

**CITY COUNCIL CHAMBERS**  
**AUGUST 11, 2020**  
**7:00 P.M.**

- A. **CALL TO ORDER:** Mayor Irlan Fullbright called the meeting to order at 7:00 p.m. Due to the COVID-19 pandemic, the meeting was moved from City council chambers to the Ellinwood Community Library to comply with social distancing guidelines.
- 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 Becky Gillette representing the Ellinwood Leader and Veronica Coons representing the Great Bend Tribune.
- C. **RECITATION OF THE PLEDGE OF ALLEGIANCE:**
- D. **APPROVAL OF AGENDA:** An item was added to the agenda for a street project change order for the South Main sidewalk. A motion was made by Councilmember Jon Prescott to approve the amended agenda as presented, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.
- E. **APPROVAL OF MINUTES:** A motion was made by Councilmember Ken Lebbin to approve minutes for the July 14, 2020 regular council meeting and the July 20, 2020 special council meeting, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.
- F. **APPROPRIATIONS:** A motion was made by Councilmember Steve Oelke to authorize payment of bills and claims processed, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.
- G. **OLD BUSINESS: NONE**
- H. **VISITORS:** Jon Perron, Tyson Revell and Brittney Bailey,
- I. **NEW BUSINESS:**
1. Public Hearing on 2021 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 2021 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 Kirk Clawson to approve the 2021 proposed budget and adopt Ordinance 2020-4, an ordinance approving, adopting and appropriating, by fund the budget of the City of Ellinwood, Kansas for the year beginning January 1, 2021, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor

3. Service Awards: A service award was presented to Tyson Revell for his five years of service in the Electric Department.
4. Consider Ordinance Adopting 2020 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 2019 edition.

A motion was made by Councilmember Steve Oelke to adopt Ordinance 2020-5, 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 2020 and repealing Ordinance 2019-9. Councilmember Kirk Clawson seconded the motion. Motion carried. All voting in favor.

5. Consider Ordinance Adopting 2020 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 2019 edition.

A motion was made by Councilmember Jon Prescott to adopt Ordinance 2020-6, 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 2020, providing certain penalties and repealing Ordinance 2019-8. Councilmember Jacque Isern seconded the motion. Motion carried. All voting in favor.

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6. Street Project Change Order #2: Staff explained on the East 2<sup>nd</sup> Street improvement project there were two areas where the soil was overly saturated with moisture. This required extra removal of the wet soil and replacement with crushed concrete to make a solid base. Staff consulted with Mayor Irlan Fullbright and approved the change order in the amount of \$3104.26 to allow the project to continue.

A motion was made by Councilmember Ken Lebbin to ratify staff's decision to approve the additional work on East 2<sup>nd</sup> Street in the amount of \$3104.26 to allow the project to continue, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

7. 1<sup>st</sup> and Goethe Intersection Replacement: The 2020 street improvement project included making improvements to the intersection at 1<sup>st</sup> and Goethe. Staff recommended to council in a previous meeting to delay approving this intersection project until the Pohlman addition storm sewer project was completed and the remaining funds available for the street project could be determined. Presented to council was a change order for \$25,477.56 to do the work at this intersection. Staff explained that approximately \$18,000 of the storm sewer cost would have to be paid out of the Capital Improvement Fund to be able to do this intersection.

Staff reported the county has completed the clean out of the Park Street ditch which has created a water backup problem on the south side of the railroad tracks. The remedy for this backup is to tear out the driveway entrance to the Paul Batchman residence and rebuild the entrance a foot lower. Staff's anticipated cost for this project is between \$12,000 to \$20,000. This expense would also need to be paid out of the Capital Improvement Fund.

After some discussion, the consensus of council is to not approve the change order for the First and Goethe intersection.

8. Street Project Change Order for South Main Sidewalk: Presented to council was a change order in the amount of \$8836.50 for the contractors to do the placement of sidewalks along the South Main Street improvement project.

A motion was made by Councilmember Jon Prescott to approve Change Order #3 in the amount of \$8836.50, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

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9. Electric Vehicle Charging Station: Staff explained as a promotion for electric vehicles the Kansas Power Pool has put together a program that includes the purchasing of electric vehicle charging stations for member cities to place in their communities. These chargers are a level 2 model of charging station which requires 6 to 8 hours to fully charge a vehicle. The intended use of these stations would be for people who are traveling through our community. The cost of the charger is approximately \$2,000 which would be funded by KPP. The city would be responsible for installation at an approximate cost of \$1000 and ongoing maintenance.

A motion was made by Councilmember Jon Prescott to proceed with KPP purchasing 2 charging stations for the city, with the city providing installation of the stations and free electricity for the first year, to be reviewed at the end of the first year. Motion seconded by Steve Oelke. Motion carried. All voting in favor.

10. Procurement Policy: At the July 14, 2020 council meeting council approved a few changes to the procurement policy. Since that time staff has reviewed some other policies from cities throughout the state and determined there are numerous other changes that could be beneficial to the city. Presented to council for review was an updated procurement policy.

A motion was made by Councilmember Ken Lebbin to approve the proposed procurement policy, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

11. 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 8:00 p.m. until 8:10 p.m. and council will reconvene in the library 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 Jon Prescott. Motion carried. All voting in favor. The governing body recessed into executive session at 8:00 p.m.

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

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12. 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 Kirk Clawson to approve for write off, the list of delinquent utility accounts totaling \$9,388.12, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.
13. Executive Session for Personnel Matters of Non-Elected Personnel: An executive session is requested for discussion of personnel matters of non-elected personnel related to individual employees' performance. A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 75-4319(b)(1) for the purpose of discussion of personnel matters of non-elected personnel related to individual employees' performance. Executive session will be for twenty (20) minutes beginning at 8:20 p.m. until 8:40 p.m. and council will reconvene in the library at that time. Persons to remain in executive session are the governing body, city administrator, city attorney and electric superintendent Jon Perron, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor. The governing body recessed into executive session at 8:20 p.m.

Meeting reconvened at 8:40 p.m. No action taken.

A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 75-4319(b)(1) for the purpose of discussion of personnel matters of non-elected personnel related to individual employees' performance. Executive session will be for fifteen (15) minutes beginning at 8:40 p.m. until 8:55 p.m. and council will reconvene in the library at that time. Persons to remain in executive session are the governing body, city administrator, city attorney and electric superintendent Jon Perron, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor. The governing body recessed into executive session at 8:40 p.m.

Meeting reconvened at 8:55 p.m. No action taken

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**J. REPORTS:**

1. Municipal Court Report: Presented to Council was the Municipal Court Report for July 2020.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
  - a) Staff reported the Pohlman storm sewer project has been completed and new water main will be installed in the near future.
  - b) Staff reported the Second street work has been completed and crews have torn out the east half of South Main.
  - c) Staff reported city crews are mowing, changing out electric poles and the power plant is generating for training purposes.
  - d) Staff reported the BXBS renewal includes a 12.8% premium increase, which will be addressed in more detail at the September council meeting.
  - e) Staff explained the Planning Commission met last week to address various issues, including driveway regulations, swimming pool regulations and landscaping issues.

**K. 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 Steve Oelke. Motion carried. All voting in favor.

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Irlan Fullbright, Mayor

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Kim Schartz, City Clerk