

CITY COUNCIL CHAMBERS
MAY 11, 2021
7:00 P.M.

- A. **CALL TO ORDER:** Mayor Irlan Fullbright called the meeting to order at 7:00 p.m. in council chambers.
- 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.
- C. **RECITATION OF THE PLEDGE OF ALLEGIANCE**
- D. **APPROVAL OF AGENDA:** A motion was made by Councilmember Jacque Isern to approve the agenda, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.
- E. **APPROVAL OF MINUTES:** A motion was made by Councilmember Jon Prescott to approve minutes for the April 13, 2021 regular council meeting, subject to the correction noted for agenda item #7, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.
- F. **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.
- G. **OLD BUSINESS: NONE**
- H. **VISITORS:** Dana and Jackie Wilfong, Mike Ruppe, Jon Perron, Kevin Clair, Chance Bailey, Danielle Hollingshead, Brittney Bailey, Spencer Proffitt
- I. **NEW BUSINESS:**
1. 2020 Audit Report: Presented to council was the 2020 audit report. Danielle Hollingshead, a representative of Adams Brown LLC was present to review the audit with council.

A motion was made by Councilmember Steve Oelke to accept the 2020 audit report as presented, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.
 2. Discussion of Sanitary Sewer at 400 East D Street: The homeowner at 400 E “D” has experienced on-going sewer line issues at this location for several years. The sewer line crosses city owned property from his house to the sewer main. It is city policy that any sewer line from a home or

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business to the city's sewer main, whether located in an alley, easement, or street is the homeowner's responsibility. There have been numerous discussions between the homeowner and city staff and because this four-inch line crosses city property the owner believes it is the city's responsibility.

During the discussion it was noted that the property owner did not have an easement from the City for the sewer line to cross city owned property. After much discussion council requested legal counsel to draft an agreement between the City and Mr. & Mrs. Wilfong to be signed by all parties, to grant permission for them to replace and maintain their sewer line which lies on city property and provide details for maintaining and replacement of their sewer line now and in the future.

A motion was made by Councilmember Ken Lebbin to authorize the city to assist by exposing, inspecting and replacing the sewer line as needed from the main line directly north to the edge of the City's right of way (approx. 30') with the understanding this is a one-time assistance, as documented by the agreement referred to above. Motion seconded by Jon Prescott. Motion carried. All voting in favor.

3. Sale of Lot at 115 E. 2nd: Several months ago, the city agreed to sell the lot at 115 E 2nd to the property owner at 111 E 2nd. Shortly after that approval the owner withdrew his offer. The city now has a new offer to purchase the lot at 115 E 2nd. The individuals wishing to purchase this lot is currently in the final phases of purchasing the residence next to it at 117 E 2nd. Presented to council was an offer on the lot at 115 E. 2nd Street made by Bob Lewis and Larah Thomson for \$3,500.00 to place a garage on the lot which would qualify them for the rebate program.

A motion was made by Councilmember Kirk Clawson to accept the offer submitted by Bob Lewis and Larah Thomson in the amount of \$3500.00, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

4. Update on Property at 214 W. 1st: Following the March 29th public hearing for condemnation on this property, the owner has removed his personal belongings and desires to deed this property to the city and remove himself from any further expense or liability. Staff explained that back taxes of \$163 are owed on the property. Staff is requesting council to consider accepting the offer to deed the house to the City, pay the back taxes and solicit bids for demolition.

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A motion was made by Councilmember Ken Lebbin to approve payment of the back taxes on the property at 214 W. 1st in the amount of \$163 and accept the offer from Eugene Merica to deed the house to the city and solicit bids for demolition. Motion seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

5. Request from Wetlands and Wildlife Scenic Byways: Presented to council was a letter from the Wetland & Wildlife National Scenic Byway Committee requesting council to consider an annual \$500 contribution to the Byway project.

A motion was made by Councilmember Jon Prescott approve a \$500 annual contribution to the Wetlands and Wildlife Scenic Byway project, seconded by Kirk Clawson. Motion carried. All voting in favor.

6. Pickle Ball Courts: Pickle Ball is becoming a very popular sport especially with the older generation. Staff has been contacted about the idea of making a portion of the basketball courts at the south ball fields available for pickle ball use. Presented to council were several pictures of the current courts. Staff explained 2 pickle ball courts would fit into either of the half courts without making any major modifications.

A motion was made by Councilmember Steve Oelke to approve modifying half of the existing basketball courts at the south ball fields for pickle ball courts, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

7. Ordinance for Consumption of Alcohol on Public Property: Presented to council for review was Ordinance 2021-3, an ordinance that allows for the consumption of enhanced cereal malt beverages in the City Park from 4:00 p.m., Thursday, July 15, 2021, through 2:00 a.m. Sunday July 18, 2021 in association with the beverage tent and the After Harvest Festival.

A motion was made by Councilmember Jon Prescott to approve Ordinance 2021-3, an ordinance exempting certain following described public property, the title of which is vested in the City of Ellinwood, Kansas to permit the consumption of enhanced cereal malt beverages thereon, as authorized by charter ordinance No. 5 of said city and establishing the time when such exemption shall be effective. Motion was seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

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8. Review of Animal Control Ordinance: Staff suggested council review the animal control ordinance and specifically address the number of animals allowed in a household. After some discussion several concerns were expressed as to a specific definition of an animal to which the limit would apply. At this point the consensus of council would be to allow for 4 animals in a household. The issue was tabled to allow time for staff to continue to review the ordinance and present proposed changes to the ordinance to council at a future meeting.

9. Election of Council President: As provided in the Ellinwood City Code, the City Council shall annually elect one of their own body, as “President of the Council.” The Council President shall preside at all meetings of the Council in the absence of the Mayor.

A motion was made by Councilmember Jon Prescott nominating Councilmember Ken Lebbin as Council President, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

10. Designation of Official Depository: Each year the Mayor designates, with the consent of council, the institutions that may serve as depositories for City funds. The institutions recommended for this designation are:

Sunflower Bank, N.A.
Peoples Bank & Trust

A motion was made by Councilmember Jacque Isern to accept the designations as recommended by Mayor Irlan Fullbright, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

11. Designation of Official Newspaper: Each year the Mayor shall designate, with the consent of Council, the official newspaper for publication of city notices. The Ellinwood Leader is the only operating newspaper in Ellinwood and is recommended for designation as the official newspaper. Staff suggested designating the Great Bend Tribune as an alternate official newspaper.

A motion was made by Councilmember Ken Lebbin to accept the designation of the Ellinwood Leader as primary official newspaper and the Great Bend Tribune as an alternate official newspaper, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor

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12. Appointment of Fire Committee: Each year the Mayor appoints two members of the council to represent the City in discussion with the two townships for contractual services to the fire district. This appointment is subject to council approval. Generally, the townships each pay 1/3 of the operating costs plus ½ of the direct rural equipment costs.

Mayor Fullbright recommended appointment of Councilmembers Steve Oelke and Ken Lebbin to the Fire Committee. A motion was made by Councilmember Kirk Clawson to accept the appointments as submitted by Mayor Irlan Fullbright, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

13. Executive Session for Non-Elected Personnel: An executive session is requested for discussion of personnel matters of non-elected personnel. A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 75-4319(b)(1) for the discussion of personnel matters of non-elected personnel relating 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 council chambers at that time. Persons to remain in executive session are the governing body, city administrator and city attorney, 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.

14. Annual Appointment of Department Directors: As provided by City Code, the Mayor, with consent of council, may appoint the city officers/directors.

The following Department Directors are recommended for appointment:

Kevin Clair	Street & Parks Superintendent
Jon Perron	Electric Superintendent
Chance Bailey	Chief of Police
Kim Schartz	City Clerk
Janice Birzer	City Treasurer
Chris Komarek	City Administrator
Charles Pike	Municipal Judge
Chris Komarek	Fire Chief
Brittney Bailey	EMS Director

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Isern & Carpenter
Spencer Proffitt
Brad Helfrich

City Attorney
Water/Wastewater Superintendent
Sanitation Department

A motion was made by Councilmember Ken Lebbin to approve the annual appointment of Department Directors as presented above, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

15. Executive Session for 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 relating to a utility easement. Executive session will be for twenty (20) minutes beginning at 9:03 p.m. until 9:23 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 Steve Oelke. Motion carried. All present voting in favor. The governing body recessed into executive session at 9:03 p.m.

Meeting reconvened at 9:23 pm. No action taken.

J. REPORTS:

1. Municipal Court Report: There was no Municipal Court Report for April, 2021.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a.) Staff reported an insurance dividend check in the amount of \$19,236 was received from EMC Insurance.
 - b.) Staff reported the County has finished cleaning out the south Main ditches.
 - c.) Staff reported the north property has been surveyed and the engineer is working on permits for the flood control project.
 - d.) Staff reported the swimming pool has been painted.
 - e.) Staff explained city crews are beginning to install the automated electric meters.
 - f.) Staff gave an update on the Park street ditch project and explained Nelson Stone is not returning phone calls.
 - g.) Staff presented to council a list of weed notices sent out.

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- h.) Staff is still working on the newsletter, which will include information about the Automated Metering Infrastructure (AMI).
- i.) Staff reported that Travis Hardcastle has been hired for the power plant position.

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 Ken Lebbin. Motion carried. All voting in favor.

Irlan Fullbright, Mayor

Kim Schartz, City Clerk