

**City of Spring Hill, Kansas**  
**Minutes of City Council Regular Session**  
**September 28, 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 September 28, 2023. The meeting convened at 7:00p.m. with Mayor Berkey presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance:        Brian Peel  
   Chad Young  
   Wendy North  
   Chip VanHouden

Councilmembers absent:                 Diana Roth

Staff in attendance:                        Lane Massey, City Administrator  
   Rhonda Dunn, Finance Director  
   Cindy Henson, Chief of Police  
   Jacob Speer, Public Works Director  
   Monakisha Jones, Human Resources Director

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

**INVOCATION**

The invocation was given by the mayor.

**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**

**Motion by** Peel, seconded by Young, to move Item 20 to after Item 11.

Motion carried 4-0-0.

**PRESENTATION**

**Promotional Ceremony for Sergeant Gutierrez**

Chief Henson introduced Sergeant Gutierrez as the newly hired sergeant for the Spring Hill Police Department. Sergeant Gutierrez's wife pinned the sergeant's badge to his uniform.

## **CITIZEN PARTICIPATION**

Chuck Morse, 18460 S. Ridgeview, Olathe, KS, spoke in opposition to Item 13, rezoning R-R to M-1  
Marc Crawford, 18925 Skyview Lane, Spring Hill, KS spoke in opposition to Item 13, rezoning R-R to M-1  
Tom Davenport, 19465 W. 183<sup>rd</sup> Street, Olathe, KS spoke in opposition to Item 13, rezoning R-R to M-1  
Jeff Armstrong, 22350 S. Madison, Spring Hill, KS spoke in opposition to Item 14, rezoning C-2 to RP-4  
Tim Barrett, 22376 S. Madison, Spring Hill, KS spoke in opposition to Item 14, rezoning C-2 to RP-4  
Julie Fishburn, 20880 W. 224<sup>th</sup> Street, Spring Hill, KS spoke in opposition to Item 14, rezoning C-2 to RP-4  
Rick Ridenour, 19685 W. 183<sup>rd</sup> Street, Olathe, KS spoke in opposition to Item 13, rezoning R-R to M-1  
Steve Laughlin, 19215 W. 183<sup>rd</sup> Street, Olathe, KS spoke in opposition to Item 13, rezoning R-R to M-1  
Robert McRae, 22366 S. Madison, Spring Hill, KS spoke in opposition to Item 14, rezoning C-2 to RP-4  
Adam Reetz, 19655 W. 183<sup>rd</sup> Street, Olathe, KS spoke in opposition to Item 13, rezoning R-R to M-1

## **CONSENT AGENDA**

**Motion by** North, seconded by VanHouden to approve the consent agenda as presented.

1. **Approval of Minutes: September 14, 2023, Regular Meeting**
2. **Approval of Minutes: September 18, 2023, Special Meeting**
3. **Consider Approval of Special Event Permit: Spring Hill Fall Festival, Parade**
4. **Consider Approval of Special Event Permit: Spring Hill Fall Festival, Craft Fair**
5. **Consider Approval of Special Event Permit: Spring Hill Fall Festival, Street Dance and Concert**
6. **Consider Approval of Cereal Malt Beverage Renewal License: K&M BBQ**
7. **Consider Approval of Cereal Malt Beverage Renewal License: Queen's Price Chopper**
8. **Consider Site Plan Application (SP-000104-2023) – Attic Storage of Spring Hill**
9. **Consider Fireworks Display Application (FD-001203-2023) – Gretchen Cox**

Motion carried 4-0-0.

## **FORMAL COUNCIL ACTION**

### **10. Appointment of City Prosecutor**

Mayor Berkey nominated Kathryn Marsh to be appointed as the City Prosecutor.

**Motion by** Peel, seconded by Young, to approve the appointment of Kathryn Marsh to the position of City Prosecutor.

Motion carried 4-0-0.

### **11. Consider Approval of Agreement: 2024 Agreement with Fire District No. 2**

**Motion by** Peel, seconded by North, to approve the 2024 Agreement with Fire District No. 2.

Motion carried 4-0-0.

**20. Consider Approval for submitting a formal loan application for the 2024 Clean Water State Revolving Fund (CWSRF)**

**Motion by** Peel, seconded by VanHouden, to approve for submitting a formal loan application for the 2024 Clean Water State Revolving Fund.

**Motion amended by** Peel, seconded by VanHouden, to include and execute the contract with GAS (Governmental Assistance Services)  
Motion carried 4-0-0.

**12. Consider Approval of Appropriation Order No. 2023-09-28**

**Motion by** Peel, seconded by North, to approve Appropriation Order No. 2023-09-28.

Motion carried 4-0-0.

**13. ~~Ordinance No. 2023-XX: Consider Approval of~~ Rezoning Application (Z-000106-2023), R-R to M-1, Spring Hill Properties, L.L.C.**

**Motion by** Young, seconded by Peel, to uphold the recommendation of the Planning Commission of denial of zoning application Z-000106-2023.

Motion carried by roll call vote of the Governing Body 5-0-0.

Young=yes, North=yes, VanHouden=yes, Peel=yes, Berkey=yes

**14. ~~Ordinance No. 2023-XX: Consider Approval of~~ Rezoning Application (Z-000108-2023), C-2 to RP-4, OPG Sweetwater Flats Partners, LLC.**

**Motion by** Peel, seconded by VanHouden, to remand to the Planning Commission rezoning application Z-000108-2023 with the following considerations:

- **Stipulations 1, 2, 3 and 4** from the letter dated 9/27/2023 (attached) from Overland Property Group

**Stipulation #1** – Decorative or architectural fencing must be provided around the perimeter of the development, with pedestrian access gates at any intersections with sidewalks. No gate will be required at the single resident vehicle access location.

- i. The style of such fence along the West, North, and East sides will be complementary to the architectural design of residential buildings and constructed of black metal spires or pickets with masonry corner posts.
- ii. The style of such fence along the South side of property will consist of six foot tall, 100%opaque wooden pickets.

**Stipulation #2** – No resident access driveway will be provided along Jefferson Street.

**Stipulation #3** – All patios and balconies will be removed from residential buildings.

**Stipulation #4** – Sidewalk access will be extended across the subject property West along 223rd Street and South along the western property line to connect to existing trail system, providing pedestrian access to Price Chopper, Blackhawk Park, and Blackhawk Retail Center.

- Adjusting from a 3-story to a 2-story
- All the changes in the site plan from Planning Commission meeting on September 7, 2023 to this evening's meeting of 9/28/23
- Clarifying that this project cannot be built as it sits in the current zoning
- Final consideration of moving the trash receptacle to a different location on the property

Motion carried by roll call vote of the Governing Body 3-2 (North, Young)-0.  
North-no, VanHouden-yes, Peel-yes, Young-no, Berkey-yes

**RECESS**

**Motion by** Peel, seconded by VanHouden to take 5-minute break.

Motion carried 4-0-0.

The meeting reconvened with everyone present.

**15. Ordinance No. 2023-18: Amending Chapter 15, Article 103 of the Spring Hill Municipal Code relating to Maximum Speed Limits on Ridgeview Road between 199<sup>th</sup> and 191<sup>st</sup> Streets**

**Motion by** Peel, seconded by Young, to approve Ordinance No. 2023-18 Standard Traffic Ordinance.

Motion carried by roll call vote of the Governing Body 5-0-0.

VanHouden-yes, Peel-yes, Young-yes, North-yes, Berkey-yes

(Clarification: Chapter 15, Article 103 relating to maximum speed limits is part of the Standard Traffic Ordinance; therefore, the motion stood as stated.)

**16. Ordinance No. 2023-19: Standard Traffic Ordinance**

**Motion by** Young, seconded by North, to approve the 2023 Standard Traffic Ordinance outlined by Ordinance 2023-19.

Motion carried by roll call vote of the Governing Body 5-0-0.

Peel-yes, Young-yes, North-yes, VanHouden-yes, Berkey-yes

**17. Ordinance No. 2023-20: Uniform Public Offence Code**

**Motion by** North, seconded by VanHouden, to approve Ordinance No. 2023-20 Uniform Public Offense Code.

Motion carried by roll call vote of the Governing Body 5-0-0.

Peel-yes, Young-yes, North-yes, VanHouden-yes, Berkey-yes

**18. Consider Approval of Special Event Permit: Spring Hill Fall Festival, Corn Hole Tournament**

Due to the Spring Hill Recreation Commission sponsoring this event, Councilman Peel recused himself and exited council chambers.

**Motion by** Young, seconded by North, to approve the Special Event Permit for the Spring Hill Fall Festival Corn Hole Tournament.

Motion carried 3-0-0.

**19. Consider Approval of Special Event Application: Glow Run, 5K Run/Walk, SHRC**

Due to the Spring Hill Recreation Commission sponsoring this event, Councilman Peel recused himself and remained outside of the council chambers.

**Motion by** Young, seconded by North, to approve the Special Event Permit for the Glow Run held by SHRC 5K Run/Walk.

Motion carried 3-0-0.

Councilman Peel re-entered council chambers.

**ANNOUNCEMENTS and REPORTS**

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

**EXECUTIVE SESSION – ATTORNEY-CLIENT PRIVILEGE**

**Motion by** Young, seconded by North, to recess into Executive Session for 10 minutes to receive advice of counsel to discuss an existing economic development project 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 10:18p.m. No formal action is anticipated following the session. Persons to be in attendance are Lane Massey, City Administrator, Rhonda Dunn, Finance Director, Spencer Low, City Attorney, Tyler Ellsworth, Bond Counsel.

Motion carried 4-0-0.

The meeting recessed at 10:08p.m.

The Mayor stated, let the record reflect that the Governing Body reconvened into the open meeting at 10:18p.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 – ATTORNEY-CLIENT PRIVILEGE**

**Motion by** Peel, seconded by Young, to recess into Executive Session for 10 minutes to receive advice of counsel to discuss a new economic development project 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 10:30p.m. No formal action is anticipated following the session. Persons to be in attendance are Lane Massey, City Administrator, Rhonda Dunn, Finance Director, Spencer Low, City Attorney, Tyler Ellsworth, Bond Counsel.

Motion carried 4-0-0.

The meeting recessed at 10:20p.m.

The Mayor stated, let the record reflect that the Governing Body reconvened into the open meeting at 10:30p.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** Peel, seconded by North, to adjourn.

Motion carried 4-0-0.

The meeting adjourned at 10:31p.m.

/s/ Glenda Gerrity  
Glenda Gerrity, City Clerk

Approved by the Governing Body on October 12, 2023.

**Exhibit for Item 14**

Rezoning Application Z-000108-2023

C-2 to RP-4



**OVERLAND**  
PROPERTY GROUP

September 27, 2023

City of Spring Hill  
401 N. Madison St.  
Spring Hill, KS 66083

City of Spring Hill,

Please accept this letter providing proposed stipulations, limitations, and conditions on the approval of the preliminary development plan for The Reserves at Sweetwater Flats, which is currently on the Council's agenda for Thursday, September 28.

The approval for this preliminary development plan will be conditioned on the following:

Stipulation #1 – Decorative or architectural fencing must be provided around the perimeter of the development, with pedestrian access gates at any intersections with sidewalks. No gate will be required at the single resident vehicle access location.

- i. The style of such fence along the West, North, and East sides will be complementary to the architectural design of residential buildings and constructed of black metal spires or pickets with masonry corner posts.
- ii. The style of such fence along the South side of property will consist of six foot tall, 100% opaque wooden pickets.

Stipulation #2 – No resident access driveway will be provided along Jefferson Street.

Stipulation #3 – All patios and balconies will be removed from residential buildings.

Stipulation #4 – Sidewalk access will be extended across the subject property West along 223<sup>rd</sup> Street and South along the western property line to connect to existing trail system, providing pedestrian access to Price Chopper, Blackhawk Park, and Blackhawk Retail Center.

Thank you in advance for your consideration.

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Austin J Kack  
Development Associate

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