

REGULAR MEETING, COUNCIL CHAMBERS; WASHINGTON, KANSAS; DATE: JUNE 4, 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 fourth day of June, 2007, at 7:00 P.M. with the following members present: Mayor Harold H. Jones, Jr.; Council Members Tom Dragastin, Randy Wyatt, Meyler Gibbs, Justin Cordry and Gene Martin.

Absent: None.

Also present were City Administrator Tim Schook; City Clerk Denise Powell; City Attorney Libby Baskerville; Dan Thalman, Lila Keesecker and Traci Hattesoehl, pool committee; Joni Dyar, Casey's.

Mayor Harold H. Jones Jr. called the meeting to order at 7 p.m.

Xerox copies of the minutes of the previous regular meeting of Monday, May 7, 2007, and adjourned meeting of Wednesday, May 9, 2007 were given to the Mayor and each Council Member for review. Council Member Meyler Gibbs moved to approve the minutes as amended. Council President needs to say motion carried and sidewalk project needs to say around 150' more of sidewalk needs to be poured. Council Member Gene Martin seconded the motion. Motion carried.

APPROPRIATION ORDINANCE NO. 2007-6

“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 3555 through 3617; warrant Check Numbers 33935 through 34029; and Wires -27 through -28 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.

VACATE ALLEY HEARING: Joni Dyar, Casey's, updated the Council concerning plans to vacate the alley at 113 West Seventh Street. Dyar stated Casey's has signed contracts for the purchase of property located west of the existing Casey's owned by Tommy Grace and north owned by Dean Taylor. Casey's has plans to build a new store. City Administrator Tim Schook said the City would need an easement for utility. Libby Hiltgen, attorney, stated the City would reserve the right for ingress and egress. Hiltgen said due and legal notice for vacating the alley has been given and petitioner is responsible for all cost. Council Member Tom Dragastin made a motion to vacate the alley. Council Member Randy Wyatt seconded the motion. Motion carried. Attorney Libby Hiltgen will draw up the ordinance to vacate the alley.

POOL COMMITTEE: Dan Thalman, Lila Keesecker and Traci Hattesoehl, members of the pool committee, presented the Council with construction cost and design for the proposed pool. The committee is seeking permission to begin phase two, design development, of the project. City Administrator Tim Schook said he hadn't heard back from BG Consultants, engineers for the project, on proposed cost for phase two. The Council asked that a survey be sent to taxpayers to find out if they would be in support of the project.

AMBULANCE: City Administrator Tim Schook stated he and Council Member Meyler Gibbs have not yet set a meeting date with other governing bodies of the cities in the County in regard to increase funding for ambulance services.

UTILITY BILLING: Tim Schook, city administrator, plans to start the water and sewer rate study. The electric study will be done after November when the City receives their new contract and KMEA-EMP #2 starts operating. The utility ordinances need to be redone as well combined into one utility ordinance.

ZONING: A proposed zoning ordinance has been reviewed by legal counsel Jason Brinegar and Libby Hiltgen. No council members voiced interest in pursuing any further action.

15/36 PROJECT: Libby Hiltgen, attorney, stated Attorney Jason Brinegar will meet at 8 a.m. July 11 with Eric Deitcher, KDOT, concerning land acquisition.

ANIMAL CONTROL ORDINANCE: The Council reviewed the animal control ordinance.

WAGES: The Council will have a work session in October on wages.

TOUR CITY FACILITIES: Council members will tour the city's facilities at 8 a.m. Saturday, June 23.

ATV ORDINANCE:

ORDINANCE NO. 709

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WASHINGTON, KANSAS; CHAPTER XV TRAFFIC BY CREATING CERTAIN CONDITIONS, LIMITATIONS AND EXCEPTIONS FOR THE USE OF ALL-TERRAIN VEHICLES ON CITY STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, KANSAS;

was read in full, considered and discussed, thereupon Council Member Randy Wyatt moved for its adoption adding to 3-B, operated headlight on at all times from sunrise to sunset. Council Member Justin Cordry seconded the motion. Thereupon the Mayor declared Ordinance No. 709 duly adopted and passed unanimously by all Council Members present, and the Mayor directed that said Ordinance No. 709 be published in the Washington County News on Thursday, June 7, 2007 as provided by this Ordinance.

CREDIT CARD POLICY: Council Member Randy Wyatt moved to adopt Resolution 2007-6, Credit Card Policy. Council Member Tom Dragastin seconded the motion. Motion carried.

WHEREAS, THE CITY HAS DETERMINED THE NECESSITY OF ESTABLISHING CRITERIA FOR THE USE OF CREDIT AND PURCHASE CARDS ISSUED ON BEHALF OF THE CITY IN THE PERFORMING OF CITY BUSINESS.

DISASTER PLAN: City Administrator Tim Schook will review Washington County's disaster plan. At this time the City doesn't have its own plan and would operate off the County's. The Council asked that Deb Swoboda, emergency preparedness director, be contacted to involve the cities when developing the new disaster plan for the county.

BACKUP FOR SIRENS: Tim Schook, city administrator, stated he hadn't received a quote as of Council time for the cost of backups for the sirens.

LEAGUE CONFERENCE: The Mayor and Council were reminded the League of Kansas Municipalities League Conference will be Oct. 6-9 at Overland Park. Motel rooms need to be reserved for those wishing to attend. Mayor Jones is the only one who has committed at this time.

SPCC: City Administrator Tim Schook informed the Council he received a letter from EPA on their recent inspection at the City. The City has been fined \$1250 for violations. Schook said neither power plant personnel nor the administrator followed through with seeing the City was in compliance. Schook also noted that nothing had been done with this since 1974. Schook stated he has received an extension until July 8, 2007, for compliance of the Spill Prevention Containment and Countermeasure. The fence needs to be installed and it must have an engineer's stamp of approval. Council Member Gene Martin asked what will be done to prevent this from happening in the future. Taxpayers shouldn't be paying fines. City Administrator Tim Schook stated he is now aware of the plan and what needs to be done and will see it through. He is also working on procedures so future management is aware of the requirements and are in compliance with the latest rules. Schook said a copy of the plan will be on file at City Hall.

SEWER REPAIRS: According to City Administrator Tim Schook the City is still waiting on engineering to be completed.

MAGISTRATE COURT: Libby Hiltgen, attorney, stated Judge Paul Monty has appointed City Clerk Denise Powell as Municipal Court Clerk. Hiltgen stated a meeting with the Marysville Court Clerk will be set up so Powell and the attorneys have a better understanding of the process. City court will be at 5 p.m. the fourth Monday of the month. Attorney Jason Brinegar had a memo in the Council packet providing information on the structure of City Court and explaining the scope and direction along with the benefits thereof.

CABIN IN THE PARK: Tim Schook, city administrator, stated he was not aware the cabin was the city's responsibility. Schook will look at what repairs need to be done.

GREENSBURG FUND: Enclosed in Council packets was a letter from the League of Kansas Municipalities for those wishing to donate money for City and County employees who lost their homes in the storms in Greensburg. The fund is to assist in keeping city and county employees in the area to help in the efforts to restore and reconstruct the place they call home. The Council agreed donations should be done on a personal level.

AT&T FRANCHISE ORDINANCE: Council Member Meyler Gibbs made a motion to rescind Ordinance 707. Council Member Randy Wyatt seconded the motion. Motion carried.

AT&T FRANCHISE AGREEMENT:

ORDINANCE NO. 710

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 as compensation pursuant to Section 3 of said Ordinance and Council Member Justin Cordry seconded the motion. Thereupon the Mayor declared Ordinance No. 710 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, June 14, 2007 and Thursday, June 21, 2007, as provided by this Ordinance.

DIVIDEND: The City received a dividend check of \$12,227.79 from EMC Insurance Companies.

INDIVIDUAL COUNCIL MEMBER COMMENTS: None.

ELECTRIC DISTRIBUTION SUPERINTENDENT: Tim Schook, city administrator, informed the Council that Barry Finlayson, certified journeyman lineman, has accepted the job as electric distribution superintendent at a starting wage of \$20 per hour, with a six-month review for a raise. Council Member Tom Dragastin made a motion to hire Barry Finlayson as electric distribution superintendent at \$20 per hour. Council Member Meyler Gibbs seconded the motion. Motion carried.

LINEMAN/POWER PLANT OPERATOR WAGE: Council Member Tom Dragastin made to offer a starting wage of \$10 per hour for lineman and \$9.50 per hour for power plant operator. Council Member Meyler Gibbs seconded the motion. Motion carried. City Administrator Tim Schook stated he has advertised in the Washington, Marysville and Clay Center papers and the KMU Dispatch and to date has only received a few applications.

POWER PLANT SUPERINTENDENT: Mary Leck has accepted the position of power plant superintendent according to City Administrator Tim Schook. Council Member Justin Cordry move to increase Leck's wage to \$14 per hour retroactive May 21, 2007. Council Member Tom Dragastin seconded the motion. Motion carried.

EXECUTIVE SESSION: On motion by Council Member Tom Dragastin that the City Council go into executive session for approximately 5 minutes for the purpose to discuss non-elected personnel. From 9:42 p.m. to 9:47 p.m. Thereupon Council Member Justin Cordry seconded the motion. Thereupon the motion carried unanimously.

On motion by Council Member Tom Dragastin that the Council reconvenes to the regular session at 9:47 p.m. Thereupon Council Member Meyler Gibbs seconded the motion. Motion was declared carried.

Council Member Randy Wyatt made a motion to increase the annual salary of City Clerk Denise Powell to \$32,500 retroactive to June 1, 2007 with another review at regular date in October or November. Council Member Meyler Gibbs seconded the motion. Motion carried.

RESIDENCY REQUIREMENTS: Council Member Tom Dragastin moved to amend the personnel policy to state that all fulltime city employees must live within a five mile radius of the City of Washington and those wishing to live further than five miles must be approved by the Council. Council Member Randy Wyatt seconded the motion. Motion carried.

ATV CLUB: Tim Schook, city administrator, stated he was notified in writing the ATV Club will no longer exist and they do not wish to extend their lease. Schook asked the Council if they wished to rent the ground to be farmed or leave as a four wheel track. No action taken.

EMP #2: City Administrator Tim Schook updated the council on the electric contract and EMP #2 start up. The Jeffrey Energy Center resolution should be ready by the July meeting.

HOLCOMB PLANT: A tour of the existing Holcomb Power Plant near Garden City will be June 13, according to City Administrator Tim Schook. The meeting will also include what the new Holcomb East plant will consist of especially in the clean coal issues and EPA regulations. Schook encouraged council members to attend and let him know if they could work it into their schedules. Mayor Harold H. Jones Jr. stated he would attend.

KMEA: Kansas Municipal Energy Agency will hold a wind conference July 24 to discuss formulating the necessary documents for individuals wishing to connect machine wind turbines to city systems and the necessary legal requirements along with it. This will be a cost share among the cities wishing to participate.

POWER PLANT: The Council gave approval to staff the power plant 8 a.m. to 5 p.m. Monday through Friday.

There is a termite problem at the power plant. City Administrator Tim Schook stated he received a quote from Raney Exterminators for \$1,250 to treat the termites where they are now located or \$3,500 to treat the entire property. Schook wanted more time to assess the situation.

Schook reported he has a copy of the 2006 Annual Report for Sunflower Electric Power Corporation for review.

OVERTIME: Tim Schook, city administrator, reported that the overtime on May payroll was for storm damage and preparing for the Memorial Day weekend.

CITY ATTORNEY COMMENTS: None.

ADJOURNMENT: Council Member Tom Dragastin moved to adjourn to Noon Wednesday, June 6, 2007. Council Member Gene Martin seconded the motion. Motion carried.