,792.91	0.00	14,792.91
980 - Industrial Park Development Fund	640,635.61	88,000.00	11,665.85	716,969.76
984 - ARPA Fund	0.42	0.00	0.00	0.42
Report Total:	11,289,051.33	13,007,925.05	14,794,537.38	9,502,439.00