

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

A. CALL TO ORDER:

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

C. APPROVAL OF MINUTES: A motion was made by Councilmember Alan Brauer to approve minutes for the November 8, 2016 regular council meeting, seconded by Councilmember Kirk Clawson. 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:

1. Animal Medical Center Agreement: This issue was tabled from the November 8th meeting to allow city staff opportunity to research other veterinary clinics and other options available. Police Chief Art Keffer mailed letters to three area veterinary clinics and the Barton County Humane Society. The city only received two responses from Animal Care Hospital and Animal Medical Center who the city currently contracts with. Staff reported Animal Care Hospital is not equipped to house stray animals. Staff also explained that Animal Medical Center is willing to continue providing animal control services for the City at an increased fee.

After some discussion, city council directed staff to work out an agreement with Animal Medical Center and the proposed fee increase.

2. Consideration of Bids for Building at 104 North Main: This issue was tabled from the November 8th meeting at which time it was approved to re-open the sealed bid process and take sealed bids until December 6, 2016 at noon. Presented to council was the one bid that was received from Chris McCord in the amount of \$3,500.00 for the purpose of housing the Ellinwood Historical Society Museum.

A motion was made by Councilmember James McCormick, to approve the bid from Chris McCord in the amount of \$3,500 for the building at 104 North Main, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

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F. VISITORS: Mary Jo and Ron Cunningham, Dan Sanders, Josh Komarek, Brittney Glenn, Chance Bailey, Art Keffer, Jim McMullen, Joe Schulte, Kevin Clair, Gordon Eggers, Judy Hayes, Barry Bowers, Jacque Isern

Gordon Eggers addressed council regarding a structure at 508 N. Goethe.
Jacque Isern, executive director of the Ellinwood Chamber of Commerce thanked council for the City support of the Christkindlmarket.
Judy Hayes thanked the city for assistance with the Christmas Village.

G. NEW BUSINESS:

1. Service Award: A service award was presented to Chance Bailey for his 10 years of service on the Ellinwood Police Department.
2. Ambulance Contribution Funds: Staff reported that currently the donations made to the Ellinwood EMS service are held in an Ambulance Contribution fund within the City. Staff explained there are benefits to both the EMS service and future donors to account for these funds within a Foundation. Staff reminded council that at the October 13, 2015 meeting, council approved placing the Ambulance Contribution monies in the Ellinwood Hospital Foundation. When a contract for the transfer of funds was presented to legal counsel for review, several concerns were expressed and the monies were never transferred.

Presented to council was an Endowment Agreement between the City of Ellinwood and the Ellinwood Community Foundation which provides for a restricted gift of the Ambulance Contribution monies to the Ellinwood Community Foundation. Brittney Glenn, EMS director, explained that placing the monies in the Ellinwood Community Foundation would allow for fundraising efforts, more opportunities for grants, and make donor contributions tax deductible.

A motion was made by Councilmember Alan Brauer to rescind the previous motion made at the October 13, 2015 council meeting to approve placing the funds in the Ellinwood Hospital Foundation, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

A motion was made by Councilmember Ken Lebbin to approve the Endowment Agreement which provides for a restricted gift of 100% of the Ambulance Contribution monies to the Ellinwood Community Foundation and to maintain a \$1,000 minimum balance, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

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3. Resolution of Support for MACO Development Co. LLC: Staff has been contacted by Dan Sanders, of the MACO Development Companies in regard to the company's plans to acquire and rehabilitate the Ellinwood Heights Apartments, subject to securing financing. In January, 2016 council was requested to approve a Resolution of Support, which they did approve, however MACO Development Co., LLC was not able to secure the necessary financing at that time. MACO Development Co. LLC requests council to again consider approving a Resolution supporting MACO's plans for the acquisition and renovation of the apartments and also approve a Referral Agreement which states that city employees will assist in referring potential renters to MACO.

A motion was made by Councilmember Kirk Clawson to approve Resolution of Support 121316 and the Referral Agreement, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

Councilmember Gaila Nielsen arrived at the meeting.

4. Review Cereal Malt Beverage Applications: All cereal malt beverage licenses are due for renewal at the December meeting. The City has received the following applications for license issuance:

General Retailer

Kansas Sidewinders MC
Annie Mae's

Container Retailer

Ellinwood Family Foods
H & T Stop 2 Shop, Inc.
Pop N Shop
Zip Stop
Casey's General Store

A motion was made by Councilmember James McCormick to approve the cereal malt beverage license applications for the applicants presented above for the year ended 2017, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

5. Audit Proposal: Presented to council were two proposals to perform the City audit for the years, 2016, 2017 and 2018. The proposals were as follows:

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Adams, Brown, Beran & Ball, Chtd	2016 - \$10,690
	2017 - \$11,010
	2018 - \$11,340
Vonfeldt, Bauer & Vonfeldt, Chtd	2016 - \$11,250
	2017 - \$11,600
	2018 - \$11,950

A motion was made by Councilmember Alan Brauer, to approve the 3 year proposal from Adams, Brown, Beran & Ball, Chtd as presented above, seconded by Councilmember James McCormick. Motion carried. All voting in favor.

6. Election Ordinance: Presented to Council were two charter ordinances addressing the change to the City's election cycle and an ordinance addressing the filling of governing body vacancies. A new law passed during the 2015 Kansas legislative session requires all elections for city offices to be held in November, instead of April. A charter ordinance addressing the election change was previously adopted by City council however there have been some changes recommended by the League of Kansas Municipalities, therefore, the City Attorney has drafted a new ordinance to replace the one adopted in January.

A motion was made by Councilmember Alan Brauer to adopt Charter Ordinance No. 9, seconded by Councilmember Ken Lebbin. Motion carried. Councilmembers Alan Brauer, Kirk Clawson, James McCormick and Ken Lebbin voting yea and Councilmember Gaila Nielsen voting nay.

A motion was made by Councilmember Alan Brauer to approve Charter Ordinance No. 10, seconded by Councilmember James McCormick. Motion carried. Councilmember Alan Brauer, Kirk Clawson, James McCormick and Ken Lebbin voting yea and Councilmember Gaila Nielsen voting nay.

7. Discussion of City Owned Lots: Presented to Council was a list of City owned lots. Discussion was held regarding sale of the lots. Council directed staff to draw up a bid proposal letter to be reviewed at a future meeting.

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8. Kansas Power Pool Update: Robert Peter, the city representative on the Kansas Power Pool board provided an update on some issues the KPP is currently addressing. Mr. Peter explained there is a problem acquiring long term power contracts and issuing debt for various projects without contracts of at least 20 years. Of the current 23 member cities, 14 cities have contracts that terminate in 2032 without any provision for extension. The contracts of the remaining 9 cities, including Ellinwood, contain provisions that extend the time beyond 20 years for payment of debt or to enter into power supply contracts. Efforts are underway for the 14 cities to enter into contracts with KPP with similar provisions to Ellinwood's. No action is required on the part of Ellinwood.

9. Digger Truck Re-Build Quote: Staff explained the electric distribution digger truck was purchased in 1991. The truck has been well maintained but is beginning to have maintenance issues with the hydraulic hoses and hydraulic leaks on the hydraulic cylinders. Staff explained that re-building the complete hydraulic system will provide at least another 10 years of extended life to the truck. Presented to council was a quote from Altec Industries for the re-build in the amount of \$33,649.86 not including sales tax.

A motion was made by Councilmember Gaila Nielsen to approve the re-build quote from Altec Industries in the amount of \$33,649.86 not including sales tax, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

10. Discussion of Correction on Legal Description: Staff explained that Randy Anderson with Central Kansas Surveying and Mapping, Inc. contacted the City regarding a problem with a legal description on a property that he surveyed. The property in question lies south of E Street and the west side of the road that leads to the county sandpit.

Staff explained the city would still maintain a full utility easement, but would deed the small piece of property to the landowner through a quit claim deed. A motion was made by Councilmember Gaila Nielsen to transfer to Travis Malone by quit claim deed the property as described above, maintaining a full utility easement on the property, seconded by Councilmember Kirk Clawson. Motion carried. Councilmembers Gaila Nielsen, Alan Brauer, Kirk Clawson and Ken Lebbin voting aye. Councilmember James McCormick abstained.

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11. 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 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.

12. Discussion of Non-Elected Personnel Position: Presented to council was an amended City Administrator job description. A motion was made by Councilmember Ken Lebbin to approve the amended City Administrator job description, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

Presented to council was an updated independent contractor agreement for legal services with Robert L Peter for 2017, providing for compensation of \$125.00 per hour. A motion was made by Councilmember Ken Lebbin to approve the updated city attorney contract, seconded by Councilmember Alan Brauer. Motion carried. All voting in favor.

H. REPORTS:

1. Municipal Court Report: Presented to Council was the Municipal Court Report for November, 2016.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff reported city staff has been working on Christmas decorations and will begin tree trimming again.
 - b) Staff reported the fire department received a grant for a commercial washer.
 - c) Staff reported the City is receiving permits on the ground up north.
 - d) Staff reported the cold weather is starting to affect the progress on the KDOT project. Traffic has been restricted to two lanes on the highway all along East Santa Fe
 - e) Staff reported ambulance calls are up to 369 for the year.

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- 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 Kirk Clawson. Motion carried. All voting in favor.

Irlan Fullbright, Mayor

Kim Schartz, City Clerk