

The Council of the City of Wellington, Kansas, met in Regular Session on October 18, 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 Reverend John Bliss of First Baptist Church.

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 Shane Shields, City Attorney Mike Brown, Utility Director Jason Newberry and Accounting Clerk Kelly Ford.

AUDIENCE PARTICIPATION

SRMC Update. Barry Harding, CEO of Sumner Regional Medical Center, told they continue to make progress with volumes that continue to increase. They are beginning strategic planning sessions. Mayor Hansel asked about morale and shared her condolences for the loss of SRMC employee Roanna Fritzler. Mr. Harding replied that he conducts employee forums and makes rounds so he has consistent commitment to the hospital and patients.

Keeping Goats in City Limits. Dustin Johnston and Nick Miller, 702 South H, requested time to discuss the City's livestock ordinance. Their concern was the 1983 ordinance that lumps goats, horses and cows together as a definition of livestock and limits space and number allowed. They shared documentation on the unique needs of goats, their personal use of goat's milk and their urban farming techniques. They felt they were in compliance with land and safety requirements with their goat and asked the Council to review the ordinance so that they could have two goats, which would ensure the goats' wellbeing. Manager Shields replied that the staff and City Attorney would review the City ordinances and be back in touch with them.

CONSENT AGENDA

Council member Valentine 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) Work Session of October 4, 2016
 - 2) Regular Session of October 4, 2016
- APPROVAL OF APPROPRIATIONS
 - 1) Payroll Report for September 18 – October 1, 2016 in the amount of \$214,482.37
 - 2) ACH Authorization Voucher #1019 for BCBS for September 28 – October 4, 2016
 - 3) ACH Authorization Voucher #1020 for BCBS for October 5 - 11, 2016
 - 4) Claims Register for October 1 - 14, 2016 in the amount of \$301,084.40
- RECEIPT OF COUNCIL CORRESPONDENCE
 - 1) Clerk's Report for September 2016
 - 2) Treasurer's Quarterly Report for July 1 to September 30, 2016
 - 3) Building/Demo Permit Report for September 2016
 - 4) Police Activity Report for September 2016
 - 5) Ambulance Monthly Financial Report for September 2016
 - 6) Fire/EMS Activities/Overtime/Revenue Report for September 2016
 - 7) Auditorium Board Meeting Minutes for September 1, 2016
 - 8) Library Board Meeting Minutes for September 1, 2016

- 9) KMIT Comp Control Newsletter for August 2016
- 10) KMIT Claim Analysis thru October 11, 2016
- 11) Safety Newsletter for October 11, 2016
- 12) Public Notice of October 13, 2016 – Important Information About Your Drinking Water

REPORTS OF MAYOR AND COUNCIL

Council member Valentine requested an update on the Lincoln Place building. Manager Shields informed there was no updates as of last week – no communication with owner or insurance company. Council member Valentine complimented Tom McAlister on the improvements made to the former Apple Market building and stated he appreciates all he has done.

Council member Wetta continued the discussion on the Lincoln building. There was additional discussion about City responsibility, the recent resolution, the PEC estimate to demolish and the closing of Lincoln Street as per expert recommendation.

Mayor Hansel congratulated Kylie Aufdengarten and Mekenna Adams on their Tennis Tournament win and she told the Crusader football team to keep their chin up after the close of the season. She welcomed Randy White, the visiting Mayor of the City of Derby, KS who was observing the Council session. She welcomed Merrill Atwater, Director of Aviation for the Kansas Department of Transportation (KDOT) for attending the meeting. She also thanked Mr. Atwater for including Wellington in the Aviation Tour, which is a great honor for the City of Wellington. Mayor Hansel announced that today's city-wide power outage was due to a squirrel in the substation next to the Power Plant. Utility Director Newberry added that the cooler weather has caused more activity with the squirrels so additional traps have been set. Mayor Hansel thanked the crews for doing a great job in restoring the power.

REPORTS OF CITY OFFICIALS

Airport Runway Expansion Project. Manager Shields introduced the project and reminded the Council that this was the final step in the project and details were discussed in last evening's Work Session. Since they were advised two weeks ago that Federal Aviation Administration (FAA) funding was available, they needed to know if the Council wished to move forward on the expansion, which would include extending the sewers to the airport and eliminating the lagoons. The project estimate was \$2.8 million, leaving our portion to be \$280,000. However, since KDOT was willing to partner with the City, our cost reduced to \$140,000. He reminded the Council that there was no budget for the project. He invited Airport Manager Patrick Hamlin to discuss more details. Manager Hamlin continued to explain that the runway would extend to 5,200 feet which would allow for bigger airplanes to land which use more fuel. Extending the sewer would be great for current tenants and open up opportunities for the future. He invited Merrill Atwater, Aviation Director for KDOT to speak. Mr. Atwater shared that more planes landing means an increase in economic development – selling of fuel and people coming into town to eat and shop. The sewer development extension allows the community to grow towards the airport and meets insurance requirements. He said that he was here to help as a liaison between the City and the FAA. Council member Korte asked where the \$140,000 investment that KDOT was willing to make comes from and he explained it was part of the Kansas Airport Improvement Plan (KAIP), which is a grant, not a loan. Council member Wetta asked about the cost to remove the lagoons. Director Newberry replied the PEC estimated the complete project to be around \$800,000. Council member Butts asked if the FAA notifies airlines and pilots of our changes and Manager Hamlin replied that the updates to the airport would require marketing from the City. Council member Wetta motioned to approve proceeding

with the runway expansion project and authorized City Staff and Manager Patrick Hamlin to communicate with the FAA. Council member Etter seconded. The motion carried.

Hearing re: Zoning Appeal, Sunshine Inn. The Council heard a zoning appeal submitted by BPP, LLC (Sunshine Inn) at 1001 E 16th, Wellington, KS. Manager Shields introduced the issue and explained that there was a zoning issue with the Sunshine Inn property. The Planning Commission (PC) had already reviewed and made a decision. He informed that at the conclusion of the hearing, the Council had three options: to agree with and uphold the PC decision; to overturn the PC decision or to return the issue to the PC for further consideration because of additional information. He invited Zoning Official Jamie Cornejo to discuss the issue, who was assisted by Margaret Horton, member of the Planning Commission. Mr. Cornejo informed the Council that on August 23, 2016 the PC received a request from the owners of the Sunshine Inn to rezone their property to a R3 Multi-Family Dwelling to accommodate a group home to be opened. When the PC reviewed the current zoning of the Sunshine Inn, they found it was labeled under two different districts or zoning types: AL-Agriculture and CS-Highway Service, which was separated between the hotel and the parking lot. Since the area was primarily commercial/CS-Highway Service, the PC denied the request for R3 and reviewed the dual zones issue with City Staff. It was decided to request in writing, approval from Sunshine Inn to rezone the property to CS-Highway Service to match the rest of the area. He received a phone call from attorneys representing Sunshine Inn and shortly thereafter received the request for an appeal. Mayor Hansel then officially opened the hearing of the Zoning Appeal Board at 7:23 pm.

Ed Robinson and Deborah Thompson, attorneys with Robinson Law LLC, Wichita KS representing Hamendra Bhakta, Yogesh Patel and Derrick Prichard, owners of BDP, LLC and Sunshine Inn shared copies of the summarized business plan with the Council regarding the proposed Emergency Youth Home, Aahn's Place. He explained why they were requesting a change in zoning to R3 and why they could not accept the City's request to change it to a CS-Highway Service. There was discussion regarding the fact the existing operation is currently non-conforming and what the next steps would be to address continuing a non-conforming business. The question was posed whether the building's classification of group home could be classified under commercial property as non-conforming and Zoning Official Jamie Cornejo responded it was something he would need to research further. There was a lengthy discussion and consideration of the issue. The appeal hearing closed at 8:10 p.m.

Council member Etter motioned to uphold the PC ruling but stated there is an additional avenue to allow the business owner to get where they are trying to go. Council member Wetta seconded. The motion carried.

PUBLIC HEARINGS

There were no public hearings included in the agenda.

ORDINANCES

There were no ordinances items included in the agenda.

RESOLUTIONS

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A FIVE-YEAR AGREEMENT WITH TASER INTERNATIONAL, OF SCOTTSDALE, ARIZONA AND THE CITY OF WELLINGTON, KANSAS, FOR THE PURCHASE OF TASERS AND ACCESSORIES FOR THE

WELLINGTON POLICE DEPARTMENT (includes quote/agreement expiring 10/31/2016) was introduced and considered.

Manager Shields introduced the resolution and added that it replaces the existing taser guns, uses non-budgeted funds and is not part of the general fund or tax dollars. He invited Police Captain Paul Nefzger to explain further.

Captain Nefzger talked more about the taser guns. Council member Wetta voiced concern about safety of taser guns. Captain Nefzger replied by explaining the police line of force and shared data of how many times the Wellington PD had utilized taser guns in the past 4 years. Manager Shields pointed out to Council that Chief Heath included information in his memo in the agenda packet regarding a new automatic shut-off feature after tasing.

Council member Valentine moved to adopt the resolution 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 5775 was assigned to this resolution.

A RESOLUTION APPROVING AND ACCEPTING BIDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LIQUIVISION TECHNOLOGIES, INC., OF KLAMATH FALLS, OREGON, IN THE AMOUNT OF \$10,800 FOR THE COMPLETE REMOVAL OF ZEBRA MUSSELS FROM THE INTAKE VALVE AREA LOCATED AT WELLINGTON LAKE was introduced and considered.

Manager Shields introduced the resolution and invited Director Newberry to further explain. He shared that we have been monitoring the lake for zebra mussels for last three years. When a dive team was onsite, they checked out the intakes and confirmed zebra mussels were present at Wellington Lake. He added that every lake has them. The other options to consider in future are chemicals, copper and use of predators. Bids were received by two companies.

Council member Etter moved to adopt the resolution 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 5776 was assigned to this resolution.

STUDY ITEMS

There were no study items included in the agenda.

FUTURE AGENDA ITEMS

Manager Shields informed the Council that the next critical deadline regarding the raw water issue was the final plan of action consent order to the KDHE by December 1st. A Work Session has been rescheduled for Monday, November 7th, instead of Tuesday, November 8th for a Work Session to discuss the consent order.

Manager Shields reminded Council of the Airport contract for funding. He intends to bring the resolution to the November 1st meeting.

OTHER

A motion to adjourn was seconded and carried.

Approved and filed this 1st day of November, 2016.

Mayor

Accounting Clerk