

CITY COUNCIL CHAMBERS
FEBRUARY 12, 2019
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, Ken Lebbin, Jacque Isern and Mayor Irlan Fullbright. Councilmembers Steve Oelke and Jon Prescott were absent. 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 Kirk Clawson to approve minutes for the January 8, 2019 regular council meeting and January 31, 2019 special council meeting, seconded by Councilmember Ken Lebbin . 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 Jacque Isern. Motion carried. All present voting in favor.
- E. **OLD BUSINESS: NONE**
- F. **VISITORS:** Joe Schulte, Judy Hayes, Jordan Waite, Jim McMullen, Jon Perron, Brittney Glenn, Spencer Proffitt, Chance Bailey
- G. **NEW BUSINESS:**
1. Service Award: A service award was presented to Larry Clair for his 20 years of service in the Solid Waste Department.
 2. Chamber of Commerce Request: Presented to council was a promotional brochure designed by the Ellinwood Chamber of Commerce. Staff reminded council that at the December, 2017 meeting, representatives from the Ellinwood Chamber of Commerce discussed a new promotional brochure for the Ellinwood area and requested council to consider possible funding to assist with the cost of the brochures. Jordan Waite, chamber executive director was present and explained the brochure has been designed, ordered and received and is requesting council to consider assisting with half the cost of the brochure. Ms. Waite explained the cost of the brochures was \$2960 for 1500 brochures and it was noted that \$750 in ads were sold to fund the brochures.

CITY COUNCIL CHAMBERS
FEBRUARY 12, 2019
7:00 P.M.

A motion was made by Councilmember Ken Lebbin to fund 50% of the remaining cost, \$1100, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

Ms. Waite also advised city council that the City-Wide Garage sale has been scheduled for April 27, 2019. Staff discussed the possibility of providing dumpsters for 2 weekends in conjunction with the City-Wide garage sale.

3. Review of City Emergency Water Plan: Presented to council was the City of Ellinwood Emergency Water Plan which was adopted in 2008. The plan has been reviewed by Spencer Proffitt, water department superintendent and needs to be reviewed and approved annually by City Council. No changes to the plan are recommended at this time. A motion was made by Councilmember Kirk Clawson to approve the City of Ellinwood Emergency Water Plan, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.
4. 2018 End of Year Financial Review: Presented to council was a “Summary of Cash Receipts, Cash Disbursements and Unencumbered Cash” by fund for the year ended December 31, 2018.
5. Executive Session for Non-Elected Personnel: An executive session is requested for discussion of non-elected personnel related to the city attorney contract. A motion was made by Councilmember Kirk Clawson to recess into executive session for the discussion of non-elected personnel related to the city attorney contract for ten (10) minutes beginning at 7:25 p.m. and reconvene in the council chambers at 7:35 p.m. with governing body, city administrator, city clerk and attorney Jane Isern present, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor. The governing body recessed into executive session at 7:25 pm

Meeting reconvened at 7:35 p.m. No action taken.

6. City Attorney Contract: Presented to council for review was a legal services contract from Isern and Carpenter Law Office to fill the vacancy of city attorney due to the passing of Robert Peter.

A motion was made by Councilmember Ken Lebbin to approve the contract from Isern and Carpenter for City Attorney, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.

CITY COUNCIL CHAMBERS
FEBRUARY 12, 2019
7:00 P.M.

7. Appointment of City Attorney: As provided by City Code, the Mayor, with the consent of council, may appoint the City Attorney. Mayor Irlan Fullbright recommended the appointment of Isern and Carpenter Law Office as City Attorney. A motion was made by Councilmember Ken Lebbin to approve the appointment of Isern and Carpenter as City Attorney, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

8. Appointment of Municipal Judge: Staff explained that the current Municipal Judge Jane Isern cannot continue as Municipal Judge after her firm has been appointed as City Attorney, therefore an appointment for municipal judge will need to be considered. As provided by City Code, the Mayor with the consent of council, may appoint the Municipal Judge. Mayor Irlan Fullbright recommended the appointment of Chuck Pike as Municipal Judge. A motion was made by Councilmember Kirk Clawson to approve the appointment of Chuck Pike as Municipal Judge, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

9. Cereal Malt Beverage Ordinance: Staff explained in 2017, the State Legislature amended cereal malt beverage laws to allow retailers with a CMB license to also sell beer containing not more than 6% alcohol by volume to go in effect April 1, 2019. Presented to council was an updated CMB ordinance to allow for the sale of higher alcohol content beer.

A councilmember expressed concern with section 3-218, sanitary conditions required related to the restroom requirements. Council directed city attorney Jane Isern to make a change to this section to be reviewed at the March 12, 2019 meeting. Issue was tabled until the March meeting.

10. Agreement with Animal Medical Center: Presented to council was an updated proposed agreement from Animal Medical Center for kennel services and animal care. The agreement included a monthly impound service fee of \$100 in addition to the other set fees and also states that if an animal is not claimed after 3 days the animal would become the responsibility of the Ellinwood police department and the City of Ellinwood. Staff explained the city has two other options for animal care. The first is the Humane Society, which does not always have availability or build our own animal shelter, which would be cost prohibitive.

CITY COUNCIL CHAMBERS
FEBRUARY 12, 2019
7:00 P.M.

A motion was made by Councilmember Kirk Clawson to approve the Animal Medical Center (AMC) agreement, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.

H. REPORTS:

1. Municipal Court Report: Presented to Council was the Municipal Court Report for January, 2019.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff reported Larry Clair is retiring April 1st and Brad Helfrich will be transferred to the Solid Waste Department.
 - b) Staff reported a new employee has been hired for the vacancy in the street department.
 - c) Staff reported city crews have been working on a storage project upstairs in the city shop and the electric crews are continuing to work on the re-wire project at the power plant. Also city crews worked on a water main break last week.
 - d) Staff reported the flatbed for the street department pickup has been installed.
 - e) Staff reported several employees are attending training classes including electrical school, water class, power plant technical course.
 - f) Staff reported the new police car has been delivered and will be placed in service after the signage is completed and the additional equipment is installed.
 - g) Staff will be working on bids for demolition of the 2 houses.
 - h) Staff was in Topeka for Capitol Day last week.
 - i) Staff reported a survey to employees was sent out and is currently being evaluated.

CITY COUNCIL CHAMBERS
FEBRUARY 12, 2019
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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 Jacque Isern. Motion carried. All present voting in favor.

Irlan Fullbright, Mayor

Kim Schartz, City Clerk