

The Council of the City of Wellington, Kansas, met in Regular Session on November 15, 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 Zane Brooks of First Freewill 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 Clerk/Finance Director Carol Mericle, City Attorney Mike Brown, Utility Director Jason Newberry, Public Works Director Jeremy Jones, Fire Chief Tim Hay and Police Chief Tracy Heath.

AUDIENCE PARTICIPATION

Raw Water Issue. Stuart Shinliver, 1003 Myles Ct, Wellington, and Eldon Troutman, 627 W 40th St, South, Mayfield, addressed the Council regarding the raw water issue. There was discussion on both sides regarding options and timelines. Eldon Troutman provided a handout to the Council. No decisions were made.

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 November 1, 2016
- 2) Work Session of November 7, 2016

➤ **APPROVAL OF APPROPRIATIONS**

- 1) Payroll Report for October 16 - 29, 2016 in the amount of \$216,787.12
- 2) ACH Authorization Voucher #1023 for BCBS for October 26 – November 1, 2016
- 3) ACH Authorization Voucher #1024 for BCBS for November 2 - 8, 2016
- 4) Claims Register for November 1 - 11, 2016 in the amount of \$342,870.90.

➤ **RECEIPT OF COUNCIL CORRESPONDENCE**

- 1) Clerk's Report for October 2016
- 2) Electric, Waterworks, Sewage Utility Operating Report for October 2016
- 3) Fire/EMS Activities/Overtime/Revenue Report for October 2016
- 4) Ambulance Monthly Financial Report for October 2016
- 5) Safety & Risk Management Committee Minutes for November 9, 2016
- 6) Police Activity Report for October 2016
- 7) Building/Demo Permit Report for October 2016
- 8) Street Closing – Christmas Parade, December 3, 2016
- 9) Auditorium Board Meeting Minutes for October, 2016
- 10) HCA Board Meeting Minutes for September 15, 2016
- 11) SMRC Financial Reports for September 2016

REPORTS OF MAYOR AND COUNCIL

Council member Etter commended the Police Department, Fire Department and Electric department for handling the fire and outage. He was impressed with all of it. The other Council members agreed that it was handled well.

Mayor Hansel thanked everyone for their participation in the Veterans Day program. She welcomed Cowley College. She commented on an accident on highway 160 near Wal-Mart and asked Chief Heath to comment about possibility of additional traffic signals in that area, especially with increase

in traffic due to college expansion. Chief Heath added that the accident was unfortunate but he didn't have an update on conditions. He reminded Council that 160 highway falls under Kansas Department of Transportation (KDOT) jurisdiction. He asked Director Jones to add his comments. Director Jones said we would have to contact KDOT for a traffic study. We have had one before and did not meet traffic requirements.

Manager Shields noted that the gas turbine generator is a positive and without it we could have potentially been down the whole weekend. We all appreciate the electric crew that worked most of the holiday and weekend getting us back online. ElectriComm and Westar we also very helpful. He asked Director Newberry to add his comments to the situation. Director Newberry confirmed the same information and added that the gas turbine had ran for 105 hours and we would not have had power without that turbine. Over 300 man hours and assistance from Westar, Olsson Associates and ElectriComm helped us to get back online much quicker. Both Electric Production and electric Distribution employees did an outstanding job. There was discussion on the benefit of getting the secondary substation up and running.

REPORTS OF CITY OFFICIALS

Appeal – Cereal Malt Beverage License Suspension, Passtime Bar. Jewel and Thomas Crow, Peck, KS, owners of the Passtime Bar addressed the Council. Their request was an appeal of both how long the suspension would be and when it would be effective. Manager Shields reminded the Council that the notice from the Chief of Police indicated a beginning date of November 14th for a period of not more than 30 days, which is what the Code provides for. The appeal is on hold until the Council rules. Council member Korte asked Mrs. Crow if the issues were corrected and Mrs. Crow informed the Council that the Police removed the gambling machines and money from the premises. Chief Heath was invited to speak and he referred Council to the letter he wrote to Mr. and Mrs. Crow explaining the investigation by law enforcement officers regarding allegations of gambling machines. He clarified to the Council that the suspension was in regards to her Cereal Malt Beverage (CMB) license only. Mrs. Crow said they were purchased from an individual and thought they were legal.

After more discussion, Council member Hawley moved to adopt the resolution to take effect at 12:01 a.m. on Sunday, November 20th. There was more discussion. Upon roll call vote, those voting "AYE" were Council members Etter, Hawley, and Wetta. Those voting "NAY" were Council members Butts, Korte and Valentine. The Mayor was asked to vote to break the tie. Upon her hesitation, Council member Butts asked to change his vote to "AYE", and the motion carried.

Settler's Creek Lot Purchase Proposal – Andrew Ybarra. Manager Shields introduced a letter submitted by Andrew Ybarra regarding an offer to purchase three lots for \$1,500. They intend to build a permanent home and unattached workshop. He added they are proposing to only assume special assessments for one of the three lots. Manager Shields also shared a proposal from Miller Management, with an offer to purchase all 15 lots in the amount of \$1,000 each, that was just received that afternoon, and added that offer is good for sixty days. He clarified that if they approve the offer from Mr. Ybarra, that would give Miller Management the opportunity to buy twelve lots. He confirmed with Miller Management that their offer was not contingent on all fifteen lots; they want whatever is available. Council member Etter added the Miller proposal included that the Special Assessments would only be paid as building on the lots was completed, which could take some time. No action was taken at this time.

City of Wellington Fire/EMS Department – Strategic Plan 2017 - 2021. Chief Tim Hay addressed the Council and presented his Strategic Plan in a Power Point presentation. He shared his strategic planning process, the Stakeholders and briefly reviewed the Goals. The Council thanked and

commended Chief Hays for taking the time to create the strategic plan. There was discussion about beginning to plan a strategic meeting for the Council sometime in January 2017.

PUBLIC HEARINGS

There were no public hearings included in the agenda.

ORDINANCES

There were no ordinances items included in the agenda.

RESOLUTIONS

A RESOLUTION ACCEPTING AND APPROVING BIDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MODULAR CONNECTION (MC) OF BESSEMER, ALABAMA FOR THE PURCHASE, DELIVERY AND CONSTRUCTION OF THE CONTROL BUILDING IN THE TOTAL AMOUNT OF \$56,644 FOR THE DUKE SUBSTATION was introduced and considered.

Manager Shields introduced the resolution as part of the Electric project funded by Bonds. He asked Director Newberry to provide additional details. Director Newberry explained this was part of the Bond project for the North substation, also referred to as the Duke Substation, and is an alternative way to get electricity to the town. He opened the floor for questions.

Council member Korte moved to adopt the resolution as presented. Council member Etter seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Hawley, Korte, Wetta and Valentine. There were no "NAY" votes. Number 5780 was assigned to this resolution.

A RESOLUTION ACCEPTING AND APPROVING BIDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ELECTRICOMM OF TOPEKA, KANSAS, FOR THE 69 KV SWITCHING STATION CONSTRUCTION IN THE TOTAL AMOUNT OF \$290,823.29 was introduced and considered.

Manager Shields introduced the resolution as part of the Electric Bond Funding and he invited Director Newberry to comment. Director Newberry said that ElectricComm was key in resolving the recent power outage. He is impressed with their knowledge. Olsson and Associates recommended them prior to the outage, as well.

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 5781 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) CONSENT ORDER. CASE NO. 16-E-11 BOW, APPROVING THE TERMS, CONDITIONS AND REQUIREMENTS OF THE FINAL KDHE ORDER ATTACHED was introduced and considered.

Manager Shields introduced the resolution as the final consent order as discussed in the last Work Session. We must submit our final plan of action to KDHE by December 1, 2016. We have until July 1, 2017 for the removal of the direct cross connection for disconnection of all customers being served by the raw untreated water line. We simply need approval of this as far as final plan of action and there will be further discussion later in the meeting.

Council member Korte brought to attention a concern of an error about the number of people mentioned in #13 of the Finding of Facts in the consent order. Manager Shields responded that the number referenced was the facts at that point of time.

Council member Wetta moved to adopt the resolution 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 5782 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH APAC-KANSAS, INC. SHEARS DIVISION OF WICHITA, KANSAS FOR THE FY 2017 KDOT KLINK 1R RESURFACING PROJECT (96 U-0148-01) US-81 (“A” STREET) FROM 17th STREET TO HILLSIDE ROAD, IN THE AMOUNT OF \$298,921.95 was introduced and considered.

Manager Shields introduced the resolution as the Klink project that was delayed for several years. He invited Director Jones to discuss further. Director Jones explained the first two times it was bid, August 2014 and May 2015, we chose not to proceed. In June of 2016, we requested an extension for a 2nd Klink award but it was denied due to changes with KDOT. He said staff had discussed with Transystems about bidding a third time and only one bid was received, which we feel is a good bid. We will use in-house inspection for the general portion with Jaime Cornejo, who is certified KDOT inspector. He said the timeline of the project would be April or May of next year.

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 5783 was assigned to this resolution.

STUDY ITEMS

There were no study items included in the agenda.

EXECUTIVE SESSION

Council member Etter moved to recess into executive session for consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship, not to exceed 30 minutes to include Mayor, Council, Attorney Brown, Manager Shields and Director Newberry. Council member Korte seconded. The motion carried and was recessed at 8:15 pm. The regular meeting resumed at 8:45 pm. Mayor Hansel announced that no binding action was taken.

Council member Butts moved to allow Staff to proceed forward with a Declaratory Judgement that will allow the Courts to decide the liability for the KDHE raw water issue. Council member Wetta seconded.

There was additional discussion regarding the issue. Upon roll call vote, those voting “AYE” were Council members Butts, Korte, Wetta and Valentine. Those voting “NAY” were Etter and Hawley. The motion carried.

FUTURE AGENDA ITEMS

Employee Service Awards – Mayor Hansel told that the employee service awards will be presented at the next meeting on December 6th.

Building Codes – Mayor Hansel informed the Council that a Work Session is needed to address the recommended changes to building codes. Manager Shields will follow up on a summary of changes. No date was set at this time.

Lincoln Place- Manager Shields updated the Council that the Insurance Adjuster says they are near making a settlement offer. He has left a message with the property owner but has not heard back yet.

OTHER

A motion to adjourn was seconded and carried.

Approved and filed this 6th day of December, 2016.

Mayor

City Clerk