



AGENDA
REGULAR MEETING
MONDAY, JANUARY 8, 2018
SPRING HILL COMMUNITY CENTER
613 S. RACE STREET
7:00 P.M.

CALL TO ORDER

INVOCATION Pastor Janice Hawley, Hillside Community Lutheran Church

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

CITIZEN PARTICIPATION

CONSENT AGENDA:

The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.

1. Approval of Minutes: December 14, 2017

FORMAL COUNCIL ACTION

2. Oath of Office Steven M. Ellis, Mayor Elect
3. Oath of Office Chris Leaton, City Council Member Elect
4. Oath of Office Chad Eckert, City Council Member Elect
5. Election of President of the City Council

ANNOUNCEMENTS and REPORTS

ADJOURN

City of Spring Hill, Kansas
Minutes of City Council Regular Session
December 14, 2017

A Regular Session of the City Council was held in the Spring Hill Community Center, 613 S. Race, Spring Hill, Kansas, on December 14, 2017. The meeting convened at 7:01p.m. with Mayor Ellis presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance: Chris Leaton
Tim Pittman
Floyd Koder
Scott Snavelly
Andrea Hughes

Staff in attendance: Melanie Landis, Asst. City Administrator
Jim Hendershot, Asst. City Administrator
Richard Mann, Chief of Police
Natalie Lazenby, Human Resources Manager
Ryan Crowley, Parks Superintendent

Consultants in attendance: Frank Jenkins, City Attorney
John Brann, City Engineer

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 add Item 14a. Agreement for Enterprise Resource Planning (ERP) System with Tyler Technologies and add Item 23a. Resolution for Range of Salaries.

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

CITIZEN PARTICIPATION

Mr. John Price, 18255 S. Lone Elm Road, appeared before the City Council to voice his concern about construction trucks driving down Lone Elm Road from the new subdivision at 191st & Lone Elm. Lone Elm Road is a gravel road and due to the high volume of truck traffic, is causing a problem with dust in the area where he lives. He stated that one evening, the dust was so thick that he couldn't see the intersection at 183rd & Lone Elm Road. Mr. Price asked if some type of dust control could be completed or possibly if a stop sign could be installed on Lone Elm Road. The Mayor stated that the intersection is controlled by Johnson County and they have declined placing a stop sign at the intersection of 183rd & Lone Elm. The Mayor also stated that Lone Elm Road will eventually be paved, but until then, directed staff to stay in touch

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with Mr. Price about this issue. Mr. Hendershot stated that he will contact Johnson County about dust control and/or to try and obtain a water truck to help alleviate the problem with dust.

PUBLIC HEARING - 2017 Budget Amendment

Ms. Landis explained that each year, municipalities have the option to amend the current year's budget when revenues exceed expectations or additional expenses, or transfers arise in the current year. Budget amendments do not levy additional taxes but can give the Governing Body the flexibility to make sound decisions on how the current year funds are spent or preserved.

In accordance with Kansas budgeting laws, the City must publish a notice of a public hearing no later than 10 days prior to the scheduled public hearing. The proposed amended 2017 Operating Budget was published in the *Miami County Republic* on November 29, 2017.

The adopted 2017 budget includes expenditures of \$13,773,285, a total ad valorem tax of \$2,360,097 and a tax levy rate of 38.862.

In September of 2017, the Governing Body approved a budget amendment for the General Fund, Excise Tax Fund, and Consolidated Highway Fund.

The suggested additional amendments are as follows:

- **Debt Service Fund:** Amendment of expenditures from \$1,923,700 to \$2,307,695 to accurately reflect debt service expenditures for 2017.
- **Fire Fund:** Amendment of expenditures from \$589,985 to \$609,635 to accurately reflect the availability of funds to create a Fire Fund reserve.
- **Cemetery Fund:** Amendment of expenditures from \$17,000 to \$21,000 to reflect the need for additional appropriation of funds to the Cemetery Board to complete operations for the 2017 budget year.
- **Special Sales Tax Fund – Johnson County:** Creation of a budgeted fund to account for sales tax generated from Johnson County special sales tax distribution to City and appropriately account for transfers from this fund to designated funds in 2017.

The Mayor opened the public hearing. With no comments, the Mayor closed the public hearing.

PRESENTATION - December 31, 2016 Audit

Mr. Jonathan Nibarger, Mizehouser & Company P.A., reviewed the audit report on the financial statements for the year ended December 31, 2016. Mr. Nibarger was pleased to report that the City received an unmodified opinion, which is the best opinion that the City can receive. He stated that he appreciated working with City staff who was very helpful throughout the process. The Mayor thanked staff and Mr. Nibarger for the financial report.

CONSENT AGENDA

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

1. Approval of Minutes: November 9, 2017
2. Appropriation Order 2017-12-14
3. December 31, 2017 Encumbrances
4. Approval of 2017 Budget Amendment
5. Consider Approval of Cereal Malt Beverage License Renewal: C & H Quick Stop, 102 S. Webster
6. Consider Approval of Agreement: Engineering Services to design Lone Elm Road box culvert, Ponzer-Younquist
7. Consider Approval of Agreement: Facility Use Agreement, Spring Hill Recreation Commission
8. Consider Approval of Improvement Agreement: Foxwood Ranch, 1st Plat, (FP-09-17), Northwest corner of 191st & Ridgeview Rd., Clayton Properties Group, Inc.
9. Consider Approval of Final Plat: Foxwood Ranch, 1st Plat, (FP-09-17), Northwest corner of 191st & Ridgeview Rd., Clayton Properties Group, Inc.
10. Consider Approval of Site Plan: Material Storage Lot, (SP-03-17), Lot 1, New Century, 1st Plat
11. Consider Approval of Permanent Utility Easement: Woodland Ridge VII
12. Amended Resolution No. 2017-R-27: Continuation of Broadband Task Force through June 2018
13. Consider Resolution No. 2017-R-28: 2018 Corporate Limits and Boundaries of the City of Spring Hill

Motion carried 5-0-0

FORMAL COUNCIL ACTION

14. Ordinance No. 2017-17: Lease Purchase for vehicles and equipment

Ms. Landis presented the ordinance approving and authorizing the execution of certain documents by the City of Spring Hill, Kansas, in connection with a lease purchase transaction for the acquisition of equipment.

Upon the distribution of the RFP, the City received two bids for the lease purchase. Banks responding were First Option Bank and Tri-Century Bank. First Option Bank provided the winning bid at 2.49% interest rate.

The Ordinance, Base Lease and Lease Purchase documents were drafted by Kutak Rock, the City's bond counsel. City Attorney, Frank Jenkins, has received the documents for review. Representatives of Kutak Rock were present for any questions.

Staff recommended approval of the ordinance approving and authorizing the execution of certain documents by the City of Spring Hill, Kansas, in connection with a lease purchase transaction for the acquisition of vehicles and equipment.

Motion by Leaton, seconded by Koder, to approve Ordinance 2017-17. Motion carried 5-0-0, by roll of the City Council, Hughes-yes, Leaton-yes, Snaveley-yes, Pittman-yes, Koder-yes.

14a. Consider Agreement: Enterprise Resource Planning (ERP) System, Tyler Technologies

Ms. Landis presented the agreement with Tyler Technologies for an Enterprise Resource Planning (ERP) System. The City of Spring Hill released a request for proposal in August of 2016 for an ERP system to include a full range of applications that included software, conversion and implementation services, and initial and on-going training. On April 27, 2017 the City Council approved the proposed bid from Tyler Technologies.

The approved bid includes one-time software fees of \$94,042, service and conversion fees of \$136,835 and a preferred customer discount of \$20,690 totaling \$210,187. Additionally, the annual recurring support and maintenance fees will be \$24,034 in which the payment will be due one year after contract signing.

Staff recommended that the City Council accept the agreement with Tyler Technologies.

Motion by Leaton, seconded by Koder, to accept the agreement with Tyler Technologies. Motion carried 5-0-0.

15. Ordinance No. 2017-18: Lease Purchase for software

Ms. Landis presented the ordinance approving and authorizing the execution of certain documents by the City of Spring Hill, Kansas, in connection with a lease purchase transaction for the acquisition of equipment.

Upon the distribution of the RFP, the City received three bids for the lease purchase. Banks responding were First Option Bank, Tri-Century Bank and State Bank of Spring Hill. State Bank of Spring Hill provided the winning bid at 3.00% interest rate. Ms. Landis noted that the lease for the ERP software is a taxable issue since professional services are included in the amount being financed. Generally, a taxable issue will generate a higher interest rate bid than a tax-exempt issue.

The Ordinance, Base Lease and Lease Purchase documents were drafted by Kutak Rock, the City's bond counsel. City Attorney, Frank Jenkins, has received the documents for review. Representatives of Kutak Rock were present for any questions.

Staff recommended approval of Ordinance No. 2017-18 approving and authorizing the execution of certain documents by the City of Spring Hill, Kansas, in connection with a lease purchase transaction for the acquisition of ERP software.

Motion by Leaton, seconded by Koder, to approve Ordinance No. 2017-18 as stated. Motion carried 5-0-0, by roll of the City Council, Leaton-yes, Snavelly-yes, Pittman-yes, Koder-yes, Hughes-yes.

16. Ordinance No. 2017-19: Conditional Use Permit (CU-2017-0005), Renewal Application to allow for Operation of a Car Wash, 22421 S. Harrison Street, Mr. Don Wessel

Mr. Hendershot presented the ordinance for a Conditional Use Permit (CUP) renewal for operation of a car wash located at 22421 S. Harrison, Spring Hill, Kansas.

Mr. Hendershot reported that the car wash facility has been in operation for years without issue relating to the CUP. Renewal of the CUP is appropriate, as recommended by staff and the Planning Commission. The required public hearing was conducted at the November 2, 2017, Planning Commission meeting with no opposition to the CUP request. The applicants, Mr. & Mrs. Don Wessel, were present and had no comments to add to Mr. Hendershot's report.

The Planning Commission voted unanimously to recommend approval of the application subject to the following:

1. Change the conditions of the CUP to be reviewed annually by staff. This will bring this CUP into compliance with the matrix policy put into place by the Planning Commission in 2014.

It was the recommendation of staff and the Planning Commission to adopt Ordinance No. 2017-19 approving Conditional Use Permit CU-2017-0005, with the changes in conditions to the CUP.

Motion by Leaton, seconded by Koder, to adopt Ordinance 2017-19. Motion carried 6-0-0, by roll of the Governing Body, Snavely-yes, Pittman-yes, Koder-yes, Hughes-yes, Leaton-yes, Ellis-yes.

17. Ordinance No. 2017-20: Conditional Use Permit, (CU-2017-0006), Renewal Application to allow for Renewal application to allow for operation of an assisted living facility, 22550 S. Franklin Street, NRFC Blackhawk Holdings, LLC

Mr. Hendershot presented the ordinance for a Conditional Use Permit (CUP) renewal for operation of an assisted living facility at 22550 S. Franklin Street, Spring Hill, Kansas.

The assisted living facility has been in operation for several years without issues relating to the CUP. Renewal of the CUP is appropriate, as recommended by staff and the Planning Commission. The required public hearing was conducted at the November 2, 2017, Planning Commission meeting with no opposition to the CUP request.

The Planning Commission voted unanimously to recommend approval of the application subject to the following:

1. Change the conditions of the CUP to be reviewed annually by staff. This will bring this CUP into compliance with the matrix policy put into place by the Planning Commission in 2014.

Motion by Leaton, seconded by Koder, to approve Ordinance 2017-20. Motion carried 6-0-0, by roll of the Governing Body, Pittman-yes, Koder-yes, Hughes-yes, Leaton-yes, Snavely-yes, Ellis-yes.

18. Consider Approval of Reimbursement Agreement: Professional Services relating to Dayton Creek Phase 2, Third Plat Benefit District, PV Investments, LLC

Ms. Landis presented the reimbursement agreement for professional services relating to Dayton Creek, Phase 2, Third Plat Benefit District with Dr. Bradley Vince of PV Investments, LLC.

The City's benefit district policy and procedures require an approved benefit district petition in order to begin incurring expenses toward a proposed benefit district. The submission of a benefit district petition for Dayton Creek Third Plat may be submitted only after the County has recorded the final plat. PV Investments and Dr. Vince have requested that the City engage professional services, including but limited to, legal, engineering, and consulting prior to the submission of the benefit district petition.

The reimbursement agreement will require a cash deposit of an approximate amount of the services plus staff time to be rendered prior to the engagement of those services in which the City will hold the funds until the benefit district petition is approved by City Council. If the professional service expenses are not reimbursed to the City by March 31, 2018, for any reason (whether it be because the Bonds are not issued, the Bonds proceeds are not used to reimburse the City, the application for the Benefit District is denied, or for any other reason), then the City will draw against the amount deposited by Dr. Vince or by PV Investments to reimburse the City.

If the City is reimbursed through Bonds issued for an approved benefit district, the City will reimburse to Dr. Vince and/or PV Investments, as applicable or to the extent of the amount the City is reimbursed, the amount paid the City.

Ms. Landis reported that the City received the executed agreement from PV Investments, LLC earlier today and Dr. Vince confirmed that the deposit check for \$7500.00 was being delivered by courier.

Staff recommended approval of a reimbursement agreement with PV Investments related to the proposed Dayton Creek benefit district.

Motion by Leaton, seconded by Koder, to approve reimbursement agreement with PV Investments related to the proposed Dayton Creek benefit district. Motion carried 5-0-0.

19. Consider Approval of Agreement: Administrative Services for Dayton Creek Phase 2, Third Plat Benefit District, Ponzer-Youngquist Engineers

Mr. Brann presented the agreement for engineering services for Dayton Creek Benefit District Phase 2, Third Plat, Benefit District, with Ponzer Youngquist Engineers.

As part of the development of Dayton Creek, the developer, Dr. Bradley Vince, has petitioned the City to form a benefit district for the construction of the infrastructure improvements for Phase 2, Third Plat of the Dayton Creek development. As part of the benefit district, staff requested that the city engineer, Ponzer Youngquist P.A., develop the final contract documents, provide the resident

project representative services and administer the project during construction. Since the developer's engineer, Shafer Kline & Warren, Inc., has already developed the final construction drawings for this phase of construction and these drawings have been reviewed and approved by the City, the staff has agreed to utilize these drawings to save time and money for the developer.

The contract for the engineering agreement submitted by Ponzer Youngquist, P.A. has been reviewed by the city attorney and Kevin O'Brien, the city's insurance agent. Both have made comments that have been incorporated into the final agreement.

Mr. Brann recommended that the Governing Body approve the Engineering Agreement from Ponzer Youngquist, P.A. in the amount of \$81,100.00, which will be paid through the benefit district.

Motion by Leaton, seconded by Koder, to approve the contract for administrative services for Dayton Creek, Phase 2, Third Plat Benefit District with Ponzer-Youngquist Engineers. Motion carried 5-0-0.

20. Consider Approval of Agreement: Engineering Services for Dayton Creek Phase 2, Third Plat Benefit District, Shafer, Kline & Warren, Inc.

Mr. Brann presented the agreement for engineering construction services provided by Shafer Kline and Warren, the design engineer for the actual construction drawings of Dayton Creek Phase 2, Third Plat. The drawings have already been prepared. This is the same process as used in Phase 1, however, the Scope of Services changed slightly.

Mr. Brann recommended that the Governing Body approve the Engineering Agreement from Shafer Kline and Warren in the amount not to exceed \$48,400.00

Motion by Leaton, seconded by Koder, to approve the engineering services for Dayton Cree, Phase 2 agreement from Shafer Kline and Warren, in the amount not to exceed \$48,400.00. Motion carried 5-0-0.

21. Consider Appointment of Spring Hill Municipal Judge

Mayor Ellis gave a briefing of the retirement of Municipal Court Judge Tim Turner who rendered his resignation in August 2017. The Mayor appointed Mr. Alex Judd as pro-tem Judge through December 2017. He reported that the position was posted, and three applications were received. After review of the applications and receiving feedback from staff, Mayor Ellis asked for Council's consent to appoint Mr. Alex Judd as Municipal Court Judge on an ongoing basis and no longer as pro-tem.

Motion by Leaton, seconded by Koder to appoint Mr. Alex Judd as Municipal Court Judge on an ongoing basis and no longer as pro-tem. Motion carried 5-0-0.

EXECUTIVE SESSION

Motion by Leaton, seconded by Koder, to recess into Executive Session for 5 minutes to discuss Contracts-Johnson County Fire District No. 2 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 7:43p.m. Persons to be in attendance are the following: Melanie Landis, Assistant City Administrator and Frank H. Jenkins, Jr., City Attorney. Motion carried 5-0-0.

The meeting recessed at 7:38p.m.

The meeting reconvened at 7:43p.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.

22. Consider Approval of Agreement: 2017 Fire Protection Services, Johnson County Fire District No. 2

Ms. Landis presented the 2017 Fire Protection Services with Johnson County Fire District No. 2.

(The Governing previously approved the 2017 Agreement on October 26, 2017. However, subsequently, the District proposed additional changes. The proposed agreement addresses these changes and is submitted to the Governing Body for its approval.) The City's negotiation team is proposing \$579,635.00 for Council's consideration and approval.

Staff recommended approval of the Fire District contract for 2017 Fire Protection Services with Johnson County Fire District No. 2.

Motion by Leaton, seconded by Koder, to approve the Fire District contract for 2017 Fire Protection Services with Johnson County Fire District No. 2. Motion carried 5-0-0.

23. Consider Approval of Agreement: 2018 Fire Protection Services, Johnson County Fire District No. 2

Ms. Landis presented the agreement for 2018 Fire Protection Services with Johnson County Fire District No. 2. The City's negotiation team is proposing \$640,000.00 for Council's consideration and approval.

Staff recommended approval the Fire District contract for 2018 Fire Protection Services agreement with Johnson County Fire District No. 2.

Motion by Leaton, seconded by Snavely, to approve the Fire District contract for 2018 Fire Protection Services agreement with Johnson County Fire District No. 2. Motion carried 5-0-0.

23a. Resolution for Range of Salaries

Mrs. Lazenby presented the resolution for the range of salaries of various City officers and employees of the City of Spring Hill, Kansas pursuant to Section 1-401 of the Spring Hill Municipal Code.

Mrs. Lazenby reported that the pay ranges for officers and employees are reviewed annually. Cost of living adjustments were applied to both the minimum and maximum amounts for pay ranges seven through nineteen. The salaries for pay ranges twenty through twenty-three have recently undergone updating, and therefore did not receive a CPI increase. The current seasonally adjusted rate of CPI for urban wage earners and clerical workers is 2.1%.

Mrs. Lazenby reported the following revisions to the resolution:

- To allow for continued retention and opportunity for growth within the Public Works Department, a position was created to allow for a Maintenance Worker III, with a salary range of 12.
- The current Utility Foreman position title was changed to read Public Works Foreman, this will allow for future growth within all departments throughout Public Works. The salary range for this will remain 14.
- Due to a recent market survey, the salary range for Assistant Public Works Director (which is not currently being filled) and Assistant Police Chief (currently vacant) have been updated from range 20 to range 21.
- A title correction was made for the City Clerk portion to reflect a promotion with added responsibilities to City Clerk/ Director of Community Services.
- Due to market conditions, the Chief of Police title was moved from salary range 21 to range 22.
- The Director of Finance position (not currently filled) was added back to the salary resolution.
- The position of Community Development/Public Works Director was eliminated.
- City Administrator (currently vacant) salary was increased from a starting pay of \$115,003.20 to \$125,008. 00.

Staff recommended that the City Council approve Resolution 2017-R-29.

Motion by Leaton, seconded by Koder, to approve Resolution 2017-R-29. Motion carried 5-0-0.

RECESS

At 7:50p.m., the Mayor declared a 10-minute recess.

Mr. Alex Judd just arrived at the meeting and the Mayor stated that this would be an opportunity for the Governing Body to meet the City's newest Municipal Judge Alex Judd, who was appointed earlier in the meeting. Mayor Ellis congratulated the Honorable Alex Judd on his appointment.

The meeting reconvened at 8:00p.m. with everyone present.

DISCUSSION

24. 3rd Quarter financials & Year End projections

Ms. Landis provided a summary of the 3rd quarter financial update and year end projections for general fund revenues, special revenue funds, and utility funds. Ms. Landis also reported on some transfers of funds to reserve funds, specifically for the general fund and special revenue funds. It was the consensus of the Governing Body to transfer the special Johnson County sales tax to an equipment reserve fund. This is a sunset sales tax; therefore, it is not recommended to dedicate this sales tax to long-term debt.

EXECUTIVE SESSION

*Consideration of motion to recess into executive session under the Attorney-Client Privilege Exception -
Subject: Anticipated Litigation*

Motion by Leaton, seconded by Snavelly, to recess into Executive Session for 10 minutes to discuss Anticipated Litigation No. 1 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 9:15p.m. Persons to be in attendance are the following: F. Charles Dunlay, Special Counsel and Frank H. Jenkins, Jr. City Attorney. Motion carried 5-0-0.

The meeting recessed at 9:05p.m.

The meeting reconvened at 9:15p.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.

Extended

Motion by Leaton, seconded by Snavelly, to extend the executive session for 5 minutes. Motion carried 5-0-0.

The meeting recessed at 9:17p.m.

The meeting reconvened at 9:22p.m. with everyone present.

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

EXECUTIVE SESSION

*Consideration of motion to recess into executive session under the Attorney-Client Privilege Exception -
Subject: Anticipated Litigation*

Motion by Leaton, seconded by Snavelly, to recess into Executive Session for 10 minutes to discuss Anticipated Litigation No. 2 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 9:40p.m. Persons to be in attendance are the following: F. Charles Dunlay, Special Counsel and Frank H. Jenkins, Jr. City Attorney. Motion carried 5-0-0.

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The meeting recessed at 9:30p.m.

The meeting reconvened at 9:40p.m. with everyone present.

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

EXECUTIVE SESSION

Consideration of motion to recess into executive session under the Attorney-Client Privilege Exception - Subject: Dayton Creek Subdivision.

Motion by Leaton, seconded by Snavelly, to recess into Executive Session for 5 minutes to discuss Dayton Creek Subdivision 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 9:48p.m. Persons to be in attendance are the following: Jim Hendershot, Assistant City Administrator, Melanie Landis, Assistant City Administrator, John Brann, City Engineer, and Frank H. Jenkins, Jr. City Attorney. Motion carried 5-0-0.

The meeting recessed at 9:43p.m.

The meeting reconvened at 9:48p.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.

ACTION:

Councilman Leaton stated that subject to receipt of an ALTA Survey, approved by the City and approval by the City of the exceptions to be set forth in the Deed of Dedication, the following motion was made:

Motion by Leaton, seconded by Koder, that the City Council approve payment by the City for title insurance premium in the amount of approximately \$1080.00 for the title insurance policy relating to Deed of Dedication conveyed to the City from P.V. Investments for right-of-way located adjacent to the Dayton Creek Subdivision at the northwest intersection of U.S. Highway No. 169 and 191st Street. Motion carried 5-0-0.

EXECUTIVE SESSION

Consideration of motion to recess into executive session under the Attorney-Client Privilege Exception - Subject: Crossings at Spring Hill Subdivision

Motion by Leaton, seconded by Koder, to recess into Executive Session for 5 minutes to discuss Crossings at Spring Hill Subdivision 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 9:55p.m. Persons to be in attendance are the following: Jim Hendershot, Assistant City Administrator, Melanie Landis, Assistant City Administrator, John Brann, City Engineer, and Frank H. Jenkins, Jr. City Attorney. Motion carried 5-0-0.

The meeting recessed at 9:50p.m.

The meeting reconvened at 9:55p.m. with everyone present.

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

Extended

Motion by Leaton, seconded by Pittman, to extend the executive session for 10 minutes. Motion carried 5-0-0.

The meeting recessed at 9:56p.m.

The meeting reconvened at 10:06p.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.

ACTION:

Motion by Leaton, seconded by Koder, to approve the City Attorney's recommendations relating to infrastructure performance bond. Motion carried 5-0-0.

EXECUTIVE SESSION

*Consideration of motion to recess into executive session under the Attorney-Client Privilege Exception -
Subject: Municipal Court*

Motion by Leaton, seconded by Koder, to recess into Executive Session for 5 minutes to discuss Municipal Court 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 10:15p.m. Persons to be in attendance are the following: Glenda Gerrity, City Clerk and Director of Community Services and Frank H. Jenkins, Jr. City Attorney. Motion carried 5-0-0.

The meeting recessed at 10:10p.m.

The meeting reconvened at 10:15p.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 Leaton, seconded by Koder, to adjourn.

The meeting adjourned at 10:16p.m.

Glenda Gerrity, City Clerk

Approved by the Governing Body on _____.

Agenda Item Review Sheet

To: Mayor and City Council
From: Frank Jenkins Jr., City Attorney
Date: December 27, 2017
Regular Meeting: January 8, 2018

Formal Items:

- A. Oath of Office Steve Ellis, Mayor Elect
- B. Oath of Office Chris Leaton, City Council Member Elect
- C. Oath of Office Chad Eckert, City Council Member Elect
- D. Election of President of the City Council

Issues: Commencement of terms of offices for newly elected officials and election of president of the city council.

Background:

- July 1, 2016- The 2015 Kansas Legislature enacted L. 2015, Chapter 88, and House Bill 2104 which moved city elections from April of odd-years to November of odd-years and created new terms of office for the governing body and new election dates for those officials. The new law mandated that a regular meeting be conducted on the second Monday in January following the election to administer the oath of office to the newly elected officials.
- October 13, 2016- Charter Ordinance No. 36 amended the Spring Hill Municipal Code to comply with the new election laws.
- November 10, 2016 Ordinance No. 2016-16 amended Rule No. 1 of the Governing Body's Order of Business to require a regular meeting to be conducted on the second Monday in January following the November election to administer the oath of office to the newly elected officials.

Analysis:

- A. Oath of Office of newly elected members of the Governing Body-January 8, 2018. As noted, because of the change in the election cycle, the terms of office must now begin on the second Monday in January following the certification of the election. Therefore, on January 8, 2018, a regular meeting is to be conducted for all newly elected Spring Hill officials (Steve Ellis-Mayor; Chris Leaton and Chad Eckert-City Council Members) to take their oaths of office.
- B. Election of President of the City Council. Also, because Section 1-112 of the Spring Hill Municipal Code provides that the President of the City Council is to be elected at its regular meeting following a city election, the election of the President is to be scheduled for January 8, 2018.

Recommendation:

The regular meeting of the City Council scheduled for January 8, 2018 include the following agenda items:

1. Oath of Office Steve Ellis, Mayor Elect
2. Oath of Office Chris Leaton, City Council Member Elect
3. Oath of Office Chad Eckert, City Council Member Elect
4. Election of President of the City Council

cc:

Glenda Gerrity, City Clerk/Director of Community Services
Jim Hendershot, Assistant City Administrator
Melanie Landis, Assistant City Administrator
Natalie Lazenby, Human Relations Manager