

**CITY COUNCIL CHAMBERS
OCTOBER 8, 2019
7:00 P.M.**

- A. **CALL TO ORDER:** Mayor Irlan Fullbright called the meeting to order at 7:00 p.m.
- 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 Mary Jo Cunningham representing the Ellinwood Leader and Veronica Coons, representing the Great Bend Tribune.
- 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 Ken Lebbin. Motion carried. All voting in favor.
- E. **APPROVAL OF MINUTES:** A motion was made by Councilmember Kirk Clawson to approve minutes for the September 10, 2019 regular council meeting, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.
- F. **APPROPRIATIONS:** A motion was made by Councilmember Steve Oelke 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, Terry Boor, Janice Birzer, Kevin Clair, Sean & Lesli O'Neill, Jon Perron, Judy Hayes, Kent & JoAnn Roth, Jim McMullen and Joe Schulte,
- Terry Boor addressed council regarding lawn regulations for fenced in backyards.
- I. **NEW BUSINESS:**
1. Service Award: A service award was presented to Janice Birzer for her 5 years of service as Utility Clerk.
 2. Chamber of Commerce Request: The Ellinwood Chamber of Commerce has requested the use of Wolf Park, including the bandshell for the annual Christkindlmarket on Sunday, December 1, 2019.

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A motion was made by Councilmember Jon Prescott to allow the Ellinwood Chamber of Commerce to utilize Wolf Park, including the bandshell for the Christkindlmarket on Sunday December 1, 2019, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

3. City Park Restroom Facilities: Presented to council was a letter from Ellinwood resident Jo Ann Roth requesting council to consider making some improvements to the restroom facilities at the City Park and providing 24/7, 365 days a year access. Ms Roth explained that grant funds from various agencies would be available to assist with restroom upgrades. Staff reported the park restrooms were allowed to remain open all year, a few years ago and the cost of heating the restrooms was not cost effective for the amount of use. Staff explained the park restrooms have been maintained with new doors installed and bathroom fixtures replaced in the last six years and the facilities have fulfilled their intended use. The issue was tabled at this time but could be reviewed upon receiving additional information.

4. Zoning Ordinance for Fence Regulations: Presented to council for review were 3 ordinances which would amend a portion of the recently adopted zoning ordinance. The Planning Commission met several weeks ago and discussed in detail fence regulations of the newly adopted zoning ordinance. The Planning Commission suggested the following changes to the zoning ordinance:
 - No fence shall be constructed directly over and parallel to an existing utility easement, however a fence may cross perpendicular to a utility easement or may run parallel along the edge of a utility easement.

A motion was made by Councilmember Jon Prescott to adopt Ordinance 2019-12 which would amend Ordinance 2019-11 Article XXI, Section 2, Fences 11, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

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- Side and rear yard fences may be placed on the property line provided the adjoining property owner gives written approval.

A motion was made by Councilmember Ken Lebbin to adopt Ordinance 2019-13 which would amend Ordinance 2019-11 Article XXI, Section 1, Fences 1(e), seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

- Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot. Any fences erected on such a lot shall comply with the building requirements for a front yard fence as set forth in Section 2, Fences 1a. However, if the back lot line abuts a reverse corner lot, a fence may be erected on the yard, that is not the legal address at the time the fence is erected, at a height of 6 feet but said fence shall not extend beyond the property line or more than 20 feet from the corner of the house, whichever is shorter, and shall not extend beyond the front of the house. The term “corner of the house” does not include front and rear porches of a house. Under no circumstances shall the fence protrude into the site triangle.

Councilmember Ken Lebbin expressed concern with adopting this ordinance and suggested leaving the ordinance as is and require residents to apply for a variance request which would allow neighbors an opportunity to provide input on the request.

After much discussion, a motion was made by Councilmember Kirk Clawson to adopt Ordinance 2019-14 which would amend Ordinance 2019-11 Article XXI, Section 2, Fences 14, with a change related to the height of the fence from 6 feet to “not to exceed a height of 6 feet”, seconded by Councilmember Jon Prescott. Motion carried. Councilmember Kirk Clawson, Jacques Isern, Steve Oelke and Jon Prescott voting aye and Councilmember Ken Lebbin voting nay.

5. Planning Commission Appointment: Staff has received the resignation of Guy Ernsting from the Planning Commission after 30 years of service. His position is one of two that are required to be filled by someone who lives outside the city limits but within the one-mile area along our city limits that is regulated by our zoning ordinance.

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Mayor Irlan Fullbright recommended the appointment of Kent Blakeslee to fill the position vacated by Guy Ernsting. A motion was made by Councilmember Ken Lebbin to approve the appointment of Kent Blakeslee to the Planning Commission, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

6. Adopt Updated Cafeteria Plan Document: The City currently has a Premium Only Plan (POP) Cafeteria Plan that is administered by TASC, a third-party administrator. At the September 10th meeting, council approved adding a Healthcare FSA and Dependent Care FSA benefit to the cafeteria plan package. It is recommended by TASC to approve and adopt the Plan Document annually at renewal to ensure the document contains the most current regulations and plan eligibility or benefit changes. Presented to council was the updated Plan Document which included the addition of the two benefits noted above, which would allow employees the opportunity to deduct their share of medical expenses and daycare expenses, as well as their share of medical and supplemental insurance premiums on a pre-tax basis.

A motion was made by Councilmember Jon Prescott to approve the Plan Document as presented, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

7. Fuel Purchase for Power Plant: Staff reported the diesel fuel tank at the power plant holds 20,000 gallons. The tank is currently half full and the last time fuel was purchased was 2014. Staff reported the current price is \$2.29 per gallon and recommended the city purchase a truck load, which is 8000 gallons. The approximate cost would be \$18,000.

A motion was made by Councilmember Steve Oelke to approve the purchase of 8,000 gallons of diesel fuel, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

8. Curb and Gutter Improvements: Staff presented to council a cost estimate from EBH & Associates for some curb and guttering work at the intersection of 10th and Kennedy going 180 feet to the west. Staff explained there will be some new construction done soon on a lot next to this intersection and this work would help with drainage and potentially lead into future development of this area. Presented to council was an opinion of probable cost from EBH & Associates for \$44,128, which includes design engineering cost of \$7,000.

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A motion was made by Councilmember Ken Lebbin to allow Joel at EBH to work on bid specifications for this project and approve the EBH design engineering fees not to exceed \$7,000, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

9. Storm Sewer Cleaning: Staff explained there are several areas in town where it is believed that the storm sewer pipes may be partially clogged. Staff is requesting council to consider approving up to \$5,000 to hire a company to clean the pipes in the affected areas. Staff is recommending Mayer Specialty Services to perform the work.

A motion was made by Councilmember Jon Prescott to approve spending up to \$5,000 to clean clogged storm sewer pipes, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

10. Storm Sewer Improvements: Staff explained that EBH engineers have done a rough evaluation of flow capabilities on the storm sewer system that drains rainwater off the east end of streets in the Pohman addition. It was determined that two sections of the system are possibly undersized.

A motion was made by Councilmember Steve Oelke to allow EBH engineers to design possible solutions to this issue on the east end of streets in the Pohlman addition to be reviewed at a future meeting, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

11. Executive Session for Discussion of Property Acquisition: An executive session was requested for preliminary discussion of the acquisition of real property. A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 75-4319 (b) (6) for the purpose of preliminary discussion of the acquisition of real property. Executive session will be for thirty (30) minutes beginning at 9:10 p.m. until 9:40 p.m. and council will reconvene in the council chambers at that time. Persons to remain in executive session are the governing body, city administrator and city attorney. Motion seconded by Councilmember Jon Prescott. Motion carried. All voting in favor. The governing body recessed into executive session at 9:10 p.m.

Meeting reconvened at 9:40 pm. No action taken

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J. REPORTS: (These reports were given prior to executive session)

1. Municipal Court Report: Presented to Council was the Municipal Court Report for September, 2019.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a) Staff reported the city was awarded a \$10,000 grant from Golden Belt Community Foundation for playground equipment.
 - b) Staff reported an ambulance is out of service with injector and exhaust problems.
 - c) Staff reported city crews have begun tree trimming.

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 Kirk Clawson. Motion carried. All voting in favor.

Irlan Fullbright, Mayor

Kim Schartz, City Clerk