

The Council of the City of Wellington, Kansas, met in Regular Session on August 7, 2018 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 Shelley Hansel.

The Invocation was given by Council member Kevin Dodds.

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, City Clerk/Finance Director Carol Mericle, City Attorney Shawn DeJarnett, Public Works Director Jeremy Jones, Assistant City Manager of Public Utilities Jason Newberry, Chief of Police Tracy Heath and Zoning Official Jamie Cornejo.

#### **AUDIENCE PARTICIPATION**

**Jan Grace, Campus Operations Officer – Cowley College Update.** She said the Campus is ready for the ribbon cutting that will be on August 9<sup>th</sup>. There will be a big tent set up, with parking at the Wal-Mart parking lot area, and visitors will be able to walk to the campus. Jan asked for the Council to be present to represent the City if at all possible. Speeches will be starting at 2:00 pm, and a helicopter will be landing at 10:00 am. Ms. Grace thanked the City for everything that has been done to help with the opening of the Cowley College/Sumner Campus.

**Tunie Sparman, 803 S. Blaine–Neighborhood Watch.** She inquired about starting a Neighborhood Watch program. She asked citizens on Facebook if they would be interested in starting these programs. The reply from about 28 people was yes. Mayor Hansel asked Chief Heath what was available in town presently. Chief Heath said a neighborhood watch program would be ideal. He and Bill Upton tried to start one some years ago, but citizens were not interested. He likes the idea and explained it's all about getting to know your neighbor and watching for things that are wrong to be reported. Mrs. Sparman told that police officers used to be known to the citizens, but now they are not. Chief Heath stated that law enforcement has changed over the years. All citizens are welcome to come to the Police Station from 8-5 weekdays and meet the City Officers. He added National Night Out use to happen in our community, and public safety officers were introduced to the community via the newspaper. There was more discussion on current crimes and several Council members stated they were in favor of the Neighborhood Watch program. City Manager Shields stated he does not want citizens to think the community is under siege. Chief Heath was asked to give some numbers on crime. He told numbers of crimes in general are down. Calls for services are down 500 from last year. He told about 2 new burglaries that were not random in our community. These individual robberies were targeted specifically. Chief Heath urges the Council to look at the reports that are given to them monthly. Mayor Hansel told she would like to meet with Chief Heath and plan a National Night Out. Council member Soria asked about Neighborhood Watch signs being added to neighborhoods. Chief Heath stated that the police station may have some of those signs and he knows that the station can get more to put up in the community. Neighborhood Watch is a national program and signs can be purchased. The Police Department could possibly sponsor some signage if funds are available. Chief Heath told about the NextDoor.com social media site to get to know your neighbors. It is a social media app that you can get to help you get to know your neighbors. It is a free service to anyone.

#### **CONSENT AGENDA**

Council member Heersche, moved to approve the Consent Agenda. Council member Soria, seconded the motion. The motion carried. The following items were approved under the Consent Agenda.

##### **➤ APPROVAL OF MINUTES**

- 1) Regular Session of July 17, 2018
- 2) Work Session of July 24, 2018
- APPROVAL OF APPROPRIATIONS
  - 1) Payroll Report for July 8-21, 2018 in the amount of \$245,908.63
  - 2) ACH Authorization Voucher #1111 for BCBS for July 11-17, 2018
  - 3) ACH Authorization Voucher #1112 for BCBS for July 18-24, 2018
  - 4) ACH Authorization Voucher #1113 for BCBS for July 25-31, 2018
  - 5) Claims Register for July 14-31, 2018 in the amount of \$1,629,896.47
- RECEIPT OF COUNCIL CORRESPONDENCE
  - 1) Treasurer's Quarterly Report for April 1-June 30, 2018
  - 2) Local Retailer Sales Tax & Compensating Use Tax for June 2018
  - 3) Building/Demo Permit Report for July 2018
  - 4) Code Enforcement Case Report for June 2018
  - 5) SRMC Financial Report for June 2018
  - 6) HCA Board of Director's Meeting Minutes for June 21, 2018
  - 7) Airport Board Meeting Minutes for June 18, 2018
  - 8) Board of Zoning Appeals Meeting Minutes for June 21, 2018
  - 9) Memorial Auditorium Board Meeting Minutes for June 7, 2018
  - 10) Planning Commission Meeting Minutes for June 26, 2018
  - 11) WRC Board of Director's Meeting Minutes for June 26, 2018
  - 12) Safety & Risk Management Committee Meeting Minutes for July 12, 2018
  - 13) Collection Bureau of Kansas-Utility Account Debt Collection Report- April 21, 2017 – July 31, 2018.
  - 14) Correspondence from Big Brothers Big Sisters: Thank you for 2018 Drug & Alcohol Funding

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

Council member Heersche thanked the Wellington Police Department for volunteering to be present at the Public Safety Job Fair on August 21<sup>st</sup> at 314 N. Washington, from 1-4 pm. Several other Public Safety offices will be present at this job fair also.

Council member Dodds said congratulations to the Heat Baseball team for winning their pool play. He congratulates them and hopes they can continue to win their games.

Council member Soria thanked the City departments for the storm clean-up last week, the water main break repairs and street repairs. He went to Electric Production building for a tour with Supervisor Travis Horsch as well as the Fire Station and met with Chief Hay. They want the public to visit anytime. He asked about the late storm siren sounding on Monday. Chief Heath told that it was employee error. Council member Soria asked about kids as well as adults riding bicycles on the public sidewalk. City Manager Shields stated that bikes are not allowed on the sidewalks. Chief Heath told that the sidewalks used to have stenciling on the curbs stating “no skateboards or bikes on walks”. This could be done again if Council so chooses. He suggested his officers should enforce the law better before anything else is done.

Council member Valentine thanked the City departments for the storm clean up last week. The employees do an awesome job and risk their lives to do so.

Mayor Hansel also thanked the departments for their hard work.

### **REPORTS OF CITY OFFICIALS**

#### **Street Closing Requests:**

**Block Party- Intersection of Sylvan Lane & Orchard Lane, September 2, 2018 5:00-9:00 pm.** Council member Heersche made a motion to approve the street closing. Council member Dodds seconded the motion. Motion carried.

**Alzheimer’s Walk, 8<sup>th</sup> Street to Harvey on Washington, September 22, 2018 8:00-2:00 pm.** Council member Dodds made a motion to approve the street closing. Council member Soria seconded the motion. Motion carried.

**Offer to Purchase City Property, from Barney & Tami Cornejo-Memo from City Manager Shields.** He told that they contacted the City and made an offer to purchase the lots of 301 and 317 E. 3<sup>rd</sup> that have been city owned for several years. Mr. Cornejo advised that he or a family member has mowed and maintained these lots for several years. He is offering the City \$700.00 to purchase both lots. Council member Etter made a motion to approve the purchase of the two properties. Council member Soria seconded the motion. Motion carried.

**Kansas Leadership Center, Leadership Transformation Grant-Memo from City Manager Shields.** He told the Kansas Leadership Center is offering a leadership grant to communities across the state. Several City employees have attended the grant classes. This grant is for the year of 2019, and it will be for 20-40 persons. Three different classes will be offered to individuals. He would like to apply for this grant and let employees attend. Mayor Hansel stated that she works for the Center and says that cities all over the State have done this. The consensus of the Council is to proceed with applying for the grant. Council member Heersche stated, in addition to this, Sumner County Leadership Initiative is also offering two openings for the City of Wellington employees to attend.

### **PUBLIC HEARING**

There were no Public Hearings held.

### **ORDINANCES**

AN ORDINANCE RELATING TO PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLINGTON, KANSAS; INCORPORATING BY REFERENCE THE “2018 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 34<sup>TH</sup> EDITION,” WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AND REPEALING ORDINANCE NO. 4197 OF SAID CITY was introduced

and considered. City Manager Shields stated this is the annual UPOC updates for the year 2018. Chief Heath explained the changes in this ordinance. Council member Dodds asked about the changes in prosecution for unlawful possession of marijuana and drug paraphernalia, and will the city be responsible for providing council for these circumstances. City Attorney DeJarnett answered yes if charges were made, then the opportunity for counsel would need to be given to the defendant. He also told of the issue of lowering charges so these charges will now be in municipal court. Council member Dodds made a motion to adopt the Ordinance relating to Public Offenses within the corporate limits of the City of Wellington, Kansas. Council member Etter seconded the motion. Upon roll call vote, those voting "AYE" were Council members Soria, Valentine, Etter, Hawley, Heersche, and Dodds. There were no "NAY" votes. Number 4225 was assigned to this Ordinance.

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLINGTON, KANSAS; INCORPORATING BY REFERENCE THE "2018 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 45<sup>TH</sup> EDITION," WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING SECTIONS I,II,III,IV,V,VI,VII,VIII,IX, X, XII, AND XIII OF ORDINANCE NO. 4198 OF SAID CITY was introduced and considered. Chief Heath told of the changes to this Ordinance that are contained in the memo of the agenda. He remarked that Section 114.4, includes the operation of golf carts on City streets. The City passed an Ordinance regarding the use of golf carts in 2009. The City opted to allow carts at night if equipped with lights. It was not a state statute at that time, and we were in violation. This is nothing more than bringing state statute in line with what we have been doing for several years. The state is now in agreement, however they are recommending from a state statute point of view is that you add a slow moving vehicle sign to the golf cart. This is to be displayed on the rear of the golf cart. Chief Heath recommends that the City follows the new state statute. He stated that currently the City has approximately 150 golf carts that are registered on our streets. Council member Dodds asked if there have been any accidents or traffic problems with the golf carts. Chief Heath stated there have not been any accidents. Council member Dodds said golf carts are not allowed on streets with the speed limit over 30 mph and he feels that no slow moving vehicle signs are needed. Council member Etter feels like if we add a new sign requirement during evening hours it would be unattractive to the owners of the golf carts and doesn't feel that it is necessary. Chief Heath also mentioned that there is a driver's license requirement that is needed to operate a golf cart in the City. Mayor Hansel asked if there should be a section XI in the first paragraph of this Ordinance. Chief Heath said it was inadvertently left out of the Ordinance section recommendations and should be included. Council member Dodds made a motion to amend and adopt the Ordinance regulating traffic within the corporate limits of the City of Wellington, Kansas as presented with the exception of number XI being added to the sections portion of the Ordinance and removing the requirement of the slow moving vehicle sign recommendation from the state being added to the golf carts at night. Council member Etter seconded the motion. Upon roll call vote, those voting "AYE" were Council members Soria, Valentine, Etter, and Dodds. Those voting "NAY" were Council members Hawley and Heersche. Number 4226 was assigned to this Ordinance.

AN ORDINANCE AMENDING SECTION 4-127, OF THE CODE OF THE CITY OF WELLINGTON, KANSAS, AS IT PERTAINS TO ALCOHOLIC BEVERAGES BUSINESS REGULATIONS was introduced and considered. City Manager Shields told this changes the hours that alcoholic beverages cannot be served, to match the new State Statute that states no alcohol beverages can be served between the hours of 2 am to 6 am. . Council member Etter made a motion to adopt the Ordinance as presented. Council member Heersche seconded the motion. Upon roll call vote, those voting

“AYE” were Council members Hawley, Heersche, Dodds, Soria, Valentine, and Etter. There were no “NAY” votes. Number 4227 was assigned to this Ordinance.

AN ORDINANCE AMENDING SECTION 26-91 OF THE CODE OF THE CITY OF WELLINGTON, KANSAS, AS IT PERTAINS TO COURT COSTS AND ADMINISTRATIVE FEES, AND REPEALING THE EXISTING SECTION was introduced and considered. City Attorney DeJarnett stated that this Ordinance is basically to make all of the court costs the same. At the end of the case upon conviction it would make the cost be the same for everyone. It will be a uniform price with the exception of parking fines. Council member Dodds made a motion to adopt the Ordinance that amends section 26-91 of the Code of the City of Wellington Kansas as it pertains to court costs and administrative fees. Council member Soria seconded the motion. Upon roll call vote, those voting “AYE” were Council members Soria, Valentine, Etter, Hawley, Heersche, and Dodds. There were no “NAY” votes. Number 4228 was assigned to this Ordinance.

AN ORDINANCE CHANGING THE BOUNDARIES OF THE ZONING DISTRICT AND AMENDING THE ZONING MAP AS ADOPTED BY ORDINANCE NO. 3826 (*00 North H Street*) was introduced and considered. Public Works Director Jones shared that the Planning Commission has viewed in a hearing a rezoning request. On July 24<sup>th</sup> on behalf of Wes Pechin representing the owners Larry & Anita Pape, owners of 000 N H Street, north of the Wheatland Car Wash would like this property to be rezoned. He told of a request for a north parcel and a south parcel equaling 12.4 acres. The zoning would change from R1, single family residential, to R-3, a multi-family residential district. The owners feel that by rezoning this it would open up more opportunities for growth. Director Jones handed out and read the Golden Factors fact sheet that gives reasons for approving or denial of the zoning request. The Planning Commission has approved this zoning change. Council member Valentine stated that he would like to see what the plat is. The recommendation of staff is to approve the request. The representative, Wes Pechin, told that he intends to build duplexes on the parcel that faces H Street, and some 4-plexes facing each other on the larger lot to the North. Wes Pechin has requested that an R3 be issued because the south portion by the car wash can be elongated to add the 4-plexes facing each other on that lot. Council member Valentine continued the objection that without seeing a plat it is unknown what this will look like and the citizens who have property around it have a legitimate concern. Director Jones stated that legally Council cannot withhold the rezoning request. Resident John Venskus, 518 W 18<sup>th</sup> Street, said he lives across from this property and is concerned about the multi-rentals and the additional traffic on H Street that would be present at the site. He feels that rezoning would have a detrimental effect on the adjacent properties and their value. Mr. Venskus feels that renters are less likely to adopt the values of property owners. He knew that someday the City would develop this property and is requesting that the Council deny this request to rezone the property. Resident Glen Harmon, 512 W 18<sup>th</sup> Street, spoke of his concerns with not allowing this to be kept a residential neighborhood. He does not want renters to move into their neighborhood. Council member Hawley asked when the Planning and Zoning Commission sent out letters to citizens regarding this issue, were citizens in attendance at the meeting. Director Jones stated yes there was attendance by a few residents and they spoke about the issue. Council member Etter asked what the difference is between R2 and R3 zoning. Director Jones told that R2 family residential would be limited to a 2 unit duplex within a single lot. R3 is going to bring in everything that is allowed in an R2 but also multiple family dwellings for an unlimited size, Bed and Breakfasts, and then private clubs, fraternities and lodges. The biggest difference is the size of the residential structures. Council member Etter stated that this property has been for sale for quite some time. Mayor Hansel asked Mr. Pechin how many building's he is proposing to construct. He stated that he is proposing three 4-plexes will be built on the

property. Council member Hawley told that she is in favor of good rental places and that the City is in need of good rental properties. Council member Hawley made a motion to adopt this Ordinance as presented. Council member Etter seconded the motion. Upon roll call vote, those voting "AYE" were Council members Dodds, Etter, and Hawley. Those voting "NAY" were Council members Heersche, Soria, and Valentine. The Mayor is required to vote on any zoning ordinance and she voted "AYE" breaking the tie vote. Number 4229 was assigned to this Ordinance.

### RESOLUTIONS

A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK TO SIGN THE PLAT OF GREG'S LANDING, IN THE CITY OF WELLINGTON, SUMNER COUNTY, KANSAS was introduced and considered. Director Jones explained the re-plating for this area of 31 undeveloped lots. The reason for re-plating is to erase the existing easements, property lines and public access way within that undeveloped portion of Coyote Ridge He continued this came to the Planning Commission meeting two weeks ago and received a recommendation for approval. Both the owners and residents were present that had some concerns but a lot of them were on a separate topic. We will be taking 31 lots and make it one lot. Staff recommendation is for approval. Dr. Lacey Gregory who resides at 1009 Myles Drive purchased the land and wants to put a single house on the property in question. Council member Dodds asked a question about the lot that was outside of the city limits. Director Jones answered lot number 2 has not been annexed. Council member Etter made a motion to approve this Resolution as presented. Council member Hawley seconded the motion. Upon roll call vote, those voting "AYE" were Council members Hawley, Heersche, Dodds, Soria, Valentine, and Etter. There were no "NAY" votes. Number 5908 was assigned to this Resolution.

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER WITH ELECTRICOMM, INC., OF TOPEKA, KANSAS FOR ONE ABB UZE CONTACT KIT, IN THE AMOUNT OF \$17,191.50, FOR ELECTRIC DISTRIBUTION was introduced and considered. Assistant City Manager of Public Utilities Director Jason Newberry told that this is a Resolution asking to buy a contact kit for the main transformer for the City on the line that comes in on the south side of town and goes to the transformer at the Electric Production plant. He added this is the same transformer that caught on fire last year, and was maintenance that was discovered after the fire. Staff recommendation is to accept the bid from ELECTRICOMM and proceed forward. Council member Etter made a motion to approve this Resolution as it was presented. Council member Dodds seconded the motion. Upon roll call vote, those voting "AYE" were Council members Hawley, Heersche, Dodds, Soria, Valentine, and Etter. There were no "NAY" votes. Number 5909 was assigned to this Resolution.

### STUDY ITEMS

**Procurement/Purchasing Policy Update for Review-Memo from City Manager Shields, Existing Policy, and Revised Purchasing Policy Draft.** City Manager Shields told that this policy update is included for the Council to study and to approve at another meeting. This is needed after the audit service was completed this year.

### OTHER

Council member Hawley asked when the new Code Enforcement Officer was going to be hired so they could be included with the work session. Director Jones stated the position would close tomorrow and that there were approximately 36 applicants so far. City Manager Shields stated that a work session definitely needs to happen to discuss blight and the actual definition of the word. Council member Soria's

request for a work session on blight was scheduled for Thursday, August 16<sup>th</sup> at 6:30 pm in the City Council room.

Mayor Hansel stated that it was time for City Manager Shield's review. She will ask Robin to forward all the forms by email for the review.

City Manager Shields reminded Council the KPP retreat is September 14-15. Please let staff know if you wish to register. He also told that the League of Kansas Municipalities Conference is in Topeka October 6-8. Those who want to go please contact staff to register.

City Manager Shields told of public tours of our operating facilities. All civic groups that would like to tour any City facility please let staff know to schedule those tours.

A motion to adjourn was made. Motion carried.

Approved and filed this day, August 21st, 2018.

---

Mayor

---

City Clerk