

City of Spring Hill, Kansas
Minutes of City Council Regular Session
February 13, 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 February 13, 2020. The meeting convened at 7:00p.m. with Mayor Ellis presiding and Glenda Gerrity, City Clerk, recording.

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

Staff in attendance: Jim Hendershot, City Administrator
 Melanie Landis, Asst. City Administrator
 Cindy Henson, Chief of Police
 Jim Boyer, Director of Public Works
 Patrick Burton, Community Development Director

Consultants in attendance: Frank Jenkins, City Attorney
 Tyler Ellsworth, Bond Counsel

INVOCATION

The invocation was given by Mayor Ellis.

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

Councilman Owen requested to move Item 4. CK Power Generator Service Agreement and Item 5. MicroComm SCADA Telemetry Agreement to Formal Council Action. With no further changes, the Mayor requested a motion to approve the agenda.

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

CITIZEN PARTICIPATION

Bill Peterman (19431 W. 200th Street), thanked Councilman Owen and Councilman Eckert for attending the Planning Commission meeting and likes seeing a Planning Commissioner attend the Council meeting. He likes transparency and working together. Mr. Peterman asked if more information could be provided to the public for items on the Consent Agenda and during the worksession. The Mayor confirmed with the City Clerk that the agenda packet, which is posted on the City's website, includes the Agenda Review Sheet and is available to the public. The Mayor suggested to Mr. Peterman to work with the City Clerk, either about having trouble viewing the information online, or if it's not enough information, then staff can make some adjustments. The Mayor apologized that handouts were not available during the worksession and directed the City Administrator to post the worksession document on the website.

CITIZEN PARTICIPATION

Roger Welsh (21914 Columbia Road) stated that he was a Planning Commissioner and addressed the Governing Body about the Fiber RFP that was voted on to proceed with a fiber network in the City. He asked the following questions: Why did the City choose the more expensive solution? Why is the City spending \$100K more when there is a company willing to invest \$3-5 million in the community and not letting them come to Spring Hill?

Councilmember Hughes responded that the City is not holding the company back. RG Fiber, the company you are referring to, announced before the RFP was released, that they were coming to the City no matter what and the City was very happy to see that they submitted an RFP. The City wants them to come and to be part of a competitive nature for the rest of the citizens. When compared to the other companies, ALLO Communications received great reviews and connectivity. They have more connections in different places that would provide better reliability to the City. ALLO also submitted the timeframe of 24 months to provide fiber to the citizens. The vote that was held at the last meeting was to start moving forward with a contract that will lay out the terms and how it will benefit the citizens.

The Mayor stated that if the terms and conditions of the contract are not agreeable and beneficial to the residents, then the City is under no obligation to move forward. The public will have the opportunity to view and comment on the contract prior to moving forward.

Staff confirmed that the City will own the dark fiber connected to the City buildings and will be responsible for maintenance. It will be less expensive to own since the City will have the opportunity to bid out to multiple companies for City operating services. The City currently leases from one provider, who dictates the cost.

The Mayor requested a cost benefit analysis for the City-owned fiber and post the information on the City's website.

CITIZEN PARTICIPATION

Roy Riffel, (20024 Barker Street), addressed the Governing Body about a water drainage issue in his neighborhood. He explained that the City was working with the developer from Brookwood Farms and the owner of the abutting property, which will soon be a new subdivision. He explained the work that had been done by bulldozers to the abutting property, which included a drainage ditch and hasn't seen any activity for 3-4 months. He explained that he has lived at this residence since 2016 and never experienced water problems. He submitted photographs of his backyard and requested that it be taken care of, and not at the expense of his neighbor. He doesn't think they should have to deal with the water problems going on at their residence either.

The Mayor requested that Mr. Hendershot and Mr. Boyer get the information from Mr. Riffel and work with the developer and get a plan of action in place and report back at the next meeting.

Mr. Riffel also thanked Councilwoman Hughes for doing the Facebook livestream at the council meeting and challenged the Governing Body of making these meetings available online. Mr. Riffel requested clarification on the need of dark fiber between the City buildings.

Councilwoman Hughes explained that the City reviewed their current service and the need to increase the speed. The City currently leases the fiber and were told that the speed could be not increased. The City looked at what was most beneficial and owning the dark fiber was the recommendation. As stated earlier, staff will put together a cost benefit analysis to indicate the cost savings of owning dark fiber.

Mr. Riffel stated that he has no connection to RG Fiber but said that RG Fiber wanted to come in 2017, which he brought those minutes to the council at a previous meeting. They (RG Fiber) wanted to come in and do exactly what they want to do now, were turned away and were told a different agenda than what the citizens were being told. There was a welcome committee and now the City is paying someone else to come into our town. He understands that they are going to own their own equipment, but they also get the advantage of the one-dig policy and RG Fiber doesn't necessarily get.

The City Administrator explained that the permit fees are waived for anyone who will provide gigabit services to businesses and government services. Once the dig once policy is in place, the providers can coordinate amongst themselves to put it in the same ditch, but that would be between the providers.

The Mayor explained that the policy for waiving the permit fees was requested by RG Fiber in order to make it financially feasible to begin work. Three things that RG Fiber requested was waiver of permit fees, access to water, and it would be helpful if they could store materials on City

facilities. One of the stipulations that we put in that Mr. Burton recommended, was that it had to be gigabit capable service and it had to be made available to residents and businesses related to government.

Mr. Riffel stated that at another meeting, he mentioned that for two years citizens looked at this processes in getting us the internet and now it's like a very strong 75% getting the city internet and the 25% is to get it to citizens. Get the City buildings within six months and 24 months will be the residents, which is a joke, there is no way they are going to get that done in 24 months. If they can, then so be it. But the whole time the residents were going to get internet and I feel like there was this fine writing that said something about the City. I heard you echo earlier you said in that meeting last time that neither of the two companies that we currently have will upgrade to 1 gig or have upgraded to 1 gig. You also mentioned that if they didn't pass that ALLO contract today, you have killed three years' worth of work and people are stuck with what they have for the existing future with no plan to make it better. And that absolutely is not true. The companies today are investing and expanding their 1gig network and Suddenlink is currently out there doing it now going from their node on and CenturyLink is investing more to get their 1 gig. I have benefited from it; today I have 1 gig within the city limits. He went from three years ago of having 10 meg to 1 gig today and they upgraded my entire neighborhood is done. He's been working with CenturyLink and has been talking to more than just the person on the phone and they have told me that their plan is to continue to move forward. It is an expense, just like RG Fiber, they said we'll go where the money takes us, that's what they have said too and my neighborhood was one that was very strong and they said we will upgrade if you bring it here and everybody in my neighborhood had no internet for a few hours yesterday, so I could get on it and the rest of them will too.

Mr. Riffel stated that we have two new council and one returning, and one thing I can't stand about politicians, I love people who are in the political world that aren't politicians, one thing I can't stand about politicians is that when they run, they make all these promises and all these things they want to do and then they never do it. They just know what the taxpayer wants and what the voter wants so, go back to your notes and see what the things you guys have said would do and I ask that you guys do them.

PRESENTATION: 2019 Year-end Report, Chief Cindy Henson

Chief Henson provided an overview of the activities in 2019, which was an exciting year filled with renewed energy and hope for the future. The department defined their core values, which was a collective effort of the entire department. Last year, the focus fell into four categories, which included technology upgrades, policy updates, hiring process and a new look to the department. Chief Henson also provided the goals for 2020.

PRESENTATION: 2019 Year-end Report, Glenda Gerrity, City Clerk

The City Clerk provided the 2019 and 2018 data for municipal court, licensing and the highlights for 2020. The Mayor suggested to review the pet licenses and open records policy for discussion at a future meeting.

CONSENT AGENDA

Motion by Leaton, seconded by Owen, to approve the Consent Agenda:

- 1. Approval of Minutes: January 23, 2020, Regular Meeting**
- 2. Appropriation Order 2020-02-13**
- 3. Consider Acceptance of Permanent Easement: Veterans Park Water Line Utility Easement, South Wind Farms, LLC, Mr. Harold Phelps**

Motion carried 5-0-0.

FORMAL COUNCIL ACTION

4. Consider Acceptance of Agreement: CK Power Generator Service Agreement

The Director of Public Works presented the service agreement extension with CK Power for generator services. There is a total of twelve (12) generators located strategically throughout the city and at most city facilities that serve as backup electrical power supply during power outages. Based upon the work history in maintaining these units over the past year, staff believes that CK Power has met or exceeded their obligations and responsibilities. All documents were reviewed by the City Attorney and Insurance consultant. Funding for services will impact the Water, Sewer, Police, and City Hall Budgets.

Staff recommended to approve the Agreement to Extend the Contract in 2020 for Generator Services to CK Power for \$10,324.00.

Motion by Leaton, seconded by Owen, to approve the contract for Generator Services to CK Power for \$10,324.00. Motion carried 5-0-0.

5. Consider Acceptance of Agreement: MicroComm SCADA Telemetry Agreement

The Director of Public Works presented the Extended Service Warranty Agreement with MicroComm for the Supervisory Control and Data Acquisition (SCADA) Telemetry System. They have provided the SCADA Telemetry Monitoring maintenance contract for many years. MicroComm shall be liable for the cost or repair of any Micro-Comm manufactured defective equipment and for damage caused by lightning, part replacement, phone support and internet troubleshooting. The service plan offered for these system controls are proprietary to MicroComm. All documents have been reviewed by the City Attorney and Insurance Consultant. Funding for services will impact the Water and Sewer Budgets.

Staff recommended to approve the renewal of the Micro-Comm, Inc. Extended Service Warranty Plan for 2020 and 2021 for \$10,300.00; costs paid through the Water and Sewer Funds.

Motion by Leaton, seconded by Owen, to approve the Micro-Comm Telemetry Agreement for \$10,300.00. Motion carried 5-0-0.

6. Consider Resolution No. 2020-R-XX: Comprehensive List of Fees for Community Development Department

The Director of Public Works presented the resolution for the comprehensive list of fees for Community Development to include an adjustment to the Right-of-Way (ROW) permit fee.

Staff re-evaluated the ROW permit fees to ensure the City maintains the level of interest that is in-line with our competing communities. Staff elected to consider an adjustment from a “per parcel” fee to a “parcel fee for the first parcel” with an additional fee for each additional 1000’ linear feet.

At the January 23, 2020 City Council meeting, it was the consensus of the City Council to agree with the Right of Way Permit Fee Adjustment as proposed by staff.

Staff recommended to approve the Right of Way Permit Fee Adjustment to reflect: ROW Permit Fee - \$100.00 for First Parcel then \$100.00 for each additional 1000 linear feet.

Motion by Leaton, seconded by Eckert, to approve Resolution 2020-R-01. Motion carried 5-0-0.

DISCUSSION

7. Webster Street Improvements

The Public Works Director presented information regarding the options for the repair of Webster Street. He presented the pavement condition index and repair options that included patch repair/crack seal, chip seal, 2” mill and overlay and ultra-thin bonded asphalt surface (UBAS). He also provided the budget for each option. After discussion, the Mayor requested that Mr. Boyer work with Councilman Leaton and the City Engineer and find out more information about the UBAS option to further discuss at the first meeting in March.

EXECUTIVE SESSION

Motion by Leaton, seconded by Owen, to recess into Executive Session for 10 minutes to discuss Dayton Creek Subdivision pursuant to the attorney-client exception of K.S.A. 75-4319 (b) (2) of the Kansas Open Meetings Act. The open meeting will resume in the City Council Chambers at

9:15p.m. Persons to be in attendance are the following: Jim Hendershot, City Administrator, Melanie Landis, Assistant City Administrator, Tyler Ellsworth, Bond Counsel, and Frank H. Jenkins, Jr., City Attorney.

Motion carried 5-0-0.

The meeting recessed at 8:55p.m. with the executive session to begin at 9:05pm.

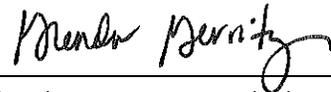
The meeting reconvened at 9:15p.m. with everyone present.

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

ADJOURN

Motion by Leaton, seconded by Eckert, to adjourn.

The meeting adjourned at 9:16p.m.



Glenda Gerrity, City Clerk

Approved by the Governing Body on March 26, 2020.