

## REGULAR COUNCIL MEETING

JUNE 4, 2003

7:30 P.M.

PRESENT: Mari Ann Parker, Mike Batchelder, Jerry Bruns,  
and Tony French. Dan Tilton was absent.

ALSO PRESENT: Roger Hopkins, Katie Hargis, Dick Powell,  
Chad Clary, Kevin Lackey, Ted Collins and Bill  
Butrick.

PRESIDING: Mayor Janet Tyler.

The Meeting was called to order at 7:36 p.m. by Council  
President Jerry Bruns. Mayor Tyler arrived at 7:37 p.m.  
and presided over the meeting at that time.

Mari Ann Parker asked that the minutes of the May Regular  
Council Meeting be corrected to show that she did not  
abstain, but voted for the appointment of J.D. Euler as  
Municipal Judge.

Jerry Bruns moved to approve the minutes of the last  
Regular Council Meeting held May 7, 2003 showing the  
correction that Parker voted for the appointment of J.D.  
Euler as Municipal Judge. Mari Ann Parker 2nd, motion  
carried unanimously.

Tony French moved to approve the bills for the month of  
May, 2003. Jerry Bruns 2nd, motion carried unanimously.

### CITIZENS REQUESTS

A Public Hearing was held to hear comments concerning  
Kevin Lackey's request to vacate the south 110 feet of the  
alley in Block 120.

After comments, Tony French moved to approve the vacation  
of the south 110 feet of the alley in Block 120, upon  
conditions of certain easements required and waiver of  
damages being agreed to by the landowner and to adopt as  
Ordinance #438. Mari Ann Parker 2nd.

By roll call vote: Batchelder-yes, Parker-yes,  
French-yes, Bruns-yes. Motion carried unanimously.

Tony French moved to rescind his motion due to a variance  
request being involved. Jerry Bruns 2nd, motion carried  
unanimously.

Tony French moved to approve the vacation of the south 110  
feet of the alley in Block 120, upon conditions for  
certain easements, waiver of damages being agreed to  
by the landowner and the vacation to be allowed upon the  
approval of the variance request by the Board of Zoning

Appeals and to adopt as Ordinance #438. Jerry Bruns 2nd, By roll call vote: Batchelder-yes, Parker-yes, French-yes, Bruns-yes. Motion carried unanimously.

#### COMMITTEE REPORTS

Law Enforcement Committee Chairman Jerry Bruns recommended that the security contract with Highland Community College be approved with a 3% increase and no other changes. He stated that a copy of the contract had been given to College Administration so they could present it at their next Board Meeting.

Jerry Bruns moved to approve the annual security contract with Highland Community College with an increase of 3% contingent upon their approval. Tony French 2nd, motion carried unanimously.

#### NEW BUSINESS

Tony French moved to accept the resignation of Municipal Judge Virgil Begesse with regret. Jerry Bruns 2nd, motion carried unanimously.

Jerry Bruns moved to approve payment request #13 of \$554.44 from grant #01-PF-131. Mari Ann Parker 2nd, motion carried unanimously.

Grant Administrator Donna Crawford informed the City that a written purchasing policy needed to be approved for grant purposes. Mayor Tyler appointed the Finance Committee, Ted Collins and Bill Butrick to review a purchasing policy and present their recommendation at the next regular meeting.

#### CITY OFFICERS REPORT

Superintendent Roger Hopkins stated that the road had been completed going to the new well before the June 1, 2003 deadline.

Hopkins informed the Council that Ila Spaulding had requested a street light be put on vacated S. Vine Street next to her property.

Mari Ann Parker moved to have street light installed on vacated S. Vine Street. Mike Batchelder 2nd, motion carried unanimously.

8:32 p.m. Tony French moved to go into executive session for ten minutes to discuss personnel. Jerry Bruns 2nd, motion carried unanimously.

8:42 p.m. Jerry Bruns moved to come out of executive session. Mike Batchelder 2nd, motion carried unanimously.

8:42 p.m. Mari Ann Parker moved to go back into executive session for ten minutes to discuss personnel. Mike Batchelder 2nd, motion carried unanimously.

8:52 p.m. Mike Batchelder moved to come out of executive session. Jerry Bruns 2nd, motion carried unanimously.

Superintendent Hopkins said he was waiting on a surface mix from Herzog Construction and would probably use the asphalt on certain streets. He stated that saturock would be used for pot hole repair in other areas.

Police Chief Chad Clary asked the Council if they would want him to look into possible grants for surveillance camera equipment. The Council instructed Chief Clary to proceed and report his findings at a later meeting.

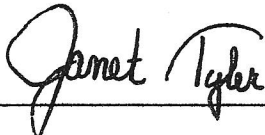
Mari Ann Parker moved to authorize Tony French, Jerry Bruns and Bill Butrick to purchase a computer for City Hall not to exceed \$1200. Jerry Bruns 2nd, motion carried unanimously.

Fire Chief Dick Powell requested that a pressure test be performed on the city firetruck. He stated that Midwest Fire would perform the test at a cost of approximately \$250. Tony French moved to have the pressure test run on the firetruck. Mike Batchelder 2nd, motion carried unanimously.

#### GOVERNING BODY COMMENTS

Councilmember Tony French spoke of the possibility of the city starting it's own curb side trash service. He spoke of a bagging system being used and other options relating to hauling, charges, expenses and revenues. He asked that the Council consider the possibility at this time and if enough interest came about to hold public hearings to get the citizens' feedback.

10:02 p.m. Mari Ann Parker moved to adjourn. Tony French 2nd, motion carried unanimously.



Mayor



City Clerk

## CITY OF HIGHLAND

## APPEAL TO THE BOARD OF ZONING APPEALS

THE BOARD OF ZONING APPEALS  
HIGHLAND, KANSASCASE NO. 03-02  
APPEAL \_\_\_\_\_  
VARIANCE ✓  
DATE 5-2-03

GENTLEMEN:

ON 5-1, 2003, THE UNDERSIGNED APPLIED FOR A BUILDING PERMIT  
TO Construct a new garage bldg.LOCATED AT 308 S. Kansas ZONING I-2  
LEGAL DESCRIPTION: BLOCK 120 LOT (S) 8-9THE PERMIT WAS REFUSED BECAUSE not sufficient footage  
setback on the north side of Bldg. (side yard)  
(TO BE FILLED IN BY ZONING ADMINISTRATOR)THE ABOVE DECISION IS HEREBY APPEALED FOR THE FOLLOWING REASONS,  
SPECIAL CIRCUMSTANCES AND UNUSUAL CONDITIONS: Present bldg. in alley.  
new building would not effect surrounding land owners but would allow  
for metal bldg. for garage area. If zoned Residential would not be a problemSIGNATURE OF APPLICANT AND TITLE: Kevin Lukay  
DATE: 5-2-03NOTE: A plat (drawn to scale) must accompany this application and show  
at least the following information: Width and depth of lot and  
adjacent lots, streets adjacent (names); locations of improvements on  
subject lot, and proposed construction; improvements on adjacent lots  
next to subject property. Applicant shall provide names and addresses  
of all property owners within 200 feet of subject property.DATE RECEIVED 5-2-2003 BOARD OF ZONING APPEALS  
FEE PAID \_\_\_\_\_ 19 \_\_\_\_\_ DATE OF HEARING 7-14-03  
RECEIPT NO. \_\_\_\_\_ APPROVED 4 DENIED 0  
FILES TRANSMITTED TO BOARD June 18~~th~~ 2003 VOTE: AYE 4 NAY 0  
NOTICE PUBLISHED June 26 19 03  
(COPY IN FILE) APPEALED TO DISTRICT COURT \_\_\_\_\_  
NOTICE MAILED TO APPLICANT \_\_\_\_\_ 19 \_\_\_\_\_ JUDGEMENT \_\_\_\_\_  
NOTICE MAILED TO OWNERS WITHIN \_\_\_\_\_  
200 FEET OF SUBJECT PROPERTY \_\_\_\_\_ 19 \_\_\_\_\_ CASE NO. \_\_\_\_\_(IF ADDITIONAL SPACE IS NEEDED FOR ANY ANSWER, USE THE BACK OF THIS  
FORM)

### Public Notice

(First published in the Kansas Chief,  
Thursday, June 26, 2003) It

#### Notice of Zoning Appeals

Notice is hereby given that on the 14th day of July, 2003, at 7:00 p.m., in the Council Chambers of the Highland City Hall in Highland, Kansas, the City of Highland Board of Zoning Appeals will hold a public hearing upon the application of Kevin Lackey for a variance from the terms of the Highland Zoning and Subdivision Regulations, Ordinance #264. The application pertains to a reduction in the required side yard footage for construction of a garage building, zoned I-2, on the following real estate situated in the City of Highland, Kansas, to wit:

Block 120, Lots 8 & 9

All interested persons and citizens may appear and will be given an opportunity to be heard in support of or in opposition to the application for a variance. The application is on file at Highland City Hall and may be examined by any interested persons during regular business hours.

Bill Butrick  
Zoning Administrator  
Board of Zoning Appeals  
City of Highland, Kansas

## AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, DONIPHAN COUNTY, SS:

Dana D. Foley, being first duly sworn, deposes and says: That he is publisher of *The Kansas Chief* a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Doniphan County, Kansas, with a general paid circulation on a yearly basis in Doniphan County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

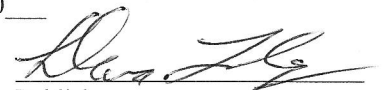
Said newspaper is weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Wathena, Kansas, in said County as periodicals postage paid.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive weeks, the first publication thereof being made as aforesaid on the 26 day of June, 2003, with subsequent publications being made on the following dates:

\_\_\_\_\_, 20\_\_\_\_

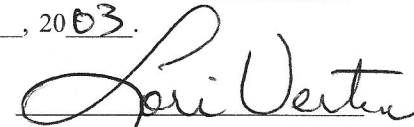
\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_

  
Publisher

Subscribed and sworn to before me this 26  
day of June, 2003.

**LORI VERTIN**  
**NOTARY PUBLIC**  
**STATE OF KANSAS**

  
Notary Public

My commission expires 7-6-03

Printer's fee/ Affidavit fee \$ 28.01

BOARD OF ZONING APPEALS  
220 W. MAIN P.O. BOX 387  
HIGHLAND, KANSAS 66035

June 18, 2003

To whom it may concern:

This letter is to inform you that a variance in zoning has been requested by your adjacent property owner, Kevin Lackey.

There will be a public hearing concerning this matter on Monday, July 14, 2003 at 7:00 p.m. in the Council Chambers of the City Hall building in Highland, Kansas.

You may either send a letter or attend the public hearing to state whether you are in favor of or in opposition to the variance requested. The letter should be addressed to the above.

General description: 308 S. Kansas

Legal description: Block 120, Lots 8 & 9

The purpose for the variance requested is to allow for the construction of a garage building, however the setback requirements for the side yard are insufficient due to this property being located in an I-2 zone. (See attached drawing.) Kevin has also requested and been approved by the Highland City Council to vacate the south 110 feet of the alley in Block 120 contingent upon the approval this variance.

If you have any questions, you may call City Hall during regular business hours at (785) 442-3765.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Butrick".

Bill Butrick, Zoning Administrator

PUBLIC HEARING—BOARD OF ZONING APPEALS  
CITY OF HIGHLAND, KANSAS  
JULY 14, 2003 7:00 P.M.

Kevin Lackey variance request----#03-02

Present: Katie Hargis, Bill Noll, Larry O'Bryan and Jerry Bruns.

Also Present: Kevin Lackey and Bill Butrick.

Chairman Jerry Bruns called the hearing to order at 7:05 p.m. with a quorum present.

Chairman Bruns asked for questions from the Board Members or Mr. Lackey.

Larry O'Bryan moved to allow for the variance requested by Kevin Lackey #03-02.  
Katie Hargis 2<sup>nd</sup>, motion carried 4-0.

7:10 p.m. Larry O'Bryan moved to adjourn. Katie Hargis 2<sup>nd</sup>, motion carried 4-0.



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Bill Butrick, Zoning Administrator