

**CITY OF HIGHLAND, KANSAS  
REGULAR COUNCIL MEETING  
CITY HALL  
October 10, 2018  
5:00 P.M.**

**COUNCIL MEMBERS PRESENT:** Jesse Marriott, Terry Gibson, and Rocky Ruhnke,

**COUNCIL MEMBERS ABSENT:** Matt Peterson and Dana Clary

**CITY EMPLOYEES PRESENT:** City Attorney Ted Collins, City Clerk Joann Karn, City Maintenance Trevor Saunders, and Police Chief Brandon Whetstone

**GUESTS PRESENT:** Bill Hargis and Misty Allen

**PRESIDING:** Mayor Charles Batchelder

Mayor Batchelder called the regular city council meeting to order.

Jesse Marriott moved and Rocky Ruhnke seconded a motion to approve the minutes of the September 12, 2018, regular city council meeting. Motion carried 3-0

Jesse Marriott moved and Rocky Ruhnke seconded a motion to approve the bills as presented. Motion carried 3-0

**PUBLIC COMMENTS:**

Bill Hargis expressed concerns about the city's oil and chat program on asphalt streets and ask if the council had sought community feedback. Discussion followed on the relative quality and expense of oil and chat versus asphalt. He also expressed displeasure with the location of stop signs on Pennsylvania St. The council explained why the locations were chosen. Mr. Hargis suggested that speeding tickets were a better solution. The council thanked Mr. Hargis for bringing his concerns.

Misty Allen, representing Highland EMS, asked for Main Street to be blocked off on October 28<sup>th</sup>, 3:30 p.m. to 7:00 p.m. for the Highland Trunk or Treat; a \$150 donation from the city for prizes and the mayor to judge the trunk contest (1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> prizes). Rocky Ruhnke moved and Jesse Marriott seconded a motion to block off Main Street, Sunday, October 28, 2018, 3:30 p.m. to 7:00 p.m., donate \$150 for prizes and the mayor to judge the trunks. Motion carried 3-0

**COMMUNICATIONS AND REPORTS:**

Mayor Batchelder- Had visited with maintenance regarding a flashing yellow light at South Kansas Street city limits. Mr. Saunders explained moving the two lights from the crosswalks, install them on the same pole as the Christmas lights, and Dan Freeman Electric could install for less than \$100. Rocky Ruhnke moved and Terry Gibson seconded a motion to authorize up to \$500 to move the flashing lights, purchase signage and comply with the standard traffic ordinance at the south city limits entrance. Motion carried 3-0 Rocky Ruhnke and Matt Peterson wished to change places on the committees; therefore, Mayor Batchelder appointed Rocky Ruhnke to water/sewer and Matt Peterson to personnel.

Attorney Collins – Following ideas of Councilmembers Peterson and Ruhnke on a sidewalk policy, Attorney Collins will bring back a resolution next month for adoption.

Clerk Karn – Reported the community center rental for Saturday, November 3<sup>rd</sup> wished to extend the close time to 1 a.m. Jesse Marriott moved and Terry Gibson seconded a motion to extend the closing time by one hour on November 3<sup>rd</sup>. Motion carried 3-0 Rocky Ruhnke, for Smithton Lodge, asked for community center rental consideration for Friday, November 30<sup>th</sup> but tabled until next meeting. Terry Gibson explained the roofer review/bid of the north and south side of the maintenance building and the city has 15 gallons of roof seal that can be applied. Building/Grounds committee looking into the insurance adjustor's allowance amount and meet Oct. 17<sup>th</sup> a.m. Snowflake Festival is Friday, November 23<sup>rd</sup>, 5-7 p.m. and asking for the 300 block of West Main be blocked off as past years. Jesse Marriott moved and Terry Gibson seconded a motion to block off the 300 block of West Main, Friday, November 23<sup>rd</sup>, from 5:00 p.m. to 7:00 p.m. for the annual Snowflake Festival. Motion carried 3-0 Garrett, Governmental Assistance Services has the LMI/MHI

surveys fundamentally complete with the LMI population at 54% and can meet USDA sample requirements for the MHI surveys although GAS plans to return to Highland to obtain a few more signatures.

Police Chief Whetstine – Contacted Highland Insurance regarding reserve officers and reported the city is currently covered. Attorney Collins reviewed the current ordinance which established a force not to exceed two (2) members and announced Chief Whetstine adopted the operating procedures. Attorney Collins explained the officers serve, voluntarily, without compensation, under the supervision of the Chief of Police. They have general police powers when so serving, but have no powers when off duty or not under such supervision. They should receive ongoing, relevant training, but are not required to be certified officers. Chief Whetstine requested Mayor and Council approval of Chris Waggoner and Kevin Thompson to serve as reserve officers under current policy. Terry Gibson moved and Jesse Marriott seconded a motion to allow Chris Waggoner and Kevin Thompson to be Reserve Officers for the city. Motion carried 3-0 (Standard Operating Procedures and Ordinance #328 attached.) Chief Whetstine reported Motorola repaired his radio and Officer Williams 400 system radio is not fixable. Rocky Ruhnke moved and Jesse Marriott seconded a motion to approve the purchase of a radio for \$821 with payment split between the Diversion and General Fund. Motion carried 3-0 Chief Whetstine began work on code enforcement and sent out 10 or 12 letters and if nothing is done, citations can be issued. Attorney Collins provided an update on the derelict structures.

Maintenance Saunders – Reported on the Light Project. Two LED lights were installed in the office and there is a total of 162 bulbs in city hall. Rocky Ruhnke suggested, along with consensus of council, to use the spending limit of the mayor and maintenance supervisor to move forward with the replacement of the LED lights following a check to see if there is a price break for purchasing in bulk. If cost effective to purchase in bulk, bring bid to the November council meeting for consideration. Minier Park is needing 200 to 220 tons of dirt. Miller Construction could supply the dirt at a cost of 15-18 ton of top soil for \$80. Rocky Ruhnke requests this be tabled until later.

#### **COMMITTEE UPDATES:**

**Finance Committee** – Jesse Marriott – Nothing at this time

**Law Enforcement Committee** – Matt Peterson – Absent

**Parks and Rec. Committee** – Dana Clary absent – Rocky Ruhnke reported the need to comply with the insurance review. Councilmember Clary is asking the city to purchase three (3) playground swing mats at approximate \$160 each. Rocky Ruhnke moved and Jesse Marriott seconded a motion to purchase three (3) playground swing mats at \$160 each. Motion carried 3-0

**Street and Alley Committee** – Rocky Ruhnke – Planning for next year's Spring time projects along with reviewing options for city property (old depot, Anthros, etc)

**Water and Sewer Committee** – Terry Gibson – Reviewed the KRWA letter regarding perfecting water rights and the possibility of using well #3 for irrigation.

**Planning & Zoning** – Matt Peterson, Jesse Marriott – Nothing at this time

**Personnel Committee** – Jesse Marriott – Nothing at this time

#### **Governing Body Comments**

Terry Gibson commented that Trevor Saunders installed 9-meters today and his work around town has been noticed.

Jesse Marriott moved and Terry Gibson seconded a motion to adjourn at 6:17 p.m. Motion carried 3-0

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Mayor

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City Clerk

# **Highland Police Dept.**

## **Standard Operating Procedures Reserve Officers**

### **General rules for all members of the reserve force of the Highland Police Department:**

- A. Acting as back-up/ support officers for the full time certified on-duty officer.
- B. Reserve officers will only be called out at the discretion of the Chief of Police.
- C. No reserve officer will be used unless under the supervision of a full time certified officer of the Highland Police Dept.
- D. Reserve officers will be selected and retained at the discretion of the Chief of Police.
- E. The purpose of the reserve officers is to assist with parades, street dances, sporting events, natural or man-made disasters, school evacuations, school lock downs or when directed so by the Chief of Police.
- F. All applicants for the reserve force will be required to fill out an application, pass a background check and pass the state firearms qualification course. All reserve officers will be required to provide their own handgun and needs to be approved by the Chief of Police.
- G. Uniforms prescribed by the department will be worn by all reserve personnel while on duty. Uniforms shall be kept clean and in good repair.

### **Firearms Policy:**

- A. Officers will use extreme caution so they don't endanger the lives of innocent persons when they are forced to use the firearms to effect a felonious arrest.
- B. In a use of force situation officers will always follow federal, state and local laws in the use of their firearms.
- C. Officers will NEVER fire warning shots for any purpose. Warning shots endanger the lives of innocent persons.
- D. Officers will be allowed to use the firearm, in accordance with state law, to protect themselves and other persons from death or serious injury.
- E. An officer's indiscriminate use or display of a firearm will bring disciplinary action.

**1. Alcoholic Beverage**

- A. No reserve officer shall report for duty within twelve hours of consuming any alcoholic beverage.
- B. No reserve officer shall purchase, consume, possess or handle an alcoholic beverage while on duty or in uniform, unless it is required in the discharge of duty.

**2. Responding to Calls**

- A. No reserve officer shall respond, with emergency lights and siren activated, to any emergency call without prior approval from the Chief of Police. However it is permissible to respond to most emergency calls in a normal capacity, while on-duty, to be available to offer assistance.

**3. Reserve Officer's Role/ Responsibility while on-scene of a call**

- A. If a Reserve Officer is the first unit to arrive at a scene, that Reserve officer is to use common sense to determine the best course of action. Remember, the general public will not differentiate between Reserve officer's and a full time officer, so it is your responsibility to represent the Highland Police Dept. as being courteous and professional at all times.
- B. If a Reserve Officer is at a scene as an assisting officer, the Reserve officer will take orders and direction from the full-time officer that is controlling the scene or any other certified law enforcement officer that has arrived on-scene.
- C. At no time will a Reserve officer take it upon themselves to interview suspects or witnesses, take statements, enter a subjects vehicle or residence without permission or direction from a full-time officer.
- D. Again, common sense takes precedence and if, for example, you arrive at the scene of a domestic disturbance after a full time officer has already been on-scene and is inside of the residence when you arrive. As you exit the patrol unit you hear an obvious physical altercation from within the residence, you should immediately provide assistance.

**4. On-Duty**

- A. A Reserve officer shall at no time be on-duty if there is not at least one full-time Highland Police Dept. officer's on-duty. Unless permitted by the Chief of Police.

ORDINANCE NUMBER 328

AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, ESTABLISHING A POLICE RESERVE UNIT FOR THE CITY OF HIGHLAND, KANSAS, SETTING OUT THE PURPOSE OF SAID UNIT AND PROVIDING FOR THE FORMULATION AND REGULATION OF SAID POLICE RESERVE UNIT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND, KANSAS:

SECTION 1. ESTABLISHMENT-MEMBERSHIP-CONTROL. There is hereby created and established within the Highland, Kansas Police Department a reserve police force not to exceed 25 members. Such Police Reserve Unit shall be under the direct supervision and control of the Chief of Police, subject, however, to the authority and approval of the Mayor.

SECTION 2. PURPOSE.. The purpose of the creation of the Highland Police Reserve Unit shall be to aid and assist the city Police Department and regular police officers of the city in periods of national emergency, during riots, disasters, catastrophies, or during and upon any other occasions when additional police personnel and assistance may be necessary or desirable as determined by the Chief of Police or Mayor.

SECTION 3. QUALIFICATIONS. Members of the Police Reserve shall be required to meet the same qualifications, standards and testing requirements as are required to be met by the regular police officers of the city; provided, however, such reserve members shall not be required to meet any training requirements set forth in the Kansas Law Enforcement Training Center Act, KSA 74-5601, Et. Seq., except as may be specifically required by said act or other laws of the state of Kansas.

SECTION 4. APPOINTMENT-COMPENSATION-TERMINATION. Each member of the Police Reserve shall be appointed by the Chief of Police with the approval of the Mayor. The members will serve on a voluntary basis, without pay or remuneration, within the corporate limits of the city. Termination of a reserve officer may be made at any time, with or without cause, by the Mayor or Chief of Police.

SECTION 5. COMMANDING OFFICER. The Chief of Police of the Highland Police Department shall be the commanding officer of the Highland Police Reserve and shall establish, with approval of the Mayor and city council, all necessary rules and regulations for the conduct, training and duties of the Police Reserve Unit.

SECTION 6. POWERS AND DUTIES. The members of the Police Reserve Unit shall not have police powers except when assigned or called to active duty by the Chief of Police, or the Mayor, and then only <sup>when</sup> accompanied by or under the supervision of a regular police officer, in which event the Reserve Officer shall have the same responsibility and law enforcement powers of a regular police officer, and the same authority to make arrests and enforce the law as is provided for and afforded to regular police officers of the City.

SECTION 7. NONLIABILITY OF CITY. The City shall not be liable for any injuries occurring to, or property damage sustained by, members of the Highland Police Reserve whether such injuries occur while such members are acting as Reserve Police Officers or while they are off duty.

SECTION 8. REPEAL OF PRIOR SECTIONS. All other prior ordinances and parts of ordinances which are not consistent with, or are in conflict with, <sup>the</sup> terms and provisions of this ordinance are hereby repealed.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after it's publication in the official City newspaper.

Passed by the governing body and approved by the Mayor of the City of Highland, Kansas, this 4th day of June, 1986.

ATTEST:

Charles W. Parker  
Charles W. Parker, City Clerk

Jan Collins  
Jan Collins, Mayor