

CITY COUNCIL AGENDA
Monday, September 08, 2014

Workshop – 7:15 p.m.

WS-1 Massage Therapy Regulation Amendments

Council Meeting – 7:30 p.m.

1. Proclamation - Marlin Kerby
2. 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.
3. Minutes of the August 25, 2014 City Council Meeting
4. Claims for City Operations for September 8, 2014
5. Public Housing Authority Claims for September 8, 2014
6. Public Housing Authority Admission & Continued Occupancy Policy
7. Resolution to Approve Public Housing Authority Amended Lease

REGULAR MEETING AGENDA

8. Presentation & Accept the 2013 Audit
9. Final Acceptance, Change Order No. 1 & Approve Final Payment for Westland Construction 2013 Storm Water Project
10. Ordinance to Adopt the Standard Traffic Ordinance 2014 Edition
11. Ordinance to Adopt the Uniform Public Offense Code 2014 Edition
12. City Manager's Report
13. City Council Items
14. Mayor's Report



City of Bonner Springs

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

WORKSHOP MEETING

7:15 p.m.

REGULAR CITY COUNCIL MEETING

7:30 p.m.

CITY HALL COUNCIL CHAMBERS

Monday, September 8, 2014

Life is Better in Bonner Springs

City Council Workshop Agenda
Monday, September 8, 2014

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

Staff Present: _____

AGENDA ITEM: Massage Therapy Regulation Amendments

NARRATIVE: The enclosed memorandum provides the recommendation and other information for this item. Enclosed is Article 10 Massage Therapy with the proposed amendments shown in red legislative style. With concurrence from the City Council, we will place this item in final form for approval on September 22. The City Manager, Police Chief and the City Prosecutor reviewed the proposed amendments and recommend adoption.



City Council Staff Report Memorandum

Date: August 29, 2014
To: Mayor & City Council
Through: John Helin, City Manager
From: Rita Hoag, City Clerk
Subject: **Massage Therapy Regulation Amendments**

Recommendation:

The City Council approve an Ordinance to Amend the Massage Therapy Regulations.

Background:

The City of Bonner Springs first adopted Massage Therapy Regulations by Ordinance No. 2132 in June 2006. Ordinance No. 2158 adopted in January 2007 approved minor correction amendments. In December 2012, the City Council adopted Ordinance No. 2355 that strengthened the regulations due to issues with a massage therapy business. The City of Lenexa placed a moratorium on issuance of new and/or additional massage therapy licenses and adopted new regulations in May 2014. The City Council approved a Resolution in January that placed a moratorium on issuance of new licenses in Bonner Springs until June 26, 2014. A later Resolution extended the date to September 25, 2014.

Discussion:

We reviewed the Lenexa and Overland Park regulations and found that Lenexa's did provide more stringent regulations. We used their language to make amendments to our regulations. We show the proposed amendments in the attachment to this memo in legislative style. Upon consensus from the City Council, we will place approval of the amendments on the September 22, 2014 City Council agenda.

Financial Impact:

The only financial impact is the publication of a summary of the Ordinance when adopted which will be less than \$50.

ARTICLE 10. MASSAGE THERAPY

5-1001. Definitions.

(a) **Accredited School:** Any school or institute or learning which is accredited by the State Board of Education or equivalent and approved by any state massage specific license organization. For schools located in states that do not accredit or approve massage therapy programs, the City will consult national massage organizations such as the National Certification Board for Therapeutic Massage and Bodywork and the American Massage Therapy Association to determine if the school should be deemed accredited for purposes of this Article.

(b) **Business premises:** Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

(c) **Employee:** Refers to any person, other than massage therapists, who renders any service to a licensee under this ~~Chapter~~Article, who receives compensation from the licensee or patron.

(d) **Establishment Applicant:** Refers to any individual, who applies as an individual or a group of individuals; each stockholder who holds more than ten (10) percent of the stock or the corporation and each officer and director, if the application is a corporation; each partner, to include limited partners, if the applicant is a partnership.

(e) **Establishment Representative:** An employee, manager, independent contractor, unpaid volunteer or anyone who works at or on behalf of a massage establishment.

(ed) **Healing Arts Practitioner:** Defined by the provisions of K.S.A. 65-2801, et. seq. and refers to a license issued to practice medicine and surgery, osteopathic medicine and surgery or chiropractic.

(de) **In-office massage therapy:** Massage that is conducted on the business premises of a massage client and is limited to massage therapy applied only above the massage client's waist. The patron must be fully clothed.

(ef) **In-office massage therapy establishment:** Any establishment having a place of business where any person, firm, partnership, association, or corporation engages in the activities mentioned in 5-1001(f) for compensation.

(fg) **Massage Therapy:** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. Massage as defined herein does not include the touching in any fashion of human genitalia.

(gh) **Massage therapy establishment:** Any establishment where any person, firm, partnership, association, or corporation engages in or carries on or permits to be engaged in or carries on any of the activities mentioned in 5-1001(f) for compensation but does not include "in-office massage therapy establishments."

(hi) **Massage therapy (therapeutic):** The practice of therapeutic massage as the application of various techniques to the muscular structure and soft tissues of the human body, as a healing art, strictly non-sexual, requiring proof of education, training or education from an institution or business with accreditation recognized by the State, or as an apprentice to a licensed therapeutic massage therapist.

(ii) **Massage therapist:** Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

(jk) **Patron:** Any person who utilizes or receives the services of any establishment subject to the provisions of this ~~Chapter~~Article and under such circumstances that it is reasonably expected that he or she will pay money

or give any other consideration therefore, provided a person under the age of 18 may utilize or receive massage therapy from a licensed massage therapist only if accompanied by a parent or legal guardian and a parent or legal guardian has authorized such therapy in writing.

5-1002. Reference to Chief of Police, Other Staff.

Any reference in this ~~Chapter~~Article to the Chief of Police, City Clerk, Planning Director, Building Official, Code Enforcement Officer or Fire Chief shall include those persons, designees and any individuals designated by the City Manager.

5-1003. Business License Required.

No person, firm, partnership, association or corporation shall operate an in-office massage therapy establishment and/or massage establishment, as defined herein, without first having obtained a business license therefor, issued by the Governing Body of this City. It is unlawful to conduct such a business unless the license issued is current, unrevoked and not suspended. A separate license shall be required for each and every separate place of business conducted by any one licensee. Such license shall be valid for a period of twelve (12) months from the date of issuance; provided individuals conducting in-office massage therapy as defined by this ~~Chapter~~Article shall be required to hold only one (1) permit; and provided further that individuals conducting massage therapy on permanent premises in addition to providing in-office massage therapy must hold a separate permit for in-office massage therapy and for the massage therapy establishment conducted on permanent premises.

5-1004. Limitations on In-Office Massage Therapy Licenses.

The authority granted a licensee issued an in-office massage therapy license is limited to the authority to conduct massage therapy on the non-permanent office premises of the licensee's clients and specifically does not include the authority to conduct massage therapy at a permanent premises operated by the licensee; provided, the licensee must have a permanent business office located within the City. If the licensee desires to conduct massage therapy both on the non-permanent office premise of the licensee clients and a permanent premises operated by the licensee, the applicant must obtain a separate license for in-office massage therapy establishment and a massage establishment license by submitting separate applications for each, provided only one (1) license fee shall be charged for both applications.

5-1005. Massage Therapist License Required, Categories, Educational Requirements, ~~Renewal~~ & Restrictions.

No person shall perform massage therapy or in-office massage therapy within the City, unless he or she has a valid massage therapist license issued by the City pursuant to the provisions of this ~~Chapter~~Article, ~~provided massage therapy may be performed by a student massage therapist subject to the provisions of Section 5-1006.~~ It is unlawful to perform such services unless the license issued is current, unrevoked and not suspended. Such license is not transferable or refundable and shall be valid for a period of twelve months from the date of issuance.

(a) The ~~categories~~ massage therapist license and educational requirements shall be as follows:

~~(1) Massage Therapist I. To be eligible for issuance of a Massage Therapist I license, an applicant must provide proof of completion of educational and training requirements in the theory, method or practice of massage consisting of not less than 300 hours, which shall be provided by certified transcripts. An hour of instruction is defined as fifty minutes of actual instructional time. The educational and training requirements required by this Chapter may be received from more than one school. In addition to the 300-hour educational requirement, the applicant must have successfully completed certification in American Red Cross first aid and American Heart Association CPR or the equivalent and provide current certification.~~

~~Persons licensed as a Massage Therapist I may provide massage therapy within the City only when under the supervision of a person licensed with the City as a Massage Therapist II. Supervision shall mean the supervising therapist is available on the premises and is personally aware the Massage Therapist I is conducting massage therapy on a client. It shall be a violation of this Chapter for a Massage Therapist I to conduct unsupervised massage therapy within the City. Persons licensed as a Massage Therapist I are prohibited from conducting massage therapy off the licensed business premises of the massage establishment; provided, they may conduct in-office massage therapy as defined herein with the knowledge of a Supervising Massage Therapist II.~~

(21) Massage Therapist~~I~~^H. To be eligible for issuance of a Massage Therapist ~~I~~ ^H license, an applicant must provide proof of completion of:

~~(A) Massage Therapists holding an occupational license issued prior to June 26, 2006 (the adoption date of these regulations) shall have, no later than January 1, 2008, education and training in the theory, method or practice of massage consisting of not less than 400 hours; proof of which shall be provided by certified transcripts. The required twelve (12) hours of continuing education identified in Subsection 4 may be applied toward the required 400 hours. In addition, the applicant must have certification in American Red Cross first aid and American Heart Association CPR or the equivalent. Therapists not holding an occupational license on the adoption date of these regulations shall provide educational and training requirements in the theory, method or practice of massage consisting of not less than 500 hours, which shall be provided by certified transcripts. In addition to the 500-hour educational requirement, the applicant must have successfully completed certification in American Red Cross first aid and American Heart Association CPR or the equivalent, and provide current certification;~~

~~(BA) That the applicant is currently licensed or has been licensed within six (6) months of the date of application with a State of the United States, licensing authority that requires a course of instruction, consisting Successful completion of a course of instruction of not less than 500 hours, in the theory, method or practice of massage from one or more accredited schools. All practical and/or modality instruction must be completed as in-classroom/hands-on instruction, while theory instruction may be completed online. The applicant must also have successfully completed certification in American Red Cross first aid and American Heart Association CPR or the equivalent and provide current certification. In addition, the applicant must show proof that they have been licensed in the foreign jurisdiction for a minimum of one (1) year; or~~

~~(CB) That the applicant hasProof of successfully passed of the Board Certification exam administered by the 1992 or later, National Certification Examination for Therapeutic Massage and Bodyworkand has successfully completed a course of instruction, consisting of not less than 300 hours, in the theory, method or practice of massage. The applicant must also have successfully completed certification in American Red Cross first aid and American Heart Association CPR or the equivalent, and provide current certification.~~

(b) Proof of completion of educational and training requirements must be by certified transcripts. The educational and training requirements required by this ~~Chapter~~^{Article} may be received from more than one school. An hour of instruction is defined as fifty minutes of actual instructional time.

(c) All applicants for renewal of a massage therapist license in any category must provide proof of recertification in American Red Cross first aid and American Heart Association CPR or the equivalent thereof prior to the ~~granting~~^{approval} of any renewal.

(d) ~~As of January 1, 2007, a~~All licensed massage therapists ~~who~~ ^{applying} for a renewal license must show proof that they ~~have~~ received a minimum of twelve hours (fifty minutes per hour) of professional massage continuing education ~~during~~ ⁱⁿ the preceding twelve-month ~~licensing~~ period. One hour continuing education credit will be awarded for each hour attendance at programs ~~that relate~~^{ing} to the theory or clinical application of

theory pertaining to the practice of massage to include, but not limited to, clinical business practices, hygiene, record keeping, medical terminology, professional ethics, business management, human behavior, client interaction and State and local laws that are sponsored by a university, junior college or otherwise found to be acceptable by the City Clerk.

(e) Massage therapists shall notify the City of any change in employment within thirty (30) calendar days of the change to include a change in the therapist's employer or the addition or reduction of locations they perform massage therapy.

5-1006. — Student Massage Therapy.

~~An individual actively enrolled in and currently attending classes in a course of instruction, consisting of not less than 300 hours, in the theory, method or practice of massage, may conduct massage therapy as a practicum component of the training program, provided the following conditions are met:~~

~~(a) The massage therapy is conducted under the supervision of a licensed Massage Therapist II. For the purposes of this Section, supervision shall mean the supervising therapist is available on the premises and is personally aware the student is performing massage therapy on a client. In addition, the supervising therapist must personally observe the student's massage techniques at least once during the massage therapy session.~~

~~(b) All advertisements for massage therapy that will be performed by a student will clearly inform the customer that the massage therapy will be performed by a student under the supervision of a licensed Massage Therapist II.~~

~~(c) Prior to conducting any massage therapy, the student massage therapist will require the customer sign and acknowledge he/she has been informed the massage therapy will be conducted by a student under the supervision of a licensed Massage Therapist II. These acknowledgment documents will be maintained by the supervising massage therapist for a period of one year and will be produced at the request of any Law Enforcement Officer or City official.~~

~~(d) All student massage therapy will be conducted on premises licensed for the conduct of massage therapy. Under no circumstances are students permitted to perform in-home massage therapy.~~

5-1007. Application for Massage Therapy Establishment and In-Office Massage Therapy Establishment Business License; Fees.

Every applicant for a business license to maintain, operate or conduct any establishment covered by this ~~Chapter~~Article shall file an application with the City Clerk and pay an ~~initial~~ annual ~~filing~~ fee, as approved by the City Council, to the City Clerk, which shall not be refundable and an annual renewal fee as approved by the City Council. Sole practitioners who own and operate an establishment and are the only massage therapist on the premises will only be required to pay the annual massage therapy establishment and/or in-office massage therapy establishment business license fee.

The application for a license to operate any such establishment shall set forth the exact nature of the services to be provided, the proposed place of business and facilities ~~therefore~~, and the name, address, and telephone number of each applicant, ~~including any stockholder holding more than 10% of the stock of the corporation, any partner, when a partnership is involved, and any manager.~~

In addition ~~to the foregoing~~, any applicant for a business license shall furnish the following information:

(a) Written proof that the applicant ~~and/or manager~~ is at least 18 years old.

(b) Two portrait photographs at least two (2) inches by two (2) inches, and fingerprints, provided once an applicant has submitted an application containing their fingerprints, they will not have to submit fingerprints in any subsequent renewal application for that person.

(c) The business, occupation, or employment ~~locations and contact information for each of the~~ applicant ~~and manager~~ for the three (3) years immediately ~~preceeding~~ prior to the date of application.

(d) The massage therapy and in-office massage therapy establishment business license history of the applicant ~~and managers~~; whether such person, in previously operating in this or another City or State under ~~an establishment or therapist~~ license, has had such license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.

(e) ~~Proof that managers successfully completed an in-person (not online) certification program in American Heart Association CPR and American Red Cross first aid or equivalent in-person programs and provide current proof of certification.~~

(e) Any criminal convictions, except minor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof.

(f) In the case of applicants who intend personally to provide in-office massage therapy or massage therapy, the applicant must also apply for and receive a massage therapist license as provided for in Section 5-100~~87~~.

(g) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the ~~establishment~~ applicant for the license ~~and the managers to work in a massage establishment~~.

(h) Applicants for renewal of an existing license need provide only that information or documentation necessary to insure up-to-date renewal application processing.

5-100~~87~~. Application for Massage Therapist License; Fees.

Any person who desires to perform or provide massage therapy or in-office massage therapy or to perform any massage services in a massage therapy establishment, as defined herein, shall file a written application with the City Clerk and pay a ~~fling~~ fee as approved by the City Council to the City Clerk for the first application, which shall not be refundable and an annual renewal fee as approved by the City Council. A massage therapist license shall be valid for a period of ~~twelve~~ (12) months from the date of issuance. This fee shall cover the cost ~~of to processing~~ the application to include the current KBI fingerprint fee. Only one massage therapy license shall be required for a massage therapist regardless of the activity or activities the therapist engages in that are permitted by this ~~chapter~~ Article. Sole practitioners (who own and operate an establishment and are the only massage therapist on the premises), apply for a massage therapist license of any type and have successfully obtained a massage therapy establishment license or in office massage therapy license are exempt from paying the massage therapist license fee.

The application for a massage therapist license shall contain the following:

(a) Name, address, and telephone number.

(b) Two portrait photographs at least two inches by two inches ~~and a copy of a valid government issued identification card issued by the State of Kansas or Missouri~~.

(c) Applicant's weight, height, color of hair and eyes, and fingerprints, provided once an applicant ~~has~~ submitted fingerprints, they shall not be required to submit new fingerprints for any renewal application for that person.

(d) Written evidence that the applicant is at least 18 years old.

(e) Business, occupation, or employment of the applicant for the three (3) years immediately ~~prior~~ ~~preceeding~~ to the date of application.

(f) ~~Disclosure of Whether such person has ever been convicted any criminal convictions or diversions, except minor traffic violations, and fully disclose the jurisdiction in which convicted or diverted and the offense for which convicted or diverted. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.~~

(g) The position or function the applicant ~~is being hired to will~~ perform services within ~~such~~ each location establishment. (If applicable).

(h) Authorization for the City, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.

(i) Proof of the education and experience requirements set forth at 5-1005 herein.

(j) Copy of valid government issued identification card issued by the State of Kansas or Missouri.

(k) History of the applicant, whether such person, in operation in Kansas or another state under an establishment license, a therapist license or under another name had such license revoked or suspended and the reason therefor.

5-10098. Massage Therapy Establishment and In-Office Massage Therapy Establishment Business License Application Processing.

Upon receipt of a complete application for a "massage therapy establishment business license," the City Clerk shall immediately transmit one copy of the application to the Chief of Police for investigation of the application, which will include a background check. In addition, the City Clerk shall transmit a copy of the application to the Planning Director, Building Official, Code Enforcement Officer and Fire Chief, **as applicable**. It shall be the duty of the Chief of Police to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license. The Chief of Police shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk. It shall be the duty of the Planning Director, Building Official, Code Enforcement Officer and Fire Chief to determine whether the structure where the massage therapy business will be conducted complies with the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City, provided the premises need not be designed or set up for the requirements of a license being issued, provided further, all other code and zoning requirements must be met. All standards for premises set forth in 5-10176 must be met prior to the first day the premises ~~are~~ opens for business. The Planning Director, Building Official, Code Enforcement Officer and Fire Chief shall report the results of their investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk. Upon receipt of the reports from the Chief of Police, Planning Director, Building Official, Code Enforcement Officer and Fire Chief, the City Clerk shall schedule the application for consideration by the Governing Body at the earliest meeting consistent with the notification requirements established by law, provided the license application shall be approved or disapproved within 45 days from the date ~~of filing of a completed application~~ with the Clerk's office. The applicant shall be notified ~~in writing~~ of the date when the Governing Body will consider the application, at which time the applicant will be afforded an opportunity to be heard. If there exist inspection items that relate to the structural design of the premises that cannot be verified prior to consideration of the applications by the Governing Body, the ~~Governing Body may approve the application and a license issued contingent upon satisfactory resolution of any such items. City Clerk, Chief of Police, Planning Director, Building Official, Code Enforcement Officer and Fire Chief may approve the application contingent on a final inspection prior to issuance of the license.~~

5-10109. Identification Cards.

All ~~or any~~ massage business establishment owners, managers or massage therapists issued a license pursuant to the provisions of this ~~Chapter~~Article shall, at all times when working in an establishment or providing any service regulated by this ~~Chapter~~Article, have in their possession a valid identification card issued by the City **to include bearing** the massage therapist's license number, physical description, and a photograph.

Such identification cards shall be laminated to prevent alteration. Provided, that all persons granted licenses under this ~~Chapter~~Article shall at all times keep their licenses available for inspection upon request of any person who by law may inspect same. Provided further that all licensees shall, when conducting in-office massage therapy or massage therapy off their business premises, wear on their clothing in a conspicuous location their identification card.

5-10140. Issuance of Massage Therapy Establishment Business License.

After the filing of an application in the proper form, the Governing Body shall examine the application, and after such examination, shall approve the issuance of a license for an in-office massage therapy establishment or a massage therapy establishment, unless the Governing Body finds that:

(a) The correct license fee ~~has not been~~was not tendered to the City, and, in the case of a check or bank draft, honored with payment upon presentation;

(b) The ~~establishment~~ operation, as proposed by the applicant, if permitted, would not comply with all applicable laws ~~to include~~ing, but not limited to, the City's building, zoning, and health regulations;

(c) The applicant, if an individual, ~~;~~ or any of the stockholders ~~who holds~~ing more than 10% of the stock of the corporation, any of the officers and directors, if the applicant is a corporation; or any of the partners, ~~to include~~ing limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, having been convicted of, or diverted on,

(1) a ~~person~~ felony, as defined by Kansas law;

(2) a ~~non-person~~ felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;

(~~23~~) an offense involving sexual misconduct with children;

(~~34~~) obscenity;

(~~45~~) promoting prostitution ~~or equivalent charge~~ as defined by K.S.A. 21-3513;

(~~56~~) solicitation of a lewd or unlawful act;

(~~67~~) prostitution;

(~~78~~) pandering or other sexually related offense;

(9) any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years preceding the date of the application.

(d) The applicant ~~has knowingly~~ made any false, misleading, or fraudulent statement of fact in the license application or in any document required by the City in conjunction therewith;

(e) The applicant ~~or manager~~ has had a massage therapy establishment or other similar permit or license denied, revoked, ~~or~~ suspended ~~or has voluntarily surrendered the permit or license in lieu of revocation or suspension~~ for any of the above causes by the City or any other State or local agency within ~~five (5)~~ten (10) years prior to the date of the application;

(f) ~~The~~Any establishment applicant ~~or manager~~ has previously been issued a license for an adult entertainment business or escort service, or has been employed by any such establishment.

(g) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, ~~to include~~^{ing} limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, has not attained the age of 18 years; and

(h) The manager or other person principally in charge of the operation of the business would be ineligible to receive any license under the provisions of this ~~Chapter~~^{Article}.

The record of the Governing Body shall show the action taken on the application, and if the license is granted, the Governing Body shall direct the City Clerk to issue the proper license. The license shall state that it is not transferable or refundable. The license shall be kept posted in an **open and** conspicuous place on the premises of the licensee. If an application ~~is~~^{nt} ~~disapproved~~^{denied}, the applicant shall be immediately notified by certified mail, return receipt requested, mailed to the last known mailing address of the applicant, and the notice shall state the basis for the disapproval. Any applicant aggrieved by the disapproval may seek judicial review to the Wyandotte County District Court as provided by law. ~~Any license issued under the provisions of this Chapter shall at all times be displayed by the licensee in an open and conspicuous place on the premises where the licensed business is conducted.~~ Upon denial, any establishment applicant shall be ineligible to reapply for any license under this Article for a period of one year from the date of denial.

5-10121. Application Processing and Issuance of Massage Therapist License.

The City Clerk shall issue a massage therapist license within 21 days following application, unless he/she finds that:

(a) The applicant for the massage therapist license has been convicted of, or diverted on,

(1) a **person felony, as defined by Kansas Law;**

(2) **a non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;**

(23) an offense involving sexual misconduct with children;

(34) obscenity;

(45) promoting prostitution as defined by K.S.A. 21-3513;

(56) solicitation of a lewd or unlawful act;

(67) prostitution;

(78) pandering or other sexually related offense;

(9) **any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years preceding the date of the application.**

(b) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the license application or in any document required by the City in conjunction therewith;

(c) ~~The applicant had a massage establishment or therapist permit or license denied, revoked or suspended or involuntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) year prior to the date of application.~~

(d) ~~The applicant was issued a license for an adult entertainment business or escort service or was employed by any such establishment within ten (10) year prior to the date of application.~~

(e) The applicant has not attained the age of 18 years.

(c) That the correct license fee has not been tendered to the City, and in the case of a check or bank draft, honored with payment upon presentation;

(d) That the applicant has not successfully completed the education standards required under the provisions of this ~~Chapter~~Article.

The record of the Governing Body shall show the action taken on the application, and if the license is granted, the Governing Body shall direct the City Clerk to issue the proper license. The license shall state that it is not transferable or refundable. The license shall be kept posted in an open and conspicuous place on the premises of the licensee. If an application is denied, the applicant shall be immediately notified by certified mail, return receipt requested, mailed to the last known mailing address of the applicant, and the notice shall state the basis for the disapproval. Any applicant aggrieved by the disapproval may seek judicial review to the Wyandotte County District Court as provided by law. Upon denial, any establishment applicant shall be ineligible to reapply for any license under this Article for a period of one year from the date of denial.

5-10132. Revocation or Suspension of Business License.

(a) Any business license issued for an in-office massage therapy establishment or a massage therapy establishment may be suspended or revoked by the City Clerk **for a violation of any of the provisions of this Article or the licensee or any establishment representative was convicted of any offense which would make them ineligible to receive a license; or in any case, in which the licensee or an establishment representative refused to permit, or hindered any City representative to conduct any investigation or inspection provided for in this Article.**

(b) ~~but only after giving w~~Written notice shall be sent to the person entitled to notice as stated in the business license; and at the location specified in the license for notice. This notice shall state the specific basis for suspension or revocation; and shall notify the licensee of the licensee's right to a hearing before the Governing Body to appeal the suspension or revocation. Any of the following shall establish a sufficient basis for suspension or revocation of the business license, if a licensee, its employee, or agent:

- (1) Is convicted of any offense which is a felony, the record of conviction being conclusive evidence thereof.
- (2) Supplies false information to the permit administrator or Police on the application for licensure or licensure renewal.
- (3) Allows the use of his or her establishment by an unlicensed person.
- (4) Violates any zoning, building or fire prevention ordinance.
- (5) Uses fraudulent, false, misleading or deceptive advertising to describe, promote or advertise any type of business activity or service which is expressly not massage therapy or has otherwise fraudulently engaged in massage therapy.
- (6) Has been convicted, to include a massage therapist, of any offense found in 5-1011 and 5-1012 herein and the licensee has actual or constructive knowledge of the violation or conviction.
- (7) Conducts or allows to be conducted any other business enterprise in the establishment.
- (8) Conducts any illegal activities or allows them to be conducted by anyone else.
- (9) Has an arrest record for any sexual offense or violation.
- (10) Has fraudulently obtained a license pursuant to the provisions of this ordinance.

- (11) Has ceased to meet any of the requirements for issuance of a massage therapy license or massage therapy establishment license.
- (12) Refuses to permit any duly authorized police officer or employee of the City to inspect the premises or the operations of the licensee.
- (13) Fails to comply with all applicable laws and regulatory provisions herein.

(b) Business Closed and Posted. Upon suspension or revocation of the business license, the business shall cease to operate; and City officials shall post the business as closed.

(c) Appeal. Upon receipt of a written request delivered to the City Clerk, an appeal of the suspension or revocation shall be heard by the Governing Body within thirty (30) days of the suspension or revocation. The licensee may submit evidence at the hearing which is relevant and material to the specific basis for suspension or revocation. The Governing Body shall make a final determination as to suspension or revocation. A licensee aggrieved by the decision of the Governing Body may appeal the decision to the Wyandotte County District Court as provided by law. (Ord. 2355)

5-10143. Revocation of Massage Therapist License.

(a) Any Massage Therapist license issued for a massage therapist may be suspended or revoked by the City Clerk **for a violation of any of the provisions of this Article or the licensee or any establishment representative was convicted of any offense which would make them ineligible to receive a license; or in any case, in which the licensee or an establishment representative refused to permit, or hindered any City representative to conduct any investigation or inspection provided for in this Article.**

(b) ~~but only after giving w~~Written notice shall be sent to the person entitled to notice as stated in the Massage Therapist license; and at the location specified in the license for notice. This notice shall state the specific basis for suspension or revocation, and shall notify the licensee of the licensee's right to a hearing before the Governing Body to appeal the suspension or revocation. Any of the following shall establish a sufficient basis for suspension or revocation of the Massage Therapist license, if a licensee:

- (1) Is convicted of any offense which is a felony, the record of conviction being conclusive evidence thereof.
- (2) Supplies false information to the permit administrator or Police on the application for licensure or licensure renewal.
- (3) Uses fraudulent, false, misleading or deceptive advertising to describe, promote or advertise any type of business activity or service which is expressly not massage therapy or has otherwise fraudulently engaged in massage therapy.
- (4) Convicted of any offense found in 5-1011 and 5-1012 herein.
- (5) Conducts any other business enterprise in the establishment.
- (6) Conducts any illegal activities.
- (7) Has an arrest record for any sexual offense or violation.
- (8) Has fraudulently obtained a license pursuant to the provisions of this ordinance.
- (9) Has ceased to meet any of the requirements for issuance of a massage therapy license.
- (10) Refuses to permit any duly authorized police officer or employee of the City to inspect the records of the operations of the licensee.

(11) Fails to comply with all applicable laws and regulatory provisions herein.

(b) Upon suspension or revocation of the Massage Therapist license, the Massage Therapist shall cease to operate in the City of Bonner Springs.

(c) Appeal. Upon receipt of a written request delivered to the City Clerk, an appeal of the suspension or revocation shall be heard by the Governing Body within thirty (30) days of the suspension or revocation. The licensee may submit evidence at the hearing which is relevant and material to the specific basis for suspension or revocation. The Governing Body shall make a final determination as to suspension or revocation. A licensee aggrieved by the decision of the Governing Body may appeal the decision to the Wyandotte County District Court as provided by law. (Ord. 2355)

5-10154. Inspection Necessary.

No business shall be conducted on a licensed premises unless an inspection by the Building Official or an authorized representative reveals that the establishment complies with each of the following minimum requirements:

(a) The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt, or refuse. All equipment used in the business's operation shall be maintained in a clean and sanitary condition. Towels, linen, and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. No service or practice shall be carried on within any cubicle, room, booth, or any area within any permitted establishment which is fitted with a door ~~capable of being~~ that can be locked. These provisions are not applicable to an in-office massage therapy establishment.

(b) Toilet facilities shall be provided in convenient locations. When five (5) or more massage establishment employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. ~~Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.~~ These provisions are not applicable to an in-office massage therapy establishment.

(c) Lavatories or wash basins provided with both hot and cold ~~running~~ water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels. These provisions are not applicable to an in-office massage therapy establishment.

(d) ~~At least one water fountain, water cooler or bottled water shall be provided but shall not be located in toilet rooms or bathrooms.~~

The Building Official shall certify that the proposed business establishment complies with all of the requirements of this Section and shall give or send such certification to the City Clerk and Chief of Police. Provided, however, that nothing contained herein shall be construed to eliminate other requirements of statute or ordinance ~~that relates to~~ ~~concerning~~ the maintenance of premises, nor to preclude authorized inspection thereof.

5-10165. Inspections, Immediate Right of Entry.

The Police Department and Building Official may from time to time make an inspection of each licensed establishment in this City, to include those locations where an in-office massage therapy establishment conducts its business ~~and areas where a therapist performs massage therapy, for the purposes of~~ determining that the provisions of this ~~Chapter~~ ~~Article~~ are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee, ~~manager or representative~~ to fail to allow such inspection officer immediate access to the premises or to hinder such officer in any manner. Provided further, that any failure on the part of any licensee, ~~manager or employee~~ ~~representative~~ to grant immediate access to such inspector shall be grounds for the revocation or suspension of any business or employee license.

5-10176. Operation Regulations.

The operation of any in-office massage therapy establishment or massage therapy establishment, **to include the provision of service by massage therapists**, shall be subject to the following regulations:

(a) Hours. Such business shall be closed and operations shall cease between the hours of 10:00 p.m. and 6:00 a.m. each day provided the hours of operation for in-office massage therapy may be extended for in-office therapy conducted on premises **having bona fide with established** evening and night shifts.

(b) Separation of sexes. It shall be unlawful for customers of opposite sex to receive treatment in the same room or the same quarters at the same time. This provision is not applicable to in-office massage therapy establishments.

(c) Danger to safety, health. No service shall be given which is clearly dangerous or harmful in the opinion of the Building Official, **Property Maintenance Code Enforcement** Officer or Fire Chief to the safety or health of any person, and after such notice in writing has been delivered to the licensee from such director.

(d) Alcoholic beverages. No alcoholic beverages or cereal malt beverages, nor the consumption thereof, shall be allowed, permitted, or suffered to be done in or upon any premises licensed under the provisions of this **Chapter Article** or during in-office massage therapy. Provided this restriction shall not apply to businesses where the licensed massage therapy is accessory to the predominant business purpose of the establishment, provided further, no alcohol is permitted on that portion of such premises where massage therapy occurs.

(e) Conduct of premises. All licensees licensed under the provisions of this **Chapter Article** shall at all times be responsible for the conduct of business on their licensed premises and for any act or conduct of his or her employees which constitutes a violation of the provisions of this **Chapter Article**. Any violation of the City, State, or federal laws committed on the licensed premises by any such licensee or employee affecting the eligibility or suitability of such person to hold a license or may be grounds for suspension or revocation of same.

(f) Every portion of a licensed establishment, **to include**ing appliances, and personnel shall be kept clean and operated in a sanitary condition.

(g) All **employees licensees and representatives** shall be clean and wear clean, **modest** outer garments. On all premises except in-office massage therapy establishments, provisions for a separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(h) All licensed employees and massage therapists must be modestly attired. Diaphanous or transparent clothing is prohibited. Clothing must cover the licensee's employees' or massage therapists' chests at all times.

(i) The private parts of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee or massage therapist. Any contact with a patron's genital area is strictly prohibited.

(j) All licensed establishments, when applicable, shall be provided with clean, laundered sheets and towels in sufficient quantity and such items shall be laundered after each use thereof and stored in a sanitary manner.

(k) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs **or individual soak areas** shall be thoroughly cleaned after each use.

(l) Table showers are strictly prohibited.

(m) No individual shall reside, inhabit or otherwise sleep overnight at an establishment with the exception of the licensee who operates an establishment in his/her home or residence but shall not reside, inhabit or sleep in the portion of the home or residence devoted to the practice of massage therapy.

5-10187. Supervision.

A licensee shall have the premises supervised at all times when open for business. The licensee or a person employed as a Massage Therapist **H** shall personally supervise the business, and shall not violate or permit others to violate, any applicable provision of this **Chapter Article**. The violation of any such provision by any agent or employee of the licensee shall constitute a violation by the licensee.

5-10198. Employee and Patron Registers.

(a) All ~~operatorsestablishments~~ licensed under the provisions of this ~~ChapterArticle~~ shall keep and maintain on their premises a current register of all their ~~employeeestablishment representatives and list showing~~ such employee's name, address and license number. Such register shall be open to inspection at all reasonable times by any health inspector or members of the Police Department.

(b) Every person who engages in or conducts a licensed establishment shall keep a daily register of ~~services provided and~~ all patrons, with names, addresses, and hours of arrival and, if applicable, the rooms or cubicles assigned. Said daily register shall at all times during business hours be subject to inspection by City ~~health~~ officials and by the Police Department and shall be kept on file for one (1) year.

5-102019. Persons Under Age 18 Prohibited Services.

No licensee shall perform or permit any massage therapy to be provided to a person under the age of 18, provided a person under the age of 18 may utilize or receive massage therapy from a licensed massage therapist if accompanied by a parent or legal guardian and a parent or legal guardian ~~has~~ authorized such therapy in writing.

5-10240. Advertising.

No establishment granted a license under provisions of this ~~ChapterArticle~~ shall place, publish, or distribute or cause to be placed, published, or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in 5-1001, or that employees or massage therapists are dressed in any manner other than described in 5-10176., ~~nor shall any establishment indicate in the text of such advertising that any service is available other than those services described in 5-1001.~~

5-10221. Transfer of Licenses; Other Licenses and Fees.

(a) No massage therapy establishment or in-office massage therapy establishment, or massage therapist licenses are transferable and such authority as a license shall be conferred only on the licensee named therein.

(b) Any applications made, fees paid, and licenses obtained under the provisions of this ~~ChapterArticle~~ shall be in addition to and not in lieu of any other fees, permits or licenses required to be paid or obtained under any other ordinances of this City.

5-10232. Applicability to Existing Businesses.

The operators of any existing massage therapy establishment or in-office massage therapy establishment must comply with all provisions of this ~~ChapterArticle~~, subject to the educational and experience requirements set forth in Section 5-1005.

5-10243. Exceptions.

The provisions of this ~~ChapterArticle~~ shall not apply to hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice the healing arts, persons licensed to practice as a registered professional nurse under the laws of this State, persons licensed to practice as a physical therapist under the laws of this State, or persons working under the direction and supervision of any licensed healing arts practitioner or in any such establishment, nor shall this ~~ChapterArticle~~ apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by this state.

5-10254. Further Regulations.

The City Clerk, Chief of Police or the City Manager may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this ~~ChapterArticle~~.

5-10265. Restriction of Business to Premises.

(a) All massage therapy (not to include in-office massage therapy) provided for under this ~~Chapter~~Article shall be conducted on the premises of a licensed massage therapy establishment, provided massage therapy may be conducted in a private residence under the following conditions:

- (1) If done at the direction of a licensed healing arts practitioner, or
- (2) If done at the written request of a person that shall provide the name and address of the requesting person, the date and time of the service, and the fees charged for the service. When private residence massage therapy is offered, whether by telephone, in person or in writing, the person offering such service must state clearly that they are a licensed massage therapist or that the service will be performed by a licensed massage therapist and that prior to any service being provided the person requesting the service will be required to sign a form requesting the service. All such written requests shall be kept by the licensed massage therapy establishment for a period of one (1) year and shall be produced for inspection when requested by any City official. Private residence massage therapy shall not be conducted between the hours of 10:00 p.m. and 9:00 a.m.

(b) All license massage therapy establishments shall be operated from a commercial business premise or shall be allowed by Special Use Permit in R-1 and R-1A residential zoning districts upon review and recommendation by the Planning Commission and approval by the Governing Body. Sole practitioners (therapists who work alone), are required to have both a massage therapist license and massage therapy establishment license and may work from a commercial business premise or private home, residence or non-commercial business establishment. (Ord. 2158, 1-2007)

(c) Massage therapy is permitted in the guest rooms of hotels and bed and breakfast establishments upon written approval of the hotel and bed and breakfast owners and/or managers.

ITEM NO. 1.

**City Council Regular Agenda
Monday, September 8, 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 - Marlin Kerby

ACTION: Presentation of Proclamation

STAFF RECOMMENDATION: None

The Mayor will present a Proclamation to Marlin Kerby to honor him for his service to his country and community and for his planned participation in the Honor Flight Program to Washington DC on September 11, 2014.

ITEM NO. 2.

**City Council Regular Agenda
Monday, September 8, 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. 3.

**City Council Regular Agenda
Monday, September 8, 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 August 25, 2014 City Council Meeting

ACTION: Make a Motion to Approve the Minutes of the Regular Meeting Held on August 25, 2014

STAFF RECOMMENDATION: The City Clerk Recommends Approval

Enclosed are the minutes for approval and the Workshop Minutes for information.

City Council Minutes – Regular Meeting – Monday, August 25, 2014

The Bonner Springs City Council met in regular session at 7:30 p.m. on Monday, August 25, 2014.

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

Governing Body Absent: Councilmember Racheal Haas

City Staff Present: Jack Helin; City Manager; Rita Hoag, City Clerk; Krista Gentry, Public Housing Authority Director and Matt Beets, Project Manager

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

Item No. 1 – Citizen Concerns About Items Not on Today’s Agenda – Mickey Hylton, 13840 Woodend Road, thanked the City Council for the work on 142 Street and commended the Police Department on their quick response to a call last week.

Bill Miller, 629 Lake Forest, thanked the Mayor, City Council and Staff for their hard work to protect businesses along K-7.

CONSENT AGENDA

The Mayor read the Consent Agenda Items 2 through 7 and asked the Staff, audience or City Council if they wished to remove an item for separate consideration. No items were removed.

Item No. 2 – Minutes of the August 11, 2014 City Council Meeting – Presented for approval.

Item No. 3 – Claims for City Operations – August 25, 2014 – Presented for approval were the Supplement Claims in the amount of \$121,053.41 and Regular Claims in the amount of \$551,554.08.

Item No. 4 – Public Housing Authority Claims – August 25, 2014 – Presented for approval in the amount of \$23,800.89.

Item No. 5 – Appointments to Boards and Commissions – Planning Commission: Appoint Mark Yates to fill an expired position that ended August 2012 for a three-year term to expire August 2015.

Item No. 6 – League Voting Delegates for Annual Conference Business Meeting– The nominations for the two voting delegate positions for the business and policy session to be held on Monday, October 13, 2014 in Wichita as part of the Annual League Meeting were the Mayor and Council President.

Item No. 7 – Massage Therapy Business Establishment License for Medieval Massage and Therapist License for Anne Platt - Ann Platt submitted renewal applications for a Massage Therapy Business Establishment License and a Massage Therapist II License. She paid the required fee and provided the required continued education certification. The Police Department conducted a background check and found no violations. The recommendation for approval is contingent upon a satisfactory safety inspection.

CONSENT AGENDA APPROVAL

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

REGULAR MEETING AGENDA

Item No. 8 – Public Housing Authority Admission and Continued Occupancy Policy Public Hearing – The Mayor opened the Public Hearing at 7:37 p.m. The Public Housing Authority (PHA) Director made a presentation:

➤ Proposed Timeline: August 6, 2014 – Resident overview, August 25, 2014 – Public Hearing at City Council, September 8, 2014 (tentative) – City Council to vote on proposed policies, October 1, 2014 (tentative) - Policies become effective.

➤ The PHA currently gives preference to senior and disabled applicants for studio and one-bedroom apartments. The proposed change allows the PHA to give preference to senior and disabled applicants for all apartment sizes and to offer preference to employed families.

➤ Housing and Urban Development (HUD) requires forty percent (40%) of new admissions must have incomes thirty percent (30%) or less of the area median income.

➤ Proposed changes to Rent Collection and Fees:

- Rent Late: Currently rent is late on the fifteenth day of the month and the proposed change makes rent late on the fifth day of the month.
- Late Fees: Current late fees are ten percent (10%) of rent and the proposed change makes the late fee a flat twenty-five dollar fee.
- Payment Types: Currently the PHA accepts cash and the PHA proposes to not accept cash payments.

- Maintenance/Damage: Currently residents are charged time and material costs and the proposed change charges residents a flat fee.
 - Legal Costs: Currently the PHA pays all costs associated with lease/eviction enforcement and the proposed change makes the resident responsible for if the PHA prevails.
- HUD recommends the PHA recertify income every ninety days and request receipts for items for which the resident paid cash and for bills which family members or others pay for zero income or sporadic income residents.
- The PHA will implement a transfer hierarchy: Emergency Transfers, Category 1 Admin Transfers, Category 2 Admin Transfers, Category 3 Admin Transfers and new Applicants
- Repayment Agreements will equal forty percent (40%) of monthly adjusted income and the PHA will not execute repayment for additional debt if one is already in place or the resident committed fraud.
- The Mayor closed the Public Hearing at 7:45 p.m.

Item No. 9 – Acceptance, Final Change Order and Final Payment for the 2014 Concrete Project – The Project Manager made a presentation:

- City Staff identified additional areas outside the original annual concrete program that needed repair.
- The City authorized the contractor to add the additional work at an additional cost of \$8,727.25.
- The contractor replaced 863 linear feet of curb, 8,040 square feet of sidewalk and 3,361 square feet of concrete surface.
- The City Council awarded the 2014 Concrete Program to McAnany Construction in the amount of \$94,674.50. The Final change order of \$8,727.25 leaves a balance in contingency of \$6,085.75 which the City will carry over to 2015. The total cost of the 2014 Concrete Program is \$103,401.75.
- Acceptance activates the two-year maintenance period.
- Staff recommends City Council approval.

Reeves made a Motion to Approve Acceptance, a Final Change Order and Final Payment to McAnany Concrete in the Total Amount of \$13,903.25. Reeves seconded the motion and it carried on a vote of seven to zero.

Item No. 10 – City Manager’s Report – The City Manager stated the Police Department will purchase two different varieties of body cameras for Police Officers to test and evaluate. Cities who have used the body cameras have seen significant decline in false claims against officers.

Item No. 11 – City Council Items –

- Reeves commended the work City Staff did last week for Tiblow Days.
- Knight asked if the contractor will complete the street work on Warner and East Morse. The City Manager stated the contractor finished those streets today.
- Shannon thanked Matt for the long hours he worked to prepare for Tiblow Days.

Item No. 12 – Mayor’s Report –

- Complimented City Staff on the work on Tiblow Days, the parade and the Mayor’s Banquet.
- Thanked Councilmember Peterson who transported people on Tiblow Transit vehicles who would not otherwise be able to attend the City Band Concert.

The meeting adjourned at 8:05 p.m.

Rita Hoag, City Clerk

City Council Workshop Meeting – Monday, August 25, 2014 – 6:30 p.m.

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

Governing Body Absent: Councilmember Racheal Haas

City Staff Present: Jack Helin; City Manager; Rita Hoag; City Clerk and Don Slone, Planning Director

WS – 1 – Second Review KDOT Letter Response to Resolution 2012-14 (K-7 MOU) – The City Manager stated this is the second review of possible responses to KDOT about their response to Resolution 2012-14. Staff provided information at the August 11 Workshop meeting. All items are dependent on funds. When the City Council reaches consensus Staff will draft a letter to KDOT and request a KDOT representative meet with the City Council.

1. Design and construct the Nettleton Avenue Extension as an integrated part of Phase 5 prior to any construction on K-7 – Consensus reached with no opposition – Yes.
2. Design and construct Cheyenne Avenue from K-7 west to 132 Street prior to any construction on K-7 – Consensus reached with no opposition – Yes.
3. Design and construct Tulip Drive south to intercept Nettleton Avenue as shown on the Kerry Roberts Park KDOT Impact Sheet dated June 10, 2010 prior to construction on K-7 – Consensus reached with no opposition – Yes.
4. Coordinate and cooperate with KDOT to ensure relocation of all City utilities well ahead of any road construction projects – Consensus reached with no opposition – Yes.
5. Participate in the Final Design and construction of Canaan Center Drive Extension and 134 Street from Kansas Avenue to Riverview Avenue – Consensus reached with no opposition – Yes.
6. Establish a “Joint” KDOT/City Construction Mitigation Program (CMP) for Phases 5, 6 and 10 – Consensus reached with no opposition – Yes.

The meeting adjourned at 7:29 p.m. with discussion to continue at the end of the regular meeting. The Workshop Meeting reconvened at 8:10 p.m. after the regular meeting adjourned.

General discussion included:

- KDOT projects to start Phase 5 in 2020 unless funds are available earlier.
- The Planning Director provided projected cost estimates for Phase 5, 6 and 10.
- Councilmembers concern was if it is less detrimental to the City for KDOT to implement Phase 5 or Phase 6 first.

7. Determine the order of Construction for Phase 5 and 6
 - Construct Phase 6 before Phase 5 – Consensus reached – No.
 - Leave Phase 5 as is and construct as soon as possible – Consensus reached – Yes.

The meeting adjourned at 8:45 p.m.

ITEM NO. 4.

**City Council Regular Agenda
Monday, September 8, 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: Claims for City Operations for September 8, 2014

ACTION: Make a Motion to Approve the Claims for City Operations for September 8, 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 \$44,975.32 and the Regular Claims in the amount of \$197,342.39.

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: 09/03/2014

Time: 4:30 pm

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
UNION BANK & TRUST Checks							
124731	08/26/2014	Printed		2847	FRANKLIN COUNTY SHERIFF'S	NOTICE APPEAR PROCESSING FEE	45.00
124732	08/28/2014	Printed		4413	AT & T 5001	PHONE SERVICE	3,181.39
124733	08/28/2014	Printed		7084	AT&T U-VERSE	INTERNET SVC 7/10-8/9	340.00
124734	08/28/2014	Printed		0122	BONNER SPGS FIREFIGHTERS ASSC	PAYROLL DEDUCTIONS	109.00
124735	08/28/2014	Printed		2851	JANEY CASTRO	COURT BOND REFUND	334.00
124736	08/28/2014	Printed		7193	CHASE PROCESSING	PAYROLL DEDUCTIONS	695.00
124737	08/28/2014	Printed		6225	JEFFREY HARRIS	PAYROLL CORRECTION	828.00
124738	08/28/2014	Printed		0898	ICMA RETIREMENT CORPORATION	PAYROLL DEDUCTS/BENEFITS	2,015.69
124739	08/28/2014	Printed		0981	ING FINANCIAL PARTNERS	PAYROLL DEDUCTIONS	411.00
124740	08/28/2014	Printed		2852	LISA ISABELL	UTIL. BILL. OVERPAYMENT REFUND	12.36
124741	08/28/2014	Printed		3108	JC COMMUNICATIONS BEST	AFTER HRS ANSWERING SVC	83.00
124742	08/28/2014	Printed		3960	JOHN HANCOCK	PAYROLL DEDUCTS/BENEFITS	310.00
124743	08/28/2014	Printed		2195	KANSAS PAYMENT CENTER	PAYROLL DEDUCTIONS	851.22
124744	08/28/2014	Printed		2014	KCPL	ELECTRIC SERVICE	246.32
124745	08/28/2014	Printed		9879	MAINSTREET CREDIT UNION	PAYROLL DEDUCTIONS	2,862.32
124746	08/28/2014	Printed		1478	NFPA	CODE SUBSCRIPTION-FIRE	1,165.50
124747	08/28/2014	Printed		3361	PURCHASE POWER	POSTAGE FOR METER	1,250.00
124748	08/28/2014	Printed		4441	TMHC SVCS INC	DRUG POOL EXPENSES	310.25
124749	08/28/2014	Printed		4137	UNIVERSITY OF KS HOSPITAL AUTH	PHYSICALS & DRUG SCREENS	411.00
124750	08/28/2014	Printed		3790	WESTAR ENERGY	ELECTRIC SERVICE	29,514.27
Total Checks: 20						Checks Total (excluding void checks):	44,975.32
Total Payments: 20						Bank Total (excluding void checks):	44,975.32
Total Payments: 20						Grand Total (excluding void checks):	44,975.32

Check Register Report

CHECK REGISTER

Date: 09/04/2014

Time: 9:59 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
UNION BANK & TRUST Checks							
124751	09/03/2014	Printed		0293	ABY MANUFACTURING GROUP INC	AWARD BAR-PD	132.25
124752	09/03/2014	Printed		2791	AKC CONSTRUCTION LLC	ROOF REPAIR-WATER OFFICE	700.00
124753	09/03/2014	Printed		3562	ALAMAR	UNIFORMS-POLICE	1,228.44
124754	09/03/2014	Printed		5889	AMSTERDAM PRINTING & LITHO COR	MEDICAL INFO FILE FOLDERS/HR	137.67
124755	09/03/2014	Printed		0825	ARLAN CO INC	FIELD MARKING PAINT-PARKS&REC	252.50
124756	09/03/2014	Printed		3303	ASPHALT SALES CO INC	ASPHALT-PW	6,550.43
124757	09/03/2014	Printed		5615	AT & T 5011	SPECIAL CIRCUITS & ALARMS	291.58
124758	09/03/2014	Printed		2855	ROSE BAILEY	MILEAGE EXPENSE 8/11-8/22	13.44
124759	09/03/2014	Printed		5979	BILL'S FLOOR MACHINE SVC	FLOOR MACHINE REPAIR	432.80
124760	09/03/2014	Printed		5996	BLISS ASSOCIATES LLC	APPRAISAL OF 130 N NETTLETON	2,500.00
124761	09/03/2014	Printed		0117	BOARD OF PUBLIC UTILITIES	WATER USAGE/JULY 2014	26,556.28
124762	09/03/2014	Printed		2849	BOCKYN LLC	RECREATION SOFTWARE FEES	930.00
124763	09/03/2014	Printed		7027	BONNER SPRINGS ANIMAL CARE CTR	VET SERVICES-PD	1,027.00
124764	09/03/2014	Printed		6099	BOYER-KANSAS INC	SHREDDING SERVICE-EMS	47.80
124765	09/03/2014	Printed		4847	DUSTIN CARE	MILEAGE EXPENSE 7/1-8/27	68.32
124766	09/03/2014	Printed		7102	CENTRAL SECURITY GROUP-	SECURITY SYSTEM MONITORING	122.00
124767	09/03/2014	Printed		6354	CINTAS FAS LOCK BOX 636525	FIRE EXTINGUISHER INSPECTIONS	182.54
124768	09/03/2014	Printed		2410	CITY TREASURER KCK	RESIDENTIAL REFUSE SVC	30,118.38
124769	09/03/2014	Printed		3895	CLAYTON PAPER INC	COPY PAPER-POLICE	471.20
124770	09/03/2014	Printed		0213	COLEMAN EQUIPMENT INC	MOWER PARTS-PW	15.99
124771	09/03/2014	Printed		0218	COMMENCO INC	RADIO MAINTENANCE-PD	401.00
124772	09/03/2014	Printed		0222	CONRAD FIRE EQUIPMENT INC	VEH MAINT-FIRE	451.38
124773	09/03/2014	Printed		2865	CLAYTON CROUCH	PART F/ CHEESE MACHINE-POOL	35.00
124774	09/03/2014	Printed		1739	CUSTOM WELDING & FABRICATION	HANDRAILS & SIGN FRAMES-COM CNT	1,910.96
124775	09/03/2014	Printed		0238	DEFFENBAUGH DISPOSAL SERVICE	DUMPSTER RENTAL	115.86
124776	09/03/2014	Printed		0014	DEFFENBAUGH INDUSTRIES INC	PORTABLE TOILET RENTAL	150.00
124777	09/03/2014	Printed		2268	DIVISION OF ACCOUNTS & REPORTS	2013 AUDIT FILING-FINANCE	150.00
124778	09/03/2014	Printed		4329	JAMES DOBBS	MILEAGE EXPENSE 8/4-8/22	72.18
124779	09/03/2014	Printed		1075	DSA PRECISION CLEANING	CUSTODIAL SUPPLIES	70.00
124780	09/03/2014	Printed		0263	DUSIL INSURANCE AGENCY	NOTARY BOND-POLICE	75.00
124781	09/03/2014	Printed		2856	JENNIFER EDMONDS	OVERPAYMENT OF COURT FINES	10.00
124782	09/03/2014	Printed		0276	ENVIRONMENTAL LABORATORIES	UT SAMPLES/ANALYSIS-FEB/JUNE	1,119.00
124783	09/03/2014	Printed		2621	EXPRESS WASH AMERICA LLC	CAR WASHES-PD	8.00
124784	09/03/2014	Printed		4342	FELDMANS	UNIFORMS/STREET MAINT SUPPLIES	190.00
124785	09/03/2014	Printed		2857	TIARA FORD	RENTAL DEPOSIT REFUND	200.00
124786	09/03/2014	Printed		7225	FORTILINE, INC	PIPELINE FITTINGS-UT	291.21
124787	09/03/2014	Printed		6465	GILLILAND GROUP PARTNERSHIP	POLICE ADM BLDG LEASE	1,000.00
124788	09/03/2014	Printed		0781	GOODYEAR WHOLESALE TIRE	TIRES-POLICE	255.00
124789	09/03/2014	Printed		2430	HAMBLIN PETROLEUM	MOTOR FUEL	17,277.90
124790	09/03/2014	Printed		4562	HARCROS CHEMICALS INC	CHEMICALS F/WELL MAINTENANCE	1,314.15
124791	09/03/2014	Printed		9428	MARCIA HARRINGTON	MILEAGE EXPENSE 1/15-8/19	95.29
124792	09/03/2014	Printed		1089	HAWKINS, INC	CHEMICALS-UT	1,988.00
124793	09/03/2014	Printed		2813	HD SUPPLY WATERWORKS LTD	DISTRIBUTION MAINT SUPPLIES-UT	2,604.52
124794	09/03/2014	Printed		4717	HD SUPPLY WATERWORKS, LTD	METER INSULATOR-UT	144.00
124795	09/03/2014	Printed		7242	HELGET GAS PRODUCTS INC	OXYGEN - EMS	28.32
124796	09/03/2014	Printed		2850	HERITAGE TRACTOR INC	EQUIP REPLACEMENT PART-PW	180.79
124797	09/03/2014	Printed		2867	RITA HIXSON	REFUND OVERPYMT GRAVE OPENING	85.00

Check Register Report

CHECK REGISTER

Date: 09/04/2014

Time: 9:59 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
UNION BANK & TRUST Checks							
124798	09/03/2014	Printed		0821	HOLLIDAY SAND AND GRAVEL CO	SAND FOR GEMETERY	133.85
124799	09/03/2014	Printed		2858	JOAN HOUGHTON	RENTAL DEPOSIT REFUND	100.00
124800	09/03/2014	Printed		2860	LYNN HUTZEL	RENTAL DEPOSIT REFUND	100.00
124801	09/03/2014	Printed		4261	JCI INDUSTRIES INC	LEI VALLEY PUMP MAINTENANCE-UT	735.00
124802	09/03/2014	Printed		1007	JERRYS NURSERY INC	MULCH FOR DOWNTOWN-PARKS	192.00
124803	09/03/2014	Printed		1022	JO GO LANDFILL INC	LANDFILL CHARGES/AUG 1-15	2,211.86
124804	09/03/2014	Printed		2846	KAUFMAN ENTERPRISES LLC	TRAILER DELIVERY FEE-UT	300.00
124805	09/03/2014	Printed		2756	KAUFMAN TRAILERS OF NE INC	TRAILER F/MINI EXCAVATOR-UT	5,090.00
124806	09/03/2014	Printed		2853	KCK POLICE DEPARTMENT	CRIME ANALYSIS TRAINING-PD	125.00
124807	09/03/2014	Printed		2864	KEVIN KELLY	UTIL BILL OVERPAYMENT REFUND	88.24
124808	09/03/2014	Printed		0593	KS FEDERAL SURPLUS PROPERTY	UNIFORMS-PD	185.00
124809	09/03/2014	Printed		3629	LADD SERVICE COMPANY	HTG & COOLING UNIT F/COMM CNT	7,895.00
124810	09/03/2014	Printed		3003	LAKE OF THE FOREST INC	REFUSE SUBSIDY	247.00
124811	09/03/2014	Printed		0852	LANMAN INCORPORATED	COMPUTER MAINT-PD	377.50
124812	09/03/2014	Printed		5636	TILLIE LAPLANTE	KPERS CONF EXPENSE	45.77
124813	09/03/2014	Printed		2419	LARUE DISTRIBUTING INC	COFFEE AND SUPPLIES-PD/EMS	155.91
124814	09/03/2014	Printed		2128	LAS CORP	VEH MAINT/REPAIRS-PARKS	112.07
124815	09/03/2014	Printed		4600	LAYNE CHRISTENSEN CO	WELL CLEANING & MAINT-UT	13,221.00
124816	09/03/2014	Printed		3030	LEAGUE OF KANSAS MUNICIPALITIES	2014 ORDINANCE CODE-CITY CLERK	368.76
124817	09/03/2014	Printed		3008	LEAGUE OF KS MUNICIPALITIES	LEAGUE JOURNAL AD F/CITY CLERK	115.00
124818	09/03/2014	Printed		3603	LEI VALLEY REDEVELOPMENT LLC	REIMBURSE OFF-SITE SEWERS	3,000.00
124819	09/03/2014	Printed		2704	MCANANY CONCRETE INC	CONCRETE,CURB,SIDEWALK REPAIRS	13,903.25
124820	09/03/2014	Printed		9817	MEDASSURE HEARTLAND, LLC	MEDICAL WASTE DISPOSAL-EMS	36.05
124821	09/03/2014	Printed		6137	METRO COURIER INC	DELIVERY CHARGES-UT	114.56
124822	09/03/2014	Printed		3443	WES MILLS	TROPHIES,PLAQUE,NAME PLATE	160.00
124823	09/03/2014	Printed		7057	MIZE HOUSER & COMPANY P.A.	AUDIT SVC FINAL PAYMNT-FINANCE	1,000.00
124824	09/03/2014	Printed		2478	MOORE MEDICAL CORP	FIRST AID SUPPLIES-EMS/C HALL	72.03
124825	09/03/2014	Printed		2826	SUSAN MUCKENTHALER	INTERVIEWS-PD	649.20
124826	09/03/2014	Printed		2789	MURPHY & SONS ROOFING INC	REPL ROOF F/CONCESSION STAND	7,600.00
124827	09/03/2014	Printed		0136	NEW DIRECTIONS	3RD QUARTER EAP SERVICES	865.10
124828	09/03/2014	Printed		6244	NEXTEL	RAVEN-X/AIR CARDS-PD	174.52
124829	09/03/2014	Printed		3094	NORRIS EQUIPMENT CO LLC	EQUIPMENT REPLACEMENT PARTS-PW	799.59
124830	09/03/2014	Printed		0947	O'REILLY AUTO STORES INC	GENERATOR BATTERIES,AIR FILTER	272.28
124831	09/03/2014	Printed		3531	PERRY & TRENT LLC	PROSECUTOR SERVICES	8,980.00
124832	09/03/2014	Printed		2861	ISABEL PICHARDO	RENTAL DEPOSIT REFUND	100.00
124833	09/03/2014	Printed		7022	POSTMASTER	FIRST CLASS MAIL POSTAGE	825.00
124834	09/03/2014	Printed		0904	PREDATOR TERMITE & PEST CONTROL	LAWN MAINTENANCE, PEST CONTROL	310.00
124835	09/03/2014	Printed		2866	PREMIER AUTOMOTIVE OF KC LLC	VEH MAINT/REPAIRS-PD	50.80
124836	09/03/2014	Printed		7032	PRINTING SYSTEMS	PAYROLL CHECKS	266.31
124837	09/03/2014	Printed		0646	PUSHWATER ENTERPRISES INC	DOOR HANGERS/YELLOW PAPER	80.42
124838	09/03/2014	Printed		3932	QUILL	OFFICE CHAIRS & CHAIR MATS-PD	367.98
124839	09/03/2014	Printed		1570	RESCARE KANSAS INC	LANDSCAPING MAINT-BON BEAUTIFL	75.00
124840	09/03/2014	Printed		5662	ROJANE INC	MAYOR'S BANQUET CATERING	3,478.00
124841	09/03/2014	Printed		6120	ROK BROTHERS INC	VEH/MAINT REPAIRS-PD	565.96
124842	09/03/2014	Printed		3011	ANTHONY R RUSSO	JUDGE PRO-TEM	200.00
124843	09/03/2014	Printed		2402	SHARON CRYSTAL	OCCUPATIONAL LICENSE OVERPYMT	55.00

ITEM NO. 5.

**City Council Regular Agenda
Monday, September 8, 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: Public Housing Authority Claims for September 8, 2014

ACTION: Make a Motion to Approve the Public Housing Authority Claims for September 8, 2014

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

Enclosed are the claims in the total amount of \$3,883.13. Enclosed is a Supplement claim in the total amount of \$571.

Check Register Report

PUBLIC HOUSING CHECK REGISTER

Date: 09/03/2014

Time: 4:39 pm

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
UNION BANK & TRUST-PHA Checks							
96992	09/03/2014	Printed		P580	P DENNIS HUNT	PLUMBING & A/C REPAIRS	370.00
96993	09/03/2014	Printed		P995	P GARY L BLANKENSHIP	MAKE READY 2 UNITS	85.00
96994	09/03/2014	Printed		P422	P KRUEGER CONSULTANTS INC	CONSULTANT/ENG SVC-2012 CFP	750.00
96995	09/03/2014	Printed		P542	P LINDSEY SOFTWARE SYS INC	ACCOUNTING SVCS	135.00
96996	09/03/2014	Printed		P503	P LOWES COMPANIES INC	GARBAGE DISPOSAL,SHOWER DOORS	674.46
96997	09/03/2014	Printed		5642	P PLUMBER TIME INC	PLUMBING MAINTENANCE/REPAIRS	264.00
96998	09/03/2014	Printed		P753	P RICOH USA, INC	COPIER LEASE	297.67
96999	09/03/2014	Printed		P833	P ROBERT E SWANN JR	PAINTING - 1 UNIT	1,307.00

Total Checks: 8	Checks Total (excluding void checks):	3,883.13
Total Payments: 8	Bank Total (excluding void checks):	3,883.13
Total Payments: 8	Grand Total (excluding void checks):	3,883.13

Check Register Report

PUBLIC HOUSING SUPPLEMENTAL

Date: 09/04/2014

Time: 11:07 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
UNION BANK & TRUST-PHA Checks							
96990	08/26/2014	Printed		P827	P ATMOS ENERGY	TENANT UTILITY REIMBURSEMENT	194.13
96991	08/26/2014	Printed		P472	P WESTAR ENERGY	TENANT UTILITY REIMBURSEMENT	376.87
Total Checks: 2						Checks Total (excluding void checks):	571.00
Total Payments: 2						Bank Total (excluding void checks):	571.00
Total Payments: 2						Grand Total (excluding void checks):	571.00

ITEM NO. 6.

**City Council Regular Agenda
Monday, September 8, 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: Public Housing Authority Admission & Continued Occupancy Policy

ACTION: Make a Motion to Approve a Resolution to Approve the Public Housing Authority Admission & Continued Occupancy Policy

STAFF RECOMMENDATION: The Housing Authority Director Recommends Approval

The enclosed memorandum fully explains the HUD requirements for this policy and provides the recommendation for approval by the City Council. The City Council did hold a public hearing on this item at the August 25, 2014 meeting.

We enclosed as Exhibit A behind the memorandum a list of minor changes determined subsequent to the public hearing that remain to be made to the Policy before it is final. The draft of the policy can be read on the City's website at www.bonnerrsprings.org, Departments, Public Housing Authority, Eligibility Guidelines and scroll down to Admissions and Continued Occupancy Policy Draft.

City of Bonner Springs Public Housing Authority



Public Housing Memorandum

Date: September 8, 2014
To: Mayor & City Council
Through: John Helin, City Manager *PHA*
From: Krista Gentry, PHA Executive Director

Subject: Admissions and Continued Occupancy Revisions

Recommendation:

Staff recommends approval of the proposed Admissions and Continued Occupancy Policy.

Background:

The Admissions and Continued Occupancy Policy (ACOP) relates to the administration of the Public Housing program. The U.S. Department of Housing and Urban Development (HUD) requires every public housing authority (PHA) with public housing units to have an approved ACOP. The ACOP that previously guided housing authority operations was approved by resolution in 1994. The purpose of the ACOP is to establish policies for carrying out the program in a manner consistent with HUD requirements and local goals and objectives. The proposed ACOP was available for public review and comment as required.

Discussion:

The current ACOP is twenty years old. The PHA solicited the services of the Nelrod Company to update and revise the 1994 ACOP. They worked with PHA staff to incorporate HUD required language as well as local policies into the proposed ACOP.

Before bringing the ACOP to Council for approval, staff solicited public comment using the following methods:

- Notice of Public Hearing published in the Bonner Springs Chieftain;
- Notice of Public Hearing and draft documents published on the PHA department webpage;
- Notice of public comment and mandatory resident meeting provided to all public housing residents;
- Mandatory resident meetings held where a presentation was provided to residents giving an overview of the ACOP changes impacting current tenants; and
- A public hearing was held soliciting public comment on the proposed policy.

Staff received two (2) verbal comments during the resident meetings and no written comments throughout the public comment process. The comments received are addressed below:

1. *Proposed Policy:* Failure to maintain electrical or natural gas services for more than twenty-four (24) hours shall be considered a serious violation of the terms of the lease and shall be grounds for termination of the Lease.

Public Comment: Resident expressed concern over proposed indicating that if their utilities are turned off for non-payment the utility company often takes longer than 24 hours to reconnect the utility. They also indicated that if they are shut-off, it is for financial reasons and usually takes more than 24 hours to resolve.

Staff Response: HUD regulation 24 CFR 966.4 (f)(5) requires that tenants comply with “all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety” additionally the HUD Public Housing Occupancy Guidebook states the following suggestion for ACOPs: “Retaining utility service is the resident’s obligation under the PHA’s lease. Failure to retain utility service is grounds for eviction.”

In units with resident-paid utilities, each resident receives a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied. This utility allowance is applied as a credit towards the tenants’ rent which reduces the amount of rent tenants pay. If the PHA has to provide a credit to tenants for maintaining utilities, then they should be required to actually maintain the utilities.

Finally, staff did some research on local building codes and utility shutoffs. It is generally a City practice that utility shutoffs lasting longer than 48 hours results in determining a property uninhabitable.

Because tenants will be provided a 14-30 day eviction notice if it is determined that utilities have been shut off for more than 24 hours, staff does not feel modification to this policy is necessary. This type of eviction notice provides 14 days for a tenant to correct the problem or to move out within 30 days.

2. *Proposed Policy:* The PHA dwelling lease imposes charges for... (3) charges for maintenance and repair beyond normal wear and tear. Dwelling Lease states: In addition to rent, Tenant is responsible for the payment of certain other charges specified in this Lease.
 - (a) Maintenance Costs—The cost for services or repairs due to intentional or negligent damage to the dwelling unit, common areas or grounds beyond normal wear and tear caused by Tenant, household members or guests. When PHA determines that needed maintenance is not caused by normal wear and tear, Tenant shall be charged for the cost of such service, either in accordance with the Schedule of Maintenance Charges posted by the PHA or (for work not listed on the Schedule of Maintenance Charges) based on the actual cost to PHA for the labor and materials needed to complete the work. If overtime is required, overtime rates will be charged accordingly.

Public Comment: Resident expressed concern over being charged for maintenance when at times the housing authority has a back log of work orders that tenants have requested or have been discovered through inspection. Tenant reported that she did not think it was fair that she could be charged for damages or repairs when it takes more time than she expected for repairs to be made. She also stated that she was concerned about being charged for damages that were there when she moved in.

Staff Response: Staff explained to resident that maintenance fees are only applied when there is evidence of tenant neglect, intentional damage, or for things that are beyond normal wear and tear. Staff conducts a move-in inspection with residents to document any deficiencies present when a tenant moves in. Staff will utilize the move in-inspection form to determine additional damages that have occurred during occupancy or at move-out. In addition, the housing authority has a grievance process which may be utilized for disagreements on maintenance and damage fees. Because Kansas Residential Landlord and Tenant Act addresses some resident initiated repairs, staff felt it was not necessary to address the concern regarding repair timeframe.

Financial Impact:

The proposed ACOP provides for the charging of fees to residents which may include maintenance/damage fees, attorney fees, late fees and insufficient fund fees. Staff feels that these fees have been and will be made clear to residents in hopes that it deters behaviors that result in fees. Any fees collected will increase PHA revenue. Increased revenue is vital for the long-term sustainability of the PHA.

Exhibit A

We held our public comment period and public hearing. After a thorough review of the document, we need to make these comments/changes:

ACOP

V. A. 4. d. 1. "not" instead of "no".

VI. B. 2. Remove ":"

XIX. A. 5. b. Remove the extra "or" at the end of the sentence.

XXII. K. Align heading font.

XXXI. B. 1. C. 3. Remove the third category 2 transfers as the language about incentive transfers seems to match this statement for the most part.

Other ACOP changes:

Revise grievance policy to say City Manager will serve as hearing officer for all grievance related language.

Change late fee to begin on the 5th instead of the 10th.

Accept cash payments if amount due is under \$10 only.

Definitions section refers to the 50% rent burden in several areas but is not discussed anywhere in the main document.

Lease

III.e. ACOP states 1st day of the month following charge and must also be 14 days after notice.

Clarification is needed as to which is correct. 14 days?

Unbold language about security deposit on page 4 of lease.

Page 11 of lease discusses drug related activity. Include paraphernalia.

Page 12 section aa. – Unbold.

Add language in the lease to not use sprinklers, car washes or other activities that waste water.

RESOLUTION 2014-_____

A RESOLUTION TO ADOPT THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM IN THE CITY OF BONNER SPRINGS, KANSAS.

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) requires Housing Authorities to review, update and adopt Admissions and Continued Occupancy Policies (ACOP) for the Public Housing Program; and

WHEREAS, the Housing Authority solicited the services of the Nelrod Company to revise and update the 1994 ACOP to incorporate regulatory and policy changes in order to improve program responsiveness to local needs, increase efficiency of program management and to comply with HUD requirements; and

WHEREAS, the Housing Authority published a notice in the local newspaper and on the Housing Authority webpage to solicit public comment on the proposed ACOP; and

WHEREAS, the Housing Authority held mandatory Public Housing resident meetings and held a public hearing to gather input on the proposed ACOP.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, that the 2014 edition of the ACOP is hereby adopted for the use by the Housing Authority pursuant to the rules and regulations promulgated by the U.S. Department of Housing and Urban Development effective October 1, 2014, and supersedes Resolution 1994-09.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS, THIS 8TH DAY OF SEPTEMBER, 2014.

Jeff Harrington, Mayor

ATTEST:

Rita Hoag, City Clerk

(Seal)

ITEM NO. 7.

**City Council Regular Agenda
Monday, September 8, 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: Resolution to Approve Public Housing Authority Amended Lease

ACTION: Make a Motion to Approve a Resolution to Approve the Public Housing Authority Amended Lease

STAFF RECOMMENDATION: The Housing Authority Director Recommends Approval

The enclosed memorandum provides the recommendation for approval of the amended lease for the Housing Authority units. The current lease is twenty years old and does not contain the language HUD now requires. A consultant assisted with the lease amendments. Public comments received about the proposed amendments are a part of the memo for the Admissions & Continued Occupancy Policy Agenda Item.

We provided Exhibit A under the Agenda Item for the Admissions & Continued Occupancy Policy that contains information about minor modifications that need to be made to the lease document. A copy of the lease is available on the City's website at www.bonnerrsprings.org, Departments, Public Housing Authority, Eligibility Guidelines and scroll down to Public Housing Authority Lease.

City of Bonner Springs

Public Housing Authority



Public Housing Memorandum

Date: September 8, 2014
To: Mayor & City Council
Through: John Helin, City Manager *PH*
From: Krista Gentry, PHA Executive Director

Subject: Public Housing Lease Revisions

Recommendation:

Staff recommends approval of the proposed Lease.

Background:

The current residential lease used by the Public Housing Authority (PHA) is twenty years old. Numerous regulations were issued by the U.S. Department of Housing and Urban Development (HUD) since that time. The lease agreement must contain HUD required language, information on local policies as well as be in compliance with the Kansas Residential Landlord and Tenant Act. The proposed Lease was made available for public review and comment as required.

Discussion:

The PHA solicited the services of the Nelrod Company to update and revise the Admissions and Continued Occupancy (ACOP) as well as the Lease. They worked with PHA staff to incorporate HUD required language as well as local policies into the revised ACOP. The lease agreement needed revised in order to incorporate the policies contained in the ACOP.

We covered the public comments received about the proposed changes to the ACOP/Lease in the ACOP Memorandum.

Financial Impact:

The proposed Lease provides to charge fees to residents which may include maintenance/damage fees, attorney fees, late fees and insufficient fund fees. Staff feels that these fees have been and will be made clear to residents in hopes that it deters behaviors that result in fees. Any fees collected will increase PHA revenue. Increased revenue is vital for the long-term sustainability of the PHA.

RESOLUTION 2014-____

A RESOLUTION TO ADOPT REVISIONS TO THE RESIDENTIAL LEASE AGREEMENT FOR THE PUBLIC HOUSING PROGRAM IN THE CITY OF BONNER SPRINGS, KANSAS.

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) requires Housing Authorities to review, update and adopt a residential lease agreement for the Public Housing Program; and

WHEREAS, the Housing Authority solicited the services of the Nelrod Company to revise and update the residential lease agreement to reflect changes made to the Admissions and Continued Occupancy Policy as a result of local and HUD policy changes; and

WHEREAS, the lease was available for review and comment during a 30 day public comment period; and

WHEREAS, all tenants will be required to execute new lease agreements in compliance with HUD regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, that the 2014 lease agreement is hereby adopted for the use by the Housing Authority pursuant to the rules and regulations promulgated by the U.S. Department of Housing and Urban Development and supersedes Resolution 1994-16.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS, THIS 8TH DAY OF SEPTEMBER, 2014.

Jeff Harrington, Mayor

ATTEST:

Rita Hoag, City Clerk

(Seal)

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. 8.

City Council Regular Agenda Monday, September 8, 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: Presentation & Accept the 2013 Audit

ACTION: Make a Motion to Accept the 2013 Audit

STAFF RECOMMENDATION: The City Manager, Finance Director & City Clerk Recommend Acceptance

The enclosed memorandum recommends acceptance of the 2013 Audit and a copy is loose in your agenda packet. Mize, Houser & Company, the City's audit firm, did not find any items for discussion/recommendation to require a management letter.

Sean Gordon will be at the meeting on Monday from Mize, Houser & Company to present the 2013 Audit and answer questions from the City Council.

Finance Director Memorandum

Date: August 27, 2014
Thru: John Helin, City Manager 
To: Mayor & Council
From: Tillie LaPlante, Finance Director 

Subject: **2013 Audit**

Enclosed is the 2013 Audit prepared by our auditors, Mize, Houser & Company. Included loose in the audit document is an audit committee letter (Auditor's Communication to Those Charged With Governance) provided for the Mayor and City Council. Accounting standards require this letter to be submitted by the auditor as a part of all governmental audits. It provides general information about the performance of the audit. The City did not receive a management letter which provides discussion items the auditor wishes to bring to the City's attention because there were no items for discussion noted by the auditors. The 2013 audit contained an unqualified opinion which is the best opinion the City can receive on its audit.

ITEM NO. 9.

**City Council Regular Agenda
Monday, September 8, 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: Final Acceptance, Change Order No. 1 & Approve Final Payment for Westland Construction 2013 Storm Water Project

ACTION: Make a Motion to Approve Final Acceptance, Approve Change Order No. 1 & Approve Final Payment for Westland Construction for the 2013 Storm Water Project in the Total Amount of \$79,624

STAFF RECOMMENDATION: The City Manager, Public Works Director, City Clerk & Finance Director

The enclosed memorandum provides the recommendation for acceptance, approval of a change order and for approval of final payment. These actions initiate the two-year maintenance bond.

**CITY OF BONNER SPRINGS
PUBLIC WORKS DIRECTOR MEMORANDUM**

DATE: September 3, 2014
TO: Mayor and City Council
THRU: City Manager *JH*
FROM: Public Works Director

SUBJECT: **2013 Storm Water Repair Program**

Recommendation

Approve Final Change Order No. 1 in the Amount of \$12,594, accept the 2013 Storm Water Repair Program and approve final payment to Westland Construction in the total amount of \$79,624.

Discussion

The City Council awarded this project in December 2013. The Contractor did not start the project until spring 2014 due to winter and other contract obligations.

The Project consisted of the replacement of five curb inlets in various locations and a pipe extension/grading of the area along Bluegrass Drive (across from the high school tennis courts) that washed out and caused the guardrail to fail and the erosion to encroach upon the road.

During construction, we discovered that the pipe under Bluegrass Drive had deteriorated and needed to be replaced. The change order is for pipe replacement, backfill, new curb sections and asphalt pavement repairs for a total of \$12,594.

The acceptance of the project and approval of final payment initiates the two-year warranty period. If areas become a problem within the two-year maintenance period, the Contractor will return and make the needed repairs.

Financial Impact

We encumbered the original contract amount of \$67,030 in 2013. The change order amount of \$12,594 will be paid with budgeted 2014 Storm Water Utility Funds. The total final contract amount is \$79,624.

ITEM NO. 10.

**City Council Regular Agenda
Monday, September 8, 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: Ordinance to Adopt the Standard Traffic Ordinance 2014 Edition

ACTION: Make a Motion to Adopt the Standard Traffic Ordinance 2014 Edition

STAFF RECOMMENDATION: The City Manager, City Clerk & City Prosecutor Recommend Approval

Annually the City adopts the Standard Traffic Ordinance prepared by the League of Kansas Municipalities. The City Attorney's office reviewed the 2014 Edition and recommends adoption with the same amendments as in past years.

Upon adoption, the City Clerk will distribute copies to appropriate staff and upload an electronic version to the City's website. A copy will be available at the meeting on Monday.

ORDINANCE NO. _____

An Ordinance to Adopt the Standard Traffic Ordinance, Edition 2014 Prepared and Published by the Kansas League of Municipalities with Deletions and Amendments, that Prescribe Additional Regulations, Establish Maximum Speed Limits and to Repeal Ordinance Number 2368

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

Section 1. Adoption of Standard Traffic Ordinance with amendments, deletions, omissions and changes: There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City, that certain standard traffic ordinance known as the "Standard Traffic Ordinance For Kansas Cities," 2014 Edition prepared and published in book form by the League of Kansas Municipalities, 300 S. W. 8th Street, Topeka, Kansas, 66603-3912, save and except sections, parts or portions as are hereafter omitted, deleted, modified or changed by this Ordinance, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. Not less than one (1) copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Incorporated by Ordinance No. _____ of the City of Bonner Springs, Kansas", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or changes and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. All persons duly charged with enforcing and administering said Standard Traffic Ordinance shall be provided copies thereof.

Section 2. Traffic Infractions and Traffic Offenses.

(a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118;

(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3. Amendments to Standard Traffic Ordinance. The Standard Traffic Ordinance Incorporated by Section 1 is amended as provided in the following sections.

Section 4. Definitions. In addition to the definitions set forth in Article 1, Section 1 of the Standard Traffic Ordinance, 2011 Edition, the following definitions are added:

(1) Lines, Center - A continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in opposite directions, and if the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges of the roadway.

Section 5. Authority to Make Emergency, Temporary and Experimental Regulations - Article 2, Section 3 of the Standard Traffic Ordinance is hereby amended to read as follows:

1. The Chief of Police, City Manager or City Engineer are each hereby empowered to make regulations necessary to make effective the provisions of this and other traffic ordinances of the city, to establish no parking zones on special occasions to expedite traffic or for safety purposes, signs being properly posted, to make and enforce temporary or experimental regulations to cover emergencies or special conditions or to determine the advisability of permanent regulations for recommendation to the governing body, and test traffic-control devices under actual conditions of traffic. No temporary or experimental regulation shall remain in force for more than one (1) year.

2. The City Clerk shall keep a record of all regulations adopted under the power and authority herein granted. A copy of this record shall be kept in the City offices and be subject to public inspection.

Section 6. Careless Driving

Article 6 of the Standard Traffic Ordinance is hereby amended by adding a new Section 29.1 as follows: No person shall operate any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others, or in such a manner as to endanger, or be likely to endanger, any person or property. A violation of this Section is a standard traffic infraction.

Section 7. Maximum Speed Limits

Article 7, Section 33(a) of the Standard Traffic Ordinance is amended as follows:

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

1. Twenty (20) miles per hour in any business district.
2. Thirty (30) miles per hour in all other districts of the city not enumerated herein.
3. Ten (10) miles per hour in any park.
4. Sixty (60) miles per hour on all State Highways within the City where signs indicating such speeds are posted.
5. Notwithstanding any other ordinance to the contrary, the governing body of this City by separate ordinance may specify and establish other speed limits for specific streets or portions of streets.

Section 8. Officers Authorized to Remove Vehicles. Article 13, Section 84 of the Standard Traffic Ordinance is hereby amended by adding the following as subsection (c)(4).

- (4) Said motor vehicle does not display license plates or displays license plates reported stolen.

Section 9. Stopping, Standing or Parking Prohibited in Specified Places - Article 13, Section 85 of the Standard Traffic Ordinance is hereby amended by adding the following as subsection (a)(12): At any location where the curb has been painted yellow which is the official curb paint color of the City indicating "no parking".

Section 10. Parking Prohibited At All Times in Designated Places of Certain Vehicles - Article 13, Section 96 of the Standard Traffic Ordinance is hereby amended to read as follows:

(a) When authorized signs are erected giving notice thereof, no person shall park a vehicle at any time upon that portion of any of the streets so posted or signed for "No Parking".

(b) It shall be unlawful for the driver, owner, or operator of any trailer, truck-trailer, tractor-trailer, semi-trailer, farm or road tractor or any other similar vehicle or vehicles with license capacity of more than 16,000 pounds (8 tons) to park or be left unattended at any time on any street, avenue or public roadway within the City of Bonner Springs, except those streets constructed of concrete or untreated gravel; it being specifically intended that no vehicle of more than 16,000 pounds (8 tons) capacity shall park on any street paved with bituminous concrete mat, asphalt or sealed with bituminous oil sealant.

(c) This section shall not apply to those vehicles parked or left unattended for the purposes of emergency refueling and emergency repairs or for loading or unloading.

Section 11. Spilling Loads on Highways Prohibited. Article 17, Section 179(a) is hereby amended to read as follows:

(a) No vehicle shall be driven or moved upon any street, highway, road or alley in the City of Bonner Springs, Kansas, unless such vehicle is so constructed, loaded and securely covered as to prevent any of its load from spilling, dropping, sifting, leaking or otherwise escaping therefrom, and no vehicle shall be driven or moved upon any street, highway, road or alley creating a hazard by reason of mud, debris, or dirt dropping from the tires of said vehicle. The dropping of sand for the purpose of securing traction, or water, or other substances being sprinkled upon any street, highway, road or alley in the cleaning or maintaining of such street, highway, road or alley is hereby excepted from the provisions of this section.

Section 12. Penalty for Scheduled Fines. The fine for violations of an ordinance traffic infraction or any other traffic offense for which the Municipal Judge establishes a fine in a fine schedule shall not be less than \$20 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

Section 13. Ordinance No. 2368 of the City of Bonner Springs shall be and is hereby repealed.

Section 14. This Ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

Approved by the Bonner Springs City Council and signed by the Mayor September 8, 2014.

Attest:

Jeff Harrington, Mayor

Rita Hoag, City Clerk

(Seal)

ITEM NO. 11.

**City Council Regular Agenda
Monday, September 8, 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: Ordinance to Adopt the Uniform Public Offense Code 2014 Edition

ACTION: Make a Motion to Approve and Ordinance to Adopt the Uniform Public Offense Code 2014 Edition

STAFF RECOMMENDATION: The City Manager, City Clerk & City Prosecutor Recommend Approval

The City annually adopts the Uniform Public Offense Code prepared by the League of Kansas Municipalities. The City Attorney's office reviewed the 2014 Edition and recommends approval with the same amendments as last year.

Upon adoption, the City Clerk will distribute copies to appropriate staff and upload an electronic version to the City's website. A copy of the 2014 Edition will be available at the meeting on Monday.

ORDINANCE NO. _____

An Ordinance to Adopt the Uniform Public Offense Code for Kansas Cities, 2014 Edition, Prepared and Published by the League of Kansas Municipalities with Certain Amendments that Relate to the Unlawful Discharge of Firearms, Use of Air Guns, Air Rifles, Seizure of Weapons, Unlawful Aiding and Abetting, Littering, Barbed Wire, Intimidation of a Witness or Victim Regulations and to Repeal Ordinance No. 2369 of the City of Bonner Springs, Kansas.

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

Section 1. Uniform Public Offense Code Adopted and Amended:

11-101. There is hereby incorporated by reference for the purpose of regulating certain public offenses within the corporate limits of the City, that certain Uniform Public Offense Code for Kansas Cities, 2014 Edition, prepared and published in pamphlet form by the League of Kansas Municipalities, 300 S. W. 8th Street, Topeka, Kansas, 66603-3912, save and except those sections as are deleted, modified or amended by this Ordinance. Not less than one (1) copy of said Uniform Public Offense Code for Kansas Cities shall be marked or stamped "Official Copy as Incorporated by Ordinance No. ____" with all sections or portions thereof intended to be deleted or amended clearly marked to show any such deletion or amendment and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. All persons duly charged to enforce and administer said Uniform Public Code for Kansas Cities shall be provided copies thereof.

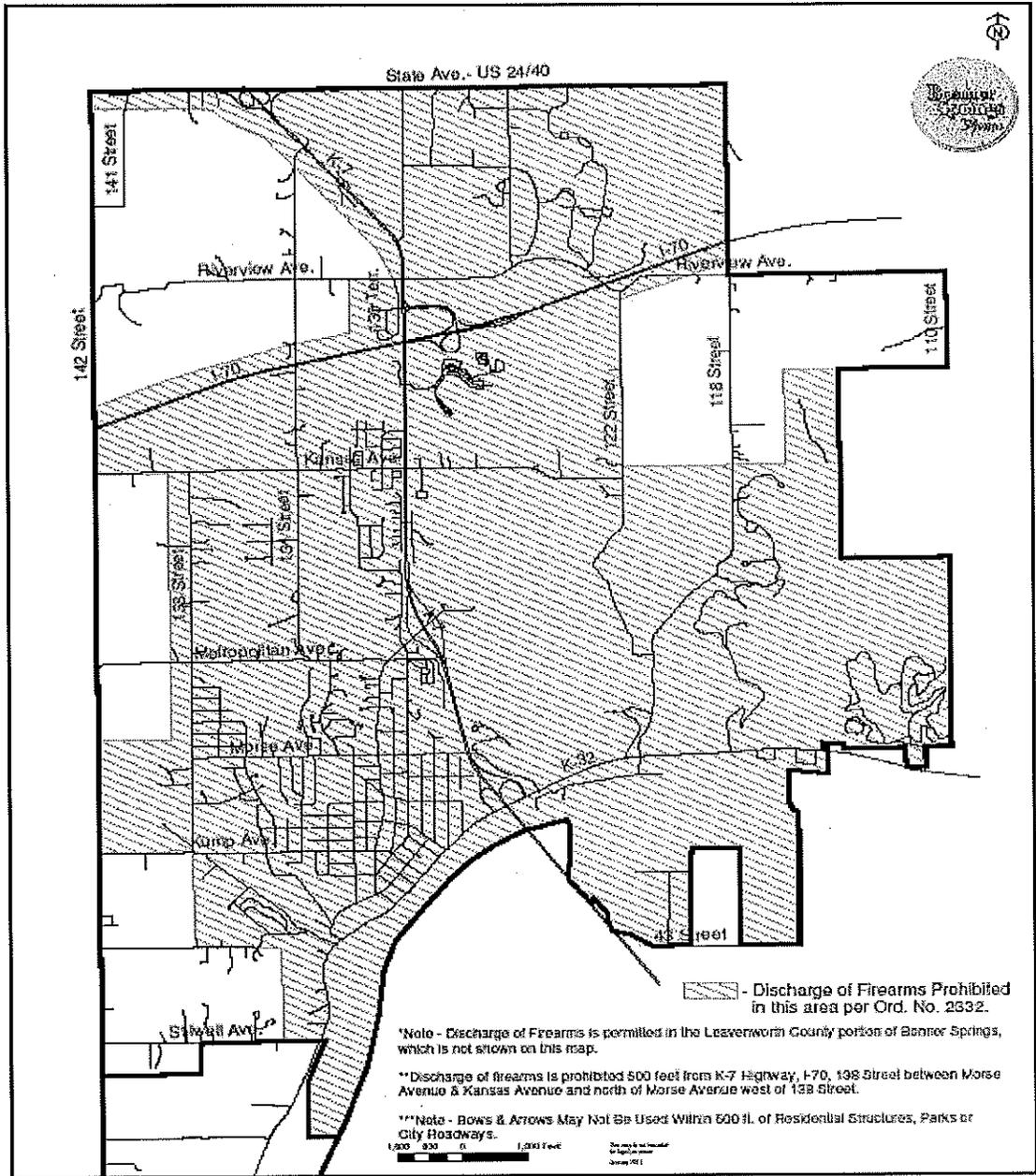
Section 2. 11-102. The following sections of the Uniform Public Offense Code for Kansas Cities, 2014 Edition, are hereby deleted and omitted:

Article 10, Section 10.5	Unlawful Discharge of Firearms.
Article 10, Section 10.6	Air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun.
Article 10, Section 10.7	Seizure of weapon.
Article 10, Section 10.8	Unlawful aiding and abetting.
Article 10, Section 10.13	Barbed wire.

Section 3: Replace Chapter XI, Public Offenses, Article 2, Section 11-202, Unlawful Discharge of Firearms with the following:

"11-202 Unlawful Discharge of Firearms.

1. Unlawful discharge of a firearm is the reckless or intentional discharge or firing of any gun, rifle, pistol or other firearm within or into the area shown on the attached map marked as Exhibit A.



2. This section shall not apply to the discharge of a firearm within or into the defined area if:

- (a) The firearm is discharged in the lawful defense of one's person, another person or one's property;
- (b) the firearm is discharged at a licensed private or public shooting range, including the Bonner Springs Police Firearms Range, or the Camp Naish Firearms Ranges;
- (c) the firearm is discharged by authorized law enforcement officers, when necessary in the discharge of his or her official duties;
- (d) the firearm is discharged by special permit of the chief of police;
- (e) the firearm is discharged using blanks;
- (f) the firearm is discharged in lawful self-defense or defense of another person against an animal attack;
- (g) the firearm is discharged by a licensed gunsmith in pursuit of his or her trade;
- (h) the firearm is discharged during hunter safety and firearms instruction classes conducted by qualified instructors in areas and at times approved by the police department.

3. The unlawful discharge of firearms is a Class B violation.

Section 4. Ordinance No. 2369 of the City of Bonner Springs, Kansas shall be and is hereby repealed.

Section 5. This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

Adopted by the Bonner Springs City Council and Signed by the Mayor September 8, 2014.

Attest:

Jeff Harrington, Mayor

Rita Hoag, City Clerk

(Seal)

ITEM NO. 12.

**City Council Regular Agenda
Monday, September 8, 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 Manager's Report

ACTION: None

STAFF RECOMMENDATION: None

Report attached.

City Managers Update

Date: September 8, 2014

To: Mayor and City Council

1. **Letter to KDOT** – Attached is the draft letter to KDOT expressing the City’s issues the Council discussed and developed consensus on over the two previous meetings. If you see the need for any changes, please advise.
2. **Purchase of Old ATMOS Building** – I was able to negotiate a purchase price for the Police Admin/Patrol Building lower than their original asking price. We should close on the building by the end of the month.
3. **SRO Corner** - Officer Anthony Davis, the School Resource Officer, now has a page on the school’s website where he offers safety tips and other information. You can see his page at cms.usd204.org/sro.
4. **Deffenbaugh Trash/Recycle Pickup Schedule Proposed Change** – Due to some problems with increased trash and recycle misses and to provide improved service, Deffenbaugh met with Staff and suggested one of two options:
 - A. Change to pick up each day of the week for five separate routes. This option would mean that there would be one truck each day with the same crew but would also mean that trash/recycle will be out each day of the week. There would be a truck for trash and recycle each day.
 - B. Change to pick up on one day of the week for the entire City. This would change the Monday pickup to Tuesday and Deffenbaugh would only need to notify those residents picked up on Monday that they would receive service on Tuesday. This option is less effort for Deffenbaugh, will create less confusion to residents and will be much easier for staff when they take complaint calls. There would be five trucks in town to pick up trash and two trucks to pick up recycle bins.

Deffenbaugh is okay with either option and Staff recommends Option B, pickup of the entire City on Tuesday. If the City Council concurs, we will notify Deffenbaugh. We expect that the change would not be effective until the week of October 6.

5. Parks & Recreation Update:

- a. Pool facts for 2014:
 - Hired 55 staff (26 returned from 2013)
 - Open 77 out of 79 days (3 partial and 2 full days due to weather)
 - Seven pool rentals vs. 3 in 2013
 - Nine Party Packages (new to 2014)
 - Private swim lessons – 58 vs. 16 in 2013
 - Averaged 321 people a day

	2014	2013
Total Attendance	24,759	24,332
Season Memberships	365	365
Swim Team	50	32
Group Swim Lessons	278	191

b. Fall Soccer	2014	2013	2012
Registrations	139	178	140
Teams	15	19	13

- c. Girls' Volleyball Registration Deadline – September 10
- d. September 27 – City Wide Yard Sale
- e. New signs were installed last week on the front and back of the Community Center that identify what is in the Building (Gym, Parks Offices, Senior Center).

6. Community and Economic Development Update –

- a. **Former Cereal Food Processing Mill Sold** – Patrick Dalton, a Shawnee resident, has purchased the former mill located at 611 W. Second Street. In the short-term, he plans to clean up the building and grounds and secure both buildings. The warehouse is currently used for storage and in the long-term, the mill will either be renovated or demolished depending upon what he decides to do with it.

7. KDOT Plans \$1.2-Billion in Road Projects - Hundreds of projects that will improve Kansas roads and bridges, as well as create short- and long-term jobs, have been scheduled by the Kansas Department of Transportation for the next two years. The projects will preserve, modernize and expand roads on both state and local road systems. The work list includes 464 highway projects, 194 bridge/interchange projects and 1,603 miles of improvements. The estimated cost of the work, for which construction will be underway during the 2015 and 2016 fiscal years, is \$1.2-billion. About 65 percent of the projects are considered preservation work, which will protect the investment Kansans have already made in the state's public road system. Projects in Wyandotte County include:

- Bridge Replacement: US-69 over the Missouri River in Fairfax. \$36,748,500
- Expansion: I-70: From the I-70/K-7 Interchange east to the I-70/110th St. interchange. \$29,590,000
- Bridge Repair: 2 bridges on I-635 near the I-635/I-70 junction. \$243,000
- Bridge Repair: 5 bridges on I-70 & I-670 in Kansas City. \$281,000
- Bridge Repair: 2 bridges on I-635 near the I-635/I-70 junction. \$243,000
- Bridge Repair: I-35: 2 Bridges in Kansas City. \$813,510

To view the entire list of projects, visit the KDOT website at www.ksdot.org.

8. KTA to Close Park & Ride – We received the following from Tara Mays, Government Affairs, Kansas Turnpike Authority: “Upcoming road construction is likely to change traffic patterns significantly in the area. These changes will make it unsafe for commuters who currently use the KTA facilities for park-and-ride services. Due to the safety concerns and the construction reconfigurations, KTA will be closing the lot that currently exists just off of K-7 in Bonner Springs. The closure is scheduled for the first week of November. KTA will begin alerting travelers that use the facility of the change beginning in October to give them adequate time to make alternative arrangements. We have worked with the local convention and visitors bureau and several area businesses to suggest alternatives for commuters in the area. If you or your constituents have any questions or if there is further information that we can provide please feel free to contact us at any time.”

Note: I will be attending the Annual ICMA Conference 14 – 17 September and will be attending my Grandson’s wedding on September 21, so I will miss the September 22 City Council meeting. As always, feel free to call me on my cell phone number at any time. Should you need something in person, Rita will be here and will take my place at the Council meeting.



City of Bonner Springs

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

September 9, 2014

Chris J. Herrick, P.E., Director
Kansas Department of Transportation
Division of Planning & Development
Dwight D. Eisenhower State Office Building
700 S. W. Harrison Street
Topeka, KS 66603-3745

RE: K-7 Corridor Management Plan – MOU – City of Bonner Springs

Dear Mr. Herrick,

This letter is in response to your March 19, 2013 letter that responded to our Resolution 2012-14 about the K-7 Corridor Memorandum of Understanding (MOU).

We appreciate your comments in your letter and your stated willingness to work with us on issues with the planned work on K-7. The prolonged time to respond to your letter is because we first wanted to complete all of the work necessary to relocate utilities along 134 Street. With the completion of that work and after further analysis and careful consideration of Phases 4-10 of the K-7, we determined there are several key items that warrant your review and further discussion with the City. The Governing Body spent considerable time to develop these issues, believe they are critical to the City and its economic survival and need to be included in KDOT's work to build K-7 in accordance with the current MOU.

The negative impact of the planned construction on the City of Bonner Springs, both in terms of its effect on our economy, as well as the quality of life for our citizens, is of great concern and prompts these proposed items.

The following are the items we believe KDOT needs to accomplish as part of the overall plan for K-7:

1. Design and construct the Nettleton Avenue Extension to include the 129 Street and Commercial Drive extensions shown as "Alternate 2" on the Phase 5 Construction Plans 5 **prior** to any construction on K-7.
 - The Nettleton Avenue Extension is now an "Alternate" for Phase 5. This addition as an integrated part of Phase 5 will merge the two projects together. The Nettleton Avenue Extension will allow Bonner Springs resident's full access to all of businesses located on the east side of K-7 and Kansas Avenue and eliminate the need to use K-7.
2. Design and construct Tulip Drive south to intercept Nettleton Avenue as shown on the Kerry Roberts Park Impacts Sheet provided by KDOT dated June 10, 2010 **prior** to any construction on K-7.
 - The construction of Tulip Drive will close all access to K-7 from the east side of K-7 that includes Kerry Roberts Park and will significantly improve roadway safety on K-7 south of Kansas Avenue. This will provide Bonner Springs residents another access to the businesses located on the east side of K-7 and eliminate the need to use K-7 Hwy.

3. Design and construct Cheyenne Avenue from K-7 west to 132 Street prior to any construction on K-7.
 - This addition will close all access to K-7 Hwy from the west side from the gravel road and will significantly improve roadway safety on K-7 south of Kansas Avenue with elimination of on/off access to K-7 by the nine (9) homes along this road.
4. Assist in the Final Design and construction of the Canaan Center Drive Extension and 134 Street from Kansas Avenue to Riverview Avenue.
 - The construction of both the Canaan Center Drive Extension and 134 Street will provide Bonner Springs residents with full access to Canaan Center, a critical economic area for the City, without utilizing K-7 both during and after the construction of Phase 5, Phase 6 and Phase 10. This addition would also alleviate some of the daily congestion on K-7.
5. Establish a “Joint” KDOT/City Construction Mitigation Program for Phase 5, Phase 6 and Phase 10.
 - A “Joint” Construction Mitigation Program should be established to assist the City, their residents, motorists and all the affected businesses due to the disruption caused by the construction of the K-7 and I-70 Interchange. A Construction Mitigation Program generally consists of several activities such as: public meetings, communication with affected businesses, signage, project website and business education. You can go to:
<http://www.lafollette.wisc.edu/publications/workshops/2010/construction.pdf> to see a report/study that explains the Construction Mitigation Program. We believe a comprehensive and substantial effort needs to be made in this regard and done sooner than later.
6. Coordinate and cooperate with the City to ensure the relocation of all City utilities well ahead of the remainder of the construction phases.
 - The City has sanitary sewer conflicts on K-7 south of Kansas Avenue as the Spring Creek Sewer Interceptor installed in KDOT’s right-of-way that will require relocation. The sanitary sewer that crosses K-7 and serves the Walmart Supercenter, Prairie Meadows Retail Center and the Bonner Springs Pointe does not have enough capacity or may not have enough elevation to intercept the existing Spring Creek Sewer Interceptor at the old Walmart lift station.
 - The City’s 12” water main that feeds the K-7 and Kansas Avenue intersection will require relocation as it is located in the platted “road easement” dedicated on the plat of the Country Hills Subdivision that will be acquired by KDOT for Phase 5 construction.

We request that a City/State Agreement be created and signed by both KDOT and the City as the best way to solidify these items for the future.

I would like to propose your staff meet with our City Council to discuss these requests and for them to update the City Council on the status of all of the phases and their expected start dates at one of our meetings in October or November. I believe this would provide the best way to share this information and receive your response and update on the K-7 Corridor.

Sincerely,

Jeff Harrington, Mayor

Cc: Aaron Fritz, P.E., Road Design Leader
Jim Pickett, P.E., Metro North Engineer

ITEM NO. 13.

**City Council Regular Agenda
Monday, September 8, 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. 14.

**City Council Regular Agenda
Monday, September 8, 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: Mayor's Report

ACTION: None

STAFF RECOMMENDATION: None

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