

The Council of the City of Wellington, Kansas, met in Regular Session on June 6, 2017 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 Mayor Hansel.

The Invocation was given by Reverend Deb Schmidt of First Presbyterian Church

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

Members of the Staff present were City Manager Shane Shields, City Attorney Shawn DeJarnett, City Clerk/Finance Director Carol Mericle, Public Utilities Director Jason Newberry, Public Works Director Jeremy Jones, and Chief of Police Tracy Heath.

#### **AUDIENCE PARTICIPATION**

Samson Ledesma who resides at 17 Crestview Road spoke in regards to being contacted by the Chamber of Commerce about the video production company CGI that will be producing videos for the City of Wellington. He has a business that does video production locally and is concerned that he was not contacted by the City or Chamber of Commerce to have an opportunity to make the videos. The company CGI will be producing the videos for free, however they are sending letters to businesses asking for promotion on the City website and they will be charging businesses to be on the website. The money will be going to NY instead of the local businesses. Mr. Ledesma asked why not use local companies, when there are two in Wellington who do this for a living. He stated he isn't upset at the City, he just wants to make the City aware that CGI is trying to get businesses to have them do a website before the videos are even discussed. Mayor Hansel explained CGI and how it was formed and that they were going to do marketing for the City of Wellington. She also stated that it would be at no cost to the city. Council member Valentine stated that it was better to do business in town instead of using outside companies when we have resources available here locally. Mayor Hansel shared that this is a national company that does fabulous videos and CGI approached the City of Wellington and Mr. Ledesma did not. Mr. Ledesma asked if he were to give the same deal to local businesses would the City or Chamber do this for him. City Manager Shields stated that CGI contacted the City and this was discussed at the May 2<sup>nd</sup> Council meeting. A letter was then sent by CGI. It was not the Cities intent to only endorse CGI. The appealing factor was that it is free to the City. Mayor Hansel shared that all opportunities are welcome. This is a lesson learned for everyone involved.

#### **CONSENT AGENDA**

Council member Korte, moved to approve the consent agenda without item #9, the street closing for the Wheat Festival. Council member Butts, seconded. The motion carried. The following items were approved under the Consent Agenda with the exception of item #9

➤ **APPROVAL OF MINUTES**

- 1) Work Session of May 11, 2017
- 2) Regular Session of May 16, 2017

➤ **APPROVAL OF APPROPRIATIONS**

- 1) Payroll Report for April 30-May 13, 2017 \$233,168.86
- 2) Payroll Report for May 14-27, 2017 \$233,961.63
- 3) ACH Authorization Voucher #1051 for BCBS for May 10-16, 2017
- 4) ACH Authorization Voucher #1052 for BCBS for May 17-23, 2017
- 5) ACH Authorization Voucher #1053 for BCBS for May 24-30, 2017
- 6) Claims Register for May 14-31, 2017 \$1,098,060.50

➤ RECEIPT OF COUNCIL CORRESPONDENCE

- 1) Local Retailer Sales Tax & Compensating Use Tax for April 2017
- 2) Building/Demo Permit Report for May 2017
- 3) Weed Notices Published May 17, 2017
- 4) Weed Notices Published May 24, 2017
- 5) SRMC Financial Report for April 2017
- 6) HCA Board of Directors Meeting Minutes for April 20, 2017
- 7) Housing Authority Board Meeting Minutes for April 25, 2017
- 8) Memorial Auditorium Board Meeting Minutes for April 6, 2017
- 9) Street Closing Requests for 17<sup>th</sup> Kansas Wheat Festival-Beer Garden NOT Approved as Submitted, Pending Legislation
- 10) Correspondence from Cowley College President Dr. Dennis C. Rittle & Clerk of the Board of Trustees Tiffany Vollmer
- 11) Correspondence from Chamber/CVB Director Annarose White-Funding Request for 2018 Budget

. City Manager Shields shared the existing information regarding the Street Closing for the Beer Garden site for the Wheat Festival and the impending approval from the legislation. Chief Heath stated there is current legislation that has not been signed yet, that will allow cities to create common consumption areas. In years past there has always been a designated location with a fence to sell beer at the Wheat Festival. He explained if the new legislation is signed by the Governor, the City could create a common consumption area around the Auditorium. However if you have a current establishment that sells alcohol they would be able to allow their customers to exit the establishment with labeled containers and they could drink in the common consumption area if this said legislation is passed. City Attorney DeJarnett told the petition would agree to give a permit for a year with a license from the state. Fencing has been used before and the Chamber would not have to do this if passed. At this time it is not known if this will pass and what the rules will be in place for it. Mayor Hansel asked if we could table this until the next meeting on June 20<sup>th</sup>. Attorney DeJarnett told he has already drafted the proper paperwork in case it does pass. Chief Heath shared that the State is trying to do away with the CMB, from the City, going to the State permitting alcohol. Council member Wetta asked can they carry a gun at the proposed site. Chief Heath stated that Kansas passed a law several years ago that with a concealed carry, you are no longer required to be permitted. Council member Wetta asked if we do this common consumption could the City pass an ordinance that they could drink beer and carry guns on the streets of Wellington. Chief Heath referred this to the City Attorney. City Attorney DeJarnett told that the City cannot govern this.

**REPORTS OF MAYOR AND COUNCIL**

Council member Etter thanked all who helped with the Cemetery flags and Memorial Day Service at the Ceremony. Things like this make you proud to be from Wellington. Council member Wetta said the Cemetery did look awesome. Council member Valentine showed his seatbelt ticket, and thanked the Police Department for all of their hard work. He also told the Memorial Day Service was wonderful, and the tribute to Manuel Soria was very nice. He asked if there had been any information regarding the hospital. City Manager Shields stated that he was unable to make the last meeting however they have been having task force meetings. Council member Valentine would like for Fred Hinman to come to the next council meeting for an update. He asked everyone in the audience who is running for City Council seats to please stand up. Nine of the candidates were present this evening. Council member Butts told of a news show that showed pictures of Normandy battle. The weekend celebration was beautiful. Mayor Hansel wanted to commend Max and James for the Prairie Lawn Cemetery work to make it look wonderful. All flowers must

be picked up at the cemetery by June 12<sup>th</sup>. She also commented the golf course is open recently holding the Kanas Junior Golf Association tournament, and the Wellington Aquatic Center is now open. GO HEAT!

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

**CDBG Environmental Review with Memo from City Manager Shields.** Manager Shields told that the review is required as part of the CDBG environmental review. This report needs the Council's approval to accept the review. Council member Wetta made a motion to approve the CDBG environmental review. Council member Korte seconded. The motion carried.

**Community Video-CGI Communications update.** City Manager Shields said the video was shot on June 1<sup>st</sup> and will be added to the website once it is returned. CGI will be here on July 7-12<sup>th</sup> during the Wheat Festival Picnic in the Park. The scripts have been done and are initially prepared by CGI in the four different categories. The four categories are *Welcome*, *Quality of Life*, *Education*, and *Business and Economic Development*.

#### **PUBLIC HEARINGS**

There were no public hearings included in the agenda.

#### **ORDINANCES**

AN ORDINANCE AMENDING SECTION 4-33 OF THE CODE OF THE CITY OF WELLINGTON, KANSAS, AS IT PERTAINS TO PUBLIC COMSUMPTION was introduced and considered. City Manager Shields told this pertains to CMB consumption at Hibbs-Hooten baseball field, and other public consumption areas. City Attorney DeJarnett stated the ordinance wording is identical to the current one with the restructuring of paragraph B to include certain locations. He also added that paragraph 3 & 4 are new paragraphs. New language regarding common consumption areas are included as well. Council member Wetta made a motion to accept the Ordinance amending section 4-33 of the Code of the City of Wellington, Kansas as it pertains to public consumption. Council member Hawley seconded the motion. Upon roll call vote, those voting "Aye" were Council members Etter, Hawley, Korte, Butts and Wetta. Voting "Nay" was Council member Valentine. Number 4208 was assigned to this Ordinance.

#### **RESOLUTIONS**

A RESOLUTION ACCEPTING AND APPROVING BIDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH INTERSTATE ELECTRICAL CONTRACTORS, INC. OF WHEAT RIDGE, COLORADO, FOR THE 69-13.2kV SUBSTATION STATION CONSTRUCTION IN THE TOTAL AMOUNT OF \$539,700 was introduced and considered. City Manager Shields stated this was the final significant purchase relating to the electrical project that is ongoing with the bond funds. Public Utilities Director Jason Newberry told this is for the substation that will sit behind Dr. Heersche's clinic. Olsson Associates submitted bids to 10 different companies and are not recommending the lowest bid, but one that is most responsible. Olsson Associates has worked hand in hand with Interstate Electrical Contractors and they have over 50 years of experience. Council member Butts asked about the completion date. Director Newberry said he hoped for completion by late summer or early fall. Council member Valentine asked what the total cost is for the project. City Manager Shields shared that the cost of this part of the bond project is 4.5 million. Council member Korte made a motion to accept and approve this resolution. Council member Butts seconded the motion. Upon roll call vote, those voting "Aye" were Council members Valentine, Wetta, Etter, Hawley, Korte and Butts. There were no "Nay" votes. Number 5820 was assigned to this resolution.

A RESOLUTION AUTHORIZING A MINOR STREET PRIVILEGE PERMIT TO BE ISSUED TO CONNIE HART TRUST/NICK HART AGENT, UTILIZING THE 100 BLOCK OF WEST 7<sup>TH</sup> STREET, THAT PORTION BETWEEN WASHINGTON AVENUE AND THE ALLEYWAY, FOR GEOTHERMAL WELLS was introduced and considered. City Manager Shields told this resolution is

based upon a minor street privilege permit application received. Mr. Hart is present tonight if Council has questions. Public Works Director Jones stated that this permit will cover the geothermal wells for the property at 122 N Washington but the geothermal wells will actually be located adjacent to the property at the right of way of W. 7<sup>th</sup> street. This will take the place of the traditional heating/cooling system. He explained it would be 18 wells, each drilled about 300 feet deep with high density polyethylene pipe inserted and uses the soil temperature to heat and cool the building. Director Jones continued it takes up about half a block of that street, so thus the request for the right away. It appears everything will be under the surface. The City has contacted utilities such as Kansas Gas, and AT&T. He added the fees need to be discussed and at this time staff doesn't have the authority to wave a fee other than what has been officially established. There are 13 specific types of minor street privilege and all have a different fee. This particular one would fall under two possible categories. One being the lineal feet of pipe lines, or a \$12.50 per well fee for 18 wells. Mr. Hart in his application has asked for consideration in waving the fee. Director Jones stated that he is thinking administrative costs are what the fees are to cover. This would renew each year. Council member Etter asked if we can let him do this for no fees and take care of fees update at a later date. He also shared appreciation for an outside individual coming here and purchasing a building downtown. Mayor Hansel called upon Mr. Hart to speak about the system. He has done similar process in Paola on his own ground. He personally has never done it on a city easement. Council member Hawley told she isn't sure we need yearly fees for something like this. Council member Wetta asked if we could waive the fees for two years. Council member Etter made a motion to pass a resolution authorizing a minor street privilege permit to be issued to Connie Hart Trust/Nick Hart Agent, utilizing the 100 block of W 7<sup>th</sup> Street that portion between Washington Avenue and the alleyway for Geothermal wells with the fee of \$225.00 based upon the number of wells and after two years will be up for renewal in 2019. Council member Butts seconded the motion. Upon roll call vote, those voting "Aye" were council members Valentine, Wetta, Etter, Hawley, Korte and Butts. There were no "Nay" votes. Number 5821 was assigned to this resolution.

#### **EXECUTIVE SESSION**

Council member Korte made a motion to recess into executive session for consultation with an attorney for the public body or agency which would be deemed privileged in an attorney-client relationship with the City Manager, City Attorney, City Clerk/Finance Director and the Council, for a period of 20 minutes. The motion carried at 7:50 pm. The meeting reconvened at 8:10 with no binding action taken.

#### **OTHER**

City Manager Shields stated a work session for the proposed budget is needed. The budget should be distributed by Monday the 12<sup>th</sup> to the council. Council agreed to have the work session on Monday, June 29<sup>th</sup>, at 6 pm. He also told the July 4<sup>th</sup> meeting will need to be rescheduled and July 5<sup>th</sup> is a Court night, so he will confirm at June 20<sup>th</sup> meeting if a meeting is needed. . Council member Hawley asked if anything had been done on a six month evaluation for City Manager Shields. August of 2016 was when he was appointed to the position. Six months from that date was February 2017. Approved and filed this day June 20, 2017.

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Mayor

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City Clerk