

**CITY COUNCIL AGENDA
Monday, August 24, 2015**

Workshop- 6:30 p.m.

- WS-1 Stormwater Utility Fee Increase
- WS-2 Water & Wastewater Capital Improvement Project (CIP) Schedule
- WS-3 2016 Water & Wastewater System Impact Fees
- WS-4 Sales Tax Renewal

Council Meeting – 7:30 p.m.

1. 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.
2. Minutes of the August 10, 2015 City Council Meeting
3. Claims for City Operations for August 24, 2015
4. Public Housing Authority Claims for August 24, 2015
5. Kobi's Annual Bike Show Consumption/Possession/Sales Permit
6. Massage Therapy Business Establishment License for Medieval Massage & Therapist License for Anne Platt

REGULAR MEETING AGENDA

7. Amendments to Chapter XIV. Streets and Sidewalks, Article 6. Trees and Shrubs
8. Ordinances to Adopt Building Codes
9. City Manager's Report
10. City Council Items
11. Mayor's Report



City of Bonner Springs

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

WORKSHOP MEETING

6:30 p.m.

REGULAR CITY COUNCIL MEETING

7:30 p.m.

CITY HALL COUNCIL CHAMBERS

Monday August 24, 2015

Life is Better in Bonner Springs

ITEM NO. WS-1

City Council Workshop Agenda Monday, August 24, 2015 – 6:30 p.m.

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

AGENDA ITEM: Stormwater Utility Fee Increase

NARRATIVE: The enclosed memo discusses the recommendation for the stormwater utility fee increase.

**CITY OF BONNER SPRINGS
MEMORANDUM**

DATE: August 17, 2015
TO: Mayor and City Council
THRU: City Manager *SMG*
FROM: Public Works Director

SUBJECT: **Increase in Stormwater Utility Fee**

Recommendation

Approve an increase to the storm water utility fee of .50/month, which increases residential rate from \$2.50 to \$3.00 per month and commercial rate from \$5.00 to \$5.50 per month effective 1 January 2016.

Background

In April of 2008, the City enacted a Stormwater Utility Fee at a flat rate of \$2.50 per month for residential and \$5.00 per month for commercial properties. At that time, staff studied other cities and how they established their stormwater utilities. As a result, staff recommended the current rates in an effort to get the program started.

Attached is a Stormwater Utility Fact Sheet we used to initially create the fund.

Below is a table that compares the 2008 residential rates to the 2015 residential rates being charged by the same Cities previously studied in 2008:

	2008 Rate	2015 Rate	Increase
Shawnee	\$3.00	\$3.00	0
Lawrence	\$4.00	\$4.00	0
Olathe	\$3.75	\$5.55	\$1.80
Lenexa	\$2.50	\$9.00	\$6.50
Pittsburgh	\$2.97	\$3.78	\$.81
<i>Bonner Springs</i>	<i>\$2.50</i>	<i>\$3.00</i>	<i>\$.50 (Proposed)</i>

Discussion Since the inception of the stormwater utility seven years ago, there have been no increases in the fees. The City has completed several projects through the use of these funds mostly consisting of replacement of curb inlets, extension/replacement of existing pipes, and maintenance of the street sweeper.

Since 2008 construction costs have increased. While there will always be small projects to be completed, there are larger projects that need to be done such as the culvert under Garfield and the culvert under 137th Street. These larger projects will also require some amount of design engineering that will add to the overall project cost.

The City of Shawnee is requesting an .11cent per month increase as part of their 2016 budget which would bring their fee to \$3.11 per month. Their current stormwater utility annual revenue is 1.7 million dollars.

The City currently receives approximately \$90,000 annually in the Stormwater Utility fund. As projects increase in complexity and therefore costs, more funding will be needed to address larger stormwater issues.

Financial Impact

The recommended increase in fees will create additional revenue for the City of approximately \$16,626 annually for a total of \$106,626.00.

1 Attachment



City of Bonner Springs
205 E. Second, P.O. Box 38
Bonner Springs, KS 66012

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**BONNER SPRINGS PROPOSES
 TO CREATE A
 STORMWATER UTILITY FEE**

December, 2007

Dear Citizen,

As Bonner Springs continues to grow, more of our city which used to be open fields, wooded areas and agricultural sites is now covered by homes, businesses, roads, and parking lots. Those areas which at one time soaked up water from rains and snows now force that stormwater to find a creek, ditch, pond, or sewer line. Increases in development pose greater challenges to water quality, stormwater maintenance, and floodplain management. In order to address these issues, the city must find a new source of funds. As a result, the city is considering creating a stormwater utility. Since all improved property contributes to the problem of runoff, a utility fee is a fair and equitable method that shares the costs of stormwater systems among all property owners. We are interested in your feedback. You can write or e-mail your comments to the city at: City Hall, P.O. Box 38, Bonner Springs, KS or cityhall@bonnersprings.org We will also hold a public meeting on January 14, 2008 at 6:00 pm, at city hall. Answers to frequently asked questions are contained in this flyer and on the city's web site www.bonnersprings.org

City of Bonner Springs

FREQUENTLY ASKED QUESTIONS

What is a stormwater utility fee?

The stormwater utility fee is a monthly charge applicable to all properties which contribute runoff to the stormwater drainage system. The utility fee is to stormwater like a sewer charge is to sewage, and a water charge is to drinking water. The utility is responsible for funding the management, construction, operation, and maintenance of the stormwater drainage system. That includes inlets, storm sewers, borrow ditches, detention facilities and floodplains. A stormwater utility generates revenue through utility fees, which are based upon the amount of stormwater runoff a particular property passes to the stormwater drainage system.

Why does the City of Bonner Springs need a stormwater utility fee?

Previously there were no dedicated funds for maintenance of stormwater facilities. All funds for needed repairs/improvements were taken from the General Fund. However, mandates from the Environmental Protection Agency (EPA) in the area of stormwater are causing the need for a continuous funding program for maintenance of the stormwater system. Bonner Springs is required to meet EPA stormwater quality requirements. A utility fee provides the most reliable, efficient, and equitable funding source needed to implement and maintain stormwater improvements, including detention facilities, floodplain maintenance, erosion control and required water quality programs.

Why not just use General Funds like before?

General Funds are collected mainly through property and sales taxes. There are certain tax-exempt properties that do not contribute to the General Fund, but do contribute to stormwater runoff. A stormwater utility fee is an equitable way for everyone that contributes to stormwater to contribute to mitigating the problems. Otherwise, the burden falls more heavily on taxpayers.

What will the charges be used for?

The following list is an example the types of projects targeted by the stormwater management program:

- Storm sewer system cleaning, maintenance, and repair.
- Construction of new storm sewers.
- Maintenance and repair of streets to reduce areas of standing water.
- Borrow and drainage ditch re-grading and maintenance.
- Education and public outreach regarding flooding and pollution.
- Regional detention ponds that might also be used for recreational purposes.
- Flood reduction programs.
- Improved water quality programs and educational outreach programs.
- Creek and floodplain maintenance.

STORMWATER UTILITY FEE



Are other communities implementing stormwater drainage system service charges also?

Yes. Hundreds of communities nationwide are currently using stormwater utility fees as a method of funding stormwater programs. Below are just some of the cities in Kansas that have a utility fee:

- City of Shawnee: \$3.00 per month/residential
- City of Lawrence: \$4.00 per month/residential
- City of Olathe: \$3.75 per month/residential
- City of Lenexa: \$2.50 per month/residential
- City of Pittsburgh: \$2.97 per month/residential

How much will I pay?

The proposed stormwater utility fee for Bonner Springs would be:

- \$2.50 per month for residential and
- \$5.00 per month for non-residential properties.

Is this another tax?

No. This is a stormwater utility fee set up to pay specifically for the utility services provided by the City of Bonner Springs in relation to the stormwater system.

Why are churches and other tax-exempt properties charged?

The stormwater utility fee is based on how much the property contributes to the amount of stormwater runoff to the stormwater drainage system. The stormwater utility fee is a fee for service, not a tax. All properties must make an equitable contribution to stormwater system maintenance.

What is the single-family residential properties charge?

The Stormwater Management Ordinance establishes a stormwater utility fee on a per month basis. All single-family residential homes within the city limits of Bonner Springs are assessed a flat fee. The fee will appear on utility bills for residents already receiving city water, sanitary, or solid waste services. A separate bill will be created for properties not currently receiving a bill for other city services.

What is the non-single family residential properties charge?

Apartments, businesses, and industrial sites are examples of non-single family residential properties. These properties are evaluated at a non-residential customer rate. The utility fee will appear on utility bills for residents already receiving city water, sanitary, or solid waste services. A separate bill is created for properties not currently receiving a bill for other city services.

FREQUENTLY ASKED QUESTIONS

I live in a duplex, what will I be charged?

Each dwelling that receives a separate utility bill will be charged the residential property rate. If the landlord/owner pays the utilities, then the charge will appear on that bill.

If I don't have any drainage problems near my property and my property drains directly to the creek, why do I have to pay?

There may not be a specific stormwater drainage problem in your area or neighborhood, but the runoff from your property does contribute to the city's overall stormwater drainage system. This includes floodplain areas within the Spring Creek, Wolf Creek, Mission Creek, Kansas River tributaries. Floodplain maintenance, multi-use detention facilities, major bridges and culverts on arterial roads, and improved water quality within the creeks are examples of portions of the program which affect all citizens.

Hasn't the City always had creeks and storm sewers to maintain? Why are we being charged now?

Yes, the City has had storm sewers for a long time. However, EPA regulations that require a more stringent comprehensive approach to stormwater management became effective in March of 2003 for the City of Bonner Springs and cities and towns throughout our nation. The stormwater utility fee enables the city to

meet state and federal requirements on stormwater quality and to meet the responsibilities to manage the stormwater drainage system more closely, study the contents of the stormwater, seek out and eliminate illicit connections and illegal dumping, enforce codes, and educate the public on floodplain and stormwater issues.

Will the City repair drainage problems that are on my property now?

The City cannot legally perform maintenance or work on areas within private property. Private drainage problems between adjacent private property owners is still the responsibility of the property owners.

What happens if I don't pay my bill?

If you currently receive city utilities, you risk having these services stopped. In addition, the city could place a lien against your property or file civil charges to collect.

A public meeting on a new stormwater utility ordinance will be held:

January 14, 2008

at 6:00 pm, at City Hall.

The proposed effective date

for the utility fee will be

April 1, 2008.

ITEM NO. WS-2

City Council Workshop Agenda Monday, August 24, 2015 – 6:30 p.m.

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

AGENDA ITEM: Water & Wastewater Capital Improvement Project (CIP) Schedule

NARRATIVE: The Utilities Department's Capital Improvement Projects are scheduled over a three-year, five-year and fifteen-year time period. In order to properly plan project management and develop analysis for future fees and rates, the Department has developed a five-year Budget incorporating future projects. The projects will provide sustainability for the City's water and wastewater systems and it is important for City Council to see how future projects and infrastructure improvements will affect future rates and fees. The presentation will review current debt, how debt payments are funded and how future projects will affect future debt payments and corresponding effect on rates and fees.

ITEM NO. WS-3

City Council Workshop Agenda Monday, August 24, 2015 – 6:30 p.m.

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

AGENDA ITEM: 2016 Water & Wastewater System Impact Fees

NARRATIVE: The enclosed memo discusses the recommendation for the proposed system impact fees.

BONNER SPRINGS UTILITIES

PROVIDING SAFE DRINKING WATER FOR OUR CITY AND CLEAN WATER FOR THE ENVIRONMENT

MEMORANDUM

DATE: July 30, 2015
TO: Mayor and City Council
THROUGH: Jack Helin, City Manager
FROM: Rick Sailer, Director

Subject: 2016 Water & Wastewater System Impact Fees

Recommendation:

Approve increases for Water & Wastewater System Impact Fees to be effective 1 January 2016.

Background:

The City Council voted to not increase the 2015 Water and Wastewater System Impact Fees (SIF) on 15 December 2014. The SIF are incorporated into the operating revenue for each of these budgets to provide revenue from new construction that goes directly towards the debt that is paid through these operating funds. The concern regarding an increase in SIF relates to the fact that these fees are a *development* expense rather than a *building* expense. The cost to the eventual homeowner for the SIF is similar to any other building cost, such as the land and the building itself. A homebuilder has multiple expenses that are passed along to the home purchaser. The cost to provide water and wastewater connections are home building expenses and one of the lowest to the overall cost of the building. The fees are charged to the contractor/builder of every residential or commercial property as part of the building permit process. The fees are applied towards the debt payment of each operating fund, both Water and Wastewater. The fees are not considered a “developer” expense; they are considered part of the building expense that is ultimately paid by the property owner.

It remains the policy of the Utilities Department that “growth pays for growth” to avoid putting additional expenses through user fees and rates onto the current residents and businesses of Bonner Springs. The Impact Fee is based on Capital costs including the Debt payments on Capital Projects included within the annual budgets. The Meter size is used to determine the “demand” that is placed on the existing system and the Fee is calculated by using this “demand” and the Cost of Service for each connection based on annual water sales and Capital expenditures.

Discussion

1. Water System Impact Fees:

Staff recommends the following increases for Water System Impact Fees effective January 1, 2016. The current 5/8” meter residential Impact Fee of \$2,385 will increase to \$2,500 (4.8%). The current 5/8” commercial System Impact Fee (SIF) will be eliminated and all other increases are based on the meter size and higher demand based on Single Family Equivalent (SFE) of a 5/8” meter. The SIF increases have been adjusted based on the SFE; although the new SIF is not a direct calculation of the SFE difference. (*Fee Description = Meter Size System Impact Fee*)

Meter Size	SFE	Max Flow	Current Fee	Proposed Fee	% Increase
5/8”	1	20gpm	\$2,385	\$2,500	4.8%
5/8”	Com		\$2,865	Eliminated	N/A
1”	2.5	50gpm	\$4,540	\$5,000	10.1%
2”	8	160gpm	\$11,175	\$12,500	11.9%
3”	17.5	350gpm	\$23,405	\$30,000	28.2%

The average Water System Impact fee for a residential connection within the Kansas City area is \$3,874. This fee sometimes includes the meter and tap and for others, it does not. The total proposed fee for a Bonner Springs Residential Tap, including the meter, setter and tap is \$3,610.00

2. Water System Impact Fees for Irrigation:

Impact fees for irrigation systems are set at 60% of the standard System Impact Fee.

Fee Description	Current Fee	Proposed Fee
5/8" Meter SIF – Irrigation	\$1,775	\$1,500
1" Meter SIF – Irrigation	\$2,815	\$3,000
2" Meter SIF - Irrigation	\$6,990	\$7,500
3" Meter SIF - Irrigation	N/A	\$18,000

3. Meter/Tap Fees

Staff is recommending that we maintain the current fees for the Meter/Tap Fee. The Current Fee for a 2" Meter includes a backflow device that the City will no longer provide. The new setters come with check valves; however the Developer will be required to install an approved Backflow Device if needed.

Fee Description	Current Fee	Proposed Fee
5/8" Meter / Tap Fee	\$1,110	\$1,110
1" Meter / Tap Fee	\$1,385	\$1,385
2" Meter / Tap Fee	\$3,082	\$3,082

4. Wastewater System Impact Fees:

The Current Wastewater System Impact Fees are based on the discharge pipe size. The new Fees are based on the water meter size, which is more appropriate for determining demand on the System. The City's SIF for Wastewater for residential use are higher than most adjoining communities. Staff is recommending a slight increase for a standard residential tap using a 5/8" meter. SIF for larger meters (higher demand) are increasing at a higher rate.

Fee Description	Current Fee	Proposed Fee	% Increase
5/8" Meter (Residential) SIF	\$3,855	\$4,000	3.8%
1" Meter (Commercial) SIF	\$7,705	\$8,090	5%
2" Meter SIF (6" discharge)	\$13,175	\$14,750	12%
3" Meter SIF (6" discharge)	N/A	\$32,250	New Fee

The average Wastewater System Impact fee for a residential connection within the Kansas City area is \$3,300. (KCK has a low fee - \$960.00)

Financial Impact:

• **Impact Fees:**

The increase of SIF may or may not result in additional annual revenues, dependent on the number of 2016 building permits issued.

The budgeted Water SIF revenue for 2016 is \$60,000. Year to date revenue for 2015 is \$54,310. The 3-year average for Water SIF is \$56,000.

The Wastewater SIF revenue is slightly different from the Water System. The budgeted Impact Fee revenue for 2016 is \$50,000. Year to date revenue for 2015 is \$39,870. The 3-year average for Wastewater SIF is \$67,200.

ITEM NO. WS-4

City Council Workshop Agenda Monday, August 24, 2015 – 6:30 p.m.

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

AGENDA ITEM: Sales Tax Renewal

NARRATIVE: The enclosed memo discusses the options for the sales tax renewal.

MEMORANDUM

DATE: August 2015
TO: Mayor and Council
FROM: City Manager *[Signature]*

SUBJECT: Extending the Library Sales Tax for General Fund Purposes

RECOMMENDATION: The Council reach consensus on whether to put a ballot measure to the citizens in 2016 to extend the current Library Sales Tax amount for a period of time to be used for General Fund purposes as well as the time and type of election.

BACKGROUND: The sales tax to pay for the new Library was approved by the voters in 2006 and will sunset in 2016. The amount of the sales tax is one quarter of one percent (.25%) which is estimated to raise approximately \$467,500 per year.

DISCUSSION: Staff raised the idea of going to the voters to approve a sales tax that is the same amount they have paid the past 9 years to pay the debt on the Library that would be used for General Fund purposes. The thought is that everyone has been paying the .25% in sales tax and keeping the same amount only changes what it is used for. We would not be increasing the sales tax, just keeping it the same as it has been for the past nine years.

An advantage of a sales tax for our citizens as compared to a property tax increase is that non-residents pay it as well, however, they also benefit from the work done with General Fund monies, such as maintaining our streets that they drive on.

As a general tax, it would not sunset as our special sales taxes do but it can be changed at any time in the future. The State allows us levy a sales tax up to 2% General and 1% Special.

There are numerous General Fund needs for which these funds could be used. The changes that resulted from the recently completed pay plan have a significant effect on the General Fund and we need to continue to improve the City's streets. We have been making headway on street improvements these past several years, but there is still much that needs to be done.

Another consideration is that we will lose the revenue generated by the Ford dealership sometime in the 2016 – 2017 timeframe when they move to their new location at Parallel Road and 435 in KCK. The loss of that revenue will have a significant negative impact on our revenue flow for the general fund.

Another thing to consider is the legislation that was approved this past year that caps our ability to raise property taxes without a vote of the people is effective in 2018. I think you should expect to see that date moved back to 2017 during the next legislative session.

If the Legislature does that, we will lose the ability to raise the property tax mil levy for 2017 as part of the budget process. Having the sales tax revenue for General Fund purposes eases the issue of not being able to raise the mil levy. As I am sure you are aware, Johnson County just raised their property taxes by 14% (See attached article). I believe they did that in anticipation of the State Legislature moving up the date that would require a vote on any property tax increase (personal opinion: Johnson County's action will be one of the reasons many Legislators will push to move the date to 2017 in order to stop Cities and Counties from "frivolously" (sic) increasing their property taxes).

There are two options for the date for an election:

1. Spring 2016:

- a. The key plus for this date is that we would know the results of the election in enough time to plan for it when preparing the 2017 budget. If we did it later in the year, we would not be able to budget for it essentially until the 2018 budget.
- b. A spring election would keep the issue non-political by separating it from the candidate election cycle.
- c. There are two options to hold a spring election:
 - i. Mail In Ballot – This option was successfully used for the last sales tax question we did in 2012 to extend the Emergency Services sales tax. This method ensures that all registered voters get a ballot which makes it easier for residents to vote. It is also less costly than a regular election. The cost to the City to undertake this type of election is estimated at \$10,500. This type of election requires that the Election Commissioner be notified 120 days in advance of the selected election date.
 - ii. Special Election at Polling Places – This type of election requires registered voters go to a polling place and would most likely result in fewer voters than a mail in ballot. The approximate cost of this type of election is \$16,161. This type of election requires that the Election Commissioner be notified 120 days in advance of the selected election date.

2. Fall 2016:

- a. This timeframe would accommodate the election for this issue being on the ballot for the general election, which would include election for City offices. There would be no cost to the City if it is on the general ballot. You might get a reasonable number of voters participating as it would also be a Presidential election, which usually brings out more voters than a special election.
- b. The State requires that they be notified one quarter in advance of a sales tax going into effect which means that if the issue was passed, it wouldn't be collected until the second quarter of 2017. This would leave a 3 month gap between the sales being collected, so the tax would actually go down and then back up again, rather than no one seeing any change in the amount they pay if it is approved earlier.

- c. Because of the date for this election, you would not be able to budget those funds for 2017 since you would not know what the outcome will be by the time the budget needs to be approved in August.

Attached is a sales tax renewal timeline for a spring election.

Financial Impact: The approximate cost for a mail in election is \$10,500 and the cost of a regular ballot election is \$16,161. Based on discussion at this year's budget retreat we did budget \$10,500 for a special election in 2016. If approved, the sales tax would generate approximately \$467,500 per year, based on estimated Library sales tax revenue. The following compares our current sales tax with proposed.

	General	Special	Total
Current	1%	$\frac{3}{4}\%$	$1\frac{3}{4}\%$
Proposed	$1\frac{1}{4}\%$	$\frac{1}{2}\%$	$1\frac{3}{4}\%$

2 Attachments

Johnson County raises property taxes for libraries, parks and transit

By ROXIE HAMMILL

Special to The Star

With a glance over their shoulders toward Topeka, Johnson County commissioners on Thursday approved a 14 percent increase in the county's property tax rate, the first since 2006.

In voting 4-3 for the increase, the County Commission proved itself willing to do what the Kansas Legislature has railed against — raising taxes to support a higher level of government services. Kansas lawmakers have opted for deep cuts in income taxes and services, but still raised sales taxes this year to plug a budget hole.

Supporters of the county's property tax increase say it is needed to maintain the quality of life that has attracted people to Johnson County and spurred its growth. The increase will go to support

expansions and improvements in the library and parks systems, add public transit services and cover an expected shortfall in revenue for county operations.

Although the final voting was done in a series of resolutions, the count and the vote was always the same. The commission split 4-3, with commissioners Jason Osterhaus, Michael Ashcraft and John Toplikar voting against. Commissioners Steve Klika, Ron Shaffer, Jim Allen and Chairman Ed Eilert voted in favor.

Commissioners and taxpayers' comments at the commission's meeting Thursday were infused with concern about the tendency of the Kansas Legislature to restrict how much revenue can be raised by local government. Last session, for example, lawmakers approved a tax lid that would not allow local government to generate property tax revenue above the rate of inflation without a popular vote. That law is to take effect in 2018.

As the meeting ended, Eilert spoke of the relationship between the county and state government as "becoming frayed."

Most economic growth is initiated at the city and county level, Eilert said.

"Don't put the handcuffs on local government so they cannot respond to those economic opportunities," he said. "That, I believe, is not in everyone's best interest."

The property tax lid, plus a change last year in how county fees are collected for mortgages, has caused friction between the seven-member commission and the county's statehouse delegation.

Last year, state lawmakers showed up at the commission's budget hearing to speak against a proposed tax rate increase.

The commission eventually backed away and kept the tax rate steady. But comments at the meeting Thursday showed it was not forgotten.

Klika noted that the vote Thursday was basically a continuation of last year's budget debate. The county kept the tax rate flat throughout the Great Recession, even as home values and revenue shrunk, he said. "We put a lot of things on the back burner the past 10 years. We've got to get back on track," Klika said.

No state legislators took to the lectern Thursday, but the Kansas Policy Institute, a conservative-leaning think tank, ran radio ads opposed to the increase, and its president, David Trabert, had spoken out against it at a previous meeting.

That caught the attention of Barry Martin of Olathe, who referred to the state's recent struggles to balance its budget when he spoke to the commission Thursday.

"The commission has come under attack by certain special interest groups, the same groups that advise the Legislature and governor, and we know how that's worked out," Martin said.

"The fiscal policies that these people support have resulted in the single highest tax increase in Kansas history," he continued, referring to a decision to raise the state sales tax rather than income tax.

That puts the burden on the middle and lower classes, he said.

"I would say to the persons who don't support the (county's) budget, move to another county. Move to Wichita and find out what your property taxes will be there," Martin said.

In fact, most of the people who stood to speak during the pre-vote public comments were in favor of the tax increase.

Kathy McGinley of Overland Park praised the library system in particular. She told the commissioners: "I am more than willing to pay a little more in taxes to ensure more people in the county have access to this amazing resource."

Jim Minges of Roeland Park said the increase amounts to an investment in the Johnson County quality of life.

"The cost for me would be slightly more than the cost of a Starbucks latte once a month," Minges said. "I don't think that is too much to invest in the quality of our community."

The increase will bring in new money to take care of some of the county's higher-profile needs. The park system would get a 0.75 mill increase; libraries, a 0.75 mill increase; transit, a 0.178

mill increase; and county operations would get a 1.622 mill increase. A mill equals a dollar of tax per each \$1,000 taxable value.

Both the library and parks recently completed long-range plans for expansion and improvements. Library officials wanted the increase to build new branches to accommodate growth and to make improvements to existing branches. The library also has plans for a centralized sorting center, which officials say would save space and money.

Parks money will be spent partly on making new parkland accessible. Big Bull Creek Park, a 2,000-acre tract, has been a source of controversy because it has never been developed since the county acquired it more than a decade ago. Streamway trails would also be developed and existing parks improved.

The rest of the increase goes toward public transit and county operations. The public transit money will go to expand bus lines and hours and to add more flexibility to para-transit. The county operations budget was increased to cover losses in state revenue from the mortgage registration fee and increases in the sheriff's budget, among other things.

The total budget is about \$928.7 million, with \$185.5 million planned for reserves, a 6.8 percent increase in spending.

With the 3.3 mill increase, the county's 2016 mill rate will come to 26.57, up from 23.27 mills in 2015.

Johnson Countians outside of Olathe would see an increase of \$8.26 a month to the average \$261,000 home. Olathe's impact would be less, because its library is not under the county library system. For Olathe residents, the mill levy would increase by 2.55 mills, bringing an increase of \$6.38 a month on a home of the same value.

At the meeting Thursday, two people spoke against the budget. Dennis Batliner of Overland Park said a recent citizen survey shows the majority of residents don't want a tax increase. He said more should have been done to find other savings in such things as employee compensation.

Likewise, Earl Long of Overland Park said the county's good quality of life has been due to a conservative tax policy over the years that has helped the private sector.

Although Trabert of the Kansas Policy Institute was not at the meeting, he said later that the county presented a "false choice" to voters about raising taxes or cutting services. "The reality is that their budget is spending \$30 million-plus more than they spent the year before," Trabert said. "They could choose to not increase their spending by as much as they were, or they could choose to provide existing services more efficiently."

Telling residents that without an increase they would “pay the price” in reduced services was inappropriate, he said.

“That’s not an honest discussion,” Trabert said.

Some state lawmakers said they weren’t surprised by the tax increase.

Rep. Melissa Rooker, a Fairway Republican, lamented state-mandated policies that cut into county revenue, saying that local officials must “backfill” that money. She said she supports county officials who studied the levy increase.

Rooker said that while a tax increase might not be something to applaud, the vision to improve library facilities, to expand parks and to improve public transit is laudable.

“I believe our county has been very well managed for a very long time,” she said.

Commissioner Osterhaus made support of the county’s parks and libraries part of his re-election campaign this year. He explained that he voted against the budget because he thought it more appropriate that the measure be put to a public vote. If he’d had the opportunity as a private citizen, he said, he would have voted for it.

Ashcraft and Toplikar said that while they support the library and parks, they thought the county should have taken a different approach. Ashcraft said more cost-cutting measures should have been explored.

Toplikar wanted a referendum vote or a bond issue, which would ensure that the tax increases eventually expire or have to be re-approved.

At one point Toplikar proposed an amendment to reduce the county reserve fund to 17 percent of the budget rather than raise the tax rate. He also asked whether the debate could be delayed so more outside auditors, including Trabert, could take a look at it. Both those proposals were voted down or denied.

The idea of spending down reserves drew fire from some others on the commission.

Commissioner Allen said such a move could endanger the county’s bond rating, costing it in increased interest rates down the line. The state of Kansas has already suffered a downgrade in its rating.

“Those incremental differences in interest rates are significant,” Allen said. “If the state of Kansas had the same bond rating Johnson County has, they literally would save hundreds of millions of dollars a year.”

Sales Tax Renewal Election Timeline

Deadline	Action
12/14/2015	A mail ballot election is conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, <u>not later than 120 days following the date the request is submitted.</u> (KSA 25-431)
1/19/2016	84 days before the desired election date – deadline for the City of Bonner Springs to submit the written request for the election, accompanied with the approved resolution and ballot wording.
3/17/2015	21 days before election date is the deadline for Bonner Springs to publish the first Notice of Election. Two Notices are required, published in consecutive weeks. The second notice is published 7 days after the first Notice, but no later than 14 days prior to the election date.
3/24/2015	The <u>second notice is published 7 days after the first Notice</u> , but no later than 14 days prior to the election date.
3/23/2016	<u>20 days prior to the election date</u> , there is a mass mailing of ballots to active voters who are registered prior to 30 days before the election date. Voters who register 20 to 30 days prior to the election date must request a mail ballot.
4/12/2016	On the designated election date, ballots are accepted by mail or in-person, but all voted ballots must be in the election office by 12 Noon.
4/12/2016	On Election Day and shortly after 12 Noon, all ballots cast are tabulated to produce the unofficial results. Results become official after the meeting of the County Board of Canvassers. For elections held on Tuesday, the Board of Canvassers meets on the Monday following Election Day.

ITEM NO. 1.

City Council Regular Agenda Monday, August 24, 2015 – 7:30 p.m.

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

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:

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. 2.

**City Council Regular Agenda
Monday, August 24, 2015 – 7:30 p.m.**

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: Minutes of the August 10, 2015 City Council Meeting

ACTION: Make a Motion to Approve the Minutes of the Regular Meeting Held on August 10, 2015

STAFF RECOMMENDATION: The City Clerk Recommends Approval

Enclosed are the minutes for approval.

City Council Workshop Meeting – Monday, August 10, 2015 – 6:30 p.m.

Governing Body Present: Mayor Jeff Harrington; Councilmembers: Tom Stephens, George Cooper, Bob Reeves, Rodger Shannon, Dani Gurley, Joe Peterson, Mike Thompson and Mark Kipp

City Staff Present: Jack Helin, City Manager; Amber McCullough, City Clerk; Tillie LaPlantc, Finance Director, Brian Hunt, Building Official; Kevin Bruemmer, Public Works Director, Barb Bille, Property Maintenance Code Enforcement Officer and Carol Sharp, Human Resources

The City Council discussed Workshop Item No. 4 first and the remaining items in the order they appeared on the agenda.

WS – 1– 2016 Pay Plan – The City Manager made a presentation:

- The City Council at the Budget Retreat reached consensus to approve merit increases of one percent (1%), one and a half percent (1.5%) and two percent (2%).
- The Kansas City Consumer Price Index (CPI) for the past year is negative .6 percent so in accordance with the City Pay Plan, there will be no Cost of Living Adjustments (COLA) in 2016.
- Staff recommended the City Council raise the merit increases to one percent (1%), two percent (2%) and three percent (3%).
- Amounts budgeted for salaries in 2016 will cover the additional merit increases.

The City Council reached consensus with no opposition to approve the recommended merit increases.

WS – 2 – Changes and Adoption of 2015 Building Codes – The Building Official reviewed changes to the International Building Codes effective for new construction.

- The City adopted the 2009 Edition of the International Building codes in November 2009.
- Staff recommended the City Council adopt the 2015 Edition of the International Code Council Building Codes with amendments.

WS – 3 – On-Street Parking – Pratt Avenue – Staff recommended placing “No Parking” signs on the north side of Pratt Avenue from Bluegrass to 138th Street on a temporary basis and will bring an ordinance to the City Council in approximately six months assuming there are no issues with the signs.

The City Council reached consensus with no opposition to place “No Parking” signs on the north side of Pratt Avenue from Bluegrass to 138th Street.

WS – 4 – Property Maintenance Code Amendments, Fees and Governing Body Policy – The City Manager made a presentation:

- Staff included a flow chart in the City Council packet to clarify the Property Code Violation process.
- Provided a revised copy of the Ordinance in legislative style.
- Provided a revised proposed Governing Body Policy in legislative style.
- Discussion included making the flow chart available to the public as a handout and on the website.

Additional discussion included changes to the 2015 Concrete Repair Program re-bids. The City Manager presented:

- The school district did not approve the Add Alternate Item No.1 for the Concrete Repair Program.
- Staff presented three options for additional work that we can do with the savings from the lower concrete bids:
 - Option No. 1 – Mill and overlay and concrete work on Park Drive, Pratt, Crest Circle and Kindred at a total project cost of \$117,244.41
 - Option No. 2 – Sidewalk work on East Morse, Spring and Emerson at a total project cost of \$179,596.31.
 - Option No. 3 – Sidewalk work on East Morse, mill and overlay and concrete work on Park Drive and Pratt at a total project cost of \$131,711.71.
- Staff recommended option No. 3.

The City Council reached consensus without opposition to include Option No. 3 with the 2015 Concrete Repair Program bid award and add the streets to the street contract.

The City Manager announced a Special Meeting on Thursday, August 20, 2015 at 9:00 a.m. at the Bonner Springs Library to interview candidates for the City Manager position.

The meeting adjourned at 7:25 p.m.

City Council Minutes – Regular Meeting – Monday, August 10, 2015

The Bonner Springs City Council met in regular session at 7:30 p.m. on Monday, August 10, 2015.

Governing Body Present: Mayor Jeff Harrington; Councilmembers: Tom Stephens, Dani Gurley, Joe Peterson, Mike Thompson, Bob Reeves, Mark Kipp, George Cooper and Rodger Shannon

City Staff Present: Jack Helin, City Manager; Amber McCullough, City Clerk; Tillie LaPlante, Finance Director; Kevin Bruemmer, Public Works Director; Matt Beets, Project Manager; Marcia Harrington, Community and Economic Development and Tourism Director and Jack Granath, Library Director

Ryan Weibrecht, Boy Scout, 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** – None presented.

CONSENT AGENDA

The Mayor read the Consent Agenda Items 2 through 8 and asked the staff, audience or City Council if they wished to remove an item for separate consideration. No items were removed.

Item No. 2 – Minutes of the July 27, 2015 City Council Meeting – Presented for approval.

Item No. 3 – Minutes of the August 3, 2015 Special Council Meeting – Presented for approval.

Item No. 4 – Claims for City Operations for August 10, 2015 - Presented for approval were the Supplement Claims in the amount of \$ 47,262.44 and Regular Claims in the amount of \$ 126,146.82.

Item No. 5 – Public Housing Authority Claims – August 10, 2015 – Presented for approval in the amount of \$1,812.10.

Item No. 6 – Consumption/Possession Permit – Tiblow Days Chamber Request for Cereal Malt Beverage - The Chamber applied for a Consumption/Possession Permit for Cereal Malt Beverages for the Chamber BBQ for Tiblow Days from 8:01 a.m. on August 28 through 1:59 a.m. August 29, 2015. The approval is contingent upon satisfactory inspection and the Chamber requested the permit fee be waived.

Item No. 7 – Carnival Permit – Chamber Tiblow Days – The Chamber applied for a Carnival Permit for Tiblow Days for August 27, 28 and 29, 2015. The approval is contingent upon satisfactory inspection. Jones and Company will provide the Carnival and the Chamber requested the permit fee be waived.

Item No. 8 – Consumption/Possession/Sale Permit – Tiblow Days – Chamber Request for Alcoholic Beverages - The Chamber applied for a Consumption/Possession/Sales Permit for Alcoholic Beverages for Tiblow Days from 12:00 p.m. to 11:59 p.m. on August 28 and August 29, 2015. The approval is contingent upon satisfactory inspection and the Chamber requested the permit fee be waived.

CONSENT AGENDA APPROVAL

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

REGULAR MEETING AGENDA

Item No. 9 – Public Hearing 2015 Budget Amendments and 2016 Budget - The Mayor opened the public hearing at 7:34 p.m. and the City Manager made a presentation as follows:

➤ Thanked the City Council, Mayor and City staff for their effort on the 2016 Budget.

➤ Reviewed the 2015 Budget amendments.

➤ The goal of the 2016 Budget is to provide a high level of quality service to the citizens of our community.

➤ The 2016 Budget maintains the current mill levy rate.

➤ 2016 Budget total is \$17,771,543

➤ Reviewed the 2016 Budget.

➤ Estimated cash carryover to 2017 is five percent (5%) of projected expenditures.

➤ Estimated 2016 Contingency Funds are six percent (6%) of projected expenditures.

The Mayor closed the public hearing at 7:53 p.m.

Item No. 10 – Approve 2015 Budget Amendments and 2016 Budget and Establish Maximum Expenditures -

Information in the agenda packet included the Certificate for 2016 which listed the funds that State Law requires cities to set maximum expenditures for and to set the estimated mill levy at 33.616. The Certificate included the 2015 Budget Amendments. State Law requires cities to publish the vote of the City Council if the adoption of the budget increases property taxes over the previous year per the computation page in the State Budget. The 2016 Budget, if adopted, provides for a total property tax amount less than the maximum levy, therefore the City is not required to publish the vote. Gurley made a Motion to Approve the 2015 Budget Amendments and the 2016

Budget and Establish Maximum Expenditures. Stephens seconded the motion and it carried on a vote of eight to zero.

Item No. 11 - Property Maintenance Code Amendments, Fees and Governing Body Policy – The City Manager made a presentation:

➤ Reviewed changes to the Property Maintenance Code Violation procedures including adding a Failed Re-inspection Fee and Failed Pre-Court Inspection Fee.

Reeves made a Motion to Approve an Ordinance Amending the Property Maintenance Chapter of the Code of Ordinances. Shannon seconded the motion and it carried on a vote of seven to one.

Shannon made a Motion to Approve the Governing Body Policy and Fees of \$150 each for a Failed Inspection Fee and Pre-Court Inspection Fee. Reeves seconded the motion and it carried on a vote of seven to one. **Assigned Ordinance No. 2404.**

Item No. 12 – 2015 Concrete Repair Program Re-Bids – The Public Works Director made a presentation:

➤ August 6, 2015 the City received five bids for the 2015 Concrete Repair Program: JM Fahey Construction - \$299,716.55, Julius Kaaz Construction Company, Inc. - \$271,467, Kansas Heavy Construction, Inc. - \$261,949.20, Sterling Construction - \$141,597.25 and Phoenix Concrete and Underground, Inc. - \$140,091.89.

➤ The bid included two alternate items:

- Item No. 1 – New curbs along McDaniel Drive in front of the high school and middle school. The School district's cost for the additional item is \$31,712.40
- Item No. 2 – Additional sidewalk work on Allcutt between Cedar and Spring for an amount of \$20,942.

➤ The school district did not approve Add Alternate Item No. 1.

➤ Staff proposed three options for additional work during the earlier Workshop.

➤ Staff recommended the City Council award the bid to Phoenix Concrete and Underground, Inc. in the amount of \$131,711.71 for the 2015 Concrete Repair Program including the west side of Add Alternate No. 2 and \$27,565.90 for additional sidewalk work on East Morse and mill and overlay work and concrete work on Park Drive and Pratt.

Cooper made a Motion to Award the Bid to Phoenix Concrete and Underground, Inc. in the Amount of \$104,145.81, which Includes the west side of Add Alternate No. 2, and \$27,565.90 for the Additional Concrete in Option No. 3 for a Total Project Cost of \$131,711.71. Reeves seconded the motion and it carried on a vote of eight to zero.

Item No. 13 – City Manager's Report – The City Manager added as follows:

➤ Requested everyone respond to the Administrative Assistant regarding the Tiblow Days Parade.

➤ The Mayor's Banquet is Friday, August 28th.

➤ Tiblow received a \$1,500 grant from Walmart.

➤ Staff included the Mill Levy amounts in the City Manager's report in the agenda packet.

Item No. 14 – City Council Items –

➤ Reeves thanked City staff for repairing the pothole on Sheidley,

➤ Reeves stated the "Curve" sign on 132nd Street is still missing. The City Manager will follow up.

➤ Reeves stated the creek is growing again.

➤ Gurley thanked the Public Works Director for his work and asked if the City received an update on the CDBG proposal. Staff reported they have not received an update yet.

➤ Peterson stated the Lei Valley Home Owner's Association requested to reduce the speed limit in Lei Valley. The City Manager asked Councilmember Peterson to see him about the request.

➤ Peterson stated the Lei Valley Home Owner's Association requested to set up a neighborhood watch. The City Manager asked for a contact person to forward to the Police Department.

➤ Kipp thanked the City staff for their work on the budget and on the search for a new City Manager.

Item No. 15 – Mayor's Report – The Mayor reported as follows:

➤ Thanked the entire City staff for their work on a professional budget.

➤ Toured the high school. The cafeteria remodel is complete in time for the Mayor's Banquet on August 28th. The auditorium renovation will not be completed until October.

➤ Encouraged everyone to participate in the Tiblow Days Parade.

➤ The selection committee and the City Council are working very hard to select a new City Manager.

The meeting adjourned at 8:13 p.m.

_____ Amber McCullough, City Clerk

ITEM NO. 3.

**City Council Regular Agenda
Monday, August 24, 2015 – 7:30 p.m.**

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: Claims for City Operations for August 24, 2015

ACTION: Make a Motion to Approve the Claims for City Operations for August 24, 2015

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 \$29,637.90 and the Regular Claims in the amount of \$171,921.82.

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: 08/19/2015

Time: 9:50 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							
127805	08/14/2015	Printed		2470	ATMOS ENERGY	GAS SERVICE	629.45
127806	08/14/2015	Printed		7193	CHASE PROCESSING	PAYROLL DEDUCTIONS	620.00
127807	08/14/2015	Printed		7463	LINDA HOLMES	RENTAL DEPOSIT REFUND	100.00
127808	08/14/2015	Printed		0898	ICMA RETIREMENT CORPORATION	PAYROLL DEDUCTS/BENEFITS	4,689.65
127809	08/14/2015	Printed		2195	KANSAS PAYMENT CENTER	PAYROLL DEDUCTIONS	601.90
127810	08/14/2015	Printed		2052	KANSAS WATER PROTECTION FEE	2ND QTR 2015 WATER TAX	3,232.06
127811	08/14/2015	Printed		2014	KCPL	ELECTRIC SERVICE	493.28
127812	08/14/2015	Printed		0304	DELANE KING	RENTAL DEPOSIT REFUND	100.00
127813	08/14/2015	Printed		9879	MAINSTREET CREDIT UNION	PAYROLL DEDUCTIONS	2,582.82
127814	08/14/2015	Void	08/14/2015			Void Check	0.00
127815	08/14/2015	Void	08/14/2015			Void Check	0.00
127816	08/14/2015	Void	08/14/2015			Void Check	0.00
127817	08/14/2015	Void	08/14/2015			Void Check	0.00
127818	08/14/2015	Printed		6709	NUTS & BOLTS	POOL,BUILDING,PARKS MAINT SUPP	1,189.71
127819	08/14/2015	Printed		1811	RICOH USA, INC.	COPIER LEASES	239.73
127820	08/14/2015	Printed		1992	CONNIE SWAFFORD	RENTAL DEPOSIT REFUND	100.00
127821	08/14/2015	Printed		7462	CHRIS TIMMER	SUMMER CAMP OVERPAYMENT REFUND	85.00
127822	08/14/2015	Printed		3790	WESTAR ENERGY	ELECTRIC SERVICE	14,974.30
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Total Payments: 18						Bank Total (excluding void checks):	29,637.90
Total Payments: 18						Grand Total (excluding void checks):	29,637.90

Check Register Report

CHECK REGISTER

Date: 08/19/2015

Time: 2:27 pm

Bonner Springs City Hall

BANK: UNION BANK & TRUST

Page: 1

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UNION BANK & TRUST Checks							
127823	08/18/2015	Printed		3167	ACE PIPE CLEANING INC	CLEAN SANITARY SEWER LINE-WW	1,424.50
127824	08/18/2015	Printed		3562	ALAMAR	UNIFORMS-PD	295.92
127825	08/18/2015	Printed		0402	ALDEN-HARRINGTON FUNERAL HOME	PLANT-SLONE	61.00
127826	08/18/2015	Printed		6000	APAC	GRAVEL-UT & PARKS	886.26
127827	08/18/2015	Printed		2470	ATMOS ENERGY	GAS SERVICE	59.75
127828	08/18/2015	Printed		2129	BARTLETT & WEST INC	DESIGN BACKWASH TANK-UT	1,000.00
127829	08/18/2015	Printed		0109	BERNING TIRE COMPANY	FLAT REPAIR -PW	15.00
127830	08/18/2015	Printed		0170	BONNER SPGS THRIFTWAY	MONTHLY LUNCH F/SENIOR CENTER	14.11
127831	08/18/2015	Printed		7027	BONNER SPRINGS ANIMAL CARE CTR	VET SERVICES-PD	1,718.00
127832	08/18/2015	Printed		4172	BOUND TREE MEDICAL	MEDICAL SUPPLIES-EMS	309.12
127833	08/18/2015	Printed		2810	KATIE BOYD	REFUND CAMP OVERPAYMENT	229.00
127834	08/18/2015	Printed		3764	CHAD CANNON MD	MEDICAL DIRECTOR SVCS-EMS	1,800.00
127835	08/18/2015	Printed		0019	CHEMQUEST INC	CHEMICALS-WATER	3,291.75
127836	08/18/2015	Printed		6354	CINTAS FAS LOCK BOX 636525	FIRE EXTINGUISHER INSPECTIONS	298.78
127837	08/18/2015	Printed		7461	CITY OF LANSING	ENGINEER SVCS: K7 SIGNAL COORD	50.00
127838	08/18/2015	Printed		0951	COCA-COLA REFRESHMENTS USA INC	DRINKS-AQUATIC PARK CONCESSION	186.23
127839	08/18/2015	Printed		0213	COLEMAN EQUIPMENT INC	WEED EATER REPL PARTS-UT	27.49
127840	08/18/2015	Printed		5560	COMMERCIAL AQUATIC SVCS INC	WATER TESTING SUPPLIES-POOL	313.41
127841	08/18/2015	Printed		0222	CONRAD FIRE EQUIPMENT INC	UNIFORM BOOTS-FIRE	235.00
127842	08/18/2015	Printed		0324	DALE COOPER LLC	WATER SLIDE RESTORATIONS-POOL	2,940.00
127843	08/18/2015	Printed		4716	DAVE'S PLUSS CONSTRUCTION	DISTRIBUTION SYST MAINT-UT	6,429.00
127844	08/18/2015	Printed		0238	DEFFENBAUGH DISPOSAL SERVICE	DUMPSTER RENTALS	128.00
127845	08/18/2015	Printed		0192	DOUGLAS PUMP SERVICE INC	PUMP INSPECTIONS-UT	170.00
127846	08/18/2015	Printed		1075	DSA PRECISION CLEANING	CUSTODIAL SUPPLIES	235.86
127847	08/18/2015	Printed		7458	ECO KINETIC	LED RETROFIT LIGHTING-FIRE	3,498.46
127848	08/18/2015	Printed		7142	EDWARDS CHEMICALS INC.	CHEMICALS & CHLORINE TANK-POOL	1,770.10
127849	08/18/2015	Printed		7407	EVCO WHOLESALE FOOD CORP	FOOD F/AQUATIC PARK CONCESSION	448.75
127850	08/18/2015	Printed		5516	EXECUTIVE MARKETING PROMOTIONS	UNIFORMS F/MEN'S SOFTBALL	201.11
127851	08/18/2015	Printed		2621	EXPRESS WASH AMERICA LLC	CAR WASH -UT	4.00
127852	08/18/2015	Printed		4736	FASTENAL	BATTERY F/TRUCK-UT	119.99
127853	08/18/2015	Printed		4342	FELDMANS	UNIFORMS,GATES,EQUIP MAINT SUP	582.15
127854	08/18/2015	Printed		3286	GCI CASTINGS INC	DISTRIBUTION MAINT SUPPLIES-UT	90.00
127855	08/18/2015	Printed		1942	GRASS PAD INC	HERBICIDE & WASP SPRAY-PW	313.45
127856	08/18/2015	Printed		7383	GREAT PLAINS SOCIETY FOR	ANIMAL SHELTER EXPENSE	675.00
127857	08/18/2015	Printed		0021	HACH COMPANY	CHEMICALS-UT	788.03
127858	08/18/2015	Printed		2430	HAMBLIN PETROLEUM	MOTOR FUEL	10,052.67
127859	08/18/2015	Printed		1089	HAWKINS, INC	CHEMICALS-UT	4,253.53
127860	08/18/2015	Printed		4275	HAYNES EQUIPMENT CO INC	GRINDER PUMP MAINT-UT	807.99
127861	08/18/2015	Printed		2813	HD SUPPLY WATERWORKS LTD	WATER DISTRIBUTION PARTS-UT	2,367.38
127862	08/18/2015	Printed		7242	HELGET GAS PRODUCTS INC	OXYGEN-EMS	140.45
127863	08/18/2015	Printed		0821	HOLLIDAY SAND AND GRAVEL CO	CONCRETE SAND-UT	872.61
127864	08/18/2015	Printed		0400	KANSAS CITY PETERBILT	VEH MAINT/REPAIRS-FIRE	3,747.93
127865	08/18/2015	Printed		5308	KANSAS ONE-CALL SYSTEM, INC	LOCATE FEES/JULY 2015	131.00
127866	08/18/2015	Printed		2837	KANSAS WATER ENVIRONMENT ASSOC	CERTIFICATION EXAM FEE-UT	65.00
127867	08/18/2015	Printed		7465	GAIL KARLEN	AMBULANCE OVERPAYMENT REFUND	50.00
127868	08/18/2015	Printed		4319	KDHE	CERTIFICATE RENEWAL - WW	20.00

Check Register Report

CHECK REGISTER

Date: 08/19/2015

Time: 2:27 pm

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
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127871	08/18/2015	Printed		0852	LANMAN INCORPORATED	COMPUTER SVCS/MAINT	1,765.00
127872	08/18/2015	Printed		2419	LARUE DISTRIBUTING INC	COFFEE & SUPPLIES-EMS	67.98
127873	08/18/2015	Printed		2128	LAS CORP	FUEL F/CHAIN SAW-WTP	5.66
127874	08/18/2015	Printed		4600	LAYNE CHRISTENSEN CO	WELL PUMP REPAIRS-UT	8,497.00
127875	08/18/2015	Printed		1836	LOWE'S CREDIT SERVICES	PAINTING SUPPLIES-PARKS	165.28
127876	08/18/2015	Printed		4478	MADDEN PREPRINT MEDIA	AD F/KS TRAVEL GUIDE-CTC	82.00
127877	08/18/2015	Printed		7347	SHELDON MCGUIRE	POOL PUMP REPAIR	130.00
127878	08/18/2015	Printed		3007	MES-MIDAM	UNIFORM-EMS	53.21
127879	08/18/2015	Printed		6137	METRO COURIER INC	DELIVERY CHARGES-UT	13.86
127880	08/18/2015	Printed		6506	MID AMERICA VALVE & EQUIPMENT	BACKWASH VALVE-UT	594.88
127881	08/18/2015	Printed		2826	SUSAN MUCKENTHALER	TRANSCRIPTION SERVICES-PD	189.60
127882	08/18/2015	Printed		7450	JENNIFER LYNN MYERS	JUDGE PRO-TEM	200.00
127883	08/18/2015	Printed		7467	NEW WORLD SYSTEMS CORPORATION	RECORDS MANAGEMENT SYSTEM	61,795.00
127884	08/18/2015	Printed		0947	O'REILLY AUTO STORES INC	VEH & EQUIP MAINT/SUPPLIES	717.12
127885	08/18/2015	Printed		0187	OLATHE WINWATER WORKS	PLANT & WELL MAINT SUPPLIES	513.60
127886	08/18/2015	Printed		2126	OMNI SVC GROUP LLC	JULY AMB BILLING	428.94
127887	08/18/2015	Printed		6006	OVERHEAD DOOR COMPANY OF KC	LOCKER ROOM DOOR REPAIRS-POOL	154.00
127888	08/18/2015	Printed		3393	PACE ANALYTICAL	LAB TESTING F/W/WTP	115.00
127889	08/18/2015	Printed		7012	PAUL PETERSON	VEH MAINT/REPAIRS-PD	621.38
127890	08/18/2015	Printed		0904	PREDATOR TERMITE & PEST CONTRL	MOWING & PEST CONTROL	806.25
127891	08/18/2015	Printed		2838	PREMIER AUTOMOTIVE OF BS KS	VEH MAINT/REPAIRS-PW	1,499.46
127892	08/18/2015	Printed		0646	PUSHWATER ENTERPRISES INC	ENVELOPES-PD	136.47
127893	08/18/2015	Printed		0928	RAND CONSTRUCTION COMPANY	WATER PLANT UPGRADES-UT	12,742.76
127894	08/18/2015	Printed		0928	RAND CONSTRUCTION COMPANY	COLLECTION SYST MAINT-WW	1,568.53
127895	08/18/2015	Printed		2566	RICHARD REINWALD JR	PAINT INTERIOR WATER PIPES-UT	400.00
127896	08/18/2015	Printed		1811	RICOH USA, INC.	COPIER LEASES	656.55
127897	08/18/2015	Printed		3714	SAMS CLUB DIRECT	JANITORIAL SUPPLIES,FOOD F/SC	655.78
127898	08/18/2015	Printed		8441	SHAWNEE COPY CENTER	NEWSLETTER & CALENDAR-SC	100.00
127899	08/18/2015	Printed		2927	SHRED-IT US JV LLC	SHREDDING SERVICE-EMS	45.80
127900	08/18/2015	Printed		7437	JUSTINE SMITH	MILEAGE EXPENSE 7/14-7/30/15	36.28
127901	08/18/2015	Printed		9993	SOUTHEASTERN EMERGENCY	MEDICAL SUPPLIES-EMS	209.55
127902	08/18/2015	Printed		3578	SPECTRA	GREEN & BLUE PAINT-WT	295.56
127903	08/18/2015	Printed		6081	STAPLES ADVANTAGE	TONER,PRINTING CALCULATOR,PENS	656.79
127904	08/18/2015	Printed		0766	T A STOLFUS DVM	VET SERVICES-PD	860.00
127905	08/18/2015	Printed		6662	STRUCTURAL TECHNOLOGY INC	GROUND LADDER INSPECTION-FIRE	903.35
127906	08/18/2015	Printed		0017	TOMPKINS INDUSTRIES INC	EQUIP REPL PARTS-PW	40.67
127907	08/18/2015	Printed		6802	TOTAL ELECTRIC CONTRACTORS INC	TRAFFIC SIGNAL REPAIRS	738.17
127908	08/18/2015	Printed		6819	UNIFIRST COPRORATION	UNIFORM,RUG RENTAL-PW,UTIL	114.76
127909	08/18/2015	Printed		1541	UNITED LABORATORIES	COLLECTION MAINT SUPPLIES-WW	351.83
127910	08/18/2015	Printed		3078	USA BLUE BOOK	PLANT & DISTRIBUTION MAINT SUP	588.30
127911	08/18/2015	Printed		8404	VESTA LEE LUMBER COMPANY	WOOD,CEMENT MIX,HAMMER,SHOVEL	220.72
127912	08/18/2015	Printed		7009	VICTOR PHILLIPS CO INC	LOADER BROOM,EXCAVATOR HAMMER	10,710.00
127913	08/18/2015	Printed		0712	W W GRAINGER	MARKING PAINT,DC POWER SUPPLY	583.48

Check Register Report

CHECK REGISTER

Date: 08/19/2015

Time: 2:27 pm

Page: 3

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							
127914	08/18/2015	Printed		4731	WALKER TOWEL & UNIFORM SVC INC	RUG RENTAL-FIRE/EMS	62.59
127915	08/18/2015	Printed		2845	WATTS UP	DECO POST LIGHTS F/DOWNTOWN	239.85
127916	08/18/2015	Printed		3790	WESTAR ENERGY	ELECTRIC SERVICE	88.11
127917	08/18/2015	Printed		8411	WILSON & COMPANY ENGINEERS	ENGINEERING SVCS	2,198.55
127918	08/18/2015	Printed		7464	MORGHAN WISE-MALONE	COURT BOND REFUND	611.50
127919	08/18/2015	Printed		4353	THE WORLD COMPANY	ADS, HEARING NOTICES, ORDINANCES	899.10
127920	08/18/2015	Printed		4400	ZOLL MEDICAL CORP	BATTERIES F/AUTOPULSE-EMS	3,348.53
Total Checks: 98						Checks Total (excluding void checks):	171,921.82
Total Payments: 98						Bank Total (excluding void checks):	171,921.82
Total Payments: 98						Grand Total (excluding void checks):	171,921.82

ITEM NO. 4.

**City Council Regular Agenda
Monday, August 24, 2015 – 7:30 p.m.**

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: Public Housing Authority Claims for August 24, 2015

ACTION: Make a Motion to Approve the Public Housing Authority Claims for August 24, 2015

STAFF RECOMMENDATION: The City Manager and Finance Director Recommend Approval

Enclosed are the Claims in the amount of \$16,112.48.

Check Register Report

PUBLIC HOUSING CHECK REGISTER

Date: 08/19/2015

Time: 2:32 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							
97227	08/19/2015	Printed		P325	P A GREEN WAY HOME CLEANING	CLEAN AFTER TENANT MOVE	372.00
97228	08/19/2015	Void	08/19/2015			Void Check	0.00
97229	08/19/2015	Printed		P 797	P BANKCARD PROCESSING CENTER	PAINT,EXIT LIGHTS,LEAF BLOWER	1,291.25
97230	08/19/2015	Void	08/19/2015			Void Check	0.00
97231	08/19/2015	Printed		P506	P CITY OF BONNER SPGS	REIMB WAGES/BENEFITS/UTIL	13,111.92
97232	08/19/2015	Printed		P540	P DEFFENBAUGH DISPOSAL SVC	REFUSE SERVICE	436.54
97233	08/19/2015	Printed		P840	P EARL BRYANT ENTERPRISES INC	AIR CONDITIONER REPAIRS-2 UNIT	403.00
97234	08/19/2015	Printed		P991	P JAMES O. GOSS JR	PEST CONTROL	210.00
97235	08/19/2015	Printed		P768	P O'REILLY AUTO PARTS	BATTERY F/TRUCK	145.80
97236	08/19/2015	Printed		P753	P RICOH USA, INC	COPIER LEASE	141.97

Total Checks: 10	Checks Total (excluding void checks):	16,112.48
Total Payments: 10	Bank Total (excluding void checks):	16,112.48
Total Payments: 10	Grand Total (excluding void checks):	16,112.48

ITEM NO. 5.

City Council Regular Agenda Monday, August 24, 2015 – 7:30 p.m.

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: Kobi's Annual Bike Show Consumption/Possession/Sales Permit

ACTION: Make a Motion to Approve a Consumption/Possession/Sales Permit and Waiver of Fees for the Kobi's Annual Bike Show to be Held on September 12, 2015 with Contingencies for Compliance

STAFF RECOMMENDATION: The City Manager and City Clerk Recommend Approval

Kobi's made application and has asked for a waiver of fees for their Annual Bike Show to be held on Saturday, September 12, 2015 from 8 a.m. to 12 midnight as follows:

Temporary Alcoholic Beverage License - This items does not require City Council approval. The City Clerk will issue this license upon receipt of a copy of the State Temporary Permit.

Private Use of Parking Lot Alcohol Permit - Per the Governing Body Policy, this application will be approved administratively since there are no significant changes from last year. Kobi's did request that the approval again include permission for motorcycles to park on the west side of Cedar, the placement of cones for safety purposes and to bag/unbag the no parking signs.

Alcoholic Consumption/Possession/Sales Permit - Enclosed is the application for this permit. The application provides the required information. The Police Department will run background checks on the security personnel. The Building Official will conduct a safety inspection prior to the issuance of the license.

The recommendation for approval is contingent upon: Satisfactory background checks for Security for the Event, a satisfactory inspection by the Building Official and receipt of a Certificate of Insurance that names the City as an additional insured.

ITEM NO. 6.

City Council Regular Agenda Monday, August 24, 2015 – 7:30 p.m.

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: Massage Therapy Business Establishment License for Medieval Massage & Therapist License for Anne Platt

ACTION: Make a Motion to Approve a Massage Therapy Business Establishment License for Medieval Massage & a Massage Therapist License for Anne Platt Contingent Upon a Satisfactory Safety Inspection

STAFF RECOMMENDATION: The City Manager and City Clerk Recommend Approval

Anne Platt made application for renewal of her Business Establishment License and Massage Therapist License and paid the appropriate fee. She provided the continued education requirements. Ms. Platt only operates at the Renaissance Festival.

The Police Department completed a background check and the Building Official will conduct a safety inspection before Ms. Platt can operate.

We did not include a copy of the applications due to the confidential information they contain.

ACTION FOR CONSENT AGENDA

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

- 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. 7.

**City Council Regular Agenda
Monday, August 24, 2015 – 7:30 p.m.**

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: Amendments to Chapter XIV. Streets and Sidewalks, Article 6. Trees and Shrubs

ACTION: Make a Motion to Approve an Ordinance Amending Certain Sections and Articles of Chapter XIV of the Code of Ordinances

STAFF RECOMMENDATION: The City Manager, Community and Economic Development Director and Property Maintenance Code Officer Recommend Approval

The memo discussing the changes to the Code of Ordinances is attached as well as the Ordinance showing all changes in legislative style.

City of Bonner Springs, Kansas
Memorandum

DATE: August 21, 2015
TO: Mayor and City Council
THRU: Jack Helin, City Manager *JH*
FROM: Marcia Harrington, Community and Economic Development Director/Tourism Director *MH*

SUBJECT: Amendments to Chapter XIV. Streets and Sidewalks and Article 6. Trees and Shrubs

Recommendation: The City Manager, Community and Economic Development Director and Property Maintenance Code Officer (PMCO) recommend approval of an Ordinance to amend certain sections and articles of Chapter XIV. Streets and Sidewalks.

Background: At the City Council meeting on August 10, 2015, the City Council approved an Ordinance amending the Property Maintenance – Exterior Code to include wording for Failed Re-Inspection Fees and Failed Pre-Court Inspection Fees. The City Council also approved a Governing Body Policy to establish a policy on Property Maintenance Code Enforcement Procedures and approved a \$150 fee for a Failed Re-Inspection and a \$150 fee for a Failed Pre-Court Inspection. The Governing Body Policy outlines the steps to be taken for Repeat Violations.

Once the Property Maintenance Code was amended, we indicated that amendments to other Chapters and Articles in the Municipal Code of Ordinances and Zoning Ordinance would be forthcoming.

Discussion: After Property Maintenance Code violations, tree and shrub violations occur most frequently in the City. Therefore, the attached Ordinance in legislative style amends certain articles and sections of Chapter XIV, Streets and Sidewalks, which includes Article 6. Trees and Shrubs. Verbiage for the Failed Re-Inspection Fee and Failed Pre-Court Inspection Fee has been added as well as other word amendments. We will continue to review other Codes that need to be amended and submit them for approval.

Dan Trent, City Attorney, would like to convey that the statutes authorizing assessment of abatement costs and foreclosure of abatement liens on real estate allow only the actual cost of abatement to be assessed. Particularly, re-inspection fees must be monitored to assure they are recovering actual costs and are not punitive.

We want to emphasize that Failed Re-Inspection Fees and Failed Pre-Court Inspection Fees encompass all property maintenance issues, not just tall grass and weeds. After the first field inspection when a violation is identified, notice is mailed and if the violation is unabated, the work load increases for not only the PMCO, but other personnel are required to be involved in the process. This includes additional data entry, processing of paperwork, research, mailings, copying, colored photos, phone calls, on-site meetings, fuel, court preparations and possible assessment of costs to the county.

Financial Impact: The goal of the PMCO is to have properties comply with code violations in a timely manner. The Failed Re-inspection Fees are to help recover costs incurred due to unabated violations, which will hopefully act as an incentive for individuals to abate violations rather than be charged a fee. However, for some individuals it will not be effective, so the City would realize additional fees.

AN ORDINANCE TO AMEND CHAPTER XIV, STREETS & SIDEWALKS, ARTICLE 1, SECTION 14-106, AND ARTICLE 6, SECTION 14-601, 14-602, 14-607, 14-608, 14-609, 14-610, 14-611, 14-612, 14-613, 14-614, 14-615, 14-616, 14-617, 14-618, 14-619, 14-620, 14-621, 14-622, 14-623, 14-624, AND 14-625 TREES AND SHRUBS, OF THE CODE OF ORDINANCES OF THE CITY

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

Section I: Chapter XIV, Streets & Sidewalks, Article 1 is amended as follows:

Section 14-106. SNOW AND ICE. (a) To allow for safe pedestrian travel, it shall be unlawful for a property owner immediately adjacent to a public sidewalk to fail to cause the removal of snow or ice accumulated within 48 hours after cessation of a snow and ice event. If ice has accumulated to an extent to make removal difficult, the placement of sand or ice melt within the 48 hour period shall be deemed in compliance with the provisions of this Section.

(b) Pursuant to the authority of Charter Ordinance No. 29, the **Environmental Codes Enforcement** Property Maintenance Code Officer, Building Official or other City employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance.

(c) Violation of the provisions of this ordinance shall be considered a municipal offense and upon an adjudication of guilty, the violator shall be fined \$20.00 plus court costs. Each day of a continued violation shall be deemed a separate offense.

Section II: Chapter XIV, Streets & Sidewalks, Article 6 is amended as follows:

Section 14-601. PURPOSE. The Governing Body desires to promote public health, safety and welfare by requiring the proper location, maintenance and removal of trees, shrubs, bushes, and all other woody vegetation on property adjacent to any street, avenue, or alley in order to prevent a blighting influence and unsightly and hazardous conditions to vehicular and pedestrian traffic. Except as provided in Section 14-618~~7~~ below, it shall be the responsibility of property owners adjacent to any street, avenue or alley to maintain trees, shrubs, bushes, and all other woody vegetation on their property and on the public right of way adjacent to the owner's property in accordance with the following provisions.

Section 14-602. VIOLATIONS; DEFINED. It shall be unlawful for the owner ~~or his or her agent in charge~~ of the property abutting or adjacent to any street, avenue, alley or road:

(a) To permit the branches and limbs of any trees, shrubs, bushes, and all other woody vegetation on the owner's property or on the public right of way adjacent to the owner's property to hang down lower than nine (9) feet over any sidewalk or lower than 14 feet over any street, alley or avenue, or to encroach within three (3) feet from the back of curb or edge of any public roadway.

(b) To permit any dead or diseased trees, shrubs, bushes, and all other woody vegetation to remain standing in or lying upon the streets, alleys, avenues, public rights of way or private property.

(c) To maintain or permit any trees, shrubs, bushes, and all other woody vegetation to obstruct the view of drivers of vehicles entering a street from an intersecting street.

~~(d) To permit any trees, shrubs, bushes, and all other woody vegetation bordering on the street, alley or avenue to overhang or obstruct the street or sidewalk adjacent thereto.~~

(ed) To permit and maintain any trees, shrubs, bushes, and all other woody vegetation which is in an unsafe condition, or which by reason of its nature is injurious to sewer lines, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

(ef) To permit and maintain any dead or broken trees or branches, or diseased and infested trees within the corporate limits of the City, which have become dangerous to public safety, to the occupants or to other trees and shrubs located on private or public property and are hereby declared to be and constitute a public nuisance.

(gf) ~~Tree topping. It shall be unlawful for any person or entity to~~To top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other cause, or certain trees under utility wires or other obstructions where other pruning practices are impractical are exempted from this Section.

(hg) For trees located on public property or public rights of way, no ~~person-owner~~ shall intentionally damage, cut, carve, transplant, remove, attach any rope, wire, nails, advertising poster or other contrivance, or allow any fire, gaseous liquid or solid substance which is harmful to come in contact with such trees.

Section 14-603. ENFORCEMENT OFFICER. When used in this Article, the term "Enforcement Officer" means that officer or officers of the City designated by the City Manager or otherwise charged with the responsibility of administering and/or enforcing the provisions of this Article and his or her assistants.

Section 14-604. COMPLAINTS; INQUIRY AND INSPECTION. The Enforcement Officer shall make inquiry and inspection of premises upon receiving a complaint or complaints, or upon a routine inspection when he or she observes conditions which appear to constitute a violation of this Article. Upon making any inquiry and inspection, the Enforcement Officer shall make a written report of findings.

Section 14-605. RIGHT OF ENTRY. The Enforcement Officer shall have the right of access and entry upon private property for the purpose of making inquiry and inspection to determine if a violation of this Article exists. The Enforcement Officer, and the Enforcement Officer's authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, trimming and/or removing such violations in a manner not inconsistent with this Article.

Section 14-606. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or to attempt to prevent the Enforcement Officer or the Enforcement Officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting, trimming and/or removal. Such interference shall constitute a code violation.

Section 14-607. NOTICE OF VIOLATION. Any ~~owner person -corporation, partnership or association~~ found by the Enforcement Officer to be in violation of any provisions of this Article shall be served a notice of such violation. The notice shall be served in one of the following ways:

- (a) Certified mail, postage prepaid, return receipt requested;
- (b) Personal service upon the person or resident agent for service;

(c) Service by First Class Mail which contains a certificate of mailing showing proof of mailing to the ownerperson or agent in violation; or

(d) In the event the whereabouts of such ownerperson-areis unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the Enforcement Officer and filed with the City Clerk, and a serving of the notice shall be made by publishing the same once each week for two (2) consecutive weeks in the official City newspaper and by posting a copy of the notice on the premises where such condition exists.

Section 14-608. SAME; CONTENTS. The notice shall state the condition(s) which is (are) in violation. The notice shall also inform the owner -person, corporation, partnership or association that:

(a) The owner person or entity shall have ten (10) days from the date of serving the notice to abate the unlawful condition(s) or within five (5) days if determination is made that condition poses a hazard to public safety; or

(b) The owner person or entity shall have ten (10) days from the date of serving the notice to request a hearing before the Governing Body of the matter as provided by Section 14-6110;

(c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in any or all of the following: a failed re-inspection fee; prosecution in the Municipal Court; a failed pre-court inspection; and/or abatement of the condition(s) by the City as provided by Section 14-624622.

Section 14-609. REPEAT OFFENDER. Any owner found in violation under this Code of a like or substantially similar violation within 12 months after a conviction in a court of competent jurisdiction shall be served a Complaint and Notice To Appear in Municipal Court without the requirement to send notifications as stated in Section 14-607.

Section 14-609610. DUTY OF ADJACENT OWNERS TO ABATE NUISANCE. It shall be the duty of the adjacent owners of any private property upon which any violation of this Article may be located to cause the same violation to be promptly abated. All dead and dying trees, shrubs, bushes, and all other woody vegetation shall not be left standing or lying on the ground, but shall promptly be removed.

Section 14-610611. HEARING. If a hearing is requested within the 10 day period as provided in Section 14 608, such request shall be made in writing to the City Clerk. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the Enforcement Officer before the Governing Body. The hearing shall be held by the Governing Body as soon as possible after the filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Governing Body shall record its determination in the official meeting minutes of the Governing Body.

Section 14-611612. GENERAL DEFINITIONS. (a) Owner – Any person, agent, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the State, County or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

~~(b)~~ Park Trees ~~are~~ - Trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the City, or to which the public has free access as a park.

(c) Person – An individual, corporation, partnership or any other group that acts as a unit.

~~(bd)~~ Street Trees ~~are herein defined as those~~ - Trees on the public right of way or immediately adjacent to any public street, avenue or right of way within the City.

Section 14-~~612613~~. STREET TREE SPECIES TO BE PLANTED; PARK TREE SPECIES. The following list constitutes the official street tree species for the City. No species other than those included in this list may be planted as street trees without written permission of the Bonner Beautiful Commission.

<u>Small Trees 10'-30'</u>	<u>Medium Trees 30'-70'</u>	<u>Large Trees 70'+</u>
Flowering Crabapple	White Ash	Bur Oak
'Spring Snow'	'Autumn Purple'	'Bloodgood'
'Sargent' 'Rosehill'	'Rosehill'	Red Oak
'Prairifire'	London Planetree	Green Ash
'Centurion'	Goldenraintree	Marshall, Seedless Ash
Cockspur Hawthorn	Sugar Maple	Sweet Gum
Eastern Redbud	'Green Mountain'	Littleleaf Linden
Ginkgo	Common Hackberry	Eastern White Pine
Purple-leaf Plum	English Oak	
Amur Maple	Osage Orange	
Cannaertii Juniper	'Thornless/fruitless'	
	Thornless Honeylocust	
	'Shademaster'	
	'Skyline'	
	Red Maple	
	'Red Sunset'	
	'October Glory'	
	Callery Pear 'Aristocrat'	

~~(b)~~ Trees, shrubs, bushes, and all woody vegetation to be planted in parks and other City owned property or to which the public has free access shall be proposed by City staff and approved by the Bonner Beautiful Commission,

Section 14-~~613614~~. SPACING. The spacing of street trees will be in accordance with the three (3) species size classes listed in Section 14 ~~6132~~ and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except Eastern White Pines, thirty (30) feet and Cannaertii Junipers, fifteen (15) feet. This regulation shall not apply to Oak Street.

Section 14-~~614615~~. DISTANCE FROM CURB AND SIDEWALK. The distance trees may be planted from curbs or curb lines and sidewalks shall comply to the following: small trees four (4) feet from any curb or curbing, and no closer than two (2) feet from any City sidewalk (=6' median); medium trees six (6) feet from any curb or curbing and no closer than four (4) feet from any City sidewalk (=10' median); large trees ten (10) feet from any curb or curbing, and no closer than six (6) feet from any City sidewalk (=16' median). This regulation shall not apply to Oak Street.

Section 14-~~615616~~. DISTANCE FROM STREET CORNERS AND FIREPLUGS. No street tree shall be planted closer than thirty (30) feet of any street corner, measured from the

point of nearest intersecting curbs or curb lines. No street trees shall be planted closer than 15 feet of any fireplug. This regulation shall not apply to Oak Street.

Section 14-~~616617~~. UTILITIES. No street trees other than those species listed as small trees in Section 14 ~~612-613~~ may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within six (6) lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 14-~~617618~~. PUBLIC TREE CARE. (a) The Governing Body shall have the right to designate certain areas within the City in which the City will assume responsibility for pruning, maintenance and removal of trees, shrubs, bushes, and all other woody vegetation within the public right of way that have been planted under the Bonner Beautiful Commission Tree Planting Program as follows:

- (1) Nettleton Avenue from Elm to Sheidley;
- (2) Front Street — south side from K 7 bridge to Scheidt Lane;
- (3) Nettleton and K 7 interchange;
- (4) K 7 and K 32 interchange;
- (5) Morse Avenue from K 7 bridge to Cornell;
- (6) Cedar Street from Front to Nettleton;
- (7) Kansas Avenue from K 7 to just west of 612 S. 130th Street, south side only;
- (8) Elm Street from Second to Nettleton bordering City parking lots only;
- (9) Oak Street from Nettleton to Front;
- (10) Second Street from Cedar to Elm;
- (11) Third Street from Cedar to Elm;
- (12) Pratt from 138th to Twist, south side only;

(b) The adjacent property owners shall have no responsibility for maintenance of trees, shrubs, bushes, and all other woody vegetation planted by the City on the public right of way in any area so designated above, but shall remain responsible for trees, shrubs, bushes, and all other woody vegetation located upon the owner's adjacent private property that may overhang the public right of way and within the right of way not planted by the City.

Section 14-~~618619~~. EXISTING TREES. The provisions of this Article regarding the planting of new trees, shall not apply to those existing trees, planted prior to the effective date of this code.

Section 14-~~619620~~. STUMPS. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 14-~~620621~~. FAILURE TO COMPLY; PENALTY. (a) The violation of any provision of this Article shall be deemed a Class C misdemeanor. Should any owner, ~~person, corporation, partnership or association~~ violate any of the regulations of this Article, and fail to comply with the notice to abate the violation(s) or request a hearing within the time allowed, the Enforcement Officer may file a complaint in the Municipal Court of the City against such owner, ~~person, corporation, partnership or association~~ and upon . Upon conviction of any violation of provisions of this Article, the violator shall, be fined in an amount not to exceed \$500. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

(b) Re-inspection Fees. If any owner, occupant or person in charge of property fails to abate a violation by the stated re-inspection date, the owner or agent will be charged a failed re-inspection fee for each unabated violation. Additionally, if a Notice to Appear is issued to the owner, a failed pre-court inspection fee will be charged for each and

every court appearance. Payment is due within 30 days following receipt of the notice to pay and if not received, the costs will be assessed according to 14-6234.

Section 14-~~624~~622. ABATEMENT. (a) In addition to, or as an alternative to prosecution as provided in Section 14 6210, the Enforcement Officer may seek to remedy violations of this Article in the following manner. If a person to whom a notice has been sent has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time periods specified pursuant to 14 608, the Enforcement Officer may authorize the City or its authorized agent to trim, cut or remove the violation and assess the cost, including a reasonable administrative cost, against the owner, ~~occupant or agent in charge of the~~ property.

(b) ~~That the owner, occupant, or agent in charge of the property~~ will be given notice with an opportunity to pay the assessment, and, if not paid, it will be added to the property as a special assessment.

(c) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this Subsection, the City may not recover any costs or levy an assessment for the costs incurred by the trimming, cutting or removal of trees, shrubs, bushes, and all other woody vegetation on such property unless the new record owner of title to such property is provided notice as required by this Section.

Section 14-~~622~~623. REMOVAL BY CITY. (a) Any trees, shrubs, bushes, and all other woody vegetation standing or growing on, in or over any street, alley, avenue or public right of way of the City may be cut or trimmed by employees or by contractor of the City acting under the supervision of the ~~Code~~ Enforcement Officer when the same shall interfere with or be an obstruction to public travel thereon or to the other public uses or when the trees, shrubs, bushes, and all other woody vegetation shall be or become dangerous to public safety. All the cutting or trimming shall be done in a manner as not to unduly injure or destroy the tree, shrub, vine or hedge and no branches or parts thereof shall be removed which do not actually interfere with or obstruct the street or public way, unless the same shall be deemed imminently hazardous and likely to injure the public by falling on the traveled portions of any public way, including sidewalks.

(b) If the owner, ~~or occupant of private premises~~ after notice, and opportunity to be heard, as set out in Sections 14 608 and 14 6110 herein, shall fail or refuse to abate such nuisance within the time specified in the notice, the City shall cause such nuisance to be abated and have the actual cost charged to and collected from the owner, ~~or occupant~~ of such property in the manner set out in Section 14 6243 herein.

Section 14-~~623~~624. COSTS ASSESSED. If the City abates the violation pursuant to Section 14-~~608~~622 and 14-623, the City shall give notice to the owner ~~or his or her agent~~ by First Class or certified mail of the total cost of the abatement or removal incurred by the City and/or failed re-inspection fee pursuant to Section 14-621(b). The notice shall also state that payment of the cost is due and payable within thirty (30) days following receipt of the notice. The cost for abatement shall be determined by a compilation of personnel hours necessary to complete the work, equipment hours and a \$25 administration fee. If the cost of the removal or abatement and/or failed re-inspection fee is not paid within the 30-day period, the costs shall be collected in the manner by any of the following:

(a) ~~provided by~~ Under provisions outlined in K.S.A. 12-1,115, and amendments thereto; ~~or~~

(b) The cost of removal or abatement and any failed re-inspection fee shall may be charged against the lot or parcel of ground on which the violation was located. The City Clerk shall, at the time of certifying other taxes to the County Clerk, certify the costs as provided in this Section. The County Clerk shall extend the same on the tax roll and it

shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid;

(c) Uncollected abatement costs and failed re-inspection fees may be collected through the Kansas State Set-off Program or another collection agency.

Section 14-625. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Enforcement Officer or other City employee as designated by the City Manager shall have the authority to issue Notices to Appear for violations of this Article.

Section III: This ordinance shall be in full force and effect from and after its passage and publication in the City's official newspaper.

Approved by the City Council and Signed by the Mayor on the 24th of August, 2015.

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk

(Seal)

ITEM NO. 8.

City Council Regular Agenda Monday, August 24, 2015 – 7:30 p.m.

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: Ordinances to Adopt Building Codes

ACTION: Make Motions as Shown Below

STAFF RECOMMENDATION: The City Manager and Building Official Recommend Approval of the Ordinances to adopt the 2015 Building Codes

Ordinances with a separate subject require a separate motion, and each of the 2015 Building Codes need to be adopted by ordinance.

First Motion: Make a Motion to Approve an Ordinance to Adopt the 2015 International Building Code with Amendments

Second Motion: Make a Motion to Approve an Ordinance to Adopt the 2015 International Residential Code with Amendments

Third Motion: Make a Motion to Approve an Ordinance to Adopt the 2014 NFPA 70 National Electrical Code with Amendments

Fourth Motion: Make a Motion to Approve and Ordinance to Adopt the 2015 International Plumbing Code with Amendments

Fifth Motion: Make a Motion to Approve an Ordinance to Adopt the 2015 International Fuel Gas Code with Amendments

Sixth Motion: Make a Motion to Approve an Ordinance to Adopt the 2015 International Mechanical Code with Amendments

Seventh Motion: Make a Motion to Approve an Ordinance to Adopt the 2015 International Property Maintenance Code with Amendments

Eighth Motion: Make a Motion to Approve an Ordinance to Adopt the 2015 International Fire Code with Amendments

ORDINANCE NO. _____

AN ORDINANCE REPEALING CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 1A BUILDING CODE OF THE CODE OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS, ADOPTING THE INTERNATIONAL BUILDING CODE, 2015 EDITION, WITH AMENDMENTS TO SPECIFIC SECTIONS AS CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 1A BUILDING CODE, AND REPEALING ORDINANCE NO. 2266

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS.

Section I. Chapter IV, Buildings & Construction, Article 1A, Building Code of the Code of Ordinances of the City of Bonner Springs, Kansas, is hereby repealed and the International Building Code, 2009-2015 Edition, with amendments thereto, is hereby adopted as follows:

“Section 4-1A01. INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference the International Building Code, 2009-2015 Edition, for the purpose of establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the Building Code.

That one (1) copy of which is on file in the office of the City Clerk of the City of Bonner Springs, being marked and designated as the International Building Code, 2009-2015 Edition and shall not include the Appendix Chapters, unless specifically noted herein, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of Bonner Springs, in the State of Kansas; for the control of building and structures as herein provided; and each made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.”

Section II. Section 4-1A02. AMENDMENTS. The following sections of the International Building Code, 2009-2015 Edition, are hereby revised:

Section 101.1 TITLE. These regulations shall be known as the Building Code of Bonner Springs, hereinafter referred to as “this code.”

Section 101.4.1. ELECTRICAL. The provision of the NFPA 70, National Electrical Code, 2008 2014 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 105.3.2 TIME LIMITATION OF APPLICATION AND COMPLETION RENEWAL. Upon application a building permit will be issued for a period of one year for Residential construction and two years for commercial construction. A one time, 90 day extension can be issued, at no charge upon application. If construction is not complete enough to issue a certificate of occupancy at the end of the extension period, the Building Official will assess a permit renewal fee equal to the original permit fee plus fifty (50%) percent. This permit is valid for 90 days. If construction is still complete, the Building Official can continue to issue extensions valid for a 90 day period, the cost for each extension is the cost of the previous extension plus fifty (50%) percent.

Section 108.2 SCHEDULE OF PERMIT FEES. The building permit fees schedule shall be as set out on page 14, Table 3-A of the Uniform Administrative Code, 1997 Edition. (Less other inspection fees)

Other Inspection Fees:

Inspections outside normal business hours	\$45.00 per hour (One hour minimum)
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Re-inspection	\$35.00
Additional plan review required by changes To approved plans	\$35.00 per hour (One hour minimum)
Outside Consultant	Actual Cost

Section ~~442~~4113. APPEALS BOARD. The suitability of alternate materials, methods of construction and reasonable interpretations of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 as amended. The Board shall adopt reasonable rules and regulations and shall render all decisions and finding in writing to the building official with a duplicated copy to the appellant. Wherever in this international code reference is made to the Board of Appeals and such reference shall mean the Board of Zoning Appeals referred to above.

The Board shall have no authority to modify the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Section ~~413.4~~4114 VIOLATION PENALTIES. Any person, firm or corporation (persons herein) who shall violate any of the provision of the this code, violate or fail to comply with any order made thereunder, or submitted and approved thereunder, or a certificate or permit issued thereunder, and from which no other appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other proper city authority or by court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter repair, move improve, remove, convert or demolish, equip, use occupy or maintain any building or structure in violation of the provision of this code, shall severally for each and every such violation and noncompliance, respectively be guilty of a Class C violation as prescribed by the Public Offense Code of this city. The imposition of the one penalty of any violation shall not excuse the violation or permit it to continue, and such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each 20 days that prohibited conditions are maintained shall constitute a separated offense.

1. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section ~~4642.3107.2.5.1~~ ESTABLISHMENT OF FLOOD HAZARD AREAS. The flood hazard shall include at a minimum areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled: "The Flood Insurance Study for Bonner Springs, Kansas dated ~~January 3, 1979~~, March 9, 2015 as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto.

Section 3301.2.1 Storage of explosives and blasting agents is prohibited in the city except in I-2 Industrial zoning districts with a special use permit for quarry operations or active construction projects with a blasting permit.

Section III. Section 4-1A03 SEVERABILITY. If any section of the International Building Code 2009 2015 Edition or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

Section IV. Section 4-1A04. The following sections of the International Building Code, 2009-2015 Edition are hereby deleted.

~~Section 105.3.2. Time limitation of application~~ Section 105.2. Work exempt from permit.
Building 2. Fences not over 6 (1829 mm) feet high

Section V. Section 4-1A05. CONFLICTS. In the event any Section of the building code is in conflict or apparent conflict with the planning, zoning or subdivision regulations or ordinances, the provisions of the

planning, zoning or subdivision ordinances shall prevail and those provisions of the building code now or hereafter in conflict with the regulations or ordinances shall be deemed invalid or inapplicable only as to the conflict.

Section VI. Section 4-1A06. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

Section VII. Ordinance No. ~~2050-2266~~ is hereby repealed.

Section VIII. This ordinance shall be in full force and effect January 1, ~~2010-2016~~ and after its passage and publication in the official city newspaper

Approved by the City Council and signed by the Mayor the 24th day of August 2015.

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk

(Seal)

ORDINANCE NO. ~~2272~~ _____

2

AN ORDINANCE ESTABLISHING CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 1B, INTERNATIONAL RESIDENTIAL CODE OF THE CODE OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS AMENDING SPECIFIC SECTIONS OF THE INTERNATIONAL RESIDENTIAL CODE ~~2009-2015~~ EDITION AND REPEAL ORDINANCE NO. ~~20562272~~.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS

Section I: Section 4-1B01. Chapter IV, Buildings and Construction Article 1B, International Residential Code of the Code of Ordinances of the City of Bonner Springs, Kansas, is hereby adopted as follows:

“INTERNATIONAL RESIDENTIAL CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, remodel, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Residential Code, 200915 Edition, as recommended by the International Code Council, such code being made as a part of the ordinances and code of the city subject to amendments, changes, omissions and additions hereafter set forth as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than one (1) copy of the International Residential Code for One and Two Family Dwellings, shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Bonner Springs” with all sections or portions thereof intended to be omitted clearly marked to show may omission or showing the sections, articles, chapters, parts or portions that are incorporated as the case my be to which shall be attached a copy of the section. The copies shall be filed with the city clerk to be open to inspections and available to the public at all reasonable business hours. The police department, municipal judge and all administrative departments of the city charged with the enforcement of the code shall be supplied a copy of the code without cost, all the copies marked as indicated above. “

Section II. Section 4-1B02. The following sections of the International Residential Code, 2009-2015 Edition are hereby amended to read as follows:

Section R105.2 1. All accessory buildings require a building permit. There is a limit of two accessory buildings per lot allowed in residential zoned property

SectionR105.2 2. All fences require a building permit. Fences may be constructed of wood (privacy or picket), chain link, wrought iron, or vinyl. The wood fences must be installed with the Face side out.

Section 105.3.2. TIME LIMITATION OF APPLICATION AND COMPETION RENEWAL. Upon application a building permit will be issued for a period of one year for residential construction and two years for commercial construction. A one time, 90 day extension can be issued, at no charge upon application. If construction is not complete enough to issue a certificate of occupancy at the end of the extension period, the Building Official will assess a permit renewal fee equal to the original permit fee plus fifty (50%) percent. This permit is valid for 90 days. If still not complete, the Building Official can continue to issue extensions valid for a 90 day period, the cost for each extension is the cost of the previous extension plus (50%) percent.

Section R108.2. SCHEDULE OF PERMIT FEES. The building permit fee schedule shall be as set in Table 3-A of the Uniform Administrative Code, 1997 Edition. (Less other inspection fees)

Other Inspection Fees:

Inspections outside normal business hours	\$45.00 per hour (One hour minimum)
Re-inspection	\$35.00
Additional plan review required by changes To approved plans	\$35.00 per hour (One hour minimum)
Outside consultant	Actual cost

Section R112. APPEALS BOARD. The suitability of alternate materials, methods of construction and reasonable interpretations of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 as amended. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicated copy to the appellant. Wherever in this international code reference is made to the Board of Appeals and such reference shall mean the Board of Zoning Appeals referred to above.

The Board shall have no authority to modify administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Section R113, VIOLATIONS. Any person, firm or corporation (persons herein) who shall violate any of the provision of this code violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other proper city authority or by a court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter, repair, move, improve, remover, convert or demolish, equip, use, occupy or maintain any building or structure in violation of the provision of this code, shall severally for each and every such violation and noncompliance, respectively be guilty of a Class C violation as prescribed by the Public Offense Code of this city. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

~~Section R313.1 An automatic residential fire sprinkler system may be installed in townhouses. A two hour separation wall is required separating the units when an automatic sprinkler fire system is not installed.~~

~~Section R313.2 An automatic residential fire sprinkler system may be installed in one and two family dwellings.~~

~~Section III. Section 4-1B03. The following sections of the International Residential Code 2009 Edition are hereby deleted:~~

- ~~Section R313.1~~
- ~~Section R313.2~~

Section III. Section 4-1B04. CONFLICTS. In the event any section of the building code is in conflict or apparent conflict with the planning, zoning or subdivision regulations or ordinances, the provision of the planning, zoning, or subdivision ordinances shall prevail and those provisions of the building code now or hereafter in conflict with the regulations or ordinances shall be deemed invalid or inapplicable only as to the conflict.

Section IV. Section 4-1B05. SEVERABILITY. If any section of the International Residential Code for

One- and Two-family Dwellings or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

Section V. Section 4-1B06. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

Section VI. Ordinance No. ~~2056-2272~~ is hereby repealed.

Section VII. This ordinance shall be in full force and effect ~~30 days~~ January 1, 2016 ~~from~~ and after its passage and publication in the official city newspaper.

Approved by the City Council and signed by the Mayor the 24th day of August, 2015.

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk

(Seal)

AN ORDINANCE REPEALING CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 2 ELECTRICAL CODE OF THE CODE OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS, ADOPTING THE NFPA 70, NATIONAL ELECTRICAL CODE, 20~~1408~~ EDITION AND AMENDMENTS TO SPECIFIC SECTIONS AS CHAPTER IV BUILDINGS AND CONSTRUCTION, ARTICLE 2 NFPA 70, NATIONAL ELECTRICAL CODE AND REPEALING ORDINANCE NO. ~~2057~~2273

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

Section I. Article 2 Electrical Code, Chapter IV Buildings and Construction of the Code of Ordinances of the City of Bonner Springs, Kansas, is hereby repealed and the NFPA 70, National Electrical Code, ~~2014~~ 2014 Edition and amendments thereto is hereby adopted as follows:

"Section 4-201. NFPA 70, NATIONAL ELECTRICAL CODE INCORPORATED. There is hereby adopted and incorporated by reference for the purpose an ordinance establishing rules and regulations for the installation of electrical wiring and apparatus the NFPA 70, National Electrical Code, ~~2008-2014~~ Edition as recommended by the National Fire Protection Association, such code being made as a part of the ordinances and code of the city, subject to the amendments, changes, omissions and additions, hereinafter set forth, as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto.

That one (1) copy of which is on file in the office of the City Clerk of the City of Bonner Springs, being marked and designated as the NFPA 70, National Electrical Code, and shall not include the Appendix Chapters, unless specifically noted herein, as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of Bonner Springs, in the State of Kansas; for the control of electrical installation as herein provided; and each made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance."

Section II. Section 4-202. AMENDMENTS. Certain sections of the NFPA 70, National Electrical Code, ~~2008-2014~~ Edition, are amended as follows:

ARTICLE 80.19 (E) PERMIT FEES. Standard fee of \$35.00 for all electrical permit applications excluding work covered under a building permit.

ARTICLE 80.19 (F) (3) INSPECTION AND APPROVALS. When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector.

ARTICLE 80.19-(G) (7). REVOCATION OF PERMITS. The National Electrical Code, as adopted, shall have the following paragraph added to read every permit issued by the Building Code Official under the provisions of this Code shall expire by limitation and become null and void if:

- 1) The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
- 2). The building or work authorized by such permit has not progressed to the point of the next required inspection within 180 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no

changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one or more extension of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

ARTICLE 80.29 LIABILITY FOR DAMAGES. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Bonner Springs or any of its employees be held as assuming any such liability by reason of the inspections, re-inspection, or other examination authorized.

ARTICLE 100. DEFINITIONS. The following words and phrases shall have the following meanings: The term "AUTHORITY HAVING JURISDICTION" shall in all instances mean the Building Code Official of the City of Bonner Springs, Kansas.

ARTICLE 80.15 (G). APPEALS. (1) (A) The suitability of alternate materials, methods of construction and reasonable interpretation of this code shall be determined by Board of Zoning Appeals created pursuant to K.S.A. 12-714 and as amended. The Board of Appeals shall have no authority to modify the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

ARTICLE 80.23. (B). NOTICE OF VIOLATION, PENALTIES. Any person, firm or corporation (persons herein) who shall violate any of the provision of the this code, violate or fail to comply with any order made thereunder, or submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no other appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other proper city authority or by court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter repair, move improve, remove, convert or demolish, equip, use occupy or maintain any building or structure in violation of the provision of this code, shall severally for each and every such violation and noncompliance, respectively be guilty of a Class C violation and prescribed by the Public Offense Code of this city. The imposition of the one penalty of any violation shall not excuse the violation or permit it to continue, and such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each 20 days that prohibited conditions are maintained shall constitute a separated offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE 250.50. GROUNDING ELECTRODE SYSTEM. Grounding Electrode System of the National Electrical Code, as adopted, shall have the following paragraph added to read: When none of the electrodes specified in Section 250.52 are available, two or more of the electrodes specified in 250.52(5) shall be used. These shall be connected in the manner specified in Section 250.53 to a minimum of two separate grounding electrode conductors.

ARTICLE 547.5 (E). PHYSICAL PROTECTION. All electrical wiring and equipment subject to physical damage shall be protected to a minimum height of 8 feet.

SECTION III. SECTION 4-203. INTERFERENCE WITH INSPECTION. It shall be unlawful for any person to interfere with the electrical inspector in the proper discharge of his or her duty under this article.

Section IV. SECTION 4-204. DELETIONS. The following Articles of the National Electrical Code **2008** **2014** Edition, shall be deleted:

- (a). ARTICLE 80.15. ELECTRICAL BOARD.
- (b). ARTICLE 80.19 (D). ANNUAL PERMITS.
- (c). ARTICLE 80.19 (F)(4). INSPECTION AND APPROVALS.
- (d). ARTICLE 80.23 (B). PENALTIES.
- (e). ARTICLE 80.25 (C). NOTIFICATION.
- (g). ARTICLE 80.27. INSPECTOR'S QUALIFICATIONS.
- (h). ARTICLE 80.33. REPEAL OF CONFLICTING ACTS.
- (J). ARTICLE 80.35 EFFECTIVE DATE.

SECTION V. SECTION 4-205 SEVERABILITY. If any section of the National Electrical Code, 2008 2014 Edition or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the section shall be considered separate and apart from the remaining sections, the section to be completely ~~serverable~~severable from the remaining provisions which shall continue in full force and effect.

Section VI. SECTION 4-206. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

Section VII. This ordinance shall be in full force and effective January 1, 2010-2016 and after its passage and publication in the official city newspaper.

Section VII. Ordinance 2057-2273 is hereby repealed.

Approved by the City Council and signed by the Mayor the 24th day of August, 2015.

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk

(Seal)

ORDINANCE NO. ~~2270~~ _____

AN ORDINANCE REPEALING CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 3, PLUMBING CODE OF THE CITY OF BONNER SPRINGS, KANSAS, ADOPTING THE INTERNATIONAL PLUMBING CODE, ~~2009-2015~~ EDITION AND AMENDMENTS TO SPECIFIC SECTIONS AS CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 3, AND REPEALING ORDINANCE NO. ~~20542270~~

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

Section I: Chapter IV, Buildings and Construction Article 3, Plumbing and Gas-Fitting Code is hereby repealed and the International Plumbing Code, ~~2009-2015~~ Edition is hereby adopted as follows:

"Section 4-301: INTERNATIONAL PLUMBING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, or the control of buildings and structures within the City; the issuing, suspension, and revocations of permits; the collections of fees; the making of inspections; the execution of plan reviews; the enforcement of Article 3 of the Bonner Springs Municipal Code and the fixing of penalties for violations thereof, the ~~2009-2015~~ International Plumbing Code, ~~dated July, 2002,~~ as published by International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Bonner Springs Code of Ordinances Chapter IV, Article 3 and including such new and additional provisions added to said code by the Bonner Springs Code of Ordinances Chapter IV, Article 3.

Not less than one (1) copy of said ~~2009-2015~~ International Plumbing Code shall be marked Official Copy and to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied such number of official copies as may be deemed expedient.

Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance. Appendices E and F are hereby adopted.

Section II. Section 4-302. Certain sections of the International Plumbing Code are hereby amended to read as follows:

Section 101.1, TITLE. The regulations shall be known as the International Plumbing Code of Bonner Springs herein after referred to as "this code".

Section 106.6.2 FEES SCHEDULE. Standard fee of \$35.00 for all plumbing applications, excluding work covered under a building permit.

Section 109, APPEALS BOARD. The suitability of alternate materials, methods of construction and reasonable interpretations of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 as amended. The Board shall have no authority to modify the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this international code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

Section 305.6.1. SEWER DEPTH. Building sewers that connect to private sewage disposal systems shall comply with the regulations of the Wyandotte County Health Department. Sewer pipe below grade connections to the public sewer shall comply with the requirements of Bonner Springs Wastewater regulations for sewers".

Section 701.2 SEWER REQUIRED. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with the Wyandotte County Health Department regulations and provisions of the Master Plan of the City of Bonner Springs."

~~Section 904.1, ROOF EXTENSION. All open vent pipes that extend through a roof shall be terminated at least 6 inches (6") above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof."~~

Section III. Section 4-303, UNAUTHORIZED USE. "No person who has obtained a license required to engage in business as a plumber within the city shall allow his or her name to be used by another person either for the purpose of obtaining work permits or for doing business or work under his or her license."

Section IV. Section 4-304, PENALTIES (a)" Any person who shall violate any of the provisions of the International Plumbing code, violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other proper city authority or by a court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in violation and noncompliance, code, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C violation as prescribed by the Public Offense Code of this city. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense."

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section V. Section 4-305. SEVERABILITY. If any section of the International Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the section shall be considered separate and apart from the remaining provisions of the International Plumbing Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect.

Section VI. Section 4-306. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

Section VII. This ordinance shall be in full force and effect January 1, ~~2010~~2016 and after its passage and publication in the official city newspaper.

Section VII. Ordinance No. ~~2054-2270~~ is hereby repealed.

Approved by the City Council and signed by the Mayor the 24th day of August, 2015.

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk
(Seal)

AN ORDINANCE ESTABLISHING CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 3A, FUEL GAS CODE OF THE CODE OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS, AND AMENDING SPECIFIC SECTIONS OF THE INTERNATIONAL FUEL GAS CODE, 201509 EDITION AND REPEAL ORDINANCE 20522268.

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

Section I: Chapter IV, Buildings and Construction Article 3A, Fuel Gas Code of the Code of Ordinances of the City of Bonner Springs, Kansas, is hereby adopted as the International Fuel Gas Code, 2009-2015 Edition.

"Section 4-3A01: ADOPTION OF INTERNATIONAL FUEL GAS CODE. An ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the Fuel Gas Code, such code being made a part of the ordinances and code of the city, subject to the amendments, changes, omissions and additions, hereinafter set forth as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than one (1) copy of the International Fuel Gas as published by the Building Code Officials and Code Administrators International, the International Conference of Building Code Officials, and the Southern Building Code Congress International shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Bonner Springs," with all sections or portions thereof intended to be omitted clearly marked to show any such omission, or showing the sections, articles, chapters, parts or portions that are incorporated as the case may be and to which shall be attached a copy of this section. Such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Police Department, Municipal Judge and all administrative departments of the city charged with the enforcement of the code shall be supplied a copy of such code without cost, and all such copies marked as indicated above. "

Section II. Section 4-3A02. The following sections of the International Fuel Gas Code, 2009-2015 Edition shall be amended to read as follows:

- (a) The term "ordinance" shall mean and include the word "resolution."
- (b) The term "City" shall mean and include the work "Bonner Springs, Kansas"
- (c). The term "misdemeanor", unless otherwise specifically defined or provided for herein, shall mean 'Class C' violation as prescribed by the Public Offense Code of this City.

Section 101.1, GENERAL. These regulations shall be known as the Fuel Gas Code of Bonner Springs, hereinafter referred to as "this code."

Section 106.5.2. FEE SCHEDULE: Standard fee of \$35.00 for all fuel gas applications, excluding work covered under a building permit.

Section 108.4. VIOLATION PENALTIES: (a) It shall be unlawful for any person, firm or corporation to violate a provision of the Code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair fuel gas work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this Code.

- (b) Any person who shall violate any of the provision of the International Gas Fuel Code 2009

2015 Edition or fail to comply with any order made thereunder, or who shall build in violation of any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other property city authority or by a court of competent jurisdiction, within the time fixed herein or who shall construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in violation of the provisions of this code shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C violation as prescribed by the Public Offense Code of this city, The imposition of one penalty for any required to correct or remedy such violations within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 108.5. STOP WORK ORDERS: Upon notice from the Building Code Official, work on any plumbing system that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work in or about the structure after having been served with a stop work order, verbal or written, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be guilty upon conviction of a public offense.

Section 109. APPEALS: The suitability of alternate materials, methods of construction and reasonable interpretation of this code shall be determined by Board of Zoning Appeals created pursuant to K.S.A. 12-714, and as amended. The Board of Zoning Appeals shall have no authority to modify the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this uniform code reference is made to the Board of Zoning Appeals, such reference shall mean the board of zoning appeals referred to above.

Section III. Section 4-3A03. SEVERABILITY. If any section of the International Fuel Gas Code 2009 2015 Edition or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the section shall be considered separate and apart from the article, the sections is to be completely severable for the remaining provisions which shall continue in force and effect.

Section IV. Section 4-3A04. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

Section IV. This ordinance shall be in full force and effect January 1, 2010-2016 and after its passage and publication in the official city newspaper.

Section VI. Ordinance No. 2268 is hereby repealed.

Approved by the City Council and signed by the Mayor the 24th day of August, 2015.

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk
(Seal)

ORDINANCE NO. ~~2269~~ _____

AN ORDINANCE REPEALING CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 4, MECHANICAL CODE OF THE CODE OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS, ADOPTING THE INTERNATIONAL MECHANICAL CODE, 201509 EDITION AND AMENDMENTS TO SPECIFIC SECTIONS AS CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 4, INTERNATIONAL MECHANICAL CODE AND REPEALING ORDINANCE NO. ~~2053-2269~~

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

Section I: Chapter IV, Buildings and Construction, Article 4, Mechanical Code of the Code of Ordinances of the City of Bonner Springs, Kansas, is hereby repealed and the International Mechanical Code, ~~2009-2015~~ Edition is hereby adopted as follows:

“4-401. ADOPTION OF MECHANICAL CODE BY REFERENCE. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures that certain building code known as the International Mechanical Code, ~~2009-2015~~ Edition, recommended by the International Code Council, International Conference of Building Officials, such code being made as a part of the ordinances and code of the city, subject to amendments, changes, omissions and additions hereinafter set forth, as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto No fewer than one (1) copy of the International Mechanical Code shall be marked or stamped “Official Copy as Incorporated be the Code of the City of Bonner Springs,” with all sections or portions thereof intended to be omitted clearly marked to show any such omissions, or showing the sections, articles, chapters, parts or portions that are incorporated as the case may be and to which shall be attached a copy of this Ordinance. Such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Police Department, Municipal Judge and all administrative departments of the city charged with the enforcement of the code shall be supplied a copy of such code without cost, and all such copies marked as indicated above.”

Section II: Section 4-402. AMENDMENTS to the International Mechanical Code ~~200915~~ Edition. The following sections of the International Mechanical Code ~~2009-2015~~ Edition incorporated by Section 4-401 are amended as follows:

~~Section 105.2 ALTERNATE MATERIALS, METHODS, EQUIPMENT & APPLIANCES is hereby amended to read as follows: “The suitability of alternate materials, methods of construction and reasonable interpretations of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714, as amended. The board shall have no authority to modify the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this International Code reference is made to the Board of Appeals, reference shall mean the Board of Zoning Appeals referred to above.”~~

Section 106.5.2 FEE SCHEDULE. Standard fee of \$35.00 for all mechanical permit applications, excluding work covered under a building permit.

In addition to the definitions in Section 202 of the International Mechanical Code ~~2009~~ 2015 Edition, the following definitions are added and shall have the following meanings:

“(a). The term "ordinance" shall mean and include the word "resolution".
(b). The term "city" shall mean and include the word "county".
(c). The term "misdemeanor", unless otherwise specifically defined or provided for herein, shall mean "Class C" violation as prescribed by the Public Offense Code of this City.”

Section 108.5 STOP WORK ORDERS. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a fine of not less than \$500 dollars nor more than \$1000 dollars.

Section 108.4 VIOLATION AND PENALTIES. (a) Any person who shall violate any of the provisions of the International Mechanical Code ~~2009~~ 2015 Edition or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Official or other proper city authority or by a court of competent jurisdiction, within the time fixed herein or who shall construct, enlarge, alter, repair, move, improve, remove, convert, demolished, equip, use, occupy or maintain any building or structure in violation of the provision of this code, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C violation as prescribed by the Public Offense Code of this city. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations within a reasonable time. When not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 204.1 APPEALS. The suitability of alternate materials, methods of construction and reasonable interpretation of this code shall be determined by Board of Zoning Appeals created pursuant to K.S.A. 12-714, and as amended. The Board of Appeals shall have no authority to modify the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this uniform code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

Section III: Section 4-403 SEVERABILITY: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section IV: Section 4-404 DELETIONS: The following Sections of the International Mechanical Code 2009 Edition are hereby deleted:

(a) Section 106.5.3, Fee Refunds, Subparagraph 3. that reads: "Not more than % percent of the

plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans review effort has been expended.

Section V: Section 4-405. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

Section VI: Ordinance No. 2053-2269 is hereby repealed.

Section VII: This ordinance shall be in full force and effect January 1, 2010-2016 and after its passage and publication in the official city newspaper.

Approved by the City Council and signed by the Mayor the 24th day of August 2015.

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk
(Seal)

ORDINANCE NO. ~~2274~~ _____

7

AN ORDINANCE REPEALING CHAPTER IV, BUILDINGS AND CONSTRUCTION, ARTICLE 5, ~~MINIMUM STRUCTURE~~INTERNATIONAL PROPERTY MAINTENANCE CODE OF THE CODE OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, ~~2009—2015~~ 2009—2015 EDITION AND AMENDMENTS TO SPECIFIC SECTIONS AND REPEALING ORDINANCE NO. ~~2055~~2271

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

Section I: Chapter IV, Buildings and Construction Article 5, ~~Minimum Housing Code, 1988 Edition of the Code of Ordinance of the City of Bonner Springs, Kansas, and Ordinance No. 1688 are~~International Property Maintenance Code is hereby repealed. The International Property Maintenance Code 2009-2015 Edition is hereby adopted ~~as the International Property Maintenance Code, 2009 Edition~~ as follows:

Section 4-501 International Property Maintenance Code, ~~2009~~15 Edition. There is hereby adopted and incorporated by reference for the purpose of an ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the Property Maintenance Code.

That one (1) copy of which is on file in the office of the City Clerk of the City of Bonner Springs, being marked and designated as the International Property Maintenance Code as published by the International Code Council, Inc., be and is hereby adopted as the property Maintenance Code of the City of Bonner Springs, in the State of Kansas; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any prescribed in Section 2 of this ordinance.

Section II. Section 4-502 Amendments. Certain sections of the International Property Maintenance Code, ~~2009-2015~~ 2009-2015 Edition are amended as follows:

Section 101.1 TITLE. These regulations shall be knowns as the Property Maintenance Code of Bonner Springs, herein after referred to as "this code".

Section 102.3 APPLICATION OF OTHER CODES. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code 2009-2015 Edition, International Plumbing Code 2009-2015 Edition, International Mechanical Code 2009-2015 Edition, International Fuel Gas Code 2009-2015 Edition and the 2008-2014 Edition NFPA 70 National Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Bonner Springs Master Plan.

Section 106.4 VIOLATION PENALTIES. (a) Any person who shall violate any of the provisions of this code, violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other property city authority or by a court of competent jurisdiction, within the time

fixed herein, or who shall construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in violation of the provisions of this code, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C violation as prescribed by the Public Offense Code of this city. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 111. MEANS OF APPEAL. The suitability of alternate materials, methods of constructions and reasonable interpretation of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 and as amended. The Board of Zoning Appeals shall have no authority to modify administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicated copy to the appellant. Wherever in this International Code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

Section 201.3 TERMS DEFINED IN OTHER CODES. Shall be revised as follows: Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, or the NFPA 70, National Electrical Code ~~2008~~2014, such terms shall have the meaning ascribed to them as in these codes.

Section ~~303-2.304.2~~ 304.2 PROTECTIVE TREATMENT. All exterior surfaces, including but not limited to: doors, door and window frames, concave, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Peeling, flaking and chipped paint areas in excess of twenty percent (20%) of any individual surface area shall be eliminated and such surfaces repainted. The area of peeling, flaking or chipped paint shall be calculated by drawing one rectangle around all occurrences of the peeling, flaking and chipped paint on any individual surface and calculating the area of that rectangle. All siding and masonry joints (as well as those between the building envelope and the perimeter of windows, doors and skylights) shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

~~303-3.1304.3~~ 304.3 PREMISES IDENTIFICATIONS. Secondary entry numbers. Multi-tenant shopping centers in which tenant spaces have secondary entry doors from an exterior façade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of 4 inches in height.

Exception: If more than one entry door is installed on a façade, only one door needs to be marked (entry doors defined as overhead cargo doors and normal passage doors).

~~303-14304.14~~ 304.14 INSECT SCREENS. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food

preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3. HEAT SUPPLY. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom or on terms, either expressed or implied, to furnish heat to the occupants there of shall supply heat during the period from October 15 through May 15, to maintain a temperature not less than 65 degrees F. (18 degree C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.4 OCCUPIABLE WORK SPACES. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 65 degrees F (18 degree C) during the period of spaces are occupied.

Exception: (1) Processing, storage and operation areas that require cooling or special temperature conditions. (2) Areas in which persons are primarily engaged in vigorous physical activities.

Section 604.2 SERVICE. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70, National Electrical Code ~~2008-2014~~ Edition. Dwelling units shall be served by three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section III. Section 4-503. That nothing in this ordinance or in the Property Maintenance Code ~~2009-2015~~ Edition hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV. Section 4-504 SEVERABILITY. If any section of the International Property Maintenance Code, ~~2009-2015~~ Edition, or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the section shall be considered separate and apart from the remaining provisions of the International Property Maintenance Code, ~~2009-2015~~ Edition or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect.

Section V. The following section of the International Property Maintenance Code is hereby deleted:

Section 103.~~6-5~~ FEES

~~Section 3031.3 Vacant ~~sturtures~~structures and land~~

~~Sections 302.1 to 302.5 and 302.7 to 302.9 Exterior property area~~

Section VI. Section 4-506. CONFLICTS. In the event any Section of this code is in conflict or apparent conflict with the planning, zoning or subdivision regulations or ordinances, the provisions of the planning, zoning or subdivision ordinances shall prevail and those provisions of this code now or hereafter in conflict with such regulations or ordinances shall be deemed invalid or inapplicable only as to such conflict.

Section VII. Section 4-507. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City

| Manager shall have the authority to issue notices to appear for violations of this code.

| **Section VIII.** Ordinance 2055-2271 is hereby repealed.

| **Section VIII X.** This ordinance shall be in full force and effect January 1, 2010-2016 and after its passage and publication in the official city newspaper.

Approved by the City Council and signed by the Mayor on the 24th day of August, 2015.

|

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk

(Seal)

ORDINANCE NO. ~~2267~~ _____

8

AN ORDINANCE OF THE CITY OF BONNER SPRINGS, KANSAS, ADOPTING THE INTERNATIONAL FIRE CODE, ~~2009-2015~~ EDITION WITH AMENDMENTS THERETO AND REPEALING SECTIONS 7-202, 7-203, 7-204, 7-205, 7-206, AND 7-207, ~~7-208, 7-209 AND 7-212~~ OF CHAPTER VII, FIRE, ARTICLE 2 FIRE CODE OF THE CODE OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS AND REPEALING ORDINANCE ~~2054~~2267

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS.

Section I. Chapter VII, Fire, Article 2, Fire Code, Section 7-201 is hereby amended to read as follows:

“Section 7-201. INTERNATIONAL FIRE CODE, 2009-2015 EDITION, INCORPORATED. There is hereby adopted and incorporated by reference for the purpose an ordinance establishing the minimum regulation and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in occupancy of buildings and premises in the City of Bonner Springs and unincorporated Wyandotte County; providing for the issuance of permits for hazardous uses or operations

That a certain document, one (1) copy of which is on file in the office of the City ~~Clerk-2015~~ of the City of Bonner Springs, being marked and designated as the International Fire Code, 2009 2015 Edition, including Appendix Chapters B, C, D, E, F and G, as published by the International Code Council, be and is hereby adopted as code of the City of Bonner Springs, Kansas. And each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2009-2015 Edition, published by the International Code Council, on file in the City of Bonner Springs are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.”

Section II. Sections 7-202 through 7-20~~79~~, and ~~Section 7-212~~ Chapter VII Fire, Article 2 Fire Code are hereby repealed.

Section III: 7-202, Chapter VII Fire, Article 2 Fire Code shall be adopted amending the following sections of the International Fire Code, 2009-2015 Edition:

Section 7-202. AMENDMENT. Certain sections of the International Fire Code, 2009 2015 Edition are amended as follows;

Section 101.1 Title shall be amended to read as follows: These regulations shall be known as the Fire Code of the City of Bonner Springs, hereinafter referred to as “this code”.

Section 108 APPEALS. The suitability of alternate materials, methods of constructions and reasonable interpretation of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 and as amended. The Board of shall have no authority to modify administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicated copy to the appellant. Wherever in this international code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

Section 109.3 Violation Penalties. Shall be amended to read: “Persons who shall violate a provision of this code or shall fail to comply with any of the requirements therefore or who shall erect, install, alter, repair or do work in violation of the approved construction documents or

directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class B violation as prescribed by the public offense code of this city. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 Failure to Comply shall be amended to read as follows: "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500 or more than \$1,000."

Section IV. Section 7-203 LIMITS. That the limits referred to in certain sections of the International Fire Code, ~~2009-2015~~ Edition, are hereby established as follows:

Section 3204.3.1.1 Storage is allowed only on property with Industrial zoning in accordance with the zoning ordinance.

Section 3304.1 Insert: Section 3304.1.1 Storage of explosives and blasting agents is prohibited in the city except in I-2 Industrial zoning districts with a special use permit for quarry operations or active construction project with a blasting permit.

Section V: Chapter VII Fire, Article 2 Fire Code, Section 7-~~210-204~~ shall be amended to read as follows:

"Section 7-204. SMOKE DETECTOR REQUIRED: (a) Except as otherwise provided, at least one smoke detector shall be installed in every existing dwelling unit built before January 1, 1983.

(b) The smoke detector shall be a single station smoke detector of a type listed by the Underwriters Laboratory

(c) Smoke detector shall be installed in accordance with manufacturer's instructions and in such a manner that when activated the smoke detector shall initiate an alarm which is audible in the sleeping room(s) of the dwelling unit.

(d) It shall be the responsibility of the owner of any such dwelling unit to provide, install and maintain such smoke detector unit.

(e) The owner of any occupied dwelling unit without such an operable smoke detector shall be in violation of the smoke detector code.

Section VI: Chapter VII Fire, Article 2 Fire Code, Section 7-~~211-205~~ shall be amended to read as follows:

"Section 7-205. REMOVAL. It shall be unlawful for any person to remove any smoke detector or any part thereof or do any act which would render the smoke detector inoperable except temporarily for repairs or replacement. In no case shall such a period of inoperability exceed 24 hours."

Section VII. Section 7-206. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portion of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section VIII. Section 7-207. NOTICES TO APPEAR. Pursuant to the authority of Charter Ordinance No. 29, the Fire Chief and Assistant Fire Chief or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this code.

Section VIIIIX: Ordinance No. ~~2054-2267 are is~~ hereby repealed.

Section VIX: This ordinance and the rules, regulations, provisions, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, ~~2010~~ 2016 and after its passage and publication in the official city newspaper.

Approved by the City Council and signed by the Mayor the 24th day of August, 2015

Jeff Harrington, Mayor

Attest:

Amber McCullough, City Clerk
(Seal)

ITEM NO. 9.

City Council Regular Agenda Monday, August 24, 2015 – 7:30 p.m.

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: City Manager's Report

ACTION: None

STAFF RECOMMENDATION:

Report attached.

City Managers Update

Date: August 24, 2015
To: Mayor and City Council

1. **Senior Center to Parks and Recreation** – Effective 31 August, the Parks and Recreation Director will take over supervisory responsibilities of the Senior Center and it will be a part of this Department.
2. **Park & Recreation Update:**
 - Current:**
 - Adult Fall Softball: Co-Rec on Sundays: 8 teams (8 last fall)
Men's on Thursdays: 6 teams (6 last fall)
 - Fall Youth Soccer Registration: Deadline is Wednesday, August 26th, \$40 for residents and \$45 for non-residents. Ages 4-14 years
 - Girls Youth Volleyball Registration: Deadline is Wednesday, September 9th, \$40 for residents and \$45 for non-residents. Grades 2nd – 8th
 - Past:**
 - Hunter Safety Course: 21 youth and adults participated
 - Upcoming:**
 - Tumbling: First session starts Sept, 14. \$32.50 for residents/\$37.50 for non-residents
 - Safe Sitter Class: Saturday, September 12, 9:00-4:00pm.
 - ages 11-14
 - \$40 for residents/\$45 for non-residents
3. **March of Dimes Bikers for Babies** – The March of Dimes made application to request the use of the City's parking lot adjacent to Centennial Park for a Bikers for Babies pre-registration event to be held on Wednesday, September 2nd from 6 p.m. to 9 p.m. This is an annual event. Per the adopted Governing Body Policy, the Staff will approve it administratively since there will be no significant changes from last year.
4. **Tiblow Days Schedule** – The Schedule of Events for the Tiblow Days festival on August 27-29 is attached.
5. **Transitioning to November Elections** – During the last legislative session, the Legislature passed HB 2104 moving City elections from April to November. This Bill extends the terms that would have ended April 2017 to January 2018. The election for these positions will take place November 2017. The Bill did not address those term dates ending in April 2019, but the League of Kansas Municipalities is considering introducing legislation next session that will extend these terms as well.

In order to comply with the new legislation, we must pass an ordinance to amend the City Code to reflect the November election cycle. This will be presented at a future Workshop so you are able to decide whether to keep all of our Governing Body elections in odd years or to move the Mayoral election to even years. Some cities are choosing to move the Mayoral elections to even years to give any Councilmembers the opportunity to run for Mayor without losing their position on the Council if they did not win the election since a candidate cannot file for two positions on one ballot.

Another requirement of the new legislation is to pass an ordinance to establish the number of qualified electors of the City which must sign a nomination petition. This requirement is a result of the filing fee going from \$10 to \$20 to provide an affordable alternative to file for City office. Another change you will see is all election filings are now required to be turned in to the County Clerk whereas previously Governing Body forms were filed with the City Clerk.

In this month's *Kansas Government Journal*, which you received by email, there is an article on pages 198-201 that provides more detailed information on the change in election dates.

6. Senior Center Update:

- a. Annual Spaghetti Dinner – Many thanks to everyone who participated in the 25th annual All-You-Can-East Spaghetti Dinner held on Friday, August 7, 2015. Approximately 275 tickets were sold. The dinner raised \$1,826 for the scholarship fund. Nancy Jones Johnson's children, Matt, Mitch and Jen donated the majority of the food and also volunteered their time in honor of their mother. Money raised from this event goes toward scholarships for Bonner Springs High School seniors.
- b. Tiblow Days - The Senior Center will have an informational booth at Tiblow Days on Saturday, August 29 from 10:00am until 3:00pm. We will have information on the Senior Center, welcome letters, books on senior living, the September Newsletter and Calendar and a signup sheet for those wanting to be contacted by phone or e-mail. We will also offer free water.
- c. Fox 4's Pay It Forward - One of our seniors was nominated for the WDAF Fox 4's "Pay It Forward Award". This award is presented to citizens who go beyond the call of duty for other citizens. WDAF will be at the Senior Center on Tuesday, August 25, at 10:00am to surprise the recipient and present the \$300.00 award. She was nominated because she not only volunteers in many capacities at the Senior Center, but also volunteers to help other seniors with such things as alterations, cooking and she provides transportation to the doctor, hospital, and grocery shopping for a 93 year old senior who she brings to the senior center.

- 7. Labor Day Holiday** – City offices will be closed on Monday, September 7th in observance of the Labor Day holiday. This will delay trash and recycling pick up to Wednesday of that week.

WWW
BSEDWCHAMBER
ORG



AUGUST
27-29
2015

SCHEDULE OF EVENTS | DOWNTOWN BONNER SPRINGS, KS | CEDAR • 2ND ST

Website: www.bsedwchamber.org Facebook: www.facebook.com/bsedwchamber
Email: info@bsedwchamber.org Phone: 913-422-5044

THURSDAY, AUGUST 27

- 8:30pm **City Band Concert & Ice Cream Social**
Kelly Murphy Park [Free]
- 3-11pm **Carnival**
Wristband \$20, 5-9pm

FRIDAY, AUGUST 28

- 4pm-11pm **Carnival**
Wristband \$20, 5-9pm
- 5-11pm **Vendor Booths**
- 6pm **Mayor's Banquet**
Tickets available at City Hall or Rotary Club Members
- 6-11:30pm **Beer Garden, Centennial Park**
Support Bonner Springs Project Grad
- 7:00-11pm **Musical Lineup**
Centennial Park [FREE]
8:00 *Damien Gunn & the Bang Bangs*
9:30 *Garth Brooks Tribute {Shawn Gerhard}*

TOP SPONSORS

Diamond Sponsors [\$5,000+] • Holliday Sand & Gravel • City of Bonner Springs

Platinum Sponsors [\$2,500] • Atmos Energy • Oldcastle Miller

Gold Sponsors [\$1,500] • Coleman Equipment • Union Bank & Trust (Bonner Springs Branch)

Silver Sponsors [\$1,000] • KCB Bank (Bonner Springs Branch)

SATURDAY, AUGUST 29

- All Day **Smokin' on Oak BBQ Competition**
Judging, Noon
- 6-9am **Biscuit & Gravy Breakfast**
First Christian Church, 148 N. Nettleton
- 7-9am **Tiblow Trot**
- 8-10:00am **Car Show Staging & Check-in**
Midwest Bus Lot, 313 E. Front Street
- 9am-11pm **Carnival**
Wristband \$20, 11-3pm & 5-9pm
- 9am-5/11pm **Vendor Booths**
2nd Street, from Elm to Cedar & Centennial Park
- 9:30am **Parade**
Lions Park ⇒ Nettleton ⇒ Oak
- 11am-2pm **Car Show on Cedar Street**
Awards on the Big Stage at 2:00
- 11am **Parade Awards**
Kelly Murphy Park
- 11:15am - 3:15pm **Group Performances**
Kelly Murphy Park
11:15 *CMS & BSHS Cheerleaders & Dance Team,*
11:45 *Sarah's School of Dance, 12:30 Kristi's Academy of Dance, 1:30 Grand Master Kim's Taekwondo, 2:15 Open, 3:00 Legacy Dance Studio*
- 4pm **Community Pinewood Derby by Pack 3149**
Kelly Murphy Park, Impound 4:00
- 3pm **Smokin' on Oak BBQ Awards**
Community Center
- 5-11:30pm **Beer Garden, Centennial Park**
Support Bonner Springs Project Grad
- TBD **Cars for Heroes Car Giveaway**
- 6:30-11pm **Musical Lineup**
Centennial Park [FREE]
6:30 *Unholstered Outlaws*
8:00 *Blake Tuttle*
9:30 *Tate Stevens*

As of 8/20/15 • v2 • Schedule subject to change



BONNER SPRINGS' 35TH ANNUAL TIBLOW DAYS FESTIVAL
HOSTED BY THE BONNER SPRINGS-EDWARDSVILLE AREA CHAMBER OF COMMERCE

ITEM NO. 10.

**City Council Regular Agenda
Monday, August 24, 2015 – 7:30 p.m.**

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: City Council Items

ACTION: None

STAFF RECOMMENDATION:

ITEM NO. 11.

**City Council Regular Agenda
Monday, August 24, 2015 – 7:30 p.m.**

MOTION: _____ **SECOND:** _____

Name	Yes	No	Abstain	Absent
Tom Stephens				
George Cooper				
Bob Reeves				
Dani Gurley				
Joe Peterson				
Mike Thompson				
Mark Kipp				
Rodger Shannon				
Mayor Jeff Harrington				
RESULT	PASS	FAIL		

Mayor Vote on Charter Ordinances & Planning Items _____

AGENDA ITEM: Mayor's Report

ACTION: None

STAFF RECOMMENDATION:

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