

CITY COUNCIL CHAMBERS
JULY 13, 2010
7:00 P.M.

A. CALL TO ORDER:

B. ROLL CALL: Members present were Councilmembers Fullbright, Nielsen, Clawson, Rapp, Wilson and Mayor Koelsch. Also present was Mary Jo Cunningham representing the Ellinwood Leader, and Karen LaPierre representing the Great Bend Tribune.

C. APPROVAL OF MINUTES: A motion was made by Councilmember Clawson to approve minutes for the June 8, 2010 meeting, seconded by Councilmember Rapp. Motion carried. All voting in favor.

D. APPROPRIATIONS: A motion was made by Councilmember Fullbright to authorize payment of bills and claims processed, seconded by Councilmember Wilson. Motion carried. All voting in favor.

E. OLD BUSINESS: NONE

F. VISITORS: Mary Jo Cunningham, Karen LaPierre, Chris Komarek, Ben Jacobs. Ben Jacobs, new superintendent of USD 355 introduced himself to council and expressed the importance of maintaining a good working relationship between the city and the school.

G. NEW BUSINESS:

1. Re-issue Certificates of Participation: Larry Kleeman with Cooper, Malone, McClain, Inc. was present to provide information on the Certification of Participation (COP) re-issue. The COP's were originally issued for installation of the switchgear for the power plant and the construction of the accompanying building across the street. Mr. Kleeman explained the net savings on the re-issue of the COP's is \$30,638.31.

A motion was made by Councilmember Fullbright to approve the Cooper, Malone, McClain, Inc. underwriting agreement, motion seconded by Councilmember Nielsen. Motion carried. All voting in favor.

A motion was made by Councilmember Nielsen to approve Ordinance 2010-5, approving the issuance of Certificates of Participation in a lease purchase agreement, by and between the City of Ellinwood, as lessee, and UMB Bank, N.A., Kansas City, Missouri, as lessor. Motion seconded by Councilmember Clawson. Motion carried. All voting in favor.

CITY COUNCIL CHAMBERS
JULY 13, 2010
7:00 P.M.

2. Re-issue General Obligation Bonds: Larry Kleeman with Cooper, Malone, McClain, Inc. was present to provide information on the General Obligation (GO) Bond re-issue. The GO bonds were originally issued to finance the street and infrastructure improvements on 11th Street and North Kennedy Street. Mr. Kleeman explained the net savings on the re-issue of the GO bonds is \$18,465.67.

A motion was made by Councilmember Nielsen to approve Ordinance 2010-6, authorizing the issuance of the City's General Obligation Refunding Bonds, Series 2010, in the aggregate principal amount of \$395,000. Motion seconded by Councilmember Rapp. Motion carried. All voting in favor.

A motion was made by Councilmember Fullbright to approve Resolution 71310, prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series 2010. Motion seconded by Councilmember Wilson. Motion carried. All voting in favor.

3. Consideration of Ordinance Adopting 2010 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 2008 code.

A motion was made by Councilmember Fullbright to approve Ordinance 2010-7, 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 2010. Councilmember Clawson seconded the motion. Motion carried. All voting in favor.

4. Consideration of Ordinance Adopting 2010 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 2008 code.

A motion was made by Councilmember Clawson to approve Ordinance 2010-8, 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 2010, providing certain penalties and repealing Ordinance 2008-7. Councilmember Wilson seconded the motion. Motion carried. All voting in favor.

CITY COUNCIL CHAMBERS
JULY 13, 2010
7:00 P.M.

5. RCC Water Tower Antenna Agreement: In 2009, the City entered into a lease agreement with Rural Cellular Corporation (RCC) for placement of 2 antennae on the north water tower. The City receives a payment of \$1650 per month for the use of the tower and ancillary property. Included in the agreement is the authority to make improvements and repairs to the antenna and equipment including placement of co-axial cable to the antennae. RCC has assigned the agreement to AT&T Mobility, which has requested the City allow them to increase the number of antennae from 2 to 5 and the necessary co-axial cable from 3 to 8. The current agreement limits the number of antennae to 2.

After some discussion, council authorized Robert Peter, city administrator to re-negotiate with AT&T on an increased fee, for the additional antennae and to provide some additional specifications as to the equipment allowed on the tower.

6. Property at 116 East 1st Street: The property at 116 East 1st Street is in a state of disrepair and has been vacant for some time. The general consensus of the council was to initiate condemnation proceedings on the property.
7. Executive Session: An executive session is requested for discussion of acquisition of property. A motion was made by Councilmember Clawson to adjourn into executive session for ten (10) minutes for discussion of acquisition of property and that the council meeting will reconvene in the council chambers, seconded by Councilmember Nielsen. Motion carried. All present voting in favor. The governing body recessed into executive session at 8:05 p.m.

Meeting reconvened into regular session at 8:15 p.m. No further action was taken.

H. REPORTS:

1. Municipal Court Report: Presented to Council was the Municipal Court Report for June 2010.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff reminded council of budget study session on July 20th at 6:30 p.m.

CITY COUNCIL CHAMBERS
JULY 13, 2010
7:00 P.M.

- b) Staff reported the center lane will remain open on the bridge south of town. A traffic signal will be installed. The county is attempting to obtain federal monies to help with the cost of repairs to the bridge. The job is estimated to take 3 to 4 months to complete.
- c) Staff reported the fire committee will hold a budget meeting, July 19th at noon.
- d) Staff reported new speakers have been installed at Wolf Park
- e) Staff reported several compliments have been received on the 4th of July display.
- f) Midwest Energy will be placing a pole on Park Street and the plant will possibly be generating all day.
- g) Staff reported the street department will begin crackfilling the streets after the After Harvest Festival.
- h) Staff reported Officer Becker will graduate from the academy on August 6th.
- i) Staff reported he will be attending a Kansas Power Pool meeting on July 15th.
- j) Staff reported letters have been sent out on junk vehicles, weeds and trash.
- k) Staff reported the pool will be closing on August 15th.
- l) Staff will present a non-smoking policy to the council at next meeting.

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

Frank Koelsch, Mayor

Kim Schartz, City Clerk