

The Council of the City of Wellington, Kansas, met in a Work Session on January 23, 2018 at 6:00 p.m., in the City Council Room, City Administration Center, with Mayor Shelley Hansel presiding.

The Pledge of Allegiance was led by Mayor Hansel.

Council members Kip Etter, Kelly Hawley, Jennifer Heersche, Kevin Dodds, Joe Soria and Jim Valentine were present at roll call.

Members of the Staff present were City Manager Shane Shields, Finance Director/ City Clerk Carol Mericle, City Attorney Shawn DeJarnett, City Prosecutor Kerwin Spencer, and Chief of Police Tracy Heath.

***Vicious Animal Ordinance.*** City Manager Shields opened the discussion regarding the current ordinance. Chief Heath provided a brief summary/ timeline regarding the dangerous dog /vicious animal ordinance. From 1986 until 2008 there was a pit bull ban. Then in 2008 the City made a decision to not be breed specific so it was changed to a dangerous dog/vicious animal ordinance. In 2011, under the advisement of then City Manager Gus Collins, he chose to appoint an animal control committee. The committee included Chief Heath, the City Prosecutor and several council members who met several times for about a year.

The second document that was presented, lists an Animal Bite Report covering the years from 2014 to 2017 and gives the history with the breed specified. Chief Heath continued in that four-year survey there were 123 dog bites reported and there were 85 court cases filed for dog bites. The procedure after a bite is reported is the dog is impounded and transported to an animal clinic if space is available. If the animal bites a person, a police report is filed and submitted for prosecution. Chief Heath explained the last column on the report explains why the bite happened such as the dog was not under owner control and was merely running loose. There were lots of cases due to the dog eating and being interrupted. Council member Valentine asked people in the audience for a show of hands if they have been bitten by a dog. He also asked if the dog was at large when it occurred. Several audience members had experienced a dog bite. Council member Valentine said there is a loop hole, if a dog is loose. He feels that if a dog at large bites someone we should find the owner, charge them a \$500.00 fine and put the dog down. Council member Valentine told of the 2 attacks by dogs that he encountered in past years, and the dog attack on Dr. Randy Grill and his dog on December 23<sup>rd</sup> of last year.

Council member Hawley asked Chief Heath about pit bull dogs. Chief Heath answered he is not going to single out this breed as being a vicious breed. Mayor Hansel asked Council if the breed should be considered or leave it as is dangerous/vicious dog ordinance. Council member Etter stated the issue is about any vicious dog not just a specific breed. City Prosecutor Spencer read the definition of a vicious dog. He also read about trespassing as a cause for bite. He also told of the insurance that is needed on a dog if it is determined to be vicious. Prosecutor Spencer told if a 2<sup>nd</sup> bite by the same dog, it will be determined to be vicious. Some cases have been decided in other ways, but he said they try to follow existing Ordinances. One case has been to district court, which was a young girl walking a smaller dog and was attacked by a bigger pit bull dog. In that case the dog was found to be vicious. Council member Etter asked how many of the 62 cases ended up being called vicious. Prosecutor Spencer stated that all 62 cases were filed and proved to be vicious.

Chief Heath said the current Ordinance was written by City Attorney Mike Brown in 2008. City Attorney DeJarnett reported he has done research regarding the Ordinance and issues at hand, and Wellington is very different than other cities that were looked at. The current Ordinance has a lot more wording and is open to a lot of gray areas. City Prosecutor Spencer explained the extra costs of jail time and putting a dog down. Council member Etter asked about tethering a dog and who is responsible for

animal codes. Chief Heath stated if any department or citizens see a vicious dog tethered or a fence that is not holding the animal, they need to report it. City Prosecutor Spencer told that there is a leash law and read the Ordinance. He continued it is unlawful to let a dog run at large. Council member Etter suggested cleaning up the language in the Ordinance, remove the gray areas and maybe raise the fines as well. Council member Valentine asked what right does a walker or a jogger have if attacked. Chief Heath stated that you have a right to protect yourself by all means if a dog is attacking you. After more discussion, the Mayor asked Staff to look at the current Ordinance, to make it easier to understand and enforce.

Public Works Director Jeremy Jones entered the meeting.

***Automated Curbside Recycling Program.*** City Manager Shields introduced Public Works Director Jeremy Jones who has information, as provided before, regarding the Sanitation and Recycling project. Director Jones explained the change that has been made to the prior proposal, which is the Armory is no longer going to be used as stated before. He also gave the 2018 financial update that includes charts that are provided in the agenda. The history of expenditures and revenue changes since 2011 were discussed. He explained the Sanitation department is not making enough money to cover their expenses, as they lose money each year on the collection side. The money that is coming into the Landfill Transfer Station from outside the area is helping to cover the service. If that revenue was not coming in, then the city would be losing a considerable amount of money. Director Jones presented the 2018-2023 plan, and where the fund would end up by 2023 without automation. He told the fund balance now and he will need to purchase a Sanitation truck for \$150,000 to replace the 2006 model now, and will need to replace a truck for \$150,000 in 2019. Director Jones said we would not have the cash to buy the second truck that is needed, so would need to do a lease purchase. He continued in 2020 is where it catches up with us, and we would be in the hole by then based on no fee increases and a balanced 430 budget. Council member Dodds asked about rebuilding old trucks. Director Jones said he would then need 4 trucks to allow a truck to be out of commission for 6-9 months to keep 3 trucks in the process.

Mayor Hansel asked if the transfer station will need to be updated, even if automation is not done. Director Jones told that the transfer station was built when Sumner County owned the Landfill and was one of the first transfer stations in Kansas. It has a 50'x50' floor and has a 4 foot wall where we shove the trash to, and then have to lift it up to get into the semi-truck. He continued they cannot load the trash as quickly as the haulers are coming in and unloading their trash. It takes 2 to 3 minutes for outside trucks to unload and then 20 minutes for us to load the semi-truck. The money from customers outside our area is floating the entire operation at this point. He stated the operation is losing \$15,000 profit if a customer is bringing in a 1000-ton load and we do not have the time and space for them to dump here.

Director Jones shared that the cost estimate is \$875,000 for a new transfer building at the Landfill. The total proposal for Automated Trash and Recycling project is a \$2.1 million bond issuance. The annual payment is \$242,000, and if half of that would be \$120,000 for the building, we could pay for that part with Landfill revenues. He continued, then we need for our local rates for collection to start carrying itself. Council member Etter stated that based on the numbers, the Landfill operation will fund itself and still make some surplus. That money is not coming from anyone in Sumner County. He said no matter what, we have to buy a truck, and if you can buy a truck that is going to be automated and will take the place of 2 regular trucks, plus reducing employee cost and worker's compensation cost.

Council member Heersche stated the transfer station revenue is not guaranteed money, so what if the City spends the money and the haulers go elsewhere. Director Jones answered the haulers are going to have to find a cheaper rate, and it's all about dollars and cents. He said they have not cut any deals with the haulers, and we aren't getting the business from the large companies, we are getting it from the

smaller ones and they appreciate our rates and service. Council member Heersche asked if there will be penalties to force residents to recycle. Director Jones told the rules for enforcement would come from the Council. Customers are going to receive two containers so they might as well use them. He continued there should be penalties if trash is getting in the recycling or the companies we are selling the material to will stop taking it. Council member Valentine stated he isn't forcing anyone to recycle. Mayor Hansel said she is not going to force the town to recycle. The Council will enforce the rules of the program, and will advise staff as what to do.

Director Jones explained the proposal for a new loader is for the new building. The loader that was bought 4-5 years ago is constantly breaking down. Mayor Hansel explained that she has talked to the Mayor of El Dorado on this issue. They went through the same thing, and were worried about the cost. Since the changes have been made in Eldorado, the community as a whole is very pleased with the automation and recycling program. Director Jones reported he took a tour at the City of Eldorado, and learned from them.

Director Jones said for the citizens that are unable to take their trash to the curbside, we have employees that are able to help them with getting the trash out of the house and dumped. The citizens will be taken care of.

Council member Heersche wanted to know if the recycling would still go to the same building that it goes to now. Director Jones stated that building would not be used, as the trucks will haul recycling direct to Hutchison. Council member Etter asked what will be done with the current recycling building. City Manager Shields stated that other departments will house equipment there.

Director Jones reported that new housing additions in other towns don't put in alleys. Council member Etter told about rubbish in alleys, and how it created animal problems. He said if this project can clean up the alleys, then codes can be reinforced regarding trash at residences. He also told about the petition carriers for the automation project and they told people the wrong things about signing it. He feels this is a great opportunity for the City. Director Jones gave a report on doing the automated trash without recycling. The last page of information in the Agenda explains this plan. It would possibly be a \$1.5 million bond issuance and a rate increase of \$1.50 per month for residential service would need to be done. He added that the complete plan that includes recycling suggests a raise of \$2.00 per month for residential service. Council member Hawley suggested a larger rate increase and save the funds for a future recycling program. Director Jones stated that the City would need to do a \$3-\$4 increase to put money in the bank. Mayor Hansel thanked Director Jones for all of his hard work putting this plan together for automation and recycling. She stated recycling is the right thing to do for the future of our kids and their kids, as they will prosper from our recycling. In the long run it is the right thing to do. Council member Etter stated this is the right thing to do, we are already behind the times as a municipality this large. This resolution will come to the Council at the February 6<sup>th</sup> meeting.

City Manager Shields mentioned he had received 3 Request for Proposals, for the City Prosecutor job. The deadline was the 19<sup>th</sup> of January. He asked how much the Council wants to be involved in the process. So far a committee has been formed of Chief of Police Heath, City Manager Shields, Finance Director /City Clerk Mericle, and Director of Public Works Jones. Council member Hawley suggested the Council review the decision of the committee at a work session.

City Manager Shields told the Board application process still needs someone for the Library Board. City Clerk Mericle reminded the Council to be soliciting an applicant.

City Manager Shields said the Memorial Auditorium heaters are not working. To repair them would be \$8,700 and to purchase new ones would be \$13,520. He added if A/C is installed later then the

new heaters would not be compatible. Director Jones has talked with Waldorf-Riley about air conditioning, and it would cost \$75K-115K for compatible installation. The estimate is \$100K. City Manager Shields told in the air conditioning fund there is \$15,843, and in the trust fund there is a balance of \$45,292, for a grand total of \$61,135. Council member Dodds stated he doesn't want to drain that fund. He also remembered when CDBG block grants were being done for energy efficient upgrades, and asked if the Auditorium could qualify. Council member Etter asked about the cost for a compatible heater only. Director Jones said the estimated price would be 2/3 of the \$75K - \$90K cost of the total compatible system. City Manager Shields stated that you could potentially use some money in the Capital Improvement fund. You could use about \$15,000 out of that money for this project and still be conservative. Director Jones reported it will be three to four weeks for anything to be done to fix this problem. Council member Heersche told about the CDBG grant for cities with population under 50,000, and the qualifications that are needed. Staff will investigate this option and report back to the Council.

A motion to adjourn was seconded and carried.

Approved and filed this 6th day of February 2018.

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Mayor

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City Clerk