

The Council of the City of Wellington, Kansas, met in Regular Session on April 19, 2016 at 6:30 p.m., in the City Council Room, City Administration Center, with Mayor Shelley Hansel presiding.

The Pledge of Allegiance was led by the Kennedy Elementary students from Ms. Edwards and Mrs. Wilmoth's Fourth Grade Classes: Sam Wiley, Shelby Popplewell, Ashton Bain, London DeJarnett, Emma Gouch, Sheadyn Stewart and Luke Templeton.

The Invocation was given by Reverend John Clayton of Wellington Baptist Temple.

Council members Bill Butts, Kip Etter, Kelly Green, Jan Korte, Jim Valentine and Vince Wetta were present at roll call.

Members of the Staff present were City Attorney Mike Brown, City Manager Roy Eckert, City Clerk Carol S. Mericle, Finance Director Shane Shields, Public Works Director Jeremy Jones and Utilities Director Jason Newberry.

### **AUDIENCE PARTICIPATION**

**Sherry's Army.** On behalf of Sherry Wiley with Sherry's Army, Council Member Green is asking for support from the City with a dump truck and driver for the clean-up this Saturday, April 23, 2016. If you would like to volunteer, you can meet them at parking lot of Pizza Hut at 8:00 a.m. The area to clean up is Plum, Park, Poplar and Olive from 16<sup>th</sup> – 22<sup>nd</sup> St, Blaine St from 8<sup>th</sup> to 22<sup>nd</sup> and "H" Street North of the viaduct all the way to Hillside. Mayor Hansel asked Director Jones if it would be an issue for the City to provide the dump truck. It was clarified that a trailer would work best. Director Jones answered he will arrange for a pick up and trailer. Mayor Hansel thanked everyone involved and for those who volunteer their time. The clean-up occurs one Saturday a month.

**Wellington Food Bank Fund Raiser.** John Munro, 529 Morningside Drive, Fundraising Chairman for the Wellington Food Bank, informed the council that the Food Bank will be having a fundraising auction and raffle this year. He added they will be raffling and auctioning off two custom Henry .30/.30 rifles and will actively begin promoting the sale of tickets around June 1<sup>st</sup> up through the Wheat Festival in July. Mr. Munro said they will have the drawing and auction on the Saturday prior to Wheat Festival street dance in front of the Memorial Auditorium. The VFW offered to help them sell tickets and are exploring possibility of setting up a display booth in the Veteran's room at the Memorial Auditorium. Mayor Hansel thought the idea was great and encouraged volunteers to assist with this project during the Wheatfest. One hundred percent of all proceeds will go to the Food Bank. Last year they collected around \$1,900 and this year they are thinking somewhere around \$6-7,000. If you want to get involved, you can contact John Munro at 620-326-8129.

**KPP Update.** Mark Chesney, CEO and General Manager of the Kansas Power Pool reported May 4<sup>th</sup> @ 6:30 p.m., they will host a member appreciation dinner at the Hyatt in Wichita. He invited the Council to attend. The speaker this year is Jeremy Hill of WSU, who is an expert of population dynamics. He also told that September 9<sup>th</sup> & 10<sup>th</sup>, the 3<sup>rd</sup> Annual Fall Retreat in Wichita, is at the Old Town Hotel. If there are topics the Council would like to see discussed in breakout sessions or issues to be discussed, please let them know.

Council member Valentine asked for an update on wind generator contract. He discussed contract with Marshall County KS and how we will benefit from kilowatt hours and pricing once the project goes live.

### **CONSENT AGENDA**

Council member Bill Butts moved to approve the consent agenda. Council member Wetta seconded. The motion carried. The following items were approved under the Consent Agenda.

- APPROVAL OF MINUTES

- 1) Regular Session of Work Session of April 5, 2016
- APPROVAL OF APPROPRIATIONS
  - 1) Payroll Report March 20- April 2, 2016 in the amount of \$228,690.27
  - 2) ACH Authorization Voucher #994 for BCBS for April 6 - 12, 2016
  - 3) Claims Register for April 1- 15, 2016 in the amount of \$964,413.93.
- COUNCIL CORRESPONDENCE
  - 1) Clerk's Report for March 2016
  - 2) Electric, Waterworks, Sewage Operating Fund for March 2016
  - 3) Treasurer's Quarterly Report for January 1 – March 31, 2016
  - 4) Memorial Auditorium Board Meeting Minutes for March 3, 2016
  - 5) Park Board Meeting Minutes for March 14, 2016
  - 6) Library Board Meeting Minutes for March 9, 2016
  - 7) Safety Newsletter for April 2016
  - 8) Police Activity Report for March 2016
  - 9) Ambulance Monthly Financial Report for March 2016
  - 10) Fire/EMS Activity/Overtime/Revenue Report for March 2016

#### **REPORTS OF MAYOR AND COUNCIL**

Council member Valentine wanted to Street Department to know they are doing a great job sealing patches all over town.

Council member Kip Etter said the City Manager contract is up for review and he wanted to make sure it was on an upcoming agenda. He also asked for an update on the raw water review. Manager Roy Eckert responded that 25 letters were mailed out and only 13 responses were received. Out of that, there are 4 who have signed well contracts and others that are in the process. There are others who have decided to go into litigation. Manager Eckert explained that this issue is State mandated from the Federal government and for many years has been pushed back until we recently received a State mandate dictating the discontinuance of raw water as of May 1, 2016, or fines would be imposed. He said we saw this coming, but did not want to leave the customers without water so the City offered a program to promote well drilling with the local drilling prices averaging \$6,000, so that is what they offered. There have been some successes and others who have not found water at all. Manager Eckert told that the City is working with the State, who is pleased to see progress, to see if we can get an extension on the May 1<sup>st</sup> deadline. Council member Etter asked how many had accepted the contract and Director Newberry responded 4. He added that 4 others had responded they had already severed their ties with the raw water and did not need service. Council member Green asked if we have ever followed up with additional letters since the original. Attorney Brown responded that he has sent 2 or 3 letters over the years. Council member Etter asked if we had made any follow up phone calls or driven out to the houses. Director Newberry said he and Manager Eckert have both driven out to the area and he feels everyone understands that it is not completely the City's fault, it is a State requirement

Steve Glenn, 642 West 50<sup>th</sup> South, one of the customers affected, which received a letter spoke to the Council. He explained there is a contract between Ted Ross and the City from 1954, which granted the free water. Mr. Glenn bought the place in 1984 and the contract went to him. He said the City has pumped millions of gallons of water off his property, he estimates close to 20 million gallons per well. He was unsure he could get a well for \$6,000, so he was unwilling to sign the contract. He hired a well contractor out of Wichita who after digging 95 feet, was only able to get around 4 gallons of water per

minute. He now has a \$3,000 hole on his property that he is not getting any water out of. He is very concerned where he will get water. He is also requesting he receives water for free.

Council member Etter shared his concern that these properties have provided water to the City for years and that since we already have infrastructure, we need to show our gratitude by putting in lines to provide them with water.

Council member Valentine asked how many customers would be without water and what would be the cost of getting water to them. City Manager Eckert responded it would be approximately \$200,000 for 2-2.5 miles of waterline. Council member Valentine stated he realized \$200,000 was a lot of money but he is looking at the other things the City has spent \$200,000 on and this affects the quality of human lives. He asked how many are directly affected by this water pressure issue and Mayor Hansel responded that it is 5 families.

Stuart Shinliver, 1003 Myles Ct, and a property owner in the affected area, also appeared to discuss his water need. He is requesting a solution to this problem by asking the City figure out how to get water from the plant to the homes. He is concerned that his property and his neighbors will be left without water. He does not feel it is the State's fault. The properties and the wells have provided the City with water for 50 years and it is only fair that the City gets these residences a water line.

Council member Wetta moved to not shut the water off to those 5 locations and inform the State of Kansas either by call or letter that we have done everything we can and are trying to resolve situations but we are not going to shut 5 locations down until we have a solution. Council member Valentine seconded the motion.

Council member Green expressed concerns of not knowing what the fines assessed to the City from the State will be if their directive is not followed.

Council member Butts agreed with the motion, wanting to stand up for these citizen's rights.

Attorney Brown informed the Council he has corresponded with the State that we have different customers with different needs and has provided various options and ideas but he gets no response from the State except that May 1<sup>st</sup> is the deadline. Manager Eckert added that he and Director Newberry had contacted the KDHE Attorney last Friday to discuss where the City was on the project and requested additional time but she would not commit to any promises, nor did she discuss fines. Director Newberry added the Attorney informed them that she would take the information and pass it onto her superiors.

Council member Wetta again commented his motion is to inform the KDHE the City is in a bind and that we could not do this to our customers.

Council member Etter asked if there was a precedence out there that other communities have experienced and Attorney Brown responded that he could not find one that was similar to our situation.

Stuart Shinliver asked that the Council agree to decide to bring water to the people and to get the State to agree.

Council member Valentine asked Manager Eckert if \$200,000 was the estimate to get water to these customers. Manager Eckert said it was the estimate to get water from the treatment plant to these five properties. He added that we have no problem with the concept of getting water to all of these customers, it was just a matter of how does it happen. We are trying to be as frugal as we can.

Council member Korte asked Director Newberry to verify if the wording of motion was correct and we could in fact shut off water to everyone but those 5 people. Her understanding it would affect everyone. Director Newberry said those were details that needed to be worked out with KDHE and explained how the pressure works with the connections. There was then discussion on how the wording of the motion.

Director Shields suggested that the Council amend the motion to state that the City would not be shutting off water to any raw water customers and that will cover all of them. Mayor Hansel clarified that as of May 1<sup>st</sup>, we will not shut off any water to the raw water customers and that we will use that as leverage to negotiate with the State as we try to find a solution.

Council member Wetta agreed and moved to amend the motion as presented. Council member Valentine seconded again. Upon roll call vote, those voting “AYE” were Council members Butts, Etter, Valentine and Wetta. Those voting “NAY” were Council members Green and Korte. The motion passed.

Council member Green wanted to comment that no one wants to shut off a customer’s water supply but her concerns are that we do not know what the State of Kansas may fine the City on May 2<sup>nd</sup>. She is all for a special session or work session between now and May 1<sup>st</sup>, once we have more information.

Council member Korte suggested we get busy planning the water line immediately.

Council member Etter thinks if it takes the City to drive to Topeka to get this resolved, we need to do it. This doesn’t just affect those 5 customers, it affects all of us because of the large amount of water we are pumping from these properties.

Council member Korte wanted everyone to know she will be attending a meeting at the hospital on Wednesday as she does every month with Council member Green. They will be meeting with the CEO, CFO, the Chairman of the Board and one other Board member. She will bring back the findings from that meeting to the Council and the public.

Council member Green wanted to add the information that the South Central Homes Association was been working with Sherry’s Army, the Chamber and Sumner County Economic Development, trying to develop a project, plans, or programs to assist the people who may need help cleaning their properties or getting rid of debris. She asks if anyone has ideas, please contact her via email or telephone to help them solve a problem that she is not sure can be solved but they sure want to try.

Mayor Hansel is headed to the Kansas Mayor Association and Kansas League of Municipalities this Friday and Saturday in Junction City. Don’t forget the Garden in Bloom show and sale this Saturday and the Friends of the Library book sale. Lastly, she was on Facebook and there was a shout-out to a local Wellington Police Officer by a customer who was at Penny’s Diner and witnessed the officer helping a customer stranded in bad weather. It shows the caliber and quality of the men and women we have serving us and another shout-out to Chief Heath for having a great crew.

#### **REPORTS OF CITY OFFICIALS**

City Clerk Mericle informed the Council that El Valle Mexican Restaurant, 1104 North A Street, submitted an application for a City Cereal Malt Beverage license. They were inspected and approved by the Police Chief, Fire Chief and City Building Official. Council member Wetta moved to approve the license request and Council member Green seconded. The motion was carried.

Mayor Hansel welcomed them and asked when they would be open. Rocio Flores of El Valle updated the Council that they do not have an official opening date, as they are still awaiting more permits.

#### **PUBLIC HEARINGS**

There were no public hearings included in the agenda.

#### **ORDINANCES**

There were no ordinances included in the agenda.

#### **RESOLUTIONS**

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ABB INC., OF SOUTH BOSTON, VIRGINIA FOR THE PURCHASE OF A “20/37 MVA POWER TRANSFORMER” IN THE AMOUNT OF \$623,675 FOR THE NORTH SUBSTATION was introduced and considered.

Director Newberry explained the resolution. Council member Korte moved to adopt the resolution as presented. Council member Green seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Green, Korte, Valentine and Wetta. There were no "NAY" votes. Number 5747 was assigned to this resolution.

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BELL POLE, OF NEW BRIGHTEN, MINNESOTA, FOR SEVENTY, 70-FOOT UTILITY POLES AND THIRTY-FIVE, 40-FOOT UTILITY POLES IN THE AMOUNT OF \$139,934.20 FOR ELECTRIC DISTRIBUTION was introduced and considered.

Director Newberry explained the poles are also for the substation project. Council member Wetta moved to adopt the resolution as presented. Council member Butts seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Green, Korte, Valentine and Wetta. There were no "NAY" votes. Number 5748 was assigned to this resolution.

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WESCO DISTRIBUTING, INC., OF KANSAS CITY, MISSOURI, FOR FORTY-ONE, 6080-FOOT ROLLS OF T2 WIRE IN THE AMOUNT OF \$191,830.93 FOR ELECTRIC DISTRIBUTION was introduced and considered.

Director Newberry said this was for the Substation. Council member Korte moved to adopt the resolution as presented. Council member Green seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Green, Korte, Valentine and Wetta. There were no "NAY" votes. Number 5749 was assigned to this resolution.

A RESOLUTION OF THE CITY OF WELLINGTON, KANSAS AUTHORIZING THE EXECUTION OF A TERMINATION AGREEMENT RELATING TO THE HYDRO POWER POOLING CONTRACT (SOUTHWESTERN POWER ADMINISTRATION PROJECT) DATED JANUARY 1, 1994 BETWEEN THE CITY OF WELLINGTON, KANSAS, AND THE KANSAS MUNICIPAL ENERGY AGENCY was introduced and considered.

Director Newberry told the termination was needed with KMEA as Kansas Power Pool will do the same at no additional cost to the City. Council member Etter moved to adopt the resolution as presented. Council member Korte seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Green, Korte, Valentine and Wetta. There were no "NAY" votes. Number 5750 was assigned to this resolution.

A RESOLUTION IN THE CITY OF WELLINGTON, KANSAS AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE DEPARTMENT OF ENERGY SOUTHWESTERN POWER ADMINISTRATION AND THE CITY OF WELLINGTON, KANSAS was introduced and considered.

Council member Etter moved to adopt the resolution as presented. Council member Korte seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Green, Korte, Valentine and Wetta. There were no "NAY" votes. Number 5751 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ENGINEERING DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES AGREEMENT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (PEC) OF WICHITA, KANSAS FOR THE SANITARY SEWER IMPROVEMENTS ALONG LINCOLN AVENUE AND WEST OF C STREET, BETWEEN LINCOLN AND 4<sup>TH</sup> STREET, FOR AN AMOUNT NOT TO EXCEED \$17,500 was introduced and considered.

Council member Etter moved to adopt the resolution as presented. Council member Butts seconded. Upon roll call vote, those voting “AYE” were Council members Butts, Etter, Green, Korte, Valentine and Wetta. There were no “NAY” votes. Number 5752 was assigned to this resolution.

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH AIROLATOR CORPORATION OF KANSAS CITY, MO, FOR PURCHASING AND INSTALLING FIVE GEAR REDUCED HEADS ON THE ORIGINAL BIO-TANK MIXERS IN THE AMOUNT OF \$30,000 FOR THE WASTEWATER TREATMENT PLANT was introduced and considered.

Director Newberry explained the need for this equipment and told it had been budgeted for this year for \$27,500. He said the funds for the increase are available. Council member Etter moved to adopt the resolution as presented. Council member Korte seconded. Upon roll call vote, those voting “AYE” were Council members Butts, Etter, Green, Korte, Valentine and Wetta. There were no “NAY” votes. Number 5753 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH VAN KEPPEL OF WICHITA, KANSAS FOR A 2000 ETNYRE CHIP SPREADER FOR THE STREET DEPARTMENT IN THE AMOUNT OF \$74,250.00 was introduced and considered.

Director Jones explained the resolution and need for chip spreader and how the purchase of a used machine will reduce price of chip sealing. He told the cost of a new spreader is around \$150,000 and we will use it only about one-month a year. There is a small warranty and the vendor said they would make any issues right with us. Director Jones explained this was not a budgeted item, so instead of financing, we are looking to use part of the Federal funds we will receive from the State, which will still leave over \$400,000 for street repair. He added this purchase is contingent upon the funding coming through. .

Council member Valentine wanted to verify there was no stipulation from the Federal government on how the money would be spent. Director Jones verified that they only asked that the money be used for street related projects.

Council member Butts moved to adopt the resolution with additional wording that the purchase be contingent upon receiving Federal Funds from the State. Council member Green seconded. Upon roll call vote, those voting “AYE” were Council members Butts, Etter, Green, Korte, Valentine and Wetta. There were no “NAY” votes. Number 5754 was assigned to this resolution.

### **STUDY ITEMS**

Mayor Hansel handed out packets to all Council members which was an evaluation for City Manager Roy Eckert. She asked that all Council members read the evaluation instructions. She added there are no perfect evaluations, she would hope that this process turn out to be a thoughtful, sensitive and positive attempt to move our City forward. City Manager Eckert agreed to the packet and process. Mayor Hansel said the process will work if each member fills one out, and then the Council comes together and fills out one consensus evaluation as a council. She explained further, saying the Council would then meet with Manager Eckert in an executive session to review the consensus and his self-evaluation. She would like to have this completed by the end of May, as Manager Eckert’s contract extends through December 31, 2016 and automatically renews for a two-year term unless either party gives notice. Mayor Hansel told this review is actually a year late due to new elections of Council. A work session to discuss this was scheduled for May 16<sup>th</sup> at 5:30 p.m.

### **FUTURE AGENDA ITEMS**

Council member Wetta volunteered to go with Stuart Shinliver to Topeka to see the KDHE about the water plan.

A motion to adjourn was seconded and carried.

Approved and filed this 3rd day of May, 2016.

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Mayor

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City Clerk