

City of The Highlands
REGULAR COUNCIL MEETING
Monday, 5:00 p.m., March 14, 2022
Crazy Horse Sports Club, 922 W. Crazy Horse Dr., Hutchinson, KS 67502
This meeting is being recorded.

I. Meeting Called to Order

A. Welcome by Mayor Carol Moore

B. Roll Call by the City Clerk:

- Council Members Present: Butch Neel, Jeff Jackson, Mark Kerschen, Kenny Nuss, and Brian McElgunn
- City Clerk: Cindy Dale
- AZC: Mo Penny
- FEMA: Loren Frees
- Guest: Mitch Cramer

II. Approval of the Agenda as presented.

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

III. Public Comments (State your name and address. Please limit remarks to less than five minutes.)

IV. Approval of Minutes of February 28, 2022, Regular Meeting and Minutes of the Special meeting February 28th, 2022

- **Butch Neel made a motion to approve Minutes of February 28, 2022, Regular Meeting, seconded by Jeff Jackson. Motion passed.**
- **Jeff Jackson made a motion to approve minutes of the Special Meeting of February 28, 2022, seconded by Butch Neel. Motion passed**

V. Reports

A. Mayor: Mayor Moore has been attending Reno County Commission meetings, 2nd and 4th Tuesdays per month

B. Mitch Cramer – Insurance

1. Presented EMC Insurance renewal for the year:

- General Liability (\$529.00) \$1,000,000 per occurrence; \$2,000,000 Aggregate and \$500,000 Premises rented to you
- Directors and Officers (\$1,798.00) \$1,000,000 per event: \$2,000,000; aggregate: \$1000 deductible
- Inland Marine (Equipment) (\$472.00) \$15,000 2019 land pride; \$10,000 Highlands sign: \$2000 flagpole and hardware: \$15,000 two poles and two LED fixtures; \$500 deductible. These are not replacement value Employers Liability
- Workers Compensation (\$324.00) Class Code 8810, Clerical \$9,600 payroll; Assigned Risk Berkshire Hathaway \$Mill Employers Liability each accident/each employee/policy limit.
- Commercial Umbrella (\$1086.00) \$1,000,000 per occurrence and aggregate limit
- Workman’s Compensation renews in July

C. Treasurer – Brian McElgunn

1. Heartland Credit Union Share account of \$25.00 was added to the cash balance.
2. February deposits and expenses: Income \$2,795.92; Expenses \$2,518.64
3. Second installment of American Rescue should be coming in the next few months.
4. Correction in January 2022 report, the ending balance \$26,502.62.
5. Cash flow report will be published quarterly

D. AZC Report

1. Building permit for Jeff Jackson to build concrete block retaining wall behind his secondary building

➤ **Brian McElgunn made a motion to issue a building permit to allow Jeff Jackson to building concrete retaining wall behind his secondary building \$50 fee, seconded by Kenny Nuss. Motion passed.**

2. In Ordinance 2020-18 Article II section 1 paragraph (d) states that the owner must have approval of the City Council before separating a lot. The council is making this oversight correction now to officially allow Chad Wilson two separate lots that were sold to Mike Miller out of his warranty deed.

➤ **Jeff Jackson made a motion to approved building permit (with no charge) to allow Chad Wilson to separate his lot that was sold to Mike Miller, seconded by Butch Neel. Motion passed.**

3. Mayor Moore and Mo Penny has a conversation with Joe Poppelreiter about him parking in the right of way. Poppelreiter must remove the wood in the ROW to be in compliance with ROW maintenance. He is currently parking on his lawn. Mo talked to Mike Engel of PBM, and Mike will put a driveway in for \$2,200 just south and abutting of the existing driveway (no culvert is needed). Mo has not heard back from Poppelreiter regarding the proposal from PBM.

4. Issues related to Chris Brown:

- a. On January 25, 2022, Mo sent a letter to Chris Brown stating that he was in violation Ordinances 2020-19, specifically the wood fence in disrepair and trash on the side of his house. Mo would like to send another letter that this should be completed by March 26, 2022
- b. The railroad ties along the cart path on Country Club Dr property are in disrepair and are in violation of Ordinance 2020-19 and work must be completed within 60 days, May 14th.
- c. A certified letter issuing a fine of \$250 for the property Golden Arrow Unit One, Section S02, Block A, Lot 3 that's not in compliance with City Ordinance 2021-23.
- d. Letter to be drafted by City Council asking him to clean-up the debris he has dumped on a City of The Highlands lot. Allow 30 days from the date of letter to have debris cleaned off City Lot or a fine will be issued. (Ordinance 2021-23).

➤ **Mark Kerschen made a motion to fine Chris Brown \$250 if he has not cleaned up his fence and debris at his residence by March 26, 2022, seconded by Brian McElgunn. Motion passed.**

VI. **New Business**

- A. Council meeting place: Mark Kerschen brought a contract to have city council meetings at Crazy Horse Clubhouse upstairs for \$100 per meeting to be paid in advance before each meeting.
- B. Discussion of whether holding meetings once per month rather than twice. Butch Neel brought up the problem of making an individual wait four weeks for a building permit approval. Council can approve permit with special meeting.

- **Jeff Jackson motioned to empower Mo Penny to approve non structure building permits and will be approved for council at next meeting, seconded by Brian McElgunn. Motion passed.**
 - **Brian McElgunn motioned to prepay Crazy Horse \$500 for the next five meetings, council will meet every second Monday of each month, seconded by Kenny Nuss. Motion passed. This meeting was held at Crazy Horse Clubhouse for no charge.**
- C. Response to public comments: In the future when someone comes to speak to the council, please let the Mayor Moore know the reason they want to address the council. This way the council will be prepared to give proper researched information. This request is also on the city’s website.
1. The council did not feel that it is necessary to charge an extra fee for roll offs. If any individual who is a citizen of The City of The Highlands would like to write a referendum, they must have at least 40% of electorate that voted in the last election signatures and present it to the Reno County Clerk at least 90 days prior to next election.
 2. Mo said he would get with Mike Engel to price Phase II. Mike Engel said the cost if \$325 per sq. ft. Cost could be more with the cost of diesel.
 3. Council discussed writing a rebuttal letter to Chris Brown over incorrect information stated at a council meeting and insulting comments directed to a council member.
- **Kenny Nuss made a motion for the council to write a rebuttal letter to Chris Brown over comments made at a council meeting of information that is not based on facts and insulting a council member with his personal comments, seconded by Brian McElgunn. Motion passed**
- D. Finalize 2022 Goals
1. Make long-term plans for roads (obtain estimate from civil engineer)
 2. Identify what needs to be done for the roads (short term)
 3. Identify drainage concerns
 4. “Establish” Parks and Recreation committee
 - Mayor Moore contacted those who volunteered to be part of this committee
 - Brian McElgunn volunteered to be the liaison between the council and the “Parks and Recreation Committee”
 5. Continue with vacant lot clean-up
- E. Butch Neel discovered water running on the road from a home on Lakeview Road where their lift station pump quit operating, Butch contacted the Owner, a plumber and Reno County. The septic tank was drained, as a temporary measure until the correct sized pump can be found. The owner thought it was the City’s problem because they said the line was plugged. The line was not plugged, and the Owner is in the process of replacing the pump.

VII. Unfinished Business

- A. Progress report on lot clean-up for Phase I/fines
 1. Jim McCormick will be fined \$250 for one lot
 2. Chris Brown will be fined \$250 for one lot
 3. Terry Wall will be fined \$1,000 for four lots
- B. Moving forward with Right of Way Clean-up: Kenny Nuss and Brian McElgunn volunteered to mark maps. Jeff Jackson will start marking map for Phase II lot clean-up
- C. Kenny Nuss brought up getting recommendations from a civil engineer for continual repair of roads. He will follow-up with Greig Sims. Butch Neel will contact Don Britten from Reno County Works Department to look over our roads. Ask Don Britten about drainage concern.
- D. Fire ordinance

1. Craig Walle along with Dennis Boggs looked at our proposed fire ordinance written in 2020. He thought the ordinance was solid. He had 2 recommendations in Section 1 Definition and Section 3 an addition.
 2. Craig contacted Dennis Carlton, State Fire Manager who recommended a three tier approach:
 - (a) Maintain a perimeter around the Highlands by mowing; (Note—this has already been done).
 - (b) Work with property owners as much as they will allow us and encourage homeowners that have cedars limb up 6 feet and have a defensible barrier of 150 feet around their structure;
 - (c) Eliminate cedars within 60 ft. of structures. Note: Reno County Chief Beer was quoted in the newspapers that the homes that did not have cedars right next to a house were saved.)
- **Jeff Jackson motioned that take Craig Walle recommendations to Section 1 and Section 3 of Ordinance 2022-25 Burn Ordinance and post on the website for four weeks for review, seconded by Mark Kerschen. Motion passed**
3. Fireworks Ordinance, no fireworks without a special permit
- **Jeff Jackson made a motion to post Ordinance 2022-26 Fireworks to the website for four weeks for review, seconded by Brian McElgunn. Motion passed.**

VIII. As may arise

- A. Brian McElgunn recommended we repair roads as needed and save money toward future overlay. The council wanted to wait on recommendations from an engineer before proceeding with plans for the roads.

IX. Motion to adjourn

- **Motion made by Butch Neel, seconded by Jeff Jackson. Motion passed. Adjourned at 7:06 p.m.**