

**SPRING HILL CITY COUNCIL  
REGULAR MEETING  
AGENDA  
THURSDAY, AUGUST 25, 2016  
7:00 P.M.  
SPRING HILL CIVIC CENTER  
401 N. MADISON – ROOM 15**

**CALL TO ORDER**

**INVOCATION** Pastor Joel Atwell, Grace Community Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**CITIZEN PARTICIPATION**

**PUBLIC HEARING:** 2017 Operating Budget

**CONSENT AGENDA:**

The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.

1. Approval of Minutes: August 14, 2016
2. Appropriation Order 2016-08-25
3. Request to Approve Change Order No. 3: Nichols/Race Street Storm Sewer Project, Linaweaver Construction

**FORMAL COUNCIL ACTION**

4. Ordinance 2016-10: Consider Approval of Conditional Use Permit (CU-2016-0002), 102 E. Nichols St., Mr. Matt Kelly, RP Automotive, Operate a used car and truck sales dealership
5. Ordinance 2016-11: Consider approval of Rezoning (Z-01-16), Northwest Corner of 191st St. and US169 Hwy, Brad Vince, PV Investments, LLC, Request to Rezone from RP-1 to R-1
6. Ordinance 2016-12: Designating certain streets within the City of Spring Hill as Main Traffic Ways and Traffic Way Connections
7. Resolution No. 2016-R-25: Project Authorization for Veterans Lane and Webster St. Acceleration Lane

8. Resolution No. 2016-R-26: In Support of the Spring Hill USD #230 Mail Ballot Election
9. Resolution No. 2016-R-20: Consider adoption of Resolution adding Article XI to the Spring Hill Employee Handbook relating to weapons in the work place and clarifying and expanding upon the reporting, investigation and discipline of harassment and sexual harassment claims made by employees; adopting the 2016 First Edition Spring Hill Employee Handbook; further rescinding Resolution No. 2013-R-13  
*Tabled from the July 28, 2016 and August 11, 2016 City Council meeting*
10. Consider Adoption of the 2017 Operating Budget

**ANNOUNCEMENTS and REPORTS**

**ADJOURN**

Published in the Miami County Republic Wed., 08/10/16  
 NOTICE OF BUDGET HEARING

2017

The governing body of  
**Spring Hill**  
 will meet on August 25, 2016 at 7:00 p.m.  
 at City Hall, Room 15, 401 N. Madison St, Spring Hill, KS.  
 for the purpose of hearing and answering objections of taxpayers  
 relating to the proposed use of all funds and the amount of ad valorem tax.  
 Detailed budget information is available at Spring Hill City Hall and will be available at this hearing.

**SUPPORTING COUNTIES**  
 Johnson County and Miami County

**BUDGET SUMMARY**

Proposed Budget 2017 Expenditures and Amount of Current Year Estimate for 2016 Ad Valorem Tax establish the maximum limits of the 2017 budget.  
 Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2015		Current Year Estimate for 2016		Proposed Budget for 2017		
	Expenditures	Actual Tax Rate*	Expenditures	Actual Tax Rate*	Budget Authority for Expenditures	Amount of 2016 Ad Valorem Tax	Estimate Tax Rate*
General	4,111,120	22.464	4,321,470	26.380	4,602,290	1,648,814	23.940
Debt Service	2,050,525	2.947	2,663,255		1,923,700	168,889	2.452
Fire (03)	531,635	12.707	562,950	12.300	589,985	529,341	12.280
Cemetery (04)	15,000	0.279	15,000	0.182	17,000	13,053	0.190
Special Highway (10)	79,400		637,000		1,608,920		
Special Parks (11)	20,755		8,650		128,880		
Sales Tax - Special (15)	308,060		314,100		697,060		
Water (20)	1,241,190		1,252,630		1,861,585		
Wastewater (25)	1,574,170		1,502,225		3,135,410		
Non-Budgeted Funds	45,370						
<b>Totals</b>	<b>9,977,225</b>	<b>38.397</b>	<b>11,277,280</b>	<b>38.862</b>	<b>14,564,830</b>	<b>2,360,097</b>	<b>38.862</b>
Less: Transfers	0		0		0		
Net Expenditure	9,977,225		11,277,280		14,564,830		
Total Tax Levied	2,055,999		2,180,107				
Assessed Valuation	60,155,446		63,115,729		68,874,061		
Outstanding Indebtedness, January 1,	2014		2015		2016		
G.O. Bonds	24,751,202		23,740,284		23,405,626		
Revenue Bonds	0		0		0		
Other	2,995,236		2,671,841		2,504,047		
Lease Purchase Principal	202,882		527,656		755,656		
Total	27,949,320		26,939,781		26,665,329		

\*Tax rates are expressed in mills

**/Jonathan S. Roberts**

City Official Title: City Administrator

6415544

THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION  
AND ARE NOT OFFICIAL MINUTES  
UNTIL APPROVED BY THE SPRING HILL CITY COUNCIL

City of Spring Hill, Kansas  
Minutes of City Council Regular Session  
August 11, 2016

A Regular Session of the City Council was held in the Spring Hill Civic Center, 401 N. Madison, Council Chambers, Spring Hill, Kansas on August 11, 2016. The meeting convened at 7:01p.m. with Mayor Steven Ellis presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance:                   Clint Gillis, *arrived at 7:17p.m.*  
Floyd Koder  
Scott Snavelly  
Andrea Hughes

Councilmembers absent:                           Chris Leaton

Staff in attendance:                               City Administrator Jonathan Roberts  
Finance Director Melanie Landis  
Police Chief Richard Mann

Consultants in attendance:                       City Attorney Frank Jenkins

**ROLL CALL**

The City Clerk called the roll of the City Council. With a quorum present, the meeting commenced.

**APPROVAL OF THE AGENDA**

The Mayor requested to delete Item 6. 2016 First Edition of the Spring Hill Employee Handbook and further requested that all the revisions to the handbook be bundled to one document to alleviate any confusion of multiple revisions to the handbook.

**Motion by** Snavelly, seconded by Koder, to approve the agenda as revised. Motion carried 3-0-0

**CITIZEN PARTICIPATION:**

Sharon Mitchell, 107 S. Madison, member of the Spring Hill Board of Education, conveyed to the Council that she was not speaking on behalf of the Board of Education but from her perspective. Ms. Mitchell stated that the Board has come to a consensus of a bond election to do the best for the most people and be the best thing for the kids in the school district and would appreciate the Governing Body's support of the bond election. Ms. Mitchell also clarified that the boundaries of the elementary schools will change if the bond passes since the early childhood center will be moving to another location and space will become available at the Spring Hill Elementary School.

April Horne, 21410 Noble Street, appeared before the Governing Body as a member of the Vote YES for KIDS committee. Ms. Horne grew up in Spring Hill and is raising her family here and stated that this is an opportunity to come together and support the children and ensure they get exactly what they need for education. Ms. Horne asked for the Governing Body's support of the bond election.

(During the Announcements and Reports, it was the consensus of the Governing Body to support the Spring Hill School District bond election. A Resolution of Support will be placed on the August 25, 2016 City Council meeting.)

*Councilman Gillis arrived at 7:17p.m.*

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**PRESENTATION: 2015 Audit, Mize & Houser Company**

Mr. Jonathan Nibarger, Mize & Houser Company, presented the Financial Statements for the Year ended December 31, 2015. Mr. Nibarger reported that the City received an unmodified opinion which is the best opinion that the City can receive. He stated that he appreciated working with City staff who was very helpful throughout the process. The Mayor thanked

Mr. Nibarger for the financial statement presentation and requested that the financials be available on the City's website.

**CONSENT AGENDA:**

**Motion by** Snavelly, seconded by Gillis, to approve the Consent Agenda as presented.

1. **Approval of Minutes: July 28, 2016**
2. **Consider Approving Statement of Work: Phase 2, Manahan Consulting, LLC**
3. **Consider Approving Letter of Engagement: Providing harassment training and review and update of Police Department policies, F. Charles Dunlay of McAnany, Van Cleave & Phillips, P.A. law firm**

Motion carried 4-0-0.

**FORMAL COUNCIL ACTION**

**4. Appropriation Order 2016-08-11**

The appropriation order was presented for consideration in the amount of \$419,758.00.

**Motion by** Snavelly, seconded by Koder, to approve Appropriation Order No. 2016-08-11. Motion carried 3-0-1 (Gillis) Mr. Gillis abstained due to a conflict of interest since his business was a payee in the appropriation order.

**5. Resolution 2016-R-23: Consider directing notice of public hearing on special assessments for Estates of Wolf Creek benefit district**

The Finance Director presented the resolution directing notice to be given of a public hearing on special assessments for the Estates of Wolf Creek benefit district. An improvement district was created on August 14, 2014 for construction of gravity sanitary sewers. Construction is complete and the levying of assessments process begins by holding a public hearing for the parcels included in the benefit district. Financing for the general obligation bonds will be completed in the fall of 2016 and assessments will be levied for the benefit district beginning with the November 2017 tax roll. Financing of this project is twenty (20) years through general obligation bonds and will be paid 100% by the property owners. The notice of public hearing will be published in the official city newspaper and notice of the hearing and a statement of the cost proposed to be assessed will be mailed to the owners of the property liable to pay the assessments.

Staff recommended to approve resolution 2016-R-23 directing notice to be given of a public hearing on proposed special assessments to be levied in connection with certain improvements in the City of Spring Hill, KS (Estates of Wolf Creek Special Benefit District).

**Motion by** Snavelly, seconded by Gillis, to approve Resolution 2016-R-23 as stated. Motion passed 4-0-0.

**6. Resolution 2016-R-24: Consider adopting 2016 First Edition, Spring Hill Employee Handbook, clarifying and expanding upon the reporting, investigation and discipline of harassment and sexual harassment claims made by employees**

This item was deleted.

**RECESS**

At 7:37pm, the Mayor declared a recess until 7:50pm.

At 7:50pm, the meeting reconvened with everyone present.

**EXECUTIVE SESSION – Attorney-Client Privilege Exception**

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**Motion by** Snavelly, seconded by Gillis, to recess into Executive Session for 5 minutes under the Attorney-Client Exception to the Kansas Open Meetings Act: Subject – Spring Hill v. Hammonds. The following persons are to be in attendance: Jonathan Roberts, City Administrator and Frank Jenkins, Jr., City Attorney. Motion carried 4-0-0.

The meeting recessed at 7:50p.m.

The meeting reconvened at 7:55p.m. with everyone present.

Mayor Ellis announced that no votes were taken or decisions made during the executive session. The discussion was limited to the subject stated.

**ADJOURN**

**Motion by** Snavelly, seconded by Gillis, to adjourn.

The meeting adjourned at 7:56pm.

\_\_\_\_\_  
Glenda Gerrity, City Clerk

Approved by the Governing Body on \_\_\_\_\_.

# CITY OF SPRING HILL, KANSAS

## APPROPRIATION ORDER NUMBER 2016-08-25 PRESENTED: August 25, 2016

Be it ordered by the Governing Body of the City of Spring Hill that the above dated order is and shall be approved and all claims honored and paid by the City Clerk.

### Section 1:

Claims paid prior to approval of the City Council as authorized by Ordinance 2001-08:

Accounts Payable:	\$138,569.58
Payroll:	\$78,513.19
	\$217,082.77

### Section 2:

Claims presented for approval of payment:

Accounts Payable:	_____
	\$0.00

**Total amount of the Appropriation Order: \$217,082.77**

INVOICE NO	DATE	VENDOR/DESCRIPTION	GL ACCT #	AMOUNT	CK #	CK DATE
		AETNA				
PR20160729	7/29/2016	AETNA-457 PLAN	01-00-2035	\$ 257.50	1283484	8/05/2016 E
PR20160729	7/29/2016	AETNA-457 PLAN	01-18-5120	\$ 40.00	1283484	8/05/2016 E
PR20160729	7/29/2016	AETNA-457 PLAN	20-00-2035	\$ 30.00	1283484	8/05/2016 E
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		AETNA		\$ 327.50		
		AFLAC				
131056	8/1/2016	BENEFITS	01-01-5120	\$ 2,740.61	216865	8/9/2016
				-----		
		AFLAC		\$ 2,740.61		
		ALEXANDER OPEN SYSTEMS				
BT000905	8/1/2016	CONSULTING SERVICES	01-11-7720	\$ 834.00	216866	8/9/2016
I0085308	3/22/2016	CONSULTING SERVICES	01-11-7720	\$ 1,150.00	216866	8/9/2016
I0085894	4/19/2016	CONSULTING SERVICES	01-11-7720	\$ 3,246.25	216866	8/9/2016
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		ALEXANDER OPEN SYSTEMS		\$ 5,230.25		
		ALL-CITY MANAGEMENT				
42655	3/7/2016	CROSSING GUARD SERVICE	01-05-7742	\$ 1,049.40	216867	8/9/2016
				-----		
		ALL-CITY MANAGEMENT		\$ 1,049.40		
		APPRENTICE PERSONNEL				
22859	7/23/2016	MISCELLANEOUS	01-13-6090	\$ 96.00	78566	8/18/2016
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		APPRENTICE PERSONNEL		\$ 96.00		
		BATTERIES PLUS				
259-374987	7/11/2016	EQUIPMENT MAINTENANCE	01-02-7670	\$ 73.95	78567	8/18/2016
				-----		
		BATTERIES PLUS		\$ 73.95		
		BHC RHODES				
29560	7/14/2016	DAYTON CREEK TRAFFIC STU	01-16-7720	\$ 640.00	216868	8/9/2016
				-----		
		BHC RHODES		\$ 640.00		
		BLUE VALLEY PUBLIC SAFETY				
11333	7/19/2016	EQUIPMENT MAINTENANCE	01-05-7670	\$ 2,226.00	216869	8/9/2016
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		BLUE VALLEY PUBLIC SAFET		\$ 2,226.00		
		CMI				
111455	7/22/2016	VEHICLE MAINTENANCE	01-02-6150	\$ 22.44	216870	8/9/2016
				-----		
		CMI		\$ 22.44		
		DIVISION OF HEALTH & ENV.				
161107	7/11/2016	LAB ANALYSIS	20-14-7240	\$ 494.00	78568	8/18/2016
				-----		
		DIVISION OF HEALTH & ENV		\$ 494.00		

INVOICE NO	DATE	VENDOR/DESCRIPTION	GL ACCT #	AMOUNT	CK #	CK DATE
430584	7/31/2016	DREXEL TECHNOLOGIES CANON PRINTER SERVICE	01-16-6090	\$ 170.00	78569	8/18/2016
				-----		
		DREXEL TECHNOLOGIES		\$ 170.00		
7181662942	7/18/2016	E EDWARDS WORK WEAR UNIFORM - BROWN	01-03-7680	\$ 80.97	216871	8/9/2016
718662942	7/18/2016	UNIFORM - COOK	01-03-7680	\$ 53.98	216871	8/9/2016
718662942	7/18/2016	UNIFORM - BROWN	01-03-7680	\$ 80.97	216871	8/9/2016
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		E EDWARDS WORK WEAR		\$ 215.92		
35851	7/21/2016	EDWARDS CHEMICALS, INC. POOL CHEMICALS	01-12-6130	\$ 111.83	78570	8/18/2016
36030	7/27/2016	POOL CHEMICALS	01-12-6130	\$ 197.30	78570	8/18/2016
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		EDWARDS CHEMICALS, INC.		\$ 309.13		
147460	7/15/2016	EVCO WHOLESALE FOOD POOL CONCESSION	01-12-6120	\$ 619.78	78531	8/12/2016
148955	7/22/2016	POOL CONCESSION	01-12-6120	\$ 617.30	78531	8/12/2016
150433	7/29/2016	POOL CONCESSIONS	01-12-6120	\$ 981.27	78531	8/12/2016
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		EVCO WHOLESALE FOOD		\$ 2,218.35		
SKC1119230	7/19/2016	FASTENAL COMPANY PERSONAL PROTECTION EQUI	01-03-6370	\$ 45.03	216872	8/9/2016
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		FASTENAL COMPANY		\$ 45.03		
S460005981	7/29/2016	FOLEY EQUIPMENT COMPANY EQUIPMENT MAINTENANCE	01-02-7670	\$ 816.07	78571	8/18/2016
				-----		
		FOLEY EQUIPMENT COMPANY		\$ 816.07		
9168583491	7/15/2016	GRAINGER BUILDING MAINTENANCE	01-17-6160	\$ 114.75	216873	8/9/2016
9174435603	7/22/2016	BUILDING MAINTENANCE	01-17-6160	\$ 150.08	216873	8/9/2016
				-----		
		GRAINGER		\$ 264.83		
10038358	7/28/2016	HACH COMPANY EQUIPMENT MAINTENANCE	25-15-7670	\$ 1,697.77	78572	8/18/2016
10043019	8/1/2016	EQUIPMENT MAINTENANCE	25-15-7670	\$ 1,908.39	78572	8/18/2016
				-----		
		HACH COMPANY		\$ 3,606.16		
F811309	7/21/2016	HD SUPPLY WATERWORKS, LTD WATERLINE REPAIRS	20-14-6330	\$ 27.55	78573	8/18/2016
				-----		
		HD SUPPLY WATERWORKS, LT		\$ 27.55		

INVOICE NO	DATE	VENDOR/DESCRIPTION	GL ACCT #	AMOUNT	CK #	CK DATE
		INTERNAL REVENUE SERVICE				
PR20160729	7/29/2016	FED/FICA TAX	01-00-2020	\$ 23,580.16	1283483	8/05/2016 E
PR20160729	7/29/2016	FED/FICA TAX	20-00-2020	\$ 1,151.63	1283483	8/05/2016 E
PR20160729	7/29/2016	FED/FICA TAX	25-00-2020	\$ 1,225.14	1283483	8/05/2016 E
				-----		
		INTERNAL REVENUE SERVICE		\$ 25,956.93		
		JIM HENDERSHOT				
161907	7/19/2016	MILEAGE	01-16-6050	\$ 163.62	216874	8/9/2016
				-----		
		JIM HENDERSHOT		\$ 163.62		
		JOHNSON COUNTY TOPSOIL				
192569	7/19/2016	TOP SOIL	31-31-8500	\$ 278.00	78574	8/18/2016
				-----		
		JOHNSON COUNTY TOPSOIL		\$ 278.00		
		KA-COMM, INC.				
140776	7/19/2016	EQUIPMENT MAINTENANCE	01-05-7670	\$ 732.50	78575	8/18/2016
141102	8/1/2016	EQUIPMENT MAINTENANCE	01-05-7670	\$ 868.75	78575	8/18/2016
141123	8/2/2016	EQUIPMENT MAINTENANCE	01-05-7670	\$ 90.00	78575	8/18/2016
141143	8/2/2016	EQUIPMENT MAINTENANCE	01-05-7670	\$ 345.87	78575	8/18/2016
				-----		
		KA-COMM, INC.		\$ 2,037.12		
		KANSAS ONE-CALL				
6070462	7/31/2016	CONTRACTUAL SERVICES	20-14-7740	\$ 14.00	78576	8/18/2016
6070462	7/31/2016	CONTRACTUAL SERVICES	25-15-7740	\$ 14.00	78576	8/18/2016
6070462	7/31/2016	PROFESSIONAL SERVICES	01-02-7740	\$ 14.00	78576	8/18/2016
				-----		
		KANSAS ONE-CALL		\$ 42.00		
		KANSAS PAYMENT CNTR				
PR20160729	7/29/2016	CHILD SUPPORT 1	01-00-2040	\$ 158.31	78478	8/5/2016
				-----		
		KANSAS PAYMENT CNTR		\$ 158.31		
		KC BOBCAT				
19086792	8/1/2016	EQUIPMENT MAINTENANCE	01-02-7670	\$ 371.60	78577	8/18/2016
				-----		
		KC BOBCAT		\$ 371.60		
		KP&F				
PR20160729	7/29/2016	KP&F LIFE	01-00-2030	\$ 59.60	1283485	8/05/2016 E
PR20160729	7/29/2016	KP&F	01-00-2030	\$ 6,600.40	1283485	8/05/2016 E
				-----		
		KP&F		\$ 6,660.00		

INVOICE NO	DATE	VENDOR/DESCRIPTION	GL ACCT #	AMOUNT	CK #	CK DATE
		KPERS				
PR20160729	7/29/2016	KPERS TIER 1	01-00-2030	\$ 4,082.40	1283482	8/05/2016 E
PR20160729	7/29/2016	KPERS TIER 1	20-00-2030	\$ 558.95	1283482	8/05/2016 E
PR20160729	7/29/2016	KPERS TIER 1	25-00-2030	\$ 361.85	1283482	8/05/2016 E
PR20160729	7/29/2016	KPERS LIFE	01-00-2030	\$ 137.40	1283482	8/05/2016 E
PR20160729	7/29/2016	KPERS LIFE	20-00-2030	\$ 27.70	1283482	8/05/2016 E
PR20160729	7/29/2016	KPERS LIFE	25-00-2030	\$ 16.70	1283482	8/05/2016 E
PR20160729	7/29/2016	KPERS post 7/09	01-00-2030	\$ 2,713.12	1283482	8/05/2016 E
PR20160729	7/29/2016	KPERS post 7/09	25-00-2030	\$ 688.49	1283482	8/05/2016 E
PR20160729	7/29/2016	KPERS TIER 3	01-00-2030	\$ 797.98	1283482	8/05/2016 E
				-----		
		KPERS		\$ 9,384.59		
		KS STATE TREASURER				
31997	8/1/2016	COURT REINSTATEMENT	01-00-2206	\$ 118.00	216875	8/9/2016
31997	8/1/2016	COURT REINSTATEMENT	01-00-2206	\$ 88.00	216875	8/9/2016
31997	8/1/2016	COURT JF	01-00-2202	\$ 23.50	216875	8/9/2016
31997	8/1/2016	COURT LET	01-00-2201	\$ 466.00	216875	8/9/2016
31997	8/1/2016	DUI FEES	01-00-2208	\$ 250.00	216875	8/9/2016
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		KS STATE TREASURER		\$ 945.50		
		KS WITHHOLDING TAX				
PR20160729	7/29/2016	STATE TAX	01-00-2020	\$ 2,854.91	1283481	8/05/2016 E
PR20160729	7/29/2016	STATE TAX	20-00-2020	\$ 160.29	1283481	8/05/2016 E
PR20160729	7/29/2016	STATE TAX	25-00-2020	\$ 136.85	1283481	8/05/2016 E
				-----		
		KS WITHHOLDING TAX		\$ 3,152.05		
		LOGAN CONTRACTORS SUPPLY,				
L32049	8/4/2016	STREET MATERIALS	10-02-6330	\$ 14.10	78578	8/18/2016
R55512	8/4/2016	EQUIPMENT RENTAL/LEASE	01-02-7660	\$ 82.50	78578	8/18/2016
I31317	8/3/2016	PERSONAL PROTECTION EQUI	01-02-6370	\$ 11.94	78578	8/18/2016
				-----		
		LOGAN CONTRACTORS SUPPLY		\$ 108.54		
		MAJESTIC FRANCHSING				
8160401	8/1/2016	JANITORIAL SERVICES	01-05-7610	\$ 240.00	216876	8/9/2016
8160404	8/1/2016	JANITORIAL SERVICES	01-05-7610	\$ 240.00	216876	8/9/2016
SC07160696	7/12/2016	JANITORIAL SERVICES	01-13-7610	\$ 310.00	216876	8/9/2016
				-----		
		MAJESTIC FRANCHSING		\$ 790.00		
		MID-STATES MATERIALS, LLC				
57567	7/26/2016	STREET MATERIALS	10-02-6330	\$ 1,056.69	78579	8/18/2016
				-----		
		MID-STATES MATERIALS, LL		\$ 1,056.69		
		MIDWEST PUBLIC RISK				
B01W5G	8/1/2016	INSURANCE PREMIUM	01-00-2060	\$ 48,884.05	216877	8/9/2016
B01W5G	8/1/2016	INSURANCE PREMIUM	20-00-2061	\$ 5,092.73	216877	8/9/2016
B01W5G	8/1/2016	INSURANCE PREMIUM	25-00-2060	\$ 1,828.94	216877	8/9/2016
				-----		

INVOICE NO	DATE	VENDOR/DESCRIPTION	GL ACCT #	AMOUNT	CK #	CK DATE
		MIDWEST PUBLIC RISK		\$ 55,805.72		
		NAPA SPRING HILL, LLC				
317636	7/15/2016	UNIFORMS	01-12-7680	\$ 20.99	78580	8/18/2016
317989	7/25/2016	VEHICLE MAINTENANCE	01-02-6150	\$ 34.02	78580	8/18/2016
318043	7/26/2016	VEHICLE MAINTENANCE	01-02-6150	\$ 22.29	78580	8/18/2016
318146	7/28/2016	VEHICLE MAINTENANCE	01-02-6150	\$ 7.22	78580	8/18/2016
318209	7/29/2016	EQUIPMENT MAINTENANCE	01-02-7670	\$ 5.22	78580	8/18/2016
318295	8/1/2016	VEHICLE MAINTENANCE	20-14-6150	\$ 59.88	78580	8/18/2016
318310	8/2/2016	EQUIPMENT MAINTENANCE	01-03-7670	\$ 6.44	78580	8/18/2016
318475	8/5/2016	VEHICLE MAINTENANCE	01-02-6150	\$ 1.89	78580	8/18/2016
318502	8/8/2016	VEHICLE MAINTENANCE	01-02-6150	\$ 10.99	78580	8/18/2016
318546	8/9/2016	EQUIPMENT MAINTENANCE	01-02-7670	\$ 6.99	78580	8/18/2016
				-----		
		NAPA SPRING HILL, LLC		\$ 175.93		
		O'DONNELL AND SONS CONSTR				
35466	7/31/2016	STREET MATERIALS	10-02-6330	\$ 296.74	78581	8/18/2016
				-----		
		O'DONNELL AND SONS CONST		\$ 296.74		
		OFFICE MAX				
280662	7/11/2016	OFFICE SUPPLIES	01-13-6110	\$ 49.25	216878	8/9/2016
348652	7/15/2016	AQUATIC CTR-PRINTER INK	01-12-6110	\$ 35.99	216878	8/9/2016
348652	7/15/2016	OFFICE SUPPLIES-CITY HAL	01-09-6110	\$ 249.62	216878	8/9/2016
381520	7/18/2016	OFFICE SUPPLIES	01-13-6110	\$ 36.74	216878	8/9/2016
				-----		
		OFFICE MAX		\$ 371.60		
		OLATHE FORD				
562764	8/2/2016	VEHICLE MAINTENANCE	01-02-6150	\$ 320.30	78582	8/18/2016
562917	8/5/2016	VEHICLE MAINTENANCE	01-02-6150	\$ 30.83	78582	8/18/2016
				-----		
		OLATHE FORD		\$ 351.13		
		OLATHE WINWATER WORKS				
112856 00	7/20/2016	METERS/SUPPLIES	20-14-6320	\$ 1,750.00	78583	8/18/2016
113454 00	8/4/2016	DRAINAGE PIPE	10-02-6320	\$ 667.80	78583	8/18/2016
				-----		
		OLATHE WINWATER WORKS		\$ 2,417.80		
		PACE ANALYTICAL SERVICES,				
1660008545	7/26/2016	LAB ANALYSIS	25-15-7250	\$ 346.00	78584	8/18/2016
1660008938	7/28/2016	LAB ANALYSIS	25-15-7250	\$ 248.00	78584	8/18/2016
				-----		
		PACE ANALYTICAL SERVICES		\$ 594.00		
		PAVING MAINTENANCE SUPPLY				
25500884	7/21/2016	STRIPING	01-02-7160	\$ 783.79	78585	8/18/2016
				-----		
		PAVING MAINTENANCE SUPPL		\$ 783.79		
		PRAXAIR DISTRIBUTION INC.				
73634740	6/30/2016	EQUIPMENT RENTAL/LEASE	01-02-7660	\$ 82.54	78586	8/18/2016

INVOICE NO	DATE	VENDOR/DESCRIPTION	GL ACCT #	AMOUNT	CK #	CK DATE
73928602	7/31/2016	EQUIPMENT RENTAL/LEASE	01-02-7660	\$ 79.88	78586	8/18/2016
				-----		
		PRAXAIR DISTRIBUTION INC		\$ 162.42		
1646-1	7/18/2016	SHERWIN WILLIAMS OLATHE STRIPING	01-02-7160	\$ 350.90	78587	8/18/2016
				-----		
		SHERWIN WILLIAMS OLATHE		\$ 350.90		
161807	7/18/2016	SIMPLIFILE DOCUMENT RECORDING FEES	01-00-2400	\$ 1,000.00	216879	8/9/2016
				-----		
		SIMPLIFILE		\$ 1,000.00		
110169887	7/12/2016	SUMMIT TRUCK GROUP VEHICLE MAINTENANCE	01-02-6150	\$ 91.89	216880	8/9/2016
				-----		
		SUMMIT TRUCK GROUP		\$ 91.89		
INV160899	7/21/2016	UNITED LABORATORIES LINE MAINTENANCE	25-15-7270	\$ 349.98	78588	8/18/2016
				-----		
		UNITED LABORATORIES		\$ 349.98		
		VISA 0001				
20160801	8/5/2016	K-9 SUPPLIES	01-05-6315	\$ 84.62	1283528	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 43.93	1283528	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 54.29	1283528	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 54.96	1283528	8/05/2016 E
20160801	8/5/2016	K-9 SUPPLIES	01-05-6315	\$ 22.58	1283528	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 37.70	1283528	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 15.45	1283528	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 37.25	1283528	8/05/2016 E
				-----		
		VISA 0001		\$ 350.78		
		VISA 0035				
20160801	8/5/2016	VEHICLE MAINTENANCE	01-05-6150	\$ 23.51	1283531	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 26.50	1283531	8/05/2016 E
20160801	8/5/2016	VEHCILE MAINTENANCE	01-05-6150	\$ 59.73	1283531	8/05/2016 E
20160801	8/5/2016	OFFICE SUPPLIES	01-05-6110	\$ 34.95	1283531	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 33.45	1283531	8/05/2016 E
20160801	8/5/2016	VEHICLE MAINTENANCE	01-05-6150	\$ 310.62	1283531	8/05/2016 E
20160801	8/5/2016	VEHICLE MAINTENANCE	01-05-6150	\$ 151.19	1283531	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 28.28	1283531	8/05/2016 E
20160801	8/5/2016	OFFICE SUPPLIES	01-05-6110	\$ 53.41	1283531	8/05/2016 E
20160801	8/5/2016	VEHICLE MAINTENANCE	01-05-6150	\$ 22.18	1283531	8/05/2016 E
20160801	8/5/2016	POSTAGE	01-05-6020	\$ 9.75	1283531	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 24.00	1283531	8/05/2016 E
				-----		
		VISA 0035		\$ 777.57		

INVOICE NO	DATE	VENDOR/DESCRIPTION	GL ACCT #	AMOUNT	CK #	CK DATE
		VISA 0043				
20160801	8/5/2016	FUEL	01-05-6140	\$ 10.95	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 19.15	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 16.15	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 20.00	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 18.00	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 15.36	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 17.55	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 10.25	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 14.50	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 19.70	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 23.01	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 11.75	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 17.25	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 17.56	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 33.97	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 10.54	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 20.00	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 7.56	1283530	8/05/2016 E
20160801	8/5/2016	FUEL	01-05-6140	\$ 16.01	1283530	8/05/2016 E
				-----		
		VISA 0043		\$ 319.26		
		VISA 0084				
80516	8/5/2016	LUNCH MICO DA	01-05-6091	\$ 26.90	1283529	8/05/2016 E
80516	8/5/2016	FLIGHT FOR SPEAKER	01-05-7640	\$ 320.97	1283529	8/05/2016 E
80516	8/5/2016	OFFICE SUPPLIE	01-05-6110	\$ 83.86	1283529	8/05/2016 E
80516	8/5/2016	CHIEF'S MEETING	01-05-6091	\$ 17.25	1283529	8/05/2016 E
80516	8/5/2016	CHIEF'S MEETING	01-05-6091	\$ 131.07	1283529	8/05/2016 E
80516	8/5/2016	POLICE BIKE	01-05-8110	\$ 1,073.95	1283529	8/05/2016 E
80516	8/5/2016	FUEL	01-05-6140	\$ 21.85	1283529	8/05/2016 E
80516	8/5/2016	BIKE RACK FOR BIKE	01-05-8110	\$ 92.62	1283529	8/05/2016 E
80516	8/5/2016	FUEL	01-05-6140	\$ 25.00	1283529	8/05/2016 E
80516	8/5/2016	HOTEL FBI CONFERENCE	01-05-7640	\$ 831.04	1283529	8/05/2016 E
80516	8/5/2016	POSTAGE	01-05-6020	\$ 6.45	1283529	8/05/2016 E
80516	8/5/2016	FUEL	01-05-6140	\$ 28.50	1283529	8/05/2016 E
80516	8/5/2016	FUEL	01-05-6140	\$ 27.47	1283529	8/05/2016 E
				-----		
		VISA 0084		\$ 2,686.93		
		VISA 0200				
160108	8/1/2016	VEHICLE MAINTENANCE	01-16-6150	\$ 5.00	1283538	8/05/2016 E
				-----		
		VISA 0200		\$ 5.00		
				-----		
		***** REPORT TOTAL *****		\$ 138,569.58		

## AGENDA ITEM REVIEW SHEET

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TO: GOVERNING BODY  
SUBMITTED BY: JIM HENDERSHOT  
MEETING DATE: AUGUST 25, 2016  
DATE: AUGUST 18, 2016

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**Consent / Formal Action / Discussion Item:** CONSENT

**Issue:** Nichols/Race Street Storm Sewer Project  
Approval of Change Order No. 3

**Background:** As part of the repair work for sidewalks, curb and gutter and driveways, many of the estimated quantities were exceeded due to unexpected damage during construction. Many of the driveways and curb and gutter were only in fair condition at the start of construction and as a result additional repairs were required. There was also additional sidewalk and a handicap ramp required as a result of changes to one of the water line reconnections previously approved. There were also some items where the quantities were less than estimate resulting in a reduction in the contract price.

As a result of the frequent rainfall in July, the contractor has been unable to maintain their schedule to complete the project within the contract time. The contractor is requesting an extension of time of 17 calendar days to complete this project. The time extension will not require a change in the project cost.

**Funding Review or Budgetary Impact:** The net cost of change order No. 3 is \$8,929.95. Only \$8,099.65 will be eligible for reimbursement from the county. Item 65, as shown in Change Order No. 3, is for the overlay work on Race Street which is ineligible for county reimbursement. The city will be responsible for all of Change Order Item 65 or \$830.30. The county will be responsible for 75% of the eligible cost or \$6,074.74 and the city will be responsible to the remaining \$2,855.21. The total change orders to date amount to \$18,497.95 or an increase of 4.28%. The total contingency fund in the county's budget prior to this change order is \$67,270.00.

**Recommendation:** We recommend the Council approve Change Order No. 3 for the additional amount of \$8,929.95 and a time extension of 17 calendar days.

**Attachments:** Change Order No. 3

**CONTRACT CHANGE ORDER**

**OWNER:** CITY OF SPRING HILL, KANSAS  
**DATE:** 08/16/16  
**JOB NO.:** 246-205045.2 (3)

**PROJECT:** NICHOLS/RACE STREET STORMWATER IMP  
**CHANGE ORDER NO.:** 3

**CONTRACTOR:** LINNAWEAVER CONSTRUCTION, INC.  
 719 GILMAN ROAD  
 LANSING, KANSAS 66043  
**COMPLETION DATES:**  
**Original / Revised**  
**Substantial:** 6/26/2016 to 8/12/2016  
**Final:** 7/26/2016 to 9/11/2016

You are hereby directed to make the following changes to the subject Contract Documents:

Item (a)	Description (b)	Increase in Contract Price (c)	Decrease in Contract Price (d)
	ADD 17 calendar days to the date of substantial & final completion	\$ 0.00	\$ 0.00
26	DEDUCT 133 LF of Type A C&G @ \$24.00 per LF		-3,192.00
27	ADD 132 LF of Type B C&G @ \$35.00 per LF	4,620.00	
29	ADD 5 Tons of 2" Asphalt Overlay @ \$95.00 per Ton	475.00	
30	ADD 6.87 Tons of 6" Full Depth Asphalt Base @ \$95.00 per Ton	652.65	
49	DEDUCT 38 SY of Asphalt Drive Repair @ \$42.00 per SY		-1,596.00
50	ADD 56 SY of Concrete Drive Repair @ \$65.00 per SY	3,640.00	
51	ADD 65 LF of 4' Concrete Sidewalk @ \$32.00 per LF	2,080.00	
58	DEDUCT 4 LF of 2' Concrete Sidewalk @ \$20.00 per LF		-80.00
59	ADD 10 LF of 3' Concrete Sidewalk @ \$30.00 per LF	300.00	
64	ADD 1 Handicap Ramp @ \$1,200.00 per Each	1,200.00	
65	ADD 8.74 Tons of 2" Asphalt Overlay @ \$95.00 per Ton	830.30	
<b>TOTALS</b>		<b>\$ 13,797.95</b>	<b>\$ -4,868.00</b>

1.	Original Contract Amount		\$ 432,087.00
2.	This Change Order (c-d) ADD/DEDUCT	\$ 8,929.95	
3.	Previous Change Order ADD/DEDUCT	\$ 9,568.00	
4.	Total (line 2+3) ADD/DEDUCT		\$ 18,497.95
5.	Revised Contract Amount (line 1+4)		\$ 450,584.95

The time provided in the Agreement is unchanged by 0 calendar days.

Recommended by (Engineer): John W. Brant  
 Accepted by (Contractor): [Signature]  
 Approved by (Owner): \_\_\_\_\_

Date 8/17/16  
 Date 8-18-16  
 Date \_\_\_\_\_

Distribution:  Owner  Contractor  Engineer  Resident Project Representative  Other

## AGENDA ITEM REVIEW SHEET

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TO: GOVERNING BODY  
SUBMITTED BY: JIM HENDERSHOT, COMMUNITY DEVELOPMENT DIRECTOR  
MEETING DATE: AUGUST 25, 2016  
DATE: AUGUST 17, 2016

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**Formal Action Item:** Conditional Use Permit, CU-2016-0002, adoption of Ordinance No. 2016-10, authorizing a CUP for a Vehicle and Equipment Sales use located at 102 E. Nichols St.

**Issue:** Application received from RP Automotive to operate a vehicle and equipment sales business at the northeast corner of Nichols and Webster Streets, or 102 E. Nichols.

**Background:** Matt Kelley, RP Automotive, has submitted a request for a CUP authorizing property located at 102 E. Nichols to be utilized as a vehicle and equipment sales facility, specifically used cars and trucks. The property is zoned C-2 which requires a CUP to operate this type of business. The attached staff report further details the use of the property and analysis by staff.

**Analysis:** As per the attached minutes from the August 4<sup>th</sup>, 2016 Planning Commission meeting, the required public hearing was conducted. Opposition to the request was voiced by one individual based on the proximity to the adjacent church. The applicant has been in several discussion with the adjacent church representatives regarding the recently vacated right-of-way and have reached an agreement for permanent access to the church property from Webster Street. The details of this agreement will be finalized by both parties.

After closing the public hearing and discussion the PC voted unanimously to recommend approval of the application subject to the following:

1. Annual review by staff

**Alternatives:** Approval, denial or remand to PC

**Legal Review:** City Attorney Frank Jenkins has reviewed the draft ordinance.

**Funding Review or Budgetary Impact:** Not applicable

**Recommendation:** Recommendation from staff and the Planning Commission to approve Ordinance No. 2016-02, approving conditional use permit CU-2016-0002 subject to the following condition.

1. Annual review by staff

**Attachments:** Staff report & Site Plan  
Draft ordinance  
August 4, 2016 PC minutes

**SPRING HILL PLANNING COMMISSION  
CONDITIONAL USE STAFF REPORT**

**Case #:** CU-2016-0002

**Meeting Date:** August 4, 2016

**Description:** Proposed Conditional Use Permit for a used car and truck dealership

**Location:** 102 E. Nichols Street

**Applicant:** Matt Kelly dba RP Automotive

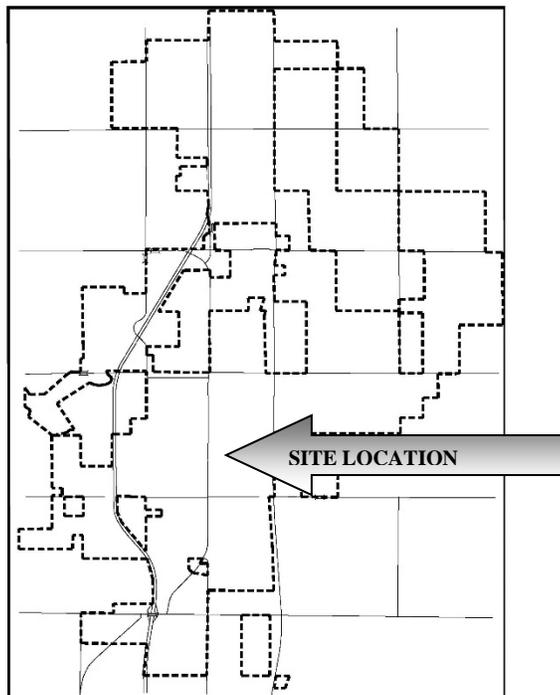
**Engineer:** A&D Allenbrand - Drews

**Current Zoning:** C-2

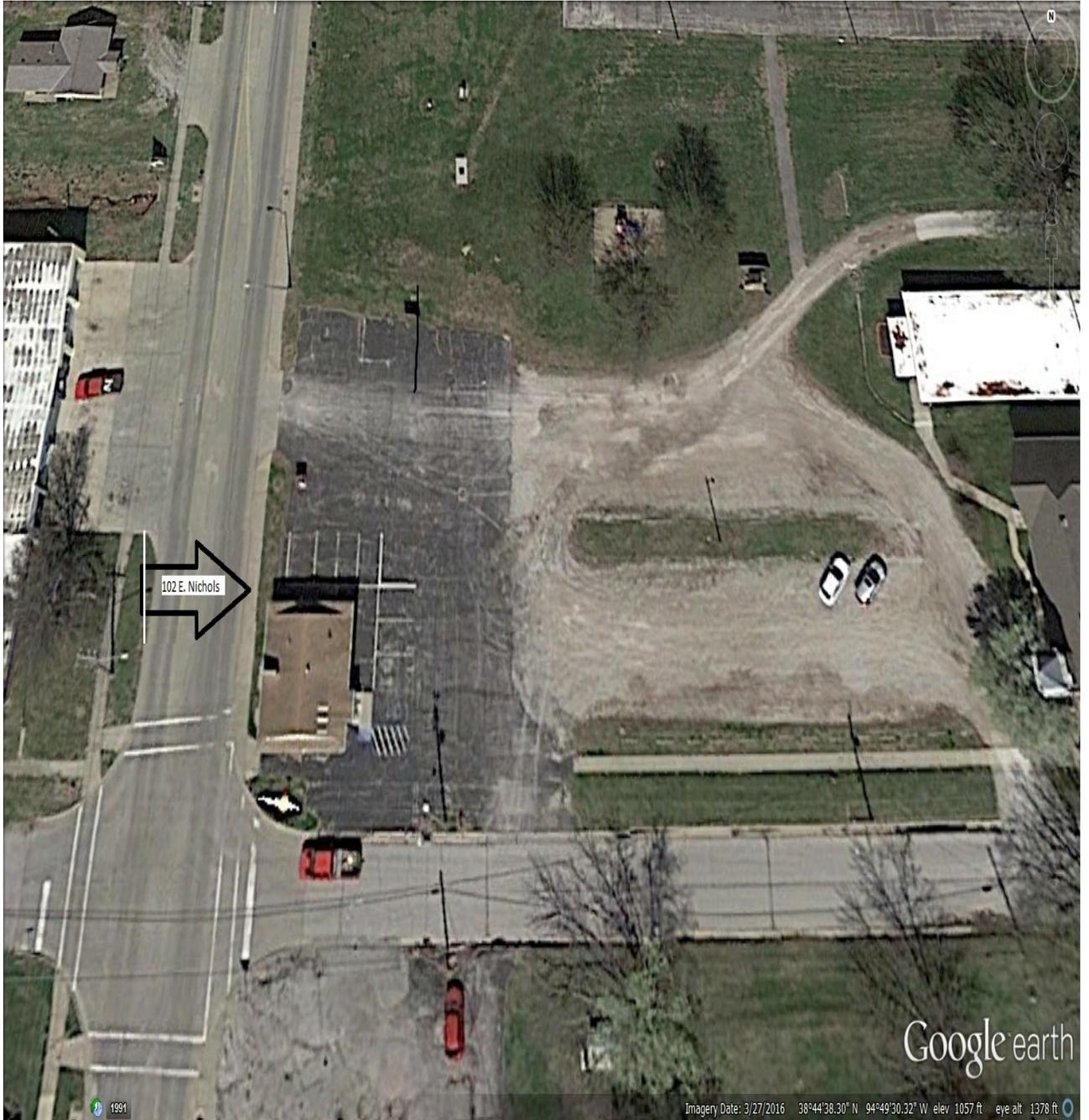
**Site Area:** 43,560 Sq. Ft.      **Number of Lots:** 1

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	C-2	Commercial	Mixed Use Comm.
<b>North:</b>	C-2	Commercial	Mixed Use Comm
<b>South:</b>	C-2	Commercial	Mixed Use Comm.
<b>East:</b>	C-2 / R-1	Commercial Residential	Mixed Use Comm. / Residential
<b>West:</b>	C-2	Commercial	Mixed Use Comm.

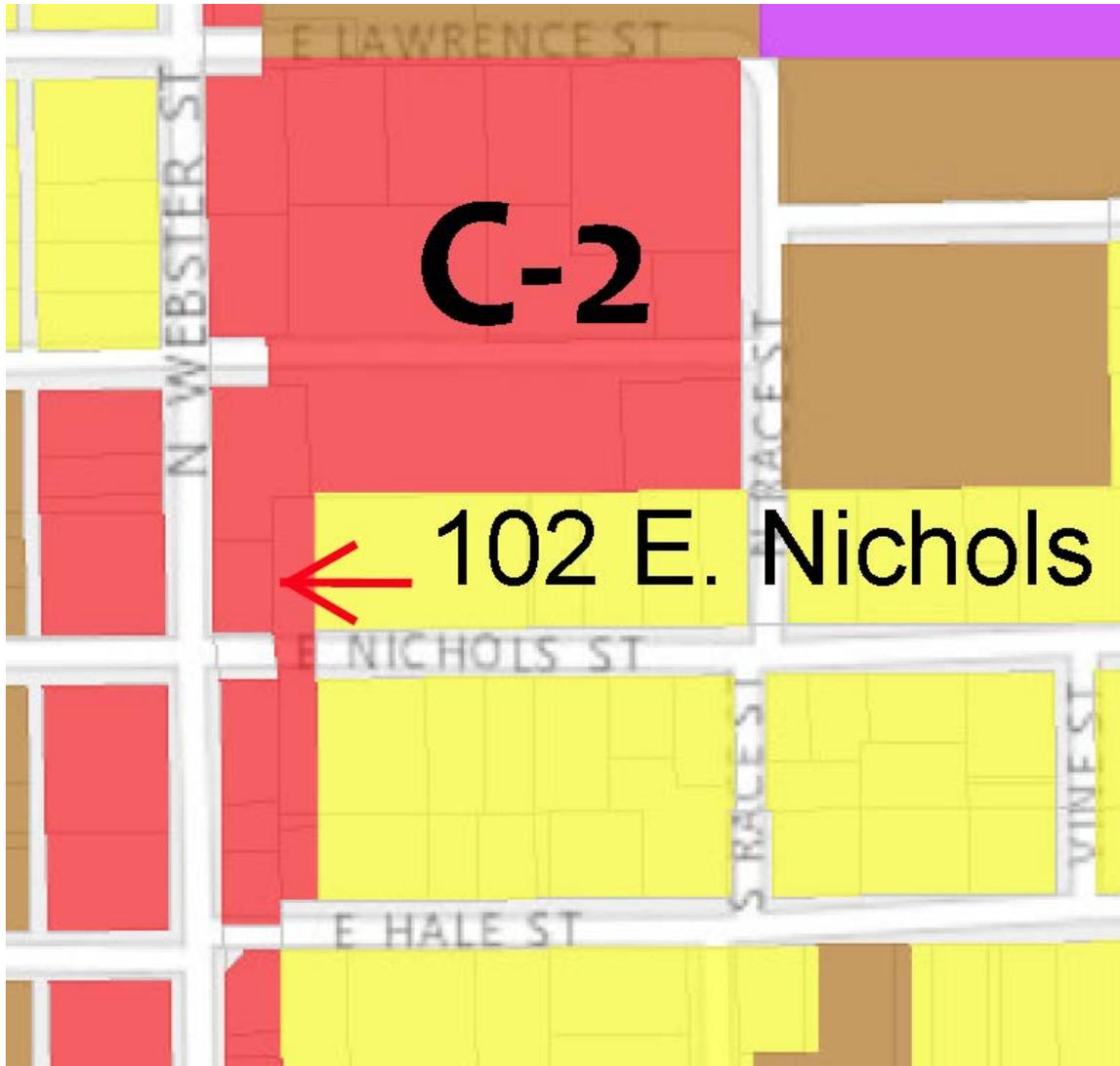
**Related Applications:**



# AREA PHOTO



**AREA ZONING**



**BACKGROUND:**

The applicant, Matt Kelly dba RP Automotive, has submitted a request for a 'CUP' (Conditional Use Permit), CU-2016-0002, for a used car and truck sales dealership. At this time, he is anticipating approximately 23 vehicles will be on the lot for sale, as indicated on the site plan that is attached. The business will be operating Monday through Saturday between the hours of around 10:00 a.m. to 7:00 p.m. The lot will be illuminated with directional / shielded lights as to not affect the traffic or neighborhood. Staff will work with Mr. Kelly to assure the lighting is illuminating properly through the electrical permit process. For security reasons, the lot will have a low profile pipe fence with gates around the lot. All customer traffic will enter and exit on to Webster Street. There will be a gate going onto Nichols Street but it will be used for business operations only. All areas that are existing gravel will be replaced with hard surface materials.

The zoning of the site is 'C-2' (General Business). The Spring Hill Zoning Ordinance allows for the sale of vehicles in the "C-2" district by means of a Conditional Use Permit. Currently, the building is empty, and the last use was a restaurant type of business. The surrounding properties owners were notified by mail of this Public Hearing. A copy of the publication is attached.

**GOLDEN FACTORS:**

The review of the proposed conditional use permit is consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

- 1. Neighborhood Character.** The adjacent properties are comprised of commercial zoning in all directions of the site. The properties to the north and east are religious centers with one in commercial zoning and the other in residential zoning. The proposed use and design of the site will be compatible within the area.
- 2. Adjacent Zoning.** Adjacent parcels are zoned for commercial uses. The proposed use under a conditional use permit will be compatible with existing zonings and uses.
- 3. Suitability for Current Zoning.** The site is zoned "C-2" which allows the sales of vehicles use by way of a conditional use permit. The parcel will comply with all site planning factors appropriate to its proposed use.
- 4. Detrimental Effect of Zoning Change.** The proposed conditional use permit will not have a detrimental effect on the nearby properties which are commercial uses. There is no indication that nearby properties will be adversely affected by the proposed use, nor does staff believe that the proposed use will create land use conflicts with existing or planned future uses.
- 5. Length of Time at Current Zoning.** The site has been zoned "C-2" for many years.
- 6. Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit issuance and a review within a time frame set by the Governing Body. A change in tenants does not require action on a 'CUP', provided the use is operated in the same manner as the previous tenant and within the conditions established in the approved "CUP".

**7. Adequacy of facilities:** All utilities are adequately available to the property and the property is sufficiently suited for the proposed use. They will be required to obtain the correct permits to insure the work that will take place conforms to all City codes and regulations.

**8. Conformance with Comprehensive Plan.** The Comprehensive Plan and Future Land Use Map identifies this area as Mixed Use Commercial. This classification promotes a mixture of neighborhood-oriented uses, retail-commercial, institutional, civic, and medium to high density residential uses through compatible site planning, site design and in this case “CUP”. The use of the property as a commercial business / used car and truck sales dealership with the implementation of a ‘CUP’ is in compliance with the Comprehensive Plan.

**Planning Commission Review and Action:** Upon review of the conditional use permit application the Planning Commission shall determine if the plat conforms to the provisions of the Subdivision Regulations and Comprehensive Plan. The Planning Commission shall take action to:

- Approve the application, or
- Approve the application with modifications, or
- Table action on the application to a specific date and notify the applicant of such action
- Reject the application

**RECOMMENDATION:**

Staff recommends approval of Conditional Use Permit # CU-2016-0002, located at 102 E. Nichols Street, for use as a used car and truck sales dealership, with a review of the ‘CUP’ every year. The adopted “Conditional Use Permit Review / Renewal Guide, February 2014” was used as a matrix for a review timeframe. The category of “Vehicle Repair General”, within the guide shows a review period of once every year.

*Suggested Motion: Motion to recommend approval of Conditional Use Permit # CU-2016-0002, located at 102 E. Nichols Street, for use as a used car and truck sales dealership, with a review of the ‘CUP’ every year.*

Attachments:

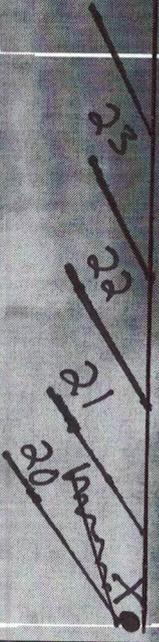
- Site Plan
- Public Hearing Notice – MICO Republic Publication

A product of Johnson County AIMS, 111 S Cherry, Ste 2000, Olathe, KS 66061 - 913.715.1600 - <http://aims.jocogov.org> - [mapper@jocogov.org](mailto:mapper@jocogov.org)

EP70500000 0006  
19,562.0 ft.

70.79

← Deded Right of Way →



102  
EP70000000 00R3A  
7,947.0 ft.

Handicap  
customer  
customer  
customer



110.00



### Johnson Co AIMS Map

#### LEGEND

AIMS Imagery: 2014

Property

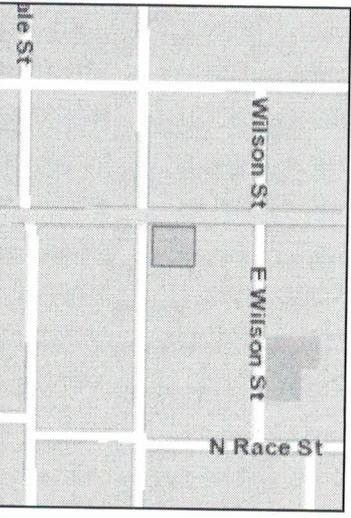
\* All Gravel to be Blacktop

\* 5-dots - Area to be fenced

\* 3-inch low-lying pipe

\* X's indicate lights

\* NO trash dumpster



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7/28/2016

**ORDINANCE NO.2016-10**

**AN ORDINANCE AUTHORIZING CONDITIONAL USE PERMIT CU-2016-0002  
(Used car and truck dealership).**

**WHEREAS**, the Spring Hill Planning Commission did hold a public hearing on August 04, 2016, in accordance with the requirements as set forth in Section 17.354 of the Spring Hill Zoning Ordinance to consider a Conditional Use Permit to permit a used car and truck dealership use, on the real property described in Section One below; and

**WHEREAS**, fourteen (14) days have passed since the hearing before the Planning Commission and no sufficient protest has been filed with the office of the City Clerk; and

**WHEREAS**, after reviewing all written and oral testimony presented at said hearing, the Planning Commission did recommend that the City Council approve Conditional Use Permit No. CU-2016-0002; and

**WHEREAS**, the City Council has reviewed the Conditional Use Permit along with the recommendations of the Planning Commission and professional planning staff.

**NOW, THEREFORE, BE IT ORDAINED THAT THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** Conditional Use Permit No. CU-2016-0002 is hereby approved for a used car and truck dealership use located on the following tract of land located within the City of Spring Hill Johnson County, Kansas:

**LEGAL DESCRIPTION:**

Lot 83, INCLUDING the West half of all that part of the Southeast  $\frac{1}{4}$  of Section 14, Township 15, Range 23 East, Jonson Count, Kansas, described as follows; Beginning at the Southwest corner of Lot 16, Dwyer's First Addition to the City of Spring Hill, Johnson County, Kansas; thence S87'52'19"W, along the Northerly right of way of Nichols Street, a distance of 46.42 feet, to the Southeast corner

of Lot 83 City of Spring Hill, Also being on the West line of said Southeast Quarter; thence N2.24'21"W, along the East line of said Lot 83, Also along the West line of said Southeast Quarter, a distance of 165.01 feet, to the Northwest corner of Lot16 Dwyer's First Addition; Thence S2.49'42"E, a distance of 165.01 feet, to the Point of Beginning, Containing 0.17 Acres, More or less, vacated Right-of-Way thereof, SPRING HILL Outside Lots, a subdivision in the City of Spring Hill, Johnson County, Kansas also known as:

102 E. Nichols Street, Spring Hill, Johnson County, Kansas.

Subject to the following:

1. Annual operations and site review by city staff.

**SECTION TWO:** The real property described in Section One shall be deemed to be authorized for a used car and truck sales dealership use.

**SECTION THREE:** The zoning administrator is hereby authorized to amend the Official Zoning District Map of the City of Spring Hill, Kansas, in accordance with the above and foregoing changes in land use.

**SECTION FOUR:** This Ordinance shall take effect upon publication in the official city newspaper. All zoning regulations of Spring Hill, Kansas, affecting the use of the real property heretofore described, which are inconsistent with this ordinance are hereby made inapplicable to said property until the Conditional Use Permit is vacated or is declared null and void.

**PASSED BY THE CITY COUNCIL** this 25<sup>th</sup> day of August 2016.

**APPROVED BY THE MAYOR** this 25<sup>th</sup> day of August 2016.

**ATTEST:**

\_\_\_\_\_  
**Steven M. Ellis, Mayor**

\_\_\_\_\_  
**Glenda Gerrity, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Frank H. Jenkins, Jr.,  
City Attorney**

**1. Public Hearing – Conditional Use Permit (CU-2016-0002), RP Automotive – Matt Kelly (used car and truck dealership)**

*Beginning of Staff Report*

*End of Staff Report*

*With no conflicts of interest between the members of the Planning Commission and the applicant, Chairman Sly formally opened the public hearing at 7:06 p.m.*

Mr. Hendershot, Community Development Director, presented the staff report to the Planning Commission (PC), as outlined above. He noted that Spring Hill United Methodist Church patrons have used the Webster Street ingress and egress for many years for access to the church parking lot. However, the Webster Street driveway technically belongs to the property owner of 102 E. Nichols Street. He also noted that the action recently taken by the Spring Hill City Council approved the vacation of a portion of city right-of-way that is located between 112 E. Nichols Street and 102 E. Nichols Street. In the process of property vacations, the land is divided in half between the two property owners. The applicant and members of the church have met to discuss how this property split will work for both parties involved. As a result, the two parties agreed that the church will deed all of the vacated city right-of-way to the applicant. In turn, the applicant will deed a northern portion of his property along Webster Street to the church for use as permanent ingress/egress to the church. Essentially, the parties are swapping land to accommodate business needs.

Commissioner Mitchell asked how wide the right-of-way on the north side of 102 E. Nichols Street will be. Mr. Hendershot stated that it is proposed at 20 feet, which is ample for 2 lanes of traffic.

Commissioner Vaughan expressed concerns with the sustainability of a used car sales business in Spring Hill, as he has seen many come and go since his time living in the community. He asked how the applicant sees Spring Hill as a business opportunity for used car/truck sales. He wants to know how the applicant sees his business as different from the other used car/truck sales that have failed in Spring Hill. Mr. Hendershot stated that the previous used car dealership in this same location was in business for several years. He also noted that he cannot answer as to the success of other used car dealerships, as he is not familiar with their management practices. He stated the applicant's intentions are to have approximately 20 vehicles on the lot for sale, and not focus solely on internet sales, like his predecessors may have done. This could be why some of those businesses did not last long in Spring Hill. Commissioner Vaughan asked if the applicant's inventory has already been accounted for. Mr. Hendershot explained that the applicant has other dealerships in the area, so it is his assumption the inventory is accounted for now.

Commissioner Mitchell indicated that he did not see any trash dumpsters on the site plan. Mr. Hendershot stated that is correct, as there will be no exterior dumpsters.

Commissioner Nowlin asked if there would be any type of barrier along the right-of-way with regards to parking lot spaces 20 through 23. Mr. Hendershot stated that the pipe rail fence would extend around his property creating a barrier. This fence will protect the applicant's inventory, as well as close off the right-of-way entrance for public use along East Nichols Street. Customers will use the Webster Street as entrance/exit to the business.

Commissioner Mitchell asked if the fence would be around three or four sides of the property.

The applicant, Mr. Matt Kelly addressed the Planning Commission, and stated that he would like the fence to extend around four sides. He further explained that he has been in the used car sales business for a number of years, and he currently has two dealerships in the Merriam area. He stated that business model includes cars that are in the \$5,000 to \$15,000 price range that are aesthetically pleasing. Mr. Kelly stated that the low-lying fence around the property is to serve as a deterrent from theft. He also explained that he is open to helping the church

with enlarging the entrance/exit along Nichols Street. Mr. Kelly referred to Spring Hill as his “last resting place”, as he lives in a small community close by and would like to expand his business closer to his home.

Commissioner Vaughan asked what his plans are for the existing building. Mr. Kelly stated that his intentions for the interior is to make sure everything is compliant with building codes and apply for building permits with the City for structural changes as necessary.

Commissioner Nowlin asked the applicant if there are any plans for revamping the exterior part of the building. Mr. Kelly stated that he plans to paint the exterior building and clean up the property. He also stated that this dealership would be for sales only, so no servicing of vehicles will take place on this property.

Commissioner Vaughan asked for clarification on the lighting to be used on the lot, as well as signage for the business. Mr. Kelly stated the lot will be low lighting and the sign will be in compliance with zoning regulations. He will contact City Staff for proper permits and requirements for these items.

Commissioner Nowlin asked Mr. Kelly if he plans to continue the hard surface with asphalt, along with striping in the parking lot. Mr. Kelly stated that striping is definitely important to the layout of the sales lot, so it would definitely be done. Mr. Hendershot added that the parking lot for car sales is required to be paved and dust-free, in which asphalt is acceptable.

Commissioner Sly asked Mr. Kelly if he anticipates more than 23 cars/trucks on the lot for sale. Mr. Kelly stated that he feels 23 cars/trucks is ample and allows enough space for flow of traffic.

Commissioner Sly inquired about hours of operation. Mr. Kelly’s plan is to be open daily from 10:00 a.m. to 7:00 p.m.

Commissioner Nowlin inquired about the timeframe for property improvements and upgrades. Mr. Kelly tentatively plans to have the property improvements completed later this Fall.

Ms. Aleta Lawrence, representative for Spring Hill United Methodist Church, addressed the Planning Commission. She expressed her concerns with the used car sales lot in this location, which is close to both the church and preschool. Activities take place at the church and preschool during multiple days and times during the week, not just evenings and weekends. She stated that there is potential for conflict of traffic going in and out of business and church area. She acknowledged that her questions were previously answered regarding staff and customer parking for the dealership. Ms. Lawrence stated that she is somewhat concerned about fire safety, as there is only one main access in and out of the business. She explained that she does realize this is a small space with a low fence, but she is concerned about the age of the building and vehicles on the lot. She further explained that the church board considered purchasing the property years ago, but decided against it. Ms. Lawrence asked for clarification on landscaping and wanted to know if there would be sod placed. She stated that landscaping is softening, especially for businesses like a car lot; she suggested sod, trees and shrubs. She noted that the building is presently an eye sore and would like to see improvements if not removed. She asked the question, “Does Spring Hill need a used car lot, and does it need one here?” She requested that the Planning Commission vote no on the Conditional Use Permit.

*With no questions or comments from the public, Chairman Sly formally closed the public hearing at 7:35 p.m.*

Commissioner Vaughan thanked Ms. Lawrence for speaking. With regards to the building, he asked if there have been any inspections of the building within the last few years and/or when the applicant purchased the building. Mr. Kelly clarified that the purchase of the property will be finalized pending he approval of the Conditional Use Permit and right-of-way vacation. The anticipated closing date is the end of August 2016.

Mr. Hendershot added that the City inspected the building for the previous tenant for use as a restaurant.

Mr. Kelly stated that he performed a preliminary inspection before he officially placed an offer to buy the property. There are additional inspections to be completed, which is required for the sale of the property. Again, the anticipated closing date is the end of August 2016.

Commissioner Vaughan stated that the safety of the children attending the church preschool is important, and inquired where the entrance is for the preschool. Mr. Kelly stated that they currently enter from the gravel area that goes through his potential property, but with the northern portion of land that he would deed to the church, access to the preschool would be moved to the new entrance off of Webster Street. Mr. Kelly further explained that usage of his potential property as a driveway over the years has taken a toll on the condition of the black top. He stated that he is working with the church to accommodate for their needs and his.

Chairman Sly stated that the Conditional Use Permit sets specific conditions on a business and is reviewed annually for compliance.

Commissioner Vaughan asked Mr. Hendershot how long the building at 102 E. Nichols Street has been vacant. Mr. Hendershot stated that it has been vacant at least 2 to 3 years.

Commissioner Mitchell stated that the property was previously used as a car dealership.

Chairman Sly asked if there were any issues with overflow customer parking on the street when it was a car dealership in the past. Commissioner Mitchell stated that he did not recall any parking issues.

Commissioner Vaughan indicated that he definitely understands the concerns presented by church patrons, but he also sees that the property has been vacant for a few years. He believes it would be nice to have a business occupying the building and clean it up.

Commissioner Pollom asked those in attendance representing the church if it was the entire congregation's recommendation to deny the Conditional Use Permit or an independent opinion. Ms. Lawrence stated that it was her opinion, but other's interjected saying that it's not just her opinion.

Chairman Sly asked those representing the church if they had any issues with the previous car dealership in that location. They indicated that that did not as there was no fence and only had about five cars in the lot.

Commissioner Pollom asked those representing the church how the fence causes hardship, as she feels having the fence helps delineate the boundaries, especially with the preschool being close by. It was expressed by a church patron that the fence is more of an eye sore issue.

**Motion by** Mr. Mitchell, seconded by Mr. Nowlin, to recommend approval of Conditional Use Permit # CU-2016-0002, located at 102 E. Nichols Street, for use as a used car and truck sales dealership, with a review of the CUP every year.

**Roll Call Vote:** Nowlin-Aye, Mitchell-Aye, Sly-Aye, Pollom-Aye, Vaughan-Aye

**Motion carried 5-0-0**

The Conditional Use Permit application (CU-2016-0002) for RP Automotive will be forwarded to the City Council for consideration on August 25, 2016.

## AGENDA ITEM REVIEW SHEET

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TO: GOVERNING BODY

SUBMITTED BY: JIM HENDERSHOT, COMMUNITY DEVELOPMENT DIRECTOR

MEETING DATE: AUGUST 25, 2016

DATE: AUGUST 17, 2016

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**Formal Action Item:** Ordinance No. 2016-11, Rezoning application Z-01-16

**Issue:** Request to rezone property located at northwest corner of 191<sup>st</sup> & US169/K7 Highway from RP-1 to R-1.

**BACKGROUND:** An application has been received for rezoning property located at northwest corner of 191<sup>st</sup> & US169/K7 Highway from RP-1 (Planned Single Family Residential) to R-1 (Single Family Residential). Changes in the property ownership structure and current market conditions have lead the applicant to revise the 2007 approved plat to larger lots that fall under the R-1 District regulations. With the rezoning the preliminary plat will see a reduction in lots from 712 to 488.

**Analysis:** On August 4, 2016 the Spring Hill Planning Commission conducted the public hearing on this rezoning request. Staff presented the staff report (attached) and clarified questions from the Planning Commission on the purpose of the rezoning request. A copy of the PC minutes is included for your review. Following the public hearing the Planning Commission voted unanimously to recommend approval of the rezoning request. As noted in the attached staff report the request is compliant with the Comprehensive Plan. The 14 day protest period has passed with no protest petition being received by city staff.

**Alternatives:** Approve, override the PC recommendation by 2/3 vote, remand to Planning Commission, denial or continuance.

**Legal Review:** City Attorney Frank Jenkins reviewed and approved the attached draft rezoning ordinance.

**Funding Review or Budgetary Impact:** This recommendation is being presented in accordance with Section (list section) of the Spring Hill Purchasing Policy. This expenditure will be drawn from (list name of account and line item number). **N/A**

**Recommendation:** Staff and the Spring Hill Planning Commission recommend approval of Ordinance #2016- for rezoning application Z-01-16 for the 225 acre tract located on the northwest corner of 191<sup>st</sup> & US169 Highway from RP-1 to R-1.

**Attachments:** Staff report Z-01-16  
Draft ordinance  
Minutes from August 4, 2016 PC meeting

**SPRING HILL PLANNING COMMISSION  
ZONING STAFF REPORT**

**Case #:** Z-01-16

**Meeting Date:** August 4, 2016

**Description:** Proposed Rezoning from RP-1 (Planned Single Family Residential) to R-1 (Single Family Residential)

**Location:** 191<sup>st</sup> & US169 Highway, northwest corner

**Applicant:** Polsinelli, PC – Curtis Holland

**Owner:** PV Investments, LLC – Brad Vince

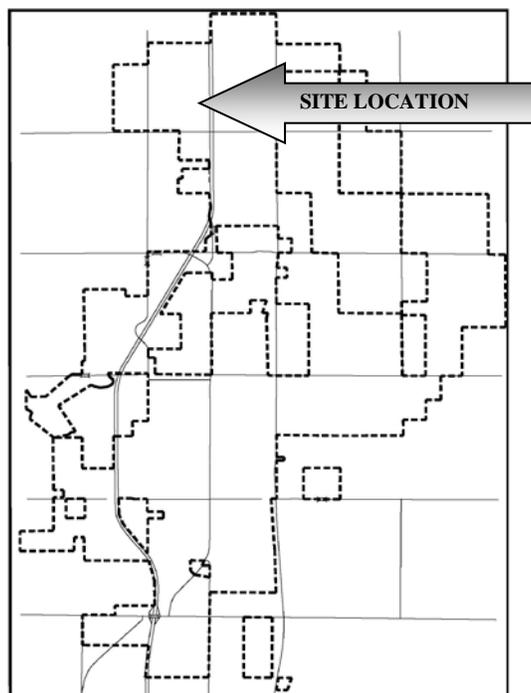
**Engineer:** Shafer, Kline & Warren, Inc. – Greg Watson

**Current Zoning:** RP-1                      **Proposed Zoning:** R-1

**Site Area:** 225.77 Ac.                      **Number of Lots:** 488

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	RP-1	Vacant	Residential
<b>North:</b>	Rural / RUR	Vacant	Residential
<b>South:</b>	R-R & RUR	Vacant	Residential
<b>East:</b>	N/A	KDOT R-O-W	Highway
<b>West:</b>	R-R & RUR	Vacant	Residential

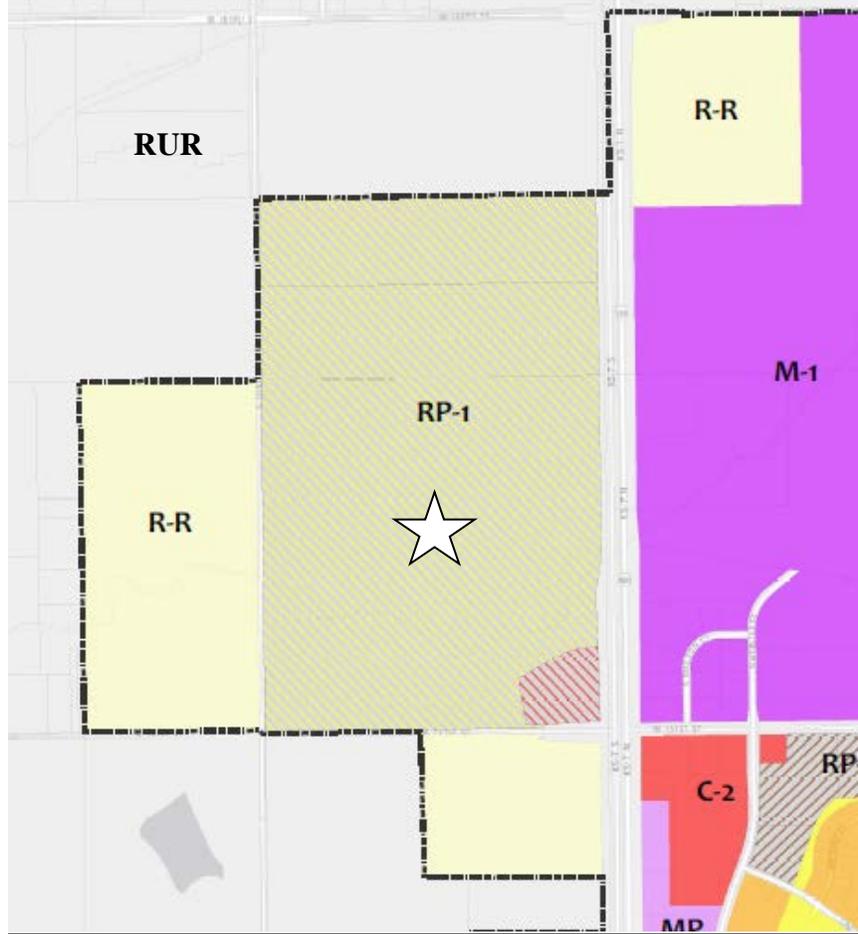
**Proposed Use:** Single Family Residential



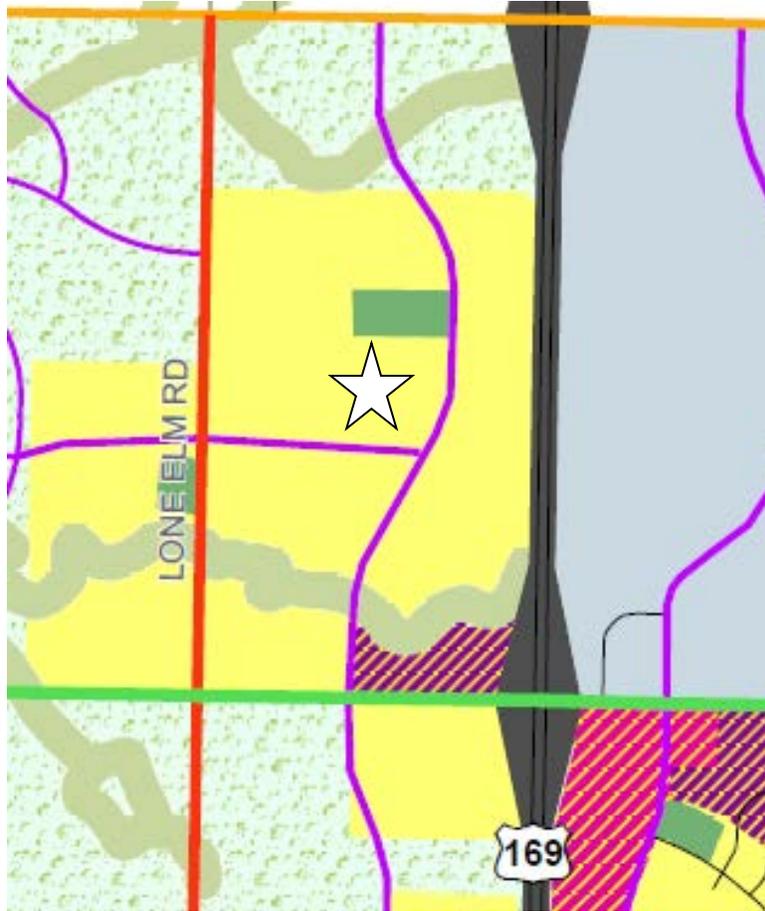
# AREA PHOTO



# AREA ZONING



## FUTURE LAND USE



**BACKGROUND:** An application has been received for rezoning a 225.77 acre tract located at the northwest corner of 191<sup>st</sup> & US169 Highway. The property is currently zoned RP-1 (Planned Single Family Residential) with requested zoning to R-1 (Single Family Residential). The property was rezoned to RP-1 approximately 10 years ago as a part of a planned residential development. Changes in the ownership structure and market conditions have resulted in this current rezoning application.

### **REZONING:**

The review of the proposed rezonings are consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

- 1. Consistent with purposes of the regulations and intent and purpose of the proposed district:** The proposed rezoning is consistent with the purpose and intent of the regulations regarding R-1 district. Single family residential subdivisions are an allowed use in the R-1 district.
- 2. Neighborhood Character:** As shown on the aerial photo above, the surrounding area is primarily agricultural / rural residential with KDOT highway right-of-way to the east.
- 3. Zoning and uses of nearby parcels:** As shown on the area zoning map above, the properties to the south and west are a combination of Rural Residential (R-R city district) and unincorporated Johnson County, Rural Residential (RUR). The area to the north is also unincorporated Johnson County, RUR District. The area to the east is General Industrial (M-1) but is separated from the subject property by KDOT right-of-way. All uses within the adjoining district are compatible with their respective districts, with most being vacant ground and agricultural in uses.
- 4. Requested because of changing conditions:** Request is based on a business opportunity as determined by the applicant.
- 5. Suitability of parcel for uses restricted by the current zone:** Property adjacent to highway right-of-way is suitable for many land use opportunities. However, because of the floodplain that dissects the property from east to west, developments other than residential would be limited.
- 6. Suitability of parcel for uses permitted by the proposed district:** The proposed subdivision of Dayton Creek is single family residential and permitted within the R-1 district. With the change in zoning from RP-1, the density will be substantially decreased due to larger lots required in the R-1 district.
- 7. Detrimental Effect of Zoning Change:** No detrimental effects are anticipated.
- 8. Proposed amendment corrects an error:** No error is being corrected.
- 9. Length of time property has been vacant:** This property is undeveloped and has been vacant ground with limited agricultural in use for many years.
- 10. Adequacy of current facilities:** All utilities are adequate and available to the property with extensions as determined by the development plan.
- 11. Conformance with Comprehensive Plan.** As shown on the Future Land Use map above, the Comprehensive Plan identifies this area as Residential. The requested zoning district of R-1 and the proposed use are in conformance with the Comprehensive Plan.
- 12. Hardship if application is denied:** The issue of hardship can be better addressed by the applicant and owner.

**ADDITIONAL REVIEW COMMENTS:**

Staff distributed the rezoning application to various consultants and city staff for comment. Any applicable comments have been addressed by the applicant. As required, area property owners were notified of the hearing by mail and a newspaper publication was completed 20 days prior to the hearing date. In addition, signs advertising the public hearing date for this application were posted on the property as required. To date, no written public comments have been received.

**ALTERNATIVE ACTION:** Alternatives for action by Planning Commission include;

- *Approval of application* with final action by the Governing Body on August 25, 2016, subject to the protest period and petition as provided by Section 17.364.I of the Spring Hill Zoning Regulations, or
- *Denial of application* (application would be forwarded to Governing Body) on August 25, 2016, subject to the protest period and petition as provided by Section 17.364.I of the Spring Hill Zoning Regulations, or
- *Continuance* of item to future meeting identifying specific issues to be reviewed by staff and/or the applicant.

**RECOMMENDATION:** Staff recommends approval of rezoning application Z-01-16 from RP-1 (Planned Single Family Residential) to R-1 (Single Family Residential).

*Suggested Motion: Motion to recommend approval to the Spring Hill Governing Body for rezoning application Z-01-16 as presented by staff.*

ORDINANCE NO. 2016-11\_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN LANDS LOCATED NEAR THE NORTHWEST CORNER OF 191<sup>ST</sup> STREET, U.S. 169 HIGHWAY,, FROM "RP-1" PLANNED SINGLE-FAMILY RESIDENTIAL DISTRICT TO "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT WITHIN THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS.

**WHEREAS**, proper application (Z-01-16) for a change in the zoning of land hereinafter described has been made; and

**WHEREAS**, the Planning Commission of the City of Spring Hill, Kansas, did on the 4th day of August, 2016, conduct a public hearing, after proper publication of notice, see EXHIBT "A" and proper service upon property owners adjacent to applicant's property; and

**WHEREAS**, the said Planning Commission on the 4th day of August, 2016, closed by the public hearing and recommended approval of the rezoning, by an affirmative vote of a majority of the entire membership of the Planning Commission to the Governing Body; and

**WHEREAS**, within fourteen (14) days after the conclusion of the date of the public hearing before the Planning Commission, no valid protest petition was filed with the office of the City Clerk; and

**WHEREAS**, on the 25<sup>th</sup> day of August, 2016 the Governing Body considered the findings, conditions and recommendations of the Planning Commission and the professional planning staff at the City Council meeting.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** The zoning of the following described tract of land located in Johnson County, Kansas:

EXHIBT "A"

**R-1 (Proposed)**  
**Legal Description**

The South Half of the Northwest One-Quarter and all of the Southwest One-Quarter of Section 35, Township 14 South, Range 23 East in Johnson County, Kansas, except that part taken for highway right-of-way being more particularly described as follows:

Beginning at the Southwest corner of the Southwest One-Quarter of said Section 35, Township 14 South, Range 23 East in Johnson County, Kansas; thence North 02° 07' 18" West, along the West line of the said Southwest One-Quarter, a distance of 2,659.02 feet to the Northwest corner of the said Southwest One-Quarter; thence North 02° 06' 50" West, along the West line of the South One-Half of the Northwest One-Quarter of Section 35, a distance of 1,353.60 feet, to a point; thence North 87° 40' 23" East, along the North line of the South One-Half of the said Northwest One-Quarter, a distance of 2,538.88 feet, to a point on the Westerly right-of-way line of U.S. Highway 169, said point being 100.70 feet West of the Northeast corner of said south One-half; thence South 01° 05' 19" West, along the Westerly right-of-way of said U.S. Highway 169, a distance of 347.56 feet, to a point; thence South 03° 41' 29" East, and continuing along the Westerly right-of-way line of said U.S. Highway 169, a distance of 1,004.80 feet, to a point on the North line of said Southwest One-Quarter; said point being 94.30 feet West of the Northeast corner of said Southwest One-quarter; thence South 02° 33' 44" East, along the Westerly right-of-way of said U.S. Highway 169, a distance of 691.40 feet, to a point; thence South 02° 38' 39" East and continuing along the said Westerly right-of-way of U.S. Highway 169, a distance of 660.00 feet, to a point; thence South 08° 16' 21 " West, along the said Westerly right-of-way of U.S. Highway 169, a distance of 274.60 feet, to a point; thence South 03° 40' 39" East and continuing along the Westerly right-of-way of said U.S. Highway 169, a distance of 414.65 feet, to a point; thence South 81°56'21" West, a distance of 189.16 feet, to a point; thence South 54°46'19" West, a distance of 48.62 feet, to a point; thence South 55°50'06" West, a distance of 47.40 feet, to a point; thence South 55°17'48" West, a distance of 105.00 feet, to a point; thence South 69°37'49" West , a distance of 103.45 feet, to a point; thence South 55°48'36" West, a distance of 166.41 feet, to a point; thence South 09°50'01" East, a distance of 346.98 feet, to a point; thence North 87°50'21" East, a distance of 70.12 feet, to a point; thence North 87°48'17" East, a distance of 65.52 feet, to a point; thence South 02°10'39" East, a distance of 40.00 feet, to a point on the South line of the said Southwest One-Quarter of Section 35; thence South 87° 49' 21" West, along the South line of said Southwest One-Quarter, a distance of 2,105.60 feet, to the Point of Beginning and containing 226.76 acres, more or less.

is hereby changed from "RP-1" PLANNED SINGLE FAMILY DISTRICT to "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

**SECTION TWO:** The zoning administrator is hereby authorized and directed to amend the Official Zoning District map of the City of Spring Hill, Kansas, in accordance with the foregoing changes in zoning.

**SECTION THREE:** This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

**PASSED BY THE CITY COUNCIL** this 25<sup>th</sup> day of August, 2016.



AFFIDAVIT OF PUBLICATION

NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502

Reference: 182892 PO.:
Ad ID: 6403220 DESC: Rezone request from RP-1 to R-1

GLEND A GERRITY
CITY OF SPRING HILL
PO BOX 424
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

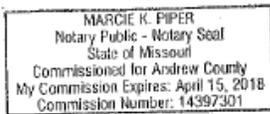
I, Sandra Ridings being duly sworn according to law, state that I am the Legal Advertising Coordinator of the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication. Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter. That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 06/15/16 to 06/15/16
Appearances: 1
AD SPACE: 217
TOTAL COST: \$204.64

(Signed) [Signature]

Subscribed and sworn before me this
15th day of June 2016

[Signature] Notary Public



My Commission Expires: April 15, 2018

(Published in the Miami County Republic Wed., 06/15/16)

CITY OF SPRING HILL, KANSAS
NOTICE OF REZONING
PUBLIC HEARING

Real Property: NOTICE is hereby given that the PLANNING COMMISSION of the CITY OF SPRING HILL, KANSAS, will hold a Public Hearing at their regularly scheduled meeting at 401 N. Madison, Spring Hill, Kansas on the 7th day of July, 2016, at 7:00 P.M. at which time and place you may be heard in regard to the application for a rezoning hearing, for the following described real property, situated in the City of Spring Hill, Johnson County, Kansas, to-wit:

Owner requests a rezoning from RP-1(Planned Single Family District) to R-1 (Single Family Residential District)

LEGAL DESCRIPTION:

The South Half of the Northwest One-Quarter and all of the Southwest One-Quarter of Section 35, Township 14 South, Range 23 East in Johnson County, Kansas, except that part taken for highway right-of-way being more particularly described as follows:

Beginning at the Southwest corner of the Southwest One-Quarter of said Section 35, Township 14 South, Range 23 East in Johnson County, Kansas; thence North 02° 07' 18" West, along the West line of the said Southwest One-Quarter, a distance of 2,659.02 feet to the Northwest corner of the said Southwest One-Quarter, thence North 02° 08' 50" West, along the West line of the South One-Half of the Northwest One-Quarter of Section 35, a distance of 1,353.60 feet, to a point; thence North 87° 40' 23" East, along the North line of the South One-Half of the said Northwest One-Quarter, a distance of 2,538.88 feet, to a point on the Westerly right-of-way line of U.S. Highway 169, said point being 100.70 feet West of the Northeast corner of said south One-half; thence South 01° 05' 19" West, along the Westerly right-of-way of said U.S. Highway 169, a distance of 347.56 feet, to a point; thence South 03° 41' 29" East, and continuing along the Westerly right-of-way line of said U.S. Highway 169, a distance of 1,004.80 feet, to a point on the North line of said Southwest One-Quarter; said point being 94.30 feet West of the Northeast corner of said Southwest One-quarter;

thence South 02° 33' 44" East, along the Westerly right-of-way of said U.S. Highway 169, a distance of 691.40 feet, to a point; thence South 02° 38' 39" East and continuing along the said Westerly right-of-way of U.S. Highway 169, a distance of 660.00 feet, to a point; thence South 08° 16' 21" West, along the said Westerly right-of-way of U.S. Highway 169, a distance of 274.60 feet, to a point; thence South 03° 40' 39" East and continuing along the Westerly right-of-way of said U.S. Highway 169, a distance of 414.65 feet, to a point; thence South 81° 56' 21" West, a distance of 189.16 feet, to a point; thence South 54° 46' 19" West, a distance of 48.62 feet, to a point; thence South 55° 50' 06" West, a distance of 47.40 feet, to a point; thence South 55° 17' 48" West, a distance of 105.00 feet, to a point; thence South 69° 37' 49" West, a distance of 103.45 feet, to a point; thence South 55° 48' 36" West, a distance of 166.41 feet, to a point; thence South 00° 50' 01" East, a distance of 346.98 feet, to a point; thence North 87° 50' 21" East, a distance of 70.12 feet, to a point; thence North 87° 48' 17" East, a distance of 85.52 feet, to a point; thence South 02° 10' 39" East, a distance of 40.00 feet, to a point on the South line of the said Southwest One-Quarter of Section 35; thence South 87° 49' 21" West, along the South line of said Southwest One-Quarter, a distance of 2,105.60 feet, to the Point of Beginning and containing 226.76 acres, more or less.

This notice shall be published once in the official city newspaper at least twenty (20) days prior to the date of said hearing.

Dated this 7th day of June 2016
SPRING HILL
PLANNING COMMISSION
Stephen Sly, Chairman
ATTEST:

(SEAL)

Glenda Gerrity, City Clerk

**1. Public Hearing – Rezoning (Z-01-16) from RP-1 to R-1 located at the Northwest Corner of 191<sup>st</sup> St. and US169 Hwy**

*Beginning of Staff Report*

*End of Staff Report*

*With no conflicts of interest between the members of the Planning Commission and the applicant, Chairman Sly formally opened the public hearing at 7:51 p.m.*

Mr. Hendershot, Community Development Director, presented the staff report to the Planning Commission (PC), as outlined above. He explained that staff has been in communication with that applicant over the past several months regarding the types of houses they want to build. The applicant feels that the lot sizes in the existing RP-1 zoning (Planned Single Family Home) are too small to accommodate the style of home they want to build. As a result, the applicant has requested this property to be rezoned from RP-1 to R-1 (Single Family Residential), which would increase the lot sizes.

Commissioner Vaughan expressed concerns that the rezoning request is a way for the applicant to avoid the requirement of submitting house styles and elevation plans. Mr. Hendershot clarified that this is not the intention of applicant. He further clarified that the reason for the rezoning is so that the applicant can build a larger, higher quality of home that is more aesthetically pleasing, without the size restrictions of a planned zoning district like RP-1.

Chairman Sly asked if there was any other reason, aside from wanting larger lot sizes, for the applicant to request rezoning. Mr. Hendershot noted that the housing market has changed from ten years ago when it was originally zoned as RP-1. It is a business decision on the applicant's part to develop a more marketable product.

Mr. Hendershot added that one of the greatest benefits of the rezoning would be a tremendous reduction in density of the subdivision.

Commissioner Nowlin noted that he knows this topic is about land use, but has questions about earlier comments. He asked if the applicant would be building slab homes. Mr. Curtis Holland, attorney and representative for the owner/applicant of Dayton Creek Subdivision, stated that he is not sure where the term slab homes came from. Chairman Sly clarified that the homes looked like slab homes from previous elevation samples and price points that they were provided at an earlier meeting. Mr. Holland explained that the price point of a home is not part a land use application and should not be discussed at this time. Commissioner Nowlin stated that he did not want to approve anything without knowing the types of houses to be built.

Chairman Sly interjected reminding everyone that the Preliminary Plat would be presented to the Planning Commission (PC) pending the approval of the rezoning. He stated that the Commissioners should focus on the land use matter of rezoning at this time, and that anything they plan to build has to be approved before any development takes place. He asked Mr. Hendershot if that was correct.

Mr. Hendershot clarified that through the R-1 zoning district, the individual house plans and elevations would not come before the Planning Commission; that is only required in a planned development. He reminded the Planning Commission that R-1 districts are the zoning of the vast majority of Spring Hill subdivisions.

Commissioner Vaughan noted that he has the same concerns that Commissioner Nowlin discussed earlier. He also said that the only thing new that he sees being presented tonight are the traffic studies, and that doesn't address any of the concerns that they had initially.

Chairman Sly asked for clarification as to why the land was rezoned to a RP-1 district ten years ago, as they are all trying to understand the reasoning behind the past rezoning. Mr. Hendershot indicated that he was also not working with the City ten years ago, so is unable to speak to that question. However, he offered an explanation that zoning districts are market driven, and the housing market then and now are different. Thus, the team of developers at that time had a different business plan than today's marketing plan.

Chairman Sly asked Mr. Hendershot if the only way to build a bigger house and increase the lot size is by rezoning the land from RP-1 to R-1. Mr. Hendershot stated that is correct; the rezoning must take place to do that.

Mr. Hendershot added that he does not see the matter of rezoning as a loop hole or anything other than a developer making a business plan decision on a product that they see as necessary or successful in Spring Hill.

Commissioner Vaughan stated that they are trying to make a decision on a business plan, in which they have no idea what the business plan is. Commissioner Mitchell and Mr. Hendershot stated that is not the job of the PC. Commissioner Mitchell clarified that their job was to decide if the property being presented to them is appropriate to be zoned as residential.

Chairman Sly asked for further clarification. If they did not approve the rezoning request, then would the owner and applicant have to build smaller homes on smaller lots, and come up with a plan that they agree upon? He continued by stating that the alternative would be to approve the rezoning request, then developer will have bigger lots, less density, less traffic, and probably build nicer homes.

Mr. Hendershot stated the number of houses would decrease from 711 to 488, if rezoned to R-1. This would decrease the density of the subdivision.

Commissioner Pollom expressed concerns regarding the current density of the subdivision.

Commissioner Vaughan stated that he still has concerns with rezoning from an RP-1 to R-1 when considering lot sizes. Mr. Hendershot noted a few differences in RP-1 and R-1 lots. He said that the lots in an R-1 are approximately ten feet wider. In an RP-1, the separation of homes is smaller, as the lot sizes are smaller.

Mr. Curtis Holland, attorney with Polsinelli Law Firm and representing the owner of the property, addressed the Planning Commission. The idea is to create a very nice, quality, single family development. He referenced a list of subdivisions currently in Spring Hill stating that the vast majority are zoned R-1, with the exception of one, which is The Estates Wolf Creek. He provided a copy of this list to the Planning Secretary. He further explained that what the applicant is trying to do is no different from what has already been done over the course of years in Spring Hill. They want to compete with other development in Spring Hill, so it is not to their benefit to build slab or barrack style homes; it is to build quality homes. He stated that as they met with potential builders, they were given feedback by builders that they can't build the style of home they wanted on the existing lot sizes. He stated that this is not in any way an attempt to avoid building quality homes. They are sensitive to the housing market, and want to provide a quality development that is affordable and compliant with building codes and requirements. Mr. Holland stated he understands there is some pause over the matter, but does not fully appreciate it.

Commissioner Vaughan interjected by explaining to Mr. Holland that the Planning Commission was presented with house elevation plans about three months ago by a representative for Dayton Creek, in which the PC voiced questions and concerns at that time. As a result, the matter was tabled pending further details on the elevation plans. He further stated that they are now presented with a rezoning application, which would eliminate reviewing the house plans if rezoned to RP-1, and seems like the applicant is trying to avoid providing those details to the PC. That is why the PC is expressing concern over the matter now.

Mr. Holland stated that he does not mean to be critical of their concerns, but from a legal standpoint it is somewhat inappropriate to delve into those types of discussions during a rezoning hearing (referring to the house plans). He referenced a court case, Golden vs. City of Overland Park, which set the president for criteria to be considered for

land use considerations. With the information that has been provided, it is his opinion that this rezoning be granted.

Chairman Sly asked Mr. Holland if he was involved in the rezoning of this land ten years ago. He stated that he was not involved.

Commissioner Vaughan asked Mr. Holland if he was involved in the rezoning of this land three months ago. He stated that his firm did represent the owner of the property at that time.

Mr. Holland clarified that they did not have true house plans three months ago. He also reiterated that contractors don't like building houses on smaller lot sizes; thus, making it difficult to find builders to work with them on the development. They are currently working with a builder that is willing to build for them as long as the lot sizes are larger.

Commissioner Vaughan asked if there has been a change in their plans over the past three months. Mr. Holland stated that they were trying to develop a product that is allowed in an RP-1, but were restricted on lot sizes, and a lack of builders that would work with them due to the restrictions. As a result, the owner decided to request rezoning of the land in order to provide a product that can be successful in Spring Hill.

Commissioner Pollom added that the only reason her peers may seem combative is due to the fact that the person presenting the plans to them a few months ago provided price points that seemed unrealistic for a quality built home. Mr. Holland apologized, as he did not attend that meeting.

Mr. Holland explained that it is not possible to build a cheap house with the cost of infrastructure that goes into this development; they would never make any profit. He also added that this is a land use issue, and he feels that they have addressed and met all of the criteria required for rezoning.

The property owner to the west of Dayton Creek, Mr. Tom Ewing, addressed the PC. He stated that he is not real clear on the zoning change. He wants to know if the zoning is changed will it guarantee that the lot sizes will be bigger. Staff confirmed that yes, the lots sizes in an R-1 district are larger. The number of lots would go from 711 to 488 residential lots. It was also noted by Mr. Hendershot that the required minimum lot size in an R-1 district is 75' wide and 9,000 sqft lots.

Another surrounding property owner, Mr. Scott McDade, addressed the PC. He is confused about reference to a 500 Year Floodplain on the document and the location of houses in reference to floodplain areas. Mr. Holland clarified that it is defined as a 100 Year Floodplain. Mr. McDade asked what consideration has been taken with regards to the concrete and streets in the development, as he's concerned about flooding and washing out the roads. He also wants to know what they have proposed to prevent flooding on the surrounding properties. Mr. Hendershot interjected stating that these are all excellent questions that will be addressed with the next agenda item, as he presents the storm water studies.

*With no further questions or comments from the public, Chairman Sly formally closed the public hearing at 8:30 p.m.*

Commissioner Sly asked if the land use is tied to the applicant or stays with the property. Mr. Hendershot confirmed that the land use stays with the property, not the applicant.

**Motion by** Mr. Mitchell, seconded by Mr. Nowlin, to recommend approval of rezoning application Z-01-16 from RP-1 (Planned Single Family Residential) to R-1 (Single Family Residential).

**Roll Call Vote:** Nowlin-Aye, Mitchell-Aye, Sly-Aye, Pollom-Aye, Vaughan-Aye

**Motion carried 5-0-0**

The rezoning application (Z-01-16) will be forwarded to the City Council for consideration on August 25, 2016.

## AGENDA ITEM REVIEW SHEET

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TO: GOVERNING BODY  
SUBMITTED BY: MELANIE LANDIS, FINANCE DIRECTOR  
MEETING DATE: AUGUST 25, 2016  
DATE: AUGUST 17, 2016

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**Formal Action:** Ordinance 2016-12 designating certain streets within the City of Spring Hill as main trafficways and trafficway connections.

**Analysis:** Financing of certain road improvement projects first requires that an ordinance be passed designating the road(s) as either a main trafficway or trafficway connection. Ordinance 2016-xx provides a thorough list of existing roads that qualify as main trafficways and connectors and specifically those that may need future financing options. This ordinance can be updated in the future to include new additions to our roadway system.

**Alternatives:**

1. Approve Ordinance 2016-12 designating certain streets within the City of Spring hill as main trafficways and trafficway connections.
2. Table Ordinance 2016-12 designating certain streets within the City of Spring hill as main trafficways and trafficway connections.

**Legal Review:** Ordinance was prepared by Kutak Rock, the City's bond counsel and has been reviewed by the City's legal counsel.

**Funding Review or Budgetary Impact:** n/a

**Recommended Motion:**

Move to approve Ordinance 2016-12 designating certain streets within the City of Spring Hill, Kansas, as main trafficways and trafficway connections, pursuant to KSA 12-685 *et seq.*

**Attachments:** Ordinance 2016-12

**ORDINANCE NO. 2016-12**

**AN ORDINANCE DESIGNATING CERTAIN STREETS WITHIN THE CITY OF SPRING HILL, KANSAS, AS MAIN TRAFFICWAYS AND TRAFFICWAY CONNECTIONS, PURSUANT TO K.S.A. 12-685 *ET SEQ.***

**WHEREAS**, K.S.A. 12-685 authorizes the governing body of any city to designate and establish by ordinance as a main trafficway any existing or proposed street, boulevard, avenue or part thereof, within such city, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within the city or between such areas within the city and traffic facilities outside the city performing the function of a major trafficway;

**WHEREAS**, K.S.A. 12-686 authorizes the governing body of any city to designate and establish by ordinance as a trafficway connection portions of existing streets, boulevards, avenues or viaducts as trafficway connections or to acquire by purchase or condemnation the necessary right-of-way for such purposes and designate and establish the same as trafficway connections and to connect any street, boulevard, avenue or viaduct with any of the main trafficways and/or connect two main trafficways; and

**WHEREAS**, the City of Spring Hill, Kansas (the “City”), finds it necessary and desirable to designate certain streets or portions of streets as main trafficways and trafficway connections;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS, AS FOLLOWS:**

**Section 1.** Pursuant to K.S.A. 12-685, the following streets are hereby designated as main trafficways, the primary function of which is the movement of through traffic between areas of concentrated activity within the City and between such areas within the City and traffic facilities outside the City:

- (a) 183<sup>rd</sup> Street within the City limits;
- (b) 191<sup>st</sup> Street within the City limits;
- (c) 199<sup>th</sup> Street within the City limits;
- (d) 207<sup>th</sup> Street within the City limits;
- (e) 215<sup>th</sup> Street within the City limits;
- (f) 223<sup>rd</sup> Street within the City limits;
- (g) South Street within the City limits;
- (h) Webster Street within the City limits;
- (i) Old KC Road within the City limits;
- (j) Woodland Road/Frank Street within the City limits;
- (k) Ridgeview Road within the City limits;

- (l) Renner Road within the City limits;
- (m) Harrison Street extending south from 223<sup>rd</sup> Street within the City limits;
- (n) Veteran's Lane within the City limits; and
- (o) Victory Road extending south from Webster Street within the City limits.

**Section 2.** Pursuant to K.S.A. 12-686, the following streets are hereby designated as trafficway connections which connect any street, boulevard, avenue or viaduct with any of the main trafficways and/or connect two main trafficways:

- (a) Lincoln Street extending south from 207<sup>th</sup> Street within the City limits;
- (b) North Street from Lone Elm Road to Webster Street;
- (c) Allen Street from Webster Street to Harrison Street;
- (d) Harrison Street from Allen Street to South Street;
- (e) Lone Elm Road extending north and south from 199<sup>th</sup> Street within the City limits;
- (f) Lone Elm Road extending south from 215<sup>th</sup> Street within the City limits;
- (g) Nichols Street from Webster Street to Woodland Road/Frank Street;
- (h) Hale Street from Webster Street to Woodland Road/Frank Street;
- (i) Main Street from Nichols Street to Sycamore Street;
- (j) Sycamore Street extending east and west from Webster Street within the City limits;
- (k) Franklin Street extending south from Harrison Street within the City limits;
- (l) 226<sup>th</sup> Street from Franklin Street to Victory Road; and
- (m) Columbia Road extending south from 215<sup>th</sup> Street within the City limits.

**Section 3.** This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

*[Remainder of Page Intentionally Left Blank]*

**PASSED** by the Governing Body of the City and approved by the Mayor on August 25, 2016.

**CITY OF SPRING HILL, KANSAS**

(Seal)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## AGENDA ITEM REVIEW SHEET

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TO: GOVERNING BODY  
SUBMITTED BY: MELANIE LANDIS, FINANCE DIRECTOR  
MEETING DATE: AUGUST 25, 2016  
DATE: AUGUST 18, 2016

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### **Formal Action**

**Issue:** Resolution 2016-R-25 authorizing the City of Spring Hill to construct certain main trafficway improvements and authorizing the issuance of general obligation bonds of the City to pay the costs thereof.

### **Background/Analysis:**

Two roadway projects within the City limits are underway which require financing for either all or part of the project. The project must be authorized by resolution in order to reimburse eligible costs to the City through general obligation bonds.

- Webster Street improvements, from 207<sup>th</sup> Street to approximately 1,000 feet north of 207<sup>th</sup> Street, consisting of a new acceleration lane at a uniform width of 12 feet beginning at 207<sup>th</sup> Street and blending into the existing deceleration lane at the entrance to the American Glass Plant (AGC) and all related appurtenances at a total estimated cost of \$315,000, of which \$190,000 is expected to be paid with the proceeds of general obligation bonds of the City; and
- Veteran's Lane improvements, consisting of construction of a two lane road located approximately one-half mile west of Lone Elm Road to collector street specifications and all related appurtenances at a total estimated cost of \$740,000 to be paid with the proceeds of general obligation bonds of the City.

**Legal Review:** Resolution was prepared by Kutak Rock, the City's bond counsel and reviewed by the City's legal counsel.

### **Funding Review or Budgetary Impact:**

The Webster Street acceleration lane is a CARS approved project and portions of the project related to design and construction are eligible for a 50% reimbursement through the CARS program. The financed portion of the project is intended to be repaid through excise tax funds.

Veteran's Lane is being financed 100% through general obligations bonds which are intended to be repaid through excise tax funds or other revenue sources.

### **Alternatives:**

1. Approve Resolution 2016-R-25 authorizing the City of Spring Hill to construct certain main trafficway improvements and authorizing the issuance of general obligation bonds of the City to pay the costs thereof.
2. Deny Resolution 2016-R-25 authorizing the City of Spring Hill to construct certain main trafficway improvements and authorizing the issuance of general obligation bonds of the City to pay the costs thereof. (Denial of this resolution will cause the need for construction to be halted until such time available funds are identified.)
3. Table Resolution 2016-R-25 authorizing the City of Spring Hill to construct certain main trafficway improvements and authorizing the issuance of general obligation bonds of the City to pay the costs thereof. (Tabling of the resolution will cause the need for the construction projects currently underway to halt construction until either this resolution is passed or alternative available funds are identified.)

## AGENDA ITEM REVIEW SHEET

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**Recommended Motion:**

Move to approve Resolution 2016-R-25 authorizing the City of Spring Hill to construct certain main trafficway improvements and authorizing the issuance of general obligation bonds of the City to pay the costs thereof, all pursuant to KSA 12-685 *et seq.*

**Attachments:** Resolution 2016-R-25

**RESOLUTION NO. 2016-R-25**

**A RESOLUTION AUTHORIZING THE CITY OF SPRING HILL, KANSAS, TO CONSTRUCT CERTAIN MAIN TRAFFICWAY IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE COSTS THEREOF, ALL PURSUANT TO K.S.A. 12-685 ET SEQ.**

**WHEREAS**, K.S.A. 12-685 *et seq.* (the “Act”), authorizes the Governing Body of the City of Spring Hill, Kansas (the “City”), to construct main trafficway or main trafficway connection improvements and to issue general obligation bonds of the City for such purpose;

**WHEREAS**, pursuant to Ordinance No. 2016-12 of the City passed on August 25, 2016 (the “Main Trafficway Ordinance”), the City has designated certain streets or portions of streets as main trafficways or trafficway connections pursuant to the Act including Veteran’s Lane within the City limits and Webster Street within the City limits;

**WHEREAS**, the Governing Body of the City has determined that it is necessary to construct the following improvements pursuant to the Act (the “Trafficway Improvements”):

(a) Webster Street improvements, from 207<sup>th</sup> Street to approximately 1,000 feet north of 207<sup>th</sup> Street, consisting of a new acceleration lane at a uniform width of 12 feet beginning at 207<sup>th</sup> Street and blending into the existing deceleration lane at the entrance to the American Glass Plant (AGC) and all related appurtenances at a total estimated cost of \$315,000, of which \$190,000 is expected to be paid with the proceeds of general obligation bonds of the City; and

(b) Veteran’s Lane improvements, consisting of construction of a two lane road located approximately one-half mile west of Lone Elm Road to collector street specifications and all related appurtenances at a total estimated cost of \$740,000 to be paid with the proceeds of general obligation bonds of the City;

**WHEREAS**, the Trafficway Improvements are all within the City limits of the City; and

**WHEREAS**, the Governing Body of the City has determined that it is necessary and desirable to pay a portion of the cost of the Trafficway Improvements with the proceeds of general obligation bonds of the City pursuant to the Act;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRING HILL, KANSAS, AS FOLLOWS:**

**Section 1.** In accordance with K.S.A. 12-685 *et seq.*, the Governing Body of the City hereby finds and declares the necessity for and authorizes the Trafficway Improvements.

**Section 2.** For the purpose of providing funds to pay a portion of the cost of the Trafficway Improvements, the City authorizes the issuance of its general obligation bonds in an aggregate amount not to exceed \$930,000 pursuant to K.S.A. 12-685 *et seq.*

**Section 3.** In accordance with United States Treasury Regulation 1.150-2, the Governing Body of the City hereby indicates its intent to reimburse the City with the proceeds of bonds, notes or other obligations of the City, the interest on which is expected to be exempt from federal income taxation, for a portion of the costs of the Trafficway Improvements in an amount not to exceed \$930,000, including the costs of issuance for such obligations.

**Section 4.** This Resolution shall be in full force and effect from and after its adoption.

**ADOPTED** by the Governing Body of the City on August 25, 2016.

**CITY OF SPRING HILL, KANSAS**

(Seal)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION NO. 2016-R-26

**A RESOLUTION IN SUPPORT OF THE SPRING HILL USD #230 MAIL BALLOT ELECTION – SEPTEMBER 8, 2016 AS PROPOSED BY THE ELECTED OFFICIALS OF THE USD 230 SCHOOL BOARD.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**WHEREAS**, The city of Spring Hill is a dynamic and growing city characterized by a commitment to community values and cooperation among elected bodies, and

**WHEREAS**, the education system is an integral part of the quality of life to all ages of citizens of the community;

**WHEREAS**, the proposed bond issue will be spent to construct a new elementary school; construct a new middle school; construct a new addition to the high school by adding academic, athletic and support spaces; renovate existing middle school north into a new early childhood center; a gymnasium addition at Spring Hill Elementary School; and provide additional funding to support instruction-related technology for growing student population in order to provide for an excellent and safe learning environment that benefits children;

**WHEREAS**, the Governing Body finds and determines that it is in the best interest of the public to support this bond election to better the future of our community;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the City of Spring Hill expresses its support for the mail ballot election – September 8, 2016 as proposed by the elected officials of the USD 230 School Board, and encourages the residents of Spring Hill to become educated on this matter and to participate in the upcoming vote.

PASSED AND APPROVED this 25<sup>th</sup> day of August 25, 2016

(SEAL)

\_\_\_\_\_  
Steven M. Ellis, Mayor

ATTEST:

\_\_\_\_\_  
Glenda Gerrity, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank H. Jenkins, Jr., City Attorney

## Agenda Item Review Sheet

**To:** Mayor and City Council  
**From:** Natalie Lazenby, Human Resource Specialist/Risk Manager; Frank Jenkins Jr., City Attorney.  
**Date:** August 17, 2016  
**Meeting:** August 25, 2016  
**Subject:** Revision of Employee Handbook

**Formal Item:** Adoption of the 2016 First Edition Spring Hill Employee Handbook of the City of Spring Hill, Kansas.

### A. Sexual Harassment Policy

**Issue:** Suggests updates to the City's Handbook have been made by clarifying and expanding upon the reporting, investigation and discipline of harassment and sexual harassment claims made by employees.

- 1 Article IX-4-Reporting. It is recommended the reporting procedure be simplified by requiring all complaints against co-employees, supervisors or department heads be reported directly to the Human Resources Generalist/Risk Manager. In addition, any complaints of retaliation are to be reported directly to Human Resources Generalist/Risk Manager. The proposed amendment recommends special reporting provisions in the event the subject of the complaint is the Human Resources Generalist/Risk Manager, the City Administrator or a member of the Governing Body.
- 2 Article IX-5- Investigation. It is recommended the investigation of complaints to be handled by the Human Resources Generalist/Risk Manager be clarified. The Human Resources Generalist/Risk Manager director only investigates, reports and recommends discipline to the Department Head and City Manager. If the complaint involves the Human Resources Generalist/Risk Manager, the City Administrator or a member of the Governing Body, the City is required to hire someone outside the City's employment to investigate and report findings to the Governing Body.
- 3 Article IX-6-Discipline. It is recommended that any disciplinary action be taken in accordance with Article VI of the Handbook. The grievance procedure is recommended to be eliminated as the City Administrator will have participated in the disciplinary process. The Handbook is further clarified for any discipline recommended for officers or the City Administrator.

### B. Correction to Performance Evaluation date

**Issue:** The suggested update has been made to clarify the existing date for salary increases that are a result of the annual Performance Evaluation.

- 4 Article IV-3-Performance Evaluation. It is recommended that the language be updated to a more specific date that the annual performance evaluation salary increase take effect.

C. Weapons in the Work Place Policy

**Background:**

2016 Legislative Session-

House Bill 2502 was adopted which authorized employees to carry/possess a concealed handguns while engaged in their duties of employment, outside city buildings, in city vehicles and personal vehicles.

July 28, 2016

In response to House Bill 2502, the Governing Body reviewed a proposed Weapons in the Work Place Policy. The policy prohibited the storage of handguns in City vehicles but permitted the storage of handguns in employee vehicles. After discussion of the policy, the staff as directed to prepare alternatives relating to storage of handguns in employee vehicles, for consideration at the August 25, 2016 City Council Meeting.

**Analysis:** Attached is a proposed alternative policy. This policy includes the following changes:

1. Storage of Handguns in Employee Vehicles-Deleted: The paragraph that expressly permitted the storage of handgun in employee's vehicle has been deleted. However, there is no provision that prohibits the storage of handguns in employee vehicle. The deletion of this paragraph is intended to address the concern that the City's regulation of the storage of hand guns in employee vehicles, exposes the City to potential liability by the City assuming the duty to properly supervise the storage of the hand guns in employee vehicles.
2. Paragraph B Amended- Prohibition of Storage of Handguns in City Vehicles and on City Property: The paragraph prohibits the storage of handguns in city vehicles and it has been amended to also prohibit the storage of handguns on property owned by the City of Spring Hill".
3. Paragraph I- Amended-Prohibition of Concealed Handguns in posted Public Buildings. Until December 31, 2017, the City is exempt from compliance with State mandated security measure for its buildings that exclude handguns. Paragraph I confirms that the exemption against concealed handguns continues to the December 31, 2017 date.
4. Paragraph J. Carrying of Firearms by Law Enforcement Officers. This provision is intended to make it clear that law enforcement officers are not subject to conceal and carry restrictions.
5. Workers Compensation Coverage. The carrying of a concealed hand gun will not be considered to be in the course of the work of the employee and therefore claims caused by the use of the weapon will not be considered for workers compensation.
6. Personal Liability of Employee and No Defense provided by City. Any liability relating to the use of the handgun by the employee will be considered a personal liability of the employee and will not be defended by the City for the reason the carrying of a concealed handgun is not part of the employee's duties.
7. Kansas Tort Claims Act. The adoption of the policy does not constitute a waiver by the City of any immunities covered by the Tort Claims Act.

**Alternatives:**

1. Approve Resolution adopting 2016 First Edition Spring Hill Employee Handbook.
2. Table the issue and direct City staff to provide additional information.

**Legal Review:** The proposed resolution has been reviewed and approved by the City Attorney.

**Funding Review or Budgetary Impact:** No impact on funding or budget.

**Recommendation:** Approval.

**Attachments:**

Resolution  
Performance Evaluation Changes  
Sexual Harassment Changes  
Weapons in the Workplace Changes  
2016 First Edition Spring Hill Employee Handbook

cc: Jonathan Roberts, City Administrator  
Richard Mann, Chief of Police  
Melanie Landis, Director of Finance  
Jim Hendershot, Director of Community Development  
Glenda Gerrity, City Clerk

**RESOLUTION NO. 2016-R-20**

**RESOLUTION ADOPTING THE 2016 EDITION SPRING HILL EMPLOYEE HANDBOOK OF THE CITY OF SPRING HILL, KANSAS; FURTHER; RESCINDING RESOLUTION NO. 2013-R-13.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE: INCORPORATING BY REFERENCE THE 206 EDITION OF THE SPRING HILL EMPLOYEE HANDBOOK.** There is hereby incorporated by reference the 2016 Edition of the Spring Hill Employee Handbook. One or more copies of said Handbook shall be marked or stamped "Official Copy as Incorporated by Resolution No. \_\_\_\_\_ of the City of Spring Hill, Kansas" and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. All employees of the City shall be supplied with a copy of such Employee Handbook which shall be similarly marked.

**SECTION TWO: RESCISSION.** Resolution No. 2013-R-13 is hereby rescinded.

**SECTION THREE: EFFECTIVE DATE.** This resolution shall take effect and be in force from and after its adoption by the Governing Body.

**ADOPTED** by the City Council of the City of Spring Hill, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**APPROVED** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Steven M. Ellis, Mayor

ATTEST:

\_\_\_\_\_  
Glenda Gerrity, City Clerk

Approved by:

\_\_\_\_\_  
Frank H. Jenkins, Jr., City Attorney

**IV-2. Salary Range - New Employees**

The minimum rate of pay for any person on his/her original appointment to a position in the City shall be at the starting point of the salary range.

An original appointment above the minimum rate of pay may be made with the recommendation of the Department Head and approval of the City Administrator within the lower 25<sup>th</sup> percentile of the salary range. A condition of this appointment above the minimum rate will depend upon the Department's budgeted wage line item.

An original appointment below the minimum rate of pay may be made with the recommendation of the Department Head at a rate of 10% below the bottom of the salary range if the person does not meet the minimum qualifications for the position. The employee may be placed in this position for up to one year. At the time qualifications for the position are met and performance is deemed acceptable, the person will move up to the starting point of the range for that position.

A Department Head may request the City Administrator make appointments above the 26<sup>th</sup> percentile of the range subject to one or more of the following conditions:

- 1) The applicant clearly exceeds the minimum requirements for the position as set out in the official position description.
- 2) The requesting Department provides documented evidence that the position opening has been extensively advertised in local and regional publications and there is a shortage of qualified personnel.
- 3) It is demonstrated by the requesting Department that there are no other applicants with equal qualifications.

**IV-3. Performance Evaluation**

A) Employee performance evaluations shall be considered in determining merit salary increases or salary decreases within the limits established in the pay range; as a factor in promotions; as a factor in determining the order of layoffs and as a means of discovering employees who should be promoted or transferred, or who should be demoted or dismissed.

B) An evaluation of each employee's performance of his/her duties and responsibilities shall be made by each Department Head or authorized supervisor. The evaluation shall be in writing upon such forms as approved by the City Administrator.

C) Each employee shall receive a formal evaluation reviewing the previous year's performance during the month of January. Any increase in salary resulting from the Annual Performance Evaluation shall be effective, ~~with the payperiod related to the first payday in March.~~

D) The annual evaluation shall be supplemented by a mid-year progress evaluation, conducted during the month of June.

**Deleted:** the first workday of the following March

submission to or rejection of such conduct is used or threatened to be used as the basis for employment decisions affecting such individual, or such unreasonable conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

**IX-4. REPORTING:** If you become aware of situations involving unwelcome or inappropriate behavior directed toward you or another employee, report it immediately to the Human Resources Generalist/Risk Manager.

Any Supervisor or Department Head who receives a complaint or otherwise becomes aware of possible sexual or other unlawful harassment shall immediately advise the Human Resources Generalist/Risk Manager.

Any complaint directed against the Human Resources Generalist/Risk Manager must be promptly reported to the City Administrator.

Any complaint directed against the City Administrator or a City Council member must be promptly reported to the Mayor (or the Mayor pro tem if the Mayor is the subject of the complaint) and the City Attorney.

A)

**IX-5. INVESTIGATION.** Upon receipt of any complaint under this policy, the City will immediately initiate an investigation of the situation and document the responses of all individuals involved. The investigation will be handled by the Human Resources Generalist/Risk Manager unless the complaint is directed against the Human Resources Generalist/Risk Manager, the City Administrator or a member of the Governing Body, in which case the City shall employ a person outside City employment to conduct the investigation. Such authorized designee will present his/her findings of fact and investigative findings to the Governing Body who will determine the appropriate action.

All employees shall fully cooperate in any investigation and without fear of reprisal. The City prohibits any form of retaliation against any employee who has reported sexual harassment or any other harassment, or any employee who provides information regarding sexual harassment or any other harassment. Any employee who feels that retaliatory action has been taken should also immediately report that action to the Human Resources Generalist/Risk Manager.

After concluding the investigation, the Human Resources Generalist/Risk Manager will review the evidence gathered during the investigation and make a written report to the appropriate Department Head and City Administrator presenting findings of fact, investigative conclusions, and recommendations as to any disciplinary action to be taken, if appropriate.

**IX-6. DISCIPLINARY ACTION** Any employee determined by an impartial investigation to have harassed another employee will be subject to appropriate disciplinary procedures up to and including termination. Any disciplinary action taken in response to the findings of a complaint will be based on

**Deleted: IX-4. REPORTING GUIDELINES:** If you become aware of situations involving unwelcome and inappropriate behavior directed toward you or another employee, report it immediately to the Human Resources Generalist / Risk Manager.¶  
¶  
Upon receipt of the complaint under this policy, the City will initiate an investigation of the situation and document the responses of all individuals involved. If your complaint is not handled to your satisfaction, then you should follow up immediately with the City Administrator.¶

**Deleted: IX-5. DISCIPLINARY ACTION:** ¶  
¶  
Any disciplinary action taken in response to the findings of a harassment complaint will be based on the individual circumstances of each situation. Disciplinary actions may include, but are not limited to, written warnings, suspensions without pay, or termination. In addition, if it is determined that a person has falsely and intentionally accused someone of harassment, appropriate disciplinary action may be taken, which may include termination.¶  
¶  
The Human Resources Generalist/Risk Manager shall promptly investigate the allegation and resolve the matter immediately. All employees shall fully cooperate in any investigation and without fear of reprisal. ¶  
¶  
If the complaining party is not satisfied with the resolution of the matter, he/she shall follow the procedure outlined for grievances

**Deleted: IX-6. RESPONSIVE ACTION** ¶  
¶  
Misconduct involving harassment or discrimination will be dealt with promptly and appropriately, and may include, for example, training, referral to counseling, monitoring of the offender and /or disciplinary action such as warning, reprimand, withholding a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension with or without pay or termination, as the City believes appropriate under the circumstances

the individual circumstances of each situation as the City deems appropriate. Any disciplinary action taken against an employee will be taken in accordance with Article VI of this Handbook. Any disciplinary action taken against an officer shall be in accordance with Article III-2(B) of this Handbook. Any disciplinary action taken against the City Administrator shall be in accordance with his/her Employment Agreement.

Disciplinary action may include, but is not limited to, written warnings, suspension without pay, or termination. In addition, if it is determined that a person has falsely and intentionally accused someone of harassment, appropriate disciplinary action may be taken, which may include termination.

#### **IX-7. CIVILITY**

- 1) All employees shall behave with civility, fairness and respect in dealing with fellow employees, citizens, visitors and anyone else having business with the City. Uncivil behaviors are prohibited.
- 2) This policy also pertains to all citizens, visitors and anyone else who has business with City employees or activities on City properties.

Definition: Uncivil behaviors shall be defined as any actions that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Examples of uncivil behavior include, but are not limited to, use of profanity, personally insulting remarks, attacks on a person's race, gender, nationality, religion, or behavior that is out of control. Such interactions could occur in telephone conversations, voice mail messages, direct conversations or written letters and/or e-mail messages. Any uncivil behavior should be reported to the immediate supervisor. A record shall be made of the incident and the action taken. Confidentiality shall be observed whenever possible to protect the complainant and the offending person.

Retaliation against a person who reports a claim of uncivil behavior is prohibited. Anyone having interaction(s) with employees of the City shall treat them with professionalism, courtesy, dignity and respect. Uncivil behavior shall be prohibited. Any uncivil behavior shall be reported to the immediate supervisor. A record shall be made of the incident and action taken. Confidentiality shall be observed whenever possible to protect the complainant and the offending person. Retaliation against a person who reports a claim of uncivil behavior shall be prohibited.

#### **IX-8. No Expectation of Privacy**

Nothing in this Employee Handbook confers an individual right or is to be construed to provide an expectation of privacy in the use of City property. City employees have NO right to privacy in their use of City property and in any communications generated by the use of City property at any time. The City has unlimited access to and the right to fully monitor and inspect its property, including its digital equipment, such as computers, electronic mail, faxes, e-mail, phones and messaging).

## ARTICLE XI

### WEAPONS IN THE WORK PLACE

#### IX-1 CARRYING OF WEAPONS

The City prohibits any employee from carrying a weapon while working for the City; excepting that, in accordance with Kansas State Law, legally qualified civilian employees shall be authorized to carry/possess a concealed handgun while engaged in their duties as an employee within the following restrictions:

**Deleted:**

**Employees are permitted while on City owned property to store a handgun within their own vehicle provided it is stored outside of plain view and the vehicle is locked when the employee is not in the vehicle. City shall not be responsible for the theft, damages, or other loss of the firearm left in their vehicle.**

- A) Employees and officials legally possessing handguns may carry concealed handguns, during the course of their employment, consistent with the Kansas Personal and Family Protection Act, in areas outside of buildings, including City and personal vehicles, when not otherwise lawfully prohibited, and in public and unsecured areas of any buildings open to the public which is not posted as prohibit the carrying of concealed weapons.
- B) Employees may not store a handgun in a City vehicle owned by the City of Spring Hill when they are not in the vehicle **or on property owned by the City of Spring Hill.**
- C) The handgun will be carried completely concealed, in a proper holster or similar product, with all safety features in place.
- D) Other than certified law enforcement officers, employees may not carry a concealed handgun within the restricted area of the Police Department at any anytime.
- E) If an employee elects to lawfully conceal and carry a handgun, the handgun cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
- F) Employees who enter onto “private property” during the course of their duties are required to comply with any restrictions imposed by the property owner, **including**

- compliance with any signs conspicuously posted in accordance with rules and regulations adopted by the Attorney General.
- G) Employees will not leave a handgun in plain view and/or unattended.
  - H) Other than certified law enforcement officers, it is outside the course and scope of employment for any city employee to use, brandish, point or threaten with a handgun or any other weapon, any person in the workplace or while completing their duties.
  - I) Employees must abide by any the posted signage and security measures with regard to the prohibition of concealed handguns in certain public buildings, in compliance with Kansas State Law. If an employee elects to lawfully carry a concealed handgun, the employee is prohibited from carrying into any City facility that has adequate security measures as defined in the Act. In addition, the employee is prohibited from carrying into other City facilities until December 31, 2017, as the City has previously taken the steps to obtain an exception from the State requirements to have adequate security measures.
  - J) Any injury suffered by an employee caused by carrying of the concealed handgun while working will not be considered for workers' compensation.
  - K) Liability will be personal liability of an employee and no defense will be provided by City. Any liability associated with the employee's decision to carry a concealed handgun will be considered of a personal nature and will not be defended by the City as the carrying of a concealed handgun is not part of the employee's duties.
  - L) Nothing in this Policy shall be construed to waive any immunity to which the City is entitled including but not limited to immunity under the Kansas Tort Claims Act.

Official  
Copy

**EMPLOYEE HANDBOOK**  
**FOR THE**  
**CITY OF SPRING HILL, KANSAS**  
**(First Edition of 2016)**

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## **NOTICE TO EMPLOYEES**

The City of Spring Hill, Kansas (“City”) operates its employment practices under the legal doctrine known, as “employment at will.” Your relationship with the City is that of an employee-at-will. Your job status does not guarantee your employment for any specific length of time. Within state and federal employment law, the City has the right to terminate an employee at any time and for any reason, with or without notice. This Employee Handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The City also reserves the right to change, supplement or rescind these policies at any time as it deems appropriate, at its sole and absolute discretion and without prior notice to employees. The only exception is that the City’s employment-at-will policy will never be changed or cancelled. The City will notify you of any changes to the handbook as they occur.

The City is an “Equal Opportunity Employer”. It is the policy of the City that all personnel actions are conducted in a manner that provides equal opportunity to all employees and prospective employees. It is the policy of the City not to tolerate unlawful discrimination with regard to the terms and conditions of employment. The City complies with all federal, state and local laws governing non-discrimination in employment and expressly prohibits discrimination in the work place.

GOVERNING BODY OF THE CITY, SPRING HILL KANSAS

**EMPLOYEE ACKNOWLEDGEMENT AND RECEIPT**

By signing below, I acknowledge that I have received a copy of the Employee Handbook for the City of Spring Hill, Kansas and I understand that it is my responsibility to read, understand and comply with the policies outlined in this Employee Handbook and any revisions made to it. I understand that the Employee Handbook is intended only as a general reference and not a full statement of policies and procedures or a legal contract.

I understand that this Employee Handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations or statements regarding the terms and conditions of my employment with the City of Spring Hill. By distributing this Employee Handbook, the City of Spring Hill expressly revokes any and all previous policies and procedures, which are inconsistent with those contained herein.

I agree to keep this Employee Handbook in my possession during my employment tenure and to update it whenever provided with material to do so.

I further understand that each Employee Handbook is the property of the City of Spring Hill and that copying any section of the Employee Handbook is against regulations. I agree to return the book upon terminating my employment with the City of Spring Hill.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at the City of Spring Hill, Kansas is employment-at-will, which may be terminated with or without cause and with or without notice at any time by the City of Spring Hill or myself. Furthermore, I acknowledge that the Employee Handbook is neither a contract of employment nor a legal document.

---

Employee's Signature

Date

---

Employee's Printed Name

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

## **GENERAL INFORMATION**

### **PURPOSE**

This handbook outlines the employment policies of the City. The policies will inform employees of their benefits and responsibilities of their employment. The City has developed these policies for the purpose of providing fair and consistent practices by Department Heads and employees.

The City's employment practices and policies will apply equally to all employees, unless exempted by law, contract or the terms of a policy. Where federal or state law or regulations supersede City policies, employees will be instructed to observe the requirement of the state and federal laws.

No employee handbook can anticipate every circumstance. This Employee Handbook provides a summary of the employment policies of the City. Further, there may be situations where the need arises for us to revise, add, or cancel policies. Therefore, the City reserves the right to add new policies, and to change or cancel existing policies at any time. Employment practices and policies in their complete form are available in the City Clerk's office.

### **EMPLOYMENT-AT-WILL DISCLAIMER**

The City is a "at-will" employer and operates under the provision that employees have the right to resign their position at any time, with or without notice and with or without cause. We, the employer, have similar rights to terminate the employment relationship at any time with or without cause and with or without notice.

### **EMPLOYEE HANDBOOK DISCLAIMER**

This Employee Handbook is provided as a guide and is not to be considered a contract. Only written statements made by the appropriate organizational representatives specified below are valid and binding employment contracts. The Mayor and City Council as a whole is the only body that can make binding employment contracts. These contracts must be in writing and approved by resolution.

The City reserves the right to unilaterally make changes to the policies, procedures and other statements made in this Employee Handbook. Fiscal conditions, federal and state laws and organizational needs are constantly in flux and may require that portions of the Employee Handbook be re-written. This is necessary to successfully provide the appropriate employment relationship and to obtain the goals of the City.

### **EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City to provide equal employment opportunity to employees and applicants for employment without regard to race, creed, religion, color, sex, age, national origin, disability, military status, or any other classification protected under applicable law.

Equal employment opportunity applies to all terms, conditions and privileges of employment, including hiring, probation, training promotion, transfer, compensation, benefits and assistance, layoff, recall, employee facilities, discharge and retirement.

## **WORKPLACE DISCRIMINATION**

The City prohibits any unlawful discrimination. The use of racial, sexual, ethnic or other inappropriate jokes or derogatory remarks will not be tolerated, will be investigated, and disciplinary action will be taken, if warranted.

Furthermore, any type of retaliation for reporting discrimination is prohibited, will be investigated, and disciplinary action taken, if warranted.

## **SAFETY AND HEALTH**

The City requires employees to conduct job tasks safely to protect themselves and others at work. Every accident, near miss, or injury shall be reported to a supervisor immediately. The supervisor or Department Head will file an incident report, first report of injury, and/or incident investigation report, as appropriate.

In the case of an injury requiring medical attention, employees should seek the nearest medical facility in case of serious injury. In the other cases, the injured employee should seek medical attention using the City's preferred workers compensation health provider list. Upon return to work, a physician's statement of medical condition and release to return to work must be submitted to the City Administrator's office.

If a workplace injury requires long -term medical attention, the injured employee will work with the supervisor and the City Administrator's office to decide on return to work, restricted duty job opportunities, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release settlement will be arranged, if appropriate.

## **CRIMINAL CONDUCT**

Employees will not engage in any criminal conduct or conduct which, even though not criminal, may reflect adversely upon the City or its officials. Activity of this nature will result in disciplinary action, up to and including termination.

## **EQUIPMENT AND PROPERTY**

Employees are provided adequate tools, equipment, and vehicles to perform their job. It is the responsibility of the employees to use them safely and to cooperate in the maintenance of equipment owned by City. Any employee operating a City vehicle is required to have a current state driver's license. When using a personal vehicle for conducting City business, the employee must provide proof of personal automobile liability coverage.

Any accident involving a City vehicle or a personal vehicle while conducting City business, the accident shall be reported immediately to the appropriate law enforcement agency and to the employee's supervisor.

## **BUSINESS ETHICS AND CONDUCT**

The successful business operation and reputation of the City is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

City employees are expected to conduct themselves in a manner that will not reflect adversely on themselves or the organization. All employees are representatives of the City whenever they are in/out of City uniforms and/or driving a City vehicle, whether during or outside of regular working hours, and are expected to conduct themselves with professionalism, respect and integrity.

Our continued success is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to the City, our citizens, and customers to act in ways that will merit the continued trust and confidence of the public.

As an organization, the City will comply with all applicable laws and regulations and we expect our Managers, Department Heads, Supervisors and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, you should find that using good judgment, based on high ethical principles, will guide you to act appropriately. If you are unsure about the proper course of action, you should discuss the matter openly with your Supervisor or Department Head. If necessary, you may also contact the Human Resources Generalist/Risk Manager for advice and consultation. It is the responsibility of every City employee to comply with our policy of business ethics and conduct. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of employment.

### **ARTICLE I**

#### **INTRODUCTION**

##### **I-1. Rules Established**

The following rules, regulations, and other administrative provisions for personnel administration are established to:

- A) Promote and increase efficiency and economy in the City service;
- B) Provide fair and equal opportunity to all qualified citizens to enter City employment in all occupations on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection without regard to race, creed, color, sex, age, religion, national origin or ancestry, disability, military status or any other classification protected under applicable laws;

- C) Develop a program of recruitment, advancement and tenure which will make the City service attractive as a career;
- D) Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions in the City service to assure a fair and equitable wage or salary to all employees, and
- E) Establish and promote high morale by providing good working relationships, uniform personnel policies and opportunity for advancement.

**I-2. Administrative Responsibility**

The personnel program consists of the sum of all policies and procedures related to personnel administration in the service of the City and shall be administered by the City Administrator and/or the Human Resources Generalist/Risk Manager. The policies and procedures of the personnel program shall apply to all employees in the service of the City with the exception of elected officials.

**I-3. Department Regulations**

Because of the nature of the operations of various Departments, separate rules and regulations to fit special Departmental conditions are and will be necessary. In such cases supplementary rules shall, upon the approval of the City Administrator, be considered a part of this manual.

In the event of any conflicting policies, rules or regulations, those that shall apply shall be based on the following descending order of documents: Kansas State Statute; then the City Code of Ordinances and then this Employee Handbook, including any supplemental interdepartmental personnel rules or policies that have been adopted.

## ARTICLE II

### **Position Classification Plan**

#### **II-1. Position Classification Plan**

Each position in the City government shall, on the basis of the duties, responsibilities, skill, experience, education and training required of the position, be allocated to an appropriate class that may include either a single position or two or more positions.

#### **II-2. Job Descriptions**

Each class shall have a specification that includes a concise descriptive title, a description of the duties and responsibilities of positions in the class and a statement of the qualifications for filling such positions. Such specifications shall be recommended by the City Administrator and approved by the Mayor and City Council. These descriptions shall be kept on file in the office of the Human Resources Generalist/Risk Manager and shall be open to inspection by any interested party during regular office hours upon reasonable demand.

#### **II-3. Job Classifications**

Each job classification shall be assigned to an appropriate range of pay scale which has been recommended by the City Administrator and approved by the Mayor and City Council.

#### **II-4. Maintenance of Plan**

The classification plan shall, from time to time, be reviewed to provide for changes in class duties necessitated by organizational adjustment, improved methods or new or revised service programs. All new or revised class descriptions may reclassify, reassign or transfer any employee when such action is deemed essential or desirable for the improvement of City operations or the benefit of the employee. Any changes to this plan must be recommended by the City Administrator and approved by the Mayor and City Council.

#### **II-5 Job Evaluation Process**

Job evaluation is a means of determining how jobs should be ranked on the basis of the training required, the complexity of the work involved and the responsibility the employee must bear for the results of the work. The purpose of the City's job evaluation plan is to:

- 1) Establish a clear identification of each position by job title and description.
- 2) Establish a series of salary grades; and with the help of salary surveys, establish salary ranges for each of these grades.
- 3) Through a careful job analysis, determine the training, initiative, responsibility, job conditions and supervisory qualifications necessary for the performance of each salaried and non-salaried job in the City.

- 4) Periodically audit changes in job content, and adjust salary ranges in accordance with area and industry practice.

The form entitled “City of Spring Hill Position evaluation application” should be used for job evaluation reviews.

### **ARTICLE III**

#### **RECRUITMENT, SELECTION AND PLACEMENT**

##### **III-1. Definitions**

- A) Full-time employee is one employed to work a normal work week consisting of a minimum of 40 hours on a regular and continuing basis.
- B) Part-time employee is one employed to work less than a normal work week of 40 hours on a regular and continuing basis.
- C) Temporary employee is one who works on an irregular and/or non-permanent basis.
- D) Seasonal employee is one who works on a regular and/or recurring basis during a specific “season” or portion of a year.
- E) A volunteer is a non-paid individual in the position he or she holds. The volunteer is not considered an employee of the City while performing duties of their position regardless of other City employment.

##### **III-2. Qualifications of Employment**

All new applicants for any position shall meet the minimum qualifications for the position as set forth by the City Administrator. Each applicant shall truthfully complete a job application form and a medical history form when required. The applicant shall successfully pass the physical fitness requirements for the job applied for and also successfully pass a physical examination performed by a doctor or clinic designated by the City. Other tests such as, but not limited to, drug screening, polygraph examination and psychological evaluation may be a requirement by individual departments.

- A) The Mayor, with the consent of the council, may appoint the following officers (“officers”) to wit: A city administrator, municipal judge of the municipal court, a city clerk, a city treasurer, a chief of police, a director of public works, a director of finance, and such other officers as deemed necessary; and may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties. The duties and pay of the various officers provided for in this section shall be regulated by resolution.
- B) The Mayor and City Council shall have the authority to discipline, including the authority to terminate, the foregoing appointive officers listed in III-2-A as recommended by the City Administrator.

- C) The City Administrator, as recommended by the Department Heads, shall have the authority to appoint, discipline, including the authority to terminate all other City employees pursuant to this Employee Handbook for the City of Spring Hill, Kansas.

### **III-3. Promotion and Transfers**

The City will strive to hire, transfer and promote the best candidate possible for each position based on qualifications, interests, organizational fit and enthusiasm.

Whenever appropriate, new and vacant positions will be filled from within by promoting or transferring qualified employees. However, the City is in no way limited to seeking job candidates only from its current pool of employees.

Length of continued service shall be considered in transfers and promotions where it is the only significant difference among employees with equal qualifications, interests, organizational fit and enthusiasm.

Transfers may be affected from one position to another within the same salary grade. Transfers may be within a Department or between Departments.

Appointments for transferring employees into the lower 25<sup>th</sup> percentile or greater than the 26<sup>th</sup> percentile based on the employee's qualifications and upon the Department Heads/ recommendation with approval by the City Administrator.

Promotions may be affected by changing an employee's current range to another higher range. An employee may be promoted within a Department or between City Departments. A promoted employee may have their salary increased by up to five percent or to the minimum of the new range.

Promotions may occur through a new or vacant position or through the job evaluation process.

All current City employees seeking promotion shall be expected to meet the minimum qualifications for the classification to which they seek promotion, including a physical examination and/or other tests when deemed necessary by the City Administrator.

In the event of promotion from within the City organization, the promoted employee's evaluation date will change to the anniversary of the effective date of the promotion.

### **III-4. Evaluation Period**

- A) Each employee shall satisfactorily complete an evaluation period of six (6) months. Satisfactory completion of the evaluation period will be determined by supervisor recommendations and performance evaluations completed at the end of six (6) months. Since the City is an "at will" employer the City may release any employee for any reason, and the City shall not be obligated to provide a reason to the employee.

- B) Each employee promoted to a classification with greater pay and responsibility shall satisfactorily complete a 180 day evaluation period. Any employee who fails to satisfactorily complete the evaluation period shall be returned to the pay and position he/she held immediately prior to his/her promotion or to a position with equal pay and responsibility.
  
- C) For new full time police officers having to attend academy training, the evaluation period starts when their academy training is completed and their on-duty status begins.

**III-5. Nepotism**

No person shall be employed in any department where a member of their immediate family is employed or in a department supervised by a member of his/her immediate family. If two employees within the same department marry during the period of their employment, at the discretion of the City one of the employees shall be transferred to another department without loss of pay. If transfer is not an appropriate option, the City shall resolve the nepotism issue in any other manner the City deems appropriate.

**ARTICLE IV**  
**COMPENSATION**

**IV-1. Compensation**

The City Administrator shall have the power to recommend with approval by the Mayor and City Council compensation for employees by resolution that is subject to change at any time. The establishment of pay ranges for any position does not guarantee the occupant of the position any particular rate of pay due to budgetary and revenue constraints.

- A) All employees shall be paid at the rates prescribed for the classification in which they are employed. Employees working on a part-time basis shall receive that portion of the salary assigned to their class to be determined by the actual time they work. Employees not working full time but as seasonal, temporary or part-time shall be paid at an hourly rate.
  
- B) The promotion of an employee to a class with a higher salary range shall include an increase in his/her salary to at least the minimum for the new classification.
  
- C) In the event an employee is reclassified or demoted to a lower classification, his/her hourly rate may be reduced to any step in the lower classification; however, in no event shall his/her salary be fixed at an amount greater than he/she was earning immediately prior to his/her reclassification.
  
- D) All non-appointed new hires and salary recommendations by the Department Head require approval by the City Administrator. New hires and salary recommendations for all appointed personnel require approval by the Mayor and City Council with the recommendation from the City Administrator.

#### **IV-2. Salary Range - New Employees**

The minimum rate of pay for any person on his/her original appointment to a position in the City shall be at the starting point of the salary range.

An original appointment above the minimum rate of pay may be made with the recommendation of the Department Head and approval of the City Administrator within the lower 25<sup>th</sup> percentile of the salary range. A condition of this appointment above the minimum rate will depend upon the Department's budgeted wage line item.

An original appointment below the minimum rate of pay may be made with the recommendation of the Department Head at a rate of 10% below the bottom of the salary range if the person does not meet the minimum qualifications for the position. The employee may be placed in this position for up to one year. At the time qualifications for the position are met and performance is deemed acceptable, the person will move up to the starting point of the range for that position.

A Department Head may request the City Administrator make appointments above the 26<sup>th</sup> percentile of the range subject to one or more of the following conditions:

- 1) The applicant clearly exceeds the minimum requirements for the position as set out in the official position description.
- 2) The requesting Department provides documented evidence that the position opening has been extensively advertised in local and regional publications and there is a shortage of qualified personnel.
- 3) It is demonstrated by the requesting Department that there are no other applicants with equal qualifications.

#### **IV-3. Performance Evaluation**

- A) Employee performance evaluations shall be considered in determining merit salary increases or salary decreases within the limits established in the pay range; as a factor in promotions; as a factor in determining the order of layoffs and as a means of discovering employees who should be promoted or transferred, or who should be demoted or dismissed.
- B) An evaluation of each employee's performance of his/her duties and responsibilities shall be made by each Department Head or authorized supervisor. The evaluation shall be in writing upon such forms as approved by the City Administrator.
- C) Each employee shall receive a formal evaluation reviewing the previous year's performance during the month of January. Any increase in salary resulting from the Annual Performance Evaluation shall be effective with the payperiod related to the first paydate in March.
- D) The annual evaluation shall be supplemented by a mid-year progress evaluation, conducted during the month of June.

- E) Both the Annual Performance and Mid-Year evaluations shall be maintained in the employee's personnel file.
- F) In order to be eligible to receive a merit salary increase an individual must be employed by the City for at least six (6) months prior to their January evaluation.

No employee will be allowed to receive base compensation above the maximum of his or her salary range. Employees at the maximum of their range are eligible for a lump sum payment equal to the amount indicated on their annual performance appraisal that would have otherwise resulted in an adjustment to their annual rate of pay; additionally, employees at the maximum of their range are eligible for a range adjustment when salary ranges are adjusted.

In situations where an employee has not yet attained the maximum of their range, however their annual performance appraisal results in an adjustment to their annual rate of pay that partially exceeds the maximum range of pay, said employee will have the portion of pay applied as an adjustment to their annual rate of pay up to the maximum of their range. Any portion that exceeds the maximum of the range shall be paid as a lump sum.

#### **IV-4. Pay Days**

Employees shall be paid every other Friday except when a pay day falls on a holiday and in that event the pay day will be the last regular working day preceding the holiday.

#### **IV-5. Pay on Termination or Resignation**

Any employee who resigns or is terminated from the City shall receive his/her final paycheck on the pay period following their last day of employment with the City. It is the responsibility of the employee to notify their Supervisor of their last day/date of employment. It is the Supervisor's responsibility to notify Administrative Services of this date for preparation and calculations of the final paycheck amount to be compensated.

- A) Employee's who resign without giving a minimum of two work weeks notice shall only be paid earned compensatory time effective to the resignation date. Terminated employees will be paid earned compensatory time effective to the termination date.
- B) Employee's who resign and give/work their two week notice will be paid their earned compensatory time and unused/accrued vacation time effective to the resignation date.
- C) The employee will receive his/her final paycheck on the pay period following their last day of employment (present) which will include all hours worked and any other accrued hours (if applicable). This final paycheck will be a paper check and can be picked up in the Administrative Services Department on the final payroll date. Employee's who fail to pick up their final paycheck will receive the paycheck by mail at their current mailing address on file.

#### **IV-6 FAIR LABOR STANDARDS ACT (FLSA) STATUS**

Exempt status is determined based on the provisions of the FLSA. The Human Resources Generalist/Risk Manager evaluates position guides to determine whether positions meet qualifications for exempt status pursuant to the FLSA. Positions may be evaluated or reevaluated anytime at the request of the employee, the Department Head, or the Human Resources Generalist/Risk Manager. The Human Resources Generalist/Risk Manager must designate all positions as exempt or non-exempt prior to posting the position or placing an employee in the position. Exempt or non-exempt status determinations are documented in the job description.

Section 7(k) of the Fair Labor Standards Act (FLSA) exemption allows local governments to balance public safety personnel hours over an entire work period and establishes a higher number of weekly non-overtime hours than would otherwise be applicable.

#### **IV-7. Flex time**

- A) The use of flex-time allows most non-exempt employees to work during hours other than those normally worked in order to create time off during normal work hours during that work week or pay period. All flex-time hours must be approved in advance by the employee's Department Head.
- B) Flex-time hours shall be taken at the employee's option and must be used within the pay period earned. A Department Head may not require that flex-time be taken in lieu of overtime or compensatory time.

#### **IV-8. Overtime Work**

Employees will be paid in accordance with FLSA regulations regarding overtime payments and compensatory time off.

- Overtime work must be approved in advance by the employee's Department Head or supervisor.
- Most non-exempt employees will be paid one and one-half times their regular rate of pay for each hour worked in excess of 40 hours during the official workweek.
- "Hours worked" is defined to include actual hours worked and does not include sick time, vacation time or any other paid time that is provided as a benefit.
- Non-exempt employees must accurately record all hours worked and must have worked all hours recorded. Non-exempt employees may not work "off the clock".
- Fifteen minutes is the minimum amount of time used in computing overtime. For the purpose of computing time worked less than one full hour, minutes will be rounded to the nearest quarter-hour.
- Employees whose positions are classified as "exempt" will not be compensated for overtime work.
- A Department Head or supervisor may require an employee to work overtime when so required by operational necessity.

**A) Computation of Overtime**

- 1) An employee must actually work 40 hours in a work week before he/she will be paid time and a half for hours over forty. Example: If an employee actually works 35 hours in a work week, and is on sick leave for an additional day, the employee shall be paid 43 hours at straight time.
- 2) Overtime shall only be paid for hours actually worked. Example: If an employee actually works 44 hours in a work week, and is on sick leave an additional day, the employee shall be paid 48 hours at straight time and 4 hours at time and a half.

**IV-9. Compensatory Time**

Employees will be paid in accordance with FLSA regulations regarding overtime payments and compensatory time off.

Defined: Compensatory ("Comp") time is time off which may be accrued, at the employee's option, in lieu of immediate overtime pay in cash.

Non-Exempt employees:

- A) Compensatory time may be accrued in lieu of immediate overtime pay in cash. Compensatory time will only be allowed after an agreement or understanding has been reached between the employee and his/her Supervisor.
- B) Compensatory time will be accrued at a rate of one and one-half (1 1/2) hours for each hour of overtime worked.
- C) The following rules regarding compensatory time apply to all non-exempt employees:
  - 1) All full-time employees can accumulate no more than 80 hours of unused compensatory time.
  - 2) The use of compensatory time off shall be granted by the employee's immediate supervisor within reasonable time after it is requested. The granting of such time off shall not unduly disrupt the operations of the department or City.
  - 3) Payment for accrued compensatory time prior to promotion or upon termination of employment shall be calculated at the average regular rate of pay for the preceding three (3) years of employment, or the regular rate received by the employee, whichever is the higher. Compensatory time may also be paid in full at the request of the employee and with the approval of the Department Head.

#### **IV-10. Shift Trading**

Employees are permitted to swap shifts, if approved in advance by the Department Head without the City being subject to overtime liability or being required to keep records. The agreement or practice by employees engaged in law enforcement activities of substituting for one another on regularly scheduled tours of duty, or part thereof shall be deemed to have no effect on hours of work or overtime compensation if:

- A) The substituting is done voluntarily by the employees and not at the request of the City;
- B) The reason for substituting is due not to the City's request but to the employee's desire or need to attend to a personal matter;
- C) A record is maintained by the Department Head of all time substituted by his/her employees. This substituted time will be submitted to the Human Resources Generalist/Risk Manager on his/her time card for compensation, and
- D) The Department Head will insure that the time substituted for will be paid back and this time period does not exceed twelve (12) months. (see K.S.A. 44-1204(d))

#### **IV-11. Special Detail Work**

Public Safety employees may accept special detail assignments with second employers, with the Department Head's advance approval, without the City being subject to overtime liability for those additional hours.

This provision means that City police officers and other public safety employees may "moonlight" by working at concerts, sports events, escorts, parades, construction sites, etc., without the hours being treated as overtime work. This applies even if the City requires that the second employer hire a City police officer for specified work or facilitates the employment by acting as the financial intermediary.

#### **IV-12. Dual Employment**

Employees may be allowed to perform additional part-time work at employers other than the City if the part-time work is not incompatible with the employee's employment with the City or creates a conflict of interest.

#### **IV-13. Pay Records**

The Human Resources Generalist/Risk Manager shall be required to keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime and all other records directed to be made and maintained under these policies and guidelines or applicable state or federal law. An employee's personnel file shall be available to the employee during regular office hours and upon reasonable request.

#### **IV-14. Call Back Time/Standby Status/Compensation**

Defined: The “on call” policy has been developed to ensure a reasonable response to after hour’s requests for service to be accomplished according to the level of concern encountered. The first responder is the non-exempt employee who has been designated the “On Call” contact and is to be available for all after-hours service requests including weekends and holidays.

##### **A) Call Back Time**

- 1) A Department Head may call an employee in to work after a regular work schedule.
- 2) All Non-Exempt employees who are eligible to receive overtime compensation and are called in to work on a regular day off or are called back to work after a regular work schedule shall be paid at the appropriate rate of pay for hours worked. Such employees shall be paid a minimum of two hours.
- 3) The minimum of two hours shall not apply if the employee was on standby when called back to work, nor shall it apply if the employee was called in or called back during the two hour period immediately prior to the beginning of the employee’s next regularly scheduled work shift.
- 4) Only the hours worked shall be credited in determining eligibility for overtime compensation.
- 5) Non-Exempt Employees may not use a combination of sick and/or vacation time/hours with Call Back time/hours to be calculated for overtime on a regular work schedule day. If these hours occur simultaneously then the employee will be paid “actual” Call Back time/hours present to be calculated at their regular rate of hourly pay.

##### **B) Standby Status/Compensation**

- 1) Standby means a period of time outside an employee’s regularly scheduled work hours during which the employee is assigned to be in a state of readiness to perform his/her duties and responsibilities and required to remain available to the City within a specified response time.
- 2) A Department Head may require an employee to be on standby status. Each employee shall be available, at the Director’s discretion, for recall to perform necessary work. Standby assignments shall be limited to work situations where a probability of recall of the employee exists.
- 3) Only non-exempt employees are eligible to receive standby compensation.
- 4) Each employee who is eligible to receive standby compensation shall be paid an amount for the duration of their assigned standby time regardless of how many departments are covered.
- 5) Each employee on standby status who is called into work shall be compensated for the actual hours worked at the appropriate rate of pay. Only the hours actually worked by the employee shall be credited in determining eligibility for overtime compensation. When an employee is restricted to a particular telephone number at a particular location designated by the employer, or to the employer’s premises, in order to remain personally available to the employer, the employee shall be compensated at their appropriate rate of pay and shall not receive standby compensation.

- 6) Any employee on standby status who is not available when called, does not respond to call back or fails to fulfill the responsibilities assigned to standby status as defined by their Department Head, shall lose standby compensation for that standby period and may be subject to disciplinary action as defined in ARTICLE VI of this document.

## ARTICLE V

### ATTENDANCE, HOLIDAYS, VACATION, PERSONAL DAYS, EMPLOYEE ASSISTANCE PROGRAM, DISABILITY BENEFITS AND LEAVES OF ABSENCE

#### V-1. Hours of Work

The normal workweek shall be forty (40) hours consisting of eight (8) hour work days from Friday at 7:00 p.m. to Friday at 7:00 p.m. No employee shall be permitted to work in excess of forty (40) hours per workweek except when assigned by his/her Department Head or immediate supervisor.

In accordance with and upon the implementation of an alternative work period under section 7(k) of the Fair Labor Standards Act (FLSA) and amendments thereto, Public Safety employees may be exempted from this provision.

#### V-2. Holidays

The City values a work/life balance among its employees. The City's attempt to assist with work/life balance includes paid holidays.

The Mayor and City Council shall, at or by, the last regular council meeting in December of each year, by resolution, determine the nine (9) holidays to be recognized by the City upon which the City offices shall be closed for the ensuing year. A copy of this resolution shall be posted, in clear view of the public, in City Hall.

##### A) Holidays Falling on a Weekend

Holidays that fall on a Saturday will be observed on the preceding Friday and those that fall on Sunday will be observed on the following Monday.

##### B) Mayor Authorized to Designate Other Special Holidays

The Mayor and City Council may grant the Mayor authority to designate other days as special holidays.

##### C) Compensation for Holidays

- 1) Holiday pay will be calculated based on the employee's straight-time rate of pay (as of the date of the holiday) times the number of hours the employee is normally scheduled and would have otherwise worked on that day. Holiday pay will not count as "actual

hours worked”, therefore employees will not receive overtime pay on the holiday hours.

In order to receive pay for an observed holiday, an employee must not have been absent without paid leave on the workday preceding or following the holiday.

If a recognized holiday falls during an eligible employee’s paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that otherwise would have been applied.

- 2) For employees who are scheduled to work on the actual holiday, a City-observed holiday will be paid for all hours, in addition to holiday pay, the employee will be granted personal leave equal to 1/2 (one-half) hour per 1 (one) hour worked on that holiday up to a maximum of 4 hours of personal leave to use within a year of the holiday worked. Personal leave earned for working a recognized holiday not used within a year of the holiday worked will be lost. Holiday pay will not count as “actual hours worked”, therefore employees will not receive overtime pay on the holiday hours.
- 3) Seasonal, part-time and temporary employees shall not receive paid holidays.

### **V-3. Vacation Leave**

The City values a work/life balance among its employees and believes that the use of vacation time helps employees to refresh themselves and come back to work with increased focus and energy. Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees are encouraged to use their full allotment of vacation paid time off each year. Seasonal, part-time and temporary employees do not receive the vacation benefits outlined in this section.

- A) Amount: Each full-time employee shall receive vacation leave credit annually as follows:
  - 1) Seven (7) hours per month beginning with first month of employment to the tenth year of service. (10.5 days per year)
  - 2) Ten (10) hours per month after ten (10) years of service. (15 days per year)
  - 3) Fourteen (14) hours per month after twenty (20) years of service. (21 days per year)
  - 4) A full-time employee appointed on or prior to the fifteenth (15th) day of a month shall receive vacation leave credit for that month; such employee appointed after the fifteenth (15th) day of a month shall not receive vacation credit for that month.
- B) When Taken: No accumulated annual leave may be taken by an employee until they have been in service of the City continuously for a period of six (6) months. An employee who is not in the service of the City continuously for a period of six months before being separated from the City’s service shall not receive any payment for accrued vacation leave. Each Department Head shall schedule vacation leave with particular regard to operating requirements and, insofar as possible, with the requests of employees.

- C) Accrual: Employees having less than ten (10) years service may not accrue more than one hundred twenty (120) hours of vacation leave without being placed into a "use or lose" category. Employees having ten (10) years or more service may not accrue more than one hundred sixty (160) hours of vacation leave without being placed into a "use or lose" category. The City Administrator may extend for a limited time the maximum accrued vacation leave when it is determined an employee cannot be allowed to take vacation leave due to temporary heavy work schedules.
- D) Terminal Leave: Any employee leaving the services of the City shall be compensated for vacation leave credited and unused to the date of his/her resignation only if the employee gives/works two week proper notice. If his/her resignation occurs prior to the fifteenth of the month they shall receive no leave credit for that month. On or after the fifteenth, the employee shall receive vacation credit for that month. In case of death of the employee, compensation shall be paid to the surviving spouse or the employee's estate for all unused vacation leave.
- E) Holidays Occurring During Vacation Period: Any official holiday as set forth in this article that occurs during an employee's scheduled vacation shall not be counted as a day of vacation.
- F) Illness Occurring During Vacation Period: There is no refund of vacation time for illness that occurs while on vacation leave.

#### **V-4. Sick Leave**

The City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. If an injury or illness is long-term, permanent, or may be permanent or long-term, please contact the Human Resources Generalist/Risk Manager to discuss potential disability or FMLA (Family Medical Leave Act) benefits (See Section V-15 for FMLA Guidelines).

- A) Amount: Each full-time employee will be credited sick leave in accordance with the following:
  - 1) Sick leave may be accumulated but not taken until such employee has completed three (3) months continuous service with the City. Each employee shall be allowed ten (10) hours of sick leave per each month of continuous service.
  - 2) A full-time employee appointed on or before the fifteenth (15th) day of a month shall accumulate sick leave credit for that month; such employee appointed after the fifteenth (15th) day of a month will not accumulate credit for that month.
  - 3) Each employee shall be allowed to accumulate a sick leave reserve up to a maximum of sixty (60) days; or a total of 480 hours.

- B) Sick Leave: Sick leave with pay must be earned or accumulated before it can be granted. Employees shall not be allowed to use sick leave before it is earned and thereby accrue a negative sick leave balance. Sick leave with pay will be granted for absence from duty and will be limited to actual personal illness, a doctor's or dentist's appointment or for like events of an immediate family member. An employee who is sick or disabled and has exhausted their sick leave may use their vacation leave with approval of the City Administrator. Employees may not engage in any other employment while on leave.
- C) Length of Time: Any employee of the City, absent on account of sickness for more than five (5) consecutive scheduled work days, shall on request furnish to their Department Head, from a health care provider, a certificate clearly stating the healthcare provider's opinion that the employee is released to return to active duty/work and is capable of performing 100% of his/her duties based on the employee's current job description. If the health care provider releases the employee to return to work with any restrictions or limitations, it must be determined by the Department Head and Human Resources Generalist/Risk Manager whether or not that employee can return to work and be safe/productive without further risk of injury or illness based on said restrictions or limitations. Reasonable accommodations will try to be met by the City in these type of situations, however, if it is determined that there "is" additional risk of injury or illness, and, if it is required that the employee be able to perform 100% of his/her job duties then the employee will not be allowed to return to work until they have a 100% unconditional release from their health care provider.
- D) Unused Sick Leave: Sick leave credits/accruals are not to be paid in the event of any separation of employment, excepting that:
- 1) Employee's with more than ten (10) years of service and terminating upon KPERS or KP&F retirement will be paid 50% of accumulated sick leave. Payment will be computed based on employee's rate of pay at time of retirement.
- E) Improperly Claimed Sick Leave: Any employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal.
- F) Definition of a Immediate Family Member: For the purposes of Section V-4, Immediate Family Member shall be defined as:
- 1) Spouse, and parents thereof;
  - 2) Sons and daughters and spouses thereof;
  - 3) Parents and spouses thereof;
  - 4) Brothers and sisters, and spouses thereof;
  - 5) Grandparents and grandchildren, and spouses thereof;
  - 6) Domestic Partner;

#### V-5. **Personal Day**

Full-time employees are authorized one (1) personal day each year and will be paid at the regular wage and scheduled hours at the time taken.

- Personal leave may be used in one-hour increments.
- Personal leave must be used before the annual cut-off date during the pay year they are awarded and are not accumulated, carried over to the next year, nor paid out upon termination.
- Personal leave used after the annual cut-off date will be charged to the next payroll year.
- Employees will be sent a reminder of the cut-off period before the end of the payroll year

It is possible for an employee to be awarded up to two (2) personal days annually. To receive personal leave the employee must meet the following requirements:

- One personal day: Be employed full time on January 1 and a current employee at time of use.
- Second personal day: Available to employees with 15 or more years of full-time service on January 1 and a current employee at time of use.

#### V-6. **Philanthropic Leave**

The City wishes to encourage employees who demonstrate a philanthropic spirit of participating in voluntary efforts. Those employees wishing to participate in events that fall within their regular work hours may request time off to do so. The City will match up to sixteen (16) hours of time within each calendar year.

For example, an employee wishing to take four (4) hours off to participate in a philanthropic event will request to use two (2) hours vacation or compensatory leave and the City will match the remaining two (2) hours. Sick leave may not be used for philanthropic leave.

Upon mutual agreement between the employee and their supervisor and/or Department Head, the scheduling of philanthropic leave must meet the operational needs of the City. Two (2) week notice and supervisor approval is required. For media purposes, the employee may be asked to provide information or photographs related to the event.

- A) In order for an organization or volunteer effort to qualify for the employee's participation in this program it must meet one of the following criteria:
- 1) Have acquired 501(c) tax exempt status from the United States Internal Revenue Service and does not discriminate nor exhibit a bias based upon race, religion, sex, color, national origin, ancestry, disability or sexual orientation.
  - 2) Be a Public School System, governmental or quasi-governmental organization.
  - 3) Be an organization which may not have or is not able to acquire the requisite 501(c)

tax exempt status, however the aim or goals of the organization obviously benefit the community as a whole or meet the humanitarian needs of an individual or group of individuals and does not discriminate nor exhibits a bias based upon race, religion, sex, color, national origin, ancestry, disability or sexual orientation.

- B) During participation in this program, the employee shall not engage in any of the following actions:
- 1) Proselytize, or engage in actions which may be interpreted as solely intended to express religious or social beliefs and points of view.
  - 2) Participate in any action which may be interpreted as campaigning, representing or supporting any campaign issue, public candidate or ballot initiative.

**V-7. Employee Assistance Program (EAP)**

The EAP provides confidential professional assistance to help employees and their immediate family members to resolve problems that affect their personal lives and/or job performance. Problems commonly handled include marital difficulties, parent-child relationships, alcoholism, drug addiction, stress, etc. The program is confidential and can be used by calling professional counselors directly.

**V-8. Disability Benefits**

- A) On the Job Injury Leave - Workers Compensation Act. Employees injured on the job are covered by the Kansas State Workmen's Compensation Act. This law provides specific benefits to the injured employee. To initiate a claim, the following procedure is established.
- 1) The employee shall immediately report any injury, regardless of extent, to his/her immediate supervisor.
  - 2) The immediate supervisor shall provide first aid treatment or the injured employee shall be taken to a participating clinic.
  - 3) The supervisor, with the help of the employee, shall prepare a "Supplementary Record of Occupational Injuries and Illness (OSHA No. 1101)" forwarding the original copy to the Human Resources Generalist/Risk Manager within twenty-four (24) hours.
  - 4) Upon initiation of Workmen's Compensation payment, the employee has one of the following options:
    - (a) Request leave of absence and accept compensation from the State Workmen's Compensation Division,
    - (b) Accept sick leave and turn all compensation payments received from the State Workmen's Compensation Division to the City, or

- (c) Accept compensation payments from the State Workmen's Compensation Division and receive part payment from the City to bring employee to full pay. This partial payment being charged to the employee's sick and/or emergency leave credit.

Before an employee will be allowed to return to work, after a job related accident, the City will require that the employee be released for work by the doctor or clinic designated by the City.

It is the policy of the City to return employees to work, within the restrictions provided by the physician. Department Heads, managers, and/or supervisors will attempt to find productive work for each injured employee. The Human Resources Generalist/Risk Manager can provide assistance for this effort.

Temporary restricted duty work reassignment need not be confined to the current department in which the employee is ordinarily employed. Pay grade for the injured employees will be based upon temporary work assignments.

Returning injured employees to work as soon as possible benefits both the employee and the City.

The City has identified and created alternative or modified work-duty tasks, and matching a worker's impaired physical capability from an injury to these tasks can control accidents costs, improve employee morale and productivity.

Other personal illness, non-compensable bodily injury or disease will be regulated by Section V-4.

- B) Off the Job Illness or Injury -- Extended Disability Leave. Employees who become totally disabled due to off the job illness or injury are eligible for extended disability leave benefits. If extended disability leave time off is granted it is subject to FMLA guidelines and you need to contact the Human Resources/Risk Manager for proper documentation and follow up. See Section V-15 for FMLA policies and guidelines.

- 1) Policy.

- (a) Extended disability leave is a leave of absence during which the employee receives one-half (1/2) of his/her usual rate of pay. Only full time employees may be considered for this benefit.
- (b) Accrual of sick and vacation benefits will continue at a rate of 1/2 normal rates. Holiday pay will continue. City provided insurance will continue during the first 90 days of leave. Insurance costs become the responsibility of the employee after that time.
- (c) Leave may be authorized on a month- to -month basis by the City Administrator.

- (d) Leave is to be requested by the employee's Department Head or supervisor to the City Administrator.
- (e) Determination of whether an employee shall be entitled to extended disability leave shall be made by the City Administrator.
- (f) If the health care provider releases the employee to return to work with any restrictions or limitations, it must be determined by the Department Head and Human Resources Generalist/Risk Manager whether or not that employee can return to work and be safe/productive without further risk of injury or illness based on said restrictions or limitations. Reasonable accommodations will try to be met by the City in these type of situations, however, if it is determined that there "is" additional risk of injury or illness, and, if it is required that the employee be able to perform 100% of his/her job duties then the employee will not be allowed to return to work until they have a 100% unconditional release from their health care provider.

Any employee who disagrees with the decision made shall have the right to appeal such decision to the City Council at their next regular meeting following such ruling or determination. Determination by the City Council shall be a final determination of the issue.

2) Definition.

- (a) Total disability exists when the employee on account of the off the job injury or illness has been rendered completely incapable of engaging in any type of substantial and gainful employment.

3) Limitations.

- (a) Proven Disability. Extended disability leave shall not be considered until and unless a duly licensed health practitioner submits a statement proving that the employee is disabled and not able to work.
- (b) Extended disability leave shall not become effective until all accrued and unused sick compensatory, and vacation time has been exhausted.
- (c) Extended disability leave shall be for as short a time as medically possible. In no event shall the combined extended disability leave and accrued time (V-5 B 3) (b)) exceed six (6) calendar months, and it shall terminate upon the employee's eligibility to receive benefits from KPERS, whichever event occurs first.
- (d) Employees returning to work after receiving extended disability leave benefits will need to provide the City Administrator a signed release to work by a licensed health care practitioner. The release also must state that the employee can perform 100% of his/her duties as defined in their job description at that time.

## **V-9. Parental Leave**

Maternity/Paternity leave, more commonly referred to as “Parental Leave,” is leave associated with the birth of an employee’s own child or the placement of a child with the employee in connection with adoption or foster care.

### Maternity

- A) As long as an employee is on maternity leave, she may receive time off with pay for all accrued sick and/or emergency, compensatory, and accrued vacation leave, if requested by the employee. Maternity Leave is subject to FMLA guidelines (Section V-15) . Please see the Human Resources/Risk Manager prior to the leave to complete the necessary paperwork, review and understand the guidelines for unpaid time off. Benefit accrual and holiday pay cease during the period of leave without pay. City provided insurance will continue during the first 90 days of leave. Insurance cost becomes the responsibility of the employee after that time.
- B) If the employee fails to return to work from maternity leave, the City has the legal right to seek to recover any health insurance premiums paid to maintain the employee’s health insurance coverage during that leave. Vacation leave earned during the maternity leave will not be eligible for compensation as stated in V-3 D.

### Paternity Leave

- A) As long as an employee is on paternity leave, he may receive time off with pay for all accrued sick, personal, compensatory, and accrued vacation leave, if requested by the employee. Paternity Leave is subject to FMLA guidelines (Section V-15). Please see the Human Resources/Risk Manager prior to their leave to complete the necessary paperwork, review and understand the guidelines for unpaid time off. Any remaining leave will be without pay. Benefit accrual and holiday pay cease during the period of leave without pay. City provided insurance will continue during the first 90 days of leave. Insurance costs become the responsibility of the employee after that time.
- B) If the employee fails to return to work from paternity leave, the City has the legal right to seek to recover any health insurance premiums paid to maintain the employee’s health insurance coverage during that leave. Vacation leave earned during the paternity leave will not be eligible for compensation as stated in V-3 D.
- C) Upon mutual agreement and on an exception basis, the scheduling of paternity leave may be modified to meet the operational needs of the City.

## **V-10. Military Leave**

Military duty means training and service performed by an inductee or enlistee in the armed forces of the United States, including time spent in reporting for and returning from such training or

service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard.

- A) Eligibility: Any employee who leaves City service for military duty shall be placed on military leave without pay, such leave to extend through a date of thirty (30) days after his/her release from service. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay. ( K.S.A. 73-213 et seq.) and amendments thereto
- B) Restoration: An employee returning from military leave shall be entitled to restoration to his/her former position or a position of like pay and responsibility, provided he/she makes application for reinstatement within thirty (30) days after his/her release from duty and, provided further, he/she is physically and mentally capable of performing the duties of the position involved.
- C) Benefits: Employees will not accrue benefits or receive Holiday pay during leave. Upon restoration to City service the employee shall be restored all unused vacation and sick leave accruals. City provided insurance will not continue during leave.

D)Military Training: Any employee who is a member of any reserve component of the United States armed forces or the Kansas National Guard shall be granted military leave for a short tour of active duty or field training encampment. (See K.S.A. 48-222 and amendments thereto). In those cases where military pay is less than the employee's regular salary, an employee may be compensated for the difference between his military pay and his city salary for a period determined by the City Administrator on a case by case basis.

## **V-11. Civil Leave**

- A) Civil Leave with Pay: An employee shall be given necessary time off without loss of pay when:
  - 1) performing jury duty,
  - 2) appearing in court on behalf of the City as witness in answer to a subpoena,
  - 3) In an official capacity on behalf of the City or as an expert witness (except in cases during which the employee is being compensated for performing duties as an expert witness. In which case the employee will not be compensated) either because of professional or observed knowledge,
  - 4) performing emergency civilian duty in connection with national defense or
  - 5) For the purpose of voting when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work.

Employees should refrain from wearing City provided uniforms or bearing the City logo during appearances in court unless appearing in their official capacity for the City.

## V-12. **Bereavement Leave**

In case of the death of an employees' immediate family member, an employee may be granted bereavement leave, with pay, not exceeding five (5) working days per funeral.

### A) **Definition of an Immediate Family Member:**

For the purposes of Section V-12, Immediate Family Member shall be defined as:

- 1) Spouse, and parents thereof;
- 2) Sons and daughters and spouses thereof;
- 3) Parents and spouses thereof;
- 4) Brothers and Sisters, and spouses thereof;
- 5) Grandparents and grandchildren, and spouses thereof;
- 6) Domestic Partner;

The City recognizes the fact that an employee will have bereavement situations that occur involving other (not immediate) family members, friends and others with a close, family type association where time off to attend a funeral might be needed. In these cases the employee would be allowed to take accrued vacation or sick leave hours (up to (3) working days per funeral). This type of leave will need the approval of the employee's Department Head.

## V-13. **Other Leave**

- A) **Meetings, Seminars:** Any employee may be granted leave with pay to attend meetings, seminars and convention of professional and technical organizations when such attendance is properly authorized by the City Administrator.
- B) **Leave of Absence:** An employee, upon written request and with the approval of his/her Department Head and the City Administrator, may be granted a leave of absence without pay for a period of one (1) year. Benefits shall not accrue during a leave of absence. City provided insurance will not continue during the leave of absence. The City is not required to re-employ the employee in his/her previous position.
- C) **Administrative Leave:** The City Administrator may grant an employee Administrative Leave with pay in exceptional circumstances.
- D) **Blood Donation:** A full-time employee may be granted emergency leave for a period of time not to exceed 4 hours (not including the time needed for the donation) for rest and recuperation after making a blood donation for which he or she received no payment from the blood collecting organization for giving the blood. The time to actually give the blood may be approved as excused absence (regular time) if it takes place at the government facility or administrative leave if it occurs offsite.

When a donor is paid for giving blood by the blood collecting organization, the employee is required to take some type of leave (other than sick leave) for any period of absence

resulting from making the blood donation.

- E) Bone Marrow and Organ Donation: A full-time employee may be granted emergency leave for the time necessary to permit them to serve as a bone marrow or organ donor. This leave may not exceed seven (7) days in a given calendar year for a bone marrow donation or exceed thirty (30) calendar days in a given calendar year for organ donation. The length of absence for such purposes will vary depending upon the medical circumstances of each case.

#### **V-14. Educational Leave**

##### A) Educational Leave of Absence Without Pay:

- 1) Leave may be granted to an employee not to exceed twelve (12) consecutive months. Course work shall be related to his/her career. The leave must be approved by the City Administrator. Benefits shall not accrue during an educational leave of absence without pay. City provided insurance will not continue during the leave of absence.
- 2) Requests shall be submitted in writing to the Department Head in letter form, stating the need for the leave, how the City will benefit, course summary, the date the leave will begin, and probable date of return. If, upon the investigation of the City Administrator, it is found that educational leave will be beneficial to the City and it is practical to allow the employee's position to remain vacant or to be filled by a temporary employee, educational leave without pay may be granted. Employee must give the City ninety (90) days written notice of his/her intention to return to the employment of the City prior to the end of his educational leave or the City shall assume that the employee does not intend to return.

##### B) Educational Leave of Absence With Pay:

- 1) Educational leave with pay will be granted for the state mandated training, educational courses that lead to a state required certificate, or when it is determined by the City Administrator that such training will be beneficial to the City. Such leave will only be granted after it has been approved by the City Administrator. Department Heads will make an effort to insure that taking such leave will not result in overtime payment. All tuition payments must be approved by the City Administrator.
- 2) Requests shall be submitted in writing to the Department Head stating course summary, course costs, certificate to be acquired, dates and times of classes, and the probable last day of class. The Department Head will make his/her recommendation to the City Administrator for approval.

##### C) Educational Tuition Repayment for Off-Duty Courses:

- 1) The City values the desire of employees to pursue educational opportunities that are of mutual benefit to the employee and the City. Regular full-time employees with one year or more

of service with the City are encouraged to take advantage of educational courses that will help improve their performance in their current position and/or better prepare them for promotion within the City. The Human Resources Generalist/Risk Manager will maintain a budget for educational reimbursement. The budget will not exceed \$5,000.00. Reimbursements will be allocated on a first-come/first-approved basis. Once the budget has been used, department directors will be responsible for approving and funding additional requests from their employees at the expense of the department.

- 2) Any full-time employee may request permission to take off-duty educational courses. Requests shall be submitted in writing to the Department Head. The letter should state the need for the leave and how this investment will benefit the City. The Department Head shall review request and determine if the educational courses, cost and location of the courses requested will be beneficial to the City, as well as to the employee. The Department Head shall recommend to the City Administrator for approval; only after approval has been granted by the City Administrator will the employee be pre-authorized of tuition repayment. A copy of this approval and signed agreement by the employee shall be placed in the employee's personnel file with a copy returned to the employee.
- All courses taken will be on employees' off time and will not interfere with regular scheduled work hours established by the Department Head nor be considered time worked.

3) Conditions of Reimbursement

Reimbursement for course attendance is 100% of tuition with the following provisions:

- a) Total reimbursement per employee will be limited to a maximum of \$1,500 per calendar year.
- b) The employee must complete the course with at least a "C" grade for undergraduate courses and a "B" grade for graduate courses.
- c) Priority will be given to courses taken at an accredited college, university, or other institution recognized by the North Central Association Commission on Schools (NCA).
- d) Single courses (not part of a degree program) must be shown to be job related.
- e) Courses taken for a degree (major courses and general requirements) must be for a major in a field directly related to the employee's position or municipal government work.
- f) Pass/fail courses are not eligible for reimbursement.
- g) Expenses related to registration fees, books, library fees, graduation fees, life learning experiences, calculators, etc. are not eligible for reimbursement.
- h) Expenses which exceed the limits of this policy may not be carried forward for reimbursement at future time.
- i) Employees who fail to continue employment with the City for one full calendar year after the City's reimbursement will be required to reimburse the City for 100% of any amounts paid by the City.

In the event an employee receives other financial assistance (grants, scholarships, or waivers); the City's assistance will only apply to those amounts not covered by such assistance. Tuition costs paid with student or other loans will be eligible for reimbursement, contingent on the employee providing appropriate documentation. All sources of assistance must be disclosed at time of application. Reimbursement may be subject to taxation in

accordance with current tax laws. The granting of assistance is based upon the availability of funds. All employees must complete an Educational Reimbursement Request form.

4) Procedures

- a) Prior to course registration, an employee will complete an Educational Reimbursement Request form, keep one copy and submit the original to his/her department director for consideration.
- b) After review by the department director, the application will be forwarded to the City Administrator for review prior to course registration. The City Administrator will forward the approved request to the Human Resources Generalist/Risk Manager who will contact the employee and pre-authorize reimbursement.
- c) In the event the request is denied, the employee may appeal the decision to the City Administrator, who will make the final determination.
- d) If the request is approved, then upon completion of the course(s), the employee will submit an official transcript and itemized tuition receipt, to the Human Resources Generalist/Risk Manager. All required documentation must be submitted within four weeks of completion of the approved course(s). If an employee is enrolled in multiple courses with varying end dates, then documentation must be submitted within four weeks of completion of each course.

#### **V-15. FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Family Medical Leave Act (FMLA) is a federal statute that originally took effect on August 5, 1993. The purpose of the Act is to assist employees in balancing work, life and family matters by providing for unpaid leave for special health or family-related needs. Upon returning to work from FMLA leave, employees may be reinstated in their current or equivalent position without re-qualifying for benefits.

Our Family and Medical Leave policy will be interpreted in accordance with the federal Family and Medical Leave Act, its current regulations and all other applicable laws. To the extent that these policies may conflict with those laws, those laws shall control. Further, we retain all rights and defenses under applicable law, whether or not specifically set forth in these policies.

Consistent with Federal Law, after a 12-month wait for initial eligibility (having worked at least 1,250 hours), an employee may take as much as 12 work weeks of unpaid leave within 12 months for any of the following reasons:

- Birth of a child (including prenatal care) and to care for the newborn child;
- Placement of a child for adoption or foster care;
- To care for a spouse, child or parent with a serious health condition;
- To deal with the employee's serious health condition that renders the employee unable to perform the essential functions of the employee's job; and/or, A "qualifying exigency" as defined below and related to an employee's spouse, son, daughter or parent's active duty in the United States Armed Forces, and deployed to a foreign country.

An employee who is the spouse, son, daughter, parent or next of kin to a covered service- member is

also entitled to a total of twenty-six (26) weeks of unpaid leave during a single 12-month period for the following reasons:

- Leave to care for a covered service member on the temporary disability retired list that has a serious injury or illness or is in outpatient status (“military caregiver leave”). During this period, the City will continue its contribution to the employee’s health insurance premium at the rate that existed prior to the absence. Employees are required to use accrued sick leave until Short Term Disability begins on the 15th day, as part of the FMLA leave. During Short Term Disability, the use of accrued vacation and sick leave is optional. If the employee is not eligible for Short Term Disability during their FMLA leave, he or she is required to use all vacation and sick leave accruals until it is exhausted.

## **DEFINITIONS**

**“Spouse”** means a husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage in states where it is recognized.

**“Parent”** means a biological, adoptive, step or foster father or mother, or any individual who stood in as a parent when the employee was a son or daughter. The term “parent” does not include parents “in law” (e.g. mother-in-law or father-in-law).

**“Son” or “daughter”** means a biological, adopted, or foster child; a step-child; a legal ward; or a child of a person or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

**“Next of kin of a covered service member”** means the nearest blood relative of that individual other than the covered service member’s spouse, parent, son, or daughter in the following order of priority: blood relatives who have been granted legal custody of the covered service member, brothers and sisters, grandparents, aunts and uncles, and first cousins unless the covered service member has designated in writing a specific blood relative as his next of kin for purposes of military caregiver leave under the FMLA.

**“Covered service member”** means a member of the Armed Forces including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list

During this period, the City will continue its contribution to the employee’s health insurance premium at the rate that existed prior to the absence. Employees are required to use accrued sick leave until Short Term Disability begins on the 15th day, as part of the FMLA leave. During Short Term Disability, the use of accrued vacation and sick leave is optional. If the employee is not eligible for Short Term Disability during their FMLA leave, he or she is required to use all vacation and sick leave accruals until it is exhausted.

A **“covered military member”** is defined as an employee’s spouse, son, daughter or parent who is on active federal military duty or has been called to active federal military duty status for the United States Armed Forces. A **“qualifying exigency”** includes: Short notice deployment: to address issues arising

when a covered military member is called to active duty within 7 or less days of such deployment. Leave for a short notice deployment may be taken for seven (7) calendar days or less beginning on the date of the covered military member's notice of such leave.

Military events and related activities: to attend official ceremonies, programs or events sponsored by the military that are related to the active duty status of a covered military member or to attend programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty status of a covered military member;

- a) Childcare and school activities: to arrange for or provide urgent
- b) childcare when the call to active duty of a covered military member necessitates a change in an existing childcare arrangement for a covered military member's child; to enroll in or transfer to a new school a covered military member's child; and to attend meetings with school or daycare staff of a covered military member's child;
- c) Financial and legal arrangements: to make or update financial or legal arrangements to address the covered military member's absence while on active duty or to act as the covered military member's representative for the purpose of obtaining benefits;
- d) Counseling: to attend counseling for the covered military member or a covered military member's child;
- e) Rest and recuperation: to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment. Eligible employees may take up to five (5) days of leave for rest and recuperation.
- f) Post-deployment activities: to attend official ceremonies or programs sponsored by the military in the 90 days following the termination of the covered military member's active duty status or to address issues that arise from the death of a covered military member.
- g) Additional activities: to address other events that arise out of the covered military member's active duty or call to active duty provided that the employer and employee agree that the leave shall qualify as an exigency and agree to the timing and duration of such leave.

A "serious health condition" is defined as a condition involving "inpatient care" or "continuing treatment" by a health care provider. Where inpatient care is not involved, the Act requires three (3) or more days absence from work (or incapacity to perform daily activities, in situations of caring for a family member) before a health condition will qualify for leave. Continuing treatment generally means two (2) or more visits to a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and the second within thirty (30) days of incapacity. A "serious injury or illness" means an injury or illness incurred by a covered service member in the line of duty on active duty in the United States Armed Forces that may render the individual medically unfit to perform the duties of the individual's office, grade, rank or rating. "Outpatient status" means the status of a covered service member assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control to members of

the United States Armed Forces receiving care as outpatients. A “contingency operation” means a military operation that is (a) designated by the Secretary of Defense as an action where the United States Armed Forces are or may become involved in military actions or b) results in members of the United States Armed Forces being called to active military duty, as defined by law.

## **AMOUNT OF FMLA AVAILABLE**

An eligible employee may take up to 12 work weeks of unpaid leave during the “12-month period” for any one, or combination, of leave for birth or adoption of a child, for the serious health condition of the employee or the employee’s spouse, child or parent or for a qualifying exigency. The 12-month period is a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave. An eligible employee may also take up to twenty-six (26) weeks in a single 12-month period for military caregiver leave. The 12-month period is a “rolling” 12-month period measured forward from the date an employee uses any military caregiver leave. Any employee who is eligible for and takes a portion of his or her twenty-six (26) weeks of military caregiver leave, but not the entire twenty-six (26) weeks forfeits the remaining portion of the leave that was not used within one (1) year. FMLA leave for the birth or placement of a child must conclude 12 months after the birth or placement. Leave for the birth or placement of a child may only be taken on an intermittent basis with the City’s approval. If spouses are both employed by the City, they may take a combined total of 12 weeks of FMLA leave within the “12-month period” for any birth or placement of a child or to care for a seriously ill parent or dependent or a combined total of twenty-six (26) weeks within the “12-month period” to care for a covered service member, both of which can be split between spouses in any proportion. Any such leave taken by each employee shall be charged against that employee’s available 12 weeks of FMLA leave for his/her own serious health condition or to care for a child or spouse with a serious health condition or 26 weeks of FMLA leave to care for a covered service member.

## **CERTIFICATION**

The City requires an employee seeking leave of more than 3 days for any medical purpose to submit medical or other documentation on a special form at the time of:

- Initial request;
- Before returning to work (following a serious health condition to certify fitness for duty
- If the employee is not returning to work, following a leave during which the employer has paid health- care premiums; or,
- Re-certification routinely during FMLA leaves.

The City can seek clarification through its own provider and/or require the employee to undergo a second independent examination at the City’s cost. Certification forms can be obtained from Human Resources. All certification (and re-certification) forms must be submitted to Human Resources within 15 calendar days of the City’s request for a certification.

## **FMLA LEAVE REQUESTS**

Employees should request FMLA leave by completing the Request for Family Medical Leave form and

submitting it to Human Resources. Employees should provide notice at least 30 days in advance of the requested leave, whenever possible. When an unexpected situation develops, the employee should notify the City as soon as possible. The employee will be notified whether the leave has been designated as FMLA. When possible, employees should schedule foreseeable medical treatments so as to minimally disrupt the City's operations.

All requests for FMLA leave must fully explain the reasons for leave to allow the City to determine whether the leave actually qualifies under Federal Law. If an employee refuses or fails to give reasons for requesting FMLA leave or refuses or fails to provide a proper certification, the City may deny leave until such information is provided. In cases of leave for the employee's own serious health condition or that of a spouse, child, or parent, or to care for a covered service member or a qualifying exigency, the eligible employee may take FMLA leave intermittently or on a reduced schedule, when such leave is certified as medically necessary where appropriate. If an employee requests intermittent or reduced-schedule leave for a planned medical treatment, the City may temporarily transfer the employee to an alternative position, for which the employee is qualified, and which has equivalent compensation and benefits, which better accommodates such irregular leave. Please keep in mind that during FMLA leave, the employee is deemed unable to work unless written approval has been obtained from a doctor.

## **INTERIM BENEFITS**

Under FMLA, the City will maintain the same level of coverage under the group health plan for the duration of an employee's FMLA leave. The employee is responsible for payment of his/her portion of health insurance premiums during such leave just as if he/she were still on the City's payroll. Employees will receive advance notice of the costs, and a schedule for remitting these payments will be provided. If the payment is more than 30 days overdue, the City's obligation to continue health-care coverage ceases. If health coverage is discontinued because the employee has not made the required interim payments while on FMLA leave, upon the employee's return from FMLA leave, health benefits will be restored to the employee as if the leave had not been taken and the premium payment(s) had not been missed. The City will then recoup the missed payments through payroll deductions. If the employee does not return from scheduled FMLA leave, except for circumstances beyond the employee's control, the City Affiliates may consider the employee to have voluntarily resigned and recover all health premiums it paid on the employee's behalf during the FMLA leave. The City may require medical certification of any alleged, continued serious health condition.

## **REINSTATEMENT**

An employee is entitled to return from a qualifying FMLA leave to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment, and without loss of job seniority or any other status or benefits accrued prior to FMLA leave, if all FMLA leave requirements are met, and provided the employee would still be employed if FMLA had not been taken. Certain "key employee" (for example, a salaried employee who is among the highest paid 10% of all employees at the work site) may be denied reinstatement, if necessary, to prevent substantial and grievous economic injury to the City's operations. An employee who gives notice of intent not to return to work or fails to return to work will be considered to have voluntarily resigned. Such voluntary resignation may be a qualifying event entitling the employee to the option of continuing his or her health-care coverage under

COBRA.

**ARTICLE VI**  
**DISCIPLINE**

**VI-1. Authority to Discipline**

Department Heads and Supervisors are responsible for the conduct and effective performance of all employees under their jurisdiction. Department Heads shall have the authority and the responsibility to discipline employees for violations of the City's personnel policies and any department guidelines. Supervisors are required to fully inform the Department Head of all violations of City policy or departmental regulations by any employee. Department Heads are required to fully inform the City Administrator of all violations of City policy or departmental regulations by any employee. The City Administrator is required to notify the Mayor and City Council of all violations of City policy or departmental regulations by any appointed officer or official.

**VI-2. General Policy**

The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service. Discipline in the City organization is for the most part "self" discipline. It is the duty of employees to make a conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee/officer is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the City to provide a high level of public service. When an employee/officer does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his/her Supervisor, Department Head, City Administrator or the City Council to consider disciplinary actions to correct the problem.

**VI-3. Disciplinary Actions**

The City reserves the right to discipline any employee/officer and to determine the particular discipline to be imposed in any given case and in any order. The following types of disciplinary actions are officially recognized by the City Administrator, Mayor and City Council:

- A) Verbal Warning. A verbal warning is an oral reprimand given to an employee by his or her Supervisor or Department Head. A record of the verbal warning shall be recorded in the employee's file. A verbal warning to an officer is an oral reprimand given by the City Administrator and shall be recorded in the officer's file.
  
- B) First Written Reprimand: A written reprimand is a written censure to an employee by his or her

Supervisor, or Department Head. On the first written reprimand, the Supervisor will meet with the employee privately, cite the problem, define the expected behavior or correction to the problem and after a 30 day probation period determine if the problem is solved or needs further disciplinary action. The employee will be given the opportunity to document his or her response to the reprimand for the record. A copy of the reprimand and 30-day probation response will be sent to the Department Head and also the Human Resources Generalist/Risk Manager to be recorded in the employee's file. A first written reprimand for an officer is a written censure by the City Administrator. The City Administrator will meet with the officer privately, cite the problem, define the expected behavior or correction to the problem and after a 30 day probation period determine if the problem is solved or needs further disciplinary action. The officer will be given the chance to document his or her response to the reprimand for the record. A copy of the 30 day probation response will be sent to the Mayor, City Council and also the Human Resources Generalist/Risk Manager to be recorded in the officer's file.

- C) Second Written Reprimand: On the second written reprimand, the Supervisor and Department Head will meet with the employee privately, cite the problem, define the expected behavior or correction to the problem and after a 30-day probation period determine if the problem is solved or needs further disciplinary action. The employee will be given an opportunity to document his or her response to the reprimand for the record. After a Second Written Reprimand is issued it is the Department Head's responsibility to communicate to the employee that any further written reprimands, acts of insubordination or gross misconduct could lead to a third written reprimand which would invoke a immediate suspension and written recommendation for termination of employment. A copy of the second reprimand and 30 -day probation response will be sent to the City Administrator and also the Human Resources Generalist/Risk Manager to be recorded in the employee file. If an officer receives a second written reprimand, they will meet with the City Administrator a second time, cite the problem, define the expected behavior or correction to the problem and after a 30 day probation period determine if the problem is solved or needs further disciplinary action. The officer will be given the opportunity to document his or her response to the reprimand for the record. After the second written reprimand is issued it is the City Administrator's responsibility to communicate to the officer that any further written reprimands, acts of insubordination or gross misconduct could lead to a third written reprimand which would automatically invoke a immediate suspension and written recommendation for termination of employment. A copy of the second written reprimand will be sent to the Mayor, City Council and also to the Human Resources Generalist/Risk Manager to be recorded in the officer's file.
- D) Third Written Reprimand: If an employee receives their third written reprimand, the Department Head will send a written recommendation for termination of employment to the City Administrator. This will automatically invoke a 5-calendar day suspension to the employee without pay and in that 5 –calendar day suspension period the employee has the right to file a grievance with the City Administrator requesting a hearing on his/her termination of employment. If the employee fails to file their grievance within the 5- calendar day suspension period, the City Administrator automatically terminates the employee from employment with the City. If the employee files a grievance with the City Administrator prior to the end of the 5<sup>th</sup> calendar day of the suspension period, a hearing between the employee and City Administrator will take place on the first/next business day following the fifth calendar day of suspension. If the City Administrator upholds

the decision for termination by the Department Head, the employee is terminated from employment with the City at that time. If the City Administrator determines that the termination was not justified and overturns the Department Head's recommendation for termination, then the employee will be "reinstated" and returned to work immediately. The reinstated employee will be compensated for regular scheduled work days/hours missed during the 5-calendar day suspension period at their regular rate of pay. The employee will also be returning to their position with a "second reprimand" status at that time. If an officer receives a third written reprimand, the City Administrator will send a written recommendation for termination to the Mayor and City Council. The Mayor and City Council will review the City Administrator's recommendation and a final decision will be made within 14 days. The officer's employment with the City will be suspended until the final decision is determined by the Mayor and City Council. During the suspension period the officer has the right to file an appeal to the Mayor and City Council for review. If the Mayor and City Council determines that the City Administrator's recommendation for termination is justified, then the officer's employment with the City will be terminated at that time. If the Mayor and City Council determines that the termination was not justified and overturns the City Administrator's recommendation, then the officer will be "reinstated" and returned to work immediately. The reinstated officer will be compensated for regular scheduled work days/hours missed during their suspension period at their regular rate of pay. The officer will also be returning to their position with a "second reprimand" status at that time.

- E) Job Evaluation Period: A job evaluation period is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior after a written reprimand is received. Failure to meet the necessary requirements may result in additional disciplinary actions and written reprimands up to and including termination of employment.
- F) Suspension. – A suspension is a 5- calendar day period invoked from the date a Department Head provides a written recommendation to the City Administrator for termination of employment for an employee, or for an officer a suspension is the time from the date the City Administrator provides a written recommendation for termination to the Mayor and City Council until the final decision is made by the Mayor and City Council within the next 14 days.
- G) Grievance. – A grievance is a formal appeal by a suspended employee to the City Administrator asking that his/her termination be overturned. A grievance hearing between the employee and the City Administrator will be scheduled on the 1<sup>st</sup> business day after the 5 calendar day suspension period expires. In this hearing the employee will cite their case and the City Administrator will determine if the termination decision stands or is to be overturned. A grievance can also be a formal appeal by an officer to the Mayor and City Council asking that his/her termination be overturned. In this hearing the officer will have the opportunity in an Executive Session with the Mayor and City Council to cite their case and the Mayor and City Council will determine if the termination stands or is to be overturned.
- H) Reinstatement. – The process where an employee returns to work after being suspended for 5 calendar days where their recommendation for termination was overturned by the City Administrator in the employee's Grievance Hearing. The reinstated employee will receive their regular rate of pay for the regularly scheduled days/hours missed during the five calendar day

suspension period and return with a second written reprimand status. In the case of an officer, reinstatement is the process where an officer returns to work after being suspended for a period of time where their recommendation for termination was overturned by the Mayor and City Council. The reinstated officer will receive their regular rate of pay for the regularly scheduled days/hours missed during their suspension period and return with a second reprimand status.

- I) **Termination.** Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. These are some of the most common circumstances for employment terminations:

**Resignation:** voluntary employment termination initiated by an employee.

**Discharge:** involuntary employment termination initiated by the Department Head and approved by the City Administrator.

**Retirement:** voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

Since employment with the City is based on mutual consent, either you or the City has the right to terminate the employment relationship at will at any time. On the employee termination date all property of the City will be returned to the Supervisor or Department Head (i.e. uniforms, keys, equipment, supplies, documentation).

#### VI-4. **Procedure for Disciplinary Action**

Whenever the misconduct of an employee or officer occurs that in the judgment of the Supervisor, Department Head or City Administrator justifies the application of disciplinary actions, other than a verbal warning, they shall:

- A) Document the misconduct in writing.
- B) Meet with the employee or officer to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee and supervisor if it is the first reprimand. Officers will meet with the City Administrator on a first reprimand. On a second or third reprimand, meet with the employee, supervisor and the Department Head if necessary. This process also applies to the Officer and City Administrator for a second and third reprimand. The Supervisor, Department Head or City Administrator may request other persons be present at these meetings if they deem it necessary.
- C) Make a final decision as to the disciplinary action and put together an action plan including advice or expertise to the employee or officer for improvement, correction of the problem/situation.
- D) Notify the employee or officer of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the Department Head or City Administrator and sent to the Human Resources Generalist/Risk Manager for insertion in the employee's personnel file. The

employee may submit comments in writing to be attached to the record of any disciplinary action. After a third written reprimand a recommendation for termination disciplinary action commences. The employee's Department Head notifies the employee that he/she is suspended without pay for a 5-calendar day period starting on the day of the disciplinary action. They will also notify the employee of their right to file a grievance during the 5-calendar day suspension to the City Administrator for a hearing to review the suspension/recommendation for termination to be scheduled on the first business day after the fifth day. If the employee files a grievance and a hearing with the City Administrator is conducted, and if the City Administrator determines that the termination was not warranted based on the information provided by the Supervisor and Department Head, then the employee will return to work immediately on the next business day and will receive his/her regular rate of pay for the five day suspension period. The employee will be returning to work with a "second reprimand" status meaning any other disciplinary action or misconduct will be a third reprimand and the Department Head will initiate the termination process again as defined in VI-3, (D). If an officer receives a third written reprimand, the City Administrator will send a written recommendation for termination to the Mayor and City Council. The Mayor and City Council will review the City Administrator's recommendation and a final decision will be made in 14 days. The officer's employment with the City will be suspended without pay until the final decision is determined by the Mayor and City Council. During the suspension period the officer has the right to file an appeal to the Mayor and City Council for review. If the Mayor and City Council determines that the City Administrator's recommendation for termination is justified, then the officer's employment with the City will be terminated at that time. If the Mayor and City Council determines that the termination was not justified and overturns the City Administrator's recommendation, then the officer will be "reinstated" and returned to work immediately. The reinstated officer will be compensated for regular scheduled work days/hours missed during their suspension period at their regular rate of pay. The officer will also be returning to their position with a "second reprimand" status at that time.

- E) The City reserves the right to deviate from this progressive discipline procedure when warranted by the circumstances as each discipline is handled on a case-by-case basis. In some instances, immediate termination or more severe discipline may be warranted. This discipline procedure does not indicate in any manner that an employee may be terminated only for cause as each employee of Spring Hill is an employee at will and can be terminated by the City with or without cause and without notice. All terminations are reviewed and approved by the City Administrator.

#### **VI-5. Misconduct Subject to Disciplinary Action**

The following is an illustrative list of misconduct that may subject an employee or officer to disciplinary action. The list is not exclusive; it is only representative of the types of misconduct that will subject an employee to disciplinary action.

- A) Conduct that hampers, endangers or is contrary to the mission and goals of the City.

- B) Conviction of a violation of any state or federal criminal law.
- C) Conviction or violation of any City law. Failure to follow prescribed safety procedures including failure to notify his or her supervisor of unsafe working conditions.
- D) Violation of personnel policies and guidelines or departmental policies and guidelines.
- E) Inattention to duty, carelessness, breakage or loss of public property or funds.
- F) Incompetence or inefficiency in the performance of the duties of his or her position.
- G) Insubordination or other breach of work duties or discipline.
- H) Discourteous, disruptive, abusive, intimidating, threatening or disorderly conduct or other offensive behavior to the public or to employees and officers of the City.
- I) Abuse of leave, excessive absenteeism or tardiness.
- J) Temporarily leaving the workplace without the approval of his or her supervisor.
- K) Failure to give proper notice of absence.
- L) Sleeping on the job.
- M) Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a City employee is impaired or any possession or use of intoxicants or narcotics while on duty
- N) Inducing or attempting to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- O) Unauthorized possession of firearms or other weapons on the job.
- P) Falsifying or supplying false information for completion of City records.
- Q) Working on personal or unrelated work duties while on City time.

In the case of acts of violence or other flagrant misconduct, serious safety violations, or a criminal offense (felony) or such other activity the City deems significant, the employee will be suspended immediately, without pay, pending an investigation and review of the matter. If, after the City's investigation, it is determined that the employee is responsible for any of the above mentioned circumstances, then the employee will be terminated immediately with final approval/confirmation by the City Administrator. If, after the City's investigation or review the employee is found not to have committed the misconduct or offense, the employee will be immediately reinstated to his or her position and be compensated at their regular rate of pay for days/hours missed during the suspension period.

## VI-6. Termination.

Examples of serious misconduct for which an employee may be terminated are listed below. The following illustrative list is not exclusive and is only representative of the types of misconduct which will subject an employee to immediate termination. Possible reasons for termination under this section, although not exclusive but only representative, may constitute misconduct for which an employee may be subjected to disciplinary action other than termination.

- A) Conduct which hampers, endangers or is contrary to the mission and goals of the City.
- B) Conviction of a felony or conviction of driving under the influence while operating a City vehicle.
- C) Willful or continued violation of City or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- D) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- E) Negligent or willful damage to public property or waste of public supplies or equipment.
- F) Taking or using any funds or property of the City for personal use or for sale or gift to others or the making of any false claim against the City.
- G) Gross incompetence, neglect of duty or willful or continued failure to render satisfactory service.
- H) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or Department Head or knowingly making a false statement to any employee or officer of the City.
- I) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee or falsifying any other City records.
- J) Absence without leave.
- K) Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.
- L) Sexual or any other form of unlawful harassment.
- M) Disclosing confidential records or information unless directed to do so by his or her Department Head or supervisor.

- N) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of City employment.
- O) Material falsification of application for City employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- P) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- Q) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the City.
- R) Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, age, physical or mental disability, national origin or any other protected classification under federal and state law.

**ARTICLE VII**  
**SEPARATION**

**VII-1. Resignation**

An employee who terminates his/her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two work weeks written notice to his/her Supervisor or Department Head. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Head.

**VII-2. Reinstatement**

An employee who was terminated in good standing and who is re-employed within a period of 120 calendar days following separation may be reinstated at not more than the salary he or she was receiving at the time of his/her termination.

**VII-3. Retirement**

- A) All eligible employees of the City shall be members of the Kansas Public Employees Retirement System and shall be subject to all laws and supplemental regulations governing such membership.
- B) The normal retirement date for all employees shall be on the first day of the month following the month in which they attain age sixty-five (65), except as provided in paragraph (C).
- C) In unusual circumstances and when it is deemed in the best interest of the City, the Mayor and City Council may, upon written request of Mayor-Council, extend the date of retirement, pursuant to K.S.A. 74-4914.
- D) Upon retirement the employee shall receive one (1) lump sum payment based on the following formula: average the salary for the last five (5) years of employment and the retiring employee shall be given one (1) days pay, based on this hourly rate, for every year of service to the City.

**ARTICLE VIII**

**POLITICAL, ACTIVITY, RESIDENCY, INSURANCE**

**V-III-1 Political Activity**

- A) It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups and to become involved in political activities subject to the restrictions of this section.
- B) As private citizens, employees may participate in all political activities, including holding public office, except for activities, where holding an appointive or elective public office is incompatible with the employee's City employment.
- C) City employees are not prohibited from supporting candidates for office or from contributing labor to candidates and organizations that endorse candidates.
- D) Any employee desiring to become a candidate for City elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he or she may be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.

- E) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit, handle or receive political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person or on City property during on-duty hours.
- F) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- G) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political affiliations or activities.

### **VIII-2 Membership on Boards and Commissions**

Employees are not permitted to be a member of councils, boards or commissions that are advisory or administrative to the City except where such membership is specifically authorized by City ordinance.

### **VIII-3 Residency**

- A) The City Administrator Chief of Police and Public Works Director shall be required to reside within the legal limits of the City. Other Department Heads to include; Finance Director, Planning and Zoning Director and City Clerk shall be required to live within a 30 minute drive of their Department's Headquarters.
- B) Due to the emergency nature of their position, sworn law enforcement personnel are required to reside within a 30-minute drive of their Department's Headquarters.
- C) All employees are required to reside within the State of Kansas.
- D) An employee who changes his residence so that it fails to comply with the formally adopted policy of the City may be terminated.

### **VIII-4 Insurance**

- A) All full time employees shall be eligible for group medical, hospital, dental, and life insurance as soon as eligibility under the provisions of the insurance plan allows.
- B) The Mayor and City Council shall regularly determine the amount of premiums, if any, the City shall pay.
- C) When a full time employee is required to pay premiums because of participation in a

group medical, dental, or life plan, the amount of such premium shall be deducted from the employee's pay check the first and second pay day of each month.

- D) No employee shall be entitled to a cash payment of any kind in lieu of medical and hospital insurance coverage.

## **ARTICLE IX**

### **EQUAL EMPLOYMENT OPPORTUNITY AND UNLAWFUL TREATMENT**

#### **IX-1. EQUAL EMPLOYMENT**

The City is committed to providing a zero-tolerance work environment that prohibits unlawful discrimination practices, including harassment, and promotes equal employment opportunities. The City hires on the basis of the ability to perform a position's essential functions without regard to race, color, religion, sex, age, disability, genetics, national origin, protected veteran status or any other class protected by applicable federal, state and local employment laws. The City expressly prohibits any form of unlawful employee harassment based on the foregoing factors. If you require accommodation due to a disability, please notify Human Resources, your supervisor or your Department Head. This policy applies to all terms and conditions of employment including, but not limited to: hiring, placement, promotion, termination, discipline, layoff, recall, transfer, leave of absence, compensation and training. The City is an Equal Opportunity Employer.

City employees found to be engaging in any unlawful discrimination will be subject to disciplinary action up to and including, termination of employment.

The City believes that every employee has the right to a work environment free of unwelcome verbal or physical conduct, which harasses, disrupts, or interferes with the individual's work performance or creates an intimidating, offensive, or hostile environment. The City does not tolerate any employee engaging in this type of behavior. Any employee participating in such negative conduct will be subject to appropriate corrective action that may include termination.

**IX-2. EMPLOYEE HARASSMENT** is any unwelcome conduct that illegally discriminates against you or another employee or unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. This would include harassment based upon an individual's race, religion, sexual orientation, marital status, gender, family status, age, physical or mental disability, or other protected classification.

**IX-3. SEXUAL HARASSMENT** is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of sexual nature where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

submission to or rejection of such conduct is used or threatened to be used as the basis for employment decisions affecting such individual, or such unreasonable conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

**IX-4. REPORTING:** If you become aware of situations involving unwelcome or inappropriate behavior directed toward you or another employee, report it immediately to the Human Resources Generalist/Risk Manager.

Any Supervisor or Department Head who receives a complaint or otherwise becomes aware of possible sexual or other unlawful harassment shall immediately advise the Human Resources Generalist/Risk Manager.

Any complaint directed against the Human Resources Generalist/Risk Manager must be promptly reported to the City Administrator.

Any complaint directed against the City Administrator or a City Council member must be promptly reported to the Mayor (or the Mayor pro tem if the Mayor is the subject of the complaint) and the City Attorney.

A) .

**IX-5. INVESTIGATION.** Upon receipt of any complaint under this policy, the City will immediately initiate an investigation of the situation and document the responses of all individuals involved. The investigation will be handled by the Human Resources Generalist/Risk Manager unless the complaint is directed against the Human Resources Generalist/Risk Manager, the City Administrator or a member of the Governing Body, in which case the City shall employ a person outside City employment to conduct the investigation. Such authorized designee will present his/her findings of fact and investigative findings to the Governing Body who will determine the appropriate action.

All employees shall fully cooperate in any investigation and without fear of reprisal. The City prohibits any form of retaliation against any employee who has reported sexual harassment or any other harassment, or any employee who provides information regarding sexual harassment or any other harassment. Any employee who feels that retaliatory action has been taken should also immediately report that action to the Human Resources Generalist/Risk Manager.

After concluding the investigation, the Human Resources Generalist/Risk Manager will review the evidence gathered during the investigation and make a written report to the appropriate Department Head and City Administrator presenting findings of fact, investigative conclusions, and recommendations as to any disciplinary action to be taken, if appropriate.

**IX-6. DISCIPLINARY ACTION** Any employee determined by an impartial investigation to have harassed another employee will be subject to appropriate disciplinary procedures up to and including termination. Any disciplinary action taken in response to the findings of a complaint will be based on

the individual circumstances of each situation as the City deems appropriate. Any disciplinary action taken against an employee will be taken in accordance with Article VI of this Handbook. Any disciplinary action taken against an officer shall be in accordance with Article III-2(B) of this Handbook. Any disciplinary action taken against the City Administrator shall be in accordance with his/her Employment Agreement.

Disciplinary action may include, but is not limited to, written warnings, suspension without pay, or termination. In addition, if it is determined that a person has falsely and intentionally accused someone of harassment, appropriate disciplinary action may be taken, which may include termination.

#### **IX-7. CIVILITY**

- 1) All employees shall behave with civility, fairness and respect in dealing with fellow employees, citizens, visitors and anyone else having business with the City. Uncivil behaviors are prohibited.
- 2) This policy also pertains to all citizens, visitors and anyone else who has business with City employees or activities on City properties.

Definition: Uncivil behaviors shall be defined as any actions that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Examples of uncivil behavior include, but are not limited to, use of profanity, personally insulting remarks, attacks on a person's race, gender, nationality, religion, or behavior that is out of control. Such interactions could occur in telephone conversations, voice mail messages, direct conversations or written letters and/or e-mail messages. Any uncivil behavior should be reported to the immediate supervisor. A record shall be made of the incident and the action taken. Confidentiality shall be observed whenever possible to protect the complainant and the offending person.

Retaliation against a person who reports a claim of uncivil behavior is prohibited. Anyone having interaction(s) with employees of the City shall treat them with professionalism, courtesy, dignity and respect. Uncivil behavior shall be prohibited. Any uncivil behavior shall be reported to the immediate supervisor. A record shall be made of the incident and action taken. Confidentiality shall be observed whenever possible to protect the complainant and the offending person. Retaliation against a person who reports a claim of uncivil behavior shall be prohibited.

#### **IX-8. No Expectation of Privacy**

Nothing in this Employee Handbook confers an individual right or is to be construed to provide an expectation of privacy in the use of City property. City employees have NO right to privacy in their use of City property and in any communications generated by the use of City property at any time. The City has unlimited access to and the right to fully monitor and inspect its property, including its digital equipment, such as computers, electronic mail, faxes, e-mail, phones and messaging).

**ARTICLE X**  
**DRUG-FREE WORKPLACE**

Drug abuse in the workplace creates a danger to the person abusing drugs, fellow employees he/she comes into contact with, and the public at large. Accordingly, this article is promulgated to set forth the City's policy and program prohibiting alcohol, illegal drugs, and controlled substances in the workplace.

**X-1. Policy**

The City prohibits the unlawful manufacture, distribution, dispensing, possession or use of alcohol/intoxicants, drugs, and controlled substances in the workplace. Any employee who violates this policy will be subject to disciplinary action, which may include termination.

**X-2. Prohibitions**

- A) No employee shall report to work under the influence of alcohol/intoxicants, drugs, or controlled substances.
- B) No employee shall unlawfully manufacture, distribute, dispense, possess, or use illegal drugs or controlled substances in any manner on City premises or in City vehicles at any time, whether or not performing City business, or while performing City business at any location. (This section does not apply to any employee performing legitimate law enforcement responsibilities.)
- C) No employee shall use any item of City property or use his/her City position to make or traffic alcohol/intoxicants, illegal drugs, or controlled substances for their own purposes.

**X-3. Notice of Conviction**

Any employee convicted of a criminal drug statute violation occurring in the workplace shall notify the City Administrator of such conviction no later than five days after conviction. If the conviction is classified as a "felony" then the employee will be terminated from employment immediately pending final review by the City Administrator.

- A) The City shall, within 10 calendar days after receiving notice of the conviction of an employee for a criminal drug statute violation occurring in the workplace, notify all Federal agencies from which it receives grant funding of such conviction.
- B) The City shall, after receiving notice of the conviction of an employee of a criminal drug

statute violation (misdemeanor) occurring in the workplace, either

- 1) take appropriate personnel action against such employee according to the City's Employee Handbook, up to and including termination, or
- 2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

**X-4. City's Right to Test**

The City reserves the right to request drug and/or alcohol screening of any employee who appears to his/her supervisor to be under the influence of drugs or alcohol. The supervisor must be able to substantiate physical indicators of probable drug or alcohol use, except that any employee involved in an accident or injury must submit to a drug screening and/or blood alcohol test. The City will pay for any required testing. Following a mandatory drug or alcohol test, an employee will not be allowed to return to work until notified to do so by his/her supervisor. If the test results are negative, the employee will be paid for all working hours missed. If the test results are positive, no compensation will be paid for missed work hours.

**ARTICLE XI**

**WEAPONS IN THE WORK PLACE**

**IX-1 CARRYING OF WEAPONS**

The City prohibits any employee from carrying a weapon while working for the City; excepting that, in accordance with Kansas State Law, legally qualified civilian employees shall be authorized to carry/possess a concealed handgun while engaged in their duties as an employee within the following restrictions:

- A) Employees and officials legally possessing handguns may carry concealed handguns, during the course of their employment, consistent with the Kansas Personal and Family Protection Act, in areas outside of buildings, including City and personal vehicles, when not otherwise lawfully prohibited, and in public and unsecured areas of any buildings open to the public which is not posted as prohibit the carrying of concealed weapons.
- B) Employees may not store a handgun in a City vehicle owned by the City of Spring Hill when they are not in the vehicle or on property owned by the City of Spring Hill.
- C) The handgun will be carried completely concealed, in a proper holster or similar product, with all safety features in place.

- D) Other than certified law enforcement officers, employees may not carry a concealed handgun within the restricted area of the Police Department at any anytime.
- E) If an employee elects to lawfully conceal and carry a handgun, the handgun cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
- F) Employees who enter onto “private property” during the course of their duties are required to comply with any restrictions imposed by the property owner, including compliance with any signs conspicuously posted in accordance with rules and regulations adopted by the Attorney General.
- G) Employees will not leave a handgun in plain view and/or unattended.
- H) Other than certified law enforcement officers, it is outside the course and scope of employment for any city employee to use, brandish, point or threaten with a handgun or any other weapon, any person in the workplace or while completing their duties.
- I) Employees must abide by any the posted signage and security measures with regard to the prohibition of concealed handguns in certain public buildings, in compliance with Kansas State Law. If an employee elects to lawfully carry a concealed handgun, the employee is prohibited from carrying into any City facility that has adequate security measures as defined in the Act. In addition, the employee is prohibited from carrying into other City facilities until December 31, 2017, as the City has previously taken the steps to obtain an exception from the State requirements to have adequate security measures.
- J) Any injury suffered by an employee caused by carrying of the concealed handgun while working will not be considered for workers’ compensation.
- K) Liability will be personal liability of an employee and no defense will be provided by City. Any liability associated with the employee’s decision to carry a concealed handgun will be considered of a personal nature and will not be defended by the City as the carrying of a concealed handgun is not part of the employee’s duties.
- L) Nothing in this Policy shall be construed to waive any immunity to which the City is entitled including but not limited to immunity under the Kansas Tort Claims Act.

## AGENDA ITEM REVIEW SHEET

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TO: GOVERNING BODY  
SUBMITTED BY: MELANIE LANDIS, FINANCE DIRECTOR  
MEETING DATE: AUGUST 25, 2016  
DATE: AUGUST 18, 2016

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**Formal Action:** Adoption of the 2017 City operating budget

**Background:** Each year, the Governing Body is presented with an overview of the proposed budget for the next calendar (fiscal year) at a public budget hearing. The purpose of the public budget hearing is to provide the citizens of Spring Hill with an opportunity to voice compliments, concerns or suggestions regarding the proposed budget to be considered for adoption by the City Council.

Prior to this public hearing, the Governing Body has been presented with budget information at regular Council meetings.

In accordance with Kansas budgeting laws, the City must publish notice of a public hearing no later than 10 days prior to the scheduled public hearing. Once a budget has been published, the Council has the option to lower the total expenditures for each fund – but not raise them. The proposed 2017 Operating Budget was published in the *Miami County Republic* on August 10, 2016. (Attached)

**Analysis:** The 2017 budget includes net expenditures of \$14,564,830, a total ad valorem tax of \$2,360,097 for the fire contract area and \$1,830,756 for the non-fire contract area with estimated tax levy rates of 38.862 and 26.582 respectively.

Assessed valuation for 2016 increased to \$68,874,061, or \$5,758,332 (9.1%), over 2015 increasing the dollars available per one mill to \$60,730 (blended rate). Estimated property tax delinquencies remain at approximately 2% for both Johnson and Miami Counties.

The Governing Body's desire is to adopt a budget with a mill levy similar to the 2016 budget. The proposed 2017 budget provides funds to continue services provided to the community at the existing service level. Staff and administration continue to search for ways to adequately fund delayed projects and planned future projects that serve the best interest of the community as identified by the Governing Body, City staff and the citizens of Spring Hill.

**Funding Review or Budgetary Impact:** Provided in previous presentations to the Governing Body.

Alternatives:

1. Approve the 2017 budget as published.
2. Approve the 2017 budget at an expenditure amount lower than the published expenditure amount for one or each fund.

**Recommendation:** City staff recommends that the City Council approve the 2017 budget as presented.

**Attachments:**

1. Notice of City Budget Hearing
2. 2017 Budget Certificates (Fire and No Fire)

Published in the Miami County Republic Wed., 08/10/16  
 NOTICE OF BUDGET HEARING

2017

The governing body of  
**Spring Hill**  
 will meet on August 25, 2016 at 7:00 p.m.  
 at City Hall, Room 15, 401 N. Madison St, Spring Hill, KS.  
 for the purpose of hearing and answering objections of taxpayers  
 relating to the proposed use of all funds and the amount of ad valorem tax.  
 Detailed budget information is available at Spring Hill City Hall and will be available at this hearing.

**SUPPORTING COUNTIES**  
 Johnson County and Miami County

**BUDGET SUMMARY**

Proposed Budget 2017 Expenditures and Amount of Current Year Estimate for 2016 Ad Valorem Tax establish the maximum limits of the 2017 budget.  
 Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2015		Current Year Estimate for 2016		Proposed Budget for 2017		
	Expenditures	Actual Tax Rate*	Expenditures	Actual Tax Rate*	Budget Authority for Expenditures	Amount of 2016 Ad Valorem Tax	Estimate Tax Rate*
General	4,111,120	22.464	4,321,470	26.380	4,602,290	1,648,814	23.940
Debt Service	2,050,525	2.947	2,663,255		1,923,700	168,889	2.452
Fire (03)	531,635	12.707	562,950	12.300	589,985	529,341	12.280
Cemetery (04)	15,000	0.279	15,000	0.182	17,000	13,053	0.190
Special Highway (10)	79,400		637,000		1,608,920		
Special Parks (11)	20,755		8,650		128,880		
Sales Tax - Special (15)	308,060		314,100		697,060		
Water (20)	1,241,190		1,252,630		1,861,585		
Wastewater (25)	1,574,170		1,502,225		3,135,410		
Non-Budgeted Funds	45,370						
<b>Totals</b>	<b>9,977,225</b>	<b>38.397</b>	<b>11,277,280</b>	<b>38.862</b>	<b>14,564,830</b>	<b>2,360,097</b>	<b>38.862</b>
Less: Transfers	0		0		0		
Net Expenditure	9,977,225		11,277,280		14,564,830		
Total Tax Levied	2,055,999		2,180,107				
Assessed Valuation	60,155,446		63,115,729		68,874,061		
Outstanding Indebtedness, January 1,	2014		2015		2016		
G.O. Bonds	24,751,202		23,740,284		23,405,626		
Revenue Bonds	0		0		0		
Other	2,995,236		2,671,841		2,504,047		
Lease Purchase Principal	202,882		527,656		755,656		
Total	27,949,320		26,939,781		26,665,329		

\*Tax rates are expressed in mills

**/Jonathan S. Roberts**

City Official Title: City Administrator

6415544

**CERTIFICATE**

To the Clerk of Johnson County, State of Kansas

We, the undersigned, officers of

**Spring Hill**

certify that: (1) the hearing mentioned in the attached publication was held;  
(2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditure for the various funds for the year 2017; and

(3) the Amount(s) of Amount of 2016 Ad Valorem Tax Ad Valorem Tax are within statutory limitations.

		2017 Adopted Budget			
		Page No.	Budget Authority for Expenditures	Amount of 2016 Ad Valorem Tax	County Clerk's Use Only
<b>Table of Contents:</b>					
Computation to Determine Limit 2017		2			
Allocation of MVT, RVT, 16/20M Veh & Slider		3			
Schedule of Transfers		4			
Statement of Indebtedness		5			
Statement of Lease-Purchases		6			
<b>Fund</b>	<b>K.S.A.</b>				
General	12-101a	7	4,602,290	1,648,814	
Debt Service	10-113	8	1,923,700	168,889	
Fire (03)	19-3622	9	589,985	529,341	
Cemetery (04)	12-1405	9	17,000	13,053	
Special Highway (10)		10	1,608,920		
Special Parks (11)		10	128,880		
Sales Tax - Special (15)		11	697,060		
Water (20)		12	1,861,585		
Wastewater (25)		12	3,135,410		
Non-Budgeted Funds		13			
<b>Totals</b>		xxxxxx	14,564,830	2,360,097	
Resolution required? Notice of the vote to adopt required to be published?			No		
Budget Summary		14			
Neighborhood Revitalization					
Assessed Valuation:		County Clerk's Use Only			
Johnson County					
Miami County					
0					
0					
Total Assessed Valuation			0		
Assisted by:		Nov 1, 2016 Total Accessed Valuation			

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Date Attested: \_\_\_\_\_ 2016

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Steven Ellis, Mayor

\_\_\_\_\_  
Chris Leaton, Council President

\_\_\_\_\_  
Floyd Koder, Council member

\_\_\_\_\_  
Clint Gillis, Council member

\_\_\_\_\_  
Andrea Hughes, Council member

\_\_\_\_\_  
Scott Snavelly, Council member

**Governing Body**

**CERTIFICATE**

To the Clerk of Johnson County, State of Kansas

We, the undersigned, officers of

**Spring Hill**

- certify that: (1) the hearing mentioned in the attached publication was held;  
 (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditure for the various funds for the year 2017; and  
 (3) the Amount(s) of Amount of 2016 Ad Valorem Tax Ad Valorem Tax are within statutory limitations.

			2017 Adopted Budget		
		Page No.	Budget Authority for Expenditures	Amount of 2016 Ad Valorem Tax	County Clerk's Use Only
<b>Table of Contents:</b>					
Computation to Determine Limit 2017		2			
Allocation of MVT, RVT, 16/20M Veh & Slider		3			
Schedule of Transfers		4			
Statement of Indebtedness		5			
Statement of Lease-Purchases		6			
<b>Fund</b>	<b>K.S.A.</b>				
General	12-101a	7	4,602,290	1,648,814	
Debt Service	10-113	8	1,923,700	168,889	
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Special Highway (10)		10	1,608,920		
Special Parks (11)		10	128,880		
Sales Tax - Special (15)		11	697,060		
Water (20)		12	1,861,585		
Wastewater (25)		12	3,135,410		
Non-Budgeted Funds		13			
<b>Totals</b>		xxxxxx	13,974,845	1,830,756	
Resolution required? Notice of the vote to adopt required to be published?				No	
Budget Summary		14			
Neighborhood Revitalization					
<u>Assessed Valuation:</u>		County Clerk's Use Only			
Johnson County					
Miami County					
0					
0					
Total Assessed Valuation			0		
Assisted by:		Nov 1, 2016 Total Accessed Valuation			

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Date Attested: \_\_\_\_\_ 2016

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Steven Ellis, Mayor

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Chris Leaton, Council President

\_\_\_\_\_  
Floyd Koder, Council member

\_\_\_\_\_  
Clint Gillis, Council member

\_\_\_\_\_  
Andrea Hughes, Council member

\_\_\_\_\_  
Scott Snaveley, Council member

**Governing Body**