

City of Spring Hill, Kansas
Minutes of City Council Regular Session
February 24, 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 February 24, 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

Councilmembers absent: Vacancy

Staff in attendance: Patrick Burton, Acting City Administrator
 Lou Ann Armstrong, Finance Director
 Captain Kahn, Captain
 Jackie Messer, Director of Public Works
 Monakisha Jones, Human Resources Manager

Consultants in attendance: F. Charles Dunlay, City Attorney
 Tyler Ellsworth, Financial Advisor

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

Motion by Roth, seconded by Young, to approve the agenda. Motion carried 4-0-0.

PRESENTATIONS - 2021 End of Year Review - City Clerk/Community Services

Glenda Gerrity, City Clerk, presented the 2021 end of year report.

PRESENTATIONS - 2021 End of Year Review – Public Works Department

Jackie Messer, Director of Public Works, presented the 2021 end of year report.

CITIZEN PARTICIPATION

- Bradley Zerr, 20703 S. Skyview Lane, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Ryan Miller, 20741 S. Skyview Lane, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Jerry Sigler, 20315 S. Ridgeview Road, Ryan Miller, spoke about Item 13. Rezoning #Z-000072-2021.
- Daniel Hockman, 20711 S. Skyview Lane, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Charles Morse, 18460 S. Ridgeview Road, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Donna Abbott, 19640 W. 207th St, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Samuel Abbott, 19640 W. 207th St, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Joshua Deterding, 19180 W. 207th Terr, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Heather Deterding, 19180 W. 207th Terr, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Lisa Brooks, 19201 W. 207th Terr, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Laurie Carrel, 20773 S. Skyview Lane, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Steve Boswell, 504 N. Jackson, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Jane Worthing, 20789 S. Skyview Lane, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Jason Bruce, 20721 S. Skyview Lane, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Nola Howard, 19309 W. 199th Terr, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Meredith Lockard, 20729 S. Barker Road, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.
- Roy Riffel, 20024 Barker Street, spoke about Item 13. Rezoning #Z-000072-2021 and Item 14. Rezoning #Z-000073-2021.

CONSENT AGENDA

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

- 1. Approval of Minutes: February 10, 2022, Regular Meeting**
- 2. Consider Approval of Appropriation Order No. 2022-02-24**
- 3. Consider Approval of Separation and Release Agreement**
- 4. Consider Approval of Site Plan (SP-000068-2021): Moody's Hardware Store, 19058 Madison St., MSH Holdings LLC**

5. **Consider Approval of Improvement Agreement: Maplewood Valley, 2nd Plat, northwest of Webster Street & Sycamore Drive, Day 3 Development, LLC, d/b/a Grata Development**
6. **Consider Approval of Final Plat (PLAT-000069-2021): Maplewood Valley, 2nd Plat, northwest of Webster Street & Sycamore Drive, Day 3 Development, LLC, d/b/a Grata Development**
7. **Consider Approval of Improvement Agreement: Oak Woods, Third Plat, Kansas LD, LLC, Don Draper**
8. **Consider Approval of Final Plat (PLAT 000064-2021): Oak Woods, Third Plat, Kansas LD, LLC, Don Draper**
9. **Consider Approval of Massage Establishment License: Apex Massage Therapy, 22386 S Harrison St., Spring Hill, KS**

Motion carried 4-0-0.

FORMAL COUNCIL ACTION

10. Appointment of Council Member for Seat Vacated by Steve Owen

Mayor Berkey nominated Chip VanHouden to fill the seat vacated by Steve Owen.

Motion by Roth, seconded by North, to approve Mayor Berkey’s appointment of Chip VanHouden.

Motion carried 4–0–0.

11. Qualification, Oath and Seating of Council Member (if approved)

The City Clerk administered the Oath of Office for Mr. VanHouden. Councilmember VanHouden took his seat at the dais.

12. Consider Resolution No. 2022-R-03: A Resolution consenting to a subtenant and authorizing the execution and delivery of certain documents in connection with the Industrial Revenue Bonds (Taxable Under Federal Law), Series 2020 (Mid-Am Building Supply), of the City of Spring Hill, Kansas

Motion by Roth, seconded by North, to approve Resolution No. 2022-R-03 consenting to authorizing the execution and delivery of certain documents in connection with Industrial Revenue Bonds, Series 2020. Motion carried 5-0-0.

RECESS

Motion by Peel, seconded by Roth, that the Governing Body recess for 5 minutes and reconvene at 9:05pm. Motion carried 5-0-0.

The meeting recessed at 9:00 p.m.

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

13. Consider Approval of Ordinance 2022-02: Rezoning (Z-000072-2021), 207th & Ridgeview – R-R to RP-1 (Woodland Crossing South)

Motion by Peel, seconded by North, to approve Ordinance No. 2022-02.

Motion carried by roll of the Governing Body 5-0-1 (Roth). VanHouden-yes, Roth-abstain, Peel-yes, Young-yes, North-yes, Mayor Berkey-yes.

14. Consider Approval of Ordinance No. 2022-03: Rezoning (Z-000073-2021), 207th & Ridgeview – R-R to RP-3 (Woodland Crossing South)

Regarding a protest petition, Mr. Burton stated that there was a calculation error by staff, neither protest petition was valid, but with staff writing that there was a valid protest petition for RP-3, staff is going to stand by that and will present the RP-3 as it was a valid petition.

Motion by Peel, seconded by Young, to approve Ordinance No. 2022-03.

Motion failed by roll of the Governing Body 3-2-1 (Roth). North-no, VanHouden=yes, Roth-abstained due to living in Woodland Ridge, Peel=yes, Young-no, Mayor Berkey=yes.

ACTION TO REMAND BACK TO PLANNING COMMISSION

Motion by Young, seconded by North, to remand Ordinance No. 2022-03 back to the Planning Commission for revision based on the information as discussed tonight to consider RP-1 for the entire site or other zoning options concerning multi-family zoning.

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

ANNOUNCEMENTS and REPORTS

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

EXECUTIVE SESSION

Motion by Roth, seconded by Peel, to recess into Executive Session for 30 minutes to receive advice of counsel regarding ongoing litigations and status update 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 11:50p.m. Persons to be in attendance are the following: F. Charles Dunlay, City Attorney, and Patrick Burton, Interim City Administrator.

Motion carried 5-0-0.

The meeting recessed at 11:15p.m. The meeting reconvened at 11:50p.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.

ADJOURN

Motion by Roth, seconded by Peel, to adjourn. The meeting adjourned at 11:51p.m.

/s/ Glenda Gerrity
Glenda Gerrity, City Clerk

Approved by the Governing Body on March 10, 2022.