

**CITY OF HIGHLAND, KANSAS  
REGULAR COUNCIL MEETING  
CITY HALL  
March 21, 2019  
5:00 P.M.**

**March 13, 2019 meeting moved to March 21, 2019 – Lack of Quorum**

**COUNCIL MEMBERS PRESENT:** Terry Gibson, Rocky Ruhnke, and Matt Peterson

**COUNCIL MEMBERS ABSENT:** Dana Clary and Jesse Marriott

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

**GUESTS PRESENT:** Tom Heath and Pam Wiedner, Highland Insurance; Chris Waggoner, Joel Bacon, Greg Delzeit, Jason Taylor, Bob McCauley, Bill Noll, Selena Diveley and Dennis Lentz

**PRESIDING:** Mayor Charles Batchelder

Mayor Batchelder called the regular city council meeting to order.

Rocky Ruhnke moved and Terry Gibson seconded a motion to approve the minutes of the February 13, 2019, regular city council meeting. Motion carried 3-0

Matt Peterson moved and Terry Gibson seconded a motion to approve the bills as presented. Motion carried 3-0

**PRESENTATION:**

Tom Heath and Pam Wiedner, Highland Insurance, presented quotes from Glatfelter Public Practice for council consideration. Mr. Heath reviewed the worker's compensation package for a \$3,760 premium from NCCI. Mr. Heath and Ms. Wiedner reviewed the insurance proposal (property, inland marine, general liability, law enforcement activity liability, public officials and management liability, cyber liability and privacy crisis management expense, and auto) which is basically the same coverage as the current EMC coverage, except the premium is considerably less (\$27,070). The council requested the change of value on several items. Rocky Ruhnke moved and Terry Gibson seconded a motion to accept the quote from Glatfelter Public Practice, both workmen's compensation and the insurance proposal, with discussed changes, totaling \$30,830. Motion carried 3-0

Discussion was had on the necessity to retain the county sales tax which will be voted on this fall. The consensus of the council is to support the county's endeavors to retain the 1% county wide sales tax.

At the intersection of South Avenue/Main Street, Bill Noll asked if something could be done as many times it is a blind intersection if vehicles are parked to close. Chief Whetstine indicated other intersections have the same problem. The council will have no parking signs installed and curb painted if street has a curb.

Selena Diveley asked if the tube on Virginia Street, just East of Nebraska Street, could be replaced as that was an entrance to the residence. Also, Ms. Diveley inquired if the sidewalk was going to be replaced where work occurred at Nebraska and Main Street. City will be replacing the tube and reviewing the sidewalk area.

Joel Bacon expressed his concern about the process involved for his proposal to construct a duplex on his residential property along Missouri Street, indicating that the permit process was too complicated and that he didn't understand why his permit was not granted. It was noted that the required drawing and application was not submitted and that the \$25 permit fee was never paid. It was pointed out that the clerk had reviewed the matter with the city attorney and that the permit could not be granted without a substantial variance from miscellaneous requirements in the city's zoning regulations, which required an appeal be filed with the board of zoning appeals and that any waiver would be discretionary with that board. Another possible approach would involve a request for a zoning change in addition to variances. The city attorney also informed Mr. Bacon that the zoning regulations are in place to protect property

values and enhance organized development and that the city is always willing to explain the requirements and procedure involved, but that it is up to the landowner to take the initiative.

## **COMMUNICATIONS AND REPORTS:**

**Mayor Batchelder** – Announced the resignation of Jesse Marriott and asked for the council to be considering an appointment.

**Attorney Collins** – Later in the meeting

**Clerk Karn** – Asked for permission to attend a budget workshop for \$75, either in Overland Park or Topeka, May 29<sup>th</sup> or 31<sup>st</sup>. Rocky Ruhnke moved and Terry Gibson seconded a motion allowing the clerk to attend a budget workshop for \$75 at the city of her choice. Motion carried 3-0 It was suggested that all members of the council could benefit from attending the conference to acquire a better understanding of the budgeting process.

**Police Chief Whetstine** – Had a KBI audit, good review with minor changes. Extra Kansas Highway Patrol may be in the area due to flooding and the college will be providing housing for the troopers. Elwood and Wathena will be evacuating tonight and Highland officers will be assisting.

**Maintenance Saunders** – Both workers will be attending the KRWA Conference in Wichita on March 26-28. Mr. Saunders had been sweeping streets and fixed a water leak today.

## **COMMITTEE UPDATES:**

**Finance Committee** – Jesse Marriott – Absent

**Law Enforcement Committee** – Matt Peterson – Appreciated Chief Whetstine' email explaining how proficient Highland law enforcement is and what goes on behind the scenes. Speed limit sign arrived and ideas (cosmetic and functionality) were discussed on how/where to install it. Mr. Peterson suggested to begin using it, mount it on a pole while obtaining a trailer to make it mobile.

**Parks and Rec. Committee** – Dana Clary – Absent but Matt Peterson presented – Rocky Ruhnke moved and Matt Peterson seconded a motion approving \$3,500 to purchase fireworks for the city's 4<sup>th</sup> of July celebration. Motion carried 3-0

Ms. Clary provided an electronic copy of the Code of Conduct to Mr. Peterson. Matt Peterson moved and Terry Gibson seconded a motion approving the Code of Conduct for players, coaches and fans as prepared. Motion carried 3-0

Ms. Clary is asking for street signs similar to the city of Troy at a cost of \$10,000. Following discussion, believing the cost to be between \$14,000 and \$16,000, council agreed to obtain estimates with splitting the town into sections for completion, starting with Kansas and Main Street. Bring back estimates next month.

**Street and Alley/Bldg & Grounds Committee** – Terry Gibson – Mr. Gibson stated the priority is water meters and repairing pot holes as hot mix will be available the first of April. Jake Simmons provided Mr. Ruhnke a quote of \$15 per square foot to permanently repair the pot holes. Terry Gibson moved and Matt Peterson seconded a motion to hire Jake Simmons at \$15 per square foot, maximum \$1,000, beginning with Kansas Street, to repair pot holes. City law enforcement will provide traffic control. Motion carried 3-0

**Water and Sewer Committee** – Rocky Ruhnke – Visited with Mr. Gerald Neibling on reviewing well #4 and recommends well #4 and well #5 be placed on the same communication system. Maintenance Leach is to visit with contractors at the KRWA Conference next week and bring back a recommendation. Councilman Gibson and Ruhnke met with Schwab-Eaton and Bartlett and West which recommend to CCTV the city's sewer system as a first step in the sewer project. Mr. Ruhnke prepared a form to solicit bids to camera the sewer lines which is designed towards needed work and not towards a grant; and send bid to local companies plus maintenance staff could hand out at the conference. The city attorney expressed concern about any councilperson preparing bid documents and the need for such documents to clarify the responsibilities of the bidders and the end product the city will receive. Following discussion, agreed to table until later.

**Planning & Zoning** – Matt Peterson – Nothing at this time

**Personnel Committee** – Jesse Marriott – Absent

## **OLD BUSINESS:**

Consensus of the council is not to oil and chat any streets this summer.

## **NEW BUSINESS:**

With the assistance of Doug Helmke, P.G., Kansas Rural Water Assn., the city would be applying for groundwater water rights for well #3 to be used by HCC for irrigation purposes. The applicant/well owner retains ownership of any and all water right developed. Terry Gibson moved and Matt Peterson seconded a motion authorizing the mayor to

sign and submit the Application for Permit to Appropriate Water for Beneficial Use, including fee of \$200, to the Division of Water Resources. Motion carried 3-0

Audit confirmed the city did not have any budget violations and recommended the city establish reserve funds. Terry Gibson moved and Rocky Ruhnke seconded a motion approving the audit report from Karlin & Long, CPA, which verified the published 2018 year-end balances were correct. Motion carried 3-0

Matt Peterson moved and Terry Gibson seconded a motion accepting Schmitz Lawn Care bid, option #3, in the amount of \$7,900 prepaid. Motion carried 3-0

Brief discussion was had on the future of the Cluck's lots north of the city ball park.

Due to weather, the 2019 Spring Clean-up date has not been set. This year the collection point will be near the burn pile just east of town.

Rick and Angie Eberly asked for council determination on cost of water for a water leak which was greater than 10 times the average monthly usage, as guidelines permit. Matt Peterson moved and Rocky Ruhnke seconded a motion to charge \$1 per thousand gallons for the February reading. Motion carried 3-0

Mr. Jason Taylor, Mr. Bob McCauley and Mr. Greg Delzeit representing Kirkwood Investments, LLC, spoke to the overall description of the future restaurant building site. Attorney Collins assisted with the review and explained the site plan application process, adding that he was one of 12 investors in the business for full disclosure. Following the review discussion, including boring under Main Street to connect to the city water source, with a recommendation of approval of the Site Plan Application from Kirkwood Investments, LLC, Terry Gibson moved and Rocky Ruhnke seconded a motion approving the Site Plan as presented with angle parking on the east side of the property, extending into the right of way (west side of the north ½ of the south 100 block of Kirkwood St), waive the off-street parking minimum to the space available and to bore under Main Street to connect to city water, the details of which will continue to be reviewed with the city water committee. Motion carried 3-0

Discussion was had for the city to replace the fire hydrant at the corner by the bank (Kirkwood and Main Street) when the restaurant connects to the city's water main, requiring only one hole on Main Street. Kirkwood Investments will continue to work with councilperson Gibson on the project, with a report back at the April regular meeting.

Terry Gibson moved and Rocky Ruhnke seconded a motion approving the two sidewalk business district applications (C.M. Parker and Collins Law Office) as permitted by Resolution 19-03. Motion carried 3-0

Matt Peterson and Chief Whetstone visited about the seized Tahoe during a drug deal and wished to offer it to the public by sealed bids. Rocky Ruhnke moved and Terry Gibson seconded a motion to accept sealed bids on the seized Chevy Tahoe. Motion carried 3-0

In the absence of Dana Clary, Rocky Ruhnke explained the summer youth recreation program had a three-way donation but the school district withdrew funding, suggested the scheduled coaches meeting be pushed back and hold a special meeting to discuss funding. Matt Peterson asked the clerk to call the other municipalities in the district to donate to the summer rec program.

#### **ORDINANCES:**

Following Attorney Collins review of the Sale of Cereal Malt Beverage and Beer Containing not more than 6% alcohol by volume ordinance, Matt Peterson moved and Rocky Ruhnke seconded a motion to adopt Ordinance 551 as written. Roll call vote: Gibson – yes, Ruhnke – yes, and Peterson – yes. Motion carried 3-0.

Following Attorney Collins review of the three amendments to Zoning Regulations and Procedures and correct the 9-8-12 dated map, Matt Peterson moved and Rocky Ruhnke seconded a motion to adopt Ordinance 552 as written. Roll call vote: Gibson – yes, Ruhnke – yes, and Peterson – yes. Motion carried 3-0.

#### **EXECUTIVE SESSION:**

Rocky Ruhnke moved and Matt Peterson seconded a motion to recess into executive session at 7:25 p.m. for 10 minutes to review individual employee(s) pursuant to the non-elected personnel for the protection of the privacy rights

of the protected employee(s) and the open meeting will resume in the city council chamber at 7:35 p.m. Motion carried 3-0. Mayor asked the city attorney and city clerk to remain

Rocky Ruhnke moved and Matt Peterson seconded a motion to recess into executive session at 7:35 p.m. for 10 minutes to review individual employee(s) pursuant to the non-elected personnel for the protection of the privacy rights of the protected employee(s) and the open meeting will resume in the city council chamber at 7:45 p.m. Motion carried 3-0. Mayor asked the city attorney and city clerk to remain

Rocky Ruhnke moved and Matt Peterson seconded a motion to recess into executive session at 7:45 p.m. for 5 minutes to review individual employee(s) pursuant to the non-elected personnel for the protection of the privacy rights of the protected employee(s) and the open meeting will resume in the city council chamber at 7:50 p.m. Motion carried 3-0.

The council implemented a policy that any building permit that was not granted be provided to the mayor and council at the next council meeting.

Mr. Dennis Lentz interjected to the council if rezoning would be possible in blocks 1 and 2, he would contact the neighbors, Mr. Jerry Bruns and Mr. Ben Gilmore, to rezone to R-3 to allow for higher density housing.

Rocky Ruhnke moved and Terry Gibson seconded a motion to adjourn at 8:00 p.m. Motion carried 3-0

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Mayor

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City Clerk