

The Council of the City of Wellington, Kansas, met in Regular Session on December 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 John Shellenberger of the Church of the Nazarene.

Council members Bill Butts, Kip Etter, Jan Korte, Jim Valentine and Vince Wetta were present at roll call. Council member Kelly Hawley was absent and excused as she was ill.

Members of the Staff present were City Manager Shane Shields, City Attorney Mike Brown, Utility Director Jason Newberry, Public Works Director Jeremy Jones, Fire Chief Tim Hay, Police Chief Tracy Heath and sitting in for City Clerk/Financial Director Carol Mericle, Accounting Clerk Kelly Ford.

AUDIENCE PARTICIPATION

Employee Service Awards. City Manager Shields and Mayor Hansel presented certificates to those City employees who reached service milestones of ten, fifteen, twenty, twenty-five, thirty and thirty-five years. Those being honored for 10 years of service were Diana Dry, Landfill Clerk; Jerry Zoglmann, the Human Resource Coordinator; Andrew Huck, Golf Department; James Hearlson, Cemetery Department; and John Faust, Fire Department. Jeremy Weins, Fire Department, and Kurt Vogel, Police Department, were honored for 15 years of service. Those honored for 20 years of service were Ryan Hain, Electric Production; Lisa Supon, Police Department; Cabel Reid, Lake Department; and Jeremy Jones, Public Works Director. Paul Nefzger, Police Department, was honored for 25 years of service. Those honored for 30 years of service were John Bales, Electric Distribution; Roger Ricke, Electric Distribution, and Billy Kane, also of the Electric Distribution Department. Janice Yoder, Police Department was honored for 35 years.

Recognition of Electric Department Employees. City Manager Shields and Mayor Hansel presented certificates to all Electric Distribution and Electric Production employees for their excellent work in handling the fire at the Wellington Power Plant on Thursday, November 10th. Director Newberry also presented each department with a commemorative plaque to hang at each site.

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 15, 2016
- APPROVAL OF APPROPRIATIONS
 - 1) Payroll Report for October 30 – November 12, 2016 in the amount of \$227,573.83
 - 2) Payroll Report XMAS for October 30 – November 12, 2016 in the amount of \$31,922.22
 - 3) Payroll Report for November 13 – 26, 2016 in the amount of \$229,529.67
 - 4) ACH Authorization Voucher #1025 for BCBS for November 9 - 15, 2016
 - 5) ACH Authorization Voucher #1026 for BCBS for November 16 - 22, 2016
 - 6) ACH Authorization Voucher #1027 for BCBS for November 23 – 29, 2016
 - 7) EFT for Airport Fuel for November 27, 2016
 - 8) EFT for Airport Fuel for November 28, 2016
 - 9) Claims Register for November 12 - 30, 2016 in the amount of \$1,400,446.73
- REPORTS OF COUNCIL CORRESPONDENCE
 - 1) Sales Tax & Compensating Use Tax for October 2016
 - 2) Building/Demo Permit Report for November 2016
 - 3) WRC Meeting Minutes for August 25, 2016

- 4) WRC Meeting Minutes for September 27, 2016
- 5) WRC Meeting Minutes for October 25, 2016
- 6) Housing Authority Board Meeting Minutes for October 25, 2016
- 7) HCA Board of Directors Meeting Minutes for October 27, 2016
- 8) SRMC Financial Report for October 2016
- 9) Letter of Resignation from City Attorney Michael C. Brown, effective January 1, 2017
- 10) Correspondence to KDHE from City Manager Shields, re: Case 16-E-11 BOW Final Plan
- 11) Correspondence from WRC Director Cody White, re: Late Bond Payments
- 12) Media Release-Public Service Announcement – Citizen Applications for City

Boards/Commissions

REPORTS OF MAYOR AND COUNCIL

Council member Etter thanked the City departments for a great job hanging the City holiday decorations.

Council member Valentine agreed the decorations looked good and unique. He also asked the community to think about the 75th anniversary of the bombing of Pearl Harbor and all the servicemen and women who lost their lives on December 7, 1941.

Mayor Hansel also thanked the City crews for the festive holiday decorations.

REPORTS OF CITY OFFICIALS

Annual CMB Renewal – Memo from City Clerk Mericle. City Manager Shields introduced the memo and asked that the Council table approval of Jumpstart 24, due to a change in the manager role. The owner was requested to fill out new paperwork and submit prior to the next Council meeting.

Council member Wetta moved to approve the renewals with the exception of Jumpstart 24. Council member Korte seconded. The motion carried.

FSA Paperwork Signatures, Memo from Public Works Director Jones. Director Jones introduced the issue regarding the Farm Service Agency and explained that due to personnel changes, the documents need updated to reflect the correct signatures. Manager Shields recommended updating the paperwork to titles, versus names, so that this is not an issue in the future.

Council member Korte moved to approve the change to the paperwork to state titles, not names. Council member Butts seconded. The motion carried.

Settlers Creek Lot Purchase. City Manager Shields explained that since the last discussion, Mr. Ybarra withdrew his proposal and he had received two additional proposals. He pointed out the enclosed proposals from Myles Miller, John Palmer, Patrick Clouston and Matthew Moon. He introduced Mr. Miller and Mr. Moon who were in the audience. He also introduced Mr. Tony Farley, another existing resident in the subdivision who wished to speak regarding Mr. Miller's multi-family construction bid.

Council member Butts asked to speak to Mr. Moon about his proposal. Mr. Moon explained his reasoning for wanting to purchase the lots on either side of his existing property.

Council member Wetta asked how many lots were left. Manager Shields explained there were 15 lots still City owned. He explained that Mr. Miller's intentions were to buy all remaining lots to build multi-family homes.

Mr. Miller explained his proposal included building single family homes that averaged 984 – 1138 sf. with full finished basements at the \$145-165,000 range. He will pay \$1,000 for each of 15 lots. Council member Etter asked when he anticipated starting to build and he responded the day after closing he would be ready to build. There was lots of discussion between the Council and the audience participants about their reasons for bidding and concerns that Mr. Miller's proposal included the

possibility of building multi-family units. Council member Valentine shared his wish that the City consider Mr. Moon's veterans status and his personal reasoning for bidding on properties.

Council member Wetta made the motion to sell lots to Mr. Miller, remove offer item #3 regarding multi-family zoning and requested Mr. Miller and Mr. Moon work out the details regarding Mr. Moon's request. The motion was not seconded. There was more discussion concerning Mr. Miller's bid regarding specials and consideration for those bids from parties not present at the meeting. City Attorney Mike Brown confirmed that it was his understanding that if the title of a lot is transferred, the Grantee is responsible for the specials.

Council member Wetta amended his motion to state approval to sell the lots to Mr. Miller with the understanding that if he transfers lots, the buyers will pay the specials. Council member Etter seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter and Wetta. Council members Korte and Valentine voted "NAY". The motion carried.

City Attorney Services – RFP Draft. Manager Shields explained that the City received a resignation letter from City Attorney Mike Brown effective January 1, 2017. He received a phone call from a local attorney interested in the opportunity. There was discussion on the importance of having an attorney from Wellington. Council member Wetta agreed and asked if the Attorney was Shawn DeJarnett. Manager Shields confirmed. There was discussion about the need to formally accept resignation of Mr. Brown.

Council member Butts moved to formally accept Mr. Brown's resignation. Council member Korte seconded. The motion carried.

Council member Wetta moved to hire Shawn DeJarnett as City Attorney effective January 1, 2017 pending contract negotiations. Council member Butts seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Korte, Wetta and Valentine. There were no "NAY" votes. The motion carried.

Lincoln Place. Manager Shields provided an update on the Lincoln Place building. The insurance adjuster with Columbia Insurance Group contacted him this past Monday informing him they were requesting a second bid on the cost of demolition. There was discussion on safety, cost and whether the City would be able to recoup cost if we demolish the building and if the City Manager has authority to move forward.

Council member Wetta moved to move forward with approving the City Manager authority to enter into a contract for demolition of the building providing we receive notice of a settlement that includes payment to accomplish that. Council member Butts seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Korte, Wetta and Valentine. Council member Etter voted "NAY". The motion carried.

Board Appointments. Mayor Hansel asked the public to take note of the Public Service Announcement regarding expiring City Boards and Commissions. She explained they were four-year terms that begin this coming May. She encouraged the community to get involved.

PUBLIC HEARINGS

There were no public hearings included in the agenda.

ORDINANCES

AN ORDINANCE AMENDING SECTION 40-711 OF THE CODE OF THE CITY OF WELLINGTON, KANSAS WITH RESPECT TO BARBED WIRE FENCING was introduced and considered. City Attorney Brown explained this proposal would deal with the use of barbed wire fencing inside the City limits on new fence construction, going forward.

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, Korte, Wetta and Valentine. There were no "NAY" votes. Number 4201 was assigned to this ordinance.

RESOLUTIONS

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ENGINEERING SERVICES AGREEMENT, WORK ORDER NO. 16-05, WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (PEC), OF WICHITA, KANSAS FOR THE WESTBOROUGH STREET IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$50,500 was introduced and considered.

Manager Shields introduced the resolution. There was much discussion about gutters, ponding waters and funding. Trevor Kaufman, our engineering consultant, was present to answer questions from the Council. After much discussion, Council member Wetta moved to adopt the plan. The motion died due to lack of a second. More discussion followed with Manager Shields explaining what was needed and recommended the proper language for the motion.

Council member Korte moved to proceed with the plan based on the cost being recovered thru the Bond issue or assessed to the property owners with the Bond issue, to be included in the petition. Council member Valentine seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Korte, Wetta and Valentine. Council member Etter voted "NAY". The motion carried. Number 5784 was assigned to this resolution.

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH NATIONAL TELECOM SERVICE, INC. OF WICHITA, KANSAS FOR A TELEPHONE SYSTEM REPLACEMENT FOR THE PUBLIC SAFETY FACILITY IN THE AMOUNT OF \$14,950 was introduced and considered.

Manager Shields introduced the resolution, explaining this project was budgeted for \$20,000, \$10,000 fire department and \$10,000 police department. He stated that both the Police Chief and the Fire Chief have reviewed the bid. He invited Chief Heath to speak. Chief Heath explained that the current phone system is 15-16 years old. They received two quotes and recommend the bid from national Telecom out of Viola, Kansas. He added the City Hall and Street departments currently have the same system and are pleased with the service.

Council member Korte moved to adopt the resolution as presented. Council member Butts seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Korte, Wetta and Valentine. There were no "NAY" votes. Number 5785 was assigned to this resolution.

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EMERGENCY SERVICES SUPPLY (OSAGE AMBULANCE) OF ST. LOUIS, MISSOURI, FOR AN AMBULANCE IN THE AMOUNT OF \$211,465 FOR THE FIRE/EMS DEPARTMENT was introduced and considered.

Manager Shields invited Chief Hay to introduce the resolution. He explained the new ambulance would replace the ambulance that has been in service for ten years. The new model is a Ford truck chassis which has more room to work with patients on than a van. Also, their whole fleet is currently from Osage. He explained that they will continue using the existing ambulance until the new one is ready.

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, Korte, Wetta and Valentine. There were no "NAY" votes. Number 5786 was assigned to this resolution.

A RESOLUTION APPROVING AND ACCEPTING PROPOSALS AND AUTHORIZING THE CITY MANGER TO EXECUTE AN AGREEMENT WITH RCB BANK OF WELLINGTON, KANSAS, TO PROVIDE FOR THE LEASE PURCHASE FINANCING FOR AN AMBULANCE FOR THE FIRE/EMS DEPARTMENT was introduced and considered.

Manager Shields introduced the resolution and explained the breakdown of the financing. He told the four local banks were asked to bid on the lease purchase plan, with only three responding. He added \$50,000 was budgeted, the currently model trade will bring \$20,000 so they would be financing approximately \$142,000. He is recommending RCB Bank for the financing of the lease purchase.

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, Korte, Wetta and Valentine. There were no "NAY" votes. Number 5787 was assigned to this resolution.

A RESOLUTION APPROVING AND ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER WITH KRIZ-DAVIS COMPANY OF WIHCITA, KANSAS FOR A POWER CIRCUIT BREAKER IN THE AMOUNT OF \$36,317.71 was introduced and considered.

Manager Shields introduced the resolution and invited Director Newberry to speak. Director Newberry explained that this new system would replace the breaker that was destroyed in the recent fire.

Council member Korte moved to adopt the resolution as presented. Council member Butts seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Korte, Wetta and Valentine. There were no "NAY" votes. Number 5788 was assigned to this resolution.

A RESOLUTION ACCEPTING AND APPROVING BIDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER WITH LAMINATED WOOD SYSTEMS, INC. OF SEWARD, NEBRASKA, FOR TWO LAMINATED WOOD POLES AND CORRESPONDING HARDWARE, FOR THE LINE BETWEEN THE DUKE SWITCHING STATION AND NORTH (WAGONER) SUBSTATION, IN THE TOTAL AMOUNT OF \$25,495 was introduced and considered.

Manager Shields introduced the resolution as part of the Electric Fund Project and invited Director Newberry to speak. Director Newberry explained these poles would be located next to the substation. The laminated poles were not as expensive as the metal and were recommended by Olsson and Associates.

Council member Butts moved to adopt the resolution as presented. Council member Korte seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Korte, Wetta and Valentine. There were no "NAY" votes. Number 5789 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER WITH CIRECLE C CONSTRUCTION OF GOODARD, KANSAS FOR THE 10TH STREET CURB PROJECT IN THE AMOUNT OF \$11,673.75 was introduced and considered.

Manager Shields invited Director Jones to introduce the resolution. He explained that Sumner County wants to replace the curb and gutter along the south side of 10th Street, across from the Courthouse, and offered to fund fifty percent of the cost of the curb project. The curbing would include curb ramps, which would be paid for by the City. A portion of the money would come from the ADA & Street reserves and \$4800 reimbursed by Sumner County. The project would begin next month and take 4-5 days to complete.

Councilmember Etter asked who would complete striping in that area. Director Jones believed it would be the County but offered to follow up and inquire.

Council member Etter moved to adopt the resolution as presented. Council member Korte seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Korte, Wetta and Valentine. There were no "NAY" votes. Number 5790 was assigned to this resolution.

A RESOLUTION WAIVING THE STATUTORY REQUIREMENT OF THE CITY OF WELLINGTON, KANSAS TO USE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES IN THE PREPARATION OF THEIR FINANCIAL STATEMENTS AND REPORTS was introduced and considered.

Manager Shields introduced the resolution as the annual waiver regarding General Accounting Principles (GAAP).

Council member Wetta moved to adopt the resolution as presented. Council member Butts seconded. Upon roll call vote, those voting "AYE" were Council members Butts, Etter, Korte, Wetta and Valentine. There were no "NAY" votes. Number 5791 was assigned to this resolution.

Council member Korte asked who was responsible for filling the hole in the parking lot by the Post Office. Director Jones offered to follow up on the issue.

STUDY ITEMS

There were no study items included in the agenda.

EXECUTIVE SESSION

Council member Wetta moved and to go into Executive Session, not to exceed 30 minutes to include Attorney Brown, Manager Shields and Airport Authority Board member Ty Sober to discuss personnel matters of non-elected personnel. Council member Korte seconded. The meeting was recessed to Executive Session at 9:15 PM.

The regular meeting resumed at 9:40 PM. There was no binding action taken.

OTHER

KPP Annual Meeting. Manager Shields announced the annual KPP meeting would be taking place on December 16th in McPherson. John Bales and Roger Estes would attend, representing the City. He explained during the meeting, a contractual issue would be discussed, regarding the member Cities remaining members as long as there is debt involved. There was discussion about the advantages of being part of KPP.

Council member Wetta moved to vote in favor of the proposed contractual issue as presented. Council member Butts seconded. The motion carried.

Building Codes. Manager Shields reminded the Council the need to discuss updates to building codes, which could wait until after the first of the year.

A motion to adjourn was seconded and carried.

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

Mayor

City Accounting Clerk