

City of The Highlands
REGULAR COUNCIL MEETING
Monday, 6:00 p.m., January 24, 2022
Nickerson Office 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. Pledge of Alliance
- C. Roll Call by the City Clerk:
 - Council Members Present: Butch Neel, Jeff Jackson, Brian McElgunn and Kenny Nuss.
Absent: Mark Kerschen
 - City Clerk: Cindy Dale
 - AZC: Mo Penny
 - Guests: Chris Brown, Steve Swartz, Michael Swartz and Tom Dobson

II. Approval of the Agenda as presented.

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

III. Treasurer’s Report (Mayor Moore changed the arrangement Agenda because Brian McElgunn needs to leave early.)

- A. Payments to be approved:
 - 1. The final payment was made to Bornholdt for the plantings at the front entrance. There was \$62.14 balance in the account, and this was refunded to Peggy Williford, Chairman of The Front Entry Sign Committee.
 - **Butch Neel motioned to write the check of \$62.14 to the Committee and zero out this account, seconded by Jeff Jackson. Motion passed.**
 - 2. Annual insurance for our liability, umbrella, property coverage billing was submitted. Mitch Cramer will attend the next meeting to go over our insurance for the year. At our last meeting it was approved that we go forward with this insurance for this year. The premium is \$3,885.00.
 - **Kenny Nuss motioned that the premium of \$3,885.00 be paid, seconded by Butch Neel. Motion passed.**
 - 3. Invoices for roll off dumpster from Carl Vincent Services for clearing of City of The Highlands owned lots for \$780 and \$390.
 - **Butch Neel motioned that \$780 and \$390 be paid to Carl Vincent, seconded by Jeff Jackson. Motion passed.**
 - 4. Reimbursement check to Cindy Dale for \$48.27 for sending registered letters, receipts are in order.
 - **Jeff Jackson made a motion to pay Cindy Dale \$48.27, seconded by Butch Neel. Motion passed.**
- B. Treasurer’s report ending December 31, 2021

1. Income: \$6,462.04
 - Reno Co Highway Tax - \$313.03
 - State of Kansas Compensating Use Tax - \$174.55
 - Interest in 1st National Bank - \$2.32
 - State of Kansas Alcohol - \$1,170.00
 - Reno County Motor Vehicle Tax - \$2,475.00
 - Permits - \$500.00
 - Reno Co Property Tax - \$482.09
 - Reno Co Recreational Vehicle Tax - \$18.51
 - State of Kansas Sales Tax - \$2,038.23
2. Expenses: \$13,559.27
 - Bornholdt - \$3,723.01 (less donations of \$500 and \$62.14 refunded to committee)
 - City Clerk Salary and payroll taxes - \$939.68
 - Powered by Me (street tarring) - \$9,255.00
 - Ark Valley Utilities - \$130.01 (less refund of \$50.57)
3. Kansas State Law requires that 50% of all Alcohol Tax Revenue shall be allocated to Parks and Recreation Fund.

➤ **Jeff Jackson made a motion to allocate 50% of \$1,170.00 (\$585.00) to Parks and Recreation, seconded by Kenny Nuss. Motion passed.**

4. An Email was received requesting that we change the titles of the budgets posted for 2020 and 2021 to adopted and certified. That will be posted to website.
5. Mayor Moore asked the council to review the website and see if they have any comments or corrections to be included in Agenda for next meeting.

IV. Public Comments:

A. Chris Brown:

1. He has expressed concern about the dumpsters carrying the tree limbs. He feels that we should adopt a dumpster trucks fee to offset the wear on city roads.
2. He asked why the trees have been cleared at entrance. In his opinion it's the prairie grass not the cedars that are the fire problem.
3. He expressed that he feels that people in the community are afraid to come to the city council to express their own concerns.

B. Steve and Michael Swartz

1. Questioned the traffic ordinance of no parking in right of ways. No parking signs are posted at the entry that includes the entire community. He believes there are not enough no parking signs.
2. The maps that are on the internet are not accurate.
3. He asked if he could make an extension to his driveway parallel to the street in the city right of way. The council doesn't think so, but the council will need to contact our attorney.
4. The council received complaints that parking in the right of way at Snokomo Rd. and Crazy Horse was blocking the view for traffic. The council with consultation of our attorney wrote Resolution 2021-0067 to not allow parking in the right of way from dusk to dawn. This resolution is to be enforced throughout the City of The Highlands and not just in a few chosen places.
5. Councilman Nuss expressed that he feels there are hazards throughout the City with all the delivery trucks.

C. Invited guest Captain Wiens of Fire District No. 3 was not present.

V. Approval of minutes: January 10, 2022, regular meeting.

- **Butch Neel motioned to accept Minutes of January 10, 2022, as presented, seconded by Jeff Jackson. Motion passed.**

VI. Reports

A. Mayor

1. Verbal agreement with our attorney Stan Juhnke and judge Larry Bolton will continue.
2. Authorization of bank signature.
 - First National Bank asked for signatures for all signers and personal information to add Mark Kerschen. Carol Moore, Mayor, and Brian McElgunn, Treasurer, will continue to have signature authority.

B. AZC report

1. Permits:
 - Betty Iverson \$100 permit to add a detached garage.

- **Jeff Jackson motioned that the council sign and accept Iverson's building permit, seconded by Butch Neel. Motion passed.**

- Carol Moore \$50 permit to repair egress windows.

- **Kenny Nuss motioned that the council sign and accept Moore's building permit, seconded by Butch Neel. Motion passed.**

2. Drainage at Paganica Plaza (Greg Tyler)

- Butch Neel stated that a survey needs to be taken. This water was to flow back to the pond. The ditch will need to be dug to have this drainage to the north and then east to the pond so Greg can repair his driveway.

3. Ordinance 2020-23 (Chris Brown)

- Mo has not heard back from Chris Brown about a civil engineer being contacted. Chris said he did not receive the email and rarely checks the email listed in the city directory. Since Mr. Brown was present at meeting, Mo asked him if his ground was stable enough to build his home. He said that what was put up was temporary. He said he was removing the lower retaining wall and slope it back and the upper retaining wall will stay in place.

4. Carol Moore, Butch Neel, Jeff Jackson and Mo Penny consulted with Stan Juhnke regarding a concern about a property line, it is the responsibility of the lot owner to have it surveyed. Mo talked to Dan Garber, Garber Surveying, and he said that the legal responsibility to pay for a survey is up to the lot owner.

5. In accordance with the City of The Highlands Resolution 2021-19 and International Maintenance Code 302-7, Mo has proposed a letter to Chris Brown to fix his fence by his home.

6. Mayor will write a similar letter to the Popplreiters about parking in the right of way.

7. The 25' pole that had been installed in the ROW on Golden Arrow has been removed.

8. Can we ask the Reno Co. Fire Chief if the City of The Highlands can have a control burn within the City. When is the right year to have a controlled burn?

VII. New Business

A. ROW Committee

1. Tom Dobson reporting for ROW committee - He presented a map that they have color coded areas where right of ways need to be cleared so they can be mowed and maintained. They have defined the issues to the best of their ability.

- ### **B. Drafting a letter for the first phase of Right of Way clearing. This letter may encompass the Phase II of lot clean-up in some instances.**

- C. Discussion regarding the moving of dirt prior to building – This work should be taken care of with building permit.

VIII. Unfinished Business

- A. Progress of lot clean-up for Phase 1/fines. Minimal activity noted in the remaining lots in Phase I.
- B. Draft letter, lot clean-up for Phase II.
- C. Discussion of making another driveway as requested by Steve Swartz. The council discussed if this was legal or not, but the council will discuss this with the attorney.
- D. The council discussed that it has only been 5 years since the last fire and with the current conditions it could happen again.

IX. As may arise

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

X. Motion to adjourn

- **Motion made by Jeff Jackson, seconded by Butch Neel. Motion passed. Adjourned at 7:37 p.m.**