

CITY COUNCIL CHAMBERS
SEPTEMBER 13, 2016
7:00 P.M.

A. CALL TO ORDER:

B. ROLL CALL: Members present were Councilmembers James McCormick, Alan Brauer, Ken Lebbin, Kirk Clawson and Mayor Irlan Fullbright. Councilmember Gaila Nielsen was absent. Also present was Mary Jo Cunningham, representing the Ellinwood Leader and Veronica Coons, representing the Great Bend Tribune. City Attorney Robert Peter was also present.

C. APPROVAL OF MINUTES: A motion was made by Councilmember Ken Lebbin to approve minutes for the August 9, 2016 regular council meeting, seconded by Councilmember Alan Brauer. Motion carried. All present voting in favor.

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

E. OLD BUSINESS: NONE

F. VISITORS: Ron and Mary Jo Cunningham, Brittney Glenn, Josh Komarek, Mel Waite, Blake Wornkey, Chris McCord, Rob Dove, Joe Schulte, Judy Hayes

Mary Jo Cunningham inquired about the status of the First Impressions Program and the Cimarron visitation. Rob Dove, a committee member, said the visitation has been done and a community meeting will be held in October. Rob Dove also thanked the council for allowing them to use the airport restroom during the Fly-In at the airport.

G. NEW BUSINESS:

1. Service Award: A service award was presented to Blake Wornkey for his 5 years of service to the Street & Parks Department.
2. Be Well Initiative Funds: At the March, 2016 council meeting, council adopted the Barton County Bicycle and Pedestrian Master Plan. Mel Waite, BE-Well Barton County coalition member was present to explain that phase one of the project is completed and there are remaining funds available in the account. The remaining funds were allocated to the cities involved in the program. The City's share of the remaining funds was \$2082.03. Mel Waite presented a check to Mayor Irlan Fullbright, with the request that the funds be used toward the purpose of the initiative, including such items as signage, new or existing sidewalk repair, etc.

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3. Recreation Board Appointment: The Recreation Commission has two members appointed by the city. Troy Moore was appointed in July, 2013 for a three year term and does not wish to be re-appointed, therefore the Recreation Commission requests the council to consider appointing Carrie Ringwald for a four year term expiring in June, 2020.

After some discussion Mayor Irlan Fullbright recommended the appointment of Carrie Ringwald to the Recreation Commission Board for a four year term expiring in June, 2020, with an application process to be utilized in the future. A motion was made by Councilmember Kirk Clawson to approve the appointment of Carrie Ringwald, seconded by Councilmember Alan Brauer. Motion carried. All present voting in favor.

4. Consideration of Offers for Sale of Building at 104 N Main: Presented to council were 2 offers for the purchase of the property at 104 N. Main. The offers reviewed were as follows:

Chris Batchman - \$5,000
Chris McCord - \$4,000

Chris McCord would like the building to house the Ellinwood Historical Society, a 501(c)3 organization and give them a downtown presence. Chris Batchman a local business man is interested in acquiring additional office space. Council explained major repairs to the building will need to be completed on a timely basis. The shared stairway between the adjoining building was also discussed. A major concern of council is the financial ability to finance the major repairs needed.

A motion was made by Councilmember Ken Lebbin to approve the offer from Chris Batchman in the amount of \$5,000 to purchase the building at 104 N Main, subject to the intended use noted on the offer form, seconded by Councilmember Alan Brauer. Motion carried. Councilmember Ken Lebbin voted aye, Councilmembers Alan Brauer, Kirk Clawson and James McCormick voting nay. Mayor Irlan Fullbright asked for another motion. No additional motion was made.

Joe Schulte, a member of the Ellinwood Historical Society informed council that all members of the Historical Society will need to vote on the possible acquisition of the building. He also requested staff and council to research the shared stairway issue.

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After some discussion, a motion was made by Councilmember Alan Brauer to table this issue until the November 8, 2016 council meeting to allow the Historical Society time to inform members and schedule a meeting. Motion seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor. Council also directed staff to advise Chris Batchman of the extended date.

5. Executive Session for the Acquisition of Property: An executive session is requested for discussion of acquisition of property. A motion was made by Councilmember James McCormick to adjourn into executive session for (15) fifteen minutes for discussion of acquisition of property with Robert Peter, city attorney, Chris Komarek, interim city administrator and Kim Schartz, city clerk present 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 8:00 p.m.

Meeting reconvened at 8:15 p.m. No action taken.

6. Consideration of Grant of Permanent Easement: Presented to council was a Grant of Permanent Easement between the City of Ellinwood and Mary Jo and Ronald Cunningham. The agreement grants a permanent easement for a 60 foot wide strip of channel. The channel is to be excavated to determined elevation to assist in flood management. The payment for the permanent easement would be \$12,050 which is \$2,500 per acre for 4.82 acres. The channel will be planted to non-invasive grass and will be maintained by the City. The City has right of ingress and egress to work on the channel and maintain it. The agreement provides for payment for damaged crops for ingress, egress, or maintenance work. Also included in the agreement is to provide city water service to Mary Jo and Ronald Cunningham, at no cost to them and provide them with 2 years of free water.

A motion was made by Councilmember James McCormick to approve the Grant of Permanent Easement and authorize Mayor Irlan Fullbright to execute the agreement with Mary Jo and Ronald Cunningham, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

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7. Consideration of Grant of Permanent Easement: Presented to council was a Temporary Easement Agreement between the City of Ellinwood and Mary Jo and Ronald Cunningham. The agreement allows use of the property for removal of trees and vegetation in the channel and adjoining channel and burning of such at an agreed location. Debris from the burning is to be removed within 2 years. The agreement also provides for payment of damaged crops. The agreement provides for a payment of \$500 per year until the project is complete and debris from burning is removed. Also, the flowage easement payment of \$800 will be paid this year and will continue at a payment of \$250 per year until project is completed.

A motion was made by Councilmember Ken Lebbin to approve the Temporary Easement Agreement and authorize Mayor Irlan Fullbright to execute the agreement with Mary Jo and Ronald Cunningham seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

8. Consideration of Railroad Right of Way Agreement: Presented to council was a license agreement with the Kansas & Oklahoma Railroad, LLC for wire, pipe and cable transverse crossings and longitudinal occupations.

After some discussion a motion was made by Councilmember Alan Brauer to approve the license agreement with Kansas & Oklahoma Railroad and authorize Mayor Irlan Fullbright to execute the agreement, subject to revised language in regard to the insurance coverage, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

9. Executive Session for Discussion of non-elected personnel: An executive session is requested for discussion of non-elected personnel. A motion was made by Councilmember Ken Lebbin to adjourn into executive session for (20) twenty minutes for discussion of non-elected personnel, with Robert Peter, city attorney, Chris Komarek, interim city administrator and Kim Schartz, city clerk present 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 8:45 p.m.

Meeting reconvened at 9:05 p.m. No action taken.

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A motion was made by Councilmember Kirk Clawson to adjourn into executive session for an additional (10) ten minutes for discussion of non-elected personnel, with Robert Peter, city attorney, Chris Komarek, interim city administrator and Kim Schartz, city clerk present 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 9:05 p.m.

Meeting reconvened into regular session at 9:15 pm. No action taken.

After some discussion, a motion was made by Councilmember Ken Lebbin to approve the continuation of Chris Komarek in the position of interim city administrator on a non-exempt basis until April 30, 2016 and to increase his hourly rate 12% to \$28.67 per hour. Motion seconded by Councilmember Alan Brauer. Motion carried. All present voting in favor.

H. REPORTS: (These reports were given prior to executive sessions)

1. Municipal Court Report: Presented to Council was the Municipal Court Report for August, 2016.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff gave an update on the Splash pad. Concrete has been torn out and fence posts have been set in preparation of pouring concrete around the baby pool. It is still anticipated that the contractor will begin work on the splash pad around the first of November.
 - b) Staff reported the KDOT project is off to a slow start because of the rain. They are currently working on 600 feet of water main in the ground from Hirsch Street going east.
 - c) Staff explained the Christmas lights on the downtown buildings will be replaced with LED lights as funding allows. The Ellinwood Chamber of Commerce is currently fundraising for the Christmas lights.
 - d) Staff reported there are 6 Ellinwood people participating in the current EMT class. Also the ambulance is scheduled to be picked up October 13th.
 - e) Staff reported an extensive tree trimming program will begin in a couple of weeks.
 - f) Staff reported he attended the KPP retreat, along with Jon and Bob and it was very informative.

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

Irlan Fullbright, Mayor

Kim Schartz, City Clerk