

CITY OF SPRING HILL
CITY COUNCIL MEETING
MINUTES
June 11, 2020
7:00 P.M.

Mayor Steve Ellis

Councilmembers in Attendance: Chris Leaton (via telephone)
Steve Owen
Tyler Graves
Chad Eckert
Andrea Hughes

Staff in Attendance: Jim Hendershot, City Administrator
Melanie Landis, Assistant City Administrator
Glenda Gerrity, City Clerk
Cindy Henson, Chief of Police
Patrick Burton, Community Development Director
Antwone Smoot, I.T. Specialist

Consultants in Attendance: Frank Jenkins, City Attorney

(Spring Hill City Council Meeting Called to Order at 7:03 p.m.)

CALL TO ORDER

MAYOR ELLIS: Very good. It is 7:03 p.m. on June 11, 2020. For those of you listening online, this is the regularly scheduled meeting of the Governing Body of the City of Spring Hill, Kansas. For those of you in the audience, welcome back. We are delighted to be open.

Prior to moving through to our agenda today, I do have a statement that I would like to read. Undoubtedly, 2020 has brought with it a set of challenges unlike anything most of us have ever experienced. What began as a promising new decade quickly developed into one of fear and trepidation. The COVID-19 pandemic devastated our economy and sent over 40 million Americans to the unemployment line, caused businesses to fail, and likely has countless additional impacts hiding behind a tsunami of uncertainty.

Most recently, we have seen unprecedented social unrest across our country due to the actions of seemingly few but ultimately of many. Allegations of widespread unprecedented and uncontrolled use of deadly force have again captured headlines. The recent death of George Floyd is one in a long line of deaths at the hands of police. The issue of the unlawful use of force among police officers and, in particular, the unlawful use of deadly force transcends racial lines, but seldom transcends economic ones. The minimalization of human beings, based on a variety of factors from skin color to education to ranking in the social strata seems to be a more broadly accepted norm when it should instead be the cause of outrage and demand for systemic change.

Now, however, is not the time for platitudes. It is time for action, review, modification, and implementation. Earlier this week, I met with our own Chief Henson to express my ongoing support of our police officers and their efforts. We are blessed in many ways as a community, not the least of which is to have dedicated, motivated, and caring employees who are willing to sacrifice for their community with some willing to make the ultimate sacrifice.

We have been hearing calls across the nation to defund police, demilitarize, increase oversight, modify policies, or take other action that may actually result in putting officers' lives at risk instead of ferreting out those officers who should have never been given a badge to begin with. We also must ensure that we're fostering an environment that doesn't just encourage calling out of improper behavior but demands it. One that views intervention and reporting of unlawful actions as supporting the thin blue line not crossing it.

I wholly and completely support the police officers of the City of Spring Hill, Kansas and our surrounding agencies. The efforts of Chief Henson and her team have helped to bring officers closer to their community, increased pride in the department, and helped to develop a strong bond between officer and citizen. Chief Henson will address her efforts later in staff reports, so I hope you will still be here when she does. I am proud of her work. I am proud of our officers. And I am proud to have once been a member of the law enforcement community.

INVOCATION

MAYOR ELLIS: Those of you who wish to join us in prayer, we are delighted to welcome Pastor Michael Brown of the Spring Hill Methodist Church. Pastor, you have the floor.

PASTOR BROWN: Please adopt a solemn attitude as I pray. Dear wise Father, we wish to thank You for the many blessings You have bestowed upon this City. We thank You for the freedom to meet together and make decisions in our community. We ask Your blessing upon those who safeguard that freedom. There is great responsibility on all those in this room. And, therefore, I pray for our Mayor, various City officials and staff, and this assembled Council. May You grant these people tonight the wisdom to govern Your people. A sense of the true needs of the citizens, a keen thirst for justice and righteousness, the grace together within honest disagreement, and a personal peace in their lives and a joy in their task. Please grant these things particularly tonight. In true thanksgiving and expectation, we pray. Amen.

PLEDGE OF ALLEGIANCE

MAYOR ELLIS: And continue standing for the Pledge.

(Pledge of Allegiance)

ROLL CALL

MAYOR ELLIS: Madam Clerk, would you call the roll, please?

MS. GERRITY: Mr. Leaton.

MR. LEATON: Here.

MS. GERRITY: Mr. Owen.

MR. OWEN: Here.

MS. GERRITY: Mr. Graves.

MR. GRAVES: Here.

MS. GERRITY: Mr. Eckert.

MR. ECKERT: Here.

MS. GERRITY: Mrs. Hughes.

MS. HUGHES: Here.

MS. GERRITY: Mayor, we do have a quorum present.

MAYOR ELLIS: Thank you very much.

APPROVAL OF AGENDA

MAYOR ELLIS: Next item is Approval of the Agenda. I have no requested staff addition or deletions. Are there any recommended or requested changes from the Council? Hearing none, I would entertain a motion to approve the agenda.

MR. ECKERT: So moved.

MR. OWEN: Second.

MAYOR ELLIS: We have a motion and a second. All those in favor?

COUNCILMEMBERS: Aye.

MAYOR ELLIS: Motion carries 5-0-0.

[Therefore, the motion was made by Councilmember Eckert and seconded by Councilmember Owen to approve the Agenda as presented. The motion carried 5-0-0.]

CITIZEN PARTICIPATION

MAYOR ELLIS: This takes us to Citizen Participation. This is an opportunity in the meeting for citizens to address the Council on items not already on the agenda. Anyone wishing to do so, we just ask that you step up to the lectern, state your name and address for the record, and then you will have the Council's attention.

We have four people who have signed up beginning first with Bill Peterman. Mr. Peterman, you have the floor.

MR. PETERMAN: Thank you very much. I just want to -- oh. Bill Peterman. 19431 West 200th Street. Saturday, they opened the pool in my subdivision. My granddaughter wanted to go to the pool, so we went to the pool. While we was there about 2:15 in the afternoon gunfire started to take place. I do know that that is county and not city. But I have seen in different towns that they have a buffer zone around the town that you can't discharge a firearm. I think it's like a half a mile in Salina. But my question is, they're shooting guns 100 yards from a playground and a swimming pool. That don't sound right to me. It's not a built-up gun range. It's not got a buffer zone, dirt piles or anything like that. I just wanted to let everybody know in case something does happen so I don't want to be saying I told you so, but I'm hoping that something can be done.

MAYOR ELLIS: Mr. Peterman, you may recall three or four meetings ago, I had conveyed information to Mr. Klika, our County Commissioner, requesting that the county codes change to create that very buffer zone. Mr. Klika and I are meeting in the next two weeks. I believe it's a week after next to discuss that among a couple of other subjects. It was his hope to have changes to the county code by the end of the year.

MR. PETERMAN: I appreciate it.

MAYOR ELLIS: Yes, sir.

MR. PETERMAN: It is scary.

MR. MAYOR ELLIS: Thank you very much. Mr. Riffel.

MR. RIFFEL: Bill, this wasn't yours, was it?

MR. PETERMAN: No, not mine.

MR. RIFFEL: Okay. Roy Riffel, 20024 Barker Street. One thing before I get into my main subject though, one thing I wanted to share for those of you who aren't on social media is how much presence our Spring Hill Police force has had on social media in a very positive way. And being a 12-year resident of Spring Hill, every so often you did see a police officer playing basketball or hanging out with the kids and that's really neat. And with everything that the Mayor was talking about earlier that's going on in our world today, I hate to feel that Spring Hill lives in a bubble, but we all know bubbles can be penetrated very easily. And so, I really just wanted to express my appreciation for our Spring Hill Police force and the leadership of Chief Henson. I've seen the stuff on media where they're having a water gun fight with the kids and playing baseball and playing volleyball and playing basketball. My daughters, in particular, when they were driving their little hot wheel cars, whatever you call them, battery-powered thing, we're walking to the get mail and cop thought it would be funny to act like he was pulling over the ten-year old and the two year-old and allowed for a picture, and I thought that was so neat. And then not a week later there is a different cop as we're all with our neighbors and he stops and he's giving out all these little - I call them stress balls, of cops and giving them all to the kids and playing with them for a few minutes. And I apologize, I don't know those officers' names, but not a week later here comes Jason Able and he steps out and is talking to the kids and giving them all stickers and things

like that. And then lastly, or second to last, Sgt. Wipf, I think is what his name is, my daughter was out -- we just got home and she's out close to the street and she waves at him and he flips around. And I thought for sure I was going to get a lecture on how close my kid was to the street. And instead, he pulled over, had all these stuffed animals and allowed her to choose a stuffed animal which made her day. And then we had another sergeant, a woman, who just -- we were all standing in a driveway and she stops just to talk to us about current events and our thoughts of what the police department needs to do. And I tell you it's just really neat building that kind of a rapport with our police, seeing that on social media, showing that we do have a strong relationship with our police officers here in Spring Hill regardless of race or income or demographic or what have you. So, my hat is off to Chief Henson and her team and I appreciate that. And I hope that continues to go with our police officers.

Going into my next thing, I wanted to talk a little bit about an email I sent you all on May 27th about a conversation of RG Fiber. And again, I want to reiterate because this has been asked, I have zero affiliation with RG Fiber. I don't work for them. I have no agreement with them. If they do come into my neighborhood, I more than likely, one, I think it would be last because I do have one gig, but it's a little bit more expensive than the low deal I was able to work out. But I had been asking for the conversations between RG Fiber and the City. And I really appreciate Ms. Landis volunteering that information. She stated that there had been through previous discussions several references to previous discussions with RG Fiber, especially in the very early stages of the process. I will work with Mr. Hendershot to put something together, and I would be happy to let you know what all of those conversations were with RG Fiber so that there won't be future questions.

And not a few days after that our world got turned upside down, and I get that. This City was preparing for something that they've never had to prepare for. And so, I gave a lot of grace on when that would be coming out because I understood that Ms. Landis and Mr. Hendershot definitely had a lot on their plate. But my disappointment started to come in though when 45 days later I send an email to Council President Steve Owen asking if he knew where it was. I thought maybe it had already been published and he very quickly sent that to Mr. Hendershot where we waited a week for a response. And that response only came because I sent another email asking if there was a response that I missed. And Mr. Hendershot replied back that something to the effect of he did have some things on his plate, I totally understand that, but would get it out as soon as possible. And then a week later we hadn't received anything, so I asked again where we were at on that, copying Steve, copying Jim, and never heard anything back on that. And then May 19th, sent another email asking where we were at because it had been several weeks and still no response. And as you recall in that email that I sent you all, I then stated that it had been 76 days since then.

And I was really disappointed in the fact that it took an email to all of you all, and out of respect for Mr. Hendershot, I copied him on that. I don't believe when you have an issue with an individual to not let them know you're bringing that forward. But I was very disappointed in how long that that took. I was also very disappointed in the fact that one of our own elected officials, our Council President Steve Owen, would send an e-mail and it not be returned. And I get it on a resident. I don't get it, but I understand it a little bit more than an elected official that sits up there with you guys. And I thought that was a complete disrespect to our elected officials trying to get things done or get answers for a resident.

And I do really appreciate that Steve Owen and Chad Eckert did reach out to me with an acknowledgement of that email. But I was also then just a little disappointed to that it was a -- I had to push to get that public. The document does mention my name on it because I have been the one really pushing wanting to know those conversations. But at the same time, I know there have been other people up here that have asked.

And when Ms. Landis made that comment it was that we would get all conversations out so there would be no further questions. And I was very disappointed when at first the response was that people would have to KORA request that in order to get it. And I thought that was a little absurd because I had a glass block here and a brick here and I talked about transparency. And a resident only knows to KORA request it if they know there is a document to KORA request.

And again, I remind you it was City staff that volunteered to do that information. I do appreciate that it is on the website today for people to see.

I do have just two quick questions of it and then I'll let you guys go. Or I'll go, you guys are obviously going to stay. But is there anything on this list that is to your guys' knowledge omitted between the City and RG Fiber and their discussions?

MAYOR ELLIS: That wasn't a part. If you're talking about anything related to the RFP that was not anything that I was a part of.

MR. RIFFEL: I believe what Ms. Landis stated was is that she would work with Mr. Hendershot to put something together and I'd be happy to let you know what all of those conversations with RG Fiber were so there won't be any future questions. So, that's my question, is did that get done in this work? Is there all those conversations in that work?

MAYOR ELLIS: That would have to go back to Ms. Landis. If she was involved in all of the conversations, she would know. I don't believe any of the rest of us would have been involved in all of the conversation or have knowledge of that. Ms. Landis.

MS. LANDIS: Yeah. I had documented in the -- we documented in the document who was involved in the conversations on the side. And those are the conversations that the team that was handling the RFP process were involved in with RG Fiber. It was my impression that that was the question, what were conversations. And so, from the beginning and when we started the Broadband Task Force to the point when we worked through the RFP process that's what we attempted to put in that document.

MR. RIFFEL: Okay. Thank you. And I appreciate that. Was there a particular reason, I notice in here somewhere it states, "From this point forward, all conversations with RG Fiber about internet service were between the Mayor and Community Development Director Pat Burton outside of the RFP review process." Was there a particular reason why those conversations weren't included in there?

MAYOR ELLIS: She wasn't a part of those conversations. That was strictly between myself and Mr. Burton and Mr. Bosch.

MR. RIFFEL: Okay. That is all I had. I do appreciate that work being done. I realize that probably wasn't a five-minute ordeal, so I do appreciate you getting that done. Thank you.

MAYOR ELLIS: Thank you. Mr. Boswell.

MR. BOSWELL: Steven Boswell, 504 North Jackson. I have a couple things to discuss. Number 1 would be the online presence for the City of Spring Hill is large. And there has been questions of the vote that was passed for golf carts in the City of Spring Hill. People have looked for the minutes on that and they have,

poof, disappeared. Nobody can find anything. It was passed and I was here when it passed as well as several other people. It was also at the same time they did something -- they passed some ordinance with marijuana as well. It was that same City Council meeting. Have not been able to find those minutes and also have not seen any progress as to, you know, if you ask anybody in law enforcement in our community, they still say they are completely illegal when yet we hear the City passed an ordinance to make them legal.

My question on that is what is going on with that. Do you guys have any idea of what happened there?

MAYOR ELLIS: Mr. Jenkins, do you have any recollection of a vote on golf carts? Do you have a timeframe that this occurred?

MR. BOSWELL: This would be in October or November probably, maybe early December. It was one of the weird meetings.

MAYOR ELLIS: Of 2019?

MR. BOSWELL: Yes.

MAYOR ELLIS: Okay. Madam Clerk, Mr. Jenkins?

MS. GERRITY: It was probably the STO.

MAYOR ELLIS: The adoption of the Standard Traffic Ordinance.

MR. JENKINS: Frank Jenkins, City Attorney. My recollection is that we made no change in the law when we adopted the 2019 STO. And I looked at that at one point. And so, there's been no change in the law. I think there was confusion about that. We can go back and clarify that for Mr. Boswell if you'd like.

MAYOR ELLIS: Yes, please.

MR. BOSWELL: My second thing is with the COVID-19, many cities, most cities and towns in this country have been getting -- have had the ability to get some stimulus money to do infrastructure projects. Of course, in order to get that money you have to have a project, set up and ready to go and be able to show them, you know, do all the footwork first off. I know that from what I understand in, I believe it was 2008 when the Obama stimulus package came out, the City did not get any of that money because they had no infrastructure projects ready to go.

I have been constantly complaining about Webster and how bad it is as well as the older part of Spring Hill and how their City streets are literally sliding off into the ditches. And I was wondering -- I was always told that they were in the works. And I was wondering does that mean that you have a plan for them and are you able to capture some of that stimulus money to help build and fix our infrastructure?

MAYOR ELLIS: Mr. Hendershot, I'd like you to address that. I'd also like you to address reimbursements, FEMA reimbursements.

MR. HENDERSHOT: Happy to, Mayor. I've been researching numerous opportunities. The primary focus for governments is to recoup or reimburse for COVID-related expenses. There recently was information come out about grant opportunities for certain specific types of infrastructure. I'm not aware of any that would be applicable to street projects, et cetera. We are very much in that loop with Johnson County. Johnson County and Sedgwick County were granted CARES Act funding of which we will be submitting our application for refund of COVID-related expenses directly to Johnson County. That was set up by the state of Kansas. We have been tracking our COVID-related expenses since day one of this event, since the emergency was first declared, and are well-prepared to participate in that reimbursement program.

MAYOR ELLIS: With regard to shovel-ready projects, I think we're probably closest with 199th and Ridgeview. We've been working on options for Webster for a couple of months. I know Mr. Leaton worked with former Public Works Director Mr. Boyer, but that's not a shovel-ready project yet.

MR. BOSWELL: Okay. And my third --

MAYOR ELLIS: And your third issue?

MR. BOSWELL: Yeah. My third issue is last year around the same time I took Mr. Hendershot and the -- I believe it was Mr. Wempe who is the Codes Enforcement, right across the street from this very building. When they built this building and constructed it, they did a drainage system which goes underground and then pumps out as far as I understand. I mean it -- for layman's terms for me. However, they created a very large problem to all of the people across the street from him. I don't know what the real fix is. I'm not an engineer. But I want to pass this around and tell me if you think this would be acceptable sitting in your front yard. I just scooped this up today on my way in.

MAYOR ELLIS: I'm going to ask that you just hold it up from there, Mr. Boswell.

MR. BOSWELL: You can see the mosquitos, tadpoles, and fleas all jumping around in there, eating each other, doing whatever. I just got this today. It's not rained in almost a week. So, it was pointed out to them and I was assured that it would be taken care of this by this spring. And I understand that COVID has a large role in a lot of things. But when we're sending our citizens to jail over weeds being too tall or messy properties and the City is not being held accountable for the messes they cause; this is not sending the right message to our citizens. And, quite frankly, that's all I have. That's all I'm going to say about that.

The only thing I would like to do is since golf carts were not apparently legalized in the City of Spring Hill, I would like to just put a bug in everybody's ear about the possibility of legalizing golf carts and UTVs for use around town. If you look at Louisburg, Kansas, they have done that. They have a nice specific set of rules to follow and you have to do registration and everything like that. On UTVs you have to carry insurance. From what I've seen and what I've studied, it's very reasonable, and I think it could very easily be done in the City of Spring Hill too.

And after that, I'll just -- and thank you for your time.

MAYOR ELLIS: Thank you, Mr. Boswell. Mr. Bosch.

MR. BOSCH: Good evening, Mayor, Councilmembers, public. My name is Mike Bosch. I'm the founder and CEO of RG Fiber. It's 713 High Street in Baldwin City.

I apologize. First off, I've got my son with me. I'm on dad duty tonight, so I've got other places to be, but I feel compelled to be here mostly because a document was made public on the City's website. And after reading through the document I'm rather frustrated by it. There are some gross inaccuracies, some misrepresentations, and a lot of omissions. And ultimately the false narrative that's being created by these inaccuracies, misrepresentations, and omissions paint myself and my company in a bad light and I am not pleased with that. My ultimate request is that it's removed and fixed. If you want to publish document, then I say publish the full picture.

I want to go through a couple of these. And I want to make it very clear -- I'll go through these. So, it starts off in May 27 that we met with the Broadband Task Force. After the meeting, we discussed our business model. And what made our business model unique is that we invested into a pocket of the community and then allow for that investment to build continuing to expand. That's not what makes us unique. What makes us unique is we are in the first in the country to invent and create an operationalized software driven fiber network creating our software that replaces hardware that made it technically and fiscally able to bring high class, world class, highly reliable networks into small towns, particularly towns less than 40,000 in population. I was one of the founding members on Facebook's telecom infra-project. It was Facebook's vision to reinvent how telecom is deployed across the country. I was hired by Corning Optical Communications as a consultant to fly to other states to meet with other small towns, nine different states, over 40 different cities, to consult with them on how they can deploy small town fiber networks. What makes us unique is not the fact that we invest a little pocket of money, \$3 million in a pocket and just wait and sit around and hoping that it will grow.

Further, on June 27th, it looks like there was a slide deck that I presented, some things to the Broadband Task Force. Things to keep in mind as they're going down this process. I will say that on the May 30th Craw-Kan was the telephone company that was presenting to the task force. They did say in that meeting they were interested in Spring Hill and that they were looking at other communities to expand into. And they told the task force what they would be looking for. So, when I was asked afterwards are you interested in too, and I said, oh, I don't want to talk about that right now because I'm standing right next to competition. So, the next meeting there is no conversation of that afterwards. That's rather interesting.

And then it skips forward all the way to 2019 where I attended a Broadband Task Force meeting yet again. I find it somewhat interesting that there were no conversations of an apartment complex that was sent to me, their floorplans, because they wanted to have internet connectivity and I designed out, including building materials, all the networking specifications, all the paths and routes and I sent it to Mr. Antwone Smoot and shared it and got nothing, nothing back, no response, none whatsoever.

I find it interesting there's no conversation anywhere in here of a meeting I had with you, Ms. Andrea Hughes, after you testified to the State and we met at K&M BBQ and I said, yeah, I'm interested. And you said, well, you should come and just tell the City what do you want, what do you need. And yet you pretend like I was never interested, and you never knew.

MS. HUGHES: I didn't remember [Inaudible].

MR. BOSCH: I'm kind of frustrated by the inaccuracies and the omissions because it paints a picture that we were hiding something, that we were pretending that we weren't interested.

May 21st, they say here that RG Fiber consists of two companies, one performing construction -- no. We're one company. We've been one company for six years. Again, a lot of gross inaccuracies in here. They talk about a Gardner model. I don't even know what you're talking about. There is no Gardner model. What Gardner model are you talking about. I can go on.

But I'm not here to call people out. I'm here to say if you're going to publish documents and create a false narrative that makes an individual look bad or their company look bad, I would ask that you at least make it accurate, factual, truthful. I find it interesting too from this point forward all conversations with the Mayor were outside the RFP. Yes. That was when I met with the Mayor and Mr. Pat Burton and said I've been getting mixed signals for a long time and it's rather frustrating.

And so we kind of go on and on. I don't need to go through all of this. I don't want to go through a legal discovery process. I don't want to get all of my team involved in pulling every document. I don't want to go tit for tat. It says here that I didn't want to do an RFP because it's just a lot of work. No. that's why I don't want to do an RFI. I don't want to do an RFI frankly because it doesn't do anything. I want to put fiber in the ground. Period. End of story. I will work from sunup to sundown seven days a week doing that and that's exactly what I do. I don't write reports for a community to sit on for two years and do nothing.

I'll close with one of the points that I made to the Broadband Task Force back in 2017, and it's actually on the document. The second page. It simply says, "Don't let politics get in the way of a project moving forward." Thank you.

MAYOR ELLIS: Thank you, Mr. Bosch.

(Applause)

CONSENT AGENDA

1. Appropriation Order No. 2020-06-11
2. Consider Approval of Commercial Fireworks Retail Sales Permit: FS-000249-2020, Tim Durkin, 20559 S. Lone Elm Rd (The Bowery/Bull Creek Distillery)

MAYOR ELLIS: All right. The next item is the Consent Agenda.

MR. LEATON: Move to approve the Consent Agenda.

MR. ECKERT: Second.

MAYOR ELLIS: We have a motion and a second. Is there any discussion? If not, all those in favor?

COUNCILMEMBERS: Aye.

MAYOR ELLIS: Motion carries 5-0-0.

[Therefore, the motion was made by Councilmember Leaton and seconded by Councilmember Eckert to approve the Consent Agenda as presented. The motion carried 5-0-0.]

FORMAL COUNCIL ACTION

3. Consider Charter Ordinance Exempting the City from the Provisions of K.S.A. 79-41a04(d) Pertaining to the Local Alcoholic Liquor Funds, Distribution of Moneys

MAYOR ELLIS: This takes us to the first of our Formal Council Action items, consideration of Charter Ordinance No. 39 dealing with local alcohol liquor funds. Mr. Jenkins, you have the floor.

MR. JENKINS: Mayor and members of the Council, you have before you a proposed Charter Ordinance that would exempt the City from the specific statute that enumerates the limited purposes and uses that you can use the alcohol tax money for. This Charter Ordinance, what it'll accomplish is that you'll be able to adopt a regular ordinance which then you can specify in more detail your authorizations.

I presented to you a supplemental agenda item review sheet that gives you a sample of possible changes or expansion or clarification of that authorization that is set out by state statute. This is in review by the City staff. We'll bring that before you at the next City Council meeting.

The history behind the legislation of this is unique in that this statute was adopted in 1979, and since then there has been quite a controversy as to what the cities can or can't use those funds for. There was a legislative task force audit in 1995 that investigated this. They found many jurisdictions, counties and cities in Kansas that were, quote, "in non-compliance with the state statute." Those cities and counties disputed that. That audit recommended that the legislature amend that state statute. That was never done. So, what's happened now is various cities and counties have adopted charter ordinances to enable them to clarify the ambiguities that's in that statute. And this is what this charter ordinance will accomplish. You can sit down and adopt a regular ordinance that will fit your specific needs within the law.

So, my recommendation would be to approve the Charter Ordinance and then we'll bring the regular ordinance to you at a later date.

MAYOR ELLIS: Very good. Mr. Jenkins --

MR. LEATON: The ordinance number, is it 01 for this year?

MAYOR ELLIS: Thirty-nine. They're sequential.

MR. LEATON: They're sequential on these?

MAYOR ELLIS: Yes. Thirty-nine. And, Mr. Owen, you had a question?

MR. OWEN: Just a question. On the income or fees, we get does not change any of that, it just gives us the authority to move it to different places, right?

MR. JENKINS: That's correct, sir.

MR. OWEN: Perfect. That's all I wanted to know.

MAYOR ELLIS: I would entertain a motion to adopt Charter Ordinance 39.

MR. LEATON: Mr. Leaton, yes. Move to approve.

MR. ECKERT: Second.

MAYOR ELLIS: We have a motion and a second. Is there any discussion? If not, it's a Charter Ordinance and we'll vote by roll. Madam Clerk, would you call the roll of the Governing Body, please?

MS. GERRITY: Mr. Graves.

MR. GRAVES: Yes.

MS. GERRITY: Mrs. Hughes.

MS. HUGHES: Yes.

MS. GERRITY: Mr. Leaton.

MS. LEATON: Yes.

MS. GERRITY: Mr. Eckert.

MR. ECKERT: Yes.

MS. GERRITY: Mr. Owen.

MR. OWEN: Yes.

MS. GERRITY: Mayor Ellis.

MAYOR ELLIS: Yes. Ordinance carries 6-0-0.

[Therefore, the motion was made by Councilmember Leaton and seconded by Councilmember Eckert to approve Charter Ordinance No. 39. The motion carried 6-0-0.]

4. Consider Ordinance: Annexation No. A-000022-2020, 20110 Webster Street, Spring Hill, KS

MAYOR ELLIS: The next is consideration of an Annexation Ordinance A-22-2020. This is for property located at or about 20110 Webster. Mr. Burton, you have the floor.

MR. BURTON: Thank you. And good evening, Mayor and Council. This is an Annexation Ordinance 2020. Do you have a --

MAYOR ELLIS: Ordinance 2020-07.

MR. BURTON: I'm sorry. 07, authorizing the annexation of land located in the southwest corner of 207th Street and Webster. Mr. Prieb, Greg Prieb, II, is the owner and he's petitioning to have the property annexed within the City. The address is known as 20110 Webster Street. The owner has signed the petition and consent of annexation. The property is surrounded right now by a City annex property. And Mr. Prieb is the one that is doing the apartment complex. And this will then go in and he's going to do a new preliminary plat and include this property within an entire project.

Staff recommends adoption of the Annexation Ordinance 2020-07.

MR. OWEN: I make a motion that we approve Ordinance 2020-07.

MR. ECKERT: Second.

MAYOR ELLIS: We have a motion and a second. Is there any discussion? If not, it's an ordinance, we'll vote by roll. Madam Clerk, if you would call the roll of the Council, please. Thank you, Mr. Burton.

MS. GERRITY: Mrs. Hughes.

MS. HUGHES: Yes.

MS. GERRITY: Mr. Leaton.

MR. LEATON: Yes.

MS. GERRITY: Mr. Eckert.

MR. ECKERT: Yes.

MS. GERRITY: Mr. Owen.

MR. OWEN: Yes.

MS. GERRITY: Mr. Graves.

MR. GRAVES: Yes.

MAYOR ELLIS: Ordinance carries 5-0-0. This is the continuation of a very exciting project, Mr. Burton. I know the quality of work that Mr. Prieb and his family does. And to be able to bring a product like that to Spring Hill, I think just is demonstrative of the level of commitment that our community, and appetite our community has for continued growth.

MR. BURTON: Thank you.

MAYOR ELLIS: Thank you very much.

[Therefore, the motion was made by Councilmember Owen and seconded by Councilmember Eckert to approve Ordinance No. 2020-07. The motion carried 5-0-0.]

5. Consider Approval of Site Plan: SP-000011-2020 Spring Hill Middle School #3

MAYOR ELLIS: Next item and final formal action item is consideration of approval of site plan. This is Site Plan 11-2020, Spring Hill Middle School #3. Mr. Burton, I'm going to ask that you come up and just go ahead and reintroduce for recap from our last meeting. You can come on up to the lectern, Mr. Burton. Recap from our last meeting there was a lot of discussion surrounding the Planning Commission's recommendation to approve, but with the amendment that turn lanes be included.

MR. BURTON: Along Ridgeview.

MAYOR ELLIS: I'm sorry.

MR. BURTON: Along Ridgeview. Yes.

MAYOR ELLIS: Along Ridgeview. Those turn lanes were going to add about \$450,000 --

MR. BURTON: To a half a million.

MAYOR ELLIS: -- in cost up to a half million. And obviously that can -- that's a lot of money. And it also is a consideration of public safety. What I want to avoid is this being a referendum on anyone's position with regard to public safety. And moreover, a learned disagreement and learned discussion about what the Planning Commission's desires were. My encouragement is, if the Council is leaning toward the addition of the turn lanes that we approve this based upon the recommendation of the Planning Commission as opposed to remanding it to the Planning Commission, which would result in a considerable delay for the applicant. If it is approved with the turn lanes, then the applicant has the ability to go back and make the difficult decision about whether or not it will move forward with the project.

Every developer, every development has difficult decisions like this to make. I would like it to be as unemotional as possible so that we don't disrupt the longstanding positive relationship that we've had with the school district, a relationship that has helped to drive a very strong local economy. There are some risks with regard to not having a school in the area. I understand that there are some strong opinions on the other side.

I would like to have learned discussion as opposed to endless debate.

MR. BURTON: Thank you, Mayor.

MAYOR ELLIS: Mr. Burton.

MR. BURTON: This again is a school site plan for Middle School #3 as a continuation from the last Council meeting. The Planning Commission recommends approval of it with a continual turning lane so that 192nd and 193rd would have a center turning lane to turn west going north, turn west into those -- onto those streets. And that's really -- the one thing that staff obviously -- to recap some of it is we're working on looking

at improvements in the entire area. And the projection that we're looking at is that there would be some road improvements started within -- we would like to see two years, no later than three years in that area. With all the schools in that proximity it makes it easier for staff to start putting together a -- what I want to call a total package project. 199th, Ridgeview to 191st, 191st down to Woodland, Woodland back to 199th. There's improvements being completed on Woodland right now, stormwater drainage improvements. And there will be some asphalt, chip seal, a different combination on Woodland. In this case, staff looked at it and thought that you put a half a million dollars into it and in two years just remove it or tear it up --

MAYOR ELLIS: And you're saying that's a possibility; it's not a forgone conclusion --

MR. BURTON: It's a strong possibility.

MAYOR ELLIS: -- but it is a possibility.

MR. BURTON: It's a strong possibility due to, you know, we would like to -- well, we need to make them up to our standards, the road improvements. So, we felt like it was a waste of taxpayers' money.

MAYOR ELLIS: Mr. Burton, do you know are there projects around there that are dependent upon the school? Meaning that if that school is not there, have you -- do you have projects where you have been told that they will abandon their project?

MR. BURTON: We have been told that if the school does go, then the remainder of the Estates of Wolf Creek would be developed by a major developer in the country not just -- in the whole the United States not just for us. There is also some pending projects that, yes, that they've expressed very strong concerns --

MAYOR ELLIS: About the viability of their project.

MR. BURTON: -- about the viability of their project being able to succeed or even to a point of, you know, with all this COVID and all the banks are tightening down. They're looking at all different financing and there's not much risk that they're taking. I mean I do this every single day and I talk to everyone. And there's even some developers that are to the south that I just met with this afternoon that it was brought up saying, you know, gosh, they would like to see as many schools within the City limits as possible.

MAYOR ELLIS: And I'm not trying to suggest that economic development opportunities outweigh traffic safety.

MR. BURTON: Neither are we.

MAYOR ELLIS: I'm merely just highlighting that there is a risk versus reward in either direction that we go. And that the more development that comes in the more dollars that are available to make infrastructure improvements, so.

MR. BURTON: That's correct. And if I may, Mayor, we didn't look at this lightly at all. If we didn't feel like that we could come up with a viable plan for everyone to participate in the area on let's say an area-wide benefit district, then, you know, we would have -- because, you know, traffic, public safety, I mean I drive out there, you know, 191st and Ridgeview is a bad corner right now. You know, we've already looked at it. Mr.

Boyer and I looked at it with some very inexpensive quick type solutions until, you know, the -- because the ditches are deep, extend for a little ways, very low cost type of a project there to keep everything on the move. 191st will have turn lanes into the school. And again, I'd reiterate that the traffic study did not recommend any type of turn lanes off of Ridgeview.

MAYOR ELLIS: Okay. All right. Very good. I understand that there were some questions and some discussions.

MR. BURTON: Sure.

MAYOR ELLIS: And is the applicant here as well?

MR. BURTON: Yes.

MAYOR ELLIS: Okay. Very good. Counsel.

MR. OWEN: Mr. Mayor. I know I've had a number of citizens talk to me, stop me or text me. They have some major concerns about the road. And some of them even have major concerns about congestion of all the schools. So, I think at this time with their concerns in mind, I would have to be somebody that would support the turn lanes with the project unfortunately.

MAYOR ELLIS: Very fair.

MR. GRAVES: With those turn lanes that is paid for by the district, right?

MR. BURTON: Yes. That is correct.

MR. GRAVES: Okay. A hundred percent.

MR. BURTON: One hundred percent.

MR. GRAVES: Okay.

MR. ECKERT: Mr. Mayor, I'm a little confused. When you say we're going to put it in, then two years we're going to tear everything up, wouldn't our footings be put in to where they wouldn't have to be tore up as far as our base and all that kind of stuff so it would just be -- can you expound on that?

MR. BURTON: No. Sure. So, when doing the construction of it, it would be utilization of the existing pavement for access through the entire time, so the construction. So, in doing that the curbs and stormwater drainage and any utility relocation, what I'm getting at, the road would shift some. And I'm not saying every bit of it would be torn up and not utilized. But, you know, you've seen construction and so. It's a, you know, it's a very costly -- it's \$500,000 to -- and the school district, but that's part of our community. And one of my biggest fears, I'll just say it is that this is going to have a big impact on development. You know, I'm working with some -- I've been working ever since I've been here with one major corporation. And we're close, but the major corporations, you know, they're very cautious in what they do. They do not like to see failure. Because you see something close down, I won't name any names. But let's say you see a big arch

close down, well, wow, you know, it puts a bad light on the corporations. So, they're really watching everything. And I'm not trying -- please don't take that as a threat or anything like that. It's just strictly observation.

MAYOR ELLIS: And I know, Mr. Burton, that your efforts as a Community Development Director also tie directly into economic development, so we appreciate your eye on both. This is what I meant by learned discussion. People of different backgrounds, people of different opinions can have their own opinion.

MR. BURTON: Yes.

MAYOR ELLIS: We have a Planning Commission that had an opinion that differed from our professional staff. I expect that if you have a different opinion you're going to share it and help us to understand and then the Council will make its decision based upon the information that it has available to it.

MR. BURTON: Yes. And thank you for bringing that up because I just want to let you know what nowhere in there did I say, you know, that staff recommends against Planning Commission. It says Planning Commission, you know, makes this recommendation. But, you know, we had to put in what staff foresees.

MAYOR ELLIS: And again, reasonable people can disagree.

MR. BURTON: Sure.

MAYOR ELLIS: That's perfectly fine.

MR. BURTON: And I appreciate it.

MAYOR ELLIS: Ms. Hughes.

MS. HUGHES: When does the school anticipate it will start with the road? When will the construction be done and the first school year starts?

MR. BURTON: I will let Mr. Elliott speak to that. Thank you.

MR. ELLIOTT: Thank you, Council and Mayor. Let me make sure I understand your question specifically. When would the school be ready?

MS. HUGHES: Yes. Well, actually when would the traffic increase? When would the first school year be?

MR. ELLIOTT: The original plan was August of 2022. I'm not sure we can hit that deadline with all the delays we've had up to this point. We are fearful that we're into October before completion of 2022. So, it could be 2023 before we could fully take advantage of that site. The other thing to keep in mind is our feeder system, which is our elementary to middle to high school, we have two elementaries feed a middle school and then the middle schools feed the high school. Currently the middle school that we're proposing only has one elementary to feed it. So, it would be a smaller portion of population until we would build the sixth elementary school. So, it's kind of that chicken and egg problem that we have. We have to get the middle school built in order to get the other elementary school built, so.

MAYOR ELLIS: All right.

MS. HUGHES: My follow-up question to that is if they're not looking to actually begin a school year until August of '22 or '23 --

MR. BURTON: That's correct.

MS. HUGHES: -- could we have the roadwork plans that we were planning over the next couple of years done so that that turn lane is ready to be put in when they're -- right before their school year?

MR. BURTON: Sure. So, the actual construction would not be completed by that time. Yes. We are anticipating having the plans completed to a degree of where it's a -- the Council or Governing Body agrees that it's a viable project to look towards, has some good finance options. We've already started talking to bond counsels and everything on all different types of financing options. But, no, the road would not be completed. Plans, yes. Road, no.

MS. HUGHES: Well, I know that the -- is that for all of the roads or could Ridgeview be done by then?

MR. BURTON: No. And what I foresee, okay. So, it would depend on my direction that obviously the administrator would give me. What I foresee is right now we're working on the entire area plan that I spoke about earlier and then phase it. It wouldn't be all at one time. But we would take and phase in, let's say, we had benefit districts that we were forming. We would phase those benefit districts in. So, Ridgeview probably -- in our minds, Ridgeview would be the first one constructed. But then what we also have to watch is, you know, we have to make sure that the -- and the way I would want to see is make sure that we're ready on the others because, well, why are you doing Ridgeview when 199th is bogged down, you know, and on and on. So, it would be a good phased construction that everyone it's very clear and concise.

MR. ECKERT: When you say Ridgeview, are you referring to 199th and Ridgeview?

MR. BURTON: 199th, well, the roundabout to 191st.

MR. ECKERT: Yeah.

MR. BURTON: Because, you know, we're obviously putting in the roundabout. And that's a good time to connect to it then go down -- and then at that intersection at Ridgeview at 191st, we would also in the first phase extend past the school going west. And it might even farther. In discussions with Summit Homes, you know, they're excited about road improvements. It's just, you know, no one development can take on this all at one time. And no one development has stepped-up. I will say the school district has agreed to participate in a benefit district as they spoke last meeting about. I have had no other developers or owners of that ground step up and say that, you know, we will guarantee we will participate in a benefit district.

MR. LEATON: Mr. Burton.

MR. BURTON: Yes.

MR. LEATON: This is Mr. Leaton.

MR. BURTON: Yes, sir.

MR. LEATON: When you talked about a benefit district, are you talking about participation by the City in the benefit district?

MR. BURTON: At this time I personally do not believe that there -- that I am going to form a -- try and form it with no City participation. What I've been telling everyone is why is because the City is taking the responsibility in putting in the roundabout. Major improvements are major money for a city our size. And so far, you know, everyone is understandable. I didn't say agreeable, I said understandable.

MS. HUGHES: I had question on page 4 of Appendix D.

MR. BURTON: Okay.

MS. HUGHES: My understanding is that of Appendix D, page number 1 is an analysis of the existing traffic volume.

MR. BURTON: Yes, ma'am.

MS. HUGHES: Page 2 is a breakdown of that existing traffic volume by so many hours. Page 3 is a peak traffic volume also an existing. And then page 4 is the summary and starts the beginning of projected volumes of traffic. And on page 4 on Item 3 during peak volume hours it is saying that the meters are met. They warrant some kind of change. Am I reading that wrong?

MR. BURTON: That is correct with the continuation growth of the development down the road.

MS. HUGHES: So, when everyone is saying that the traffic study says that it's not warranted to have signals, it's saying that it's not warranted existing.

MR. BURTON: That's correct.

MS. HUGHES: But under projections it would be.

MR. BURTON: Yes. But the projections of the first part is the school only and it does not require signalization of that intersection or a roundabout. When you take into account the possible future projections, and it happens to be Foxwood owned by Summit Homes, then, yes. It will require some sort of traffic control measures there, a roundabout, signalization, something. That is correct. But with just the full school buildout it does not.

MS. HUGHES: But I mean the reason we're talking about this is because we believe the school is going to bring other economic development to the area.

MR. BURTON: That's correct.

MS. HUGHES: That expected development is going to project out the need for some signalization at some point.

MR. BURTON: That is correct. And the develop --

MAYOR ELLIS: And it's the development that Mr. Burton is referring to that will pay for that improvement.

MR. BURTON: Right. And that's why I've been meeting, and when I speak with any developer, let's say, and I did just meet with a convenience store chain. It's a small convenience store chain with a big name that is interested in that. And obviously any type of additional is going to warrant, you know, improvements immediately. What we're looking at is going ahead, and I think I mentioned it last meeting, is in these road construction, you know, we would put in all the conduit, all the electric and all that. The way it's -- it looks like the projection. In speaking with developers and all it would probably be put in immediately, some sort of light or small roundabout or something. And that would be all part of the main benefit district that would fund this.

MS. HUGHES: And how would that benefit district work? Would it be similar to some of our, I mean, we have benefit districts.

MR. BURTON: Sure.

MS. HUGHES: And most of them though are for sewer and water and other types of municipal services being brought in and those services are then paid for over time as a special on those properties. I don't know, and you'll have to correct me if I'm wrong, Mrs. Landis, but I don't know if we have one for roads. We've always done that for municipal services that the developer is cutting costs and putting those on as specials as taxes to the people that are going to live there. So, tell me that's unique.

MS. LANDIS: There are other cities that do streets. And it is acceptable or allowable under the benefit district statutes and basically you can appropriate two different ways to everybody involved. Either it's frontage to those roads or access to those roads. However, if you want those percentages to line up it could be equal share, it could be whatever, however you want to let that happen. And it operates exactly the same as any other benefit district. It goes on the tax rolls for those properties. And as those properties develop and split it goes to the new owners of those properties. Let's say it were a residential development as opposed to a commercial development and like the other benefit districts say they wanted to pay it off in advance of it going on the tax rolls, they can do that too. So, it operates exactly the same. It just calculates -- there's different ways to calculate it.

MAYOR ELLIS: We actually looked at that along Lincoln for the businesses there. And then because of the escalating cost of that, we were able to kind of step back a little bit and identify the method of improvement that we're doing now. But that was the original method for funding Lincoln Street.

MS. HUGHES: But that was my other question. If we're expecting these developments and the school to all come in at different times, usually when we do a municipal -- when we do a benefit district for a given development it's because it's added as a whole and because we're bringing in the utility services at one time. How do we go about doing that with multiple developments coming in at different times and when the street is or isn't going to be, you know, construction worked on?

MS. LANDIS: The only difference in this case is that the difficulty is that if you have a sewer project as they decide to -- they can buy in at a later time, they don't have to buy-in up front. When you have a street, if the street is already there and being used there's no reason for them to buy-in at a later date. So, you want to have all parties involved up front. And you can do, like Estates of Wolf Creek as an example, when they started that there was a planned division, subdivision in there and everything else that was eventually going to be using those mains and that -- all those things that might go in was considered unplatted. And a percentage of that total cost went to that unplatted area. And as they started chipping away at that unplatted area as they platted it gets applied to those individual lots within that new platted area. So, that's how it works just the same as any of those other areas. So, we have had that before. In the most recent ones that we've done that's not the case. It's just a platted area. But we have had it where there's been unplatted portions.

MR. BURTON: And one of the reasons is on that is commercial where they may only take and plat one lot like the school district is doing, a one-lot plat. Although all that square footage or entrances to the road would - - they would have to participate. So, anyone in our study so far shows that it looks like a good range back from the 199th, 191st, Ridgeview is a quarter of a mile. And one of the biggest difficulties right now is we have three sides county. And they do not have to participate. And then we'll get it all in and the kids decide to sell and they connect into a really nice road. So, I was excited about -- in speaking with the developers, you know, I talked to them about it and most of them said, well, yeah, we understand. But, you know, it's part of development and we need to get more traffic, let's say, like Foxwood.

MAYOR ELLIS: Mr. Leaton, I know you're on the phone. Are you able to hear us okay?

MR. BURTON: Oh, I'm sorry.

MAYOR ELLIS: Do you have anything else you'd like to add?

MR. LEATON: I don't. I can't see, you know, people in the room. But the one thing I do want to state is I don't want to have this remanded back to the Planning Commission. I just think that that's going to be taking up time that doesn't necessarily need to happen. So, what I'm of the opinion is that we make a motion of either to approve or not to approve with the recommendations of the Planning Commission for the turning lanes. But I don't want to have us remand it back to the Planning Commission because I think that just wastes time when we don't need to.

MR. BURTON: Mr. Mayor, also if I would remind the -- this is a site plan, so that it can -- your motion can be different than what the Planning Commission and it does not constitute a supermajority. Is that --

MAYOR ELLIS: Correct.

MR. BURTON: Thank you.

MAYOR ELLIS: Correct. Mr. Graves, did you have any additional questions or comments?

MR. GRAVES: No. I just want to kind of stress Mr. Owen's point like for me you've got to look at safety as well. And I think -- I drove that road today and it's like -- I just feel like there has to be a turn lane there to

keep -- for safety and I drove it both ways and I just -- I struggle with that. I see the, you know, potential for growth and all of that and a huge supporter of that. But I think in the short term we've got to look at safety and I just -- I don't know if -- I mean I trust your judgment and I know you wouldn't do something that wouldn't be for safety.

MR. BURTON: I understand. And no, and I agree. You know, I stress that corner is, you know, bad now. But I just can't not get any support to fund those improvements without development or growth. And I mean you all look at the budget. It's budgetary time right now. And I'm not, you know, I'm just -- I'm here just telling the facts. And I'll answer anything honestly you want.

MS. HUGHES: When do you believe that Ridgeview road project will be complete?

MR. BURTON: Well, what we're shooting for in just our little projection, and we were really hoping to have that completed tonight for you, but we started hammering on it hard. We believe that we can start it in 2024.

MR. LEATON: Okay.

MR. BURTON: And just the Ridgeview from 199th or roundabout area to 191st.

MS. HUGHES: Can we, and I don't know if this is possible, can we ask or motion, I don't know, either way, that the turn lane be included as suggested by the board but that it not be required until after the project is complete? That way there is not duplicated costs.

MR. BURTON: That seems like a very reasonable suggestion on it.

MS. HUGHES: The existing one you said in the traffic study --

MR. BURTON: That's correct.

MS. HUGHES: -- is fine.

MR. BURTON: Yes, ma'am.

MS. HUGHES: But it's when that projected starts to come in, we don't think they're going to come until the school is starting to build out.

MR. BURTON: That is correct.

MS. HUGHES: So, we might not be in that push.

MR. BURTON: Right. And to prove that point, Foxwood Ranch, their sales have been very slow. You know, I think they have six --

MAYOR ELLIS: I'm going to ask Ms. Landis a question here in just a moment.

MR. BURTON: Okay.

MAYOR ELLIS: But go ahead.

MR. BURTON: And then also on the other side just in looking at it, and obviously Ms. Landis or finance would have to take it over, but, you know, forming this benefit district, you know, with bond counsel, it -- well, you've done it through Dayton Creek. You know the timeframe.

MAYOR ELLIS: Ms. Landis, and I'm asking you to look at this from a little different lens understanding that school district financing may be different from municipal financing, is that a viable option when you're trying to align your budget and do your go to market for bonding when you have portion one of the project being the school, for example, itself, and then a high probability of a half million or what at that time could be a \$600,000 project that you may have to fund later? How viable of an approach is that?

MS. LANDIS: So, typically if you would temp note at the very beginning of the construction part of that project. So, if the timing were done right we could -- and we planned it right, maybe that would be a really good way to approach it initially. That way there is that coordination and not the separation between the projects themselves. But I think we can take a look at that. We can certainly get some feedback from bond counsel and see --

MAYOR ELLIS: Well, the problem though is that we need to move forward tonight on this. The school district needs some finality and they need to know what direction that they're going. I'm just questioning more again asking you if from a financing perspective is that something that one even does?

MS. LANDIS: You mean doing, I'm sorry, I wanted to make sure I understand you [inaudible].

MAYOR ELLIS: Typically you want -- when you start a project you want to know exactly what your costs are going to be. And to say that, okay, we're going to do Part A, Phase 1, for example, and it's going to be this building and multi-million dollar project, but later I might have this half a million dollar project, is that viable from a budgeting perspective even?

MS. LANDIS: If we're talking about benefit districts that requires two separate petitions and [inaudible].

MAYOR ELLIS: Nope. I'm talking about from a school district perspective.

MS. LANDIS: From a school --

MAYOR ELLIS: If this were a City project, would that be a viable approach, or would that create too much uncertainty for the project?

MS. LANDIS: It depends on how they're going to pay for that project. It really would depend on how -- what their financing situation is and whether they prefer to -- if they're paying cash or if it's something that they have already have or whatever they're financing. I really can't say [inaudible].

MAYOR ELLIS: No. I understand that. I was just to get a little bit of guidance. Mr. Elliott, you had your hand up.

MR. ELLIOTT: Yes, sir. A couple of challenges. We actually put the budget together before the bond gets elected by the --

MAYOR ELLIS: Right.

MR. ELLIOTT: -- the patron. So, the dollar figures are already established. We would have to take monies from other projects in order to fund that with bond dollars. In addition, we get a lot of pressure, and I'm sure Ms. Landis can explain this better than I can. When we have a bond, we have a limited amount of time to get those funds spent. And to kick that can that far down the road we would probably have to figure out some way to encumber those dollars ahead of that. Because anything after five years they get real fidgety with, so.

MAYOR ELLIS: Okay. So, I think it's an excellent idea, Ms. Hughes. I just don't -- it might end up actually hamstringing them a little bit.

MS. HUGHES: Well, I have to say for safety and what I'm reading of the analysis of the CARS study that's going to happen, the projection is, and Mr. Graves and Mr. Owen, I really think that that turn lane has to be there. I just don't want them to have to do it twice. I'm trying to think of how -- a way for it not to be done two times.

MAYOR ELLIS: Okay. Mr. Leaton, anything else?

MR. LEATON: Yeah. So, here is where I'm at with this. I'm going to make a motion. Also this is what I'm going to say is with my background in engineering, I'm willing to work with staff to see if we can come up with a creative solution that we may not end up having to spend the 400-some thousand dollars to get us there to what we need to do with the school district.

MR. BURTON: Thank you.

MR. LEATON: I'm willing to meet with staff and go through things to see what we can do and see if there's any out-of-the-box solutions that we could come up with that may not have been thought of.

With that said, Mayor, I move that we approve the site plan because, let me back up. I didn't say this either. I kind of feel like there's a consensus because of safety on the Council that they would like to see the alternatives of the turning lane by the Planning Commission. So, my motion would be to approve the site plan, I believe it's Number 3, for the Spring Hill Middle School with the recommendations of the Planning Commission for the turning lanes.

MAYOR ELLIS: Do we have a second?

MR. OWEN: I'll second.

MS. HUGHES: Second.

MAYOR ELLIS: We have a motion and a second. Is there any further discussion? If not, all those in favor.

COUNCILMEMBERS: Aye.

MAYOR ELLIS: Motion carries 5-0-0. Mr. Burton, thank you very much.

MR. BURTON: Thank you all for your time. I appreciate it.

MAYOR ELLIS: Mr. Elliott, thank you for being present this evening.

[Therefore, the motion was made by Councilmember Leaton and seconded by Councilmember Owen to approve Site Plan 000011-2020 per Planning Commission recommendations for the turning lanes. The motion carried 5-0-0.]

ANNOUNCEMENTS AND REPORTS

MAYOR ELLIS: That concludes the formal agenda and takes us to Announcements and Reports. I have none. Mr. Owen.

MR. OWEN: I have none tonight.

MAYOR ELLIS: Mr. Leaton.

MR. LEATON: The only thing is, Mr. Burton, I'll be reaching out to you next week. Let's sit down and talk. I have some availability next week to kind of go through and see if there's anything that we can maybe do on this project for the school district. And then also I'd like to meet with Mr. Hendershot about moving forward with talking about what we're going to be doing on alternatives and costs for Webster Street.

MAYOR ELLIS: Certainly.

MR. BURTON: Thank you, Mr. Leaton.

MAYOR ELLIS: All right. Anything else, Mr. Leaton?

MR. LEATON: Not at this time.

MAYOR ELLIS: All right. Ms. Hughes.

MR. LEATON: Let me back up. I just wanted to -- I didn't say this earlier, but I just wanted to thank the Police Department for their service and everything, so.

MAYOR ELLIS: All right. Thank you very much. Ms. Hughes.

MS. HUGHES: No, nothing tonight.

MAYOR ELLIS: All right. Mr. Eckert.

MR. ECKERT: Mr. Mayor, I strongly support your statement at the opening of the meeting. I think that was very needed and very powerful.

MAYOR ELLIS: Thank you very much.

MR. ECKERT: Otherwise, nothing to report, sir.

MAYOR ELLIS: All right. Mr. Graves.

MR. GRAVES: No report.

MAYOR ELLIS: Mr. Hendershot, moving on to staff reports.

MR. HENDERSHOT: Thank you, Mayor. Just a couple of brief things. The week of June the 22nd, Governor Kelly will be making -- the state of Kansas will be making a strong push on the census and we will be participating in that, again, with more push to our local residents through social media and encouraging that. I'm happy to say that we are now at the equal point of the 2010 census as far as reporting at this phase. So, Spring Hill is doing exceptionally well. I think we're almost -- 74 percent of the residents have self-reported already. So, that deadline for census has been extended through October 31st. And the door-to-door portion of that will begin in August.

MAYOR ELLIS: All right.

MR. HENDERSHOT: The second thing is just a reminder to everyone and an open invitation to Veterans' Park on July the 4th. At 10:30, we'll have our opening ceremony. We have some neat things planned for there.

The last thing is the equipment for the live streaming of meeting is being installed, has begun this week. So, we're excited to bring that to fruition. As of yet, we don't know what that completion date will be, but we'll keep everybody involved and updated on that. That's all, sir.

MAYOR ELLIS: All right. Thank you very much. Madam Clerk.

MS. GERRITY: Nothing to report.

MAYOR ELLIS: Ms. Landis.

MS. LANDIS: Yes. Just a couple of things. The budget packet for the special meeting on June 22nd will go out to all and the website on Tuesday, next Tuesday as opposed to Monday. Monday is the deadline for the counties to give us valuation information. One of our counties does not have that out yet. And we expected it to be out sooner, but it is not, so I cannot finish that work until the valuation comes out from the county.

The outside agencies have been kind of polled to see if they would be available for -- to meet or to present to you all an hour in advance of the meeting on the 22nd. That's a Monday evening. So, if we can meet at 6p.m. that evening and allow them the opportunity to give you a brief overview of their budget request of you for the '21 and '22 budget cycles, then that would be much appreciated. We're trying to squeeze that in now that we're back to being open to the public.

And then the forecast at the meeting where we discussed the closure of the pool, I know that Mr. Eckert and Council had asked for the updated financial forecast, and those are almost completed. We will send those out to you tomorrow. And if we want to maybe look ahead to another meeting to maybe discuss those a little further. I know you had mentioned you wanted to discuss how we're going to use those funds. We have not yet really seen the impact for the sales tax losses that would have occurred yet. So, maybe June, if we wait until July to maybe start discussing what those -- what that impact really is to the City overall. That's just a recommendation we can discuss whenever you please.

And then if you have not yet turned in your CIP rankings, please do so and we're using that for the full package for the next meeting. And that's all.

MAYOR ELLIS: All right.

MS. HUGHES: The 22nd, you wanted us here at what time?

MAYOR ELLIS: I think 6:15 will be fine. I think 45 minutes will be enough. I know it's challenging for some folks who may be coming from downtown. I'm sorry?

MS. HUGHES: I said not right now.

MAYOR ELLIS: 6:15, and I think that will be more than enough time.

MS. LANDIS: Okay. Perfect.

MAYOR ELLIS: Okay. Okay. Anything else, Ms. Landis?

MS. LANDIS: No thank you.

MAYOR ELLIS: Mr. Burton.

MR. BURTON: No report.

MAYOR ELLIS: All right. Chief Henson.

POLICE CHIEF HENSON: I'm going to take this off so you can hear me. I just want to say that daily we are thanked and supported by our community. And that said, we do not police in a vacuum. And unfortunately, my profession is judged nationally and we feel and hear the voices of the nation. Fortunately for us our individual department reputations are built locally. And it is clear we have good relations with our citizens and for that we are very grateful. We are focused on hiring the best person for the job of police officer. Our hiring process is designed to properly vet potential officers to ensure our core values of respect are accepted and supported. Training is a critical component to developing successful officers capable of making sound decisions during the most stressful situations. All members attend topics related to fair and impartial policing, which addresses race and implicit biases, de-escalation and mental health. Policies is another area critical to success of an officer and a department. We have been working for the past six months to update our policies that are legally defensible and include best practices. We have policies regarding ethics, response to

resistance, body cameras, racial and bias policing, and discipline. All our policies are designed to guide officers on proper behaviors and practices when working with the community so we may continue to have your trust. We are committed to embedding our core values of respect into our day-to-day interactions. Those values include responsibility, excellence, service, professionalism, example, compassion, and trust. And we will continue to interact with all members of our community with dignity and respect to improve trust as we move forward. That's all I needed to say. Thank you.

MAYOR ELLIS: Thank you very much, Chief. Mr. Jenkins.

MR. JENKINS: No report.

MAYOR ELLIS: All right. Thank you very much.

ADJOURN

MAYOR ELLIS: I would entertain a motion to adjourn.

MR. ECKERT: So moved.

MR. OWEN: Second.

MAYOR ELLIS: All those in favor.

COUNCILMEMBERS: Aye.

MAYOR ELLIS: We are adjourned. Thank you very much.

[Therefore, the motion was made by Councilmember Eckert and seconded by Councilmember Owen to adjourn. The motion carried 5-0-0.]

(Spring Hill City Council Meeting Adjourned at 8:25p.m.)

CERTIFICATE

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

/das _____ July 31, 2020
Deborah A. Sweeney, WriteAway Transcription

APPROVED BY:

/gg _____
Glenda Gerrity, City Clerk

Minutes were approved by the City Council on August 27, 2020.