

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

The Invocation was given by Council member Korte.

Council members Bill Butts, Kelly Hawley, Jan Korte, Jim Valentine and Vince Wetta were present at roll call. Council member Etter was absent with an excused absence.

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

Council member Korte moved to amend the agenda to include an Executive Session concerning an Attorney/Client privilege matter at the end of the meeting. Council member Butts seconded. The motion carried.

AUDIENCE PARTICIPATION

Lydia Albright, 410 W. Harvey, addressed the Council regarding a parking problem. A number of neighbors received chalked tires when their cars were not moved after 24 hours. She shared a concern that not all residents are able to move their vehicles every 24 hours or may go on vacation and she is concerned that residents may be ticketed or towed.

Council member Hawley asked Ms. Albright if the police department was contacted first regarding her concern, as this is not exactly a Council issue.

Police Chief Heath responded that it is minor on the enforcement scale but he would check with 9-1-1 and see if there were any complaints on the West Harvey block.

CONSENT AGENDA

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

- APPROVAL OF MINUTES
 - 1) Regular Session of August 16, 2016
 - 2) Work Session of August 22, 2016
- APPROVAL OF APPROPRIATIONS
 - 1) Payroll Report for August 7 – 20, 2016 in the amount of \$226,131.47
 - 2) ACH Authorization Voucher #1012 for BCBS for August 10 - 16, 2016
 - 3) ACH Authorization Voucher #1013 for BCBS for August 17 - 23, 2016
 - 4) ACH Authorization Voucher #1014 for BCBS for August 24 - 30, 2016
 - 5) EFT for Airport Fuel for September 2, 2016
 - 6) EFT for Airport Fuel for September 4, 2016
 - 7) Claims Register for August 13 – 31, 2016 in the amount of \$1,341,698.42.
- RECEIPT OF COUNCIL CORRESPONDENCE
 - 1) Local Retailer Sales Tax & Compensating Use Tax for July 2016
 - 2) Building/Demo Permit Report for August 2016
 - 3) SRMC Financial Report for July 2016
 - 4) HCA Board of Directors Meeting Minutes for July 21, 2016
 - 5) WRC Meeting Minutes for June 28, 2016
 - 6) WRC Meeting Minutes for July 26, 2016
 - 7) Housing Authority Board Meeting Minutes for July 26, 2016
 - 8) Memorial Auditorium Board Meeting Minutes for August 4, 2016

- 9) SCCDAT Newsletter for August 2016
- 10) Correspondence from James Bales, President-Chisholm Trail Museum, Thanks for 2017 Appropriation
- 11) Street Closing – Washington Elementary Jog-a-thon, September 16, 11:45 a.m.
- 12) Street Closing – Homecoming Parade, October 6, 6:00 p.m.

REPORTS OF MAYOR AND COUNCIL

Council member Valentine hoped everyone had a safe Labor Day. Council member Wetta shared it was good to be back from vacation.

Council Member Status/Vacancy – Memo from City Attorney Brown. Mayor Hansel asked if City Attorney Brown would like to discuss this issue at this time or wait until the end of the meeting. Mr. Brown requested it be moved to the end of the meeting for his statement. Mayor Hansel explained the reason for this item was that a temporary restraining order was placed on the City Council today to keep them from moving forward on the open council position. Since it is pending litigation, we have to be cautious about what is said, but she understands that the public has the right to know. She continued the Council will be meeting with Attorney Brown in executive session this evening to discuss further.

REPORTS OF CITY OFFICIALS

Worden Park & Landfill – Memo from City Manager Shields & Public Works Director Jones. Manager Shields introduced the memo that provided information on selling a portion of the property of Worden Park and Landfill, which was a citizen's proposed answer to the Budget and high utility bills. He explained that since Worden Park was purchased with grant funds, it would require state and federal approval to sell the land and we would have to replace the portion sold with an equal amount of land, so it may not be feasible due to that. The landfill has 19 acres that are available. There is an existing farm lease that does not expire until June of 2020 so that would need to be addressed. It is adjacent to current construction and demolition disposal site, which has expectant life of 25 years. He continued the sale of 19 acres at \$1500.00 an acre would be \$28,500, and although every dollar matters, this amount is would not be a significant impact to the utility fund.

Council member Korte shared a concern that it is not a good idea to sell off long term assets for a short term expense. She feels we need to come up with another way to deal with those expenses.

Mayor Hansel commended that Staff for taking citizen recommendations seriously and looking into them.

Update on 107 W Lincoln – Memo from City Manager Shields, includes Report from PEC. Manager Shields introduced the memo. We received a structural assessment report from PEC Engineering. The estimate for repairing the building was \$529,000. That includes the wall and interior and such to make it inhabitable. The cost to design construction documents to accomplish that is \$28,000. He told the City has received information from the property owner on August 27th that he had received notice from his insurance company saying the building is covered but no dollar amount has been determined. He added they know the total policy amount the owner has on the building, but the insurance company has not finalized the dollar amount they are going to provide. He added we asked PEC to prepare an estimate for demolition and they contacted a contractor for that, who estimated the demolition of the building to be \$125,000 to \$175,000. PEC has contacted a couple of contractors on Friday to confirm if they would be able to stabilize the wall but one contractor was not available and the other was not able to do it. Mr. Richard Jack, our Building Official, has contacted two other contractors and he is meeting with them tomorrow. He is hoping one of them will provide us an estimate and be able to stabilize the wall.

Council member Hawley expressed concern that it has been six weeks since Mr. Jack approached the Council regarding the emergency need to either demolish or stabilize the building but nothing has been done. Manager Shields replied at that time what we needed was the owner's approval to enter the building and we were also waiting to receive the PEC report, and we now have that. He further stated the reason we are bringing this issue back to the Council is that the Council indicated demolishing the building should be the last resort, and now we are waiting for the insurance company on the amount available.

Council member Butts asked Attorney Brown if the insurance company covers damage if it falls. Council member Valentine asked if anyone has talked to the insurance company. Attorney Brown replied that we were not sure but we are not the owners of the building so we cannot contact them. We are in the middle, hoping the owner is communicating with the insurance company.

Council member Korte commented this is very similar to the experience with the Antler's building where money was spent but it was eventually torn down.

Council member Wetta expressed concern that whether the building falls down and we clean it up or it is demolished, the City will not be able to collect any monies on the expense. Manager Shields agreed that was a concern.

Manager Shields reminded the Council that the intent today was to update the Council that the City is meeting with two contractors tomorrow to find out the cost to stabilize the building.

Council member Hawley asked that with the safety concern of the building falling, if the City could contact the insurance company. Manager Shields stated we would need owner participation to do that.

Mayor Hansel asked if we could wait for the contractor estimates. Manager Shields replied that the Council could make a decision to move forward based on a dollar amount.

Council member Wetta made a motion to give the City authority to move forward with the stabilization project if the amount was \$3,000 or less. After discussion, Mr. Wetta amended the motion not to exceed \$10,000 for the stabilization. Council member Butts seconded. The motion carried 4-1.

Addendum to Farm Lease Agreement (Bullhead Acres, LLC) Manager Shields explained this was an addendum to an existing contract. The only change is the acreage involved was based on the Airport contract and had not been changed due to Airport construction.

Council member Korte moved to approve the addendum to the Farm Lease Agreement with Bullhead Acres. Council member Butts seconded. The motion carried.

PUBLIC HEARINGS

There were no public hearings included in the agenda.

ORDINANCES

AN ORDINANCE RELATING TO PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLINGTON, KANSAS; INCORPORATING BY REFERENCE THE "2016 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 32nd EDITION," WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AND REPEALING ORDINANCE NO. 4184 OF SAID CITY. Manager Shields told that Police Chief Heath and City Attorney Brown had asked that both Ordinances presented tonight be tabled as some corrections were needed before passing the 2016 Uniform Public Offense Code and the 2016 Standard Traffic Ordinance. Council member Wetta moved to table both of the Ordinances to the September 20, 2016 Council Meeting. Council member Hawley seconded. The motion carried.

AN ORDINANCE ADOPTING 2016 STO AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLINGTON, KANSAS; INCORPORATING BY REFERENCE THE “2016 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 44th 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. 4185 OF SAID CITY. (Tabled above)

RESOLUTIONS

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SIEMENS INDUSTRY, INC. OF RICHLAND, MISSISSIPPI FOR THE PURCHASE OF THE SIEMENS BREAKER, RECOMMENDED PARTS AND FIELD SERVICE FOR THE DUKE SWITCHING STATION IN THE AMOUNT OF \$43,310 was introduced and considered.

Manager Shields introduced the resolution. He explained Olsson Associates is our consultant and handled the process. He told this is part of the electric project and will be paid with bond funds. The low bid was from Siemens.

Council member Korte moved to adopt the resolution as presented. Council member Butts seconded. Upon roll call vote, those voting “AYE” were Council members Hawley, Korte, Butts, Wetta and Valentine. There were no “NAY” votes. Number 5769 was assigned to this resolution.

A RESOLUTION APPROVING THE CITY MANAGER TO SIGN A LEASE AGREEMENT BETWEEN THE CITY OF WELLINGTON, KANSAS AND APAC-KANSAS INC., SHEARS DIVISION; APPROVING THE TERMS, CONDITIONS AND REQUIREMENTS FOR RENTAL OF REAL ESTATE AND DESCRIBED IN THE ATTACHED LEASE AGREEMENT (includes Lease) was introduced and considered.

Manager Shields introduced the resolution. He explained it is the property lease with APAC that has existed for a number of years. It is a five year contract with two renewable 5-year terms for APAC to continue to lease a portion of the property, 2.69 acres that is adjacent to their operations now.

Council member Butts moved to adopt the resolution as presented. Council member Korte seconded. Upon roll call vote, those voting “AYE” were Council members Hawley, Korte, Butts, Wetta and Valentine. There were no “NAY” votes. Number 5770 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PROSEAL, INC. OF EL DORADO, KANSAS FOR THE APPLICATION OF ASPHALT REJUVENATING AGENT IN THE AMOUNT OF \$26,852.38 was introduced and considered.

Public Works Director Jones introduced the resolution. He explained this was the first set of projects coming off of the street survey and implementation of the software. Director Jones told this rejuvenating agent is put on asphalt roads to help seal the road and keep the asphalt flexible to prevent cracking and extend the life. He said they sent it out to seven qualified vendors and this was the only bid we received for this particular treatment. He added for the next cycle, they will look for additional competitors but for this project, Proseal can start as early as next week.

Council member Wetta moved to adopt the resolution as presented. Council member Korte seconded. Upon roll call vote, those voting “AYE” were Council members Hawley, Korte, Butts, Wetta and Valentine. There were no “NAY” votes. Number 5771 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CIRCLE C PAVING & CONSTRUCTION L.L.C. OF GODDARD, KANSAS FOR THE

APPLICATION OF MASTIC SURFACE TREATMENT IN THE AMOUNT OF \$26,662.35 was introduced and considered.

Director Jones introduced the resolution. He explained it is another type of surface treatment and this particular one can go on a wide variety of streets. He stated we received two bids on this project and the nearest bid was almost \$37,000. Both vendors said they would come in May of 2017 because it is too late for them this year. He added this would be for a contract for spring of next year.

Manager Shields reminded everyone that these street projects were identified by the Street Saver software program and the requests are following that software recommendations.

Director Jones added that the funds would be coming out of the operating budget and the money was set aside for it. The bids are going out a little late this year and he hopes to get bids out next year in February.

Council member Bu moved to adopt the resolution as presented. Council member Korte seconded. Upon roll call vote, those voting "AYE" were Council members Hawley, Korte, Butts, Wetta and Valentine. There were no "NAY" votes. Number 5772 was assigned to this resolution.

Mayor Hansel requested a Work Session as soon as possible to discuss requests from the Wellington Chamber of Commerce city beautification project and projects regarding public land. Director Shields added a Work Session for Waste Connections proposal and Westborough Road needs to be held soon

Director Shields announced he will be gone from the office from September 13 – 20 attending his son's graduation from basic training. He will be back the morning of the 20th to attend the September 20th Council meeting. Mayor Hansel asked him to let Jerrod Shields know how proud we all are of him.

Mayor Hansel announced she will be gone on September 20th while she attends the Regional Economic Area Partnership (REAP) meeting. She announced Council member Wetta will preside over the meeting during her absence.

STUDY ITEMS

There were no study items included in the agenda.

EXECUTIVE SESSION

Council member Korte moved to recess into Executive Session for consultation with an attorney on matters that would be deemed privileged in an attorney client privilege not to exceed thirty minutes to include the Council, Manager Shields and City Attorney Brown. Council member Wetta seconded. The motion carried and the Council recessed into Executive Session at 7:49 PM.

The Council reconvened at 8:15 PM. Mayor Hansel announced that no binding action was taken during Executive Session and after consulting with Attorney Brown, it is our understanding that Council member Etter has withdrawn his resignation so therefore this Council will not take any action and Mr. Etter will be back on the Council effective immediately.

OTHER ITEMS

City Manager Shields updated the Council on the KDHE Raw Water issue. He said they talked to the attorney with the KDHE. They received our draft of the Consent Order and we are negotiating with them. Director Shields said KDHE is not as concerned with the September 30th deadline, as long as we are having dialogue and working towards the end. Attorney Brown reported that he is that he has spoken with an attorney firm in Wichita, Adams-Jones, regarding the water issue. He hopes to have a face to face visit with them this week.

Manager Shields reported that the hydrant testing schedule was sent to media today. It will continue through the month of September. He reported the Lake Office hours have changed with the summer almost over and that was released to the media, as well. He also told the Street

Department/Public Works are short staffed so they are a little behind on weed mowing. Summer help is no longer present and the rain has not helped, either.

Council member Wetta shared that the Executive Session was very lively. He shared that two Council members did not want to remove Council member Etter because he is elected and must be recalled. He explained the recall process.

Council member Valentine requested that Sumner Newscow verbally apologize for lying about him when they stated he was wearing a uniform in work session or in council, which did not happen. He only brought the uniform and flag to represent soldier friends who were killed in action.

FUTURE AGENDA ITEMS

A work session to discuss the Waste Connections proposal and Westborough Roads is scheduled for September 26th at 5:30 p.m. at City Hall.

Mayor Hansel shared comments about a need to refocus and pledge to move forward in a positive manner, making a commitment to our community.

A motion to adjourn was seconded and carried.

Approved and filed this 20th day of September, 2016.

Mayor

City Clerk