

City of Spring Hill, Kansas
Minutes of City Council Regular Session
March 25, 2021

A Regular Session of the City Council was held in the Spring Hill Civic Center, 401 N. Madison, Council Chambers, Spring Hill, Kansas on March 25, 2021. 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

Councilmembers absent: Andrea Hughes

Staff in attendance: Jim Hendershot, City Administrator
 Monakisha Jones, HR Manager
 Cindy Henson, Chief of Police
 Patrick Burton, Community Development Director
 David Hogue, Captain
 Antwone Smoot, I.T. Operations Associate

Consultants in attendance: Frank Jenkins, City Attorney
 Dan Miller, City Engineer

INVOCATION

The invocation was given by Councilman 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

It was moved by Leaton, seconded by Eckert, to approve the agenda as presented.

Motion carried 4-0-0.

CITIZEN PARTICIPATION

The following individuals made public comment:

- Steve Boswell, 504 N. Jackson, spoke about concerns of citizens of Spring Hill and reply to vendetta.
- Brett Holle, (21093 Millridge), spoke about a petition of grievance and attorney client privilege regarding his tow dispute. The Mayor directed staff to schedule a meeting with Mr. Holle for further review.

PRESENTATION

Spring Hill Street Maintenance Program

The City Engineer presented the Spring Hill Pavement Asset Management report. Discussion included the condition, vehicular traffic, and how to prioritize the street repairs. The Mayor requested that this item be placed on the 2nd meeting in April for further discussion regarding the weighting criteria for the street maintenance program.

CONSENT AGENDA

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

- 1. Approval of Minutes: March 11, 2021**
- 2. Appropriation Order 2021-03-25**

Motion carried 4-0-0.

FORMAL COUNCIL ACTION

3. Board Appointments

The Mayor recommended the following slate of appointments:

Cemetery Board

- Re-appointment of Larry Sumner and Christine Hecke for terms expiring in February 2024.
- New Appointment of Polly Mahoney to a vacancy resulting from Helen Hecke's resignation to a term expiring in February 2023.

Parks Board

- New Appointment of Katie Sparks for a term expiring in February 2024.
- Re-appointment of Tommy Holland for a term expiring in February 2024.

It was moved by Leaton, seconded by Eckert, to approve the appointments as stated.

Motion carried 4-0-0.

4. Consider Approval of Reimbursement Agreement: Lone Elm Road, .25 Miles South of 183rd Street to 3,283' South of 183rd Street

It was moved by Leaton, seconded by Eckert, to approve the reimbursement agreement for Lone Elm Road, .25 miles south of 183rd Street to 3,283' south of 183rd Street.

Motion carried 4-0-0.

5. Consider Approval of Change Order: Dayton Creek Benefit District Phase IV, Sixth Plat, R. D. Johnson Excavating Co., LLC

It was moved by Leaton, seconded by Eckert, to approve the Change Order 4 for Dayton Creek Benefit District Phase IV, Sixth Plat with R.D. Johnson Excavating Co., LLC.

Motion carried 4-0-0.

6. Consider Approval of Agreement: Peak Flow Wastewater Lagoon Rehabilitation Project, Lamp Rynearson, Inc.

It was moved by Leaton, seconded by Eckert, to approve the Task Order for peak flow Wastewater Lagoon Rehabilitation Project.

Motion carried 4-0-0.

7. Consider Approval of Contract: Construction Bid for 2019 CARS – 199th and Ridgeview Round-about, Linaweaver Construction, Inc.

It was moved by Leaton, seconded by Owen, to approve the construction bid for 2019 CARS 199th Street and Ridgeview Roundabout from Linaweaver Construction.

Discussion: The Mayor requested that the schedule of this project, along with detour routes, be posted in advance of the start of construction.

Motion carried 4-0-0.

8. Consider Approval of Agreement for Legal Services: Lathrop GPM LLP-Law Firm

It was moved by Leaton, seconded by Eckert, to approve and agreement with Lathrop GPM, LLC law firm for the purpose of providing the defense of City and City Administrator in Johnson County, Kansas District Court Case *City of Olathe, Kansas v. City of Spring Hill and Jim Hendershot, City Administrator*, Case No. 21CV01003.

Motion carried 4-0-0.

9. Consider Acceptance of Bid: Health Insurance

It was moved by Leaton, seconded by Eckert, to approve CBIZ as the firm to provide brokerage, administration, and consulting services health insurance and approving the rates for the 2021-2022 plan year.

Discussion: Discussion included looking at other options for health insurance, including a cafeteria style plan.

Motion carried 4-0-0.

10. Consider Acceptance of Bid: Liability Insurance

It was moved by Leaton, seconded by Eckert, to table this item, subject to call.

Motion carried 4-0-0.

DISCUSSION

11. Aquatic Center Re-Opening Plan

The City Administrator reviewed the options for the Aquatic Center Re-Opening Plan. It was the consensus of the City Council to approve Option 3 and allow staff the flexibility to accommodate the needs of the customer.

12. Shared Leave Policy

The City Administrator presented the suggested changes to the Shared Leave Policy. It was the consensus of the City Council to add “Emergency Declaration of the Governing Body” and change the policy to be administered by the City Administrator, who will have the flexibility to implement the policy. The City Administrator will present the final policy at a future meeting.

EXECUTIVE SESSION(S)

EXECUTIVE SESSION No. 1 - Attorney-Client Exception

The Mayor stated that he anticipates formal action following the executive session.

Motion by Leaton, seconded by Eckert, to recess into Executive Session for 10 minutes to discuss settlement agreement of pending claim 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 8:55p.m.

Motion carried 4-0-0.

Motion amended by Leaton, as amended seconded by Eckert, Persons to be in attendance are the following: Jim Hendershot, City Administrator, Chuck Dunlay, Special Counsel, Frank H. Jenkins, Jr., City Attorney and Monakisha Jones, HR Manager.

Amended Motion carried 4-0-0.

The meeting recessed at 8:50p.m.

The meeting reconvened at 9:00p.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.

ACTION:

Motion by Leaton, seconded by Owen, authorize, and direct the Mayor to execute the Settlement and Release Agreement between the City and David Brown as submitted to the Governing Body on March 25, 2021 in substantially the form as presented to the Governing Body with any changes therein as the Mayor shall approve; further authorizing and directing the City Clerk and any other appropriate City officials to execute the necessary documents to implement the terms and condition of the Agreement.

Motion carried 4-0-0.

EXECUTIVE SESSION No. 2 - Attorney-Client Exception

Motion by Leaton, seconded by Eckert, to recess into Executive Session for 15 minutes to discuss employee performance 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 9:17p.m. Persons to be in attendance are the following: Jim Hendershot, City Administrator, Chuck Dunlay, Special Counsel, and Frank H. Jenkins, Jr., City Attorney.

Motion carried 4-0-0.

The meeting recessed at 9:02p.m.

The meeting reconvened at 9:17p.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 and entertained a motion.

ACTION:

Motion by Leaton, seconded by Owen, authorize, and direct the Mayor to execute a Separation and Release Agreement subject to negotiation of terms consistent with the consensus of the City Council and with the general terms of the conditions.

Motion carried 4-0-0.

EXECUTIVE SESSION No. 3 - Attorney-Client Exception

The Mayor stated that no formal action is anticipated.

Motion by Leaton, seconded by Eckert, to recess into Executive Session for 5 minutes to discuss pending litigation 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 9:26p.m. Persons to be in attendance are the following: Jim Hendershot, City Administrator, ~~Patrick Burton, Community Development Director~~, and Frank H. Jenkins, Jr., City Attorney. (Mr. Burton left the meeting and was not available to attend)

Motion carried 4-0-0.

The meeting recessed at 9:21p.m.

The meeting reconvened at 9:26p.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. **Motion carried 4-0-0.**

The meeting adjourned at 9:27p.m.

/s/ Glenda Gerrity
Glenda Gerrity, City Clerk

Approved by the Governing Body on April 8, 2021.