

REGULAR MEETING, COUNCIL CHAMBERS; WASHINGTON, KANSAS; DATE: FEBRUARY 5, 2007

The Governing Body of the City of Washington, Kansas, met in Regular Session in the usual meeting place in said City on Monday, the fifth day of February, 2007, at 7:00 P.M. with the following members present: Mayor Travis L. Kier; Council Members Randy Wyatt, Dawn Kramer, Meyler Gibbs and Roxanne Schottel.

Absent: Council Member Tom Dragastin.

Also present were City Administrator Tim Schook; City Attorney Paul Monty; City Clerk Denise Powell; Dan Thalman, Washington County News; Melvin Brungardt, Washington; Dr. Ken Johnson, Washington; Jon Hansen, Wisconsin; Kim Schmitz, Wisconsin; Gary Hatesohl, Greenleaf, president of fair board; Les Gauby, Washington; Monica and Red Dusin, Washington; Jerry Pierce, Washington; Jason Brinegar, Washington County Attorney; and Elizabeth Hiltgen, Assistant Washington County Attorney.

Mayor Travis Kier called the meeting to order at 7 p.m.

Xerox copies of the minutes of the previous regular meeting of Tuesday, January 2, 2007, were given to the Mayor and each Council Member for review. Council Member Roxanne Schottel moved to approve the minutes as written. Council Member Randy Wyatt seconded the motion. Motion carried.

APPROPRIATION ORDINANCE NO. 2007-2

“AN ORDINANCE ALLOWING FOR PAYMENT OF THE CITY’S BILLS AND DEBITS.”

Thereupon on motion made by Council Meyler Gibbs moved for its adoption, that the City Clerk is hereby authorized and directed to issue payroll Check Numbers 3328 through 3372; warrant Check Numbers 33583 through 33677; and Wires -18 through -19 in payment of just bills and claims against the City and debit the appropriate fund for each expenditure. Thereupon Council Dawn Kramer seconded the motion. Thereupon the motion carried.

FAIR BOARD: Council Member Roxanne Schottel made a motion to lease the large ball diamond to the Fair Board Aug. 1-4 during the Washington County Fair for a beer garden and concert. Council Member Randy Wyatt seconded the motion. Motion carried. Gary Hatesohl, fair board president, Dr. Ken Johnson and Les Gauby, fair board members, gave an outline of the events.

FREE LOT: Council Member Meyler Gibbs made a motion to deed land at 223 East Third Street to Jon Hansen, Wisconsin, provided he meets all the provisions set forth in the free lot program. Council Member Dawn Kramer seconded the motion. Motion carried.

PORTENIER: Council Member Roxanne Schottel made a motion to allow Brad Portenier, owner of Mayberry’s, to construct a balcony at Mayberry’s provided access must be made from the inside of the building, it wouldn’t impede traffic flow on city sidewalks and does not violate fire codes. Council Member Dawn Kramer seconded the motion. Motion carried.

PERSONNEL: On motion by Council Member Meyler Gibbs that the City Council go into executive session for approximately 15 minutes to discuss individual non-elected personnel. From 7:38 p.m. to 7:53 p.m. City Attorney Paul Monty, City Administrator Tim Schook, City Clerk Denise Powell and Red and Monica Dusin to be present. Thereupon Council Member Roxanne Schottel seconded the motion. Thereupon the motion carried unanimously.

On motion by Council Member Dawn Kramer to return to regular session at 7:47 p.m. Thereupon Council Member Roxanne Schottel seconded the motion. Motion was declared carried. No action taken.

ATTORNEY: Jason Brinegar, Washington County Attorney and Libby Hiltgen, Assistant Washington County Attorney, offered legal services to the city. Brinegar stated from time to time outside counsel might be needed. Brinegar gave his hourly rate at \$125 per hour but would discount services to the city to \$100 per hour. Services would be billed as needed.

Council Member Meyler Gibbs made a motion to use the law firm of Galloway, Wiegers and Brinegar, P.A. as city attorney for temporary services. Council Member Randy Wyatt seconded the motion. Motion carried.

PERSONNEL: On motion by Council Member Meyler Gibbs that the City Council go into executive session for approximately 15 minutes for the purpose to discuss individual non-elected personnel. From 8:04 p.m. to 8:19 p.m. City Attorney Paul Monty, City Administrator Tim Schook, City Clerk Denise Powell and Melvin Brungardt to be present Thereupon Council Member Dawn Kramer seconded the motion. Thereupon the motion carried unanimously.

On motion by Council Member Dawn Kramer that the council reconvenes to the regular session at 8:19 p.m. Thereupon Council Member Roxanne Schottel seconded the motion. Motion was declared carried. No action taken.

CONCEALED/CARRY WEAPON: There came on consideration an Ordinance entitled:

ORDINANCE NO. 704

AN ORDINANCE ESTABLISHING PROHIBITIONS AGAINST THE POSSESSION OR CARRYING OF CERTAIN FIREARMS WHILE UPON DESIGNATED PROPERTY OWNED AND/OR OPERATED BY THE CITY OF WASHINGTON, KANSAS

said Ordinance No. 704 was read in full, considered and discussed, thereupon Council Member Randy Wyatt moved for its adoption and Council Member Meyler Gibbs seconded the motion. Thereupon Mayor Travis L. Kier declared Ordinance No. 704 duly adopted and passed unanimously by all council members present, and the Mayor directed that said Ordinance No. 704 be published in the Washington County News on Thursday, February 8, 2007, as provided by the Ordinance.

COMMERCIAL LOT: Council Member Meyler Gibbs made a motion to notify the three interested parties in the commercial lot located at 317 West Seventh that the property will be sold to the highest bidder with conditions as set forth on commercial property, sealed bids to be accepted until 5 p.m. Monday, March 5, 2007. Council Member Dawn Kramer seconded the motion. Motion carried. City Attorney Paul Monty was to draft the letter to the bidders.

UTILITY BILLING: The utility billing code was not ready for review.

ZONING: Zoning ordinance was not ready for review.

KDOT: City Administrator Tim Schook reported the Kansas Department of Transportation sent an official letter approving the Economic Development project for acceleration/deceleration lanes on K-15 at the industrial park .5 miles south of US-36. Funds to be slated for fiscal year 2010 with an estimated project cost of \$244,000. The state's participation will be 75 percent of the actual total participating project costs.

15/36 PROJECT: Tim Schook, city administrator, stated with the resignation of City Attorney Paul Monty the city will need to bring someone on board to take over the 15/36 land acquisitions.

BLIGHTED PREMISES: City Attorney Paul Monty reported Notice was given to Charles and Tammi J. Coleman concerning the condition of premise located at 123 West Eighth to be in violation of Ordinance No. 703.

LIBRARY: City Attorney Paul Monty stated the Council previously instructed him to prepare an amendment to a charter ordinance raising the mill levy to eight for the library Monty said upon further investigation into library funding statutes it was discovered the library board could set the mill levy for their budget, within parameters set forth by the council.

BROADBAND OVER POWERLINE: City Administrator Tim Schook met with representatives from USI Industrial Services, Inc., which have changed their name to Par Electric. Schook says there seems to be a lot of dollars invested and not sure payback is there.

ANIMAL CONTROL: Council Member Randy Wyatt made a motion to change the animal control ordinance reflecting city employees to deal with issues from 8 a.m. to 5 p.m. during normal business hours and the Sheriff's department handling vicious animal issues. Council Member Roxanne Schottel seconded the motion. Motion carried.

AMBULANCE: A copy of the 2006 ambulance report was given to the Council for review. Tim Schook, city administrator, expressed frustration with ambulance funding issues from the county commission. All services are

showing losses and the county has not increased funding since 1996, even though the state statutes require them to fund the service. City Attorney Paul Monty stated it would take the governing bodies from each city coming together to confront the issue.

Council Member Meyler Gibbs stated a presentation on the purchase of a new ambulance would be given at the March meeting.

The Council signed a thank you for the Kansas Board of EMS for donation of two pediatric spine boards.

FIREFIGHTER'S RELIEF FUND: Council Member Meyler Gibbs moved to authorize the Mayor to sign the Declaration for participation in the Firefighters Relief Fund for 2007. Council Member Randy Wyatt seconded the motion. Motion carried.

SOFTWARE: Council Member Roxanne Schottel made a motion to authorize Mayor Travis Kier to sign the Annual Peopleware Agreement in the amount of \$3,040 with Computer Information Concepts, Greeley, Colorado. Council Member Dawn Kramer seconded the motion. Motion carried.

INDIVIDUAL COUNCIL MEMBER COMMENTS: Council Member Dawn Kramer asked why the EMT class is being held at the 911 Law Enforcement Center. City Administrator Tim Schook stated the policy for the Emergency Service Building states that a city employee must be present at all meetings held at the building.

Council Member Roxanne Schottel asked how much money the city will save by reducing the staff by three. City Administrator Tim Schook reported a conservative number to be \$80,000 a year.

CITY ATTORNEY COMMENTS: City Attorney Paul Monty presented the Council with a letter of resignation as city attorney. Monty stated he would be sworn in Monday, February 12, 2007, and will not be able to continue to practice law.

KMU: Kansas Municipal Utilities Northern Regional Training Group safety-training program for 2007 was given to all Council Members.

JUDGE: Council Member Meyler Gibbs moved to appoint Paul Monty as Municipal Judge at a rate of \$200 per month. Council Member Dawn Kramer seconded the motion. Motion carried.

PERSONNEL: City Administrator Tim Schook informed the Council that Greg Metz is back to work on light duty. He will have to go back in for more surgery. A fundraiser is planned for February 17 to help him and his family out with the extra expenses they have incurred over the last several months.

PERSONNEL: On motion by Council Member Dawn Kramer that the City Council go into executive session for approximately 20 minutes for the purpose to discuss individual non-elected personnel. From 9:15 p.m. to 9:35 p.m. Thereupon Council Member Randy Wyatt seconded the motion. Thereupon motion carried unanimously.

On motion by Council Member Roxanne Schottel that the Council reconvenes to the regular session at 9:35 p.m. Thereupon Council Member Randy Wyatt seconded the motion. Motion was declared carried.

Council Member Roxanne Schottel made a motion that any city employee taking early retirement must have 10 years of service; submit notice in writing by 5 p.m. Monday, March 5, 2007; receive \$400 per year of service; paid unused comp and vacation time and a retirement date no later than July 1, 2007. Council Member Dawn Kramer seconded the motion. Motion carried. Motion by roll call was Kramer, yea; Gibbs, yea; Wyatt, yea; Schottel, yea.

MILEAGE: City Administrator Tim Schook stated IRS mileage rate is 48.5 cents per mile as of Jan. 1, 2007.

FREE LOT: Council Member Randy Wyatt made a motion to offer Greg Knedlik Lots 20 through 24 in Block 10 in Railroad Addition in the City of Washington. Council Member Dawn Kramer seconded the motion. Motion carried. Motion by roll call was Wyatt, yea; Kramer, yea; Schottel, nay; Gibbs abstained.

KPP: There came on for consideration an Ordinance entitled:

ORDINANCE NO. 705

AN ORDINANCE OF THE CITY OF WASHINGTON WITHDRAWING AS A MEMBER OF
THE KANSAS POWER POOL ("KPP"), A MUNICIPAL ENERGY AGENCY

said Ordinance No. 705 was read in full, considered and discussed, thereupon Council Member Roxanne Schottel moved for its adoption and Council Member Dawn Kramer seconded the motion. Thereupon the Mayor declared Ordinance No. 705 duly adopted and passed unanimously by all Council Members present, and the Mayor directed that said Ordinance No. 705 be published in the Washington County News on Thursday, February 8, 2007, as provided by the Ordinance.

Council Member Roxanne Schottel made a motion to accept Resolution 2007-2. Council Member Dawn Kramer seconded the motion. Motion carried.

WHEREAS: A RESOLUTION OF THE CITY OF WASHINGTON, KANSAS, APPROVING ITS WITHDRAWAL FROM THE KANSAS POWER POOL ("KPP"), A MUNICIPAL ENERGY AGENCY AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT CREATING THE AGENCY BY DELETING THE CITY OF WASHINGTON, KANSAS, FROM SAID AGENCY.

KMEA: City Administrator Tim Schook as been appointed to the Strategic Planning Committee and New Building Committee for Kansas Municipal Energy Agency (KMEA).

METERING: A spreadsheet given to the Mayor and Council estimated cost for the metering project at \$36,858 which will need to be done prior to the electrical contract expiring.

POWER PLANT: Council Member Randy Wyatt made a motion to allow up to \$10,000 for monitoring at the power plant and \$15,000 for the metering project. Council Member Dawn Kramer seconded the motion. Motion carried.

Mid-States Energy Works, Inc. estimated cost for monitoring at the power plant to be \$5,000 for material and \$5,000 for labor with the City providing as much labor as possible.

KANSAS RURAL WATER: Council Member Roxanne Schottel made a motion to approve City Administrator Tim Schook as voting delegate and Council Member Dawn Kramer as alternate voting delegate for the Kansas Rural Water Association. Council Member Randy Wyatt seconded the motion. Motion carried.

SEWER: Tim Schook, city administrator, stated he has been in contact with Pat Cox, BG Consultants Inc. about repairs to the main sewer lift station. Cox contacted the Kansas Department of Health and Environment and says the best way to handle the loan is to add the financing to the existing loan; the only issue would be that the termination date of the loan will still be 2015. Otherwise, the existing loan would not be able to be altered.

HOUSING DEMOLITION: Council Member Dawn Kramer approved housing demolition applications for Clayton and Tushaun Portenier at 211 West First Street; and Larry Pape at 117 and 119 West Eighth Street. Council Member Roxanne Schottel seconded the motion. Motion carried.

BUILDING RENTAL: City Administrator Tim Schook informed the Council of a scheduling conflict with the rock building at the fairgrounds. The rock building was booked for a wedding reception before the tractor show organizers notified the city as per the date of their event. The Council decided the tractor show shall get the building because of its past annual use of the facility and the Councils commitment for the yearly use. A new policy was discussed and to be put in place to avoid issues in the future. Schook is to meet with all parties to see if something can be worked out.

HOUSING: City Administrator Tim Schook told the Council he will meet with a housing developer on Friday.

COMPUTERS: Members of the Council gave Tim Schook, city administrator, permission to solicit bids for a computer, laptop computer and projector.

EMP PROJECT: The Council agreed to schedule a presentation from City Administrator Tim Schook on the Energy Management Project (EMP) at a later time.

Schook reported EMP #2 and negotiations with MKEC are continuing in a timely manner.

ADJOURNMENT: Council Member Roxanne Schottel moved to adjourn. Council Member Meyler Gibbs seconded the motion. Motion carried.