

**City of The Highlands**  
**Workshop Minutes February 04, 2020**  
**1:00p.m. - 4:00 p.m.**

Held at: Hutchinson Public Library, Hutchinson, Ks

Attendees: Bonnie Teel, Carol Moore, Butch Neel, Robert Bowman, Mo Penny, Barbara Bowman, Harley Teel,

Opening; Mayor Mo Penny submitted his written resignation from the city Mayor position and also submitted the written resignation of Mark Kerschen from the position of city council member and from the position of city treasurer.

Butch gave Bonnie the service agreement from attorney Stan Junhke to be considered by the council at the February 13 meeting.

Bonnie said there are issues the council needs to address at a special meeting regarding the two resignations. Three members of the council can call a "special meeting" on Thursday, February 6, 2020, beginning at 9:00 a.m. It will be followed by the scheduled "workshop session", where the council will continue discussing ordinances, both held at the Hutchinson Public Library Room #1. Bonnie stated that she would place the information about the special meeting on the city website to meet KOMA requirements. City currently does not have any special notification requests active at this time for "Council meetings" or "Special Meetings".

Carol asked if we need an election for Mayor to replace Mo Penny - to which Mo responded, "No." The existing president of the council will assume the role of mayor of the city. Carol asked if Bonnie will take that position and Bonnie said would not. Then she submitted her resignation as council president effective at the end of this meeting. She said we would need to vote on a new president at the next "special or regular meeting."

Robert asked if we could do this in a workshop, and Mo said we can accept the resignation in a workshop but must vote for a new council president only in a "regular council meeting" or in a "special council meeting." We will also need to find new people for the two vacant council seats.

Carol asked who has access to the website. Bonnie said she is the only one at this time until we can designate someone to oversee it. There are other tasks that were assigned to Mo and Mark that will need to be re-assigned to the various council members. Suggest we wait until new council members are sworn in. Oaths may be performed by Mayor, City Clerk or County Clerk. New Mayor will need to be sworn in by Reno County Clerk.

Mo asked if he can still help with some of the city activities. Bonnie said that if Mo wanted to assist a Council member that was allowed as long as a council member is the lead on that task. But council had previously decided not to form any multiple member committees at this time, other than the BZA.

Butch said he has talked with Loren Frees about a council vacancy, and Loren seemed interested. Butch also has some other people in mind.

Discussion of the Gary Graber building application request--Butch said that Gary will build a sun room to address the needed extra square footage. Gary requested to have house address on Dull Knife when his entrance road shows on 95<sup>th</sup> street. Carol said Dull Knife would be a better access address for the Graber home as it would be easier for the EMS vehicles to find the house. Maybe AZRC can work out an option with the applicant on both issues prior to presentation to the city council. This will be addressed at 2-13-2020 meeting.

Butch also talked with Ark Valley Electric Company about the pole they want to move into the city ROW. Robert said he also talked with them, and they said their future plans involve POLES. The problem is the owners of the nearest house do not want the trees removed. Carol asked what is the city liability if the pole is moved to the ROW? Carol said she would like to have Ark Valley put all their lines underground. Butch said he had gotten them to do that at a previous address in The Highlands. Bonnie will check with Insurance Company about City liability. Ark Valley was told that this issue would be brought before the council at the 2-13-2020 council meeting.

Robert began talking about his items listed on the agenda.

--Gary Graber summary was discussed with no additional comments.

--Christopher Swartz request to move dirt and trees on his lot was discussed. The sample letter to him was discussed but no decision could be made at this meeting.

--Bonnie discussed form for "Special Permits" to cover dirt work, clearing of lots, decks, etc. that was created last year but never placed on agenda for approval. This form will be placed on 2-13-2020 agenda for consideration.

--"Hardship" was discussed. Robert had previously emailed the response from the KLM about State Statute 12-759(e) condition that includes the concept of hardship. LKM suggested that we follow the state directive. Robert said he will ask the council for permission to withdraw his request to consider adding a different definition of hardship to 2019-12 at the council meeting of 02/13/2020 for council consideration and decision.

--Also discussed was the question of whether or not The Highlands should ask the Reno County Commissioners to create a "Memorandum of Understanding" between The Highlands and the Reno County Health Department. Robert gave information on this subject but will have further discussion and decision at a regular council meeting.

--Discussion of Ordinances creation.

\*"**Land Use**" was discussed. Robert and Bonnie are assigned to work on it. We want to include non-conforming uses. Non-conforming uses involve homes built before the ordinances became effective and do not comply with the current ordinances. They do

not have to comply with the ordinance, but if over 50% of the home is destroyed, then they must rebuild in accordance with the ordinance. Land use could include such things as piles of brush or other sources of fire fuel. It could also include parking in a dangerous location and Home Based Businesses.

\*An “**Animal Control**” ordinance was then discussed. There were some suggested changes to the ordinance on page 3. It was suggested that we use a statement such as "as long as there is no complaint or nuisance" when discussing the number of dogs or cats. That number was agreed to be 4. The issue of whether or not to allow chickens was left as an issue for the attorney to resolve. There was a great deal of discussion on the issue of a pet that attacks another person or pet on public or private property. That section will be re-worded. Also where the ordinance says disposing of an animal at the owner's expense needs to be re-worded. Barbara did say that private property is not necessarily the owner's property. There was discussion about the traps as stated in the ordinance. Enforcement of animal control issues was to be handled either through the Enforcement Officer or through the Municipal Court. Carol is working on enforcement.

Bonnie has financial information the U.S. Census will need, and she will respond on web site so Carol will not need to.

\*“**Nuisance**” laws were discussed as Bonnie and Robert are working on these.

Harley brought up the issue of “tort laws” and how the city might be vulnerable. Barbara used the analogy that two neighbors can have trash on their property, but the city only addresses the trash problem for one of the neighbors. Can the city be found guilty of a violation? Question to ask the Attorney.

\***Fireworks**--Butch said the only real question is the annual display at the land owned by Brad Easter. Does the sponsor have to have a state licensed individual to set off fireworks? Bonnie said we should look at LKM to see if there is information there. Barbara pointed out that the city council will need to make a decision about commercial fireworks displays.

\*Robert asked about the liability to the city if the city allowed someone to conduct a commercial display without having someone who has a fireworks operator's license. Bonnie to check with city insurance company concerning this issue.

\*Robert will call Reno County Sheriff to ask how they handle storage of confiscated fireworks. There was a question of whether the city should charge a fee for the issuing a commercial fireworks permit.

\*Bonnie will check with the city insurance agent to see how much insurance the fireworks sponsor should carry.

\*Discussion on “**Burning**” ordinance consisted of wind speed and how to determine a Burn Ban for the city. Robert will call Fire District #3 to ask about the red triangle burn flag on the fire station flag pole. This issue would directly impact both burning and fireworks display approvals.

\*Bonnie (in an effort to maintain KORA regulations) asked Butch if he would talk to Jeff Jackson and Brad Easter to get the old AZRC permanent files and give them to Robert. He said that he would.

Meeting ended.

Minutes taken by: Robert Bowman