

**CITY COUNCIL AGENDA
Monday, October 10, 2016**

Workshop – 6:30 p.m.

WS-1 Executive Session for Attorney-Client Consultation

Council Meeting – 7:30 p.m.

1. Proclamation Presentation - National Business Women's Week
2. Proclamation Presentation - National Community Planning Month
3. 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.

4. Minutes of the September 26, 2016 City Council Meeting
5. Claims for City Operations
6. Public Housing Authority Claims
7. Cooperative Agreement for Funding of Operation Green Light Traffic Control System

REGULAR MEETING AGENDA

8. Contract for Resurfacing Vaughn Dale Parking Lot and Sidewalk Repair
9. Final Plat: PT-16-100 "Woodend Road Estates"
10. Comprehensive Plan Change: BSCP-26 "Wilkerson Crane Rental"
11. Rezoning: BSZ-133 "Wilkerson Crane Rental"
12. Rezoning: BSZ-134 "Quicksilver Readymix, LLC"
13. Special Use Permit: SUP-137 "Quicksilver Readymix, LLC"
14. City Manager's Report
15. City Council Items
16. Mayor's Report



City of Bonner Springs

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

WORKSHOP MEETING

6:30 p.m.

REGULAR CITY COUNCIL MEETING

7:30 p.m.

CITY HALL COUNCIL CHAMBERS

Monday, October 10, 2016

Life is Better in Bonner Springs

**City Council Workshop Agenda
Monday, October 10, 2016 – 6:30 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: Executive Session for Attorney-Client Consultation

ACTION:

RECOMMENDATION:

ITEM NO. 1.

**City Council Regular Agenda
Monday, October 10, 2016 – 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: Proclamation Presentation - National Business Women's Week

ACTION: The Mayor will present a proclamation.

RECOMMENDATION:

ITEM NO. 2.

**City Council Regular Agenda
Monday, October 10, 2016 – 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: Proclamation Presentation - National Community Planning Month

ACTION: The Mayor will present a proclamation.

RECOMMENDATION:

ITEM NO. 3.

**City Council Regular Agenda
Monday, October 10, 2016 – 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

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. 4.

**City Council Regular Agenda
Monday, October 10, 2016 – 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 26, 2016 City Council Meeting

ACTION: Make a Motion to Approve the Minutes of the Regular Meeting Held on September 26, 2016

RECOMMENDATION: The City Manager and City Clerk Recommend Approval

Enclosed are the minutes for approval.

City Council Workshop Meeting – Monday, September 26, 2016 – 7:00 p.m.

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

City Staff Present: Sean Pederson, City Manager; Amber McCullough, City Clerk;

WS - 1- Strategic Planning Overview – The City Manager presented:

- The vision of the strategic plan is to create a progressive and safe community in which to live, work and visit.
- The mission is to have a high performance based organization that provides high quality services that enhance all citizens' quality of life.
- The unique strategic plan looks at the community from an external viewpoint and an internal viewpoint.
- Overview of the four objectives to developing a high performing organization that encourages leadership across all divisions and instill a sense of worth in participation.
- The plan includes objectives for each of the three (live, work and visit) categories. Each objective is identified as short, mid, long, or ongoing.

The City Council reached consensus without opposition to move forward with the strategic plan.

The meeting adjourned at 7:21 p.m.

City Council Minutes – Regular Meeting – Monday, September 26, 2016

The Bonner Springs City Council met in regular session at 7:30 p.m. on Monday, September 26, 2016.

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

City Staff Present: Sean Pederson, City Manager; Amber McCullough, City Clerk; Don Slone, Planning Director; Carol Sharp, Human Resource Director; Rick Sailer, Public Works and Utilities Director; Skip Dobbs, Parks and Recreation Director; Denny Hubbel, Fire Chief; Jerry Mallory, Public Works Assistant Director; and Travis Slankard, Technology Coordinator at Bonner Springs Library

Others Present: Planning Commission Members: Mark Yates, Merle Parks, Sherri Neff, Dave Pierce and Lloyd Mesmer

The Mayor asked Boy Scout Hayden Otting to lead the Pledge of Allegiance to the Flag of the United States of America.

Item No. 1 – Jerry Mallory Retirement Plaque – The Mayor presented a plaque to Jerry Mallory in appreciation of his years of service to the City.

Item No. 2 – Proclamation Presentation – Fire Prevention Week – October 9 through October 15 - The Mayor presented a Proclamation to Chief Denny Hubbel to recognize Fire Prevention Week October 9 through 15. Chief Hubbel announced the Fire Department open house is Saturday, October 15 from noon through 4:00pm.

Item No. 3 - Citizen Concerns About Items Not on Today's Agenda – None presented.

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 12, 2016 City Council Meeting – Presented for approval.

Item No. 5 – Claims for City Operations for September 26, 2016 - Presented for approval were the Supplement Claims in the amount of \$24,021.54 and Regular Claims in the amount of \$390,763.14.

Item No. 6 – Public Housing Authority Claims for September 26, 2016 – Presented for approval were Regular Claims in the amount of \$16,876.30.

Item No. 7 – Strategic Planning Acceptance Resolution – The City Council reviewed the final version of the Strategic Plan in the Workshop meeting prior to the City Council meeting. **Assigned Resolution No. 2016 - 11.**

Item No. 8 – Bid Rejection for Shelter at North Park – The City received a single bid for the North Park shelter. The bidder did not provide the required bid bond. Staff recommended the City Council reject the bid for the project.

CONSENT AGENDA APPROVAL

Cooper made a Motion to Approve the Consent Agenda. Reeves seconded the motion and it carried on a vote of eight to zero. Peterson abstained from check No. 7604.

REGULAR MEETING AGENDA

Item No. 9 – Comprehensive Plan Addendum: “K-32 Tri-City Multimodal Redevelopment Plan” – The Planning Director presented:

- Reviewed the background of the K-32 Tri-City Multimodal Redevelopment Plan and introduced the members of the Planning Commission and the Advisory Committee.
- The Mayor stated he is concerned that making K-32 a two-lane road with turning lanes will have too great an impact on downtown Bonner; that property values will decline and that there is not community support for the change.
- The Mayor requested the City Council entertain a motion to return the plan to the Planning Commission with instructions to find alternatives to the two-lane with turning lanes road configuration.

Reeves made a motion to Return the K-32 Tri-City Multimodal Redevelopment Plan to the Planning Committee for Review and Removal of the Two-Lane Option. No second was made and the motion died.

- General discussion followed about the purpose of the proposal, the options presented, and the message the plan sends to residents.

Stephens made a Motion to Approve an Ordinance to Adopt the K-32 Tri-City Multimodal Redevelopment Plan by Reference as an Addendum to the Comprehensive Plan 2025. Shannon seconded the motion and it carried on a

vote of six to two to one with Councilmember Reeves and Mayor Harrington voting against the motion and Councilmember Cooper abstaining from the motion. **Assigned Ordinance No. 2433**

Item No. 10 – City Manager’s Report – The City Manager presented:

- The City will become the newest CRS Class 7 community in Kansas on October 1, 2016 which allows for a discount on flood insurance equating to about \$5,004 annual savings for policy holders. The discount is 15% for structures located within the Special Flood Hazard Area and 5% for structures located within the Non-Special Flood Hazard Area.
- The Arts Alliance is working with the Parks and Recreation Department to install a monument honoring the military branches and emergency services. The Arts Alliance began fundraising efforts and set a goal to raise \$9,000 in order to complete Phase I by March 2017.

Item No. 11 – City Council Items –

- Gurley asked will the monument be placed in the parking lot area at North Park? The Parks and Recreation Director stated it will be by the trail along 134th Street with the fishing lake below it.
- Peterson reported some street lights are out in Lei Valley.
- Thompson reported he received a call from a resident concerned that a property owner on Emerson dug out the right of way in front of his property to park his truck off the street and is creating blight on the street. Thompson stated the property owner is exhibiting irresponsible behavior and disregarding City ordinances.
- Stephens stated staff has talked to the owner of the property and he wants to know how much time the property owner has to correct the issue.
- Mayor Harrington stated it sounds like this specific situation may involve public safety issues which include different options for staff to handle.
- Kipp thanked the Parks and Recreation staff for the portable bathrooms at North Park and stated the fields look great. The kids enjoyed the Zombie Survival program.
- Shannon stated when the City updated the snow ordinance and decreased the amount of paperwork, compliance improved. He thinks the City needs to review its ordinances and codes and address violations in the same manner.

Item No. 12 – Mayor’s Report – The Mayor reported:

- Staff is doing a good job but needs to address quality of life issues in the City.
- Reported weeds and grass on Nettleton between Sheidley and Metropolitan were mowed and left in the street.
- Asked the City Manager to look at the more severe property maintenance concerns and report back to the City Council.
- Was contacted by a resident who is working to resolve a claim regarding a sewer back up. The resident is happy with City staff but is not satisfied with insurance and third party actions. Noted that if the City staff’s professionalism and community service are being undermined by outside sources, the City may need to reevaluate those third party service providers.
- Attended the Farm Bureau banquet hosted at the National Agricultural Hall of Fame. Thanked the City Manager, City Clerk, and Councilmember Kipp for attending. It was noted at the event that local agricultural endeavors in Wyandotte County add \$1.2 billion to the local economy.

The meeting adjourned at 8:20 p.m.

_____ Amber McCullough, City Clerk

ITEM NO. 5.

**City Council Regular Agenda
Monday, October 10, 2016 – 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

ACTION: Make a Motion to Approve the Claims for City Operations for October 10, 2016

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

Enclosed are the Supplement Claims for City Operations in the amount of \$126,506.23 and the Regular Claims in the amount of \$207,268.64.

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: 10/05/2016
 Time: 4:19 pm
 Page: 1

Bonner Springs City Hall

BANK: UNION BANK & TRUST

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK & TRUST Checks							
131332	09/23/2016	Void	09/23/2016			Void Check	0.00
131333	09/23/2016	Void	09/23/2016			Void Check	0.00
131334	09/23/2016	Void	09/23/2016			Void Check	0.00
131335	09/23/2016	Printed		6536	BANKCARD PROCESSING CENTER	MEDICAL SUP,UNIFORMS,TRAINING	3,850.25
131336	09/23/2016	Printed		0122	BONNER SPGS FIREFIGHTERS ASSC	PAYROLL DEDUCTIONS	138.59
131337	09/23/2016	Printed		3665	W H GRIFFIN, TRUSTEE	PAYROLL DEDUCTIONS	2,110.00
131338	09/23/2016	Printed		7513	HSA BANK	PAYROLL DEDUCTIONS	670.00
131339	09/23/2016	Printed		0898	ICMA RETIREMENT CORPORATION	PAYROLL DEDUCTS/BENEFITS	2,102.05
131340	09/23/2016	Printed		2195	KANSAS PAYMENT CENTER	PAYROLL DEDUCTIONS	851.62
131341	09/23/2016	Void	09/29/2016	9879	MAINSTREET CREDIT UNION	VOID CK 9-29-16	0.00
131342	09/23/2016	Printed		8001	MIDWEST PUBLIC RISK	HEALTH,DENTAL,VISION INSURANCE	68,501.83
131343	09/23/2016	Printed		7206	NATIONAL INSURANCE MARKETING	PAYROLL DEDUCTIONS	2,721.54
131344	09/23/2016	Printed		7636	TIME WARNER CABLE	INTERNET SVC-C HALL & PD	428.20
131345	09/23/2016	Printed		4441	TMHC SVCS INC	DRUG POOL EXPENSES	295.00
131346	09/23/2016	Printed		8307	UNITED WAY	CONTRIBUTIONS	144.00
131347	09/23/2016	Printed		4137	UNIVERSITY OF KS HOSPITAL AUTH	PHYSICALS & DRUG SCREENS	300.00
131348	09/23/2016	Printed		9879	MAINSTREET CREDIT UNION	PAYROLL DEDUCTIONS	3,227.82
131349	09/26/2016	Printed		2470	ATMOS ENERGY	GAS SERVICE	49.32
131350	09/26/2016	Void	09/26/2016			Void Check	0.00
131351	09/26/2016	Void	09/26/2016			Void Check	0.00
131352	09/26/2016	Void	09/26/2016			Void Check	0.00
131353	09/26/2016	Void	09/26/2016			Void Check	0.00
131354	09/26/2016	Void	09/26/2016			Void Check	0.00
131355	09/26/2016	Printed		6536	BANKCARD PROCESSING CENTER	TRAINING,VEH & PLANT MAINT	7,636.08
131356	09/26/2016	Printed		2014	KCPL	ELECTRIC SERVICE	233.64
131357	09/26/2016	Printed		3790	WESTAR ENERGY	ELECTRIC SERVICE	33,246.29

Total Checks: 26	Checks Total (excluding void checks):	126,506.23
Total Payments: 26	Bank Total (excluding void checks):	126,506.23
Total Payments: 26	Grand Total (excluding void checks):	126,506.23

Check Register Report

CHECK REGISTER

Date: 10/05/2016

Time: 4:08 pm

Page: 1

Bonner Springs City Hall

BANK: UNION BANK & TRUST

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
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131358	10/05/2016	Printed		3169	AKAWAM	COFFEE SERVICE-PW,UT,CHALL	100.44
131359	10/05/2016	Printed		7862	CITLALLY ALVARADO	RENTAL DEPOSIT REFUND	100.00
131360	10/05/2016	Printed		6730	AMERICAN RESPONSE VEHICLES INC	VEHICLE MAINT/REPAIRS-EMS	320.33
131361	10/05/2016	Printed		4413	AT & T 5001	PHONE SERVICE	3,871.89
131362	10/05/2016	Printed		5615	AT & T 5011	SPECIAL CIRCUITS & ALARMS	291.58
131363	10/05/2016	Printed		7349	ATF BONNER SPRINGS,LLC	RETAIL INCENTIVE REBATE	695.50
131364	10/05/2016	Printed		0117	BOARD OF PUBLIC UTILITIES	WATER USAGE/AUGUST 2016	6,260.96
131365	10/05/2016	Printed		7027	BONNER SPRINGS ANIMAL CARE CTR	K-9 VET EXPENSES-PD	144.00
131366	10/05/2016	Printed		6869	BONNER SPRNGS PARTNERS II, LLC	CID PAYMENT 3RD QUARTER	23,055.85
131367	10/05/2016	Printed		4172	BOUND TREE MEDICAL	MEDICAL SUPPLIES-EMS	828.49
131368	10/05/2016	Printed		7070	CAPITAL ELECTRIC CONSTRUCTION	WELL&COLLECTION MAINT, METER	8,708.99
131369	10/05/2016	Printed		7102	CENTRAL SECURITY GROUP-	SECURITY SYSTEM MONITORING	122.00
131370	10/05/2016	Printed		0019	CHEMQUEST INC	WATER PLANT CHEMICALS	3,374.25
131371	10/05/2016	Void	10/05/2016			Void Check	0.00
131372	10/05/2016	Printed		0144	CITY OF BONNER SPRINGS KS	SECURITY DEPOSITS APPLIED	1,275.00
131373	10/05/2016	Printed		2410	CITY TREASURER KCK	RESIDENTIAL REFUSE SVC	33,084.72
131374	10/05/2016	Printed		3895	CLAYTON PAPER INC	COPY PAPER-CITY HALL	116.00
131375	10/05/2016	Printed		0222	CONRAD FIRE EQUIPMENT INC	EQUIPMENT MAINT/REPAIRS-FIRE	270.16
131376	10/05/2016	Printed		6724	D K LEASING, LLC	CONCRETE FILL-UT	615.00
131377	10/05/2016	Printed		7567	DANKO EMERGENCY EQUIPMENT	EQUIPMENT MAINT/REPAIRS-FIRE	343.93
131378	10/05/2016	Printed		9965	DEE DEE'S JEWELRY &	RETAIL INCENTIVE REBATE	108.97
131379	10/05/2016	Printed		0053	DPC INDUSTRIES INC	CHEMICALS-WTP	2,797.73
131380	10/05/2016	Printed		2626	EL POTRO MEXICAN CAFE 3 LLC	RETAIL INCENTIVE REBATE	3,301.58
131381	10/05/2016	Printed		7863	MICHELLE ESKINA	SUMMER CAMP REFUND	560.00
131382	10/05/2016	Printed		7867	DENISE EVANS	SECURITY DEPOSIT REFUND	149.63
131383	10/05/2016	Printed		7626	EXIT GAMES, LLC	RETAIL INCENTIVE REBATE	122.97
131384	10/05/2016	Printed		2621	EXPRESS WASH AMERICA LLC	CAR WASH-UT	5.00
131385	10/05/2016	Printed		4342	FELDMANS	BOLTS, OIL, MARKING PAINT-PW	40.05
131386	10/05/2016	Printed		7864	SHEREE FINLAY	DUPLICATE PMT REFUND	175.00
131387	10/05/2016	Printed		7225	FORTILINE, INC	DISTRIBUTION MAINT SUPPLIES-UT	67.00
131388	10/05/2016	Printed		2755	FTC EQUIPMENT LLC	EQUIPMENT MAINT/REPAIRS-WWT	1,345.00
131389	10/05/2016	Printed		7858	GALLS, LLC	UNIFORMS-PD	349.16
131390	10/05/2016	Printed		1942	GRASS PAD INC	TOP SOIL & FALL PLANTS	114.97
131391	10/05/2016	Printed		0021	HACH COMPANY	TESTING SUPPLIES-UT	72.04
131392	10/05/2016	Printed		7869	REBECCA HACHINSKI	SECURITY DEPOSIT REFUND	65.83
131393	10/05/2016	Printed		2813	HD SUPPLY WATERWORKS LTD	DISTRIBUTION PARTS-UT	831.08
131394	10/05/2016	Printed		7348	HEARTLAND STEAK N SHAKE LLC	RETAIL INCENTIVE REBATE	2,769.32
131395	10/05/2016	Printed		0821	HOLLIDAY SAND AND GRAVEL CO	STREET MAINTENANCE SUPPLIES-PW	98.29
131396	10/05/2016	Printed		7605	ICON STRATEGIC MANAGEMENT	PHONE CABLE REPAIRS	149.00
131397	10/05/2016	Printed		5902	JC'S SPEEDY LUBE	VEH MAINT/REPAIRS-UT	70.63
131398	10/05/2016	Printed		1888	JEFF W. JONES	RETAIL INCENTIVE REBATE	17.80
131399	10/05/2016	Printed		1835	KACE	KACE CONF REGIST-PROP MAINT	87.50
131400	10/05/2016	Printed		0400	KANSAS CITY PETERBILT	VEHICLE MAINT/REPAIRS-FIRE	913.99
131401	10/05/2016	Printed		5308	KANSAS ONE-CALL SYSTEM, INC	LOCATE FEES/SEPTEMBER 2016	111.00
131402	10/05/2016	Printed		7866	RYAN KEMP	SECURITY DEPOSIT REFUND	19.59
131403	10/05/2016	Printed		7870	DICK KLOOG	SECURITY DEPOSIT REFUND	34.58
131404	10/05/2016	Printed		2779	KRAV MAGA WORLDWIDE, INC	TRAINING EQUIPMENT-PD	363.54
131405	10/05/2016	Printed		3516	KUTAK ROCK LLP	WESTGATE TIF	298.40
131406	10/05/2016	Printed		3003	LAKE OF THE FOREST INC	REFUSE SUBSIDY	247.00

Check Register Report

CHECK REGISTER

Date: 10/05/2016

Time: 4:08 pm

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Bonner Springs City Hall

BANK: UNION BANK & TRUST

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
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131407	10/05/2016	Printed		3030	LEAGUE OF KANSAS MUNICIPALITIES	ORDINANCE CODES & CONF REGIST	1,136.48
131408	10/05/2016	Printed		7868	DAMON LEWIS	SECURITY DEPOSIT REFUND	41.92
131409	10/05/2016	Printed		1836	LOWE'S CREDIT SERVICES	WRENCHES,HEX BIT SET-P&R	43.60
131410	10/05/2016	Printed		7861	TRACI MCDONALD	RENTAL DEPOSIT REFUND	100.00
131411	10/05/2016	Printed		5912	MID AMERICA REGIONAL COUNCIL	CONFERENCE REGIST-PD	390.00
131412	10/05/2016	Printed		7450	JENNIFER LYNN MYERS	JUDGE PRO-TEM	200.00
131413	10/05/2016	Printed		3094	NORRIS EQUIPMENT CO LLC	LAWNMOWER PARTS-P&R	108.30
131414	10/05/2016	Printed		7827	THE NOVAK CONSULTING GROUP	EFFICIENCY&STAFFING ANALYSIS	13,425.00
131415	10/05/2016	Printed		0947	O'REILLY AUTO STORES INC	VEH & EQUIP MAINT SUPPLIES	302.39
131416	10/05/2016	Printed		7871	OGDEN PUBLICATIONS	AD F/FALL 2016 KANSAS MAGAZINE	855.00
131417	10/05/2016	Printed		0187	OLATHE WINWATER WORKS	HOT ROD METERS-UT	42,739.00
131418	10/05/2016	Printed		3393	PACE ANALYTICAL	LAB TESTING F/WWTP	376.00
131419	10/05/2016	Printed		3531	PERRY & TRENT LLC	LEGAL SVCS-CM	253.00
131420	10/05/2016	Printed		7022	POSTMASTER	FIRST CLASS MAIL POSTAGE	825.00
131421	10/05/2016	Printed		0904	PREDATOR TERMITE & PEST CONTRL	MOWING-UT/PW	731.25
131422	10/05/2016	Printed		0646	PUSHWATER ENTERPRISES INC	NO PARKING SIGNS F/JAMBOREE	150.24
131423	10/05/2016	Printed		6838	REJIS COMMISSION	EMER SVCS RECORDS MGMT SYSTEM	618.14
131424	10/05/2016	Printed		1811	RICOH USA, INC.	COPIER LEASES	1,041.60
131425	10/05/2016	Printed		7386	RODEO DR LLC	RETAIL INCENTIVE REBATE	51.72
131426	10/05/2016	Printed		7860	REBECCA SHIPERS	RENTAL DEPOSIT REFUND	250.00
131427	10/05/2016	Printed		7732	SITEONE LANDSCAPE SUPPLY,LLC	FERTILIZER F/SOCCER FIELD-P&R	222.43
131428	10/05/2016	Printed		9993	SOUTHEASTERN EMERGENCY	UNIFORM -EMS	155.23
131429	10/05/2016	Printed		3578	SPECTRA	COLLECTION & DISTRIBUTION SUPP	199.46
131430	10/05/2016	Printed		7670	STAPLES CONTRACT & COMMERCIAL	BOX FILES,PAPER,RECEIPT BKS	180.90
131431	10/05/2016	Printed		7859	KATLIN STEPHEN	RENTAL DEPOSIT REFUND	100.00
131432	10/05/2016	Printed		0766	T A STOLFUS DVM	VET SERVICES-PD	145.00
131433	10/05/2016	Printed		7191	THIS AND THAT, LLC	RETAIL INCENTIVE REBATE	18.57
131434	10/05/2016	Printed		7096	THOMPSON PUMP & MANUFACTURING	BYPASS PUMPING F/W FRONT ST-WW	1,238.28
131435	10/05/2016	Printed		7872	TRINITY AUTOMOTIVE LLC	VEH MAINT/REPAIRS-PD	1,622.71
131436	10/05/2016	Printed		1186	UNIFIED GOVERNMENT OF	AMPHITHEATRE IMPROVEMENTS DEBT	3,203.85
131437	10/05/2016	Printed		3736	UNIFIED TREASURER	PRISONER CARE-PD	2,401.00
131438	10/05/2016	Printed		6819	UNIFIRST COPRORATION	UNIFORM,RUG RENTAL-PW,UTIL	317.68
131439	10/05/2016	Printed		3078	USA BLUE BOOK	TESTING SUPPLIES-WWTP	325.86
131440	10/05/2016	Printed		8403	VARSITY SPORTS INC	CITIZEN ACADEMY SHIRTS-PD	171.40
131441	10/05/2016	Printed		7009	VICTOR PHILLIPS CO INC	EQUIP. REPLACEMENT PARTS-PW	77.28
131442	10/05/2016	Printed		4731	WALKER TOWEL & UNIFORM SVC INC	RUG RENTAL-FIRE/EMS	67.31
131443	10/05/2016	Void	10/05/2016			Void Check	0.00
131444	10/05/2016	Printed		1315	WALMART COMMUNITY GEGRB	TIRES,EXTRICATION TRAIING FOOD	1,157.04
131445	10/05/2016	Printed		7530	WASTE MANAGEMENT OF MISSOURI	LANDFILL CHARGES SEPT 1-15	1,937.46
131446	10/05/2016	Printed		7588	WASTE MANAGEMENT OF MISSOURI	DUMPSTER CHARGES	417.00
131447	10/05/2016	Printed		2845	WATTS UP	LIGHT BULBS	83.88
131448	10/05/2016	Printed		6028	WEDC	ECONOMIC DEV SVCS	5,000.00
131449	10/05/2016	Printed		8399	WESTFALL GMC TRUCK INC	VEHICLE MAINT/REPAIRS-EMS	440.50
131450	10/05/2016	Printed		2239	WICHITA STATE UNIVERSITY	CITY CLERK CERTIF-BRAKE	460.00
131451	10/05/2016	Printed		5855	WORLD WIDE TECHNOLOGY	COMPUTER REFRESH PROJ-LIBRARY	24,821.42

Check Register Report

CHECK REGISTER

Date: 10/05/2016

Time: 4:08 pm

Page: 3

Bonner Springs City Hall

BANK: UNION BANK & TRUST

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
--------------	------------	--------	----------------	---------------	-------------	-------------------	--------

Total Checks: 94	Checks Total (excluding void checks):	207,268.64
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Total Payments: 94	Bank Total (excluding void checks):	207,268.64
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Total Payments: 94	Grand Total (excluding void checks):	207,268.64
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ITEM NO. 6.

**City Council Regular Agenda
Monday, October 10, 2016 – 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

ACTION: Make a Motion to Approve the Public Housing Authority Claims for October 10, 2016

RECOMMENDATION: The City Manager and Finance Director Recommend Approval

Enclosed are the Regular Claims in the amount of \$6,884.76.

Check Register Report

PUBLIC HOUSING CHECK REGISTER

Date: 10/05/2016

Time: 11:30 am

Bonner Springs City Hall

BANK: UNION BANK & TRUST-PHA

Page: 1

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK & TRUST-PHA Checks							
97494	10/05/2016	Printed		P827	P ATMOS ENERGY	TENANT UTILITY REIMBURSEMENT	181.48
97495	10/05/2016	Printed		P598	P CROSBY PLUMBING	PLUMBING MAINT-2 UNITS	376.00
97496	10/05/2016	Printed		P794	P HD SUPPLY FACILITIES MAINT	FLOOR STRIPPER	51.96
97497	10/05/2016	Printed		P991	P JAMES O. GOSS JR	PEST CONTROL	276.00
97498	10/05/2016	Printed		P542	P LINDSEY SOFTWARE SYS INC	ACCOUNTING SVCS	142.00
97499	10/05/2016	Printed		P503	P LOWES COMPANIES INC	PLUMBING SUPPLIES	35.24
97500	10/05/2016	Printed		P800	P NUTS & BOLTS	PLUMBING & MAINT SUPPLIES	122.07
97501	10/05/2016	Printed		P992	P RANDI DEMOTTE	SECURITY DEPOSIT REFUND	261.28
97502	10/05/2016	Printed		P987	P THE WILSON GROUP INC	BATHROOM RENOVATION-FAM UNITS	5,137.60
97503	10/05/2016	Printed		P713	P WASTE MANAGEMENT OF MISSOURI	REFUSE SERVICE	62.61
97504	10/05/2016	Printed		P472	P WESTAR ENERGY	TENANT UTILITY REIMBURSEMENT	238.52

Total Checks: 11	Checks Total (excluding void checks):	6,884.76
Total Payments: 11	Bank Total (excluding void checks):	6,884.76
Total Payments: 11	Grand Total (excluding void checks):	6,884.76

ITEM NO. 7.

**City Council Regular Agenda
Monday, October 10, 2016 – 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: Cooperative Agreement for Funding of Operation Green Light Traffic Control System

ACTION: Make a Motion to Approve the Contract Renewal for Operation Green Light and Allow Staff to Sign the Agreement

RECOMMENDATION: The City Manager and Public Works and Utilities Director Recommend Approval

The contract is enclosed for your reference. This is a renewal of the current Operation Green Light contract with a cost not to exceed \$6,400. The renewal is a two-year contract with automatic annual renewals.

**COOPERATIVE AGREEMENT
FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT
TRAFFIC CONTROL SYSTEM**

THIS COOPERATIVE AGREEMENT FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT TRAFFIC CONTROLS SYSTEM (this "Agreement") is made and entered into this ____ day of _____, 2016 by and between Mid-America Regional Council (MARC) and the City of _____, Kansas, a Constitutionally Chartered Municipal Corporation (City).

WHEREAS, the Mid-America Regional Council performed a feasibility study "*Operation Green Light Feasibility Report, June 2000*" (hereafter, the "Feasibility Report"), which created a regional arterial traffic signal coordination system known as "Operation Green Light", for the Kansas City Urban Area including facilities under the jurisdiction of the Missouri Department of Transportation, the Cities of Belton, Gladstone, Independence, Kansas City, Lee's Summit, Liberty, North Kansas City, Raymore in Missouri and the jurisdiction of the Kansas Department of Transportation, the Cities of Bonner Springs, Fairway, Lansing, Leavenworth, Leawood, Lenexa, Merriam, Mission, Mission Woods, Olathe, Overland Park, Prairie Village, Shawnee, Westwood and the Unified Government of Wyandotte County/Kansas City in Kansas (collectively, the Member Agencies); and

WHEREAS, the Strategic Plan 2013-2016 established the vision, mission, objectives and goals of the program; and

WHEREAS, improvement in traffic operational efficiency, air quality and monetary savings to the Member Agencies and the public can be realized from a consolidated management approach of coordinated traffic signal control along arterial corridors in the roadway systems of each Member Agency; and

WHEREAS, the Member Agencies in Kansas are authorized pursuant to the provisions of Section 12-2908~~1 et. seq.~~ of the Kansas Statutes Annotated, and the Member Agencies in Missouri are authorized pursuant to the provisions of Article VI, Section 9 of the Missouri Constitution and Sections 70.210 et. seq. of the Revised Statutes of Missouri to enter into cooperative agreements for the purpose of coordinating traffic signals between and within the Jurisdictional Boundaries of the Member Agencies; and

WHEREAS, each Member Agency has agreed to enter into an agreement to fund the cost of operating such a Regional Traffic Control System; and

NOW, THEREFORE, in consideration of the covenants and conditions herein set forth, MARC and the City (collectively, the "Parties") mutually agree as follows:

Sec. 1. STATUTORY AUTHORITY. Pursuant to the authority set forth in K.S.A. Section 12-2908~~1 et. seq.~~, the parties enter into this Agreement for the funding of the operations of the Regional Traffic Control System, hereinafter defined, for the purpose of coordinating traffic signals within the Jurisdictional Boundaries of the Member Agencies from a regional perspective. Pursuant to such authority, the City will file for recording an executed copy of this Agreement in the appropriate county in the state of Kansas and file a copy with the Kansas

Secretary of State.

Sec. 2. DEFINITIONS. As used in this Agreement, and Exhibit 1 through Exhibit 6, attached hereto and incorporated herein, the following words shall have the meanings set forth herein:

Exhibit 1 – Steering Committee Document

Exhibit 2 – Scope of Services

Exhibit 3 – Compensation

Exhibit 4 – Insurance Requirements

Exhibit 5 – Ownership Matrix

Exhibit 6 – Concept of Operations

Communications Network – All telecommunication infrastructure between Regional Traffic Management Centers, and Traffic Signal Controllers which are a part of the Regional Traffic Control System.

Jurisdictional Boundaries – the geographical boundaries of the governmental entities acting as political subdivisions of the states of Kansas and Missouri.

Jurisdictional Control Center – the site or location designated by the Member Agency containing various equipment, computer hardware and computer software capable of controlling and coordinating all Traffic Signal Controllers located within the Jurisdictional Boundaries of the Member Agency.

Member Agencies – Agencies that have entered into an agreement with MARC to participate in funding the cost of design, construction and operations of the Regional Traffic Control System.

Private Firms – any private firm or firms engaged by MARC to perform or provide any services, directly or indirectly, related to the operations of the Regional Traffic Control System (including, without limitation, design services provided for on-going operations), as more particularly set forth in Exhibit 2, attached hereto and incorporated herein by this reference.

Regional Traffic Control System - an array of components including Traffic Signal Controllers, wireless and wireline telecommunications equipment, interface units, computer hardware and software, digital storage media, operator's console, peripherals, and other related devices designed to monitor, control, and coordinate traffic movements at signalized intersections according to a given or developed plan.

Regional Traffic Management Center – the site or location designated by the Steering Committee containing various equipment, computer hardware and computer software capable of controlling and coordinating the Regional Traffic Control System. The Regional Traffic Management Center is sometimes referred to herein and in the Exhibits as the "TOC".

Steering Committee – that committee created for the purpose of assisting and advising MARC with respect to the plans, specifications, construction, installation and operation of the Regional Traffic Control System and consisting of voting representatives from the Member Agencies. The membership structure and policy are set forth in Exhibit 1, attached hereto and incorporated herein by this reference.

Traffic Signal Controller – a complete electrical mechanism responsible for traffic signal control and operation at an individual intersection.

Sec. 3. RESPONSIBILITIES OF PARTIES.

(a) MARC. MARC shall perform or cause to be performed the services set forth in Exhibit 2, which is attached hereto and incorporated herein by this reference.

(b) City. In addition to the obligations set forth in this Agreement, City, in its capacity as a Member Agency, shall also perform all the obligations set forth in the document entitled "OGL Concept of Operations: Roles and Responsibilities", which is attached hereto as Exhibit 6 and incorporated herein by this reference. Furthermore, City shall not interfere with MARC's exercise of its obligations under this Agreement, including, but not limited to MARC's deployment of the regional signal timing and on-going operations of the Regional Traffic Control System.

Sec. 4. SHARE OF COSTS. Subject to the conditions set forth in this Agreement, the City will pay MARC an amount not to exceed Six-Thousand, Four Hundred and 00/100 Dollars (\$6,400.00) representing the City's share of the cost for the maintenance and operation of the Regional Traffic Control System, as set forth in Exhibit 3, attached and incorporated herein by this reference. The "Operation Green Light Location/ Ownership Matrix" set forth in Exhibit 5 attached hereto and incorporated into this Agreement, identifies the location and ownership of the software, hardware and other components comprising the Regional Traffic Control System.

Sec. 5. SHARING INFORMATION. MARC shall share information related to the maintenance and operation of the Regional Traffic Control System with the City, and the City shall share information with MARC and the Member Agencies necessary for the on-going maintenance and operation of the Regional Traffic Control System.

Sec. 6. SEVERABILITY. Should any provision hereof for any reason be deemed or ruled illegal, invalid or unconstitutional by any court of competent jurisdiction, no other provision of this Agreement shall be affected; and this Agreement shall then be construed and enforced as if such illegal or invalid or unconstitutional provision had not been contained herein.

Sec. 7. AUTONOMY. No provision of this Agreement shall be constructed 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.

Sec. 8. EFFECTIVE DATE. The effective date of this Agreement shall be upon complete execution by the Parties ~~hereto and written approval by the Office of the Attorney General of Kansas. In accordance with K.S.A. Section 12-2905, after receiving such written approval, the City shall file for recording a fully executed copy of this Agreement with the Register of Deeds~~

of the appropriate county in the state of Kansas and file a copy with the Kansas Secretary of State.

Sec. 9. TERMINATION FOR CONVENIENCE. Either party to this Agreement may terminate this Agreement by giving 180 days' notice to the other Party. Financial obligations will be honored up to the effective date of termination. An agency that terminates this agreement may no longer be granted access to the Regional Traffic Control System. Costs may be incurred by the agency terminating the agreement for MARC to uninstall or transfer ownership of network equipment owned by MARC.

Sec. 10. MERGER. This Agreement constitutes the entire agreement between City and MARC with respect to this subject matter.

Sec. 11. INDEPENDENT CONTRACTOR. MARC is an independent contractor and is not City's agent. MARC has no authority to take any action or execute any documents on behalf of City.

Sec. 12. COMPLIANCE WITH LAWS. MARC shall comply with and shall require its Private Firms to comply with all federal, state and local laws, ordinances and regulations applicable to the work and this Agreement.

Sec. 13. DEFAULT AND REMEDIES. If MARC shall be in default or breach of any provision of this Agreement, City may terminate this Agreement, suspend City's performance, withhold payment or invoke any other legal or equitable remedy after giving MARC written notice and opportunity to correct such default or breach within thirty (30) days of receipt of such notice; provided, however, if such default or breach cannot be cured within thirty (30) days, then MARC shall commence to cure within thirty (30) days.

Sec. 14. WAIVER. Waiver by City of any term, covenant, or condition hereof shall not operate as a waiver of any subsequent breach of the same or of any other term, covenant or condition. No term, covenant, or condition of this Agreement can be waived except by written consent of City, and forbearance or indulgence by City in any regard whatsoever shall not constitute a waiver of same to be performed by MARC to which the same may apply and, until complete performance by MARC of the term, covenant or condition, City shall be entitled to invoke any remedy available to it under this Agreement or by law despite any such forbearance or indulgence.

Sec. 15. MODIFICATION. Unless stated otherwise in this Agreement, no provision of this Agreement may be waived, modified or amended except in writing signed by City and MARC.

Sec. 16. HEADINGS; CONSTRUCTION OF AGREEMENT. The headings of each section of this Agreement are for reference only. Unless the context of this Agreement clearly requires otherwise, all terms and words used herein, regardless of the number and gender in which used, shall be construed to include any other number, singular or plural, or any other gender, masculine, feminine or neuter, the same as if such words had been fully and properly written in that number or gender.

Sec. 17. AUDIT. The City shall have the right to audit this Agreement and all books, documents and records relating thereto. MARC shall maintain all its books, documents and records relating to this Agreement and any contract during the period of this Agreement and for three (3) years after the date of final payment of the contract or this Agreement, which ever expires last. The books, documents and records shall be made available for the City's review within fifteen (15) business days after the written request is made.

Sec. 18. AFFIRMATIVE ACTION; NON-DISCRIMINATION.

(a) MARC shall require Private Firms to establish and maintain for the term of this Agreement an Affirmative Action Program in accordance with the provisions the Title VI of the Civil Rights Act of 1964, as amended. More specifically, any third party firm will comply with the applicable regulations of the U. S. Department of Transportation (USDOT) relative to non-discrimination in federally assisted programs of the USDOT, as contained in 49 CFR 21 through Appendix H and 23 CFR 710.405 which are herein incorporated by reference and made a part of this Agreement.

(b) During the performance of this Agreement or any subcontract resulting thereof, MARC, Private Firms and all subcontractors and vendors (the Private Firms, together with all subcontractors and vendors, shall for purposes of this Section 18 be collectively referred to as the "Other Contractor Parties") shall observe the provisions of the Kansas Acts Against Discrimination (K.S.A. 44-1001, et seq.) and Title VII of the Civil Rights Act of 1964 as amended and shall not discriminate against any person in the performance of work under the present Agreement because of race, religion, color, sex, national origin, age, disability, ancestry, veteran status, or low income. In all solicitations or advertisements for employees, the MARC and the Other Contractor Parties shall include the phrase "equal opportunity employer" or a similar phrase to be approved by the Kansas Human Rights Commission ("Commission"). If MARC fails to comply with the manner in which MARC reports to the Commission in accordance with the provisions of K.S.A. 44-1031 and amendments thereto, or if MARC is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the Commission which has become final, MARC shall be deemed to have breached this Agreement, and this Agreement may be canceled, terminated or suspended, in whole or in part, by the City.

(c) MARC shall abide by the Kansas Age Discrimination In Employment Act (K.S.A. 44-1111 et seq.) and the applicable provision of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.), as well as all other federal, state and local laws, ordinances and regulations applicable to this project, and shall furnish any certification required by any federal, state or local laws, ordinances and regulations applicable to this project and shall furnish any certification required by any federal, state or local governmental agency in connection therewith.

(d) MARC shall include the provisions of paragraphs (b) through (c) above in every subcontract so that such provisions will be binding upon such subcontractor or vendor.

Sec. 19. ASSIGNABILITY OR SUBCONTRACTING. MARC shall not subcontract, assign or transfer any part or all of MARC's obligations or interests without City's prior approval which shall not be unreasonably delayed or withheld. If MARC shall subcontract, assign, or transfer

any part or all of MARC's interests or obligations under this Agreement without the prior approval of City, it shall constitute a material breach of this Agreement.

Sec. 20. CONFLICTS OF INTEREST. MARC shall require its Private Firms to certify that no officer or employee of City, or no spouse of such officer or employee, has or will have a direct or indirect financial or personal interest in this Agreement or any other related agreement, and that no officer or employee of City, or member of such officer's or employee's immediate family, either has negotiated, or has or will have an arrangement, concerning employment to perform services on behalf of MARC or its Private Firms in this Agreement or any other related agreement.

Sec. 21. RULES OF CONSTRUCTION. The judicial rule of construction requiring or allowing an instrument to be construed to the detriment of or against the interests of the maker thereof shall not apply to this Agreement.

Sec. 22. NOTICE: Any notice to a party in connection with this Agreement shall be made in writing at the following address or such other address, as the party shall designate in writing:

City of Bonner Springs
Attention: ~~Rita Hoag~~ Amber McCullough
205 E Second Street
P.O. Box 38
Bonner Springs, KS 66012

Mid-America Regional Council
Attention: Director of Transportation and Environment
600 Broadway, Suite 200
Kansas City, Missouri 64105

Sec. 23. GOVERNING LAW. This Agreement shall be construed and governed in accordance with the law of the State of Kansas. Any action in regard to this Agreement or arising out of its terms and conditions must be instituted and litigated in the courts of the State of Kansas within Johnson County, Kansas, and in no other. The parties submit to the jurisdiction of the courts of the State of Kansas and waive venue.

~~**Sec. 24. GENERAL INDEMNIFICATION.**~~

~~(a) To the extent allowed by law and subject to the immunity and maximum liability provisions of the Kansas Tort Claims Act, MARC shall defend, indemnify, and hold harmless the City and any of its agents, officials, officers and employees from and against all claims, damages, liability, losses, costs and expenses, including reasonable attorney fees, arising out of or resulting from any negligent acts or omissions in connection with the services performed by MARC under this Agreement, caused by MARC, its employees, agents, subcontractors, or caused by others for whom MARC is liable. Notwithstanding the foregoing, MARC is not required under this section to indemnify the City for the negligent acts of the City or any of its agencies, officials, officers, or employees.~~

~~(b) To the extent allowed by law and subject to the provisions of the Kansas Tort Claims Act, including but not limited to the immunity and maximum liability provisions, City shall defend, indemnify, and hold harmless MARC and any of its agents, officials, officers and employees from and against all claims, damages, liability, losses, costs and expenses, including reasonable attorney fees, arising out of or resulting from any negligent acts or omissions of the City, its employees, agents, subcontractors, or others for whom the City is liable in connection with the services performed by City under this Agreement. Notwithstanding the foregoing, the City is not required under this section to indemnify MARC for the negligent acts of MARC or any of its agencies, officials, officers, or employees~~

Sec. 254. INDEMNIFICATION BY PRIVATE FIRMS. MARC shall require its Private Firms (including, without limitation, any design professionals) to defend, indemnify, and hold harmless the City and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorney fees, arising out of any negligent acts or omissions in connection with the services performed pursuant to this Agreement (including, without limitation, professional negligence), caused by a Private Firm, its employees, agents, contractors, or caused by others for whom the Private Firm is liable. Notwithstanding the foregoing, the Private Firm is not required under this section to indemnify the City for the negligent acts of the City or any of its agencies, officials, officers, or employees.

Sec. 265. INSURANCE. MARC and any Private Firms retained by MARC shall maintain the types and amounts of insurance set forth in Exhibit 4, which is incorporated herein by this reference; provided, however, the limits set forth in Exhibit 4 are the minimum limits and MARC may carry higher limits as it may deem necessary, in its discretion, or as may be required by other Member Agencies.

Sec. 276 INITIAL TERM; RENEWAL OF TERM. The initial term of this Agreement shall be two (2) years ("Term") unless sooner terminated in accordance with Section 9 of this Agreement. The Term of this Agreement shall automatically renew for one additional two (2) year period (the "Renewal Term") on the same terms and conditions as set forth herein; provided, the Term shall not automatically renew if City provides written notice to MARC of its intention not to renew within 180 days prior to the expiration of the Term.

Sec. 287. NON-APPROPRIATIONS. Notwithstanding anything to the contrary in this Agreement, in accordance with the Kansas Cash-Basis Law, specifically K.S.A. Section 10-1116b, the City is obligated only to pay the OGL Operating Costs required under this Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the City's current budget year, calendar fiscal year, or (b) funds made available from any lawfully operated revenue-producing source. City represents and warrants that each year during the term of this Agreement, its chief administration office will submit to and advocate for approval by its governing body a budget that includes amounts sufficient to pay the City's share of the OGL Operating Costs required under this Agreement. City also represents and warrants that its governing body, each fiscal year during the term of this Agreement, will fully consider and make all good faith and reasonable efforts to adopt a budget, for each successive fiscal period during the term of this Agreement, that specifically identifies amounts sufficient to permit City to discharge all of its obligations under this Agreement.

CITY OF BONNER SPRINGS, KANSAS

By: _____

Title: _____

Date: _____

Attest:

City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss
COUNTY OF _____)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the _____ of the City of _____, Kansas, and that the foregoing instrument was signed and sealed on behalf of the City of _____, Kansas, and said officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name _____
Notary Public - State of Kansas
Commissioned in _____ County

My commission expires:

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. 8.

**City Council Regular Agenda
Monday, October 10, 2016 – 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: Contract for Resurfacing Vaughn Dale Parking Lot and Sidewalk Repair

ACTION: Make a Motion to Approve the Contract with The Wilson Group for Resurfacing Vaughn Dale Parking Lot and Sidewalk Repairs Not to Exceed \$24,776.11.

RECOMMENDATION: The City Manager and Public Housing Director Recommend Approval

A memo discussing the financial impact, need for the project, pictures of the damaged areas, proposal, and contract are attached.

City of Bonner Springs

Public Housing Authority



Public Housing Staff Report Memorandum

Date: October 10, 2016
To: Mayor & City Council
Through: Sean Pederson, City Manager
From: Carrie Newton, PHA Executive Director

Subject: Approval of Contract for Resurfacing of Vaughn Dale Parking Lot and Sidewalk Repair

Recommendation: Staff recommends approval of the contract with The Wilson Group for Resurfacing of Vaughn Dale Parking Lot and Sidewalk Repair not to exceed the amount of \$24,776.11

Discussion:

The current state of the Vaughn Dale parking lot is in poor condition. The Housing Authority was written up during our annual HUD inspections based on the condition of the parking lot. It is also a severe trip hazard as there is loose gravel spread throughout. This proposal also includes repairing broken segments of the sidewalk.

The Housing Authority is a member of the National Joint Powers Alliance, and this is a Cooperative Purchasing Contract through that organization. The National Joint Powers Alliance opened bidding for a Construction Agreement, and The Wilson Group was awarded the contract as the most reasonable and reliable contractor. The Gordian Group is the Administrator for this contract.

Financial Impact:

The Housing Authority budgeted \$27,618.96 for this project. The proposed contract came in under our budget at \$24,776.11. This leaves \$2,842.85 in our budget which can be used for any possible change orders, or allocated towards another project.

Attachments:

- Pictures of current parking lot/sidewalk
- Copy of Contract and Proposal









Work Order Signature Document

NJPA EZIQC Contract No.: KS01E-031814-TWG

New Work Order

Modify an Existing Work Order

Work Order Number: 043820.00

Work Order Date: 09/29/2016

Owner PO No:

Work Order Title: BSHA - Resurface Parking Lot

Owner Name: Bonner Springs Housing Authority

Contractor Name: The Wilson Group, Inc

Contact: Carrie Newton

Contact: Scott Briedwell

Phone: 913-441-3816

Phone: (816) 434-3185

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of NJPA EZIQC Contract No KS01E-031814-TWG.

Brief Work Order Description:

Resurface Parking Lot

Time of Performance See Schedule Section of the Detailed Scope of Work

Duration

Liquidated Damages Will apply:

Will not apply:

Work Order Firm Fixed Price: \$24,776.11

Owner Purchase Order Number:

Approvals

Owner Date

Contractor Date

Contractor's Price Proposal - Summary

Date: September 29, 2016

Re: IQC Master Contract #: KS01E-031814-TWG
Work Order #: 043820.00
Owner PO #:
Title: BSHA - Resurface Parking Lot
Contractor: The Wilson Group, Inc
Proposal Value: \$24,776.11

02 - Site Work	\$135.89
03 - Concrete	\$1,290.54
07 - Thermal & Moisture Protection	\$100.47
32 - Exterior Improvements	\$23,249.21
Proposal Total	\$24,776.11

Contractor's Price Proposal - Detail

Date: September 29, 2016

Re: IQC Master Contract #: KS01E-031814-TWG
 Work Order #: 043820.00
 Owner PO #:
 Title: BSHA - Resurface Parking Lot
 Contractor: The Wilson Group, Inc
 Proposal Value: \$24,776.11

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

02 - Site Work

1	02 41 19 13 0052		LF	Saw Cut In Streets, Concrete And Asphalt Up To 4" Depth	\$135.89
			Installation	Quantity 82.30 x Unit Price 1.41 x Factor 1.1710 = Total 135.89	
				saw cutting	

Subtotal for 02 - Site Work \$135.89

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

03 - Concrete

2	03 31 13 00 0005		SF	6" 3,000 PSI Slab On Grade Concrete Slabs Assembly	\$1,290.54
			Installation	Quantity 224.00 x Unit Price 4.92 x Factor 1.1710 = Total 1,290.54	
				concrete replacement	

Subtotal for 03 - Concrete \$1,290.54

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

07 - Thermal & Moisture Protection

3	07 71 23 00 0016		LF	6", 0.032" Thick, Box Style Aluminum Gutter	\$100.47
			Installation	Quantity 10.00 x Unit Price 7.62 x Factor 1.1710 = Total 89.23	
			Demolition	Quantity 10.00 x Unit Price 0.96 x Factor 1.1710 = Total 11.24	
				gutter work	

Subtotal for 07 - Thermal & Moisture Protection \$100.47

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

32 - Exterior Improvements

4	32 12 13 13 0001		SY	Tack Coat, 0.1 Gallon/SY	\$444.04
			Installation	Quantity 790.00 x Unit Price 0.48 x Factor 1.1710 = Total 444.04	
				tack coat	
5	32 12 16 13 0013		TON	Bituminous Hot Mix Surface Course 3,774 LB/CY Includes placement, rolling, finishing and sweeping. Used for applications not described elsewhere in this section.	\$17,655.12
			Installation	Quantity 136.00 x Unit Price 110.86 x Factor 1.1710 = Total 17,655.12	
				asphalt paving	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 043820.00
 Work Order Title: BSHA - Resurface Parking Lot

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
32 - Exterior Improvements					
6	32 12 16 13 0019		TON	Hand Placed Hot Mixed Asphalt 3954 LB/CYFor small areas not reachable by machine. Includes placement, rolling, finishing and sweeping.	\$3,151.86
				Installation	
				Quantity	
				Unit Price	
				Factor	
				=	Total
				12.00 x	3,151.86
				224.30 x	
				1.1710 =	
				hand placed asphalt work	
7	32 12 33 00 0002		SY	Single Course Bituminous Treatment, Prepare And Clean Surface Roadway	\$1,998.19
				Installation	
				Quantity	
				Unit Price	
				Factor	
				=	Total
				790.00 x	1,998.19
				2.16 x	
				1.1710 =	
				clean and prep surface	
Subtotal for 32 - Exterior Improvements					\$23,249.21
Proposal Total					\$24,776.11

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

CONTRACT

Parking Lot Overlay and Sidewalk Repair at Vaughn Dale

THIS AGREEMENT, made this day _____, 2016 by and between The Contractor, a Company existing under laws of the State of KANSAS, hereinafter called the "Contractor", and THE HOUSING AUTHORITY OF THE CITY OF BONNER SPRINGS, a municipal corporation existing under the laws of the State of Kansas, hereinafter call the "Authority".

WITNESSETH, that the Contractor and the Authority for the consideration herein mutually agree as follows:

Article 1: **Statement of Work.** The Contractor shall furnish all tools, materials, labor, equipment and services for the Parking Lot Overlay and Sidewalk Repair

All work is to be completed free from defects in material, workmanship and in strict accordance with the Bid which is incorporated by reference and made a part hereof.

Article 2. **Contract Price.** The Authority agrees to pay and the Contractor agrees to accept as payment for the performance of this Contract, the sum of _____

dollars (\$ _____), subject to the additions and deductions as provided in the General Conditions.

Article 3. **Completion Date.** The Contractor agrees that time is of the essence in the completion of the work required by this Contract which completion is established on or **Ninety (90)** calendar days and Contractor hereby waives any notice of putting in default for failure to complete on time. A Stop Work Order will be issued the contractor if weather conditions prevent the parking lot overlay/sidewalk repair from continuing.

Article 4. **Liquidated Damages.** It is agreed that for every day that the contract exceeds **Ninety (90)** calendar days, the Contractor will be assessed a deduction against the contract amount at **\$150.00** per working day, as a liquidated damage fee and not as a penalty. Extensions may be granted by the Authority as outlined in the General Conditions.

Article 5. **Collection of Attorney's Fees and Court Costs.** Should the Contractor fail to comply with the terms of this agreement or be in default in this agreement in any way, and should the Authority need to retain legal counsel as a result of said breach, then the Contractor will, in addition to paying all sums owed to the Authority, pay the Authority reasonable attorney's fees and court costs incurred by the Authority in collecting sums owed under the agreement.

Article 6. **Contract Documents.** The Contract shall consist of the following:

- 1 Agreement (Contract)
- 2 Non-Collusive Affidavit
- 3 Representations, Certifications, and Other Statements of Bidder - HUD-5369-A (11/92)
- 4 Instructions to Bidders - HUD-5369 (11/92)
- 5 HUD General Conditions HUD-5370 (11/2006)
- 6 Special Conditions of the Contract for Construction
- 7 Davis Bacon Wage Decision
- 8 Project Manual Summary Of Work and Specifications as prepared by Krueger Consultants, Inc.
- 9 Bid Proposal Form
- 10 Addendum Receipt Form
- 11 Listing of Proposed Subcontractors
- 12 Joint Venture Questionnaire
- 13 Statement of Bidder's Qualifications
- 14 Notice to Proceed

Specifications and other documents are as fully a part of the Contract as if hereto attached or herein reported. In the event that any provision of this Contract conflicts with any other component part, the provision of the component part first enumerated in this Article 4 shall govern, except as otherwise specifically stated. The various provisions in Addenda shall be construed in the order of preference of the component part of the Contract which said modifies.

Article 7. **Verbal Agreements.** No verbal agreement or conversation with any officer, agent or employee of the Housing Authority of Bonner Springs, either before or after execution of Contract shall affect or modify any terms or obligations contained in the contract. Any such verbal agreement or conversation shall be considered as unofficial information and in no way binding upon Owner or the Contractor.

Article 8. **Progress Schedule.** The Contractor, immediately after being awarded the Contract, shall prepare and submit for the Authority's information an estimated progress schedule of the work. The progress schedule shall be related to the entire project, to the extent required by the Contract Documents, and shall provide for expeditious and practicable execution of the work. This schedule shall indicate the dates for the starting and completion of the various stages of the work and shall be revised and submitted to the Authority as required by the conditions of the work.

Article 9. **Documents at Site.** The Contractor shall maintain, at the site, one record copy of all Drawings, Specifications, Addenda, Change Orders, and other modifications in good order and marked currently to record all changes made during the construction. These shall be delivered to the Authority upon completion of the work.

Article 10. **Character of Workers.** The Contractor shall at all times be responsible for the conduct and discipline of his employees and/or any subcontractor or persons employed by subcontractors. All workers must have sufficient knowledge, skill and experience to perform properly the work assigned to them.

Any worker who does not perform his work in a skillful manner or appears to be incompetent or to act in a disorderly or intemperate manner, at written request of the Authority, shall not be employed in any further portion of the work without the approval of the Authority.

Article 11. **Subcontractor Bound by Terms of Prime.** The Contractor agrees to bind every subcontractor to comply with the terms of this Contract and all related documents as specified in Article 5, so far as the same are applicable to the work of such subcontractor, but nothing contained in the contracts documents shall be construed so as to create any contractual relation between any subcontractor and the Authority, nor shall it create any obligation on the part of the Authority to pay or see to the payment of any sums of money to any Subcontractor, Sub-subcontractor or supplier.

Article 12. **Cleaning Up.** The Contractor shall remove from the Authority's property, and from all public and private property, all temporary structures, rubbish, and waste materials resulting from this operation or caused by his employees, and shall remove all surplus materials leaving the site smooth, clean and true to line and grade.

Article 13. **Contingencies.** This agreement is expressly contingent upon the Department of Housing and Urban Development's (H.U.D.) approval of the forms and conditions contained herein. Failure to receive H.U.D.'s approval of any part of this agreement will render this agreement null and void.

Article 14. **Liens.** The final payment shall not be due until the contractor has delivered to the Owner a complete release of all potential liens arising out of this contract, and/or receipts in full covering all labor and materials supplied, or a bond satisfactory to the Authority indemnifying it against any lien if required.

Article 15. **Correction of Faulty Work After Final Payment.** The making of the final payment by the Authority to the Contractor shall not relieve the Contractor of responsibility for faulty materials or workmanship. The Contractor shall promptly replace any such defects discovered within one year from the date of written acceptance of the work.

Article 16. **Assignment of Contract.** This agreement is non-assignable by the Contractor and all subcontracts are subject to the Authority's approval.

Article 17. **Cancellations.** If at any time during the execution of this Contract, the Authority should abandon, either entirely or for any indefinite time, the construction of this project or any substantial part thereof, or should terminate for cause, any or all of the Contractor services (Article 1. Statement of Work) to be furnished here-under, the Contract shall be modified or terminated as the case may be. In such an event, the Contractor shall be entitled to just and equitable compensation for approved work in place and/or materials delivered to and stored on the project site, in accordance with the terms of this Contract.

Article 18. **Successors and Assigns.** The Authority and the Contractor each binds, himself, his partners, successors, assigns and legal representatives to the other party hereto and to the partners, successors, assigns and legal representatives of such other party in respect to all covenants, agreements and obligations contained in the Contract Documents.

Article 19. **Contractor's Bid.** Attached to this Contract is the Contractor's: descriptive proposal in detail, submittal drawings showing contractors proposed method(s) of completing **Parking Lot Overlay and Sidewalk Repair**

in occupied dwellings and materials proposed to be used, and documentation of projects whereby this method(s) was used on/at similar type structures satisfactorily.

Article 20. **Warranty of Construction.** The Warranty of Construction shall be in accordance with clause 23 of the "General Conditions of the Contract for Construction – Public and Indian Housing Programs – form HUD-5370 (11/2006)".

IN WITNESS THEREOF the parties have thereto caused this instrument to be executed in three (3) original counterparts as of the day and year first above written.

(CONTRACTOR NAME)

DATE:

BY: _____

PRINTED NAME: _____

TITLE: _____

THE HOUSING AUTHORITY OF THE CITY
OF BONNER SPRINGS, KS.

DATE:

BY: Carrie Newton
Executive Director

ITEM NO. 9.

**City Council Regular Agenda
Monday, October 10, 2016 – 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 _____

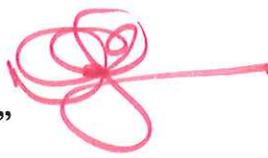
AGENDA ITEM: Final Plat: PT-16-100 "Woodend Road Estates"

ACTION: Make a Motion to Approve the Final Plat of Woodend Road Estates Subject to the Conditions Listed in the Staff Report and Accept the Dedication of Easements and Rights-of-Way as Shown on the Final Plat

RECOMMENDATION: The Planning Commission Recommends Approval

The staff report and final plat are enclosed.

To: Mayor and City Council
Thru: Sean Pederson, City Manager
From: Don E. Slone, AICP, CFM, Planning Director
Subject: **Final Plat: PT-16-100: "Woodend Road Estates"**



Recommendation:

The Planning Commission, by unanimous vote, approved the Final Plat of Woodend Road Estates subject to the conditions listed below and request the Governing Body accept the dedication of easements and rights-of-way as shown on the Final Plat.

Exhibits: Final Plat – Woodend Road Estates and Wyandotte County GIS Parcel Map

Discussion:

Staff presented the following information to the Planning Commission including an Excerpt of the Minutes and Exhibits from the September 20, 2016 Planning Commission Meeting:

FINAL PLAT: WOODEND ROAD ESTATES

Case No.: PT-16-100

Applicant: Joe Herring, LS, Herring Surveying

Owner: Cindy L. Kreider

Location: 13933 Woodend Road (Parcel No. 964700)

Zoning: A-1, Agricultural District

Land Use Summary:

Total Acreage: 47.46 acres

Number of Lots: 4

Easements Dedicated: As shown on the Final Plat

Rights-of-Way Dedicated: As shown on the Final Plat

Staff Recommendation:

The Development Staff recommends approval of the submitted Final Plat subject to (9) conditions:

1. Remove the "Lagoon" from the Notes Block 12 Utility Companies as lagoons are not permitted;
2. Amend the Right-of-Way and "Utility Easement Dedication Statement" to the face of the Final Plat drawing as provided by the Planning Department;
3. Amend the Lot Areas to remove the dedicated Street Right-of-Way for Woodend Road and 142nd Street;
4. Amend the plat drawing to provide a metes and bounds description around the out boundary of the plat;
5. Provide a printout showing the error of closure for the plat;
6. Provide a copy of the Reference reports along with verification that they were sent to the Historical Society;
7. Resubmit one (1) digital copy of the "revised" Final Plat to the Planning Department that addresses all the above conditions for the Planning Director's review and approval prior to submission of the mylars;
8. Provide two (2) original signed/sealed mylars along with the filing fee of \$26.00 made payable to the Register of Deeds Office to the Planning Department for filing; and
9. The Planning Department will file the Final Plat and provide a digital copy of the filed Final Plat to the applicant.

Planning Director’s Comments:

1. Remove the “Lagoon” from the Notes Block 12 Utility Companies as lagoons are not permitted.
2. Amend the Right-of-Way and “Utility Easement Dedication Statement” to the face of the Final Plat drawing as provided by the Planning Department; and
3. Amend the Lot Areas by removing the street Right-of-Way for Woodend Road and 142nd Street as this is being dedicated to the City of Bonner Springs.

Review Comments Received from Other Departments/Agencies

Building Official: No objections.

City Engineer: No objections.

Public Works/Utilities Director:

1. Permits are required for an On-Site Wastewater Treatment System (OWTS) from the Wyandotte County Health Department; and
2. Water service is available from an existing two-inch (2”) waterline.

County Surveyor:

1. Need to provide a metes and bounds description around the out boundary of the plat;
2. Need to provide a printout showing the error of closure for the plat; and
3. Need to submit a copy of the Reference reports along with verification that they were sent to the Historical Society.

Atmos Energy: No comments received.

AT&T: No objections.

Westar Energy: No objections.

Excerpt of the Minutes from the September 20, 2016 Planning Commission Meeting:

Chairman Parks introduced **Item No. 7: Final Plat: PT-16-100, “Woodend Road Estates”** this request is to “plat” 47.46 acres consisting of a four (4) lot subdivision. Requested by Joe, Herring, Herring Surveying Company for Cindy L. Kreider, property owner of record. The subject property is zoned A-1, Agricultural District located at 13933 Woodend Road.

Chairman Parks asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Final Plat as presented in the Staff Report and stated that all the conditions of approval have been completed. The Planning Director stated that he was awaiting final approval from the County Surveyor before the final plat could be filed.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Joe, Herring,** Herring Surveying stated he did not have anything to add but would be glad to answer any questions.

Chairman Parks asked if anyone else in the audience had any questions or comments. Seeing none he asked for a motion. Commissioner Mesmer made a motion to approve the Final Plat with the listed conditions with a second from Commissioner Pierce.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

The Planning Director stated that he will forward this item to the Governing Body to accept the dedication of the easements and rights-of-way on October 10, 2016 with a unanimous Planning Commission recommendation of approval.



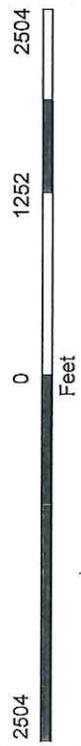
Legend

- Points of Interest
- Lakes
- Rivers
- Streams
- Parks*
- Municipal Boundaries
- Railroads

Locator Map

Notes

Map Print Date: 8/26/2016 2:31 PM



Map Scale
 1: 15,027



DISCLAIMER OF WARRANTY AND ACCURACY: Unified Government of Wyandotte Co./Kansas City, KS (UG) makes no representations or warranties about this map or its content, including, without limitation, accuracy, completeness, or fitness for any purpose. Users of this map document do so at their own risk; UG will not be liable to any such user for any loss or damage whatsoever.

ITEM NO. 10.

**City Council Regular Agenda
Monday, October 10, 2016 – 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: Comprehensive Plan Change: BSCP-26 "Wilkerson Crane Rental"

ACTION: Make a Motion to Approve the Comprehensive Plan Change for Wilkerson Crane Rental

RECOMMENDATION: The Planning Commission Recommends Approval

A memo discussing the background and factors for the Comprehensive Plan change is attached.

City Council Staff Report

October 10, 2016

To: Mayor and City Council
Thru: Sean Pederson, City Manager
From: Don E. Slone, AICP, CFM, Planning Director
Subject: Comprehensive Plan Change: BSCP-26: "Wilkerson Crane Rental"

Recommendation:

The Planning Commission, by unanimous vote, recommend approval of the request to change the Future Land Use Map of the Comprehensive Plan for 17.23 acres from a Mixed Use to an Industrial designation based upon the Factors for Consideration presented in the Staff Report and to forward it to the Governing Body with a recommendation for approval.

Note: The approval of this item is incorporated into the adopting Ordinance to rezone the subject property under BSZ-133.

Exhibits: Comp Plan Change / Rezoning Site Plan, Future Land Use Map, WYCO Parcel Map, Filed Lot Split, filed Replat of Lot No. 1, Berkel Subdivision, and GIS – Flood Insurance Rate Map Layer.

General Information:

This request is to change the Land Use designation on the Future Land Use Map in order to rezone the subject property from MX, Mixed Use to I-1, Light Industrial District to allow for the construction of a crane rental business.

Discussion:

Staff presented the following information to the Planning Commission including an Excerpt of the Minutes and Exhibits from the September 20, 2016 Public Hearing by the Planning Commission:

COMPREHENSIVE PLAN CHANGE: "WILKERSON CRANE RENTAL"

Case No.: BSCP-26
Applicant: Kate Pfefferkorn-Mansker, Pfefferkorn Engineering & Environmental
Owners: Wilkerson Crane Rental Inc.
Location: 14101 Gibbs Road (K-32) (A Portion of Lot 2 Replat of Lot 1, Berkel Subdivision)
Tract Size: 17.23 acres
Zoning: MX, Mixed Use District (See BSZ-133)
Land Use Designation: Mixed Use to Industrial Designation

Staff Recommendation:

Staff recommends approval of the request to change the Future Land Use Map of the Comprehensive Plan for 17.23 acres from a Mixed Use designation to an Industrial designation based upon the Factors for Consideration presented in the Staff Report and to forward it to the Governing Body with a recommendation for approval.

Background:

The request is to change to the Future Land Use Map for 17.23 acres to support the request to rezone the subject property from an MX, Mixed Use District classification to an to I-1, Light Industrial District classification. In order to support the change in zoning, the Future Land Use Map should be in conformance with the Comprehensive Plan. The subject property was originally rezoned to I-1, Light Industrial District in 1984, with

subsequent rezoning to R-1, Single-Family Residential District in 2006. The zoning was again changed to MX, Mixed Use District in 2013. To date, the land remains vacant and is used for agricultural purposes. The applicant is proposing to construct a construction crane rental business.

Factors for Consideration:

1. **What has changed since the Comprehensive Plan was adopted to warrant this request?**
 - No development has occurred since the Comprehensive Plan was adopted in 2008. The anticipated industrial development has never occurred on the subject property. Changes have occurred for Berkel & Co. with an office addition in 2005, the new Auger Shop 2005 and the Fabrication Shop in 2007 located at 2649 S. 142nd Street and the Jones & Jones (Supreme Green Land Works, LLC) located at 2527 S. 142nd Street.
2. **Traffic Counts and Pattern Changes?**
 - The current traffic counts for Gibbs Road (K-32 Highway) were 4,040 vehicles per day according to the Kansas Department of Transportation (KDOT).
 - KDOT provided the following: According to our records, the AADT on K-32 is 4040 vpd, which would put the DDHV at 202 vph. The guidelines for 45 mph are that a right-turn taper would be warranted with 83 right-turning vehicles and a highway DDHV of 200 vph. Even if we rounded way up to 300 vph on the highway, a taper wouldn't be warranted unless there were 40 right-turning vehicles in the peak hour, which I doubt will be the case. So, a right-turn lane or taper would not be warranted.
3. **Utility/Infrastructure Changes?**
 - A new 12" public water line was installed in late 1996 on the south side of Gibbs Road and a new 8" public waterline was constructed on the west side of Wolf Creek Development. Public sanitary sewer is not available to subject property or any of the surrounding properties.
4. **Status of Floodplain/Hydrology?**
 - The Flood Insurance Rate Maps were revised and adopted by the City on September 2, 2015. There were significant changes to 100-year Floodplain along Wolf Creek. The subject property shows a very small area on the southeast corner of the property as being in the 100-Year Floodplain. That small portion of the property within the 100-year floodplain may be utilized for stormwater detention.
5. **Changes in Surrounding Land Use?**
 - The only change in land use was a down-zoning on the property along Woodend Road from R-3, Multi-Family Residential District zoned in 1984 was rezoned late last year to A-1, Agricultural District.

Excerpt of the Minutes from the September 20, 2016 Public Hearing by the Planning Commission:

Chairman Parks introduced **Item No. 2: Comprehensive Plan Change: BSCP-26 "Wilkerson Crane Rental"** a request to amend the Future Land Use Map of the Comprehensive Plan changing the land use designation for 17.23 acres from Mixed Use designation to an Industrial designation. Requested by Kate Pfefferkorn-Mansker, Pfefferkorn Engineering & Environmental for Wilkerson Crane Rental Inc., property owners of record. These amendments are to change the current Future Land Use designation and Zoning classification to allow for the construction of a crane rental business located at 14101 Gibbs Road (K-32 Hwy).

Chairman Parks opened the public hearing at 7:05 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Comprehensive Plan Change as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Kate Pfefferkorn-Mansker**, Pfefferkorn Engineering & Environmental stated she had no additional comments and stated that she had a very pleasant experience working with Don, the Planning Director with his assistance with the City's

development process. She then stated that she would be glad to answer any questions the Planning Commission might have.

Chairman Parks asked Ms. Pfefferkorn-Mansker if she was in agreement with all the listed conditions. Ms. Pfefferkorn-Mansker indicated they were in agreement with the listed conditions.

Chairman Parks asked if anyone in the audience had any questions or comments.

Jim Bishop, Vesta Lee Lumber, 2300 S. 138th Street stated that he was asked to attend and represent Leavenworth Rural Water District No. 7. As neighbors, he was asked to represent the Water District that was in favor of the project and had no objections.

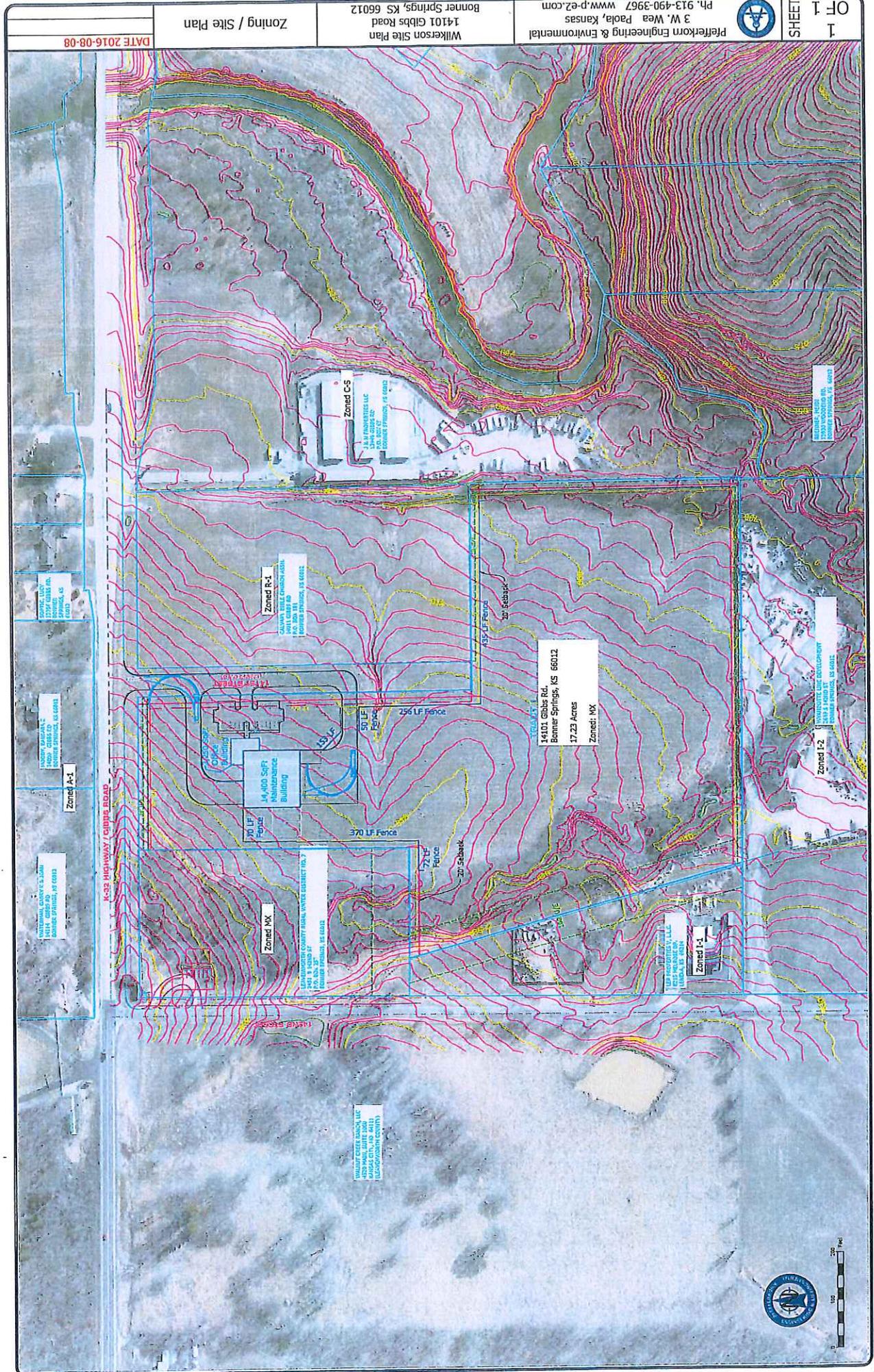
Chairman Parks asked if anyone else in the audience had any questions or comments. Seeing none he closed the public hearing at 7:08 p.m. and asked for a motion. Commissioner Stephan made a motion to approve the Comprehensive Plan Change with a second from Commissioner Krone.

Chairman Parks asked if there were any questions from the Planning Commission. Commissioner Stephan stated that he thinks this is a good plan and it fits well with both Berkel & Company and the old Jones & Jones development which is now a landscape company.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

The Planning Director stated that he will forward this item to the Governing Body on October 10, 2016 with a unanimous Planning Commission recommendation of approval.

BSCP-26 – COMP PLAN CHANGE / BSZ-133 – REZONING – “WILKERSON CRANE RENTAL”



DATE 2016-08-08

Zoning / Site Plan

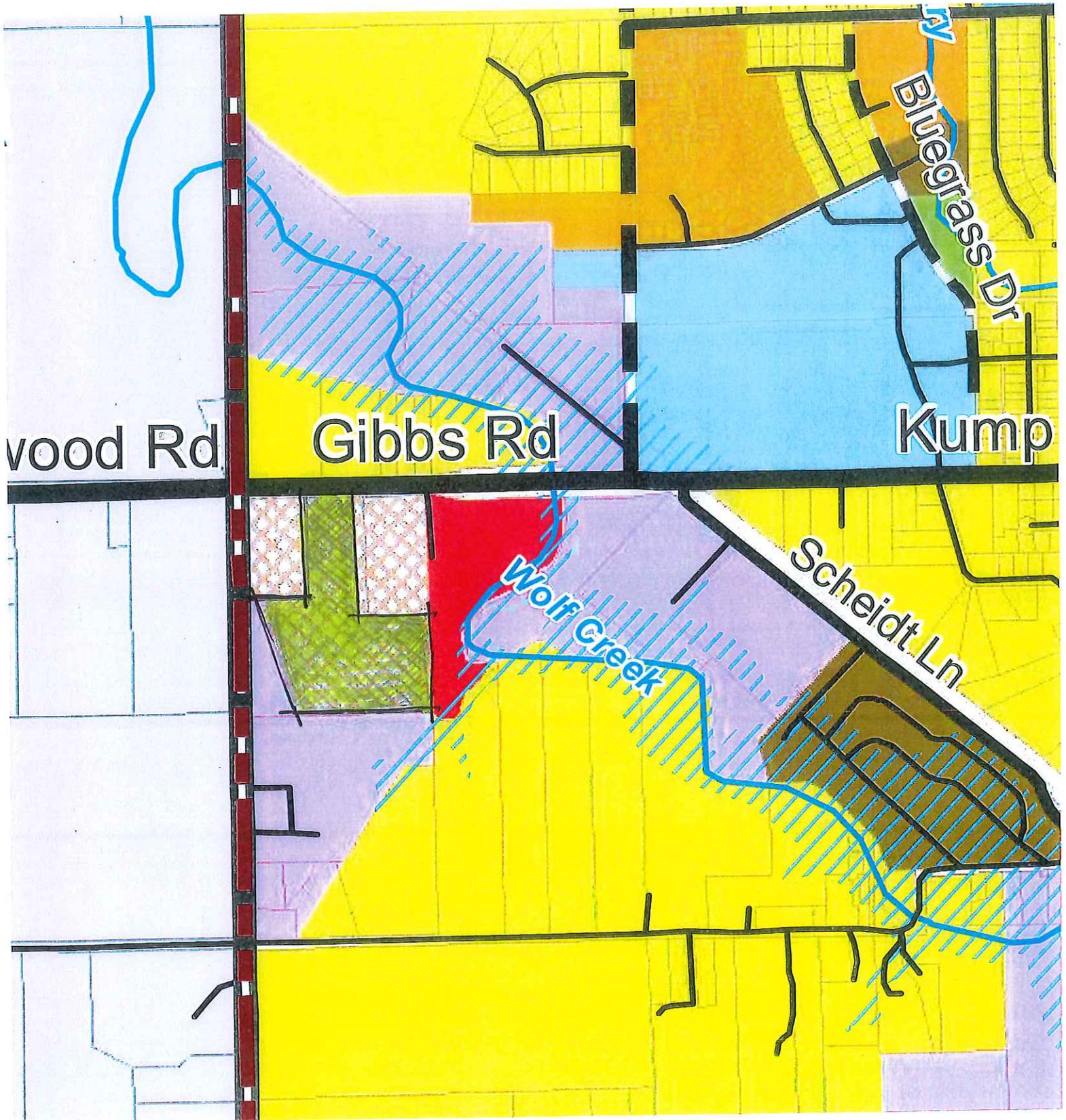
Wilkerson Site Plan
14101 Gibbs Road
Bonner Springs, KS 66012

Pfefferkorn Engineering & Environmental
3 W. Wea Paola, Kansas
Ph. 913-490-3967 www.p-e2.com



1
OF 1
SHEET

BSCP-26 – COMP PLAN CHANGE – “WILKERSON CRANE RENTAL”



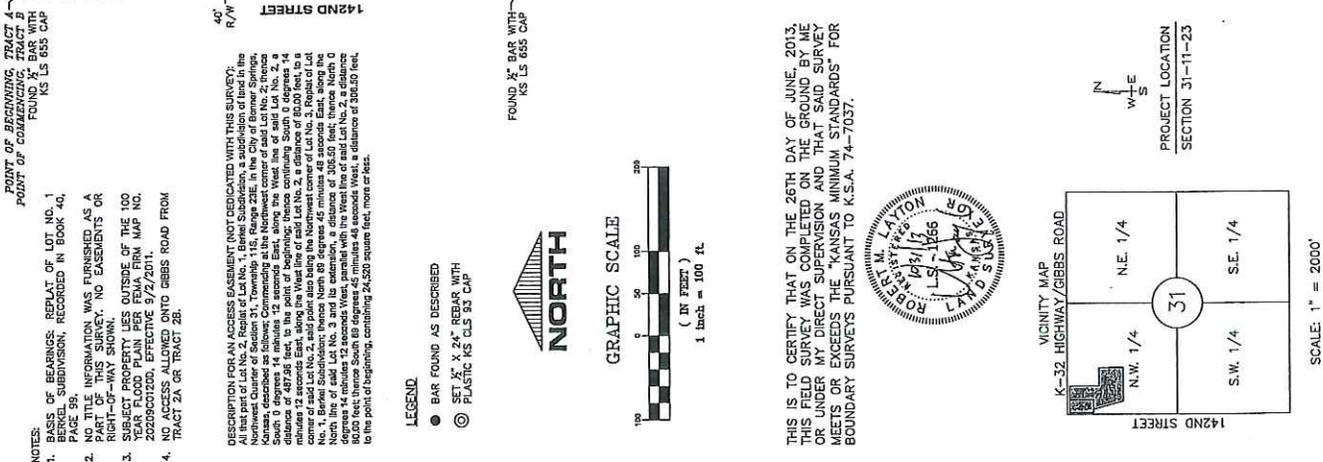
BSCP-26 - COMP PLAN CHANGE - "WILKERSON CRANE RENTAL"



2013R-17540
NANCY BURNS
REGISTER OF DEEDS
WYANDOTTE COUNTY, KS

11/29/2013 10:45:00 AM
REC FEE: 20.00
PAGES: 1

K-32 HIGHWAY / GIBBS ROAD



POINT OF BEGINNING, TRACT 2A
POINT OF BEGINNING, TRACT 2B

- NOTES:**
1. BASIS OF BEARINGS: REPLAT OF LOT NO. 1, BERKEL SUBDIVISION, RECORDED IN BOOK 40, PAGE 99.
 2. NO TITLE INSURANCE WAS PURCHASED AS A RIGHT-OF-WAY SURVEY. NO EASEMENTS OR YEAR FLOOD PLAN LIES OUTSIDE OF THE 100 YEAR FLOOD PLAN PER FEMA MAP NO. 2209501220, EFFECTIVE 9/2/2011.
 3. SUBJECT PROPERTY LIES OUTSIDE OF THE 100 YEAR FLOOD PLAN PER FEMA MAP NO. 2209501220, EFFECTIVE 9/2/2011.
 4. TRACT 2A OR TRACT 2B.

DESCRIPTION FOR AN ACRES & SUBDIVISION NOT REGISTERED WITH THE SURVEY:
Northwest Quarter of Section 31, Township 11S, Range 23E, in the City of Bonner Springs, Wyandotte County, Kansas, described as follows: Commencing at the Northwest corner of said Lot No. 2, thence North 89 degrees 33 minutes 00 seconds East, along the North line of said Lot No. 2, a distance of 567.98 feet, to a corner of said Lot No. 2, said point being the Northwest corner of Lot No. 3, Replat of Lot No. 1, Berkel Subdivision; thence North 89 degrees 45 minutes 48 seconds East, along the North line of said Lot No. 3 and its extension, a distance of 306.50 feet; thence North 0 degrees 14 minutes 12 seconds West, parallel with the West line of said Lot No. 2, a distance of 589.10 feet, to a point on the North line of said Lot No. 2, a distance of 306.50 feet, to the point of beginning, containing 4.00 acres, more or less.

TRACT 2A
4.00 ACRES

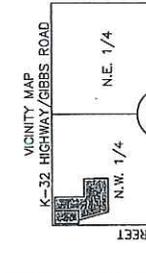
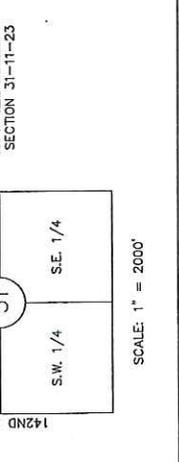
TRACT 2B
17.23 ACRES

TRACT 2A REMAINING TRACT:
All that part of Lot No. 2, Replat of Lot No. 1, Berkel Subdivision, a subdivision of land in the Northwest Quarter of Section 31, Township 11S, Range 23E, in the City of Bonner Springs, Wyandotte County, Kansas, described as follows: Commencing at the Northwest corner of said Lot No. 2, thence North 89 degrees 33 minutes 00 seconds East, along the North line of said Lot No. 2, a distance of 567.98 feet, to a corner of said Lot No. 2, said point being the Northwest corner of Lot No. 3, Replat of Lot No. 1, Berkel Subdivision; thence North 89 degrees 45 minutes 48 seconds East, along the North line of said Lot No. 3 and its extension, a distance of 306.50 feet, to a point on the North line of said Lot No. 2, a distance of 306.50 feet, to the point of beginning, containing 4.00 acres, more or less.

TRACT 2B REMAINING TRACT:
All that part of Lot No. 2, Replat of Lot No. 1, Berkel Subdivision, a subdivision of land in the Northwest Quarter of Section 31, Township 11S, Range 23E, in the City of Bonner Springs, Wyandotte County, Kansas, described as follows: Commencing at the Northwest corner of said Lot No. 2, thence North 89 degrees 33 minutes 00 seconds East, along the North line of said Lot No. 2, a distance of 567.98 feet, to a corner of said Lot No. 2, said point being the Northwest corner of Lot No. 3, Replat of Lot No. 1, Berkel Subdivision; thence North 89 degrees 45 minutes 48 seconds East, along the North line of said Lot No. 3 and its extension, a distance of 306.50 feet, to a point on the North line of said Lot No. 2, a distance of 306.50 feet, to the point of beginning, containing 4.00 acres, more or less.

LEGEND

- BAR FOUND AS DESCRIBED
- SET 3\"/>



VICINITY MAP
K-32 HIGHWAY/GIBBS ROAD
142ND STREET
N.E. 1/4
S.E. 1/4
S.W. 1/4
N.W. 1/4
31
SCALE: 1" = 2000'

PROJECT LOCATION
SECTION 31-11-23

ERROR OF CLOSURE

TRACT 2A	1750.00'
Perimeter	0.0024
Area	174253.36 Sq. Ft.
Error North	-0.00120
Error East	0.00213
Precision	1:729191.57

TRACT 2B

Perimeter	4340.15'
Area	75073.04 Sq. Ft.
Error North	0.0027E
Error East	0.0015
Precision	1:319725.00

THIS LOT SUB AS DESCRIBED AND SHOWN ABOVE HAS BEEN SUBMITTED TO AND RATIFIED BY THE BONNER SPRINGS PLANNING COMMISSION, THIS 26th DAY OF JUNE, 2013.

MARLE E. BURNS
PLANNING COMMISSION CHAIRMAN

DON E. SLONE, AICP
PLANNING COMMISSION SECRETARY

COUNTY SURVEYOR
THIS SURVEY HAS BEEN REVIEWED FOR PLUMBING TO THE CITY OF BONNER SPRINGS, KANSAS, AND IS IN COMPLIANCE WITH THE CITY OF BONNER SPRINGS, KANSAS, ORDINANCES, NO OTHER WARRANTIES ARE EXTENDED BY THE SURVEYOR.

REVIEWED BY: [Signature]
DATE: 6/20/13

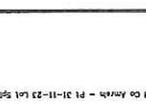
BOBET E. HANSEN, PLS 1277
COUNTY SURVEYOR

PREPARED BY:
WOLF CREEK PARTNERS
14799 WOODEND ROAD
BONNER SPRINGS, KANSAS 66012
PHONE: (913) 441-8441
CONTACT: JOHN AMREIN

PREPARED BY:
ALLEYBRAND-DREWS & ASSOCIATES, INC.
122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076
FAX: (913) 764-8635

LOT SPLIT

LOT NO. 2, REPLAT OF
LOT NO. 1, BERKEL SUBDIVISION
BONNER SPRINGS, WYCO. KS

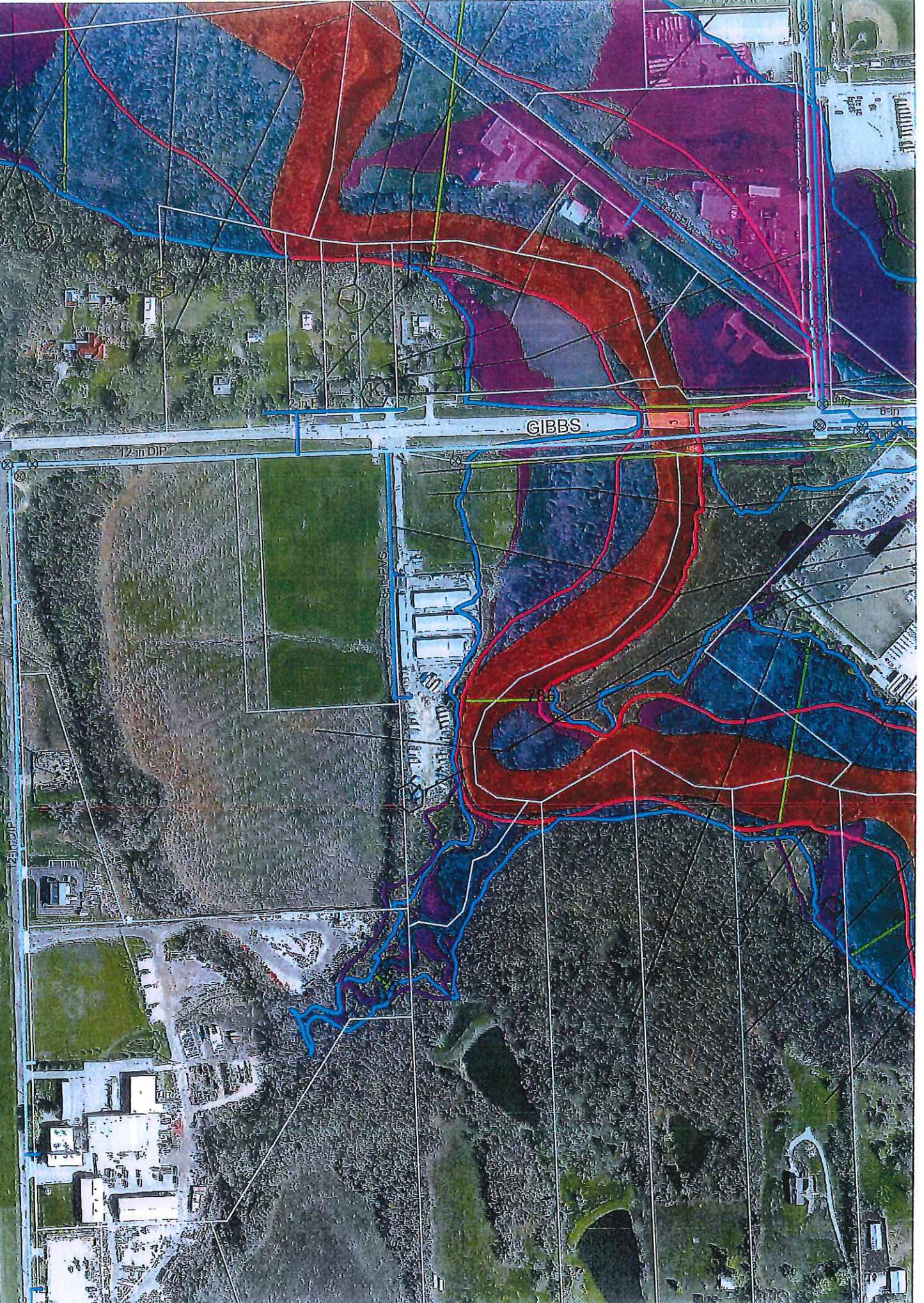


AD-PROJECT # 29763

31-11-23 LOT SPLIT

LAND SURVEYORS - LAND PLANNERS
CIVIL ENGINEERS
122 N. WATER STREET
OLATHE, KANSAS 66661
PHONE: (913) 764-1076 FAX: (913) 764-8635
Scale: 1"=100' Drawn By: MRC Project: 29763
Date: 6/15/2013 Checked By: RML Section 31-11-23

GIS - FEMA FLOOD INSURANCE RATE MAP LAYER - "WILKERSON CRANE RENTAL"



ITEM NO. 11.

**City Council Regular Agenda
Monday, October 10, 2016 – 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 _____

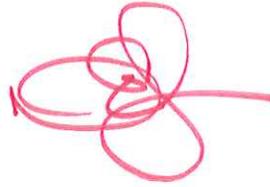
AGENDA ITEM: Rezoning: BSZ-133 "Wilkerson Crane Rental"

ACTION: Make a Motion to Adopt an Ordinance for a Comprehensive Plan Change and Zoning Change Subject to the Conditions Listed in the Staff Report

RECOMMENDATION: The Planning Commission Recommends Approval

A memo discussing the background and factors for the rezoning is attached.

To: Mayor and City Council
Thru: Sean Pederson, City Manager
From: Don E. Slone, AICP, CFM, Planning Director
Subject: **Rezoning: BSZ-133: "Wilkerson Crane Rental"**



Recommendation:

The Planning Commission, by unanimous vote, recommend approval of an ordinance to rezone 17.23 acres from MX, Mixed Use District to I-1, Light Industrial District based upon the Staff Findings presented below and to forward it to the Governing Body with a recommendation for approval, subject to two (2) conditions:

1. Approval of the Comprehensive Plan Change: BSCP-26; and
2. Upon completion of all the above condition, the Planning Director shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-26 and BSZ-133.

Exhibits: Adopting Ordinance & Zoning Map – See Exhibits under Comprehensive Plan Change: BSCP-26.

Background:

The request is to rezone 17.23 acres from MX, Mixed Use District to I-1, Light Industrial District. The subject property was originally rezoned to I-1, Light Industrial District in 1984, with subsequent rezoning to R-1, Single-Family Residential District in 2006. The zoning was again changed to MX, Mixed Use District in 2013. To date, the land remains vacant and is used for agricultural purposes. The applicant is proposing to construct a construction crane rental business.

Discussion:

Staff presented the following information to the Planning Commission including an Excerpt of the Minutes and Exhibits from the September 20, 2016 Public Hearing by the Planning Commission:

REZONING: "WILKERSON CRANE RENTAL"

Case No.: BSZ-133

Applicant: Kate Pfefferkorn-Mansker, Pfefferkorn Engineering & Environmental

Owners: Wilkerson Crane Rental Inc.

Location: 14101 Gibbs Road (K-32) (Part of Lot 2 Replat of Lot 1, Berkel Subdivision)

Tract Size: 17.23 acres

Zoning: MX, Mixed Use District

Land Use Designation: Mixed Use (See BSCP-26 to Industrial Designation)

General Information:

Current Zoning and Land Use: MX (Mixed Use District) vacant, agricultural uses;

Surrounding Zoning and Land Use: A-1 (Agricultural District) to the north with rural single-family residences;

R-1 (Single-Family Residential District) to the east vacant with agricultural uses;

C-S (Highway Service District) to the southwest (Mini-Storage);

I-2 (Heavy Industrial District) to the south (Berkel & Co.)

MX (Mixed Use District) to the west, vacant;

I-1 (Light Industrial District) to the southwest (Supreme Green Land Works, LLC) and

MX (Mixed Use District) to the west, vacant.

Staff Findings:

- I. **CHARACTER OF THE NEIGHBORHOOD** – The general character of the area is a mixture of rural residential, agricultural, commercial and industrial uses.
 - **Staff Finding** – The general character of the area is a mixture of rural residential, agricultural, commercial and industrial uses.

- II. **ZONING AND USES OF PROPERTY NEARBY** – The zoning and uses of the nearby properties are listed above under General Information.
 - **Staff Finding** – The zoning and uses of the nearby properties are listed above under General Information.

- III. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property is currently vacant and is suitable for office purposes. The restriction has been in place due to the lack of public sanitary sewer.
 - **Staff Finding** – The property is currently vacant and is suitable for office purposes. The restriction has been in place due to the lack of public sanitary sewer.

- IV. **EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** – The removal of the present zoning will not have a detrimental effect to nearby property. On the contrary, by rezoning this property for office purposes, it will be more compatible to the nearby rural residences to the north as well as the industrial uses to the south and commercial uses to the east.
 - **Staff Finding** – The removal of the present zoning will not have a detrimental effect to nearby property. On the contrary, by rezoning this property for office purposes, it will be more compatible to the nearby rural residences to the north as well as the industrial uses to the south and commercial uses to the east.

- V. **LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** – The subject property is vacant and used for agricultural purposes. The subject property never developed as proposed in 1984 and has remained vacant since that time.
 - **Staff Finding** – The subject property is vacant and used for agricultural purposes. The subject property never developed as proposed in 1984 and has remained vacant since that time.

- VI. **RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS** – Denial of the request would not destroy the value of the petitioners as it could be used for agricultural or industrial purposes. In Staff's opinion, there is no measurable benefit to the public health, safety and welfare from denial of this rezoning request. In fact, the rezoning to an O, Office District will enhance the local neighborhood.
 - **Staff Finding** – Denial of the request would not destroy the value of the petitioners as it could be used for agricultural or industrial purposes.

VII. **AVAILABILITY AND ADEQUACY OF REQUIRED UTILITIES AND SERVICES TO SERVE THE PROPOSED USE** – City water service is available from a 12” waterline located within the 20’ platted Utility Easement. Both electric and phone service is also available to the site. An On-Site Wastewater System (OWTS) is required to be issued by the Wyandotte County Health Department.

- **Staff Finding** – City water service is available from a 12” waterline located within the 20’ platted Utility Easement.

VIII. **CONFORMANCE WITH THE COMPREHENSIVE PLAN** – The current Future Land Use map within the adopted Comprehensive Plan shows the property to have a Mixed Use designation; therefore the property will be in conformance with the adopted Comprehensive Plan. This property currently has a Low-Density Residential land use designation. The requested change in zoning will be in conformance with the Comprehensive Plan.

- **Staff Finding** – This property currently has a Low-Density Residential land use designation. The requested change in zoning will be in conformance with the Comprehensive Plan.

IX. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the request to rezone 17.23 acres from MX, Mixed Use District to I-1, Light Industrial District based upon the Staff Findings presented below and to forward it to the Governing Body with a recommendation for approval, subject to two (2) conditions:

1. Approval of the Comprehensive Plan Change: BSCP-26; and
2. Upon completion of all the above condition, the Planning Director shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-26 and BSZ-133.

Excerpt of the Minutes from the September 20, 2016 Public Hearing by the Planning Commission:

Chairman Parks introduced **Item No. 3: Rezoning: BSZ-133: BSZ-133: “Wilkerson Crane Rental”** A request to rezone 17.39 acres from request to from a MX, Mixed Use District classification to an I-1, Light Industrial District classification. Requested by Kate Pfefferkorn-Mansker, Pfefferkorn Engineering & Environmental for Wilkerson Crane Rental Inc., property owners of record. These amendments are to change the current Future Land Use designation and Zoning classification to allow for the construction of a crane rental business located at 14101 Gibbs Road (K-32 Hwy).

Chairman Parks opened the public hearing at 7:11 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Rezoning as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Kate Pfefferkorn-Mansker**, Pfefferkorn Engineering & Environmental stated she would be glad to answer any questions the Planning Commission might have.

Chairman Parks asked if anyone in the audience had any questions or comments. Chairman Parks asked if Jim Bishop had any additional comments. Mr. Bishop stated he had no objections.

Chairman Parks then asked Ms. Pfefferkorn-Mansker if she was in agreement with all the listed conditions. Ms. Pfefferkorn-Mansker indicated she is in agreement with the listed conditions.

Chairman Parks asked if anyone else in the audience had any questions or comments. Seeing none he closed the public hearing at 7:13 p.m. and asked for a motion. Commissioner Mesmer made a motion to approve the Rezoning with the listed conditions with a second from Commissioner Stephan.

Chairman Parks asked the Planning Director if the applicant was considering extending the shoulder to incorporate the bike path that is recommended in the K-32 Tri-City Multimodal Redevelopment Plan. The Planning Director stated that he is currently working with the applicant and property owners to incorporate the

Plan if possible and will be shown on the Site/Landscape Plan when submitted for Planning Commission consideration.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

The Planning Director stated that he will forward this item to the Governing Body on October 10, 2016 with a unanimous Planning Commission recommendation of approval.

ORDINANCE NO. _____

An Ordinance to Amend the Future Land Use Map of the Comprehensive Plan For BSCP-26, a Change from a Mixed Use Designation to an Industrial Designation and to Amend the Zoning Classification on the Official Zoning Map from MX, Mixed Use District to I-1, Light Industrial District For BSZ-133 for "Wilkerson Crane Rental" in the City of Bonner Springs, Wyandotte County, Kansas

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

Section I: That the Land Use designation on the Future Land Use Map of the Comprehensive Plan and the Zoning classification of the Official Zoning Map be amended for the following described property situated in the City of Bonner Springs, Wyandotte County, Kansas, to wit:

All that part of Lot No. 2, Replat of Lot No. 1, Berkel Subdivision, a subdivision of land in the Northwest Quarter of Section 31, Township 11S, Range 23E, in the City of Bonner Springs, Wyandotte County, Kansas, described as follows: Commencing at the Northwest corner of said Lot No. 2; thence North 89 degrees 33 minutes 00 seconds East, along the North line of said Lot No. 2, a distance of 306.50 feet, to the point of beginning; thence continuing North 89 degrees 33 minutes 00 seconds East, along the North line of said Lot No. 2, a distance of 318.50 feet, to the Northeasterly corner of said Lot No. 2; thence South 0 degrees 59 minutes 21 seconds East, along the Easterly line of said Lot No. 2, a distance of 700.00 feet, to a corner of Lot No. 2, said point being the Southwest corner of 141st Street right-of-way dedicated by the Replat of Lot No. 1, Berkel Subdivision; thence North 89 degrees 33 minutes 00 seconds East, along the South line of said 141st Street right-of-way and the South line of Lot No. 1, Replat of Lot No. 1, Berkel Subdivision, a distance of 430.00 feet, to a corner of Lot No. 2, said point being the Southeast corner of said Lot No. 1; thence South 0 degrees 59 minutes 21 seconds East, along the East line of said Lot No. 2, a distance of 567.40 feet, to the Southeast corner of said Lot No. 2; thence South 89 degrees 33 minutes 20 seconds West, along the South line of said Lot No. 2, a distance of 800.72 feet, to the Southwest corner of said Lot No. 2; thence North 15 degrees 45 minutes 52 seconds West, along the West line of said Lot No. 2, a distance of 724.77 feet, to a corner of said Lot No. 2, said point being the Northeast corner of Lot No. 3, Replat of Lot No. 1, Berkel Subdivision; thence North 89 degrees 45 minutes 48 seconds East, along the extension of the North line of said Lot No. 3, a distance of 229.61 feet; thence North 0 degrees 14 minutes 12 seconds West, parallel with the West line of said Lot No. 2, a distance of 569.10 feet, to the point of beginning, containing 17.23 acres, more or less.

Be **amended** from a Mixed Use to an **Industrial** designation under BSCP-26, and **rezoned** from MX, Mixed Use to an **I-1, Light Industrial District** zoning classification under BSZ-133 for "Wilkerson Crane Rental".

Section II: Approval is subject to the following two (2) conditions:

1. Approval of the Comprehensive Plan Change: BSCP-26;
2. Upon completion of all the above condition, the Planning Director shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-26 and BSZ-133.

Section III: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

Approved by the Governing Body and signed by the Mayor on October 10, 2016.

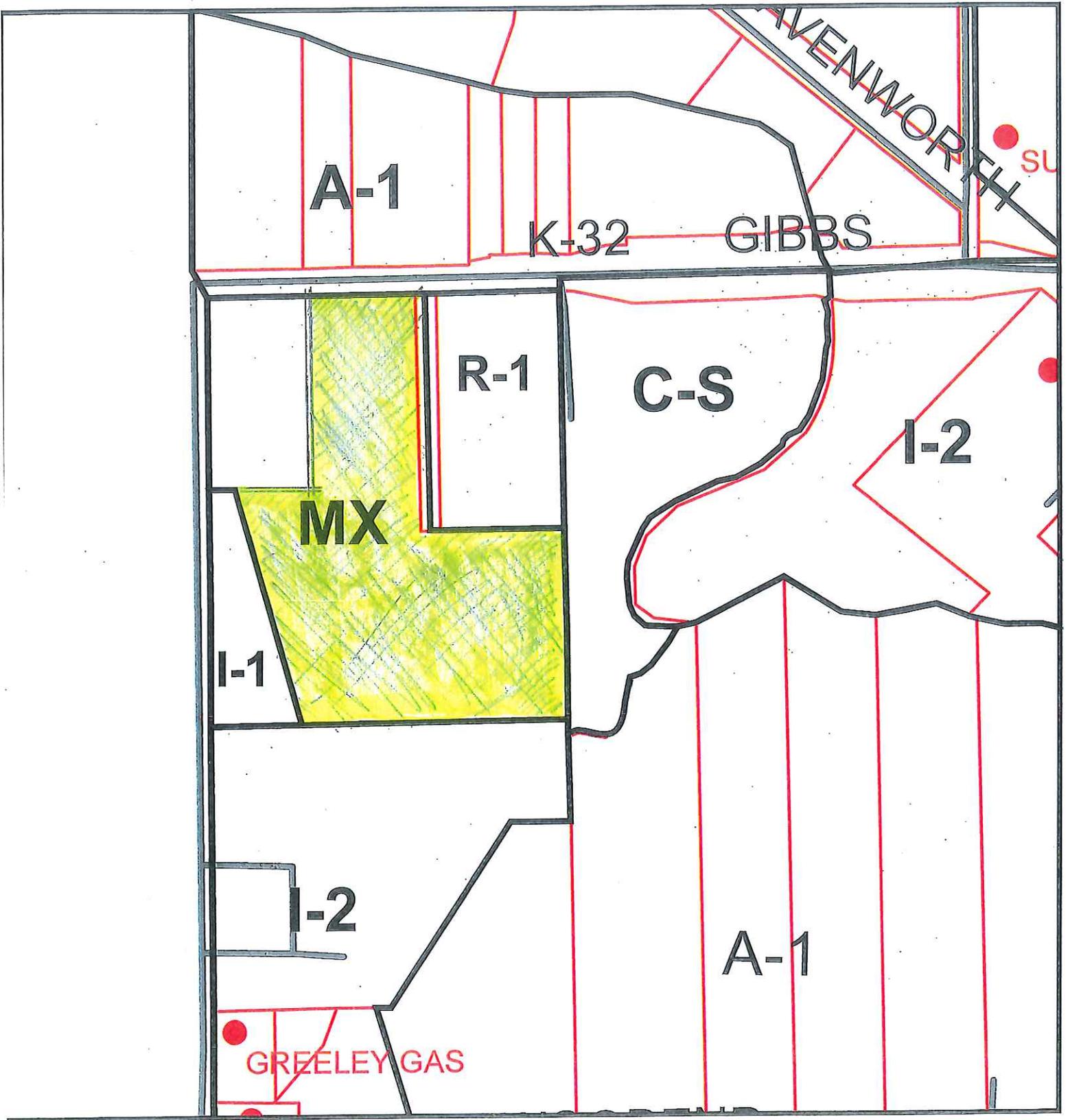
ATTEST:

Jeff Harrington, Mayor

Amber McCullough, CMC, City Clerk

(SEAL)

BSZ-133 - REZONING - "WILKERSON CRANE RENTAL"



ITEM NO. 12.

**City Council Regular Agenda
Monday, October 10, 2016 – 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: Rezoning: BSZ-134 "Quicksilver Readymix, LLC"

ACTION: Make a Motion to Adopt an Ordinance for a Zoning Change Subject to the Conditions Listed in the Staff Report

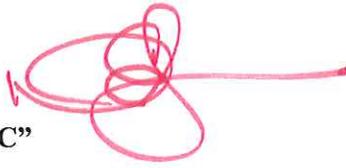
RECOMMENDATION: The Planning Commission Recommends Approval

A memo discussing the background and factors for the rezoning is attached.

City Council Staff Report

October 10, 2016

To: Mayor and City Council
Thru: Sean Pederson, City Manager
From: Don E. Slone, AICP, CFM, Planning Director
Subject: **Rezoning: BSZ-134: "Quicksilver Readymix, LLC"**



Recommendation:

The Planning Commission, by unanimous vote, recommend approval of an ordinance to rezone 14.74 acres from I-1, Light Industrial District to I-2 Heavy Industrial District based upon the Staff Findings presented below and to forward it to the Governing Body with a recommendation for approval, subject to four (4) conditions:

1. Platting of the subject property to include the installation of all required public improvements;
2. Provide two (2) full size Rezoning/SUP Site Plan Sheets C-1 and L-1 to correct the project name to Quicksilver Readymix, LLC to the Planning Department;
3. The Official Zoning Map shall not be amended until the final plat has been approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the Zoning classification by the Governing Body. If the final plat is not filed within the one (1) year period from date approval, the Zoning classification shall revert back to the prior classification; and
4. Upon completion of all the above conditions, the Planning Director shall amend the Official Zoning Map to reflect the change approved under BSZ-134.

Exhibits: Adopting Ordinance, Rezoning/SUP – Site Plan, Landscape Plan and Alta Survey

Discussion:

Staff presented the following information to the Planning Commission including an Excerpt of the Minutes and Exhibits from the September 20, 2016 Public Hearing by the Planning Commission:

REZONING: "QUICKSILVER READYMIX, LLC"

Case No.: BSZ-134
Applicant: Curtis M. Holland, Attorney-in-Fact, Polsinelli
Owner: Coleman Farm Properties, G.P.
Developer: Quicksilver Readymix, LLC
Location: 23888 W. 40th Street (Proposed Lot 2, Coleman Industrial Park II)
Tract Size: 14.74 acres
Zoning: I-1, Light Industrial District to I-2, Heavy Industrial District (Case No. BSZ-134)
Land Use Designation: Industrial
Building: Proposed Concrete Ready-Mix Plant

General Information:

Current Zoning and Land Use: I-1 (Light Industrial District) vacant, agricultural uses;
Surrounding Zoning and Land Use: I-1 (Light Industrial District) to the north across the Kansas River;
I-1 (Light Industrial District) to the south and west with agricultural uses and to the south, Sterling Screen Printing; and

I-2 (Heavy Industrial District) to the east, Forterra Concrete Pipe.

- I. **CHARACTER OF THE NEIGHBORHOOD** – The character of the area is industrial with various industrial uses. The use requested is compatible with the adjacent land uses.
 - **Staff Finding** – The use requested is compatible with the adjacent land uses.
- II. **ZONING AND USES OF PROPERTY NEARBY** – See the zoning and uses of the nearby properties as shown under “General Information” listed above.
- III. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property was annexed into the City on April 11, 1983. The property was initially zoned A-1, Agricultural District and was later rezoned to I-1, Light Industrial District. The proposed use is considered a “compatible land use” and is consistent with the adjacent land uses.
 - **Staff Finding** – The proposed use is considered a “compatible land use” and is consistent with the adjacent land uses.
- IV. **EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** – The removal of the present zoning should not have a detrimental effect on nearby properties as the majority of the properties to the east are developed with various industrial uses.
 - **Staff Finding** – The removal of the present zoning should not have a detrimental effect on nearby properties as the majority of the properties to the east are developed with various industrial uses.
- V. **LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** – The property was initially zoned A-1, Agricultural District upon annexation on April 11, 1983 and was later rezoned to I-1, Light Industrial District. The property has never developed as proposed and remains vacant with agricultural uses.
 - **Staff Finding** – The property has never developed as proposed and remains vacant with agricultural uses.
- VI. **RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS** – Denial of the request would not destroy the value of the petitioner’s property as it could continue to be marketed for a variety of light industrial uses that are allowed under the current I-1, Light Industrial District zoning classification.
 - **Staff Finding** – Denial of the request would not destroy the value of the petitioner’s property as it could continue to be marketed for a variety of light industrial uses that are allowed under the current I-1, Light Industrial District zoning classification.
- VII. **AVAILABILITY AND ADEQUACY OF REQUIRED UTILITIES AND SERVICES TO SERVE THE PROPOSED USE** – All the required utilities currently abut or cross near the subject property and will be extended as part of the platting process. Once the required public improvements are installed, all services will be available to serve the proposed use.
 - **Staff Finding** – All the required utilities currently abut or cross near the subject property and will be extended as part of the platting process.
- VIII. **CONFORMANCE WITH THE COMPREHENSIVE PLAN** – The current Future Land Use Map within the adopted Comprehensive Plan reflects an Industrial designation and change in zoning will be in conformance with the adopted Comprehensive Plan.

- **Staff Finding** – The current Future Land Use Map within the adopted Comprehensive Plan reflects an Industrial designation and change in zoning will be in conformance with the adopted Comprehensive Plan.

IX. PROFESSIONAL STAFF RECOMMENDATION

Staff Recommendation:

Staff recommends approval of the request to rezone 14.74 acres from I-1, Light Industrial District to I-2 Heavy Industrial District based upon the Staff Findings presented below and to forward it to the Governing Body with a recommendation for approval, subject to four (4) conditions:

1. Platting of the subject property to include the installation of all required public improvements;
2. Provide two (2) full size Rezoning/SUP Site Plan Sheets C-1 and L-1 to correct the project name to Quicksilver Readymix, LLC to the Planning Department;
3. The Official Zoning Map shall not be amended until the final plat has been approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the Zoning classification by the Governing Body. If the final plat is not filed within the one (1) year period from date approval, the Zoning classification shall revert back to the prior classification; and
4. Upon completion of all the above conditions, the Planning Director shall amend the Official Zoning Map to reflect the change approved under BSZ-134.

Excerpt of the Minutes from the September 20, 2016 Public Hearing by the Planning Commission:

Chairman Parks introduced **Item No. 4: Rezoning: BSZ-134: “Quicksilver Readymix, LLC”** a request to rezone 14.74 acres from request to from an I-1, Light Industrial District classification to an I-2, Heavy Industrial District classification. Requested by Curtis M. Holland, Attorney-in-Fact, Polsinelli, for Quicksilver Readymix, LLC, under contract from Coleman Farm Properties, G.P., property owners of record. The property is generally located at the west end of 40th Street in the Bonner Springs Industrial Park specifically 23888 W. 40th Street.

Chairman Parks opened the public hearing at 7:15 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Rezoning as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Curtis M. Holland**, Polsinelli stated he would be glad to answer any questions the Planning Commission might have. He also stated that with him tonight was the project engineer, Greg Watson, Shafer, Kline & Warren along with the owners of Quicksilver Readymix, Dale Eason and Rick Rank, 15100 E. Courtney-Atherton Road, Sugar Creek, MO and Wally Rist, Kissinger Hunter.

Chairman Parks asked Mr. Holland if he was in agreement with all the listed conditions. Mr. Holland stated that they were in agreement with all the listed conditions.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he closed the public hearing at 7:18 pm and asked for a motion. Commissioner Stephan made a motion to approve the Rezoning with the listed conditions with a second from Commissioner Yates.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

The Planning Director stated that he will forward this item to the Governing Body on October 10, 2016 with a unanimous Planning Commission recommendation of approval.

ORDINANCE NO. _____

An Ordinance to Amend the Zoning Classification on the Official Zoning Map from I-1, Light Industrial District under BSZ-134 for "Quicksilver Readymix, LLC" to be Located at 23888 W. 40th Street, City of Bonner Springs, Johnson County, Kansas

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

Section I: That the Zoning classification of the Official Zoning Map be amended for the following described property situated in the City of Bonner Springs, Johnson County, Kansas, to wit:

A Tract of Land lying in the Northwest Quarter of Section 33, Township 11 South, Range 23 East and the Southwest Quarter of Section 28, Township 11 South, Range 23 East of the 6th Principal Meridian, Bonner Springs, Johnson County, Kansas as Described as follows:

Commencing at the Southeast Corner of said Northwest Quarter of Section 33-11-23;
Thence North 01 Degree 01 Minute 45 Seconds West, along the East Line of said Northwest Quarter, 1982.80 feet, to the Point of Beginning of the Herein Described Tract of Land;
Thence South 87 Degrees 64 Minutes 53 Seconds West, 554.50 feet. By Survey Measurement (554.00 feet by Deed);

Thence North 01 Degree 01 Minute 45 Seconds West, Parallel to said East Line of the Northwest Quarter of Section 33-11-23, 1126.97 feet, to a Point on the Top of the Easterly High Bank of the Kansas River;

Thence Northeasterly along the Meanders of said Top of the Easterly High Bank of the Kansas River on a Calculated Straight Line of North 81 Degrees 32 Minutes 25 Seconds East, 559.10 feet by Survey Measurement (559.0 feet by Deed), to a Point on the East Line of the Southwest Quarter of said Section 28-1-23;

Thence South 01 Degree 01 Minutes 45 Seconds East along said East Line of the Southwest Quarter of Section 28-11-23 and the East Line or Said Northwest Quarter of Section 33-11-23, 1189.06 feet to the Point of Beginning, containing 642,012.3 Square Feet or 14.74 Acres.

Be rezoned from I-1, Light Industrial District to an **I-2, Heavy Industrial District** zoning classification under BSZ-134 for "Quicksilver Readymix, LLC".

Section II: Approval is subject to the following four (4) conditions:

1. Platting of the subject property to include the installation of all required public improvements;
2. Provide two (2) full size Rezoning/SUP Site Plan Sheets C-1 and L-1 to correct the project name to Quicksilver Readymix, LLC to the Planning Department;
3. The Official Zoning Map shall not be amended until the final plat has been approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the Zoning classification by the Governing Body. If the final plat is not filed within the one (1) year period from date approval, the Zoning classification shall revert back to the prior classification; and
4. Upon completion of all the above conditions, the Planning Director shall amend the Official Zoning Map to reflect the change approved under BSZ-134.

Section III: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

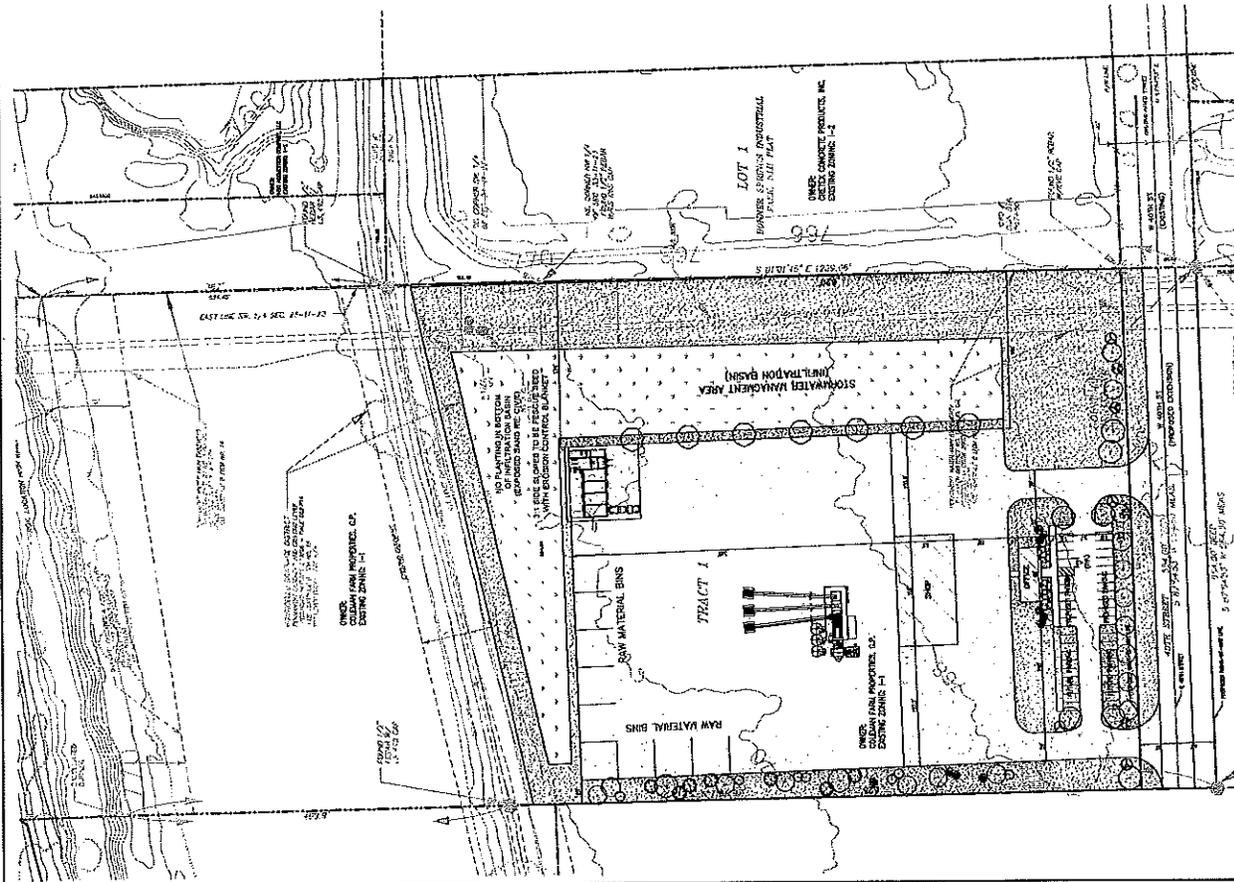
Approved by the Governing Body and signed by the Mayor on October 10, 2016.

ATTEST:

Jeff Harrington, Mayor

Amber McCullough, CMC, City Clerk

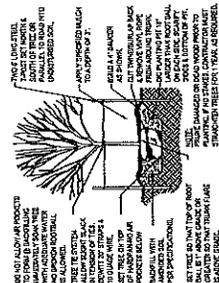
(SEAL)



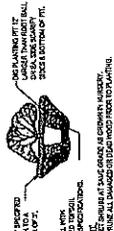
1 LANDSCAPE PLANTING PLAN

SCALE: 1"=40'
 0 20 40

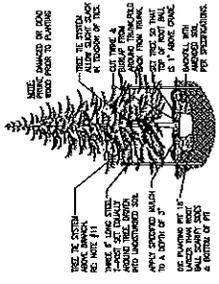
3 DECIDUOUS TREE PLANTING DETAIL



2 SHRUB PLANTING DETAIL



4 EVERGREEN TREE PLANTING DETAIL



PLANT SCHEDULE

SYMBOL	SIZE	REMARKS	QUANTITY
(Symbol)	12"	...	...
(Symbol)	18"	...	...
(Symbol)	24"	...	...
(Symbol)	36"	...	...
(Symbol)	48"	...	...
(Symbol)	60"	...	...
(Symbol)	72"	...	...
(Symbol)	84"	...	...
(Symbol)	96"	...	...
(Symbol)	108"	...	...
(Symbol)	120"	...	...
(Symbol)	132"	...	...
(Symbol)	144"	...	...
(Symbol)	156"	...	...
(Symbol)	168"	...	...
(Symbol)	180"	...	...
(Symbol)	192"	...	...
(Symbol)	204"	...	...
(Symbol)	216"	...	...
(Symbol)	228"	...	...
(Symbol)	240"	...	...
(Symbol)	252"	...	...
(Symbol)	264"	...	...
(Symbol)	276"	...	...
(Symbol)	288"	...	...
(Symbol)	300"	...	...

LANDSCAPE PLAN NOTES:
 1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF OMAHA LANDSCAPE PLAN SPECIFICATIONS.
 2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF OMAHA LANDSCAPE PLAN SPECIFICATIONS.
 3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF OMAHA LANDSCAPE PLAN SPECIFICATIONS.
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 20. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF OMAHA LANDSCAPE PLAN SPECIFICATIONS.

LANDSCAPING REQUIREMENTS FOR TRACT 1

REQUIREMENT	REMARKS
1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF OMAHA LANDSCAPE PLAN SPECIFICATIONS.	...
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF OMAHA LANDSCAPE PLAN SPECIFICATIONS.	...
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LANDSCAPING REQUIREMENTS FOR TRACT 1
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 20. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF OMAHA LANDSCAPE PLAN SPECIFICATIONS.

ITEM NO. 13.

**City Council Regular Agenda
Monday, October 10, 2016 – 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: Special Use Permit: SUP-137 "Quicksilver Readymix, LLC"

ACTION: Make a Motion to Adopt an Ordinance for a Special Use Permit Subject to the Conditions Listed in the Staff Report

RECOMMENDATION: The Planning Commission Recommends Approval

A memo discussing the background and factors for the Special Use permit is attached.

City Council Staff Report

October 10, 2016

To: Mayor and City Council
Thru: Sean Pederson, City Manager
From: Don E. Slone, AICP, CFM, Planning Director
Subject: **Special Use Permit: SUP-137: "Quicksilver Readymix, LLC"**



Recommendation:

The Planning Commission, by unanimous vote, recommend approval of a Special Use Permit for Quicksilver Readymix, LLC in order to operate a concrete ready-mix plant to be located at 23888 W. 40th Street and to forward it to the Governing Body with a recommendation for approval, subject to seven (7) conditions:

1. Approval of the Rezoning under BSZ-134 to I-2, Heavy Industrial District;
2. Provide a Spill Prevention Control & Countermeasure (SPCC) Plan to the Planning Department with the Site Plan submittal;
3. Provide a Dust Suppression Plan to the Planning Department with the Site Plan submittal;
4. The preliminary Storm Water Drainage Study is acceptable. Provide a Final Storm Water Drainage Study with the Site Plan submittal;
5. Grading plans will be required as part of the Site Plan submittal;
6. Future expansions or additions to the site not identified on the Special Use Permit Site Plan shall require the submission of a new Site Plan to be reviewed and approved by the Planning Commission;
7. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Article XXVII of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit; and
 - a. The Special Use Permit to be valid for an indefinite period of time unless: The subject property is sold, or
 - b. The operation of such use by the owner designated in the permit is discontinued for more than 12 months.

Exhibits: Adopting Ordinance and Rezoning/SUP – Site Plan

Discussion:

Staff presented the following information to the Planning Commission including an Excerpt of the Minutes and Exhibits from the September 20, 2016 Public Hearing by the Planning Commission:

SPECIAL USE PERMIT: "QUICKSILVER READYMIX, LLC"

Case No.: SUP-137
Applicant: Curtis M. Holland, Attorney-in-Fact, Polsinelli
Owner: Coleman Farm Properties, G.P.
Developer: Quicksilver Readymix, LLC
Location: 23888 W. 40th Street (Proposed Lot 2, Coleman Industrial Park II)
Tract Size: 14.74 acres
Zoning: I-2, Heavy Industrial District (Case No. BSZ-134)
Building: Proposed Concrete Ready-Mix Plant

Staff Recommendation:

Staff recommends approval of SUP-137 for Quicksilver Readymix, LLC in order to operate a concrete ready-mix plant to be located at 23888 W. 40th Street and to forward it to the Governing Body with a recommendation for approval, subject to seven (7) conditions:

1. Approval of the Rezoning under BSZ-134 to I-2, Heavy Industrial District;
2. Provide a Spill Prevention Control & Countermeasure (SPCC) Plan to the Planning Department with the Site Plan submittal;
3. Provide a Dust Suppression Plan to the Planning Department with the Site Plan submittal;
4. The preliminary Storm Water Drainage Study is acceptable. Provide a Final Storm Water Drainage Study with the Site Plan submittal;
5. Grading plans will be required as part of the Site Plan submittal;
6. Future expansions or additions to the site not identified on the Special Use Permit Site Plan shall require the submission of a new Site Plan to be reviewed and approved by the Planning Commission;
7. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Article XXVII of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit; and
 - a. The Special Use Permit to be valid for an indefinite period of time unless: The subject property is sold, or
 - b. The operation of such use by the owner designated in the permit is discontinued for more than 12 months.

Project Description:

The applicant has submitted a request for a Special Use Permit in order to open a concrete ready-mix plant. The subject property is under contract to purchase by Quicksilver Readymix, LLC from Coleman Farm Properties, G.P.

Factors for Consideration:

1. **The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations** – The proposed use is allowed as a special use in the I-2, Heavy Industrial District if approved under Case No. BSZ-134 and therefore, would be an acceptable use under the use limitations thereof. The specific requirements noted for the requested concrete ready-mix plant are as follows:
 1. Provide a Spill Prevention Control & Countermeasure (SPCC) Plan; and
 2. Provide a Dust Suppression Plan.
2. **The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public** – There appears to be no benefit to the public that would result in the denial of the special use permit. The proposed use abuts and existing concrete pike facility that has been in operation since 1995.
3. **The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located** – The proposed use is compatible with the current industrial uses within the Bonner Springs Industrial Park and will complement the existing industrial businesses.
4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site:**
 - a. **The location, nature and height of buildings, structures, walls and fences on the site** – a complete Site Plan will be required to be submitted and approved by the Planning Commission prior to receiving any construction permits.
 - b. **The nature and extent of landscaping and screening on the site** – a complete Landscape Plan will be required to be submitted and approved by the Planning Commission.

5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect** – The off-street parking and loading areas will be reviewed and approved during the Site Plan review and approval process for the proposed facility. All off-street parking and loading areas are required to an all-weather, dust free surface of asphalt or concrete.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided** – All utilities will be required to be provided during the platting, public improvement design and construction process for the construct 40th Street extension to the west to meet City Standards along with a low-pressure sanitary sewer system extension.
7. **Adequate access roads or entrance drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets or alleys** – Access to the subject site will be provided with the 40th Street extension to be completed during the platting and construction process.

Excerpt of the Minutes from the September 20, 2016 Public Hearing by the Planning Commission:

Chairman Parks introduced **Item No. 5: Special Use Permit: SUP-137: “Quicksilver Readymix, LLC”** a request to construct and operate a concrete, ready-mix plant on 14.74 acres. Requested by Curtis M. Holland, Attorney-in-Fact, Polsinelli, for Quicksilver Readymix, LLC, under contract from Coleman Farm Properties, G.P., property owners of record. The property is generally located at the west end of 40th Street in the Bonner Springs Industrial Park specifically 23888 W. 40th Street

Chairman Parks opened the public hearing at 7:20 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Special Use Permit as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Curtis M. Holland**, Polsinelli explained the site configuration with the building up front along 40th Street with the batch plant at the rear of the property with screening trees along the west side of the detention basin.

Chairman Parks asked Mr. Holland if he was in agreement with the listed conditions. Mr. Holland stated that they were in agreement with all the listed conditions.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he closed the public hearing at 7:24 pm and asked for a motion. Commissioner Pierce made a motion to approve the Special Use Permit with the listed conditions with a second from Commissioner Mesmer.

Chairman Parks asked if there were any questions from the Planning Commission. Commissioner Pierce stated that under condition No. 5 that “be” was missing between will and required.

Chairman Parks asked the Planning Director about the walking bridge over the Kansas River with the associated trail to the future City Park that was being considered with this project. The Planning Director stated that yes, it will be part of the project at the platting stage and that he was in communication with the property owner to show the walking trail along the top of the Monticello Drainage District Levee from the K-7 Bridge over the Kansas River to the future City Park.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

The Planning Director stated that he will forward this item to the Governing Body on October 10, 2016 with a unanimous Planning Commission recommendation of approval.

ORDINANCE NO. _____

An Ordinance to Approve a Special Use Permit for Quicksilver Readymix, LLC under SUP-137 for the Construction of a Concrete Ready-Mix Plant on Property Zoned I-2, Heavy Industrial District, to be Located at 23888 W. 40th Street, City of Bonner Springs, Johnson County, Kansas

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

SECTION I: That the Official Zoning Map be amended to include a Special Use Permit for “Quicksilver Readymix, LLC” approved as SUP-137 for the construction of a concrete ready-mix plant on property zoned I-2, Heavy Industrial District, to be located at 23888 W. 40th Street, Bonner Springs, Kansas subject to the following seven (7) conditions:

1. Approval of the Rezoning under BSZ-134 to I-2, Heavy Industrial District;
2. Provide a Spill Prevention Control & Countermeasure (SPCC) Plan to the Planning Department with the Site Plan submittal;
3. Provide a Dust Suppression Plan to the Planning Department with the Site Plan submittal;
4. The preliminary Storm Water Drainage Study is acceptable. Provide a Final Storm Water Drainage Study with the Site Plan submittal;
5. Grading plans will be required as part of the Site Plan submittal;
6. Future expansions or additions to the site not identified on the Special Use Permit Site Plan shall require the submission of a new Site Plan to be reviewed and approved by the Planning Commission;
7. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Article XXVII of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit; and
 - a. The Special Use Permit to be valid for an indefinite period of time unless: The subject property is sold, or
 - b. The operation of such use by the owner designated in the permit is discontinued for more than 12 months.

Section II: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

Approved by the Governing Body and signed by the Mayor on October 10, 2016.

ATTEST:

Jeff Harrington, Mayor

Amber McCullough, CMC, City Clerk

(SEAL)

**City Council Regular Agenda
Monday, October 10, 2016 – 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

RECOMMENDATION:

Report attached.

City Managers Update

Date: October 6, 2016

To: Mayor and City Council

1. Council Follow Up Items.

- a. **Lei Valley Street Lights** – Staff reported the street light outages to Westar Energy.
- b. **Emerson Property** – The truck has been moved out of the front yard to the back of the house. The dirt is to be smoothed with grass seed and turf matted by Friday October 7, 2016. Staff is currently reviewing the Property Maintenance Code as discussed in the Strategic Plan.

2. **2016 Regional Supper Registration is Open** - The League of Kansas Municipalities invites all Kansas officials to join us for the 2016 Regional Supper. This is a great opportunity to meet with city officials and legislators to discuss the upcoming legislative session. State legislators received a personal invitation to attend and we are asking the local elected officials to call and invite them to personally attend too. These informative sessions will feature a discussion of the League's 2017 Legislative Priorities. The 2016 Regional Supper will be held in Atchison on October 26 with registration at 5:30 p.m. and dinner at 6:00 p.m. If you are interested in attending, please let Amber know so that she can register you.

3. **Public Works Update on Riverview Street Closure** - Staff is currently reviewing options to repair the culverts between 110th Street and 118th Street on Riverview. At this time the road is closed. More information will be provided as it becomes available.

4. Parks, Recreation, Senior Center, and Tourism Updates:

- a. Cancer Awareness Month
 - Sip & Shop Downtown – Oct 13
 - Wear Pink for Discount
 - Bake Sale Oct 20-22
 - P&R raising funds for cancer
 - Senior Center baking, Rec selling
 - Zumba the Cancer Away
 - November 6th, Sunday, 1:30-3:30pm
 - Community Center Gym
- b. Upcoming events in October
 - Pumpkin Carving – 15th
 - Princess/Pirate Party – 22nd
 - Monster Bash – 30th
- c. The September Zombie Survival Training had 8 kids in attendance. They shot zombies, purified water, and started fire with a battery.

5. **ICMA Annual Conference** – I attended the International City Management Association's Annual Conference which took place September 25-28, 2016 in Kansas City, Missouri. The conference included educational sessions, roundtable discussions, ICMA University workshops and forums, field demonstrations, and technology applications to help manage the challenges facing local governments today.

ITEM NO. 15.

**City Council Regular Agenda
Monday, October 10, 2016 – 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

RECOMMENDATION:

**City Council Regular Agenda
Monday, October 10, 2016 – 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

RECOMMENDATION:

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