

CITY COUNCIL CHAMBERS
JANUARY 11, 2011
7:00 P.M.

A. CALL TO ORDER:

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

C. APPROVAL OF MINUTES: A motion was made by Councilmember Wilson to approve minutes for the December 14, 2010 regular council meeting. Motion seconded by Councilmember Fullbright. Motion carried. All present voting in favor.

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

E. OLD BUSINESS:

1. 414 East 4th: At the December 14th meeting, staff reported notice had been given to the owner and conservator of this property regarding potential condemnation proceedings. The thirty day response period has expired and presented to council was Resolution 11111-A, setting a time and place for a hearing on the condemnation of property located at 414 East 4th Street. Lois Lipner is the owner of the property and Jane Isern has been appointed her conservator, to which notice has been sent.

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.
- d) If the structure is found to be unsafe or dangerous, the Governing body adopts resolution declaring such and directs structure to be removed or repaired. The resolution shall be published one time and mailed to owners, agents, lienholder and occupant.

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- 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 Wilson to adopt Resolution No. 11111-A, 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 structure located at: Beginning at the southeast corner of Block 57, in the City of Ellinwood, Kansas, thence 50 feet west; thence 140 feet north; thence 50 feet east; thence 140 feet south to the point of beginning, City of Ellinwood, Barton County, State of Kansas, according to the recorded plat thereof. Commonly known as 414 East 4th Street, Ellinwood, Ks., 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 8th day of March, 2011, before the Governing Body of the City of Ellinwood, Kansas at 7:00 p.m. in the City Council Chambers of the City Office. Motion seconded by Councilmember Fullbright. Motion carried. All present voting in favor.

F. VISITORS: Mary Jo Cunningham, Ron Cunningham, Debbie Glenn, Art Keffer and Chris Komarek.

G. NEW BUSINESS:

- 1. City Audit – Waiver of GAAP Reporting: The City is required to conduct an audit each year in accordance with state statute. State statute specifies that audits are to be conducted according to Generally Accepted Accounting Principles (GAAP).

State statute authorizes a municipality to pass a resolution to adopt the cash basis method of accounting and audit control. A motion was made by Councilmember Fullbright to adopt Resolution 11111-B authorizing the cash basis audit for 2010 and 2011, seconded by Councilmember Clawson. Motion carried. All present voting in favor.

- 2. BCCC Request: Presented to council was a request from Barton County College for assistance with the purchase of a use of force simulator for law enforcement training. The approximate cost of the simulator is \$25,000.

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A motion was made by Councilmember Clawson to approve a \$1,000 donation to the BCCC foundation for the purchase of a use of force simulator for law enforcement training, seconded by Councilmember Fullbright. Motion carried. All present voting in favor.

3. Employee Salaries: Employee salaries were placed on the agenda for discussion. After some discussion, it was decided to table the issue until the February meeting.
4. Executive Session: An executive session is requested for discussion of a legal matter subject to the attorney-client privilege. A motion was made by Councilmember Clawson to adjourn into executive session for 15 (fifteen) minutes for discussion of a legal matter subject to the attorney-client privilege and that the council meeting will reconvene in the council chambers, seconded by Councilmember Fullbright. Motion carried. All present voting in favor. The governing body recessed into executive session at 7:50 p.m.

Meeting reconvened into regular session at 8:05 p.m. A motion was made by Councilmember Clawson to adjourn into executive session for an additional 10 (ten) minutes for discussion of a legal matter subject to the attorney-client privilege and that the council meeting will reconvene in the council chambers, seconded by Councilmember Wilson. Motion carried. All present voting in favor. The governing body recessed into executive session at 8:05 p.m.

Meeting reconvened at 8:15 p.m. A motion was made by Councilmember Wilson to authorize staff to contract with an independent constructional engineer to evaluate a containment structure at the sewer treatment plant, seconded by Councilmember Clawson. Motion carried. All present voting in favor.

5. Study Session: A study session was held to discuss the City's water rate structure.

H. REPORTS:

2. Municipal Court Report: Presented to Council was the Municipal Court Report for December 2010.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.

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3. Staff Reports:

- a) Staff reported letters will be mailed to 3 property owners on East B Street.
- b) Staff reviewed with council the end of the year financial condition of the City.
- c) Staff reminded council of the Ellinwood Chamber banquet on January 15, 2011 at the American Legion, beginning at 7:00. The Chamber will be honoring the City of Ellinwood employees.
- d) Staff reported maintenance is being done at the city shop and the sewer treatment plant. Employees are working on the conversion of the new electric utility pickup recently purchased. Maintenance is being done on the fire trucks. Staff also reported that manhole inspections will be started soon.

- 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 Fullbright. Motion carried. All present voting in favor.

Frank Koelsch, Mayor

Kim Schartz, City Clerk