

**CITY OF HIGHLAND, KANSAS
REGULAR COUNCIL MEETING
CITY HALL
May 11, 2016
7:00 P.M.**

COUNCIL MEMBERS PRESENT: Charles Batchelder, Dana Clary, Ben Gilmore, Matt Peterson, and Jerry Twombly

CITY EMPLOYEES PRESENT: City Attorney Ted Collins, City Clerk Joann Karn, City Police Chief Brandon Whetstine, City Maintenance Worker Michael Hunsaker and Assistant City Clerk Melanie Hollabaugh arrived at 8:16 p.m.

GUESTS PRESENT: Garrett Nordstrom, GAS; Brian Ford, BG Consultants; Pam Twombly, Randy Snyder, Selena Diveley, Carmen Crandall, Dennis Lentz, Rocky Ruhnke, Scott Huss and Chuck Simmons

PRESIDING: Mayor Scott Sisk

7:00 p.m. Mayor Sisk called the regular city council meeting to order with a quorum present.

Jerry Twombly moved and Ben Gilmore seconded a motion to approve the April 13, 2016 special meeting minutes. Motion carried 5-0

Matt Peterson moved and Ben Gilmore seconded a motion to approve the April 13, 2016 regular meeting minutes and the April 27, 2016 special meeting minutes. Motion carried 5-0

Ben Gilmore moved and Charlie Batchelder seconded a motion to approve the bills for the period of April/May 2016 as presented plus the Clary Construction bid invoice of \$400. Motion carried 5-0.

PRESENTATIONS: Garrett Nordstrom, Governmental Assistance Services, explained the process and provided information to help prepare for a 2017 Community Development Block Grant through the Kansas Department of Commerce for a Water System Improvements Project (Water Treatment Plant).

Jerry Twombly moved and Matt Peterson seconded a motion to contract Governmental Assistance Services for the preparation and submission of a 2017 CDBG through the Kansas Department of Commerce for a Water System Improvements Project. Motion carried 5-0

Brian Foster, BG Consultants, asked for approval of the letter agreement for a Preliminary Engineering Report (PER) which would reflect Attorney Collins concerns that the cost will be no more than \$12,000 and the 4% inflation costs.

Matt Peterson moved and Jerry Twombly seconded a motion to approve the Preliminary Engineering Report (PER) with BG Consultants, upon the discussed change of the cost not to exceed \$12,000. Motion carried 5-0

Following review of the cost for the city to join the regional district vs. local treatment, Ben Gilmore moved and Matt Peterson seconded a motion authorizing Mayor Sisk and Attorney Collins to respond to the proposal of regional water district (PWWSD) that the city will not be participating with the district. Motion carried 5-0

PUBLIC COMMENTS: Mayor Sisk acknowledged the community center parking lot rock had been pushed up on the property of Wayne Olson. Consensus was to have individuals needing community service to hand rake the rock out of the grass and re-seed the bank.

Randy Snyder inquired about the salt spreader being gone. Mayor Sisk stated in cleaning up the area and unable to give it away in recent years, he asked Dennis Lentz to disposal of it with the metal scrap proceeds going to PRIDE.

Pam Twombly, Two Timbers, is having a staff appreciation gathering and asked for permission to shoot fireworks on the evening of Saturday, July 9th which would be over by 10:30 p.m.

Ben Gilmore moved and Matt Peterson seconded a motion allowing the shooting of fireworks at Pam Twombly's staff appreciation gathering and be concluded by 10:30 p.m. Motion carried 4-0-1 (Jerry Twombly abstained)

Selena Diveley inquired about the cleanup at 100 block South Nebraska and the corner of Virginia and Canada. Mayor Sisk stated both will be addressed later in the meeting.

Following Dennis Lentz asking for a motion authorizing him to dispose of the city's old salt spreader, Ben Gilmore moved and Charlie Batchelder seconded a motion to allow Dennis Lentz to dispose of the city's old salt spreader. Motion carried 5-0

COMMUNICATIONS AND REPORTS: Mayor Sisk addressed the plugged drainage tube at George Moore's driveway with water cutting out West Avenue. This is top priority to clean out.

Matt Peterson moved and Ben Gilmore seconded a motion to pay Gene Rush \$500 cash for cleanup due to a city sewer backup and ask him to sign a release drafted by Attorney Collins. Motion carried 5-0

Harry Smith will be removing the old trailer house the week of May 15 and then the Matthias/Saddle Club will be completely cleaned up.

The Degginger park sidewalk is completed except for the reseeding of grass due to the removal of the concrete.

The sealed Community Center floor finish is popping and needs resealed. Mayor Sisk received a bid from Clayton Paper and Distribution, St. Joseph, MO and asked the council members to view the floor before making a decision. Mayor Sisk will visit with Emmett Cole regarding the company he hired to seal his building's floor.

For the city, Charles Batchelder received two bids to correct the drainage at Virginia and Canada; Pruett Construction \$1,800 and Simmons Construction \$2,100 and recommends the city accept low bid of Pruett Construction. The work includes a drop box in the north corner of Virginia/Canada with running the water south due to a costlier bid (approx. \$10,000) to run the water east. If the ditch creates a problem, the city will fix it. Ben Gilmore moved and Charlie Batchelder seconded a motion to accept low bid of Pruett Construction. Motion carried 5-0

Mayor Sisk addressed the sewer riser issue in the 100 Block of South Nebraska (between Heinrich/Lentz properties) and believed the best way to correct was not to use plastic pipe extension because the pipe may collapse under weight but to secure bids on a 4' pad on top of the sewer line cone to distribute the weight over the manhole. Other discussion included leveling, filling in with dirt and planting grass seed especially near Main Street. Mayor Sisk will secure bids on the sewer extension.

Jerry Twombly inquired about the rock being placed on the former Cluck property. Mayor Sisk indicated the city owned the property and the rock would be used on the nearby street.

Dana Clary moved and Matt Peterson seconded a motion declaring the week of May 8 to 14, 2016 as National Nursing Home Week, a week to honor our vulnerable citizens who receive care, or the dedicated ones giving care. Motion carried 5-0

Attorney Collins summarized the written agreement for exchange of real estate reached with Dennis Lentz on Nebraska Street at the old railroad depot area. Lentz will pay \$1000 to the City and execute a deed transferring a 30' wide strip of land to the City in exchange for Lot 1, Block 106, which is 44' in width. The agreement also provides for the re-dedication of Nebraska Street between Virginia Street and Pennsylvania Street, along with certain easements.

Ben Gilmore moved and Jerry Twombly seconded a motion to approve the "Agreement for the Exchange of Real Estate" dated May 11, 2016 Motion carried 5-0 (Agreement attached)

Attorney Collins prepared Ordinance 529 which re-dedicates the vacated Nebraska Street and authorizes the disposition and exchange of certain contiguous described real estate in blocks 105 and 106, as outlined in the "Agreement for the Exchange of Real Estate" dated May 11, 2016.. Jerry Twombly moved and Dana Clary seconded a motion to pass Ordinance 529 as presented. Roll call vote: Jerry Twombly-yes, Charles Batchelder-yes, Ben Gilmore-yes, Matt Peterson-yes and Dana Clary-yes Motion carried 5-0

In regards to the City/Twombly Farms/Cemetery update, Attorney Collins is in need of a completed survey before proceeding. The survey should be completed soon. Attorney Collins will visit with all involved parties and report back to the council.

Attorney Collins was pleased to report he received approval today from the USD #111 Foundation to move forward with the park project. From the Minier estate funds, the foundation will retain \$10,000 to use for scholarships and the remainder (approx. \$50,000) to go to the city's park project. The city will also receive approx. \$60,000 to be used on the project.

Attorney Collins announced David and Angie Cluck have signed a Quit Claim deed to the property, Lots 1, 2, and 3 of Block 29 which has approximately \$2,600 back taxes, in addition to the associated costs of demolition. The council should determine if and/or when to pay the back taxes. Attorney Collins prepared and recommended passage of Ordinance 530 which the city accepts title ownership of Lots 1, 2, and 3; Block 29. Jerry Twombly moved and Dana Clary seconded a motion to approve Ordinance 530 which accepts ownership of the property. Roll call vote: Jerry Twombly-yes, Charles Batchelder-yes, Ben Gilmore-yes, Matt Peterson-yes and Dana Clary-yes Motion carried 5-0

City Clerk Karn explained the importance of closing the Diversion checking account and moving those funds into the general checking account so there will be only one bank account at the Bank of Highland which was a recommendation from our new Summit software trainers. Charles Batchelder moved and Dana Clary seconded a motion to close the Diversion checking account and move the funds into the general checking account. Motion carried 5-0

A corrected copy of the Personnel Policy was included in the council packets for review. At a later date, following any changes, the council should re-adopt the policy by resolution. Chief Whetstine suggested the vacation leave units be broken up more and allow vacation to be part of a day instead of a full day. Any reasonable change will be reviewed for adoption and whatever is changed and adopted, employees need to follow the handbook.

Chief Whetstine read his report: 6 arrests; 21 citations; 25 warnings; 26 calls for service; 7 assist to other agencies; 15 criminal investigation; 9 weeds/nuisances letters; assisted the Doniphan West School with prom;

inmate transported to Kansas City as directed by KANZA mental health; and inmate transported from Atchison County back to Doniphan for Highland warrant.

City Maintenance Michael Hunsaker provided the monthly handout of activities completed and upcoming projects to complete.

COMMITTEE UPDATES: Finance Committee –Ben Gilmore: Ben Gilmore and Joann Karn scheduled to attend the budget workshop in Topeka, June 10th.

Law Enforcement Committee – Jerry Twombly: Nothing

Parks and Rec. Committee – Dana Clary: Dana and Matt Peterson presented the city’s idea on the park to the Doniphan West USD #111 Foundation and would like to thank them for their generosity for this project. Even with these funds, the estimated cost of the project will still be short of money (approx. \$20,000). Several ways of donating were discussed along with keeping the community informed. The planned name for the park will be the “Minier Park”.

A suggestion was given for the retaining wall on the north side of the front pod of Degginger Park, along the new sidewalk, to be high enough for seating. Ms. Clary is securing bids to remove a tree which has split that is on the property line.

Ms. Clary asked the city to purchase a \$17 pitching rubber and umpire mask from MC Sports and she will pick them up over the weekend. Council agreed to the purchase.

Ms. Clary received a letter from Robert Randall asking the city to donate to the Doniphan West Athletic Golf Tournament. Ben Gilmore moved and Dana Clary seconded a motion to donate \$100 to sponsor a hole at the golf tournament. Motion carried 4-1 (Charles Batchelder)

Street and Alley Committee – Charles Batchelder: Discussion was earlier in the meeting

Water and Sewer Committee – Matt Peterson: nothing to report at this time.

NEW BUSINESS:

Council President – Matt Twombly moved and Ben Gilmore seconded a motion to elect Jerry Twombly. Motion carried 4-0-1 (Twombly abstained)

City Council Committees – Ben Gilmore moved and Dana Clary seconded a motion to keep the same committees members as present. **Street & Alley** – Charles Batchelder, Chair; Scott Sisk and Pam Wiedner; **Law Enforcement** – Jerry Twombly, Chair; Scott Sisk and Michael Stonebarger; **Water & Sewer** – Matt Peterson, Chair; Scott Sisk and Travis Clary; **Parks & Recreation** – Dana Clary, Chair; Scott Sisk and Jerod Edie; **Finance** – Ben Gilmore, Chair; Scott Sisk and Kevin Thompson. Motion carried 5-0

Official City Newspaper - Matt Peterson moved and Charles Batchelder seconded a motion to appoint the Kansas Chief as the official city newspaper. Motion carried 5-0

Official City Depository – Charles Batchelder moved and Jerry Twombly seconded a motion to appoint the Bank of Highland as the official city depository. Motion carried 4-0-1 (Gilmore abstained)

Board of Zoning Appeals – Jerry Twombly moved and Matt Peterson seconded a motion to keep the same members as present -- Larry O’Bryan, Mike Parker, Mike Batchelder, Randy Snyder and J.W. Twombly Motion carried 5-0

Jerry Twombly moved and Ben Gilmore seconded a motion appoint the following: **City Hall:** City Clerk Joann Karn, Municipal Court Clerk and Assistant City Clerk Melanie Hollabaugh and City Treasurer Janet Tyler; **City Maintenance:** Aaron Leach and Michael Hunsaker; **Police:** Chief Brandon Whetstine, Deputy Officer Tom Williams; **City Attorney** Ted Collins; and **Municipal Court Judge** Roy Roper. Motion carried 5-0.

Mayor Sisk called for a 5 minute break (8:37 p.m. to 8:42 p.m.)

EXECUTIVE SESSION:

Dana Clary moved and Matt Peterson seconded a motion to recess into executive session at 8:42 p.m. for 15 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 8:57 p.m. Motion carried 5-0
City Attorney to remain.

Jerry Twombly moved and Dana Clary seconded a motion to adjourn at 8:58 p.m. Motion carried 5-0.

Mayor

City Clerk