

**City of Spring Hill, Kansas
Minutes of City Council Regular Session
September 26, 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 September 26, 2019. The meeting convened at 7:00p.m. with Mayor Ellis presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance: Chris Leaton
 Tim Pittman
 Floyd Koder
 Chad Eckert
 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

INVOCATION

The invocation was given by Pastor Michael Brown, Spring Hill United Methodist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

The City Clerk called the roll of the City Council. With a quorum present, the meeting commenced.

APPROVAL OF THE AGENDA

The Mayor requested to move Item 6 and Item 7 to Formal Action.

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

PROCLAMATION

The Mayor read aloud the proclamation and proclaimed the week of October 6 – 12, 2019 as National 4-H Week. Michael Ingle from Spring Hill Rustlers and Cooper Eckert from Sharon 4-H attended the meeting and shared their interests and projects they have been on within their clubs.

CITIZEN PARTICIPATION

Roy Riffel, 20024 Barker Street, addressed the Governing Body about his discouragement regarding the delay in finding a source for higher internet speed in Spring Hill. While following the Broadband Task Force online and reading their minutes, he discovered that RG Fiber introduced themselves at the May 30, 2017 meeting. The CEO and founder of RG Fiber was then invited to make a presentation to the Task Force at their June 27, 2017 meeting. In summary, Mr. Riffel asked why there was no further inquiry or discussion with them until recently where the Mayor met with them four months ago. The Mayor stated that when RG Fiber reached out to him for a meeting, he was happy to take the meeting. They discussed their business model, the fact that they were wrapping up in DeSoto and moving through Gardner and a possible project in Wellsville. They were looking for opportunities and had indicated their desire to come to Spring Hill. Subsequent to that, the Mayor stated that he has had meetings with other providers, including Suddenlink, and added that it's a business decision of the provider to come to Spring Hill. The Mayor indicated that the City has prepared an incentive within the right-of-way policy for any future installation of broadband services. Councilmember Hughes, who was the liaison on the Broadband Task Force, explained that the Broadband Task Force mandate was to provide the City with some recommendations to take over a 5-year period. The task force spent a great deal of time researching and working with CTC Technologies for options and considering what the City could offer to a provider without an expedient expense to the City. The City currently has an RFP out for a partnership for deployment of broadband services in Spring Hill, which was the final step of the task force. The Mayor concluded that there is nothing prohibiting a provider from coming in and engaging business in the City.

Mr. Riffel also addressed the Governing Body about his concern regarding numerous items on the consent agenda, lack of discussion and private meetings, which violates the Kansas Open Meetings Act (KOMA). Mr. Riffel stated that he spoke to a long time Planning Commissioner, who said private worksessions are conducted. That is why items are placed on the consent agenda and limited discussion on formal action items. Mr. Riffel asked the Council if they were having meetings that are not open to the public that would fall under KOMA. Councilmember Hughes responded, "absolutely not" and that she has never had a meeting without the public present. The Mayor explained that a meeting notification is required if more than two councilmembers will be present for a meeting, per KOMA. A notice is also sent if a quorum will be present at events with no business being conducted, such as Fall Festival. The Mayor added that two councilmembers can have a discussion and are prohibited to continue that discussion with a third councilmember. That is considered a serial meeting and would be a violation. The Mayor stated that if somebody has had a meeting in violation of KOMA, that is an accusation of a crime having occurred. That accusation needs to be directed to the District Attorney and an investigation needs to be undertaken. The City Administrator spoke to the individual Planning Commissioner about his statements to Mr. Riffel regarding private meetings. Mr. Hendershot very quickly corrected the Commissioner and advised him that there were no private worksessions being held. The Commissioner felt horrible that he misrepresented any meetings of the City Council and now understands completely on how that process works. Councilmember Leaton further explained that the items on the consent agenda may be pulled from the consent and added to formal action for further discussion.

CITIZEN PARTICIPATION

Janell Pollom, 17211 W. 198th Terr, addressed the Governing Body about the notice in the September newsletter about sewer re-averaging for Waterone customers and that it would be reflected on their August utility bill. Ms. Pollom was concerned that the sewer average was based on months with a higher water usage. City staff responded that the City just received the data from Waterone, which caused the delay in processing their sewer average for 2019. Ms. Landis confirmed that the sewer average is based on their water usage for the months of December 2018, January, February and March 2019.

CITIZEN PARTICIPATION

Bill Peterman, 19431 W. 200th Street, asked how many restrooms were going to be provided at the outdoor concert for the Special Event that is listed under the Consent Agenda. The City Administrator reported that the Police Chief and Fire District Representative have met with the applicant about restrooms, security, traffic, etc. for the event.

CONSENT AGENDA

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

1. **Approval of Minutes: September 12, 2019**
2. **Appropriation Order 2019-09-26**
3. **Consider Approval of Cereal Malt Beverage License Renewal: Queen's Price Chopper, 22350 S. Harrison, Spring Hill, KS**
4. **Consider Approval of Special Event Permit: Jimmie Allen Concert, October 12, 2019, The Bowery Events**
5. **Consider Approval of Permanent Utility Easement: Sweetwater Creek, Phase 3**

Motion carried 5-0-0.

FORMAL COUNCIL ACTION

6. Consider Approval of Contract: Veterans Park, Mega Industries

The City Administrator presented the contract for construction of Veterans Park. At the September 12, 2019 meeting, the City Council accepted the revised bids and directed staff to work with the design team, VIREO, to prepare a contract with Mega Industries. Mr. Hendershot gave an overview of the revised base-bid items that are included in the contract price.

Motion by Leaton, seconded by Koder, to approve the contract with Mega Industries for the construction of base bid items at Veterans Park in the amount of \$1,006,640.00.

Motion carried 5-0-0.

7. Consider Approval of Contract: Environmental Report for AGC Water Tower Site, Terracon

The City Attorney presented the contract between the City and Terracon Consultants, Inc. relating to an environmental assessment of the AGC water tower site that the City is acquiring. In 1988, the City entered an installment purchase contract with AGC Glass for the City to eventually take title to the water tower currently located on AGC property. The final installment payment was made September 15, 2019. The City is now taking title to that water tower site, with a targeted closing date of November 22, 2019. The City Attorney recommended that the City obtain a Phase I environmental assessment of the water tower site prior to taking title.

Motion by Leaton, seconded by Koder, to authorize and direct the Mayor to execute the contract between the City and Terracon Consultants, Inc., for a Phase I environmental assessment of the water tower site, in the amount of \$2,100.00.

Motion carried 4-0-1 (Hughes abstained due to a conflict of interest.)

8. Charter Ordinance No. 37: Charter Ordinance amending Section One of Charter Ordinance No. 33 correcting citation of K.S.A. 14-1101 et seq. relating to acquisition and regulations of city cemeteries

The City Attorney presented Charter Ordinance No. 37, which amends Section One of Charter Ordinance No. 33, correcting citation of K.S.A. 14-1101 et seq. relating to acquisition and regulations of city cemeteries.

When the City of Spring Hill became a city of the second class, it adopted Charter Ordinance No. 33, which exempted the City from K.S.A. 14-1007 et seq. However, the citation incorrectly stated K.S. A. 14-1101 et seq. instead of K.S.A. 14-1007 et seq. The attached Charter Ordinance corrects that citation. Because this is a charter ordinance, it requires the vote of the entire Governing Body, which includes the Mayor.

Motion by Leaton, seconded by Koder, to adopt Charter Ordinance No. 37.

Motion carried aloud by roll of the Governing Body, 6-0-0. Eckert-yea, Pittman-yea, Koder-yea, Hughes-yea, Leaton-yea, Ellis-yea.

9. Ordinance No. 2019-19: Z-02-19, Rezoning from C-1 (Restricted Business District) to M-1 (General Business District), Mid Am Building Supply

The Community Development Director presented the ordinance to rezone certain lands located on the southeast corner of 207th Street and Webster Street from C-1 (Restricted Business District) to M-1 (General Industrial).

In early 2016, Mid-Am Building Supply expanded their operation consisting of a stormwater detention basin with connecting piping, private access road, gravel outside storage area, fencing, lighting and landscaping. They submitted a rezoning application for 3.1 +/- acres for future expansion. On September 5, 2019, the Planning Commission held the required public hearing. Hearing no objection from the public, the Planning Commission voted unanimously to recommend approval of the rezoning request. The 14-day protest period has expired with no valid protest petition being received.

The Spring Hill Planning Commission and Staff recommend approval of Ordinance No. 2019-19 for rezoning application Z-02-19 from C-1 to M-1.

Motion by Leaton, seconded by Eckert, to approve Ordinance No. 2019-19 for rezoning application Z-02-19 from C-1 to M-1.

Motion carried aloud by roll of the Governing Body, 6-0-0. Pittman-yea, Koder-yea, Hughes-yea, Leaton-yea, Eckert-yea, Ellis-yea.

10. Ordinance No. 2019-20: Annexation, 20230 Webster Street, Christopher L. & Jan M. Schroeder

The Community Development Director presented the ordinance annexing property located at 20230 Webster Street.

On September 16, 2019, Christopher L. and Jan M. Schroeder submitted an annexation application, petition and consent for annexation ,(adjoining property by request), consenting to the annexation by the City of Spring Hill, of a tract of land located in the area of 201st Street and Webster Street. City Staff reviewed the proposed annexation request and determined that it meets the City requirements for adjoining property annexation. Because the subject property abuts the City limits, the City has the statutory authority to annex the property. City staff concurs it is in the best interest of the City to annex the property to help infill the City limits.

Motion by Leaton, seconded by Koder, to approve Ordinance 2019-20.

Motion carried 5-0-0.

11. Consider Acceptance of Bid: Design & Build Civic Center Stage Lighting and Gymnasium Sound Barriers

The Utility Superintendent reported that the City advertised for sealed bids for the new stage lighting and gymnasium sound barriers project and received one bid from A to Z Theatrical Supply and Service. The bid was divided into two sections, one for the Stage Lighting Package and one for the Sound Panels. The lighting package bid was \$33,402.00, and the sound panel bid was \$27,585.00, for a total bid package of \$60,987.00. Both bids include delivery and installation.

Funding for the project includes a \$50,000.00 grant provided through the generosity of First Option Bank Trusteed Foundations/Velma Kelly Foundation C. Lyman Ingrid Smith Foundation, with the balance paid through the Civic Center Project Fund. The preference for this grant funding was toward something theatrical. Staff confirmed that there was limited work on the stage until the grant funding became available.

Staff recommended that the City Council accept the bid from A to Z Theatrical Supply and Service for \$60,987.00.

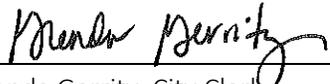
Motion by Leaton, seconded by Koder, to accept the bid from A to Z Theatrical Supply and Service for \$60,987.00.

Motion carried 4-1 (Eckert) -0

ADJOURN

Motion by Leaton, seconded by Eckert, to adjourn.

The meeting adjourned at 8:10p.m.



Glenda Gerrity, City Clerk

Approved by the Governing Body on October 24, 2019.