

CITY COUNCIL CHAMBERS
JUNE 11, 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, Jacque Isern, Ken Lebbin, Steve Oelke, Jon Prescott, and Mayor Irlan Fullbright. City attorney Jane Isern 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 May 14, 2019 regular council meeting, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.
- D. **APPROPRIATIONS:** A motion was made by Councilmember Jon Prescott to authorize payment of bills and claims processed, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.
- E. **OLD BUSINESS:**
1. Distributive Generation Access Rate Ordinance: This item was tabled from the May 14, 2019 council meeting to allow legal counsel to make changes to allow for an option for metering output. Presented to council was the revised Ordinance 2019-6, an ordinance establishing electric rates for customers generating electricity.

A motion was made by Councilmember Ken Lebbin to adopt Ordinance 2019-6 as presented, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.
 2. Distributive Generation Standards Ordinance: This item was tabled from the May 14, 2019 council meeting to allow for research and possible changes to the sizing regulations and minimum insurance liability requirement. Presented to council were the revised Interconnection Standards and the Net Metering Rate Rider and Ordinance 2019-7, an ordinance adopting interconnect standards for installation and parallel operation of customer owned residential and commercial renewable generation facilities for customer owned renewable energy generation facilities. After some discussion, council requested a minor change for clarification to the Interconnection Standards document page 2 item 8c to include “Total Customer-owned generating capacity shall not exceed five percent **of the city’s electric system’s** previous year peak demand”.

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A motion was made by Councilmember Jon Prescott to adopt Ordinance 2019-7 with changes noted above, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

F. **VISITORS:** Chance Bailey, Brittney Bailey, Kevin Clair, Jon Perron, Richard Doll, Chad Steffan, Bryce Steffan, Rob Dove, Terry Nech, Joe Schulte, Judy Hayes, Jonya Dusing, John Sturn

G. **NEW BUSINESS:**

1. Wetlands Update and Request: Terry Nech, a representative of the Wetlands Center located at Cheyenne Bottoms was present to give an update on activities at the facility. Mr. Nech explained the Wetlands & Wildlife National Scenic Byway (WWNSB) project began over 15 years ago and the initial establishment was funded through grants, however it has become evident additional funds are needed for infrastructure improvement, interpretive sign replacement, marketing and events. They are requesting council to consider an annual contribution to the project in the amount of \$500.

A motion was made by Councilmember Jon Prescott to approve a \$500 contribution to the Byway project for signage, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

2. AHF Update: Staff provided council with an update of AHF events. A dog show has been added to the list of events and will be held Friday night at Wolf Park. The cornhole tournament will be held inside the beer garden as well as a mechanical bull. Staff also explained that a VIP area will be designated west of the stage for the Saturday night dance.
3. Kansas Sidewinders Cereal Malt Beverage Application: At the May meeting, an application from the Kansas Sidewinders for a cereal malt beverage application was approved, however since that time, several of the board members who were listed on that application have resigned from the board. Since there are new board members in place, a new application was completed and background checks have been done on the new members. Presented to council was the new application for a cereal malt beverage license submitted by the Kansas Sidewinders MC for operation of a beverage tent at the After Harvest Festival beginning Thursday, July 18, 2019 at 4:00 p.m. through midnight on Saturday, July 20, 2019. Also presented to council was an agreement between the Sidewinders and the City for insurance coverage for the mechanical bull and a clause stating that all members serving CMB at the beer tent are legally capable to do so.

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A motion was made by Councilmember Jon Prescott to approve the cereal malt beverage application for operation of a beverage tent by the Kansas Sidewinders MC at the After Harvest Festival for Thursday July 18, 2019 beginning at 4:00 p.m. through midnight on Saturday, July 20, 2019 for the licensed premise as outlined in Ordinance 2019-5 and to approve the agreement as presented above. Motion seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

4. Discussion of Zoning Ordinance: Staff explained the Planning Commission has met twice in the past several weeks and would request council to consider three changes to the proposed zoning ordinance. Planning Commission members, Richard Doll, Rob Dove and Chad Steffan were present at the meeting to address any concerns of the council.

Rooming House is defined as a building or portion thereof other than a hotel, motel or bed and breakfast establishment where lodging of three (3) or more persons is provided for compensation. Currently, rooming houses are only allowed in a R-3 district. The Planning Commission is suggesting changing the ordinance to place a Rooming House under uses allowed in a R-1 district only after obtaining a conditional use permit in addition to allowing them in a R-3 district. A motion was made by Councilmember Ken Lebbin to approve the addition of Rooming House in a R-1 district, only after obtaining a conditional use permit, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

The Planning Commission requests council to consider increasing the height restrictions of Accessory Buildings. This would include an increase in the maximum peak height from 15 ft to 17 ft and increase the allowable sidewall height from 10 ft to 12ft. Councilmember Ken Lebbin expressed concern regarding the proposed height increase and the fact that it wouldn't allow neighboring property owners the opportunity to voice their concerns about the size of an accessory building in their neighborhood. After some discussion, a motion was made by Councilmember Kirk Clawson to approve the increased maximum peak height from 15 ft to 17 ft and the sidewall height from 10 ft to 12 ft, seconded by Councilmember Jon Prescott. Motion carried. Councilmembers Kirk Clawson, Jacque Isern, Steve Oelke and Jon Prescott voting aye, Councilmember Ken Lebbin voting nay.

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The Planning Commission requests council to consider removing chain link styles of fences from being allowed in front yards. After some discussion, a motion was made by Councilmember Jon Prescott to approve the removal of chain link style fences from being allowed in front yards, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

5. Appointment to the Planning Commission: At the September, 2018, council meeting council approved several new individuals to the Planning Commission to fill several vacancies. The Planning Commission consists of a seven-member board and with the new appointments there was still one vacancy. Mayor Irlan Fullbright recommended the appointment of Carl Isern to fill the remaining vacancy. A motion was made by Councilmember Kirk Clawson to approve the appointment of Carl Isern to the Planning Commission, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.
6. KMGA Board of Directors Appointment: The City is entitled to appoint a director to the Board of the Kansas Municipal Gas Agency. Chris Komarek is listed as the current director for the term ending August 31, 2019. Jim McMullen is listed as the alternate director on a permanent term.

A motion was made by Councilmember Ken Lebbin to appoint Chris Komarek as director to the board of the Kansas Municipal Gas Agency for a 2-year term, beginning September 1, 2019, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

7. Executive Session for Discussion of Property Acquisition: An executive session is requested for preliminary discussion of the acquisition of real property relating to the flood control project. A motion was made by Councilmember Ken Lebbin to recess into executive session for the purpose of preliminary discussion of the acquisition of real property relating to the flood control project. Executive session will be for thirty (30) minutes beginning at 8:25 p.m. and council will reconvene in the council chambers at 8:55 p.m. Persons to remain in executive session are the governing body, city administrator and city attorney, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor. The governing body recessed into executive session at 8:25 p.m.

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Meeting reconvened at 8:55 p.m. No action taken. A motion was made by Councilmember Ken Lebbin to recess into executive session for an additional twenty (20) minutes for the purpose of preliminary discussion of the acquisition of real property relating to the flood control project, beginning at 8:56 p.m. and council will reconvene in the council chambers at 9:16 p.m., seconded by Councilmember Steve Oelke. Motion carried. All voting in favor. The governing body recessed into executive session at 8:56 p.m.

Meeting reconvened at 9:16 p.m. No action taken.

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

1. Municipal Court Report: Presented to Council was the Municipal Court Report for May, 2019.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff reported the electric department has been working on a new transformer at the grade school. The water department is working on valve replacement. The power plant has been generating weekly for training purposes. The street department has been mowing and spraying weekly for mosquitos.
 - b) Staff expressed his appreciation to the city crews and all volunteers who assisted with the flooding issue. Mayor Irlan Fullbright also expressed his appreciation to city crews and the volunteers.

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

Irlan Fullbright, Mayor

Kim Schartz, City Clerk