

City of Spring Hill, Kansas
Minutes of City Council Regular Session
June 22, 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 June 22, 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
 Wendy North
 Chip VanHouden

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

INVOCATION

The invocation was given by Paster Sarah Terrell.

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 the following changes:

- Remove Consent Item Nos. 3 and 4
- Add Consent Item 4a.: Consider Approval of Cereal Malt Beverage License Application, QuikTrip, 20825 W. 199th Street, Spring Hill, Kansas

Motion by Roth, seconded by Young, to approve the agenda as amended. Motion carried 5-0-0.

CITIZEN PARTICIPATION

No one was present for citizen participation.

CONSENT AGENDA

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

1. **Approval of Minutes: June 8, 2023, Regular Meeting**
2. **Consider Approval of Appropriation Order No. 2023-06-22**
- ~~3. **Consider Approval of Final Plat Application: PLAT-000081-2023, 215th St and Columbia Rd., ARG Land Holdings, LLC** deleted~~
- ~~4. **Consider Approval of Improvement Agreement: Avondale Meadows, First Plat, 215th & Columbia Rd, ARG Land Holdings, LLC** deleted~~
- 4a. **Consider Approval of Cereal Malt Beverage License Application, QuikTrip, 20825 W. 199th Street, Spring Hill, Kansas**

Motion carried 5-0-0.

FORMAL COUNCIL ACTION

5. **Consider Approval of Ordinance No. 2023-16: Rezoning (Z-000092-2023), 217th St. East of Webster St., C-2 to R-2**

Motion by Roth, seconded by Young, to approve Ordinance No. 2023-16 for rezoning application Z-92-2023 for the described property from C-2 to R-2.

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

6. **Acceptance of Annexation Petition by Dalton Hermes, Trustee, and Annexation Ordinance No. 2023-17, Annexation of 19840 W. 175th Street into the City of Spring Hill**

Motion by Roth, seconded by Young, to accept Annexation Petition by Dalton Hermes, Trustee and Annexation Ordinance No. 2023-17 authorizing the annexation of land located at 19840 W. 175th Street including adjacent right of way on 175th Street.

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

7. **Consider Approval of Addendum and New Exhibit A to the Contract with Waste Management**

Motion by Roth, seconded by VanHouden, to accept the Addendum and updated Exhibit A to the Waste Management Contract dated 12/9/2021 and authorize the mayor to sign the documents.

Motion carried 5-0-0.

8. **Consider Approval of Partial Vacation and Authorize Mayor Joe Berkey and Glenda Gerrity, City Clerk to Execute Vacation and Release of Tree Preservation Easement for The Village on Victory IV (Vacate Deed)**

Motion by Roth, seconded by Peel, to approve the partial vacation and authorize Mayor Joe Berkey and Glenda Gerrity, City Clerk to execute the attached Vacation and Release of Easement, and direct staff to file same with the Miami County Registrar of Deeds.

Motion carried 5-0-0.

DISCUSSION

9. 2024 Budget – Public Works Department

Mr. Jackie Messer presented the requests for the 2024 Public Works Department Budget.

EXECUTIVE SESSION NO. 1

Motion by Peel, seconded by VanHouden, to recess into Executive Session for twenty (20) minutes to receive advice of counsel for preliminary discussion of the acquisition of real property pursuant to K.S.A. 75-4319 (b) (6) of the Kansas Open Meetings Act. The open meeting will resume in the City Council Chambers at 8:55p.m. No formal action is anticipated following the session. Persons to be in attendance are the following: Spencer Low, City Attorney, Lane Massey, City Administrator, and Patrick Burton, Community Development Director.

Motion carried 5-0-0.

The meeting recessed at 8:31 p.m.

The mayor stated to let the record reflect that the Governing Body reconvened into the open meeting at 8:55p.m., with everyone present. No votes were taken, or decisions made during the executive session. The discussion was limited to the subject stated.

EXECUTIVE SESSION NO. 2

Motion by Roth, seconded by North, to recess into Executive Session for fifteen (15) 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 9:13p.m. No formal action is anticipated following the session. Persons to be in attendance are the following, Spencer Low, City Attorney.

Motion carried 5-0-0.

The meeting recessed at 8:58p.m.

The mayor stated to let the record reflect that the Governing Body reconvened into the open meeting at 9:13p.m., with everyone present, except Councilmember Roth. 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 Peel, seconded by VanHouden, to recess into Executive Session for ten (10) minutes to receive advice of counsel to discuss personnel matters of nonelected personnel of K.S.A. 75-4319 (b) (1) of the Kansas Open Meetings Act to discuss performance review. The open meeting will resume in the City Council Chambers at 9:25p.m. No formal action is anticipated following the session. Persons to be in attendance are the following, Spencer Low, City Attorney, Lane Massey, City Administrator.

Motion carried 4-0-0 (Councilmember Roth was not present).

The meeting recessed at 9:15p.m.

The mayor stated to let the record reflect that the Governing Body reconvened into the open meeting at approximately 9:25p.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. 4

Motion by Roth, seconded by North, to recess into Executive Session for fifteen (15) minutes to receive advice of counsel to discuss anticipated 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 9:45p.m. No formal action is anticipated following the session. Persons to be in attendance are the following Spencer Low, City Attorney.

Motion carried 5-0-0.

The meeting recessed at 9:30p.m.

The mayor stated to let the record reflect that the Governing Body reconvened into the open meeting at 9:45p.m., with everyone present. 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 North, to adjourn. Motion carried 5-0-0.

The meeting adjourned at 9:46p.m.

/s/ Glenda Gerrity
Glenda Gerrity, City Clerk

Approved by the Governing Body on July 13, 2023.