

**CITY COUNCIL CHAMBERS**  
**JUNE 9, 2015**  
**7:00 P.M.**

**A. CALL TO ORDER:**

**B. ROLL CALL:** Members present were Councilmembers Gaila Nielsen, Kirk Clawson, Alan Brauer, James McCormick and Mayor Irlan Fullbright. Councilmember Rick Wilson was absent. Also present was Mary Jo Cunningham, representing the Ellinwood Leader and Veronica Coomes representing the Great Bend Tribune.

**C. APPROVAL OF MINUTES:** A motion was made by Councilmember Kirk Clawson to approve minutes for the May 12, 2015 regular council meeting, seconded by Councilmember Alan Brauer. Motion carried. All present voting in favor.

**D. APPROPRIATIONS:** A motion was made by Councilmember Gaila Nielsen to authorize payment of bills and claims processed, seconded by Councilmember James McCormick. Motion carried. All present voting in favor.

**E. OLD BUSINESS:**

1. Pole Attachment Agreement with Vyve Broadband: This issue was addressed at the May 12<sup>th</sup> council meeting, in which the council authorized staff to negotiate a contract with an increase in pole attachment fees from \$1.75 to \$7.00 per pole. Staff has received a request from Vyve Broadband asking council to reconsider a pole attachment rate of \$2.50 per pole. After some discussion, the consensus of council was to continue negotiations of the pole attachment fee at the \$7.00 per pole.

**F. VISITORS:** Terry Boor, Debbie Komarek, Ron and Mary Jo Cunningham, Danielle Hollingshead, Art Keffer, Donita Goosen, Nancy Baird, Rob Dove, Judith Hayes

Terry Boor addressed council and thanked them for taking care of her concerns regarding the property on Kennedy Street. She then inquired about several dilapidated structures within the city. Terry Boor also commented on an agenda item that will be addressed later in the meeting and stated she was against the council receiving a pay raise. Rob Dove addressed council regarding the painting of the sign east of town.

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**G. NEW BUSINESS:**

1. Service Award: A service award was presented to Spencer Proffitt for his 15 years of service to the City of Ellinwood Fire Department.
2. Request to Use Wolf Park: Nancy Baird representing Doll Insurance was present at the meeting to address council regarding the use of Wolf Park to sponsor a Nostalgic Cruise Night on July 3<sup>rd</sup> from 7:00 to 10:00 p.m.

A motion was made by Councilmember James McCormick to approve the request noted above, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

3. City Appointment of New Recreation Commission Member: The Recreation Commission has two members appointed by the city. Amanda Proffitt was appointed in May, 2013 for a two year term. Upon the expiration of this term, Mayor Fullbright is recommending Angie Gunn be appointed for the upcoming two year term.

A motion was made by Councilmember Gaila Nielsen to accept the appointment of Angie Gunn to the Ellinwood Recreation Commission for a two year term, seconded by Councilmember Alan Brauer. Motion carried. All present voting in favor.

4. Ordinance 2015-5 for Consumption of Alcohol on Public Property: Presented to council for review was Ordinance 2015-5, an ordinance that allows for the consumption of cereal malt beverages and alcoholic liquor in the City Park from 4:00 p.m. Thursday, July 16<sup>th</sup>, through 2:00 a.m. Sunday July 19<sup>th</sup> in association with the beverage tent and the After Harvest Festival Dance.

A motion was made by Councilmember Alan Brauer to approve Ordinance 2015-5, an ordinance exempting certain following described public property, the title of which is vested in the City of Ellinwood, Kansas to permit the consumption of alcoholic liquor and cereal malt beverages thereon, as authorized by charter ordinance No. 5 of said city and establishing the time when such exemption shall be effective. Councilmember James McCormick seconded the motion. Motion carried. All present voting in favor.

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5. 2014 Audit: Presented to council was the 2014 audit report. Danielle Hollingshead, a representative of Adams, Brown, Beran & Ball Chtd. was present at the meeting. Ms. Hollingshead reviewed the audit with council.

A motion was made by Councilmember Gaila Nielsen to accept the 2014 audit report as presented, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

6. Consider KDOT Agreement for Roadway Reconstruction: Presented to council was the proposed agreement between KDOT and the City of Ellinwood which outlines the city's responsibilities as a result of KDOT's Roadway Reconstruction project. The City's only responsibility is maintenance/mowing of the detention pond. Staff clarified to council that there will not be a berm around the pond so there will be no ponding effect on the adjoining property. There will be a fence on 3 sides of the pond. The basin of the pond is not designed to hold water, it will be slightly sloped so the water drains to the middle of the pond and then down the center channel to the outlet tubes. Also, there will be no pumps utilized in the design.

A motion was made by Councilmember Gaila Nielsen to approve the KDOT contract subject to review by the city council if there are any changes made to the submitted plans dated March 30<sup>th</sup>, 2015. Councilmember James McCormick seconded the motion. Motion carried. All present voting in favor.

7. Ordinance Vacating a Portion of U.S. Highway 56/E. Santa Fe Boulevard: Presented to council was Ordinance 2015-6, an ordinance vacating a portion of U.S. Highway 56/E. Santa Fe Boulevard in the City of Ellinwood, Kansas.

A motion was made by Councilmember Alan Brauer to approve Ordinance 2015-6, seconded by Councilmember Gaila Nielsen. Motion carried. All present voting in favor.

8. Governing Body Pay for Council Meetings: City council currently receives \$30 per meeting. Staff recommended the Governing Body consider an increase in the amount they are paid for regular monthly city council meetings, with leaving the pay for special meetings at \$30 per meeting.

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A motion was made by Councilmember James McCormick to raise the mayor pay to \$100 for monthly meetings, leaving the mayor pay for special meetings at \$30 and leave the council pay at \$30 per meeting for both regular and special council meetings, seconded by Councilmember Gaila Nielsen. Motion carried. All present voting in favor.

9. Consider Kirkham Michael Contract for Engineering Services: Presented to council was a proposal from Kirkham Michael in the amount of \$28,500 to provide professional engineering services for relocating the water mains and sanitary sewer mains that will be impacted by the KDOT project.

A motion was made by Councilmember Alan Brauer to approve the proposal from Kirkham Michael in the amount of \$28,500, seconded by Councilmember James McCormick. Motion carried. All present voting in favor.

10. Executive Session: An executive session is requested for discussion of matters related to client attorney privilege. The City Attorney will join the session by telephone call. A motion was made by Councilmember Gaila Nielsen to adjourn into executive session for 20 minutes for discussion of matters subject to client attorney privilege and that the council meeting will reconvene in the council chambers, seconded by Councilmember Alan Brauer. Motion carried. All present voting in favor. The governing body recessed into executive session at 8:30 p.m.

Meeting reconvened at 8:50 p.m. No action taken.

**REPORTS:**

1. Municipal Court Report: Presented to Council was the Municipal Court Report for May, 2015.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
  - a) Staff reported with the July 4<sup>th</sup> holiday falling on Saturday, the City will observe the holiday on July 3<sup>rd</sup>.

- b) Staff met with county commissioners and informed council of the County's willingness to provide assistance to the City.

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- c) Staff reported he met with township trustees about raising NE 100, airport road another 6 to 8 inches. The township asked for financial assistance with the cost of the rock which could be approximately \$3000 to \$4000.
- d) Staff shared with council a request from Judy Hayes to put in a community garden. A vacant lot on south main was the suggested location.

- I. **ADJOURNMENT:** There being no further business at this time, a motion was made by Councilmember Gaila Nielsen that the meeting be adjourned, seconded by Councilmember James McCormick. Motion carried. All present voting in favor.

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Irlan Fullbright, Mayor

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Kim Schartz, City Clerk