

City of Wellsville
411 Main St.
Wellsville, KS 66092

The regular meeting of the Wellsville City Council was held on Wednesday, January 30th, 2019 at 6:00 p.m. in the Wellsville City Hall meeting room, located at 411 Main Street. Councilmen present were Chuck Rutledge, Kiel Lasswell, Tony Stanton and Dave Rogers. Also present were Chief of Police John Blair and City Superintendent Darien Kerr

Councilman Cory Cunningham was absent.

The pledge of allegiance and invocation were given.

Councilman Dave Rogers moved to approve the consent agenda. Tony seconded. Motion passed 4-0.

Mayor Lytle opened the meeting up for public comments. There were no public comments.

County Commissioner Don Stottlemire gave the county activity report. Chip and Seal will be done in the South part of the County this year. Don stated that David Lee is the new Public Works Director. Mr. Stottlemire handed out a Franklin County Health Department report to all council.

Mark Pearson with McClure Engineering was here to go over the K-33 water and Sewer extension bids. They had 8 bidders the low bid was \$191,419 from Greeley Excavating.

David Rogers moved to accept the engineer's recommendation and award the k-33 water and sewer to Greeley Excavating in the amount of \$191,419 and to authorize and additional \$ 20,000 contingency allocation for the construction portion of the project. Councilman Chuck Rutledge seconded. Motion passed 4-0.

Councilman Kiel Lasswell moved to approve the change request #2 from McClure Engineering for the construction inspection services for the project in an amount not to exceed \$62,000. Councilman David Rogers seconded. Motion passed 4-0.

Jeff White with Columbia Capital discussed the Investment Advisory Agreement at a cost of \$700.00 per month which will include the following.

1. The services include selecting investment securities for the city's bond proceeds an, consistent with state law and the City's investment policy. Jeff White also spoke about the post issuance bond policy.
2. Providing quarterly portfolio reporting to the City.

3. Providing the City with general market information and other routine requests related to investment management.

Councilman Kiel Lasswell moved to approve the Investment advisory agreement with Columbia Capital including the management fees of \$700.00 per month. Councilman David Rogers seconded. Motion passed 4-0.

Jeff White with Columbia Capital also presented the City with a post-issuance compliance services for tax-advantaged bonds.

- For each series of bonds, maintaining a secure, online bond file to include all items recommended for inclusion by the IRS and required for inclusion by the city's policy.
- Posting continuing disclosure filing information prepared by the City of the EMMA system and assisting the city in preparation, and the filing on EMMA.
- Preparing an annual compliance checklist.
- Assisting the City in preparing final allocations of bond proceeds.
- Providing Periodic training for city's bond compliance officer (Tammy Jones).
- Providing periodic reviews
- Providing a written annual report for the City's governing body.

There is a one-time set up fee of \$2000.00 and an annual maintenance fee of \$600.00.

Councilman Kiel Lasswell moved to approve Columbia Capital's Post-issuance compliance agreement including the one-time set-up fee of \$2000.00 and the annual fee of \$600.00. Councilman Tony Stanton seconded. Motion passed 4-0.

Woodson Road water agreement was brought before the council. Marc and Regina Smith's Attorney Larry Ferree 9393 W. 110th Street, Suite 200 Overland Park, Ks. was here to speak about the Woodson Road Water meter that serves the Smiths' residence, as well as three other properties. The Smiths retained Mr. Ferree to work out a suitable arrangement among all of the properties served by the meter. The arrangement proposed by the Smiths and Mr. Ferree is to form the "Woodson Water Board" which, if approved by all of the property owners, would be filed in the form of a "Declaration" with the County, indicating that the Woodson Water Board would control the water line that serves all of the properties. The City's only involvement in the arrangement, if approved by all of the property owners, would be to change the water account name on file with the City from "Marc Smith" to the Woodson Water Board.

The property owners proposed to be part of the Declaration, in addition to the Smiths, were the Whalens, Dighans and Sparks. All three of them were sent the proposed Declaration which, at the time it was sent, included provisions for all three of them to each pay \$2,000 (plus an additional amount for Mr. Ferree's attorney fees) to be part of the Woodson Water Board. A later Declaration was distributed that removed the proposed \$2,000 charge, but still required payment of attorney fees.

The Whalens, Dighans, and Sparks informed the City Council they are opposed to the arrangement proposed by the Smiths and Mr. Feree. Their own proposal is that each of them purchase individual meters, at cost, from the City, and they install them at their own cost and without involvement by the City. This would allow the City to remotely read each meter, and then bill each of them for their water usage, without involvement by the Smiths. They understand this arrangement would not change the fact that the water line serving their property is not part of the City's water distribution system so the City will continue to have no maintenance or responsibility for the water line or associated equipment that is located beyond the Woodson water meter.

Bob Whalen spoke in regards to the water line and who put it in and the circumstances that surrounded it at the time.

Patrick Reavey, City Attorney, reiterated that the City's only involvement in the current dispute is the City's ability to change the name of the "Marc Smith" water account over to the Woodson Water Board, but as indicated in the proposed "Consent" to be signed by the City (which was attached to the Declaration), making the name change was premised on all of the properties agreeing to the Declaration and, as was clear as part of the meeting, such agreement has not been reached.

Councilman Kiel Lasswell made a motion that the City council recess into executive session at 6:53 p.m. to discuss attorney client privilege pursuant to K.S. A. 75-4319 (b)(2). The open meeting will resume in the City council chambers at 7:10 p.m. Councilman Dave Rogers seconded. Motion passed 4-0.

Councilman David Rogers moved to come out of executive session. Councilman Tony Stanton seconded. Motion passed 4-0

Mayor and council consensus was to have the City do nothing at this point given this is not the City's dispute, but everyone was comfortable allowing the property owners to agree on purchasing and installing individual water meters that would enable the City to read the water usage for each property, instead of just the water usage for the Woodson water meter, and the owners should reflect such agreement in writing and send it to the City Attorney for review and feedback.

Patrick Reavey asked Darien Kerr where the Woodson water meter is physically located, in right-of-way or on private property. Darien indicated it was on Marvin Sturms property and the line is not owned by the City of Wellsville.

City Superintendent Darien Kerr gave the Public Works activity report. Darien stated that he hired someone at \$12.50 per hour. We sold some items on purple wave in an amount over \$10,860.00

Police Chief John Blair gave the police department activity report. He reported that the furnace is up and working. SAFE is going on right now which means "Seatbelts are for everyone". Chief Blair stated they put tires on some vehicles that were in need. Chief

Blair brought a proposal for tasers for \$400.00 per taser. Council would like the Chief to look into the tasers further to make sure they have not been opened.

Council asked Attorney Reavey what if any liability issues that would be involved. Attorney Reavey stated there would be no liability issues that he knew of.

Chief Blair said they will need two new radios for vehicles next year they will cost approximately \$5500.00 for 2 Motorola's. Councilman Kiel Lasswell asked how the application process was going. Chief said that he hasn't gotten any good applications as of yet and he is still looking into more quality applicants.

Councilman Kiel Lasswell made a motion that the City Council recess into executive session at 7:48 p.m. to discuss personnel action of non-elected personnel pursuant to K.S.A. 75-4319(b)(1) The open meeting will resume in City Council Chambers at 7:59 p.m. Councilman Chuck Rutledge seconded. Motion passed 4-0.

Councilman Chuck Rutledge moved to come out of executive session. Councilman Dave seconded. Motion passed 4-0.

No motions were made and only the above mentioned item was discussed.

Councilman Tony Stanton moved to adjourn the meeting. Councilman Kiel Lasswell seconded. Motion passed 4-0.

Meeting adjourned at 8:00p.m.

City Clerk
Tammy Jones