

City of Spring Hill, Kansas
Minutes of City Council Regular Session
May 23, 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 23, 2019. The meeting convened at 7:00p.m. with Mayor Ellis presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance: Chris Leaton via telephone
 Tim Pittman
 Floyd Koder
 Chad Eckert
 Andrea Hughes

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

INVOCATION

The invocation was given by Councilmember Hughes.

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.

STATEMENT REGARDING SPECIAL ASSESSMENTS AT 19500 SOUTH WOODLAND ROAD

The Mayor stated that he would introduce and discuss preliminary findings of the City's analysis on an issue that was brought to the City in April of this year. It was the Mayor's understanding that Mr. Wiswell was present, and he was hoping to have his counsel present tonight to represent him and his family. The Mayor stressed that nothing that we're doing tonight, is any sort of final action. This evening was to talk about the preliminary analysis and what options may be available to help resolve the issue. The Mayor then read aloud the Statement regarding Special Assessments at 19500 South Woodland Road date May 23, 2019.

PUBLIC COMMENTS:

The Mayor opened the floor for any comments from the public.

Tim Wiswell, 8012 NE Flagor Road, Kansas City, Mo, stated that the property is his grandparents and parents farm. He stated that he met with the Mayor and City Administrator in March and presented a resolution

that he believes could help solve this issue. He discussed his research regarding the process of the assessments. He stated that they are not trying to avert their burden; he is asking to find a solution on how to resolve this issue that is fair and reasonable.

Chad Wiswell, 19500 S. Woodland Road, stated that they would've never been here if they didn't want the school there. The property was paid for and there was no benefit to them.

At 7:30pm, there were no further comments; therefore, the Mayor ended this portion of the meeting and declared a recess until 7:45p.m.

At 7:45p.m., the meeting reconvened with everyone present.

APPROVAL OF THE AGENDA

The Mayor requested to move Item 5. Consider Approval of Contract: Broadband Project to formal action.

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

5. Consider Approval of Contract revised to Consideration of distribution of Request for Proposals: Broadband Project

Assistant City Administrator Landis reported that the Broadband Project continues to move forward. Originally the recommendation from the Broadband Task Force was to release a Request for Information (RFI) to gain information from internet service providers (ISP's) who may be interested in offering affordable, high-speed fiber internet to all businesses and residents in Spring Hill.

The Broadband Project has progressed to the point where it is recommended that City staff be authorized to proceed with the preparation of a Request for Proposal (RFP) for Broadband Providers, potentially resulting in a contract for construction or services. Additionally, as part of the process in negotiations with Broadband Providers, it is requested that the Mayor or City Administrator be authorized to enter into Non-Disclosure Agreements (NDA) with the Providers subject to the Kansas Open Records Act (KORA).

The Broadband Task Force met to discuss the change in approach and through discussion have requested to review the Request for Proposal draft document at their regular scheduled meeting in June.

Ms. Landis also stated that the title on the agenda was a bit confusing and reported that it is intended to put in front of you the idea that an RFP going out, results in a contract and any points that come along the way that need to be addressed and need to have the authority to do so.

Staff requested authorization and direction for City staff to proceed with the preparation of an RFP for broadband services within the City; further authorizing and directing the Mayor or City Administrator to enter into Non-Disclosure Agreements (NDA), as needed, with Broadband Providers, subject to the Kansas Open Records Act (KORA).

Motion by Pittman, seconded by Hughes, to approve as stated.

Discussion: Councilmember Hughes, liaison for the Broadband Task Force, stated that the RFP will include setting minimum standards for what the City wants is the focus of the Task force and suggested that the City Council start thinking about what this would entail, including speed requirements.
Motion carried 5-0-0.

CITIZEN PARTICIPATION

There was no citizen participation

FORMAL COUNCIL ACTION

15. Ordinance No. 2019-11: Conditional Use Permit (CU-2019-0001), Concrete Plant, 18875 Webster Street, Bettis Asphalt & Construction

City Administrator Hendershot presented the ordinance for a Conditional Use Permit CUP, CU-2019-0001, for a concrete batch facility located at 18875 Webster Street, Brickyard Business Park, Lot 1.

The applicant, Mr. Rick Eckert with Bettis Asphalt & Construction, Inc., submitted a request for a CUP for a concrete plant that would be in addition to the previously approved CUP for an asphalt plant. The Spring Hill Zoning Ordinance allows for a concrete plant in the "M-1" district with a CUP, as per section 17.330.C.5 (Basic Industry).

The Planning Commission held a public hearing on May 2, 2019. While there were no direct objections to the application, questions were asked concerning traffic and erosion control. After closing the public hearing and discussion, the Planning Commission voted unanimously to recommend approval of the CUP application subject to the following:

- Annual staff review and reporting to the Planning Commission, and
- Continuous maintenance of erosion control BMP identified on the site plan to assure satisfactory condition to perform the intended function

The Planning Commission and staff recommended adopting Ordinance No. 2019-11 approving Conditional Use Permit CU-2019-0001 including the site plan and authorization of any required construction permits, subject to the following conditions:

- Annual staff review and reporting to the Planning Commission, and
- Continuous maintenance of erosion control BMP identified on the site plan to assure satisfactory condition to perform the intended function

Motion by Pittman, seconded by Eckert, to approve Ordinance No. 2019-11 as stated. Motion carried by roll of the Governing Body 6-0-0. Koder-yea, Hughes-yea, Leaton-yea, Eckert-yea, Pittman-yea, Ellis-yea.

16. Consider Acceptance of Bid for Equipment: Big Wheel Loader

Assistant City Administrator Leon stated that during the 2019 budget process, the purchase of a big wheel loader was approved. Bids for the purchase of a big wheel loader were received on April 18, 2019. A 2005 Terex 760B Backhoe will be traded in toward the purchase.

Three bids were received: 1) Central Power Systems and Services in the amount of \$107,161 for a used Doosan 2016 DL-200-5 including an allowance for trade in of \$13,800; 2) Foley Equipment Company in the amount of \$125,916.76 for a new CAT 918M including an allowance for trade in of \$10,000; and 3) Victor L Phillips Co. in the amount of \$121,305 for a new Case 521GXR including an allowance for trade in of \$10,000.

After review of the included warranties, annual depreciation cost and useful life, the recommended purchase is of a new Case 521GXR in the amount of \$121,305 from Victor L Phillips Co., which is the second highest bid.

Staff recommended approval of the purchase of a big wheel loader from Victor L Phillips Co. in the amount of \$121,305.

Motion by Koder, seconded by Pittman, to accept the bid for the Big Wheel Loader. Motion carried 5-0-0.

17. Resolution No. 2019-R-10: Reimbursement Resolution for Purchase of Equipment, Big Wheel Loader

Assistant City Administrator Landis presented the reimbursement resolution for purchase of equipment for the Big Wheel Loader.

When purchasing equipment, leasing is a viable option when cash is not readily available. During the 2019 budget process, it was determined that a used big wheel loader would be financed through a lease purchase; however, through evaluation of equipment needs it was determined that purchase of a new big wheel loader provides increased value and better meets the needs of the City. The proposed resolution would allow the City to purchase the equipment prior to having the lease details complete. The City has used a lease process with local banks the last several years and has had great success with low interest rates and would expect the same to continue with the proposed 2019 process.

Equipment to be funded includes (1) Big Wheel Loader for \$ 121,305.

The resolution was reviewed by Kutak Rock and City Attorney, Frank Jenkins. Principal and interest payments will be paid from the general fund, street department budget.

Staff recommended approval of Resolution 2019-R-10 of intent to finance certain equipment with the issuance of federally tax-exempt debt.

Motion by Pittman, seconded by Koder, to approve Resolution No. 2019-R-10. Motion carried 5-0-0.

DISCUSSION

18. Review Capital Improvement Program 2020-2024

The City Administrator presented the revised 2020-2024 Capital Improvement Program and stated that the primary difference moves 10K of the development of the sidewalk maintenance plan, to 2019 rather than 2020.

Councilman Pittman voiced his concerns of the condition of Webster Street and the rehabilitation slated for 2023. Staff responded that they will continue to do spot repair as needed and will continue to monitor the condition of the street.

The draft CIP will be presented to the Planning Commission at their July meeting.

POINT OF ORDER

The City Clerk stated that the Consent Agenda was missed earlier in the meeting; therefore, at this time, the City Council considered the Consent Agenda.

CONSENT AGENDA

Motion by Pittman, seconded by Koder, to approve the Consent Agenda:

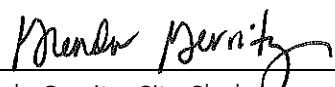
1. Approval of Minutes: May 9, 2019
2. Appropriation Order 2019-05-23
3. Consider Approval of consent to assignment of Springsted Municipal Advisor Agreement to Baker Tilly LLC. and Agreement for Arbitrage Monitoring Services required by Section 148 of the IRS Code
4. Consider Approval of Agreement: Shredding Services, PROSHED Kansas City
6. Consider Approval of Final Plat: FP-02-19 Spring Hill Self-Storage (Attic Storage), 21660 W. 207th Street, Spring Hill Associates
7. Consider Approval of Site Plan: SP-01-19 Spring Hill Self-Storage (Attic Storage), 21660 W. 207th Street, Spring Hill Associates
8. Consider Approval of Commercial Fireworks Retail Sales Permit: FS-2019-0001, Fireworks Mania, LLC, 20650 W. 191st St (NE corner of 191st St. & US 169 Hwy.), Mark Stenberg
9. Consider Approval of Commercial Fireworks Retail Sales Permit: FS-2019-0002, Jakes Fireworks, Inc., 22399 S. Harrison St. (empty lot next to ice station), Karen Spielbusch
10. Consider Approval of Commercial Fireworks Retail Sales Permit: FS-2019-0003, Pyro Papas, 20020 Webster St. (199th & US 169 Hwy), Carol Lang
11. Consider Approval of Commercial Fireworks Retail Sales Permit: FS-2019-0004, Pyro Papas, 18781 S. US 169 Hwy (187th & US 169 Hwy.), Carol Lang
12. Consider Approval of Commercial Fireworks Retail Sales Permit: FS-2019-0005, Eddie's Discount Fireworks, 22200 Webster St. (223rd & Webster), Adam Shay
13. Consider Approval of Commercial Fireworks Retail Sales Permit: FS-2019-0006, Kemp Fireworks, 21936 S. Webster St., Jennifer Kemp
14. Consider Approval of Commercial Fireworks Retail Sales Permit: FS-2019-0007, Dale Shay, 20501 Lone Elm Road (Lone Elm & US 169 Hwy.)

Motion carried 5-0-0.

ADJOURN

Motion by Leaton, seconded by Eckert, to adjourn.

The meeting adjourned at 8:10p.m.


Glenda Gerrity, City Clerk

Approved by the Governing Body on June 13, 2019.