

The Council of the City of Wellington, Kansas, met in Regular Session on June 20, 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, Chief of Police Tracy Heath, Golf Director Derek Harrison, and Code Compliance Officer Aaron Norton.

Council member Korte moved to amend the Agenda to include #5 East Highway 160 Speed Changes to Reports of City Officials, and Resolution #5 Gas Turbine Repairs (as per handout). Council member Butts seconded the motion. The motion carried.

#### **AUDIENCE PARTICIPATION**

**SRMC- Community Healthcare Alliance Update.** Fred Hinman, Chairman, Health Care Authority Board presented information regarding the task force alliance for SRMC. The task force has held four meetings with all minutes being sent to the council. He told his role as a board member prevents any discussion regarding hospital related lawsuits with the alliance to help make decisions that need to be made. Council member Hawley asked if this is as productive as planned. Mr. Hinman answered no, stating mostly because of the lawsuit. Council member Butts stated the group should disband if not productive. Council member Etter stated the need to keep our hospital open, and the support of everyone involved in the community is needed to make this happen. Mr. Hinman said the community should utilize the hospital when tests and resources are needed. He announced the BHU is open at the hospital however it is 60 days later than hoped, with the 10 beds available filled at the current time. They intend to have 13 beds available in the BHU in 45-60 days. Mr. Hinman added that discussions have started about hiring a Doctor to manage the Emergency Room for SRMC. Council member Valentine asked if Sumner County Family Care Center was contacted about the hospital looking for a Doctor to manage the ER. Mr. Hinman said they have but they have not answered yet. He said the PA's are currently manning the ER and if a Dr. is required then they come over as well. Council member Etter asked about expanding other services that have been profitable. Mr. Hinman answered they are not allowed to make the entire hospital into residential care. He added it would make sense to add onto the BHU department if it stays busy and profitable. SRMC has checked into dialysis and at this time that is not an option. He added the business model of a hospital is unlike any other business.

#### **CONSENT AGENDA**

Council member Korte moved to approve the Consent Agenda. Council member Butts seconded the motion. The motion carried. The following items were approved under the Consent Agenda.

➤ **APPROVAL OF MINUTES**

1) Regular Session of June 6, 2017

➤ **APPROVAL OF APPROPRIATIONS**

1) Payroll Report for May 28-June 10, 2017 in the amount of \$243,401.06

2) ACH Authorization Voucher #1054 for BCBS for June 1-6, 2017

3) Claims Register for June 1-16, 2017 in the amount of \$1,585,545.12

➤ **RECEIPT OF COUNCIL CORRESPONDENCE**

1) Clerk's Report for May 2017

- 2) Electric, Waterworks, Sewage Utility Operating Fund for May 2017
- 3) Police Activity Report for May 2017
- 4) Ambulance Monthly Financial Report for May 2017
- 5) Fire/EMS Activities/Overtime/Revenue Report for April 2017
- 6) KMIT Claims Analysis
- 7) Code Compliance Violations Report for 5-1 to 5-31, 2017
- 8) Weed Notices Published June 7, 2017
- 9) Weed Notices Published June 14, 2017
- 10) Park Board Meeting Minutes for May 8, 2017
- 11) Media Release-Board of Zoning Appeals Vacancy, Extended Application Period
- 12) Health Care Authority Board of Directors Meeting Minutes for May 16, 2017
- 13) Health Care Authority Board of Directors Meeting Minutes for June 2, 2017
- 14) SRMC Financial Report for June 15, 2017

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

Council member Valentine commented the work on N. A Street looks great. He also told of the elementary schools using recycled tires they have painted to plant flowers in.

Council member Butts thanked the city as well for the street work on N. A. Street.

Mayor Hansel also thanked the city crews for the great work on N. A. Street. She also mentioned that the fireworks display will be on July 3<sup>rd</sup> after the Heat game. The best advice regarding fireworks is shoot them in the county you purchased them in.

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

City Manager Shields presented 6 Street Closing Requests that have been received and asked Council to vote on each closing separately.

Block Party, July 4, 2017, 6pm to 12am, 1300 N Olive-Metz family. Council member Korte moved to approve the block party street closing on N. Olive. Council member Hawley seconded. Motion carried.

Block Party, July 1, 2017, 2pm to 12 am, 1400 N Poplar- Pryce family. Council member Korte moved to approve the block party street closing on N. Poplar. Council member Hawley seconded. Motion carried.

Block Party, July 1, 9am to July 2, 2017 10 am, 300 E 12<sup>th</sup> St- Rohrer/Treft. Chief Heath told he has made contact with the families and they have requested to put up a bouncy house in the roadway. He is concerned about public safety if emergency vehicles need to make access. Chief Heath said he will make contact with said parties regarding the request for closure. Council member Hawley made a motion to approve the block party street closing on E. 12<sup>th</sup>. Council member Korte seconded. Motion carried.

Kansas Wheat Festival, July 13, 14, and 15, 2017, 8pm to 2 am, alleyway behind business, 114 N Washington, (The Dore). Chief Heath indicated that Mr. Etter is wanting to close part of the alleyway off for DJ Entertainment and not for the patrons of his business. Council member Butts made a motion to approve the alleyway closing at 114 N. Washington. Council member Hawley seconded. Motion carried.

Kansas Wheat Festival, July 13, 14 and 15, 2017, 4 pm to 12 am, 100 & 200 N Washington and 100 E and W 7<sup>th</sup> to alleyway. Council member Hawley made a motion to approve the street closing at 100 & 200 N Washington and 100 E and W 7<sup>th</sup> to alleyway. Council member Butts seconded. Motion carried

Push Mower Race, Kansas Wheat Festival, July 14, 2017 6:30 pm to 7:30 pm, Washington Ave between 4<sup>th</sup> and Lincoln. Council member Hawley moved to approve the street closing in front of Sears. Council member Wetta seconded. The motion carried.

**KMGA Board Appointments.** City Clerk Mericle handed out the Memo to Council about the appointment needed. She told that Roger Estes, Power Scheduler, is currently serving on the KMGA Board of Directors, and Ryan Hain, Chief Operator, of the Electric Production is serving as Alternate Member of that Board, with their terms expiring on August 31, 2017. Both have agreed to continue to serve as Director and Alternate for a new term that expires on August 31, 2019. The staff recommends the re-appointments. Council member Wetta made a motion to approve the applicants as presented. Council member Butts seconded. The motion carried.

**Amendment of Consent Order Preliminary Statement.** City Manager Shields explained this is from KDHE and addresses the raw water issue, amending the water disconnect date of July 1, 2017 to November 1, 2017. He continued by adding the additional time it allows for the court process to continue. Council member Wetta moved to approve this change to the Consent order. Council member Butts seconded. Motion carried.

**Airport Runway Extension Project.** Manager Shields told the bid opening for the Airport Runway Extension Project will be on Tuesday, June 27, 2017. A Pre-bid meeting was held June 14<sup>th</sup> and at this time there are 15-20 people interested in this project. The Kansas Department of Transportation has stated that there will be funding available for the sewer part of the project. Manager Shields offered many thanks to Patrick and Rick Hamlin for all of their hard work and input on this project. Council member Korte asked that based upon the current budget, if there was enough budgeted for this project. City Manager Shields said a bond issue was already in place and designated.

**E. Highway 160 Speed Changes.** Director Jones told the State notified the City that there will be two changes on East Highway 160. This is due to an accident that occurred last year. He said the first section will be in front of the high school where the speed will be reduced to 45 from 50 mph, and then the section from Boundary Road to just east of Wal-Mart will be reduced from 55 to 50 mph.

#### **PUBLIC HEARING**

**Appeal hearing of Code Enforcement Notice (605 E. 9<sup>th</sup>).** Mayor Hansel opened the hearing. Public Works Director Jones read a Code Compliance letter from Aaron Norton that was dated May 31, 2017 that references siting violations of the International Property Maintenance code adopted by the City of Wellington in March, 2011. Mr. Norton references 7 code violations the structure is in violation of. The cinder block garage on the property was first sited on May 1, 2015 as having fire damage and a collapsed roof, as seen in the pictures included in the Agenda. He continued that on April 14, 2016 the roof has been removed and cleaned up with the walls still standing. The current condition with no roof and an opening with a barn style door presents an unattractive nuisance. There is currently graffiti on three of the four walls and includes a long history of several broken windows. Director Jones said the letter in the agenda includes additional information regarding this property. Mr. Putter explained the windows have been replaced several times but keeps getting broken out by kids, so he has boarded up the windows after replacing them several times. He also says he feels that walls are structurally safe and does not pose a threat to anyone, and when he retires in a few years, he is planning on fixing up the structure to use for restoring old cars. Council member Etter asked if there was a way to secure the area. Mr. Putter asked for an extension on the property. Council member Valentine asked what his intentions were now. Mr. Putter's answer was to put a roof on the structure, after he finishes work on his house. Public Works Director Jones told that the problem was the nuisance that it is causing not having a roof on a structure that will not fall down but because it has such a large opening and no roof with graffiti. He further told that the location is near the Middle School and invites vandalism. He feels that the structure is in violation of the seven citations in the letter presented to Mr. Putter. Director Jones stated the decision was to be made whether or not he is in violation. Staff needs to know what is desired. Mr. Putter added that there is

a sign on his property that says No Trespassing. Mayor Hansel closed the public hearing. Council member Valentine made a motion to approve a 60 day extension on the property and then look at the situation again. Council member Wetta seconded the motion and said the opening should be closed and the graffiti removed. Motion carried.

### **ORDINANCES**

AN ORDINANCE AMENDING SECTION 4-74 OF THE CODE OF THE CITY OF WELLINGTON, KANSAS AS IT PERTAINS TO DRINKING IN PUBLIC PLACES was introduced and considered. City Manager Shields told that this ordinance is amending code to match the state law. The law changed in 2010, and it was never amended or updated to include special events. The consumption area is on a case by case basis. Council member Wetta made a motion to make our code to match the State Statute as it pertains to drinking in public places. Council member Hawley seconded the motion. Upon roll call vote, those voting "AYE" were Council members Butts, Wetta, Etter, and Hawley. Those voting "NAY" were Council members Korte and Valentine. Number 4209 was assigned to this Ordinance.

### **RESOLUTIONS**

A RESOLUTION APPROVING COMMON CONSUMPTION AREA FOR THE KANSAS WHEAT FESTIVAL was introduced and considered. City Manager Shields told this request is in addition to the street closing area. The time would be from 4:00 pm to 12:00 am. Mayor Hansel announced that because of the large attendance, each speaker would be allowed 5 minutes to address the Council. Pastor Zane Brooks, Free Will Baptist Church, spoke on behalf of many Churches that are not represented here and many individuals that are not able to be here tonight. He said he was here to speak about the family and protection of the kids. He asked Chief Heath about the money aspect of adding this to the Wheat Festival. Would there -be more police needed, more money to be spent, and many will boycott the event so money will actually be lost. Pastor Brooks said his concerns are for the family friendly environment and the open consumption of alcohol in public and the carrying of fire arms in the same area. He stated it is unnecessary to have this so close to the Carnival where our children are going to be. He doesn't agree with bars, but he says he is not contesting that. Pastor Brooks stated the beer garden is ok as it is restricted, but states alcohol never does any good for anyone. Council member Hawley asked about the City Police staffing an event such as this and who would be funding the event. Tracy Heath said the City would, as he has not discussed this with the Chamber. Council member Valentine asked how many officers would be needed. Chief Heath said approximately 4 would be needed. Council member Valentine asked who was liable if something happened on the business owners curbs. City Attorney DeJarnett said that the perpetrator of the act would be liable.

Brian Strange, 242 W. 30<sup>th</sup> Street South, is a new resident of Wellington who was in the military service. He told he had lived in Wichita and couldn't let his kids play outside. He likes the small town atmosphere and his kids being safe in Wellington. He added that if you drink, go into a bar and drink, don't go out on the Street. He asked for everyone to be responsible as a parent.

Chamber Director Annarose White spoke in regards to the 2016 Wheat Festival Beer Garden in the 200 block on N Washington. With the beer garden area closed in, only one problem existed. The Chamber has been working this year with the 2 local bars in that area and SCCDAT and are having training on June 29<sup>th</sup> for volunteers to work in the area. The 2 bars are responsible for carding and what they sell to their customers, they will also issue wrist bands. Bars will have to have container with logos on them. Council member Etter stated that he is potentially not ready to participate in this project. Director White told this was not official unless it was approved. Council member Wetta said that this was voted on at Rotary today and it was 50/50. He asked why the area was so big. Chamber Director White

said to include the potential for the Dore as well as Barefoot Jerry's. Basically it was for the ease of mobility, and the ease of getting food to go with drink. Council member Wetta asked who is selling the beer. Director White told that a Caldwell group would be selling beer in the beer garden in the Antler's Lot, and could be carried to the food and band area. Council member Wetta asked if this new law change the City's liability. City Attorney DeJarnett stated that the individuals would be accountable for the liability if the containers are leaving their businesses. They have to ensure there are some compliances with the public. Council member Wetta shared that he likes beer, he likes guns, he likes kids, and families however he doesn't like mixing them together.

Council member Hawley asked if there would be any other events in this area. Chamber Director White stated the bed races, bike and trike races and other things will be going on. No events that involve guns will be happening. Council member Valentine asked if Attorney DeJarnett can guarantee there will be no lawsuits. Attorney DeJarnett said anyone can sue as frivolous suits can happen anytime anywhere. The Kansas Tort claims keep the City from being liable in most areas. Chief Heath discussed the expansion of public consumption and that the City of Wellington is new to this as well. Chamber Director White stated that she is working with Chief Heath and City Attorney DeJarnett to make rules and boundaries for the area. Council member Wetta said he could not vote for this as it too big of an area. Council member Korte also stated she is not in favor of this and will be voting no.

Ralph Sistrunk, 501 W. Harvey, asked if Council member Etter should refrain from voting. Council member Etter told he contacted the State Attorney General and our City Attorney Shawn DeJarnett in regards to voting or not voting. He stated he is able to be unbiased in regards to this subject and was told he should vote. He added at this point he would vote no.

Pastor Nelson, with the Church of Christ, said people who drink are family people too. He added we should be much more concerned about pedophiles. He stated that guns and alcohol don't mix. He reminded all that The Greatest Commands from Jesus were - Love your God with all your heart, your soul, and all your strength, and Love your neighbor as yourself. We represent a God of passion, and hoping that after you vote and sit down at the end of this day and say what went well or didn't. Pastor Nelson doesn't want the community divided no matter where you stand, or what you decide.

Council member Wetta wanted to thank Chamber Director White and wanted to give her a hand this evening for all that she is doing for the City of Wellington. Mayor Hansel said how much she appreciates Annarose, and can identify with what she has been through.

City Manager Shields told the Council that a meeting will not be held on July 4<sup>th</sup> so if no action occurs on this resolution, you can amend the resolution to include a specific area that is an option. Council member Etter stated this is probably not going to be approved for the lack of a motion, he still wants to have the beer garden as before for a consumption area of 3.2 beer. Chamber Director White said she would like for the evenings to start at 4:00 pm to 12:00 am midnight on the entire Antler's Lot for three nights. City Manager Shields stated that the motion they wish to make is amending & adopting the resolution the motion to include July 13, 14, and 15 from 4:00 pm to midnight on the Antler's lot. Chief Heath asked if adopting the resolution on Antler's Lot would be cereal malt beverage, or alcohol. Council member Etter described the alcohol and CMB difference. After more discussion, the Resolution died for lack of a motion. Manager Shields said a special meeting will be planned with the work session on June 26 to approve the CMB license.

A RESOLUTION ALLOWING WYLDEWOOD CELLARS WINERY TO OFFER FOR SALE WINE AS WELL AS PROVIDE WINE TASTINGS IN OPEN CONTAINERS TO PERSONS OF THE AGE OF 21 YEARS AND OLDER DURING THE ARTS AND CRAFTS FAIR IN SELLERS PARK IN THE CITY OF WELLINGTON, KANSAS ON JULY 15, 2017 IN CONJUNCTION WITH THE

KANSAS WHEAT FESTIVAL was introduced and considered. City Manager Shields reported that an email was received today telling the Winery would not be able to attend the Wheat Festival. There was no action on this resolution.

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH VAN WALL EQUIPMENT OF OLATHE, KANSAS FOR A 5-YEAR LEASE OF FOURTEEN EQUIPMENT ITEMS, AS LISTED ON ATTACHMENT ONE FOR THE WELLINGTON MUNICIPAL GOLF COURSE was introduced and considered. Director Harrison stated that the Capital Outlay dollars were budgeted in 2017 for equipment. Bids were sent out to 5 vendors and the City received 5 bids. The original list was for 19 pieces of equipment, only one company bid on all 19 pieces. He said after the bids were all over budget, he reviewed them again and removed some items and is asking for 14 items. Council member Valentine asked about the monthly payments for the purchase of these items and ask where the money was coming from. Director Harrison stated these are lease purchase arrangements for these pieces of equipment. Manager Shields reminded Council of the budget they agreed on last year with the General Fund subsidy to the Golf Fund. Council members Valentine and Korte both expressed they will not vote for the lease purchases to spread payments over five years. Council member Hawley made a motion to approve the resolution as written. Council member Butts seconded the motion. Upon roll call vote, those voting "AYE" were Council members Butts, Wetta, Etter, and Hawley. Those voting "NAY" were council members Korte and Valentine. Number 5822 was assigned to this Resolution.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE SALE AND PURCHASE OF TAX CREDIT WITH HENRY W. BLOCH OF KANSAS CITY, MISSOURI IN THE AMOUNT OF \$14,479.18 PLUS A \$300.00 TRANSFER FEE was introduced and considered. City Manager Shields told of the tax credits of the Memorial Auditorium renovations several years ago, and the City has no use for these tax credits being a governmental entity. He continued the best bid received was from Henry Bloch of Kansas City Missouri. Council member Butts stated we only had one local bid and he wants to go with the local bank that applied. Council member Hawley made a motion to approve the resolution for the sale and approval of tax credits to Henry W. Bloch of Kansas City, Missouri. Upon roll call vote, those voting "AYE" were Council members Korte, Valentine, Wetta, Etter, and Hawley. Those voting "NAY" were Council member Butts. Number 5823 was assigned to this Resolution.

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A PURCHASE ORDER WITH AMERIDRIVES INTERNATIONAL LLC. OF GEARY, PENNSYLVANIA FOR THE PURCHASE OF THE REPLACEMENT DRIVE SHAFT FOR THE GAS TURBINE AT ELECTRIC PRODUCTION FOR THE AMOUNT OF \$199,863.60 was introduced and considered. Public Utilities Director Newberry submitted a memorandum to the Council regarding this replacement. He explained the damage of the drive shaft and the urgency to get it fixed. Council member Etter asked about the revenue that the City makes from Electric Production. Director Newberry stated that currently we are getting about \$320,000 from KPP to be ready to produce. If the city does produce electricity then that amount increases. Council member Etter made a motion to approve the resolution authorizing the City Manager to execute this purchase with Ameridrives International LLC. Council member Korte seconded the motion. Upon roll call vote those voting "AYE" were Council members Hawley, Korte, Butts, Valentine, Wetta, and Etter. Number 5824 was assigned to this Resolution.

Mayor Hansel shared that the Sumner County visitors guide is now available.

#### **STUDY ITEMS**

No study items for discussion.

City Manager Shields reminded Council of the special meeting on June 26<sup>th</sup>, at 6 pm and the work session to follow. The topic will be the 2018 Budget.

A motion to adjourn was made, seconded and carried.

Approved and filed this day July 18, 2017.

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Mayor

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City Clerk