

CITY COUNCIL CHAMBERS
MAY 10, 2016
7:00 P.M.

A. CALL TO ORDER:

B. ROLL CALL: Members present were Councilmembers Alan Brauer, Kirk Clawson, James McCormick, Gaila Nielsen, Rick Wilson and Mayor Irlan Fullbright and Councilmember Elect Ken Lebbin. 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 Alan Brauer to approve minutes for the April 4, 2016 and April 5, 2016 special council meetings and the April 12, 2016 regular council meeting, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

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

E. OLD BUSINESS:

1. Proposals for Ellinwood Housing Study: This issue was first discussed at the March 8, 2016 meeting. Staff was requested to research what the study/assessment would consist of and the related costs. Presented to council were the following two proposals:
 - Novogradac & Company – Market Study \$5,250
 - RDG Planning & Design – Housing Assessment \$8,500

Both proposals were sent to the Kansas Housing Resources Corporation for review and both proposals would meet the criteria for someone to apply for assistance in building moderate/middle income housing. Staff suggested tabling this issue until August, awaiting budget decisions from the State of Kansas that could affect the funding of this type of project.

2. Update on Splash Pad: At the April 12, 2016 meeting, Rosie Joiner representing the Rotary Club was in attendance requesting funds to help with the Splash Pad project. This issue was tabled to review the financial situation of the city and determine if any funds were available for the project. Rosie Joiner was present at the meeting to give an update on fundraising efforts. She said they had \$17,671 yet to collect and are continuing fund raising efforts. Staff explained to council the fence and concrete around the baby pool will need to be repaired or replaced in conjunction with the splash pad and it might be in the best interest to

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complete this work prior to the installation of the splash pad. Staff reported the City is to do site preparation which includes bringing utilities to the site. A motion was made by Councilmember Gaila Nielsen to table the issue and study additional work needed around the baby pool, seconded by Councilmember Alan Brauer. Motion carried. All voting in favor.

F. SWEARING IN OF GOVERNING BODY MEMBERS: At the general election held on April 5, 2016, the following individuals were duly elected by the citizens of Ellinwood to serve in their respective position on the Governing Body.

- 1.) Kirk Clawson – Councilmember
- 2.) James McCormick - Councilmember
- 3.) Kenneth Lebbin – Councilmember

Kirk Clawson, James McCormick and Kenneth Lebbin were sworn into office by Kim Schartz, City Clerk.

G. VISITORS: Ron and Mary Jo Cunningham, Dennis Lebbin, Robert Peter, Kevin Clair, Brittney Glenn, Josh Komarek, Janice Birzer, Alex Feil, Rosie Joiner, Lois and Dennis Hammer, Joe Schulte, Ryan Robl, Justin Lear, Jean Doll, Kevin Kramp, Spencer Proffitt, Judy Hayes, Danielle Hollingshead, Shawna Schafer

Dennis Lebbin questioned the progress on flood control. Staff reported EBH is working on getting new descriptions of right of way easements so the agreements with property owners can be drafted. The easement right of way will flow along the natural water way.

H. NEW BUSINESS:

1. 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 Gaila Nielsen nominating Councilmember Alan Brauer as Council President, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

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2. 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 Alan Brauer accepting the designations as recommended by Mayor Irlan Fullbright, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

3. 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 Nielsen . Motion carried. All voting in favor.

4. 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.

The Mayor 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 Nielsen. Motion carried. All voting in favor.

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

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The following Department Directors are recommended for appointment:

Kevin Clair	Street & Parks Superintendent
Chris Komarek	Electric Distribution Superintendent
David Lloyd	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	Interim City Administrator
Spencer Proffitt	Water/Wastewater Superintendent

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

6. Main Street Building: Presented to council was a letter from the Ellinwood Historical Society expressing interest in the building located at 104 N Main. The consensus of the council is to offer the building and the south adjacent lots to the public for purchase, because of the large financial interest the city has in the building and lots.

A motion was made by Councilmember Alan Brauer to approve putting the building and the lots up for sale, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

7. 2015 Audit: Presented to council was the 2015 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 Kirk Clawson to accept the 2015 audit report as presented, seconded by Councilmember James McCormick. Motion carried. All voting in favor.

8. Ordinance for Consumption of Alcohol on Public Property: Presented to council for review was Ordinance 2016-2, 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 14th, through 2:00 am. Sunday July 17th in association with the beverage tent and the After Harvest Festival dance.

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A motion was made by Councilmember Alan Brauer to approve Ordinance 2016-2, 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 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 Gaila Nielsen seconded the motion. Motion carried. All voting in favor.

9. Cereal Malt Beverage License Application for Kansas Sidewinders: 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 14th at 4:00 p.m. through midnight on Saturday, July 16th.

A motion was made by Councilmember Gaila Nielsen 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 14th beginning at 4:00 p.m. through midnight on Saturday, July 16th. Motion seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

10. Executive Session for the Acquisition of Property: An executive session is requested for discussion of acquisition of property. A motion was made by Councilmember Kirk Clawson to adjourn into executive session for (10) ten minutes for discussion of acquisition of property with Robert Peter, city attorney, Chris Komarek, city administrator and Kim Schartz, city clerk present and that the council meeting will reconvene in the council chambers, seconded by Councilmember James McCormick. Motion carried. All voting in favor. The governing body recessed into executive session at 8:30 p.m.

Meeting reconvened at 8:40 p.m. No action taken.

After some discussion, a motion was made by Councilmember Kirk Clawson to approve a 30 foot utility easement agreement with the American Legion in the amount of \$9390.00, seconded by Councilmember Alan Brauer. Motion carried. All voting in favor. The easement is necessary for the KDOT project for the water sewer utility line relocation.

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11. Executive Session: An executive session is requested for discussion of non-elected personnel. A motion was made by Councilmember Alan Brauer to adjourn into executive session for (15) fifteen minutes for discussion of non-elected personnel, with Robert Peter, city attorney present, Chris Komarek, city administrator and Kim Schartz, city clerk present and that the council meeting will reconvene in the council chambers, seconded by councilmember James McCormick. Motion carried. All voting in favor. The governing body recessed into executive session at 8:45 p.m.

Meeting reconvened at 9:00 p.m. No action taken.

REPORTS:

1. Municipal Court Report: Presented to Council was the Municipal Court Report for April, 2016.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff reported the police department has sent out weed notices and the street department has mowed 3 or 4 lawns. The electric department is working on the pole replacement program. The water department is finishing the southwest area of the pool and will be filling the pool.
 - b) Staff reported Maguire Iron has inspected and cleaned the north water tower.
 - c) Staff reported the street department is doing seasonal work include mowing. The power plant is cleaning towers and getting ready for summer.
 - d) Staff reported the scout cabin roof has been completed.
 - e) Staff provided an update on the KDOT Project. City attorney Robert Peter is working on Right of Way agreements for affected landowners. The project is out for bids, with a bid opening scheduled for May 25th.

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

Irlan Fullbright, Mayor

Kim Schartz, City Clerk