

The Council of the City of Wellington, Kansas, met in Regular Session on September 20, 2016 at 6:30 p.m., in the City Council Room, City Administration Center, with Council President Vince Wetta, presiding in Mayor Hansel's absence.

The Pledge of Allegiance was led by Council President Vince Wetta.

The Invocation was given by Reverend Bob Nickel of Grace Baptist Fellowship.

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

Members of the Staff present were City Manager/Finance Director Shane Shields, City Clerk Carol Mericle, and Police Chief Tracy Heath.

AUDIENCE PARTICIPATION

Council President Wetta introduced Dalton Gilliland, member of Boy Scout Troup #318, Winfield, KS was recognized by Council President Wetta as part of our audience to earn his Citizenship Merit Badge, working towards his Eagle Scout.

CONSENT AGENDA

Council member Korte moved to amend the two areas in the Council Minutes for the Regular Session of September 6, 2016: page 1843, paragraph 5, line one, strike the word "interim"; and page 1845, paragraph one, line 3, strike the word "Council approval" and insert "owners approval".

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

➤ APPROVAL OF MINUTES

- 1) Regular Session of September 6, 2016

➤ APPROVAL OF APPROPRIATIONS

- 1) Payroll Report for August 21 – September 3, 2016 in the amount of \$217,877.59
- 2) ACH Authorization Voucher #1015 for BCBS for August 31 – September 6, 2016
- 3) EFT for Airport Fuel for September 26, 2016
- 4) Claims Register for September 1 - 16, 2016 in the amount of \$1,054,475.68.

➤ RECEIPT OF COUNCIL CORRESPONDENCE

- 1) Clerk's Report for August 2016
- 2) Police Activity Report for August 2016
- 3) Fire/EMS Activity, Overtime, Revenue Report for August 2016
- 4) Ambulance Financial Report for August 2016
- 5) SRMC Financial Report for August 2016
- 6) HCA Board Meeting Minutes for August 18, 3026
- 7) Park Board Meeting Minutes for August 9, 2016
- 8) Safety & Risk Management Committee Safety Meeting Minutes for September 14, 2016
- 9) LKM 2016 Annual Conference, October 8 -10, Overland Park
- 10) Correspondence from Tracy McCue – Publisher, Sumner NewsCow, to Mayor & Council, City Officials and City Attorney
- 11) Street Closing – Homecoming & Fall Fest, Friday, October 7, 2016
- 12) Street Closing – Fall Fest 5k Run, Saturday, October 8, 2016
- 13) Media Release for September 15, 2016 – Memorial Auditorium Board Vacancy

REPORTS OF MAYOR AND COUNCIL

Council member Wetta shared a four-way test that is used prior to every Rotary Club meeting that he thought would be beneficial to the Council meeting, "Is it the truth? Is it fair to all concerned? Will it build good will and better friendships? Will it be beneficial to all concerned? "

Council member Valentine shared that there is a good size hole in the paving at Summit & Circle by the Day Funeral Home. He commented that the paving on B Street to Harvey looks great and he asked if it was a different overlay that they were using. Council member Butts thought it was a sealant. He commended the Street department for their efforts. He also requested that Vandenburg and 4th be relined. Manager Shields said he would look into that, as well.

Council member Butts said that as a resident of B Street, he commended the notification that he and other residents received prior to the construction on the roads. He was also impressed how quickly the work was done and commended Director Jones and his crew.

Council member Korte reported on attending the hospital Board meeting. She shared that the key to maintaining the hospital was controlling expenses and collecting money. She was impressed that they hired a firm to review claims in search of billing errors, which uncovered about \$87,000 in underpaid insurance claims. Although not all of it will be collected, part of it will, which will help the hospital. They are also pursuing the thought of reopening the cost reports of 2010 through 2015, which could produce some extra income for the hospital. Council member Korte said it is really a positive situation and she is very pleased.

Council member Wetta encouraged residents to attend in the “Fly In” at the Airport September 29th. Manager Shields added that the event will be 8-10 am and this is either the second or third year that the event started at Wellington Airport. At 8:30, a jet arrives with a couple of fly-overs and it leaves at 9:50. The State Director of Aviation will be present and we encourage everyone to attend.

REPORTS OF CITY OFFICIALS

Memorial Auditorium Board Vacancy – Memo from City Clerk Mericle. City Clerk Mericle told there is an opening on the Memorial Auditorium Board. The memo went out in a public service announcement last week and the application period is open through September 30, 2016. She encouraged anyone who would like to become a candidate to please come to City Hall and fill out an application prior to 5 p.m. on that date. She informed the Council there were still four applications that were submitted from the original Board appointments earlier in the year that can also be used to choose a candidate from and that a Work Session would need to be scheduled sometime after the 30th to choose someone for that Board.

Council president Wetta reminded the Council that there was a Work Session already scheduled for the 26th, which was prior to the closing of the application period so he opened it up for suggestions.

Council member Hawley suggested 30 minutes prior to the regular scheduled Council meeting on Tuesday, October 4th.

Manager Shields reminded the Council that there were concerns in the past on whether the candidates should attend the Work Session so he was asking the Council to decide on how the City should proceed. Council president Wetta replied that attendance of a candidate at this session would go a long way in helping them make a decision. City Clerk Mericle replied we would notify the candidates.

Council president Wetta confirmed there would be a Work Session at 6pm and a regular Council Meeting at 6:30 p.m. on Tuesday, October 4th.

EBY Proposal to Stabilize Lincoln Place, Memo from City Attorney Brown. City Attorney Brown reminded Council that they authorized the City Manager to pay up to \$10,000 for the stabilization of 107 W. Lincoln. He reported Eby Construction gave a bid for \$13,500. If Council wants to accept this bid with Eby Construction, we need a motion to authorize the additional \$3,500 to stabilize the south wall.

Manager Shields explained further that PEC contacted two contractors who did not want to do the job. Richard Jack, Building Official, contacted two more contractors and one did not want to do the job

and Eby Construction is the one that has provided a proposal for \$13,500 which is over the \$10,000. Manager Shields asked Mr. Brown to confirm what our options were legally and how we could recoup our money in this situation. He said those questions are addressed in the memo found in the agenda. Manager Shields reported he has talked directly with the insurance agent involved. They are still working on determining the final award that is based on four different factors but we do not have the final information. He is not sure if they can tell him that directly. Manager Shields has also talked with the property owner and he notified him via email that he has not received any final information from the insurance company, other than they know the building is covered and are still determining what that final payout may be. He has provided the insurance agent with a copy of the ordinance regarding the insurance proceeds. Manager Shields asked Mr. Brown if there were any options to recover the expense.

Mr. Brown responded that our ordinance created the ability for us to create a lien and also a provided a procedure to collect it. We are still waiting to find out what the insurance company is going to pay, which is between the company and the insured.

Council member Korte asked if the owner agrees with stabilizing the building. She shared her concerns with the building still falling and removal of any barricades, should that happen.

Council member Etter asked Mr. Brown to explain the ordinance more. Mr. Brown read it verbatim. And explained that until we know what payout is, we are on the sidelines waiting.

Council member Wetta wanted verification that we did not own the building and we were concerned about damage to others, including other buildings. He is concerned about touching the building at all. Mr. Brown explained that we do not own the building and what the City is doing is exercising due diligence by putting up the barricades and seeking out options. Council member Wetta asked what would happen if there was no motion. Manager Shields responded nothing but continue the protective measures we have in place.

There was more discussion about options and it was decided there would be no motion on this issue.

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 was introduced and considered.

Attorney Brown introduced the ordinance and explained this is an annual ordinance regarding public offenses. Police Chief Heath explained it pertains to changes in the State public offense code.

Council member Korte asked about the barbed wire language in Section IV. Chief Heath explained that we do allow it for one specific purpose and that is the enclosure of livestock. Otherwise we prohibit it.

Attorney Brown told there are commercial properties that have it for security purposes.

Council member Etter asked if we could grandfather those with the barbed wire for commercial purposes. Manager Shields told they could amend the ordinance to not include Section IV.

Council member Korte moved to amend the Ordinance to strike Section IV of the Uniform Public Offense Code. Council member Butts seconded. The motion carried.

Council member Korte moved to adopt the Ordinance as amended. Council member Butts seconded the motion. Upon roll call vote, those voting “AYE” were Council members Butts, Etter, Hawley, Korte, Wetta and Valentine. There were no “NAY” votes. Number 4197 was assigned to this ordinance.

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 was introduced and considered.

Chief Heath introduced the ordinance and explained it is simply about traffic offenses that can be prosecuted in municipal court. This addresses the operation of special use vehicles that we currently allow to be operated on City streets, which include all-terrain vehicles, micro utility trucks and golf carts and the controlling of those particular vehicles under the Standard Traffic Ordinance (STO).

Council member Butts moved to adopt the ordinance as presented. Council member Korte seconded. Upon roll call vote, those voting “AYE” were Council members Butts, Etter, Hawley, Korte, Wetta and Valentine. There were no “NAY” votes. Number 4198 was assigned to this ordinance.

AN ORDINANCE AMENDING SECTION 6, ARTICLE I, OF THE CODE OF THE CITY OF WELLINGTON, KANSAS, BY ADDING SECTION 6-11 WITH RESPECT TO ANIMAL DEFECATION AND SECTION 6-12 WITH RESPECT TO ANIMALS IN MOTOR VEHICLES was introduced and considered.

Chief Heath explained that Section 6-11 animal defecation is to address the phone calls that the police department receives from residents reporting an animal that has entered their property and defecated. The police allow the owner to clean up after the dog but some choose not to. The change would give the police department a way to enforce the issue should the issue arise. Section 6-12 addresses those animals left locked in a car and it gives the police department an opportunity to address that, as well.

Attorney Brown explained they also had the City Prosecutor’s input on this ordinance.

Council member Korte asked if we could do some promotion on these issues. Manager Shields responded that the City could issue a press release on these ordinances, providing they are adopted, informing the public ahead of time that these things are illegal.

Council member Korte moved to adopt the ordinance as presented. Council member Butts seconded. Upon roll call vote, those voting “AYE” were Council members Butts, Etter, Hawley, Korte, Wetta and Valentine. There were no “NAY” votes. Number 4199 was assigned to this ordinance.

AN ORDINANCE AMENDING SECTION 32-100 OF THE CODE OF THE CITY OF WELLINGTON, KANSAS WITH RESPECT TO BUILDING MATERIALS IN STREETS was introduced and considered.

Manager Shields introduced this with a change in wording and asked Chief Heath to explain the issue to the Council. Chief Heath explained that we have had several instances of residents using “pods” or movable storage containers and they are being set on streets in parking spaces. Recently, one was in a very busy area which was not marked but sitting in the middle of the street. In another instance, the resident had one in the street and another in their private driveway. This ordinance will not prohibit the use of these containers, it asks residents to take safety measures that cause roadway obstruction.

Manager Shields explained that the changed language addresses this by removing the word “lighted” and adding a requirement that the structure will be adequately marked to give warning to the drivers of vehicles, including cones, barricades and/or flashers.

Council member Korte moved to adopt the ordinance as presented. Council member Butts seconded. Upon roll call vote, those voting “AYE” were Council members Butts, Etter, Hawley, Korte, Wetta and Valentine. There were no “NAY” votes. Number 4200 was assigned to this ordinance.

RESOLUTIONS

There were no resolutions items included in the agenda.

STUDY ITEMS

There were no study items included in the agenda.

FUTURE AGENDA ITEMS

Manager Shields said a media release went out a few weeks ago informing the public of testing of fire hydrants in mid-September. We have had a number of calls about the dirty water and as a reminder from the release, the testing does cause this. Hopefully the flushing done afterwards addresses the problem. This testing is an annual thing we have to do. He asked the public to please be aware.

The League of Kansas Municipalities Conference is in Overland Park on October 8th – 10th. The deadline for early bird registration is this week. He said an email was sent to the Council members and he needs to confirm attendance.

There is a Work Session on Monday, September 26th.

Manager Shields gave an update on the Raw Water Issue. KDHE sent an email and they have extended the time to approve the final Consent Order to October 21st. They will be sending us what their reply is to the changes we requested. He had a phone conversation with Attorney Brad Stout last Monday afternoon to brief him on what we would like answers to, and Mr. Brown met with the attorney on Tuesday.

Council member Wetta received a call from Topeka regarding an informational meeting next month regarding Medicaid and how it could help our hospital.

A motion to adjourn was seconded and carried.

Approved and filed this 4th day of October, 2016.

Mayor

City Clerk