

**CITY OF HIGHLAND, KANSAS
PUBLIC HEARING
AND
SPECIAL COUNCIL MEETING
CITY HALL
SEPTEMBER 25, 2014
4:30 P.M.**

COUNCIL MEMBERS PRESENT: Jerry Twombly, Charles Batchelder, Ben Gilmore and Jim Watts.

COUNCIL MEMBERS ABSENT: Randy Snyder

CITY EMPLOYEES PRESENT: City Attorney Ted Collins and City Clerk Joann Karn

GUESTS PRESENT: Gerald Neibling, Dennis Lentz, Mari Ann Parker, Janet Tyler, J.W. Twombly, Sharon Neibling, Roger Gormley and Bill Batchelder.

PRESIDING: Mayor Ken Stewart

Mayor Stewart opened the Public Hearing regarding the repair, restoration and/or demolition of the old water tower located in the 200 block of West Illinois of the City of Highland, KS.

Attorney Collins provided background information to date and the recommended procedure of the governing body to follow if demolition is determined. Attorney Collins reviewed the September 10, 2014 letter to Mr. Patrick Zollner, Kansas State Historical Society, which indicated over the last couple of decades, the City of Highland has evaluated the feasibility of repairing, maintaining and continuing the use the old tower in its water storage and delivery system. Based upon visual observation and professional inspections and reports, the costs associated with keeping the tower, etc., the only solution seems to be removal of the tower. The following factors are among those already considered:

- ❖ The age of the tower, which is now 100 years old, far beyond its expected useful life.
- ❖ Multiple professional inspections, including the July 29, 2011 report prepared by Utility Service Co.
- ❖ The recommendations of retained professional engineers
- ❖ The obvious, deteriorated condition of the tower and its supporting legs and foundation.
- ❖ The lack of and/or inadequate aviation warning lights, access ladders, balcony railings, secondary access hatch, roof hatch, roof vent and overflow.
- ❖ The projected costs associated with the necessary repairs and ongoing maintenance
- ❖ The lack of necessity for the tower, given the recent completion of construction of a 125,000 gallon tower, in addition to the existing 100,000 gallon tower, together which meet the city's current and projected future needs for storage
- ❖ The overflow problem that exists because of the different elevations of the spillover between the old and new towers.
- ❖ The safety factor presented, given the location of the old tower to the grade school and other businesses.

The council heard several comments and concerns regarding the structure.

Jerry Twombly moved and Jim Watts seconded a motion to demolish the old water tower based on a consideration of all relevant factors, that there is not feasible and prudent alternative to keep this water tower. Motion carried 4-0

Jim Watts moved and Jerry Twombly seconded a motion for the Mayor and City Attorney to provide notice to the Society, by certified mail. Motion carried 4-0

Jerry Twombly moved and Ben Gilmore seconded a motion to seek multiple bids after five (5) days have passed from the sending of the certified letter. In seeking bids, determine if the old city hall building presents a problem for the water tower demolition. Motion carried 4-0

Jim Watts moved and Ben Gilmore seconded a motion to close the public hearing. Motion carried 4-0

Attorney Collins provided brief background information on the title for the roadside park which is located west of the city limits.

EXECUTIVE SESSION: Ben Gilmore moved and Jerry Twombly seconded a motion to recess into executive session at 4:50 p.m. for 20 minutes for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship and the open meeting will resume in the city council chamber at 5:10 p.m. Motion carried 4-0 Mayor asked for the city attorney and city clerk to remain.

Ben Gilmore moved and Jerry Twombly seconded a motion to recess into executive session at 5:10 p.m. for 5 minutes for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship and the open meeting will resume in the city council chamber at 5:15 p.m. Motion carried 4-0 Mayor asked for the city attorney and city clerk to remain.

After Attorney Collins provided open record information regarding the roadside park title, Jim Watts moved and Jerry Twombly seconded a motion authorizing the Mayor and City Attorney to meet with Bill Batchelder and Charles Batchelder before the next regular council meeting. Motion carried 3-1 Charles Batchelder abstained.

Charles Batchelder moved and Jim Watts seconded a motion to adjourn the meeting at 5:20 p.m. Motion carried 4-0.

Mayor

City Clerk