

## **CITY COUNCIL AGENDA**

**Monday, March 24, 2014**

**Workshop – 6:45 p.m.**

WS-1 2014 Street Maintenance Plan

### **Council Meeting – 7:30 p.m.**

1. National Volunteer Week Proclamation Presentation
2. Proclamation Presentation National Work Zone Awareness Week April 7 to 11
3. Proclamation Presentation for April Fair Housing Month
4. Citizen Concerns About Items Not on Today's Agenda. (Copies of written material presented to the City Council also needs to be provided to the City Clerk.)  
CONSENT AGENDA - If a Councilmember has a simple question about an item, it can be asked before the Mayor calls for the vote on the Consent Agenda. An item only needs to be removed from the Consent Agenda if it warrants discussion.
5. Minutes of the March 10, 2014 City Council Meeting
6. Claims for City Operations for March 24, 2014
7. Public Housing Authority Claims for March 24, 2014
8. Appointments to Boards & Commissions

### **REGULAR MEETING AGENDA**

9. Ordinance to Authorize the Issuance of Approximately \$2,010,000 G. O. Bonds Series 2014-A & Resolution to Authorize the Delivery of Approximately \$2,010,000 G.O. Bonds Series 2014-A
10. Bonner Springs Arts Alliance Request Use of City Streets, Parks & Parking Lots
11. Award Bid for the Swingster Interceptor Repair Project
12. 2014 Mowing Services Contract
13. Adopt Region L Multi-Hazard Mitigation Plan to Include Johnson, Leavenworth & Wyandotte Counties
14. Charter Ordinance to Amend the Name of the Convention & Tourism Committee to Bonner Springs Tourism Committee & Regular Ordinance to Amend the Ordinance that Established the Convention & Tourism Committee
15. Charter Ordinance to Repeal Charter Ordinance No. 22 that Exempted the City from Sales Tax Provisions
16. Charter Ordinance to Repeal Charter Ordinance No. 10 that Established the Parks & Recreation Advisory Commission
17. City Manager's Report
18. City Council Items
19. Mayor's Report



# *City of Bonner Springs*

P. O. Box 38, 205 East Second Street, Bonner Springs, KS 66012

## **WORKSHOP MEETING**

**6:45 p.m.**

## **REGULAR CITY COUNCIL MEETING**

**7:30 p.m.**

## **CITY HALL COUNCIL CHAMBERS**

**Monday, March 24, 2014**

*Life is Better in Bonner Springs*

**City Council Workshop Agenda**  
Monday, March 24, 2014

**Present:**

Stephens	_____
Cooper	_____
Reeves	_____
Haas	_____
Peterson	_____
Knight	_____
Freeman	_____
Shannon	_____

Staff Present: \_\_\_\_\_

**AGENDA ITEM: 2014 Street Maintenance Plan**

**NARRATIVE:** Enclosed is an updated memorandum from the one mailed out earlier in the week. The memorandum provides the final sources of total funds available for street work this year and provides the final street work list recommended by Staff. Upon concurrence with the recommendation, staff will proceed to bid the projects.

**CITY OF BONNER SPRINGS  
PROJECT MANAGER MEMORANDUM**

DATE: March 19, 2014  
TO: Mayor and City Council  
THROUGH: City Manager *SMH*  
FROM: Public Works Director, Project Manager and Finance Director  
SUBJECT: **2014 Street Program**

**Recommendation**

- Use an amount of \$300,000 of the Capital Improvement Sales Tax for the 2014 Street Program.
- Concur with the allocation of \$750,000 for the Street Maintenance projects in 2014 and with the street work listed for the 2014 Street Program.
- Concur with the use of \$25,000 of the cash carryover in the Street Projects Fund for new Opticom systems at K-7 & Kansas Avenue and at K-7 & Speaker Road and for rock on Kansas Avenue.

**Background**

You received a copy of the initial proposed draft 2014 Street program on Tuesday to give you adequate time to look at the roads on the plan prior to Monday's meeting. The list was based on preliminary financial numbers which included funds from the new Capital Improvement Sales tax and budgeted street funds. Subsequently, Public Works Staff met with the Finance Director to review total project funds available. After that meeting, we included additional funds carried over from the 2013 Street Projects Fund and funds in the General Fund budget allocated for curb and sidewalk replacement. Because of this we were able to add five more streets to the 2014 work list for chipseal (the streets ranked 19 – 23 now are also above the cut line). The following explains the changes in the dollar amounts from the draft you received on Tuesday.

**Discussion/Financial Impact**

In order to maximize the amount of street work which can be accomplished in 2014, we propose the use of the funds listed below for the 2014 Street Maintenance Program:

- 2014 Streets Projects Fund Budget \$ 350,000
    - The already approved 2014 Street Projects Budget includes \$350,000 for Street Maintenance Projects.
  - Unused 2013 Budget for 134 Street \$ 74,000
    - In the 2013 budget, we allocated \$74,000 for maintenance work on 134 Street to be done after the contractor completed the Utility Relocation Project. The contractor did not complete the project until late in the year, therefore we delayed the work on this street and carried the funds over to 2014.
  - 2014 PW Gen Fund Budget – Curb and Sidewalk Replacement \$ 31,700
    - The 2014 General Fund Budget includes \$31,700 for Curb and Sidewalk Replacement.
  - 2014 Capital Improvement Sales Tax \$300,000
    - Staff recommends the expenditure of \$300,000 of an estimated \$350,000 generated in 2014 from the new Capital Improvement Sales Tax for street maintenance.
- Total Available for 2014 Street Maintenance Projects \$755,700**

Additionally, revenue in the Street Projects Fund in 2013 exceeded the budget estimate and expenditures were under the budget estimate which resulted in a carryover to 2014 of \$42,000.

We recommend use of these funds as follows:

- \$10,000 for rock to us for interim repair of Kansas Avenue.
  - In an effort to keep the roads passable, the Public Works Department used gravel to maintain West Kansas Avenue and East Kansas Avenue. By the time we repair the roads with asphalt, we will have used approximately \$10,000 worth of rock cost from the Public Works General Fund budget. This unanticipated cost will affect the amount of other work the department can accomplish this year.
- \$15,000 for Opticom systems for K-7 at Kansas Avenue and Speaker Road.
  - The current KDOT traffic signal designs for K-7 & Kansas Avenue and K-7 and Speaker Road do not include Opticom technology. Opticom is a system that receives a signal from emergency vehicles, gives them a green light and stops all other vehicles. The estimated cost for the Opticom system for both locations is \$15,000 and KDOT does not participate in this cost. Staff recommends that \$25,000 of the additional \$42,000 2013 cash carryover be used for this cost and for the rock for Kansas Avenue.
- The balance of \$17,000 can be used, if needed, for street maintenance contingencies.

**Attached is an updated Street work spreadsheet showing the new proposed cut line for additional streets work for 2014.**

**2014 STREETS PROGRAM**

Street ID	Rank	Street	From	To	Recycle-In-Place	True & Overlay	Mill & Overlay	Chipseal	Conc. Work Required	Total	Remaining	Utility Conflict	Comments
114	1	Full Depth Repairs (Multiple Locations)			\$ -	\$ -	\$161,610.00	\$ -	\$ -	\$ 161,610.00	\$ 588,390.00	NO	Various Locations - See Chart Below
122	3	Sidewalk	Citywide repairs	Dead End	\$ -	\$ -	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00	\$ 588,390.00	NO	2nd St (Necon/Elm) & Necon (Kindred/Kump)
138	4	Inslay	Garfield		\$ -	\$ 11,333.33	\$ -	\$ -	\$ -	\$ 11,333.33	\$ 577,056.67	NO	Straight 2" Overlay
121	5	Locust	Allcutt	Sheldley	\$ -	\$ -	\$ 12,233.33	\$ -	\$ 1,840.00	\$ 14,073.33	\$ 512,983.33	NO	Tied to Allcutt & Cypress
103	6	Allcutt	Cypress	Locust	\$ -	\$ -	\$ -	\$ -	\$ 1,380.00	\$ 13,880.00	\$ 499,103.33	NO	Tied to Cypress & Locust
111	7	Cypress	Nettleton	Allcutt	\$ -	\$ -	\$ -	\$ -	\$ 3,910.00	\$ 13,076.67	\$ 486,026.67	NO	Tied to Allcutt & Locust
112	8	Elk Lane	Post Drive	Heritage	\$ -	\$ -	\$ 9,166.67	\$ -	\$ -	\$ 30,900.00	\$ 455,126.67	NO	Tied to Heritage
116	9	Heritage	131st	132nd	\$ -	\$ -	\$ 18,666.67	\$ -	\$ -	\$ 18,666.67	\$ 436,460.00	NO	Tied to Elk Lane
100	10	134th Street	Riverview	Elizabeth	\$ -	\$ 67,222.22	\$ -	\$ -	\$ -	\$ 67,222.22	\$ 369,237.78	NO	
135	11	134th Street	Kansas Ave	Riverview	\$ -	\$ -	\$ -	\$ 34,450.00	\$ -	\$ 34,450.00	\$ 334,787.78	NO	
99	12	136th	Morse	Willard	\$ -	\$ 29,333.33	\$ -	\$ -	\$ -	\$ 29,333.33	\$ 305,454.44	NO	Tied to Willard
136	13	Willard	136th	138th	\$ -	\$ 35,493.33	\$ -	\$ -	\$ -	\$ 35,493.33	\$ 269,961.11	NO	Tied to 136th
127	14	Pratt	Park	Necon	\$ -	\$ -	\$ 23,333.33	\$ -	\$ -	\$ 23,333.33	\$ 246,627.78	NO	
113	15	Emerson	Morse	Pine	\$ -	\$ -	\$ -	\$ 17,872.00	\$ -	\$ 17,872.00	\$ 228,755.78	NO	
96	16	135th	Pioneer	Dead End	\$ -	\$ -	\$ 20,933.33	\$ -	\$ 2,400.00	\$ 23,333.33	\$ 205,422.44	NO	
126	17	Post	135th	Cul-D-Sac	\$ -	\$ -	\$ 21,933.33	\$ -	\$ 1,200.00	\$ 23,133.33	\$ 182,289.11	NO	
128	18	S. 142nd Street	Gibbs	Woodend	\$ -	\$ 81,216.67	\$ -	\$ -	\$ -	\$ 81,216.67	\$ 101,072.44	NO	
101	19	141st Street	Minnesota	Sandusky	\$ -	\$ -	\$ -	\$ 23,232.00	\$ -	\$ 23,232.00	\$ 77,840.44	NO	
130	20	Sandusky	141st	N. 142nd	\$ -	\$ -	\$ -	\$ 4,224.00	\$ -	\$ 4,224.00	\$ 73,616.44	NO	
140	21	Archer	Loring Lane	S. 142nd	\$ -	\$ -	\$ -	\$ 26,752.00	\$ -	\$ 26,752.00	\$ 46,864.44	NO	
141	22	Stillwell	Loring Lane	S. 142nd	\$ -	\$ -	\$ -	\$ 31,680.00	\$ -	\$ 31,680.00	\$ 15,184.44	NO	
139	23	Kreider	Loring Lane	S. 142nd	\$ -	\$ -	\$ -	\$ 12,672.00	\$ -	\$ 12,672.00	\$ 2,512.44	NO	
120	24	Nettleton	Morse	Kump	\$ -	\$ -	\$ -	\$ 35,100.00	\$ 14,790.00	\$ 49,890.00	\$ (47,377.56)	NO	
131	25	Nettleton	K-7	Morse	\$ -	\$ -	\$ -	\$ 46,800.00	\$ 18,000.00	\$ 64,800.00	\$ (112,177.56)	NO	
134	26	Springdale	Garfield	N. Necon	\$ -	\$ -	\$ 41,900.00	\$ -	\$ 2,760.00	\$ 44,660.00	\$ (156,837.56)	NO	
133	27	Spring Valley	S. Park	Kump	\$ -	\$ -	\$ 28,966.67	\$ -	\$ -	\$ 28,966.67	\$ (185,804.22)	NO	
132	28	Spring	Cornell	Nettleton	\$ -	\$ -	\$ 31,900.00	\$ -	\$ 30,742.50	\$ 62,642.50	\$ (248,446.72)	YES	Waterline issue
125	29	Pine	Front	Sheldley	\$ -	\$ -	\$ 28,966.67	\$ -	\$ 21,360.00	\$ 50,326.67	\$ (298,773.39)	NO	
137	30	Woodend Road	Wolf Creek Bridge	S. 142nd	\$ -	\$ -	\$ -	\$ 34,848.00	\$ 2,617.50	\$ 37,465.50	\$ (336,238.89)	NO	
109	31	Clark	Morse	Pine	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,033.33	\$ (387,272.22)	YES	Waterline issue
104	32	Allcutt	Cedar	Spring	\$ -	\$ -	\$ 43,233.33	\$ -	\$ -	\$ 43,233.33	\$ (430,505.56)	NO	
105	33	Allcutt	Spring	Morse	\$ -	\$ -	\$ 33,033.33	\$ -	\$ -	\$ 33,033.33	\$ (463,538.89)	NO	

FULL DEPTH PATCHING LOCATIONS		Approx. Sq. Yds.	Unit Cost	TOTAL
2012 Streets Full Depth Repairs		1057	\$30.00	\$31,710.00
M&O Streets		1300	\$50.00	\$65,000.00
N. Park	Pratt	291	\$50.00	\$14,550.00
130th	Nettleton	150	\$50.00	\$7,500.00
Morse	K-32	100	\$50.00	\$5,000.00
ShadySide	Necon	61	\$50.00	\$3,050.00
Riverview	near 13212	146	\$50.00	\$7,300.00
Woodend	Bridge	550	\$50.00	\$27,500.00
				<b>\$161,610.00</b>

PROJECT FUNDING		
2014 Street Projects Funds	\$	350,000.00
Unused 2013 Budget for 134th Street	\$	74,000.00
2014 Capital Improvement Sales Tax	\$	300,000.00
2014 Gen Fund Budget - Curb & Sidewalks	\$	31,700.00
<b>Total</b>	<b>\$</b>	<b>755,700.00</b>
Staff Recommendation:		\$

# ITEM NO. 1.

## City Council Regular Agenda Monday, March 24, 2014 – 7:30 p.m.

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items** \_\_\_\_\_

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM:** National Volunteer Week Proclamation Presentation

**ACTION:** Proclamation Presentations

**STAFF RECOMMENDATION:** None

The Mayor will present Proclamations to various Volunteer Departments in Recognition of National Volunteer Week. Representatives of those Departments and of the Boards, Committees and Commissions will be in attendance.

**ITEM NO. 2.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Proclamation Presentation National Work Zone Awareness Week April 7 to 11**

**ACTION: Proclamation Presentation**

**STAFF RECOMMENDATION: None**

The Mayor will present a Proclamation to the Utilities Department, Public Works Department and the Parks and Recreation Department.

**ITEM NO. 3.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

**Present  
&  
Vote**

Stephens	_____	Peterson	_____
Cooper	_____	Knight	_____
Reeves	_____	Freeman	_____
Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Proclamation Presentation for April Fair Housing Month**

**ACTION: Proclamation Presentation**

**STAFF RECOMMENDATION: None**

The Mayor will present a Proclamation to the Housing Authority Director in recognition of Fair Housing Month.

**ITEM NO. 4.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

**Present  
&  
Vote**

Stephens	_____	Peterson	_____
Cooper	_____	Knight	_____
Reeves	_____	Freeman	_____
Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Citizen Concerns About Items Not on Today's Agenda. (Copies of written material presented to the City Council also needs to be provided to the City Clerk.)**

**ACTION: None**

**STAFF RECOMMENDATION: None**

This item is for comments and questions from the audience about items that are not included on today's agenda.

## **CONSENT AGENDA**

**The City Council will consider Consent Agenda items by one motion with no discussion unless the City Council, Staff or the audience requests removal of an item from the Consent Agenda. The City Council will consider an item removed from the Consent Agenda as the next item after their action on the Consent Agenda.**

**ITEM NO. 5.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

**Present  
&  
Vote**

Stephens	_____	Peterson	_____
Cooper	_____	Knight	_____
Reeves	_____	Freeman	_____
Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Minutes of the March 10, 2014 City Council Meeting**

**ACTION: Make a Motion to Approve the Minutes of the Regular Meeting Held on March 10, 2014**

**STAFF RECOMMENDATION: The City Clerk Recommends Approval**

Enclosed are the minutes for approval. Enclosed is the Workshop summary for your information.

## City Council Minutes – Regular Meeting – Monday, March 10, 2014

The Bonner Springs City Council met in regular session at 7:30 p.m. on Monday, March 10, 2014.

**Governing Body Present:** Mayor Jeff Harrington; Councilmembers: Tom Stephens, George Cooper, Bob Reeves, Joe Peterson, Jack Knight, Eric Freeman, Racheal Haas and Roger Shannon

**City Staff Present:** Rita Hoag, City Clerk; Don Slone, Planning Director; Tillie Laplante, Finance Director; Chris Brake, Deputy City Clerk and Ric Johnson, Operations Manager, Wilson and Company

The Mayor opened the meeting with the Pledge of Allegiance to the Flag of the United States of America.

**Item No. 1 – Proclamation Flood Safety Awareness Week March 16 to 22, 2014** - The Mayor presented a proclamation to the Planning Director in recognition of Flood Safety Awareness Week. The Planning Director provided “Flood Hazard Check Before You Buy” on the Council Bench for each Councilmember.

**Item No. 2 – Citizen Concerns About Items Not on Today’s Agenda** – None Presented.

### CONSENT AGENDA

The Mayor read the Consent Agenda Items 3 through 6 and asked the Staff, audience or City Council if they wished to remove an item for separate consideration. No items were removed.

**Item No. 3 – Minutes of the February 10, 2014 City Council Meeting** – Presented for approval.

**Item No. 4 – Claims for City Operations – February 24, 2014** – Presented for approval were the Supplement Claims in the amount of \$40,288.63 and Regular Claims in the amount of \$192,370.18.

**Item No. 5 – Public Housing Authority Claims – February 24, 2014** – Presented for approval in the amount of \$8,601.96.

**Item No. 6 – Drug and Alcohol Committee Recommendation for Program Funds for 2014** – The Finance Director and Drug and Alcohol Advisory Committee recommended the City Council approve Program Funds in the amount of \$11,030 for 2014 Substance Abuse Programs. Staff amended the recommendation from the original amount of \$13,530 because the Salvation Army discontinued their substance abuse program. The requests received were less than the approved budget of \$25,000. The Committee may request the City Council to fund additional programs later this year.

### CONSENT AGENDA APPROVAL

Stephens made a Motion to Approve the Consent Agenda as amended. Cooper seconded the motion and it carried on a vote of eight to zero.

### REGULAR MEETING AGENDA

**Item No. 7 – Ordinance to Amend the Membership of the Cemetery Advisory Committee** – The City Staff and the Cemetery Advisory Committee recommended an Ordinance amendment to increase the Cemetery Advisory Committee membership from six to eight.

Reeves made a Motion to Approve an Ordinance to Amend the Membership of the Cemetery Advisory Committee. Haas seconded the motion and it carried on a vote of eight to zero. **Assigned Ordinance No. 2382**

**Item No. 8 – City Engineer Contract with Wilson & Company** – City Staff and the City Attorney recommended the City Council approve a contract with Wilson & Company for City Engineer services. The City Clerk made a presentation as follows:

➤ The City Council approved a contract with Wilson & Company for City Engineer services in 1991 and approved a minor amendment in 1995.

➤ The updated agreement included in the agenda submitted by Wilson & Company reflects the City Engineer services the City needs and removes the retainer provision.

➤ Since 1991, Wilson & Company and the City maintained a professional relationship that benefited both parties.

➤ Ric Johnson, Operations Manager, Wilson & Company was present to answer questions.

➤ Cooper asked what the hourly rate is. Ric Johnson stated Wilson & Company is a multi-discipline Engineering firm and the hourly rate depends on the experience and qualifications of the individual who performs the work.

➤ Cooper asked if the City Engineer Contract is bid on. The City Clerk stated the City initially solicited bids and used Wilson & Company since the City awarded the initial contract. The City Engineer Contract does not preclude other Engineers from the ability to submit bids for design work.

➤The Planning Director stated Wilson & Company has the City's best interests and helped reduce the cost of the 134 Street Project by \$600,000.  
Reeves made a Motion to Approve a Contract with Wilson & Company for City Engineer Services. Stephens seconded the motion and it carried on a vote of eight to zero.

**Item No. 9 – City Manager's Report** – No additional items added.

**Item No. 10 – City Council Items** –

- Shannon stated the "Chief's Chatter" article included in the City Manager's report was excellent.
- Reeves asked for the Chief of Police to visit residents who ride small motorized vehicles on the street to inform residents the vehicles are not legal or safe on the street.
- Cooper stated he is happy that the Police Department will train Officer Pate to fill their Public Information Officer position.

**Item No. 11 – Mayor's Report** –

- Will arrange a tour of Cerner for the Mayor's Youth Council.
- Stated that he presented a proclamation last week on behalf of the City to Dennis Hays for his retirement.

The meeting adjourned at 7:50 p.m.

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Rita Hoag, City Clerk

## City Council Workshop Meeting – Monday, March 10, 2014 – 7:00 p.m.

**Governing Body Present:** Mayor Jeff Harrington; Councilmembers: Tom Stephens, George Cooper, Bob Reeves, Joe Peterson, Jack Knight, Eric Freeman, Racheal Haas and Roger Shannon

**City Staff Present:** Rita Hoag, City Clerk; Don Slone, Planning Director, Tillie Laplante, Finance Director and Chris Brake, Deputy City Clerk

**WS-1 – Presentation by David Block – Tiblow Days Activities** – David Block, President of the Bonner Springs Edwardsville Area Chamber of Commerce made a presentation about the 2014 Tiblow Days which included information as follows:

- Edwardsville Days is April 25 through 26, 2014.
- Tiblow Days is August 21 through 23, 2014.
- The Tiblow Days format will be the same as last year with the City Band concert on Thursday night, the Mayor's Banquet Friday night and family friendly concert entertainment on Friday and Saturday nights.
- The Chamber of Commerce will request use of City facilities again this year and will request a consumption/possession permit for the Bar-b-que and the Bier Garten.
- Thanked the City for the help provided in previous years.
- The Chamber of Commerce needs volunteers for Tiblow Days. If Councilmembers want to help or know someone who wants to help, they should contact him.

General discussion and questions included the entertainment scheduled, plans to expand the Dignitary area for the parade and plans for the dignitary/hospitality room.

Peterson thanked everyone for their support extended to his family at the time of his father's death.

The Mayor stated that the motion for approval of the Consent Agenda should be either as presented or as amended. There is no need to read each item as part of the motion. He further explained that certain sections of the Council Manual were under review and that the City does not use Roberts Rules of Order.

Cooper asked why the City has oil changes done by an Edwardsville business. The City Clerk explained that Department are required to be fiscally responsible and find the best price, that the policy is to purchase or use Bonner Springs businesses and then those in Wyandotte County and that perhaps businesses in Bonner Springs could not schedule the oil changes when needed.

The meeting adjourned at 7:24 p.m.

**ITEM NO. 6.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Claims for City Operations for March 24, 2014**

**ACTION: Make a Motion to Approve the Claims for City Operations for March 24, 2014**

**STAFF RECOMMENDATION: The City Manager and City Clerk Recommend Approval and State that all Expenditures Comply with the State of Kansas Cash Basis Law**

Enclosed are the Supplement Claims for City Operations in the amount of \$35,837.63 and the Regular Claims in the amount of \$96,221.85.

Note: If a Councilmember has questions on any of the claims, it would be helpful to call or email ahead in order to get a detailed answer.

Check Register Report

SUPPLEMENTAL CHECK REGISTER

Date: 03/19/2014  
 Time: 10:08 am  
 Page: 1

Bonner Springs City Hall

BANK: UNION BANK & TRUST

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>UNION BANK &amp; TRUST Checks</b>							
123189	03/14/2014	Printed		0056	ALCOHOL SAFETY ACTION PROJECT	ADSAP FEES	100.00
123190	03/14/2014	Printed		5615	AT & T 5011	SPECIAL CIRCUITS & ALARMS	291.58
123191	03/14/2014	Printed		5184	AT & T MOBILITY	MOBILE PHONE SVC 1/24-2/23/14	1,904.01
123192	03/14/2014	Printed		2470	ATMOS ENERGY	GAS SERVICE	9,874.18
123193	03/14/2014	Printed		7193	CHASE PROCESSING	PAYROLL DEDUCTIONS	475.00
123194	03/14/2014	Printed		2475	DOLLAR GENERAL	RESTITUTION-COURT	60.00
123195	03/14/2014	Printed		2446	KIM DUNCAN	RENTAL DEPOSIT REFUND	100.00
123196	03/14/2014	Printed		2449	JEFFREY EASTERDAY	RENTAL DEPOSIT REFUND	100.00
123197	03/14/2014	Printed		0898	ICMA RETIREMENT CORPORATION	PAYROLL DEDUCTS/BENEFITS	3,396.26
123198	03/14/2014	Printed		0981	ING FINANCIAL PARTNERS	PAYROLL DEDUCTIONS	658.75
123199	03/14/2014	Printed		3108	JC COMMUNICATIONS BEST	AFTER HRS ANSWERING SVC	73.00
123200	03/14/2014	Printed		3960	JOHN HANCOCK	PAYROLL DEDUCTS/BENEFITS	310.00
123201	03/14/2014	Printed		2195	KANSAS PAYMENT CENTER	PAYROLL DEDUCTIONS	1,021.99
123202	03/14/2014	Printed		2014	KCPL	ELECTRIC SERVICE	501.78
123203	03/14/2014	Printed		2421	GREG LEE	RENTAL DEPOSIT REFUND	200.00
123204	03/14/2014	Printed		9879	MAINSTREET CREDIT UNION	PAYROLL DEDUCTIONS	2,952.32
123205	03/14/2014	Printed		2453	LINDA MCCLUNG	RENTAL DEPOSIT REFUND	200.00
123206	03/14/2014	Printed		1670	KENNEDEE GAYLE MEIER	VOLLEYBALL UMPIRE FEES	42.00
123207	03/14/2014	Printed		2472	NEIL FREEMAN CONSTRUCTION	OCCUPATIONAL LICENSE OVERPYMT	30.00
123208	03/14/2014	Printed		2455	MARK NORDIN	WITNESS FEE	10.00
123209	03/14/2014	Void	03/14/2014			Void Check	0.00
123210	03/14/2014	Void	03/14/2014			Void Check	0.00
123211	03/14/2014	Printed		6709	NUTS & BOLTS	PAINT SUPPLIES,WEATHER STRIPN	450.93
123212	03/14/2014	Printed		2476	CHRISTINA PISANO	RESTITUTION-COURT	300.00
123213	03/14/2014	Printed		2461	PRICE CHOPPER	RESTITUTION-COURT	46.14
123214	03/14/2014	Printed		1811	RICOH USA, INC.	COPIER LEASE	239.25
123215	03/14/2014	Printed		2447	GAIL SANDERS	RENTAL DEPOSIT REFUND	150.00
123216	03/14/2014	Printed		1727	ALEXIS SECHRIST	VOLLEYBALL UMPIRE FEES	56.00
123217	03/14/2014	Printed		1633	PAYTON SECHRIST	VOLLEYBALL UMPIRE FEES	56.00
123218	03/14/2014	Printed		2452	CRYSTAL STUART	RENTAL DEPOSIT REFUND	100.00
123219	03/14/2014	Printed		2169	WALMART	RESTITUTION-COURT	10.00
123220	03/14/2014	Printed		3790	WESTAR ENERGY	ELECTRIC SERVICE	12,128.44

**Total Checks: 32** **Checks Total (excluding void checks): 35,837.63**

**Total Payments: 32** **Bank Total (excluding void checks): 35,837.63**

**Total Payments: 32** **Grand Total (excluding void checks): 35,837.63**

## Check Register Report

CHECK REGISTER

Date: 03/19/2014

Time: 10:56 am

BANK: UNION BANK & TRUST

Page: 1

Bonner Springs City Hall

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>UNION BANK &amp; TRUST Checks</b>							
123221	03/18/2014	Void	03/18/2014			Void Check	0.00
123222	03/18/2014	Printed		3562	ALAMAR	UNIFORMS-POLICE	1,442.60
123223	03/18/2014	Printed		2486	ALLEGIAN NETWORKS, LLC	PHONE REPAIRS-POLICE	393.75
123224	03/18/2014	Printed		1191	ALLIANCE PUMP & MECHANICAL INC	PIPE REPAIR-WTP	3,828.77
123225	03/18/2014	Printed		6000	APAC	ROCK-PW/PARKS	282.93
123226	03/18/2014	Printed		2470	ATMOS ENERGY	GAS SERVICE	1,032.30
123227	03/18/2014	Printed		2493	MICHAEL BATTLES	COURT BOND REFUND	630.50
123228	03/18/2014	Printed		0109	BERNING TIRE COMPANY	FLAT REPAIR -UT	80.00
123229	03/18/2014	Printed		2488	BIFF BLANKENSHIP	RENTAL DEPOSIT REFUND	100.00
123230	03/18/2014	Printed		0121	BONNER SPGS LIBRARY	WY CO TAX DISTRIBUTION	9,442.17
123231	03/18/2014	Printed		6869	BONNER SPRNGS PARTNERS II, LLC	BS CENTER FUNDING AGRMT	10,000.00
123232	03/18/2014	Printed		4172	BOUND TREE MEDICAL	MEDICAL SUPPLIES-EMS	814.96
123233	03/18/2014	Printed		4743	BSN SPORTS, INC	SOCCER BALLS-PARKS & REC	393.30
123234	03/18/2014	Printed		0139	BYERS GLASS & MIRROR INC	DOOR REPAIRS-FIRE/EMS	150.00
123235	03/18/2014	Printed		7070	CAPITAL ELECTRIC CONSTRUCTION C	BOOSTER/LIFT STATION MAINT	1,212.04
123236	03/18/2014	Printed		7102	CENTRAL SECURITY GROUP-	SECURITY SYSTEM MONITORING	122.00
123237	03/18/2014	Printed		2508	DAVID CHRISTIE	REFUND CID I FUNDING AGRMT	1,189.59
123238	03/18/2014	Printed		0218	COMMENCO INC	RADIO MAINTENANCE-PD	401.00
123239	03/18/2014	Printed		7098	CTM MEDIA GROUP INC	BROCHURE DISTRIBUTION-CTC	4,922.00
123240	03/18/2014	Printed		0238	DEFFENBAUGH DISPOSAL SERVICE	DUMPSTER RENTALS	97.00
123241	03/18/2014	Printed		4151	SHARI LEE DEMATO	TUMBLING INSTRUCTOR	500.00
123242	03/18/2014	Printed		4329	JAMES DOBBS	MILEAGE EXPENSE 1/6-3/7/14	103.54
123243	03/18/2014	Printed		0192	DOUGLAS PUMP SERVICE INC	PUMP REPAIR-UT	5,164.03
123244	03/18/2014	Printed		1075	DSA PRECISION CLEANING	CUSTODIAL SUPPLIES	140.00
123245	03/18/2014	Printed		0263	DUSIL INSURANCE AGENCY	NOTARY BOND-POLICE	225.00
123246	03/18/2014	Printed		0274	EMERGENCY MEDICAL PRODUCTS	MEDICAL SUPPLIES-EMS	62.90
123247	03/18/2014	Printed		0276	ENVIRONMENTAL LABORATORIES	UT SAMPLES/ANALYSIS-JAN14	1,119.00
123248	03/18/2014	Printed		4342	FELDMANS	UNIFORM,GARDEN SUPPLIES,BLOWER	353.78
123249	03/18/2014	Printed		2507	THE FINE ARTS INSTITUTE	MUSIC WWII TICKETS-SC	280.00
123250	03/18/2014	Printed		2492	TERRY FRAKER	COURT BOND REFUND	94.00
123251	03/18/2014	Printed		3590	GLOCK INC	GUN SUPPLIES-PD	328.00
123252	03/18/2014	Printed		0021	HACH COMPANY	LABORATORY EQUIP & TESTS-WTP	4,196.57
123253	03/18/2014	Printed		2430	HAMBLIN PETROLEUM	MOTOR FUEL	18,771.66
123254	03/18/2014	Printed		7242	HELGET GAS PRODUCTS INC	OXYGEN-EMS	6.60
123255	03/18/2014	Printed		8192	JOHN HELIN	AGRIP LEADERSHIP CONF EXPENSE	61.29
123256	03/18/2014	Printed		2484	HENRY MARTENS CHEVROLET	VEH MAINT-POLICE	246.36
123257	03/18/2014	Printed		4587	EDWARD WAYNE HICKMAN	PUMP REPAIRS-UT	450.00
123258	03/18/2014	Printed		1277	IAPE INC	IAPE MEMBERSHIPS-PD	100.00
123259	03/18/2014	Printed		1503	INTERSTATE ALL BATTERY CENTER	BATTERIES-PD	81.60
123260	03/18/2014	Printed		3289	J & D EQUIPMENT INC	LIGHTBAR/MINI LED-PW	307.54
123261	03/18/2014	Printed		5590	JERRY'S SPORT CENTER INC	AMMUNITION-PD	340.20
123262	03/18/2014	Printed		0359	JIMS LOCK & SAFE SERVICE	REPLACE/REKEY LOCKS-PD,PARKS	541.50
123263	03/18/2014	Printed		1022	JO CO LANDFILL INC	LANDFILL CHARGES/FEB	2,713.92
123264	03/18/2014	Printed		5345	JOHNSON COUNTY WASTEWATER	WASTEWATER CHARGES/FEB 2014	68.22
123265	03/18/2014	Printed		4263	KC STAR INC	POLICE EMPLOYMENT AD	1,151.89
123266	03/18/2014	Printed		2875	KCIAAI	MEMBERSHIP RENEWAL-POLICE	20.00
123267	03/18/2014	Printed		0852	LANMAN INCORPORATED	COMPUTER EQUIP/REPAIRS/MAINT	5,283.75
123268	03/18/2014	Printed		3373	LUKE HTG & AIR CONDITIONING	REPL HEATER FAN MOTOR -POOL	554.00
123269	03/18/2014	Printed		6137	METRO COURIER INC	DELIVERY CHARGES-UT	97.52

Check Register Report

CHECK REGISTER

Date: 03/19/2014

Time: 10:56 am

Bonner Springs City Hall

BANK: UNION BANK & TRUST

Page: 2

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>UNION BANK &amp; TRUST Checks</b>							
123270	03/18/2014	Printed		3759	MIDWEST BUS SALES INC	BUS REPAIRS-TIBLOW TRANSIT	768.22
123271	03/18/2014	Printed		2491	MILLER'S PRO-CUT INC	STREET CUT-UT	250.00
123272	03/18/2014	Printed		3443	WES MILLS	RETIREMENT	50.00
123273	03/18/2014	Printed		6244	NEXTEL	PLAQUE-CEMETERY RAVEN-X/AIR CARDS-PD	174.52
123274	03/18/2014	Printed		0947	O'REILLY AUTO STORES INC	VEH MAINT SUPPLIES & PAINT	52.53
123275	03/18/2014	Printed		6064	OMB GUNS	PATROL RIFLE-PD	29.99
123276	03/18/2014	Printed		2126	OMNI SVC GROUP LLC	FEBRUARY AMB BILLING	1,272.72
123277	03/18/2014	Printed		3842	THE PEAVEY CORP	EVIDENCE SUPPLIES-PD	343.10
123278	03/18/2014	Printed		0558	PHYSIO CONTROL INC	MEDICAL SUPPLIES-EMS	108.00
123279	03/18/2014	Printed		9985	PONZER YOUNGQUIST P.A.	ENGINEERING F/LS UPGRADE	495.00
123280	03/18/2014	Printed		1679	PRAXAIR DISTRIBUTION INC	CYLINDER LEASE-UT	152.95
123281	03/18/2014	Printed		0904	PREDATOR TERMITE & PEST CONTRL	PEST/RODENT CONTROL-PD	96.00
123282	03/18/2014	Printed		0738	PROSE	WOOD FRAME CHAIRS-POLICE	300.00
123283	03/18/2014	Printed		0646	PUSHWATER ENTERPRISES INC	FLYERS,FORMS, & POSTERS	430.71
123284	03/18/2014	Printed		4746	QUEEN'S PRICE CHOPPER	FOOD -SENIOR ACTIVITY	78.23
123285	03/18/2014	Printed		3932	QUILL	LEGAL PADS,EVELOPES,PENS-PD	81.52
123286	03/18/2014	Printed		1811	RICOH USA, INC.	COPIER LEASES	668.37
123287	03/18/2014	Printed		8441	SHAWNEE COPY CENTER	NEWSLETTER & CALENDAR-SC	100.00
123288	03/18/2014	Printed		1432	SMITTYS LAWN & GARDEN EQUIPMNT	PART F/SNOW BLOWER -PARKS	23.54
123289	03/18/2014	Printed		9993	SOUTHEASTERN EMERGENCY	MEDICAL SUPPLIES-EMS	389.25
123290	03/18/2014	Printed		6081	STAPLES ADVANTAGE	BINDERS,FOLDERS,STAMP ETC	641.17
123291	03/18/2014	Printed		0766	T A STOLFUS DVM	VET SERVICES-PD	774.00
123292	03/18/2014	Printed		6802	TOTAL ELECTRIC CONTRACTORS INC	TRAFFIC SIGNAL REPAIRS-PW	715.94
123293	03/18/2014	Printed		0299	TRAINING @ YOUR PLACE	COMPUTER MAINT-PD	380.00
123294	03/18/2014	Printed		3388	TRINITY AUTOMOTIVE INC	VEH REPAIRS-PD	1,614.21
123295	03/18/2014	Printed		6819	UNIFIRST COPORATION	UNIFORM,RUG RENTAL-PW,UTIL	155.45
123296	03/18/2014	Printed		8404	VESTA LEE LUMBER COMPANY	LS SUPPLIES/SCREWS-UT/PD	66.57
123297	03/18/2014	Printed		2483	WEST PUBLISHING CORPORATION	SEARCH&SEIZURE BULLETIN-PD	277.08
123298	03/18/2014	Printed		2518	WESTAR ENERGY	UPGRADE ELECT BOOSTER STATION	1,851.00
123299	03/18/2014	Printed		4353	THE WORLD COMPANY	LEGAL PUBLICATIONS,ADS,REPORT	849.00
123300	03/18/2014	Printed		7088	WYANDOT CENTER FOR BEHAVIORAL	SUBSTANCE ABUSE FUNDING	3,135.00

**Total Checks: 80** **Checks Total (excluding void checks): 96,221.85**

**Total Payments: 80** **Bank Total (excluding void checks): 96,221.85**

**Total Payments: 80** **Grand Total (excluding void checks): 96,221.85**

**ITEM NO. 7.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Public Housing Authority Claims for March 24, 2014**

**ACTION: Make a Motion to Approve the Public Housing Authority Claims for March 24, 2014**

**STAFF RECOMMENDATION: The City Manager & Public Housing Authority Director Recommend Approval**

Enclosed are the claims in the total amount of \$19,117.70.

Check Register Report

PUBLIC HOUSING CHECK REGISTER

Date: 03/19/2014

Time: 10:03 am

Bonner Springs City Hall

BANK: UNION BANK & TRUST-PHA

Page: 1

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>UNION BANK &amp; TRUST-PHA Checks</b>							
96851	03/18/2014	Void	03/18/2014			Void Check	0.00
96852	03/18/2014	Void	03/18/2014			Void Check	0.00
96853	03/18/2014	Printed		P 797	P BANKCARD PROCESSING CENTER	AIRFARE,FAUCETS,LOCKS	960.47
96854	03/18/2014	Void	03/18/2014			Void Check	0.00
96855	03/18/2014	Printed		P506	P CITY OF BONNER SPGS	REIMB WAGES/BENEFITS/UTIL	12,627.13
96856	03/18/2014	Printed		P832	P CREATIVE LANDSCAPING&CONCRET	SNOW REMOVAL/APPLY ICE MELT	425.00
96857	03/18/2014	Printed		P540	P DEFFENBAUGH DISPOSAL SVC	REFUSE SERVICE	310.72
96858	03/18/2014	Printed		P580	P DENNIS HUNT	PLUMBING REPAIRS SEVERAL UNITS	1,120.00
96859	03/18/2014	Printed		P851	P ENVIRO TECH HEATING &COOLING	FURNACE REPAIRS-2 UNITS	477.38
96860	03/18/2014	Printed		P828	P FACTORY DIRECT APPLIACE	APPLIANCES SEVERAL UNITS	2,424.00
96861	03/18/2014	Printed		P664	P JESSICA GILBRETH	UTIL REIMB	11.00
96862	03/18/2014	Printed		P542	P LINDSEY SOFTWARE SYS INC	ACCOUNTING SVCS	135.00
96863	03/18/2014	Printed		P808	P MCCLOUD SERVICES	PEST CONTROL SVC	94.00
96864	03/18/2014	Printed		P754	P PHADA	PHADA-MEMBERSHP 6/1/14-5/30/15	140.00
96865	03/18/2014	Printed		5642	P PLUMBER TIME INC	PLUMBING MAINTENACE-1 UNIT	88.00
96866	03/18/2014	Printed		P753	P RICOH USA, INC	COPIER LEASE	136.00
96867	03/18/2014	Printed		P985	P T2HOLDINGS, LLC	SHREDDING SVC	145.00
96868	03/18/2014	Printed		P984	P TONI LEDUC	UTIL REIMB	13.00
96869	03/18/2014	Printed		P459	P WORLD CO	BID NOTICE	11.00
<b>Total Checks: 19</b>						<b>Checks Total (excluding void checks):</b>	<b>19,117.70</b>
<b>Total Payments: 19</b>						<b>Bank Total (excluding void checks):</b>	<b>19,117.70</b>
<b>Total Payments: 19</b>						<b>Grand Total (excluding void checks):</b>	<b>19,117.70</b>

**ITEM NO. 8.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Appointments to Boards & Commissions**

**ACTION: Make a Motion to Approve Appointments to Boards & Commissions**

**STAFF RECOMMENDATION: The Mayor & Committees Recommend Approval**

Band Commission: Reappoint Dani Gurley and Etta Cox whose terms expire April 2014 to another three-year term to expire April 2017. Appoint Elaine Berg to replace position held by Linda Clark whose term expires April 2014 to a three-year term to expire April 2017. Bio forms for each are on file in the City Clerk's office.

Bonner Beautiful Committee: Appoint Barbara Burdine to fill a position that expired April 2013 for a three-year term to end April 2017. Her bio form is on file in the City Clerk's office.

Cemetery Advisory Committee: Appoint Linda Kasselmann and Judy Anderson to the two new positions on this Committee per the Ordinance the City Council adopted on March 10. The term for each will expire January 2017. Bio forms are on file in the City Clerk's office.

Senior Center: Appoint Juanita Clark to fill the position held by Bernice Scheidt whose terms ended March 2014 for a three-year term to end March 2017. Ms. Clark's bio form is on file in the City Clerk's office.

## ACTION FOR CONSENT AGENDA

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

Stephens \_\_\_\_\_  
Cooper \_\_\_\_\_  
Reeves \_\_\_\_\_  
Haas \_\_\_\_\_

Peterson \_\_\_\_\_  
Knight \_\_\_\_\_  
Freeman \_\_\_\_\_  
Shannon \_\_\_\_\_

- Reminder:**
- 1. Councilmembers need to abstain on check numbers on the claims issued to their personal business.**
  - 2. If a Councilmember has a simple question about a Consent Agenda item, it can be asked before the Mayor calls for a vote on the Consent Agenda.**
  - 3. If a Councilmember feels a Consent Agenda item warrants discussion, then it needs to be removed from the Consent Agenda.**

Staff Present: \_\_\_\_\_

## REGULAR AGENDA

The City Council will consider the following items individually.

**ITEM NO. 9.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items** \_\_\_\_\_

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Ordinance to Authorize the Issuance of Approximately \$2,010,000 G. O. Bonds Series 2014-A & Resolution to Authorize the Delivery of Approximately \$2,010,000 G.O. Bonds Series 2014-A**

**ACTION: Three Motions Required as Ordinances must be approved by a separation motion. See Narrative**

**STAFF RECOMMENDATION: The City Manager, City Clerk, Finance Director, Bond Counsel & the Financial Advisor Recommend Approval**

**First Motion:** Make a Motion to Accept the Bid for the Sale of the Bonds

**Second Motion:** Make a Motion to Approve an Ordinance to Authorize the Issuance of G.O. Bonds Series 2014-A in the Approximate Amount of \$2,010,000

**Third Motion:** Make a Motion to Approve a Resolution to Authorize the Delivery of G.O. Bonds Series 2014-A in the Approximate Amount of \$2,010,000

The City Staff and Financial Advisor briefed the City Council on the need to issue G.O. Bonds at the February 24, 2014 Workshop Meeting. On the same date in the Regular Meeting, the City Council Approved Resolution No. 2014-04 that authorized the sale of G.O. Bonds in the approximate amount of \$2,010,000 that included the refinance of the G.O. Bonds Series 2004-A and to pay off the 2012-1 Temporary Notes in the amount of \$1,750,000. The total estimated combined cost savings pay off the temporary notes and refinance the 2004-A bonds is \$134,000.

The competitive sale of the bonds will be on Monday, March 24 at 1 p.m. The competitive bids with interest rates will be presented at the meeting with a recommendation from Staff. The interest rate on the last G.O. Bond issue in 2011 was 3.235 percent. Based upon the bids received, the total amount of the bond issue may decrease. We did receive confirmation that the City received a AA- bond rating for this bond issue. This is the same rate that we received for the 2011 bonds.

Approval of the enclosed Ordinance and Resolution also approves the Official Statement, a copy of which will be available at the meeting on Monday. With the approval and sale of G.O. Bonds Series 2014-A, the City will not have any outstanding temporary notes. Due to the number of pages the Resolution has, we did not enclose all of the exhibits or signature pages.

Due to the regulatory changes in the municipal bond industry, the City's Financial Advisor must clarify their role in the G.O. Bond sale. G. K. Baum clarified that they will serve in a fiduciary capacity as Financial Advisor and will not serve as an underwriter or placement agent.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AUTHORIZE THE ISSUANCE AND DELIVERY OF \$[2,010,000] PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2014-A, OF THE CITY OF BONNER SPRINGS, KANSAS; AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE.

WHEREAS, the City of Bonner Springs, Kansas (the "City"), is a city of the second class, created, organized and existing under the laws of the State of Kansas (the "State");

WHEREAS, the City has previously authorized and issued its General Obligation Bonds, Series 2004, in the original principal amount of \$1,400,000 (the "Series 2004 Bonds");

WHEREAS, in order to achieve interest cost savings through early redemption of the Series 2004 Bonds maturing in the years 2014 through 2024 and aggregating the principal amount of \$910,000 (the "Refunded Bonds") and to provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds;

WHEREAS, the City is authorized by K.S.A. 10-427 *et seq.*, to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds;

WHEREAS, pursuant to K.S.A. 12-617 and 12-618 and K.S.A. 65-163d through 65-163u, all as amended, and other provisions of the laws of the State applicable thereto, by proceedings had, the Governing Body of the City has authorized the issuance of general obligation bonds to finance the cost of certain sewer and water system improvements (the "Improvements");

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the Governing Body of the City now finds and determines that the total cost of the Improvements (including interest on temporary notes of the City and issuance costs of the Bonds) and related expenses, less any available funds of the City, are at least \$[1,150,000] and it is necessary to pay the costs of such Improvements by the issuance of general obligation bonds;

WHEREAS, the Governing Body of the City has advertised the sale of its general obligation bonds in accordance with the law and at a meeting held in the City on this date, awarded the sale of such bonds to the lowest bidder; and

WHEREAS, the Governing Body of the City finds and determines that it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$[2,010,000] to pay the costs of the Improvements and the cost of refunding the Refunded Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS, AS FOLLOWS:

**Section 1. Definitions of Words and Terms.**

**“Bond and Interest Fund”** means the Bond and Interest Fund of the City for its general obligation bonds.

**“Bonds”** means the City’s General Obligation Refunding and Improvement Bonds, Series 2014-A, authorized by the Ordinance in the aggregate principal amount of \$[2,010,000], and dated April 16, 2014.

**“City”** means the City of Bonner Springs, Kansas.

**“City Clerk”** means the appointed and acting City Clerk or, in the City Clerk’s absence, the appointed acting City Clerk of the City.

**“City Treasurer”** means the appointed and acting City Treasurer or, in the City Treasurer’s absence, the appointed acting City Treasurer of the City.

**“Code”** means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

**“Improvements”** means the improvements referred to in the recitals to this Ordinance or any Substitute Improvements, as defined in the Resolution.

**“Mayor”** means the elected and acting Mayor of the City or, in the Mayor’s absence, the appointed acting Mayor of the City.

**“Ordinance”** means this Ordinance of the City authorizing the issuance of the Bonds.

**“Resolution”** means the Resolution of the City containing the terms and details of the Bonds.

**“Series 2004 Bonds”** means the City’s General Obligation Bonds, Series 2004, in the original principal amount of \$1,400,000.

**“State”** means the State of Kansas.

**Section 2. Authorization of and Security for the Bonds.** There shall be issued and are authorized and directed to be issued the General Obligation Refunding and Improvement Bonds, Series 2014-A, of the City in the principal amount of \$[2,010,000], for the purpose of providing funds to pay the costs of the Improvements and refunding the Refunded Bonds.

The Bonds shall be general obligations of the City payable as to both principal and interest from, in part, special assessments levied upon the property benefited by the construction

of the Improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The balance of the principal and interest on the Bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

**Section 3. Terms, Details and Conditions of the Bonds.** The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution adopted by the Governing Body of the City.

**Section 4. Levy and Collection of Annual Tax.** The Governing Body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the City in the manner provided by law.

The taxes and/or assessments above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, and the proceeds derived from the taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time the taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the City Treasurer is authorized and directed to pay the principal or interest out of the general funds of the City and to reimburse the general funds for money so expended when the taxes and/or assessments are collected.

**Section 5. Tax Covenants.** The City covenants and agrees that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds, (2) it will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds, (3) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued, (4) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code and (5) it will not use or permit the use of any proceeds of Bonds or any other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

The City covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code.

**Section 6. Further Authority.** The Mayor, City Clerk and other City officials are further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make alterations, changes or additions in the agreements, statements, instruments and other documents approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 7. Governing Law.** This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 8. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in the official City newspaper.

Approved by the City Council and signed by the Mayor on March 24, 2014.

CITY OF BONNER SPRINGS, KANSAS

(Seal)

\_\_\_\_\_  
Jeff Harrington, Mayor

ATTEST:

\_\_\_\_\_  
Rita Hoag, City Clerk

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING THE DELIVERY OF \$[2,010,000] PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2014-A, OF THE CITY OF BONNER SPRINGS, KANSAS, PREVIOUSLY AUTHORIZED BY AN ORDINANCE OF THE CITY.

WHEREAS, the City of Bonner Springs, Kansas (the “City”), has adopted the Ordinance (as herein defined) authorizing the issuance of the Bonds (as herein defined); and

WHEREAS, the Ordinance authorized the Governing Body of the City to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds;

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

**ARTICLE I - DEFINITIONS**

**Section 1.01. Definitions of Words and Terms.**

“**Act**” shall mean the Constitution and Statutes of the State including, but not limited to, K.S.A. 10-427 *et seq.*, K.S.A. 12-617 and 12-618 and K.S.A. 65-163d through 65-163u, all as amended and supplemented.

“**Authorized Costs**” means the amount of expenditures for an improvement, including interest during construction, which has been authorized to be paid by the City by an ordinance or resolution of the City, including expenditures made to redeem outstanding general obligation bonds and outstanding notes issued to pay for such improvement and Costs of Issuance of the Bonds, less (a) the amount of any notes or bonds of the City which are currently outstanding and available to pay such Authorized Costs and (b) any Authorized Costs which have been previously paid by the City or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

“**Authorized Investments**” means those investments authorized by K.S.A. 10-131, as amended and supplemented, and by other provisions of State law applicable to the City.

“**Bond and Interest Fund**” means the Bond and Interest Fund of the City for its general obligation bonds.

“**Bond Counsel**” means the firm of Kutak Rock LLP, or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the City.

“**Bond Insurer**” mean any issuer of a Municipal Bond Insurance Policy described on Exhibit B to this Resolution.

**“Bond Register”** means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

**“Bond Registrar”** means the State Treasurer, Topeka, Kansas, and any successors and assigns.

**“Bonds”** means the City’s General Obligation Refunding and Improvement Bonds, Series 2014-A, in the aggregate principal amount of \$[2,010,000], and dated April 16, 2014.

**“Business Day”** means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its banking operation.

**“Cede & Co.”** shall mean Cede & Co., as nominee of The Depository Trust Company, New York, New York.

**“City”** means the City of Bonner Springs, Kansas.

**“City Clerk”** means the appointed and acting City Clerk of the City or, in the City Clerk’s absence, the appointed acting City Clerk of the City.

**“City Treasurer”** means the appointed and acting City Treasurer of the City or, in the City Treasurer’s absence, the appointed acting City Treasurer of the City.

**“Code”** means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

**“Costs of Issuance”** shall mean all costs of issuing the Bonds, including all publication, preparation, signing and mailing expenses, registration fees, all legal fees and expenses of Bond Counsel and other legal counsel, all fees and expenses of the financial advisor, all expenses incurred in connection with receiving ratings on the Bonds, and all fees of the Attorney General of the State.

**“Costs of Issuance Account”** means the account by that name created in Section 5.01.

**“Costs of Issuance Deposit”** means the estimated cost of issuance of the Bonds as set forth on Exhibit B to this Resolution.

**“Defaulted Interest”** means interest on any Bond which is payable but not paid on any Interest Payment Date.

**“Existing Notes”** means the General Obligation Temporary Notes, Series 2012-1, dated November 15, 2012, originally issued in the principal amount of \$1,750,000.

**“Final Official Statement”** means the final official statement prepared by the City or its representatives in connection with the sale of the Bonds and delivered to the Original Purchaser within seven Business Days after the sale of the Bonds in accordance with the SEC Rule. The Final Official Statement includes the information in the Preliminary Official Statement as supplemented or amended.

**“Improvements”** means the improvements referred to in the recitals to the Ordinance and any Substitute Improvements.

**“Interest Payment Dates”** means the Stated Maturity of an installment of interest on any Bond which shall be March 1 and September 1 of each year, commencing March 1, 2015.

**“Letter of Instructions”** means the Arbitrage Letter of Instructions (dated as of the date of issuance of the Bonds) attached to the City’s Closing Certificate to be delivered at the time of issuance and delivery of the Bonds relating to certain matters within the scope of Section 148 of the Code, as the same may be amended or supplemented in accordance with its terms.

**“Maturity”** when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as provided, whether at the Stated Maturity or call for redemption or otherwise.

**“Mayor”** means the elected and acting Mayor of the City or, in the Mayor’s absence, the appointed acting Mayor of the City.

**“Municipal Bond Insurance Policy”** shall mean, if applicable, the municipal bond insurance policy issued by Bond Insurer insuring the payment when due of the principal of and interest on the Bonds as described on Exhibit B to this Resolution.

**“Ordinance”** means the ordinance of the City authorizing the issuance of the Bonds as further described on Exhibit B to this Resolution.

**“Original Purchaser”** means the original purchaser of the Bonds described on Exhibit B to this Resolution.

**“Outstanding”** means as of a particular date of determination, all Bonds authenticated and delivered under the provisions of this Resolution, except:

- (a) Bonds canceled by the Paying Agent or delivered to the Paying Agent for cancellation pursuant to this Resolution;
- (b) Bonds for the payment or redemption of which moneys or investments have been deposited in accordance with Article XI of this Resolution; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered pursuant to this Resolution.

**“Owner”** when used with respect to any Bond means the Person in whose name such Bond is registered on the registration books of the Bond Register.

**“Participants”** shall mean those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

**“Paying Agent”** means the State Treasurer, Topeka, Kansas, and any successors and assigns.

**“Person”** means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision or other public body.

**“Preliminary Official Statement”** means the Preliminary Official Statement which was prepared by the City and its advisors in connection with the sale of the Bonds and distributed to potential purchasers of the Bonds before the Final Official Statement, as described in the SEC Rule, was made available.

**“Principal and Interest Account”** means the account by that name created in Section 5.01.

**“Purchase Price”** means the original purchase price of the Bonds described on Exhibit B to this Resolution.

**“Rebate Fund”** means the fund by that name created in Section 5.01.

**“Record Dates”** for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of each month preceding such Interest Payment Date.

**“Redemption Date”** when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Resolution.

**“Redemption Fund”** means the fund by that name created in Section 5.01.

**“Redemption Price”** when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

**“Refunded Bonds”** means the Series 2004 Bonds maturing in the years 2014 through 2024 and aggregating the principal amount of \$910,000.

**“Replacement Bonds”** shall mean Bonds issued to the beneficial owners of the Bonds in accordance with Section 2.04 of this Resolution.

**“Resolution”** means this resolution relating to the Bonds.

**“SEC Rule”** means the Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (17 C.F.R. part 240, § 240 15c2-12).

**“Securities Depository”** means, initially, The Depository Trust Company, New York, New York, and its successor and assigns.

**“Series 2004 Bonds”** means the City’s General Obligation Bonds, Series 2004, in the original principal amount of \$1,400,000.

**“Special Record Date”** means the date fixed by the Paying Agent pursuant to Section 2.04 for the payment of Defaulted Interest.

“**State**” means the State of Kansas.

“**State Treasurer**” means the elected Treasurer of the State or, in the Treasurer’s absence, the appointed Assistant Treasurer of the State.

“**Stated Maturity**” when used with respect to any Bond or any installment of interest means the date specified in such Bond and this Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“**Substitute Improvements**” means the substitute or additional improvements authorized pursuant to Section 6.04 of this Resolution.

“**Term Bonds**” means the Term Bonds, if any, described on Exhibit B to this Resolution.

“**United States Governmental Obligations**” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidence of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the City.

## ARTICLE II - DETAILS OF THE BONDS

**Section 2.01. Authorization of the Bonds.** The Bonds have been authorized pursuant to the Ordinance and the Act for the purpose of providing funds to pay the Authorized Costs of the Improvements and the cost of refunding the Refunded Bonds, including payment of the Costs of Issuance of the Bonds.

**Section 2.02. Description of the Bonds.** The Bonds shall consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated April 16, 2014, shall become due on the Stated Maturities, and shall bear interest as the rates per annum set forth on Exhibit B to this Resolution.

The Bonds shall bear interest at the rates described on Exhibit B to this Resolution (computed on the basis of a 360-day year of 12 30-day months) from that date or from the most recent Interest Payment Date to which interest has been paid or provided for, shall be payable on the Interest Payment Dates.

**Section 2.03. Designation of Paying Agent and Bond Registrar.** The State Treasurer is designated as the Paying Agent and Bond Registrar for the Bonds. The Mayor and City Clerk of the City are authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds.

**Section 2.04. Initial Registration with Securities Depository, Method and Place of Payment of the Bonds.** The Bonds shall be registered on bond registration books maintained by the Bond Registrar to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event the City issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, and interest on, the Bonds until and unless the City authenticates and delivers Replacement Bonds to the beneficial owners in the manner described in this Section.

If the City determines: (a) that the Securities Depository is unable to properly discharge its responsibilities, (b) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, (c) that the continuation of a book-entry only system to the exclusion of any Bonds being issued to any Owner other than Cede & Co., is no longer in the best interest of the beneficial owners of the Bonds, or if the City receives written notice from Participants having interests in not less than 50% of the Bonds, as shown on the records of the Securities Depository, that the continuation of a book-entry only system to the exclusion of Bonds being issued to any Owner other than Cede & Co., is no longer in the best interest of the beneficial owners of the Bonds, or if the Securities Depository determines to discontinue providing book-entry services, then the City shall notify the Owners of the Bonds of such determination or such notice and of the availability of certificates to Owners who request certificates, and the City shall authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption. In such event, all references to the Securities Depository in this Resolution shall relate to the period of time when the Securities Depository has possession of at least one certificate. Upon the issuance of Replacement Bonds, all references in this Resolution to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the City, to the extent such provisions are consistent with and applicable to Replacement Bonds. If the Securities Depository resigns and the City or Bond Owners are unable to locate a qualified successor of the Securities Depository, then the City shall authenticate and deliver Replacement Bonds to the Participants for the benefit of the Bond Owners.

The principal of, or Redemption Price, if any, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest:

- (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register; or

(b) at such other address as is furnished to the Paying Agent in writing by such Owner; or

(c) in the case of an interest payment to any Owner that is a securities depository, wire transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), address, ABA routing number and account number to which such Owner wishes to have such wire directed.

Notwithstanding the provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first-class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

**Section 2.05. Method of Execution and Authentication of the Bonds.** The Bonds shall be executed for and on behalf of the City by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the City Clerk and the seal of the City shall be affixed or imprinted on the Bonds. The Bonds shall be registered in the office of the City Clerk, which registration shall be evidenced by the manual or facsimile signature of the City Clerk with the seal of the City affixed or imprinted. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed or imprinted thereon. In the event that any of the previously mentioned officers shall cease to hold such offices before the Bonds are issued and delivered, the Bonds may be issued and transferred to other Owners as though the officers had not ceased to hold office, and such signatures appearing on the Bonds shall be valid and sufficient for all purposes as if they had remained in office until such issuance or transfer.

The Bonds shall not be valid obligations under the provisions of the Resolution until authenticated by the Bond Registrar or an authorized representative of the Bond Registrar by execution of the Certificate of Authentication appearing on each Bond. It shall not be necessary that the same representative of the Bond Registrar execute the Certificate of Authentication on all of the Bonds.

**Section 2.06. Registration, Transfer and Exchange of Bonds.** The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as provided. Each Bond when issued shall be registered in the name of the Owner on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, executed by the Owner or by the Owner's authorized agent. In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Resolution and the cost of preparation of a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds.

The City and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to Section 3.03 and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to Section 2.04.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on the Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

**Section 2.07. Cancellation and Destruction of Bonds Upon Payment.** All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Stated Maturity, shall be canceled by the Paying Agent immediately upon the payment, redemption and surrender to the Paying Agent and subsequently destroyed in

accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so canceled and destroyed and shall file an executed counterpart of such certificate with the City.

**Section 2.08. Mutilated, Lost, Stolen or Destroyed Bonds.** If (a) any mutilated Bond is surrendered to the Paying Agent or the Paying Agent receives evidence to its satisfaction of the destruction, loss or theft of any Bond; and (b) there is delivered to the City and the Paying Agent such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed and any other expenses (including the fees and expenses of the Paying Agent).

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding Bonds.

**Section 2.09. Delivery of the Bonds.** The Mayor and City Clerk are authorized and directed to cause the Bonds to be registered in the offices of the City Clerk and the State Treasurer as provided by law, and, when executed and registered, to deliver the Bonds to the Original Purchaser upon receipt by the City of the Purchase Price.

### **ARTICLE III -REDEMPTION OF THE BONDS**

**Section 3.01. Optional Redemption.** At the option of the City, Bonds maturing on September 1, 2023, and thereafter may be called for redemption and payment prior to Stated Maturity on September 1, 2022, or thereafter at any time in whole or in part (selection of Bonds to be designated by the City in such equitable manner as it may determine) at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

**Section 3.02. Sinking Fund Redemption.** Any Term Bonds shall also be subject to mandatory redemption and payment as described on Exhibit B to this Resolution. The mandatory redemption amount for any Term Bond may be reduced by the principal amount of any Term Bonds redeemed prior to its State Maturity pursuant to optional redemption as set forth in Section 3.01 of this Resolution. To effect such reduction, the City shall notify the Bond Registrar on or before the 45th day preceding the applicable mandatory redemption date, setting forth the extent of the reduction to be applied with respect to the mandatory sinking fund requirement.

**Section 3.03. Selection of Bonds To Be Redeemed.** The Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, the Bonds shall be redeemed in such manner as the City shall determine, Bonds of less than a full Stated Maturity to be selected by lot in units of \$5,000.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond in the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Owner or the Owner's authorized agent shall present and surrender such Bond to the Bond Registrar:

(a) for payment of the Redemption Price (including the redemption, if any, and interest to the date fixed for redemption) of the \$5,000 unit or units of face value called for redemption; and

(b) for exchange, without charge to the Owner, for a new Bond(s) of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond.

If the Owner of any Bond of a denomination greater than \$5,000 shall fail to present such Bond as described above, such Bond shall, nevertheless, become due and payable on the Redemption Date to the extent of the amount called for redemption (and to that extent only).

Notwithstanding the provisions of the preceding paragraph, in the event of a partial redemption of the Bonds, the Securities Depository may, at its option, in lieu of surrendering such Bond, make an appropriate notation on the Bond certificate indicating the date and amounts of the reduction in the principal amount of such Bond (except in the case of the final Stated Maturity of such Bond, where the Bond certificate shall be presented to the City prior to payment).

**Section. 3.04. Notice of Redemption.** In the event the City desires to call the Bonds for redemption prior to Stated Maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the date fixed for redemption or such lesser time period acceptable to the Bond Registrar. Unless waived by any Owner of Bonds to be redeemed, if the City shall call any Bonds for redemption and payment prior to the Stated Maturity, the City shall instruct the Bond Registrar to give written notice of its intention to call and pay the Bonds on a specified date, the same being described by Stated Maturity, such notice to be mailed by United States first class mail addressed to the Owners of the Bonds and to the Municipal Bond Insurer, if any, each of the notices to be mailed not less than 30 days prior to the date fixed for redemption. The City and Bond Registrar shall also give such additional notice as may be required by State law or regulations of the Securities and Exchange Commission in effect as of the date of such notice.

All official notices of redemption shall be dated and shall state:

(a) the Redemption Date;

(b) the Redemption Price;

(c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed;

(d) that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion called for redemption, and that interest shall cease to accrue from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price); and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which place of payment shall be the principal office of the Paying Agent.

During the time the Bonds are registered in the name of Cede & Co., the notice described in the immediately preceding paragraphs shall be delivered to the Securities Depository. The Securities Depository shall, in turn, notify its Participants. It is expected that the Participants, in turn, will notify or cause to be notified the beneficial owners of the Bonds. Any failure on the part of the Securities Depository, or failure on the part of a nominee of a beneficial owner of a Bond (having received notice from the City, a Participant or otherwise) to notify the beneficial owner of the Bonds so affected, shall not affect the validity of the redemption of such Bonds.

Prior to or simultaneously with any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds which are to be redeemed on that date. Upon surrender of such Bonds for redemption in accordance with the notice, such Bonds shall be paid by the Paying Agent at the Redemption Price. Installments of interest due on or prior to the Redemption Date shall be payable as provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Paying Agent and shall not be reissued.

**Section 3.05. Effect of Call for Redemption.** Whenever any Bond is called for redemption and payment as provided in this Article, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the Redemption Price specified.

#### **ARTICLE IV - FORM OF THE BONDS**

**Section 4.01. Form of the Bonds.** The Bonds shall be printed in accordance with the format required by the Attorney General of the State and shall contain information substantially in the form set forth on Exhibit A to this Resolution or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 to 10-632, inclusive.

## ARTICLE V - ESTABLISHMENT OF FUNDS AND ACCOUNTS

**Section 5.01. Creation of Funds and Accounts.** Simultaneously with the issuance of the Bonds, there shall be created within the treasury of the City the following funds and accounts:

- (a) Principal and Interest Account for the City of Bonner Springs, Kansas, General Obligation Refunding and Improvement Bonds, Series 2014-A;
- (b) Costs of Issuance Account for the City of Bonner Springs, Kansas, General Obligation Refunding and Improvement Bonds, Series 2014-A;
- (c) Redemption Fund for the City of Bonner Springs, Kansas, General Obligation Refunding and Improvement Bonds, Series 2014-A; and
- (d) Rebate Fund for the City of Bonner Springs, Kansas, General Obligation Refunding and Improvement Bonds, Series 2014-A.

**Section 5.02. Administration of Funds and Accounts.** The funds and accounts established shall be administered in accordance with the provisions of the Resolution so long as the Bonds are outstanding.

## ARTICLE VI - APPLICATION OF BOND PROCEEDS AND OTHER FUNDS

**Section 6.01. Disposition of Bond Proceeds.** The proceeds of the Bonds, upon issuance and delivery, shall be deposited as follows:

- (a) In the Principal and Interest Account, a sum equal to the accrued interest, if any, on the Bonds and any premium identified on Exhibit B;
- (b) In the Costs of Issuance Account, a sum equal to the Costs of Issuance Deposit identified on Exhibit B; and
- (c) The balance of the proceeds of the Bonds shall be deposited into the Redemption Fund to pay the principal of and interest on the Refunded Bonds and Existing Notes.

**Section 6.02. Application of Other Funds.** On or before the issuance of the Bonds, the City shall make the following transfers:

- (a) All amounts on deposit in the Series 2004 Bond Principal and Interest Account shall be transferred to the Redemption Fund and used solely to pay the principal of and interest on the Refunded Bonds on their redemption date of May 15, 2014.
- (b) All amounts on deposit in the Improvement Fund for the Existing Notes shall be transferred to the Redemption Fund and used solely to pay the principal of and interest on the Existing Notes on their maturity date of May 1, 2014.

**Section 6.03. Withdrawals from the Redemption Fund.** Amounts deposited in the Redemption Fund shall be used solely for the purpose of refunding the Refunded Bonds and Existing Notes and shall be deposited by the City Treasurer with the State Treasurer, as paying agent and bond registrar for the Refunded Bonds and the Existing Notes.

**Section 6.04. Application of Moneys in the Costs of Issuance Account.** Moneys in the Costs of Issuance Account shall be used to pay the Costs of Issuance. Any funds remaining in the Costs of Issuance Account, after earlier of payment of all Costs of Issuance or February 1, 2015, shall be transferred to the Principal and Interest Account.

**Section 6.05. Substitution of Improvements.** The City may elect to substitute or add other improvements pursuant to this Section provided the following conditions are met: (a) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been authorized by the Governing Body of the City in accordance with the laws of the State, (b) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Authorized Costs of the Substitute Improvement has been adopted by the Governing Body of the City, (c) the Attorney General of the State has approved the amendment to the transcript of proceedings for the Bonds to include the Substitute Improvements and (d) the City has received an opinion of Bond Counsel to the effect that the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law and the Substitute Improvement has been authorized pursuant to this Section and the laws of the State.

## **ARTICLE VII - PAYMENT OF THE BONDS**

**Section 7.01. Application of Moneys in the Principal and Interest Account.** All amounts paid and credited to the Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal of, premium, if any, and interest on the Bonds as and when the same become due and paying the usual and customary fees and expenses of the Paying Agent.

**Section 7.02. Transfer of Funds to Paying Agent.** The Treasurer is authorized and directed to withdraw from the Principal and Interest Account and forward to the Paying Agent sums sufficient to pay both principal of, premium, if any, and interest on the Bonds as and when the same become due, and also to pay the charges made by the Paying Agent for acting in such capacity in the payment of principal and interest on the Bonds, and the charges shall be forwarded to the Paying Agent over and above the amount of the principal of, premium, if any, and interest on the Bonds. If, through the lapse of time, or otherwise, the Owners of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent to return the funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in the Resolution.

**Section 7.03. Surplus in Principal and Interest Account.** Any moneys or investments remaining in the Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

## **ARTICLE VIII - DEPOSITS AND INVESTMENT OF FUNDS**

**Section 8.01. Deposits.** Cash moneys in each of the funds and accounts created and established by this Resolution shall be deposited and secured in accordance with State law.

**Section 8.02. Investments.** Moneys held in the funds and accounts created or established in conjunction with the issuance of the Bonds may be invested by the City in Authorized Investments in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in the accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Authorized Investment held in any fund or account shall (except amounts required to be deposited into the Rebate Fund in accordance with the Letter of Instructions) accrue to and become a part of such fund or account.

### **Section 8.03. Deposits Into and Application of Moneys in the Rebate Fund.**

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited pursuant to the Letter of Instructions. Subject to the transfer provisions provided in subsection (b) below, all money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to pay rebatable arbitrage to the federal government of the United States of America, and no Owner of any Bonds shall have any right in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section, by the preceding Section and by the Letter of Instructions (which is incorporated by reference).

(b) Computations of the rebatable arbitrage shall be performed by or on behalf of the City in accordance with the Letter of Instructions. Pursuant to the Letter of Instructions, the City shall remit rebate installments and the final rebate payments to the United States. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebatable arbitrage, or provision made, shall be withdrawn and released to the City.

(c) Notwithstanding any other provision of the Resolution, including in particular this Article, the obligation to remit rebatable arbitrage to the United States and to comply with all other requirements of this Section, the preceding Section and the Letter of Instructions shall survive the defeasance or payment in full of the Bonds.

## **ARTICLE IX - DEFAULT AND REMEDIES**

**Section 9.01. Remedies.** The provisions of the Resolution, including the covenants and agreements contained, shall constitute a contract between the City and the Owners of the Bonds. The Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

**Section 9.02. Limitation on Rights of Owners.** The covenants and agreements of the City contained in this Resolution and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of Stated Maturity and right of prior redemption as provided in this Resolution. No one or more Owners secured shall have any right in any manner whatever by such Owner's or Owners' action to affect, disturb or prejudice the security granted and provided for in this Resolution, or to enforce any right hereunder, except in the manner provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of such Outstanding Bonds.

**Section 9.03. Remedies Cumulative.** No remedy conferred upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy shall have been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the City and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

## **ARTICLE X - AMENDMENTS**

**Section 10.01. Amendments.** The City may from time to time, without the consent of or notice to any of the Owners, provide for amendment to the Bonds or the Resolution, for any one or more of the following purposes:

(a) To cure any ambiguity or formal defect or omission in the Resolution or Bonds or to make any other change not prejudicial to the Owners;

- (b) To grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners;
- (c) To conform the Resolution or Bonds to the Code or future applicable federal law concerning tax-exempt obligations; or
- (d) To more precisely identify the Improvements.

The following modifications or amendments to the Bonds or the Resolution shall require the consent of 100% of the Owners of the Bonds:

- (a) The extension of the Stated Maturity of the principal of any of the Bond, or the extension of the Stated Maturity of any interest on any of the Bonds;
- (b) A reduction in the principal amount of any of the Bonds or the rate of interest on the Bonds; or
- (c) A reduction in the aggregate principal amount of the Bonds.

Amendments or modifications of the Bonds and the Resolution not listed above may be made at any time by the City with the written consent of the Owners of not less than 66.66% in aggregate principal amount of the Bonds at the time Outstanding.

**Section 10.02. Written Evidence of Amendments.** Every amendment or modification of a provision of the Bonds or of the Resolution to which the written consent of the Owners is given as above provided shall be expressed in a resolution of the City amending or supplementing the provisions of the Resolution and shall be deemed to be a part of the Resolution. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification, if any. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of the Resolution shall always be kept on file in the office of the City Clerk and shall be made available for inspection by the Owners of any Bond or prospective purchaser or Owners of any Bond authorized by the Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of the Resolution will be sent by the City Clerk to any such Owner or prospective Owner.

## **ARTICLE XI - DEFEASANCE**

**Section 11.01. Defeasance.** When all or any part of the Bonds or scheduled interest payments shall have been paid and discharged, then the requirements contained and the pledge of the City's faith and credit and all other rights granted shall cease and determine. Bonds or scheduled interest payments shall be deemed to have been paid and discharged within the meaning of the Resolution if there shall have been deposited with the Paying Agent or a bank located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of the Bonds, in trust for and irrevocably appropriated, moneys and/or United States Government Obligations, or other investments allowed by State law which, together with the interest to be earned on such United States Government Obligations, will be sufficient for the payment of the principal of the Bonds, the redemption premium thereon, if any there be, and/or interest accrued to the Stated Maturity or Redemption Date, as the case may be, or if default in

such payment shall have occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds shall be redeemed prior to their Stated Maturity (a) the City has elected to redeem such Bonds and (b) either notice of such redemption has been given or the City has given irrevocable instructions, or shall have provided an escrow agent to give irrevocable instructions to the Paying Agent to give such notice of redemption in compliance with Article III of this Resolution. Any moneys and United States Government Obligations which at any time shall be deposited with the Paying Agent or such bank by or on behalf of the City, for the purpose of paying and discharging any of the Bonds shall be and are assigned, transferred and set over to the Paying Agent or such bank in trust for the respective Owners of the Bonds, and such moneys shall be and are irrevocably appropriated to the payment and discharge. All moneys and United States Government Obligations deposited with the Paying Agent or such bank shall be deemed to be deposited in accordance with and subject to all of the provisions contained in the Resolution.

## **ARTICLE XII - TAX COVENANTS**

### **Section 12.01. General Covenants.**

(a) The City covenants and agrees that:

(i) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and

(ii) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, not take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants and agrees that:

(i) it will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds;

(ii) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued; and

(iii) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of §148(a) of the Code.

(c) The City covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a “private activity bond” within the meaning of §141(a) of the Code.

(d) Except as otherwise provided herein, the covenants contained in this Section shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article XI or any other provision of this Resolution until all Bonds are paid.

**Section 12.02. Rebate Covenants.** The City covenants and agrees that it will pay or provide for the payment from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and any Treasury Regulations applicable to the Bonds from time to time. The City specifically covenants to pay or cause to be paid to the United States, the required amounts of rebatable arbitrage at the times and in the amounts as determined by the Letter of Instructions. Notwithstanding anything to the contrary contained in the Resolution, the Letter of Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds. This covenant shall survive payment in full or defeasance of the Bonds.

**Section 12.03. Designation of Bonds as Qualified Tax-Exempt Obligations.** The City designates the Bonds to be “qualified tax-exempt obligations” as such term is defined in § 265(b)(3) of the Code. In addition, the City represents that:

(a) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds which are not “qualified 501(c)(3) bonds”) which will be issued by the City (and all subordinate entities) during the calendar year that the Bonds are issued is not reasonably expected to exceed \$10,000,000; and

(b) the City (including all subordinate entities) will not issue an aggregate principal amount of obligations designated by the City to be “qualified tax-exempt obligations” during the calendar year that the Bonds are issued, including the Bonds, in excess of \$10,000,000, without first obtaining an opinion of Bond Counsel that the designation of the Bonds as “qualified tax-exempt obligations” will not be adversely affected.

The Mayor is authorized to take such other action as may be necessary to make effective the designation contained in this subsection.

## ARTICLE XIII - DISCLOSURE

**Section 13.01. Preliminary Official Statement and Final Official Statement.** The City ratifies and confirms its prior approval of the form and content of the Preliminary Official Statement. The Preliminary Official Statement is “deemed final” by the City except for the omission of certain information as provided in the SEC Rule. The City approves the form and content of any addenda, supplement, or amendment thereto utilized to prepare the Final Official Statement. The Final Official Statement is “deemed final” by the City in accordance with the provisions of the SEC Rule. The use of the Final Official Statement in the reoffering of the

Bonds by the Original Purchaser is approved and authorized. The proper officials of the City are authorized to execute and deliver a certificate pertaining to the accuracy and adequacy of the information in the Preliminary Official Statement and the Final Official Statement.

**Section 13.02. Continuing Disclosure.** The City covenants and agrees to provide continuing disclosure as required by the SEC Rule and as set forth in the Continuing Disclosure Letter attached to the Preliminary Official Statement and made a part hereof.

#### **ARTICLE XIV - MISCELLANEOUS PROVISIONS**

**Section 14.01. Succession of a Securities Depository.** In the event the Securities Depository resigns or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the City receives written evidence, satisfactory to the City, with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation. The City, upon receipt of a book-entry Bond for cancellation shall cause the authorization and delivery of a book-entry Bond to the successor Securities Depository in appropriate denominations and form as provided in this Resolution. If the City makes the determinations or receives the notice described in Section 2.04 of this Resolution, the City shall cause the notices described in Section 2.04 to be delivered and issue Bonds as described in that Section.

**Section 14.02. Severability.** In case any one or more of the provisions of the Resolution or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of the Resolution, or of the Bonds appertaining thereto, but the Resolution and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained. In case any covenant, stipulation, obligation or agreement contained in the Bonds or in the Resolution shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the City to the full extent permitted by law.

**Section 14.03. Further Authority.** The Mayor, City Clerk and other officials of the City are further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Resolution to make alterations, changes or additions in the agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 14.04. Governing Law.** The Resolution and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 14.05. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City.

ADOPTED by the Governing Body of the City on March 24, 2014.

CITY OF BONNER SPRINGS, KANSAS

By \_\_\_\_\_  
Jeff Harrington, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Rita Hoag, City Clerk

**EXHIBIT A**

(Form of Bond)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation, ("DTC"), to Issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED  
NUMBER R-\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTIES OF WYANDOTTE, LEAVENWORTH AND JOHNSON  
CITY OF BONNER SPRINGS

GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND  
SERIES 2014-A

Interest Rate: _____ %	Maturity Date: _____	Dated Date: April 16, 2014	CUSIP: 098239 ____
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REGISTERED OWNER: Cede & Co. Tax Identification No. 132555119-0

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Bonner Springs, in the Counties of Wyandotte, Leavenworth and Johnson, State of Kansas (the "City"), for value received, acknowledges itself to be indebted and promises to pay to the owner identified above or registered assigns (the "Owner"), as of the Record Dates as provided on the Maturity Date identified above, the Principal Amount identified above, and in like manner to pay interest on such Principal Amount at the rate of interest per annum set forth above (computed on the basis of a 360-day year of 12 30-day months), semiannually on March 1 and September 1 of each year, commencing March 1, 2015 (the "Interest Payment Dates"), until the Principal Amount is paid from the Dated Date hereof or the most recent Interest Payment Date to which interest has been paid.

The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date, upon presentation and surrender of this Bond at the principal office of the Treasurer of the

State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the record date for such interest, which shall be the fifteenth day (whether or not a business day) of the calendar month next preceding the Interest Payment Date (the "Record Dates"). Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of the Owner shown on the Bond Register, (b) at such other address as is furnished to the Paying Agent in writing by the Owner or (c) in the case of an interest payment to any Owner that is a securities depository, by wire transfer to such Owner upon written notice given to the Paying Agent by such Owner, not less than 15 days prior to the Record Date for such interest, containing the wire transfer address (which shall be in the continental United States) to which such Owner wishes to have such wire directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment, is legal tender for the payment of public and private debts.

This Bond is one of an authorized series of Bonds of the City designated "General Obligation Refunding and Improvement Bonds, Series 2014-A," in an aggregate principal amount of \$[2,010,000] (the "Bonds") issued for the purposes set forth in the Ordinance of the City authorizing the issuance of the Bonds and the Resolution of the City prescribing the form and details of the Bonds (jointly, the "Resolution"). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including, but not limited to, K.S.A. 10-427 *et seq.*, K.S.A. 12-617 and 12-618, and K.S.A. 65-163d through 65-163u, all as amended, and all other applicable provisions of the laws of the State of Kansas. The Bonds constitute general obligations of the City payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of certain Improvements (as such term is described in the Resolution) and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City, the balance being payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

**Optional Redemption.** At the option of the City, Bonds maturing on September 1, 2023, and thereafter, may be called for redemption and payment prior to maturity on September 1, 2022, or thereafter at any time, in whole or in part (selection of Bonds to be designated by the City in such equitable manner as it may determine), at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

**[Sinking Fund Redemption.** The Bonds maturing on September 1, 20\_\_ (the "Term Bonds"), shall also be subject to mandatory redemption and payment pursuant to the redemption schedule in the Resolution, at the principal amount, plus accrued interest to date fixed for redemption and payment, without premium. The City agrees to redeem the Term Bonds in the principal amounts and at the times set forth in the Resolution.]

Whenever the City is to select Bonds for the purpose of redemption, it shall, in the case of Bonds in denominations greater than \$5,000, if less than all of the Bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered Bond as though it were a separate Bond in the denomination of \$5,000.

If any Bonds are called for redemption and payment prior to maturity, the City shall instruct the Bond Registrar to give written notice of its intention to call and pay such Bonds on a specified date, the same being described by maturity, this notice to be mailed by United States first-class mail addressed to the Owners of the Bonds, each of these notices to be mailed not less than 30 days prior to the date fixed for redemption. All Bonds so called for redemption and payment as described above shall cease to bear interest from and after the date for which such call is made, provided funds are available for the payment of such Bonds at the price specified.

The Bonds are issued in fully registered form in the denomination of \$5,000 or any integral multiple. This Bond may be transferred or exchanged, as provided in the Resolution, only on the Bond Register kept for that purpose at the office of the Bond Registrar, upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar executed by the Owner or the Owner's authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Resolution and upon payment of the charges prescribed. The City, the Paying Agent and the Bond Registrar may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner for the purpose of receiving payment of, or on account of, the principal or redemption price and interest due and for all other purposes, and the City, the Paying Agent and the Bond Registrar shall not be affected by any notice to the contrary. The City shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks.

The City and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest (as defined in the Resolution) and ending at the close of business on the date fixed for the payment of Defaulted Interest.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the City, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, and its seal to be affixed to or imprinted on, and this Bond to be dated the Dated Date shown herein.

CITY OF BONNER SPRINGS, KANSAS

(Seal) By \_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

**CERTIFICATE OF CITY CLERK**

STATE OF KANSAS )  
 ) SS.  
COUNTIES OF WYANDOTTE, )  
LEAVENWORTH AND JOHNSON )

I, the City Clerk of the City of Bonner Springs, Kansas, certify that this Bond has been registered in my office according to law as of March 24, 2014.

WITNESS my hand and official seal.

(Seal) By \_\_\_\_\_  
City Clerk

**ITEM NO. 10.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens _____	Peterson _____
	Cooper _____	Knight _____
	Reeves _____	Freeman _____
	Haas _____	Shannon _____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Bonner Springs Arts Alliance Request Use of City Streets, Parks & Parking Lots**

**ACTION: Make a Motion to Approve the Bonner Springs Arts Alliance Request Use of City Streets, Parks & Parking Lots for June 28**

**STAFF RECOMMENDATION: The City Manager & City Clerk Recommend Approval**

The Bonner Springs Arts Alliance made application for the use of City streets, parks and parking lots for a "Festival of the Arts" to be held on Saturday, June 28 from 9 a.m. to 6 p.m. Set up will begin at 7:30 a.m. with all cleanup completed by 7 p.m. The Annual Bonner Blast is tentatively scheduled for the same date but the Arts Alliance provided assurance that their event will not interfere with the Band Concert planned for that date. The Arts Alliance plans to make this an annual event.

The event will include use of: the 200 Block and a portion of the 100 Block of Oak Street, Second Street from Cedar to Elm, Centennial Park and the Parking Lot south of Centennial Park and Kelly Murphy Park and the parking lot across the street but will not interfere with the area directly behind the Harrington Funeral Home. The Arts Alliance contacted Kobi's who requested that some parking be available for customers. The Arts Alliance agreed to place booths with barricades to separate parking for Kobi's.

The Arts Alliance plans to have no more than 150 vendor booths to include: thirty craft booths, ten food vendors, twenty performance groups (to perform in Centennial Park and Kelly Murphy Park), five to ten literary artists, fifty to sixty artists and fine craft booths, ten children's craft booths and book signing by the Caboose.

The City will provide ten trash cans, barricades and two sets of bleachers to be placed out by the Arts Alliance who will also be responsible for disposal of all trash and for cleanup after the event. They will have an estimated 30 artists that will need electricity. The Arts Alliance will charge per booth \$10 for power, the City will determine the cost to provide power and a portion of the \$10 fee will be paid to the City. The Arts Alliance does not plan to hire additional security but may need some Police Department assistance.

The City received the required Certificate of Insurance that lists the City as an additional insured and received the required Not-for-Profit Certification. The Ordinance that established the regulations for private use exempts Not-for-Profits from payment of a fee for the use. Upon approval of the request, City Staff will meet to work out all final details with the Arts Alliance. The Arts Alliance made the request at this time to allow them adequate time to market the event.

**City of Bonner Springs**  
**Private Use of Public Parking Lot Application**  
**Fee \$50.00 (Non-Alcohol) - Fee \$250.00 (Alcohol on Premises)**

Not-for-profit associations, organizations or individuals exempt from payment of established fees.  
**Ordinance No. 2304**

Date: 3/14/2014

Applicant/Sponsor Name: Kristin Paxton

Business or Organization: Bonner Springs Arts Alliance

Street Address/Mailing Address: PO Box

City/State/Zip: Bonner Springs 66602

Phone: Home: 913-940-9984 Work: 913-940-9984

Cell: '''' Email: BSAAevents@gmail.com

City Receipt Number
---------------------

Date/Time/Purpose of Requested Event: 6/28/12, 9-6, Festival of the Arts

Public Parking Lot(s) Requested: \_\_\_\_\_ Park Requested: Centennial & Kelly Murphy Parks

Police, Fire, EMS or Other Municipal Services Needed: Yes  No  If yes, what services? \_\_\_\_\_

Clear diagram of the Parking Lot to be used attached.  (Cannot be located closer than 30 feet from Centennial Park). Or attach route if use of City Streets requested. Attached

Organization Status Proof Attached.

Names of Security Personnel for Chief Police Approval: \_\_\_\_\_

Certificate of Insurance that Names the City as an Additional Insured Attached.

Tent will be Used: Yes  No  If yes, you must submit an application for a tent permit.

**Application Requirements:**

- A. Submit this application to the City Clerk's Office Two (2) Weeks Prior to the City Council Meeting prior to the date of the Event for City Council Approval
- B. The applicant shall bag the signs that state alcohol is prohibited before the event, remove the bags after the event and clean the entire parking lot and surrounding area immediately following the end of the event.
- C. Attach sketch/diagram (Exhibit A) of area of the parking lot. Define Fenced Area for Sale/Consumption & Possession of Alcoholic Beverages on the diagram if applicable. Area requires Building Official approval for type of fence material, size and egress.
- D. Submit two copies of the State Temporary Alcoholic Beverage License (**limited to four permits per year per KSA 41-2645**) if applicable. One copy to be attached to the application for a City Temporary Alcoholic Beverage Permit and the other copy attached to this application for an Alcoholic Beverage Consumption/Possession Permit.
- E. Not-for-profit organizations, **as defined by the IRS**, must provide proof of their non-profit status. Applicants of for-profit businesses or organizations must have or obtain an occupational license and ensure vendors that participate in the event have or obtain an occupational license from the City.
- F. Not-for-profit organizations, association or individuals must provide proof of their non-profit status. A not-for-profit certificate of good standing from the Kansas Secretary of State is an acceptable proof for purposes of this subsection.

- G. Unincorporated associations, organizations or individuals not registered with the Kansas Secretary of State Who requests use of a parking lot for a not-for-profit event or activity must provide certification of their not-for-profit status.
- H. All applicants must have or obtain all applicable business licenses and ensure vendors that participate in the event have or obtain an occupational license from the City.
- I. A late or incomplete application will not be placed on the agenda for City Council consideration on the date requested.

**Restrictions:**

- A. No more than four special event permits will be approved per calendar year to any individual, business, association, or organization for the use of a public parking lot.
- B. Any event or activity that a for-profit individual, business, association or organization co-sponsors, promotes or participates in any way with any not-for-profit qualified individual, business, association or organization as defined in Section 12-703, paragraph J or K of this ordinance, will count as an event for the for-profit entity.
- C. No permit will be approved for more than three consecutive days, except for the carnival for Tiblow Days.
- D. No permit will be issued for use of the Centennial Park Parking Lot that is within thirty (30) feet of Centennial Park.
- E. No permit will be approved that will conflict with the Annual Chamber of Commerce Tiblow Days, Marble Days or any other city approved celebration.
- F. Activities for any approved event shall not take place between the hours of 12 a.m. midnight and 6 a.m. of any day of the permitted event.
- G. No permit will be issued in conflict with any Zoning Ordinance, or other City Ordinance or regulation.
- H. Sale, possession and/or consumption of alcoholic beverages or cereal malt beverages require separate permits per Chapter III Beverages, Article 1 General Provisions, Sections 3-104 and 3-105 and Chapter 8 Temporary Permits of this Code. Applications for these permits shall be submitted at the same time as the permit required in this Article.

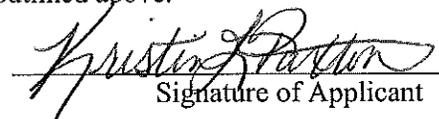
**Display of Permit:** A permit issued shall prominently display the permit at the special event site or have the permit available to display to any officer or employee of the City upon demand.

**Revocation of Permit:** The City Manager or designee may suspend or revoke a permit issued if: The permittee fails to meet the conditions imposed on the issuance of the permit; violates any provision of this Code or other ordinance of the City governing the activities permitted by the permit of if the permit was obtained by fraud or misrepresentation.

**Hazard Prohibited:** No person shall make any use of the public parking lot that constitutes an immediate hazard requiring immediate action to protect the public.

**Penalty:** Any person who violates the requirements of Ordinance No. 2304, upon conviction, shall be fined not less than \$20.00 nor more than \$500.00 or be imprisoned for not more than thirty (30) days, or be both so fined and imprisoned. Each day that a person violates the requirements of this Article shall constitute a separate offense.

I hereby confirm by signing this application that I understand the regulations and will comply with all regulations and ordinances of the City of Bonner Springs, as outlined above.

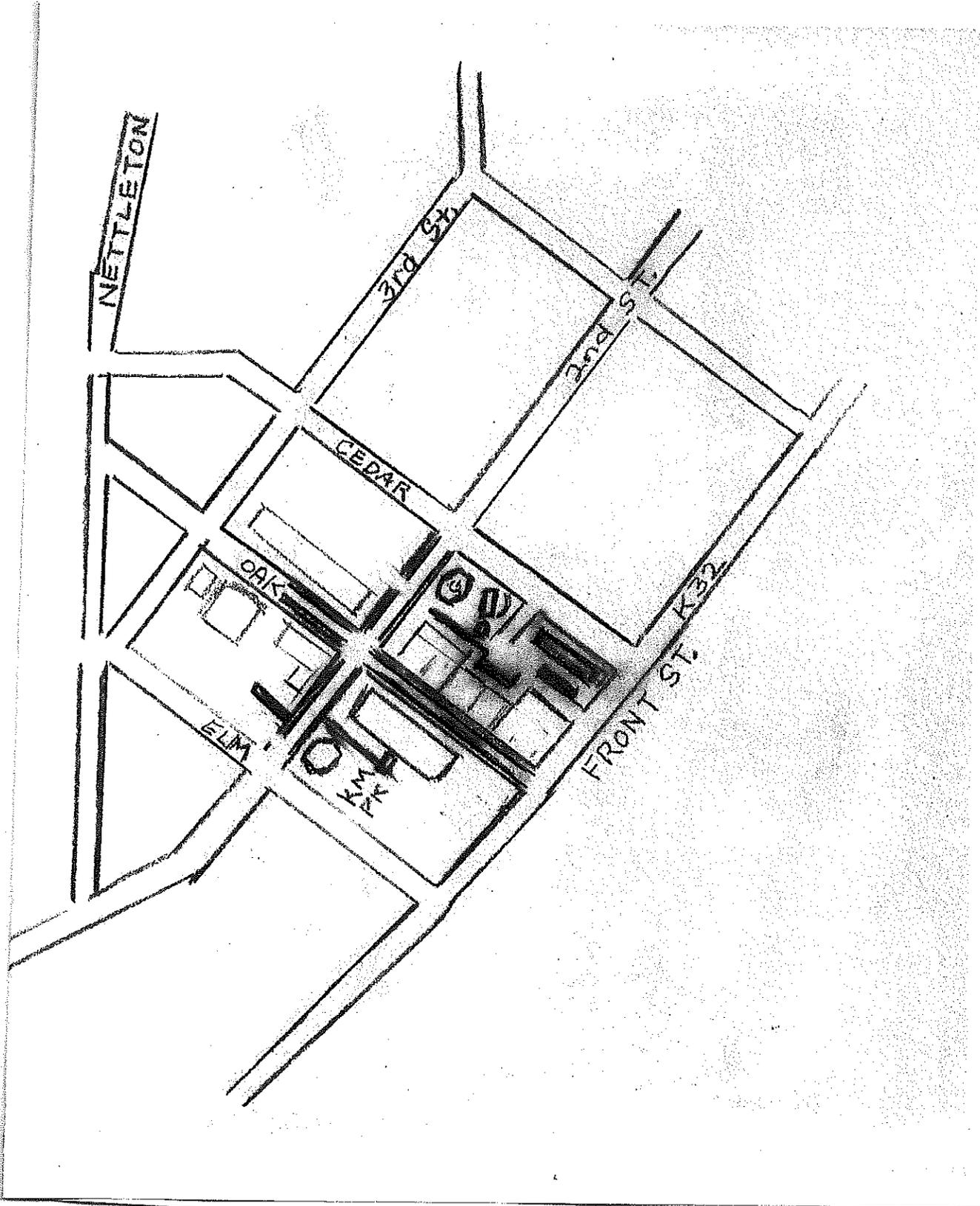
  
 \_\_\_\_\_  
 Signature of Applicant

Date Approved by the Governing Body: \_\_\_\_\_

Email Copy to: Police Department, Fire Department, EMS Department, Public Works Department

City of Bonner Springs - Parking Lot Diagram  
Public Parking Lot Use Special Event Application

Draw in the diagram below the area of the parking lot to be used for the requested event. Draw in area for access that will be available for emergency access. The area outlined in black is the parking lot area available for use. Describe the type of fence material to be used:



**ITEM NO. 11.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Award Bid for the Swingster Interceptor Repair Project**

**ACTION: Make a Motion to Award the Bid for the Swingster Interceptor Repair Project to Jay's Plumbing in the Total Amount of \$72,783**

**STAFF RECOMMENDATION: The City Manager, City Clerk, Finance Director, Utilities Director & Project Manager Recommend Approval**

The enclosed memorandum provides the information and recommendation to award the bid for this project. The memorandum also provides the sources of funds for this project.

**CITY OF BONNER SPRINGS  
PROJECT MANAGER MEMORANDUM**

DATE: March 18, 2014  
TO: Mayor and City Council  
THROUGH: City Manager *gmt*  
FROM: Utilities Director, Project Manager

**SUBJECT: Swingster Interceptor Repair Project**

**Recommendation**

Award the Swingster Interceptor Repair Project to Jay's Plumbing Excavation Project in the amount of \$72,783.

**Background**

On 27 February 2014, Staff released for bid the Swingster Interceptor Repair Project. We posted the invitation to bid on the City's website, published it in the Chieftain newspaper and sent to the Drexel Technologies Plan House. The bid includes the removal of a partially collapsed interceptor pipeline, replacement of approximately four hundred fifty feet (450") of eight-inch (8") Ductile Iron Pipe (DIP) with twelve-inch (12") PVC or HDPE pipe and the replacement of one manhole.

On 13 March 2014, the City Clerk opened three bids as follows:

- **Jay's Plumbing Excavation \$ 72,783.00**
- Westland Construction \$ 78,700.00
- Schuetz Construction \$129,330.00

**Discussion**

The Wastewater Staff identified this project as a partially collapsed interceptor pipeline along Swingster Road between K-32 Highway and the Wastewater Treatment facility. This interceptor pipeline carries flow from the Lake of the Forest area as well as from the businesses along K-32 east of Swingster Road. We intend to temporarily pump flow from the Lake of the Forest Lift Station to a nearby manhole in Edwardsville, which eventually flows to the KCK Wastewater System. The Contractor has ten (10) work days to complete the project before liquidated damages go into effect.

We checked the contractor's references and received favorable comments from all. We also called and discussed the project in great detail with the Contractor to ensure he understands the scope and is comfortable with the required work. Based on these conversations, Staff recommends the award of the bid to Jay's Plumbing Excavation.

**Financial Impact**

The estimated total project cost for the Swingster Interceptor Project is \$83,000 because we've included \$10,000 to rent the necessary pumps and equipment to temporarily divert flow from the Lift Station to the Edwardsville manhole during construction. These funds will come from the 2014 Sewer Improvement budget which contains \$100,000 for capital improvement projects. The original plan was to use \$75,000 to fund this project and the balance of \$25,000 for the Headworks Operation Facility (HOF) project at the Sewer Treatment Plant. Because the bids came in over our estimate, we are left with a balance of \$17,000, which is insufficient to complete the HOF project. We will address the HOF project with you at a later date.

**ITEM NO. 12.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: 2014 Mowing Services Contract**

**ACTION: Make a Motion to Award the 2014 Award Mowing Services Contract to Creative Landscaping & Concrete, Inc. to Expire December 31, 2014**

**STAFF RECOMMENDATION: The City Manager, City Clerk, Community & Economic Development Director & the Property Maintenance Code Officer Recommend Approval**

The enclosed memorandum provides information and the recommendation for award of the contract for 2014. The contract provides services to mow, remove trash and debris and to trim trees and brush when property owners are not in compliance with the City's regulations.

# City of Bonner Springs, Kansas

## Memorandum

**DATE:** March 20, 2014  
**TO:** Mayor and City Council  
**THRU:** Jack Helin, City Manager *JH*  
**FROM:** Marcia Harrington, Community and Economic Development Director *MH*

**SUBJECT:** 2014 Mowing Services Contract for Property Maintenance Code Violations

### Recommendation:

The recommendation from the City Manager, Community and Economic Development Director and Property Maintenance Code Officer is to award the annual mowing services contract to Creative Landscaping & Concrete, Inc. to expire December 31, 2014.

### Background:

The City's contract for mowing, trash and debris removal and tree and brush trimming services related to Property Maintenance Code violations expired as of December 31, 2013. These contract services are used when grass and/or weeds reach a height of 12-inches or more and property owners have not mowed by the deadline date. The City then communicates with the contract mower to abate the violation. Due to certain circumstances on properties, there may be a need to remove some trash, debris, limbs, etc. prior to mowing, so this work is also completed by the contract mower.

Once the City has mowed a property, an invoice is mailed to the property owner billing them for \$100 for the first hour of work plus a \$25 administrative fee. Any time beyond the one hour minimum is \$50 for each half hour thereafter. If the invoice is not paid within 60 days, the mowing fees are assessed to the property.

### Discussion:

Bid information for contract mowing services was posted on the City website, published in the Chieftain newspaper and mailed to nine area businesses. The following bids were received:

<u>Company</u>	<u>Average bid for 4 work items</u>
Creative Landscaping & Concrete	\$55.00 per hour
Arbor Masters Tree & Landscape	\$90.00 per hour

Creative Landscaping & Concrete has the lowest average overall bid of \$55.00 per hour for all four work items that were bid. This company received the low bid in 2013 as well and fulfilled all the contract requirements.

### Financial Impact:

The 2014 Property Maintenance Code budget has \$4,000 for contract mowing services.

**ITEM NO. 13.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens _____	Peterson _____
	Cooper _____	Knight _____
	Reeves _____	Freeman _____
	Haas _____	Shannon _____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Adopt Region L Multi-Hazard Mitigation Plan to Include Johnson, Leavenworth & Wyandotte Counties**

**ACTION: Make a Motion to Approve a Resolution to Adopt the Region L Multi-Hazard Mitigation Plan to Include Johnson, Leavenworth & Wyandotte Counties**

**STAFF RECOMMENDATION: The City Manager, City Clerk & Planning Director Recommend Approval**

In the past, the City Council approved a Hazard Mitigation Plan that was superseded by approval of a Wyandotte County Multi-Hazard Mitigation Plan in March 2010. Johnson, Leavenworth and Wyandotte County officials, along with officials from the other public entities within those counties, developed a regional plan to combine the three counties plans into one. There are no changes to the Wyandotte County Plan as incorporated into the new multi-county plan.

The enclosed Resolution requires approval of the City Council with an approved copy sent to the Kansas Division of Emergency Management and the Federal Emergency Management Agency Region VII officials. This will enable the plan's final approval.

Adoption of the plan is a condition to receive hazard mitigation funds for projects to be funded by FEMA grant programs. The plan is over nine hundred pages but we did enclose an Executive Summary. Upon final approval, we will load the plan on the City's website.

**Resolution No. \_\_\_\_\_**

**Resolution to Adopt the Region L Multi-Hazard Mitigation Plan**

**Whereas**, the City of Bonner Springs, Kansas recognizes the threat that natural hazards pose to people and property within our community; and

**Whereas**, hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

**Whereas**, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") that emphasizes the need for pre-disaster mitigation of potential hazards;

**Whereas**, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

**Whereas**, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre-and post-disaster mitigation grant programs; and

**Whereas**, the City of Bonner Springs, Kansas fully participated in the FEMA prescribed mitigation plan process to prepare this Multi-Hazard Mitigation Plan; and

**Whereas**, the Kansas Division of Emergency Management and the Federal Emergency Management Agency Region VII officials reviewed the "Region L Multi-Hazard Mitigation Plan," and approved it contingent upon this official adoption of the participating Governing Body; and

**Whereas**, the City of Bonner Springs, Kansas desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency plan efforts and formally adopt the Region L Multi-Hazard Mitigation Plan; and

**Whereas**, adoption by the Governing Body of the City of Bonner Springs, Kansas demonstrates the jurisdictions' commitment to fulfill the mitigation goals and objectives outlined in this Multi-Hazard Mitigation Plan.

**Whereas**, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan;

**Now, Therefore, be it Resolved**, that the City of Bonner Springs, Kansas adopts the "Region L-Hazard Mitigation Plan" as an official plan; and

**Be it Further Resolved**, the City of Bonner Springs, Kansas, will submit this Adoption Resolution to the Kansas Division of Emergency Management and Federal Emergency Management Agency Region VII officials to enable the plan's final approval.

**Approved by the City Council and signed by the Mayor on March 24, 2014.**

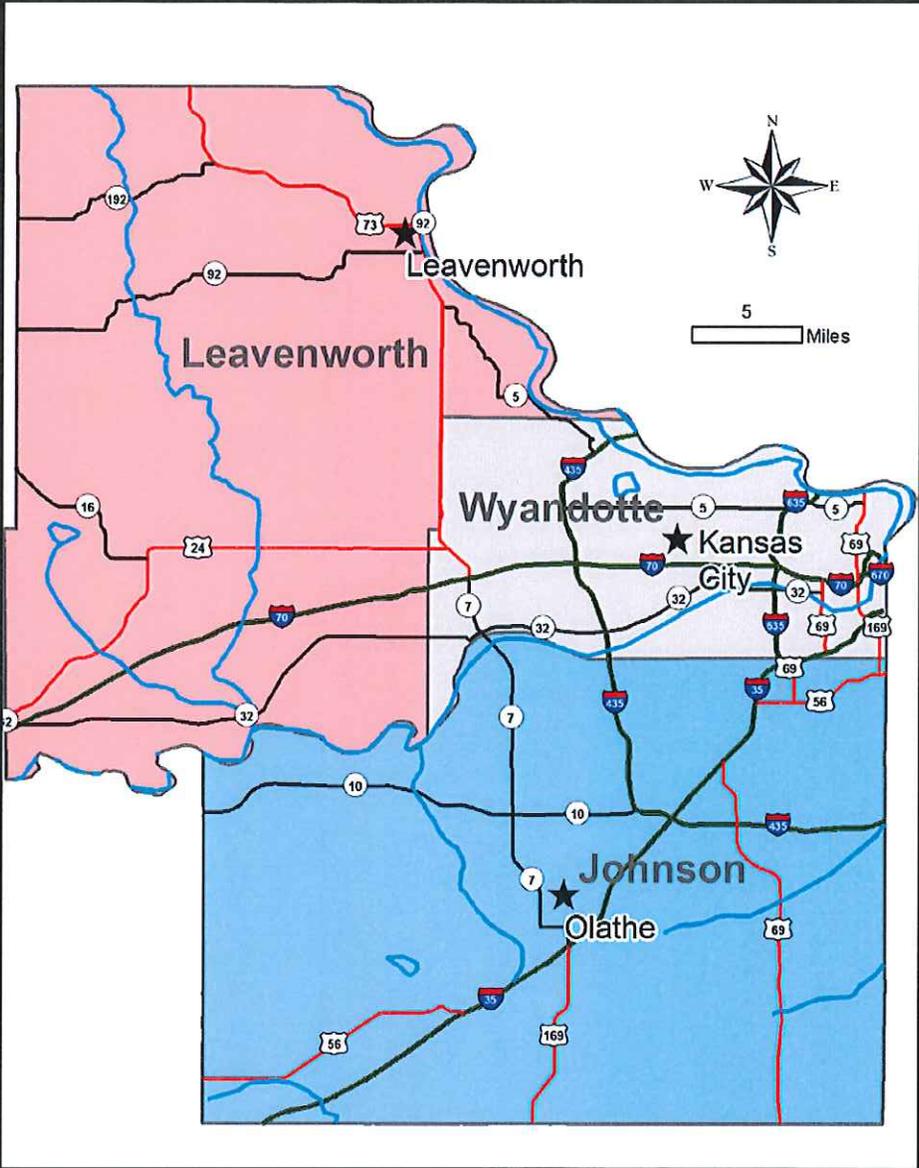
Attest:

\_\_\_\_\_  
Jeff Harrington, Mayor

\_\_\_\_\_  
Rita Hoag, City Clerk

(Seal)

# Region L Multi-Jurisdictional Hazard Mitigation Plan 2013 - 2018



### Hazard Mitigation

“...any sustained action taken to reduce or eliminate long-term risk to human life and property from a hazard event” (FEMA).

# Executive Summary

The Regional Hazard Mitigation Plan is a multi-jurisdictional plan written and prepared with the participation of Johnson, Leavenworth, and Wyandotte County governments and the following communities, school districts, special districts, universities:

<b>Johnson County</b>	
	USD229
• *City of DeSoto	USD230
• *City of Edgerton	USD231
• *City of Fairway	USD232
• *City of Gardner	USD233
• *City of Lake Quivira	USD 512
• *City of Leawood	
• *City of Lenexa	
• *City of Merriam	
• *City of Mission	
• *City of Mission Hills	
• *City of Mission Woods	
• *City of Olathe	
• *City of Overland Park	
• *City of Prairie Village	
• *City of Roeland Park	
• *City of Shawnee	
• *City of Spring Hill	
• *City of Westwood	
• *City of Westwood Hills	
• *County	
• *Consolidated Fire District No. 2	
• *Fire District No. 1	
• *Fire District No. 2	
• *Fire District No. 3	
• *Johnson County Community College	
• *University of Kansas Edwards Campus	
• *KSSDB (Blind) (common) (common to Johnson County and Wyandotte County)	
<b>Leavenworth County</b>	
• *City of Basehor	*USD207
• *City of Easton	*USD449
• *City of Lansing	*USD453
• *City of Leavenworth	*UDF458
• *City of Linwood	*USD464
• *City of Tonganoxie	*USD469
• *County	*University of Saint Mary
• *RWD 7	
<b>Wyandotte County</b>	
• *Board of Public Utilities	
• *City of Bonner Springs	
• *City of Edwardsville	
• *Fairfax Drainage District	

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## 2.4.7 Cities

### City of Bonner Springs

Bonner Springs was the first commercial center and white settlement in Kansas in 1812. It is governed by a Mayor-Council-Manager form of government consisting of eight council members elected from four wards and a Mayor elected at large.



### Land Use and Development Trends

Potential growth areas for the City are west of the city limits into Leavenworth County and the northern portion of the City, north of 1-70. Because there is no sewer to serve these two areas, it will be many years before anything develops at either location. Other trends and patterns contained in the Comprehensive Master Plan for the City of Bonner Springs can be summarized as follows: ([www.bonnerrsprings.org](http://www.bonnerrsprings.org))

- Housing is still relatively affordable in Bonner Springs, which helps attract new home buyers.
- The Wolf Creek basin and the area in proximity to the new Wolf Creek sanitary sewer interceptor should be considered the most appropriate area for new growth.
- An area for long-term business and industrial development needs to be identified and supported. Possible areas may include the Shawnee Rock property and the Nettleton interchange east of K-7 Highway. The Loring area is not conveniently located to regional highways, complicating its potential: traffic generated by new development in the Loring area and Wolf Creek basin needs to be addressed for east-west thoroughfares, including K-32 and Front Street through downtown.
- The K-7 Corridor will likely accommodate new commercial and office uses in upcoming years. However, the frontage road system must be funded and developed to support new development.
- The city needs to establish a development policy and address issues such as developer and city infrastructure responsibilities, development guidelines, etc. so developers know what to expect and that the requirements will be applied consistently and equitably.
- A development / growth financing system based on a consistently applied formula should be developed.
- Standards for new development and redevelopment should be promoted to establish and maintain a unique character.
- Planning for future annexation of growth areas should occur, and outline the appropriate considerations and procedures to annex growth areas.

- The Park Master Plan will address new park needs and facilities. However potential parks and recreation uses along the Kansas River have been identified as desirable opportunities.
- Riverfront trails and river access opportunities have been discussed for further study.

In addition to the trends, the City of Bonner Springs has identified some key objectives for the future development of their jurisdiction. This list in its entirety can be found on their website at [www.bonnerrsprings.org](http://www.bonnerrsprings.org):

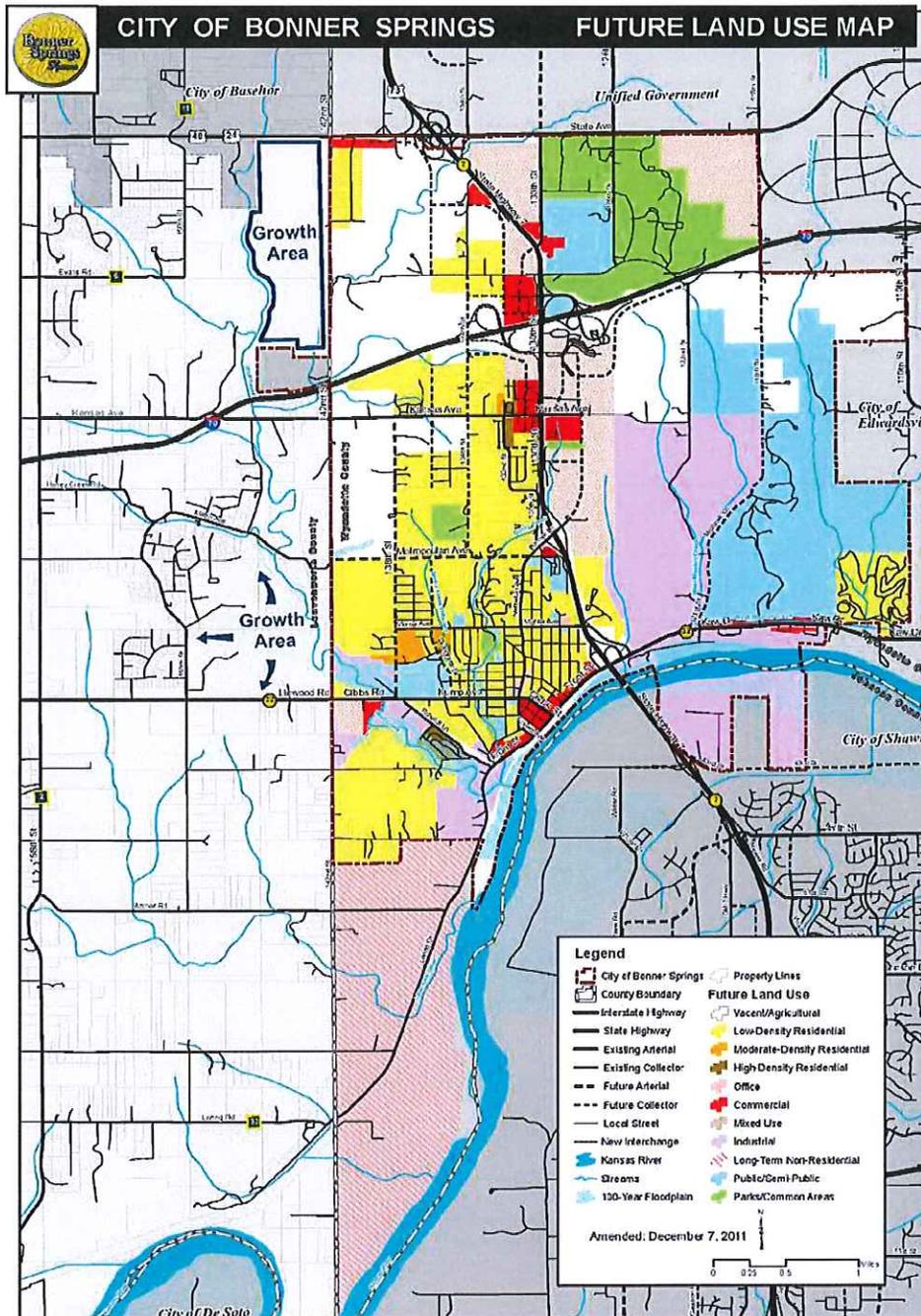
- Limit development in the 100-year floodplain to recreational uses and parks.
- Promote annexation of unincorporated "infill" areas contiguous to the city limits in response to growth.
- Require developments to analyze their impact on public utilities and to make improvements to accommodate the development's impact.
- Create a new Mixed Use zoning district classification to accommodate changing market demand and avoid multiple zoning map amendments.
- Locate new developments in areas which are free of environmental hazards or problems relating to soil, slope, bedrock and water table.
- Implement practices in new developments that increase storm water infiltration and adequately treat storm water runoff from a site before discharge.
- Standards for new development and redevelopment should be promoted to establish and maintain a unique character.
- Update high-density land use development standards to include:
  - a. Location on a major thoroughfare street,
  - b. Incentives for enhanced building design and amenities,
  - c. Incentives for enhanced site design and amenities, and
  - d. Assurances of compatibility with neighboring land uses of lesser intensity.
- Revise the regulations and list of permitted uses in the downtown zoning districts to ensure development consistent with the character of downtown.
- Coordinate with the updated Parks Master Plan and plan for improvement of future park locations for land acquisition.
- Study how to connect more to the Kansas River, including linear park linkages to Johnson County systems.

- Possible development of a grassy area along the river, from the industrial park.
- Plan for a trail along abandoned railroad from 138th at K-32 Highway, west and north, with a small park at head of trail south of Whispering Woods.
- Pursue land and easement donation / dedications for trails and bike lanes, and secure land or easements from landowners and new developments.
- Promote retail-commercial along K-7 Highway and at new KTA interchange at I-70.
- Promote new developments: hotel and hospital development.
- Create zoning overlay regulations to promote positive gateway images/maintenance at key gateway entrances to the city, including standards to promote attractive architecture, lighting, signage, parking, etc.
- Develop and promote continued development of business areas for long term office and employment growth.
- Develop non-residential south on Front Street along Loring Lane.
- Provide a major street system which allows safe and efficient travel citywide.
- Evaluate the impact of new development to determine Road Impact Fees, including: Woodend, Stilwell, and Riverview west of K7; KDOT plans for 136<sup>th</sup> Street; and Kansas Avenue east of Hwy 7; Kump Street; Metropolitan; and 138<sup>th</sup> Street.
- Require new developments to fund infrastructure improvements, both on-site and a proportionate share of off-site improvements, that primarily serve property owners of that subdivision (i.e. deceleration lanes, drainage structures, etc.).
- Implement the K-7 corridor study access management standards over time in cooperation with KDOT as corridor development continues in the future.
- Encourage city/county coordination and cooperation regarding municipal infrastructure extension into growth area to maximize resources, supply, facilities and distribution of utility services.
- Consider regional storm water detention options rather than individual site by site facilities—a stormwater utility fund should be considered as an option to fund regional improvements
- Implement stream buffer standards to all stream corridors identified.

On-going and short term action items can be found in the Comprehensive Plans at [www.bondersprings.org](http://www.bondersprings.org).

Following is a map that depicts the future land use of the City of Bonner Springs.

**Figure 2.40. Future Land Use Map for the City of Bonner Springs, Kansas**



## Technical and Fiscal Resources

Table 2. details staff resources for Bonner Springs:

Personnel Resources	Yes/No	Comments
Planner/Engineer with knowledge of land development/land management practices	Yes	City Planner
Engineer/Professional trained in construction practices related to buildings and/or infrastructure	Yes	Private – outsourced
Planner/Engineer/Scientist with an understanding of natural hazards	Yes	Project Manager Public Works Director
GIS	Yes	Project Manager Public Works Director
Full time building official	Yes	Building Official
Floodplain Manager	Yes	City Planner
Emergency Manager	Yes	
Grant Writer	No	

Financial tools that the city can potentially use to help fund mitigation activities include:

- Taxes for Specific Purposes
- Fees for Water, Sewer, or gas
- Impact Fees for New Development
- Debt through General Obligation Bonds
- Withhold spending in Hazard Prone Areas
- Debt through Special tax bonds

### Existing Plans and Policies

Bonner Springs joined the NFIP on January 3, 1979 and has the following plans and policies in place:

- Master Plan
- Zoning Ordinance
- Subdivision Ordinance
- Floodplain Ordinance
- Stormwater Ordinance
- Building Code
- Fire Department ISO Rating 5
- Site Plan Review Requirements

- Local Emergency Operations Plan
- Flood Insurance Study
- Elevation Certificates
- Comprehensive Plan

**Other Mitigation Activities**

The City of Bonner Springs has seven outdoor warning sirens which are activated by the county Emergency Management Department Command Center. We have built a new library in the past several years with a partially funded FEMA approved safe room. We purchased five homes that were in the flood plain with FEMA mitigation funds and put a walking trail across that location. Along Spring Creek, the city has done stabilization work due to its flood prone nature as well as constructed a bridge over Spring Creek at Kump Avenue which eliminated an old, undersized culvert.

**Property Valuation**

Table 2.)) below depicts the appraised values from the 2013 Abstract of Appraised and Assessed Values report.

**Table 2.. Appraised Property Valuation, 2013**

Appraised Property Valuation		
Building Type	Real Estate Structures (\$)	Median Home Value (2011)(\$)
Residential	254,702,280	153,200
Agricultural	6,394,810	
Commercial/Industrial	41,092,660	
Not for Profit	16,230	
<b>Total</b>	<b>302,205,980</b>	

Source: Wyandotte County Assessor Office/U.S. Census Bureau

**City of Edwardsville**

Located south of the Kansas Speedway adjacent to I-70 and I-435, Edwardsville is governed by a Mayor/Council/Administrator form of governance.



**Land Use and Development Trends**

According to the 2010 census, the population of Edwardsville was 4,340, an increase of 194 people since the 2000 census was taken. Land are of the city is 9.2 square miles, and population density is 472 people per square mile.

**ITEM NO. 14.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items** \_\_\_\_\_

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Charter Ordinance to Amend the Name of the Convention & Tourism Committee to Bonner Springs Tourism Committee & Regular Ordinance to Amend the Ordinance that Established the Convention & Tourism Committee**

**ACTION: Two Motions Required - See Narrative**

**STAFF RECOMMENDATION: The City Manager, City Clerk, the Community & Economic Development Director & Committee Recommend Approval**

First Motion: Make a Motion to Approve a Charter Ordinance to Amend the Name of the Convention & Tourism Committee to the Bonner Springs Tourism Committee

Second Motion: Make a Motion to Approve an Ordinance to Amend Chapter I Administration, Article 13 Convention & Tourism Committee Sections 1-1301, 1-1302 & 1-1305

Charter Ordinance No. 20 approved in July 2000 exempted the City from state law that relates to Convention and Tourism and provided for a Convention and Tourism Committee be established by separate ordinance. The establishment by separate Ordinance allowed future amendments be made by a Regular ordinance and not by a Charter Ordinance that requires a longer process. The City Council approved Regular Ordinance No. 1896 in July 2000 that established the Committee.

Since Charter Ordinance No. 20 actually names the Committee, it needs to be amended as well as the Regular Ordinance that established the Committee. The purpose for the name change is that the term "Convention" is not appropriate as the City does not have a Convention Center. Research revealed that smaller cities or similar organizations do not use the term "Convention" in their title. If at some future date the City does have a "Convention Center", the title Bonner Springs Tourism would still be appropriate and not need to be changed.

Enclosed is a Charter Ordinance to approve the amendment and a Regular Ordinance to amend the Ordinance that established the Committee. Both the Charter Ordinance and Regular Ordinance reflect the name change to Bonner Springs Tourism Committee.

The Charter Ordinance requires a two-thirds majority vote and the Mayor's vote.

**CHARTER ORDINANCE NO. \_\_\_\_\_**

A Charter Ordinance to Amend Charter Ordinance No. 20 that Amended Section 2 of Charter Ordinance No. 18 that Exempted the City of Bonner Springs, Kansas, from Provisions of KSA 12-16,101 that Relates to a Convention & Tourism Committee and Provided Substitute Provisions for the Same

Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:

**Section 1.** The City of Bonner Springs, Kansas, by the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, did pass Charter Ordinance No. 18 on the March 16, 1998 and did pass Charter Ordinance No. 20 on July 5, 2000 that amended Charter Ordinance No. 18, Section 2 , such ordinance making inapplicable to the City of Bonner Springs, Kansas, and exempting the City of Bonner Springs from the provisions of K.S.A. 12-16,101, which applied to said City but not uniformly to all cities and which ordinance established a convention and tourism committee to make recommendations concerning the programs and expenditures for the promotion of tourism, changed the number of members to be appointed to that committee to five members and required that the majority of such members shall be representatives of businesses subject to the transient guest tax.

**Section 2.** The Governing Body hereby amends Section 2 of Charter Ordinance No. 20 to read as follows:

“Section 2. The Governing Body establishes the Bonner Springs Tourism Committee to make recommendations that concern the programs and expenditures for promotion of tourism. The Governing Body shall appoint seven (7) members to such committee. The appointment of such members by the Governing Body shall attempt to create a balance of representatives from the media, recreation, entertainment and community groups and representatives of the businesses subject to the transient guest tax. The Governing Body shall provide, by ordinance, for the appointment and terms of appointment not to exceed four years for such members. The Governing Body shall have the authority to contract for tourism programs to be implemented.”

**Section 3:** This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**Section 4:** This Charter Ordinance shall take effect sixty-one (61) days after its final publication unless within sixty (60) days of its final publication a petition signed by a number of electors of the City of Bonner Springs equal to not less than ten (10) percent of the number of electors who voted at the last regular City Election shall be filed in the office of the City Clerk of Bonner Springs to demand an election on the Charter Ordinance, in which case the Charter Ordinance shall become effective only if and when approved by a majority of the electors that vote thereon.

**Section 5:** Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

Approved by the Governing Body of not less than two-thirds of the members that voted in favor thereof and signed by the Mayor on March 24, 2014.

\_\_\_\_\_  
Jeff Harrington, Mayor

Attest:

\_\_\_\_\_  
Rita Hoag, City Clerk  
(Seal)

**Ordinance No. \_\_\_\_\_**

**An Ordinance to Amend Chapter I Administration, Article 13 Convention & Tourism Committee, Sections 1-1301, 1-1302 & 1-1305 of the Code of Ordinances of the City of Bonner Springs, Kansas**

**Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:**

**Section I:** Section 1-1301 Membership is amended as follows.

“The terms of the Bonner Springs Tourism Committee, as established under Charter Ordinance No. 18, as amended by Charter Ordinance No. 20 and Charter Ordinance \_\_\_\_, shall be for four-year terms with initial terms to be as follows: two (2) appointees to serve for four (4) years; two (2) appointees to serve for three (3) years; two (2) appointees to serve two (2) years and one (1) appointee to serve one (1) year. All members shall continue to serve until the appointment of their successor. Vacancies shall be filled by the Governing Body for the remainder of the unexpired term.”

**Section II:** Section 1-1302 Duties is amended as follows:

“The Bonner Springs Tourism Committee shall have responsibility:

- (a) To recommend a program of annual expenditures to the City Council focused on tourism efforts, particularly those that would encourage visitors to obtain overnight accommodations.
- (b) To coordinate and encourage a program of projects to promote tourism.
- (c) To sponsor various programs with local civic organizations, County and State agencies for promotion of mutual tourism efforts.
- (d) To create innovative projects and activities to promote tourism.
- (e) To consider, investigate and make determinations and recommendations upon any special matter or question within the scope of the Committee, when requested by the City Council or City Manager.”

**Section III:** Section 1-1305 Budget is amended as follows:

“The Committee is responsible for preparation of an annual budget for the City’s tourism program and shall make recommendation of such to the City Manager for inclusion in the City’s annual budget. The budget shall be approved by a majority of all Committee members. The Committee shall present the recommendations to the City Manager during the City’s normal budget session. The budget shall include a detailed plan of expenditures and priorities recommended to meet the goals and objectives of the tourism program. The City Manager and City Council, through the budget review process may accept, modify or reject all or part of the convention and tourism budget.”

**Section IV:** This Ordinance shall be effective upon its passage, publication in the City’s official newspaper and upon the effective date of Charter Ordinance No. \_\_\_\_.

**Approved by the City Council and Signed by the Mayor on March 24, 2014.**

Attest:

\_\_\_\_\_  
Jeff Harrington, Mayor

\_\_\_\_\_  
Rita Hoag, City Clerk

(Seal)

# ITEM NO. 15.

## City Council Regular Agenda Monday, March 24, 2014 – 7:30 p.m.

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items** \_\_\_\_\_

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Charter Ordinance to Repeal Charter Ordinance No. 22 that Exempted the City from Sales Tax Provisions**

**ACTION: Make a Motion to Approve a Charter Ordinance to Repeal Charter Ordinance No. 22 that Exempted the City from Sales Tax Provisions**

**STAFF RECOMMENDATION: The City Manager, City Clerk & City Attorney Recommend Approval**

In June 2002, the City Council approved Charter Ordinance No. 22 to exempt the City from state law that pertained to the levy and collection of local retailers' sales tax. The City was then able to levy a one-quarter of one percent sales tax for the construction of the Aquatic Center under the authority provided in Charter Ordinance No. 22.

The state law we exempted out from changed a number of years later but we had to keep Charter Ordinance No. 22 in effect until such time as we collected sufficient sales tax to fully pay for the bonds. The City collected sufficient sales tax to pay of the bonds in December 2013 and the City Council took action to stop collection of that tax. This was the only sales tax that applied to the prior state law. All other sales tax in place is per the new state law that went into effect in 2006, as confirmed with the City Attorney.

The Charter Ordinance provided for approval on Monday simply repeals Charter Ordinance No. 22 which is no longer needed to be kept in effect. The City Attorney's office reviewed this process and concurs with the repeal of the Charter Ordinance. A Charter Ordinance can only be amended or repealed by a Charter Ordinance. The Mayor votes on Charter Ordinances, they must be published for two consecutive weeks and they have a sixty-day protest period before they can be in effect.

**CHARTER ORDINANCE NO. \_\_\_\_**

An Ordinance to Repeal Charter Ordinance No. 22 (Regular Ordinance No. 1965) that Exempted the City of Bonner Springs from the Provisions of KSA 12-187, Portions of KSA 12-189 & KSA 12-189e that Relate to the Levy & Collection of Local Retailers' Sales Tax & Provided for Substitute & Additional Provisions

Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:

SECTION I: Charter Ordinance No. 22 (Regular Ordinance No. 1965) is hereby repealed.

SECTION II: This Charter Ordinance shall be published for two consecutive weeks and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed that requires a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

SECTION III: Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a file maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

Approved by the Governing Body of the City of Bonner Springs, Kansas and Signed by the Mayor on March 24, 2014.

Attest:

\_\_\_\_\_  
Jeff Harrington, Mayor

\_\_\_\_\_  
Rita Hoag, City Clerk

Seal

## ITEM NO. 16.

### City Council Regular Agenda Monday, March 24, 2014 – 7:30 p.m.

<b>Present &amp; Vote</b>	Stephens	_____	Peterson	_____
	Cooper	_____	Knight	_____
	Reeves	_____	Freeman	_____
	Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items** \_\_\_\_\_

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Charter Ordinance to Repeal Charter Ordinance No. 10 that Established the Parks & Recreation Advisory Commission**

**ACTION: Make a Motion to Approve a Charter Ordinance to Repeal Charter Ordinance No. 1 that Established the Parks & Recreation Advisory Commission**

**STAFF RECOMMENDATION: The City Manager, City Clerk, Parks & Recreation Director Recommend Approval**

In August 1984, the City Council approved Charter Ordinance No. 10 that Established the Parks and Recreation Commission and exempted the City from KSA 12-1915. As part of the recodification of the Code Book, we changed the Parks and Recreation Advisory Commission to Parks and Recreation Advisory Board at the request of the Parks & Recreation Director.

Commissions are more quasi judicial and Boards are not. The change more appropriately reflects the role of the members.

The enclosed Charter Ordinance, if approved, repeals Charter Ordinance No. 10 that is no longer needed. We were not able to repeal this Charter Ordinance as part of the recodification as it can only be repealed by a Charter Ordinance.

**CHARTER ORDINANCE NO. \_\_\_\_**

An Ordinance to Repeal Charter Ordinance No. 10 that Exempted the City of Bonner Springs from the Provisions of KSA 12-1915 & Provided for the Membership, Appointment & Terms of the Park & Recreation Advisory Commission

Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:

SECTION I: Charter Ordinance No. 10 is hereby repealed.

SECTION II: This Charter Ordinance shall be published for two consecutive weeks and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed that requires a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

SECTION III: Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a file maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

Approved by the Governing Body of the City of Bonner Springs, Kansas and Signed by the Mayor on March 24, 2014.

Attest:

\_\_\_\_\_  
Jeff Harrington, Mayor

\_\_\_\_\_  
Rita Hoag, City Clerk

Seal

**ITEM NO. 17.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

**Present  
&  
Vote**

Stephens	_____	Peterson	_____
Cooper	_____	Knight	_____
Reeves	_____	Freeman	_____
Haas	_____	Shannon	_____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: City Manager's Report**

**ACTION: None**

**STAFF RECOMMENDATION: None**

Report attached.

# City Managers Update

Date: March 24, 2014

To: Mayor and City Council

1. **New County Administrator Selected** – The Unified Government Board of Commissioners has selected Doug Bach, who was serving as the Deputy County Administrator, to be the new County Administrator. Doug has been with the UG since 1991 and has been the Deputy County Administrator since 2003.
2. **Parks & Recreation:**
  - a. Events and Sports:
    - March 26 - Summer Ball & Adult Softball registration deadline
    - April 5 - City Wide Yard Sale
    - April 19 - Easter Egg Hunt @ North Park Soccer Fields
  - b. Facility: New chairs for parties and events in Community Center have been delivered and used
  - c. Aquatic Park: Preparations are underway for the upcoming pool season. We have 15 returning lifeguards, but need 30 more and so far have only received 8 new guard applications.
3. **Police Department:**
  - a. Chief Haley has coordinated with the Lenexa Police Department for our Sergeants do a week long ride along with their department. This will provide an opportunity for cross-fertilization of ideas and techniques that should be worthwhile for our officers. He is working on setting up the same program for our investigators.
  - b. Attached is the schedule for our “Your Speed Is” radar trailer for April. If you have any locations you think it should go, please let me know and I will pass them on to the Police Department.
4. **Community and Economic Development Update –**
  - a. **KC Bindery Closing** – The City received a letter on March 10 that KC Bindery merged operations with ProMail Services in Kansas City, Missouri effective March 14. This business was located at 12601 Kaw Drive in the former Swingster building. KC Bindery had been in operation for 35 years and cites the economy and challenges of smaller markets as their reasons for the merger. Seventeen employees worked out of the Bonner Springs location. We are sorry to see them leave our community.
  - b. **Flip Ribbon Cutting Ceremony** – As reported previously, Flip is a new downtown business that will be opening in the upper level of 300 Oak Street on March 28-30. Their ribbon cutting ceremony is planned for Thursday, March 27, at 6:00 p.m. and the Mayor and City Council and City staff are invited to attend. Flip is a mini version of the West Bottoms where 20+ vendors will rent booth space to sell their products and wares. All of the sales are generated through Flip. Most of the merchandise is trendy repurposed and reused furniture and home décor and other handmade items, such as jewelry, women and children clothing, purses, candles and many more items. Currently, they are planning to be open the second and fourth weekends of each month.

**5. Utilities Department Update:**

- a. The Well 6 project has been published for bids. The Design was completed by the Groundwater and Environmental Engineers. Project estimate is \$250,000. Bids are due on 17 April 2014.
- b. The Lake of the Forest Lift Station Upgrade Project has been approved by Kansas Department of Health & Environment. Contract documents are being finalized to meet a 3 April 2014 bid date. The estimated project Cost is \$100,000 but that amount does not include a new generator for emergency operations which we are looking at adding. Adding a new backup power generator will increase the cost of the project by about \$20,000-\$30,000 and that cost would be funded from Operating Funds in the Wastewater Budget.
- c. The Swingster Road Interceptor Repair Project is expected to be completed in April. This project is being completed to replace deteriorated pipe within the casing pipe under the Union Pacific RR tracks at Swingster Road and K-32. We are proactively putting in the new pipe to ensure we don't have a collapsed pipe like we did on Front Street last year.
- d. Engineering selection is underway for waterline replacement projects on Sheidley, Cornell and Emerson Avenues. These waterline replacement projects are scheduled for this year. Sheidley waterline replacement is planned for the section from Murphy to Pine, Cornell for Morse to Spring, and Emerson is Morse to Murphy.

**6. Marble Day** – Plans are underway for the 8<sup>th</sup> Annual Marble Day Celebration to be held on Saturday, May 3, from 8:00 a.m.-2:00 p.m. in downtown Bonner Springs. A new event this year is the Marble Day 5K run, which will start at 8:00 a.m. This year's recipient of the Running of the Pinkys fundraiser is Feed His Lambs, a not-for-profit, faith-based organization that feeds over 50 families once a week within the USD 204 school district. Please sponsor one or more Pinky balls at \$2.00 each to help this worthwhile organization. Pinky ball sponsorships are available at various downtown businesses and Feed His Lambs volunteers from United Methodist Church, First Christian Church and Nazarene Church. A Schedule of Events will be provided at a later date.

**7. Spring Clean Up** – Mark your calendars for the City's annual spring cleanup which will be on Saturday, 12 April. We are always looking for volunteers to help keep our City clean and presentable. Please plan on joining us.

# Radar Trailer April 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3 W. Morse between Linda lane & Lions park (WB)	4	5
6	7 E. Morse between Clark & Emerson (WB)	8	9	10	11 N. 130 <sup>th</sup> across from SS entrance (SB)	12
13	14	15 K-32 just west of RR tracks (WB)	16	17	18 K-32 east of tracks (EB)	19
20	21 Nettleton north of Morse (NB)	22	23	24 K-7 north of Nettleton (NB)	25	26
27	28 K-7 north of Nettleton (SB)	29	30			

**ITEM NO. 18.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

**Present  
&  
Vote**

Stephens \_\_\_\_\_  
Cooper \_\_\_\_\_  
Reeves \_\_\_\_\_  
Haas \_\_\_\_\_

Peterson \_\_\_\_\_  
Knight \_\_\_\_\_  
Freeman \_\_\_\_\_  
Shannon \_\_\_\_\_

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM:** City Council Items

**ACTION:** None

**STAFF RECOMMENDATION:** None

**ITEM NO. 19.**

**City Council Regular Agenda  
Monday, March 24, 2014 – 7:30 p.m.**

<b>Present &amp; Vote</b>	Stephens _____	Peterson _____
	Cooper _____	Knight _____
	Reeves _____	Freeman _____
	Haas _____	Shannon _____

**Mayor Vote on Charter Ordinances & Planning Items \_\_\_\_\_**

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**AGENDA ITEM: Mayor's Report**

**ACTION: None**

**STAFF RECOMMENDATION: None**

The Mayor will give a verbal report at the meeting on Monday.