

CITY COUNCIL CHAMBERS
DECEMBER 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 Ken Lebbin, Steve Oelke, James McCormick and Mayor Irlan Fullbright. Councilmembers Jon Prescott and Kirk Clawson were absent. City attorney Robert Peter was present. Also present was Mary Jo Cunningham, representing the Ellinwood Leader and Russ Edem representing the Great Bend Tribune.
- C. **APPROVAL OF MINUTES:** A motion was made by Councilmember James McCormick to approve minutes for the November 13, 2018 regular council meeting, seconded by Councilmember Steve Oelke. Motion carried. All present voting in favor.
- D. **APPROPRIATIONS:** A motion was made by Councilmember Ken Lebbin to authorize payment of bills and claims processed, seconded by Councilmember James McCormick. Motion carried. All present voting in favor.
- E. **OLD BUSINESS:**
1. Executive Session: An executive session is requested for the purpose of protecting attorney/client privilege. A motion was made by Councilmember Ken Lebbin to adjourn into executive session for the purpose of protecting attorney/client privilege for (10) ten minutes beginning at 7:05 p.m. and reconvene in the council chambers at 7:15 p.m. with Robert Peter, city attorney, Chris Komarek, city administrator, Police Chief Chance Bailey and Kim Schartz, city clerk present, seconded by Councilmember Steve Oelke. Motion carried. All present voting in favor. The governing body recessed into executive session at 7:05 p.m.

Meeting reconvened at 7:15 p.m. No action taken.
 2. Review of Dilapidated Structure at 610 N. Hirsch: According to Resolution 111318D adopted at the November 13, 2018 city council meeting, there is to be a review of the status of the property at 610 N. Hirsch. Police Chief Bailey reported there has been very little change to the structure, the odor can still be smelled from 5 feet away from the residence, and the odor is very strong in the garage area. He explained the furniture in the living room is deteriorating and is in very bad shape and inside the garage there is a pile of yellow stained paper product. Legal counsel's recommendation is to authorize a law suit be filed against the

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owner of the property to ask District Court to review and ratify the actions taken by the City and authorize the enforcement of the sanctions that have been imposed by both municipal court and the dilapidated nuisance public hearings. The action will further request authority to obtain access into the property. Councilmember Ken Lebbin noted the party was ordered by municipal court to pursue contact with a professional restoration/cleaning company by November 25, 2018, which was not pursued. Legal counsel also advised council this has been ongoing for months and the owner has chosen not to attend hearings that he was given notice of. A motion was made by Councilmember Ken Lebbin to file a lawsuit against the owner of the property to enforce the orders that were previously ordered by municipal court and the findings and orders made by the Governing Body to include a request for an order allowing access into the property, seconded by Councilmember James McCormick. Motion carried. All present voting in favor.

3. Update of Progress on Structure at 518 E. 4th: This property was set for review at the January 8, 2019 meeting, according to Resolution 111318B. However, staff wanted to give council an update at this time. Mr. McCord has requested additional time to complete the requested repairs. Staff would request council to consider granting Mr. McCord an additional 60 days from the signed date of the contract between the heirs of the current property owner and Mr. McCord. His concern is expending time and money before he has title to the property. A contract has been sent to Mr. McCord, along with the probate documents. Mr. McCord does have a roofer hired and staff reported the porch has been cleaned and the doors have been secured. A motion was made by Councilmember Ken Lebbin to extend the completion date for the cleaning and the repairs to the property at 518 E. 4th as previously documented to 60 days from the date the contract is signed by all parties, with the contract to be signed by all parties within 10 days or the contract is null and void and the city will proceed with condemnation proceedings, seconded by Councilmember Steve Oelke. Motion carried. All present voting in favor.

F. **VISITORS:** Judy Hayes, Jon Perron, Chance Bailey, Brittney Glenn, Jim McMullen, Spencer Proffitt, Jacque Isern, Joe Schulte, John Sturn

Joe Schulte thanked the City crews for the lights on the water tower.

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G. NEW BUSINESS:

1. Service Awards: Service awards were presented to the following city employees for their years of service to the City of Ellinwood. The awards were presented to:

Bob Baker – 10 years – Fire Department
Andy Kirkpatrick – 5 years – Fire Department
Matt Petersen – 5 years – Ambulance Department

2. ACEC Award for KDOT Project: Wayne Scritchfield with Kirkham Michael and Associates was unable to attend the meeting therefore the agenda item was tabled.
3. 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

Container Retailer

Ellinwood Family Foods
Pop N Shop
Zip Stop, Inc.
Casey's General Store

A motion was made by Councilmember James McCormick to approve the cereal malt beverage applications and issue licenses for the applicants presented above for 2019, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

4. Review Updated Survey of City Property at 507 E. 2nd: The vacant lot at 507 E. 2nd, which is owned by the city, has very little value due to a storm sewer running diagonal across the lot. There is also a need to clear up some other property lines in that block. At the June 2018 council meeting, the council consensus was to re-survey the easement that runs through the property. Staff reported the easement proposal has been completed. Staff explained the original metes and bound description under which all of these lots in Block 49 were deeded were off anywhere from ten to fourteen feet. Staff's recommendation since the City owns parcel two would be to deed a portion to the owner of parcel three to get him the frontage he thought he had and then the owner of parcel four, who also owns parcel 3 to execute a deed, deeding 13 feet to the owners of parcel 5. This would give all property owners the frontage they are supposed to have.

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A motion was made by Councilmember James McCormick to authorize Mayor Irlan Fullbright to execute a deed, deeding 19.36 feet from the east side of parcel 2 to Clarence and Carol Lenhart, subject to confirmation from the title company, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

A motion was made by Councilmember Steve Oelke to split the remaining 58.54 feet in parcel 2 equally between the owners of parcel one and parcel 3 and authorize Mayor Irlan Fullbright to execute the deeds, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

5. Street Department Truck Purchase: Staff explained the 1997 model pick-up used in the street department needs to be replaced. The pickup is used primarily for mowing and has a dump bed. City staff would like to purchase a good used pick-up and place a flatbed with a lift on it. The truck was included in the 2019 budget for replacement, but staff feels there is adequate funding available in the 2018 budget. Presented to council were the following quotes from Foust Fleet Sales in Topeka:

2011 Ford F-250 Super Duty Pick-up (28,940 miles)	\$19,900
2011 Ford F-250 Super Duty Pick-up (12,937 miles)	\$23,500
2008 Ford F-350 Super Duty Pick-up (38,165 miles)	\$18,500
2003 Ford F-350 Super Duty Pick-up (21,837 miles)	\$15,900

Also presented to council was a quote from Sunflower Trailer Sales for a 210 series South Fork dumping bed in the amount of \$4,950

A motion was made by Councilmember James McCormick to approve the purchase of the 2011 F-250 Super Duty pick-up from Foust Fleet Sales in the amount of \$19,900 and the 210 series South Fork dumping bed from Sunflower Trailer Sales in the amount of \$4950, seconded by Councilmember Steve Oelke. Motion carried. All present voting in favor.

6. Discussion of Small Cell Tower Facilities: Staff explained that because of technology upgrades with G4 and G5 broadband there is a need for more infrastructure improvements from wireless companies. One improvement becoming popular is the installation of Small Wireless Facilities, also known as Small Cell Towers. The purpose of a small cell wireless facility is to provide coverage in areas where there are no broadband-level services. The FCC has handed down some new rules and regulations that address the small cell use of city right of ways and

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existing “utility” infrastructure, which is not public utility friendly. Currently, one thing that appears to be controllable at the local level is the aesthetics of an installation of a small cell tower if such regulations are adopted by city council. Staff will work on an ordinance and have it available for review and possible action at the January meeting.

7. Discussion of Distributive Generation: Distributed generation refers to a variety of technologies that generate electricity at or near where it will be used, such as solar panels. Distributed generation usually serves a single structure. A Distributive Generation Toolkit notebook provided by Kansas Municipal Utilities was given to council several months ago for their review.

The tool kit has new regulations from what the city originally adopted in the parallel generation ordinances previously adopted by council, which will be reviewed in detail in future meetings.

8. Employee Salaries: The budget for 2019 allowed for a 3% increase in employee’s wages.

A motion was made by Councilmember Steve Oelke to approve a \$.50 per hour raise for all full-time employees, excluding the City Administrator, to be effective the first payroll in January, seconded by Councilmember James McCormick. Motion carried. All present voting in favor.

H. REPORTS:

1. Municipal Court Report: Presented to Council was the Municipal Court Report for November, 2018.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff reported city crews are working on equipment maintenance.
 - b) Staff reported the City hosted an AEMT testing site. The AEMT class had 13 participants with a 100% pass rate. Five City EMT employees advanced to the AEMT level.
 - c) Staff reported the remaining 60,000 to 70,000 salvaged bricks are all on pallets ready to be picked up.

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

Irlan Fullbright, Mayor

Kim Schartz, City Clerk