

**City of Spring Hill, Kansas
Minutes of City Council Regular Session
July 28, 2016**

A Regular Session of the City Council was held in the Spring Hill Civic Center, 401 N. Madison, Council Chambers, Spring Hill, Kansas on July 28, 2016. The meeting convened at 7:00p.m. with Mayor Steven Ellis presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance: Chris Leaton
Clint Gillis
Floyd Koder
Scott Snavelly
Andrea Hughes

Staff in attendance: City Administrator Jonathan Roberts
Finance Director Melanie Landis
Community Development Director Jim Hendershot
Police Chief Richard Mann

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

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 5. after Citizen Participation.

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

CITIZEN PARTICIPATION:

Stephanie Herthel, 20550 Cedar Niles Road, Spring Hill, Kansas, thanked the Governing Body for the opportunity to speak and stated that she is a parent of the Spring Hill School District. Ms. Herthel informed the Governing Body of the upcoming USD 230 bond issue that will be a mail-in ballot from August 19 – September 8th.

Sharon Mitchell, Spring Hill Chamber of Commerce, thanked the Governing Body for the opportunity to speak and the generous financial support that the City provides the Chamber. Ms. Mitchell reported that the Chamber submitted a budget request which is the same amount as last year along with the additional funding request for training. Ms. Mitchell provided an update on the training she was able to attend due to the additional funding provided by the City. Ms. Mitchell gave a brief membership update and then thanked the Police Department for the work they do and provided Chief Mann a basket of items donated by Chamber members.

Helen Hecke, 701 W. South Street, Spring Hill, Kansas, requested that if the street vacation is approved (Item 5), then require that both parties establish an escrow account and draw money out of that account for the driveway improvements. The Mayor stated that the City has no authority to act on that since the agreement would be between property owners and the City is not involved with that transaction.

**5. Ordinance 2016-08: Consider vacating a portion of Nichols Street adjacent to 102 E. Nichols St., Mr. Gionelli Pourleamar
*Tabled from the July 14th City Council meeting.***

The Community Development Director reported that this item was tabled from the July 14th City Council meeting to allow the applicant and adjoining property owners an opportunity to discuss the request and develop a plan to meet the needs of access for all parties. The applicant and representatives of the Spring Hill United Methodist Church have discussed the issue of access from Webster and Nichols Streets and have arrived at a mutual agreement. Once the

right-of-way is vacated, the parties will trade portions of each property to allow the church permanent access from Webster Street. In return, the church will deed a portion of the vacated right-of-way to the applicant. Drive entrances from Webster and Nichols will be altered to provide adequate width for two-way entrance/exit from the properties. Vacation of the right-of-way will have no negative impact on the City as a utility easement is maintained in the language of the vacation ordinance.

Staff recommended approval of the ordinance to vacate a portion of Nichols Street adjacent to 102 E. Nichols Street.

Motion by Leaton, seconded by Gillis, to approve Ordinance 2016-08.

Motion carried by roll 5-0-0 Koder-aye, Hughes-aye, Leaton-aye, Snavelly-aye, Gillis-aye.

PRESENTATION: Spring Hill Website, Allysha Walmann

Ms. Walmann presented the new Spring Hill Website and gave an overview of the new features and enhancements, including the options for audio/video, mobile devices and the capability of signing up for reminders. The new website is scheduled to go live on August 4th.

CONSENT AGENDA:

Motion by Leaton, seconded by Gillis, to approve the Consent Agenda as presented.

1. **Approval of Minutes: July 14, 2016**
2. **Appropriation Order 2016-07-28**
3. **Consider Approval of Temporary Use Permit: TUP-06-16, Outside Display Sales, H.E.R.S. Inc.**
4. **Consider Approval of Change Order No. 1: Subgrade Repairs to Victory Road, Kansas Heavy Construction, LLC**

Motion carried 5-0-0.

FORMAL COUNCIL ACTION

6. **Ordinance No. 2016-09: Consider approval of Conditional Use Permit, CU-2016-0001, Child Care Center, 21901 Victory Road, The Wholesome Child, LLC**

The Community Development Director presented the ordinance for a Conditional Use Permit, CU-2016-0001, authorizing a Child Care Center located at 21901 Victory Road. The request was submitted by the applicant Karla Traul, Wholesome Child LLC. The property is zoned C-2, General Business, with P-O, Protective Overlay, which requires a Conditional Use Permit to operate a child care center. The Planning Commission held the required public hearing on July 7th with no opposition voiced. Discussion with the Planning Commission was held to clarify the hours of operation and the outdoor play area. After discussion the Planning Commission voted unanimously to recommend approval of the application subject to the following: 1. Annual review by staff.

Recommendation from staff and the Planning Commission to approve Ordinance 2016-09, approving conditional use permit CU-2016-0001 including the following condition: Annual review by staff

Motion by Leaton, seconded by Gillis, to approve Ordinance 216-09 as stated.

Motion carried by roll 5-0-0, Hughes-aye, Leaton-aye, Snavelly-aye, Gillis-aye, Koder-aye.

7. **Resolution No. 2016-R-20: Consider adoption of Resolution adding Article XI to the Spring Hill Employee Handbook relating to weapons in the work place; adopting the 2016 First Edition Spring Hill Employee Handbook; further rescinding Resolution No. 2013-R-13**

The City Attorney presented a revision to the Employee Handbook relating to weapons in the work place. House Bill 2502, adopted by the 2016 State Legislature, authorized legally qualified civilian employees to carry/possess a concealed handgun while engaged in their duties of employment. The City Council specifically discussed the language regarding D) Employees may not store a firearm in a vehicle owned by the City of Spring Hill when they are not in the vehicle, and the rights of a homeowner when they do not want an employees to enter their private residence while carrying a concealed weapon. It was the consensus of the City Council to table this item until Mayor Ellis, Councilman Gillis, City Attorney and City Administrator can meet and revise the language of the policy.

Motion by Leaton, seconded by Gillis, to table Resolution 2016-R-20 until the second meeting in August. Motion passed 5-0-0.

8. Resolution No. 2016-R-21: Temporary Construction Easement, Webster Street Acceleration Lane, AGC Glass North America, Inc. John Amrein, the City's land acquisition agent, has reached agreement with the landowner for the acquisition of the easement

The City Attorney presented the resolution accepting a temporary construction easement relating to the Webster Street Acceleration Lane project. AGC Flat Glass North America, LLC, is the adjacent landowner to the acceleration lane. The easement expires on December 31, 2017.

City Staff and Mr. John Amrein recommend approval of the acceptance of the easement.

Motion by Leaton, seconded by Gillis, to approve Resolution 2016-R-21. Motion carried 5-0-0.

9. Resolution No. 2016-R-22: Temporary Construction Easement, Veterans Park Access Road Project

The City Attorney presented the resolution accepting a temporary construction easement and permanent utility easements relating to the Veterans Park Access Road project. Cory and Sharon Bacon and Sycamore Estates are the adjacent landowners to the project. The temporary construction easement expires on December 31, 2017.

City Staff and Mr. Amrein recommend approval of the acceptance of the easements and payment of the designated compensation.

Motion by Leaton, seconded by Gillis, to approve Resolution 2016-R-22. Motion carried 5-0-0.

RECESS

At 7:40pm, the Mayor declared a recess until 7:55pm.

At 7:55pm, the meeting reconvened with everyone present.

DISCUSSION

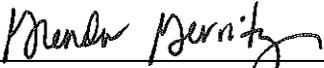
10. 2017 Budget and Capital Improvement Program (CIP)

The Finance Director stated that the budget process is an opportunity to match a financial plan that will help to accomplish the community needs and council goals. Ms. Landis presented a brief history of the assessed valuation, property tax funds summary for revenue and expenditures, available funds and 2017 requests and the 2017 proposed budget including the draft budget summary. Ms. Landis also provided the property tax revenue history from 2014 to the proposed 2017. This budget continues the levels of service that the residents are currently receiving, continues the commitment to the market pay plan already in place and continuing the funding for outside agencies. Notice of the hearing will be published in the Miami County Newspaper for the August 25th City Council meeting.

ADJOURN

Motion by Leaton, seconded by Snavelly, to adjourn.

The meeting adjourned at 8:35pm.



Glenda Gerrity, City Clerk

Approved by the Governing Body on August 11, 2016.