

**City of Spring Hill, Kansas
Minutes of City Council Regular Session
March 23, 2017**

A Regular Session of the City Council was held in the Spring Hill Community Center, 613 S. Race Street, Spring Hill, Kansas, on March 23, 2017. The meeting convened at 7:08pm with Mayor Ellis presiding, and Glenda Gerrity, City Clerk recording.

Councilmembers in attendance: Chris Leaton
Clint Gillis arrived at 7:10pm
Floyd Koder
Andrea Hughes

Councilmembers absent: Scott Snavelly

Staff in attendance: City Administrator Jonathan Roberts
Finance Director Melanie Landis
Community Development Director Jim Hendershot
Police Chief Richard Mann
Human Resource Specialist, Risk Manager Natalie Lazenby

Consultants in attendance: City Attorney Frank Jenkins
Special Counsel Kendall McVay

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 an Executive Session – Attorney-Client Privilege, subject: police station claim and move Item 5 to Formal Action.

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

CITIZEN PARTICIPATION:

There was no citizen participation

PROCLAMATION – RICHARD NEWTON COMMUNITY COMMITMENT WEEK

The Mayor recognized Mr. Richard Newton for his 24 years of dedicated service to the Spring Hill, Kansas Cemetery Board. The Mayor read aloud the proclamation and proclaimed the week of March 26 through April 1, 2017 to be Richard Newton Community Commitment Week. Cake was served in celebration of Mr. Newton’s service to the City.

RECESS

At 7:10pm, the Mayor declared a 15-minute recess.

At 7:25pm, the meeting reconvened with everyone present.

Mr. Gillis arrived.

PRESENTATION - Property/Casualty Liability Insurance, The Reilly Company, Mr. Kevin O’Brien

Mr. O’Brien was absent but was expected to arrive shortly; therefore, the Presentation was moved to after the first Executive Session.

CONSENT AGENDA:

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

1. **Approval of Minutes: March 9, 2017**
2. **Consider Approval of Special Event: Easter Egg Hunt, Spring Hill Recreation Commission**
3. **Consider Approval of Special Event: Let Your Light Shine, 1 Mile Family Walk and 5K, Michelle Ivans**
4. **Consider Approval of Bylaws: Midwest Public Risk**
6. **Consider Approval of Final Plat: FP-01-17, Dayton Creek, 2nd Plat**
7. **Consider Approval of Improvement Agreement: Brookwood Farms, 3rd Plat (FP-07-16)**
8. **Consider Approval of Final Plat: Final Plat (FP-07-16) – Brookwood Farms 3rd Plat, W. 200th Terr & Barker St., Mr. Leonard Marks, Catch Investments, LLC**
9. **Consider Approval of Temporary Use Permit: TUP-03-17, Moka Outdoor Power, 19022 Madison Street, Outdoor Storage of Merchandise**
10. **Resolution No. 2017-R-05: Designating the Days Authorized for the Discharge of Consumer Fireworks**

Motion carried 4-0-0.

FORMAL COUNCIL ACTION

- 11. Consider Approval of Agreement: Improvement Agreement, Harrison Street Extension to Blackhawk Apartments, Mr. Grant Merritt**

The Community Development Director presented the Improvement Agreement relating to the Harrison Street Extension to the Blackhawk Apartments. With the approval of the final development plan for Blackhawk Apartments, it is necessary to enter into an Improvement Agreement relating to the installation and construction of the extension of Harrison Street, and the installation of infrastructure such as street, storm water facilities, street lighting, sidewalk, seeding and end of road barrier sign. The City Attorney reviewed the Improvement Agreement.

Staff recommends authorizing the Mayor to execute the Improvement Agreement relating to Blackhawk Apartments Homes LLC., Harrison Street Extension.

Motion by Leaton, seconded by Gillis, to authorize the Mayor to execute the Improvement Agreement relating to Blackhawk Apartments Homes LLC., Harrison Street Extension with Mr. Grant Merritt. Motion carried 4-0-0.

- 12. Motion to ratify revision of benefit district boundary description in Resolution No. 2017-R-03 relating to Dayton Creek Phase I Benefit District pursuant to request of Johnson County Records and Tax Administration**

The City Attorney reported that on February 23, 2017, the Governing Body adopted Resolution No. 2017-R-03, which amended the boundary description of the benefit district described in Resolution No 2016-R-39 relating to Dayton Creek Phase I Special Benefit District.

Upon the filing of Resolution No. 2017-R-03 with the Johnson County Records and Tax Administration (RTA), the City was advised that because the legal description in the Final Plat was not a metes and bounds description but was a description of the platted lots of the subdivision, the description in Resolution No. 2017-R-03 would have to reference the Dayton Creek First Plat.

Pursuant to the request of the RTA, the City Attorney revised the legal description contained in Resolution 2017-R-03 by adding the following to the legal description:

“Also described as Dayton Creek, First Plat, a subdivision in the City of Spring Hill, Johnson County, Kansas.”

Resolution No. 2017-R-03, was accepted by and filed with the RTA on March 13, 2017. The revised resolution was also republished on March 15, 2017.

The City Attorney added that no changes are to be made to ordinances or resolutions, after adoption, without the express authorization and direction from the Governing Body; however, in order to avoid possible

cancellation of the sale of the project temporary notes and because the revision was technical and not substantive in nature, it was necessary to revise the legal description without formal approval by the Governing Body. The phrase that was added did not change the boundaries of the benefit district but merely changed the method of description of the boundaries of the benefit district.

Motion by Leaton, seconded by Gillis, to ratify correction of benefit district boundary to Resolution No. 2017-R-03 relating Dayton Creek Phase I Benefit District pursuant to the request of Johnson County Records and Tax Administration (RTA). Motion carried 4-0-0.

13. Appropriation Order 2017-03-23

The appropriation order was presented for consideration in the amount of \$386,700.65.

Motion by Leaton, seconded by Koder, to approve Appropriation Order No. 2017-03-23. Motion carried 3-0-1 (Gillis). Mr. Gillis abstained due to a conflict of interest since his business was a payee in the appropriation order.

DISCUSSION

14. 2016 Year End Financial Review/2016-2017 Revenue Review/2018 Budget Calendar

The Finance Director presented a Financial Snapshot of 2016 year-end financials, general fund revenue history and the unaudited fund balances as of December 31, 2016.

EXECUTIVE SESSION

Motion by Leaton, seconded by Koder, to recess into Executive Session for 5 minutes under the Attorney-Client Exception to the Kansas Open Meetings Act: Subject – Spring Hill v. Hammonds. The following persons are to be in attendance: City Administrator, Director of Finance, Special Counsel-Kendall McVay and City Attorney. Motion carried 4-0-0.

[* see page 4. **FOR THE RECORD**]

The meeting recessed at 8:05pm with the executive session to begin at 8:10pm.
The meeting reconvened at 8:15pm with everyone present.

DIRECTION:

The Governing Body directed the City Administrator to bid on April 6.

[** see page 4, **FIRST EXECUTIVE SESSION ACTION**]

Mr. Kevin O'Brien arrived; therefore, the Mayor requested to hear the Presentation for the Property/Casualty Liability Insurance.

PRESENTATION - Property/Casualty Liability Insurance, The Reilly Company, Mr. Kevin O'Brien

Mr. O'Brien thanked City staff for gathering all the information for their firm and presented the insurance proposal from April 1, 2017 to April 1, 2018 with One Beacon Government Risk Insurance Program. He also presented an overview of the Public Entity Insurance Market place for 2017 and a summary of changes in the City's coverage from 2016-2017.

The Mayor thanked Mr. O'Brien for the information.

5. Consider Approval of Property/Casualty Liability Insurance: The Reilly Company

Motion by Leaton, seconded by Gillis, to approve the Reilly Company Property, Casualty and Pollution Insurance for the term dates of April 1, 2017 to April 1, 2018. Motion carried 4-0-0.

EXECUTIVE SESSION

Motion by Leaton, seconded by Gillis, to recess into Executive Session for 10 minutes under the Attorney-Client Exception to the Kansas Open Meetings Act: Subject – Police Facility Claim. The following persons are to be in attendance: City Administrator, Chief of Police, Director of Finance, Risk Manager and City Attorney.

Motion Amended Mr. Leaton amended the motion to include Kevin O'Brien with The Reilly Company, seconded by Gillis. Motion carried 4-0-0.

* **FOR THE RECORD** (*Mayor Clarification at the conclusion of the first Executive Session*):

The Mayor stated the following for the record, "At the conclusion of the first executive session, no votes were taken or decisions made during the executive session. The discussion was limited to the subject stated."

The meeting recessed at 8:35pm.

The meeting reconvened at 8:45pm 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 Gillis, subject to additional review by of the City's Insurance Advisor, providing for the following:

1. Approval of payment to the City in the amount of \$16,500 for damages to the Spring Hill Police Department building as a result of an accident caused by actions of agents or employees of the Apple Bus Company that occurred on or about April 17, 2014 located at 418 E. Nichols Street in Spring Hill, Kansas;
2. Authorizing the Mayor to execute a release of claims, in substantially the form presented to the Governing Body on March 23, 2017, in consideration of payment of \$16,500 to the City; and
3. Authorizing and directing the Mayor, City Administrator, Risk Manager and other appropriate officials to take any additional necessary actions to facilitate payment of said sum to the City and the settlement of the claim of the City.

Motion carried 4-0-0.

** **FIRST EXECUTIVE SESSION ACTION:**

(*Clarification and Reconsideration for Action relating to the previous Executive Session – City of Spring Hill v. Hammonds*)
The City Attorney recommended a motion to clarify the direction to the City Administrator.

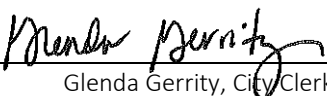
ACTION:

Motion by Leaton, seconded by Gillis, to authorize the City Administrator to submit a bid at the scheduled tax foreclosure sale in an amount determined and directed by the Mayor. Motion carried 4-0-0.

ADJOURN

Motion by Leaton, seconded by Gillis, to adjourn.

The meeting adjourned at 9:00pm.


Glenda Gerrity, City Clerk

Approved by the Governing Body on April 13, 2017.