

City of Spring Hill, Kansas
Minutes of City Council Regular Session
May 26, 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 26, 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 via telephone
 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: F. Charles Dunlay, City Attorney
 Ben Hart, City Financial Advisor
 Tyler Ellsworth, City Bond Counsel, via telephone

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 revise the agenda with the following items:

- Add Executive Session No. 4 – Non-Elected Personnel Exception
- Move the Discussion Items to after Announcements and Reports
- Add a formal action item for an Evergy invoice (Item 17a)
- Move Item 3 from the Consent Agenda to the Formal Agenda (Item 17b)

Motion by Roth, seconded by Young, to approve the agenda as revised. Motion passed unanimously.

CITIZEN PARTICIPATION

- John Roe, Attorney with Roe Law Firm, 4444 N. Bellview Avenue, Kansas City, representing John and Christine Repine, spoke about in opposition of Rezoning Case No. PZD16 and PZD17 and asked to respectfully deny the applications.
- John Repine, 14520 W. 155th Terr, Olathe, KS, owner of 20477 Ridgeview Road, spoke about the rezoning cases (Items 14, 15 and 16).
- Christine Repine, 20477 Ridgeview Road, requested that Mike Knaebel speak on her behalf. Mr. Knaebel, 18750 W 248th Street, Paola, KS spoke in opposition of the rezoning cases (Items 14, 15 and 16).
- Kat Knaebel, family property 20477 S. Ridgeview, spoke in opposition of rezoning cases at 207th & Ridgeview and comprehensive plan (Items 14, 15 and 16).
- Alan Knaebel, property owner of 20301 W. 207th, Spring Hill, KS spoke about high density growth (Items 14, 15 and 16).
- Larry North, 20591 S. Ridgeview Road, spoke in opposition of the rezoning cases (Items 14, 15 and 16).
- Julie Meeder and Randy Meeder, 17840 W. 207th Street, spoke about the rezoning cases (Items 14, 15 and 16).
- Bill Peterman, 19431 W 200th Street, spoke about multi-family homes, roads, chickens, and city funds.
- Brad Zerr, 20703 S. Skyview Lane, spoke about vehicles speeding on 207th Street, RP2 rezoning and CARS funding, and R2 rezoning.
- Jeff Briggs, 20274 S. Ridgeview, spoke about rezoning and density and transition (Items 14, 15 and 16).
- Roy Riffel, 20024 Barker Street, spoke about the phones at City Hall.
- Christopher Peer, 13703 W. Pembroke, Leawood, KS and owners of land on Ridgeview near the rezoning cases, spoke about the rezoning cases (Items 14, 15 and 16).
- Rhonda Williams, 20595 S. Ridgeview Road, spoke about the rezoning cases and asked the Governing Body to vote no (Items 14, 15 and 16).
- Charles Morse, 18460 S. Ridgeview Road, spoke about chickens and rezoning.
- Tatenda Mugwagwa, 21297 W. 219th Street, spoke about growth and the adaptability of growth for all levels.

CONSENT AGENDA:

Item 3. Consider Approval of Special Event: Fishing Derby, Veterans Park, Spring Hill Recreation Commission was moved to formal action.

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

- 1. Approval of Minutes: May 12, 2022, Regular Meeting**
- 2. Consider Approval of Cereal Malt Beverage License Application: QuikTrip, 20825 W. 199th Street, Spring Hill, Kansas**
- 4. Consider Approval of Construction Contract for 2022 Intersection Improvements with Leavenworth Excavating and Equipment Co., Inc. (Lexeco), of Leavenworth, KS in the amount of \$1,020,740.40 Miller**

5. **Consider Authorizing Execution and Delivery of a Termination and Mutual Release in connection with the Dayton Creek Sixth Plat Escrow Agreement among the City, USD 230, and PV Investments, LLC**
6. **Consider Approval of Site Plan Application (SP-000019-2022): Carrier Logistics, 183rd Street and Webster Street, Store What?, LLC**
7. **Consider Approval of Settlement and Release Agreement: McDonald vs. City of Spring Hill, et al.**
8. **Consider Approval of Resolution No. 2022-R-10: A Resolution Designating Financial Depositories and Authorizing the Mayor to Designate Authorized Signatories and Execute Authorizations**

Motion passed unanimously.

FORMAL COUNCIL ACTION

9. Consider Approval of Appropriation Order No. 2022-05-26

Motion by North, seconded by VanHouden, to approve Appropriation Order No. 2022-05-26.

Motion passed by roll call vote of the City Council 5-0-0 with exception stated by Councilmember Roth. Young-yes, North-yes, VanHouden-yes, Roth-yes, with the exception that I abstain from any invoices pertaining to J & T Auto, Peel-yes.

OTHER – Update on City Telephones

Mr. Burton reported that the city has phone service through Ring Central and staff are using headsets.

10. Consider Approval of Ordinance No. 2022-09: Code Enforcement provisions to Spring Hill Municipal Code

Motion by Roth, seconded by North, to adopt Ordinance No. 2022-09, amending Chapter VII, Articles 3, 4A, and 4B of the Spring Hill Municipal Code.

Motion passed by roll call vote of the City Council 5-0-0. Peel-yes, Young-yes, North-yes, VanHouden-yes, Roth-yes.

11. Consider Approval of Ordinance No. 2022-10: Amending Chapter II of the Spring Hill Municipal Code, relating to and prohibiting Animals and Fowl, adopting a new Article 8, Keeping of Chickens with the City Limits, and amending other provisions of Chapter II consistent with allowing the keeping of chickens in the City subject to regulations, inspections, performance standards, permitting, and enforcement of said Ordinance

Motion by North, seconded by Young, to adopt Ordinance No. 2022-10, amending Chapter II of the Spring Hill Municipal Code.

Motion passed by roll call vote of the City Council 4-1 (Roth)-0. Roth-no, Peel-yes, Young-yes, North-yes, VanHouden-yes.

- 12. Consider Approval of Ordinance No. 2022-11: Amending Article 7 Miscellaneous Offenses, to Chapter XI. Public Offenses of the Spring Hill Municipal Code (SHMC) relating to and establishing exemptions to the prohibitions contained within the public offenses in Chapter XI of the SHMC**
Motion by Young, seconded by North, to adopt Ordinance No. 2022-11, amending Chapter XI, Article 7, of the Spring Hill Municipal Code.

Motion passed by roll call vote of the City Council 5-0-0. VanHouden-yes, Roth-yes, Peel-yes, Young-yes, North-yes.

- 13. Consider Approval of Ordinance No. 2022-12: Rezoning (Z-000014-2022), Sycamore Dr. and Webster St., R-1 to C-2**

Motion by Young, seconded by Roth, to adopt Ordinance No. 2022-12, for rezoning application Z-000014-2022, for the described property from R-1 to C-2.

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

OTHER ACTION ITEM – AMEND ORDER OF AGENDA ITEM 14, ITEM 15, AND ITEM 16:

Mayor Berkey entertained a motion, seconded by Young, to amend the agenda and flip flop item numbers 14 & 15. Motion carried unanimously.

The City Clerk clarified that the intent was to amend the order of the agenda items to consider Item 15, Item 16 and then Item 14. The Governing Body concurred.

- 15. Consider Approval of Ordinance No. 2022-14: Rezoning (PZD-000016-2022), 207th St. and Ridgeview Road, R-R to RP-1**

Motion by Young, seconded by North, to deny the approval of Ordinance No. 2022-14 Rezoning (PZD-000016-2022), 207th St. and Ridgeview Road, R-R to RP-1.

Motion passed by roll call vote of the Governing Body 5-1 (Roth)-0. Peel-yes, Young-yes, North-yes, VanHouden-yes, Roth-no, Mayor Berkey-yes.

- 16. Consider Approval of Ordinance No. 2022-15: Rezoning (PZD-000017-2022), 207th St. and Ridgeview Road, R-R to RP-2**

Motion by Young, seconded by North, to deny the approval of Ordinance No. 2022-15 Rezoning (PZD-000017-2022), 207th St. and Ridgeview Road, R-R to RP-2.

Motion passed by roll call vote of the Governing Body 5-1 (Roth)-0. Roth-no, Peel-yes, Young-yes, North-yes, VanHouden-yes, Mayor Berkey-yes.

- 14. Consider Approval of Ordinance No. 2022-13: Rezoning (Z-000015-2022), 207th St. and Ridgeview Road, R-R to R-1**

Motion by Young, seconded by VanHouden, to deny the approval of Ordinance No. 2022-13 Rezoning (Z-000015-2022), 207th St. and Ridgeview Road, R-R to R-1.

Motion passed by roll call vote of the Governing Body 5-1 (Roth)-0. Young-yes, North-yes, VanHouden-yes, Roth-no, Peel-yes, Mayor Berkey-yes.

17. Consider and Authorize a Transfer from the Excise Tax Fund to Project Funds for (1) Intersection Improvements at 199th and Webster and (2) 193rd and Ridgeview Turn Lane

Motion by Roth, seconded by VanHouden, to approve transfer of \$700,000 from the Excise Tax Fund to the Capital Improvements – Infrastructure Fund.

Motion carried unanimously.

17a. Consider and Authorize Payment of Evergy Invoice (Line extension to new Sewer Lift Station – 20919 W. 199th Street – Spring Hill Pump Station)

Motion by Roth, seconded by Young, to approve payment of the bill for Evergy in the amount of \$17,755.00. Motion carried unanimously.

17b. (Original Consent Item 3.) Consider Approval of Special Event: Fishing Derby, Veterans Park, Spring Hill Recreation Commission

Councilman Peel recused himself from this item since the applicant is his employer.

Motion by Roth, seconded by North, to approve the Special Event Permit for the Fishing Derby at Veterans Park by Spring Hill Recreation Commission.

Motion carried 4-0-1 (Peel)

Councilman Peel returned to the meeting via telephone.

RECESS

Motion by Young, seconded by VanHouden, to take a 5-minute break. Motion carried unanimously.

Motion by Roth, seconded by Young, to reconvene the meeting at 9:45p.m.

Motion carried unanimously with everyone present.

DISCUSSION

18. Police Department Grants

After discussion, it was the consensus of the City Council for the Police Department to submit a COPS Grant for personnel to include one Sergeant and one Police Officer.

19. RWD #2 Miami County, Water Supply Contract/Rates

After discussion, it was the direction of the City Council for staff to begin negotiating a 10-year agreement with Rural Water District #2 of Miami County for Wholesale Water Supply.

ANNOUNCEMENTS and REPORTS

The Governing Body and staff presented announcements and reports.

EXECUTIVE SESSION NO. 1

Motion by Roth, seconded by North, to recess into executive session for thirty (30) minutes to receive advice of counsel regarding 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 10:50p.m. No formal action is anticipated following the session. Persons to be in attendance are the following: F. Charles Dunlay, City Attorney, Patrick Burton, Interim City Administrator, Tyler Ellsworth, Kutak Rock, Ben Hart, BakerTilly, Lou Ann Armstrong, Finance Director and Amy Long, Administrative Assistant. Motion carried unanimously.

The meeting recessed at 10:15p.m. with the executive session beginning at 10:20p.m.

Mayor Berkey announced, let the record reflect that the Governing Body reconvened into the open meeting at 10:50p.m. 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 Young, to recess into executive session for five (5) minutes to receive advice of counsel regarding 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 10:56p.m. No formal action is anticipated following the session. Persons to be in attendance are the following: F. Charles Dunlay, City Attorney and Patrick Burton, Interim City Administrator.

Motion passed 4-0-0. (Peel was absent for the vote; however, remained on the telephone where the executive session was held.)

The meeting recessed at 10:51p.m.

Mayor Berkey announced, let the record reflect that the Governing Body reconvened into the open meeting at 10:56p.m. No votes were taken, or decisions made during the executive session. The discussion was limited to the subjects stated.

EXECUTIVE SESSION NO. 3

Motion by Roth, seconded by Young, to recess into executive session for ten (10) minutes to receive advice of counsel regarding ongoing 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 11:07p.m. No formal action is anticipated following the session. Persons to be in attendance are the following: F. Charles Dunlay, City Attorney and Patrick Burton, Interim City Administrator.

Motion passed 4-0-0. (Peel was absent for the vote; however, remained on the telephone where the executive session was held.)

The meeting recessed at 10:57p.m.

Mayor Berkey announced, let the record reflect that the Governing Body reconvened into the open meeting at 11:07p.m. No votes were taken, or decisions made during the executive session. The discussion was limited to the subject stated.

EXECUTIVE SESSION NO. 4

Motion by Roth, seconded by North, move the City Council recess into executive session for thirty (30) minutes to discuss personnel matters of nonelected personnel regarding appointed officer candidate interview 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 11:43p.m. No formal action is anticipated following the session. Motion carried 3-0-0. (Peel and VanHouden were absent from the vote; however, remained in the room where the executive session was held.)

The meeting recessed at 11:13p.m.

Mayor Berkey announced, let the record reflect that the Governing Body reconvened into the open meeting at 11:44p.m. No votes were taken, or decisions made during the executive session. The discussion was limited to the subject stated.

Extended

Motion by Roth, seconded by Young, to extend the executive session for 15 minutes. The open meeting will resume in the Council Chambers at midnight. Motion carried 3-0-0. (Peel and VanHouden were absent from the vote; however, remained in the room where the executive session was held.)

The meeting recessed at 11:45p.m.

Mayor Berkey announced, let the record reflect that the Governing Body reconvened into the open meeting at 12:00a.m. No votes were taken, or decisions made during the executive session. The discussion was limited to the subjects stated.

ADJOURN

Motion by Roth, seconded by Young, to adjourn. Motion passed unanimously.

The meeting adjourned at 12:01a.m.

/s/ Glenda Gerrity
Glenda Gerrity, City Clerk

Approved by the Governing Body on June 9, 2022.