

**City of Spring Hill, Kansas**  
**Minutes of City Council Regular Session**  
**August 22, 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 August 22, 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

Councilmembers absent:               Chris Leaton  
  Andrea Hughes

Staff in attendance:                   Jim Hendershot, City Administrator  
  Melanie Landis, Asst. City Administrator  
  Cindy Henson, Chief of Police  
  Jim Boyer, Utility Superintendent  
  Patrick Burton, Community Development Director

Consultants in attendance:         Frank Jenkins, City Attorney  
  Tyler Ellsworth, Bond Counsel

**INVOCATION**

The invocation was given by Councilman Eckert.

**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 requested to move Item 7 to Formal Action; Remove Item 5; Remove Item 11, Remove Item 15; and Add an Executive Session - Attorney-Client exception for anticipated litigation at the conclusion of the meeting.

**Motion by** Koder, seconded by Eckert, to approve the agenda as revised. Motion carried 3-0-0.

## **CITIZEN PARTICIPATION**

Bill Peterman, 19431 W. 200<sup>th</sup> Street, shared a news story about a community within the metro area that decreased the amount of their police officers, which caused their crime rate to increase. Mr. Peterman stated that he does not want to see this happen to Spring Hill and supports the funding for additional police officers.

Tim Spader, 601 N. Jackson, expressed his concerns regarding the continuous code violations at 504 N. Jackson and believes that the City is holding back on enforcement of these issues. The Mayor reported that the process has been moving forward and there is a probation revocation hearing in Municipal Court on September 3<sup>rd</sup>, which is open to the public. Mr. Spader stated that he was unaware of that and apologized and thanked the Governing Body.

Steve Boswell, 504 N. Jackson, believes that the City acquired property at 308 Allen Street, and wanted to know the plans for this property. The Mayor responded that there was no acquisition of property; that property was subject to a claim and there was a resolution, in lieu of taking the property, a cash payment and settlement. Mr. Boswell stated that he was unaware of the transaction. Mr. Boswell also spoke about a letter he received from the Codes Enforcement Officer regarding code violations. The City Attorney stated, that with respect to any items regarding code enforcement, those items should be discussed at Municipal Court on September 3<sup>rd</sup>. Mr. Boswell then reported his concern about a body of water located at Mr. Spader's house and presented a photo of the pond in question. The Mayor requested that the Codes Enforcement Officer look at the pond and determine if there is a violation and if there is, follow the procedure. Mr. Boswell voiced his concern of the environment of his neighborhood and would like to see the vendettas go and a barrier around the pond.

Scott Snavelly, 410 W. King, stated that he lives south of Mr. Boswell. He voiced his concern about the events that have transpired within the neighborhood and reached out to the neighbors, who were seated in the audience, to sit down and talk to help resolve the issues to bring harmony back to the neighborhood.

Faith Alexander, 600 N. Jackson, recently moved to the neighborhood in January 2019. She has no knowledge of what has transpired between the neighbors. She stated that she has no problem with the pond and would like the items to be cleaned up at 504 N. Jackson. She would also like this to stop.

Tim Spader, 601 N. Jackson, reported that he had his pond inspected and invited the City to look at it again. He also stated that for a compromise, he would be willing to fill in the pond and move it to the back yard if he would please clean up that yard.

Tina Weishaar, 509 N. Jackson, thanked the Governing Body and City staff for a job well done enforcing code violations. She stated that she does not pick sides and stands up for what is right and stands against what is wrong. She commented about the history the neighborhood has endured and believes people know the reason for the fall of the neighborhood comradery. She concluded that she loves her neighborhood and Spring Hill and respects the job the Governing Body does and apologized that her neighborhood has become such a travesty that these games are continuously played.

## PRESENTATION

### 2nd Quarter Performance Measure, Johnson County Fire District No. 2, Chief Jim Francis

Chief Francis presented the 2<sup>nd</sup> Quarter Performance Measures for the Johnson County Fire District No. 2. The information included the comparisons from 2018 to 2019 for incidents, turn out times, EMS travel time, fire travel time, patient transports, along with other data. Chief Francis reported that they have full-time Fire Medics and Paramedics on their staff. The Mayor thanked Chief Francis for the report and the Fire Department.

## CONSENT AGENDA

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

1. **Approval of Minutes: August 8, 2019**
2. **Appropriation Order 2019-08-22**
3. **Consider Approval of Special Event Permit: Spring Hill Fall Festival, Parade**
4. **Consider Approval of Special Event Permit: Spring Hill Fall Festival, Craft Fair**
6. **Consider Approval of Maintenance Agreement: Postage Machine, Lineage**
8. **Consider Approval of Agreement for Cemetery Tree Services: Downey Lawn Care, LLC**
9. **Consider Approval of Site Plan: Foxwood Ranch Pool (SP-06-10), 191st Street & Mahaffie St, Neighborhood Pool and Clubhouse, Clayton Properties Group, Inc.**
10. **Consider Approval of Change Order: Dayton Creek 4th & 5th Plat**
- 11a. **Consider Approval of Special Event: SHRC Tunes and 'Toons, September 6, 2019, The Bean Coffee Company and Spring Hill Recreation Commission**

Motion carried 3-0-0.

5. **Consider Approval of Special Event Permit: Spring Hill Fall Festival, Street Dance**

This item was deleted

## FORMAL COUNCIL ACTION

7. **Consider Approval to Exchange Federal Funds under the Federal-Aid Fund Exchange Master Agreement**

The Assistant City Administrator reported that the Kansas Department of Transportation (KDOT) participates in a federal grant process for road and bridge repair and replacement. Cities have been able to participate in the same program but the types of projects that funding can be used for are limited. KDOT created a federal-aid fund exchange program to provide a mechanism for cities to benefit from federal road and bridge aid while allowing a broader range of project types.

The City has a master agreement in place with KDOT. In 2018, the City was asked to sign a supplemental agreement to alter the rate of exchange from ninety percent (90%) to seventy-five percent (75%). In order to request the funds, the city has to show street construction expenses through a reimbursement request; however, the 2016 projects for the 207<sup>th</sup> Street acceleration lane and Veterans Lane have been used to carry through the years of 2017, 2018 and are still eligible for 2019 funding so no additional reimbursement request is needed at this time.

Reimbursements under this program will be deposited to the Consolidated Highway Fund and are currently earmarked for the Lincoln Street project.

Staff recommended approval of the request to exchange federal funds.

**Motion by** Koder, seconded by Pittman, to approve the request to exchange federal funds. Motion carried 3-0-0.

**11. Resolution No. 2019-R-20: Resolution adopting a policy regarding the authority to the City Administrator to consider waiver of license fees and permit fees for community-based organizations that have primary purpose of serving the residents of the City of Spring Hill**

This item was deleted.

**12. Consider Adoption of the 2020 Operating Budget**

The City Administrator presented the 2020 Operating Budget. Staff has prepared and analyzed service operations, projects included in the Capital Improvement Program and requests from outside agencies. Revenues and expenditures for all major funds were used to prepare a draft of the State budget document determining the total tax dollars needed to accomplish adequate service levels.

The budget process included a financial review of 2018 year-end and first quarter 2019 on April 25, 2019, presentations from all outside agencies on May 21, 2019, a discussion of the entire Capital Improvement Program on May 23, 2019 and a final budget presentation including management recommendations on July 11, 2019. At the July 11 meeting, two options were presented to the Council for consideration: 1) Level mill levy; or 2) Increased expenditures allowable under the Kansas Tax Lid calculation. During that meeting, the Council expressed support for publishing the public hearing notice equal to option 2 with the understanding that the tax dollars could be approved at the published amount or a lower amount.

The notice of public hearing was published on Wednesday, July 24, in the Miami County Republic, and the public hearing was held on August 8, 2019. In response to citizen comments, the Governing Body tabled formal action on the budget until August 22, 2019 with staff direction to prepare responses to questions raised during the public hearing. The responses, along with a line item 2020 budget, were posted on the City's website.

Total valuation for calculating the 2020 budget is \$96,134,534, or a 12.06% increase over 2018. A mill calculated at this rate would be \$96,135; however, because Spring Hill has a no fire area calculated into the overall valuation, an average mill is equivalent to approximately \$81,860.

The 2020 – 2024 Capital Improvement Program (CIP) includes all projects proposed to be completed over the next five years. Project costs are only estimates and it is important to note that available funding will drive the actual progress of these projects. Residential development over the next few years may drive the need for additional projects and updates to the CIP will occur on an annual basis during the budget process. Included are many key infrastructure projects in which funding is currently anticipated through short or long-term financing. Increased debt service without a dedicated revenue source will increase the need for dedicated property tax funds in the debt service fund. Staff will be working toward funding solutions for several key projects over the coming months.

The 2020 – 2024 CIP was considered by the Planning Commission on August 6, 2019. Action taken by the Planning Commission found the 2020-2024 CIP in compliance with the Comprehensive Plan, and requested a sidewalk program and Webster Street repairs be placed in the list of projects for 2020. Staff has made these adjustments to the CIP; however, the items are shown as unfunded. Staff continues to research possible funding sources along with project details related to design and project phasing.

Approval of the 2020 budget may be at a level of funding as published in the public hearing notice or at a lesser amount of property tax for each fund. Staff recommended adoption of the 2020 Budget as presented representing a level mill levy to provide an ad valorem tax in the amount of \$3,230,054

**PUBLIC COMMENTS:**

Debbie Hickman, 19401 W. 200<sup>th</sup> Street, highlighted the points she did not understand regarding the public hearing response about the General Fund mill levy increase, although overall mill levy went down. Ms. Hickman emphasized her support for the addition of the police officers; questioned the slight increase for utilities; voiced her concern about the professional legal services expense; requested that the City investigate a new health insurance program; requested to rename the miscellaneous line item; concerned about the disparity in the overtime budget among departments; requested to use the 2 mill decrease in the debt service to additional police officers; believed that there was more to cut in the budget and thanked the Governing Body for listening.

Steve Owen, 19401 W. 200<sup>th</sup> Street, voiced his thanks for presenting a new 2020 Budget that does not reflect an overall mill levy increase and the line item budget; however, stated that it was unfair to the citizens for the short time frame to review the detail and lack of the working budget process. Mr. Owen expressed his ideas for a budget process that includes a set timeline, planning stage and interactive citizen budget workshop. He also suggested having the public hearing before August to allow enough time for revisions before the budget is finalized.

Rodolfo Arevalo, 19419 W. 200<sup>th</sup> Street, believed that the \$352K, listed in the General Fund, was a balancing mechanism. The Assistant City Administrator explained that this was the amount available for increased expenditures under the Kansas Tax Lid Law before a vote would be required. The additional expenditures were provided to the City Council in Exhibit A, the 2020 Supplemental Requests recommended by Management, and confirmed that this was not a balancing mechanism.

Mr. Arevalo also voiced his concern for the increase in personnel services in the Finance Dept., Community Development Dept versus the Police Department increase, which included two new officers. The Assistant City Administrator explained that prior to now, the City budgeted an Asst. City Administrator over the Public Works and Community Development Department; however, this was changed to include two separate positions in each department. The Finance Dept. includes funding an Accounting Supervisor in one quarter of 2019 and a full year in 2020.

In closing, Mr. Arevalo believes that if the City reallocates some of the funds, there is sufficient dollars to fund the other two police officer positions and indicated that the Governing Body has a legal fiduciary responsibility to ensure that the City tax dollars are appropriately expended as they are collected.

Cindy Squire, 206 N. Vine, reiterated the Planning Commission recommendation for the Capital Improvement Program to consider reallocating funds for sidewalks and Webster Street improvements. The Mayor stated that the City reallocated funds for a sidewalk study and staff is evaluating the repair process of Webster Street.

Bill Peterman asked what the miscellaneous expenses were for. The Assistant City Administrator reported that miscellaneous expenses are for the expenses that don't have a line item. Also, specifically for the General Obligation Fund, you cannot post a prior year expenditure against a current year expenditure under Kansas State budget law. She provided examples of miscellaneous expenditures that occurred in 2019. The Mayor added that the disbursement report identifies the miscellaneous expenses.

With no further comments, the Mayor entertained a motion.

**Motion by** Pittman, seconded by Koder, to approve the 2020 Budget. Motion carried 3-0-0.

The Mayor thanked the citizens who were engaged in the process this year.

## **RECESS**

The Mayor declared a recess until 8:35p.m.

At 8:35p.m., the meeting reconvened with everyone present.

### **13. Resolution No. 2019-R-16: Adopting 2020-2024 Capital Improvement Program (CIP)**

The City Administrator presented the Resolution 2019-R-16 approving the 2020 – 2024 Capital Improvement Program (CIP). Each year, a five-year CIP is adopted by the Governing Body. The purpose of a CIP is to communicate a planning guide to the Governing Body, city staff and the residents of Spring Hill. A CIP program is to be used as a guide for intended projects; however, all project implementation and completion depend on the availability of funds. Many projects have multiple sources of funding earmarked and those sources are indicated in the CIP document.

The 2020 – 2024 CIP was considered by the Planning Commission on August 6, 2019. Action taken by the Planning Commission found the 2020-2024 CIP in compliance with the Comprehensive Plan and requested a sidewalk program and Webster Street repairs be placed in the list of projects for 2020. Staff has made these adjustments to the CIP; however, the items are shown as unfunded. Staff continues to research possible funding sources along with project details related to design and project phasing.

Staff recommended that the City the Council approve the 2020 – 2024 Capital Improvement Program.

**Motion by** Eckert, seconded by Koder, to approve the 2020 – 2024 Capital Improvement Program. Motion carried 3-0-0.

**14. Ordinance No. 2019-15: Ordinance relating to the placement of political signs during the 45-day period prior to elections and the two-day period prior to elections**

The City Attorney presented the Ordinance amending Sign Regulations relating to the placement of political signs.

The Spring Hill Sign Regulations presently provide that political signs may only be placed or erected 28 days before an election and prohibit placement of political signs on public property including the right-of-way. These regulations conflict with K.S.A. 25-271. This statute provides for 45 days and allows for placement in the public right-of-way subject to safety considerations for obstruction of sight triangle and means of egress. The ordinance implements changes to bring the city ordinance into compliance with state law.

The recommendation was to adopt the ordinance.

**Motion by** Koder, seconded by Pittman, to approve Ordinance No. 2019-15. Motion passed by roll call 3-0-0, Eckert-Yea, Pittman-Yea, Koder-Yea.

**15. Resolution No. 2019-R-18: Proposing the Designation of a Rural Housing Incentive District within the City (Park Village Rural Housing Incentive District)**

This item was deleted

**16. Resolution No. 2019-R-19: Finance Department Fees**

The Assistant City Administrator presented the Resolution regarding the Finance Department Fees. She reported that facility deposit fees and rental rates were established through Resolution 2018-R-23. Gymnasium rentals are currently outlined as two-hour rentals during regular hours but four-hour minimum rentals during prime hours, which includes weekends and evenings. There have been requests from the public for the ability to rent the gymnasium on evenings and weekends for only a two-hour block instead of the required four hours in the previous fee resolution. These requests are primarily for birthday parties and sports practices and staff views this as a reasonable change which offers the community more opportunities for use of the Civic Center facility.

Staff recommended approval of Resolution 2019-R-19.

**Motion by** Pittman, seconded by Koder, to approve Resolution No. 2019-R-19. Motion carried 3-0-0.

**EXECUTIVE SESSION –Attorney Client Exception**

**Motion by** Pittman, seconded by Koder, to recess into Executive Session for 5 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 9:05p.m. Persons to be in attendance are the following: Jim Hendershot, City Administrator and Frank H. Jenkins, Jr., City Attorney. Motion carried 3-0-0.

The meeting recessed at 8:58p.m. with the executive session to begin at 9:00p.m.

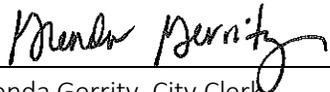
The meeting reconvened at 9:05p.m. with everyone present.

Mayor Ellis announced that no votes were taken or decisions made during the executive session. The discussion was limited to the subject stated.

**ADJOURN**

**Motion by** Pittman, seconded by Koder, to adjourn.

The meeting adjourned at 9:07p.m.

  
\_\_\_\_\_  
Glenda Gerrity, City Clerk

Approved by the Governing Body on September 12, 2019.