

City of Spring Hill, Kansas
Minutes of City Council Regular Session
January 27, 2022

A Regular Session of the City Council was held in the Spring Hill Civic Center, 401 N. Madison, Council Chambers, Spring Hill, Kansas on January 27, 2022. The meeting convened at 7:01p.m. with Mayor Berkey presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance: Diana Roth
 Brian Peel

Councilmembers absent: Steve Owen
 Vacancy
 Vacancy

Staff in attendance: Patrick Burton, Acting City Administrator
 Lou Ann Armstrong, Finance Director
 Cindy Henson, Chief of Police
 Jackie Messer, Director of Public Works

Consultants in attendance: F. Charles Dunlay, City Attorney

INVOCATION

The invocation was given by Council President Roth.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

The City Clerk called the roll of the City Council. The Clerk announced that there was no quorum present of the City Council.

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ROLL CALL

The City Clerk called the roll of the City Council. With a quorum present, the meeting continued.

Councilmembers in attendance: Diana Roth
 Brian Peel
 Chad Young

Councilmembers absent: Steve Owen
 Vacancy

APPROVAL OF THE AGENDA

Motion by Roth, seconded by Peel, to approve the agenda. Motion carried 3-0-0.

CITIZEN PARTICIPATION

- Shane Johnson, 19020 Skyview Lane, spoke about public opinion.
- Andrew Saunders, 20011 S. Crestone St, spoke about public opinion.
- Steve Boswell, 504 N. Jackson, spoke about appointments.

CONSENT AGENDA

Motion by Roth, seconded by Peel, to approve the consent agenda.

1. **Consider Approval of Minutes: January 10, 2022, Regular Meeting**
2. **Consider Approval of Minutes: January 13, 2022, Regular Meeting**
3. **Consider Approval of Minutes: January 14, 2022, Special Meeting**
4. **Consider Approval of Minutes: January 18, 2022, Special Meeting**
5. **Consider Approval of Minutes: January 20, 2022, Special Meeting**
6. **Consider Approval of Minutes: January 21, 2022, Special Meeting**
7. **Consider Approval of Minutes: January 24, 2022, Special Meeting**
8. **Consider Approval of Minutes: January 25, 2022, Special Meeting**
9. **Consider Approval of Minutes: January 26, 2022, Special Meeting**
10. **Consider Approval of Appropriation Order No. 2022-01-13**
11. **Consider Approval of Appropriation Order No. 2022-01-27**
12. **Consider Approval of Letter of Understanding: Johnson County Utility Assistance Program, Johnson County Human Services**
13. **Consider Approval of Agreement: Public Improvement of North Webster Street/199th Street Intersection, County Assistance Road System (CARS) Program, Board of County Commissioners, Johnson County, Kansas**
14. **Consider Approval of Contract: Maintenance Management Work Order Software System, PubWorks**
15. **Consider Acceptance of Contract: KDHE Grant for Rubber Mulch**
16. **Consider Approval of Agreement: Community Fisheries Assistance Program (C.F.A.P.), Kansas Department of Wildlife, Parks and Tourism**
17. **Consider Approval of Purchase of Crafcro Crack-Seal**
18. **Consider Approval of Public Works Director be added to the Kansas and Federal Surplus Inventory Site**
19. **Consider Approval of Final Plat (PLAT 000054-2021): Jackson Crest, TKT Properties, LLC, Terry Thompson**

Motion carried 3-0-0.

FORMAL COUNCIL ACTION

20. Consider Transfer of Expenses for purchase of 2021 Police Department Vehicles to the City's Equipment Reserve Fund effective December 2021

Motion by Roth, seconded by Peel, to authorize a transfer of expenses totaling \$90,861.36 dated 12/31/2021 from the Leases Fund to the Capital Replacement – Equipment Fund.

Motion carried 3-0-0.

21. Consider Resolution No. 2022-R-01: Designating Emergency Snow Routes for the City of Spring Hill

Motion by Peel, seconded by Roth, to approve Resolution No. 2022-R-01, designating Emergency Snow Routes for the City of Spring Hill.

Motion carried 3-0-0.

ANNOUNCEMENTS and REPORTS

Announcements and reports were given by the Governing Body and staff.

EXECUTIVE SESSION – ATTORNEY-CLIENT PRIVILEGE

Subject: Consider waiver of attorney-client privilege in light of potential litigation pursuant to the attorney-client privilege exception of K.S.A. 75-4319(b)(2) of the Kansas Open Meetings Act.

Motion by Roth, seconded by Peel, to recess into Executive Session for 10 minutes to receive advice of counsel to consider waiver of attorney client privilege in light of potential litigation 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 7:54p.m. Persons to be in attendance are the following: Patrick Burton, Interim City Administrator, and F. Charles Dunlay, City Attorney.

Motion carried 3-0-0.

The meeting recessed at 7:44 p.m.

The meeting reconvened at 7:55p.m. with everyone present.

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

ACTION

Motion by Peel, seconded by Young, that the City Council waive attorney-client privilege regarding legal opinions issued by the City Attorney as requested or directed by the governing body regarding opinions issued by the City Attorney on January 3, 2022, and January 8, 2022.

Motion carried 3-0-0.

EXECUTIVE SESSION – ATTORNEY-CLIENT PRIVILEGE

Subject: Consideration of participation in Attorney General settlement agreement pursuant to the attorney-client privilege exception of K.S.A. 75-4319(b)(2) of the Kansas Open Meetings Act.

Motion by Peel, seconded by Roth, to recess into Executive Session for 6 minutes to receive advice of counsel to consider settlement of claims or potential litigation 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 8:02p.m. Persons to be in attendance are the following: Patrick Burton, Interim City Administrator, and F. Charles Dunlay, City Attorney.

Motion carried 3-0-0.

The meeting recessed at 7:56 p.m.

The meeting reconvened at 8:03p.m. with everyone present.

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

ACTION

Motion by Roth, seconded by Peel, to approve Resolution 2022-R-02 for the City of Spring Hill, Kansas for execution and delivery of an agreement to release and assign the City’s opioid claim to the Kansas Attorney General and certifying costs attribute to substance abuse and addiction mitigation in excess of \$500.

Motion carried 3-0-0.

ADJOURN

Motion by Roth, seconded by Peel, to adjourn. Motion carried 3-0-0. The meeting adjourned at 8:08p.m.

Glenda Gerrity, City Clerk

Approved by the Governing Body on _____.

*** MINUTES OF MEETING OF BODY OF REMAINING COUNCILMEMBERS
TO CONSIDER MAYORAL APPOINTMENT OF COUNCIL VACANCY**

REPORT & PRESENTATION OF CITY ATTORNEY AS DIRECTED BY MAYOR BERKEY

The City Attorney gave a report about filling vacancies in City Council and the applicable procedure.

APPOINTMENT OF COUNCIL MEMBER for SEAT VACATED BY TYLER GRAVES

Mayor Berkey nominated Chad Young to fill the seat that was vacated by Tyler Graves.

Motion by Peel, seconded by Roth, to approve the appointment of Chad Young to the vacant City Council seat vacated by Tyler Graves (Term ending January 2024).

Motion carried 2-0-0.

QUALIFICATION, OATH and SEATING OF COUNCIL MEMBER – IF APPROVED

The City Clerk administered the Oath of Office for Mr. Chad Young. Councilman Young took his seat at the dais.