

**City of Spring Hill, Kansas**  
**Minutes of City Council Regular Session**  
**June 23, 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 June 23, 2022. The meeting convened at 7:00p.m. with Mayor Berkey presiding and Glenda Gerrity, City Clerk, recording.

Councilmembers in attendance:        Diana Roth arrive at 8:05p.m.  
    Brian Peel  
    Wendy North  
    Chip VanHouden

Councilmembers absent:                Chad Young

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

Consultants in attendance:              F. Charles Dunlay, City Attorney  
    Tyler Ellsworth, Bond Counsel

**INVOCATION**

The invocation was given by Pastor Angie McCarty, Spring Hill United Methodist Church.

**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 third Executive Session.

**Motion by** Peel, seconded by VanHouden, to approve the agenda as amended. Motion passed unanimously.

**CITIZEN PARTICIPATION**

Deanea Boydston, 20340 W. 199<sup>th</sup> Street, deferred her comments about Item No. 8, R-4 rezoning, until the City Council discussed this item later in the meeting.

Bill Peterman, 19431 W. 200<sup>th</sup> Street, spoke about dirt/weeds; thanked Councilman Peel for driving around the community; thanked Chief Henson for handing out pens to detect counterfeit bills during the community-wide garage sale; wastewater project with Bucyrus; and speaker's protocol.

#### **CONSENT AGENDA**

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

- 1. Approval of Minutes: June 9, 2022, Regular Meeting**
- 2. Consider Approval of Appropriation Order No. 2022-06-23**
- 3. Consider Approval of Site Plan Application (SP-000024-2022): A&M Powdercoating, 19046 Madison St., Andy Gillard**

Motion carried unanimously.

#### **FORMAL COUNCIL ACTION**

**4. Consider Board Appointment for Planning Commission**

Mayor Berkey nominated Debbie Dominick to fill the Planning Commission vacancy for the unexpired term through February 2025.

**Motion by** Peel, seconded by VanHouden, to approve Mayor Berkey's appointment of Debbie Dominick to the Spring Hill Planning Commission for a term ending February 2025.

Motion passed 3-0-0.

The City Clerk administered the oath to Ms. Dominick.

**5. Consider Approval of Ordinance No. 2022-17: Rezoning (PZD-000025-2022), 193<sup>rd</sup> Street to 197<sup>th</sup> Street and Webster Street to Woodland Road, R-1 to RP-1**

**Motion by** Peel, seconded by North, to adopt Ordinance No. 2022-17, for rezoning application PZD-000025-2022 for the described property from R-1 to RP-1.

Motion passed by roll call of the Governing Body 4-0-0. North-yes, VanHouden-yes, Peel-yes, Mayor Berkey-yes.

**6. Consider Approval of Ordinance No. 2022-18: Rezoning (PZD-000026-2022), 193<sup>rd</sup> Street to 197<sup>th</sup> Street and Webster Street to Woodland Road, R-1, R-2 to RP-1**

**Motion by** Peel, seconded by North, to adopt Ordinance No. 2022-18, for rezoning application PZD-000026-2022 for the described property from R-1, R-2 to RP-1.

Motion passed by roll call of the Governing Body 4-0-0. North-yes, VanHouden-yes, Peel-yes, Mayor Berkey-yes.

**7. Consider Approval of Ordinance No. 2022-19: Rezoning (Z-000027-2022), 193<sup>rd</sup> Street to 197<sup>th</sup> Street and Webster Street to Woodland Road, R-R to MP**

**Motion by** Peel, seconded by North, to adopt Ordinance No. 2022-19, for rezoning application Z-000027-2022 for the described property from R-R to MP.

Motion passed by roll call of the Governing Body 4-0-0. Peel-yes, North-yes, VanHouden-yes, Mayor Berkey-yes.

**8. Consider Approval of Ordinance No. 2022-20: Rezoning (Z-000028-2022), 193<sup>rd</sup> Street to 197<sup>th</sup> Street and Webster Street to Woodland Road, R-R to R-4**

**Motion by** Peel, seconded by VanHouden, to adopt Ordinance No. 2022-20, for rezoning application Z-000028-2022 for the described property from R-R to R-4.

Motion passed by roll call of the Governing Body 4-0-0. Peel-yes, North-yes, VanHouden-yes, Mayor Berkey-yes

Councilmember Roth arrived at 8:05p.m

**9. Consider Approval of Ordinance No. 2022-21: Rezoning (PZD-000029-2022), 193<sup>rd</sup> Street to 197<sup>th</sup> Street and Webster Street to Woodland Road, R-R to RP-1**

**Motion by** VanHouden, seconded by North, to adopt Ordinance No. 2022-21, for rezoning application PZD-000029-2022 for the described property from R-R to RP-1.

Motion passed by roll call of the Governing Body 5-0-0. VanHouden-yes, Roth-yes, Peel-yes, North-yes, Mayor Berkey-yes

**10. Consider Approval of Ordinance No. 2022-22: Ordinance Amending Chapter II Article 8 of the Spring Hill Municipal Code - Keeping of Chickens in City Limits**

**Motion by** Peel, seconded by VanHouden, to adopt Ordinance No. 2022-22, amending Chapter II, Article 8, of the Spring Hill Municipal Code, regarding the keeping of chickens within the City Limits.

The Mayor stated that Ordinance No. 2022-22 passed 4-0-0.

**11. Consider Approval of Ordinance No. 2022-23: Ordinance Amending Chapter XV of the Spring Hill Municipal Code and Adopting New Provisions in a new Article 2B – Non-City Initiated Towing of Vehicle’s from Private Property within the City Limits of the City of Spring Hill, Kansas, Relating to and Establishing Towing Regulations for Towing Vehicles from Private Property by Land Owners or Lessees in a Manner Consistent with Kansas Law and as set forth in Chapter XV, Article 2B of the Spring Hill Municipal Code**

**Motion by** VanHouden, seconded by Peel, to adopt Ordinance No. 2022-23, amending Chapter XV, article 2B of the Spring Hill Municipal Code relating to non-city-initiated towing of vehicles from private property.

The Mayor stated that Ordinance No. 2022-23 passed 4-0-0.

**12. Consider Approval of Ordinance No. 2022-24: Ordinance Amending Chapter XV, Article 2A of the Spring Hill Municipal Code, Relating to City-Initiated Tow Regulations Authorized by the Spring Hill Police Department and All Law Enforcement Officers Who Are Members of the Department, and Adopting Additional Provisions Regarding the Use and Maintenance of a Rotational Tow List for City-Initiated Tows as Set Forth in Chapter XV, Article 2A of the Spring Hill Municipal Code**

**Motion by** Roth, seconded by VanHouden, to adopt Ordinance No. 2022-24, amending Chapter XV, article 2B of the Spring Hill Municipal Code relating to city-initiated tows and establishing a rotational tow list.

The Mayor stated that Ordinance No. 2022-24 passed 4-0-0.

**13. Consider Approval of Resolution No. 2022-R-12: Resolution Establishing Annual Maximum Permissible Tow Service Fees, Services, and Functions for which the City of Spring Hill, Kansas' Authorized Tow Service Providers May Charge**

**Motion by** North, seconded by Roth, to approve Resolution No. 2022-R-12, establishing maximum permissible tow service fees, services, and functions for the City of Spring Hill.

Motion passed 4-0-0.

**14. Consider Approval of Facility Use Agreement: Spring Hill Recreation Commission**

Councilmember Peel recused himself and left the council chambers.

**Motion by** Roth, seconded by North, to approve the facility usage agreement with the Spring Hill Recreation Commission.

Motion passed 3-0-1 (Peel)

Councilmember Peel returned to the council chambers and took his seat at the dais.

**ANNOUNCEMENTS and REPORTS**

The Governing Body and staff presented announcements and report.

**EXECUTIVE SESSION NO. 1 – Attorney-Client Exception**

**Motion by** Roth, seconded by Peel, 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 9:40P.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, Lou Ann Armstrong, Finance Director and Ashley Wood, Executive Assistant/Deputy City Clerk. Motion carried 4-0-0.

The meeting recessed at 9:10p.m.

The meeting reconvened at 9:40p.m. with North, Peel and Roth present. Councilman VanHouden remained in the room where the executive session was held.

Mayor Berkey announced that no votes were taken or decisions made during the executive session. The discussion was limited to the subject stated.

**EXECUTIVE SESSION NO. 2 – Attorney-Client Exception**

**Motion by** Roth, seconded by Peel, to recess into executive session for twenty (20) minutes to receive advice of regarding litigation, administrative investigation, 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 10:02P.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 carried 3-0-0.

The meeting recessed at 9:42p.m.

The meeting reconvened at 10:02P.M. with North, Peel and Roth present. Councilman VanHouden remained in the room where the executive session was held.

Mayor Berkey announced that 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 North, to extend the executive session for 15 minutes. The open meeting will resume in the City Council Chambers at 10:17P.M. Motion carried 3-0-0.

The meeting recessed at 10:02 p.m.

The meeting reconvened at 10:17 P.M. with North, Peel and Roth present. Councilman VanHouden remained in the room where the executive session was held.

Mayor Berkey announced that no votes were taken or decisions made during the executive session. The discussion was limited to the subject stated.

#### **EXECUTIVE SESSION NO. 3**

**Motion by** Roth, seconded by North, to recess into executive session for ten (10) minutes to receive advice of regarding 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 10:28P.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 carried 3-0-0.

The meeting recessed at 10:18 p.m.

The meeting reconvened at 10:28 P.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 10:29p.m.

/s/ Glenda Gerrity  
Glenda Gerrity, City Clerk

Approved by the Governing Body on July 14, 2022.