

City Council Minutes – Regular Meeting – Monday, July 23, 2018

The Bonner Springs City Council met in regular session at 7:30 p.m. on Monday, July 23, 2018.

Governing Body Present: Mayor Jeff Harrington; Councilmembers: Rodger Shannon, Chris Wood, Tom Stephens, Dain Gurley, Mike Thompson, Bob Reeves and Jordan Mackey

Governing Body Absent: Councilmember, Mark Kipp

City Staff Present: Sean Pederson, City Manager; Amber McCullough, City Clerk; Tillie LaPlante, Finance Director; Matt Beets, Street Superintendent; Rick Sailer, Public Works Director; Billy Naff, Police Chief and Denny Hubbel, Fire Chief

Others Present: Sean Gordon, Mize Hauser & Co.

The Council President led the Pledge of Allegiance to the Flag of the United States of America, and asked Tracy Brooks, Victory Assembly, to lead the invocation.

Item No. 1 – USA Special Olympics Soccer Game Representation – The Mayor recognized the athletes and coaches from the Special Olympics Unified Soccer Team selected to represent Kansas in the USA games in Seattle Washington. The Mayor presented certificate to each of the athletes and coaches.

Item No. 2 – Proclamations –

➤ **Farmers’ Market Week – August 5-11** – The Mayor presented a Proclamation to Travis Slankard, Farmers’ Market Director, in recognition of National Farmers Market Week.

➤ **Safe Digging Day – August 11** – The Mayor presented a proclamation to Rick Sailer, Public Works Director and Matt Beets, Street Superintendent, recognizing National Safe Digging Day.

Item No. 3 - Citizen Concerns About Items Not on Today’s Agenda –

➤ John Pinks, Pastor of Olivet Church of God in Christ, was told by someone who is not a police officer that members would be ticketed if they continue to park in the “No Parking” zone on Neconi. The church has elderly members and has no other parking options. He is requesting exemption for Sunday Morning, Wednesday evenings and certain scheduled activities.

➤ Ms. Hickman, expressed concerned that there is no longer water available at the gazebo at Lion’s Park. She thanked the council for the electrical outlets at the park and asked for a water hydrant to be reinstalled for use when renting the gazebo.

➤ Joe Peterson, 2868 N. 83rd, introduced District Court Judge Candidate Mike Nichols.

➤ Mike Nichols, 3108 N. 118th Street, spoke about his experience in Wyandotte County and asked for everyone’s vote for District Court Judge..

Item No. 4 - CONSENT AGENDA

The Mayor read the Consent Agenda Items and asked the staff, audience or City Council if they wished to remove an item for separate consideration. Reeves requested to pull items f. and g. for separate consideration.

a. - Minutes of the July 9, 2018, City Council Meeting – Presented for approval.

b. – Minutes of the July 16, 218 Special Meeting Budget Workshop – Presented for approval.

c. - Claims for City Operations for July 23, 2018 - Presented for approval were supplement claims in the amount of \$27,251.78 and regular claims in the amount of \$298,359.89.

d. - Public Housing Authority Claims for July 23, 2018 – Presented for approval were regular claims in the amount of \$10,411.02.

e. – Approve Notice of Budget Hearing & Schedule Public Hearing for Adoption of 2019 Budget – State law requires the City publish a Public Hearing notice ten days prior to the date of the Public Hearing. The 2019 Budget sets the maximum limit for expenditures and taxes. Staff requested the City Council approve a Budget Hearing Notice and Schedule the Public Hearing for the 2018 Budget Amendments and the 2019 Budget for Monday, August 13, 2018.

f. - IBTS Contract – Staff included in the agenda packet a contract between the City and the Institute for Building and Technology Safety (IBTS) for building permits and services.

g. – Resolution to Amend the City Fee Schedule – Resolution to amend the City Fee schedule for Building Codes, Fire and Public Works fees.

h. – Position Advertising - At the March 12th workshop, the City Council reached consensus to move forward with the consolidation of the Fire and EMS departments under a paid Fire Chief. A paid Fire Chief position was included in the recommended 2019 Budget.

The position of Community and Economic Development Director was presented to the City Council in the proposed 2019 Budget. In an effort to move forward with these hires, staff requested the Council approve the City Manager to advertise for the positions of Fire Chief and Community and Economic Development Director. Funding is available for filling both positions in 2018.

i. – Cornell, Emerson, Sheidley (C.E.S.) and Clark Waterline Replacement and Cornell and Sheidley Sidewalk Improvement Project – Staff included in the agenda packet construction bid documents for the CES and Clark Waterline Replacement Project and Cornell and Sheidley Sidewalk Improvement Project. Stephens made a Motion to Approve the Consent Agenda as Amended. Shannon seconded the motion and it carried on a vote of seven to zero.

REGULAR MEETING AGENDA

Item No. 4 f. - IBTS Contract – Staff included in the agenda packet a contract between the City and the Institute for Building and Technology Safety (IBTS) for building permits and services.

➤ Bob Reeves asked what the benefit is of the program and asked how the fees will impact individuals and companies trying to build in the City. The City Manager responded that IBTS acts as a Building Official. The City does not have a Building Official on payroll. Most residential builds will see a decrease in costs for plan review and inspection. IBTS fees are based on square footage of the building rather than the valuation and are standard fees.

Mackey Made a Motion to Approve the Agreement with IBTS and Authorize the Mayor to Sign the Agreement. Gurley seconded the motion and it carried on a vote of seven to zero.

Item No. 4 g. – Resolution to Amend the City Fee Schedule – Resolution to amend the City Fee schedule for Building Codes, Fire and Public Works fees. **Assigned Resolution No. 2018-05.**

Stephens Made a Motion to Adopt a Resolution Amending the City Fee Schedule. Mackey seconded the motion and it carried on a vote of seven to zero.

Item No. 1 – Presentation and Acceptance of 2017 Audit – The Finance Director introduced Sean Gordan with Mize, Houser & Company who presented the following review of the 2017 Audit:

➤ The 2017 audit contained an unmodified opinion which is the best opinion the City can receive.

➤ The City's bottom line increased by almost \$1.5 million in 2017.

Thompson Made a Motion to Accept the 2017 Audit. Gurley seconded the motion and it carried on a vote of seven to zero.

Item No. 2 – JMS Entertainment LLC Operational Dates – The City Manager presented:

➤ The City Council previously requested an inspection of the 1918 building in its current use. The initial Building Official's report was included in the agenda packet and listed items needing to be corrected prior to opening.

➤ City staff, building inspector (IBTS) staff and Mr. Clouse re-inspected the electrical permit last week.

➤ Several items on the electrical permit inspection were resolved included removing extension cords, covering electrical boxes, etc.

➤ Other items on the inspection that were corrected were defining exits, developing a safety plan and submitting it to the city, installing fire extinguishers throughout the maze and documenting their locations and posting the occupancy load at the entry of building.

➤ The 1918 building is covered by the Community Center's fire alarm, but there is no suppression system in place. The building does not have a protected stairway to remove people from upper floors.

➤ The owners requested to open the Haunted House per the schedule provided. Sundays listed would require an amendment to the original agreement.

➤ Pastor Tracy Brooks, 121 Allcutt. Stated Victory Church has been in place since 1970 and he is grateful the City considered the church in the initial contract. The church does not have their October calendar completed but they do have activities on Sunday nights. Pastor Brooks was concerned about potential street closings on Sunday nights.

➤ Steve Hoffine, 29120 W. 121st Terrace, Olathe, KS stated the Haunted House does not want to interfere with the church. Mr. Hoffine stated the Haunted House does not close the streets on Sunday but has no problem removing Sundays from their schedule to accommodate the church.

Gurley made a Motion to Approve the 2018 Operational Dates for JMS Entertainment LLC dba Third Street Asylum with the Exception of Sundays. Mackey seconded the motion.

- Shannon was concerned about the City's liability and the councilmembers' personal liability if the Haunted House schedule is approved against the Building Inspector's recommendation. The City Manager stated he can present that question to the City Attorney.
 - Mackey asked if the Haunted House had had any fires or events. Haunted House staff stated no, they have not had any accidents. They employ a fire fighter full-time, have regular walk-throughs and employee training throughout the season and the fire department uses the building for training.
 - Thompson stated he appreciated the Haunted House removing Sundays from the schedule to keep the integrity of the original contract. He also expects the Haunted House to only operate with an approved final inspection by IBTS.
 - Wood stated she agrees with not approving Sundays.
 - Stephens stated that he appreciates the history of not having any accidents at the Haunted House but accidents can happen and he is concerned about public safety.
 - Reeves asked for the motion to be amended.
 - Mackey asked what needs to be done to allow the Haunted House to build an enclosed staircase.
 - Thompson reiterated his belief that the business should not operate without passing inspection by IBTS.
 - Shannon reiterated that he is concerned about being personally liable for approving a business to operate after it failed the building inspection.
 - Harrington stated the city has approved the same contract since 2004 with the existing issues.
 - Thompson stated doing it in the past is not a good reason to do it this year.
 - Reeves stated the perception of safety over the last five years has changed. He appreciates the work the business owners have done to improve the safety of the business but he does not want to put the City in the position of approving the operation knowing safety violations exist.
 - Wood asked if the staircase could not be used.
 - The City Manager suggested to have the City Attorney review the contract.
- Gurley withdrew her motion and moved to table the item to allow time for the City Attorney to review liability concerns. Mackey withdrew his initial second and seconded the motion to table the item and it carried on a vote of seven to zero.

Item No. 3 – Electronic Ticketing – The Police Chief presented:

- The eTicketing solution provided by Rejis is not functional.
- electronic ticketing is safer for officers and more efficient for the department and residents.
- Digi Ticket eTicketing will allow the department to use the existing peripheral equipment.
- Staff requested the city council approve initiating a month-to-month lease agreement with Digi Ticket for eTicketing.

Thompson made a Motion to Authorize Staff to Initiate Month to Month Lease Agreement with Digi Ticket for Electronic Ticketing Solution and Purchase Additional Peripheral Items. Shannon seconded the motion and it carried on a vote of seven to zero.

Item No. 4 – Equipment Reserve Fund Ordinance – The City Manager presented:

- Kansas Statute allow municipalities to establish an equipment reserve fund to finance equipment acquisition.
- Mackey made a Motion to Adopt an Ordinance Establishing an Equipment Reserve Fund. Gurley seconded the motion and it carried on a vote of seven to zero. **Assigned Ordinance No. 2464.**

Item No. 5 – Change Orders for Streetwork – The Street Superintendent presented:

- Staff requested the City Council approve the Change Orders for the streetwork contractors in order to add streets to the 2018 Street Maintenance Program.

Mackey made a Motion to Approve Change Orders in the total amount of \$185,873.40 for additional Streetwork with the following Contractors: USA Concrete, JM Fahey, Harbour Brothers and ProSeal. Reeves seconded the motion and it carried on a vote of seven to zero.

REPORTS

Item No. 1 - City Manager's Report –

- Dollar General has relocated to the new location on Front Street.
- Westlake Ace Hardware will move into the former Nuts N Bolts location.
- Tiblow Days is quickly approaching.
- The Senior Center is hosting their annual Spaghetti Dinner on August 3rd from 4:30 – 7:30 pm
- Police Department vehicles are becoming more uniform.

Item No. 2 - City Council Items –

- Mackey stated the owner of Perky’s had a heart attack. A GoFundMe account has been opened for them. Several local businesses have donation jars as well.
- Thompson congratulated staff on a good audit.
- Gurley stated the new Police Department uniform shirts were well received. The City Band directors visited local community bands and discovered we are one of the only cities that sponsor the City Band. The musicians are extremely grateful for the City’s support. Thanked staff for their work on Morse and on the fire hydrant on Morse.
- Reeves stated 735 Lakewood is not on the code violation worksheet, thanked staff for spraying the bank of Spring Creek.
- Reeves asked for an update on the Residential Property Maintenance Nuisance Codes. The City Manager stated the City Attorney is reviewing the code for compliance with State law.
- Reeves stated a waterline dead ends on Lakewood and the house at the end of the line has poor quality water. He asked if there is a way to connect them to a different location on the water line. The Public Works Director responded that he is aware of the issue and has been looking at solutions.

Item No. 3 – Mayor’s Report – None presented

The meeting adjourned at 9:35 p.m.

_____ Amber McCullough, City Clerk