

City of Spring Hill, Kansas
Minutes of City Council Regular Session
May 9, 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 May 9, 2019. The meeting convened at 7:00p.m. with Mayor Ellis presiding and Glenda Gerrity, City Clerk, recording.

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

Councilmember absent: Chris Leaton

Staff in attendance: Jim Hendershot, City Administrator
 Melanie Landis, Asst. City Administrator
 Jose Leon, Asst. City Administrator
 Cindy Henson, Chief of Police

Consultants in attendance: Frank Jenkins, City Attorney
 Tyler Ellsworth, Bond Counsel
 John Brann, Ponzer-Younquist

INVOCATION

The invocation was given by Pastor Joel Atwell, Grace Community 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

The Mayor stated that there is a typo in Item 8. It should read Phase II, not Phase I. The Mayor requested to move Item 3. to Formal Action, Delete Item 5. and Delete Executive Session for Attorney-Client exception.

Motion by Pittman, seconded by Eckert, to approve the agenda as revised. Motion carried 4-0-0.

CITIZEN PARTICIPATION

Mr. Roy Riffel, 20024 Barker Street, addressed the Governing Body about an incident that happened at his residence and neighborhood regarding a solicitor. He reported that an individual rang the doorbell and his RING camera showed that the individual peeked in the window, and then stole the package that was on his doorstep. Mr. Riffel was out of town during the incident and called the Spring Hill Police Department, who was then connected to the Johnson County Sheriff's Department. He was concerned that the individual was ticketed and then released. He challenged the City to review the soliciting laws and look at funding to add additional officers. He also complimented the Spring Hill Police Department and their action in responding to the incident. The Mayor reported that the individual was apprehended and processed through the Johnson County jail. The individual posted bond and was released. The Mayor requested Chief Henson to follow-up with Johnson County dispatch to ensure that residents receive the correct information and reported that additional officers will be a topic during the walk and talk program.

CITIZEN PARTICIPATION

Carrie Fisher, 704 W. Spring St, stated that she has experienced problems with solicitors in the past and requested that the City consider the option of licensing solicitors. The Mayor stated that City staff is currently researching that option and thanked Ms. Fisher for her comments.

CITIZEN PARTICIPATION

Bill Peterman, 19431 W. 200th Street, stated that the Spring Hill Police Department did a wonderful on how they handled the incident regarding the solicitors previously discussed. Mr. Peterman asked if a "no soliciting" sign could be installed at the entrance to the subdivision. The City Administrator confirmed that a sign could be installed and suggested that the developer contact staff for further information. Mr. Hendershot also stated that "no soliciting" door signs are available at City Hall.

CITIZEN PARTICIPATION

Steve Boswell, 504 N. Jackson, addressed the Governing Body about codes enforcement and the code that specifically requires him to start his vehicles for the City. The Mayor directed the City Attorney to work with City staff for a full assessment of the happenings regarding this property.

PUBLIC HEARING - Levying Assessments for Dayton Creek Phase I Special Benefit District

Assistant City Administrator Landis explained the process of a benefit district including the options of paying the assessment principal in full or payable over 20 years, including interest.

Ms. Landis reported that the public hearing notices for Dayton Creek Phase I and Phase II were published in the April 24, 2019 edition of the Miami County Republic. Each parcel owner was notified via letter of the public hearing and a statement of the cost proposed to be assessed.

Ms. Landis reported that the Benefit District for Dayton Creek, Phase I, is \$1.6M, which includes 47 lots with an assessment of \$34,042.55 in principal for each lot.

Ms. Landis reported that the Benefit District for Dayton Creek, Phase II, is \$2,077,660, which includes 61 lots with an assessment of \$34,060.00 in principal for each lot.

Ms. Landis added that both benefit districts will be bonded together for a cost savings. Any amount not prepaid will then be financed with general obligation bonds and paid through annual installments by the owners of each property. The assessments will appear on their November 2019 tax statement from Johnson County.

At 7:34p.m., the Mayor opened the public hearing for Dayton Creek, Phase I Special Benefit District and asked Mr. Kevin Voeller, 21313 W. 190th Terrace, who was present for the hearing, if he had any questions. Mr. Voeller stated that Ms. Landis answered his questions during the explanation of a benefit district and wanted to confirm that this was the only assessment and not an additional assessment.

With no further comments, the Mayor closed the public hearing at 7:35p.m.

PUBLIC HEARING - Levying Assessments for Dayton Creek Phase II Special Benefit District

Mayor Ellis opened the hearing for Dayton Creek, Phase II Special Benefit District. With no public comments, the Mayor closed the public hearing.

PUBLIC HEARING – 2020 Community Development Block Grant (CDBG)

The Mayor opened the public hearing for the 2020 Community Development Block Grant.

Assistant City Administrator Leon reported that the public hearing notice for CDBG funds was published in the Miami County Republic on April 17, 2019. The funds requested are for sanitary sewer relining and manhole rehabilitation.

Carrie Fisher, 701 W. Spring St, asked for clarification of the CDBG program. The Mayor explained that this is a Housing Urban and Development grant program administered through Johnson County. Municipalities in Johnson County can apply for CDBG funds for projects in the areas of the community that meet certain income guidelines. The City is requesting funding for sanitary sewer relining and manhole rehabilitation.

With no further comments, the Mayor closed the public hearing.

CONSENT AGENDA

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

- 1. Approval of Minutes: April 25, 2019**
- 2. Consider Approval of Special Event Permit: Fishing Derby, June 1, 2019, Spring Hill Recreation Commission**
- 4. Consider Approval of Contract: Wastewater Treatment Facility Ultraviolet Disinfection System Replacement, Mega Industries**

Motion carried 4-0-0.

5. Consider Approval of consent to assignment of Springsted Municipal Advisor Agreement to Baker Tilly LLC. and Agreement for Arbitrage Monitoring Services required by Section 148 of the IRS Code

Item was deleted

FORMAL COUNCIL ACTION

3. Consider Approval of Application for Community Development Block Grant (CDBG)

Assistant City Administrator Leon presented the application requesting 2020 CDBG funds for sanitary sewer system rehabilitation. This project would complete 35 manhole rehabilitations and 3,057 linear feet of pipe rehabilitation. The request is \$200,000 in funding toward sanitary sewer system rehabilitation through the CDBG process. Mr. Leon noted that the amount requested of 2020 CDBG funds listed on the application was \$400,000; however, this was a typo and will be corrected to read \$200,000 of CDBG funds.

Staff recommended that the City Council support the application to be submitted to Johnson County through the CDBG process for consideration.

Motion by Eckert, seconded by Pittman, to approve the application as revised. Motion carried 4-0-0.

6. Consideration of Board Appointments: Cemetery Board, Planning Commission and Park Advisory Board

The Mayor reported that he spoke to several residents who applied for nine positions of the various boards, which has been the most competitive application periods the City has ever seen.

During these discussions, the Mayor was able to visit with the applicants about areas where he felt their experience may better benefit the City. The Mayor announced that he will be forming, by Proclamation, an Economic and Business Advisory Roundtable, which will be comprised of a group of residents and business owners to discuss the needs, wants and initiatives to increase economic activity in the City of Spring Hill.

The Mayor recommended the following slate of applicants for consideration:

Planning Commission

- Re-appointment of Janelle Pollom, City Representative (Term to February 2022)
- Re-appointment of Josh Erhart, City Representative (Term to February 2022)
- New member Roger Welsh, Miami County Representative (Term to February 2020)
- New member Mary Dobson, Johnson County Representative (Term to February 2022)

Parks Advisory Board

- New member Derek Buckridge (Term to February 2020)
- Re-appointment of George Eshnaur (Term to February 2022)

Cemetery Board

Re-appointment of Joy Rose (Term to February 2022)

Re-appointment of Susan Crawford (Term to February 2022)

New member Bill Peterman (Term to February 2022)

Motion by Pittman, seconded by Eckert, to appoint to the individuals stated to the individual boards stated. Motion carried 4-0-0.

7. Ordinance No. 2019-08: Levying Assessments for Dayton Creek, Phase I Special Benefit District

Assistant City Administrator Landis presented the ordinance 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, KS (Dayton Creek Phase I Special Benefit District).

This benefit district is funded 100% by special assessments paid by the owners of the property within the district and each lot will be assessed a total \$34,042.55 principal plus interest payable over 20 years. The public hearing was held earlier this evening, May 9, 2019.

Staff recommend approval of Ordinance 2019-08 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, KS (Dayton Creek Phase I Special Benefit District).

Motion by Pittman, seconded by Eckert, to approve Ordinance 2019-08 regarding the levying special assessments for Dayton Creek Phase I Special Benefit District. Motion passed aloud by roll of the City Council 4-0-0 - Eckert-yea, Pittman-yea, Koder-yea, Hughes-yea.

8. Ordinance No. 2019-09: Levying Assessments for Dayton Creek, Phase II Special Benefit District

Assistant City Administrator Landis presented the ordinance levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of certain improvements in the City of Spring Hill, KS (Dayton Creek Phase II Special Benefit District).

This benefit district is funded 100% by special assessments paid by the owners of the property within the district and each lot will be assessed a total \$34,060.00 principal plus interest payable over 20 years. The public hearing was held earlier this evening, May 9, 2019.

Staff recommend approval of Ordinance 2019-09 levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of certain improvements in the City of Spring Hill, KS (Dayton Creek Phase II Special Benefit District).

Motion by Pittman, seconded by Hughes, to approve Ordinance 2019-09 regarding the levying special assessments for Dayton Creek Phase II Special Benefit District. Motion passed aloud by roll of the City Council 4-0-0 - Pittman-yea, Koder-yea, Hughes-yea, Eckert-yea.

9. Resolution No. 2019-R-09: Authorizing Sale of Series 2019B General Obligation bonds

Assistant City Administrator Landis presented the Resolution authorizing the public sale of approximately \$7,690,000 principal amount of general obligation bonds, 2019B, of the City of Spring Hill, Kansas.

The proposed issue includes the following:

- \$3,000,000 principal amount related to the Civic Center Revitalization project;
- \$1,015,000 principal amount related to Veterans Park;
- \$1,595,000 principal amount related to Dayton Creek Phase I Special Benefit District
- \$2,080,000 principal amount related to Dayton Creek Phase II Special Benefit District

Staff recommended approval of Resolution 2019-R-09 authorizing the public sale of approximately \$7,690,000 principal amount of general obligation bonds, 2019B, of the City of Spring Hill, Kansas.

Motion by Pittman, seconded by Eckert, to approve Resolution 2019-R-09 authorizing the sale of Series 2019B, general obligation bonds. Motion carried 4-0-0.

10. Consider Accepting Permanent Utility and Drainage Easements across unplatted property adjacent to Sweetwater Creek III

John Brann, Ponzer-Youngquist Engineers, presented the easements across unplatted property adjacent to Sweetwater Creek III.

As part of the development of Sweetwater Creek III, several of the proposed sanitary sewers and storm sewers will be constructed across unplatted property adjacent to Sweetwater Creek III. These properties are currently owned by Steve Foley Construction Company, Inc., the developer for Sweetwater Creek III and Moley's Real Estate Corporation. As a result, the city will need Permanent Utility and Drainage Easements to allow access to these properties.

The developer, Sweetwater Creek III, at the request of the city, had their engineers develop the permanent utility and permanent drainage easements. The developer and adjacent property owner will be donating the easements to the city. The form of the easement was reviewed and approved by the city attorney's office prior to execution by the developer and adjacent property owner.

Staff recommended the City accept the permanent utility and permanent drainage easements adjacent to Sweetwater Creek III.

Motion by Pittman, seconded by Koder, to accept the permanent utility and permanent drainage easements adjacent to Sweetwater Creek III.

Discussion: Mr. Brann confirmed that there is not a detention basin for this particular phase. Motion carried 4-0-0.

DISCUSSION

11. Review Capital Improvement Program 2020-2024 (CIP)

The City Administrator presented the Capital Improvement Program for years 2020-2024. Discussion included searching for grants for funding opportunities and low interest revolving loans with KDOT. Staff also recommended to alleviate the purchase of the fuel dispensing station and use those funds to install an HVAC system and roof to the outer building at the Civic Center and designs for a sidewalk plan. Inspiration Park was also added to the program to indicate the City's interest in the park.

Mr. Hendershot reported that CIP will be brought back to the Governing Body at the May 23rd meeting for final approval and will go before the Planning Commission on June 6, 2019.

EXECUTIVE SESSION – Acquisition of Real Property

Motion by Pittman, seconded by Eckert, to recess into Executive Session for 15 minutes to discuss anticipated litigation pursuant to the attorney client exception K.S.A. 75-4319 (b) (2) of the Kansas Open Meetings Act. The open meeting will resume in the City Council Chambers at 8:40p.m. Persons to be in attendance are the following: Jim Hendershot, City Administrator, Melanie Landis, Assistant City Administrator, Jose Leon, Assistant City Administrator, Tyler Ellsworth, Bond Counsel, and Frank Jenkins, City Attorney. Motion carried 4-0-0.

The meeting recessed at 8:15p.m. with the executive session to begin at 8:25p.m.

The meeting reconvened at 8:40p.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.

EXECUTIVE SESSION – Attorney Client Privilege

MOTION TO AMEND AGENDA

Motion by Eckert, seconded by Koder, to delete the Executive Session, Attorney Client exception. Motion carried 4-0-0.

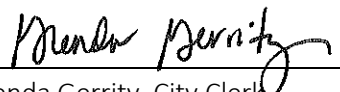
EXECUTIVE SESSION – Attorney Client Privilege

Item was deleted.

ADJOURN

Motion by Pittman, seconded by Koder, to adjourn.

The meeting adjourned at 8:42p.m.


Glenda Gerrity, City Clerk

Approved by the Governing Body on May 23, 2019.