

## City Council Minutes – Regular Meeting – Monday, May 12, 2014

The Bonner Springs City Council met in regular session at 7:30 p.m. on Monday, May 12, 2014.

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

**Governing Body Absent:** Bob Reeves and Racheal Haas

**City Staff Present:** Jack Helin, City Manager; Rita Hoag, City Clerk; Kevin Bruemmer, Public Works Director; Don Slone, Planning Director; Rick Sailer, Utilities Director and Matt Beets, Project Manager

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

**Item No. 1 – Proclamation Presentations Teen Advisory Council** – The Mayor presented Proclamations to Seniors Jordan Jackson and Elizabeth Barger and presented Graduation Ropes to wear at the Bonner Springs High School graduation. The Mayor will give a proclamation to Emma Murrugarra, a Junior who will graduate and was not present at the City Council meeting.

**Item No. 2 – Proclamation Presentation National Police Officer Day May 14 and Law Enforcement Week May 11 through 17, 2014** – The Mayor presented a Proclamation to Chief Haley and other members of the Police Department.

**Item No. 3 – Proclamation Presentation EMS Week May 18 Through 24, 2014** – The Mayor presented a Proclamation to John Claxton, EMS Chief; Tony Dusil, former EMS Chief and other members of the EMS Department.

**Item No. 4 – Citizen Concerns About Items Not on Today’s Agenda** –

➤ Mickey Hylton, 13840 Woodend, thanked City Staff for repairs planned on 142 Street. Residents deeply appreciate the repairs.

➤ Jeannine Gallagher, 2330 South 138 Street, read a letter from Downtown Bonner, Inc. to announce the Fourteenth Annual Bonner Blast to occur on Saturday, June 28, 2014 and to ask for a contribution from the City in the amount of \$2,000. The City Manager stated the budget included a \$1,000 donation for Bonner Blast. The City Council reached consensus to discuss the item at the next City Council meeting.

### CONSENT AGENDA

The Mayor read the Consent Agenda Items 5 through 8 and asked the Staff, audience or City Council if they wished to remove an item for separate consideration. No items were removed.

**Item No. 5 – Minutes of the April 28, 2014 City Council Meeting** – Presented for approval.

**Item No. 6 – Claims for City Operations – May 12, 2014** – Presented for approval were the Supplement Claims in the amount of \$112,196.41 and Regular Claims in the amount of \$133,149.20.

**Item No. 7 – Public Housing Authority Claims – May 12, 2014** – Presented for approval in the amount of \$5,500.04.

**Item No. 8 – Appointments to Boards and Commissions** – Parks and Recreation Advisory Board:

Appointment of Judy Shelton and Jan Madlock to fill the positions held by Sara Stephens and LeAnn Jones who resigned and whose terms expired December 2013. The terms for Ms. Shelton and Ms. Madlock will expire December 2016.

### CONSENT AGENDA APPROVAL

Cooper made a Motion to Approve the Consent Agenda as presented. Peterson seconded the motion and it carried on a vote of six to zero.

### REGULAR MEETING AGENDA

**Item No. 9 – Final Plat PT-14-100 Country Hills Subdivision Plat Replat for 630 South 130 Street** – The Planning Director made a presentation as follows:

➤ The request is to replat 6.06 acres for a three lot subdivision for a 5,000 square foot retail strip center to be located at 630 South 130 Street.

➤ Staff and the Planning Commission recommend the City Council accept the dedication of easements as shown on the Final Plat.

Stephens made a Motion to Accept the Dedication of Easements for the Final Plat PT-14-100 Country Hills Subdivision second Plat. Cooper seconded the motion and it carries on a vote of seven to zero.

**Item No. 10 – Ordinance to Amend Article XIV “O” Office District Regulations and Amend Appendix A & Appendix B** – The Planning Director made a presentation as follows:

➤ The City established the “O” Office District designation in 1987.

- The Planning Director reviewed conflicts in the permitted uses of the “O” Office District designation.
- Staff and the Planning Commission recommend the City Council approve the amendments to the zoning district as follows:
  - Change the zoning district title from “O” Office to “MX” Mixed Use.
  - Two amendments to correct the current contradictory language in Appendix A.
  - Amend the height regulations from sixty (60) feet to three (3) stories or forty-five (45) feet to be consistent with height regulations under the R-3, C-1, C-2 and C-S Districts.
  - Recommend to add a new “Section 6, Use Limitations”.
- The Agenda included the recommended changes in legislative format.

Shannon made a Motion to Approve an Ordinance to Amend Article XIV “O” Office District Regulations and Amend Appendix A & Appendix B. Cooper seconded the motion and it carried on a vote of seven to zero.  
**Assigned Ordinance No. 2386.**

**Item No. 11 – Readopt Resolution that Adopted the Region L MultiHazard Mitigation Plan** – The City Council adopted Resolution 2014-06 March 24, 2014. Due to the approval time by other jurisdictions and the expirations of their plans, the City needed to readopt the plan after adoption by those jurisdictions as directed by the State Emergency Management. Cooper made a Motion to Reapprove Resolution 2014-06 Approved by the City Council that Adopted the Region L MultiHazard Mitigation Plan. Peterson seconded the motion and it carried on a vote of six to zero. **Assigned Resolution No. 2014-06.**

**Item No. 12 – Second Amendment for a Two-Year Extension of the Bonner Springs Center Community Development District (CID) Agreement with Bonner Springs Partners II, LLC.** – The City Manager made a presentation as follows:

- Introduced Matt Pennington, representative for Bonner Springs Partners II, LLC.
- The original Development Agreement signed in 2011 provided a total reimbursement by the City in the amount of \$1.4 million.
- The Developer’s original sales estimates indicated the payback of the \$1.4 million would occur in ten years.
- The original sales estimates are about fifty percent (50%) lower than projected due in part to the economy and the inability to fill the retail strip center with more retail businesses.
- David Christie, Developer for the Bonner Springs Center, requested a two-year extension on the disbursements from the CID funds.
- Staff recommends amendment of the Development Agreement to reflect a disbursement end date change from June 30, 2021 to June 30, 2023. Language in the agreement will remain that the disbursements will end when either the disbursement amount reaches \$1.4 million or by the June 30, 2023 deadline, whichever occurs first.
- Matt Pennington explained the approach to find good tenants.

Stephens made a Motion to Approve a Second Amendment for a Two-Year Extension of the Bonner Springs Center Community Development District (CID) Agreement with Bonner Springs Partners II, LLC. Shannon seconded the motion and it carried on a vote of four to two.

**Item No. 13 – KDOT Memorandum of Understanding for Usage of Existing KDOT Owned Fiber** – The City Manager made a presentation as follows:

- KDOT forwarded the Memorandum of Understanding (MOU) which Staff included in the agenda for the City Council’s approval. The MOU is part of the Operation Green Light Program and defines the responsibilities for equipment and KDOT owned fiber usage and maintenance along K-7 Highway.
- Staff will place the agreement for Operation Green Light on the agenda in late May or early June after MARC approves it.
- Staff recommends approval of the MOU.

Cooper made a Motion to Approve the KDOT Memorandum of Understanding for Usage of Existing KDOT Owned Fiber. Stephens seconded the motion and it carried on a vote of six to zero.

**Item No. 14 – Award Bid for the 2014 Concrete Program** – The Project Manager made a presentation as follows:

- The motion includes the base amount bid for curb replacement and sidewalk in the amount of \$54,672.50 plus the additional amount for the Community Center work in the amount of \$35,602.
- Staff recommends award of the bid for the 2014 Concrete Program to McAnany Construction in the total amount of \$90,274.50.

Peterson made a Motion to Award the Bid for the 2014 Concrete Program to McAnany Construction in the total Amount of \$90,274.50. Shannon seconded the motion.

Peterson made an amended Motion to Award the Bid for the 2014 Concrete Program to McAnany Construction in the Total Amount of \$90,274.50 and to do Additional Concrete Repairs Discussed in Workshop Around the Post Office and Other Areas if There are Sufficient Funds. Shannon seconded the amended motion and it carried on a vote of six to zero.

**Item No. 15 – Award Bid for the 2014 Street Program** – The Project Manager made a presentation as follows:

➤The Staff recommendation for award includes the base bid of \$430,393.90, \$16,192 for additional work on Riverview and the additional amount for Option No. 2 which the City Council reached consensus on in the Workshop Meeting in the amount of \$86,076 in the total amount of \$532,661.90.

Cooper made a Motion to Award the Bid for the 2014 Street Program to Metro Asphalt in the Total Amount of \$532,661.90 to Include the Additional Work for Riverview and for Option No. 2. Peterson seconded the motion and it carried on a vote of six to zero.

**Item No. 16 – Award Bid for the 2014 Pavement Preservation Program** – The Project Manager made a presentation as follows:

➤The recommendation includes the total base bid plus the additional amount for the trail in the amount of \$7,525 as discussed in the Workshop Meeting.

➤Staff recommends award of the bid for the 2014 Pavement Preservation Program to Harbour Construction in the total amount of \$102,075.84.

Stephens made a Motion to Award the Bid For the 2014 Pavement Preservation Program to Harbour Construction in the Total Amount of \$102,075.84. Cooper seconded the motion and it carried on a vote of six to zero.

**Item No. 17 – Award Bid for the Public Water Supply Well No. 6 Project.** – The Utilities Director made a presentation as follows:

➤The City Council on January 28, 2013 approved an Ordinance to authorize the City to execute a loan agreement with the State of Kansas for Kansas Public Water System Loan Funds (KPWSLF) for Well No. 6 construction and Water Treatment Plant improvements.

➤In the Workshop Meeting on April 9, 2012, the City Council reached consensus on Staff's recommendation to apply for loan funds through the KPWSLF program for this project.

➤The City advertised the Project Bid on March 13, 2014.

➤On May 1, 2014, the City received three bids with the low bid from Clarke Well & Equipment, Inc. in the amount of \$275,780.

➤Staff and the Engineer recommend award of the bid to Clarke Well & Equipment, Inc.

➤The KDHE loan amount was for \$550,000 of which the City budgeted \$250,000 for Well No. 6.

➤Staff revised the total project cost estimate to \$300,000 to include a two percent (2%) contingency factor.

➤The Water Enterprise Reserve Funds will fund the \$50,000 difference.

➤Staff will present to the City Council a budget amendment to authorize the City to use reserve funds for the project at the 2015 Budget Retreat.

Cooper made a Motion to Award the Bid for the Public Water Supply Well No.6 Project to Clarke Well & Equipment, Inc. in the Total Amount of \$275,780. Shannon seconded the motion and it carried on a vote of six to zero.

**Item No. 18 – City Manager's Report** – The City Manager added items as follows:

➤Invited everyone to Kelly Murphy Park on Wednesday, May 14 for a short Memorial Service in Honor of our fallen Police Officers.

➤Received a press release from KDOT which advised the northbound and southbound left lanes on K-7 Highway from Kansas Avenue to Riverview Avenue will be closed for pavement construction work from May 27 through late August 2014. Through this period, the I-70 to southbound K-7 Highway double left turn lane movement will be reduced to one open left turn lane.

➤Will not attend the next City Council meeting due to significant family events.

**Item No. 19 – City Council Items –**

➤ Stephens stated he gave the welcome to the DARE Graduates last Tuesday. The event had a nice crowd, great weather and Officer French did a wonderful job to provide entertainment.

**Item No. 20 – Mayor’s Report –**

➤ Attended the League of Kansas Municipalities (LKM) Mayor’s Convention in Manhattan last week. He stated Bonner Springs is doing well with professional Staff that takes care of things and has a Governing Body that does what it needs to.

➤ Attended the Johnson County and Wyandotte County Mayor’s Meeting. They discussed the effects of the Kansas Legislature on local government and the effects of the Mortgage Lien Tax Fee.

➤ Represented the City at the DARE Graduation.

➤ Cooper asked if there was discussion about concealed carry legislation at the Mayor’s Meeting. The Mayor stated participants at the convention discussed the legislation. He stated it is very important to the current legislature to protect and preserve the Second Amendment and the largest effect of legislation is to not allow cities to make regulations about open carry of firearms.

The meeting adjourned at 8:35 p.m.

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Rita Hoag, City Clerk