

**City of Wellsville  
411 Main St., P.O. Box 455  
Wellsville, KS 66092**

Wednesday  
February 25, 2009  
7:00 p.m.

The regular meeting of the Wellsville City Council was held on Wednesday, February 25, 2009 at 7:00 p.m. in the City Hall meeting room, 411 Main Street. Councilmen present were Kurt Taylor, Ron Samsel, Marvin Hutchinson, Jim Stonequist and Jerald Owings. Department heads present were Chief of Police Steve Gillespie, Fire Chief Robert Thomas, City Superintendent Christopher Cross and City Attorney Patrick Reavey.

The pledge of allegiance and invocation were given.

Mayor Lytle called the meeting to order at 7:00 p.m.

Councilman Marvin Hutchinson moved to approve the consent agenda as submitted. Councilman Kurt Taylor seconded. Motion passed 5 to 0.

Mayor Lytle called the meeting open for public comment.

No comments for the public were received.

County Commissioner Don Stottlemire informed Council that the County had officially approved the dates of April 16, 17 & 18 (Thursday, Friday & Saturday) for city's to use the County landfill for their city-wide clean ups. They approved the dates of April 25<sup>th</sup> & 26<sup>th</sup> (Friday & Saturday) for private individual citizens to use the landfill for free.

The County is still taking as many measures as they can to help save tax dollars during this hard economic time.

The Planning Commission will hold a public hearing on March 18<sup>th</sup> for their proposed planned development zoning regulations.

Planning Commission Jeanne Berrier informed Council that a property owner, Jim McDaniel had informed them of a zoning problem he had on a piece of property he owns on Main Street. She indicated that a clerical error must have taken place and his property shows a zoning of C2 instead of C1.

City Attorney Patrick Reavey informed Council that the documentation that he had reviewed indicates that all statutory public hearings and notifications were done by the City.

Councilmen Jim Stonequist and Ron Samsel both felt that the statute allowing the City to just publish a blanket public hearing notice wasn't fair and that individual property owners need to be notified, they also wondered why Jim McDaniel's property was the only property that was zoned in the C2 classification.

The City Attorney informed Council that he would look into the matter further and if there was an error on the City's part he would let them know.

A public hearing to review and discuss an environmental code violation located at 415 W 4<sup>th</sup> Street commenced.

Building Inspector Wes Brown gave a brief report on the code violation that was previously documented at 415 W 4<sup>th</sup> Street – see Resolution 01-829-2008.

Mrs. Green had her Attorney with her and he pled her case. He provided Council with a number of pictures of houses that he felt were below the standards of the code indicated and argued that the changes that she has already made has made her property rise above the current standards and is no longer in violation.

City Attorney Patrick Reavey informed Council of options on how to proceed.

Councilman Jim Stonequist moved to table any further discussion or decision on the 415 W 4<sup>th</sup> Street code violation allowing them more time to discuss the matter themselves. Councilman Kurt Taylor seconded. Motion passed 5 to 0.

Mrs. Green's Attorney will get with the City Attorney within the next two weeks with his client's decision and comments.

City Supt. Christopher Cross gave a brief public works department update.

Chief Gillespie gave a brief police department update.

Chief Robert Thomas gave a fire department update, indicating a high call load.

Chief Thomas informed Council that he has some volunteers that are attending some training and asked permission to pay for their meals.

Councilman Kurt Taylor moved to approve meals for the fire department volunteers that are attending training this weekend, not to exceed \$7.00. Councilman Marvin Hutchinson seconded. Motion passed 5 to 0.

Councilman Kurt Taylor moved to rescind the following motion of \$7.00 for the fire department volunteer meals. Councilman Marvin Hutchinson seconded. Motion passed 5 to 0.

Councilman Kurt Taylor moved to approve meals for the fire department volunteers that are attending training this weekend not to exceed for \$10.00. Councilman Marvin Hutchinson seconded. Motion passed 5 to 0.

Fire Chief Robert Thomas informed Council that the fire department had a garage door opener that needed to be repaired and submitted a bill from Cal's Door Co for \$440.17 for the repair. Councilman Jim Stonequist seconded. Motion passed 5 to 0.

Councilman Marvin Hutchinson moved to adjourn. Councilman Kurt Taylor seconded. Motion passed 5 to 0.

The meeting adjourned at 7:52 p.m.

City Clerk  
Donna Layton