CITY COUNCIL AGENDA
Monday, October 12, 2015

Workshop – 6:45 p.m.

WS-1 Review of Response Letter to Mr. Guy Tiner

WS-2 PHA Equal Opportunity Housing Plan

WS-3 PHA No Smoking Policy

Council Meeting – 7:30 p.m.

1. National Business Women's Week Proclamation

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

   CONSENT AGENDA - If a Councilmember has a simple question about an item, it can be asked before the Mayor calls for the vote on the Consent Agenda. An item only needs to be removed from the Consent Agenda if it warrants discussion.

3. Minutes of the September 28, 2015 City Council Meeting

4. Claims for City Operations for October 12, 2015

5. Public Housing Authority Claims for October 12, 2015

6. Street Closure for JMS Entertainment dba 3rd Street Asylum

7. Midwest Balloon Fest Carnival Permit

8. PHA Equal Opportunity Housing Plan

   REGULAR MEETING AGENDA

9. Parks and Recreation Slides

10. City Manager's Report

11. City Council Items

12. Mayor's Report

City of Bonner Springs

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

WORKSHOP MEETING

6:45 p.m.

REGULAR CITY COUNCIL MEETING

7:30 p.m.

CITY HALL COUNCIL CHAMBERS

Monday, October 12, 2015

Life is Better in Bonner Springs

Phone: 913-422-1020 Fax: 913-441-1366 Website: www.bonnersprings.org

ITEM NO. WS-1

City Council Workshop Agenda
Monday, October 12, 2015 – 6:45 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: Review of Response Letter to Mr. Guy Tiner

NARRATIVE:

Mr. Guy Tiner appeared before the Council in the Public Comment portion of the September 28, 2015 meeting with several issues/concerns. Attached is a letter prepared by staff that responds to each of his issues. If the Council is satisfied with the letter, it will be mailed to him on Tuesday.

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

October 5, 2015

Guy Tiner
924 S 132nd St
Bonner Springs, KS 66012

Dear Mr. Tiner:

The purpose of this letter is to address questions and/or comments expressed by you at the City Council meeting on September 28, 2015 concerning the City's weed enforcement regulations. The following comments/issues were cited by you:

1. You stated that you would like to see the City's mission statement for weeds:

The weed regulations fall under the Property Maintenance Code and the mission or purpose is as follows:

"The purpose of this Code is to provide the administration and enforcement thereof and to protect, preserve, enhance, and regulate the exterior maintenance of all properties in this City by eliminating conditions which have a negative effect to the general welfare of the community; have a blighting effect on adjacent properties and neighborhoods; and are injurious to the health, safety and welfare of the public."

In the Property Maintenance Code, Chapter XI, Article 5 – Weeds, the following statement is made:

"All weeds are hereby declared a nuisance and are subject to abatement as hereinafter provided. It shall be unlawful for any person who occupies or has charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, to include but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private."

2. Your statement: "The City picks and chooses who is cited and violation notices are sent based on phone calls rather than policy."

Based on the following facts, it is evident that this is not how I conduct business:

- From January-October 2015, 823 Property Maintenance Code violations have been issued.
- Of the 823 cases, 76 or less than 10% were investigated due to complaints received by phone, email or via the City's website. The remaining 747 cases or 90% were observed during routine canvassing inspections.
- Of the 823 cases, 127 weed violation notices were issued. Of the 127 weed cases, 13 or 10% were issued for your properties and 7 of the 13 were mowed for non-compliance: 3 in Lei Valley, 901 S. 134th Street, 518 N. Nettleton (mowed twice), 13101 Metropolitan and 13801 Grove (mowed twice). This year, a total of 21 properties were abated by the City's mowing contractor, 7 of which are your properties. Of the approximate 73 properties you own within the city limits of Bonner Springs, you received weed violation notices for approximately 18% of your properties.

- The Code requires only ONE weed violation notice to be sent per property, per calendar year. Each notice allows a 10 day abatement period, which is provided to everyone who receives a weed notice. In previous years, additional time and phone calls were spent on my part to assist you in keeping your properties in compliance due to the overall amount of land you owned and my desire to find ways to work with you as you developed portions of those properties. This year, I was unable to continue to devote the extra time to work with you which I don't provide to other citizens. In fact, it could be construed by others that you were provided special treatment. Also, you never contacted me this year to let me know what your plans were to comply.

4. Explanation as to why 901 S 134th was mowed around the house:

This property is zoned A-1, Agricultural District. The regulation states: "Property zoned AG and A-1 is exempt from the requirement to remove weeds except for a 30-foot area that surrounds any single-family residence on the property which classifies as a yard area, but shall follow the requirements for control of noxious weeds as defined in Section 11-502(c)."

A weed violation notice was sent May 21, 2015 requiring that the area around the house be mowed by the deadline date of 6/1/2015. Upon re-inspection on 6/1/2015, the property was found to be in compliance. Therefore, no action was taken. The property was found again in violation of the weed ordinance on 7/24/2015 and a work order was issued to the City's mowing contractor. Due to limited access in the rear yard from a fallen tree and an ongoing construction project, the contractor abated the weeds in the front and side yard of this parcel and opted not to expend additional billable time removing the obstructions in the rear portion of the yard area.

5. Explanation as to why 810 S. 134 was mowed when it is agricultural property:

You identified the property at 810 S 134th St as being used by Dick Reinwald to pasture his horses in the winter months. This is not a valid address. The correct address is 1014 S. 134th St. and the only violation notices ever issued involved the presence of Johnson Grass, a noxious weed. A weed height violation notice would not be issued on this property because it is zoned agricultural and does not have a single-family dwelling located on the property. Therefore, the City has not mowed this parcel.

6. Explanation as to why property across from Lei Valley on Kansas Avenue is not required to be mowed:

The property on the south side of Kansas Avenue across from Lei Valley is zoned A-1 and is not required to be mowed. The only house located on the property is some distance from Kansas Avenue and is required to be mowed 30 feet around the house. The property has been in compliance.

7. Your statement: "I think the City is overzealous and pulling the trigger too quick".

Every year, you are afforded the opportunity to harvest a hay crop from your A-1 zoned properties, more specifically: 13200 Kansas Avenue; 424 Commercial Dr.; and 13100 Richland Ave. which is currently under construction. When necessary, weed violation notices are not sent until after the third week in June. This action has been done as a courtesy to you so that you can keep your agricultural designation with Wyandotte County, which results in a huge savings to you in property taxes. This year in September, I discovered that I had overlooked the fact that 13200 Kansas was required to be mowed. I was thinking this property was over 5 acres and had forgotten that it was actually a total of 4.5 acres, which requires it to be completely mowed throughout the growing season. The Code states, "Each undeveloped parcel of land less than or equal to five (5) acres zoned residential, commercial or industrial, listed as an agricultural use with the County, is not exempt from the requirements of this Code." Therefore, even though you were required to mow this property in prior years, you were given a "bye" this year due to my error.

The Code also states that "Each undeveloped parcel of land greater than five (5) acres zoned residential, commercial or industrial, listed as an agricultural use with the County, shall not fall under the requirements of this Code other than removal of weeds within thirty (30) feet of a public roadway, thirty (30) feet of adjacent developed property and shall follow the requirements for control of noxious weeds as defined in Section 11-502(c)." Here is an example of a concession made by the City to your advantage:

Your property at 700 S. 132nd Street is approximately 8.64 acres. The Code requires the 30 foot area from the edge of the street to be mowed throughout the growing season. You comply with this Code along Kansas Avenue, but not along S. 132nd Street where your property is only mowed about 10-15 feet from the edge of the street. Consideration was given to you on your overall compliance with the weed ordinance on all of your other properties. Therefore, I made no attempt to strictly enforce this Code on that particular non-compliant issue.

8. Your statement, "The city mowed Lei Valley lots in between times when I had mowed them."

On May 8, 2015, three weed violation letters were issued for property in Lei Valley with a deadline date of May 18. One of those notices identified twenty-one undeveloped lots and the other two were green space areas - the detention basin at 137th and Kansas Avenue and the corner of 138th and Kansas. On May 18, I conducted a re-inspection and witnessed that mowing had begun, so I pushed the deadline date to the May 25. Upon re-inspection on May 25, all of the lots had not been completed, but due to rainfall, I again pushed the deadline date to June 1. Work orders were not issued until June 12 to mow the two green space areas and two lots at 138th and Knipp and one lot on Richland. The mowing contractor arrived on June 19 and found the two green space areas had been mowed, so he did not mow these areas. The remaining three lots were still in violation and were mowed by the contractor. Therefore, you were given one month to mow all of the properties in violation due to rainfall that occurred during this time. This consideration was provided to all outstanding city-wide mowing issues. On the day that the three lots were mowed, I took pictures to document that the lots were not in compliance and had not ever been mowed.

I am hopeful that once you have reviewed this letter you will understand that you were not singled out and that the enforcement of the Property Maintenance Code is fair and equitable. I strive to work with properties owners as long as they are willing to put forth the effort and maintain their properties according to the adopted codes. My job is to uphold the policies, regulations and laws as established by the Governing Body so that Bonner Springs is a safe, healthy and attractive place to live, work and play.

Sincerely,

Barbara Bille
Property Maintenance Code Officer

ITEM NO. WS-2

City Council Workshop Agenda
Monday, October 12, 2015 – 6:45 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: PHA Equal Opportunity Housing Plan

NARRATIVE:

Attached is the recommendation and information regarding the Equal Opportunity Housing Plan for the Bonner Springs Public Housing Authority. Because this is a simple update, this item is also for approval as Consent Agenda Item No. 8.

City of Bonner Springs
Public Housing Authority

EQUAL HOUSING OPPORTUNITY

DATE:
TO: Mayor and City Council
THRU: Jack Helin, City Manager
FROM: Carrie Newton, Executive Director
RE: Updated Equal Opportunity Housing Plan

RECOMMENDATION:
Staff recommends approval of the updated Equal Opportunity Housing Plan

BACKGROUND:
The Equal Opportunity Housing Plan lays out the plan for items such as waiting list preferences, application acceptance, and employment practices. This plan is posted on a visible board at the Housing Authority.

DISCUSSION:

The current plan was done in 1991, so it is outdated. The following are key points that are outdated and the suggested item of replacement if needed:

1.) The current policy includes Section 8, which the Housing Authority no longer offers. The new policy would not consist of any Section 8 related material.
2.) The current policy states a certain amount of units that is incorrect. The new policy would update the amount of unit sizes we currently have.
    a. Number of studios would change from 0 to 24
    b. Number of 1 bedrooms would change from 10 to 6
    c. Number of 2 bedrooms would change from 23 to 10
    d. Number of 3 bedrooms would change from 2 to 8
    e. Number of 4 bedrooms would change from 0 to 5
3.) The current policy plan has an outdated preference for the waiting list. It currently lists bedroom size needed and federal or local preference, with no other descriptions. The new policy would have the current preferences which are:
    a. Elderly Families
    b. Disabled Families
    c. Working Families
4.) The current policy states that only applicants within the PHA's jurisdiction will have preference. The new policy will state any applicant who wishes to apply, may do so, with no preference given to current address.

City of Bonner Springs
Public Housing Authority

EQUAL HOUSING OPPORTUNITY

5.) The current policy lists female and minority as preference for employment. The new policy will state that any individual that meets all stated requirements and can adequately perform required job duties are encouraged to apply.
6.) The current policy states that staff salaries are paid for by the City of Bonner Springs. The new policy will revise to state that The City of Bonner Springs is reimbursed by HUD for staff salaries.

FINANCIAL IMPACT:
There is no financial impact

Bonner Springs Housing Authority

420 N Park Ave

Bonner Springs, Wyandotte County, KS 66012

	0 BR	1 BR	2 BR	3 BR	4 BR
Number of Units:	24	6	10	8	5
Program Type:	Public Housing Authority				

Objective of the Equal Opportunity Housing Plan and Actions to be Taken by the Housing Authority of Bonner Springs, KS to Achieve the Plan's Objectives

Objective I- Outreach to very Low Income Families

Actions to be Taken: Public Notice to Families

1. The purpose of the PHA's outreach program is to inform eligible families of the availability of the public housing program and to attract a sufficient number and variety of applicants to fill all vacancies as they arise.

2. The PHA conducts affirmative marketing when needed to specified types of groups of families to assure that all eligible participants have an equal opportunity to utilize the program.

3. It will also conduct other outreach efforts from time to time if it finds that certain categories of families are not making applications in sufficient numbers to keep all dwelling units occupied.

Public Notice to Families:

Each time the PHA receives or acquires an allocation of new units or its waiting list has been depleted, it will make known to the public, through publication in a newspaper of general circulation, minority media, and other suitable means, the availability and nature of its housing assistance for low-income families, unless it has earlier suspended application-taking and the size of the new allocation of dwelling units does not warrant resumption of such procedures. In addition to publishing the notice in local newspapers, the Agency may utilize free advertising via broadcast public service announcements or other media types.

1. The notice may also be posted at public service/government offices to broaden outreach efforts.

2. The public notice will:
   a) Advise families where they may apply for the program;
   b) Give a brief description of the program;
   c) State that applicants must submit a written application if they wish to apply; and
   d) Itemize the income limits for eligibility, including the low-income limits up to eighty percent (80%) of the local area median income (AMI)

Objective II- Promoting Greater Housing Opportunities for Families Outside Areas of Low-Income and Minority Concentration:

Actions to be Taken: Special Outreach

As needed, the PHA will take affirmative action in marketing the program, to assure that opportunities for program participation are adequately publicized to the following:

1. Families identified by the PHA as being among those least likely to apply. These families may include the frail elderly, homeless and disabled because of their inability to travel to the PHA's application office.

2. Families identified in the jurisdiction's Consolidated Plan as being expected to reside in the PHA's jurisdiction because of present and planned employment.

3. The PHA has identified the following groups of being under-represented in the local housing programs or that may benefit from special outreach efforts by the Agency:

Working families

Objective III- Ensuring Equal Opportunity to Applicants for Participation in the Public Housing Program

Actions to be Taken: Application Processes

During open application periods, the PHA will accept applications at the main administrative office at 420 N. Park Avenue, Bonner Springs, KS 66012. Each person or family seeking admission to a unit must submit a written application. When applications are being accepted, the PHA accepts them between the hours of 8:00 am - 5:00 pm on Monday thru Friday each week. Families may contact the PHA on Monday thru Friday between the hours of 8:00 am - 5:00 pm to check waiting list status. Steps for processing the applications are outlined below. Accessibility is available or will be provided as a reasonable accommodation for the disabled.

1. Unless the PHA's waiting list is closed, it will accept an application from any person or family who wants to apply, even if an informal discussion indicates that the applicant may not be eligible.
2. The application must be signed by both the applicant and be date-stamped and time-stamped by the PHA.
3. Each application will be processed only to the extent necessary to determine initial eligibility based on information provided on the application or placement on the waiting list.
4. During periods of time when application taking is closed, the PHA will not maintain a list of individuals who wish to be notified when the wait list is reopened. However, the Authority will maintain a recorded message providing current information on when the wait list will or might be reopened.
5. The application may be fully completed by the applicant or by the PHA and signed by the applicant. Incomplete applications will be denied by the PHA.

The PHA's Preferences are:

1. Elderly Families (62 or older)
2. Disabled Families
3. Working Families

Families meeting one of the preferences will provide documented verification of said preference. Once provided, the PHA will place them on the waiting list accordingly.

Objective IV- Fair Housing and Discrimination

Action to be Taken: Guidance with Fair Housing Laws and HUD Regulations

The PHA will not discriminate against any person at any stage of the transfer process because of race, color, religion, sex, age, creed, disability, familial status, gender identity, sexual orientation or national origin. The PHA will abide by the non-discrimination requirements of the following laws and Executive Orders. (24 CFR 960.203)

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d), which prohibits discrimination based on race, color, or national origin in programs receiving Federal financial assistance. (24 CFR part 1)

2. The Fair Housing Act of 1988 (42 U.S.C. 3601-3619), also prohibits discrimination in housing practices based on disability in residential real estate-related transactions. (24 CFR parts 100, 108, 109, & 110)

3. Executive Order 11063 on Equal Opportunity Housing. (24 CFR part 107)

4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination based on disability in programs receiving Federal financial assistance. (24 CFR part 8)

5. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107), which prohibits discrimination based on age in programs receiving Federal financial assistance. (24 CFR part 146)

6. Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213).

A Fair Housing and Equal Opportunity poster that contains information on filing complaints with HUD will be prominently posted in the PHA office. Individuals who believe that they have been discriminated against with respect to housing may receive assistance from PHA staff in filing such complaints.

Objective V- Promoting Employment Opportunities

1.) Staff salaries are paid by the City of Bonner Springs and reimbursed by HUD.

2.) The City of Bonner Springs has an affirmative Action/Equal Employment Opportunity Plan. The City and PHA actively promote employment opportunities for those that meet all stated requirements and are able to perform the descripted duties.

ITEM NO. WS-3

City Council Workshop Agenda
Monday, October 12, 2015 – 6:45 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: PHA No Smoking Policy

NARRATIVE:

Attached is Staff's recommendation and background information for implementing a non-smoking policy for all Bonner Springs Housing Authority units. Staff is seeking consensus to move forward with this proposal.

City of Bonner Springs
Public Housing Authority

EQUAL HOUSING OPPORTUNITY

Date: October 12, 2015
To: Mayor & City Council
Through: John Helin, City Manager JHH
From: Carrie Newton, PHA Executive Director

Subject: Adopt a Non Smoking Policy for Bonner Springs Housing Authority

Recommendation:
Staff recommends adoption of a Non Smoking Policy for all Bonner Springs Housing Authority units.

Background: According to the National Fire Protection Association:

- In 2011, there were an estimated 90,000 smoking-material fires in the United States. These fires caused 540 civilian deaths, 1,640 civilian injuries and $621 million in direct property damage.
- One out of four fatal victims of smoking-material fires is not the smoker whose cigarette started the fire.
- Most deaths result from fires that started in bedrooms (40%), or in living rooms, family rooms or dens (35%).
- Nearly half (46%) fatal home smoking-material fire victims were age 65 or older.
- According to the American Lung Association, 392,000 people die yearly from smoking and another 50,000 die from being exposed to second hand smoke.

Discussion:
The U.S. Department of Housing and Urban Development (HUD) has encouraged the adoption of smoke-free policies for the past several years. There is recent word that they are currently going through the processes of making it a requirement for all HUD properties.

A major reason that HUD is committed to encouraging public housing authorities (PHAs) and property owners/agents of subsidized or market rate multifamily housing to implement smoke free policies, is that the movement of secondhand smoke between units cannot be controlled in multifamily buildings. Research has
shown that ventilation and other air filtration technologies cannot eliminate the health risks caused by secondhand smoke exposure.
*Information from HUD provided Smoke Free Procedure power point.

City of Bonner Springs
Public Housing Authority

EQUAL HOUSING OPPORTUNITY

Smoke can be consistently smelled while walking the hallways of the Vaughn Dale building as it goes through the vents and openings in doors, putting staff and other residents that do not smoke at risk of secondhand smoke. In the townhomes, smoke can be smelled through the vents if their neighbors smoke. The townhomes are also considered the family units, meaning there are several children that live in them. Allowing smoking inside the units puts them at a higher risk of second hand smoke.

With some of our clientele being elderly or at a higher risk of illness, we also have the worry of oxygen tanks and smoking. Just a couple of months ago, a resident on an oxygen tank was smoking and it blew up. Thankfully, he was out on the sidewalk and there was no damage, but it could have just as easily happened in his apartment.

Suggested Timeline:

Even though we believe this policy is a change for the better, we also understand that it will not be easy for those residents that do smoke. The following timeline is suggested to help in the transition. I also plan to work with the Wyandotte County Health Department as well as the American Lung Association and any resources they may have for residents that are having a hard time.

- I suggest that the policy takes effect six months from date of adoption. During this time, current residents that smoke will have time to quit and/or prepare. During this six months, education will continue on at least a monthly basis.
- I suggest that anyone that does not believe they can adhere to the new policy be let out of their lease to find new residence should they choose. This will not hurt our occupancy as we have a waiting list of over a year for all units so turn around would be quick.
- Attached is the proposed policy, including actions for violations.

Attachments Include:

- "From the Pioneers of Smoke Free HUD Housing."- This document provides quotes from HUD Directors that have already implemented the Smoke Free Policy on how they implemented it and feedback they received.
- "5 Reasons to go Smoke Free."- This is a HUD provided document that details the five main reasons to go Smoke Free.
- "Smoke Free Policy."- This document will state the new policy that will take effect upon adoption of the Smoke Free Policy, as well as the steps for resident violations of the new policy.

City of Bonner Springs
Public Housing Authority

EQUAL HOUSING OPPORTUNITY

Financial Impact:

Statistics show that the cost of turning a smokers unit can cost two to seven times more than a smoke free unit.

	Non-Smoking	Light Smoking	Heavy Smoking
General Cleaning	$270	$500	$720
Paint	$170	$225	$480
Flooring	$50	$950	$1,425
Appliances	$60	$75	$490
Bathroom	$40	$60	$400
TOTAL	**$560**	**$1,810**	**$3,515**

*Data reflects surveys from housing authorities and subsidized facilities in 2009

Our property does not have a lot of turnover, but with every turnover we do have, we are at a high risk of having to spend a lot of money to make that unit available for the next resident. We have several units currently that would cost several thousand to restore if the resident ever moves out.

Damage from heavy smoke usually results in complete replacement of everything in the unit including appliances, flooring, mini blinds, light fixtures, smoke detectors and more.

City of Bonner Springs Public Housing Authority

EQUAL HOUSING OPPORTUNITY

Smoke-Free Housing Policy (Draft)

1. Smoking is not permitted in any Housing Authority properties including apartments, in accordance with the following guidelines. Effective _____, all current residents, all employees, all guests, and all new residents of the Bonner Springs Housing Authority after this date will be prohibited from smoking inside the units. Current non smoking policy covers common areas.
2. Any deviation from the smoke free policy by any tenant, a member of their household, or their guest will be considered a lease violation. Three (3) violations will be considered to be a repeat violation of the material terms of the lease and will result in eviction. All expenses incurred by the Bonner Springs Housing Authority in relation to turn over for smoke damage will be charged back to the resident.
3. "No Smoking" signs will be posted on the outside and inside of all buildings.
4. Smoking outside any Bonner Springs Housing Authority property is limited to 10 feet away from any entrance or window of any of the buildings. Designated smoking areas will be posted and proper cigarette disposal cans will be placed in these units.
5. New residents will be given a copy of the smoke free policy at initial lease signing. After review, the new resident will sign the Smoke Free Lease Addendum and a copy will be kept in the resident file.
6. Current residents will have to sign the Smoke Free Lease Addendum before the initiation date listed above. A copy will be kept in the resident file. Failure to sign the addendum will result in the first verbal violation being issued and will continue in order until addendum is signed. Failure to sign the new addendum will result in non renewal of lease or a 14/30 Day Notice being issued, whichever comes first.
7. The term "smoking" means inhaling, exhaling, breathing or carrying any lit cigar, cigarette, pipe or other similar tobacco product in any manner or in any form.
8. The term "units" are defined as the interior or exterior spaces tied to a particular unit. This includes, but is not limited to bedrooms, hallways, kitchens, bathrooms, and unit entryways.

City of Bonner Springs
Public Housing Authority

EQUAL HOUSING OPPORTUNITY

9. The no smoking policy **does not** mean that residents/employees will have to quit smoking in order to live and/or work at Bonner Springs Housing Authority. The new policy will only limit smoking to designated areas.
10. Failure to acknowledge a single smoking incident does not waive the right to cite violation for future occurrences.
11. Should a resident not follow the non smoking policy, the following steps will be taken:
    1) If someone reports smelling smoke, the manager will find the source and have an in home meeting with the resident that is found to be the source.
    2) If a second warning is necessary it will be a formal warning letter reminding the resident of the policy. This letter will be sure to state the date of the verbal warning as well as what the next step is should they violate the policy again.
    3) If a third warning is necessary it will be a 14/30 Day Notice. This notice means they have 14 days to correct the matter or 30 days to vacate the premises. After receiving this notice, if they are in violation a fourth time, no other notices will be sent.
    4) Fourth violation will result in eviction proceedings through the Wyandotte County Courts.

_____ _____

Resident Signature Date

_____ _____

Resident Signature Date

This addendum will be made a legal part of the Bonner Springs Housing Authority Dwelling Lease.

1. Protect the Health and Safety of Residents and Staff

Secondhand smoke poses serious health threats to children and adults. The damaging effects of secondhand smoke are well-documented, and since the early 1990's, have given rise to smoke-free ordinances that are now common throughout the U.S. for public areas, workplaces, restaurants, and bars.

As of September 2014, over 500 PHAs have smoke-free policies in over 30 states. This is a dramatic increase; only two PHAs had smoke-free policies prior to 2001.[8]

Secondhand smoke is a known human and animal carcinogen. Secondhand smoke contains many poisons and cancer-causing chemicals, including: nicotine, carbon monoxide, ammonia, formaldehyde, hydrogen cyanide, nitrogen oxides, phenol, and sulfur dioxide. In 1992, the U.S. Environmental Protection Agency classified secondhand smoke as a Class A known carcinogen. As such, secondhand smoke poses health concerns for all individuals, but particularly children, pregnant women, and people with chronic illnesses, such as heart disease and asthma.

Pets and service animals can also suffer severe health consequences from exposure to secondhand smoke. For some people, gaining awareness about the benefits of smoke-free policies on pets' health serves as a motivating factor to support smoke-free policies.

In 2006, the U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke. Secondhand smoke causes heart disease, cancer, chronic obstructive pulmonary disease, and other lung diseases. It triggers asthma attacks, and it exacerbates all heart, lung, and respiratory conditions. Living with a smoker increases the chances of developing lung cancer by 20-30 percent, even in people who have never smoked.[1] There is strong evidence to support an association between secondhand smoke exposure in children and adverse health effects such as respiratory illnesses, ear infections, hospitalizations, and sudden infant death syndrome.[3] The Surgeon General concluded that the only way to keep children and adults safe from secondhand smoke is to ban all smoking indoors.

Children Are Vulnerable to Secondhand Smoke Exposure

Young children spend most of their time inside. Because smoking rates are highest among low-income individuals, children living in subsidized housing are routinely exposed to high concentrations of secondhand smoke. One study of over 5,000 children found that even in households that do not allow smoking, children living in apartments had a 140 percent higher cotinine level than children living in detached homes. Cotinine is a biological marker for exposure to tobacco smoke.[13]

Staff are at risk for exposure to secondhand smoke as part of their workday.
Whenever a manager or maintenance worker has to enter a building, she or he is at risk of exposure to smoke. The movement of smoke between units cannot be controlled, and no level of exposure to tobacco smoke is safe.

Smoking is the leading cause of fire deaths.
Smoking in the home is the leading cause of residential fire deaths and injuries. Almost 1,000 people die every year in smoking-related fires, half are residents in multiunit housing, and a third of them are children. Thousands more are injured by fires that were caused by smoking.[14]

"Smoking-related fire damage claims are usually $50,000 or more, but they reach upwards of $100,000. Owners and agents with smoke-free policies should promote this as a request for discretionary credits. Discretionary credits are for good clients who take care of their properties and have fewer claims — and to an insurer, a smoke-free policy is an indicator of this."

- Ken Stewart, Capital Insurance Group, Monterey, CA

2. Cost Savings

Smoking in units can lead to serious damage to your property. Moderate to excessive smoking damages most surfaces and fixtures in the home. The U.S. Fire Administration reports that smoking-related fires result in 326 million dollars of property damage every year.[15]

Maintenance Cost Savings

Turning over a smoking unit can cost two to seven times more than turning over a smoke-free unit.

The cost of cleaning and renovating a smoking unit adds up quickly, and smaller properties generally pay more per unit than larger properties when repairing smoking damage. Implementing smoke-free policies across the country in subsidized housing would save approximately $521 million per year, including $341 million in second-hand smoke-related healthcare expenditures, $108 million in renovation expenses, and $72 million in smoking-attributable fire losses, according to a recent study from the Centers for Disease Control and Prevention.[16] For public housing, the study estimates annual savings of about $154 million per year.

"We were all about creating these wonderful policies for our in-house staff on how you work with mold and how you work with asbestos and lead paint. The American Lung Association said secondhand smoke is very similar to asbestos; and you're putting all of this energy into protecting your staff from asbestos and mold, yet you are not willing to do that for your residents and staff around this. When we heard that, it was kind of eye-opening."

- Rodger Moore, Home Forward, Portland, Oregon

The Monetary Impact

Cost to Rehabilitate a Unit Where Smoking is Prohibited vs. a Unit Where Smoking is Allowed

	Non-Smoking	Light Smoking	Heavy Smoking
General Cleaning	$270	$500	$720
Paint	$170	$225	$480
Flooring	$50	$950	$1,425
Appliances	$60	$75	$490
Bathroom	$40	$60	$400
TOTAL	$560	$1,810	$3,515

Data reflects surveys from housing authorities and subsidized housing facilities in New England. Collected and reported by Smoke-Free Housing New England, 2009

Source: Breathe Easy Coalition of Maine

The combination of nicotine and tar in cigarette smoke causes a build-up of yellow and brown stains on walls and ceilings. Particles of the chemicals often become embedded in the sheetrock making stains impossible to remove. These harmful chemicals also leave behind a burnt smell that can endure along with the stains. *Photo credit:* New Hanover County Health Department

Insurance Cost Savings

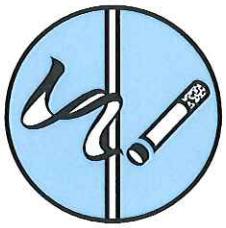
Having a smoke-free policy is an opportunity to advocate for reduced insurance costs. The best way to pursue this is to promote your property for discretionary credits, which are optional monetary benefits offered by an insurer. These are typically provided to clients who file fewer claims. After implementing a smoke-free policy, contact your insurer and inquire about discretionary credits. Since smoke-free housing reduces the risk of fire, fire damage claims are less likely. Also, implementing a smoke-free policy demonstrates to your insurer that you are actively minimizing the risk of damage to your building. Although most insurance companies do not yet offer a specific credit for smoke-free policies, they are more likely to reward proactive clients with lower premiums.

Reduced Legal Liability
Smoke-free policies can help to avoid lawsuits. Residents can file lawsuits over secondhand smoke. Claims may be based on legal precedents for nuisance, warranty of habitability, or the covenant of quiet enjoyment. Landlords, management companies, condominium associations, co-op owners, and smokers may all be found liable in such cases. Residents with pre-existing conditions, such as asthma or other respiratory illnesses, can file claims under disability laws, such as the Fair Housing Act.

Residents are not the only ones who can file a lawsuit over secondhand-smoke exposure. Staff and maintenance workers who are exposed to secondhand smoke may sue as well. Managers, staff, maintenance workers, or other employees who must enter the building over the course of a normal workday are at risk of exposure to smoke in the units and common areas. Most states have smoke-free workplace laws. Allowing smoking in common areas in buildings located in states or municipalities with smoke-free workplace laws can be illegal.

A 2009 study found that even with air filtration systems in place, low-income multifamily housing that allows smoking indoors cannot control the spread of tobacco smoke. The study found that air in 94 percent of units was contaminated, including 89 percent of non-smoking units.[18]

3. Movement of Secondhand Smoke Between Units Cannot Be Controlled



The only sure way to prevent exposure to secondhand smoke in multifamily housing is to enforce a smoke-free policy.

The international standard-setting body for indoor air quality, The Board of Directors for the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), unanimously agreed that ventilation and other air filtration technologies cannot eliminate all the health risks caused by secondhand smoke exposure.[17]

- Multifamily buildings share air ducts or vents, which means a lit cigarette in one unit can easily transmit tobacco smoke into another unit. Even in modern buildings designed to minimize air transfer between units, there is no way to guarantee that smoke will not be blown from unit to unit through open windows. Movement of smoke between units and evidence of improved air quality in buildings with smoke-free policies was identified in a recent study conducted in public housing.[12]

Allowing smoking in affordable housing means exposing an already vulnerable population to smoke.
Rates of chronic disease, such as cardiovascular disease, obesity, diabetes, and asthma, are higher in adults who live in public housing.[19] Lower-income Americans are more likely than their higher-income counterparts to have been diagnosed with a major chronic health condition. These differences contribute to disparities in life expectancy between the lower half of the income spectrum and the upper half. Reducing risk factors, like smoking and exposure to secondhand smoke, has the potential for considerable health benefits for residents in affordable housing.

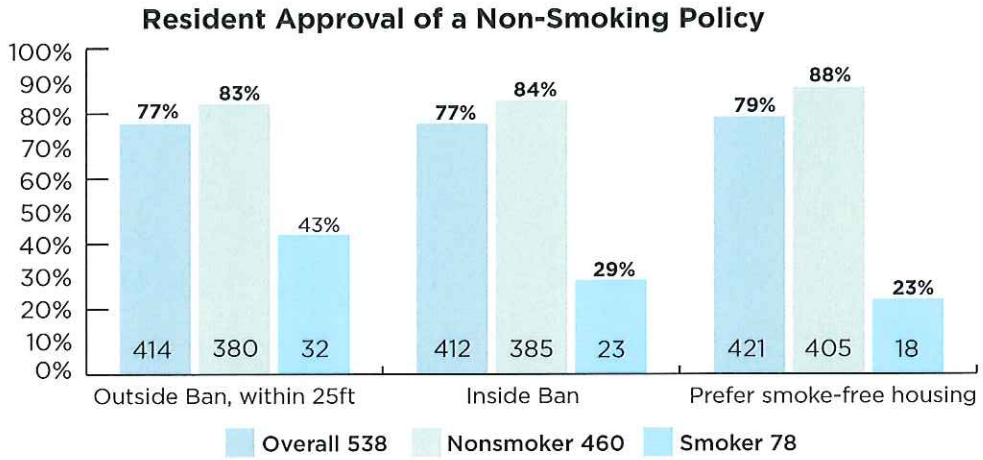
Infants and children are susceptible to secondhand smoke exposure. Children spend more time in the home than adults and have little or no control over their environment. In 2014, 37% of public housing residents were children.[20] Low-income and minority children are more likely to have asthma, which can be triggered by secondhand smoke, and they suffer worse health outcomes from it. Black children are twice as likely to be hospitalized and are four times as likely to die from asthma as white children.[21]

The elderly and disabled are especially vulnerable due to chronic health conditions and an inability to physically escape secondhand smoke. Smoke-free policies help provide housing stability for residents with respiratory conditions, such as asthma or chronic obstructive pulmonary disease (COPD), or who breathe with assistance from a home oxygen respirator.

"When residents in Providence, Rhode Island, were surveyed, the results surprised even those on the resident council who were not passionate about smoke-free housing to begin with. I did vote against the smoke-free policy at first because I didn't think it had support. But I was very surprised to see 95 percent of people in the building approved it. So I brought it back to the board. That's when I changed my decision in favor of the policy."

- Resident, Providence Housing Authority, Rhode Island

Cambridge Housing Authority, Massachusetts Healthy Air Initiative: Survey Results, January 2013



What do CHA residents think about non-smoking policies?
Overall, 77% of surveyed CHA residents approve of inside and outside smoking bans, and nearly 80% of surveyed residents would prefer to live in smoke-free housing. When responses were examined by looking at the responses of surveyed smokers and surveyed nonsmokers separately, it became clear non-smoking respondents would overwhelmingly prefer to live in smoke-free housing — nearly 90%. Interestingly, 23% of smokers would prefer to live in smoke-free housing, and 29% would support a smoking ban indoors.

4. Residents Prefer Smoke-Free Housing

About one-quarter of all Americans live in multiunit housing, and the majority (80%), including people who smoke, have smoke-free home rules.[22] Families are particularly concerned about the effects of secondhand smoke.

Surveys across the country show that residents in multifamily housing prefer smoke-free housing.

- Cambridge Housing Authority in Massachusetts surveyed its residents and found that 77 percent approve of inside and outside smoking bans. Seventy-nine percent of residents surveyed would prefer to live in smoke-free housing. Even among smokers, 29 percent supported an indoor smoking ban.

- A survey in Columbus, Ohio, showed that more than 50 percent of residents in subsidized multifamily housing supported complete smoking bans indoors.[23]

"We thought this smoke-free policy would be a very positive thing. We were just a little bit concerned about what kind of reaction we would get. But as we began to have meetings and discussions about this, we learned that a majority of people would prefer to have a smoke-free environment."

- Rick Ball, Housing and Redevelopment Authority of Duluth, Minnesota

- A statewide survey in Oregon showed that more than 70 percent of renters in that state prefer smoke-free housing.[24]

- A survey in Douglas County, Nebraska, found more than 70 percent of renters would choose smoke-free housing over housing that allowed smoking indoors.[25]

Most surveys find that over 50 percent of residents in multifamily housing in any given building or city prefer indoor smoking bans.

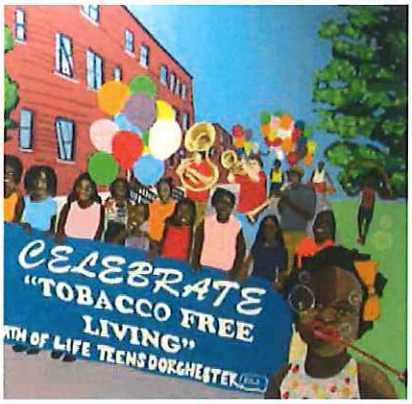


Photo credit: Boston Housing Authority

5. Smoke-Free Policies Are Legal

Smoke-free policies are legal, do not unlawfully discriminate against residents who smoke, and do not violate residents' privacy rights. As of the date of this publication, no organization that has implemented smoke-free housing has faced a legal challenge.

Smokers are not a protected class and do not have any special legal status. Smoking is a public health issue, and smoke-free policies are not discriminatory because they do not prohibit anyone from renting a unit. They merely set rules as to what activities are permitted on the property.

PHAs and owners/agents of subsidized and market rate multifamily housing properties are encouraged to identify whether a property has a smoke-free policy in the property's description and on its waiting list application. With this information available, a prospective resident can choose to be added to a waiting list for a property with the smoking policy status that they want. At the same time, a resident's status as a smoker or non-smoker is irrelevant. An individual's smoking status cannot be used to determine eligibility for applying for, or residing in, public or assisted multifamily housing. Current and prospective residents need to know they are allowed to smoke, just not in the areas that have been designated non-smoking, as determined by the property's smoke free policy. Note: PHAs and multifamily property owners must not maintain separate smoking/non-smoking waiting lists.

From The Pioneers of Smoke Free HUD Housing:

All of the following quotes and information bits are from a HUD provided power point on going Smoke Free

The Boston Housing Authority (BHA) houses approximately 10 percent of the city's residents through the affordable housing programs it administers, including Section 8. The BHA consists of a mix of low-, medium-, and high-rise buildings and townhouses. Boston was the first large city in Massachusetts, and the largest in the nation, to ban smoking in public housing, beginning in September, 2012.

Rural southeastern U.S. is known to be big tobacco country, yet Landura Management effectively drew a line when it came to smoking inside its properties, implementing a smoke-free policy years before the idea took hold among other property owners/agents around the country.

"They have to know that
you are serious about it,
which is key."

- Scott Alderman,
President, Landura
Management Associates

"People are getting used
to smoke-free living.
There are various kinds
of smoking policies
everywhere. You have to
go through a paradigm
shift on what is acceptable
and what isn't before
everything becomes
normalized. People
finally got on board and
understood the policy."

- Scott Alderman,
President, Landura
Management Associates

"Before we implemented it, internally we asked if we were prepared to evict somebody over violating a smoke-free policy. It took some time to find an answer we were comfortable with."

- Bill Cook, Director of Property Management, King County Housing Authority

The Housing and Redevelopment Authority of Duluth is smoke-free in all five of its high rise buildings, which mainly house seniors and individuals with special needs.

"I was concerned about the ability to monitor it, how we would track violations, what it would take to evict someone if there were violations, and ultimately how we would track where the smoke was coming from. I was adamant that the policy was going to take too much effort, and we were going to be spending our whole lives to get people to stop smoking. It was not actually like that at all."

- Rick Ball, Executive Director, Housing and Redevelopment Authority of Duluth

"We have not taken anyone to court over the policy. In every continuing violation case we have had, once we send an eviction notice letter, the tenant moves out."

Scott Wilkerson, Principal & Chief operating Office, Ginkgo Residential

ITEM NO. 1.

City Council Regular Agenda
Monday, October 12, 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: National Business Women's Week Proclamation

ACTION: Proclamation Presentation

STAFF RECOMMENDATION:

Members of the Bonner Springs BPW will be present at the meeting to receive the Proclamation in recognition of National Business Women's Week.

ITEM NO. 2.

City Council Regular Agenda
Monday, October 12, 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. 3.

City Council Regular Agenda
Monday, October 12, 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 September 28, 2015 City Council Meeting

ACTION: Make a Motion to Approve the Minutes of the Regular Meeting Held on September 28, 2015

STAFF RECOMMENDATION: The City Clerk Recommends Approval

Enclosed are the minutes for approval.

City Council Minutes – Regular Meeting – Monday, September 28, 2015

The Bonner Springs City Council met in regular session at 7:30 p.m. on Monday, September 28, 2015.
Governing Body Present: Mayor Jeff Harrington; Councilmembers: Tom Stephens, George Cooper, Bob Reeves, Mark Kipp (arrived at 7:36 p.m.) and Rodger Shannon
Governing Body Absent: Dani Gurley, Joe Peterson and Mike Thompson
City Staff Present: Amber McCullough, City Clerk; Marcia Harrington, Community and Economic Development Director and Carol Sharp, Human Resources Director

The Mayor led the Pledge of Allegiance to the Flag of the United States of America.
Item No 1. – Proclamation Presentation Champions of Change – The Mayor presented a proclamation to Anthony Davis, Bonner Springs Police Department and Blake McMahan, Bonner Springs High School to recognize their award from President Obama for Champions of Change.
Item No. 2 – Proclamation Presentation Fire Prevention Week - The Mayor presented a Proclamation to members of the Fire Department to recognize Fire Prevention Week October 4 through 10.
Item No. 3 – Citizen Concerns About Items Not on Today's Agenda – Guy Tiner, 924 South 132 Street, was concerned that he was cited for a piece of agricultural property in violation of the City's weed policy. Mr. Tiner asked the City Council to reevaluate the weed policy as it applies to agricultural property.

CONSENT AGENDA

The Mayor read the Consent Agenda Items 4 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. 4 – Minutes of the September 14, 2015 City Council Meeting – Presented for approval.
Item No. 5 – Claims for City Operations for September 28, 2015 - Presented for approval were the Supplement Claims in the amount of $24,591.38 and Regular Claims in the amount of $96,331.28.
Item No. 6 – Public Housing Authority Claims – August 28, 2015 – Presented for approval in the amount of $20,364.42.
Item No. 7 – Pay Plan Change –
- The City Council reached consensus at the September 14 Workshop to eliminate the training period pay increase.
- The training period pay increase creates pay compression issues when the City completes a salary survey or when employees hired prior to July 1, 2012 transfer to a different department.
- Staff recommended the City Council approve a change to the pay plan to eliminate the fifty-cent pay adjustment upon completion of the training period currently contained in the City's pay plan.

Item No. 8 – Changes to Travel Policy –
- The current policy states City vehicles should be used for travel when available for City travel. If a City vehicle is not available or feasible, employees are reimbursed at the IRS established rate for use of their personal vehicle.
- Rental vehicles may be more cost effective than reimbursement at the IRS rate for an employee's personal vehicle.
- Staff provided the recommended changes to the policy in legislative style in the agenda.
- Staff recommended to amend the policy to include the use of a rental vehicle if it is the lowest cost option for travel.

CONSENT AGENDA APPROVAL

Cooper made a Motion to Approve the Consent Agenda. Reeves seconded the motion and it carried on a vote of five to zero. The Mayor abstained on check number 128113 for vendor no. 0402.

REGULAR MEETING AGENDA

Item No. 9 – Ordinance to Adopt the Standard Traffic Ordinance 2015 Edition – The City Clerk presented:
- The Standard Traffic Ordinance is the same one adopted each year prepared by the League of Kansas Municipalities with the addition of the seventy-five mile per hour speed limit on separated multi-lane highways to incorporate the increased speed limit on I-70.
- Councilmember Cooper expressed his concern that the thirty mile per hour speed limits on residential streets is too fast.

Cooper made a Motion to Approve an Ordinance to Adopt the Standard Traffic Ordinance 2015 Edition. Reeves seconded the motion and it carried on a vote of five to zero. **Assigned Ordinance No. 2414.**

Item No. 10 – Ordinance to Adopt the Uniform Public Offense Code 2015 Edition – The City Clerk presented:

- The Uniform Public Offense Code prepared by the League of Kansas Municipalities is the same one adopted each year and there were no amendments this year to the Code.

Stephens made a Motion to Approve an Ordinance to Adopt the Uniform Public Offense Code 2015 Edition. Shannon seconded the motion and it carried on a vote of five to zero. **Assigned Ordinance No. 2415.**

Item No. 11 – City Manager's Report – The Community and Economic Development Director reported in the City Manager's absence:

- The Bonner Springs High School Homecoming parade is October 2.
- The Third Street Asylum opens October 2.
- The Fire Department open house is October 10.
- The Great Midwest Balloon Fest is October 23 and 24. Anyone interested in volunteering to help at the ticket booths should contact the Chamber of Commerce.

Item No. 12 – City Council Items –

- Cooper expressed his concern about the Thriftway grocery store closing.
- Cooper stated that he had not heard about the status of the developer interested in affordable senior housing in Cedar Springs as well as other development projects.
- Cooper commended the high school football team and Conner Byers.
- Stephens attended the trail opening in Edwardsville on September 19.
- Stephens and Shannon attended the police department promotion ceremony on September 23.
- Stephens attended the the rededication of the B25 Memorial on September 25.

Item No. 13 – Mayor's Report – The Mayor reported:

- Attended the trail opening and City of Edwardsville birthday celebration on September 19.
- Encouraged all to vote for the Bonner Springs High School Homecoming game to be "Game of the Week" on Channel 9 and so the team may receive a $500 scholarship.
- Presented a proclamation on September 27 at Victory Assembly Church to recognize Blake McMahan for his award from President Obama as a "Champion for Change".

The meeting adjourned at 8:12 p.m. _____ Amber McCullough, City Clerk

ITEM NO. 4.

City Council Regular Agenda
Monday, October 12, 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 October 12, 2015

ACTION: Make a Motion to Approve the Claims for City Operations for October 12, 2015

STAFF RECOMMENDATION: The City Manager and City Clerk Recommend Approval

Enclosed are the Supplement Claims for City Operations in the amount of $117,272.07 and the Regular Claims in the amount of $331,170.57.

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: 10/06/2015
Time: 9:30 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							
128216	09/25/2015	Printed		4413	AT & T 5001	PHONE SERVICE	3,365.47
128217	09/25/2015	Printed		2470	ATMOS ENERGY	GAS SERVICE	45.73
128218	09/25/2015	Printed		0122	BONNER SPGS FIREFIGHTERS ASSC	PAYROLL DEDUCTIONS	131.00
128219	09/25/2015	Printed		7491	TAMMY CHAPPELL	RENTAL DEPOSIT REFUND	100.00
128220	09/25/2015	Printed		7193	CHASE PROCESSING	PAYROLL DEDUCTIONS	670.00
128221	09/25/2015	Printed		3665	W H GRIFFIN, TRUSTEE	PAYROLL DEDUCTIONS	3,876.00
128222	09/25/2015	Printed		3190	JEFFREY W HARRINGTON	MPR CONFERENCE EXPENSE	258.75
128223	09/25/2015	Printed		0898	ICMA RETIREMENT CORPORATION	PAYROLL DEDUCTS/BENEFITS	4,706.15
128224	09/25/2015	Printed		2195	KANSAS PAYMENT CENTER	PAYROLL DEDUCTIONS	578.82
128225	09/25/2015	Printed		9879	MAINSTREET CREDIT UNION	PAYROLL DEDUCTIONS	2,687.82
128226	09/25/2015	Printed		8001	MIDWEST PUBLIC RISK	HEALTH,DENTAL,VISION INSURANCE	64,788.30
128227	09/25/2015	Printed		7206	NATIONAL INSURANCE MARKETING	PAYROLL DEDUCTIONS	2,496.83
128228	09/25/2015	Printed		2119	RICOH USA, INC	COPIER LEASES	350.00
128229	09/25/2015	Printed		1315	WALMART COMMUNITY GECRB	CLEANING SUP,FOOD F/CM INTERVW	146.67
128230	09/25/2015	Printed		3790	WESTAR ENERGY	ELECTRIC SERVICE	32,953.03
128231	09/25/2015	Printed		7492	JACOB WILLIAMS	RENTAL DEPOSIT REFUND	117.50
				Total Checks: 16		**Checks Total (excluding void checks):**	**117,272.07**
				Total Payments: 16		**Bank Total (excluding void checks):**	**117,272.07**
				Total Payments: 16		**Grand Total (excluding void checks):**	**117,272.07**

Check Register Report

CHECK REGISTER

Date: 10/07/2015
Time: 11:57 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							
128232	10/06/2015	Printed		0029	AMERICAN WATER WORKS ASSOC	MEMBERSHIP DUES-UT	74.00
128233	10/06/2015	Printed		6000	APAC	ROCK -PW	259.08
128234	10/06/2015	Printed		5615	AT & T 5011	SPECIAL CIRCUITS & ALARMS	291.58
128235	10/06/2015	Printed		7349	ATF BONNER SPRINGS,LLC	RETAIL INCENTIVE REBATE	181.85
128236	10/06/2015	Printed		9842	AUTOZONE	VEHICLE BATTERY-UT	111.99
128237	10/06/2015	Printed		9975	KENNEDY BACON	SOCCER REFEREE FEES	56.00
128238	10/06/2015	Printed		0109	BERNING TIRE COMPANY	TIRE & TIRE REPAIR-PW	120.45
128239	10/06/2015	Printed		0117	BOARD OF PUBLIC UTILITIES	WATER USAGE/AUGUST 2015	7,918.55
128240	10/06/2015	Printed		0122	BONNER SPGS FIREFIGHTERS ASSC	REPLACES CK#116754	114.50
128241	10/06/2015	Printed		7027	BONNER SPRINGS ANIMAL CARE CTR	VET SERVICES-PD	724.00
128242	10/06/2015	Printed		6869	BONNER SPRNGS PARTNERS II, LLC	CID PAYMENT-3RD QUARTER	22,137.35
128243	10/06/2015	Printed		4172	BOUND TREE MEDICAL	MEDICAL SUPPLIES-EMS	478.13
128244	10/06/2015	Printed		7498	KARLEIGH BURGER	SECURITY DEPOSIT REFUND	50.53
128245	10/06/2015	Printed		3764	CHAD CANNON MD	MEDICAL DIRECTOR SVCS-EMS	1,800.00
128246	10/06/2015	Printed		0203	CARTER WATERS	ADA SIDEWALK PANELS-PW	994.84
128247	10/06/2015	Printed		0204	CHAMBER OF COMMERCE	MONTHLY LUNCHEON-PROJ MGR	10.00
128248	10/06/2015	Printed		0019	CHEMQUEST INC	CHEMICALS-WATER	3,374.25
128249	10/06/2015	Printed		0144	CITY OF BONNER SPRINGS KS	SECURITY DEPOSITS APPLIED	350.00
128250	10/06/2015	Printed		2410	CITY TREASURER KCK	RESIDENTIAL REFUSE SVC	32,599.20
128251	10/06/2015	Printed		0222	CONRAD FIRE EQUIPMENT INC	VEHICLE MAINT/REPAIRS-FIRE	413.11
128252	10/06/2015	Printed		2317	CAMILLA JILL CREASON	RETAIL INCENTIVE REBATE	3.87
128253	10/06/2015	Printed		0229	CROFT RENTAL CENTER	EQUIPMENT REPL PARTS-UT	89.78
128254	10/06/2015	Printed		6724	D K LEASING, LLC	CONCRETE FILL-UT	318.50
128255	10/06/2015	Printed		4716	DAVE'S PLUSS CONSTRUCTION	ASPHALT RESTORATION&STREET REP	12,016.30
128256	10/06/2015	Printed		9965	DEE DEE'S JEWELRY &	RETAIL INCENTIVE REBATE	65.80
128257	10/06/2015	Printed		0238	DEFFENBAUGH DISPOSAL SERVICE	PORTABLE TOILET & DUMPSTER	2,873.50
128258	10/06/2015	Printed		4329	JAMES DOBBS	MILEAGE EXPENSE 7/27-9/25	249.44
128259	10/06/2015	Printed		2125	DOUBLE CHECK COMPANY, INC.	FUEL TANK MAINT/REPAIRS	336.60
128260	10/06/2015	Printed		2626	EL POTRO MEXICAN CAFE 3 LLC	RETAIL INCENTIVE REBATE	4,575.45
128261	10/06/2015	Printed		2621	EXPRESS WASH AMERICA LLC	CAR WASHES-UT & PD	170.00
128262	10/06/2015	Printed		4342	FELDMANS	STREET MAINT SUPPLIES,SOIL	425.39
128263	10/06/2015	Printed		7108	FOLEY EQUIPMENT COMPANY	TRACK EXCAVATOR RENTAL-PW	4,452.24
128264	10/06/2015	Printed		7502	CARRAH FRAKER	SOCCER REFEREE FEES	56.00
128265	10/06/2015	Printed		7501	CRYSTAL FRAKER	SOCCER REFEREE FEES	38.00
128266	10/06/2015	Printed		2898	GARLAND TAYLOR HOME	RETAIL INCENTIVE REBATE	44.68
128267	10/06/2015	Printed		0710	GOVERNMENT FINANCE OFFICERS	SUBSCRIPTION RENEWAL	170.00
128268	10/06/2015	Printed		1942	GRASS PAD INC	STRAW & TURF-PW	119.25
128269	10/06/2015	Printed		0021	HACH COMPANY	CHEMICALS-UT	1,230.25
128270	10/06/2015	Printed		2430	HAMBLIN PETROLEUM	MOTOR FUEL	7,546.55
128271	10/06/2015	Printed		0804	HARBOUR CONSTRUCTION INC	PAVEMENT PRESERVATION PROGRAM	47,508.77
128272	10/06/2015	Printed		1089	HAWKINS, INC	CHEMICALS-UT	3,392.00
128273	10/06/2015	Printed		7494	HEART OF AMERICA COUNCIL BOY	SALES TAX REFUND-7/2012-6/2015	2,540.91
128274	10/06/2015	Printed		7348	HEARTLAND STEAK N SHAKE LLC	RETAIL INCENTIVE REBATE	1,094.70
128275	10/06/2015	Printed		7242	HELGET GAS PRODUCTS INC	OXYGEN- EMS	7.08
128276	10/06/2015	Printed		2484	HENRY MARTENS CHEVROLET	VEHICLE MAINT/REPAIRS-UT	40.49
128277	10/06/2015	Printed		1021	JACKSON SERVICE CENTER INC	VEHICLE MAINT/REPAIRS-TIBLOW	287.89
128278	10/06/2015	Printed		3351	JO WY CO COUNCIL OF MAYORS	MEMBERSHIP FEES- MAYOR	340.00
128279	10/06/2015	Printed		1888	JEFF W. JONES	RETAIL INCENTIVE REBATE	15.38
128280	10/06/2015	Printed		2014	KCPL	ELECTRIC SERVICE	206.15

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK & TRUST Checks							
128281	10/06/2015	Printed		3517	KEY EQUIPMENT & SUPPLY CO	EQUIPMENT & VEHICLE REPAIRS-UT	239.98
128282	10/06/2015	Printed		7497	EMILY KISSINGER	SECURITY DEPOSIT REFUND	2.54
128283	10/06/2015	Printed		4049	KS DEPT OF WILDLIFE, PARKS	TRAVEL INFO HOST-CTC	100.00
128284	10/06/2015	Printed		1921	KUSTOM SIGNALS INC	VEHICLE MAINT/REPAIRS-PD	372.00
128285	10/06/2015	Printed		3629	LADD SERVICE COMPANY	GAS LINE & A/C REPAIR-COMM CNT	2,650.00
128286	10/06/2015	Printed		3003	LAKE OF THE FOREST INC	REFUSE SUBSIDY	247.00
128287	10/06/2015	Printed		2128	LAS CORP	TIRE REPAIR-PD	18.20
128288	10/06/2015	Printed		7495	JACLYN LASH	SECURITY DEPOSIT REFUND	38.23
128289	10/06/2015	Printed		3030	LEAGUE OF KANSAS MUNICPALITIES	LKM CONFERENCE REGISTRATIONS-2	350.00
128290	10/06/2015	Void	10/06/2015			Void Check	0.00
128291	10/06/2015	Printed		1836	LOWE'S CREDIT SERVICES	FRONT DESK MATERIALS-COMM CNT	1,227.02
128292	10/06/2015	Printed		6137	METRO COURIER INC	DELIVERY CHARGES-UT	27.48
128293	10/06/2015	Printed		6694	METROMEDIA, INC	AD F/NEW RESIDENT GUIDE-CTC	575.00
128294	10/06/2015	Printed		1978	MID AMERICA COACH INC	VEHICLE MAINT/REPAIRS-TIBLOW	424.02
128295	10/06/2015	Printed		3443	WES MILLS	RETIREMENT PLAQUE,SWIM RIBBONS	277.99
128296	10/06/2015	Printed		7467	NEW WORLD SYSTEMS CORPORATION	RECORDS MANAGEMENT SYSTEM-PD	22,035.00
128297	10/06/2015	Printed		0947	O'REILLY AUTO STORES INC	VEH MAINT/SUPPLIES-PD,PW,UT	235.89
128298	10/06/2015	Printed		3393	PACE ANALYTICAL	LAB TESTING F/WWTP	299.00
128299	10/06/2015	Printed		3531	PERRY & TRENT LLC	PROSECUTOR & LEGAL SVC	8,459.00
128300	10/06/2015	Printed		7012	PAUL PETERSON	VEHICLE MAINT/REPAIRS-PD	457.72
128301	10/06/2015	Printed		7493	PHOENIX CONCRETE & UNDERGROUND	STREET,CURB & SIDEWALK REPAIRS	70,692.15
128302	10/06/2015	Printed		2608	PIZZA CONCEPTS LLC	RETAIL INCENTIVE REBATE	406.89
128303	10/06/2015	Printed		2290	PMSI	PAINT F/STREET STRIPER-PW	1,152.00
128304	10/06/2015	Printed		7022	POSTMASTER	FIRST CLASS MAIL POSTAGE	820.00
128305	10/06/2015	Printed		0904	PREDATOR TERMITE & PEST CONTRL	MOWING-ENV CODES & WW	727.50
128306	10/06/2015	Printed		0646	PUSHWATER ENTERPRISES INC	BUSINESS CARDS&FLYERS-PD/PARKS	244.15
128307	10/06/2015	Printed		4746	QUEEN'S PRICE CHOPPER	FOOD F/SC ACTIVITIES	61.32
128308	10/06/2015	Printed		6838	REJIS COMMISSION	LEWEB SUBSCRIPTION FEE	161.64
128309	10/06/2015	Printed		1811	RICOH USA, INC.	COPIER LEASES	949.61
128310	10/06/2015	Printed		3011	ANTHONY R RUSSO	JUDGE PRO-TEM	200.00
128311	10/06/2015	Printed		1594	FAITH L. SEATON	SOCCER REFEREE FEES	70.00
128312	10/06/2015	Printed		8441	SHAWNEE COPY CENTER	NEWSLETTER & CALENDAR-SC	100.00
128313	10/06/2015	Printed		8226	SHERWIN WILLIAMS CO	REPLACES CK #127524	143.98
128314	10/06/2015	Printed		3578	SPECTRA	EQUIPMENT CLEANER-UT	171.00
128315	10/06/2015	Printed		6081	STAPLES ADVANTAGE	USB DRIVES,FILE POCKETS,CD/DVD	471.66
128316	10/06/2015	Printed		0766	T A STOLFUS DVM	VET SERVICES-PD	952.00
128317	10/06/2015	Printed		7499	STRATEGIC RESTAURANTS	SECURITY DEPOSIT REFUND	400.18
128318	10/06/2015	Printed		2466	TFM COMM INC	SHIPPING CHARGES-PD	13.83
128319	10/06/2015	Printed		7257	THE PITNEY BOWES BANK INC	POSTAGE FOR METER	1,200.00
128320	10/06/2015	Printed		7191	THIS AND THAT, LLC	RETAIL INCENTIVE REBATE	28.96
128321	10/06/2015	Printed		0352	TIGER TOW & TRANSPORT INC	TOW- TIBLOW	60.00
128322	10/06/2015	Printed		6802	TOTAL ELECTRIC CONTRACTORS INC	TRAFFIC SIGNAL REPAIRS	2,189.56
128323	10/06/2015	Printed		1186	UNIFIED GOVERNMENT OF	CRICKET WIRELESS RENOVATION	30,000.00
128324	10/06/2015	Printed		3736	UNIFIED TREASURER	PRISONER CARE-PD	5,145.00
128325	10/06/2015	Printed		6819	UNIFIRST COPRORATION	UNIFORM,RUG RENTAL-PW,UTIL	312.36
128326	10/06/2015	Printed		8308	UNIVERSITY OF KANSAS	FIRE FIGHTER I-TESTING	300.00
128327	10/06/2015	Printed		8404	VESTA LEE LUMBER COMPANY	BLACK IRON F/VALVE WRENCH-UT	21.06
128328	10/06/2015	Printed		0712	W W GRAINGER	SAFETY VESTS-PW	23.48
128329	10/06/2015	Printed		4731	WALKER TOWEL & UNIFORM SVC INC	RUG RENTAL-FIRE/EMS	62.59

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK & TRUST Checks							
128330	10/06/2015	Printed		5908	JEFFERY WEISSMAN	FIELD FORCE TRAINING EXP-PD	13.12
128331	10/06/2015	Printed		8399	WESTFALL GMC TRUCK INC	VEHICLE MAINT/REPAIRS-EMS	548.41
128332	10/06/2015	Printed		7500	KATY WHIM	RENTAL DEPOSIT REFUND	100.00
128333	10/06/2015	Printed		7496	ROBERT WILLIAMS	SECURITY DEPOSIT REFUND	56.93
128334	10/06/2015	Printed		8411	WILSON & COMPANY ENGINEERS	ENGINEERING SVCS	4,025.43
128335	10/06/2015	Printed		6810	WOOD OIL CO	FUEL-UT	80.01
128336	10/06/2015	Printed		3012	WORK ZONE	SAFETY CONES & TRAFFIC SIGN-PW	404.25
128337	10/06/2015	Printed		4353	THE WORLD COMPANY	NOTICE & AD-FINANCE/TIBLOW	62.10
128338	10/06/2015	Printed		7469	SEAN PEDERSON	NEW CITY MGR RELOCATION EXP	8,488.95
				Total Checks: 107		**Checks Total (excluding void checks):**	**331,170.57**
				Total Payments: 107		**Bank Total (excluding void checks):**	**331,170.57**
				Total Payments: 107		**Grand Total (excluding void checks):**	**331,170.57**

ITEM NO. 5.

City Council Regular Agenda
Monday, October 12, 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 October 12, 2015

ACTION: Make a Motion to Approve the Public Housing Authority Claims for October 12, 2015

STAFF RECOMMENDATION: The City Manager and Finance Director Recommend Approval

Enclosed are the Claims in the amount of $2,355.65.

Check Register Report

PUBLIC HOUSING CHECK REGISTER

Date: 10/07/2015
Time: 11:52 am
Page: 1

Bonner Springs City Hall

BANK: UNION BANK & TRUST-PHA

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK & TRUST-PHA Checks							
97256	10/06/2015	Printed		P827	P ATMOS ENERGY	TENANT UTILITY REIMBURSEMENT	137.67
97257	10/06/2015	Printed		P312	P C & C LOCK SERVICE	KEY COPIES (13)	51.35
97258	10/06/2015	Printed		P580	P DENNIS HUNT	A/C & PLUMBING MAINT	355.00
97259	10/06/2015	Printed		P550	P KANSAS NAHRO	NAHRO CONFERENCE REGISTRATION	500.00
97260	10/06/2015	Printed		P542	P LINDSEY SOFTWARE SYS INC	ACCOUNTING SVCS	135.00
97261	10/06/2015	Printed		P503	P LOWES COMPANIES INC	COUNTERTOPS,EDGER,WEED KILLER	782.53
97262	10/06/2015	Printed		P768	P O'REILLY AUTO PARTS	MAINTENANCE MATERIALS	12.17
97263	10/06/2015	Printed		P753	P RICOH USA, INC	COPIER LEASE	79.80
97264	10/06/2015	Printed		P675	P SOUTHWEST NAHRO SVC OFFICE	MEMBERSHIP DUES	35.00
97265	10/06/2015	Printed		P472	P WESTAR ENERGY	TENANT UTILITY REIMBURSEMENT	257.33
97266	10/06/2015	Printed		P459	P WORLD CO	WAITING LIST AD	9.80
				Total Checks: 11		**Checks Total (excluding void checks):**	**2,355.65**
				Total Payments: 11		**Bank Total (excluding void checks):**	**2,355.65**
				Total Payments: 11		**Grand Total (excluding void checks):**	**2,355.65**

ITEM NO. 6.

City Council Regular Agenda
Monday, October 12, 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: Street Closure Request for JMS Entertainment dba 3rd Street Asylum

ACTION: Make a Motion to Approve the Street Closure Request from JMS Entertainment dba 3rd Street Asylum for October 30, 2015 from 7:00 p.m. to 11:00 p.m. for street performers pending licensure from the performers.

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

JMS Entertainment dba 3rd Street Asylum has completed the required application which is attached for your review.

City of Bonner Springs
Private Use of Public Parking Lot Application

Fee $50.00 (Non-Alcohol) - Fee $250.00 (Alcohol on Premises) – Per Ordinance No. 2304

Not-for-profit associations, organizations or individuals exempt from payment of established fees.
GB Policy GB-11-01R Provides Administrative Approval for Annual Uses with no Significant Changes.

City Receipt Number

Date: 10/2 Applicant/Sponsor Name: 3rd Street Asylum

Business or Organization: JMS Entertainment

Street Address/Mailing Address: 3rd Cedar

City/State/Zip: Bonner Springs KS 66012

Phone: Home: —— Work: —— Cell: 913-208-4717

Email: 3rdstreetasylum@gmail.com

Date/Time/of Requested Event: 10/30 7-11:00 PM

Public Parking Lot(s) Requested: 3rd Cedar Small Lot

Clear diagram of the Parking Lot area to be used attached. ☐ (Cannot be closer than 30 feet from Centennial Park).

Park Requested:

Street(s) Requested: 3rd & Cedar one block in front of HAUNT

Route Attached: ☐

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

Names of Security Personnel for Chief Police Approval: Mike Espino, Normal haunted house Security

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

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

Event to Raise Funds for Charitable Purposes: Yes ____ No X

Organization Status Proof Attached: ☐

If yes, what Charitable Purpose? _____

Provide Full Explanation of Purpose of Event to Include Details if there will be admissions charged or rental of booth spaces charged:

Street Performer's - Dancer's, fire Eater's - Fire Dancer's, glass walker's

Attach List of Vendors that will participate in event. ☐ Attach a list of planned activities. ☐

Application Requirements:

A. Submit this application to the City Clerk's Office Two (2) Weeks Prior to the City Council Meeting prior to the date of the Event for City Council Approval
B. The applicant shall bag the signs that state alcohol is prohibited before an event for alcohol, remove the bags after the event and clean the entire parking lot and adjacent area immediately following the end of the event.
C. Attach sketch/diagram (Exhibit A) of area of the parking lot. Define Fenced Area for Sale/Consumption & Possession of Alcoholic Beverages on the diagram if applicable. Area requires Building Official approval for type of fence material, size and egress. Must keep a twenty foot minimum fire lane open from Second Street to the south end of the parking lot. Must provide access for DeGoler Pharmacy.
D. Submit two copies of the State Temporary Alcoholic Beverage License **(limited to four permits per year per KSA 41-2645)** if applicable. One copy to be attached to the application for a City Temporary Alcoholic

Beverage Permit and the other copy attached to this application for an Alcoholic Beverage Consumption/Possession Permit.

E. Not-for-profit organizations, **as defined by the IRS**, must provide proof of their non-profit status. Applicants of for-profit businesses or organizations must have or obtain an occupational license and ensure vendors that participate in the event have or obtain an occupational license from the City.
F. Not-for-profit organizations, association or individuals must provide proof of their non-profit status. A not-for-profit certificate of good standing from the Kansas Secretary of State is an acceptable proof for purposes of this subsection.
G. Unincorporated associations, organizations or individuals not registered with the Kansas Secretary of State Who requests use of a parking lot for a not-for-profit event or activity must provide certification of their not-for-profit status.
H. All applicants must have or obtain all applicable business licenses and ensure vendors that participate in the event have or obtain an occupational license from the City.
I. A late or incomplete application will not be placed on the agenda for City Council consideration on the date requested.

Restrictions:

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

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

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

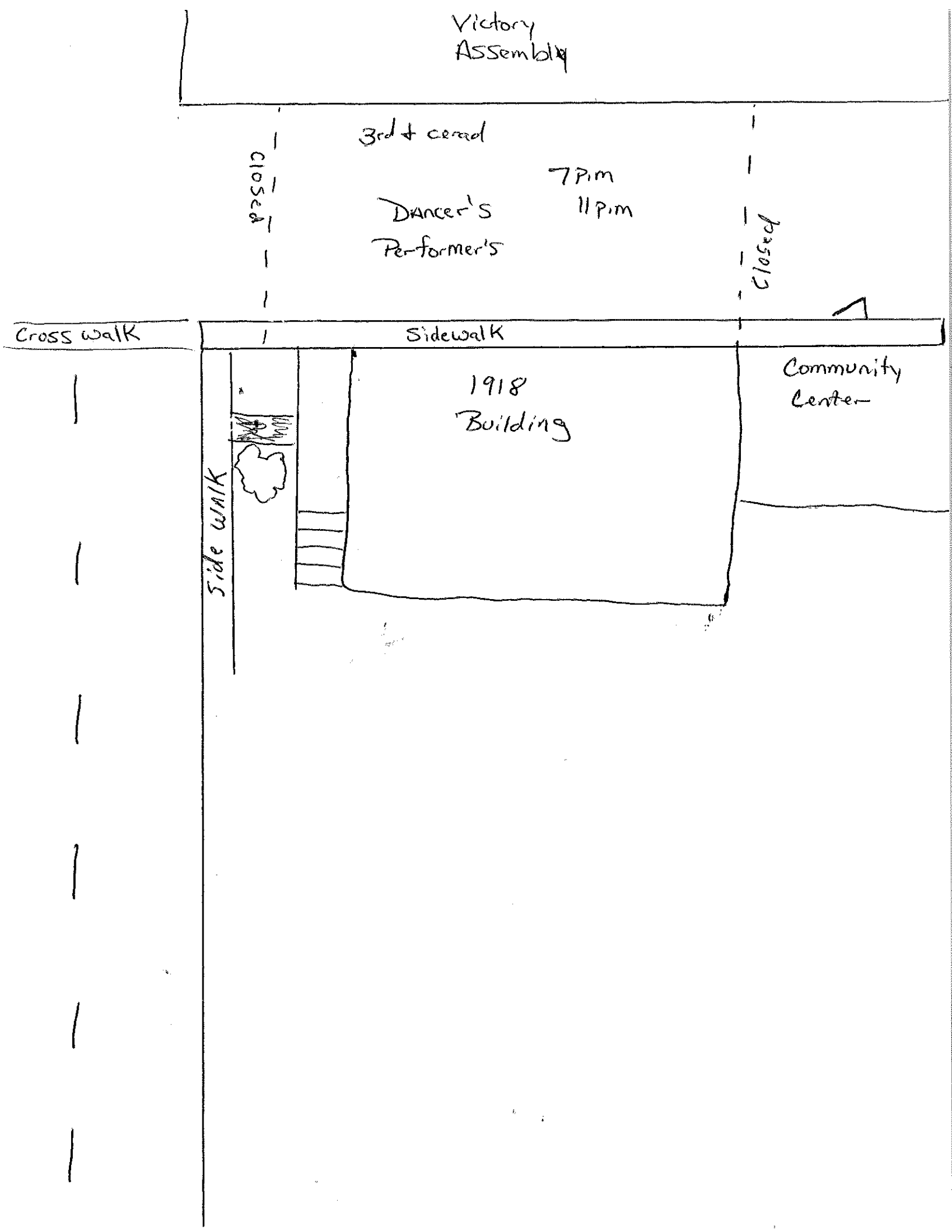
Hazard Prohibited: No person shall make any use of the public parking lot that constitutes an immediate hazard requiring immediate action to protect the public.

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

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

_____
Signature of Applicant

Date Approved by the Governing Body: _____


Victory
Assembly
3rd + cerrad
Closed
7pm
11pm
Dancer's
Performer's
Closed
Cross walk
Sidewalk
1918
Building
Community
Center
Side walk

ITEM NO. 7.

City Council Regular Agenda
Monday, October 12, 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: Midwest Balloon Fest Carnival Permit

ACTION: Make a Motion to Approve the Carnival Permit for Big C's Enterprises, LLC at the Great Midwest Balloon Fest on October 23-24, 2015.

STAFF RECOMMENDATION: The City Manager, City Clerk and Economic and Community Development Director Recommend Approval

Big C's Enterprises, LLC has completed the required permit applications and has provided a copy of their certificate of liability insurance naming the City as additionally insured.

City of Bonner Springs
Application For License to Conduct Carnivals, Amusement or Entertainment
And Parties on Vacant Private Property
Per Ordinance No. 1574
Amusement Fee - $50.00/Party Fee - $10.00

Date of Application: 9/29/2015

Name of Organization: Big C's Enterprises, LLC

Name of President: Clint Payne

Address: P.O. Box 86, Doniphan, MO 63935 Phone No. (314) 378-7057

Name of Secretary: _____

Address: _____ Phone No. _____

Name of Manager/Operator of Carnival: Clint Payne

Description of Event: Carnival is conducted at the Great Midwest Balloon Fest. There will be adult & kiddie rides, games & concessions.

Date of Event: 10/23 & 10/24/2015 Time: Fri From 4:00 p.m. To 10:00 p.m. Sat. 2:00 p.m. 10:00 p.m.

Address of Location of Event: 630 N. 126th Street, Bonner Springs, KS 66012

Property Owner: Agricultural Hall of Fame

Owners Address: 630 N. 126th Street, Bonner Springs, KS Phone No. (913) 721-1075

Fee Paid: $ 50.00

Deposit if Required by City Manager: $ _____

X _____
Signature of President

Insurance Policy Attached

_____
Signature of Secretary

Council Approval Date: _____

_____
Signature of Property Owner
for Agricultural Hall of Fame

After Approval Distribute To: Codes Department
Police Department

10/07/2015 01:21PM
BIGG'SENTERPRISESLLC
01 #01372
$50.00

P:\Public\Word\License & Permit Form Ltrs\Amusement License Application

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 9/30/15

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Allied Specialty Insurance,Inc
10451 Gulf Blvd
Treasure Island, FL 33706
8002373355

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: T.H.E. Insurance Company	12866
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Big C's Enterprises, LLC dba
Fun Time Shows Clint Payne
P.O. Box 86
DONIPHAN MO 63935

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC			CPP0103539-02	05/24/15	05/24/16	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ $ 1,000,000 $ 2,000,000 $ 1,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

15DITIONAL INSURED WITH RESPECTS TO THE OPERATIONS OF THE NAMED INSURED ONLY:
CITY OF BONNER SPRINGS, KS.
EVENT: THE GREAT MIDWEST BALLOON FEST
LOCATION: AGRICULTURAL HALL OF FAME (SCHLITTERBAHN WATERPARK)
630 N. 126TH STREET, BONNER SPRINGS, KS 66012. DATES: 10/18/15 - 10/27/15

CERTIFICATE HOLDER

CITY OF BONNER SPRINGS, KS
ATTN: AMBER MCCULLOUGH
205 E. 2ND STREET
BONNER SPRINGS, KS 66012

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Carol A Serra

© 1988-2010 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

ITEM NO. 8.

City Council Regular Agenda
Monday, October 12, 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: PHA Equal Opportunity Housing Plan

ACTION: Make a Motion to Approve a Resolution to Update the Equal Opportunity Housing Plan for Bonner Springs Public Housing Authority.

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

Information for this item is found at Workshop Item No. 1.

RESOLUTION NO. 2015-08

A RESOLUTION UPDATING THE EQUAL OPPORTUNITY HOUSING PLAN FOR THE PUBLIC HOUSING AUTHORITY IN THE CITY OF BONNER SPRINGS, KANSAS.

WHEREAS, an Equal Opportunity Plan is required by statute covering the Public Housing Authority's Public Housing Program; and

WHEREAS, the Housing Authority has developed and updated such plan and it has been reviewed by the Governing Body; and

WHEREAS, the Housing Authority certifies that this Equal Opportunity Housing Plan conforms with the requirements and shall govern selection and admission of applicants by the Housing Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, Resolution No. 2015-08 be adopted.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS, THIS 12th DAY OF OCTOBER, 2015.

_____
Jeff Harrington, Mayor

ATTEST:

_____
Amber McCullough, City Clerk

(Seal)

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. 9.

City Council Regular Agenda
Monday, October 12, 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: Parks and Recreation Slides

ACTION: Make a Motion to Approve the Purchase of Two Pool Slides from Natural Structures.

STAFF RECOMMENDATION: The City Manager, City Clerk, Finance Director and Parks and Recreation Director Recommend Approval

Enclosed is the background information and financial impact for the recommendation to purchase two pool slides.

Bonner Springs
Parks and Recreation

MEMO

Date: October 6, 2015
To: Mayor and City Council
Through: Jack Helin, City Manager
From: Skip Dobbs, Director
Subject: Pool Waterslides

Recommendation: Staff and Park Board recommends approval to purchase two pool water slides (drop slide and family slide) from Natural Structures, an aquatic and park amenity company that specializes in design, engineering, and manufacturing.

Background: Staff has searched the internet, contacted other parks, and contacted several companies trying to find a drop slide and family slide. These are the only slides that we could find that meet our circumstances and needs listed below.

These are the factors we considered in determining which slides to purchase for the Aquatic Park: the expectations of our patrons, fitting the layout of our pool, foot traffic patterns, quality of materials, and fitting within the budget. Staff did not find any other slides that fit all of the parameters listed above.

Discussion: The two slides (see attached pictures of slides) staff recommends will add new dimensions to the pool that we haven't ever had. The drop slide will go on the deck on the side of the diving well opposite of the current climbing wall. It will give the patrons an exciting thrill of being shot out of a tube and free falling four (4) feet to the water. A four foot drop may not sound like much, but it is an adrenaline-charged feeling. The family slide will give toddlers a slide that they can utilize. This slide will be located on the deck, in the shallow part of the pool, opposite the pool building. The size of the slide (5 foot wide) will allow parents to slide with their child into approximately 1 ½ feet of water. It also doesn't have tall sides on it so a parent can hold the hand of the toddler to make it feel more secure. A safety mat will be attached to the bottom of the pool in the landing area.

Considering the lay out of the pool, foot traffic patterns, plus the depth requirements of the slides limits the selection of slides that we can utilize. Both of these slides fit into our available space and the manufacturers' depth requirements (see attached). Our purchasing policy requires Council approval for items costing $15,000 or more.

Finance Impact: The cost of both slides is listed below.

Drop Slide	$19,185 (includes s/h)
Family Slide	$11,145*
Total purchase price	$30,330

There is adequate budget authority for both slides with $30,000 in the General fund Parks and Recreation budget for the Drop Slide and $16,000 in the Special Parks and Recreation budget for the Family slide. Installation will be performed by city staff. Materials for installation are estimated at approximately $5,000.

*Staff was able to negotiate the family slide's freight cost ($1,200) to be waived.

Fiberglass Family Fun Slide Model 1800-52

Specifications

Description: Single fiberglass open flume family fun slide.
Centerline Run: 7′ 9″
Entry Height: 2′ 11″
Platform Size: 5′ x 3′
Space Requirements: 5′ 6″ x 14′ 9″

Features

- 60″ inside diameter fiberglass flume.
- Flume: ultra violet stabilized gelcoat.
- Platform: Aqua-Plast coated textured aluminum surface.
- Stairs: 7″ rise, 11″ tread, 36″ wide; Aqua-Plast coated textured aluminum surface; closed risers.
- Stainless steel base plates, hardware and anchor bolts.
- Designed with flexibility to allow for sloping pool decks.
- 10-20 gpm water flow required.
- Splash down dimension: 13′ x 20′
- Minimum water depth: 0″ - 2′
- USA Made

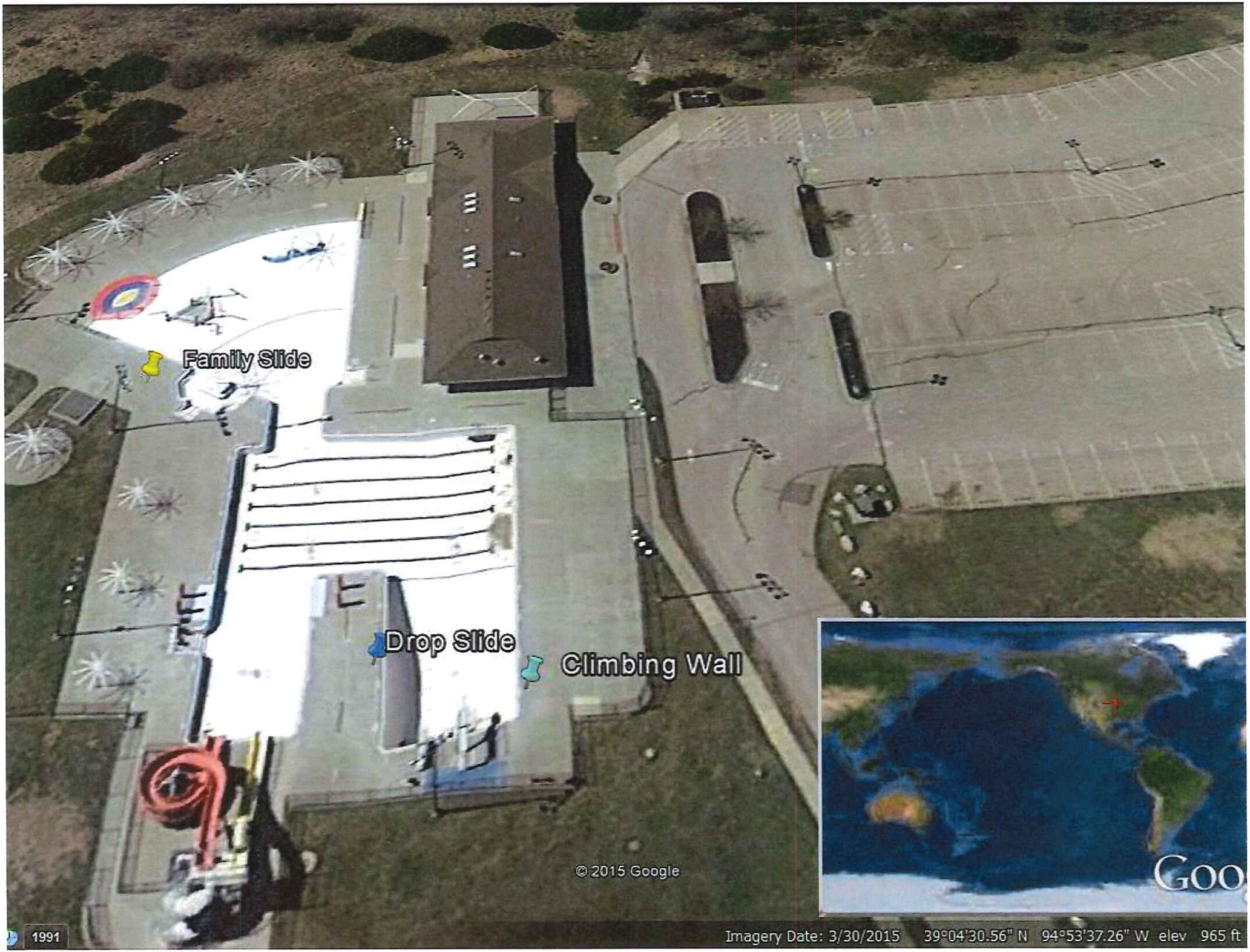
Options

- Deluxe Series: Stainless steel polyester powder coated except tower and flume posts which are mild steel with chemical resistant Aqua-Kote undercoating and polyester powder coat topcoat. Note: Platform and stair treads are textured Aqua-Plast coated aluminum.
- North Star Series: Mild steel with chemical resistant Aqua-Kote undercoating and polyester powder coat topcoat. Note: Platform and stair treads are textured Aqua-Plast coated aluminum.
- Hot dipped galvanized available.
- Stairs: Inner handrails (if applicable).
- Gates: Locking gate to flume entrance.
- Flag and banner holders.
- Tower Roof: (a) Steel; (b) Wood; (c) Fabric; (d) Tongue & groove decking with the wood or steel roofs.
- Water pumps & covers
- Perimeter Fencing
- Factory installation or on-site technical assistance.

Natural Structures
PO Box 270, Baker City, OR 97814 (541) 523-0224 (800) 252-8475 www.naturalstructures.com - info@naturalstructures.com

Drop Slide

13' tube with a 4 foot drop


Family Slide
Drop Slide
Climbing Wall
© 2015 Google
1991
Imagery Date: 3/30/2015 39°04'30.56" N 94°53'37.26" W elev 965 ft

ITEM NO. 10.

City Council Regular Agenda
Monday, October 12, 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: October 12, 2015
To: Mayor and City Council

1. **Council Follow Up Items.**
   a. **Lower Speed Limits:** The question of residential speed limits and the possibility of their reduction was raised at the last meeting. K.S.A. 8-1558 sets the general standard speed limits for residential streets at 30 mph. In order to change that standard, the City would have to conduct an engineering study and pass an ordinance creating specific speed zones, and then post those zones with new signs. The required engineering study is quite involved. It includes a speed study, performed by radar, documenting the speed at which 85% of drivers (85th percentile) travel on a given street. The experience of traffic engineers has been that posting higher or lower speed limits does not significantly change the 85th percentile speed. There are widely held misconceptions that speed limit signs will automatically slow the speed of traffic, reduce accidents, and increase safety. The fact is that most drivers drive at a speed that they consider to be comfortable, regardless of the posted speed limit. "Before and after" studies have shown that there are no significant changes in average vehicle speeds following the posting of new or revised speed limits. Furthermore, research has found no direct relationship between posted speed limits and accident frequency, though accident history is taken into account. Some accidents are speed-related, but many are not.

2. **2015 Street Program Update:**
   a. **Street Program** – The Contractor is scheduled to begin the week of 12 October. His efforts will start on the 118th Street full depth patches before any Mill & Overlay work.
   b. **Pavement Preservation** – The Contractor completed the chipseal work on Pratt between 138th and Bluegrass, and his work on 130th/Swartz/132nd Street on 24 September. The remainder of their work will be completed once the full depth patches on 118th Street are completed.
   c. **Concrete Replacement Program** – The Contractor is completing his work on East Morse, Armour and 200 block of Allcutt. All other work is finished with minor restoration remaining.

3. **Community and Economic Development and Tourism Update –**
   a. **Cedar Springs Subdivision –** GD Properties & Investments, LLC has purchased the remaining 24 lots in Cedar Springs Subdivision. Greg Prieb II, President of Prieb Homes in Olathe, plans to continue construction of single-family attached units.
   b. **Howl-O-Ween Pet Parade** – Bonner Animal Rescue is organizing the annual Howl-O-Ween Pet Parade that will take place on Saturday, October 24, 10:00 a.m. The registration fee is $5.00 and line up for the parade is at McDanield School. A reception in Kelly Murphy Park will follow the parade where treats for all will be provided and a pet costume contest will be held. Flyers will be provided in the next City Manager's Report.
   c. **Other Upcoming Events**:
      - Third Street Asylum Haunted House – Friday & Saturdays, Oct 2-31; Oct 22 & 29 and Nov 1

- Great Midwest Balloon Fest – Ag Hall, Oct 23-24, Fri 4:00-10:00, Sat 2:00-10:00. The Festival includes: a Balloon Glow each evening; a Carnival from Fri-Sun; Kid's costume contest; beer garden; food vendors; Kidz Zone; 5K race on Sunday and VIP tent.
- Halloween History Howl – WYCO Historical Museum, Oct 17, 2:00-5:00
- Phantom Feast – KC Renaissance Festival, Oct 30-31

4. Great Midwest Balloon Fest VIP Pass – The organizers of this event have provided the Mayor and City Council with VIP passes, which allows free entrance and parking to the event both days. The enclosed 8 ½"x11" parking passes must be displayed on the dash of your vehicle and the enclosed VIP passes must be worn with the lanyards. For VIP parking, enter from Riverview and proceed to 126th Street. VIP passes will be checked at this location and then access will be allowed to continue to the VIP parking lot. We hope you enjoy the event!

5. Parks and Recreation Update:

o**Current**:

- Little Chefs: Ages 4-8 started last night, 6 participants, Ages 9-12 starts Thursday, 4 participants.
- Craft Crafts Class for Senior Center – Thursday, Oct 8, 10am, $5
- Front Desk Renovations have been completed! It looks nice.

o **Upcoming**:

- Pumpkin Carving Class: Saturday, October 17th , 10am-Noon, FREE - bring your own pumpkin, North Park shelter
- Halloween History Howl - Saturday, October 17th, 2-5pm, at Wyandotte County Museum. Handing out candy & Parks and Recreation information and running a game.
- Monster Bash at Community Center – Sunday, October 25, 3-5pm, FREE for 12 years of age and younger

6. The Wyandotte County Mayors' Prayer Breakfast - Friday, November 6, 2015 at 7 a.m., Jack Reardon Civic Center, 500 Minnesota Avenue, Kansas City, KS. Seating begins at 6:45 a.m. Tickets are $22 each at the Bonner Springs City Clerk's office. Make checks payable to Mayors' Prayer Breakfast. Deadline to purchase tickets is October 23.

7. Proposed Sewer Interlocal Agreement - Attached is a draft Interlocal Agreement between the Cities of Bonner Springs and Edwardsville that addresses working cooperatively for new sewer service for that portion of Edwardsville that is along Highway K-32 from our Eastern boundary to their current commercial development on K-32 and for the piece of property in Bonner Springs that is in the Northeast corner of the City next to 110th Street, known as the Assmann property.

An original version of this was shared with the Edwardsville staff in December of 2014 and they had issues with that version which we have tried to address in the one that is attached. We attempted to move this Interlocal through at that time because Homestead Motors was moving across the street from their location in Bonner to the old manufactured homes sales site that sits in Edwardsville. Edwardsville does not have sewer service in this area and Homestead requested sewer service from us as our force main from Lake of the Forrest runs right by this property.

Being the good neighbors we are, we provided Homestead Motors sewer service in good faith that Edwardsville would sign an Interlocal Agreement with us. We see this Interlocal as beneficial to help development in both cities.

I have shared this latest version with the Edwardsville City Manager and asked him to review and bring to the attention of his City Council.
I would like to receive your input on the draft agreement so that we can hopefully move forward for eventual approval by both Cities.

INTERLOCAL AGREEMENT FOR SANITARY SEWER SERVICE BETWEEN THE CITY OF BONNER SPRINGS, KANSAS, AND THE CITY OF EWARDSVILLE, KANSAS

Draft – October 2015

This Agreement, made and entered into this ___ day of _____, 2015, by and between the City of Bonner Springs, Kansas, hereinafter referred to as "Bonner Springs", and the City of Edwardsville, Kansas, hereinafter referred to as "Edwardsville", each party organized and now in existence under the laws of the State of Kansas.

WITNESSETH:

WHEREAS, pursuant to the provisions of K.S.A. §12-2904, Bonner Springs and Edwardsville may enter into an Interlocal Agreement to promote the planning, development, construction, acquisition, and operation of public improvements for wastewater treatment facilities in a mutually advantageous manner; and

WHEREAS, provisions of this Interlocal Agreement between Bonner Springs and Edwardsville empower them to create, construct, maintain and control a sanitary sewer system and to govern, administer, and provide wastewater treatment services for properties located within each respective city to secure proper sanitary conditions for the preservation of public health and the protection of the environment; and

WHEREAS, the sanitary sewer system operated by Bonner Springs is adjacent to the west corporate boundary of Edwardsville in Wyandotte County, Kansas on K-32 Highway; and

WHEREAS, the sanitary sewer system that shall be used/operated in the future by Edwardsville is adjacent to the northeast corporate boundary of Bonner Springs in Wyandotte County, Kansas at 110 Street and Riverview Avenue; and

WHEREAS, Bonner Springs and Edwardsville desire to enter into an Interlocal Agreement for sanitary sewer service to enable both cities, businesses and residents located within the designated Service Areas on Exhibit A, (hereinafter referred to as the "Edwardsville Service Area") and Exhibit B, (hereinafter referred to as the "Bonner Springs Service Area"), to transport wastewater from within their respective corporate boundaries to a wastewater treatment facility that is either owned, operated and/or maintained by each City or another entity, such as the Unified Government of Wyandotte County/Kansas City Kansas, that is under agreement to transport and treat wastewater for one or both cities and to establish standards and procedures to bill for such services related thereto; and

WHEREAS, Edwardsville has a continued need for collection, transportation and treatment of wastewater that flows from property located within the Edwardsville Service Area; and

WHEREAS, Bonner Springs shall have a future need for transportation and treatment of wastewater that flows from property located within the Bonner Springs Service Area; and

WHEREAS, both Cities agree to collect, transport and, if applicable, treat wastewater from each respective Service Area until such time either City can serve their own area and is subject to earlier termination or amendment of the Interlocal Agreement by mutual consent of the parties as provided herein; and

NOW, THEREFORE, in consideration of the mutual covenants, agreements and conditions contained herein, it is agreed by and between Bonner Springs and Edwardsville as follows:

ARTICLE I
SERVICE CONDITIONS

1. **Purpose.** The purpose of this Agreement is to enable both Cities to transport wastewater from their respective Service Areas located within its corporate boundaries to their respective wastewater facilities for collection, transportation; and, if applicable, treatment purposes and to establish mutually acceptable standards and procedures to bill for such services related thereto.

2. **Future Connections.** Both Cities agree that in the interest of the future development of properties adjacent to their common boundaries along K-32 Highway and 110 Street and Riverview Avenue, it is mutually advantageous to reach a cooperative solution for the provision of sanitary sewer services. Properties located within the Edwardsville Service Area shall have access to the Bonner Springs sanitary sewer system and properties located within the Bonner Springs Service Area shall have access to the Edwardsville sanitary sewer system, rather than require the installation of sanitary sewer facilities into another drainage basin or sanitary sewer system within the confines of each respective jurisdiction. Should such an opportunity present itself in the future, the parties shall agree to the following provisions, as well as any others that may be mutually negotiated, to wit:

   A. Edwardsville Service Area (ESA):

      1. Edwardsville will provide notice and share information with Bonner Springs of potential projects that may need Bonner Springs sanitary sewer service.
      2. Bonner Springs agrees to provide sanitary sewer service for the Service Area and bill all customers who connect to the service at a rate that shall be established by Bonner Springs.
      3. New customers shall be accepted by Bonner Springs once notified by Edwardsville that their planning, zoning and building requirements are met.
      4. New customers shall be required to install sanitary sewer service lines and equipment as determined by Bonner Springs to connect to the force main located on the south side of K-32 Highway and to pay all associated costs.
      5. Bonner Springs shall establish a maximum flow for the Service Area and shall accept customers approved by Edwardsville up to the maximum amount allowed.

   B. Bonner Springs Service Area (BSSA):

      1. Bonner Springs will provide notice and share information with Edwardsville of potential projects that may need Edwardsville sanitary sewer service.
      2. Edwardsville shall notify Bonner Springs when sanitary sewer system infrastructure is being planned and designed for the I-70 and 110 Street general area and shall incorporate estimated flows from Bonner Springs to determine the maximum flow allowed for the Service Area and shall accept wastewater up to the maximum amount agreed upon.
      3. Edwardsville agrees to accept wastewater flow from the Service Area. Wastewater delivered to Edwardsville shall be metered at the point of delivery to such City by means of a flow-meter and shall at all times comply with all federal and state regulations and the regulations of the Processing Jurisdiction as to wastewater quality.

4. The amount of wastewater Bonner Springs delivers within a monthly bill cycle, as determined by the flow meter, shall be billed by Edwardsville at a wholesale rate to be determined in a separate service agreement, which shall be an addendum to this Interlocal Agreement. Bonner Springs is the billable entity for all wastewater delivered to Edwardsville from the Service Area.
5. Bonner Springs shall pay within the time frames specified in the service agreement and shall then bill its own customers by whatever means it chooses.
6. All capital costs associated with the Bonner Springs sanitary sewer connection and infrastructure and system modifications to the Edwardsville sanitary sewer system caused because of flows from Bonner Springs shall be borne by Bonner Springs and/or other entities.
7. Should the BSSA need sewer service before Edwardsville has built a sewer system that can service that area, then both cities agree to develop a mutually acceptable plan and agreement to construct and pay for said sewer infrastructure.

3. **Operation and Maintenance.** Bonner Springs and Edwardsville shall continue to control, own, operate, and maintain their respective wastewater collection systems, that now exist or constructed in the future by either party. No provision of this Interlocal Agreement shall be construed to create any type of joint ownership of any property, any partnership or joint venture or create any other rights or liabilities except as may be otherwise expressly set forth herein.

4. **Term.** This Interlocal Agreement shall continue in full force and effect for twenty-five (25) years to expire on _____, unless terminated prior to that date by either City by written notice of the intent to terminate at least one hundred eighty (180) days prior to the effective date of the termination. Prior to its expiration, the agreement may be extended by mutual consent of the parties by the approval of their respective Governing Bodies. This Agreement shall be reviewed at least every five (5) years during its term and may be altered, extended, amended or terminated by the mutual consent of the parties by the approval of their respective Governing Bodies.

5. **Notices.** Any notices, demands or requests required by this Interlocal Agreement, other than routine correspondence and bills, shall be made in written form and shall be sent by certified U.S. Mail postage prepaid, to the following addresses:

A. City of Edwardsville
City Clerk
690 South 4th Street
P.O. Box 13738
Edwardsville, KS 66113

B. City of Bonner Springs:
City Clerk
205 E. 2nd Street
P.O. Box 38
Bonner Springs, KS 66012

IN WITNESS THEREOF, the parties hereto, acting under the authority of their respective Governing Bodies, caused this Interlocal Agreement to be duly executed in the date and year first above written.

City of Bonner Springs, Kansas

_____
Jeff Harrington, Mayor

ATTEST:

_____
Amber McCullough, City Clerk

[SEAL]

APPROVED AS TO FORM:

_____
Danny C. Trent, City Attorney

City of Edwardsville, Kansas

_____
John McTaggart, Mayor

ATTEST:

_____
Tamara A. Harris, City Clerk

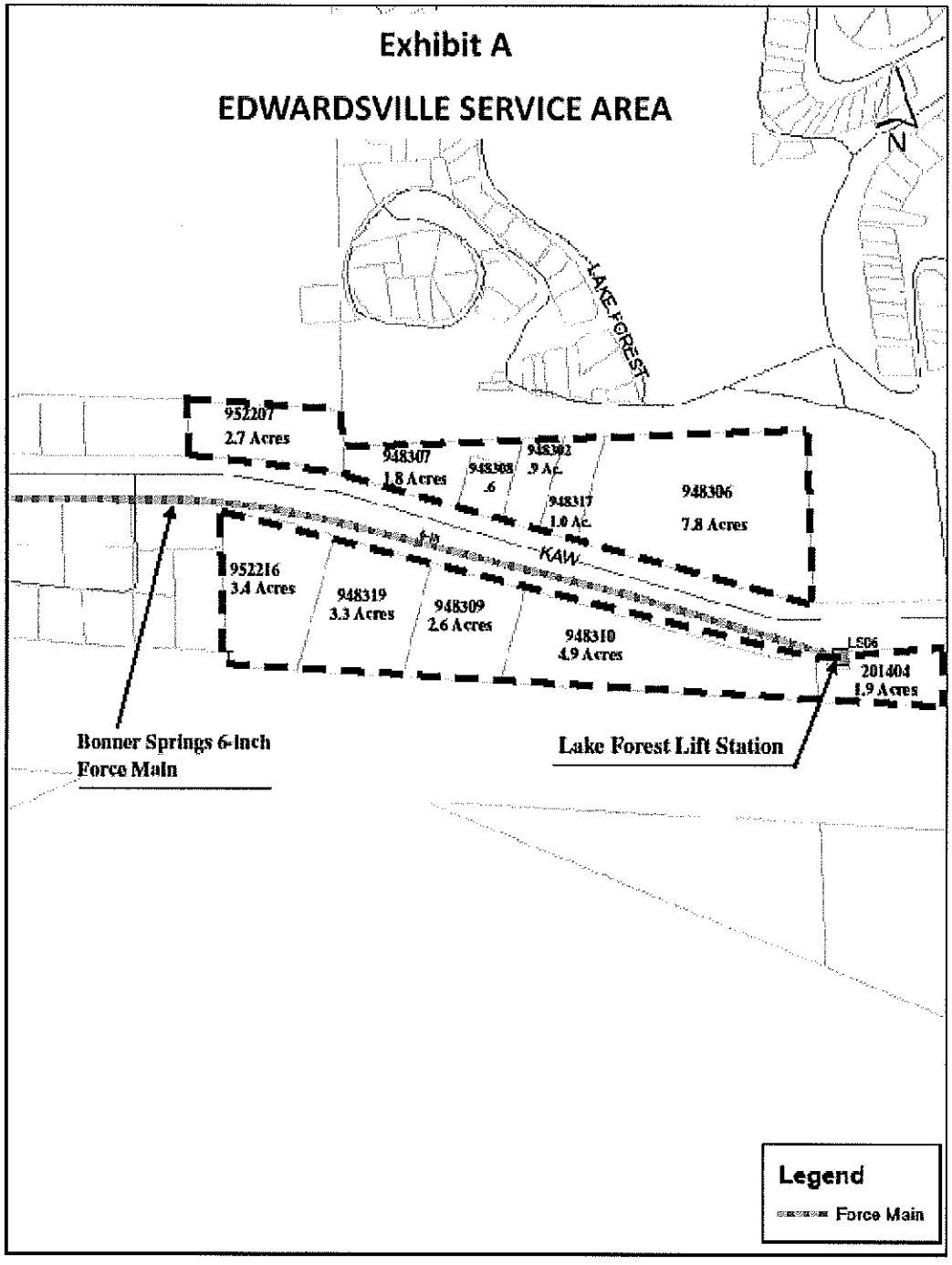
[SEAL]

APPROVED AS TO FORM:

_____
David K. Duckers, City Attorney

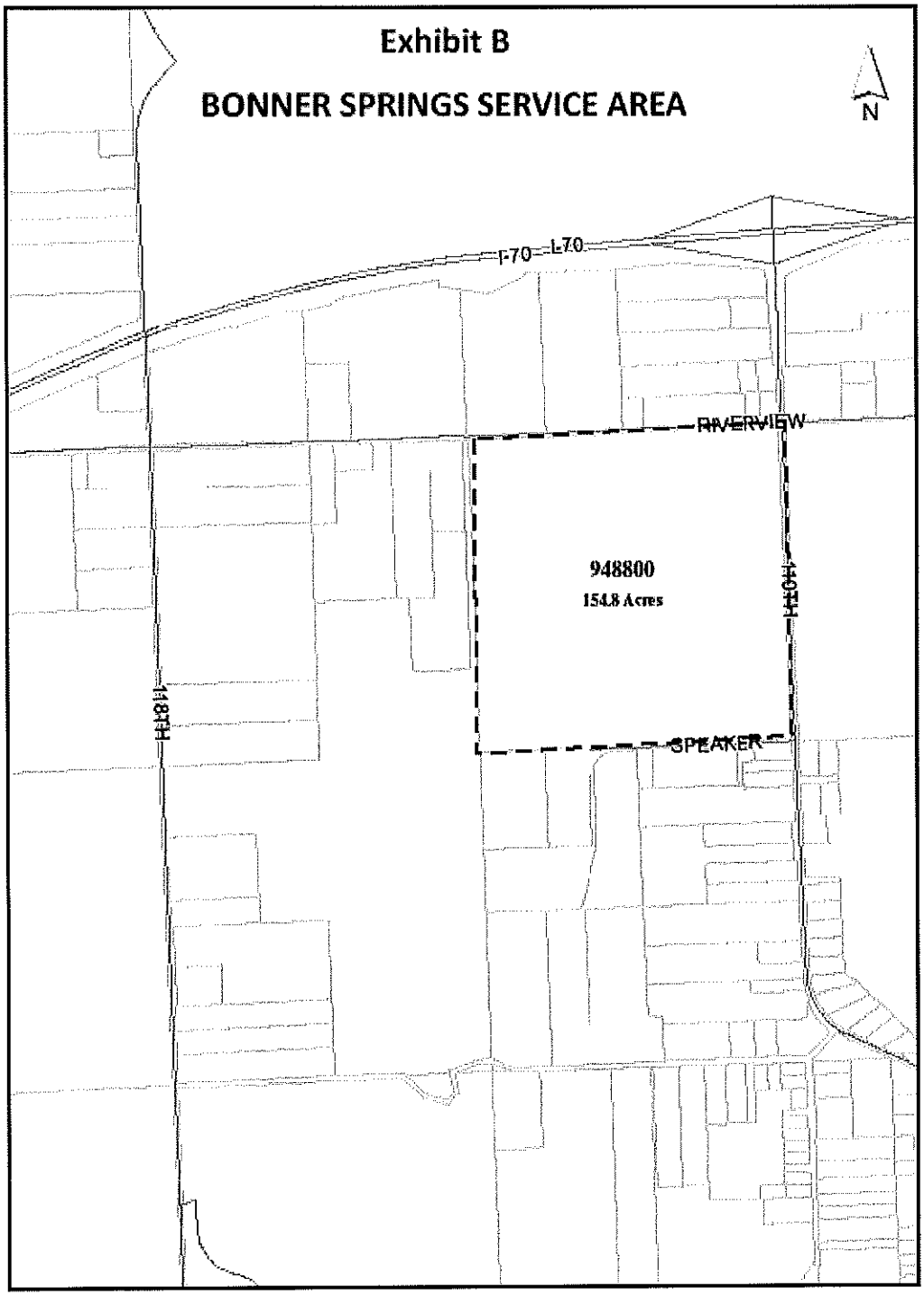
BONNER SPRINGS-EDWARDSVILLE INTERLOCAL AGREEMENT

EDWARDSVILLE SERVICE AREA DESCRIPTION



BONNER SPRINGS-EDWARDSVILLE INTERLOCAL AGREEMENT

BONNER SPRINGS SERVICE AREA DESCRIPTION



ITEM NO. 11.

City Council Regular Agenda
Monday, October 12, 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. 12.

City Council Regular Agenda
Monday, October 12, 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.