

**CITY COUNCIL CHAMBERS**  
**JUNE 8, 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 Jon Prescott to approve the agenda, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.
- E. **APPROVAL OF MINUTES:** A motion was made by Councilmember Kirk Clawson to approve minutes for the May 11, 2021 regular council meeting, seconded by Councilmember Jacque Isern. 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 Jon Prescott. Motion carried. All voting in favor.
- G. **OLD BUSINESS: NONE**
- H. **VISITORS:** Chance Bailey, Brittney Bailey, Phil Hathcock, Kevin Clair, Tyler Schmidt
- I. **NEW BUSINESS:**
1. Service Award: Service awards were presented to the following city employees for their years of service to the City of Ellinwood:

Spencer Proffitt – 15 years – Water/Wastewater Department  
Nathan Wood – 10 years – Fire Department
  2. 211 East E Annexation: Staff explained the city and county have had discussions about getting the property at 211 East E cleaned up following the fire in January, 2019. Staff's recommendation is to annex this property into the city limits and then enforce city codes to clean up the property. Presented to council was Resolution 60821, a resolution declaring an interest in, and establishing a public hearing date for considering the annexation of the property at 211 E. E Street pursuant to KSA 12-520.

**CITY COUNCIL CHAMBERS**  
**JUNE 8, 2021**  
**7:00 P.M.**

Staff explained the owner of the property has recently deeded the property to Tyler Schmidt and he was present to address council with his plans for cleaning up the property. Mr. Schmidt explained he has a backhoe rented from Foley Rental and has roll off dumpsters to be delivered Friday June 11<sup>th</sup> and said the structure would be demolished between June 11<sup>th</sup> and June 13<sup>th</sup>. The shed in the backyard will be looked at when demolishing the house and if it is sound it will be cleaned out and used. He also stated that \$1600 of the back taxes on the property were paid on June 3, 2021, with an arrangement with Jim Jordan to pay the remaining \$570.

After some discussion, a motion was made by Councilmember Ken Lebbin to allow Mr. Schmidt 30 days to execute his plan with a review of the progress at the July 13, 2021 council meeting, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

3. Kansas Sidewinders Cereal Malt Beverage Application: Presented to council was an 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 15, 2021 at 5:00 pm through midnight on Saturday, July 17, 2021.

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 the days and times noted above for the licensed premise as outlined in Ordinance 2021-3. Motion seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

4. 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, 2021. Jim McMullen is listed as the alternate director on a permanent term.

A motion was made by Councilmember Jon Prescott to appoint Chris Komarek as director to the board of the Kansas Municipal Gas Agency for a 2-year term beginning September 1, 2021 and appoint Jon Perron as the permanent alternate, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

**CITY COUNCIL CHAMBERS**  
**JUNE 8, 2021**  
**7:00 P.M.**

5. Demolition Bids- 214 W. 1<sup>st</sup>: Staff explained that bid requests for the demolition of the structure at 214 W. 1<sup>st</sup> were sent to four companies and was published in the local paper. Staff reported that one bid was received from Stone Sand Company for \$5900. Staff explained the bid document did not include removal of trees at this location, but Nelson Stone of Stone Sand Company agreed to include removal of any trees that the city requests to be removed for the above noted price of \$5900.

A motion was made by Councilmember Ken Lebbin to approve the bid from Stone Sand Company in the amount of \$5900 for the demolition of the structure at 214 W. 1<sup>st</sup>, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

6. New Budgeting Procedure: Staff explained the 2022 budgeting process has changed with the implementation of Senate Bill 13 which removes the tax lid but establishes a revenue neutral rate (RNR). The city will not be able to exceed the number of mills that generates the same amount of tax dollars as levied the previous year without publishing a notice of hearing, holding a public hearing, passing a resolution to exceed the revenue neutral rate and then hold a public hearing to adopt the budget. The challenge to cities is that the RNR is calculated based on the June 15, 2021, assessed valuation but compliance with the RNR will be based on final assessed valuation on November 1, 2021. The penalty for noncompliance to SB 13 is to refund to taxpayers any amount levied, in excess, of the RNR. Staff explained the Kansas Municipal Services Agency is recommending Kansas cities hold a RNR hearing even if they are not planning to raise taxes to ensure the city will be in compliance with SB 13 in the case that the final valuation decreases. If a RNR hearing is not held and final valuation decreases, the city will receive less tax revenue.

Staff is requesting council input as to increasing the mill levy above the RNR or building a revenue neutral budget. Staff's recommendation would be to build a revenue neutral budget with a \$100 minimal increase in total taxes levied which would require a RNR hearing but would ensure that the city would not lose tax revenue if final valuation decreases and ensures that the city would be in compliance with SB 13. The consensus of council was to build a revenue neutral budget as recommended.

**CITY COUNCIL CHAMBERS**  
**JUNE 8, 2021**  
**7:00 P.M.**

**J. REPORTS:**

1. Municipal Court Report: Presented to council was the Municipal Court Report for May 2021.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
  - a.) Staff reported the lot at 400 E. 4<sup>th</sup> is being advertised for sale.
  - b.) Staff reported the Park Street ditch work will be done soon.
  - c.) Staff will be working with Craig Robl on a cash rent agreement for a small portion of the city owned airport ground currently farmed by Dale Knop. A recent land purchase by Craig Robl has resulted in it being more accommodating for Robl to farm these 5 acres rather than Dale Knop and all parties are in agreement.
  - d.) Staff explained the opening of the swimming pool has been delayed because of a problem with the pump. Parts have been ordered with a delivery date of up to two weeks.
  - e.) Staff explained he will be attending the APPA conference in Orlando in late June as a Kansas Power Pool board member.
  - f.) Staff provided a water well update and explained that one well was shut down because of high manganese levels. Staff reported the estimated cost to remedy the issue could be \$20,000 to \$25,000.

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

-----  
Irlan Fullbright, Mayor

-----  
Kim Schartz, City Clerk