

City of Spring Hill, Kansas
Minutes of City Council Regular Session
April 13, 2023

A Regular Session of the City Council was held in the Spring Hill Civic Center, 401 N. Madison, Council Chambers, Spring Hill, Kansas on April 13, 2023. The meeting convened at 7:00p.m. with Mayor Berkey presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance: Diana Roth
 Brian Peel
 Chad Young
 Chip VanHouden

Councilmembers absent: Wendy North

Staff in attendance: Lane Massey, City Administrator
 Patrick Burton, Community Development Director
 Rhonda Dunn, Finance Director
 Cindy Henson, Chief of Police
 Jackie Messer, Director of Public Works
 Monakisha Jones, Human Resources Director

Consultants in attendance: Spencer Low, City Attorney
 Tyler Ellsworth, Bond Counsel

INVOCATION

The invocation was given by Mayor Berkey.

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 remove Executive Session No. 3.

Motion by Roth, seconded by Peel, to approve the agenda as amended.

Motion carried 4-0-0.

CITIZEN PARTICIPATION

Bill Peterman, 19431 W. 200th Street, thanked Jackie Messer, Public Works Director, for helping him with the issues related to the fiber installation that is happening within his neighborhood.

PRESENTATION - Cemetery Board Annual Report, Larry Sumner

Mr. Larry Sumner, Cemetery Board President, presented the annual report for the cemetery board, which is required per the Spring Hill Municipal Code Chapter 1, Section 903.g.

DISCUSSION – The Reserves at Sweetwater Flats, Austin Kack, Overland Property Group

Mr. Austin Kack presented a proposed development located at 223rd & Victory Road for market rate quality apartments at a restrictive rent, which is classified as Section 42 under the IRS tax code. The development includes two residential buildings with 48-units, a club house and playground. There are no elevators, basements, garages, or covered parking. The rent is based on the renter’s income and there is no age limit. Potential renters are helped on a first-come, first-served basis. Mr. Kack is requesting support from the Governing Body for the development by an in-kind donation of \$20K. After discussion, it was the consensus of the Governing Body to support this proposed development and the \$20K in-kind donation. The \$20K will most likely be the building fees waived. A formal approval will be presented at a future meeting.

PROCLAMATION – Arbor Day

The mayor proclaimed April 28, 2023, as Arbor Day in the City of Spring Hill, Kansas

CONSENT AGENDA

Motion by Roth, seconded by Young, to approve the consent agenda as presented.

- 1. Approval of Minutes: March 23, 2023, Regular Meeting**
- 2. Consider Approval of Appropriation Order No. 2023-04-13**
- 3. Consider Approval of Facility Use Agreement with YMCA of Greater Kansas City**
- 4. Consider Approval of Five (5) Permanent Sanitary Sewer Easement Dedications for Woodland Crossing, Fourth Plat**
- 5. Consider Approval of Final Plat Application (PLAT-000038-2022): Woodland Crossing South, First Plat, 207th Street and Woodland Road, Phelps Engineering, Inc.**
- 6. Consider Approval of Improvement Agreement: Woodland Crossing South, First Plat, 207th Street and Woodland Road, Phelps Engineering, Inc.**
- 7. Consider Approval of Temporary Use Permit (TUP-000074-2023): H.E.R.S**

Motion carried 4-0-0.

FORMAL COUNCIL ACTION

- 8. Consider Approval of Ordinance No. 2023-08: Ordinance Authorizing Issuance of Industrial Revenue Bonds (Taxable Under Federal Law), Series 2023 (GemTech LLC), in an Amount Not to Exceed \$8,935,000**

Motion by Roth, seconded by Young, to approve Ordinance No. 2023-08, authorizing issuance of Industrial Revenue Bonds (Taxable Under Federal Law), Series 2023 (GemTech LLC), in an amount not to exceed \$8,935,000.

Motion carried by roll call vote 4-0-0. Young-aye, VanHouden-aye, Roth-aye, Peel-aye.

- 9. Consider Acceptance of Bid for Long-Term Strategic Financial Plan and Authorization for Execution of Contract Documents**

Motion by Roth, seconded Young, to accept the bid from Baker Tilly for a Long-Term Financial Plan with a cost not to exceed \$40,000 and authorize the Mayor to sign the documents for the project.

10. Consider Approval of Resolution No. 2023-R-10: 2023 Water Rates and System Development Fees

Motion by Roth, seconded by Young, to adopt Resolution No. 2023-R-10, a Resolution establishing Monthly Water User Charges and Water System Development Charges relating to the Water Rules and Regulations for the City of Spring Hill; further rescinding Resolution 2020-R-12.

Discussion: It was noted that the Meter Size fees, listed in Section Two of the Resolution, be separated by a comma versus a decimal point.

Motion carried 4-0-0.

11. Consider Approval of Resolution No. 2023-R-11: 2023 Sewer Rates and System Development Fees

Motion by Roth, seconded by Peel, to adopt Resolution No. 2023-R-11, a Resolution establishing Monthly Sewer User Charges and Sewer System Development Charges relating to the Sewer Rules and Regulations for the City of Spring Hill; further rescinding Resolution 2020-R-13.

Discussion: It was noted that the Meter Size fees, listed in Section Two of the Resolution, be separated by a comma versus a decimal point.

Motion carried 4-0-0.

12. Consider Approval of Selection of OpenGov to Provide Budgeting and Planning Services to the City and Authorization for Execution of Contract Documents

Motion by Roth, seconded by Young, to approve the selection of OpenGov to provide Budgeting and Planning services to the City and direct the Mayor or his designee to sign the documents.

Motion carried 4-0-0.

13. Consider Acceptance of Bid for Utility Locating Services and Authorization for Execution of Contract Documents

Motion by Roth, seconded by Young, to approve the bid from USIC and authorize execution of the contract documents. Motion carried 4-0-0.

14. Consider Approval of Change Order No. 4 with Sand Construction Company to Install Bases and Plaques for Battle Crosses at Veterans Park Memorial

Motion by Roth, seconded by Peel, to approve Change Order #4 with Sands Construction Company to install bases and plaques for Battle Crosses at Veterans Park Memorial in the amount of \$50,515.71.

Motion carried 4-0-0.

DISCUSSION

Spring Hill Municipal Code (SHMC), Section 1-115, Employment of Seasonal Employees and Exemptions to the Employee Handbook for the City of Spring Hill, Kansas for Seasonal Employment

The Human Resources Director, Monakisha Jones, explained that exemptions to the Employee Handbook for seasonal employees are listed in Section 1-115 of the SHMC, which makes it difficult to administer. After discussion, it was the consensus of the Governing Body to remove this section from the SHMC and establish an Employee Handbook for Seasonal Employees. The new handbook for seasonal employees will be presented at a future meeting.

EXECUTIVE SESSION No. 1

Motion by Roth, seconded by Peel, to recess into Executive Session for 15 minutes to receive advice of counsel to discuss contract negotiations pursuant to the attorney-client privilege exception of K.S.A. 75-4319 (b) (2) of the Kansas Open Meetings Act. The open meeting will resume in the City Council Chambers at 9:12p.m. No formal action is anticipated following the session. Persons to be in attendance are the following: Mr. Lane Massey, City Administrator, Ms. Glenda Gerrity, City Clerk City Clerk and Director of Community Services, Mr. Patrick Burton, Community Development Director, Ms. Rhonda Dunn, Finance Director, Mr. Spencer Low, City Attorney, and Mr. Tyler Ellsworth, Bond Counsel.

Motion carried 4-0-0.

The meeting recessed at 8:57p.m.

The mayor stated to let the record reflect that the Governing Body reconvened into the open meeting at 9:12p.m., with everyone present except Councilmember VanHouden, who stayed in the room where the executive session was held. No votes were taken, or decisions made during the executive session. The discussion was limited to the subjects stated.

EXECUTIVE SESSION No. 2

Motion by Roth, seconded by Peel, to recess into Executive Session for ten (10) minutes to receive advice of counsel pursuant to the attorney-client privilege exception of K.S.A. 75-4319 (b) (2) of the Kansas Open Meetings Act. The open meeting will resume in the City Council Chambers at 9:23p.m. No formal action is anticipated following the session. The person to be in attendance is Mr. Spencer Low, City Attorney.

Motion carried 3-0-0.

The meeting recessed at 9:13 p.m.

The mayor stated to let the record reflect that the Governing Body reconvened into the open meeting at 9:23p.m., with everyone present. No votes were taken, or decisions made during the executive session. The discussion was limited to the subjects stated.

EXECUTIVE SESSION No. 3 – Item deleted.

ADJOURN

Motion by Peel, seconded by Roth, to adjourn. Motion carried 4-0-0.

The meeting adjourned at 9:24p.m.

/s/ Glenda Gerrity
Glenda Gerrity, City Clerk

Approved by the Governing Body on April 27, 2023.