

**CITY OF HIGHLAND, KANSAS
REGULAR COUNCIL MEETING
CITY HALL
MARCH 8, 2017
7:00 P.M.**

COUNCIL MEMBERS PRESENT: Charles Batchelder, Dana Clary, Ben Gilmore, and Jesse Marriott

COUNCIL MEMBER ABSENT: Matt Peterson

CITY EMPLOYEES PRESENT: City Attorney Ted Collins, City Clerk Joann Karn, City Police Chief Brandon Whetstine, City Maintenance Supervisor Aaron Leach, and Deputy Clerk Melanie Hollabaugh

GUESTS PRESENT: Rita Clary, KRWA; Rocky Ruhnke, Selena Diveley, Chelsea Heinrich, Mike Batchelder, Dorothy Diveley, and Randy Snyder

PRESIDING: Mayor Jerry Twombly

7:00 p.m. Mayor Jerry Twombly called the regular city council meeting to order.

Ben Gilmore moved and Dana Clary seconded a motion to approve the February 8, 2017 regular meeting minutes. Motion carried 4-0

Charles Batchelder moved and Ben Gilmore seconded a motion to approve the bills as presented for the month of February 2017. Motion carried 4-0

PUBLIC COMMENTS:

Selena Diveley asked about the ditch near her home. Following discussion, Ben Gilmore moved and Jesse Marriott seconded a motion to install tile line in the 200 block of South Canada with the city crew installing the line and the property owners buying the tube. Motion carried 4-0

Selena Diveley and Chelsea Heinrich described the after school incident that happened involving a vehicle going through their yard and neighbor's yard. For safety of all, several options are being reviewed.

Rocky Ruhnke asked to schedule a meeting with the finance committee to discuss city funds for a grocery store. The finance committee of Ben Gilmore and Dana Clary will meet with Rocky Ruhnke March 13th at 5:30 p.m. at city hall.

COMMUNICATIONS AND REPORTS:

Mayor Twombly indicated the bucket truck was moved to the shop. The council had a previous motion to advertise two trucks on PurpleWave but due to their standards, it may be in the best interest to advertise local. Ben Gilmore moved and Dana Clary seconded a motion to accept sealed bids on the bucket truck and the F150 Red pickup and open bids at the next regular meeting. Motion carried 4-0

Mayor Twombly and Clerk Karn touched on our auditor's recommendations and the suggested use of the different sections of the agenda to assist in motion retrieval and conduction of efficiently run meetings.

Attorney Collins will be meeting with the Mayor, Councilman Matt Peterson and surveyor Rick Clark on what is known as the Saddle Club property.

Clerk Joann Karn attended a utilities workshop in Hiawatha, KS and a LKM clerk's course in Shawnee, KS. Information will be email to the council from both sessions. With Highland Insurance, Clerk Karn will review current insurance coverage and which events need special event insurance.

Police Chief Whetstine read his report.

Aaron Leach, Maintenance Supt., is raising manholes prior to the rain, will bring back prices for painting lines on Main Street, and getting ready for spring cleanup.

COMMITTEE UPDATES:

Finance Committee – Ben Gilmore: The committee discussed the possibility of establishing a joint recreation commission with the school district to levy taxes for the youth activities of the community. The committee will contact the school board and also ask for community input. The city-wide clean up day, with HCC assistance; will be the latter part of April; 21st or 28th. Date will be confirmed later.

Law Enforcement Committee – Matt Peterson: Absent

Parks and Rec. Committee – Dana Clary: Thanked Workers Aaron and Michael for installing the new swings at Minier Park. Degginger Park needs 25 bags of mulch at \$4.60/bag from Highland Hardware to be installed by volunteers. The Lions Club, Pride, bank, cemetery board is interested in buying an electrical box and PA system and asking if city wants to go in on it. Total cost is approx. \$2,500, looking at \$500 per club/business, to be used by clubs and not at private functions, store in city hall; will seek another bid and possible pay portion from Degginger Fund. Summer Ball 2017 – Handout summary of 2016 expenses (majority paid by city), inquiry letters are to be returned by March 17th to determine the number of teams, establish committee and appoint chairperson, coaches, and attend league meetings. Minier Park – should have information at next month's meeting on projected numbers/information on the splash pads.

Street and Alley Committee – Charles Batchelder: The committee evaluated the community center parking lot and will revisit it later. Approximately \$10,000 has been obligated for summer oil and chat of streets.

Water and Sewer Committee – Jesse Marriott: Rita Clary, KRWA, has approximately 100 income surveys to finish and projects to be completed and turned in to USDA in April.

OLD BUSINESS:

Taser Gun Bids – Police Chief Whetstine reviewed the bid for a 2017 Taser X26P, magazine & holster. Jesse Marriott moved and Dana Clary seconded a motion to purchase 2 of each (Taser, magazine & holster) totaling \$2,178.22 to be paid from the Diversion Fund. Motion carried 4-0

Personnel Policy Amendment – Attorney Collins reviewed and clarified areas of the personnel policy. See attached amendment. Chief Whetstine asked about the state's Click It or Ticket It program which allows the officers to be paid for the extra time by the city and the state fully reimburses the city. This is a contract approved for a 3-year period. Attorney Collins recommended documentation in minutes but not part of the policy. Deputy Hollabaugh had concerns on compensation if need to stay 10 – 15 minutes past time. Charles Batchelder moved and Ben Gilmore seconded a motion to adopt the personnel policy amendments as presented. Roll call vote: Marriott – yes; Batchelder – yes; Gilmore – yes; Clary - yes

Roadside Park Sale – Batchelder's exercised their "right of first refusal" and purchased the property for \$20,500. Following closing, the city will drop insurance on the property.

Schmitz Lawn Care Mowing Proposal – Mayor Twombly reviewed the prepay summer mowing bid presented by Schmitz Lawn Care. Dana Clary moved and Jesse Marriott seconded a motion to accept Option #2 and have Elmer Schmitz remove the Roadside Park from the bid. Motion carried 4-0

NEW BUSINESS:

Jesse Marriott moved and Charles Batchelder seconded a motion to purchase 25 bags of mulch at \$4.60/bag (\$115) from Highland Hardware for Degginger Park. Motion carried 4-0

ORDINANCES:

Ben Gilmore moved and Charles Batchelder seconded a motion adopting Ordinance Number 536 which provides no compensation to the Mayor and members of the city council for their service. Roll call vote: Marriott – yes; Batchelder – yes; Gilmore – yes; Clary – yes

NEW BUSINESS:

Police Chief Whetstine stated his vest is worn out and the county attorney will purchase a new one but asks the city to purchase and the county will reimburse. Ben Gilmore moved and Jesse Marriott seconded a motion allowing Chief Whetstine to purchase a bullet proof vest up to \$1,200 paid from the Diversion Fund. Motion carried 4-0

EXECUTIVE SESSION:

Charles Batchelder moved and Dana Clary seconded a motion to recess into executive session at 8:10 p.m. for 15 minutes to discuss non-elected personnel for the protection of the privacy rights of the protected employee(s) and the open meeting will resume in the city council chamber at 8:25 p.m. Motion carried 4-0. Mayor asked the City Attorney, City Clerk to remain

Jesse Marriott moved and Charles Batchelder seconded a motion to adjourn at 8:25 p.m. Motion carried 4-0.

Mayor

City Clerk

PERSONNEL POLICIES AND GUIDELINES

CITY OF HIGHLAND, KANSAS

AMENDMENTS ADOPTED EFFECTIVE MARCH 8, 2017

The following provisions of the *PERSONNEL POLICIES AND GUIDELINES OF THE CITY OF HIGHLAND, KANSAS*, as adopted effective December 20, 2016, are hereby amended as follows (certain existing provisions being struck and others added in italics). These amendments shall be inserted into the current document, to update the same, in replacement of the existing provisions:

ARTICLE II – COMPENSATION

By deletion and substitution of Section 3 (a) and (d) as follows:

II-3 Overtime Work

(a) Overtime:

Overtime, as used or defined herein, is time worked by an eligible employee in excess of the normal work week (40 hours) as defined herein; *provided, however, the normal work period (not work week) for police officers is two weeks (80 hours), as defined herein.* Overtime shall always be credited as compensatory time whenever the same does not exceed the limitations established herein or by the Fair Labor Standards Act (FLSA), *subject to the additional limitations prescribed by the City herein.* Except in an emergency, all overtime work must have prior authorization by the mayor or, in his absence, the president of the city council. *Time worked, for purposes of qualification of the employee for overtime or comp time, does not include any time off for holidays, vacation or sick or other leave, whether or not such time is paid for.*

(d) Exemptions:

Employees in an administrative or executive position, as defined by FLSA, shall not be eligible for overtime compensation or compensatory time if their salary exceeds the applicable threshold amount. Full-time positions, as defined herein, do not meet the hourly requirements for overtime compensation or compensatory time under FLSA. Public safety employees engaged in law enforcement (police officers) are not eligible for overtime compensation or compensatory time under FLSA, but are entitled to FLSA minimum wage requirements; *provided, however, it shall be the policy of the City, unless rescinded by the governing body, to allow overtime compensation or compensatory time to City police officer employees under the provisions stated herein.*

ARTICLE III – ATTENDANCE & LEAVE

By deletion and substitution of Section 1 (a) as follows:

III – 1 Hours of Work

(a) Work Week:

The normal work week, except for the full-time positions *and police officers*, shall consist of 40 working hours. ~~Police department employees shall have on-call time, in addition, as specified from time to time by the governing body.~~ Said work week shall commence at 12:00 midnight on Friday and shall end the following Friday at 12:00 midnight.

The normal work period shall be bi-weekly for police officers and shall consist of 80 working hours. Police department employees may have on-call time, in addition, as specified, from time to time, by the governing body. Such on-call time may be restrictive or unrestrictive in nature, and shall subject to such conditions and compensation as may be established by the governing body from time to time. Said work week shall commence at 12:00 midnight on Friday and shall end on the second following Friday at 12:00 midnight. Police department employees shall not be permitted to work in excess of their normal bi-weekly work period, except when so directed by the mayor, or on the occurrence of one of the following circumstances:

(1) *When an officer is required to work beyond the end of his normal shift in order to complete a matter or investigation already undertaken or any other matter requiring immediate action.*

(2) *When an officer is on call, and is called out to address a matter that constitutes an emergency or which otherwise requires the officer to address the matter in a timely fashion. In such event, the normal rate of pay and/or overtime/comp time provisions for such officer do not apply. In such event, the officer will be compensated in an amount that is established, from time to time, by the governing body.*

No employee shall be permitted to work in excess of their normal work week, except when so directed by the mayor, *and subject to the exceptions for police employees. The usage of a time clock may be implemented and utilized, from time to time, for purposes of monitoring employee timeliness and accountability, but shall not change the normal work schedule, or the hours of compensated work, for any employee of the City.*

ARTICLE X – MISCELLANEOUS

By deletion and substitution of Section 5 (d) as follows:

X-5 Use of City Property

(d) Vehicles: The following policies apply with respect to vehicles:

1. The only personal use of any municipal vehicle shall be in those instances where the City allows certain employees to use said vehicle in commuting from his residence to work.
2. Vehicles owned by the City shall remain within the confines of the Highland City limits, or shall otherwise be driven only in connection with the employee's performance of duties, directly to and from the sites of the City water wells or the City water tower, to and from the City park located West of the City limits, or directly to and from such other locations as may be required in the performance of such employee's duties. Police vehicles can leave the city limits in connection with performance of their duties. *The governing body may allow specified police officers to drive their police vehicle to and from work, and to keep the same at their residence, in order to allow for more timely emergency and/or on-call response.*