

**CITY COUNCIL CHAMBERS**  
**MAY 9, 2017**  
**7:00 P.M.**

**A. CALL TO ORDER:**

**B. ROLL CALL:** Members present were Councilmembers Ken Lebbin, Kirk Clawson, James McCormick, Alan Brauer, Gaila Demel and Mayor Irlan Fullbright. City attorney Robert Peter was present. Also present was Mary Jo Cunningham, representing the Ellinwood Leader and Veronica Coons representing the Great Bend Tribune.

**C. APPROVAL OF MINUTES:** A motion was made by Councilmember Kirk Clawson to approve minutes for the April 11, 2017 regular council meeting and the April 24, 2017 special council meeting seconded by Councilmember Alan Brauer. Motion carried. All voting in favor.

**D. APPROPRIATIONS:** A motion was made by Councilmember Ken Lebbin to authorize payment of bills and claims processed with the exception of the Altec Industries bill which will be addressed later in the meeting, seconded by Councilmember James McCormick. Motion carried. All voting in favor.

**E. VISITORS:** Ron and Mary Jo Cunningham, Art Keffer, Jon Perron, Brittney Glenn, Kevin Clair, Jim McMullen, Danielle Hollingshead, Judy Hayes

**F. OLD BUSINESS: NONE**

**G. NEW BUSINESS:**

1. 2017 Audit Report: Presented to council was the 2016 audit report. Danielle Hollingshead, a representative of Adams, Brown, Beran & Ball, Chtd. was present at the meeting. Ms. Hollingshead reviewed the audit with council.

A motion was made by Councilmember Gaila Demel to accept the 2016 audit report as presented, seconded by Councilmember Kirk Clawson Motion carried. All voting in favor.

2. Ordinance for Consumption of Alcohol on Public Property: Presented to council for review was Ordinance 2017-1, an ordinance that allows for the consumption of cereal malt beverages and alcoholic liquor in the City Park from 4:00 p.m., Thursday, July 13<sup>th</sup>, through 2:00 a.m. Sunday July 16<sup>th</sup> in association with the beverage tent and the After Harvest Festival.

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A motion was made by Councilmember Gaila Demel to approve Ordinance 2017-1, an ordinance exempting certain following described property, the title of which is vested in the City of Ellinwood, Kansas to permit the consumption of alcoholic liquor and cereal malt beverages thereon, as authorized by charter ordinance No. 5 of said city and establishing the time when such exemption shall be effective. Councilmember Alan Brauer seconded the motion. 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 13<sup>th</sup> at 4:00 p.m. through midnight on Saturday, July 15<sup>th</sup>.

A motion was made by Councilmember Alan Brauer to approve the cereal malt beverage application for operation of a beverage tent by the Kansas Sidewinders MC at the After Harvest Festival for Thursday July 13<sup>th</sup> beginning at 4:00 p.m. through midnight on Saturday, July 15<sup>th</sup>. Motion seconded by Councilmember Demel. Motion carried. All voting in favor.

4. Additional Cost of Digger Truck Overhaul: In December 2016, council approved a quote in the amount of \$33,649.86 for rebuilding the hydraulic system on the electric department digger truck. Staff explained the quote also stated that additional costs could be incurred if more parts are found that need to be replaced than could be seen from the initial inspection. Staff explained there was a substantial increase in expenses to fix numerous unforeseen problems. The amount of the increased cost, including sales tax is \$11,884.99.

A motion was made by Councilmember James McCormick to approve the additional cost of \$11,884.99 for the digger truck rebuild, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

5. 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 Kirk Clawson nominating Councilmember Alan Brauer as Council President, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

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6. 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.  
Community Bank of the Midwest

A motion was made by Councilmember Gaila Demel accepting the designations as recommended by Mayor Irlan Fullbright, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

7. 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 accepting the designation of the Ellinwood Leader as primary official newspaper and the Great Bend Tribune as an alternate official newspaper, seconded by Councilmember Gaila Demel. Motion carried. All voting in favor

8. 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 1/2 of the direct rural equipment costs.

Mayor Fullbright recommends appointment of Councilmembers Alan Brauer and James McCormick 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 Gaila Demel. Motion carried. All voting in favor.

9. Executive Session for Non-Elected Personnel: An executive session is requested for discussion of non-elected personnel. A motion was made by Councilmember Ken Lebbin to adjourn into executive session for twenty (20) minutes for discussion of non-elected personnel, with Robert Peter, city attorney, Chris Komarek, interim city administrator and Kim Schartz, city clerk present and that the council meeting will reconvene in the council chambers, seconded by Councilmember James McCormick.

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Motion carried. All voting in favor. The governing body recessed into executive session at 7:25 p.m.

Meeting reconvened at 7:45 p.m. No action taken. A motion was made by Councilmember Alan Brauer to adjourn into executive session for an additional fifteen (15) minutes for discussion of non-elected personnel, with Robert Peter, city attorney, Chris Komarek, interim city administrator and Kim Schartz, city clerk present and that the council meeting will reconvene in the council chambers, seconded by Councilmember Gaila Demel. Motion carried. All present voting in favor. The governing body recessed into executive session at 7:50 p.m.

Meeting reconvened at 8:05 p.m, No action taken.

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

A motion was made by Councilmember Kirk Clawson to offer an employment agreement to Chris Komarek for the position of City Administrator, beginning May 15, 2017 with an annual salary of \$62,500 and a \$350 per month car allowance. Also provided in the agreement is 6 months of severance pay in the event of termination without cause. The employment agreement is subject to agreement by Chris Komarek. Motion seconded by Councilmember Gaila Demel. Motion carried. All voting in favor.

The following Department Directors are recommended for appointment:

Kevin Clair	Street & Parks Superintendent
Jon Perron	Electric Distribution Superintendent
James McMullen	Electric Production Superintendent
Art Keffer	Chief of Police
Kim Schartz	City Clerk
Janice Birzer	City Treasurer
Robert Peter	City Attorney
Jane Isern	Municipal Judge
Chris Komarek	Fire Chief
Brittney Glenn	EMS Director
Chris Komarek	City Administrator
Spencer Proffitt	Water/Wastewater Superintendent

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A motion was made by Councilmember Gaila Demel to approve annual appointments of Department Directors as presented above, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

**REPORTS:**

1. Municipal Court Report: Presented to Council was the Municipal Court Report for April, 2017.
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 \$19,362 was received from EMC Insurance group.
  - b) Staff reported the splash pad dedication will be held at a chamber coffee on May 19<sup>th</sup> at 10:00 a.m.
  - c) Staff reported approximately 60 weed notices and 30 vehicle nuisance notices have been sent.
  - d) Staff reported the new tax lid could cause an earlier deadline for the 2018 budget.
  - e) Staff reported there is a proposed legislative bill which would add a \$3.00 fixed fee to all utility bills.
  - f) Staff reported an inquiry has been received regarding the sale of the office building at the airport. Staff asked for council direction regarding the possible sale of the building.
  - g) Staff gave an update on the KDOT project reporting the water line crew is done and the sewer line work should be done in another 3 weeks. The paving work has been delayed from the rains.
  - h) Staff reported the water department has been working on pool maintenance and the street department has been busy mowing.

- I. **ADJOURNMENT**: There being no further business at this time, a motion was made by Councilmember Gaila Demel that the meeting be adjourned, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

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Irlan Fullbright, Mayor

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Kim Schartz, City Clerk