

**City of Spring Hill, Kansas
Minutes of City Council Regular Session
August 25, 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 25, 2016. The meeting convened at 7:00p.m. with Mayor Steven Ellis presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance: Chris Leaton
Clint Gillis, *arrived at 8:06p.m.*
Floyd Koder
Scott Snavely
Andrea Hughes

Staff in attendance: Community Development Director Jim Hendershot
Finance Director Melanie Landis
Police Chief Richard Mann
Human Resources Generalist Natalie Lazenby

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

There were no changes to the agenda, therefore, the Mayor requested a motion to approve the agenda as presented.

Motion by Leaton, seconded by Snavely, to approve the agenda. Motion carried 4-0-0

CITIZEN PARTICIPATION:

There was no citizen participation.

PUBLIC HEARING: 2017 Operating Budget

The Mayor opened the public hearing for the 2017 Operating Budget.

The Finance Director stated that the purpose of the hearing is an opportunity for the Governing Body to hear and answer any objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax. Ms. Landis also reported that the public hearing was published in the official City newspaper on August 10, 2016 which meets the required 10-day notice of the hearing.

With no comments from the public, the Mayor closed the public hearing.

CONSENT AGENDA:

Motion by Leaton, seconded by Snavely, to approve the Consent Agenda.

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**

Motion carried 4-0-0.

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

The Community Development Director presented the ordinance authorizing a Conditional Use Permit to operate a used car and truck sales dealership at 102 E. Nichols Street. The Planning Commission held the required public hearing at their August 4, 2016 meeting. Opposition to the request was voiced by one individual based on the proximity to the adjacent church. The applicant has been in several discussions 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. The applicant anticipates 23 vehicles will be on the lot for sale.

The recommendation of the Planning Commission and staff is to approve Ordinance No. 2016-10, approving conditional use permit CU-2016-0002 subject to the following condition.

1. Annual review by staff

Motion by Leaton, seconded by Snavelly, to approve Ordinance 2016-10. Motion carried by roll of the Governing Body 5-0-0. Koder-Yea, Hughes-Yea, Leaton-Yea, Snavelly-Yea, Mayor Ellis-Yea.

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

The Community Development Director presented the ordinance for a request to rezone property located at the northwest corner of 191st & US169/K7 Highway from RP-1 to R-1. 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. The Spring Hill Planning Commission conducted the required public hearing on August 4, 2016. The rezoning request is compliant with the Comprehensive Plan. The 14-day protest period has passed with no protest petition being received by city staff.

Staff and the Spring Hill Planning Commission recommend approval of Ordinance No. 2016-11 for rezoning application Z-01-16 for the 225 acre tract located on the northwest corner of 191st & US169 Highway from RP-1 to R-1.

Comments from the Public:

Tom Ewing, 21684 W. 191st Street, is the owner west of this property and voiced his concern of road maintenance and dust control. Mr. Hendershot gave a brief overview of the road improvement phases that will be completed during construction of the subdivision. Staff also inspects the construction site to ensure the developer follows the Best Management Practices.

Scott McDade, 21900 W. 191st Street, stated that he is concerned about water flow from the development causing a problem on his property. Mr. Hendershot gave a brief overview of the stormwater study and explained that the subdivision cannot release greater quantities or lesser quality of water onto surrounding property owners than what already exists.

Bill Peterman, 19431 W. 200th Street, stated that he believed the developer/owner is responsible for water runoff.

Mr. Hendershot added that there are several layers of enforcement in regard to stormwater and the studies will be re-evaluated throughout the construction process. Mr. Hendershot also stated that he may be contacted now or in the future for any questions or concerns about stormwater runoff.

Curtis Holland, attorney representing the Developer, agrees with Mr. Hendershot's statements and as the development proceeds, they will be coming back to the City's departments with regard to the engineering,

including stormwater. Mr. Holland stated that there is a substantial flood plain located within the subdivision that can be utilized to detain and retain water and their plan is to use that area to cause the flooding of that particular land and release at a rate that's more slower when it leaves the property and heads toward the neighbor's property. This area also acts as open spaces and green spaces. Mr. Holland wanted the City Council to know that the Developer was being represented at the meeting and they are listening to the neighbor's concerns and heard them at the Planning Commission meeting. The developer will continue to work with the City to make sure that they follow all the rules with regards to water, traffic or any other standard that the City or other jurisdictions have for them.

Motion by Leaton, seconded by Snavelly, to approve Ordinance 2016-11. Motion carried by roll of the Governing Body 5-0-0. Hughes-Yea, Leaton-Yea, Snavelly-Yea, Koder-Yea, Mayor Ellis-Yea.

6. Ordinance 2016-12: Designating certain streets within the City of Spring Hill as Main Traffic Ways and Traffic Way Connections

The Finance Director presented the ordinance that designates certain streets with the City as Main Traffic Ways and Traffic Way Connections. 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. The ordinance 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 the City's roadway system.

Motion by Leaton, seconded by Snavelly, to approve Ordinance 2016-12. Motion carried by roll of the City Council 4-0-0. Leaton-Yea, Snavelly-Yea, Koder-Yea, Hughes-Yea.

7. Resolution No. 2016-R-25: Project Authorization for Veterans Lane and Webster St. Acceleration Lane

The Finance Director presented the resolution 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. Two roadway projects, Webster Street Acceleration Lane and Veterans Lane, are underway which require financing for either all or part of the project.

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.

The projects must be authorized by resolution in order to reimburse eligible costs to the City through general obligation bonds.

Staff recommended 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.*

Motion by Leaton, seconded by Koder, to approve Resolution 2016-R-25. Motion carried 4-0-0.

8. Resolution No. 2016-R-26: In Support of the Spring Hill USD #230 Mail Ballot Election

The Mayor reported that at the August 11 City Council meeting, it was the consensus of the City Council to entertain a Resolution of Support for the Spring Hill USD230 Mail Ballot Election.

Motion by Leaton, seconded by Snavelly, to approve Resolution 2016-R-26. Motion carried 4-0-0.

The Mayor directed staff to place the resolution on the City's Facebook page and provide a copy to USD230.

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

The City Attorney presented revisions to the Employee Handbook regarding sexual harassment and weapons in the workplace. The suggested updates to the Sexual Harassment Policy clarify and expand upon Article IX-4 Reporting, Article IX-5 Investigation and Article IX-6 Discipline of harassment and sexual harassment claims made by employees. The Weapons in the Work Place Policy is in response to House Bill 2502 that was adopted at the 2016 Legislative Session, which authorized employees to carry/possess a concealed handgun while engaged in their duties of employment, outside city buildings, in city vehicles and personal vehicles.

Councilwoman Hughes is concerned about the residents who may feel uncomfortable with an employee entering their private residence with a concealed weapon. There was discussion about the resident posting a "no gun" sticker on their door or if a "no carry" list could be maintained by staff. It was the consensus of the Council to revisit these options later since this regulation is only related to the employee handbook.

Motion by Leaton, seconded by Snavelly, to approve Resolution 2016-R-20. Motion carried 4-0-0.

10. Consider Adoption of the 2017 Operating Budget

The Finance Director presented the 2017 Operation Budget, which 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.

Staff recommended approval of the 2017 Operating Budget.

Motion by Leaton, seconded by Snavelly, to approve as stated. Motion carried 4-0-0.

Councilman Gillis arrived at 8:06p.m. during Announcements and Reports.

ADJOURN

Motion by Leaton, seconded by Snavelly, to adjourn.

The meeting adjourned at 8:10pm.


Glenda Gerrity, City Clerk

Approved by the Governing Body on September 8, 2016.