

Temporary changes due to COVID-19. — Attendance at meetings was limited to 10 individuals including Governing Body and staff. Staff waited in the hallway, outside of Council Chambers, in case the Governing had questions. Public comments, for agenda items only, must be submitted in writing by noon on the day of the meeting to cityclerk@springhillks.gov. There were no comments received. Public access to the meeting was available via phone or by a link that was provided at the City of Spring Hill website www.springhillks.gov.

**City of Spring Hill, Kansas
Minutes of City Council Regular Session
April 9, 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 April 9, 2020. The meeting convened at 7:01p.m. with Mayor Ellis presiding and Glenda Gerrity, City Clerk, recording.

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

Staff in attendance: Jim Hendershot, City Administrator
 Antwone Smoot, IT Operations Associate
 Cindy Henson, Chief of Police (waited in hallway)
 Patrick Burton, Community Development Director (waited in hallway)

Consultants in attendance: Frank Jenkins, City Attorney
 Dan Miller, City Engineer (waited in hallway)

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

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

CONSENT AGENDA

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

1. **Approval of Minutes: March 26, 2020, Regular Meeting**
2. **Appropriation Order 2020-04-26**
3. **Consider Approval of Special Event Permit: Let Your Light Shine 5K**

Motion carried 5-0-0.

FORMAL COUNCIL ACTION

4. **Consider Resolution: Developer Funding Agreement, Dayton Creek SBD4, Plat 6**

The City Administrator presented the Resolution and Developer Funding Agreement for Dayton Creek Special Benefit District 4, Sixth Plat. Construction bids were submitted for Dayton Creek Special Benefit District #4. The total project cost which can be supported by the benefit district financing is \$2,180,000.00. This includes hard construction costs of approximately \$1,760,000 and other costs (related to engineering, financing, administration, and temporary note interest) of approximately \$420,000. The developer, PV Investments, has agreed to be financially responsible for and to reimburse the City for all construction costs in excess of the hard construction costs which can be paid supported by the benefit district financing.

On March 12, 2020 sealed bids were submitted to and evaluated by the City Engineer with the bid amounts determined to be in excess of the Project Costs.

Estimated Project Costs \$2,180,000.00

Low Bid \$2,412,412.00 (*Amount corrected in Item 5. Should read \$2,414,788.00*)

Based on the developer's agreement referenced above, and based on current estimates of temporary note interest during construction, the developer will be responsible for the difference between the \$2,412,412(*Should read \$2,414,788.00*) low bid amount and the approximately \$1,760,000 of construction costs that can be paid by the benefit district. The developer will therefore be responsible for approximately \$655,000 in construction costs which cannot be included in the benefit district.

The proposed Funding Agreement has been reviewed by city staff, the developer and legal representation.

The Agreement provides that once the infrastructure improvements are 75% complete, the Developer shall make an initial deposit of Three Hundred Thousand Dollars (\$300,000), ("Deposit"), which shall be held by the City in escrow and used for funding completion of construction. If the City determines the Deposit is insufficient to fully fund completion of construction, the Developer shall deposit additional funds with the City that are necessary to fully fund construction. The Agreement also provides protection from default and remedies by allowing the City to take any action allowed by law or equity to enforce its rights.

Staff recommended approval of the Resolution, including the Funding Agreement for the Dayton Creek Benefit District 4 Plat 6.

Motion by Leaton, seconded by Eckert, to approve Resolution 2020-R-04.

Motion carried 5-0-0.

5. Consider Award of Bid: Dayton Creek SBD4, Plat 6 Construction

Mr. Dan Miller, City Engineer, noted that the low bid amount that was mentioned in Item 4 should be corrected to \$2,414,788.00.

Bids were received for the above referenced project on Thursday, March 12, 2020. A total of four bids were received. The bids were well distributed between the low and high bids, with three of the bids below the Engineer's Estimate. The low bid was submitted by R. D. Johnson Excavating, of Lawrence KS, with a corrected bid of \$2,414,788.00. The engineers estimate for the project was \$2,872,934.00. R.D. Johnson provided a list of similar projects and a listing of proposed subcontractors and major suppliers, attached. Also attached is the completed detailed bid tabulation. R.D. Johnson proposes to exceed the contract minimum self-performance requirement of 30% by performing approximately 70% of the work.

The construction contract for Dayton Creek Benefit District Sixth Plat was bid on Thursday, March 12, 2020. The low bid was submitted by R. D. Johnson Excavating, of Lawrence KS, with a corrected bid of \$2,414,788.00. The engineers estimate for the project was \$2,872,934.00.

The construction contract for the project has been reviewed by the city attorney. This recommendation is being presented in accordance with Section 3 of the Spring Hill Purchasing Policy. The construction is being funded by the benefit district and PV Investments.

Staff recommended that the governing body accept the bid received from R. D. Johnson Excavating for the Dayton Creek Benefit District 6th Plat project in the amount of \$2,414,788.00. If approved, staff will prepare construction documents for consideration at the next City Council meeting.

Motion by Leaton, seconded by Owen, to approve the award of bid for Dayton Creek Benefit District 6th Plat construction to R.D. Johnson Excavating.

Motion carried 5-0-0.

6. Consider Charter Ordinance: Exempting the City from the Kansas Pawnbroker and Precious Metal Dealers Act

The City Attorney presented the Charter Ordinance exempting the City from the Kansas Pawnbrokers and Precious Metal Dealers Act (K.S.A. 16-706 et seq.) for the purpose of subsequently adopting a regular ordinance on the same subject matter including substitute provisions to apply specifically to Spring Hill.

At the present time, the City does not have pawnbrokers and precious metal businesses within its corporate limits. In the event the City would receive an application for these businesses, it is the recommendation of the City that the Governing Body consider adoption of regulations that would apply to the licensing of these businesses.

In conjunction with this issue, the Planning Commission conducted a hearing on March 5, 2020 and recommended to the Governing Body to amend its Spring Hill Uniform Zoning Ordinance to include pawnbrokers and precious metal dealer businesses as permitted commercial uses within M-1 Districts.

The Kansas Pawnbrokers and Precious Metal Dealers Act (K.S.A. 16-706 et seq.) does contain regulations that require any person who desires to operate a pawnbroker or precious metal business, to obtain a license approved by the Governing Body. To properly administer and regulate the licensing process, it is recommended that the City consider adopting an ordinance that follows the state statute but also would include additional provisions that would be intended to address specific concerns of Spring Hill. Many other municipalities have utilized this approach.

To accomplish this objective, the following is the two-step process:

1. Charter Ordinance. The City would adopt a Charter Ordinance that exempts the City from the Kansas Pawnbrokers and Precious Metal Dealers Act. A Charter Ordinance is different from a regular ordinance in the following ways:
 - A. Ordinance is to be approved by a two-thirds vote of the Governing Body which includes the Mayor.
 - B. Ordinance is published twice.
 - C. Ordinance does not become effective until 61 days after the last publication date.
 - D. Ordinance is subject to the filing of a referendum protest petition. If the petition is sufficient, the ordinance will only become effective upon approval by a majority of the electors.
2. Regular Ordinance. During the 61-day waiting period, City Staff would prepare and present a regular ordinance for consideration to the Governing Body that would contain substitute or additional provisions different from the Pawnbrokers and Precious Metal Dealers Act.

Staff recommended adoption of the Charter Ordinance.

Motion by Leaton, seconded by Eckert, to approve Charter Ordinance No. 38.

Motion carried by roll of the Governing Body 6-0-0; Owen-aye, Graves-aye, Hughes-aye, Leaton-aye, Eckert-aye, Mayor Ellis-aye.

ADJOURN

Motion by Leaton, seconded by Eckert, to adjourn. Motion carried 5-0-0.

The meeting adjourned at 7:30p.m.

/s/ Glenda Gerrity
Glenda Gerrity, City Clerk

Approved by the Governing Body on April 23, 2020.