

The Council of the City of Wellington, Kansas, met in Regular Session on May 6, 2008, at 6:30 p.m., in the City Council Room, City Administration Center, with Mayor Roger Stallbaumer presiding.

The Pledge of Allegiance was led by Kailyn Patterson, Allison Gilliland, Joanna Tredway, Dante Bristow, T. J. Ackerson and Jeremiah Sowersby, Third Grade Students from Washington Elementary School.

The Invocation was given by Reverend Don Cross of the Nazarene Church.

Council members Evan C. Watson, John M. Tracy, Larry Shimer, Cindy Antonich, Terry L. Craig, Richard Granger and Jim Valentine were present at roll call. Council member Chris A. Buckman was absent at roll call.

Members of the Staff present were City Engineer Larry Mangan, Police Chief Tracy Heath, City Manager Gus Collins and City Clerk Rose M. Miller.

AUDIENCE PARTICIPATION

There were no items scheduled in Audience Participation.

City Manager Collins noted that Council member Buckman was absent from the meeting due to a death in his family.

Mayor Stallbaumer commented on the reception that was held prior to the meeting to honor Adalin Williams. Adalin recently returned from Palo Alto, California after recuperating for several months from a heart transplant. Council member Valentine thanked everyone for attending the reception and thanked the community for their prayers and support in helping Adalin and her family. Becky Williams, Adalin's mother, addressed the Council and thanked the Council and all citizens of Wellington for their prayers, support and monetary contributions. She stated the family appreciated all the efforts of the community. Mrs. Williams commented her goal now is to spread awareness of congenital heart disease throughout the State of Kansas.

Council member Tracy moved to add a proclamation for National Nurse's Week to the agenda. Council member Watson seconded. The motion carried.

CONSENT AGENDA

Council Member Watson moved to approve the Consent Agenda as presented. Council Member Buckman seconded. The motion carried. Council member Tracy commented that he would like to have the topic of board appointments discussed at a future Council Work Session. The following items were approved as presented under the Consent Agenda:

- Approval of Minutes
 1. Regular Session of April 15, 2008.
 2. Work Session of April 22, 2008.
- Approval of Appropriations
 1. Payroll Report for the pay period ended April 12, 2008 in the amount of \$188,133.52.
 2. Payroll Report for the pay period ended April 26, 2008 in the amount of \$185,956.06.
 3. Claims Register for April 12-30, 2008 in the amount of \$1,350,757.28.
- Council Correspondence
 1. Agenda Newsletter dated May 2, 2008
 2. Treasurer's Quarterly Financial Statement-January 31, 2008 through March 31, 2008.
 3. Local Retailer Sales Tax & Local Consumers Compensating Use Tax-April 28, 2008.
 4. Airport Advisory Board Agenda-April 21, 2008.
 5. Airport Advisory Board Minutes-April 21, 2008.
 6. Park Board Appointment-Memo from City Clerk Miller
 7. Park Board Minutes-April 21, 2008.
 8. Wellington Planning Commission Minutes-April 22, 2008.

9. SCCP-Sumner County Community Provider Minutes-April 17, 2008.
10. Healthcare Authority Board of Director's Meeting Minutes-April 17, 2008.
11. SRMC Financial Report-March 2008.
12. Street Closing Application-Block Party-May 31, 2008.
13. Street Closing Application-American Red Cross-Ride for the Red-June 28, 2008.
14. 2008 Emergency Shelter Grant Award-Contract Period July 1, 2008-June 30, 2009.
15. Sunflower RC&D Area, Inc.-Correspondence from Dr. Bill Hunter.
16. Pit Bulls-Correspondence from Sarah Weaver.
17. Pit Bulls-Correspondence from Mary Ann Hennig.
18. All Kansas Air Tour-Correspondence from Director of Aviation, C. Edward Young.
19. Agreement to Acquire Property for Wastewater Treatment Plant.
20. Southwest Power Pool Guaranty Agreement-Letter from City Attorney Mike Brown.
21. Swimming Pool Rates 2008-Memo from City Manager Collins.

REPORTS OF MAYOR AND COUNCIL

Mayor Stallbaumer read a proclamation that was added to the agenda, which declared the week of May 6th through May 12th as National Nurse's Week.

Council member Tracy thanked City Staff who helped put together the reception for Adalin Williams.

Council member Shimer inquired on the request from Marvel Gaming for a block party that was included under Council Correspondence. He asked if staff knew what the plans were for the block party. City Manager Collins stated he was not aware of what the festivities are planned at this time. Council member Shimer encouraged citizens to attend and show their support for the casino.

Council member Antonich asked who maintained alleys in the city. City Manager Collins reported city staff maintains potholes and weeds. He added citizens could report any problems to the City Administration Center. Council member Antonich reported she noticed the bench and steps at the Library are in bad condition. She also reported one of the basketball courts at Madison School Playground is short a goal on one end of the court. City Manager Collins stated he would have staff check on these.

Council member Craig thanked city employees for their efforts on the Food Drive. He stated this was a good cause and SRMC employees should also be thanked. City Manager Collins commented he also wanted to thank city employees for their efforts, as they had worked hard on their fundraisers.

Council member Valentine also thanked city employees for the reception and their efforts in helping the Williams family. Council member Valentine commented he had noticed the new benches that were placed downtown and that they looked nice. He asked what the policy was on placing yard sale signs and if there was a time limit. City Manager Collins responded signs should not be placed in the right-of-way or on utility poles. He stated there is no definite time limit for posting signs and most people did well about taking them down.

Mayor Stallbaumer also gave a thank you to Mike Wallace, Manager of Wal-Mart, who donated a gift card to Adalin Williams to use at Wal-Mart. He also welcomed newly appointed Airport Manager Patrick Hamlin to his position.

REPORTS OF CITY OFFICIALS

City Manager Collins reported there have been several press releases regarding the casino. He suggested that the Council discuss a proposed revenue sharing plan, in the event Wellington is selected as the site for the casino. He asked the Council to consider holding a Work Session to discuss revenue sharing with other cities in the County. He stated he would then like to distribute this information to the County Commissioners and the other cities in the County. It was the consensus of the Council to hold a Works Session on May 13, 2008 at 6:00 p.m., in the Council Chambers.

ORDINANCES

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF WELLINGTON, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NOS. 4966, 5009, 5010 AND 4729 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS was introduced and considered. City Manager Collins commented at the Council's direction at the last Council meeting this ordinance was requested to be brought back for consideration. The ordinance provides for levying of assessments for Crestview Heights and Settler's Creek Subdivisions. City Manager Collins reported also included in the ordinance are special assessments for a street improvement project on 13th Street that occurred in 2002. The four property owners that benefited from this improvement failed to receive notice of the Public Hearing for the special assessments that was held at the April 15th Council meeting. City Manager Collins recommended removing the 13th Street Project assessments from the ordinance and providing notice of a Public Hearing to be held at the May 20th Council meeting for the 13th Street property owners. Council member Watson moved to strike all references to 13th Street from the ordinance and pass the ordinance as amended. Council member Craig seconded. Council member Tracy inquired on Phase II of Crestview Heights and whether it would be possible to discuss the developer's incentives provided by the City prior to this developer completing Phase II. City Manager Collins stated this would be possible; however, the Developer platted this phase with the existing incentives. Mayor Stallbaumer then called for a vote on the ordinance. Upon roll call vote, those voting "AYE" were Council members Watson, Tracy, Shimer, Antonich, Craig, Granger and Valentine. There were no "NAY" votes. Number 4014 was assigned to this ordinance.

A CONTRACT FRANCHISE ORDINANCE GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY, A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF WELLINGTON, KANSAS was introduced and considered. City Manager Collins reported this ordinance will begin the process to renew the Franchise Agreement with Southwestern Bell d.b.a. AT&T, under new terms and conditions. This was discussed at the last Work Session and a decision was made to change from a percentage of gross revenue to a "per line" cost, which should provide an increase in revenues. Council member Shimer moved to pass the ordinance as presented. Council member Antonich seconded. Upon roll call vote, those voting "AYE" were Council members Watson, Tracy, Shimer, Antonich, Craig, Granger and Valentine. There were no "NAY" votes. Number 4015 was assigned to this ordinance.

AN ORDINANCE REPEALING SECTION 4-304 OF THE CODE OF THE CITY OF WELLINGTON, KANSAS 1996, FIXING THE TENURE OF THE OFFICE OF THE COMBINED TRADE BOARD FOR THE CITY OF WELLINGTON, KANSAS was introduced and considered. City Engineer Mangan reported in 2005 the Combined Trade Board was created and all eleven members of the board were assigned three-year terms, which expired in April 2008. This ordinance amends the existing ordinance by assigning three of the members to a one-year term, four to a two-year term and four to a three-year term. Thereafter, the appointments will be for three-year terms. Council member Shimer moved to pass the ordinance as presented. Council member Granger seconded. Upon roll call vote, those voting "AYE" were Council members Watson, Tracy, Shimer, Antonich, Craig, Granger and Valentine. There were no "NAY" votes. Number 4016 was assigned to this ordinance.

AN ORDINANCE CHANGING THE BOUNDARIES OF THE ZONING DISTRICT AND AMENDING THE ZONING MAP AS ADOPTED BY ORDINANCE NO. 3826 was introduced and considered. City Engineer Mangan reported staff received a request to rezone a five-acre plat of property known as 303 South Tyler Road from A-L Agricultural District to R-S Residential Suburban District, so that the owner can place a modular home on the property. The request was considered by the Planning

Commission at their April 22, 2008 meeting. The Planning Commission voted 6-0 to approve the request and submit to the Council for approval. Council member Tracy moved to pass the ordinance as presented. Council member Shimer seconded. Upon roll call vote, those voting "AYE" were Council members Watson, Tracy, Shimer, Antonich, Craig, Granger and Valentine. There were no "NAY" votes. Number 4017 was assigned to this ordinance.

RESOLUTIONS

A RESOLUTION FOR SUPPORT OF THE REGIONAL STRATEGIC PLAN AND REQUESTING DESIGNATION OF SUMNER COUNTY AS A KANSAS ENTERPRISE ZONE DESIGNATED NON-METROPOLITAN BUSINESS REGION BY THE KANSAS DEPARTMENT OF COMMERCE was introduced and considered. Janis Hellard, Sumner Economic Development Director, addressed the Council. She reported the Economic Development Board has prepared a Strategic Plan and is asking the Council to accept the Plan with the proposed resolution. Council member Tracy moved to adopt the resolution as presented. Council member Watson seconded. Upon roll call vote, those voting "AYE" were Council members Watson, Tracy, Shimer, Antonich, Craig, Granger and Valentine. There were no "NAY" votes. Number 5229 was assigned to this resolution.

A RESOLUTION APPROVING A GUARANTY AGREEMENT MADE BY THE CITY OF WELLINGTON, KANSAS IN FAVOR OF THE SOUTHWEST POWER POOL, INC. was introduced and considered. City Manager Collins explained this resolution provides for the City to make available from the operating revenue of the electric utility payments for the City's proportional share of liability to KPP, in lieu of a cash deposit or letter of credit. KPP administers transmission of electric power to the City. Council member Craig moved to adopt the resolution as presented. Council member Shimer seconded. Upon roll call vote, those voting "AYE" were Council members Watson, Tracy, Shimer, Antonich, Craig, Granger and Valentine. There were no "NAY" votes. Number 5230 was assigned to this resolution.

A RESOLUTION ENDORSING TRANSPORTATION IMPROVEMENTS FOR WELLINGTON, KANSAS CONCERNING THE ENACTMENT BY THE KANSAS LEGISLATURE OF A NEW STATE-WIDE COMPREHENSIVE TRANSPORTATION PROGRAM was introduced and considered. City Engineer Mangan reported the League of Kansas Municipalities has sent an information packet regarding the possible enactment of a new State-Wide Comprehensive Transportation Program. The resolution endorses the proposed program and lists two projects near Wellington that are not likely to be constructed unless significant State funding becomes available. Council member Granger moved to adopt the resolution as presented. Council member Shimer seconded. Upon roll call vote, those voting "AYE" were Council members Watson, Tracy, Shimer, Antonich, Craig, Granger and Valentine. There were no "NAY" votes. Number 5231 was assigned to this resolution.

STUDY ITEMS

Animal Control Ordinance-Pit Bulls Prohibited. City Manager Collins commented there has been previous discussion on the Animal Control/Pit Bull Ordinance. The current ordinance, which prohibits pit bulls in the City, was passed in 1986. He reported staff has been reviewing revisions in the existing ordinance to allow adequate enforcement of the ordinance. There has also been discussion/questions from the Council and citizens on the possibility of changes regarding the prohibiting of pit bulls. Staff would like direction from the Council on whether they want additional information regarding proposed changes or how to proceed. City Manager Collins stated unless the Council directs otherwise staff will proceed with the change in language as proposed by the League of Kansas Municipalities. Council member Watson suggested that this be discussed further at a Work Session. Council member Antonich asked if staff had viewed the CD she provided regarding pit bulls. Police Chief Heath was present and stated he has viewed the CD. It was the consensus of the Council to discuss the issue further at a Work Session.

A motion to adjourn was seconded and carried.

Wellington, Kansas, May 6, 2008

Approved and filed this 20th day of May 2008.

Mayor

City Clerk