

**CITY OF HIGHLAND, KANSAS
REGULAR COUNCIL MEETING
CITY HALL
DECEMBER 11, 2013
7:00 P.M.**

COUNCIL MEMBERS PRESENT: Charles Batchelder, Scott Huss, Randy Snyder, Jerry Twombly and Jim Watts.

COUNCIL MEMBER ABSENT: None

CITY EMPLOYEES PRESENT: City Attorney Ted Collins, City Police Chief Brandon Whetstine, City Maintenance Supervisor Aaron Leach, City Worker Michael Hunsaker, Assistant City Clerk Joann Karn and City Clerk Melanie Hollabaugh.

GUESTS PRESENT: Brian Kingsley of BG Consultants, Kevin Thompson of Rush Precision Services, Dennis Snyder, Roger Hopkins, Jerre Cole, Jerod Edie, Pam Twombly, Esther Gormley, Dennis Lentz, Scott Sisk, J.W. Twombly and David Diveley.

PRESIDING: Mayor Ken Stewart

The meeting was called to order at 7:00 p.m. with all Council members present.

Charles Batchelder moved to approve the minutes of the last Regular City Council Meeting held on November 13, 2013. Randy Snyder seconded, motion carried 5-0.

Charles Batchelder moved to approve the bills for the month of November, 2013. Jerry Twombly seconded, motion carried 5-0.

PRESENTATIONS:

Kevin Thompson of Rush Precision Services, presented on agriculture GPS (RTK network) and inquired about locating a repeater on top of the north water tower. Council gave consent to allow Rush Precision Services to access the tower for the purpose of installation and testing of a repeater to be located on top of the north water tower and for Attorney Collins and Mayor Stewart to work out any details of a rental/license agreement for presentation to the council at a later date.

PUBLIC COMMENTS:

Esther Gormley, on behalf of all involved in the Snowflake Festival, thanked the city for allowing the buildings in Degginger Park and blocking off the street with personal thanks to Aaron Leach for helping with the blocking of the street. Ms. Gormley asked for suggestions on how to improve the Snowflake Festival.

Dennis Snyder mentioned parking issues at several locations in town and the Law Enforcement committee and Street & Alley committee are to review and make recommendations.

Roger Hopkins asked about the purchase of previously used Christmas lights, particularly the "Season Greetings with a boy and girl" and fire hydrants. Council agreed for Mr. Hopkins to get with Maintenance Supervisor Aaron Leach and make an offer at city hall.

Mayor Stewart asked Maintenance Supervisor Aaron Leach to correctly re-install the stop sign at Nebraska and Missouri intersection.

David Diveley requested no parking in the alley behind businesses except to load/unload. Mayor Stewart asked Maintenance Supervisor Aaron Leach to install signs along with no parking in the city's parking lot.

COMMUNICATIONS AND REPORTS:

Mayor Stewart reviewed the council member's residence requirements. Attorney Collins provided the factual and legal questions at issue. City council members must be residents and qualified electors of the city. Elected members that move from the city are required to vacate their office. If a council member becomes a non-resident and fails to resign their position, an ouster proceeding filed by the county attorney or a citizen recall are the appropriate remedies.

Attorney Collins requested an executive session later on the agenda for legal matters.

City Maintenance Supervisor Aaron Leach reported on prices for a hot water power washer. Northern Tool - gas power \$2300, electric power \$2359 and Hotsy - \$3,000. Cold water power washer at Highland Hardware was \$275.

Following discussion, Charles Batchelder moved to purchase a hot water power washer from Hotsy for \$3,000. Jerry Twombly seconded, motion carried 5-0.

Supervisor Aaron Leach reported all three towers are working and all test came back good. As advised, the in-town water tower will be drained following the cold winter months.

COMMITTEE UPDATES: Mayor Stewart will replace Jerry Twombly on the Water & Sewer Committee which will meet to set a sewer rate for Two Timbers.

OLD BUSINESS: Mayor Stewart reported Westar does not have any options on lighting the new west water tower. Council agreed to not light the new tower since the other two are not lighted.

Mayor Stewart had City Maintenance Aaron Leach and Michael Hunsaker repair the culvert drain on Pennsylvania Street with concrete and asked the Street & Alley committee to meet and produce a list of problem areas.

Mayor Stewart, Attorney Collins and Chief of Police Brandon Whetstine will look into the parking at Main and Ives intersection.

NEW BUSINESS:

Attorney Collins will check to see if Ernies needs a CMB license since their status has changed and for the council to consider approval of the CMB license at this meeting.

Scott Huss moved to approve a 2014 Cereal Malt Beverage (CMB) license for Ernies. Randy Snyder seconded, motion carried 4-1, with Jerry Twombly voting against the motion. Twombly requested that it be recorded in the minutes that factual statements and good character should be factors to consider in whether to grant such licenses.

Scott Huss moved to approve a 2014 Cereal Malt Beverage (CMB) license for Casey's. Randy Snyder seconded, motion carried 5-0.

Randy Snyder moved to approve a 2014 Cereal Malt Beverage (CMB) license for Clark Brothers (Highland Total). Scott Huss seconded, motion carried 5-0.

Scott Huss moved for approval of the attachment to ACH contract between Bendena State/Bank of Highland and the City of Highland for the submission of ACH files online. Authorized signers Melanie Hollabaugh and Joann Karn remain active. Jerry Twombly seconded, motion carried 5-0.

Employees salary for 2014 tabled until later in the meeting.

Blue Cross and Blue Shield health insurance will be increasing 18 to 20 percent.

Charles Batchelder moved to transfer \$50,000 from General Fund to the Street Fund for budget year 2013. Scott Huss seconded, motion carried 5-0.

Brian Kingsley of BG Consultants provided an update on the water project and explained each project request.

Jerry Twombly moved to approve the substantial completion paperwork with the access road to the tower left as is. Charles Batchelder seconded, motion carried 5-0.

Scott Huss moved to approve Maguire Iron pay request #4 in the amount of \$78,527.95 upon finding all KDOC guidelines are met per the city's grant administrator. Jerry Twombly seconded, motion carried 5-0.

Scott Huss moved to approve Maguire Iron pay request #5 in the amount of \$38,712.50 upon finding all KDOC guidelines are met per the city's grant administrator. Charles Batchelder seconded, motion carried 5-0.

Jerry Twombly moved to approve Banks Construction change order #1 in the amount of \$16,387.25. Charles Batchelder seconded, motion carried 5-0.

Before processing payment of Banks Construction's work performed in addition to the contract bids, the city will be asking for copies of invoices that qualify for USDA loan purposes, per the recommendation of the city's engineer.

Scott Huss moved to approve Banks Construction pay request #4 in the amount of \$17,467.89. Charles Batchelder seconded, motion carried 5-0.

RESOLUTIONS:

Scott Huss moved to approve 2014 Kansas Pride Program Entry Government Resolution. Randy Snyder seconded, motion carried 5-0.

EXECUTIVE SESSION:

8:05 p.m. Charles Batchelder moved to go into executive session until 8:25 p.m. to discuss non-elected personnel for the protection of the privacy rights of the protected employee and for Police Chief Brandon Whetstine, City Attorney Ted Collins and Clerk Melanie Hollabaugh to remain for the first 10 minutes. Scott Huss seconded, motion carried 5-0.

8:25 p.m. Charles Batchelder moved to go into executive session until 8:30 p.m. to discuss non-elected personnel for the protection of the privacy rights of the protected employee. Scott Huss seconded, motion carried 5-0.

Discussion was had concerning the status of police officer Arthur Buckingham. It was noted that Mr. Buckingham was injured on the job on March 6, 2012, and has not been able to work since that time. His full-time pay status was terminated as of November 6, 2012, and the city has continued to pay his

insurance benefits. It was determined, at the October 23, 2012 meeting of the council, that Mr. Buckingham was unable to perform the duties required of the position and that no reasonable accommodation would resolve the limitation. Jerry Twombly moved to officially adopt those findings at this time and to acknowledge the termination of the employment relationship. Scott Huss seconded, motion carried 5-0.

Randy Snyder moved to terminate Art Buckingham's fringe benefits as of December 31, 2013, subject to eligibility requirements, and have the clerk send Mr. Buckingham notice. Charles Batchelder seconded, motion carried 5-0.

Jerry Twombly moved to increase Officer Blaine Kennedy two steps on the pay scale to \$30,500 beginning January 1, 2014. Randy Snyder seconded, motion carried 5-0.

Mayor Stewart announced no other raises will be given due to the health insurance fringe benefit increase.

8:35 p.m. Scott Huss moved to go into executive session until 8:50 p.m. for legal matters to consult with an attorney on matters that would be deemed privileged in attorney-client relationship. Mayor asked Attorney Ted Collins, Police Chief Brandon Whetstine, and City Clerk Melanie Hollabaugh to remain. Randy Snyder seconded, motion carried 5-0.

8:50 p.m. Scott Huss moved to adjourn. Charles Batchelder seconded, motion carried 5-0.

Mayor

City Clerk