

The Council of the City of Wellington, Kansas, met in Regular Session on June 17, 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 Reverend J. R. McElhannon, of the 1st Assembly of God Church.

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

CONSENT AGENDA

Council member Granger noted on page 578 of the June 10, 2008 Work Session Minutes the word “blind sighted” should be corrected to read, “blind sided”. Council Member Buckman moved to approve the Consent Agenda, with the correction to the Work Session Minutes. Council Member Shimer seconded. The motion carried. Council member Valentine voted “NAY” on the motion. The following items were approved as presented under the Consent Agenda:

- Approval of Minutes
 1. Regular Session of June 3, 2008.
 2. Work Session of June 10, 2008.
- Approval of Appropriations
 1. Payroll Report for the pay period ended June 7, 2008 in the amount of \$205,630.35.
 2. Claims Register for June 1-13, 2008 in the amount of \$310,730.05.
- Council Correspondence
 1. Agenda Newsletter dated June 13, 2008.
 2. Department of Building Inspector Monthly Report for May 2008.
 3. Fire/EMS Activities/Overtime/Revenue Report-May 2008.
 4. Ambulance Monthly Financial Report-May 2008.
 5. Park Board Minutes-May 19, 2008.
 6. Ordinance No. 3991 Regarding Legal Discharge hours/Dates
 7. Airport Advisory Board, June 16, 2008 Meeting Memo-Airport Manager Hamlin.
 8. NPDES Discharge Permit for Old WWTP-Memo from City Engineer Mangan.
 9. Thank You Correspondence from Project Prom Committee.
 10. Wheat Festival Street Closings 2008 for Activities July 8-13, 2008.
 11. Wheat Festival Requests 2008 for Activities July 7-13, 2008.

Wheat Festival Update. Chamber Director Shelly Hansel was present and provided an update on the 2008 Wheat Festival. She distributed copies of Wheat Festival programs for the Council. Ms. Hansel reviewed several of the activities that would be held this year. She reported this year’s premier sponsor was GKN Aerospace.

REPORTS OF MAYOR AND COUNCIL

Council member Antonich commented on previous discussion regarding allowing J-Turns/U-Turns in the Downtown Business District. She asked if the Downtown Business District could be defined. City Manager Collins reported this Governing Body made a change to allow J-turns in the Downtown Business District, unless prohibited in certain areas. He stated staff will evaluate the Downtown Business District and determine which areas might be prohibited.

Council member Granger referenced City Manager Collins newsletter in regard to using the engineer who served in the planning of Coyote Ridge to help evaluate the storm drainage problems in the area. He expressed concern that the engineer knew a drainage problem existed to begin with. He

suggested that staff check with PEC engineers. City Manager Collins stated he would discuss this with the Council before deciding who to use. Council member Granger commented he would like to ensure that ambulance service cap is discussed at a future Work Session.

Council member Valentine commented he would like to inform the citizens of First Ward that if they have any problems he can assist with to call him and he will report it to the Council and City.

Council member Shimer commented he read in City Manager Collins' newsletter that City Inspector had assisted with damage assessment after the tornado in Chapman, Kansas. He thanked the Staff and City for allowing him to help.

Council member Tracy thanked City Staff for taking care of the weeds on a couple of properties he reported. Council member Tracy inquired on the engineer who will be studying the storm drainage issues. He asked for clarification on whether the study was only for Coyote Ridge or for all areas that had problems. City Manager Collins stated it would be for all areas. Council member Tracy commented he likes the idea of holding Work Sessions on alternate Tuesdays of Regular Meetings and would like to discuss this further at a Work Session.

REPORTS OF CITY OFFICIALS

Medicaid Accounts Receivable-City Manager Collins. City Manager Collins reported the Council previously took action for accepting Medicaid payments for EMS runs effective July 1, 2008. Staff has defined thirty-six accounts that total approximately \$38,000 that can be directly attributed to Medicaid patients. These accounts date from 1995 to 2008. He asked the Council to consider taking action to write off these accounts. Council member Tracy commented he has adopted a foster child that has a previous ambulance run that Medicaid would not pay, which is a part of the balance that is being considered for write off. He stated he would abstain from discussion and voting on this issue because of this. Council member Antonich stated she also has a personal involvement and would abstain from discussion and voting. Council member Granger moved to write off the outstanding Medicaid accounts dated from 1995 through July 1, 2008. Council member Buckman seconded. The motion carried. Council members Tracy and Antonich abstained from voting.

Planning Commission Board Appointments-City Clerk Miller. City Clerk Miller reported the terms of Jeff McGovern, Terry DuPree and Larry Pacey expired on June 13, 2008. Mayor Stallbaumer is recommending the reappointment of Terry DuPree and Larry Pacey and the appointment of Kent Johnston to three year terms to expire June 13, 2011. Council member Tracy moved to approve the recommendations for appointments to the Planning Commission. Council member Buckman seconded. The motion carried.

ORDINANCES

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$1,440,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES A, 2008, OF THE CITY OF WELLINGTON, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO was introduced and considered. City Manager Collins reported this ordinance authorizes the issuance of General Obligation Bonds, which will complete the long-term financing of the improvements to Settler's Creek and Crestview Heights Subdivisions. Mr. John Haas, Financial Consultant to the City, addressed the Council. Mr. Haas provided the Council with a summary of the bids that were received on the bond sale. He reported Country Club Bank, Kansas City, Mo., was the winning bid with an average interest rate of 4.09%. Council member Buckman moved to accept the bid from Country Club Bank. Council member Antonich seconded. The motion carried. Council member Buckman moved to pass the

ordinance as presented. Council member Shimer seconded. Upon roll call vote, those voting “AYE” were Council members Buckman, Watson, Tracy, Shimer, Antonich, Granger and Valentine. There were no “NAY” votes. Number 4019 was assigned to this ordinance.

AN ORDINANCE REPEALING ORDINANCE NO. 3471, AS IT RELATES TO THE KEEPING OF PIT BULL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLINGTON was introduced and considered. City Manager Collins reported in November 2007, staff suggested a change in language, as recommended by the League of Kansas Municipalities, to allow better enforcement of the ordinance. The issue was discussed at the last Work Session and it was the consensus of the Council to consider repealing the existing Ordinance and lift the ban against pit bull dogs. Council member Tracy commented the Vicious Animal ordinance has also been discussed and he asked if it included language for exotic pets, such as a boa constrictor. Police Chief Heath stated the ordinance was specifically for vicious dogs. Council member Tracy requested that the issue of exotic pets be discussed at a future Work Session. Council member Watson reported he had talked to City Prosecutor Spencer, who had indicated he has had some success with the existing Pit Bull Ordinance. He moved to table the proposed ordinance until more discussion could be held with the City Prosecutor to determine if this was a prudent course of action or not. Council member Shimer seconded. Council member Antonich expressed concern that the issue has already been discussed. She stated the Pit Bull ordinance could be repealed and citizens would still have protection with the Vicious Dog Ordinance. Council member Granger commented if the proposed ordinance is tabled, it should be tabled to a specific date and not be tabled indefinitely. City Manager Collins stated it could be discussed at the June 24th Work Session. Council member Watson amended his motion to table the ordinance and include discussion with the City Prosecutor at the June 24th Work Session. Council member Shimer seconded the amendment to the motion. After further discussion, Mayor Stallbaumer called for a vote on the motion. The motion carried with a 4-3 vote. Council members Tracy, Antonich and Valentine voted “NAY” on the motion.

AN ORDINANCE ANNEXING LAND TO THE CITY OF WELLINGTON, KANSAS was introduced and considered. City Engineer Mangan reported this ordinance will annex 75 acres of land in the southwest quarter of Section 24, which is the future site of the new Wastewater Treatment Plant. It is a contiguous annexation as the northwest corner of the site is adjacent to the city limits. Council member Watson moved to pass the ordinance as presented. Council member Buckman seconded. Upon roll call vote, those voting “AYE” were Council members Buckman, Watson, Tracy, Shimer, Antonich, Granger and Valentine. There were no “NAY” votes. Number 4020 was assigned to this ordinance.

RESOLUTIONS

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF \$1,440,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES A, 2008, OF THE CITY OF WELLINGTON, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 4019 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH was introduced and considered. City Manager Collins reported this resolution sets forth the details of the General Obligation Bonds that were approved with the earlier ordinance. Council member Buckman 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, Antonich, Granger and Valentine. There were no “NAY” votes. Number 5239 was assigned to this resolution.

A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WELLINGTON, KANSAS, AT WHICH THE OWNERS, THEIR AGENTS, ANY LIEN HOLDERS OF RECORD AND ANY

OCCUPANTS OF THE BUILDINGS LISTED MAY APPEAR AND SHOW CAUSE WHY SUCH BUILDINGS SHOULD NOT BE CONDEMNED AND ORDERED DEMOLISHED was introduced and considered. The buildings were located at the following addresses: 624 East 4th Street, 802 East 4th Street, 523 West 4th Street, 224 West 10th Street, 1005 South F Street, 1222 East Lincoln and 1309 East Lincoln. City Engineer Mangan reported this resolution sets a Public Hearing date of July 15, 2008 to begin the condemnation process on the listed properties. All the listed properties are vacant. Council member Granger 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. There were no "NAY" votes. Number 5240 was assigned to this resolution.

STUDY ITEMS

Micro Mini Trucks for Action July 1, 2008. City Manager Collins reported the Council has a copy of a draft ordinance that would allow the use of Micro Mini Trucks within the corporate city limits. He stated he would like for the Council to consider action on the ordinance at the July 1, 2008 meeting. City Attorney Brown reported he had added a provision in the ordinance for the registering of the micro mini trucks with the Police Department. Police Chief Heath reported the State Statute is self explanatory in that the trucks can be operated on only on city streets; however, it does allow a provision to cross on public highways. Council member Watson asked if the ordinance could include a definition of public highways. Council member Granger asked what the insurance requirement on the vehicles was. Chief Heath stated it was liability coverage only. Council member Watson asked how Police Officers would distinguish whether a vehicle has been registered. Chief Heath stated they would have to come up with some type of tracking option. City Manager Collins stated staff could check further on this.

City Manager Collins reported the Planning Commission has cancelled their meeting for June 24th and the Council Work Session could be held at City Hall, rather than the Public Safety Facility. It was the consensus of the Council to meet at 6:30 p.m., in the Council Chambers on June 24th.

A motion to adjourn was seconded and carried.

Approved and filed this 1st day of July 2008.

Mayor

City Clerk