

REGULAR MEETING, COUNCIL CHAMBERS; WASHINGTON, KANSAS; DATE: APRIL 2, 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 second day of April, 2007, at 7:00 P.M. with the following members present: Mayor Travis L. Kier; Council Members Tom Dragastin, Randy Wyatt, Dawn Kramer, Meyler Gibbs and Roxanne Schottel.

Absent: Council: None.

Also present were City Administrator Tim Schook; City Clerk Denise Powell; Jason Brinegar, attorney; Bill Hays, Washington County News; Harold Jones, Randy Tiffany, Justin Cordry, Gene Martin and Paul Drush; Terry Morse, power plant superintendent; Ed Henry, KSDS; Dan and Sarah Tabler, Haddam.

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

Xerox copies of the minutes of the previous regular meeting of Monday, March 5, 2007, were given to the Mayor and each Council Member for review. Council Member Gibbs moved to approve the minutes as amended, adding Randy Tiffany as present at the meeting. Council Member Roxanne Schottel seconded the motion. Motion carried.

APPROPRIATION ORDINANCE NO. 2007-4

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

Thereupon on motion made by Council Member Tom Dragastin moved for its adoption, that the City Clerk is hereby authorized and directed to issue payroll Check Numbers 3440 through 3488; warrant Check Numbers 33761 through 33839; and Wires -23 through -24 in payment of just bills and claims against the City and debit the appropriate fund for each expenditure. Thereupon Council Member Randy Wyatt seconded the motion. Thereupon the motion carried.

FREE LOTS: Ed Henry, KSDS, made a request for property north of the Emergency Services Building to build a duplex.

Council Member Meyler Gibbs moved to rescind a motion of the February 5, 2007 council minutes offering Greg Knedlik Lots 20 through 24 in Block 10 in Railroad Addition in the City of Washington. Council Member Randy Wyatt seconded the motion. Motion carried.

Council Member Meyler Gibbs made a motion to deed KSDS, Inc. Tract 1 – A tract of land located in Block 10 and the adjacent abandoned railroad right-of-way to the south all in Railroad Addition to the City of Washington, Kansas. Said tract being more fully described as follows: BEGINNING at the Northwest (NW) corner of Lot 24 in said Block 10, said point being marked with a ½”x30” rebar with plastic cap; THENCE Southeasterly (Az 115 degrees 28’ 16”) along the North line of said Block 10 for 50.00 feet to a ½”x30” rebar with plastic cap; THENCE Southerly (Az 179 degrees 32’ 58”) for 145.00 feet to a ½”x30” rebar with plastic cap; THENCE Northwesterly (Az 295 degrees 28’ 16”) for 50.00 feet to a ½”x30” rebar with plastic cap, said point being on the east right-of-way line of “D” Street; THENCE Northerly (Az 359 degrees 32’ 58”) along said right-of-way for 145.00 feet to the POINT OF BEGINNING. Containing 0.15 Acres more or less;

Greg and Beth Knedlik Tract 2 – A tract of land located in Block 10 and the adjacent abandoned railroad right-of-way to the south all in Railroad Addition to the City of Washington, Kansas. Said tract being more fully described as follows: STARTING at the Northwest (NW) corner of Lot 24 in said Block 10; THENCE Southeasterly (Az 115 degrees 28’ 16”) along the North line of said Block 10 for 50.00 feet to the POINT OF BEGINNING, said point being marked with a ½”x30” rebar with plastic cap; THENCE continuing Southeasterly (Az 115 degrees 28’ 16”) along North line of Block 10 for 190.00 feet to a ½”x30” rebar with plastic cap; THENCE Southerly (Az 179 degrees 32’ 58”) for 145.00 feet to a ½”x30” rebar with plastic cap; THENCE Northwesterly (Az 295 degrees 28’ 16”) for 190.00 feet to a ½”x30” rebar with plastic cap; THENCE Northerly (Az 359 degrees 32’ 58”) for 145.00 feet to the POINT OF BEGINNING. Containing 0.57 Acres more or less;

and Anderson Automotive Tract 3 – A tract of land located in Block 10 in Railroad Addition to the City of Washington, Kansas. Said tract being more fully described as follows: STARTING at the Northwest (NW) corner of Lot 24 in said Block 10; THENCE Southeasterly (Az 115 degrees 28’ 16”) along the North line of said Block 10 for 240.00 feet to the POINT OF BEGINNING, said point being marked with a ½”x30” rebar with plastic cap; THENCE Southerly (Az 179 degrees, 32’ 58”) for 89 feet to a ½”x30” rebar with plastic cap; THENCE Northwesterly (Az 295 degrees, 28’ 16”) for 113.00 feet to a ½”x30” rebar with plastic cap; THENCE Northerly (Az 359 degrees, 32’ 58”) for 89 feet to the POINT OF BEGINNING. Containing 0.21 Acres more or less.

Council Member Tom Dragastin seconded the motion. Motion carried.

FREE LOT: Dan and Sarah Tabler, Haddam, asked to set up their food wagon on the free lot located in the 100 Block of East Third Street. Council members agreed the wagon didn't fit in with the criteria set forth for commercial property, which is to secure businesses which will construct a permanent building and provide several jobs. No action taken.

LEGAL COUNSEL: The Council received a proposal from the law firm of Galloway, Wiegers and Brinegar to serve as the city's legal counsel. Council members asked that the law firm of Ryan & Mullin, LLC, be contacted to submit a fee schedule and proposal for legal counsel also.

AMBULANCE: City Administrator Tim Schook stated a letter had been sent to each ambulance services governing body requesting to meet about increased funding from the County. At Council time he had only heard from one but expected to hear from others later this month after their Council meetings.

EARLY RETIREMENT: Council Member Roxanne Schottel made a motion to accept the written notification for early retirement of Jerry Pierce effective June 1, 2007; August Dusin effective July 1, 2007; and Melvin Brungardt effective July 1, 2007, upon contingency letter from Jason Brinegar, attorney. Council Member Tom Dragastin seconded the motion. Motion carried.

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

ZONING: Zoning ordinance was not ready for review.

15/36 PROJECT: Jason Brinegar, attorney, stated he has visited with a contact person at the state level and also Ray Shinn on the appraisal. Brinegar stated he will meet with Eric Dietcher from the State in two weeks. City Administrator Tim Schook stated power poles will need to be moved for city utilities. Schook stated he was working with Mike Schmaderer of Mid-States Energy Works, Inc., to find alternative ways to reroute the lines and cut cost from \$56,000 to \$40,000.

BLIGHTED PREMISE: Jason Brinegar, legal counsel, stated a hearing was held with Standard Hearing Officer Jim Dodds and property owners of 123 West Eighth Street. The property owners have 90 days to comply. If they fail to by July 2, 2007, the City may clean up the property and assess any fees to the tax rolls.

LIBRARY: Council Member Tom Dragastin moved to increase the mill levy for the Library fund to seven mills by Charter Ordinance. Council Member Meyler Gibbs seconded the motion. Motion carried. Jason Brinegar, attorney, was instructed to draw up Charter Ordinance.

ANIMAL CONTROL: Council members asked Jason Brinegar, attorney, to draw up an ordinance for animal control to reflect city employees to deal with issues from 8 a.m. to 5 p.m. during normal business hours and the Sheriff's department to handle vicious animal issues and also include something for breed specific/vicious animals. Issue to be reviewed next month.

DONATION: Council Member Meyler Gibbs made a motion to donate \$100 to the USD 108 After Prom from the Alcohol fund. Council Member Randy Wyatt seconded the motion. Motion carried.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS: Council Member Meyler Gibbs made a motion to authorize the Mayor to sign the Annual Operation and Maintenance Assurance Statement. Council Member Roxanne Schottel seconded the motion. Motion carried. The agreement is part of the original grant the golf course received and includes maintaining a designated wildlife habitat area south of the fairway of hole one.

KMEA: Council Member Roxanne Schottel made a motion to appoint City Administrator Tim Schook as Director 1 to serve on the Board of Directors of the Kansas Municipal Energy Agency for a two year term May 1, 2007 through April 30, 2009. Council Member Meyler Gibbs seconded the motion. Motion carried.

CONTRACT: Larry Ditmars has sold his property to Dale Keesecker. Legal Counsel Jason Brinegar is to review the City's current contract for irrigating from the city lagoon with Ditmars to see if a new contract needs to be drawn up or the existing contract will transfer.

HOUSING AUTHORITY: The City received a check of \$6,938.63 from the Housing Authority. The Pilot payment is made in lieu of paying taxes and is 10 percent of the rental income less the utilities.

INDIVIDUAL COUNCIL MEMBER COMMENTS: Council Member Dawn Kramer stated she received a call from a local citizen requesting that the industrial site be cleaned up. Kramer also asked about a blighted premise located at third and E Streets. City Administrator Tim Schook stated the property was in foreclosure at this time.

Council Member Meyler Gibbs stated the billboard east of town is in bad shape. Gibbs also inquired about the vandalism at the public restrooms outside the pool house.

EXECUTIVE SESSION: On motion by Council Member Meyler Gibbs that the City Council go into executive session for approximately 15 minutes for the purpose to discuss non-elected personnel. From 8:17 p.m. to 8:32 p.m. Thereupon Council Member Randy Wyatt seconded the motion. Thereupon the motion carried unanimously.

On motion by Council Member Dawn Kramer that the Council reconvenes to the regular session at 8:32 p.m. Thereupon Council Member Roxanne Schottel seconded the motion. Motion was declared carried.

On motion by Council Member Meyler Gibbs that the City Council go into executive session for approximately 10 minutes for the purpose to discuss non-elected personnel. From 8:33 p.m. to 8:43 p.m. Thereupon Council Member Dawn Kramer seconded the motion. Thereupon the motion carried unanimously.

On motion by Council Member Tom Dragastin that the Council reconvenes to the regular session at 8:43 p.m. Thereupon Council Member Dawn Kramer seconded the motion. Motion was declared carried.

Council Member Dawn Kramer moved to increase the wage of Tom Zabokrtsky \$1.00 per hour to \$11.41 moving him to water and wastewater superintendent; and to reduce the wage of Tim Pinnick \$1.00 per hour going to \$12.07 due to moving out supervisory position. Council Member Roxanne Schottel seconded the motion. Motion carried.

LINE SUPERINTENDENT: City Administrator Tim Schook discussed filling the line superintendent position. Schook will advertise and contact journeyman linemen that have ties to Washington.

POWER PLANT: With the downsizing of operating hours at the power plant the Council stated one city employee would be laid off effective May 1, 2007.

ORIENTATION: City Administrator Tim Schook told the Council he would like to have an electric orientation meeting for new Council members and the Mayor prior to the May 9 meeting.

GOVERNING BODY INSTITUTE: The League of Kansas Municipalities Governing Body Institute is May 4-5 in Topeka. Tim Schook, city administrator, stated this is a very informative meeting for new Council members and Mayors and a nice refresher for existing members. Those interested in attending should let Schook know.

POOL: The 2007 lifeguard pay rates and pool rates were reviewed.

ESB: City Administrator Tim Schook stated he has met with Fire Chief Mike Hattesohl about using the fire department bays for the Hughes wedding reception. The firemen have a list of concerns and Schook will meet with Hattesohl and Rural Fire Chief Jerry Alldredge to address them.

PROPERTY: The City may foreclose on property that is more than three years in arrears on property taxes according to Tim Schook, city administrator. Schook asked the Council if they would like to pursue. The Council asked Schook to find out how many properties there were and report back. Legal Counsel Jason Brinegar suggested sending letters to landowners pointing out the city's right to foreclose before taking any action.

KMU: The Kansas Municipal Utilities conference will be May 2-4 in Wichita. Those wishing to attend are to contact Schook so registration and reservations can be taken care of.

PROCLAMATION: The Month of April is Fair Housing Month. Council Member Meyler Gibbs made a motion authorizing the Mayor to sign the Proclamation declaring April as Fair Housing Month. Council Member Randy Wyatt seconded the motion. Motion carried.

BALL PARK CONCESSION: The Council will offer Lori Cook the option to run the ball diamond concessions with the City receiving 17% of the profit.

NCRPC: North Central Regional Planning Commission will meet April 26 with a housing developer on a proposal for housing in their jurisdiction. City Administrator Tim Schook stated the Council is welcome to attend the meeting.

Schook stated he has talked to two developers and they are not willing to take on the entire project. They will partner with the City. This means the city buy the property and develop the infrastructure. The City could develop a special assessment and add it to the property taxes or the property owner could have the choice of paying those costs up front. The City also would have the option of charging for the lot on top of that.

PROPERTY: The deed is prepared for Michael D. and Kimberly A. Schuessler and will be filed on the property located at 317 West Seventh.

GRANTS: Council Member Tom Dragastin made a motion to adopt Resolution 2007-3, Resolution of Support and Administration. Council Member Dawn Kramer seconded the motion. Motion carried.

WHEREAS: A RESOLUTION DECLARING THE ELGIBILITY OF THE CITY OF WASHINGTON, KANSAS, TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF SAFE ROUTES TO SCHOOLS FUNDS SET FORTH BY SAFETEA-LU FOR THE SAFE ROUTES TO SCHOOLS PROJECT IN WASHINGTON, KANSAS, AND AUTHORIZING THE MAYOR TO SIGN THIS APPLICATION.

STREETS: Council Member Roxanne Schottel made a motion to allow First National Bank to block off C Street from First to Second Street for the 2nd annual Fall Fest September 15. Council Member Meyler Gibbs seconded the motion. Motion carried.

POWER PLANT: City Administrator Tim Schook stated he and Power Plant Superintendent Terry Morse are working on a plan for dispatching personnel in the event of an emergency.

The proposed power plant shifts will be two people from 8 a.m. to 5 p.m. and one person from Noon to 8 p.m. Employees shall be given an hour lunch break.

Letters will be sent to electric utility customers to inform them of changes in operation at the power plant. Business cards and magnets will provide contact information in case of emergencies.

Schook reported the power plant will purchase an answering machine and he is looking into the purchase of two cell phones to be used for on-call employees: one for the water/sewer department and the other for the electric department. Legal Counsel Jason Brinegar asked if the City has a cell phone policy and it was determined there is not. Brinegar will work on a policy.

EMP #2: Council Member Tom Dragastin authorized the Mayor to sign the MKEC/KMEA Interconnection and Power supply Agreement for Energy Management Project 2 contingent upon Legal Counsel Jason Brinegar's approval. Council Member Meyler Gibbs seconded the motion. Motion carried.

Lance Boyd, KMEA, and Joe Herz, Sawvel and Associates, will meet with the Council at 7 p.m. Monday, May 9 for an in depth presentation on the EMP #2 stated Tim Schook, city administrator.

Schook gave the Council a letter on the sale of Aquila to MKEC that was official as of April 1, 2007.

Council Member Dawn Kramer made a motion authorizing the Mayor to sign Amendment 1 to Municipal Interconnection Contract dated October 17, 1989. Council Member Randy Wyatt seconded the motion. Motion carried.

WIND ENERGY: The Council received a copy of a letter from Lawrence Herrs concerning the wind generator he has installed.

SEWER LIFT STATION: Tim Schook, city administrator, is waiting to hear back from BG Consultants on the main sewer lift station replacement.

ATV's: City Administrator Tim Schook told the Council he was asked if they would be interested in developing an ordinance for use of all-terrain vehicles on city streets. The rules implemented would be: 1) helmets must be worn by all riders under the age of 18; 2) minimum of a 4' orange identification flag mounted to the ATV; 3) liability insurance; 4) limited to operation between sunrise to sunset. The Council asked Legal Counsel Jason Brinegar to draw up an ordinance.

B STREET: Council Member Tom Dragastin brought up the disrepair of B Street. Tim Schook, city administrator, asked the Council if they wished for him to move forward and present options. Schook also asked about funding for the project.

HOUSING DEMOLITION: Mayor Travis Kier opened one bid and reviewed another bid received by fax for the housing demolition program. Council Member Tom Dragastin moved to accept the low bid of \$85 per hour from Orval Jueneman Dozer Service, Inc., Hanover. Council Member Roxanne Schottel seconded the motion. Motion carried. The four houses slated for demolition are 211 West First, 126 West Eighth and 117 and 119 West Eighth and 126 West Eighth Street.

CURB AND GUTTER PROGRAM: City Administrator Tim Schook told the Council Midwest Materials by Mueller Inc., Hanover, will begin replacement this week on curb and gutter in three areas.

CITYWIDE CLEANUP: Citywide clean-up will be April 26. The City crew will begin on the south end of town and work north picking up appliances, furniture, mattresses, computers, etc. Not included are normal household trash, tires or construction and demolition material. Residents may take items to the County landfill April 28-28 free of charge.

KRWA: Council Member Dawn Kramer informed the Council that City Administrator Tim Schook received the 2007 Administrator of the Year award from the Kansas Rural Water Association at the Kansas Rural Water Show March 28.

ADJOURNMENT: Council Member Roxanne Schottel made a motion to adjourn. Council Member Dawn Kramer seconded the motion. Motion carried.