

**CITY OF HIGHLAND, KANSAS
REGULAR COUNCIL MEETING
CITY HALL
FEBRUARY 11, 2015
7:00 P.M.**

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

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

GUESTS PRESENT: Pam Twombly, Matt Peterson, Mary Lou Huber, Rocky Ruhnke, Tammie Petrik, Scott Huss, Dennis Lentz, Amanda Clary and Scott Sisk.

PRESIDING: Mayor Ken Stewart

7:00p.m. Mayor Ken Stewart called the Regular City Council meeting to order.

Mayor Stewart asked for any discussion and/or approval of the minutes from the last Regular Council meeting held January 14, 2015. Jerry Twombly moved, seconded by Randy Snyder, to approve the minutes of the last Regular City Council meeting. Motion carried 5-0.

Following a brief discussion, Ben Gilmore moved and Charles Batchelder seconded a motion to approve the bills for the month of January, 2015. Motion carried 5-0.

PUBLIC COMMENTS: Mary Lou Huber addressed the Council by reading a prepared statement concerning maintenance of Colorado Street. She asked if the City could remove snow on the entire stretch of road instead of just part of it. City Attorney Collins pointed out that the City's right-of-way in that location had been recently questioned by an adjoining landowner and that a survey had revealed the roadway to be only partially within the city limits. From Kirkwood going east, as the roadway passes the Simmons property driveway, the existing lane extends outside the corporate city limits. When the right-of-way issue came up, the council decided to maintain the roadway up to the Simmons driveway, which property is located within the city limits. It was pointed out that the procedure to correct the problem on the limited, non-uniform right-of-way known as Colorado Street would be for the landowners contiguous to the north to petition to be annexed into the city limits, along with the designation of a sufficient width of right-of-way to allow for a normal city street. After some discussion, the Council agreed that the Maintenance Crew should remove snow on that portion of Colorado Street located beyond the Simmons driveway with the permission of the Hubers, the landowners on the north side. Mayor Stewart asked the Street and Alley Committee to meet and bring back a recommendation to address the problem on a more permanent basis to the next Regular Council meeting.

Scott Sisk asked for permission to use the Community Building for a "Meet and Greet" for all those running for the Council, Mayor and School Board positions. Mr. Sisk said he would coordinate the event and try to contact all those who have filed for those positions. The Council agreed to allow Mr. Sisk use of the building for this event.

The Primary Election for the two open Council Positions will be on March 3, 2015. Voting will be at the Community Center, 501 West Avenue in Highland. The General Election for all other open positions will be April 7, 2015 with voting also at the Community Center.

After checking the schedule later in the meeting, the "Meet and Greet" will be held February 20, 2015 at the Community Center from 7:00 p.m. to 9:00 p.m.

Rocky Ruhnke of Highland Stop and Shop, asked if the City Clerk or City Attorney had found any other local regulations or permits needed to start 24 hour fuel service at his place of business. Mr. Collins stated he would check into the issue and get back with Mr. Ruhnke as soon as possible.

Dennis Lentz asked about street signs along West Avenue that are not correct. Mayor Stewart asked Police Chief Whetstine to look into which street signs needed to be fixed.

Mr. Lentz also asked about the status on the man hole in Nebraska Street. Mayor Stewart stated that MCON of Wathena, KS was scheduled to come into town and access the problem and give a recommendation as soon as weather permitted. Mr. Lentz asked about the use of an old drop box at the intersection of Nebraska and Virginia Streets. Mayor Stewart said he would ask MCON to look at that issue also.

COMMUNICATIONS AND REPORTS: Mayor Ken Stewart announced to the Council that he would be signing and sending a letter to Insurance Services Office, Inc. of Chicago, IL requesting a Community Outreach Questionnaire. Mayor Stewart explained that the City has made several improvements the water system over the last ten years and for that reason he is asking for an official review in an attempt to improve the City's fire insurance classification.

Assistant Clerk Melanie Hollabaugh presented a Proclamation and stated that the U.S. Department of Housing and Urban Development is asking that cities designate the month of April as "Fair Housing Month". Mayor Stewart signed the Proclamation.

Ms. Hollabaugh stated that she would be attending the Spring Municipal Court Clerk Conference in Topeka, KS on March 27, 2015.

The Assistant Clerk explained to the Council that in order for the City to be in compliance with USDA concerning their GO Bonds, they would need to update their position or surety bonds for the City Clerk and City Treasurer. Currently the City Clerk is bonded for \$10,000. USDA requires that the Clerk and Treasurer each be bonded for no less than the amount of the annual payment (approximately \$35,000). City Clerk Joann Karn has been working with the City's insurance agent and USDA to get all the details finalized as soon as possible.

Ms. Hollabaugh said she had received a complaint from a concerned resident about the park at the City's baseball field. The resident had asked that something be done to repair or replace the swings and one of the slides at the park for children's safety. Mayor Stewart asked Maintenance Supervisor Aaron Leach to look into the costs of new swings and repairs for the slide so improvements can be made as soon as possible.

City Attorney Ted Collins stated that he was in charge of an Estate that specifically had left money to the City and School District Foundation to be used for a variety of specified purposes, one of which could include cooperating on the construction of a children's playground. He suggested that he planned to have representatives of the City, School and School Foundation meet in the very near future and discuss options for use of this generous donation.

City Attorney Collins led a brief discussion on the property where the Doniphan West Primary School is currently located. It was noted that the school district had a long-term lease covering the property. He indicated that the City and School District may need to meet concerning the property, depending on the school board's decision concerning the possible closure of the primary school building.

Police Chief Brandon Whetstine gave his monthly activity report to the Council to include: 6 – Arrests, 11 – Citations, 14 – Verbal Warnings, 37 – Calls for Service, 8 – Assists to other Agencies and 1 – Accident Report.

Chief Whetstine explained to the Council that Officer Williams had accidentally clipped a telephone pole in the parking lot of the Christian Church while beginning pursuit of a speeding vehicle. The passenger side of the truck was scratched and Chief Whetstine asked the Council if they wanted to get it fixed. Mayor Stewart asked the Police Chief to look into the amount of the insurance deductible and getting an estimate for the damage for the next Council meeting. The Mayor also asked the Council to view the damage at their convenience before the next meeting.

Maintenance Supervisor Aaron Leach gave his monthly report to the Council. The report listed several projects completed in January and February and several projects planned for the future.

Mr. Leach informed the Council of a sewer incident at an unoccupied residence where he had to call in Bud's Sewer service on a weekend to get the problem resolved. Mr. Leach stated that it would be a good idea to perform flushing at other vacant residences in town to help keep something like this from happening again.

Council person Charles Batchelder asked on the inventory of the salt and sand used for snowy or icy weather. Supervisor Leach said the City was still in good shape in that department.

OLD BUSINESS: Council member Jerry Twombly stated he had consulted with Heartland Business Machines concerning a time clock for City employees. Mr. Twombly said that a representative from Heartland would be in town on Thursday, February 12 if any other Council members were interested in meeting with them.

Council person Twombly asked the City Attorney if he had heard anything from the State concerning the speed issue on the south entrance into Highland. City Attorney Collins stated that he had received no updates to date.

NEW BUSINESS: The City received two bids for the Storage Tank Demolition and Removal Project. The first bid opened was from Superior Tank Co., Inc. from Madisonville, KY for \$135,900 (if the tank has asbestos), which did not meet the bid specifications. The second bid was from Iseler Demolition, Inc. from Romeo, MI for \$16,400, and met all bid specifications. The City also received an email from Brooner Construction of St. Joseph, MO stating they appreciate the opportunity but would not be bidding the project. Jerry Twombly moved and Randy Snyder seconded a motion to accept the bid of \$16,400 from Iseler Construction for the demolition and removal of the 50,000 gallon water tower located near the intersection of Genessee and Illinois streets in Highland, KS. Motion carried 5-0.

The Clerks presented the updated Emergency Water Plan to the Council for review. Ben Gilmore moved and Charles Batchelder seconded a motion to approve the Emergency Water Plan with updates. Motion carried 5-0.

Mayor Stewart asked the Council if they were interested in donating to the Fireworks for July 4th, 2015. Ben Gilmore moved and Jerry Twombly seconded a motion to match up to \$2000 in donations collected by the 4th of July Committee for the fireworks on July 4th, 2015. Motion carried 5-0.

City Clerk Joann Karn explained to the Council that \$32,068.43 needed to be transferred to the Debt Service fund from the Water fund to pay our GO Bond payment for 2015. Ben Gilmore moved and Jerry Twombly seconded a motion to transfer \$32,068.43 from the City's Water fund to the City's Debt Service fund to pay the GO Bond payment. Motion carried 4-1 with Batchelder voting no.

Mayor Stewart asked the Council what they would like to do about mowing the City properties this summer. Charles Batchelder moved and Jerry Twombly seconded a motion to renew the summer mowing contract with Elmer Schmitz of Schmitz Lawn Care for a total not to exceed \$5865.00. Motion carried 5-0.

RESOLUTIONS: Charles Batchelder moved and Ben Gilmore seconded a motion to adopt Resolution No. 15-01, a Resolution of the City of Highland, KS finding that the Generally Accepted Accounting Principles are not relevant to the requirements of the Cash Basis Law and the Budget Laws of Kansas and are of no significant value to the governing body or the general public of the City of Highland, (GAAP Waiver) for 2015. By roll call vote: Snyder-yes, Watts-yes, Gilmore-yes, Batchelder-yes, Twombly-yes. Motion carried 5-0.

Jerry Twombly moved and Ben Gilmore seconded a motion to adopt Resolution No. 15-02, a Resolution of the City of Highland, KS opposing the Kansas State Legislature's consideration of making municipal elections partisan and moving to the fall of even numbered years. By roll call vote: Snyder-yes, Watts-yes, Gilmore-yes, Batchelder-yes, Twombly-yes. Motion carried 5-0.

EXECUTIVE SESSION: Jerry Twombly moved and Jim Watts seconded a motion to recess into executive session at 8:05 p.m. for 15 minutes to discuss non-elected personnel for the protection of the privacy rights of the protected employee and the open meeting will resume in the City Council Chamber at 8:20 p.m. Motion carried 5-0. The Mayor asked for the City Attorney to remain. At 8:18 p.m. Assistant Clerk Melanie Hollabaugh was invited into the executive session.

Ben Gilmore moved and Jerry Twombly seconded a motion to continue with executive session at 8:20 p.m. for 15 minutes to discuss non-elected personnel for the protection of the privacy rights of the protected employee and the open meeting will resume in the City Council Chamber at 8:35 p.m. Motion carried 5-0. The Mayor asked for the City Attorney to remain.

Jim Watts moved and Charles Batchelder seconded a motion to extend the executive session at 8:35 p.m. for 5 minutes to discuss non-elected personnel for the protection of the privacy rights of the protected employee and the open meeting will resume in the City Council Chamber at 8:40 p.m. Motion carried 5-0. The Mayor asked for the City Attorney to remain.

Randy Snyder moved and Jim Watts seconded a motion to recess into executive session at 8:40 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 8:45 p.m. Motion carried 4-0 with Batchelder abstaining. Council member Charles Batchelder did not attend the executive session. The Mayor asked for the City Attorney and Assistant Clerk to remain.

8:45 p.m. Jerry Twombly moved and Jim Watts seconded a motion to adjourn. Motion carried 5-0.

Mayor

City Clerk