



AGENDA
CITY COUNCIL REGULAR MEETING
THURSDAY, SEPTEMBER 10, 2020
SPRING HILL CIVIC CENTER
401 N. MADISON, COUNCIL CHAMBERS
7:00 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

CITIZEN PARTICIPATION

PUBLIC HEARING

- Adjusting Assessments for Dayton Creek Phase II Special Benefit District

PRESENTATION

- Spring Hill Community & Business Survey, ETC Institute
- Parks Master Plan, Larry Reynolds

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 27, 2020, Regular Meeting
2. Appropriation Order No. 2020-09-10

3. Consider Approval of Site Plan (SP-000005-2020): 196th and Emerald St., Boulder Springs Community Pool
4. Consider Approval of Final Plat (PLAT-000025-2020): Jefferson St. and Johnson St., Bear Creek II, Payne & Brockway, P.A.

FORMAL ACTION

5. Ordinance No. 2020-XX: Z-000024-2020 Rezoning, RUR (Rural Residential) to C-2 (General Business District), Prairie Star Development (20110 Webster St.), Phelps Engineering
6. Ordinance No. 2020-XX: Ordinance adjusting special assessments on certain lots, pieces, and parcels of land in the City of Spring Hill, KS, all pursuant to KSA 12-6a01 et seq. known as Dayton Creek Phase II Special Benefit District
7. Resolution No. 2020-R-XX: Resolution authorizing the public sale of approximately \$3,125,000 principal amount of general obligation temporary notes, Series 2020A, and approximately \$6,650,000 principal amount of general obligation refunding bonds, Series 2020B (Taxable under federal law) and repealing resolution 2020-R-16 of the City

DISCUSSION

8. Recycling, Waste Management
9. Golf Cart Ordinance

ANNOUNCEMENTS and REPORTS

ADJOURN

**City of Spring Hill, Kansas
Minutes of City Council Regular Session
August 27, 2020**

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 27, 2020. The meeting convened at 7:00p.m. with Mayor Ellis presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance: Steve Owen
Tyler Graves
Chad Eckert
Andrea Hughes

Councilmembers absent: Chris Leaton

Staff in attendance: Jim Hendershot, City Administrator
Melanie Landis, Asst. City Administrator
Cindy Henson, Chief of Police
Patrick Burton, Community Development Director
Antwone Smoot, I.T. Specialist

Consultants in attendance: Frank Jenkins, City Attorney
Tyler Ellsworth, Bond Counsel, Kutak Rock, via telephone
Ben Hart, Financial Consultant, Baker Tilly, via telephone
Greg Kendal, Sr. Project Engineer, Lamp Rynearson

INVOCATION

The invocation was given by Pastor Jack Smith, Spring Hill Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

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

APPROVAL OF THE AGENDA

It was moved by Eckert, seconded by Owen, to approve the agenda as presented. Motion carried 4-0-0.

CITIZEN PARTICIPATION

The following individuals made public comment:

- Bill Peterman, spoke regarding money, specifically the gathering and approval of unused tax money and City owned property that is leased for farming.
Mayor Ellis requested Mr. Hendershot to address this and place the response online.
- Roger Welsh, spoke regarding the City Council and City Boards.
- Roy Riffel, spoke regarding City Council.
- Kevin Herndon, spoke regarding in support of agenda Item 8, Spring Hill Middle School #3.
- Steve Boswell, spoke regarding legal fees, communication and code violations on City owned property.
Mayor Ellis requested Mr. Hendershot to address the city property violations within the next seven days and if violations exist, to correct them immediately and completed by close of business on September 4, 2020. The Mayor also requested that a report of these findings be posted online.

PRESENTATION:

Financial Advisor, Ben Hart with Baker Tilly, and Bond Counsel, Tyler Ellsworth with Kutak Rock, reviewed the Fundamentals of Kansas economic development finance. They presented the advantages and disadvantages of the following tools: Community Improvement District (CID), Transportation Development District (TDD), Tax Increment Financing (TIF), Special Assessment District and Property Tax Abatement

CONSENT AGENDA

It was moved by Eckert, seconded by Owen, to approve the consent agenda.

1. Approval of Minutes: May 28, 2020, Regular Meeting
2. Approval of Minutes: June 11, 2020, Regular Meeting
3. Approval of Minutes: July 23, 2020, Regular Meeting
4. Approval of Minutes: July 27, 2020, Special Meeting
5. Approval of Minutes: August 13, 2020, Regular Meeting
6. Appropriation Order No. 2020-08-27
7. Consider Approval of Purchase for Influent Pump #3 at Wastewater Treatment Plant
8. Consider Approval of Final Plat (PLAT-000016-2020): 18685 W. 191st Street, Spring Hill Middle School #3, Spring Hill School District
9. Consider Approval of Agreement: Facility Usage Agreement, Nutrition Program, Johnson County, Kansas
10. Consider Approval to Exchange Federal Funds Under the Federal-Aid Fund Exchange Master Agreement

Motion carried 4-0-0.

FORMAL COUNCIL ACTION

11. Resolution No. 2020-R-14: Adopting 2021-2025 Capital Improvement Program (CIP)

Introduced by Mayor Ellis and presented by Assistant City Administrator Melanie Landis.

Following Council discussion, it was moved by Eckert, seconded by Graves, to approve Resolution 2020-R-14 adopting the 2021-2025 Capital Improvement Program (CIP). Motion carried 4-0-0.

12. Resolution No. 2020-R-15: 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

Introduced by Mayor Ellis and presented by Assistant City Administrator Melanie Landis.

It was moved by Eckert, seconded by Owen, to approve Resolution 2020-R-15. Motion carried 4-0-0.

13. Resolution No. 2020-R-16: Authorizing the Public Sale of Approximately \$3,125,000 Principal Amount of General Obligation Temporary Notes, Series 2020A

Introduced by Mayor Ellis and presented by Assistant City Administrator Melanie Landis.

Staff recommended approval of the resolution authorizing the public sale of approximately \$3,125,000 principal amount of general obligation temporary notes, 2020A, of the City of Spring Hill, Kansas.

Following discussion, it was moved by Eckert, seconded by Owen, to approve Resolution 2020-R-16, as stated. Motion carried 4-0-0.

14. Consider Ordinance No. 2020-12: Conditional Use Permit (CUP-000014-2020), 18685 W. 191st Street, Spring Hill Middle School, #3, Spring Hill School District

Introduced by Mayor Ellis and presented by Community Development Director Patrick Burton.

Staff recommended approval of the conditional use permit to include the revised site plan that connects the west parking lots and adding a turn lane on Ridgeview, at the 193rd Street intersection. Additionally, the City apply the School District excise tax to fund a portion of these improvements, and the School District will pay the other portion. The City would also take the lead on these improvements due to the 2-year maintenance bond and the project is in the right-of-way.

Following Council discussion, it was moved by Owen, seconded by Eckert, to approve Ordinance No. 2020-12.

Motion was amended by Owen, amended second by Eckert, include that the City and School District will join in placing the turn lane on Ridgeview at 193rd Street, as stated by staff.

Motion carried by roll of the Governing Body 5-0-0. Eckert-yes, Owen-yes, Graves-yes, Hughes-yes, Mayor-yes.

- 15. Consider Approval of Addendum 4.3a: Recreation Complex Lease, Spring Hill Recreation Commission**
Introduced by Mayor Ellis and presented by City Administrator Jim Hendershot.

Councilmember Eckert stepped out of the Council Chambers.

It was moved by Owen, seconded by Graves, to approve the Addendum (adding section) 4.3a for the Recreation Complex Lease. Motion carried 3-0-0. (Councilmember Eckert was not present for the vote.)

Councilmember Eckert returned to the Council Chambers.

- 16. Consider Approval of Bid for Wastewater Treatment Plant Aeration and Clarification Equipment Replacement submitted by Mega KC Industries**

Introduced by Mayor Ellis and presented by Sr. Project Engineer, Greg Kendal with Lamp Rynearson, the City's Engineering Firm.

Mr. Kendal recommended to approve the bid from Mega KC Industries for \$436,400 and execution of the Notice of Award.

It was moved by Eckert, seconded by Owen, to approve as stated. Motion carried 4-0-0.

- 17. Consider Ordinance No. 2020-13: Amending Ordinance No. 2018-13 Related to Managing the Use and Occupancy of Public Right-of-Way**

Introduced by Mayor Ellis and presented by City Administrator Jim Hendershot.

Following discussion, it was moved by Eckert, seconded by Owen, to approve Ordinance 2020-13. Motion carried by roll of the City Council 4-0-0. (Hughes=yes, Eckert=yes, Owen=yes, Graves=yes)

DISCUSSION

- 18. Golf Cart Ordinance**

Introduced by Mayor Ellis and presented by Chief Henson.

After discussion, the Mayor requested that the City Council reach out to their constituency for feedback and post the draft ordinance online. Review the comments and feedback at the first meeting in September and consider the ordinance at the second meeting in September.

- 19. Ethics Policy**

Introduced by Mayor Ellis and presented by City Attorney, Frank Jenkins.

After discussion, the Mayor requested that the City Council review the policy for discussion at the first meeting in October and consider the final policy at the second meeting in October.

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

20. Spending Plan for Projected Revenue Adjustment Due to COVID19 Impact

Introduced by Mayor Ellis and presented by Assistant City Administrator Melanie Landis.

ANNOUNCEMENTS AND REPORTS

Announcements and reports were given by the Governing Body and staff.

ADJOURN

It was moved by Hughes, seconded by Owen, to adjourn. Motion carried 4-0-0.

The meeting adjourned at 9:40p.m.

Glenda Gerrity, City Clerk

Approved by the Governing Body on _____.

CITY OF SPRING HILL, KANSAS

APPROPRIATION ORDER

NUMBER 2020-09-10

PRESENTED: September 10, 2020

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:	\$267,617.44
Payroll:	<u>\$71,594.85</u>
	\$339,212.29

Section 2:

Claims presented for approval of payment:

Accounts Payable:	<u>\$128,285.71</u>
	\$128,285.71

Total amount of the Appropriation Order: \$467,498.00

<u>Payable Number</u>	<u>Description (Payable)</u>	<u>Account Number</u>	<u>Payment Number</u>	<u>Payment Date</u>	<u>Amount</u>
Vendor: 00007 - 911 CUSTOM LLC					
40804	UPFITTING NEW K-9 UNIT #858	401-000-8130			\$15,012.91
40804-02	UPFITTING NEW K-9 UNIT #858	401-000-8130			\$34.33
Vendor 00007 - 911 CUSTOM LLC Total:					\$15,047.24
Vendor: 00030 - AMERICAN LIFE ASSURANCE COMPANY OF COLUMBUS					
005828	AFLAC PREMIUMS - AUG 2020	100-2120	DFT0001943	08/27/2020	\$1,658.44
Vendor 00030 - AMERICAN LIFE ASSURANCE COMPANY OF COLUMBUS Total:					\$1,658.44
Vendor: 01822 - ANDERSON AUTOMOTIVE INC					
0039682	VEHICLE MAINTENANCE UNIT#856-IGNITION,A/C,SWAY BAR	100-800-6720			\$2,392.03
Vendor 01822 - ANDERSON AUTOMOTIVE INC Total:					\$2,392.03
Vendor: 01902 - ANDREA BUCKLEY					
3900	COMMUNITY CENTER DEPOSIT REFUND DUE TO COVID19	100-2200			\$200.00
Vendor 01902 - ANDREA BUCKLEY Total:					\$200.00
Vendor: 00113 - ATRONIC ALARMS, INC					
424797	FIRE ALARM MONITORING - 09/01-11/30/2020 - PD	100-800-7190			\$84.00
426526	FIRE ALARM MONITORING - SEPT 2020 - CH	100-720-7190			\$59.00
Vendor 00113 - ATRONIC ALARMS, INC Total:					\$143.00
Vendor: 00725 - BERRY COMPANIES, INC					
19140182	EQUIPMENT RENTAL FOR WOODLAND RD DITCH MAINTENANCE	100-640-7230			\$219.30
Vendor 00725 - BERRY COMPANIES, INC Total:					\$219.30
Vendor: 00173 - BURNETT AUTOMOTIVE					
10-96592	OIL CHANGE & TIRE ROTATION - UNIT #853 - PD	100-800-6720			\$40.47
Vendor 00173 - BURNETT AUTOMOTIVE Total:					\$40.47
Vendor: 00202 - CENTURYLINK					
INV0002141	COMMUNICATION - LONG DISTANCE - 08/09-09/08/2020	100-800-7622	DFT0001942	08/27/2020	\$24.68
INV0002141	COMMUNICATION - LONG DISTANCE - 08/09-09/08/2020	520-670-7622	DFT0001942	08/27/2020	\$24.67
Vendor 00202 - CENTURYLINK Total:					\$49.35
Vendor: 00206 - CHAMPION BRANDS, LLC					
590446	FILTERS AND OIL FOR EQUIPMENT MAINTENANCE	100-640-6750			\$1,587.26
590447	OIL FOR EQUIPMENT MAINTENANCE	100-640-6110			\$97.88
Vendor 00206 - CHAMPION BRANDS, LLC Total:					\$1,685.14
Vendor: 01906 - CHASE HOLTOM					
INV0002166	BOND REFUND	100-2250			\$400.00
Vendor 01906 - CHASE HOLTOM Total:					\$400.00
Vendor: 00230 - CITY OF SPRING HILL					
INV0002169	TRASH COLLECTION - 07/18-08/18/2020	100-620-7628			\$62.01
INV0002169	TRASH COLLECTION - 07/18-08/18/2020	100-640-7628			\$113.01
INV0002169	TRASH COLLECTION - 07/18-08/18/2020	100-710-7628			\$100.25
INV0002169	TRASH COLLECTION - 07/18-08/18/2020	100-720-7628			\$200.50
INV0002169	TRASH COLLECTION - 07/18-08/18/2020	100-730-7628			\$87.51
INV0002169	TRASH COLLECTION - 07/18-08/18/2020	100-800-7628			\$87.51
Vendor 00230 - CITY OF SPRING HILL Total:					\$650.79
Vendor: 00402 - FAMILY CENTER OF PAOLA					
3667399	FUEL TANK FILTERS	100-640-6750			\$41.97
Vendor 00402 - FAMILY CENTER OF PAOLA Total:					\$41.97
Vendor: 01901 - FAMILY OF MICHAEL COPELAND					
INV0002127	MEMORIAL CONTRIBUTION - MAYOR MICHAEL COPELAND	100-120-6040	82988	08/24/2020	\$100.00
Vendor 01901 - FAMILY OF MICHAEL COPELAND Total:					\$100.00
Vendor: 00421 - FIRST OPTION BANK					
INV0002156	2012 LEASE PAYMENTS - DUMP TRUCK	100-640-8130	82990	09/01/2020	\$6,765.68
INV0002157	2014 LEASE PAYMENTS - DUMP TRUCK	100-640-8130	82990	09/01/2020	\$6,606.06
INV0002157	2014 LEASE PAYMENTS - DUMP TRUCK	100-720-8110	82990	09/01/2020	\$4,084.90
INV0002158	2015 LEASE PAYMENTS - SECURITY CAMERA SYSTEM	100-110-8300	82990	09/01/2020	\$759.19
INV0002158	2015 LEASE PAYMENTS - SERVER HARDWARE	100-110-8300	82990	09/01/2020	\$2,983.10
INV0002158	2015 LEASE PAYMENTS - FORD F-350	100-620-8130	82990	09/01/2020	\$4,609.79
INV0002158	2015 LEASE PAYMENTS - EXCAVATOR TRAILER	100-640-8110	82990	09/01/2020	\$759.19
INV0002158	2015 LEASE PAYMENTS - EXCAVATOR	100-640-8110	82990	09/01/2020	\$3,394.48

<u>Payable Number</u>	<u>Description (Payable)</u>	<u>Account Number</u>	<u>Payment Number</u>	<u>Payment Date</u>	<u>Amount</u>
INV0002158	2015 LEASE PAYMENTS - FORD EXPLORER 1	100-800-8130	82990	09/01/2020	\$4,338.50
INV0002158	2015 LEASE PAYMENTS - FORD EXPLORER 2	100-800-8130	82990	09/01/2020	\$4,338.50
INV0002159	2016 LEASE PAYMENTS - JOHN DEERE TRACTOR	100-620-8110	82990	09/01/2020	\$1,648.66
INV0002159	2016 LEASE PAYMENTS - FORD F-150	100-620-8130	82990	09/01/2020	\$2,817.07
INV0002159	2016 LEASE PAYMENTS - ASPHALT PLANER	100-640-8110	82990	09/01/2020	\$1,669.45
INV0002159	2016 LEASE PAYMENTS - ROLLER	100-640-8110	82990	09/01/2020	\$1,508.10
INV0002159	2016 LEASE PAYMENTS - CRACK SEALING MACHINE	100-640-8110	82990	09/01/2020	\$2,213.13
INV0002159	2016 LEASE PAYMENTS - FORD EXPLORER	100-800-8130	82990	09/01/2020	\$4,403.36
INV0002159	2016 LEASE PAYMENTS - FORD EXPLORER	100-800-8130	82990	09/01/2020	\$4,403.36
INV0002160	2017 LEASE PAYMENTS - (3) PRINTER/SCANNERS	100-110-8110	82990	09/01/2020	\$711.61
INV0002160	2017 LEASE PAYMENTS - LARGE FORMAT PRINTER	100-500-8110	82990	09/01/2020	\$1,078.59
INV0002160	2017 LEASE PAYMENTS - (3) PRINTER/SCANNERS	100-610-8110	82990	09/01/2020	\$733.17
INV0002160	2017 LEASE PAYMENTS - BOBCAT SKID-STEER LOADER	100-640-8110	82990	09/01/2020	\$4,853.13
INV0002160	2017 LEASE PAYMENTS - JET VAC TRAILER	100-640-8110	82990	09/01/2020	\$1,506.40
INV0002160	2017 LEASE PAYMENTS - BOBCAT COMPACT TRACK	100-640-8110	82990	09/01/2020	\$7,333.95
INV0002160	2017 LEASE PAYMENTS - (3) PRINTER/SCANNERS	100-800-8110	82990	09/01/2020	\$711.61
INV0002160	2017 LEASE PAYMENTS - JET VAC TRAILER	510-660-8110	82990	09/01/2020	\$1,506.32
INV0002160	2017 LEASE PAYMENTS - JET VAC TRAILER	520-670-8110	82990	09/01/2020	\$7,029.48
Vendor 00421 - FIRST OPTION BANK Total:					\$82,766.78

Vendor: 00439 - FREEDOM LAWN & LANDSCAPE, LLC

09-4939b	NUISANCE ABATEMENT MOWING/TRIMMING	100-1240			\$175.00
09-4940b	NUISANCE ABATEMENT MOWING/TRIMMING	100-1240			\$400.00
09-4944b	NUISANCE ABATEMENT MOWING/TRIMMING	100-1240			\$200.00
09-4945b	NUISANCE ABATEMENT MOWING/TRIMMING	100-1240			\$400.00
Vendor 00439 - FREEDOM LAWN & LANDSCAPE, LLC Total:					\$1,175.00

Vendor: 00466 - GERKEN RENT-ALL

19577AW-1	PORTABLE RESTROOM RENTAL - CITY PARK	100-620-7220			\$110.00
19578AW-1	PORTABLE RESTROOM RENTAL - SHAC PARK	100-620-7220			\$110.00
Vendor 00466 - GERKEN RENT-ALL Total:					\$220.00

Vendor: 01885 - HSA BANK

INV0002128	HSA CONTRIBUTION PAYMENTS	100-2115	DFT0001928	08/28/2020	\$534.58
Vendor 01885 - HSA BANK Total:					\$534.58

Vendor: 00573 - INTEGRITY LOCATING SERVICES, LLC

4452	UTILITY LOCATING SERVICES - 7/25/2020-8/24/2020	100-640-7190			\$1,446.66
4452	UTILITY LOCATING SERVICES - 7/25/2020-8/24/2020	510-660-7190			\$1,446.67
4452	UTILITY LOCATING SERVICES - 7/25/2020-8/24/2020	520-670-7190			\$1,446.67
Vendor 00573 - INTEGRITY LOCATING SERVICES, LLC Total:					\$4,340.00

Vendor: 00575 - INTERNAL REVENUE SERVICE

INV0002138	MEDICARE TAXES PAYABLE	100-2100	DFT0001937	08/28/2020	\$2,638.88
INV0002138	MEDICARE TAXES PAYABLE	510-2100	DFT0001937	08/28/2020	\$157.52
INV0002138	MEDICARE TAXES PAYABLE	520-2100	DFT0001937	08/28/2020	\$144.54
INV0002139	SOCIAL SECURITY TAXES PAYABLE	100-2100	DFT0001938	08/28/2020	\$11,283.60
INV0002139	SOCIAL SECURITY TAXES PAYABLE	510-2100	DFT0001938	08/28/2020	\$673.56
INV0002139	SOCIAL SECURITY TAXES PAYABLE	520-2100	DFT0001938	08/28/2020	\$618.04
INV0002140	FEDERAL WITHHOLDING TAX PAYABLE	100-2100	DFT0001939	08/28/2020	\$7,892.75
INV0002140	FEDERAL WITHHOLDING TAX PAYABLE	510-2100	DFT0001939	08/28/2020	\$255.72
INV0002140	FEDERAL WITHHOLDING TAX PAYABLE	520-2100	DFT0001939	08/28/2020	\$280.78
Vendor 00575 - INTERNAL REVENUE SERVICE Total:					\$23,945.39

Vendor: 00592 - J & T AUTO SERVICE INC

7150	TIRE REPAIR - UNIT #854 - PD	100-800-6720			\$26.99
Vendor 00592 - J & T AUTO SERVICE INC Total:					\$26.99

Vendor: 01517 - K & K CHEMICAL SUPPLY LLC

68578	CHEMICALS FOR LINE MAINTENANCE	510-660-6500			\$198.18
68578	CHEMICALS FOR LINE MAINTENANCE	520-670-7590			\$244.45
Vendor 01517 - K & K CHEMICAL SUPPLY LLC Total:					\$442.63

Vendor: 00706 - KANSAS PAYMENT CENTER

INV0002136	INCOME WITHHOLDING ORDER	100-2130	82989	08/26/2020	\$158.31
Vendor 00706 - KANSAS PAYMENT CENTER Total:					\$158.31

Vendor: 00764 - KPERS

INV0002129	KP & F PENSION PAYABLE	100-2110	DFT0001929	08/28/2020	\$10,123.94
INV0002130	KPERS TIER 1 PAYROLL	100-2110	DFT0001930	08/28/2020	\$3,789.35
INV0002130	KPERS TIER 1 PAYROLL	510-2110	DFT0001930	08/28/2020	\$279.69
INV0002131	KPERS TIER 2 PAYROLL	100-2110	DFT0001931	08/28/2020	\$2,079.78
INV0002131	KPERS TIER 2 PAYROLL	510-2110	DFT0001931	08/28/2020	\$408.32

<u>Payable Number</u>	<u>Description (Payable)</u>	<u>Account Number</u>	<u>Payment Number</u>	<u>Payment Date</u>	<u>Amount</u>
INV0002131	KPERS TIER 2 PAYROLL	520-2110	DFT0001931	08/28/2020	\$198.26
INV0002132	KPERS TIER 3 PAYROLL	100-2110	DFT0001932	08/28/2020	\$3,062.18
INV0002132	KPERS TIER 3 PAYROLL	510-2110	DFT0001932	08/28/2020	\$203.44
INV0002132	KPERS TIER 3 PAYROLL	520-2110	DFT0001932	08/28/2020	\$590.18
INV0002133	KPERS 457 PLAN PAYABLE	100-2115	DFT0001933	08/28/2020	\$553.56
INV0002134	KPERS 457 PLAN PAYABLE	100-2115	DFT0001934	08/28/2020	\$1,612.00
INV0002134	KPERS 457 PLAN PAYABLE	510-2115	DFT0001934	08/28/2020	\$60.00
INV0002134	KPERS 457 PLAN PAYABLE	520-2115	DFT0001934	08/28/2020	\$30.00
INV0002135	KPERS D & D PAYABLE	100-2110	DFT0001935	08/28/2020	\$611.31
INV0002135	KPERS D & D PAYABLE	510-2110	DFT0001935	08/28/2020	\$61.02
INV0002135	KPERS D & D PAYABLE	520-2110	DFT0001935	08/28/2020	\$53.96
Vendor 00764 - KPERS Total:					\$23,716.99

Vendor: 00882 - MCANANY, VAN CLEAVE & PHILLIPS

850097	GENERAL MATTERS	100-110-7170			\$4,207.50
850098	PREVENTING HARASSMENT TRAINING	100-110-7170			\$39.38
850098	PREVENTING HARASSMENT TRAINING	100-800-7170			\$16.88
850098	PREVENTING HARASSMENT TRAINING	510-660-7170			\$28.12
850098	PREVENTING HARASSMENT TRAINING	520-670-7170			\$28.12
850099	EMPLOYMENT COUNSEL	100-110-7170			\$3,862.00
850100	EMPLOYEE RELATIONS MATTER 16	100-110-7170			\$1,147.50
850101	EMPLOYEE RELATIONS MATTER 17	100-110-7170			\$202.50
850102	EMPLOYEE RELATIONS MATTER 19	100-110-7170			\$315.00
850103	BROADBAND/DA INVESTIGATION MATTER 21	100-110-7170			\$877.50
Vendor 00882 - MCANANY, VAN CLEAVE & PHILLIPS Total:					\$10,724.50

Vendor: 00930 - MID-STATES MATERIALS, LLC

96116	GRAVEL FOR NORTH LIFT STATION	520-670-7590			\$815.17
96117	GRAVEL FOR NORTH LIFT STATION	520-670-7590			\$390.20
Vendor 00930 - MID-STATES MATERIALS, LLC Total:					\$1,205.37

Vendor: 00939 - MIDWEST PUBLIC RISK

INV0002167	HEALTH INS PREMIUM - SEPT 2020	100-2120			\$60,054.00
INV0002167	HEALTH INS PREMIUM - SEPT 2020	510-2120			\$7,758.00
INV0002167	HEALTH INS PREMIUM - SEPT 2020	520-2120			\$5,152.00
Vendor 00939 - MIDWEST PUBLIC RISK Total:					\$72,964.00

Vendor: 00970 - MOWER DOCTOR

54302	UNIT #133 REPLACEMENT PART	100-620-6750			\$14.28
Vendor 00970 - MOWER DOCTOR Total:					\$14.28

Vendor: 00974 - MUTUAL OF OMAHA INSURANCE CO

001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-100-5120	DFT0001944	08/27/2020	\$18.90
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-140-5120	DFT0001944	08/27/2020	\$6.30
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-200-5120	DFT0001944	08/27/2020	\$18.90
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-220-5120	DFT0001944	08/27/2020	\$6.30
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-300-5120	DFT0001944	08/27/2020	\$6.30
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-310-5120	DFT0001944	08/27/2020	\$6.30
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-500-5120	DFT0001944	08/27/2020	\$31.50
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-610-5120	DFT0001944	08/27/2020	\$12.60
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-620-5120	DFT0001944	08/27/2020	\$25.20
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-640-5120	DFT0001944	08/27/2020	\$18.90
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-710-5120	DFT0001944	08/27/2020	\$2.05
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-720-5120	DFT0001944	08/27/2020	\$2.05
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-800-5120	DFT0001944	08/27/2020	\$81.90
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	100-810-5120	DFT0001944	08/27/2020	\$6.30
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	510-660-5120	DFT0001944	08/27/2020	\$22.05
001116454559	GROUP LIFE/AD&D PREMIUMS - SEPT 2020	520-670-5120	DFT0001944	08/27/2020	\$22.05
Vendor 00974 - MUTUAL OF OMAHA INSURANCE CO Total:					\$287.60

Vendor: 00979 - NAPA SPRING HILL, LLC

370729	UNIT #138 BATTERY REPLACEMENT	100-620-6720			\$145.26
370921	PARTS TO BUILD SPRAYER TANK	100-640-6750			\$8.70
370956	UNIT #232 BRAKE PAD REPLACEMENT	100-640-6720			\$95.98
Vendor 00979 - NAPA SPRING HILL, LLC Total:					\$249.94

Vendor: 00988 - NATIONAL SIGN COMPANY INC.

IN-194260	2 SIGNS FOR BLACKHAWK DETENTION POND	100-620-6600			\$169.43
Vendor 00988 - NATIONAL SIGN COMPANY INC. Total:					\$169.43

<u>Payable Number</u>	<u>Description (Payable)</u>	<u>Account Number</u>	<u>Payment Number</u>	<u>Payment Date</u>	<u>Amount</u>
Vendor: 01523 - NAVEX GLOBAL, INC.					
INV-602424	ANNUAL HOTLINE SUBSCRIPTION- 09/13/2020-09/12/2021	100-110-7700			\$1,034.38
INV-602424	ANNUAL HOTLINE SUBSCRIPTION- 09/13/2020-09/12/2021	510-660-7700			\$517.19
INV-602424	ANNUAL HOTLINE SUBSCRIPTION- 09/13/2020-09/12/2021	520-670-7700			\$517.19
Vendor 01523 - NAVEX GLOBAL, INC. Total:					\$2,068.76
Vendor: 00992 - NBS GOVERNMENT FINANCE GROUP					
820000006	DFAST SUPPORT SERVICES - SPECIAL ASSESSMENTS SOFTWARE	200-000-7190			\$3,500.00
Vendor 00992 - NBS GOVERNMENT FINANCE GROUP Total:					\$3,500.00
Vendor: 01013 - OFFICE DEPOT, INC					
119768633001	ADMIN / OPERATING SUPPLIES - PW	100-610-6110			\$50.66
Vendor 01013 - OFFICE DEPOT, INC Total:					\$50.66
Vendor: 01082 - POMP'S TIRE SERVICE, INC.					
1180042572	UNIT #134 TIRE REPLACEMENT	100-620-6750			\$199.00
Vendor 01082 - POMP'S TIRE SERVICE, INC. Total:					\$199.00
Vendor: 01132 - REINDERS, INC					
5054791-00	CATTAIL TREATMENT FOR PONDS	100-620-6645			\$137.04
Vendor 01132 - REINDERS, INC Total:					\$137.04
Vendor: 01133 - REJIS COMMISSION					
442509	LEWEB SUBSCRIPTION RENEWAL - JUL 2020	100-800-6130			\$40.35
444312	LEWEB SUBSCRIPTION RENEWAL - AUG 2020	100-800-6130			\$40.35
Vendor 01133 - REJIS COMMISSION Total:					\$80.70
Vendor: 01163 - RURAL WATER DISTRICT #2 MI CO					
INV0002164	WATER UTILITY- 22711 S WOODLAND - 07/09-08/08/2020	520-670-7620			\$23.66
Vendor 01163 - RURAL WATER DISTRICT #2 MI CO Total:					\$23.66
Vendor: 01263 - STATE BANK OF SPRING HILL					
INV0002161	2017 LEASE PAYMENTS - ACCOUNTING SOFTWARE	100-110-8300	DFT0001948	09/01/2020	\$11,455.83
INV0002161	2017 LEASE PAYMENTS - ACCOUNTING SOFTWARE	510-660-8300	DFT0001948	09/01/2020	\$5,727.80
INV0002161	2017 LEASE PAYMENTS - ACCOUNTING SOFTWARE	520-670-8300	DFT0001948	09/01/2020	\$5,727.80
INV0002162	2019 LEASE PAYMENTS - PORTABLE RADIOS	320-000-8110	DFT0001947	09/01/2020	\$6,188.97
INV0002162	2019 LEASE PAYMENTS - BIG WHEEL LOADER	320-000-8110	DFT0001947	09/01/2020	\$13,688.59
INV0002162	2019 LEASE PAYMENTS - MINI SKID-STEER	320-000-8110	DFT0001947	09/01/2020	\$3,337.83
INV0002163	2018 LEASE PAYMENTS - IT - HYPER CONVERGED UNITS	100-110-8300	DFT0001946	09/01/2020	\$8,455.27
INV0002163	2018 LEASE PAYMENTS - IN-CAR VIDEO SYSTEM	100-800-8110	DFT0001946	09/01/2020	\$5,506.06
INV0002163	2018 LEASE PAYMENTS - OUTDOOR WARNING SIRENS	100-800-8110	DFT0001946	09/01/2020	\$4,380.55
INV0002163	2018 LEASE PAYMENTS - MDT	100-800-8110	DFT0001946	09/01/2020	\$2,611.43
INV0002163	2018 LEASE PAYMENTS - IT - HYPER CONVERGED UNITS	510-660-8300	DFT0001946	09/01/2020	\$4,227.88
INV0002163	2018 LEASE PAYMENTS - IT - HYPER CONVERGED UNITS	520-670-8300	DFT0001946	09/01/2020	\$4,227.88
Vendor 01263 - STATE BANK OF SPRING HILL Total:					\$75,535.89
Vendor: 01890 - SUPERIOR BOWEN ASPHALT COMPANY, LLC					
25216	ASPHALT FOR LONE ELM REPAIR	205-640-6630			\$579.15
25235	ASPHALT FOR LINCOLN STREET REPAIRS	205-640-6630			\$1,879.13
Vendor 01890 - SUPERIOR BOWEN ASPHALT COMPANY, LLC Total:					\$2,458.28
Vendor: 01521 - TREETOP PRODUCTS, INC.					
SOTRE65236	2 SHELTERS FOR VETERANS PARK	300-000-8126			\$8,139.19
Vendor 01521 - TREETOP PRODUCTS, INC. Total:					\$8,139.19
Vendor: 01738 - VISA					
INV0002168	SHRM - NATIONAL CHAPTER-ANNUAL MEMBERSHIP RENEWAL	100-140-7700	DFT0001945	08/10/2020	\$219.00
Vendor 01738 - VISA Total:					\$219.00
Vendor: 01462 - WASTE MANAGEMENT OF KANSAS, INC.					
0427396-4856-8	TRASH COLLECTION - JUL 2020	100-2220	DFT0001941	08/26/2020	\$50,151.57
0428110-4856-2	WW REFUSE - JUL 2020	520-670-7628	DFT0001940	08/26/2020	\$3,661.75
Vendor 01462 - WASTE MANAGEMENT OF KANSAS, INC. Total:					\$53,813.32
Vendor: 01465 - WATER DISTRICT #7					
INV0002165	WATER UTILITY - 22785 W 220TH - 07/20-08/19/2020	520-670-7620			\$21.20
Vendor 01465 - WATER DISTRICT #7 Total:					\$21.20
Vendor: 01505 - WITHHOLDING TAX					
INV0002137	KANSAS WITHHOLDING TAX PAYABLE	100-2100	DFT0001936	08/28/2020	\$3,772.60
INV0002137	KANSAS WITHHOLDING TAX PAYABLE	510-2100	DFT0001936	08/28/2020	\$147.10
INV0002137	KANSAS WITHHOLDING TAX PAYABLE	520-2100	DFT0001936	08/28/2020	\$167.23
Vendor 01505 - WITHHOLDING TAX Total:					\$4,086.93
Grand Total:					\$395,903.15

AGENDA ITEM REVIEW SHEET

TO: GOVERNING BODY

SUBMITTED BY: PATRICK BURTON, COMMUNITY DEVELOPMENT DIRECTOR

MEETING DATE: SEPTEMBER 10, 2020

DATE: AUGUST 26, 2020

Consent Agenda: SP-000005-2020, Site Plan, Boulder Springs Community Pool

Issue: Day3 Development has submitted a site plan application for a neighborhood swimming pool to be located at 196th St. and Emerald St. also known as 19624 Emerald Street.

Background: The applicant, Day3 Development – Travis Schram, has submitted an application for site plan approval for a neighborhood pool in Boulder Springs Subdivision located at 196th St. and Emerald St., also known as 19624 Emerald St.

The preliminary plat for the subdivision was approved by the Planning Commission in 2018 and identified this location for the pool. Current regulations placing emphasis on neighborhood pools being located toward the center of the subdivision were approved in Ordinance 2006-48 dated December 2006. As per Section 17.336.A.12 of the Spring Hill Zoning Regulations, neighborhood pools identified in the platting process as "reserves" are exempt from a conditional use permit.

Analysis: The Spring Hill Planning Commission reviewed the application and staff report at the August 20, 2020 special meeting and voted unanimously to recommend approval of the site plan and authorize the issuance of the required building permit.

Alternatives: Approval, denial, remand back to the Planning Commission

Legal Review: n/a

Funding Review or Budgetary Impact: n/a

Recommendation: The Planning Commission and Staff recommend approval of site plan SP-000005-2020 and authorizing the issuance of a building permit for a neighborhood pool and cabana within the Boulder Springs Subdivision.

Attachments: PC minutes from 8/20/2020
Staff report SP-000005-2020

THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION
AND ARE NOT OFFICIAL MINUTES
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION

City of Spring Hill, Kansas
Minutes of Planning Commission Special Session
August 20, 2020

A Special Session of the Planning Commission was held at the Civic Center, 401 N. Madison St., Spring Hill, Kansas on August 20, 2020. The meeting convened at 7:00 p.m. with Chairman Stephen Sly presiding, and Amy Long, Planning Secretary recording.

Commissioners in attendance: Stephen Sly
Cindy Squire
Mary Dobson
Troy Mitchell
Roger Welsh, II
Josh Erhart

Commissioners absent: Mike Denny
Janell Pollom

Staff in attendance: Patrick Burton, Director of Community Development
Amy Long, Planning Secretary
Melanie Landis, Finance Director

PLEDGE OF ALLEGIANCE

ROLL CALL

The Secretary called the roll of the Planning Commissioners. With a quorum present, the meeting commenced.

APPROVAL OF THE AGENDA

Motion by Mr. Mitchell seconded by Mr. Erhart to approve the agenda as presented.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye; Erhart-Aye

Motion carried 6-0-0

CITIZEN PARTICIPATION

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda.

FORMAL COMMISSION ACTION

4. Site Plan (SP-000005-2020) – Boulder Springs III Pool

THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION
AND ARE NOT OFFICIAL MINUTES
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION

Beginning of Staff Report

End of Staff Report

Mr. Patrick Burton presented the staff report as outlined above.

Motion by Mr. Mitchell seconded by Mr. Erhart to approve the Site Plan Application (SP-000005-2020) for Boulder Springs III Pool as presented.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye, Erhart-Aye

Motion carried 6-0-0

SPRING HILL PLANNING COMMISSION
SITE PLAN STAFF REPORT

Case #: SP-000005-2020 **Meeting Date:** July 10, 2020 moved to August 6, 2020 meeting

Description: Boulder Springs Subdivision Community Pool and Clubhouse

Location: 196th St. and Emerald St. Boulder Springs, Tract C

Applicant: Day 3 Development – Travis Schram

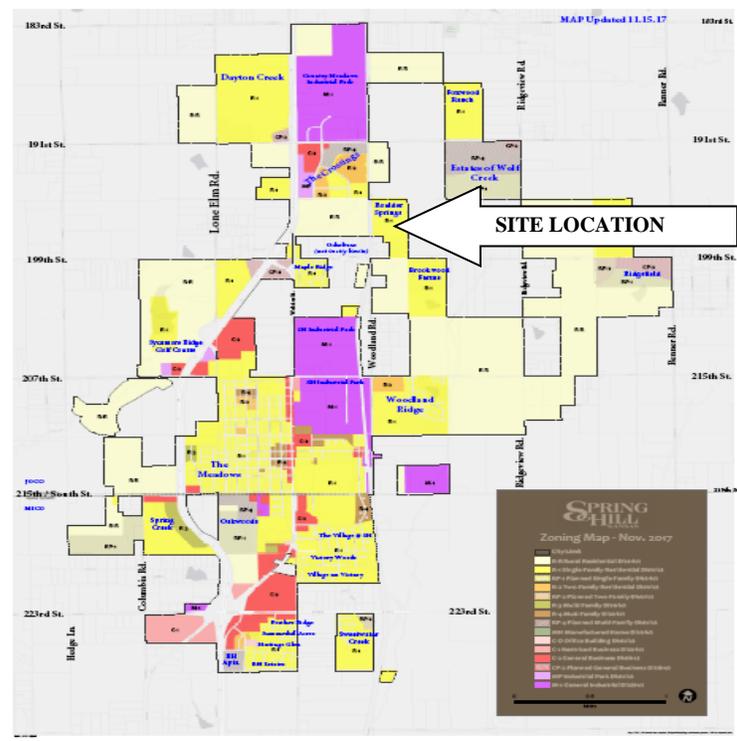
Engineer/Architect: Schlaegel – Mark Breuer

Site Area: 3.7 +/- acres 161,172 +/- square feet

Minimum Lot Area: N/A **Related Case:** Final Plat Boulder Springs

Current Zoning: R-1 **Proposed Use:** Community pool, recreational area, parking and club house.

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	R-1	Vacant	
North:	RP-2	Vacant	Two Family Residential
South:	R-R	Vacant	Open Space
East:	R-1	Vacant	Residential
West:	R-1	Being Developed	Residential



PLAN NOTES

- STUCCO FINISH SYSTEM BY THE LEON YERGENA
- ASPHALT SHINGLE CERTAINTED - DRIFTWOOD
- GRAINED STONE VENEER LIMESTONE COLOR - TRD
- STAINED CEDAR FASCIA AND STRUCTURAL WRAPS

ROSE DESIGN GROUP INC.
ARCHITECTS • PLANNERS
A Division of Rose Design Build
910 750-0777 FAX: 910 750-0868
P.O. BOX 198 CLAYTON, MS 38611

PROPOSED BUILDING:
BOULDER SPRINGS COMMUNITY POOL
GRATA DEVELOPMENT
6300 W 143RD ST, Suite 200
OVERLAND PARK, KS 66223

NO.	DESCRIPTION	DATE
	Not For Construction	
	PROJECT NUMBER	19000
	DATE ISSUED	2019-09-26
	SHEET NUMBER	A2.0
ELEVATIONS		

BACKGROUND: The applicant, Day 3 Development, has submitted a request for approval of a site development plan in Boulder Springs Subdivision. The clubhouse, parking, recreational area, and pool are proposed on Tract "C". The track contains 3.7 acres more or less. The project consists of constructing a clubhouse building that is shown to have stucco and rock exterior finish. The pool is approximately 24,000 +/- sq. ft. This project will be owned and maintained by the Boulder Springs homeowners association.

STAFF REVIEW:

- 1) All lot lines, easements and R/W lines are identified.
- 2) All proposed structures and uses are identified.
- 3) The parking lot has 6 standard parking spaces with 1 ADA H/C spaces. This amount of parking exceeds the code requirements of 4 standard and 1 ADA H/C spaces.
- 4) Type of materials to be used for the parking lot is shown.
- 5) The storm water discharge from this site has been reviewed by the City Engineer.
- 6) The landscape shown on the plan exceeds the required landscape per the code.
- 7) The area lighting is not shown, but the illumination summary will be reviewed at the building permit stage.
- 8) Fencing is shown enclosing the pool area as required.

STANDARDS OF REVIEW

In addition to the above noted items, the site plan has been reviewed for compliance with the following standards:

1. *The extent to which the proposal conforms to the provisions of the Code.*
The proposed use is in compliance with the Spring Hill Zoning Code.
2. *The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.*

Agenda item No. 2

The site is in compliance with the Spring Hill Subdivision Regulations. This is an existing platted lot.

3. *The extent to which the development would be compatible with the surrounding area.*
The project is design to service the surrounding subdivision area.
4. *The extent to which the proposal conforms to the recommendations of the Spring Hill Comprehensive Plan including but not limited to the Vision Plan, the Community Development Recommendations, and the Planning and Principles and Design Guidelines.*
The proposal is in conformance with the recommendations of the Comprehensive Plan including the Future Land Use map that identifies this area as residential use in nature. The use conforms to the Preliminary Plat.
5. *The extent to which the proposal conforms to customary engineering standards used in the City.*
The overall project has been designed by recognized and licensed architects and engineers. The City Engineer and Building Official has reviewed the site plan.
6. *The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.*
The streets layout was designed in the Preliminary Plat to accommodate the pool area on Tract C.

STAFF AND CONSULTANTS REVIEW COMMENTS:

Staff has reviewed the site plan under the requirements of Section 17.340 of the Spring Hill Zoning Ordinance as follows:

1. Need to show the entrance approach areas to be poured concrete to R/W line.
2. Water service and sanitary sewer service lines for the clubhouse and pool must be shown.
3. Parking areas have been identified and the type of surface and base course to be used.
4. Utilities are available.
5. Exterior lighting will need to be reviewed at the building permit stage to insure it complies with City regulations as not to negatively affect surrounding properties or traffic. Manufacturer information on the fixtures are required to be submitted at time of building permit application review.
6. The pool will need to be reviewed, inspected and approved by the JOCO Health Department Division before opening for use.
7. Consultants, utility providers, and city staff have reviewed the site plan and provided comments. These comments and recommendations will be implemented on the site plan.

Planning Commission Review and Action:

Upon review of the site plan application the Planning Commission may by a majority vote of those members present:

- Recommend approval of the application to the Governing Body, or
- Recommend denial of the application to the Governing Body and notify the applicant of such action, or
- Table action on the application to a specific date and notify the applicant of such action

RECOMMENDATION:

It is the recommendation of staff, that the Planning Commission recommend approval of site plan SP-000005-2020.

Attachments: Site Development Plans
 Elevations

AGENDA ITEM REVIEW SHEET

TO: GOVERNING BODY

SUBMITTED BY: PATRICK BURTON, COMMUNITY DEVELOPMENT DIRECTOR

MEETING DATE: SEPTEMBER 10, 2020

DATE: AUGUST 27, 2020

Consent Agenda: Final Plat, Bear Creek II, PLAT-000025-2020.

Issue: Payne & Brockway, P.A. has submitted a final plat application on behalf of Net Zero Homes of KS, LLC for Bear Creek II, located at Jefferson Street and Johnson Street.

BACKGROUND: An application has been received for Bear Creek II, located at Jefferson Street and Johnson Street, and consists of 2 residential lots.

Analysis: (See attached staff report, PC minutes, final plat drawing) The Spring Hill Planning Commission reviewed the application at their August 20, 2020 special meeting. After discussion, the PC voted unanimously to recommend approval of the final plat with the requirement that a sidewalk be installed on the north side of the plat.

Alternatives: Approval, denial, table, or remand to the PC for further study

Legal Review: N/A

Funding Review or Budgetary Impact: N/A

Recommendation: The Spring Hill Planning Commission and City staff recommends approval of the Final Plat for Bear Creek II, application number PLAT-000025-2020

Attachments: Planning Commission minutes, 8/20/20
Staff Report, PLAT-000025-2020
Final Plat

THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION
AND ARE NOT OFFICIAL MINUTES
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION

City of Spring Hill, Kansas
Minutes of Planning Commission Special Session
August 20, 2020

A Special Session of the Planning Commission was held at the Civic Center, 401 N. Madison St., Spring Hill, Kansas on August 20, 2020. The meeting convened at 7:00 p.m. with Chairman Stephen Sly presiding, and Amy Long, Planning Secretary recording.

Commissioners in attendance: Stephen Sly
Cindy Squire
Mary Dobson
Troy Mitchell
Roger Welsh, II
Josh Erhart

Commissioners absent: Mike Denny
Janell Pollom

Staff in attendance: Patrick Burton, Director of Community Development
Amy Long, Planning Secretary
Melanie Landis, Finance Director

PLEDGE OF ALLEGIANCE

ROLL CALL

The Secretary called the roll of the Planning Commissioners. With a quorum present, the meeting commenced.

APPROVAL OF THE AGENDA

Motion by Mr. Mitchell seconded by Mr. Erhart to approve the agenda as presented.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye; Erhart-Aye

Motion carried 6-0-0

CITIZEN PARTICIPATION

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda.

FORMAL COMMISSION ACTION

6. Final Plat (PLAT-000025-2020) – Bear Creek II

THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION
AND ARE NOT OFFICIAL MINUTES
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION

Beginning of Staff Report
End of Staff Report

Mr. Patrick Burton presented the staff report as outlined above.

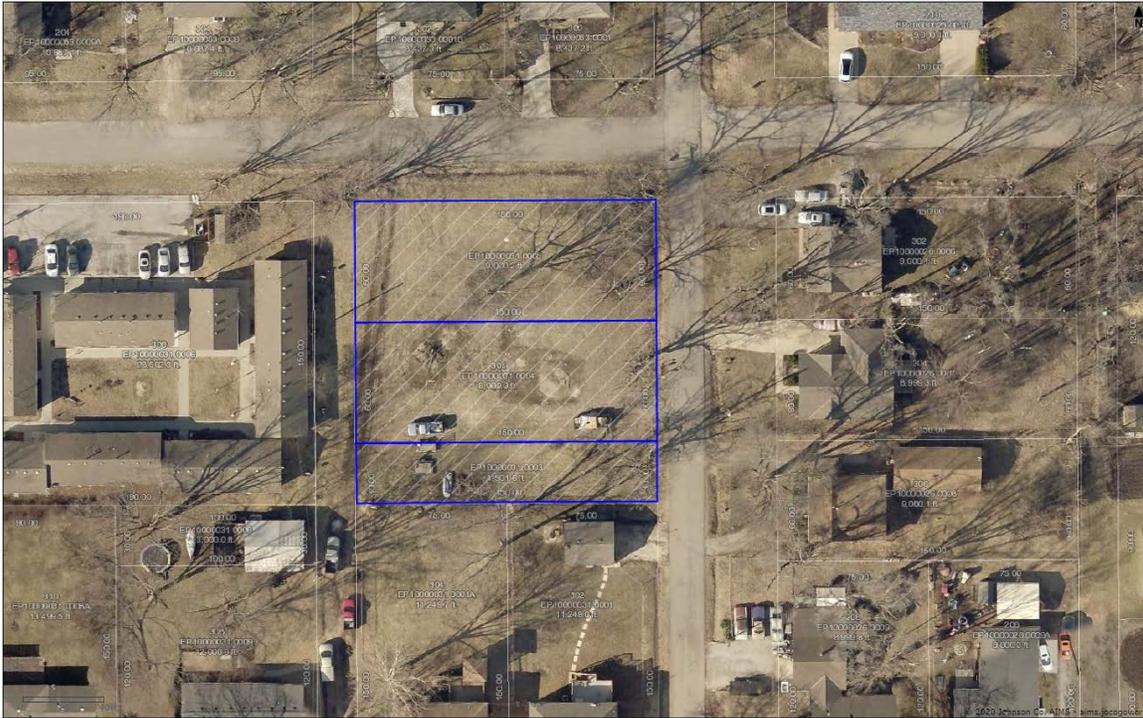
Commissioners questioned if sidewalks had been addressed with Applicant.

Motion by Mr. Mitchell seconded by Ms. Squire to approve the Final Plat Application (PLAT-000025-2020) for Bear Creek II as presented by staff with the addition of east/west sidewalk and grade permitting north/south sidewalk.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye, Erhart-Aye

Motion carried 6-0-0

EXISTING PLAT LAYOUT



BACKGROUND:

Applications have been received for the final plat for Bear Creek II, containing 2 residential lots. As shown in the AIMS snapshot above, the area is platted into 3 lots. Two of the lots are 60x150 and one lot is 30x150. Payne & Brockway has presented a new final plat of the lots that would create 2 lots measuring 74.81x150. The lots are not quite 75 feet in width, but the code does allow for lots and setbacks to be consistent with the surrounding area. The front setbacks are proposed to be 28 feet also to stay consistent with the neighborhood. All 3 lots could be built on as existing platted lots, but the structures would be much smaller than proposed with the lot changes.

STAFF COMMENT:

Bear Creek II contains 2 lots that would combine 3 existing residential lots. Staff offers the following review per Section 17.372.D of the Spring Hill Subdivision Regulations:

1. Staff has verified the person or persons name on the plat are the owner(s) of the area subject to the final plat.
2. Staff has verified all due or unpaid taxes have been paid in full.
3. Erosion control shall be installed and maintained per City Standards.
4. Construction refuse will be disposed of in an appropriate manner.
5. Must comply with erosion control standards throughout the development and construction of the improvements and home construction.
6. Park Fees: \$300.00 per lot will be collected at the building permit stage.
7. There is no required Improvement Agreement needed because all improves are existing. Excise tax in the amount of \$3,546.04 will be paid by the applicant prior to consideration of the final plat by the Governing Body.

8. Public facilities are adequate and available.

The proposed development / plot plan is in conformance with the Spring Hill Comprehensive Plan. The utility easements are shown with dimensions meeting the minimum easement requirements for the City.

The City will provide sanitary sewers and the water to the subdivision. This property is not participating in a sewer benefit district.

PLANNING COMMISSION REVIEW AND ACTION: Upon review of the final plat application, the Planning Commission may by a majority vote of those members present:

- Recommend approval of the application to the Governing Body, or
- Recommend denial of the application to the Governing Body and notify the applicant of such action, or
- Table action on the application to a specific date and notify the applicant of such action

If approved, this plat would be presented to the Governing Body at the last Council meeting in July.

STAFF RECOMMENDATION:

Staff recommends approval of applications Plat-000025-2020 of Bear Creek II, subject to:

1. All review comments and requirements from City Staff and Consultants as presented in this report.

Suggested Motion: Move to recommend approval of application Plat-000025-2020, Final Plat of Bear Creek II, to the Spring Hill Governing Body, including conditions as presented in the staff report

Attachments: Proposed Final Plat
Proposed Development / Plot Plan

AGENDA ITEM REVIEW SHEET

TO: GOVERNING BODY
SUBMITTED BY: PATRICK BURTON, COMMUNITY DEVELOPMENT DIRECTOR
MEETING DATE: SEPTEMBER 10, 2020
DATE: AUGUST 27, 2020

Formal Action Item: Ordinance #2020-____, rezoning application Z-000024-2020

Issue: Request to rezone property located South of 199th Street and West of Webster Street from RUR to C-2.

Background: The applicant, Prairie Star Development, LLC. – Greg Prieb II, has submitted a request to rezone 5.11 +/- acres of property at 20110 Webster St., south of 199th Street and west of Webster Street. The property is currently zoned RUR (Rural Residential District) with requested zoning to C-2 (General Business District). The legal description and a map showing the proposed zoning districts are with-in the attached staff report. Changes in the ownership structure and market conditions have resulted in this current rezoning application.

Analysis: At the August 20, 2020, special meeting, 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 Planning Commission minutes is included for your review. Following the public hearing the Planning Commission voted unanimously to recommend approval of the rezoning request. The 14-day protest period has passed with no protest petition being received by city staff.

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

Legal Review: City Attorney, Frank Jenkins reviewed 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: The Spring Hill Planning Commission and Staff recommend approval of Ordinance #2020- ____ for rezoning application Z-000024-2020 for the described property from RUR to C-2.

Attachments: Staff report Z-000024-2020
Draft ordinance
Minutes from August 20, 2020 Planning Commission meeting

**SPRING HILL PLANNING COMMISSION
REZONING STAFF REPORT**

Case #: Z-000024-2020 **Meeting Date:** August 6, 2020

Description: Proposed Rezoning from “R-R” to “C-2”

Location: South of 199th Street and West of Webster St.

Applicant: Prairie Star Development, LLC. – Greg Prieb II

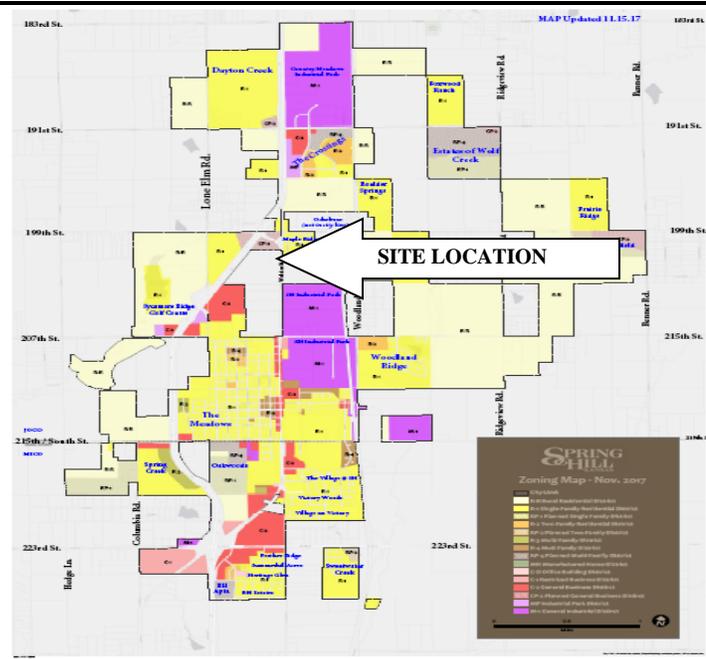
Owner: Prairie Star Development, LLC. – Greg Prieb II

Engineer: Phelps Engineering, Inc. – Judd Claussen

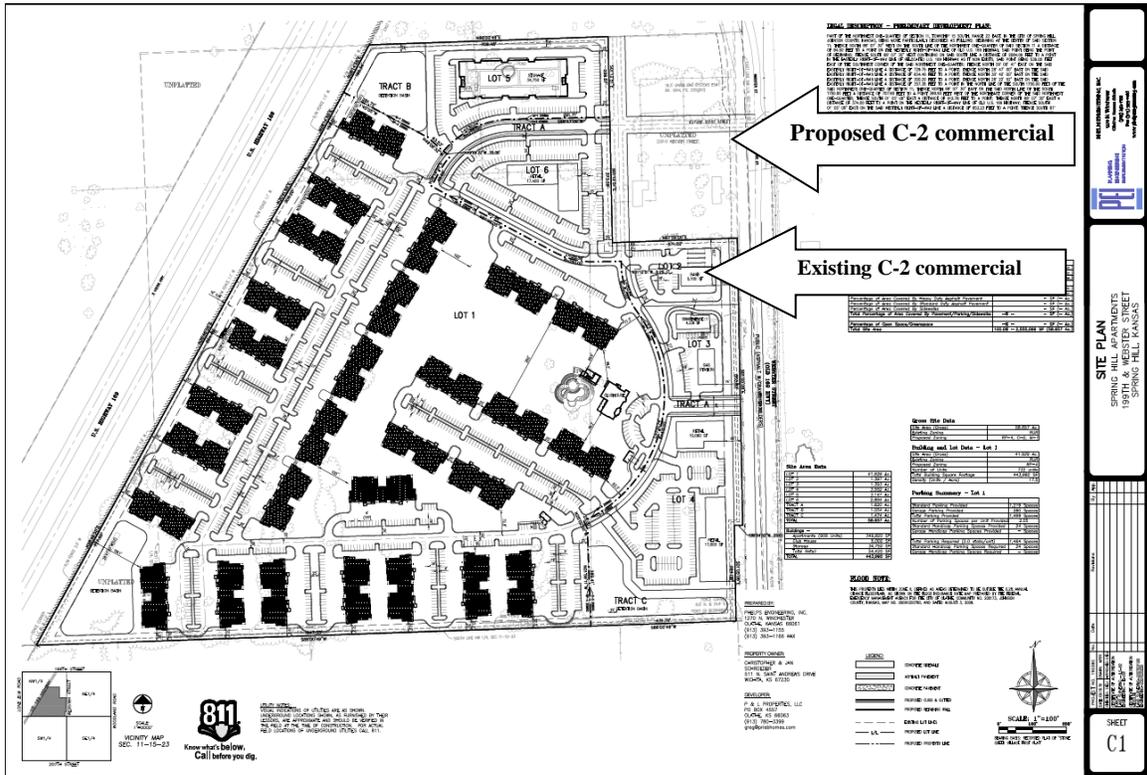
Current Zoning: “R-R” **Proposed Zoning:** “C-2”

Site Area: 5.11 +/- acres **Number of lots: 1**

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	“R-R”	Vacant	Residential
North:	“R-1”/ “RUR”	Residential	Commercial
South:	“C-2”	Rural Residential	Mix Commercial and Residential
East:	“RUR”/ “R-1”	Rural Residential	Mix use residential
West:	“C-2”	Vacant	Mix use residential
Proposed Use:	General Business District (commercial)		



Preliminary Development Plan



BACKGROUND:

The applicant, Prairie Star Development, LLC. – Greg Prieb II, has submitted a request for a rezoning of South of 199th Street and along the west side of Webster Street at 20110 Webster Street. The property is currently zoned R-R (Rural Residential District) with requested zoning to C-2 (General Business District). The legal description and proposed preliminary plat attached. Annexation, changes in the ownership structure and market conditions have resulted in this current rezoning application.

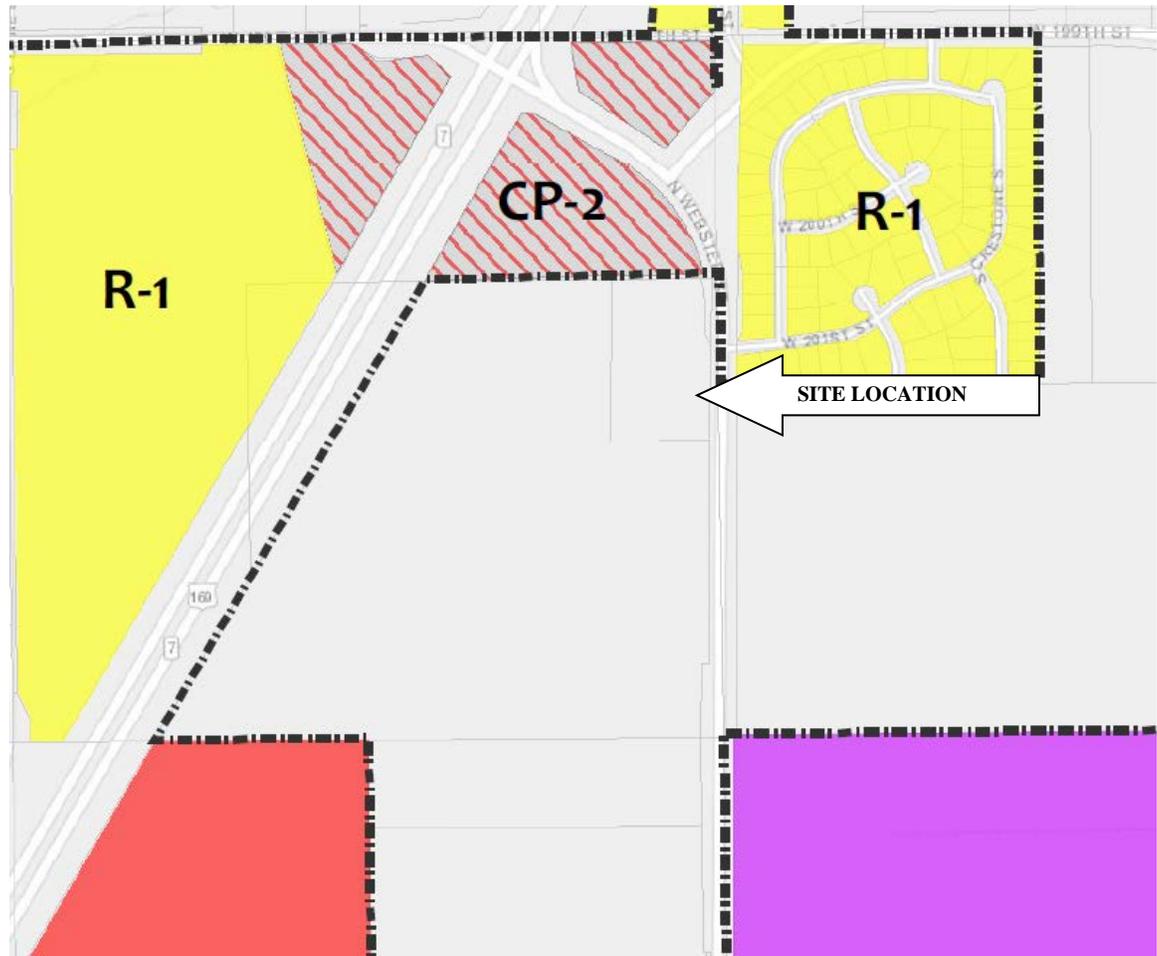
REZONING:

The review of the proposed rezoning is 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 intent of the regulations regarding C-2 district. The proposed uses are an allowed in the C-2 district.
2. **Neighborhood Character:** The surrounding neighborhood is rural and suburban residential, with a single-family district to the north east across Webster Street. The proposed zoning change would be compatible with the proposed and existing

neighborhoods. The development of allowable uses in the C-2 zoning would have a positive impact to the surrounding areas.

- 3. Adjacent Zoning:** Adjacent parcels are zoned for rural residential, commercial, proposed multi-family and single-family residential to the north east across Webster Street.



- 4. Suitability for Current Zoning:** The site is currently zoned “R-R” Rural Residential District with the surrounding areas with a mix of zoned uses. The rezoning will allow for commercial development along Webster. The Future Land Use Map also shows mixed residential use along Webster Street. The commercial zoning uses along Webster is a more suitable classification. The north east subdivision across Webster St. is all single-family, and the proposed C-2 complies with the Comprehensive Plan. This proposed development area will be supported and will support the multi-family and Webster Street commuters.

FUTURE LAND USE MAP



COMPREHENSIVE PLAN 2006

2007 UPDATE Amended on Aug. 23, 2007 by Ord. No. 2007-21



Legend

- | | | |
|-----------------------------|---------------------------------------|-----------------------|
| Parkway | Future Land Use
Conservation Areas | Institutional |
| Major Arterial | Rural Areas | Industrial |
| Minor Arterial | Residential | Park |
| Collector | Mixed-Use Residential | Golf Course |
| Olathe Annexation Agreement | Mixed-Use Commercial | Potential Regional Pa |
| Highway Buffer Zone | | |

5. **Requested because of changing conditions:** Request is based on business model as determined by the applicant.
6. **Suitability of parcel for uses restricted by the current zone:** The current R-R zoning does not allow the proposed use. Changing the R-R zoning will allow the property to be developed in a supporting role for the proposed multi-family use area. All other surrounding areas are supported by residential or proposed residential uses, meaning commercial development of this property will help support the multifamily and Webster Street commerce.
7. **Suitability of parcel for uses permitted by the proposed district:** The proposed zoning allows development of commercial on Webster Street.
8. **Detrimental Effect of Zoning Change:** The proposed rezoning to general business district will not impose unfavorable development in the area. The proposed zoning is adjacent to a major arterial street.
9. **Proposed amendment corrects an error:** No error(s) are being corrected.
10. **Length of Time at Current Zoning:** The site was zoned "R-R" at the time it was annexed into the City. The "R-R" zoning was the closets zoning that reflected the County.
11. **Adequacy of current facilities:** All utilities are adequate and available to the property with extensions as determined by the development plan(s). Road improvements will be determined by the phasing of the development and the traffic studies warrant.
12. **Public Gain Balanced by Landowner Hardship:** Public gain include, developing a property to help support the proposed future uses in the area and commerce within the City.
13. **Hardship if application is denied:** The issue of hardship can be better addressed by the applicant and owner. The proposed use does play a supporting role in the overall preliminary plat and development plan.
14. **Conformance with Comprehensive Plan:** The proposed rezoning would be in conformance with the general premises of the Spring Hill Comprehensive Plan. The Comprehensive Plan encourages a broad range of mixed development uses to help provide neighborhoods of a mix of people with diverse ages, races, incomes and possible employment.

PRELIMINARY PLAT/ DEVELOPMENT PLAN:

There are 4 lots and 1 tract propose on 5.11 +/- acres. (A copy of the proposed preliminary and development plan is included with this staff report.)

The plat was sent out to City Staff and consultants for review. The review comments from the government agencies, consultants and utility providers will be implemented as applicable on the new preliminary development plan. The applicant and their engineer have agreed to address provided comments.

Not all required utility easements are shown on the preliminary plan. The minimum easement requirements for the City and the locations will be addressed on the Final Development Plans. Additional easements will be required and addressed during the infrastructure construction design process. The right-of-way and utility easements will be required to be shown with dimensions meeting the minimum requirements for the City and affected utility providers at the Final Development Plan phasing stage.

The traffic study has been provided and consultants are working with the applicant on the phasing of the proposed development to make road improvements as required. There are two access points to Webster Street. The connection to Webster at 201st Street will be designed as a signal light or round about so Maple Ridge will have a controlled access.

The City will provide sanitary sewers and Johnson County WaterOne will provide water to the subdivision. This property will be required to participate in future benefit districts for required new and/or improving existing infrastructure.

The estimated excise tax for the proposed preliminary plat calculates to be \$20,949.47. The portion associated with each final phase must be paid before the final development plan is placed on the Governing Bodies Agenda.

Staff has reviewed whether the park land/open space is in conformance with the Spring Hill Regulations. (See preliminary plat showing the proposed park and open spare areas.)

1. The subdivision lot is subject to 10 cents per square foot park impact fee that will be collected before final plat is placed on the Council Agenda or at the building permit stage.
2. The Comprehensive Plan does not show any park land or open space in the area of this subdivision, so the addition of some public trails is a good amenity to the area that may be connected to a regional trail system throughout the community. Staff would recommend a trail system be shown on the development plan. This trail system would be required to be maintained by the homeowner's association. If the open space and trail system is accessible to the general public, no park impact fees will be collected when a building permit is issued. Sidewalks must be shown on the preliminary development plan.
3. The building elevations are required to be submitted at the site plan approval process.

RECOMMENDATION:

Recommend approval of Z-000024-2020 (“C-2” rezoning)

- 1) The applicant pays a park fee when a building permit is issued.
- 2) Improvement Agreement must be signed and excise tax (if any) must be paid prior to recording the Final Development Plan and Site Plan.
- 3) Development must agree to participate in a future benefit districts for infrastructure improvements.

ALTERNATIVE ACTION: Alternatives for action by Planning Commission include:

- *Approval of application* with final action by the Governing Body on August 27, 2020, 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 27, 2020, 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.

Suggested Motion: Move to recommend approval to the Spring Hill Governing Body for rezoning application Z-000024-2020 as presented by staff.

Attachments: Plans

ORDINANCE NO. 2020-_____

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN LANDS LOCATED 20110 WEBSTER ST., FROM "RUR" RURAL AGRICULTURAL DISTRICT TO "C-2" GENERAL BUSINESS DISTRICT WITHIN THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS.

WHEREAS, proper application (Z-000024-2020) 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 20th day of August, 2020 conduct a public hearing, after proper publication of notice, see EXHIBIT "A" and proper service upon property owners adjacent to applicant's property; and

WHEREAS, the said Planning Commission on the 20th day of August, 2020, 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 10th day of September, 2020 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:

LEGAL DESCRIPTION:

All that part of the Northwest Quarter of Section 11, Township 15 South, Range 23 East, in the City of Spring Hill, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 11; thence N 2°11'16" W, along the East line of the

Northwest Quarter of said Section 11, a distance of 1137.44 feet; thence S 87°48'44" W, a distance of 37.61 feet to a point on the Westerly right-of-way line of Old U.S. 169 Highway, as now established, said point also being the point of beginning; thence S 87°59'00" W, a distance of 371.02 feet; thence N 1°12'51" W, a distance of 612.95 feet to a point on the North line of the South 1750.00 feet of the Northwest Quarter of said Section 11; thence N 88°00'49" E, along the North line of the South 1750.00 feet of the Northwest Quarter of said Section 11, a distance of 337.62 feet to a point on the Westerly right-of-way line of said Old U.S. 169 Highway; thence Southerly along the Westerly right-of-way line of said Old U.S. 169 Highway, for the following four (4) courses; thence Southerly on a curve to the right, said curve having an initial tangent bearing of S 13°25'14" E and a radius of 680.00 feet, an arc distance of 146.00 feet; thence S 1°01'46" E, a distance of 60.08 feet; thence S 23°58'11" E, a distance of 49.07 feet; thence S 1°05'16" E, a distance of 362.07 feet to the point of beginning, containing 5.1116 acres, more or less, of unplatted land.

is hereby changed from "RUR" RURAL AGRICULTURAL DISTRICT TO "C-2" GENERAL BUSINESS 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 10th day of September, 2020.

APPROVED BY THE MAYOR this 10th day of September, 2020.

Steven M. Ellis, Mayor

ATTEST:

Glenda Gerrity,
City Clerk

APPROVED AS TO FORM:

Frank H. Jenkins, Jr.,
City Attorney

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

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

Reference: 182892
Ad ID: 6652312

P.O. :

DESC. :Hearing Aug. 6th.Rezone RUR to C-2

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

Miami County Republic

State of Kansas, Miami County, ss:

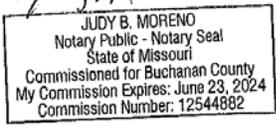
I, Sandra Ridings being duly sworn according to law, state that I am the Legal Advertising Coordinator of the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis 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: 07/15/20 to 07/15/20
Appearances: 1
AD SPACE: 154
TOTAL COST: \$146.68

(Signed) [Signature]

Subscribed and sworn before me this 16 day of July 20 20

[Signature] Notary Public



My Commission Expires: 6/23/24

(Published in the Miami County Republic Wed., 7/15/20)

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 special meeting at 401 N. Madison Street, Spring Hill, Kansas on the 6th day of August, 2020, 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 RUR (Rural Agricultural District) to C-2 (General Business District)

LEGAL DESCRIPTION:

All that part of the Northwest Quarter of Section 11, Township 15 South, Range 23 East, in the City of Spring Hill, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 11; thence N 2°11'16" W, along the East line of the Northwest Quarter of said Section 11, a distance of 1137.44 feet; thence S 87°48'44" W, a distance of 37.61 feet to a point on the Westerly right-of-way line of Old U.S. 169 Highway, as now established, said point also being the point of beginning; thence S 87°59'00" W, a distance of 371.02 feet; thence N 1°12'51" W, a distance of 812.95 feet to a point on the North line of the South 1750.00 feet of the Northwest Quarter of said Section 11; thence N 88°00'49" E, along the North line of the South 1750.00 feet of the Northwest Quarter of said Section 11, a distance of 337.62 feet to a point on the Westerly right-of-way line of said Old U.S. 169 Highway; thence Southerly along the Westerly right-of-way line of said Old U.S. 169 Highway, for the following four (4) courses; thence Southerly on a curve to the right, said curve having an initial tangent bearing of S 13°25'14" E and a radius of 680.00 feet, an arc distance of 146.00 feet; thence S 1°01'46" E, a distance of

60.08 feet; thence S 23°58'11" E, a distance of 49.07 feet; thence S 1°05'16" E, a distance of 362.07 feet to the point of beginning, containing 5.1116 acres, more or less, of unplatted land.

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 15th day of July, 2020

SPRING HILL
PLANNING COMMISSION
Stephen Sly, Chairman
ATTEST:

(SEAL)

Glenda Gerrity, City Clerk

THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION
AND ARE NOT OFFICIAL MINUTES
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION

City of Spring Hill, Kansas Minutes of Planning Commission Special Session August 20, 2020

A Special Session of the Planning Commission was held at the Civic Center, 401 N. Madison St., Spring Hill, Kansas on August 20, 2020. The meeting convened at 7:00 p.m. with Chairman Stephen Sly presiding, and Amy Long, Planning Secretary recording.

Commissioners in attendance: Stephen Sly
Cindy Squire
Mary Dobson
Troy Mitchell
Roger Welsh, II
Josh Erhart

Commissioners absent: Mike Denny
Janell Pollom

Staff in attendance: Patrick Burton, Director of Community Development
Amy Long, Planning Secretary
Melanie Landis, Finance Director

PLEDGE OF ALLEGIANCE

ROLL CALL

The Secretary called the roll of the Planning Commissioners. With a quorum present, the meeting commenced.

APPROVAL OF THE AGENDA

Motion by Mr. Mitchell seconded by Mr. Erhart to approve the agenda as presented.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye; Erhart-Aye

Motion carried 6-0-0

CITIZEN PARTICIPATION

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda.

FORMAL COMMISSION ACTION

7. Public Hearing for Rezoning Application (Z-000024-2020)

THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION
AND ARE NOT OFFICIAL MINUTES
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION

Beginning of Staff Report
End of Staff Report

Ms. Sly opened the hearing to the Public

Mr. Patrick Burton presented the staff report as outlined above.

Mr. Sly closed public hearing.

Motion by Mr. Welsh seconded by Ms. Squire to approve the Rezoning Application (Z-000024-2020) as presented by staff.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye, Erhart-Aye

Motion carried 6-0-0

AGENDA ITEM REVIEW SHEET

TO: GOVERNING BODY
SUBMITTED BY: MELANIE LANDIS, ASSISTANT CITY ADMINISTRATOR
MEETING DATE: SEPTEMBER 10, 2020
DATE: SEPTEMBER 3, 2020

Formal Action: Ordinance adjusting special assessments on certain lots, pieces, and parcels of land in the City of Spring Hill, KS, all pursuant to KSA 12-6a01 et seq. known as Dayton Creek Phase II Special Benefit District

Background/Analysis:

The Governing Body approved Resolution 2018-R-01 on March 8, 2018 creating an improvement district for construction of improvements as follows:

Construction of sanitary sewers, storm drainage facilities, site grading and erosion control, subgrade stabilization for all internal streets, 6" asphalt base material, 4" asphalt base below curb and gutter, concrete sidewalk ramps, preliminary and final engineering, survey, construction staking, construction supervision, testing and other related improvements, City Administration costs, legal fees and costs associated with the bond and interest expense associated with financing the improvements.

A public hearing was held on May 9, 2019 and Ordinance 2019-09 was passed levying assessments against the properties in the District in the total aggregate amount of \$2,077,660. The actual final cost of improvements was approximately \$170,000 less than the total aggregate amount levied as special assessments.

The City's bond counsel, Kutak Rock, discussed the options for adjusting the current special assessments for this district with City Council on August 13, 2020. At that same meeting, the attorney for the developer of Dayton Creek discussed with the City Council their argument for reimbursing the developer in the amount of \$93,000 for out-of-pocket expenses relating to the construction of trails adjacent to this benefit district. The construction of the trails was paid for by the Developer as the initial construction cost of District 2 was expected to use all of the petitioned cost of the improvements. (Request attached).

The public hearing scheduled for Thursday, September 10, 2020 is required to adjust the assessments on the properties within this district whereby notice was published in the Miami County Republic on August 19, 2020 and notices were mailed to all property owners on August 28, 2020.

Two ordinances have been prepared for consideration:

- The proposed ordinance reduces principal by approximately \$134 annually for each property within the benefit district.
- The alternate ordinance considers the request made by the developer for reimbursement of out-of-pocket costs in the amount of \$93,000 and then reduces the assessments for property owners in the aggregate amount of \$77,000. The alternate ordinance reduces principal by approximately \$63 annually for each property within the benefit district.

Legal Review: Two ordinances were prepared for Council consideration by Kutak Rock, the City's bond counsel.

AGENDA ITEM REVIEW SHEET

Funding Review or Budgetary Impact: The Project is 100% paid by special assessments of the property owners within the District.

Alternatives:

Two ordinances have been prepared for consideration:

- 1) Ordinance adjusting special assessments by the approximate amount of \$170,000; or
- 2) Alternate Ordinance adjusting special assessments by the approximate amount of \$77,000 and reimbursing the Developer in the amount of \$93,000 for trail construction.

Recommended Motion:

Staff recommends the Governing Body consider approval of either the proposed ordinance or the alternate ordinance adjusting special assessments for Dayton Creek Phase II Special Benefit District.

Attachments:

1. Ordinance
2. Alternate Ordinance
3. Developer request for reimbursement

ORDINANCE NO. _____

AN ORDINANCE ADJUSTING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF SPRING HILL, KANSAS, ALL PURSUANT TO K.S.A. 12-6a01 ET SEQ. (DAYTON CREEK PHASE II SPECIAL BENEFIT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq.*, and Ordinance No. 2019-09 of the City of Spring Hill, Kansas (the “City”), passed on May 9, 2019 (the “Original Assessment Ordinance”), the Governing Body of the City levied special assessments against certain property in the City located within the Dayton Creek Phase II Special Benefit District (the “District”) in connection with the construction of the following improvements (the “Improvements”):

Construction of sanitary sewers, storm drainage facilities, site grading and erosion control, subgrade stabilization for all internal streets, 6” asphalt base material, 4” asphalt base below curb and gutter, concrete sidewalk ramps, preliminary and final engineering, survey, construction staking, construction supervision, testing and other related improvements, City Administration costs, legal fees and costs associated with the bond and interest expense associated with financing the improvements;

WHEREAS, the Improvements have been completed, and the final cost of the completed Improvements is approximately \$170,000 less than the aggregate amount of the assessments set forth on *Exhibit A* to the Original Assessment Ordinance;

WHEREAS, the Governing Body has provided notice and, on the date hereof, has conducted a public hearing on proposed adjustments to reduce the assessments levied pursuant to the Original Assessment Ordinance;

WHEREAS, the Governing Body finds it necessary and desirable to reduce the assessments levied pursuant to the Original Assessment Ordinance to reflect the approximately \$170,000 difference in the final cost of the completed Improvements; and

WHEREAS, the Governing Body further finds it necessary and desirable to return to the owners of property within the District the difference between the amount of special assessments levied and collected for the 2019 tax year and the amount of special assessments which would have been levied for the 2019 tax year pursuant to this Ordinance;

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

Section 1. The special assessments levied pursuant to the Original Assessment Ordinance to pay the costs of the Improvements are hereby adjusted based on the final costs of the Improvements and are levied and assessed against the lots, pieces and parcels of land liable therefor as described in *Exhibit A* to this Ordinance, which is incorporated herein by reference, and in the amounts set forth in *Exhibit A* following the description of each lot, piece or parcel of land. All other terms and provisions of the Original Assessment Ordinance shall remain in full force and effect.

Section 2. The City Clerk is hereby authorized and directed to (a) mail a notice of the adjusted assessments to each of the owners of property within the District assessed for the Improvements and (b) provide for the payment to each of the owners of property within the District the difference between the amount of special assessments levied and paid by such owner for the 2019 tax year and the amount of special assessments which would have been levied and payable by such owner for the 2019 tax year pursuant to this Ordinance.

Section 3. This Ordinance shall take effect and be in force from and after its publication (including publication of *Exhibit A* hereto) once in the official City newspaper and shall also be filed of record in the office of the Register of Deeds of Johnson County, Kansas.

[remainder of page left blank intentionally]

PASSED by the Governing Body of the City of Spring Hill, Kansas, and approved by the Mayor on September 10, 2020.

CITY OF SPRING HILL, KANSAS

(Seal)

Steven M. Ellis, Mayor

ATTEST:

Glenda Gerrity, City Clerk

APPROVED AS TO FORM:

By: _____
Frank H. Jenkins, Jr., City Attorney

APPROVED AS TO FORM:

By: _____
Tyler Ellsworth, Bond Counsel

EXHIBIT A

Dayton Creek Phase II Special Benefit District Adjusted Assessments

Parcel Number	Legal Description	Amount of Assessment
	Dayton Creek, Third Plat, Lot 49	\$31,273.11
	Dayton Creek, Third Plat, Lot 50	\$31,273.11
	Dayton Creek, Third Plat, Lot 51	\$31,273.11
	Dayton Creek, Third Plat, Lot 52	\$31,273.11
	Dayton Creek, Third Plat, Lot 53	\$31,273.11
	Dayton Creek, Third Plat, Lot 54	\$31,273.11
	Dayton Creek, Third Plat, Lot 55	\$31,273.11
	Dayton Creek, Third Plat, Lot 56	\$31,273.11
	Dayton Creek, Third Plat, Lot 57	\$31,273.11
	Dayton Creek, Third Plat, Lot 58	\$31,273.11
	Dayton Creek, Third Plat, Lot 59	\$31,273.11
	Dayton Creek, Third Plat, Lot 60	\$31,273.11
	Dayton Creek, Third Plat, Lot 61	\$31,273.11
	Dayton Creek, Third Plat, Lot 62	\$31,273.11
	Dayton Creek, Third Plat, Lot 63	\$31,273.11
	Dayton Creek, Third Plat, Lot 64	\$31,273.11
	Dayton Creek, Third Plat, Lot 65	\$31,273.11
	Dayton Creek, Third Plat, Lot 66	\$31,273.11
	Dayton Creek, Third Plat, Lot 67	\$31,273.11
	Dayton Creek, Third Plat, Lot 68	\$31,273.11
	Dayton Creek, Third Plat, Lot 69	\$31,273.11
	Dayton Creek, Third Plat, Lot 70	\$31,273.11
	Dayton Creek, Third Plat, Lot 71	\$31,273.11
	Dayton Creek, Third Plat, Lot 72	\$31,273.11
	Dayton Creek, Third Plat, Lot 73	\$31,273.11
	Dayton Creek, Third Plat, Lot 74	\$31,273.11
	Dayton Creek, Third Plat, Lot 75	\$31,273.11
	Dayton Creek, Third Plat, Lot 76	\$31,273.11
	Dayton Creek, Third Plat, Lot 77	\$31,273.11
	Dayton Creek, Third Plat, Lot 78	\$31,273.11
	Dayton Creek, Third Plat, Lot 79	\$31,273.11
	Dayton Creek, Third Plat, Lot 80	\$31,273.11
	Dayton Creek, Third Plat, Lot 81	\$31,273.11
	Dayton Creek, Third Plat, Lot 82	\$31,273.11
	Dayton Creek, Third Plat, Lot 83	\$31,273.11
	Dayton Creek, Third Plat, Lot 84	\$31,273.11
	Dayton Creek, Third Plat, Lot 85	\$31,273.11
	Dayton Creek, Third Plat, Lot 86	\$31,273.11

Parcel Number	Legal Description	Amount of Assessment
	Dayton Creek, Third Plat, Lot 87	\$31,273.11
	Dayton Creek, Third Plat, Lot 88	\$31,273.11
	Dayton Creek, Third Plat, Lot 89	\$31,273.11
	Dayton Creek, Third Plat, Lot 90	\$31,273.11
	Dayton Creek, Third Plat, Lot 91	\$31,273.11
	Dayton Creek, Third Plat, Lot 92	\$31,273.11
	Dayton Creek, Third Plat, Lot 93	\$31,273.11
	Dayton Creek, Third Plat, Lot 94	\$31,273.11
	Dayton Creek, Third Plat, Lot 95	\$31,273.11
	Dayton Creek, Third Plat, Lot 96	\$31,273.11
	Dayton Creek, Third Plat, Lot 97	\$31,273.11
	Dayton Creek, Third Plat, Lot 98	\$31,273.11
	Dayton Creek, Third Plat, Lot 99	\$31,273.11
	Dayton Creek, Third Plat, Lot 100	\$31,273.11
	Dayton Creek, Third Plat, Lot 101	\$31,273.11
	Dayton Creek, Third Plat, Lot 102	\$31,273.11
	Dayton Creek, Third Plat, Lot 103	\$31,273.11
	Dayton Creek, Third Plat, Lot 104	\$31,273.11
	Dayton Creek, Third Plat, Lot 105	\$31,273.11
	Dayton Creek, Third Plat, Lot 106	\$31,273.11
	Dayton Creek, Third Plat, Lot 107	\$31,273.11
	Dayton Creek, Third Plat, Lot 108	\$31,273.11
	Dayton Creek, Third Plat, Lot 109	\$31,273.11

ORDINANCE NO. _____

AN ORDINANCE ADJUSTING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF SPRING HILL, KANSAS, ALL PURSUANT TO K.S.A. 12-6a01 *ET SEQ.* (DAYTON CREEK PHASE II SPECIAL BENEFIT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-6a01 *et seq.*, and Ordinance No. 2019-09 of the City of Spring Hill, Kansas (the “City”), passed on May 9, 2019 (the “Original Assessment Ordinance”), the Governing Body of the City levied special assessments against certain property in the City located within the Dayton Creek Phase II Special Benefit District (the “District”) in connection with the construction of the following improvements (the “Improvements”):

Construction of sanitary sewers, storm drainage facilities, site grading and erosion control, subgrade stabilization for all internal streets, 6” asphalt base material, 4” asphalt base below curb and gutter, concrete sidewalk ramps, preliminary and final engineering, survey, construction staking, construction supervision, testing and other related improvements, City Administration costs, legal fees and costs associated with the bond and interest expense associated with financing the improvements;

WHEREAS, the Improvements have been completed, and the final cost of the completed Improvements is approximately \$170,000 less than the aggregate amount of the assessments set forth on *Exhibit A* to the Original Assessment Ordinance;

WHEREAS, the Governing Body has provided notice and, on the date hereof, has conducted a public hearing on proposed adjustments to reduce the assessments levied pursuant to the Original Assessment Ordinance;

WHEREAS, PV Investments, LLC, the developer of property within the District (“Developer”), has requested that approximately \$93,000 of the \$170,000 difference be applied to reimburse the Developer for costs it incurred to construct certain trail improvements (the “Trail Improvements”) which it will dedicate to the City;

WHEREAS, the Developer has further requested that the Governing Body of the City find and determine that the Trail Improvements constitute part of the Improvements as described in the original petition requesting the creation of the District;

WHEREAS, the Developer has further requested that the balance remaining after reimbursement for the Trail Improvements, which balance is approximately \$77,000, be applied to reduce the special assessments levied pursuant to the Original Assessment Ordinance;

WHEREAS, the Governing Body finds it necessary and desirable to: (i) determine that the Trail Improvements constitute part of the Improvements as described in the original petition; (ii) reimburse the Developer for the cost of the Trail Improvements in the amount of \$93,000; and (iii) reduce the assessments levied pursuant to the Original Assessment Ordinance by the \$77,000 balance remaining after such reimbursement; and

WHEREAS, the Governing Body further finds it necessary and desirable to return to the owners of property within the District the difference between the amount of special assessments levied and collected for the 2019 tax year and the amount of special assessments which would have been levied for the 2019 tax year pursuant to this Ordinance;

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

Section 1. The Governing Body hereby finds and determines that the Trail Improvements constitute part of the Improvements as described in the original petition requesting the creation of the District.

Section 2. The special assessments levied pursuant to the Original Assessment Ordinance to pay the costs of the Improvements are hereby adjusted based on the final costs of the Improvements and are levied and assessed against the lots, pieces and parcels of land liable therefor as described in *Exhibit A* to this Ordinance, which is incorporated herein by reference, and in the amounts set forth in *Exhibit A* following the description of each lot, piece or parcel of land. All other terms and provisions of the Original Assessment Ordinance shall remain in full force and effect.

Section 3. The City Clerk is hereby authorized and directed to (a) mail a notice of the adjusted assessments to each of the owners of property within the District assessed for the Improvements and (b) provide for the payment to each of the owners of property within the District the difference between the amount of special assessments levied and paid by such owner for the 2019 tax year and the amount of special assessments which would have been levied and payable by such owner for the 2019 tax year pursuant to this Ordinance.

Section 4. This Ordinance shall take effect and be in force from and after its publication (including publication of *Exhibit A* hereto) once in the official City newspaper and shall also be filed of record in the office of the Register of Deeds of Johnson County, Kansas.

[remainder of page left blank intentionally]

PASSED by the Governing Body of the City of Spring Hill, Kansas, and approved by the Mayor on September 10, 2020.

CITY OF SPRING HILL, KANSAS

(Seal)

Steven M. Ellis, Mayor

ATTEST:

Glenda Gerrity, City Clerk

APPROVED AS TO FORM:

By: _____
Frank H. Jenkins, Jr., City Attorney

APPROVED AS TO FORM:

By: _____
Tyler Ellsworth, Bond Counsel

EXHIBIT A

Dayton Creek Phase II Special Benefit District Adjusted Assessments

Parcel Number	Legal Description	Amount of Assessment
	Dayton Creek, Third Plat, Lot 49	\$32,797.70
	Dayton Creek, Third Plat, Lot 50	\$32,797.70
	Dayton Creek, Third Plat, Lot 51	\$32,797.70
	Dayton Creek, Third Plat, Lot 52	\$32,797.70
	Dayton Creek, Third Plat, Lot 53	\$32,797.70
	Dayton Creek, Third Plat, Lot 54	\$32,797.70
	Dayton Creek, Third Plat, Lot 55	\$32,797.70
	Dayton Creek, Third Plat, Lot 56	\$32,797.70
	Dayton Creek, Third Plat, Lot 57	\$32,797.70
	Dayton Creek, Third Plat, Lot 58	\$32,797.70
	Dayton Creek, Third Plat, Lot 59	\$32,797.70
	Dayton Creek, Third Plat, Lot 60	\$32,797.70
	Dayton Creek, Third Plat, Lot 61	\$32,797.70
	Dayton Creek, Third Plat, Lot 62	\$32,797.70
	Dayton Creek, Third Plat, Lot 63	\$32,797.70
	Dayton Creek, Third Plat, Lot 64	\$32,797.70
	Dayton Creek, Third Plat, Lot 65	\$32,797.70
	Dayton Creek, Third Plat, Lot 66	\$32,797.70
	Dayton Creek, Third Plat, Lot 67	\$32,797.70
	Dayton Creek, Third Plat, Lot 68	\$32,797.70
	Dayton Creek, Third Plat, Lot 69	\$32,797.70
	Dayton Creek, Third Plat, Lot 70	\$32,797.70
	Dayton Creek, Third Plat, Lot 71	\$32,797.70
	Dayton Creek, Third Plat, Lot 72	\$32,797.70
	Dayton Creek, Third Plat, Lot 73	\$32,797.70
	Dayton Creek, Third Plat, Lot 74	\$32,797.70
	Dayton Creek, Third Plat, Lot 75	\$32,797.70
	Dayton Creek, Third Plat, Lot 76	\$32,797.70
	Dayton Creek, Third Plat, Lot 77	\$32,797.70
	Dayton Creek, Third Plat, Lot 78	\$32,797.70
	Dayton Creek, Third Plat, Lot 79	\$32,797.70
	Dayton Creek, Third Plat, Lot 80	\$32,797.70
	Dayton Creek, Third Plat, Lot 81	\$32,797.70
	Dayton Creek, Third Plat, Lot 82	\$32,797.70
	Dayton Creek, Third Plat, Lot 83	\$32,797.70
	Dayton Creek, Third Plat, Lot 84	\$32,797.70
	Dayton Creek, Third Plat, Lot 85	\$32,797.70
	Dayton Creek, Third Plat, Lot 86	\$32,797.70

Parcel Number	Legal Description	Amount of Assessment
	Dayton Creek, Third Plat, Lot 87	\$32,797.70
	Dayton Creek, Third Plat, Lot 88	\$32,797.70
	Dayton Creek, Third Plat, Lot 89	\$32,797.70
	Dayton Creek, Third Plat, Lot 90	\$32,797.70
	Dayton Creek, Third Plat, Lot 91	\$32,797.70
	Dayton Creek, Third Plat, Lot 92	\$32,797.70
	Dayton Creek, Third Plat, Lot 93	\$32,797.70
	Dayton Creek, Third Plat, Lot 94	\$32,797.70
	Dayton Creek, Third Plat, Lot 95	\$32,797.70
	Dayton Creek, Third Plat, Lot 96	\$32,797.70
	Dayton Creek, Third Plat, Lot 97	\$32,797.70
	Dayton Creek, Third Plat, Lot 98	\$32,797.70
	Dayton Creek, Third Plat, Lot 99	\$32,797.70
	Dayton Creek, Third Plat, Lot 100	\$32,797.70
	Dayton Creek, Third Plat, Lot 101	\$32,797.70
	Dayton Creek, Third Plat, Lot 102	\$32,797.70
	Dayton Creek, Third Plat, Lot 103	\$32,797.70
	Dayton Creek, Third Plat, Lot 104	\$32,797.70
	Dayton Creek, Third Plat, Lot 105	\$32,797.70
	Dayton Creek, Third Plat, Lot 106	\$32,797.70
	Dayton Creek, Third Plat, Lot 107	\$32,797.70
	Dayton Creek, Third Plat, Lot 108	\$32,797.70
	Dayton Creek, Third Plat, Lot 109	\$32,797.70



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

August 4, 2020

Curtis M. Holland
(913) 234-7411
(913) 451-6205 Fax
cholland@polsinelli.com

BY E-MAIL TO jim.hendershot@springhillks.gov

Jim Hendershot
City Administrator
The City of Spring Hill, Kansas
P.O. Box 424
Spring Hill, KS 66083

Re: Dayton Creek SBD Phase 2 – Third Plat – Reimbursement of Excess Bond Proceeds

Dear Mr. Hendershot:

On behalf of the Developer of Dayton Creek, PV Investments, LLC, please consider this letter a formal request to reimburse PV Investments, LLC in the amount of \$93,000 for the costs of walking trail improvements¹ associated with the Third Plat SBD. It is our understanding that the City received excess bond proceeds of approximately \$170,000 from the SBD bond sale related to the Third Plat SBD. These excess proceeds came from “savings” in SBD project costs as a result of the City’s decision to self-fund the SBD improvements rather than issuing temporary notes, savings on capitalized interest, and reduced long-term financing fees due to the ability to combine the project with others in the GO bonds. We understand the City is considering using these excess funds to pay down the debt on the bonds, rather than pay for eligible SBD improvements such as the walking trails that should have been paid from the SBD proceeds but were not.

It is important to understand that the overall SBD financing structure for Dayton Creek was the result of careful planning on the part of the Developer and the City to ensure all of the lots pay approximately the same amount of assessments. This process started with the First Plat SBD and has been maintained for the other Dayton Creek plats including the most recent Sixth Plat SBD. This model has proven very successful as evidenced by the continuing demand for lots within Dayton Creek. Any decision that results in a different formula can be upsetting to home owners and may cause neighborhood divisions, which is both harmful to Dayton Creek, and ill-advised especially during the current critical period we find ourselves. It is also unnecessary since the Developer is proposing a very reasonable alternative.

¹ Cost of trail = 1,550 lineal feet x \$60.00/l.f.



Jim Hendershot
City Administrator
The City of Spring Hill, Kansas
August 4, 2020
Page 2

Using a portion of the excess funds to reimburse the Developer for the costs of the Third Plat walking trail, restores the assessment rate for the Third Plat lots to an amount that is more consistent with the other SBD phases. It also mitigates some of the financial hardship caused to the Developer by triggering the Third Plat assessments early.

While not specifically referenced in the Third Plat SBD petition, walking trails are an eligible SBD improvement under K.S.A. 12-6a01, *et seq.* Trails are similar to sidewalks, which were also not specifically mentioned in the petition but were paid for with the bond proceeds. Both serve similar functions, as pedestrian forms of transportation, and fall under the catch-all petition category of “other related improvements.” I would also note the SBD statutes include the improvement of parks, playground and recreational facilities. *See* K.S.A. 12-6a02. (Emphasis added). So, there isn’t any reason these improvements cannot be funded with the excess bond proceeds available under the Third Plat SBD. The description of the improvements in the subject petition was meant to be inclusive, not limiting. That is why an itemized schedule of SBD improvements was not included with the petition. It is impossible to list every specific improvement in a petition without making it unnecessarily long and cumbersome, which is why the term “other related improvements” is commonly used in SBD petition forms.

To conclude, we respectfully request that a portion of the excess bond proceeds in this case be used to reimburse the Developer for eligible SBD costs rather than using them to pay down the bond principle amount. It is fair to the Developer and to all of the lot owners in Dayton Creek. The Developer is supportive of using remaining excess funds to pay down the Third Plat SBD principle.

We request for this matter to be considered at the next available City Council meeting and the right for the petitioner to be heard. Thanks for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Curtis M. Holland".

Curtis M. Holland

cc: Dr. Bradley Vince (by e-mail to bvince@bpdevelopers.com)
Tyler Ellsworth, Esq., City Bond Counsel (by e-mail to Tyler.Ellsworth@KutakRock.com)
Frank Jenkins, Esq. City Attorney (by email to fjenkinsjr@lfbllaw.com)

AGENDA ITEM REVIEW SHEET

TO: GOVERNING BODY
SUBMITTED BY: MELANIE LANDIS, ASSISTANT CITY ADMINISTRATOR
MEETING DATE: SEPTEMBER 10, 2020
DATE: SEPTEMBER 3, 2020

Formal Issue: Resolution authorizing the public sale of approximately \$3,125,000 principal amount of general obligation temporary notes, Series 2020A, and approximately \$6,650,000 principal amount of general obligation refunding bonds, Series 2020B (Taxable under federal law) and repealing resolution 2020-R-16 of the City.

Analysis: On August 27, 2020 the City Council approved Resolution 2020-R-16 authorizing the public sale of temporary notes. The proposed Resolution combines authorization for the Temporary Notes and the General Obligation Bonds Advanced Refunding issues; further repealing Resolution 2020-R-16 however the included project funding remains the same.

- Dayton Creek Special Benefit District Phase 4 in the amount of \$2,050,000
- 199th Street & Ridgeview Roundabout in the amount of \$1,075,000

Additionally, there is an opportunity for an advanced refunding of general obligation bonds that may potentially produce interest savings of nearly \$834,000 beginning in 2021 and over the remaining life of the following bonds.

- General Obligation Refunding and Improvement Bonds, Series 2011A, dated August 1, 2011, in the original principal amount of \$3,985,000;
- General Obligation Improvement Bonds, Series 2012B, dated July 31, 2012, in the original principal amount of \$4,745,000; and
- General Obligation Bonds, Series 2013A, dated October 10, 2013, in the original principal amount of \$1,625,000;

Legal Review: Resolution was prepared by Kutak Rock, the City's bond counsel and has been routed to the City's legal counsel.

Funding Review or Budgetary Impact: Projects being financed from temporary note proceeds will be funded as follows:

- Dayton Creek Special Benefit District Phase 4 – Funded 100% special assessments against properties within the Dayton Creek Sixth Plat.
- 199th Street & Ridgeview Roundabout – Funded by ad valorem taxes in the City's Debt Service Fund.

Interest savings related to GO Bond advanced refunding will impact funding sources related to:

- Wastewater Fund for improvement to the Wastewater Treatment Plant and North lift station; Construction of a building; and the City-at-large portion of North Sanitary Sewer special benefit districts.
- Special Assessments for North Sanitary Sewer Districts #3 and #4
- Ad valorem taxes supporting the Debt Service Fund for the renovation of the current Spring Hill Police Department.

AGENDA ITEM REVIEW SHEET

Recommended Motion: Resolution authorizing the public sale of approximately \$3,125,000 principal amount of general obligation temporary notes, Series 2020A, and approximately \$6,650,000 principal amount of general obligation refunding bonds, Series 2020B (Taxable under federal law) and repealing resolution 2020-R-16 of the City.

Attachments: Proposed Resolution

RESOLUTION NO. 2020-R-__

A RESOLUTION AUTHORIZING THE PUBLIC SALE OF APPROXIMATELY \$3,125,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2020A, AND APPROXIMATELY \$6,650,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020B (TAXABLE UNDER FEDERAL LAW), OF THE CITY OF SPRING HILL, KANSAS, AND REPEALING RESOLUTION NO. 2020-R-16 OF THE CITY.

WHEREAS, the City of Spring Hill, Kansas (the “City”) has previously issued the following general obligation bonds (collectively, the “Refunded Bonds”):

- (a) General Obligation Refunding and Improvement Bonds, Series 2011A, dated August 1, 2011, in the original principal amount of \$3,985,000;
- (b) General Obligation Improvement Bonds, Series 2012B, dated July 31, 2012, in the original principal amount of \$4,745,000; and
- (c) General Obligation Bonds, Series 2013A, dated October 10, 2013, in the original principal amount of \$1,625,000;

WHEREAS, the Governing Body of the City has determined that, in order to achieve interest cost savings through early redemption of certain maturities of the Refunded Bonds and to provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to provide for the sale of general obligation refunding bonds;

WHEREAS, the Governing Body of the City has also previously authorized the construction of certain improvements in the Dayton Creek Phase IV Special Benefit District pursuant to Resolution No. 2019-R-26, adopted December 12, 2019, and the construction of certain main trafficway improvements in the City pursuant to Resolution No. 2020-R-15, adopted August 27, 2020 (collectively, the “Improvements”); and

WHEREAS, the Governing Body of the City has further determined that, in order to provide temporary financing for the Improvements, it is desirable and in the best interest of the City and its inhabitants to provide for the sale of general obligation temporary notes;

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

Section 1. The City’s General Obligation Temporary Notes, Series 2020A, in the principal amount of approximately \$3,125,000 (the “Notes”), and General Obligation Refunding Bonds, Series 2020B (Taxable Under Federal Law), in the principal amount of approximately \$6,650,000 (the “Bonds,” and together with the Notes, the “Obligations”), shall be offered at competitive public sale on October 8, 2020, at 10:00 a.m. Central Time or at such other date or time approved by the Mayor that is the date of a City Council meeting.

Section 2. The City's Assistant City Administrator, in conjunction with Baker Tilly Municipal Advisors, LLC, the City's Municipal Advisor, is authorized and directed to receive bids for the purchase of the Obligations on behalf of the City at the time and place specified above and to report on all bids so received to the Governing Body at its meeting to be held at 7:00 p.m. on such date or at such other time approved by the Mayor in accordance with Section 1, at which meeting the Governing Body shall review the bids and act on the acceptance of the best bid. Such bids for the Obligations may be received electronically through an experienced municipal bond electronic bid provider and through other means determined by the Assistant City Administrator, in consultation with Kutak Rock LLP, the City's Bond Counsel, and the Municipal Advisor, to be in the best interest of the City. The issuance of the Bonds is conditioned on net present value savings from the refunding of the Refunded Bonds of not less than 3%.

Section 3. The Mayor, Assistant City Administrator, and City Clerk are authorized to cause to be prepared and executed a Preliminary Official Statement and final Official Statement for use in connection with the public sale of the Obligations.

Section 4. The Assistant City Administrator and City Clerk are authorized and directed to give notice of the sale by making copies of the Notice of Sale and Preliminary Official Statement available to prospective purchasers of the Obligations.

Section 5. For the purpose of enabling the purchaser(s) of the Obligations (collectively, the "Original Purchaser") to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the appropriate officers of the City are authorized, if requested, to provide the Original Purchaser a letter or certification to the effect that the City deems the information contained in the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirements of such Rule.

Section 6. The City agrees to provide to the Original Purchaser within seven business days of the date of the sale of the Obligations or within sufficient time to accompany any confirmation that requests payment from any customer of the Original Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 7. The City agrees to enter into a written agreement or contract on or before the date of delivery of the Obligations to provide ongoing disclosure about the City for the benefit of the holders of the Obligations as required by Rule 15c2-12(b)(5)(i) of the Securities and Exchange Commission. The City may further designate Bond Counsel as an agent of the City for the purpose of obtaining and disseminating information in connection with such Rule if requested by the City.

Section 8. The City Administrator; the Assistant City Administrator; the City Attorney; the City Clerk; Bond Counsel; the Municipal Advisor; and the other officers and representatives of the City are authorized and directed to take such other action as may be necessary to carry out the public sale of the Obligations.

Section 9. Resolution No. 2020-R-16 of the City, adopted August 27, 2020, is hereby repealed in its entirety.

Section 10. This Resolution shall be in full force and effect from and after its adoption.

[remainder of page left blank intentionally]

ADOPTED by the Governing Body of the City of Spring Hill, Kansas, on September 10, 2020.

CITY OF SPRING HILL, KANSAS

(Seal)

Steven M. Ellis, Mayor

ATTEST:

Glenda Gerrity, City Clerk

APPROVED AS TO FORM:

By: _____
Frank H. Jenkins, Jr., City Attorney

APPROVED AS TO FORM:

By: _____
Tyler Ellsworth, Bond Counsel