

**City of Spring Hill, Kansas**  
**Minutes of City Council Regular Session**  
**March 24, 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 March 24, 2016. The meeting convened at 7:00p.m. with Mayor Ellis presiding, and Glenda Gerrity, City Clerk recording.

Councilmembers in attendance: Chris Leaton  
Clint Gillis arrived at 7:50p.m.  
Floyd Koder  
Andrea Hughes

Councilmembers absent: Chad Eckert

Staff in attendance: City Administrator Jonathan Roberts  
Police Chief Richard Mann  
Finance Director Melanie Landis  
Community Development Director Jim Hendershot  
Human Resources/Risk Manager Natalie Lazenby

Consultants in attendance: Insurance Representative Kevin O'Brien  
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 add the following items:

Item 14. Resolution No. 2016-R-08: Contract providing for cleaning and and/or restoration services at City Hall/Civic Center (Piat, Inc. DBA Servpro)

Item 15. Resolution No. 2016-R-09: Contract providing duct cleaning services at City Hall/Civic Center (Midwest Duct Cleaning)

Item 16. Executive Session – Non-elected Personnel Exception

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

**CITIZEN PARTICIPATION:**

There was no citizen participation.

**PRESENTATIONS:**

**AAA Award, Kansas Department of Transportation, Mr. Bob Hamilton**

Mr. Bob Hamilton from the Kansas Department of Transportation introduced Mr. Jim Hanni, Executive Vice President of Public and Government Affairs with AAA Kansas. Mr. Hanni presented the 2015 AAA Community Traffic Safety Gold Award to the Spring Hill Police Department. Spring Hill was one of 23 agencies that received this award by addressing traffic safety issues. The Mayor thanked Chief Mann and Assistant Chief Holmes for the Department's effort in obtaining this award.

**Property/Casualty Liability Insurance, The Reilly Company, Mr. Kevin O'Brien**

Mr. Kevin O'Brien presented the summary of changes in coverage from 2015 to 2016 and explained that the insurance marketplace in 2016 is as stable as it has been in the past several years. Mr. O'Brien reported that the City has an excellent claim history and will see a 6% premium increase.

Mr. O'Brien also recommended a new Pollution Liability Coverage to address the pollution exposures of the wastewater treatment plant. After discussion, it was determined that this coverage may not be necessary since the City is regulated by the State permit requirements. The City Attorney was directed to review the State Permit guidelines to confirm if this coverage was necessary.

Since the approval of Property/Casualty Liability Insurance was listed in the Consent Agenda as Item 4., the following motion was made to move Item 4. to Formal Action:

**Motion** by Leaton, seconded by Koder, to amend the agenda by removing Item 4 from the Consent and taking it out of order as number 4 in Formal Council action. Motion carried 3-0-0.

**CONSENT AGENDA:**

**Motion** by Leaton, seconded by Koder, to approve the Consent Agenda as presented.

1. **Approval of Minutes: March 10, 2016**
2. **Appropriation Order 2016-03-24**
3. **Proclamation: National Crime Victims' Rights Week, April 10-16, 2016**
4. ~~Consider Approval of Property/Casualty Liability Insurance: The Reilly Company~~ Item was moved to Formal Council Action
5. **Consider Approval of Site Plan: Mid-Am Building Supply Development Plan**
6. **Consider Temporary Use Permit: TUP-01-16, Dollar General - outside storage of merchandise**
7. **Consider Temporary Use Permit: TUP-02-16, H.E.R.S., Inc. - outside storage of merchandise**

Motion carried 3-0-0.

**FORMAL COUNCIL ACTION**

4. **Consider Approval of Property/Casualty Liability Insurance: The Reilly Company**

**Motion** by Leaton, seconded by Koder, to approve the Property, Casualty Insurance with Reilly Company minus the wastewater treatment insurance (for the term April 1, 2016 to April 1, 2017). Motion carried 3-0-0.

8. **Consider Name of Park and Access Road**

The Community Development Director reported that the park planned for the west side of the lake at the golf course has not officially been named. In addition, the street from 199<sup>th</sup> to the park must have a designated name. Mr. Hendershot explained that the park to be constructed at Spring Hill Lake is an opportunity for the City to pay tribute to an individual or group of individuals in Spring Hill. Similar to placing a name on a building, identifying a park should be a decision that is given serious consideration and offers an opportunity to show pride in the community. With a letter of support from American Legion Post #350 and an unofficial recommendation from the Spring Hill Green Board, staff is offering the park name of Spring Hill Veterans Park, and Veterans Lane for the access road.

Representatives of the American Legion Cole-Smith Post 350 attended the meeting to show their support of staff's recommendation to name the park Spring Hill Veterans Park. Commander Darrell Beck read aloud the American Legion's letter of support to the Governing Body.

Staff, the Spring Hill Green Board and American Legion Post 350 recommend the name Spring Hill Veterans Park, and Veterans Lane for the park and access road at Spring Hill Lake.

**Motion** by Leaton, seconded by Koder, to name Spring Hill Veterans Park, and Veterans Lane for the park and access road at Spring Hill Lake, with pleasure. Motion carried 3-0-0.

**9. Ordinance No. 2016-04: Consider Adopting Spring Hill Zoning and Subdivision Regulations**

The Community Development Director presented the ordinance adopting the Spring Hill Zoning and Subdivision Regulations, 2016 Edition.

Mr. Hendershot reported that over the past several months the Spring Hill Planning Commission has been discussing several amendments to the Zoning and Subdivision Regulations. A review of the proposed changes is as follows:

- Delete all references to “Growth Area” (24)
- Correction of enforcing staff member’s title (3)
- Corrections to Table of Contents (2)
- New code sections addressing microbreweries
- Increase in structure heights in industrial districts
- Clarification of document submittal and accompanying documents
- Deletion of regulations for code issues duplicated in International Residential Code
- Amendments to residential fence regulations
- Deletion of subdivision covenant submittal
- Clarification of responsibility of recording plats and improvement agreements

The above listed items represent amendments that have been pending awaiting an opportunity to implement the amendments together rather than sporadically. The Planning Commission formally held the required public hearing on March 3, 2016. There being no public comment and after general discussion of the proposed amendments, the Planning Commission voted unanimously to recommend adoption of the Spring Hill Zoning and Subdivision Regulations, 2016 First Edition. Staff concurs with the Planning Commission recommendation.

**Motion by** Leaton, seconded by Koder, to adopt Ordinance 2016-04. Motion carried by roll of the City Council 3-0-0. Leaton-yea, Koder-yea, Hughes-yea.

**10. Ordinance No. 2016-05: Consider Adopting Spring Hill Sign Regulations**

The Community Development Director presented the ordinance adopting the Spring Hill Sign Regulations, 2016 First Edition.

Mr. Hendershot reported that over the past several months the Spring Hill Planning Commission has been discussing several amendments to the Spring Hill Sign Regulations. A review of the proposed changes is as follows:

- Deletion of reference to Growth Area (3)
- Correction of title of enforcing officer
- Exception to placement of temporary public event signs at city entrances

The Planning Commission formally held the required public hearing on March 3, 2016. There being no public comment and after general discussion of the proposed amendments, the Planning Commission voted unanimously to recommend adoption of the Spring Hill Sign Regulations, 2016 First Edition. Staff concurs with the Planning Commission recommendation.

**Motion by** Leaton, seconded by Koder, to adopt Ordinance 2016-05. Motion carried by roll of the City Council 3-0-0. Koder-yea, Hughes-yea, Leaton-yea.

**11. Resolution No. 2016-R-05: 2016 Authorized Dates for Legal Discharge of Fireworks**

The Community Development Director presented the resolution to approve the 2016 Authorized Dates for Legal Discharge of Fireworks.

Mr. Hendershot reported that July 4, 2016 falls on a Monday and the proposed dates allows for weekend celebration events with fireworks. In addition, fireworks are available for legal purchase June 28 thru July 5. Allowing the legal discharge of fireworks in conjunction with the legal sales dates eliminates confusion of residents

and lessens law enforcement issues. Hours of legal discharge remain 8:00a.m. to 11:00p.m. Dates for discharging fireworks for the New Year holiday remain December 31, 2016 through January 1, 2017 from 11:00p.m. to 12:30a.m.

**Motion by** Leaton, seconded by Hughes, to approve Resolution 2016-R-05. Motion carried 3-0-0.

**12. Resolution No. 2016-R-06: Resolution of intent to finance certain equipment**

The Finance Director presented the resolution of intent to finance a crack sealing machine for \$40,000. The proposed resolution would allow the City to purchase the equipment prior to having the lease details worked out. Previously, the City has used a lease process with local banks and has had great success with low interest rates and would expect the same to continue with the proposed process. An additional resolution for other equipment budgeted for 2016 purchase will be added to a future agenda, however, the timing of this purchase may, weather permitting, allow the street department to start some of the planned crack sealing in the spring as opposed to waiting for fall.

**Motion by** Leaton, seconded by Koder, to approve Resolution No. 2016-R-06. Motion carried 3-0-0.

**For the record:** At this time, Mayor Ellis disclosed that he may have a potential conflict of interest for Item 13. His law partner did some legal work as an independent contractor for the law firm that assisted this entity. He stated to avoid any perception of impropriety that there was an exchange for favor of an easement, requested that Council President Leaton administer Item 13 for consideration. Mayor Ellis removed himself from the dais and left the room at 7:43p.m

**13. Resolution No. 2016-R-07: Accepting utility easement from Taylor Oil relating to tract adjacent to Lots 84 and 85, Plat of Spring Hill, Kansas, located at the southeast corner of Nichols Street and Webster Street**

The City Attorney presented the resolution accepting the dedication of a permanent utility easement from Taylor Oil, Inc. located at approximately the southeast corner of the intersection of Nichols Street and Webster Street. The 15 foot utility easement along the south portion of the Tract grants the City the right to access and maintain the existing sanitary sewer and drainage system. It also grants the City the right to construct future utility systems.

**Motion by** Koder, seconded by Hughes, to approve Resolution No. 2016-R-07. Motion carried 3-0-0.

At 7:47p.m., Mayor Ellis returned to the meeting and took his seat at the dais.

At 7:50p.m., Councilman Gillis arrived at the meeting and took his seat at the dais.

**14. Resolution No. 2016-R-08: Consider awarding the contract between the City of Spring Hill, Kansas and Piat, Inc. (DBA Servpro) for the purpose of providing cleaning and and/or restoration services at City Hall/Civic Center**

The Community Development Director presented the resolution to approve the contract with Piat, Inc. (d/b/a ServPro) relating to mold remediation services and testing for asbestos, and if present removal of asbestos for City Hall/Civic Center that were recommended by Flappan Consulting, Inc. The contract is a unit price estimated at \$25,426.07. It provides that the amount may be more or less than the estimate based upon the number of units to complete the services. If asbestos is determined to be present and is necessary to be removed, the parties intend to enter into a change order to the contract, agreeing in the change order to the price and terms of removal. The City has received the required statutory bond for this contract.

**Motion by** Leaton, seconded by Koder, to approve Resolution No. 2016-R-08 in the (estimated) amount of \$25,426.07. Motion carried 4-0-0.

**15. Resolution No. 2016-R-09: Consider awarding the contract between the City of Spring Hill, Kansas and Midwest Duct Cleaning Services, Inc. for the purpose of providing duct cleaning services at City Hall/Civic Center**

The Community Development Director presented the resolution to approve the contract with Midwest Duct Cleaning Services, Inc. relating to the mold remediation in the HVAC systems of City Hall/Civic Center recommended by Flappan Consulting, Inc. The contract is a unit price contract in the estimated amount of \$26,355.00. It provides that the amount may be more or less than the estimate based upon the unforeseen circumstances that may arise once the work is commenced. A statutory bond is required by the Contractor and has not been received by the City; however, the bonding company stated that Midwest Duct Cleaning is bondable. Staff recommends approval of Resolution No. 2016-R-09 authorizing the Mayor to execute the contract with Midwest Duct Cleaning Services in the estimated amount of \$26,355.00 subject to the statutory bond being successfully submitted.

**Motion by** Leaton, seconded by Gillis, approve Resolution No. 2016-R-09 in the (estimated) amount of \$26,355.00 subject to the statutory bond being successfully submitted. Motion carried 4-0-0.

#### **EXECUTIVE SESSION**

**Motion by** Leaton, seconded by Koder, to recess into Executive Session for 10 minutes under the Non-elected Personnel Exception to the Kansas Open Meetings Act: Subject – Employee Performance. The following persons are to be in attendance: Jonathan Roberts, City Administrator and Frank Jenkins, City Attorney. Motion carried 4-0-0.

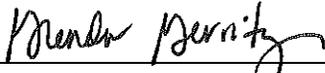
The meeting recessed at 8:12p.m. with the executive session to begin at 8:30p.m.  
The meeting reconvened at 8:40p.m. with everyone present.

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** Leaton, seconded by Gillis, to adjourn.

The meeting adjourned at 8:41p.m.

  
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Glenda Gerrity, City Clerk

Approved by the Governing Body on April 14, 2016.