

**CITY COUNCIL CHAMBERS**  
**SEPTEMBER 11, 2018**  
**7:00 P.M.**

- A. **CALL TO ORDER:** Mayor Irlan Fullbright called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.
- B. **ROLL CALL:** Members present were Councilmembers Kirk Clawson, Jon Prescott, Ken Lebbin, James McCormick and Mayor Irlan Fullbright. City attorney Robert Peter was present. Also present was Mary Jo Cunningham, representing the Ellinwood Leader and Veronica Coons representing the Great Bend Tribune.
- C. **APPROVAL OF MINUTES:** A motion was made by Councilmember Kirk Clawson to approve minutes for the August 14, 2018 regular council meeting, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.
- D. **APPROPRIATIONS:** A motion was made by Councilmember James McCormick to authorize payment of bills and claims processed, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.
- E. **VISITORS:** Ron Cunningham, Jim McMullen, Janice Birzer, Brittney Glenn, Chance Bailey, Blake Wornkey, Judy Hayes, Jon Perron, Jacque Isern, Michele Martin

Michele Martin, Ellinwood Chamber of Commerce executive director, addressed council with upcoming Chamber events including the following:

- 9/20 Chamber Coffee hosted by the Hutchinson Clinic at the Ellinwood Hospital Education Room
- 9/28 Chamber Coffee hosted by Sunflower Diversified at Wolf Hotel
- 10/6 City Wide Garage Sale

F. **OLD BUSINESS:**

1. Consider Charter Ordinance for Appointments of Personnel by Governing Body: Presented to Council was Charter Ordinance No. 11, a charter ordinance exempting the City of Ellinwood, Kansas from the provisions of K.S.A. 12-204 relating to appointment of city officers; duties and compensation; removal; and providing substitute and additional provisions on the same subject. This item was tabled from the August 14, 2018 city council meeting due to a lack of 2/3 majority of the council.

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A motion was made by Councilmember Ken Lebbin to adopt Charter Ordinance No. 11, seconded by Councilmember Kirk Clawson. Motion carried. Councilmembers Kirk Clawson, Ken Lebbin, Jon Prescott and Councilmember James McCormick voting aye. No one voting nay.

**G. NEW BUSINESS:**

1. Consider Ordinance Adopting 2018 Standard Traffic Offense Code: The League of Kansas Municipalities publishes an updated Standard Traffic Offense Code, which includes all traffic offenses. The City currently utilizes the 2017 Code.

A motion was made by Councilmember Jon Prescott to adopt Ordinance 2018-6, an ordinance regulating traffic within the corporate limits of the City of Ellinwood, Kansas; incorporating by reference the “Standard Traffic Ordinance for Kansas Cities”, Edition of 2018, providing certain penalties and repealing Ordinance 2017-3. Councilmember Kirk Clawson seconded the motion. Motion carried. All voting in favor.

2. Consider Ordinance Adopting 2018 Uniform Public Offense Code: The League of Kansas Municipalities publishes an updated Uniform Public Offense Code, which includes all criminal offenses not related to traffic. The City currently utilizes the 2017 Code.

A motion was made by Councilmember Kirk Clawson to adopt Ordinance 2018-7, an ordinance regulating public offenses within the corporate limits of the City of Ellinwood, Kansas incorporating by reference the “Uniform Public Offense Code for Kansas Cities”, Edition of 2018. Councilmember James McCormick seconded the motion. Motion carried. All voting in favor.

3. Consider Resolution for Dilapidated Structure at 106 West 4<sup>th</sup>: Presented to council for consideration was Resolution 91118A which deems the property at 106 West 4<sup>th</sup> to be a dangerous or unsafe structure and would initiate the condemnation proceedings.

Subject to K.S.A. 12-1750; 12-1756 the City Governing Body may direct a property owner to abate a dangerous or dilapidated structure. The procedural process is as follows:

- a) A written statement prepared by the Enforcing Officer is submitted to the Governing Body.

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- b) The Governing Body adopts resolution.
  - 1) Resolution is published two (2) times. 30 days must elapse between last publication and date for a hearing.
  - 2) Copy of the resolution is mailed by certified mail to each owner agent, lienholder and occupant.
- c) Governing Body holds a hearing on the date and time specified in the resolution and makes a formal determination on conditions of the structure.
- e) If owner does not diligently commence repair or removal as directed by resolution the City may:
  - 1) Remove or repair the structure.
  - 2) Assess cost, less salvage, against the property.

A motion was made by Councilmember Jon Prescott to adopt Resolution No 91118A, a Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Ellinwood, Kansas, at which the owner, his or her agent, lienholders of record and occupants of the structures located at: lot seven (7), in block seventy-five (75), in the City of Ellinwood, Barton County Kansas, according to the recorded plat thereof. Commonly known as 106 West 4<sup>th</sup>, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as an unsafe, dangerous or dilapidated structure and that a Public Hearing will be held on the 24<sup>th</sup> day of October, 2018 before the Governing Body of the City of Ellinwood at 7:00 p.m. in the council room of the city office. Motion seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

- 4. Consider Resolution for Dilapidated Structure at 518 East 4<sup>th</sup>: Presented to council for consideration was Resolution 91118B which deems the property at 518 East 4<sup>th</sup> to be a dangerous or unsafe structure and would initiate the condemnation proceedings.

The procedural process is as noted above in agenda item 3.

A motion was made by Councilmember Jon Prescott to adopt Resolution No 91118B, a Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Ellinwood, Kansas, at which the owner, his or her agent, lienholders of record and occupants of the structures located at: the east 85 feet of lot sixteen (16), in block fifty-six (56), according to the plat survey subdividing blocks 56 and 61, of the City of Ellinwood, Barton Kansas. Commonly known as 518 East 4<sup>th</sup> Street in said City may appear and show cause why such structure

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should not be condemned and ordered repaired or demolished as an unsafe, dangerous or dilapidated structure and that a Public Hearing will be held on the 24th day of October, 2018 before the Governing Body of the City of Ellinwood at 7:00 p.m. in the council room of the city office. Motion seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

5. Consider Resolution for Dilapidated Structure at 404 East 4<sup>th</sup>: Presented to council for consideration was Resolution 91118C which deems the property at 404 East 4<sup>th</sup> to be a dangerous or unsafe structure and would initiate the condemnation proceedings.

The procedural process is as noted above in agenda item 3.

A motion was made by Councilmember Ken Lebbin to adopt Resolution No 91118C, a Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Ellinwood, Kansas, at which the owner, his or her agent, lienholders of record and occupants of the structures located at: a tract commencing 100' east of the southwest corner (SWc) of block 57, thence north 140', thence east 50', thence south 140', thence west 50' to the point of beginning, said tract being located in the original town, City of Ellinwood, Barton County Kansas, according to the recorded plat thereof. Commonly known as 404 East 4<sup>th</sup> Street in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as an unsafe, dangerous or dilapidated structure and that a Public Hearing will be held on the 24th day of October, 2018 before the Governing Body of the City of Ellinwood at 7:00 p.m. in the council room of the city office. Motion seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

6. Consider Resolution for Health Nuisance/Dilapidated Structure at 610 N. Hirsch: Presented to council for consideration was Resolution 91118D which deems the property at 610 North Hirsch to be a health nuisance and a dangerous, unsafe or dilapidated structure and would initiate the condemnation proceedings.

The procedural process is as noted above in agenda item 3.

A motion was made by Councilmember James McCormick to adopt Resolution No 91118D, a Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Ellinwood, Kansas, at which the owner, his or her agent, lienholders of

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record and occupants of the structures located at: lot one (1), in Clodfelter and Shepherd's replat of block six-two (62) and a part of block "H" in the City of Ellinwood, according to the recorded plat thereof. Commonly known as 610 North Hirsch in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a health nuisance and as an unsafe, dangerous or dilapidated structure that is detrimental to the health, safety, and general welfare of the residents of the city and is detrimental to adjoining property and the neighborhood and that a Public Hearing will be held on the 24th day of October, 2018 before the Governing Body of the City of Ellinwood at 7:00 p.m. in the council room of the city office. Motion seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

7. Appointment of Planning Commission: The Planning Commission has not met for several years and after contacting current members of the Planning Commission several have requested to be removed from serving on the board.

The current board members are Richard Doll and Guy Ernsting. Mayor Irlan Fullbright recommended appointment of the following individuals to the Planning Commission:

Mark Menges  
Chad Steffan  
Glen Hertel  
Rob Dove

A motion was made by Councilmember Ken Lebbin to approve the appointments to the Planning Commission as presented above, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

8. Appointment of Vacant Council Position: Mayor Fullbright reported a resignation letter has been received from Councilmember Alan Brauer. Mr. Brauer no longer resides within the city limits therefore he is no longer eligible to serve on the city council. Statute allows for Mayor Fullbright to fill the remaining term of the vacated position by appointment.

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Mayor Irlan Fullbright recommended the appointment of Steve Oelke to fill the vacant council position. A motion was made by Councilmember Kirk Clawson to approve the appointment of Steve Oelke to fill the council position vacated by Alan Brauer, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

9. Health Insurance Renewal: The City's health insurance policy is up for renewal on November 1<sup>st</sup>. Currently the City has the Gold Level Blue Care Premier SG Choice Plan, which is a traditional health insurance package with a \$1500/\$3000 deductible, 20% coinsurance, office copays and prescription copays, and a maximum out of pocket of \$4500/\$9000.

The premiums for this policy are aged based, therefore, every employee's premium is different. Currently the City pays 100% of the employee premium, including dental and 77% of the premium for spouse and dependents. The renewal premium for the current health and dental insurance has increased 3.81%. The 2019 budget included a 10% increase for health insurance.

A motion was made by Councilmember Jon Prescott to approve the renewal of the Blue Care Premier SG Choice policy and the dental insurance policy and to continue the city contribution of 100% for employee premiums and 77% for dependent/spouse premiums. Councilmember Ken Lebbin seconded the motion. Motion carried. All voting in favor.

10. Discussion of Future Street Projects: Staff explained due to the good pricing that the City received on the original street project and the flood control project coming in well under what was estimated there is excess funding available from the bond issue which could be re-allocated to additional street projects upon approval from the bond attorney. Staff discussed with council possible locations including the railroad area on South Main and the 300 and 400 blocks of East 1<sup>st</sup> and East 2<sup>nd</sup>. Staff estimated excess funds to be approximately \$400,000. The preliminary estimate to do the south main area would be \$250,000 leaving approximately \$150,000 to do one block of streets and possible curb and guttering. The consensus of council was to further study the south main area and the 300 block of East 2<sup>nd</sup> as future street projects.

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11. Executive Session for Non-Elected Personnel: An executive session is requested for discussion of confidential information related to non-elected personnel pursuant to K.S.A 45-221(a)(26) and K.S.A. 75-4319. A motion was made by Councilmember Ken Lebbin to recess into executive session for discussion of confidential information related to non-elected personnel pursuant to K.S.A 45-221(a)(26) and K.S.A. 75-4319 for fifteen (15) minutes until 8:10 p.m., with Robert Peter, city attorney, Chris Komarek, city administrator and Kim Schartz, city clerk present and to reconvene in council chambers at that time. Motion seconded by Councilmember James McCormick. Motion carried. All voting in favor. The governing body recessed into executive session at 7:55 p.m.

Meeting reconvened into regular session at 8:10 p.m. No action taken.

12. Consideration of Appointment for Street Department Superintendent: Mayor Irlan Fullbright explained with the resignation of Kevin Clair, an appointment can be made to fill the vacant street superintendent position. Mayor Irlan Fullbright recommended the appointment of Spencer Proffitt as interim street superintendent for 6 months. A motion was made by Councilmember Jon Prescott to approve the appointment of Spencer Proffitt as interim street superintendent for 6 months, seconded by Councilmember James McCormick. Motion carried. All voting in favor. Blake Wornkey, street department employee, sitting in the audience voiced disapproval with the appointment.

**H. REPORTS:**

1. Municipal Court Report: Presented to Council was the Municipal Court Report for August, 2018.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
  - a) Staff reported EMS received a perfect inspection report. Staff also explained the EMS department has been very busy with 280 runs for the year so far with 103 being transfers.
  - b) Staff reported the flood control driveway work at Corey Long's, has been delayed a couple of weeks from the rains.
  - c) Staff reported Ryder Brick is still 3 weeks out from coming to get the salvaged brick. Staff also explained the city has been contacted by another brick dealer.

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- d) Staff reported city crews will be spraying for mosquitos in the near future. Power plant staff will be generating to continue training on the engines and also new relays have been installed at the power plant. City crews will also be doing concrete work at the pool and putting up shade at the pool. Staff also reported electric crews will begin working on downtown Christmas lights.

- 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 Jon Prescott. Motion carried. All present voting in favor.

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Irlan Fullbright, Mayor

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Kim Schartz, City Clerk