

REGULAR MEETING, COUNCIL CHAMBERS; WASHINGTON, KANSAS; DATE: AUGUST 6, 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 sixth day of August, 2007, at 7:00 P.M. with the following members present: Mayor Harold H. Jones Jr.; Council Members Randy Wyatt, Justin Cordry, Tom Dragastin, Meyler Gibbs and Gene Martin.

Also present were City Administrator Tim Schook; City Clerk Denise Powell; City Attorney Jason Brinegar; John Gaines, Christy L'Ecuyer, Ardeth Rhodes, Josh Rhodes, Mike Schuessler and Mike Graham, all of Washington; Jeff Rhodes, Greenleaf; Dennis Doyle, Bob Baker and Marc Bryant, Blue Valley Tele-Communications, Inc., Home; Brent Cunningham and John Cunningham, Cunningham Communications, Glen Elder.

BUDGET HEARING: There came on for consideration at this scheduled Public Hearing at 6:50 p.m. Monday, August 6, 2007, at City Hall for the City's proposed budget for the year 2008 total expenditures not to exceed \$4,278,697 including transfers and ad valorem tax levy of \$194,516 a mill levy of 45.462. There being no oral or written objections, Council Member Randy Wyatt moved to adopt and approve the 2008 City of Washington budget as published in the official city newspaper, The Washington County News, July 12, 2007. Council Member Meyler Gibbs seconded the motion. Motion carried.

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, July 2, 2007, were given to each Council Member for review. Council Member Gene Martin moved to approve the minutes as written. Council Member Meyer Gibbs seconded the motion. Motion carried.

APPROPRIATION ORDINANCE NO. 2007-8

“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 3685 through 3778; warrant Check Numbers 34132 through 34232; and Wires -31 through -33 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.

BMX TRACK: Josh Rhodes, Washington, presented a power point and discussed the possibility of locating a BMX track at the former ATV track site. Rhodes stated cost would be \$12,000-\$25,000 to build the track. Rhodes was asked to find financial support for upkeep and find out what the local interest would be. Christy L'Ecuyer, Washington County Economic Development director stated grants are very competitive and there might be KanStep or CDBG grants available.

CUNNINGHAM TELEPHONE & CABLE: Dennis Doyle, Bob Baker and Marc Bryant of Blue Valley Tele-Communications, Inc., informed the council they will purchase the local cable system from Cunningham Telephone and Cable effective October 1, 2007. Doyle stated that Mike Graham will remain employed in the same capacity for Blue Valley Tele-Communications, Inc. Doyle also said rates and channels should stay pretty much the same. City Attorney Jason Brinegar said he would review the City's franchise agreement with Cunningham Telephone and Cable to make sure it would roll over. Baker said Blue Valley will be putting in fiber optics and will be able to offer rural areas high speed internet.

15/36 LAND ACQUISITION: John Gaines, Washington, property owner of the southeast corner of Highways 15 and 36, expressed his displeasure on negotiations concerning his property. Gaines said, “I'm fed up with reading in the paper what is going on with the land and intersection.” City Attorney Jason Brinegar stated he was to meet with Eric Deittcher, KDOT right of way acquisition department, to get up to speed on the project and how it works. The two previously scheduled meetings were cancelled and he is scheduled to meet at 11 a.m. September 20 with Diettcher. According to Gaines quotes were received in 2006 to move his house and the cost was \$65,000, the longer the wait the more costly it is. Gaines does have an attorney on retainer and if he (Gaines) is unable to negotiate with the City his attorney will become involved. Gaines also expressed concern about the time line since the project is to be done in 2009. Gaines asked the Council if no parking signs could be placed on the east and west

sides of Highway 15 to prohibit parking. City Administrator Tim Schook stated permission has to be granted from KDOT and it is a lengthy process.

GAMBINO'S: Mike Schuessler, Washington, asked the Council to help with the cost and maintenance of a sewer lift station at the site of Gambino's. Schuessler stated the cost is estimated at \$3900 for the pump alone. City Administrator Tim Schook is to see if there is anything more cost effective. Schook stated currently it is the customer's responsibility to get it to the main.

AMBULANCE: Tim Schook, city administrator, stated time ran out concerning a meeting with other governing bodies requesting increased ambulance funding from the county. Council Member Meyler Gibbs gave an overview of maintenance issues with both ambulances over the last month. Gibbs stated he and Director Leland Cook recommend not putting anymore money in repairing the 1985 ambulance. Council members requested repairs be made to the 1985 ambulance and to run with both units.

UTILITY BILLING: City Administrator Tim Schook proposed an increase to water rates that have not been increased since 1998. Schook will work with City Attorney on an Ordinance to be presented at the September meeting. Schook also is reviewing sewer rates.

ZONING: City Attorney Jason Brinegar asked the Council what their wishes were concerning zoning, a detailed zoning ordinance or a basic ordinance. Brinegar suggested doing away with the zoning committee and let the Council do the work. Brinegar will put together a basic ordinance for review and have it completed for the January or February 2008 council meeting.

BLIGHTED PREMISE: City Attorney Jason Brinegar will notify Charles and Tami Coleman, 123 West Eighth Street, for being non-compliant in cleaning up his blighted premise. The City will set a time and date to clean up the property.

POOL COMMITTEE: Surveys are being tallied and a report will be ready for the September council packets. City Administrator Tim Schook reminded the Council that Committee Member Dan Thalman is a business owner and does pay taxes in the City and that Committee Member Lila Keesecker is very involved in the community. The committee as it exists is the only ones that volunteered at its inception.

ANIMAL CONTROL ORDINANCE: Jason Brinegar, city attorney, reviewed the proposed ordinance. Brinegar will make changes and present at the September council meeting.

SEWER: According to Tim Schook, city administrator, the City is waiting on the engineers to complete the study.

SIRENS: Two new sirens with battery backups have been ordered according to City Administrator Tim Schook. Schook stated he would reserve judgment until they are installed. Schook also stated the 911 Communications Center is still have problems with paging the sirens and have a new radio on order.

CABIN IN PARK: Council members asked that the City seek donations to repair the log cabin in the park. The Fidelia Literary Club restored and donated the cabin to the City in 1971. Cost of repairs is estimated at \$2500.

DISASTER PLAN: City Administrator Tim Schook stated he is to look at a City disaster plan but has not had any extra time to do so.

PROPERTIES: City Attorney Jason Brinegar stated the two properties, 309 East First and 110 West Third, the city was interested in pursuing for delinquent taxes have not met the window for pursuing. City Administrator Tim Schook disagreed. Brinegar and Schook will work together in determining the fate of the properties. Brinegar will also give an expense cost estimate at the September council meeting.

ATV TRACK: City Administrator Tim Schook stated rent in 2006 was around \$50 per acre. If the BMX track doesn't pan out Council members suggested meeting with Dale Keesecker to see if he would be interested in renting the property.

FRAUD POLICY: Jason Brinegar, city attorney, stated he would work on the fraud policy and have it ready to adopt prior to the next audit.

CEREAL MALT BEVERAGE LICENSE: Council Member Meyler Gibbs made a motion to approve a cereal malt beverage license for Chuck and Fallon Votipka at the big baseball diamond. Council Member Randy Wyatt seconded the motion. Motion carried.

SUNDAY SALES OF LIQUOR: City Attorney Jason Brinegar discussed Chapter III, Article 6 of the City Code concerning Sunday sales of cereal malt beverage. A local liquor store was in violation of the code and has not complied with their violation. Brinegar stated he will issue a citation and fine.

ATV BROCHURE: ATV brochures were given to the Council for review.

SKID LOADER: Council Member Meyler Gibbs approved the annual trade-in for a 2007 skid loader in the amount of \$800 from Bruna Implement, Washington. Council Member Justin Cordry seconded the motion. Motion carried.

MODEL FLOODPLAIN MANAGEMENT ORDINANCE NO. 712:

ORDINANCE NO. 712

AN ORDINANCE TO ADOPT FLOODPLAIN MANAGEMENT REGULATIONS DESIGNED TO PROTECT THE HEALTH, SAFETY, AND GENERAL WELFARE

was read in full, considered and discussed, thereupon Council Member Gene Martin moved for its adoption. Council Member Tom Dragastin seconded the motion. Thereupon the Mayor declared Ordinance No. 712 duly adopted and passed unanimously by all Council Members present, and the Mayor directed that said Ordinance No. 712 be published in the Washington County News on Thursday, August 9, 2007, as provided by this Ordinance.

AMBULANCE: An individual requested the City write off the remaining balance on his ambulance bill. The Council will offer a 10 percent reduction of the original balance.

INDIVIDUAL COUNCIL MEMBER COMMENTS: Council Member Meyler Gibbs stated he would like the fair board contacted and asked to pick up the horse manure following the parade along the parade route.

Council Member Justin Cordry asked about the possibility of business owners voting in a city election if they don't live in the city limits. Cordry also stated there is poison ivy in the south end of the park in the old play area around the big tree. City Administrator Tim Schook was unaware of the issue but would see that it was sprayed. Cordry asked if the city could place no parking signs on F Street. Council members agreed all streets should be reviewed to see if parking restrictions are needed in other areas. Cordry said he visited with Ted Bruna, Bruna Implement Company, about problems they encountered after the city generator was hooked up during a recent power outage. Cordry felt the City should pay for damages incurred. Cordry discussed the City's health insurance program and stated he feels like the city should work with employees on health benefits. This item will be revisited at the September council meeting.

PERSONNEL: City Administrator Tim Schook reported Raymie Jonte was hired as a lineman and began work July 17th. Schook stated one position at the power plant still needs to be filled and he hoped to have that done this month.

METER READING: Employees continue to have problems with the palm pilots during meter reading according to Tim Schook, city administrator. This is due to age and they are not designed to do the job we are requiring of them; however, it was the least expensive at the time we changed software systems. CIC, supporter of the city's software program, is now supporting the PSION handheld EZ-Reader for meter reading. They cost approximately \$2,000 each and are designed for meter reading and are much easier to operate. Schook will determine the number to be purchased and revisit the issue at the September council meeting.

POOL: The pool was closed a day due to the main pool pump motor failing. The motor was replaced and pool was open the following day. The chemical feed pump also failed and it was replaced also.

LIBRARY: Council Member Randy Wyatt made a motion to move \$2500 from the general fund to the library fund. Council Member Meyler Gibbs seconded the motion. Motion carried. City Administrator Tim Schook will ask Jim McBeath, library board president, for an update on their needs and projections.

ISLAND: Tim Schook, city administrator, stated he would like to tame down the island on C Street removing everything but the trees and bushes and install mulch. Schook stated mulch used in the playground needs to be ordered and part of that would be used for the island.

BRADFORD BUILT: City Administrator Tim Schook visited with Brad Portenier about expansion at the industrial park. Portenier is not ready to move forward at this time.

CASEY'S: Council members were given a letter from Jo Anne Dyar, Casey's representative, explaining the confusion concerning the plans to build a new Casey's. The Council previously voted to vacate an alley for Casey's so a new store could be constructed.

ELECTRIC UTILITY: "KMEA and MKEC Task Force cities have received a power supply agreement for the Jeffery Energy Center power and the interconnection agreement," according to City Administrator Tim Schook. "The plan will be reviewed and possibly ready for city councils to review at their September meetings.

KMGA: Council Member Meyler Gibbs made a motion to nominate Tim Schook as director and Gene Martin as alternate member to serve on the Board of Directors of the Kansas Municipal Gas Agency. Council Member Tom Dragastin seconded the motion. Motion carried.

STREETS: Street Superintendent Greg Metz and City Administrator Tim Schook are discussing the possibility of doing a test block, milling a whole street down and taking the crown down to an acceptable level on one of the streets. This will involve milling asphalt, removing base material if there is any there, removing the soil and reshaping, installing new base material and installing new asphalt. Schook said the reason for calling this a test block is to see what actual cost would be and to see if the City has enough man power and equipment to handle doing one or two blocks a year. Estimated cost is \$10,000 for a 25'x367', about half the length of a normal block.

CITY ATTORNEY COMMENTS: City Attorney Jason Brinegar presented two ordinances for adoption.

ORDINANCE NO. 713

AN ORDINANCE AMENDING CHAPTER XI, ARTICLE I, SECTION 101 OF THE CODE OF THE CITY OF WASHINGTON, KANSAS, 1985; RELATING TO PUBLIC OFFENSES AND INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2007 was read in full, considered and discussed, thereupon Council Member Randy Wyatt moved for its adoption. Council Member Justin Cordry seconded the motion. Thereupon the Mayor declared Ordinance No. 713 duly adopted and passed unanimously by all Council Members present, and the Mayor directed that said Ordinance No. 713 be published in the Washington County News on Thursday, August 9, 2007, as provided by this Ordinance.

ORDINANCE NO. 714

AN ORDINANCE AMENDING CHAPTER XV, ARTICLE I, SECTION 101 OF THE CODE OF THE CITY OF WASHINGTON, KANSAS, 1985; RELATING TO TRAFFIC REGULATION AND INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2007 was read in full, considered and discussed, thereupon Council Member Justin Cordry moved for its adoption. Council Member Meyler Gibbs seconded the motion. Thereupon the Mayor declared Ordinance No. 714 duly adopted and passed unanimously by all Council Members present, and the Mayor directed that said Ordinance No. 714 be published in the Washington County News on Thursday, August 9, 2007, as provided by this Ordinance.

ADJOURNMENT: Council Member Meyler Gibbs moved to adjourn. Council Member Tom Dragastin seconded the motion. Motion carried.