

# CITY OF THE HIGHLANDS

THURSDAY, February 13, 2020

## REGULAR COUNCIL MEETING AGENDA

**Held at:** Nickerson City Hall  
15 N Nickerson Street  
Nickerson, KS 67502

**Time:** 6:00 P.M.

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### 1. Call Meeting to Order - Pledge of Allegiance - Roll Call

- A. Mayor or Council President Will Call the Meeting To Order
- B. Stand for the Pledge of Allegiance
- C. Welcome to those in audience (a list of those present for the council meeting will be attached to the Minutes.)
- D. Take Council Roll Call (for purpose of Koma Quorum validation)

  X   Bonnie Teel      X   Butch Neel      X   Robert Bowman.

### 2. Agenda

- A. Adopt the Agenda as presented. Motion passed 3/0.

 YES  Teel           XXXXX     YES  Neel           XXXXX     YES   
Bowman

### 3. Public Comments ( Please follow open forum guidelines)

After brief introductory remarks, the meeting was opened for public comment.

Concerns were voiced on both agenda and non-agenda items by the citizens.

Jeff Stroberg introduced himself as a candidate for the legislature, 114<sup>th</sup> District that includes the City of the Highlands.

### 4. Reports (if not already addressed on the agenda)

- A. Mayor Report - none

- B. City Clerk report -None

C. Sub-Committees reports- None

**5. Council Member Request(s)**

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A. None received

**6. Consent Agenda**

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A. Regular Scheduled meetings minutes:

Approval of Minutes January 9, 2020,

Approval of Minutes, January 23, 2020

**Action** - Motion to **Approve Minutes** as presented was made by Butch Neel and seconded by Robert Bowman. Motion Passed by a vote of 3/0.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

B. Special Meeting minutes, February 6, 2020

**Action** - Motion to **Approve** the above February 6, 2020 minutes as presented was made by Robert Bowman and seconded by Butch Neel. Motion Passed by 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

C. Workshop minutes:

Approval of Minutes for Council Workshop January 13, 2020

Approval of Minutes for Council Workshop January 15, 2020

Approval of Minutes for Council Workshop January 20, 2020

Approval of Minutes for Council Workshop February 4, 2020

Approval of Minutes for Council Workshop February 6, 2020

Approval of Minutes for Council Workshop February 11, 2020

**Action** - Motion to **Approve** the above council Minutes made by Butch Neel and seconded by Robert Bowman. Motion Passed by a vote of 3/0

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

D. Vouchers (bills or payments owed by the city).

None had been received as of date of this meeting to Treasurers knowledge.

**7. Unfinished- (Old) Business**

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A. Status on Applicants for City Clerk Position. (Tabled from 1-27-2020 – continue update.) No additional information or applicants at this time.

**B. Rescind the action by the Council** approving the appointment of the Council President to prepare meeting Agendas and create a procedure for Council members and residents to put issues on the agenda.

**Action:** Motion to **Rescind** the action of the Council to appoint the Council President to establish the meeting agendas was made by Bonnie Teel and seconded by Butch Neel. Motion Passed by 3/0 vote.

Yes Teel \_\_\_\_\_ XXXXX    Yes Neel \_\_\_\_\_ XXXXX    Yes Bowman

**Action –** Motion to **approve** the appointment of the City Mayor to prepare the meeting agendas in collaboration with the Council President and other council members. All information is requested to be submitted to the Mayor by the Friday prior to the regularly scheduled Thursday meeting. This will allow for distribution of the agenda and supporting documents by the Monday prior to the regularly scheduled Thursday meeting. Motion made by Butch Neel and seconded by Robert Bowman. Motion passed by a 3/0 vote.

Yes Teel \_\_\_\_\_ XXXXX    Yes Neel \_\_\_\_\_ XXXXX    Yes Bowman

**B. Status of Service agreement with Stanley Juhnke for City Attorney Position.**

Continuation of 1-9-2020 issue were it was tabled due to insufficient Service Agreement requirement. (Holding approval of Resolution until exhibit is reviewed, approved and signed by both parties. Butch Neel obtained a second services agreement with Mr. Juhnke and agreement is up for consideration by the Council (Document shall be designated as Exhibit A if approved and attached to formal Resolution.)

**Action –** Motion to **approve Resolution 2020-0044 and the** Service Agreement with Stan Juhnke to provide City Attorney services as required and requested by Council made by Butch Neel and seconded by Robert Bowman. Motion Passed 3/0.

Yes Teel \_\_\_\_\_ XXXXX    Yes Neel \_\_\_\_\_ XXXXX    Yes Bowman

**C. Present Service Agreement from Scott Lloyd, CPA to provide assistance with 2021 City Budget documentation submitted by Bonnie Teel. (Service Contract & Resolution previously emailed out to council and Mayor)**

**Action -** **Motion to Approve Resolution No 2020-0043** to approve Service Agreement and retain Scott Loyd, CPA firm as stated in Service Contract and for Mayor to sign Contract Agreement for the City of The Highlands. Motion made by Bonnie Teel and seconded by Butch Neel. Motion Passed by a 3/0 Vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

**D.** Definition of “Hardship” for BZA – included in Ordinance 2019-12 . (Robert Bowman sent out to council prior to 1-9-2020 Agenda).

In a previous meeting Robert was asked to contact the LKM legal department to see if they could help City come up with a better definition. Robert read the response he received from John Goodyear, Attorney at the LKM. (e-mail attached to minutes) They recommended we do not change the hardship definition as currently defined in Ordinance 2019-12. Hardship would need to be based on a case by case basis. Robert requested to withdraw his previous request for a better definition of “Hardship” as it pertains to Zoning Ordinance 2019-12.

**Action** – Motion to **approve** the request by Robert Bowman to withdraw his previous request to have different definition of “Hardship” for the BZA and keep current definition of “Hardship” as it is defined in Ordinance 2019-12. Motion made by Robert Bowman and seconded by Bonnie Teel. Motion Passed by 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

**E.** Bonnie has submitted new ordinance to repeal and replace Ord. 2018-01 and replaced it with 2020-13 to change members on the AZRC committee to one. This was approved in 1-9-2020 meeting but council needed to review and approve the ordinance to change law.

**Action** – Motion to **approve** Ordinance 2020-13 was made by Bonnie Teel and seconded by Butch Neel. Motion Passed by 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

**F.** Approval of the following ordinances:

1. Pertaining to open burning and establishing requirements, restrictions, and prohibited acts.
2. Pertaining to the City of the Highlands enacting rules and regulations concerning animals within the city.

Mayor Moore removed these documents from the agenda and submitted to the council that all ordinances be placed on the City website for a duration of four weeks to allow the community to read the documents. Butch stated it is a great idea. Robert said the more information we can get out there the better off we are.

Mayor Moore asked if it sounds reasonable to put the proposed ordinances on the website. Bonnie suggested also putting the agenda attachments on the website. Bonnie asked Harley if this is possible. Harley said yes. Mayor Moore said we can put the items in a PDF. Harley said there is limited space, and a PDF takes more space, but we can put it on. Bonnie said they should be on there a limited time then the attachments removed to allow more space for future Agenda's with attachments. Mayor Moore asked if it is a cost factor; Harley said no with current software city is limited on space.

**Action** – Motion to **approve** to place agenda attachments on the website was made by Bonnie Teel and seconded by Robert Bowman. Motion Passed with a 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

**Action** – Motion to **approve** to post proposed ordinances on the website for a period of 4 weeks prior to placing on agenda for consideration of the council made by Robert Bowman and seconded by Butch Neel. Motion Passed by 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

**G. Standard Traffic Ordinances for Kansas Cities**

Mayor Moore brought up the next agenda item, The STO for Kansas. These ordinances prevent golf carts and ATVs from driving legally on our streets. John asked about UTVs. Corby asked why we have to vote to allow golf carts. Bonnie explained the process of adopting the STO and then adding the statement to make golf carts and ATVs legal. Gary said many cities are adopting these rules. John said technically golf carts are illegal right now. Jim Humiston said we need to consider speed laws apply to the ATVs too.

**Action** – A **Motion to Table** this issue at this time was made by Robert Bowman and seconded by Butch Neel. Motion Passed by 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

**H. "Special Permit for Zoning and Land Use Form"** submitted for approval by the Council. Bonnie reminded the Council that this City form was created in 2019 but had not been acted on by the council at that time. Robert explained this permit.

**Action** – Motion to **approve** new City Form “Special Permit for Zoning and Land Use” as it has been submitted made by Butch Neel and seconded by Robert Bowman. Motion Passed by a 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

- I. Response letter to Christopher Swartz request to clear a lot for eventual construction of a home. Refer to the letter sent to the Council members.

Discussion: Bonnie stated that on the Swartz original request he asked for tree removal and ground leveling in preparation for future construction on his lot. And as a result of the permit request statement could not be approved.

**Action** – Motion made to approve the letter of denial that Robert Bowman constructed showing cause for denial of permit by Butch Neel and seconded by Bonnie Teel. Motion Passed by 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

Mayor Moore volunteered to send out the letter that denies the request. It was also suggested that Chris Swarz may want to complete the new form “Special Permit for Zoning and Land Use” this form does not indicate a residential construction request at that time, the new application can then be reviewed by the AZRC and then submitted to the Council for action.

- J. Adoption of the League of Kansas Municipalities “**Code of Procedure for Kansas Cities**”. (Refer to attachment that was sent with 1-9-2020 Agenda)
  - I. It was moved in the January 23<sup>rd</sup> meeting to adopt the *Code of Procedures for Kansas Cities*.
  - II. The ordinance is ready to be read and approved.
  - III. Need Council approval to purchase copies for Governing Body, and any subcommittee members that are established. Price per booklet \$7.50

**Action** – Motion to **approve Ordinance 2020-14** which approves the adoption of the LKM Code of Procedures for Kansas Municipalities and to purchase publications required for Council members and subcommittee members was made by Butch Neel and seconded by Robert Bowman. Motion Passed by 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

## **8. New Business**

### **A. Ark Valley Electric Cooperative Association letter for discussion and action.**

Ark Valley request to move an electric pole into the city right of way. There was much discussion as to the issues of the destruction of trees versus the safety of drivers and setting a precedent for future poles being moved into the ROW. The letter states that the pole would be moved to within a 6' distance from the road. Concern was voiced that this particular road while not a heavily traveled road is located on a curve.

**Action:** A motion to **Approve** the request letter made by Ark Valley Electric was made by Butch Neel an immediate second was not made but additional comment ensued and Robert Bowman seconded the motion. The motion Failed with a 1 / 2 vote. Mayor Moore will respond to the letter from Ark Valley.

No Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    No Bowman

### **B. Reno County Health Department Memorandum of Understanding – presented by Robert Bowman. Robert explained to the council that the Reno County Health Dept. stopped covering us when we became a city, and we need to have a “Memorandum of Understanding” with them in order for them assist the City. This process will involve our Mayor working with the appropriate Reno County Commissioner, Bob Bush and others to determine the extent of the assistance.**

**Action –** Motion to **Table** activity for further work and discussion was made by Butch Neel and seconded by Robert Bowman. Motion Passed to Table issue by a 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

### **C. Resolution to adopt the Homeland Security Region G. Hazard Mitigation Plan was presented by Bonnie. A letter was sent to the City by Reno County in connection with the 2019 Comprehensive Mitigation Plan for Reno County. In 2019 the Council approved the participation in the plan and submitted information concerning “potential hazards” facing the City of The Highlands. The City was included in the plan and this is the final step where participating Municipalities adopted the plan by Resolution. While a sample resolution was sent to the City it had to be rewritten to apply to The**

Highlands Resolution format and then approved by the Council and signed by the Mayor before returning them.

**Action** – Motion to **approve** to accept Resolution 2020-0045. Motion was made by Butch Neel and seconded by Robert Bowman. Motion Passed with a 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

- D. Submitted to Council for action: That due to the Resignations of Mo Penny and Mark Kerschen positions already filled by these individuals in previous meetings, would need to be reassigned to other Governing Body members.

**Action** – Motion to **Table** this request until such time as new council members are appointed and could assist in these areas. This will be discussed at a Workshop meeting at a later date after new council members are appointed to the vacant council seats. This item will be re-addressed at a future meeting. Motion made by Butch Neel and seconded by Robert Bowman. Motion Passed by 3/0 vote.

Yes Teel    \_\_\_\_\_ XXXXX    Yes Neel    \_\_\_\_\_ XXXXX    Yes Bowman

## **9. Discussion Items**

### **No Action taken - for discussion only**

- A. Peggy Williford shared with the Council she and Vickie Nuss are working on a 2020 Community Directory for community use. That they will be collecting current email addresses to facilitate communication within The Highlands. This is not an “approved official city directory” and they are doing this as a community service.
- B. Request made by Mayor to call for another workshop on 02/19/2020 at the Hutchinson Public Library should a room be available. Robert Bowman to call the Library and reserve a room if possible. Council will be notified of results and it will be posted on the City Website for the public. Results: Robert called on 2-14-2020 and room #1 is reserved from 9:00 a.m. until 12:00 noon.



**10. Information Items**

- A.** The U.S. Census Issue and individual responsibilities were discussed. Mayor Moore described how a census update pertains to the City of the Highlands. Everyone was encouraged to complete the 2020 Census and share with their neighbors the importance of whole city participation.

**11.** Adjournment:

**Action** – Motion to adjourn by Butch Neel and seconded by Bonnie Teel.

Yes Teel    \_\_\_ XXXXX    Yes Neel    \_\_\_ XXXXX    Yes Bowman

Meeting was adjourned.

Minutes prepared by Bonnie Teel.

*Min 2-13-2020*