

City of Spring Hill, Kansas
Minutes of City Council Regular Session
February 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 February 27, 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
 David Hogue, Lieutenant
 Jim Boyer, Director of Public Works

Consultants in attendance: Frank Jenkins, City Attorney

INVOCATION

The invocation was given by Pastor Michael Brown, Spring Hill United Methodist 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

Request to delete the 2019 Year-end Report for Community Development and table the February 13, 2020 minutes, since it is a requested item on the Citizen Participation sign-in sheet.

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

CITIZEN PARTICIPATION

Chad Allenbrand, 20929 Maple Terr, addressed the Governing Body about the problems he is experiencing with Suddenlink, who provides his internet service. Since January 29th, he has encountered 16 outages. He understands that there are two different entities that share a common network and when one of them goes down, they both go down, which affects businesses and homes. He asked if the City could help by reaching out to Suddenlink and find out what their plans are now to improve their network to make it more stable.

The Mayor requested to meet with the City Administrator after the meeting to discuss what the City can do to assist with this matter.

CITIZEN PARTICIPATION

Cheryl Findley, 23306 S. Hickory Court, business owner, addressed the Governing Body about her internet issues she is having with Suddenlink. She provided examples of how she processes her credit card operations that she used in the year 2000 and continues to use these processes when her internet goes out. She has experienced four internet outages in the previous two weeks. Her business runs 362 days a year, averaging 12 hours a day. She respectfully requested that the City find a sustainable solution at a reasonable rate for a growing deserving community.

As a business owner, Councilman Graves understands and shares her frustration. He stated that some of the Main Street businesses have had good luck with CenturyLink. He believes that they lost service 3-4 times in the two years they have been at their location. He is an advocate for business owners and hopes to get something done soon.

CITIZEN PARTICIPATION

Roger Welsh, 21914 Columbia Road, addressed the Governing Body about the Broadband Task Force vision to get internet for the residents of Spring Hill. He believes that has turned into a City initiative to get an expensive fiber network installed with the hopes to have multiple providers come in and over build the City with little ROI (return on investments) incentive. He shared his views regarding expenses and problems if the City owned its fiber network, including maintenance, replacement parts, and staff to maintain the system. At the last meeting, the Mayor requested that a cost analysis of this project be posted, which he still has not seen. His final thoughts are that he wants the City to do what the rest of the town wants by having better access to the internet to run the businesses, jobs and home. He requested the City Council to stop negotiations with ALLO and not install a dark fiber network to City buildings that will ultimately cost the City more money over time and get the city out of business of trying to be a fiber owner.

The Mayor thanked Mr. Welsh.

CITIZEN PARTICIPATION

Kari Fisher, 701 W. Spring Street, stated that she respects the process and understands that bringing in the competition is important. She recognized that the City has discussed short- and long-term goals and asked the Governing Body to consider 10-20-year goals and to look at the quality of life in Spring Hill. She stated that if the City is going to spend \$350K on the internet today, the City also needs to look at what they are leaving behind, such as parks for teenagers, shady benches on Main Street for senior citizens and trails for walking/biking, water quality, and water drainage. Ms. Fisher stated instead of spending \$350K, we could also look at what the One Dig Policy provides for our community and come up with a responsible accountable solution for all the citizens, business owners and future generations.

The Mayor thanked Ms. Fisher.

CITIZEN PARTICIPATION

Kevin Herndon, 511 S. Harrison, stated that he requested records from the City that showed the communication between City Council and City Administration. With the notice that was published on the 24th, he assumed that talks stopped with word of an investigation, along with the community. He asked if they have stopped or is the City moving at this point.

The Mayor responded, regarding the RFP, the Governing Body had directed that negotiations continue; however, any negotiations for a contract are not going to move that contract to formal action until the District Attorney has completed its investigation. He added that the District Attorney's office has assigned their top investigator and District Attorney Howe has committed that this investigation is a top priority for his office.

Mr. Herndon added that in his opinion, that not one citizen benefits from spending of tax dollars on a dark fiber network for the City. He believes that it's the beginning of more expenses for maintenance and insurance that cost's thousands in equipment on both ends of the spectrum. He also stated that he has not seen the cost benefit analysis that was mentioned at the last meeting.

The Mayor stated that copies of the cost benefit analysis will be available this evening and will be posted on the City's website tomorrow.

Mr. Herndon asked if the fiber was going to be installed underground or aerial.

The Mayor could not answer that since he intentionally removed himself from the RFP process because he was working with entities who indicated their desire to come into the community that were not a part of that process.

Councilmember Hughes stated that the RFP requested that the fiber be installed underground. The middle mile connection was the connection between the City buildings and then provide an underground network plan for the rest of the city.

Mr. Herndon requested to please make sure that it is all underground and then thanked the Governing Body for their time.

The Mayor thanked Mr. Herndon.

CITIZEN PARTICIPATION

Kim Thompson (business owner), had good news to report that Waste Management worked with her regarding her overage bill. Ms. Thompson thanked the Governing Body and staff for their help in this matter. She also recommended signage for business owners to post on their dumpsters that may help to prevent illegal dumping. She has installed cameras, purchased a dumpster with a lock and noticed the police driving through her drive. Ms. Thompson also shared her concern of the internet problems she has been experiencing as a business owner. Her internet is provided by Suddenlink and she has experienced six outages since January 1st. She encouraged the City to reach out to Suddenlink and CenturyLink to make this stop happening.

CITIZEN PARTICIPATION

Bill Peterman, 19431 W. 200th Street, asked for an update regarding the sewer odor at Brookwood Farms that was to be taken care of by the end of January. The Director of Public Works coordinated with the Evoqua team and they are scheduled to deliver the sewer odor control equipment the first week in March. They anticipate the sewer odor liquid product to be delivered during the week of March 9th and start shortly, thereafter. Public Works will maintain regular scheduled routes in patrolling the area for any sewer odor. The Mayor requested that updates be placed on the website.

Mr. Peterman stated that he spoke about not getting handouts at the last meeting and mentioned transparency and being in the dark. He did not see this in the minutes along with Mr. Riffel's nice comment about what he didn't like about politicians. The Mayor stated that he is happy to include those specific comments, but the minutes are not a true transcript of the meeting itself. The City Clerk confirmed that the minutes are not verbatim.

Mr. Peterman added that real estate signs are going up in their neighborhood because they are tired of the sewer smell and they are not looking for somewhere else in Spring Hill.

CITIZEN PARTICIPATION

Roy Riffel, (20024 Barker Street), addressed the Governing Body about the Cost Benefit Analysis and noticed that in 2017, a city-wide fiber optic network feasibility study was done, which included a consultant to assist the City with managing public expectations, evaluate staffing consideration, risk and benefits, financial analysis and financial cost to enable the city to consider which model best suites their needs, including dark fiber. He suggested to publicize what their recommendations were and to intertwine with what is presented to the citizens regarding the cost benefit analysis. He also requested that it be unbiased, refer to ongoing maintenance, and full transparency.

Mr. Riffel referred to the minutes that Mr. Peterman referenced earlier. The minutes state about a meeting with RG Fiber, but then it goes into saying the Mr. Riffel stated that companies are investing in the neighborhoods and he currently has 1 gig service. He stated that the sentence was taken out of context without meaning when it doesn't refer to what he was actually talking about in that meeting, or in that presentation. He said that when, in that meeting he referred to the January meeting where Councilwoman Hughes states neither of the two companies in this City have upgraded to 1 gig. His point with that was that he did get 1 gig and there were other places in the city limits that do have 1 gig today and that CenturyLink has stated that anybody with fiber today will be upgraded to the 1 gig and that Suddenlink is currently in the process of updating their equipment to do so as well. He wasn't calling Councilwoman Hughes a liar, he was just stating that maybe that information she had gotten had changed since then and he wanted to point that out. He stated that he was glad that he had CenturyLink today, because it sounds like Suddenlink has a lot of issues, some of the same that he went through in the past with CenturyLink.

Lastly, he thanked Mayor Ellis for meeting with him before the meeting and taking time out of his busy schedule to listen to him; he thanked Councilman Owen for helping to get the ball rolling with the sewer odor situation and provide more transparency as part of that process; and thanked Councilman Eckert who stopped by his house Saturday night to see first-hand the sewer odor and water issues he was having in his neighborhood.

CITIZEN PARTICIPATION

Chris Leaton, 21876 S. Lincoln, addressed the Governing Body in his capacity as a citizen. Mr. Leaton spoke about civility and decorum in our actions and words and is concerned we are losing part of our American heritage where civility and decorum prevail despite disagreement. As a community, he encouraged us who in this room represent the community leadership, staff and citizens to exhibit proper restraint. He stated that he fully believes in a transparent government where we should question our government and seek accountability. He, like others in this room, have taken an oath of office he takes deeply and profoundly seriously, including integrity and full disclosure of city affairs at all times when possible. He stated that with any organization there are always areas for continual improvement, and he welcome these ideas so we may progress to a more open city, community and society. Unfortunately, there are instances where due to circumstances information cannot be disclosed at that time or at all legally. An example is like the Broadband RFP where the Governing Body agreed on a self-imposed non-disclosure agreement with the intent of disclosing all information prior to a formal contract. This was in fact a question raised by others and he at the time of the RFP authorization and in retrospect should be more heavily weighed in the future. There is also time where legally, simply cannot disclose specific personnel issues to the public like any business without risk of civil and possibly even criminal repercussions. He posed the question, as a community, how we would like to be remembered. While other communities have allowed themselves to be deeply divided by personal ambitions and motives, Spring Hill typically acted in the best interest of the community as a whole and we should continue to strive toward this ideal. Mr. Leaton ended with a quote by George Washington. "I hope I shall possess firmness and virtue enough to maintain what I consider the most enviable of all titles, the character of an honest man." Mr. Leaton stated that may we all aspire to this in our lives, in our words, and in our actions.

COMMENT:

Regarding the internet, Councilman Owen stated that his service was updated to 1 gig and suggested residents call them (CenturyLink), and you may get an upgrade. He also spoke to a Suddenlink technician, who was working in the area, and reported that they are working on their upgrades that will take about a year. Equipment has been moving in and money has been spent. This may not help immediately, but at least there is something happening.

PRESENTATION:

2019 Year-End Report, Jim Boyer, Director of Public Works

Mr. Boyer presented the 2019 Year-end report, which included core values, statistical data, accomplishments, equipment/vehicle purchases, employee training and anticipated projects in 2020.

PRESENTATION:

2019 Year End Report, Melanie Landis, Assistant City Administrator

Ms. Landis presented the 2019 Year-end report, which included an overview of the staff, mission/goals, and an overview of each department for facility management, utility billing, information technology, finance and accounting.

PRESENTATION:

2019 Year End Report, Patrick Burton, Community Development Director

This item was deleted

1. Approval of Minutes: February 13, 2020, Regular Meeting

This item was deleted for further review.

CONSENT AGENDA

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

2. Appropriation Order 2020-02-27

3. Consider Approval of 2020 Aquatic Center Rates

Motion carried 5-0-0.

FORMAL COUNCIL ACTION

4. Approval of Bids for Equipment for Live Streaming Meetings and Video Arraignment

The City Administrator presented the quotes for the purchase and installation of equipment for livestreaming meetings of the Governing Body and video arraignment for Municipal Court.

Staff has been working with the company that installed the IT infrastructure in the Civic Center and a list of equipment was developed and distributed for quotes. The commercial grade equipment specified will serve dual purpose of livestreaming the meetings of the Governing Body and for video arraignment for Municipal Court. The system is designed for one ceiling mounted camera. The system would be tied into the audio system for clear audio reception for viewers and would also be capable of displaying presentation items being viewed in the room.

Bids were received as follows:

Cytek Media Systems	\$21,188.00
Mission Electronics	\$25,532.54
Swagit Productions	\$11,920.00 + \$9,840.00/Yr.

The quotes were in excess of \$20,000. Per Section 2.02 of the Spring Hill Purchasing Policy the purchase of goods and services from a single vendor in excess of \$20,000 requires approval thru the RFP process. Staff had multiple conversations with vendors attempting to reduce the cost with alternate materials or processes. Staff is convinced that using equipment other than that specified will result in a substandard and unsatisfactory viewing experience and would not meet the needs of the Court for video arraignment.

This proposed project is unbudgeted and if approved, would require analysis of potential reduction of expenditures approved for 2020. Based on the purchasing policy, staff recommended rejection of the quotes with staff directed to submit a 2021 budget request for this project.

As an alternative, the Mayor recommended that we look at doing a lease agreement, so we can spread these payments out over 3-5 years and see how that might impact the budget. The Mayor also

requested more detail about each of these three bids, particularly the SWAGIT bid, because even though it has a \$9K+ annual recurring fee, that means no staff time would need to run the equipment. Councilman Graves suggested talking to SWAGIT to confirm the recurring fee is \$9K/per year.

After discussion, staff is to provide an update at the next meeting and formal action at the meeting after that, so everybody has the opportunity to contemplate and digest the options.

Motion by Leaton, seconded by Owen, to table Item No 4. subject to call. Motion carried 5-0-0.

5. Resolution No. 2020-R-02: Finance Department Fees (Addition of Credit Card Fees)

The Assistant City Administrator presented the resolution that adds the proposed sections related to Credit Card Convenience and Service Fees for the Finance Department Fees.

At the January 9th and 23rd meetings, staff presented to Council the option of credit card acceptance convenience fees and service fees.

When the city began accepting credit cards many years ago, the council decided to not pass along the fees associated with accepting credit card payments, since the only option for online payment at that time was for utility payments, and all other credit card transactions were limited to \$500 or less. Currently, the city expends approximately \$32,000 in credit card acceptance fees annually.

As we move ahead to full implementation of the city's new software capabilities, additional options for online routing of permitting applications and payments, the new right-of-way permitting process, as well as online payments for some court fees will become available and make the customer choice for payment via credit card more likely. We project that by adding large payments for permits and the convenience of doing more business online, the cost of those credit card acceptance fees could double to nearly \$75,000 annually.

During discussions with Council in January, staff proposed that a charge of 2.5% be applied as a convenience fee for online payments and also an in-person service fee to customers making credit card payments for permits related to planning and right-of-way, system development fees, nuisance, zoning, fireworks permits, and municipal court. All other credit card transaction fees would continue to be absorbed by the city such as payments for utility bills, aquatic center admissions and related charges, pet tags, donations, etc.

The updated resolution is provided by adding section D related to establishing a Convenience Fee for certain online credit card payments and section E related to establishing a Service Fee for certain in-person payments. An outline of the types of payments that would be charged a fee are included in the attached Finance Department Policy: Credit Cards Accepted, Convenience Fees, and Service Fees.

Motion by Leaton, seconded by Eckert, to approve Resolution No. 2020-02. Motion carried 5-0-0.

6. Consider Approval of New Merchant Accounts with Open Edge

An agreement with Open Edge as the electronic payment processor was approved by the City Council in December 2018. In order to charge convenience and service fees to only certain types of payments, separate payment processing accounts are necessary with Open Edge. The two additional accounts are proposed to separate convenience fee charges for certain online payments and to separate service fee charges for certain in-person (retail) payments.

The terms and conditions previously approved under existing accounts with Open Edge remain in place for these two new accounts. There are monthly charges for each account the city maintains with Open Edge. The monthly fees for these two accounts will be charged to the general fund as they are related to general services of the city.

Staff recommended that the Council authorize the Mayor to execute the documents related to the addition of two new Merchant Additional Location applications.

Motion by Leaton, seconded by Eckert, to approve the agreement with Open Edge as stated. Motion carried 5-0-0.

EXECUTIVE SESSION

Motion by Leaton, seconded by Eckert, to recess into Executive Session for 15 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 9:10p.m. with the executive session to begin at 9:25p.m.

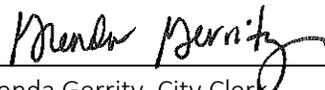
Mayor Ellis had to leave the meeting before the executive session started; therefore, he did not attend.

President Owen reconvened the meeting at 9:40p.m. with everyone present, except Mayor Ellis.

ADJOURN

Motion by Leaton, seconded by Hughes, to adjourn.

The meeting adjourned at 9:41p.m.


Glenda Gerrity, City Clerk

Approved by the Governing Body on March 26, 2020.