

**City of Spring Hill, Kansas**  
**Minutes of City Council Regular Session**  
**January 10, 2019**

A Regular Session of the City Council was held in the Spring Hill Civic Center, 401 N. Madison, Council Chambers, Spring Hill, Kansas on January 10, 2019. The meeting convened at 7:00p.m. with Mayor Ellis presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance:           Chris Leaton  
                                                          Tim Pittman  
                                                          Floyd Koder  
                                                          Chad Eckert  
                                                          Andrea Hughes

Staff in attendance:                         Jim Hendershot, City Administrator  
                                                          Melanie Landis, Asst. City Administrator  
                                                          Jose Leon, Asst. City Administrator  
                                                          Lance Wipf, Interim Chief of Police

Consultants in attendance:                 Frank Jenkins, City Attorney  
                                                          Tom Kaleko, Financial Advisor  
                                                          Tyler Ellsworth, Bond Counsel

**INVOCATION**

The invocation was given by Councilmember Leaton.

**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**

The Mayor requested to move the Presentation after Citizen Participation.

**Motion by** Leaton, seconded by Eckert, to approve the agenda as revised. Motion carried 5-0-0.

**CITIZEN PARTICIPATION**

Ms. Debbie Hickman, 19401 W. 200<sup>th</sup> Street, addressed the Governing Body about financial issues she has experienced with the City and presented them with a packet of information. Ms. Hickman gave a history of financial documents she has obtained from the City and requested that the Governing Body review the information she presented, regarding the Civic Center Renovation project. The Mayor appreciated the amount of energy that Ms. Hickman put into presenting the information and requested Councilmember Hughes and Councilmember Pittman, who have a financial background, work with Mr. Hendershot and provide an update to the City Council in February.

## PRESENTATION – HONORING RON AND CONNIE STILES

The Mayor recognized retiring Miami County Commissioner Ron Stiles for his long history of public service. The Mayor read aloud a proclamation to Ron and Connie Stiles for their tireless contribution and sacrifices to the City of Spring Hill, the counties of Miami and Johnson, and throughout all the fifty states. The Mayor also proclaimed the month of January 2019 to be **RON AND CONNIE STILES FAITH IN ACTION MONTH** in the City of Spring Hill, Kansas, in recognition of their incredible contribution to their fellow man, and in honor of the thousands of hours of service and support to their community. The Mayor presented them with a framed proclamation.

The Mayor also introduced the newest Miami County Commissioner Tyler Vaughan, who was also present.

## RECESS

The Mayor requested a recess and invited everyone to the event center for a reception.

## RECONVENED

The meeting reconvened with everyone present.

## PROCLAMATION - School Choice Week in Spring Hill, Kansas, January 20-26, 2019

The Mayor signed the proclamation that proclaimed the week of January 20-26, 2019 as School Choice Week in Spring Hill, Kansas.

## CONSENT AGENDA

Motion by Leaton, seconded by Pittman, to approve the consent agenda.

- 1. Approval of Minutes: December 13, 2018**
- 2. Appropriation Order 2019-01-10**
- 3. Consider Approval of Fourth Amendment: Utility Line Locating Contract, Integrity Locating Services, LLC**
- 4. Consider Approval of Contract Extension: Generator Service Work, CK Power**

Motion carried 5-0-0.

## FORMAL COUNCIL ACTION

- 5. Ordinance No. 2019-01: Z-03-18 Rezoning, R-1 (Single-Family Residential) to RP-1 (Planned Single-Family Residential District), Boulder Springs Subdivision (199<sup>th</sup> St. & Woodland Rd.), Grata Development, LLC**

Assistant City Administrator Leon presented the ordinance requesting to rezone property located on the North of 199<sup>st</sup> Street and East of Woodland Road from R-1 to RP-1.

On December 6, 2018, the Spring Hill Planning Commission conducted the public hearing. 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. There is no budgetary impact on this rezoning request.

The Spring Hill Planning Commission and Staff recommended approval of Ordinance No. 2019-01 for rezoning application Z-03-18 for the described property in Boulder Springs Subdivision, from R-1 to RP-1.

**Motion by** Leaton, seconded by Pittman, to approve Ordinance No. 2019-01. Motion carried by roll call of the Governing Body ,6-0-0 (Hughes-yea, Leaton-yea, Eckert-yea, Pittman-yea, Koder-yea, Ellis-yea)

**6. Ordinance No. 2019-02: Z-04-18 Rezoning, R-1 (Single-Family Residential) to RP-2 (Planned Two-Family Residential District), Boulder Springs Subdivision (199<sup>th</sup> St. & Woodland Rd.), Grata Development, LLC**

Assistant City Administrator Leon presented the ordinance requesting to rezone property located on the North of 199<sup>th</sup> Street and East of Woodland Road from R-1 to RP-2.

On December 6, 2018, the Spring Hill Planning Commission conducted the public hearing. 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. There is no budgetary impact on this rezoning request.

The Spring Hill Planning Commission and Staff recommended approval of Ordinance No. 2019-02 for rezoning application Z-04-18 for the described property in Boulder Springs Subdivision, from R-1 to RP-2.

**Motion by** Leaton, seconded by Eckert, to approve Ordinance No. 2019-02, as stated. Motion carried by roll call of the Governing Body, 6-0-0 (Leaton-yea, Eckert-yea, Pittman-yea, Koder-yea, Hughes-yea, Ellis-yea)

**7. Ordinance No. 2019-03: Levying Maximum Assessments for Dayton Creek 3 Special Benefit District**  
Assistant City Administrator Landis presented the ordinance levying and assessing special assessments related to Dayton Creek 3 Special Benefit District.

Pursuant to Resolution 2018-R-19 adopted on October 25, 2018 and Resolution 2018-R-31 adopted on December 13, 2018, the Governing Body has authorized the creation of an improvement district and the construction of improvements. Prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements.

The assessment roll, (listed in Exhibit A of the Ordinance) indicates the maximum amount of principal only for each property and interest will be determined at the time the bonds are sold. If the cost of the project is less than the proposed maximum assessment, then the amount will be reduced for each parcel.

The City has received a waiver from the owner of all property within the improvement district, PV Investments, Inc., that the City provide notice of, and hold a public hearing on, the proposed maximum special assessments.

The Ordinance was prepared by Kutak Rock, the City's bond counsel and presented to City Attorney, Frank Jenkins, for review.

Initially the project will be financed through temporary notes during construction. At the end of construction, the project will be long-term financed through general obligation bonds over twenty (20) years, which will be paid 100% by the property owners through special assessments.

Staff recommended that the City Council approve Ordinance No. 2019-03 levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of improvements in the City of Spring Hill, Kansas, as authorized by Resolution 2018-R- 19 and 2018-R-31 of the City (Dayton Creek Phase 3 Special Benefit District)

**Motion by** Leaton, seconded by Pittman, to approve Ordinance 2019-03. Motion carried by roll call of the City Council, 5-0-0 (Eckert-yea, Pittman-yea, Koder-yea, Hughes-yea, Leaton-yea)

**8. Resolution No. 2019-R-01: Authorizing Temporary Notes 2019A TN**

Assistant City Administrator Landis presented the resolution authorizing the public sale of approximately \$1,620,000 principal amount of general obligation temporary notes, 2019A, of the City of Spring Hill, Kansas.

The 2019A General Obligation Temporary Notes, to be sold on February 28, 2019, are related to the Dayton Creek 3 Special Benefit District. The petition for the project was previously approved by the City Council. The resolution to be considered will authorize the sale of those general obligation temporary notes. The resolution was prepared by Kutak Rock, the City's bond counsel and has been presented to the City's legal counsel.

Staff recommended that the City Council approve Resolution No. 2019-R-01 authorizing the public sale of approximately \$1,620,000 principal amount of general obligation temporary notes, 2019A, of the City of Spring Hill, Kansas.

**Motion by** Leaton, seconded by Pittman, to approve Resolution No. 2019-R-01, as stated. Motion carried 5-0-0.

**9. Ordinance No. 2019-04: Disbanding the Spring Hill Public Safety Advisory Board (PSAB)**

Interim Chief Wipf presented the ordinance disbanding the PSAB. He reported that the board has continually struggled to operate well since its inception, especially over the last 18-24 months where the board has been essentially non-existent.

The board also has difficulty conducting monthly meetings due to not meeting a quorum. As a result, meetings have been cancelled. The board has not had a meeting since December 4, 2017. When meetings have been held, the only individuals present are those required to attend. Public participation has only happened on one occasion since the board was created.

There is not a budgetary impact as a result of this action except for the PSAB financial line item in the amount of \$1000, will be eliminated from the Spring Hill Police Department budget.

Based on these factors, it would be in the best interest of all involved to disband the board with the possibility of reviewing this board or something similar in the future.

Staff recommended that the City Council approve Ordinance No. 2019-04 disbanding the City of Spring Hill Public Safety Advisory Board.

**Motion by** Leaton, seconded by Pittman, to approve Ordinance 2019-04 as stated. Motion carried by roll call of the City Council, 5-0-0 (Koder-yea, Hughes-yea, Leaton-yea, Eckert-yea, Pittman-yea)

The Mayor asked the City Attorney if a Board could be created by Resolution in order to help alleviate the cost of publication of an ordinance. The City Attorney stated that based on how permanent the board might be, then you could create a board by Resolution.

**DISCUSSION**

**10. Regulation of Small Wireless Facilities in City Right of Way**

The City Administrator and City Attorney presented information regarding aesthetic standards for small cell facilities within City right-of-way. Mr. Hendershot also presented photographs of small cell facilities to give a visual understanding for the purpose of this discussion.

Mr. Jenkins reported that on December 10, 2018, the Federal Communication Commission (FCC) clarified certain issues relating to the interpretation of a FCC Order that preempts the ability of local governments to regulate the deployment of small cell facilities within city right-of-way including the maximum fees that can be charged for the use of right-of-way and the adoption by aesthetics standards for small cell facilities by local government.

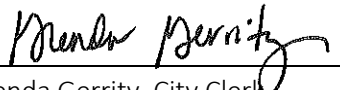
Spring Hill has not adopted aesthetic standards regarding small cell facilities. Additionally, it has not received any applications for the deployment of small cell facilities within its right-of-way. To be prepared to process future applications relating to small cell facilities, the City could consider the adoption of aesthetic standards.

After discussion, the Governing Body directed City Staff to research and submit recommendations for the adoption of an ordinance and policies in order to facilitate the processing of applications from service infrastructure providers and aesthetic standards for deployment of small cell facilities within City right-of-way.

**ADJOURN**

**Motion by** Leaton, seconded by Eckert, to adjourn.

The meeting adjourned at 8:23p.m.

  
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Glenda Gerrity, City Clerk

Approved by the Governing Body on January 24,,2019.