

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

Absent: None.

Also present were City Administrator Tim Schook; City Clerk Denise Powell; City Attorney Jason Brinegar; Bill Hays, Washington County News; Colleen Hillyer, Harold H. Jones Jr., Justin Cordry, Gene Martin, Herb Dyck and Stanford Stamm, all of Washington; Rob Peschel, Cohorst Engineering, Marysville.

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

Xerox copies of the minutes of the previous regular meeting of Monday, April 2, 2007, and special meeting of Monday, April 16, 2007 were given to the Mayor and each Council Member for review. Council Member Meyler Gibbs moved to approve the minutes. Council Member Randy Wyatt seconded the motion. Motion carried.

SWEARING IN: Denise Powell, City Clerk, swore in Harold H. Jones Jr. as mayor and Justin Cordry and Gene Martin as council members and they signed their loyalty to oath.

PRESENTATION OF PLAQUES: City Administrator Tim Schook presented plaques to outgoing Council Members Roxanne Schottel and Dawn Kramer and outgoing Mayor Travis Kier for their years of service.

STORM: City Administrator Tim Schook stated the City received a fair amount of damages from the storm early Sunday morning, May 6. Several power poles were damaged and the City was forced to generate power. Schook stated Dale and Lila Keesecker were still without power due to the rising water and being unable to access the power pole. Schook stated he might need to bring in riprap and rock to make a road to do the repairs. Jueneman Dozer Service has assisted the City with equipment in making repairs. As of Council time, the City was awaiting the arrival of Mid Kansas Electric Corporation personnel to remove the padlock off the switch so the City could go back on MKEC power and discontinue generation of City power. The City received damage to a couple of buildings, according to Schook.

WIND ENERGY: Herb Dyck and Stanford Stamm, Washington, asked the Council and Mayor to seriously consider and encourage wind as a reliable source of energy. Dyck stated that wind is a clean source of power and extremely plentiful in this part of the country. "Wind farms where they have been instigated are successful," according to Dyck.

Bob Johnson, MKEC/Sunflower Electric, visited with the Council about how wind energy affects the grid. Johnson is involved in the operational issues associated with wind energy on the Smoky Hill Wind farm. Johnson stated all wind energy requires some form of subsidy. Municipalities are not eligible for all subsidies. Wind farms need to be in a location with a consistent wind. You have to make sure when you get wind energy you want it and need it and must be able to offset the times you don't want it. If you shut the wind turbines down you must pay for the down time. Wind energy is not a capacity resource and must have generating capacity to equal it. Modern day wind turbines, 1-1 ½ megawatts, are most economical today. Capital costs over 2 million dollars a piece for the turbine only this doesn't include the line connection or sub stations. Life expectancy is 20 years.

#### APPROPRIATION ORDINANCE NO. 2007-5

"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 3489 through 3554; warrant Check Numbers 33840 through 33934; and Wires -25 through -26 in payment of just bills and claims against the City and debit the appropriate fund for each expenditure. Thereupon Council Member Meyler Gibbs seconded the motion. Thereupon the motion carried.

AMBULANCE: City Administrator Tim Schook and Council Member Meyler Gibbs stated a date had not yet been set for a meeting with other governing bodies concerning increased county funding for ambulances services. Schook stated he hoped to have a report by the June meeting.

UTILITY BILLING: Tim Schook, city administrator, said he would like to have an electric rate study done after the City gets a new contract with EMP November 1. Schook also said a water and sewer study rate study needs to be done and the ordinances need to be redone and combined into one utility ordinance.

ZONING: A proposed zoning ordinance has been given to Jason Brinegar for review and comment, according to Tim Schook, city administrator.

15/36 PROJECT: Kansas Department of Transportation (KDOT) engineers have reviewed drawings and made changes according to Jason Brinegar, city attorney. The City is moving ahead on engineering and waiting on the new drawings from KDOT. Brinegar said the land acquisition for the land owner on the east has requested to relocate their home.

LIBRARY: Council Member Randy Wyatt made a motion to adopt Charter Ordinance No. 11 to increase library funding up to 7 mills. Council Member Meyler Gibbs seconded the motion. Motion carried. Voting yea were Gibbs, Cordry, Wyatt, Dragastin and Martin.

ANIMAL ORDINANCE: Council members reviewed the animal ordinance with Jason Brinegar, attorney, who will make changes and present at the June meeting.

POOL COMMITTEE: City Administrator Tim Schook stated pool committee members will attend the June council meeting to discuss ways to fund a new pool.

IRRIGATION FROM LAGOON CONTRACT: Jason Brinegar, attorney, informed the Council that language in the original agreement with Larry Ditmars for irrigation from the lagoon states "shall be binding upon the parties, their heirs, successors and assigns." Ditmars has sold his equipment and property to Keesecker and the contract will transfer to Keesecker. Brinegar stated the City needs to make sure Keesecker is aware the contract exists and understands the terms.

EXECUTIVE SESSION: On motion by Council Member Tom Dragastin that the City Council go into executive session for approximately 10 minutes for the purpose to discuss non-elected personnel. From 8:50 p.m. to 9:05 p.m. Thereupon Council Member Meyler Gibbs seconded the motion. Thereupon the motion carried unanimously.

On motion by Council Member Meyler Gibbs that the Council reconvenes to the regular session at 9:05 p.m. Thereupon Council Member Randy Wyatt seconded the motion. Motion was declared carried.

LEGAL COUNSEL: Galloway, Wieggers & Brinegar, P.A. presented a Legal Representation Agreement at the April meeting and Ryan and Mullin were asked to present an agreement for the May meeting. Both agreements were reviewed. Council Member Meyler Gibbs made a motion to accept the contract from Galloway, Wieggers & Brinegar, P.A., as legal counsel for the City of Washington. Council Member Tom Dragastin seconded the motion. Motion carried.

MAYOR APPOINTMENTS: Mayor Harold H. Jones Jr. read his recommended appointments. Council Member Tom Dragastin made a motion to accept the Mayor's appointments. Council Member Gene Martin seconded the motion. Motion carried.

CITY OF WASHINGTON  
OFFICE OF THE MAYOR  
WASHINGTON, KANSAS

Appointments recommended by the Mayor, Harold H. Jones Jr., Regular meeting, May 7, 2007

Approved at the May 7, 2007 City Council Meeting

Elect president of the City Council: Meyler Gibbs

**Two Year Term 05-01-07 through 04-30-09**

Utilities, Electric, Water, Sewer & Sewer Disposal  
Streets, Alleys & Storm Sewers  
Library, Parks & Rec. & Island C  
Swimming Pool, City Hall & Friendly Corners  
Ambulance, Fire, Cemetery

Gene Martin  
Tom Dragastin  
Meyler Gibbs  
Justin Cordry  
Randy Wyatt

**One Year Term**

City Administrator  
City Attorney  
City Clerk  
City Treasurer  
Municipal Judge  
Cemetery Sexton  
Fire Department Chief  
Fire Department Assistant Chief  
Civil Defense Coordinator  
Fair Board Coordinator  
Municipal Golf Course Coordinator  
Official City Newspaper  
Official City Depository

Timothy Schook  
Galloway, Wiegers & Brinegar, P.A.  
Denise Powell  
Colleen Hillyer  
Paul L. Monty  
Greg Metz  
Mike Hattesohl  
Jeff Welch  
Mike Hattesohl  
Gene Martin  
Meyler Gibbs  
Washington County News  
First National Bank & United Bank & Trust

**Library Board 4 Year Term (7 Members)(May only serve 2 consecutive terms-then after a 2 year lapse may serve again.)**

|  |                           |                      |
|--|---------------------------|----------------------|
| Mary Leck  | 05-04-98 through 04-30-08 | 2 <sup>nd</sup> Term |
| <b>Filled unexpired term of Bill Hays from 1998-2002</b>     |                           |                      |
| Jim McBeath  | 05-04-00 through 04-30-08 | 2 <sup>nd</sup> Term |
| <i>Filled unexpired term of Pauline Wells from 2000-2002</i> |                           |                      |
| Blanche Graham   | 05-01-06 through 04-30-08 | 1 <sup>st</sup> Term |
| Clifford Stewart   | 05-01-04 through 04-30-08 | 1 <sup>st</sup> Term |
| Betty Kastl  | 05-01-04 through 04-30-08 | 1 <sup>st</sup> Term |
| Beverly Finlayson  | 05-03-05 through 04-30-09 | 2 <sup>nd</sup> Term |
| Beverly Nichols  | 05-01-07 through 04-30-11 | 1 <sup>st</sup> Term |

**Housing Authority Appointment 4 Year Term**

|                 |                           |                              |
|-----------------|---------------------------|------------------------------|
| Pat Linenberger | 04-01-04 through 03-31-08 | Initial appointment 05-06-00 |
| Amy Anderson    | 04-01-05 through 03-31-09 | Initial appointment 05-07-01 |
| JoAnn Mills     | 04-01-06 through 03-31-10 | Initial appointment 05-04-98 |
| Jeanette Stamm  | 04-01-06 through 03-31-10 | Initial appointment 05-04-98 |
| Jim McBeath     | 04-01-07 through 03-31-11 | Initial appointment 5-01-99  |

**Tree Board Three Year Term (5 Members)**

|                  |                           |                    |
|------------------|---------------------------|--------------------|
| Bob Svanda       | 05-01-05 through 04-30-08 | Appointed 05-02-05 |
| Mary Alice Pacey | 05-01-05 through 04-30-08 | Appointed 05-03-99 |
| Mary Leck        | 05-01-07 through 04-30-10 | Appointed 05-07-07 |
| Greg Metz        | 05-01-07 through 04-30-10 | Appointed 05-03-04 |
| Ron Scott        | 05-01-07 through 04-30-10 | Appointed 05-04-98 |

**Planning Commission Three Year Term**

Seven members within City Limits and 2 members outside the City within 3 mile limit

|               |                         |                     |                  |
|---------------|-------------------------|---------------------|------------------|
| Mark Chapin   | 5-1-05 through 04-30-08 | Outside City Member | Appointed (2005) |
| Tom Dragastin | 5-1-05 through 04-30-08 |                     | Appointed (1999) |
| John George   | 5-1-06 through 04-30-09 |                     | Appointed (2001) |

|                 |                         |                     |                  |
|-----------------|-------------------------|---------------------|------------------|
| Wiley Alexander | 5-1-06 through 04-30-09 |                     | Appointed (2006) |
| Jim Kier        | 5-1-06 through 04-30-09 | Outside City Member | Appointed (2006) |
| Brad Owen       | 5-1-06 through 04-30-09 |                     | Appointed (2003) |
| Mike Kongs      | 5-1-06 through 04-30-09 |                     | Appointed (2003) |
| Mark Johnson    | 5-1-06 through 04-30-09 |                     | Appointed (2003) |
| Justin Cordry   | 5-1-07 through 04-30-10 |                     | Appointed (2007) |

**Golf Course Advisory Board (10 Members) Three Year Terms**

One member will be a city council member (One Year Term)

|                                |                           |                                      |
|--------------------------------|---------------------------|--------------------------------------|
| Mark Chapin                    | 11-1-04 through 10-31-07  |                                      |
| Paul Monty, Vice President     | 11-1-04 through 10-31-07  |                                      |
| Andy Bruna                     | 11-1-04 through 10-31-07  | (Fill unexpired term of Dick Powell) |
| Lynn Schneider, Treasurer      | 11-1-05 through 10-31-08  |                                      |
| Jeff Brabec                    | 11-1-05 through 10-31-08  |                                      |
| Andy Goeckel, Secretary        | 11-1-05 through 10-31-08  |                                      |
| Russ Slater                    | 11-1-06 through 10-31-09  |                                      |
| Karl Tiemeyer, President       | 11-1-06 through 10-31-09  |                                      |
| Dana Ceerle                    | 11-1-06 through 10-31-09  |                                      |
| Meyler Gibbs, City Council Rep | 05-01-07 through 04-30-08 |                                      |

**Washington County Solid Waste Management Committee**

City of Washington Representative-Permanent Position

Tim Schook Appointed 05-01-2002

**Kansas Municipal Energy Agency Board Two Year Term**

|                          |                           |
|--------------------------|---------------------------|
| Tim Schook, Director 1   | 05-01-07 through 04-30-09 |
| Gene Martin, Director 2  | 05-09-08 through 04-30-08 |
| Tom Dragastin, Alternate | 05-09-07 through 04-30-08 |

**Kansas Municipal Gas Association Two Year Term**

|                                 |                           |
|---------------------------------|---------------------------|
| Tim Schook, Director            | Expires 08-31-07          |
| Tom Dragastin, Alternate Member | 05-09-07 through 08-31-07 |

**Public Building Commission (as provided by City Ordinance No. 622)**

Seven Regular Members and 4 ex officio members

One City Council Member Randy Wyatt  
 One County Commissioner Marcia Funke  
 3 City at Large Members, to be appointed for a two year term by a majority vote of the city council, subject to removal by majority vote of the city council

|   |               |                           |
|---|---------------|---------------------------|
| One City at Large Member  | David Fischer | 05-01-06 through 04-30-08 |
| One City at Large Member  | Donald Imhoff | 05-01-06 through 04-30-08 |
| One City at Large Member  | Tim Rundle    | 05-01-06 through 04-30-08 |
| One Washington County Development Corporation Member (formerly Horizon Board Member to be appointed by said board): | Malcolm Stamm | 05-01-06 through 04-30-08 |

Secretary of the Administration of the State of Kansas, or the designee of the Secretary

Four ex officio non-voting members shall be the City Attorney, the City Administrator, the Mayor and a member of the Board of Directors of Washington, Kansas Chamber of Commerce, to be appointed by said board.

|                    |                                     |
|--------------------|-------------------------------------|
| City Attorney      | Galloway, Wieggers & Brinegar, P.A. |
| City Administrator | Tim Schook                          |

Mayor

Harold H. Jones Jr.

Chamber of Commerce Member

Denise Powell, Colleen Hillyer, Caroline Yungeberg  
& Tim Schook (Alternate so someone is present)

**City Recreation Board 3 Year Term (3 Members)**

|                    |                           |        |
|--------------------|---------------------------|--------|
| Roberta Alexander  | 05-04-06 through 04-30-09 | (1998) |
| Pat Linenberger    | 05-01-06 through 04-30-09 | (2006) |
| Caroline Yungeberg | 05-01-06 through 04-30-09 | (2003) |

COUNCIL PRESIDENT: Council Member Randy Wyatt made a motion to appoint Meyler Gibbs as president of Council. Council Member Justin Cordry seconded the motion. Motion carried.

VACATE ALLEY: Council Member Gene Martin made a motion to have a hearing to vacate the alley directly west of Casey's General Store at 101 West Seventh Street. Council Member Randy Wyatt seconded the motion. Motion carried.

MOBILE PHONES: Council Member Tom Dragastin moved to accept the contract with U.S. Cellular for two mobile phones. Council member Justin Cordry seconded the motion. Motion carried.

RESOLUTION: Council Member Randy Wyatt moved to pass Resolution 2007-4, amending Article N. Telecommunications of the personnel policy. Council Member Meyler Gibbs seconded the motion. Motion carried.

WHEREAS, A RESOLUTION AMENDING ARTICLE N. TELECOMMUNICATIONS SHALL BE AMENDED BY ADDING N-2, CELLULAR TELEPHONES.

ATV POLICY: City Attorney Jason Brinegar was asked by the Council to modify the ATV Policy exempting lawn mowers, go karts and golf carts and allowing underage drivers to ride with a parent or next to a parent on an ATV.

CREDIT CARD POLICY: Council Member Meyler Gibbs made a motion directing City Attorney Jason Brinegar to develop a credit card policy and present it at the June meeting. Council Member Tom Dragastin seconded the motion. Motion carried.

WAGES: Mayor Harold H. Jones Jr. requested the council to set a date for a work session for wages. No action taken.

QUORUM: Mayor Harold H. Jones Jr. asked the Council if they would be interested in going from a three person quorum to a four person quorum. Advantages and disadvantages were discussed. No action was taken.

INVENTORY: Mayor Harold H. Jones Jr. stated he would like an inventory list to be compiled for insurance purposes. City Administrator Tim Schook said he would like to set a time for the Council to tour the city's facilities.

INDIVIDUAL COUNCIL MEMBER COMMENTS: Council Member Gene Martin said he was uncomfortable with the City not having restrictions on specific breed/vicious animals. City Attorney Jason Brinegar will check into what other cities ordinances are and discuss and report at the June council meeting.

Council Member Randy Wyatt commended City Administrator Tim Schook and staff on their work after the storm. City Administrator Tim Schook stated he needs to work on a disaster plan for the City, particularly in the wake of the destruction caused by the tornado at Greensburg.

Council Member Justin Cordry would like to check the feasibility and cost for a back up system on the sirens. City Administrator Tim Schook is to look into options.

EXECUTIVE SESSION: On motion by Council Member Randy Wyatt that the City Council go into executive session for approximately 30 minutes for the purpose to discuss non-elected personnel. From 11:05 p.m. to 11:35 p.m. Thereupon Council Member Tom Dragastin seconded the motion. Thereupon the motion carried unanimously.

On motion by Council Member Tom Dragastin that the Council reconvenes to the regular session at 11:35 p.m. Thereupon Council Member Meyler Gibbs seconded the motion. Motion was declared carried.

COUNCIL MEMBERS, ATTORNEY & JUDGE PAY: Discussion on how to pay council members, attorney and judge who resigned prior to completing their term. According to Tim Schook the ordinance calls for a flat fee to be paid on a yearly basis. The Council stated to prorate based on time served.

KMEA: City Administrator Tim Schook stated Council Member Randy Wyatt contacted him last month to ask if he was receiving compensation for serving on the executive committee for Kansas Municipal Energy Agency (KMEA). Schook stated KMEA is a joint action agency made up of cities with electric systems in the State of Kansas and there is no pay for any committees.

GRAPPLE: Council Member Randy Wyatt made a motion to approve the purchase of a grapple at a cost of \$3,400 from Bruna Implement Company, Inc., Washington. Council Member Gene Martin seconded the motion. Motion carried.

RESIGNATIONS: Council Member Meyler Gibbs moved to accept the resignations of Larry Pape effective May 9, Terry Morse and Tom Shannon, effective May 18. Council Member Justin Cordry seconded the motion. Motion carried.

AT&T FRANCHISE AGREEMENT:

ORDINANCE NO. 707

AN CONTRACT FRANCHISE ORDINANCE GRANTED TO SOUTHWESTERN BELL TELEPHONE; L.P., A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF WASHINGTON, KANSAS;

was read in full, considered and discussed, thereupon Council Member Randy Wyatt moved for its adoption with \$1.00 and \$1.25 as compensation pursuant to Section 3 of said Ordinance and Council Member Tom Dragastin seconded the motion. Thereupon the Mayor declared Ordinance No. 707 duly adopted and passed unanimously by all Council Members present, and the Mayor directed that said Ordinance No. 707 be published in the Washington County News on Thursday, May 10, 2007 as provided by this Ordinance.

ADJOURNMENT: Council Member Tom Dragastin moved to adjourn to 7 p.m. Wednesday, May 9, 2007. Council Member Randy Wyatt seconded the motion. Motion carried.