

CITY COUNCIL CHAMBERS
FEBRUARY 9, 2021
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.
- C. **RECITATION OF THE PLEDGE OF ALLEGIANCE**
- D. **APPROVAL OF AGENDA:** Staff informed council that a member of the High School Prom committee has requested to be taken off the agenda, which is item #3. A motion was made by Councilmember Jon Prescott to approve the agenda, as amended, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.
- E. **APPROVAL OF MINUTES:** A motion was made by Councilmember Steve Oelke to approve minutes for the January 12, 2021 regular council meeting, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.
- F. **APPROPRIATIONS:** A motion was made by Councilmember Kirk Clawson to authorize payment of bills and claims processed, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.
- G. **OLD BUSINESS: NONE**
- H. **VISITORS:** Chance Bailey, Brittney Bailey, Jon Perron, Brooke Carroll, James Ging
- I. **NEW BUSINESS:**
1. Service Award: A service award was presented to Cody Woodruff for his five years of service to the Fire Department.
 2. AMI-KPP Agreement: Kansas Power Pool staff Brooke Carroll and James Ging were present to provide city council with an update on the AMI (Automated Metering Infrastructure) project. Presented to city council was a purchase power agreement attachment and Ordinance 2021-1 allowing for the purchase of AMI equipment and the reimbursement of

CITY COUNCIL CHAMBERS
FEBRUARY 9, 2021
7:00 P.M.

such. The estimated project cost is \$200,000 and the costs will be considered “Costs of Power” pursuant to the KPP Power Purchase Contract and will be billed out monthly over a ten-year period.

A motion was made by Councilmember Jon Prescott to adopt Ordinance 2021-1, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

A motion was made by Councilmember Jon Prescott to approve Kansas Power Pool documents associated with this project and authorize Mayor Irlan Fullbright to execute the documents, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

3. High School Prom Committee Request: This was requested to be removed from the agenda.
4. Sale of City Lots: Staff reported that “For Sale” signs have been placed on the properties located at 115 East 2nd Street and 303 S. Main Street. One offer was received on the property at 115 East 2nd Street. The offer was as follows:

Nathan Staton (not desiring the rebate program) \$1,000

A motion was made by Councilmember Jon Prescott to approve the sale of the 115 East 2nd Street property to Nathan Staton in the amount of \$1,000.00, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

5. Sale of Used Brick: Staff explained there is still a substantial amount of used brick left from the 2018 street projects. Staff has received new interest for the purchase of some of this brick. After some discussion, a motion was made by Councilmember Jon Prescott to authorize City administrator Chris Komarek and Mayor Irlan Fullbright to accept a reasonable offer to sell the brick, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.
6. Discussion of Dilapidated Property at 214 West 1st Street: Presented to city council was a report from Police Chief Bailey, acting as the Code Enforcement Officer detailing the condition of the structure located at 214 West 1st. Also presented to council for consideration was Resolution 020921 which deems the property at 214 West 1st to be a dangerous or unsafe structure and would initiate the condemnation proceedings.

CITY COUNCIL CHAMBERS
FEBRUARY 9, 2021
7:00 P.M.

Subject to K.S.A. 12-1750; 12-1756 the City Governing Body may direct a property owner to abate a dangerous or dilapidated structure. The procedural process is as follows:

- a) A written statement prepared by the Enforcing Officer is submitted to the Governing Body.
- b) The Governing Body adopts resolution.
 - 1) Resolution is published two (2) times. 30 days must elapse between last publication and date for a hearing.
 - 2) Copy of the resolution is mailed by certified mail to each owner agent, lienholder and occupant.
- c) Governing Body holds a hearing on the date and time specified in the resolution and makes a formal determination on conditions of the structure.
- e) If owner does not diligently commence repair or removal as directed by resolution the City may:
 - 1) Remove or repair the structure.
 - 2) Assess cost, less salvage, against the property.

A motion was made by Councilmember Ken Lebbin to adopt Resolution No 020921, a Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Ellinwood, Kansas, at which the owner, his or her agent, lienholders of record and occupants of the structures located at: lot nine (9) and the west 25 feet of lot ten (10), in block five (5), in the City of Ellinwood, Barton County Kansas, according to the recorded plat thereof, commonly known as 214 W. 1st, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as an unsafe, dangerous or dilapidated structure and that a Public Hearing will be held on the 29th day of March 2021 before the Governing Body of the City of Ellinwood at 4:00 p.m. in the council room of the city office, 104 E. 2nd Street. Motion seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

7. City Wide Clean-up: The City, in the past, has assisted the community in cleaning up their personal property by making available to the citizens of Ellinwood large dumpsters placed at the city shop to dispose of trash, tires, appliances, etc. This is normally done in the spring in conjunction with the community wide garage sale. This year's garage sale event is Saturday, April 24th.

CITY COUNCIL CHAMBERS
FEBRUARY 9, 2021
7:00 P.M.

A motion was made by Councilmember Jon Prescott to approve placing dumpsters at the city shop for the city wide clean up from April 24th through May 2nd, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

8. 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. An addition to the media list was noted. A motion was made by Councilmember Jacque Isern to approve the City of Ellinwood Emergency Water Plan, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.
9. Annie Mae's Cereal Malt Beverage Application: Presented to council was a cereal malt beverage application for Annie Mae's.

A motion was made by Councilmember Ken Lebbin to approve the cereal malt beverage application and issue a license until December 31, 2021 for Annie Mae's, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

10. 2020 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, 2020.
11. Computer Tablets: Staff explained that due to COVID-19 restrictions and the need for possible virtual meetings, tablets were purchased for city council members with the CARES ACT funding. Tablets were issued to each councilmember and Jon Perron provided brief training to council.
12. Executive Session for Discussion of Property Acquisition Related to Flood Control: An executive session is 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 related to the flood control project. Executive session will be for twenty (20) minutes beginning at 8:45 p.m. until 9:05 p.m. and council will reconvene in the library at that time. Persons to remain in executive session are the governing body, city administrator and city attorney, seconded by Councilmember Jon Prescott. Motion carried.

CITY COUNCIL CHAMBERS
FEBRUARY 9, 2021
7:00 P.M.

All voting in favor. The governing body recessed into executive session at 8:45 p.m.

Meeting reconvened at 9:05 pm. No action taken.

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

1. Municipal Court Report: There was no Municipal Court Report for January, 2021.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff reported the Animal Medical Center has closed the Ellinwood office. The City is still able to use the facilities until the building is sold. Police Chief Bailey has contacted the Humane Society and checked out options for the City.
 - b) Staff reported the Park Street ditch work could begin in 2 to 3 weeks according to Stone Sand.
 - c) Staff reported FEMA monies related to the May 2019 flooding event have been obligated for payment, with the city receiving approximately \$16,000.
 - d) Staff reported work has been started on the Housing Study. Zoom meetings will be scheduled in the next couple of weeks.
 - e) Staff reported that the city's Neighborhood Revitalization Plan (NRP) will be expiring at the end of 2021. Barton County is looking at doing a county-wide NRP in which the City could fall under.
 - f) Staff reported city crews are in cold weather mode and winter maintenance is being done. Police department renovations are in the process of being completed.
 - g) Staff reported the new fire station building should be here the middle of February.

CITY COUNCIL CHAMBERS
FEBRUARY 9, 2021
7:00 P.M.

K. **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 Kirk Clawson . Motion carried. All voting in favor.

Irlan Fullbright, Mayor

Kim Schartz, City Clerk