

The Council of the City of Wellington, Kansas, met in Regular Session on June 3, 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 Pastor Bob Nickel of the Grace Baptist Fellowship Church.

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

Members of the Staff present were City Engineer Larry Mangan, City Attorney Michael Brown, Public Works Director Jeremy Jones, Fire Chief John Lloyd, Police Chief Tracy Heath, City Manager Gus Collins and City Clerk Rose M. Miller.

AUDIENCE PARTICIPATION

There were no items scheduled in Audience Participation.

CONSENT AGENDA

Mayor Stallbaumer read the items to be approved on the Consent Agenda. Council member Tracy questioned the purchase of three diving boards for the pool and asked if these dollars were included in the total figure of the Profit/Loss of the pool. Public Works Director Jones stated this was out of the operating budget for the pool, however, he would confirm how it is reported. Council member Tracy then questioned the expenditure for the installation of lights in the rear wheel well of a pickup in the Fire Department. City Manager Collins stated it was his understanding that the problem with the pickup was with the existing battery keeping providing the necessary power. The main expense was for the purchase of a second battery. Council member Tracy questioned the purpose of the yellow lights inside the wheel well. Fire Chief Lloyd explained they were added for additional safety purposes. He then explained the purpose of the second battery to run the lights on the pickup.

Council Member Buckman moved to approve the Consent Agenda as presented. Council Member Shimer seconded. The motion carried. Council member Tracy voted "NAY" on the motion. The following items were approved as presented under the Consent Agenda:

- Approval of Minutes
 1. Regular Session of May 20, 2008.
 2. Work Session of May 22, 2008.
- Approval of Appropriations
 1. Payroll Report for the pay period ended May 24, 2008 in the amount of \$195,319.77
 2. Claims Register for May 17-31, 2008 in the amount of \$884,262.48.
- Council Correspondence
 1. Agenda Newsletter dated May 30, 2008.
 2. Local Retailer Sales Tax and Local Consumers Compensating Use Tax for April 2008.
 3. Health Care Authority Board of Director's Meeting Minutes of May 15, 2008.
 4. SRMC Financial Report for April 2008.
 5. Sumner County Community Provider (SCCP) Minutes of May 15, 2008.
 6. Airport Advisory Board Minutes of May 19, 2008.
 7. Street Closing Request from First United Methodist Church-Father's Day Car Show.

REPORTS OF MAYOR AND COUNCIL

Council member Buckman commented on the rains that occurred over Memorial Day week-end, with over 8" of rain falling in three days. He commented there was flooding in the streets in the area of 18th and Plum. He inquired about the grass that goes towards High Drive and whether the ditch could be cleaned to help the flow of the water so it does not back up. City Manager Collins stated staff has discussed the issue and plan to visit with property owners and the developer. He will report back to the

Council on what is determined. Mr. Gordon Robare, 1018 West 18th, property owner, asked to address the Council. Mr. Robare reported with the last heavy rains the water backed up more than he has ever done before. He stated he thought this needed to be opened up more to handle the drainage. There was discussion on how the drainage could be improved in this area, as well as other areas of town.

Council member Tracy asked for clarification on whether the double yellow lines on Jefferson and Washington meant “do not pass” for vehicles and did not indicate U-turns were not allowed. Police Chief Heath stated this was correct. Chief Heath clarified that State Statute allows U-turns outside of business districts. There was discussion on whether the City had taken action that allows U-turns in the downtown business district. Chief Heath stated this was correct.

Council member Watson asked City Engineer Mangan if he had an opportunity to observe the property on Myles Drive that flooded. Engineer Mangan stated he did not see the property. Council member Watson asked if any other city employee took pictures of the water as it was at that time. Engineer Mangan stated he was not aware of anyone that took pictures.

Council member Antonich stated she wished to thank the American Legion, the VFW, Boy Scouts and all the volunteers that helped put up and take down the 1,083 flags at the Cemetery over the Memorial Day weekend. She reported there were over 200 flags that were damaged with the weather. She also commented it was her understanding the cemetery is running out of room for additional flags and asked what could be done. Public Works Director Jones commented staff has discussed opening up other areas, possibly down Harvey Street and other lanes in the cemetery. Council member Antonich inquired on the status of the basketball goal at Madison Park that she reported at a previous meeting. Director Jones reported staff looked at the court and it is in rougher condition than the court to the east. He stated this location is also being considered for the site of the Skateboard Park. If it is located there, the court will possibly be removed. He stated staff should know for certain in a couple of months. Council member Antonich asked about the flooding that occurred in the area of 13th and Jefferson. Director Jones reported staff had been working with the neighboring property owner about three weeks ago. What occurred was there were culverts installed in the alley and the water drainage running from the other side of the alley caused some flooding. Staff will be removing about eight feet of the culvert to see if this helps with the drainage.

Council member Craig commented that the Rec Center had put up a new flag pole and flag at Worden Park. He stated it looks very nice and is a good addition to the park. Council member Craig reported there is grass growing through some cracks on the tennis courts. He asked about the warranty on the surface of the courts. City Manager Collins stated he would check on this.

Council member Granger inquired when the last time the Rock Island slough was cleaned. City Engineer Mangan reported it was thoroughly cleaned about four years ago. Public Works Director Jones stated at that time the Railroad hired a tree service to clean out the slough. Council member Granger reported the slough is getting in bad condition again. Staff will contact the Railroad.

Council member Valentine inquired with the recent heavy rains how many storm sewers need to be cleaned out or have collapsed. Engineer Mangan reported there are no storm sewers on the west side of town where some of the flooding occurred. City Manager Collins commented staff does try to monitor the storm sewers and he was not aware of any that have collapsed. Council member Valentine inquired on the status of repairs on the leaking roof at the McKinley Building that he had previously reported. City Manager Collins responded he had reported this to the School District, who owns the building and is responsible for the maintenance. He stated it was his understanding that the building has been put on hold for future repairs. Council member Valentine then inquired on the City’s regulations regarding trash containers and whether residents were required to put their trash in containers. Public Works Director

Jones stated the City's Code does require the use of containers. Council member Valentine reported he has received complaints on some residences that are not using containers. He encouraged citizens to put their trash in bags and to use containers.

Mayor Stallbaumer reiterated Council member Antonich's thank you's to all the volunteers who helped with setting up the Avenue of Flags. He also thanked City crews for putting up and taking down the flag poles and for their work on the maintenance of the Cemetery.

REPORTS OF CITY OFFICIALS

EMS-Change in Acceptance of Medicaid-City Manager Collins. City Manager Collins remarked the Council has discussed ambulance billing and the EMS acceptance of Medicaid payments. He reviewed information included in the agenda packet regarding the history of why a recommendation not to accept Medicaid payments was made in the past. He reported he and Fire Chief Lloyd met with Medicaid Representatives to go over some of their concerns with past practices and also discussed what changes have been made. He reviewed the changes that have been made concerning some of staff's concerns. City Manager Collins recommended that the Council consider accepting Medicaid payments effective July 1, 2008. Council member Tracy commented he would like for staff to provide numbers on the City becoming a cap provider for all EMS runs in the city. He stated he believes city residents should not have to pay for ambulance runs. Council members Granger and Antonich commented they agreed with Council member Tracy. Council member Craig stated that while this might be a good idea, he questioned what the mill levy would need to be increased to cover the loss of revenue to offset the user fees for ambulance runs. After further discussion, Council member Craig moved that the City become a Medicaid Provider effective July 1, 2008. Council member Granger seconded. The motion carried.

Landfill Coupon Program-City Manager Collins. City Manager Collins explained the Free Landfill Coupon Program that was implemented in November 2007 and expired on June 1, 2008. Public Works Director Jones reported there were a total of 253 tons of household wastes and debris taken in during this period with the coupons, which cost the City approximately \$2,200 to haul to Plumb Thicket Landfill. He stated the Utility Office has issued 1,368 coupons with over 700 of the coupons that have not been redeemed. He noted that the last three months there has been a significant increase in the use of the coupons. Staff is recommending that the program be extended to October 1, 2008. Any unused coupons would be honored until this date. Council member Craig asked if it would cost that much to issue two additional coupons to customers. City Manager Collins stated staff discussed this option, but did not feel the use was there. Council member Craig suggested that flyers be inserted in utility bills promoting this program, as well as the dump truck program. City Manager Collins stated this could be done. After further discussion, Council member Watson moved to continue the program until October 1, 2008 and to allow a total of four coupons for each residential utility customer. Council member Tracy seconded. The motion carried.

PUBLIC HEARING

Mayor Stallbaumer opened a Public Hearing for the purpose of obtaining public input on the City's Capital Improvement Plan for 2009-2014. City Manager Collins reported this is a six-year plan for Capital Improvement Projects for the City. The process began in December 2007. He stated this is a manner to help prioritize and prepare for future capital needs. He stated the Planning Commission has held two meetings to review the CIP projects. After review they then rated the projects in order of priority. He encouraged citizens to call or email their input on the CIP. Mayor Stallbaumer asked if anyone in the Audience wished to comment on the CIP Plan. There being no one who wished to speak, Mayor Stallbaumer closed the Public Hearing.

RESOLUTIONS

A RESOLUTION FINDING THAT THE STRUCTURE/S LOCATED ON THE EAST 78 FEET OF LOT 1, BLOCK 21, NORTHWEST ADDITION, WELLINGTON, KS, COMMONLY KNOWN AS 324 NORTH OLIVE STREET IS/ARE UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE/S TO BE MADE SAFE AND SECURE OR REMOVED was introduced and considered. City Manager Collins commented this resolution was tabled at the last Council meeting and the resolution has now been revised to include the findings of facts. Staff has recommended allowing sixty days for the property owner to comply. Mrs. Jan Cabbage, property owner, was present and addressed the Council. She reported she has taken care of the hole in the roof of the property, however, her future plans on how to proceed with the property, are still uncertain. Council member Watson moved to adopt the resolution as presented. Council member Valentine seconded. Upon roll call vote, those "AYE" were Council members Buckman, Watson, Shimer, Antonich, Craig, Granger and Valentine. Council member Tracy voted "NAY" on the resolution. Number 5236 was assigned to this resolution.

A RESOLUTION REPEALING RESOLUTION NO. 5047 CREATING A BOARDS AND COMMISSIONS REVIEW COMMITTEE FOR THE CITY OF WELLINGTON, KANSAS; FIXING ITS MEMBERSHIP AND ESTABLISHING ITS PURPOSE AND FUNCTION AND ITS OPERATION was introduced and considered. City Manager Collins reported this resolution repeals Resolution No. 5047 which created the Review Board Committee. This was discussed at the May 22, 2008 Work Session. Council member Tracy moved to adopt the resolution as presented. Council member Buckman seconded. Upon roll call vote, those voting "AYE" were Council members Buckman, Watson, Tracy, Shimer, Antonich, Granger and Valentine. Council member Craig voted "NAY" on the resolution. Number 5237 was assigned to this resolution.

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GRANT OFFER AGREEMENT FROM THE FEDERAL AVIATION ASSOCIATION (FAA) FOR PHASE I OF THE PROPOSED AIRPORT APRON EXPANSION PROJECT was introduced and considered. City Manager Collins reported the Council approved an application for Federal Assistance for design services for the upcoming Airport Apron Project at the March 18, 2008 meeting. This resolution authorizes the Mayor to sign a Grant Offer Agreement from the FAA for the design services for the proposed project. The City's share is 5% (\$3, 695). Council member Craig moved to adopt the resolution as presented. Council member Buckman seconded. Upon roll call vote, those voting "AYE" were Council members Buckman, Watson, Tracy, Shimer, Antonich, Craig, Granger and Valentine. There were no "NAY" votes. Number 5238 was assigned to this resolution.

STUDY ITEMS

City Manager Collins reported he has been approached by a local business owner regarding the use of work-site utility vehicles, more specifically, Japanese Mini-Trucks, within the City. He stated the State of Kansas does not recognize these vehicles and they cannot be used on State highways. He reported they can be approved for use at the local jurisdiction. Police Chief Heath has checked with Winfield and Arkansas City, who have both passed ordinances allowing the vehicles within their city boundaries. Council member Granger asked if there would be any liability to the City if they allowed the vehicles and the State does not. City Attorney Brown responded he would like to review the ordinances passed by Winfield and Arkansas City. Council member Valentine questioned the use of the vehicles on 8th and "A" Streets, as they turned into Highways 81 and 160. Chief Heath stated this was addressed with "incidental usage". Council member Craig expressed concern that insurance requirements should be included and monitored. Council member Antonich stated she was also concerned that some type of identification license or number should be provided to each vehicle. After discussion, it was the

consensus of the Council that this be discussed at a future Work Session before a decision was made on the issue. Mayor Stallbaumer asked if the Council wished to hold a Work Session on June 10th to discuss the issue further. It was the consensus of the Council to hold a Work Session at 6:00 p.m., on June 10, 2008.

City Manager Collins reminded the Council of the scheduled Budget Work Sessions on June 24th and July 8th.

A motion to adjourn was seconded and carried.

Approved and filed this 17th day of June 2008.

Mayor

City Clerk