

CITY OF THE HIGHLANDS
REGULAR COUNCIL MEETING
Monday, 6:00 p.m., April 10, 2023
Crazy Horse Sports Club, 922 W. Crazy Horse Dr., 67502

This meeting is being recorded.

Minutes

I. Meeting called to order - 6:01 p.m.

A. Welcome by Mayor Moore

B. Pledge of Allegiance

C. Roll call of the Council by City Clerk, Bonnie Swenson

Present: Jeff Jackson, Mark Kerschen, Brian McElgunn, Butch Neel, Kenny Nuss

AZRC: Mo Penny

Guests: Julie Blanton (HCC VP of Finance and Operations), John and Stacy McDowell, Vickie Nuss, Loren Frees, Randy Miller, Chris Brown

II. Approval of the agenda as presented.

- Butch Neel made motion to approve agenda; Mark Kerschen seconded; motion carried unanimously.

III. Public Comment(s) None

IV. Approval of Minutes: March 13, 2023 regular meeting

- Kenny Nuss made motion to approve; Jeff Jackson seconded; motion carried unanimously.

Special Meeting #1, March 27, 2023

- Jeff Jackson made motion to approve; Kenny Nuss seconded; motion carried unanimously.

Special Meeting #2, March 27, 2023

- Butch Neel made motion to approve; Jeff Jackson seconded; motion carried unanimously.

V. Reports

A. Mayor

1. Report on ARPA webinar: Mayor Moore attended the webinar sponsored by the state treasurer's office. An annual report is due by April 30, 2023, and will need to be done every year until 2027, even if money is spent. Discussed the City purchasing a metal detector to find property stakes and culverts, using monies from the general fund, rather than ARPA funds, same as was done when the transit was purchased last year.

2. a. Conversation with League of Kansas Municipalities: Mayor Moore contacted them regarding a question on how to list all the residents that attended the special meetings in March. We were advised to continue doing as we have in previous minutes, so the resident names will be listed at the end of the minutes.

b. Another question was about posting meeting minutes sooner by putting a draft set on the City's website as soon as available after the current month's meeting, prior to actual approval. LKM said it was up to the council. The council decided that it could be done, and the City Clerk will post them as soon as available as a draft copy (no watermark needed as long as identified as "draft"). Then the draft minutes will need to be officially approved at the next council meeting.

c. Mayor Moore asked LKM if they have heard from any cities dealing with Airbnb issues. Most of their concerns have come from the Kansas City area and do not have a recommendation yet.

3. AVEC annual meeting: Mayor Moore attended and won a door prize for the City's invitation. She did not feel she should accept the gifts as the Mayor because it included a gift certificate; so the council agreed to pass them on to the City Clerk, an unelected official.

- Jeff Jackson made the motion; Butch Neel seconded; motion carried unanimously.

B. Treasurer

1. Current financial report - Mark Kerschen reviewed the numbers for March. Brian questioned the Money Market transfer from Heartland Credit Union to First National Bank and how it was reflected. The funds were not reallocated - just changed banks.

General Fund Beginning Balance 3-1-2023	\$ 88,698.84
Deposits/Receipts total	6,926.90
Disbursements total	(32,343.85)
General Fund ending balance 3-31-2023	63,281.89
Capital Improvement Fund	140,793.12
Equipment Reserve Fund	25,604.73
Parks and Recreation Fund	7,043.60
American Rescue Fund	<u>47,919.28</u>
Total 3-31-2023	\$284,642.62

2. Invited guest, Julie Blanton, reviewed her handout explaining the Revenue Neutral Rate (RNR). This is the tax rate for the current tax year that would generate the same property tax revenue as levied the previous tax year using the current tax year's total assessed valuation. If the estimated tax rate is more

than the RNR, an additional hearing is required along with the normal budget hearing process. Not allowed to collect any more money without going through the Revenue Neutral Rate hearing. Since we will begin working soon on our budget for next year, the information was timely.

3. Designate \$80,000.00 to Powered by ME for current year road repairs. This was previously budgeted for in 2022.

4. Approval of invoices:

Hutch News - \$119.25 for 2022 year-end financial

LKM - \$232.15 for Mayor Moore's manual

Reno Co. Utilities - \$30.00 water

Crazy Horse Sports Club - \$100.00 - room rental for March special meetings

- Jeff Jackson made motion to approve payment of invoices; Brian McElgunn seconded; motion carried unanimously.

C. AZRC

1. Status of permits/inquiries: only have one no cost permit for Jon Brown. He did begin his construction before getting approval from the council to add parking and a privacy fence to his property. He is utilizing two feet of Loren Frees' property, as well. Mr. Frees does not have an issue with this, and Mo noted it on the permit. The council feels Mr. Brown did not follow the rules and regulations the City has in place for permit applications, so Brian McElgunn volunteered to talk to him. In the meantime, the council approved the permit and will submit it to the county appraiser. Had discussion on how to move forward on providing additional members for the AZRC committee, so that there are more people involved in the decision-making and approval process without violating the Open Meetings Act. City council is responsible for any notices of violation to enforce warnings and fines.

- Council needs to continue to work on the list of names Mo collected at the March special meeting to be additional committee members, improving the permit application, including a checklist, and posting notices to meet prior to regular monthly council meetings.

2. Ordinance 2022-27 - AZRC Committee ordinance: was written last year making this a one-person committee (Mo Penny), and to give Mo the authority to make decisions on no-fee, non-structural permits. Seven people have agreed to be a part of the committee going forward - need to be sure that the quorum is met, and they are not in violation of the Open Meetings Act. Council should conduct an informational training meeting for the new AZRC committee members.

- Butch Neel made motion to approve Mo's list of names for an expanded AZRC committee (Stacy McDowell, Brandon Fox, Robert Updegraff, Tom Dobson, Randy Miller, Lyle Foss, Matt Graber); Brian McElgunn seconded; motion carried unanimously.

D. Parks and Recreation Committee

1. Parks committee discussion on county property - Vickie Nuss reported that the county has agreed to take care of the Right of Way, tree removal and cleanup. The P & R committee would like to get more people involved in the cleanup. Peggy Williford and Randy Miller have been working on the entrance cleanup. Mike Williams (Dixon Lawn Care) repaired the sprinkler system, and Butch Neel offered the use of his trailer to throw debris into. The area south of the water well needs to have trash picked up so that it can be mowed. Dixon Lawn Care has offered to mow and fertilize the entrance at no cost to the City.

E. Welcome Committee

1. Directory status - it is at Wayne's for printing and should be ready April 19 to 21. Will then need to put in bags and distribute. The final bill will be less than projected, so the difference can be used for the City to purchase additional re-usable bags that can have the City's name and website address.

- Vickie Nuss will search for desired bags and obtain pricing.

VI. New Business

A. AVEC/Evergy service discussion - Evergy has not responded to Mayor Moore, so any further discussion is tabled for the time being.

B. Final approval for Burn Ordinance 2023-30 - the proposed ordinance (making the City's the same as Reno County's) has been posted on the City's website for four weeks with no comments or responses. Gerry Wiens, new chief for District 3, has invited Highlands residents to their Open House at the fire department, date unknown. They are aware of the need to burn the ROW between Monroe and Hendricks on 82nd and would appreciate any volunteers to help with this mitigation - not sure if it will be done this year. He would like to be at our next council meeting.

- Kenny Nuss made motion to approve Ordinance 2023-30 as has been posted; Butch Neel seconded; motion carried unanimously.

C. Amendment to Ordinance 2020-18 - at the March special meeting, it was decided to remove Item K, regarding short-term rentals, from the existing ordinance. Since there may be additional wording changes that need to be made to this ordinance, after the November vote on Airbnb's, it was decided to pull it from the website and re-post once it could be fine-tuned appropriately.

- Brian McElgunn made motion to remove the proposed ordinance amendment from the City's website; Butch Neel seconded; motion carried unanimously.

D. Facebook - this is not an official function of the City council. More research will be done and reported at next month's meeting.

E. Email communications - Mayor Moore would like to put further discussion on complaint procedures on May's agenda. Any emails that come through the City's email address will be addressed by the council. Have had complaints involving:

- ❖ Request to build a fence to replace trees in the Right of Way that residents feel have been cut down in error. City needs to get a survey and follow through with future action by our attorney. Do not want to set precedence.
 - Butch Neel will contact Garber's Surveying again and obtain price.
- ❖ ATV/utility vehicles operated at excessive speed and noise emitted - residents should be advised to call the Reno County sheriff's office, as the City does not have law enforcement of its own. The concern is the hot manifolds could start grass fires.
- ❖ Firearms have been heard being discharged. Residents should notify Reno County sheriff's office. Do have an ordinance in place regarding no firearms in the City.
- ❖ The brush pile on Twigg's property has not been cleaned up yet after the council gave them an extension.
 - Kenny will follow up with them.

F. Election planning - need to start soliciting interested individuals for the mayor and two council member positions. Deadline for filing at the Reno County courthouse annex is noon on June 1, 2023.

- City Clerk will send a mass email out to Highlands residents encouraging them to consider.

G. City clean-up day - need to pick up trash along Monroe, entrance, and other defined areas. Peggy Williford has a list of names of people that are interested in helping. Will need to schedule a roll-off trailer, provide trash bags (only for trash in the ditches) and a map for residents to mark off the areas they are willing to complete. Brian McElgunn will check into getting safety vests for participants. Need to place a sign at Monroe and 82nd for motorists to be on the

lookout for workers and their safety. Tentative dates decided on are May 19, 20 and 21, 2023.

- Brian will check into getting safety vests for workers.
- Randy Miller volunteered Peggy Williford to be the point person on finalizing the details.
- City Clerk will send a mass email out to Highlands residents once details have been finalized.

VII. Unfinished Business

A. Drainage/culvert project discussion (2022 Goal #3) - Project #1 from the list of five projects presented at March's regular council meeting is underway.

B. Drainage project update - Monroe Street - Jeff was to have a conversation with Don Britain at Reno County Public Works. Waiting for bid on gravel.

C. ROW update and clean-up - Kenny Nuss reported that he hasn't seen a lot of activity recently. Are waiting for the county to clean up their resident/lot owner list so that the next letter can be sent. The golf course has a plan in place; the couple across from the fire station are working on their property.

D. 2023 Goals - will continue to work from 2022 goals list. Brian McElgunn stated that nothing new needed to be added. Improvement of roads is still the main concern and fire mitigation.

VIII. As may arise

IX. Dates for next City Council meeting -

A. and B. April 24, 2023, and May 8, 2023.

- Brian McElgunn made motion to cancel the second April meeting and proceed to the next regular meeting in May; Butch Neel seconded; motion carried unanimously.

C. Agenda items for next meeting:

1. Ordinance 2022-27 - AZRC committee
2. Revising permit application
3. Number of AZRC committee members to obtain a quorum and not violate the Open Meetings Act; meet prior to regular monthly council meeting.
4. Evergy service discussion.
5. Election planning - solicitation of residents for open council positions.
6. Airbnb question on November ballot process.
7. Unfinished business of Monroe Street drainage project.
8. Email complaint procedures.

X. Reviewed 2022 Goals and which ones to carry forward to 2023:

1. Develop long-term plans for roads (obtain estimate from civil engineer) (completed)
2. Identify what needs to be done with roads this year (short term) (completed)
3. Identify drainage concerns
4. Establish Parks & Recreation committee (completed)
5. Continue with vacant lot clean-up
(2021 goals: Road repairs, vacant lot clean-up, signage [completed], future drainage concerns.)

XI. Motion to adjourn - 8:19 p.m.

- Butch Neel made motion; Mark Kerschen seconded; motion carried unanimously.