

CITY COUNCIL CHAMBERS
MAY 12, 2020
7:00 P.M.

- A. **CALL TO ORDER:** Mayor Irlan Fullbright called the meeting to order at 7:00 p.m. Due to the COVID-19 pandemic, the meeting was moved from City council chambers to the Ellinwood Community Library to comply with social distancing guidelines, with the governing body, city administrator, city clerk and city attorney present. The meeting was held via Zoom.com & telephone conference to enable the media and citizens to view the meeting.
- 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.
- C. **APPROVAL OF AGENDA:** A motion was made by Councilmember Ken Lebbin to approve the agenda, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.
- D. **APPROVAL OF MINUTES:** A motion was made by Councilmember Jon Prescott to approve minutes for the April 14, 2020 regular council meeting, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.
- E. **APPROPRIATIONS:** A motion was made by Councilmember Kirk Clawson to authorize payment of bills and claims processed, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.
- F. **OLD BUSINESS:**
1. Recreation Board Appointment: At the April 14, 2020 council meeting, Council approved the appointment of Robyn Knop to the Recreation Commission Board. It was then discovered by staff that council had previously approved a process that required interested parties to submit an application to council for review before the appointment can be made. Therefore, the previous appointment must be rescinded. A motion was made by Councilmember Jon Prescott to rescind the appointment of Robyn Knop to the Recreation Commission Board, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

Staff explained the open position was advertised in the local paper and two applications were received. Presented to council were applications from Robyn Knop and Debbie McCormick.

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After some discussion, Mayor Irlan Fullbright recommended the appointment of Robyn Knop to fill the four-year term which will end June, 2023. The appointment died for lack of a motion to accept the appointment. Mayor Irlan Fullbright then recommended the appointment of Debbie McCormick to fill the four-year term which will end June, 2023. A motion was made by Councilmember Jon Prescott to approve the appointment of Debbie McCormick to fill the four-year term, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

G. NEW BUSINESS:

1. Service Award: A service award will be presented to Ryan Komarek for his 10 years of service to the Fire Department.
2. 2019 Audit Report: Presented to council was the 2019 audit report. Danielle Hollingshead, a representative of Adams, Brown, Beran & Ball, Chtd. was present, via zoom, and reviewed the audit with council.

A motion was made by Councilmember Steve Oelke to accept the 2019 audit report as presented, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

3. City Fireworks Display: Presented to council for consideration was a proposed date of Saturday, July 4th for a community fireworks display, with a rain date of Sunday, July 5th. The commitment of city funds was also discussed. In the past, letters have been sent to area businesses requesting donations for the event, however given the current economic condition, staff is not recommending sending any letters this year.

A motion was made by Councilmember Jon Prescott to approve the community fireworks display on July 4th, with a rain date of July 5th and approve a city contribution up to \$5,000 not including insurance for the event, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor.

4. City Wide Clean-up: The city-wide clean-up originally scheduled for April 25th through May 3rd was postponed and staff recommended re-scheduling this event for May 30th through June 7th.

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A motion was made by Councilmember Steve Oelke to approve the re-scheduled date of May 30th through June 7th for the city-wide clean-up and allow the placement of dumpsters at the city shop, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

5. Street Improvements: Presented to council were plans for the additional street work related to the bond issue. Proposed projects are:
- South Main from Santa Fe to West A Street
 - Second Street between Schiller Avenue and Goethe Avenue
 - Intersection of Second Street & Schiller Avenue
 - Intersection of Second Street & Wieland
 - Intersection of First Street and Goethe Avenue

Staff explained to council that estimates will be received from the contractor by the middle of next week. Staff requested direction from the council as to priority of the above projects. The consensus of council was for the South Main project to be the first priority. A special meeting was set for May 27 at 7:00 pm. to approve the final plans and the cost estimates from the contractor.

6. TASC Plan Changes: Presented to council was a plan document amendment for our TASC plan for changes due to the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Families First Coronavirus Response Act (FFCRA). The CARES Act amendment expands eligible medical expenses to include reimbursement for certain over-the-counter drugs and medicines. The FFCRA amendment includes compliance with the Emergency Family and Medical Leave Expansion Act (EFMLEA) in addition to FMLA.

A motion was made by Councilmember Jon Prescott to approve the TASC plan document amendment as presented, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

7. ICMA Plan Changes: Presented to council was an election form applicable to the City's ICMA retirement plan which is offered as a voluntary optional retirement for employees. CARES Act legislation made some changes available to the plan. The election includes 2 provisions: 1) Coronavirus-Related Distributions (CRD) until December 31, 2020 for a "qualified" participant and 2) Expanded loan limits, which does not apply to our plan, since loans are not available under our plan.

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A motion was made by Councilmember Steve Oelke to approve electing the CRD distribution provision, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

8. Delinquent Utility Accounts: Recent legislation, due to the COVID 19 pandemic, prohibited utilities to disconnect customers for non-payment. Staff explained this rule is expected to be lifted on May 31, 2020. Presented to council was a proposed policy to address procedures for the collection of past due customer accounts.

Effective June 1, 2020, any customer who cannot or who does not pay the full amount by June 1, 2020 be allowed to prorate the past due amount over the next three months.

Example – If the customer owes a past due amount of \$300, that amount would be divided equally into the next three months, i.e. \$100 per month beginning with the June 1st bill. Failure to pay the current bill plus the past due amount of \$100 would lead to disconnection and any applicable late fees on the set disconnection day.

In addition to this option, the city would still have the normal pay agreement system that staff can work with the individual on a personal basis to reach an agreement for the payment of the past due bill.

On or before June 1st, staff will send letters to customers with past due accounts. The letter will state the past due amount. The letter will also include that they MUST contact the city office as soon as possible or before June 15, 2020 to work out a payment plan that council has approved. Failure to do so may lead to disconnection of service on June 25, 2020. Each party must sign the payment plan agreement. A motion was made by Councilmember Jon Prescott to approve the past due account collection policy, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

9. 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.

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A motion was made by Councilmember Kirk Clawson nominating Councilmember Ken Lebbin as Council President, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.

10. 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 Ken Lebbin to accept the designations as recommended by Mayor Irlan Fullbright, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor.

11. 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 Steve Oelke to accept the designation of the Ellinwood Leader as primary official newspaper and the Great Bend Tribune as an alternate official newspaper, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor

12. 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 recommended appointment of Councilmembers Steve Oelke and Kirk Clawson to the Fire Committee. A motion was made by Councilmember Jacque Isern to accept the appointments as submitted by Mayor Irlan Fullbright, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

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13. Executive Session for Discussion of Property Acquisition Related to Flood Control: An executive session is requested for discussion of the acquisition of real property related to the flood control project. A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 75-4319(b)(6) for the purpose of discussion of the acquisition of real property relating to the flood control project. Executive session will be for ten (10) minutes beginning at 8:05 p.m. until 8:15 p.m. and council will reconvene in the library at that time. Persons to remain for the executive session are the governing body, city administrator and city attorney, seconded by Councilmember Kirk Clawson. Motion carried. All voting in favor. The governing body recessed into executive session at 8:05 p.m.

Meeting reconvened at 8:15 p.m. No action taken.

14. Executive Session for Non-Elected Personnel: An executive session is requested for discussion of personnel matters of non-elected personnel. A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 75-4319(b)(1) for the purpose of discussion of personnel matters of non-elected personnel. Executive session will be for thirty (30) minutes beginning at 8:20 p.m. until 8:50 p.m. and council will reconvene in the library at that time. Persons to remain in executive session are the governing body, city administrator and city attorney, seconded by Councilmember Steve Oelke. Motion carried. All voting in favor. The governing body recessed into executive session at 8:20 p.m.

Meeting reconvened at 8:50 p.m. No action taken.

15. Review of Ballfield, Playground, Parks and Office Closures: At the March 25th special meeting, council approved closing various areas of the city during certain stages of the COVID-19 pandemic. As the state is re-opening, these closures need to be reviewed and possibly modified. During the discussion, staff recommended signage be posted explaining the risks upon entering the city parks, restrooms, ballfields etc.

A motion was made by Councilmember Kirk Clawson to approve open dates for the following city facilities:

- Ballfields – June 1st
- City Hall lobby – June 1st
- Playground equipment & park restrooms – June 15th

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Councilmember Jon Prescott seconded the motion. Motion carried. All voting in favor

16. Pool and Splash Pad Opening: Council expressed several concerns related to the possible opening of the pool and splash pad including COVID exposure, staffing issues, and economic impact. After some discussion, a motion was made by Councilmember Jon Prescott to close the pool and the splash pad for the 2020 season, seconded by Councilmember Jacque Isern. Motion carried. All voting in favor.
17. Annual Appointment of Department Directors: As provided by City Code, the Mayor, with consent of council, may appoint the city officers/directors.

The following Department Directors are recommended for appointment:

Kevin Clair	Street & Parks Superintendent
Jon Perron	Electric Distribution Superintendent
James McMullen	Electric Production Superintendent
Chance Bailey	Chief of Police
Kim Schartz	City Clerk
Janice Birzer	City Treasurer
Chris Komarek	City Administrator
Charles Pike	Municipal Judge
Chris Komarek	Fire Chief
Brittney Bailey	EMS Director
Isern & Carpenter	City Attorney
Spencer Proffitt	Water/Wastewater Superintendent
Brad Helfrich	Sanitation Department

A motion was made by Councilmember Ken Lebbin to approve the annual appointment of Department Directors as presented above, seconded by Councilmember Jon Prescott. Motion carried. All voting in favor.

18. City Administrator Contract Review: After some discussion, due to the unknown economic impact of COVID-19, no raise was recommended for the city administrator at this time. It was suggested to review the contract again later in the calendar year.

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H. REPORTS:

1. Municipal Court Report: There was no Municipal Court Report for April, 2020.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a.) Staff reported municipal court will begin next week and will be held two weeks in a row.
 - b.) Staff reported weed letters are being sent out and letters are being sent out on dilapidated structures.
 - c.) Staff is working on a community newsletter to be mailed out next week.
 - d.) Staff reported an insurance dividend check in the amount of \$20,398 was received from EMC Insurance.
 - e.) Staff reported the curb and gutter work for the 10th and Kennedy extension has been completed, as well as the Sanitary sewer extension work.
 - f.) Staff reported the street department is busy mowing, the electric department is doing pole work and the water department is working on meters and valves.

- 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 Steve Oelke. Motion carried. All voting in favor.

Irlan Fullbright, Mayor

Kim Schartz, City Clerk