

**City of Spring Hill, Kansas**  
**Minutes of City Council Regular Session**  
**May 12, 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 May 12, 2022. 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  
  Wendy North  
  Chip VanHouden

Staff in attendance:                   Patrick Burton, Interim City Administrator  
  Lou Ann Armstrong, Finance Director  
  Cindy Henson, Chief of Police  
  Jackie Messer, Director of Public Works  
  Monakisha Jones, Human Resources Director

Consultants in attendance:           Spencer Low, Acting City Attorney  
  Tyler Ellsworth, Bond Counsel  
  Dan Miller, City Engineer

**INVOCATION**

The invocation was given by Councilmember Roth.

**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 add a Discussion Item relating to the indecent exposure ordinance that was approved at the last meeting.

**Motion by** Peel, seconded by VanHouden, to approve the agenda as revised.

Motion passed unanimously.

## **CITIZEN PARTICIPATION**

Rodolfo Arévalo, 19419 W. 200<sup>th</sup> Street, spoke about water loss and election process.

Brett Holle, 21093 Millridge Street, spoke about possible crimes he witnessed and police department.

Steve Boswell, 504 N. Jackson, spoke about the indecent exposure ordinance and chicken ordinance.

## **CONSENT AGENDA**

**Motion by** Roth, seconded by North, to approve the consent agenda.

1. **Approval of Minutes: April 28, 2022, Regular Meeting**
2. **Consider Approval of Appropriation Order No. 2022-05-12**
3. **Consider Authorizing Settlement Payment of \$6,000.00 to Harry and Donna Valizan for Repair of and Property Damage Resulting from Repair of Obstructed Waste Line**
4. **Consider Authorizing Settlement Payment of \$325.00 to Joan D. Beckwith for Obstructed Waste Line Claim and Subsequent Plumber Work**
5. **Consider Approval of Agreements Authorizing Johnson County Department of Corrections to Admit Spring Hill, Kansas Municipal Offenders as Inmates into the Work Release Program at the Johnson County Adult Residential Center**
6. **Consider Approval of Improvement Agreement: Dayton Creek, Eighth Plat, 191<sup>st</sup> Street and US 169 Hwy, Polsinelli, PC**
7. **Consider Approval of Final Plat (PLAT-000008-2022): Dayton Creek, Eighth Plat, 191<sup>st</sup> Street and US 169 Hwy, Polsinelli, PC**

Motion carried unanimously.

## **FORMAL COUNCIL ACTION**

8. **Consider Approval of Construction Contract Bid for 2022 Intersection Improvements with Leavenworth Excavating and Equipment Co., Inc. (Lexeco), of Leavenworth, KS in the amount of \$1,020,740.40.**

**Motion by** Roth, seconded by VanHouden, to approve the bid received from Lexeco, for the 2022 Intersection Improvements project in the amount of \$1,020,740.40. Motion passed unanimously.

9. **Consider Approval of Resolution No. 2022-R-08: A resolution directing notice of public hearing on special assessments for Dayton Creek Phase IV Special Benefit District**

**Motion by** Roth, seconded by North, to approve Resolution No. 2022-R-08, directing notice of public hearing on special assessments for Dayton Creek Phase IV Special Benefit District. Motion passed unanimously.

10. **Consider Approval of Resolution No. 2022-R-09: Adopting the Speaker's Protocol – Public Comment Period & Public Hearings for the City of Spring Hill, Kansas**

**Motion by** Roth, seconded by VanHouden, to approve Resolution No. 2022-R-09, adopting the Speaker's Protocol – Public Comment Period & Public Hearings for the City of Spring Hill, Kansas. Motion passed unanimously.

11. **Consider Acceptance of Annexation Petition (A-000021-2022): Gaten Properties, LLC, Dan Quinn (199<sup>th</sup> & Ridgeview)**

**Motion by** North, seconded by Peel, to approve the petition of annexation, A-000021-2022, filed by Gatlen Properties, LLC. Motion passed unanimously.

**12. Consider Approval of Annexation Ordinance 2022-08 (A-000021-2022): Gatlen Properties, LLC, Dan Quinn (199<sup>th</sup> & Ridgeview)**

**Motion by** Roth, seconded by North, to approve Ordinance No. 2022-08, authorizing the annexation of land located at northwest corner of 199<sup>th</sup> Street and Ridgeview Road.

Motion carried by roll call vote of the Governing Body 6-0-0., Roth – yes, Peel – yes, Young – yes, North – yes, VanHouden – yes, Mayor Berkey - yes.

**13. Consider Approval of Selection of the City’s Medical, Dental and Vision Provider for the July 2022 to June 2023 Renewal Period to Include the Contribution Split between City and Employee**

**Motion by** Roth, seconded by Peel, to approve Option No. 3. (Cigna+Oscar, Delta Dental and VSP) for the 2022-2023 plan year with 3 in-person visits per year (Empathia as the Employee Assistance Program) at 100% coverage by the City for the employees of the premium. Motion carried unanimously.

**DISCUSSION - INDECENT EXPOSURE ORDINANCE (ADDED)**

After discussion, it was the consensus of the City Council to add an exemption to the indecent exposure ordinance relating to breastfeeding and amend the ordinance to not include any child under ten (10) years of age.

**ANNOUNCEMENTS and REPORTS**

Announcements and reports were given by the Governing Body, city attorney and staff.

**EXECUTIVE SESSION NO. 1 – ATTORNEY-CLIENT EXCEPTION**

The mayor stated that there may be formal action following the executive session.

**Motion by** Peel, seconded by Roth, to recess into executive session for 10 minutes to receive advice of counsel regarding contract dispute and 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 8:50P.M. Persons to be in attendance are the following: Spencer Low, McAnany, Van Cleave, & Phillips, Patrick Burton, Interim City Administrator, and Tyler Ellsworth, Kutak Rock.

**The motion was amended** by Peel and amended second by Roth, to amend that there may be potential formal action following the executive session. The executive session will now end at 8:52P.M. Motion carried unanimously.

The meeting recessed at 8:42p.m.

The meeting reconvened at 8:52p.m. with everyone present.

Mayor Berkey stated, let the record reflect that the Governing Body reconvened into the open meeting at 8:52P.M. 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 direct Kutak Rock and the City Attorney to prepare a mutual release of an existing escrow agreement. Motion passed unanimously.

**EXECUTIVE SESSION NO. 2 – NON-ELECTED PERSONNEL EXCEPTION**

**Motion by** Roth, seconded by VanHouden, to recess into executive session for 10 minutes to discuss performance of non-elected personnel pursuant to the nonelected personnel exception, K.S.A. 75-4319(b)(1), of the Kansas Open Meetings Act. The open meeting will resume in the City Council Chambers at 9:05P.M. Persons to be in attendance are the following: Patrick Burton, Interim City Administrator.

The meeting recessed at 8:55p.m.

The meeting reconvened at 9:05p.m. with everyone present.

Mayor Berkey stated, let the record reflect that the Governing Body reconvened into the open meeting at 9:07P.M. No votes were taken, or decisions made during the executive session. The discussion was limited to the subject stated.

**ADJOURN**

**Motion by** Roth, seconded by North, to adjourn.

The meeting adjourned at 9:08p.m.

/s/ Glenda Gerrity  
Glenda Gerrity, City Clerk

Approved by the Governing Body on May 26, 2022.