

**City of Spring Hill, Kansas**  
**Minutes of City Council Regular Session**  
**October 13, 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 October 13, 2016. The meeting convened at 7:00pm with Mayor Ellis presiding, and Glenda Gerrity, City Clerk recording.

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

Councilmembers absent: Clint Gillis

Staff in attendance: City Administrator Jonathan Roberts  
Finance Director Melanie Landis  
Community Development Director Jim Hendershot  
Police Chief Richard Mann arrived at 7:40pm

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 11. Appropriation Order to Consent and delete Ordinance 2016-16 listed in Item 16.

**Motion by** Leaton, seconded by Koder, to approve the agenda as revised. Motion carried 4-0-0

**CITIZEN PARTICIPATION:**

Pastor Janice Hawley, Hillside Community Lutheran Church, gave an update about Project 17 "CIRCLES" program which launched on June 9, 2015. Pastor Hawley reported that the work will continue to help families lead the way out of poverty and the name of the program will change to THRIVE. Pastor Hawley thanked the Governing Body for their support in the program and they hope to increase awareness in agencies to help direct families to this program.

**CONSENT AGENDA:**

**Motion by** Leaton, seconded by Koder, to approve the Consent Agenda.

1. **Approval of Minutes: September 22, 2016**
2. **Consider Approval of Contract: Document Conversion of Case Files for Spring Hill Police Department, Scanning America, Inc.**
3. **Consider Approval of Contract: Design Services for Audio Visual Installation, Civic Center Revitalization Project, CCS Presentation Systems**
4. **Consider Approval of Contract: Microsoft Government Server and Cloud Program Enrollment, SHI International Corp**
5. **Consider Approval of Improvement Agreement: Dayton Creek, PV Investments, LLC**
6. **Consider Approval of Final Plat: FP-06-16, Dayton Creek, Northwest corner 191<sup>st</sup> Street & 169 Highway, PV Investments, LLC**

7. Consider Acceptance of Permanent Utility and Drainage Easement and Dedication of Public Street for Blackhawk Apartments: Blackhawk Apartment Homes, LLC and Blackhawk Development, LLC
8. Consider Approval of Special Event: Mother/Son Date Night, Spring Hill Recreation Commission
9. Consider Approval of Special Event: Spooktacular, Spring Hill Recreation Commission
10. Consider Approval of Special Event: Family Movie Night, Spring Hill Recreation Commission
11. Appropriation Order 2016-10-13

Motion carried 4-0-0.

#### FORMAL COUNCIL ACTION

12. Consider Approval of Reimbursement Agreement for Dayton Creek: PV Investments, L.L.C., a Kansas limited liability company, and Bradley D. Vince

The Finance Director reported that 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 may be submitted only after the County has recorded the final plat. PV Investments has 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 June 30, 2017, 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 PV Investments to reimburse the City.

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

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

**Motion by** Leaton, seconded by Snavelly, to approve the reimbursement agreement with PV Investments related to the proposed Dayton Creek benefit district.

Motion carried 4-0-0.

13. Consider Approval of Resolution 2016-R-29: Approving and Authorizing Execution of Agreement with Richard Caplan and Associates for a Housing Needs Analysis of the City Relating to Oak Woods Subdivision Pursuant to the Kansas Rural Housing Incentive District Act

The City Administrator presented the resolution approving and authorizing an Agreement with Richard Caplan and Associates for a Housing Needs Analysis of the City relating to Oak Woods Subdivision pursuant to the Kansas Rural Housing Incentive District Act (RHID).

The Applicant has recently purchased the Oakwood Subdivision and is investigating the possibility of approaching the City of Spring Hill to implement an RHID for the property in an effort to help diversify the Spring Hill housing stock. This analysis is the first statutorily mandated step in such an effort. The subject Analysis will provide the Applicant, the City and eventually the State with the information necessary to determine what type and price level of housing stock would be most appropriate for the site. Both Staff and the Applicant share the same goal in diversifying the Spring Hill housing stock to include affordable new housing for the region.

Staff recommended approval of Resolution No. 2016-R-29 approving and authorizing execution of Agreement with Richard Caplan and Associates for a Housing Needs Analysis of the City Relating to Oak Woods Subdivision pursuant to the Kansas Rural Housing Incentive District Act.

**Motion by** Leaton, seconded by Koder, to approve Resolution No. 2016-R-29. Motion carried 4-0-0.

Note: Mr. Roberts noted later in the meeting that this study does not bind the City Council to the rural housing district.

**14. Ordinance No. 2016-14: Consider approval of the contract for assignment of City Solid Waste Contract to Waste Management of Kansas, Inc. and amendments to City Solid Waste Contract relating to the term of the contract and rates for solid waste service**

The City Administrator presented the Ordinance to approve the contract for assignment of the City solid waste contract to Waste Management of Kansas, Inc.; further approving amendments to the contract relating to the term of the contract and rates for services.

On December 11, 2011, the City of Spring Hill entered into a contract with L&K Services, Inc. for waste collection within its City limits. This contract will expire on December 31, 2016. L&K Group Holdings, LLC is the company that presently provides this service. It is the group that resulted since the original company's purchase by Deffenbaugh and eventual purchase by Waste Management of Kansas, Inc.

This Amendment to the existing contract secures the very same level and quality of service that City residents presently enjoy with the following four amendments;

- 1) Formal assignment of the existing contract from L&K Holdings, LLC to Waste Management of Kansas, Inc.
- 2) Extend the terms of the contract for five years from January 1, 2017 until December 31, 2021.
- 3) The rates for the service will remain constant throughout 2017 and will increase by 2% each following year.
- 4) The Contractor, with consent of the City, may limit intakes of industrial sludge.

**Motion by** Leaton, seconded by Snavelly, to approve Ordinance No. 2016-14.

Motion carried by roll of the City Council 4-0-0. Snavelly – Yea, Koder – Yea, Hughes – Yea, Leaton – Yea.

**15. Ordinance No. 2016-15: Chapter XVIII of the Spring Hill Municipal Code and incorporating by reference the Spring Hill Uniform Technical Specifications and Design Criteria for Public Improvement Projects, First Edition 2016**

The City Engineer presented the ordinance to incorporate by reference the Spring Hill Uniform Technical Specifications and Design Criteria for Public Improvement Projects, First Edition 2016. City staff, with the assistance of the City Engineer, made a comprehensive review of the current Uniform Technical Specification and Design Criteria and found that many of the sections needed to be updated to assure adherence to the changing industry standards. The City Engineer confirmed that the changes requested by Mr. Leaton will be added to the specifications.

**Motion by** Leaton, seconded by Snavelly, to approve Ordinance 2016-15.

Motion carried by roll of the City Council 4-0-0. Koder – Yea, Hughes – Yea, Leaton – Yea, Snavelly – Yea.

**16. Transition of Elections and Terms of Office of the Governing Body from April Election Cycle to November Election Cycle:**

Charter Ordinance No. 36

~~Ordinance 2016-16~~ *This item deleted.*

The City Attorney presented the Charter Ordinance for the transition of elections and terms of office of the Governing Body from April Election Cycle to November Election Cycle.

Effective January 1, 2017, the election law changes are as follows:

1. The general election of the Governing Body will be changed from April 2017 to the Tuesday following the first Monday in November 2017 and each such date thereafter. [K.S.A. 25-2107 (a)]

2. The term of members of Governing Body that expire in April 2019 will be extended to the second Monday in January of 2020 and on such date thereafter. [K.S.A. 25-21a01 (b)]

The new terms of office of the Governing Body are summarized as follows:

- A. Mayor Steven M. Ellis elected April 11, 2013, elected term was to expire on April 2017.  
Council Member Chris Leaton elected April 11, 2013, elected term was to expire April 2017.  
Council Member Scott Snavelly, appointed on July 14, 2016 to the unexpired term of Council Member Chad Eckert was to expire on April 2017.

These Terms extended to 2nd Monday of January 2018 – General election of office Tuesday succeeding first Monday in November 2017.

- B. Council Member Clint Gillis, Jr. elected April 23, 2015, elected term was to expire April 2019.  
Council Member Floyd Koder elected April 23, 2015, elected term was to expire April 2019.  
Council Member Andrea Hughes elected April 23, 2015, elected term was to expire April 2019.

These Terms extended to 2nd Monday of January 2020 – General election of office Tuesday succeeding first Monday in November 2019.

To comply with the new law, the Charter Ordinance provides for procedures for implementing the November Election Cycle. The changes are summarized as follows:

- A. Provides for the adoption the November Election Cycle.
- B. Affirms that it has adopted Charter Ordinance No. 26 which establishes the City has adopted the Mayor/Council of government; that the terms of office are four years; and it has adopted a vacancy filling procedure.
- C. Affirms that it has adopted Charter Ordinance No. 28 which establishes the procedures for appoint of the President of the Council.
- D. States that candidates are to file for office with the Johnson County Election Officer and not the City Clerk.
- E. Nomination petitions (write-in candidates) must be signed by 100 qualified elector or number of qualified electors of the City or equal to 1% of the ballots cast at the last general City Election, whichever is less.  
Note: The required number of signers of the petition is to be established by each individual city.
- F. Deletes Section 5 in Charter Ordinance No. 26 relating to vacancy in City Council due to military service. This provision was added to permit the appointment of former Councilmember Beck during his tour of duty in Iraq.

**Motion by** Leaton, seconded by Koder, to approve Charter Ordinance No. 36.

Motion carried by roll of the Governing Body 4-1-0 Koder – Yea, Hughes – Yea, Leaton – Yea, Snavelly – Nay, Ellis – Yea.

#### **EXECUTIVE SESSION – Attorney-Client Privilege Exception**

**Motion by** Leaton, seconded by Koder to recess into Executive Session for 10 minutes under the Attorney-Client Exception to the Kansas Open Meetings Act: Subject – Contract with Fire District No. 2 of Johnson County, Kansas. The following persons are to be in attendance: City Administrator, Finance Director, and City Attorney.  
Motion carried 4-0-0.

The meeting recessed at 8:27pm with the executive session to begin at 8:40pm.

The meeting reconvened at 8:50pm with everyone present.

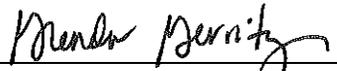
Mayor Ellis announced that no votes were taken or decisions made during the executive session. The discussion was limited to the subject stated.

**ADJOURN**

Motion by Leaton, seconded by Snavely, to adjourn.

The meeting adjourned at 8:51pm.

Approved by the Governing Body on October 27, 2016.

  
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Glenda Gerrity, City Clerk