

**CITY COUNCIL CHAMBERS**  
**AUGUST 13, 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, Steve Oelke, Jon Prescott, Jacque Isern and Mayor Irlan Fullbright. City attorney Jane Isern was present. Also present was Mary Jo Cunningham representing the Ellinwood Leader.
- C. **APPROVAL OF MINUTES:** A motion was made by Councilmember Jon Prescott to approve minutes for the July 9, 2019 regular council meeting and July 23, 2019 special meeting, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.
- D. **APPROPRIATIONS:** A motion was made by Councilmember Ken Lebbin to authorize payment of bills and claims processed, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.
- E. **OLD BUSINESS: NONE**
- F. **VISITORS:** Jonya Dusing, Brittney Glenn, Jon Perron, Joel Rajewsky

Joel Rajewsky addressed council with his concerns regarding a registered sex offender in his neighborhood and inquired if the City could require that all neighbors be personally notified when a registered sex offender moves into a neighborhood. City Attorney Jane Isern responded that Kansas Statutes do not require personal notice. The registered sex offender is only required to register at the county sheriff's office.

G. **NEW BUSINESS:**

1. Public Hearing on 2020 Proposed Budget: As part of the adoption of each year's budget, a Public Hearing is required. Notice has been given pursuant to statute to hold this year's hearing at 7:00 p.m. on this date.

Mayor, Irlan Fullbright opened the public hearing on the proposed 2020 budget at 7:05 p.m. After hearing no comments from the public, Mayor Irlan Fullbright declared the public hearing closed at 7:06 p.m.

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2. Consideration of Budget for Approval: At the conclusion of the public hearing, the Council considers adoption of the proposed budget. An ordinance must be passed adopting the budget. Adoption of the proposed budget does not require spending the amounts adopted; however, the adopted budget allows those amounts to be utilized when necessary.

A motion was made by Councilmember Jacque Isern to approve the 2020 proposed budget and adopt Ordinance 2019-10, an ordinance approving, adopting and appropriating, by fund the budget of the City of Ellinwood, Kansas for the year beginning January 1, 2020, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor

3. Adoption of New Zoning Ordinance: Presented to council was Ordinance 2019-11 that repeals the current zoning regulations in the City Code and adopts new zoning regulations that were recently approved by the Planning Commission at the conclusion of the Planning Commission public hearing held July 15, 2019.

A motion was made by Councilmember Ken Lebbin to adopt Ordinance 2019-11, an ordinance regulating zoning within the corporate limits of the City of Ellinwood, Kansas and incorporating by reference the zoning ordinance submitted by the Planning Commission, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

4. Resolution Establishing Zoning Variance Rates: Presented to council was Resolution 81319, a resolution establishing fees and costs for application for variance or zoning change with the City of Ellinwood, Kansas.

A motion was made by Councilmember Jon Prescott to adopt Resolution 81319, as presented above, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

5. Executive Session – Review of Confidential Information of Individual Delinquent Utility Accounts: An executive session was requested to review the list of delinquent utility accounts. A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 45-221 (a) (26) for the review of delinquent utility account information. Executive session will last for ten (10) minutes beginning at 7:25 p.m. until 7:35 p.m. and council will reconvene in council chambers at that time. Persons to remain for the executive session are the governing body, city administrator, city clerk, and city attorney. Motion seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor. The governing body recessed into executive session at 7:25 p.m.

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

6. Write Off of Individual Delinquent Utility Accounts: The auditors recommend the City annually review delinquent utility accounts and write off those accounts which are becoming aged. A review and write-off of older accounts provides the City with a more accurate amount of collectible accounts receivable at year end. Although the accounts are written off, the City will continue with collection efforts including referral of the accounts to the State of Kansas Setoff program to offset against tax refunds or funds. The City's percentage of bad debts is very low. A motion was made by Councilmember Steve Oelke to approve for write off, the list of delinquent utility accounts totaling \$10,776.74, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.
  
7. Executive Session for Discussion of Property Acquisition: An executive session was requested for 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 pursuant to KSA 75-4319 (b) (6) for the purpose of discussion of the acquisition of real property relating to the flood control project. Executive session will be for twenty (20) minutes beginning at 7:50 p.m. until 8:10 p.m. and council will reconvene in the council chambers at that time. Persons to remain in executive session are the governing body, city administrator and city attorney. Motion seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor. The governing body recessed into executive session at 7:50 p.m.

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

8. Executive Session for Discussion of Property Acquisition for Utility Easement: An executive session was requested for discussion of the acquisition of real property for a utility easement. A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 75-4319 (b) (6) for the purpose of discussion of the acquisition of real property for a utility easement. Executive session will be for twenty (20) minutes beginning at 8:15 p.m. until 8:35 p.m. and council will reconvene in the council chambers at that time. Persons to remain in executive session are the governing body, city administrator and city attorney. Motion seconded by Councilmember Jon Prescott. Motion carried. All voting in favor. The governing body recessed into executive session at 8:15 p.m.

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Meeting reconvened at 8:35 pm. No action taken

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

1. Municipal Court Report: Presented to Council was the Municipal Court Report for July, 2019.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
  - a) Staff invited council to attend the KPP Fall Planning Retreat, Sept 20 and 21<sup>st</sup>.
  - b) Staff reported the League of Kansas Municipalities Conference is in October and requested any councilmember interested in attending to contact the city office as soon as possible.
  - c) Staff reported that the EMS was awarded the volunteer service of the year from KEMSA.
  - d) Staff reported the equipment is arriving to do the flood control slough work. Lakin Township will be assisting with the project.
  - e) Staff reported city crews are finishing water main work around the Methodist Church, mowing, and working on pole change outs. The power plant has been generating about once a week and has just completed the annual operability test for KPP.

- 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 voting in favor.

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Irlan Fullbright, Mayor

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Kim Schartz, City Clerk