

City of The Highlands
REGULAR COUNCIL MEETING
Monday, 6:00 p.m., January 10, 2022
Nickerson Community Building, 13 N. Nickerson St., Nickerson, KS 67561
Social Distancing and hand sanitizing are required, masks are strongly encouraged.

I. Meeting Called to Order

- A. Welcome by Mayor Carol Moore
- B. Swearing in of new Council Members
 - Mark A. Kerschen was sworn in as new council member. Kenny Nuss was absent.
- C. Roll Call by the City Clerk:
 - Council Members Present: Butch Neel, Jeff Jackson, Mark Kerschen. Absent: Brian McElgunn and Kenny Nuss;
 - City Clerk: Cindy Dale
 - AZC: Mo Penny
 - Guests: Jennalee Boggs; Stags Zotov and Cal Clark of Ideatek

II. Approval of the Agenda as presented.

- **Butch Neel motioned to approve Agenda as presented, seconded by Jeff Jackson. Motion passed.**

III. Public Comments:

- 1. Stags Zotov with Ideatek made a presentation to let the council know of their presence of wireless internet service in the City of The Highlands. Currently they provide wireless internet service with an antenna on the City Water tower only. Currently he said they have 25 residences using their service.

IV. Approval of minutes: December 13, 2021, regular meeting.

- **Mark Kerschen motioned to accept Minutes of December 13, 2021, as presented, seconded by Butch Neel. Motion passed.**

V. Reports

A. Mayor

- 1. Webinars
 - Mayor Moore has attended several webinars on using the funds from the American Rescue Fund. In the next few weeks, we should have more information on what we can spend these funds. One thing that came up on webinar is that the city can use the funds for culverts. When documents become available Mayor Moore will present them to the council.
- 2. Local Government Day (January 26, Topeka)
 - Kansas Mayors Association has set aside a day to meet with our representatives, municipal update, and reception to follow with our representatives. It is at no cost. Mayor Moore can not attend on that date. If any council members would like to attend, a reservation must be made.
- 3. Governing Body Institute (April 29-30, Manhattan)
 - This is a training session for newly elected officials.

B. Treasurer report given by Cindy Dale, City Clerk for December 2021

- 1. Deposits \$6,462.04; expenditures \$13,497.13. \$9,255 of expenditures was for tarring of roads by Powered by Me.
- 2. Year-end budget is tabled. Budget for 2022 needs to be published in city's official newspaper. According to calendar the budget must be published within 30 days of December 31, 2021.

There is a movement in our area to post budgets on their website rather than publishing in newspapers due to cost concerns.

C. AZC report

1. Year-end report – Tarring of road cracks and repairs

- Power by Me has completed tarring. We have 1/3 of a pallet left over which belongs to the city. When future tarring is necessary, the 1/3 pallet can be used, and city will pay for labor.

2. Status of permits/progress on building

- Permit designation – AS, RS, RR were used to identify permits when the city used 3 designations for permits. AS – Secondary Structure Application; RS – Residential Building Permit application and RR – Residential Repair, Remodel Permit application. It was recommended to use a .1, .2 for any additional permits on the same property with the applicable fee and permit, example 2022-01.1 for a Secondary Structure or other designation on building application.

- **Mark Kerschen motioned that all future building permits will use a numbering system using the year of permit and numerical order of permit in the permit year and use supplemental number for any additional permits for that property in the future, seconded by Butch Neel. Motion passed.**

3. For discussion – Structural stability

- Council asked Mo Penny, AZC, to contact any homeowner who applies for a building permit for a new home and structure to assure the stability of the lot and have been certified by a licensed Kansas engineer.

4. Parking in the right of ways – Council asked Mo to contact a few residents who are in violation of the City of The Highlands parking laws and let them know they will be getting a letter from the City Council. This will be considered as a warning. If resident continues to be in violation of parking laws, a fine will be assessed.

VI. Annual Business

A. Kansas Statute 15-204 says that appointments need to be made annually of President, Treasurer and City Clerk of City of The Highlands. AZC appointment has an Ordinance 2020-13, BZA appointment has an Ordinance 2020-09

1. Mayor can present names for Treasurer and City Clerk.

- Mayor would like to present Brian McElgunn to continue as Treasurer and Cindy Dale to continue as City Clerk for the next year.

- **Jeff Jackson motioned to have Brian McElgunn continue as Treasurer for the next year and have Cindy Dale continue as City Clerk for the next year, seconded by Butch Neel. Motion approved.**

2. President of the Council

- **Butch Neel motioned to nominate Jeff Jackson as President of the Council, seconded by Mark Kerschen. Motion passed.**

3. Signature on checking account

- **Jeff Jackson motioned to have Mark Kerschen be the third signature for the City's checking account, seconded by Butch Neel. Motion approved.**

4. AZC nomination

- **Butch Neel motioned to nominate Mo Penny to continue as AZC, seconded by Jeff Jackson. Motion approved.**

5. BZA – third member

- **Jeff Jackson motioned to retain Carleen Gover as the third member of the BZA along with Chad Wilson and Mitch Cramer to the BZA, seconded by Butch Neel. Motion approved.**

B. Annual renewal agreements and memberships

1. City attorney/judge – Charter Ordinance No. 6 states that we must have an attorney and a judge.

- **Jeff Jackson motioned that Stan Juhnke will continue as City Attorney and Larry Bolton to continue as City Judge, seconded by Butch Neel. Motion approved.**

2. CPA firm – We have used Swindoll, Janzen, Hawk & Loyd, LLC per Resolutions in 2020-0043, most recent 2021-065. Mayor would like to recommend we continue with the accounting firm we have been using.

- **Butch Neel motioned that the city signs the letter of engagement with the accounting firm Swindoll, Janzen, Hawk & Loyd, LLC for 2022, seconded by Mark Kerschen. Motion approved.**

3. Insurance for the City – Per City Ordinance 2018-04, bonds must be renewed annually along with workman’s comp. These will be considered as they arise through the year.

4. Membership in the Kansas League of Municipalities.

- **Jeff Jackson motioned that we retain our membership in the Kansas League of Municipalities, seconded by Butch Neel. Motion approved.**

VII. Unfinished Business

A. Progress of lot clean-up for Phase 1 – There are number of lot owners that have not complied with City Ordinance 2021-23.

B. Establishing a fine for lots not cleaned - A letter will be sent accessing a fine for every month that each lot is not in compliance with Ordinance 2021-23.

C. Draft letter to accompany fine.

- **Butch Neel made a motion that the city will send a letter to noncompliant lot owners who received a letter in May 2021 of not complying with Ordinance 2021-23. This letter will notify the lot owners that they will be accessed a fine of \$125 per lot and if the property is not completely maintained by February 28, 2022; a fine of \$250 per lot that no maintenance has begun in cleaning the lot; a \$250 fine will be accessed each month for each lot. Motion was seconded by Mark Kerschen. Motion approved.**

D. Draft letter, lot clean-up for Phase II - This will be tabled until next council meeting on January 24, 2022, so it can include recommendations from ROW committee.

VIII. As may arise

IX. Agenda items for January 24th.

A. Report from the ROW committee.

B. Drafting a letter for first phase of ROW clearing

C. Discussion regarding the moving of dirt prior to building

D. 2022 Goals (2021 goals: Road repairs, vacant lot clean-up, signage (completed), future drainage concerns)

X. Motion to adjourn

- **Motion made by Mark Kerschen, seconded by Butch Neel. Motion passed. Adjourned at 7:25 p.m.**