

The Council of the City of Wellington, Kansas, met in Regular Session on May 20, 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 Mayor Stallbaumer.

The Invocation was given by Mrs. Dusti Fansler.

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

Members of the Staff present were City Engineer Larry Mangan, City Attorney Michael Brown, City Manager Gus Collins and City Clerk Rose M. Miller. Also present was new Airport Manager Patrick Hamlin.

City Manager Collins reported that Council member Antonich was absent due to illness.

City Manager Collins introduced Mr. Patrick Hamlin, who was recently hired as the Manager of the Municipal Airport. He reported Mr. Hamlin began his official duties on May 20th. Mayor Stallbaumer welcomed Mr. Hamlin to his new position. Mr. Hamlin addressed the Council and stated he is ready to handle his challenges at the airport.

AUDIENCE PARTICIPATION

There were no items scheduled in Audience Participation.

CONSENT AGENDA

Council member Watson requested that Item #13-Appointments to the Library Board be pulled from the Consent Agenda for discussion.

Council Member Tracy moved to approve the Consent Agenda, with the exclusion of Item #13. Council Member Watson seconded. The motion carried. The following items were approved as presented under the Consent Agenda:

- Approval of Minutes
 1. Regular Session of May 6, 2008.
 2. Work Session of May 13, 2008.
- Approval of Appropriations
 1. Payroll Report for the pay period ended May 10, 2008 in the amount of \$192,161.24.
 2. Claims Register for May 1-16, 2008 in the amount of \$700,043.35.
- Council Correspondence
 1. Agenda Newsletter dated May 16, 2008.
 2. City Clerk's Report for April 2008.
 3. Electric/Waterworks/Sewage Utility Operating Fund for April 2008.
 4. Wellington Police Department Activity Report for April 2008.
 5. Fire/EMS Activities/Overtime/Revenue Report for April 2008.
 6. Ambulance Monthly Financial Report for April 2008.
 7. Department of Building Inspector Monthly Report for April 2008.
 8. Safety Committee Minutes-May 14, 2008.
 9. Airport Advisory Board-Letter of Resignation from Richard Hamlin
 10. Airport Lagoon Inspection Reply-Correspondence from City Engineer Mangan.
 11. Appointments to Combined Trade Board-Memo from City Clerk Miller.
 12. Appointments to Board of Zoning Appeals-Memo from City Clerk Miller.
 14. Easement, 8th and High Street-Memo from City Engineer Mangan.
 15. Street Closing for 7th Street Marvel Event

Discussion of Library Board Appointments. Council member Watson inquired how citizens become aware of a position open on the Library Board. City Clerk Miller commented that historically

whenever a position was due to expire, a recommendation from the Library Board was made to the Council. Council member Watson asked how the Library Board based their recommendations and whether they advertised openings. City Clerk Miller stated she was not certain how the Board came up with their recommendations. Council member Watson moved to table the request for the Library Board appointments until more information could be obtained as to how the Board selected the recommended members. Council member Tracy seconded. Mayor Stallbaumer called for a roll call vote on the motion. Upon roll call vote, those voting "AYE" were Council members Buckman, Watson and Tracy. Council members Shimer, Craig, Granger and Valentine voted "NAY" on the motion. The motion did not carry.

Council member Granger commented that the City had three Authority Boards on which the appointments are governed by State Statutes and the Library was one of these Authorities. He stated in the past, the Council has allowed these Boards to make recommendations to the Council. Council member Craig commented that in the past, City Staff has also given notice in the local media that any citizen was welcome to fill out an application to serve on any of the City's Boards. Council member Granger asked if the City's Review Committee had approved the recommendation of the Library Board. Mayor Stallbaumer reported the Review Committee had discussed and approved the recommendation from the Library Board. Council member Granger then moved to approve the recommendation to appoint Barbara Loop and Peggy Stanfield for a four-year term on the Library Board to expire on May 1, 2012. The motion carried. Council members Tracy, Watson and Buckman voted no on the motion.

REPORTS OF MAYOR AND COUNCIL

Council member Valentine asked for clarification on discussion at the Work Session Minutes of May 13, 2008 regarding the purchase of land on East US Highway 160. City Manager Collins explained that the Council had allowed him to negotiate on property for the frontage road; however, any proposed purchase would be brought to the Council for consideration and final approval. Council member Valentine reported he has visited with property owner, Randall Jones, regarding his property at 224 South F Street. Mr. Jones is in the process of replacing some of the windows on his property and plans to continue to improve the property. Council member Valentine inquired on the status of the DeBuhr Property on North Washington. City Manager Collins reported Mr. DeBuhr has obtained a permit to repair the foundation of the property. He stated staff would monitor the progress. Council member Valentine reported he received a call from a citizen regarding the use of a gator vehicle at Wellington Lake and asked what the City's policy allowed. City Manager Collins reported he is not entirely familiar with the policy, but understands ATV's are not allowed for off road use. He will have staff check on this.

Council member Tracy asked if a Work Session was going to be held on Thursday, May 22nd. City Manager Collins stated this was the Council's decision. It was the consensus of the Council to hold a Work Session at 5:00 p.m., on Thursday, May 22nd.

Council member Watson inquired on the parking of work trucks in front of a residence. He asked what the ordinance allowed. City Engineer Mangan stated he was not certain and would have to check on this. City Manager Collins stated staff would provide the information for discussion at the Work Session on May 22nd. Council member Watson asked if information could be provided for discussion at the Work Session regarding procedures by which interested citizens could follow if they were interested on serving on a City Board. City Manager Collins stated this could be discussed at the Work Session.

Mayor Stallbaumer reported he and City Manager Collins were in Topeka on May 19th to observe presentation from the casino developers to the Kansas Lottery Commission. He stated both proposals by the developers for the Wellington sites were impressive.

REPORTS OF CITY OFFICIALS

Casino Based Revenue Sharing-City Manager Collins. City Manager Collins reported in December 2007 the consensus of the Governing Body was to share revenue if the casino is sited in

Wellington. He stated as the process moves forward, staff is recommending that the Governing Body take official action for some type of revenue sharing. He suggested that the revenue sharing be based on the population of incorporated cities located in Sumner County. He stated the determination of the dollar amount could be decided once the selection of the developer is made in August. City Manager Collins stated once the Council takes action, he would like to notify cities of the revenue sharing offer. After further discussion, Council member Granger moved to establish a gaming revenue sharing formula on revenue derived as defined by Senate Bill 66, contingent upon a casino being located in Wellington. Said revenue will be shared with the other incorporated municipalities located in Sumner County, utilizing a formula based upon their population. Council member Shimer seconded. Council member Granger amended his motion to clarify Mulvane's portion would be based upon the population of citizens residing in Sumner County. Council member Shimer seconded the amendment. The motion carried.

Federal-aid Safety Funding-City Engineer Mangan. City Engineer Mangan reported every two years KDOT requests cities to submit their four high-crash intersection locations for consideration of receiving Federal-aid Safety Funding for improvements. The Police Department reviewed crash reports at all intersections in the City between 2005 and 2008. To be considered, there must be at least eight accidents involving property damage exceeding \$1,000 or injury/fatality. City Engineer Mangan reported there were only two intersections that qualified. One of the intersections was 15th and "A", which has already received a grant offer and is presently being designed. The other intersection is the intersection of 8th and US-81. Staff will submit this intersection and KDOT personnel will analyze the intersection to determine if an improvement project is warranted.

Fireworks Display-City Manager Collins. City Manager Collins reported staff needed direction from the Council on where they wished to hold the Fireworks Display this year. Mayor Stallbaumer commented the two sites for consideration were Worden Park and the Football Stadium. After discussion it was the consensus of the Council to hold the Fireworks Display at Worden Park this year.

PUBLIC HEARING

Mayor Stallbaumer opened the Public Hearing for the purpose of considering proposed assessments for a street improvement on 13th Street. City Manager Collins reported this project was completed in 2002. There are four property owners involved in the street improvement. The benefit district portion of the project needs to be certified by the Council and then levied to the property owners. Mayor Stallbaumer asked if anyone in the audience wished to comment on the proposed assessments for the 13th Street Improvement Project. There being no one who wished to comment, Mayor Stallbaumer closed the Public Hearing.

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 NO. 4729 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS was introduced and considered. City Manager Collins explained this ordinance authorizes the levying the special assessments for the 13th Street Improvements discussed in the Public Hearing. Council member Craig moved to pass the ordinance as presented. Council member Granger seconded. Upon roll call vote, those voting "AYE" were Council members Buckman, Watson, Tracy, Shimer, Craig, Granger and Valentine. There were no "NAY" votes. Number 4018 was assigned to this ordinance.

RESOLUTIONS

A RESOLUTION IN SUPPORT OF THE DEVELOPMENT OF WIND ENERGY AND WIND FARMS, WITH ENVIRONMENTAL AND ECONOMIC BENEFITS TO RURAL COMMUNITIES

WITHIN SUMNER COUNTY, KANSAS was introduced and considered. City Manager Collins reported this resolution does not provide any type of financial commitment, and only affirms that the Governing Body does recognize wind energy as a possibility for an alternative energy source in the future. Council member Watson moved to adopt the resolution as presented. Council member Granger seconded. Upon roll call vote, those voting "AYE" were Council members Buckman, Watson, Tracy, Shimer, Craig, Granger and Valentine. There were no "NAY" votes. Number 5232 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS, SERIES 2008, OF THE CITY OF WELLINGTON, KANSAS was introduced and considered. City Manager Collins reported this resolution authorizes the sale of general obligation bonds to retire the temporary notes for Settlers Creek and Crestview Heights. Council member Tracy moved to adopt the resolution as presented. Council member Granger seconded. Upon roll call vote, those voting "AYE" were Council members Buckman, Watson, Tracy, Shimer, Craig, Granger and Valentine. There were no "NAY" votes. Number 5233 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AN AGREEMENT WITH WILSON & COMPANY OF SALINA, KANSAS FOR ENGINEERING DESIGN SERVICES FOR A SANITARY SEWER EXTENSION PROJECT TO SERVE MCDONALD'S AND HOLIDAY INN EXPRESS ON EAST US-160, IN THE AMOUNT OF \$21,586.00 was introduced and considered. City Engineer Mangan reported staff has received the Engineering Design Services Agreement for a sanitary sewer extension project to serve the proposed new McDonald's and Holiday Inn Express on East US-160. The costs contained in the agreement were approved by the Council at the April 1st meeting. He noted the design costs could be assessed to the beneficiaries of the sanitary sewer. Council member Shimer moved to adopt the resolution as presented. Council member Tracy seconded. Upon roll call vote, those voting "AYE" were Council members Buckman, Watson, Tracy, Shimer, Craig, Granger and Valentine. There were no "NAY" votes. Number 5234 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A 3-PARTY AGREEMENT, WITH KANSAS DEPARTMENT OF TRANSPORTATION, WILSON & COMPANY AND THE CITY FOR ENGINEERING DESIGN SERVICES FOR THE EAST US-160 GEOMETRIC KLINK HIGHWAY WIDENING PROJECT, IN THE AMOUNT OF \$56,820.61 was introduced and considered. City Engineer Mangan reported this resolution is to approve the 3-party agreement between KDOT, Wilson & Company and the City for the East US-160 highway widening project. KDOT will participate 90% in the preliminary design services. Council member Shimer moved to adopt the resolution as presented. Council member Watson seconded. Upon roll call vote, those voting "AYE" were Council members Buckman, Watson, Tracy, Shimer, Craig, Granger and Valentine. There were no "NAY" votes. Number 5235 was assigned to this resolution.

A RESOLUTION FINDING THE STRUCTURE LOCATED ON EAST 78' OF LOT 1, BLOCK 21, NORTHWEST ADDITION, IN SAID CITY, ALSO KNOWN AS 324 NORTH OLIVE STREET, IS UNSAFE, DANGEROUS AND A BLIGHT UPON THE NEIGHBORHOOD was introduced and considered. City Manager Collins reported staff contacted the property owner and thought she would be in attendance at the meeting. Staff is recommending taking action on the resolution and providing sixty days for compliance on the demolition of the structure at 324 North Olive. Council member Craig expressed concern that if the resolution is adopted, the property owner must then demolish the property. City Manager Collins stated of the Council desired they could allow the property owner to repair the property. Council member Watson asked for information on a statement of facts regarding the condition of the property. City Engineer Mangan stated this was available; however, it had not been included in the agenda packet. Council member Watson moved to table the resolution and include the specific findings

of fact on the property for the Council's review, before taking action on the resolution. Council member Buckman seconded. The motion carried.

A motion to adjourn was seconded and carried.

Approved and filed this 3rd day of June 2006.

Mayor

City Clerk