

CITY OF HIGHLAND, KANSAS
REGULAR COUNCIL MEETING
CITY HALL
September 8, 2021
5:00 P.M.

COUNCIL MEMBERS PRESENT: Greg Delzeit, Marty Allen, and Dan Collins

COUNCIL MEMBERS ABSENT: Rocky Ruhnke and Terry Gibson

CITY EMPLOYEES PRESENT: City Attorney Ted Collins, City Clerk Joann Karn, Superintendent Kevin Lackey, and Chief of Police Brandon Whetstone

GUESTS PRESENT: Mr. and Mrs. Gregory English, David Welch, Joe Florence and CB Lackey

PRESIDING: Mayor Charles Batchelder

Mayor Batchelder opened the Public Hearing for the purpose of receiving comments regarding adopting a resolution to exceed the Revenue Neutral Rate (RNR). Following a short review, Greg Delzeit moved and Marty Allen seconded a motion to adopt Resolution 2021-05 to exceed the Revenue Neutral Rate and authorize the mayor to sign. Motion carried 3-0

Marty Allen moved and Greg Delzeit seconded a motion to close the RNR Hearing at 5:05 p.m. Motion carried 3-0

Mayor Batchelder opened the second Public Hearing for the purpose of receiving comments regarding the petition for vacation of the North 20' of Ohio Street located between the east right of way line of Vermillion St. and the West right of way line of Canada Street. Following discussion, Marty Allen moved and Greg Delzeit seconded a motion to vacate the North 20' of Ohio Street located between the East right of way line of Vermillion St. and the West right of way line of Canada Street, contract water main installation, city employees build the street and authorize purchase of rock for newly constructed street, to Welch's driveway. Motion carried 3-0

Marty Allen moved and Greg Delzeit seconded a motion to approve Ordinance #577 – Vacating the North 20' of Ohio Street located between the East right of way line of Vermillion St. and the West right of way line of Canada Street. By Roll Call: Delzeit-yes; Allen-yes and Collins-yes Motion carried 3-0

Marty Allen moved and Greg Delzeit seconded a motion to close the Vacation Petition Hearing at 5:15 p.m. Motion carried 3-0

Mayor Batchelder opened the third Public Hearing at 5:15 p.m. for the purpose of receiving comments regarding the 2022 budget. Following a brief review, Marty Allen moved and Greg Delzeit seconded a motion to adopt and sign the budget for calendar year 2022. Motion carried 3-0

Marty Allen moved and Greg Delzeit seconded a motion to close the Budget Hearing at 5:20 p.m. Motion carried 3-0

Mayor Batchelder called the regular city council meeting to order at 5:20 p.m.

Marty Allen moved and Greg Delzeit seconded a motion to approve the minutes of the August 11, 2021, regular city council meeting. Motion carried 3-0

Greg Delzeit moved and Marty Allen seconded a motion to approve the bills as presented. Motion carried 3-0

Police Chief had nothing to report and asked to leave at 5:22 p.m.

ORDINANCE:

Following review, Marty Allen moved and Greg Delzeit seconded a motion to adopt Ordinance Number 576 in accordance with Article 13 of Ordinance Number 513 of said city, amending boundaries of zoning districts in effect pursuant to said ordinance, defining the changes as amended and changing the Official Zoning Map of said city, specifically, changing the zoning classification of a 5.0 acre tract, annexed into said city by Ordinance No. 570, from

County Zone A-1, Agriculture, to R-2, Medium Density Residential. By roll call vote: Delzeit=yes, Allen=yes, Collins=yes Motion carried 3-0

PRESENTATIONS/PUBLIC COMMENTS:

C.B. Lackey commented the fuel depot will be operational mid-October or the first of November.

COMMUNICATIONS AND REPORTS:

Mayor Batchelder – Nothing at this time.

Attorney Collins –Items later in the meeting. Brief comments/discussions on: water treatment brine disposal process, Heinrich sewer backup claim has settled, dog issue to be resolved, Dorrell’s estate issues, updated unsafe structures issues, formal letter regarding B.J. Smith’s jet ski area and a follow-up with Attorney Baskins regarding the sheriff’s sale. Consensus of the council prefers some leniency during the busiest part of the season with Terry Moran, Moran’s Lawn Service, equipment in town.

Clerk Karn –Later in the meeting

Water/Sewer Superintendent Saunders and City Superintendent Lackey – Supt. Lackey reported Well 5 was struck by lightning. Regarding Well 3, pull the pump and test for volume will cost \$10,000-\$15,000 and any work is about a month out. Attorney Collins will visit with HCC President Fox regarding the college’s intentions on Well 3. Regarding streets, Supt. Lackey visited with Vance Brother and BG Consultants, most streets are good and need no milling, several ways to seal cracks before applying 3/8”-1/2” product which will last 6-8 years which is less than half the cost of asphalt overlay.

COMMITTEE UPDATES:

Finance Committee – Marty Allen & Rocky Ruhnke – Nothing at this time.

Law Enforcement Committee – Terry Gibson & Marty Allen – Nothing at this time

Parks and Rec. Committee – Greg Delzeit & Rocky Ruhnke – Nothing at this time

Street and Alley/Bldg & Grounds Committee – Terry Gibson & Dan Collins – Nothing at this time.

Water and Sewer Committee – Rocky Ruhnke & Terry Gibson – Absent

Planning & Zoning – Marty Allen & Greg Delzeit – Nothing at this time.

Personnel Committee – Greg Delzeit & Dan Collins – Nothing at this time.

OLD BUSINESS:

Recommendation for 2021 auditor given next month.

Sublease agreement with USD 111, Doniphan Darlings, LLC and city presented next month.

Attorney Collins and/or Committee will check with Councilman Ruhnke regarding the preliminary design of the Matthias/Saddle Club Area for next month.

NEW BUSINESS:

Marty Allen moved and Greg Delzeit seconded a motion authorizing payment of \$100 each to support the Mustang Booster Club and for an ad in the Doniphan West yearbook. Motion carried 3-0

Greg Delzeit moved and Marty Allen seconded a motion at the request of the League of Kansas Municipalities to pass a proclamation for the 60th anniversary of the passage of constitutional Home Rule. The Home Rule Amendment took effect in Kansas on July 1, 1961, which gives cities the power to make decisions at the local level based on the unique needs and values of their residents. Motion carried 3-0

ORDINANCE

Following discussion, Marty Allen moved and Greg Delzeit seconded a motion to adopt Ordinance #573. An Ordinance of the City of Highland, Kansas incorporating the *Uniform Public Offense Code for Kansas Cities*, 37th Edition, with certain changes. By roll call vote: Delzeit – yes, Allen – yes, and Collins – yes. Motion carried 3-0.

Marty Allen moved and Greg Delzeit seconded a motion to adopt Ordinance #574. An Ordinance of the City of Highland, Kansas incorporating the *Standard Traffic Ordinance for Kansas Cities*, 48th Edition, with certain changes. By roll call vote: Delzeit – yes, Allen – yes, and Collins – yes. Motion carried 3-0.

Marty Allen moved and Greg Delzeit seconded a motion to adopt Ordinance #575. an Ordinance of the City of Highland, Kansas, amending permitted hours of Sunday Sales of alcoholic liquor and cereal malt beverage in the

original package within the City of Highland, and amending portions of ordinances 498 and 569 of said city. By roll call vote: Delzeit – yes, Allen – yes, and Collins – yes. Motion carried 3-0.

EXECUTIVE SESSION:

Marty Allen moved and Greg Delzeit seconded a motion to recess into executive session at 6:15 p.m. for 10 minutes for consultation with an attorney on legal matters that would be deemed privileged in attorney-client relationship and the open meeting will resume in the city council chamber at 6:25 p.m. Motion carried 3-0 Mayor asked the city attorney and clerk to remain

Marty Allen moved and Greg Delzeit seconded a motion to recess into executive session at 6:25 p.m. for 5 minutes for consultation with an attorney on legal matters that would be deemed privileged in attorney-client relationship and the open meeting will resume in the city council chamber at 6:30 p.m. Motion carried 3-0 Mayor asked the city attorney and clerk to remain

Marty Allen moved and Greg Delzeit seconded a motion to adjourn at 6:30 p.m. Motion carried 3-0

Mayor

City Clerk