

**CITY COUNCIL CHAMBERS
SPECIAL MEETING – MARCH 29, 2021
4:00 P.M.**

A. CALL TO ORDER

B. ROLL CALL: Members present were Councilmembers Kirk Clawson, Jacque Isern, Steve Oelke, Jon Prescott, and Mayor Irlan Fullbright. Councilmember Ken Lebbin was absent. Also present was city attorney Jane Isern and Police Chief Chance Bailey. Travis Hendryx representing the Great Bend Tribune was also present.

C. RECITATION OF THE PLEDGE OF ALLEGIANCE

D. APPROVAL OF AGENDA: A motion was made by Councilmember Jon Prescott to approve the agenda as presented, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

E. NEW BUSINESS:

1. Public Hearing for Property at 214 W. 1st Street: At the February 9, 2021 council meeting the property at 214 W. 1st street was considered as being potentially unsafe, dangerous or dilapidated and a resolution was subsequently adopted setting a time and place for public hearing where the owner, his or her agent, lien holders or occupants may appear. Notice of this hearing was provided to the owners, lienholders, and any occupants as required by city ordinance and Kansas statute.

The Governing Body shall hear all evidence submitted by the owner, his or her agent, lien holders of record and occupants having an interest in such structure as well as evidence submitted by the enforcing officer filing the statement and shall make its findings by resolution.

City council has reviewed the letter to the property owner and staff has provided pictures of the property to the council.

Mayor, Irlan Fullbright declared the Public Hearing open on the proposed unsafe, dangerous or dilapidated structure at 214 W. 1st street. Eugene Merica, owner of the property was present at the hearing. The following items were reviewed:

- a) Deterioration of the roof on the residence, including a large tarp placed over the center of the roof and the deterioration of the roof on the detached garage which includes a large hole in the roof.
- b) No screens or broken screens on both porches.
- c) Animal feces on the floor throughout the residence.

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- d) Oven was on with the oven door open apparently being used to heat the residence.
- e) Extension cords spliced in the house wiring and run to lights, switches and plug ins. Burn marks around some electrical outlets are visible.
- f) In the back of the residence a wooden pole with a piece of flat wood on top is being used to shore up collapsed rafters supporting the roof of the residence allowing the kitchen ceiling to cave in.
- g) Trash, dirty dishes, dirty clothes and food was found throughout the residence.
- h) Based on the condition of the bathroom it does not appear the tub or toilet is functioning.
- i) The residence is infested with insects including bed bugs.
- j) There is a large hole in the floor near the kitchen.

Property owner, Eugene Merica commented that he has been unable to repair the property because he is disabled and hasn't been able to hire anyone to make the needed repairs to the property.

After hearing comments from the property owner, Mayor Irlan Fullbright declared the public hearing closed.

2. Discussion of Consideration of Condemnation Resolution for 214 W. 1st:
Presented to council was Resolution 032921, a resolution finding the structure located at 214 W. 1st, Ellinwood, Kansas to be an unsafe and dangerous structure and directing that the same be removed by the owner thereof, fixing a time for the removal by the owner and directing that should the owner fail to raze and remove said structure within the time limitation that the city cause the structure to be razed and removed.

A motion was made by Councilmember Kirk Clawson to adopt Resolution 032921, seconded by Councilmember Jon Prescott. Motion carried. All present voting in favor.

3. Humane Society Contract Changes: At the March 9, 2021 council meeting, council approved a contract with the Golden Belt Humane Society. After they received the signed contract and after a recent dog bite incident, they are requesting two changes to the contract. Presented to council was the new Animal Impoundment Agreement with Golden Belt Humane Society.

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A motion was made by Councilmember Jon Prescott to approve the updated Animal Impoundment Agreement with Golden Belt Humane Society, seconded by Councilmember Steve Oelke. Motion carried. All present voting in favor.

4. Agreement for Flood Control Property Acquisition: Presented to council was an Agreement for Temporary and Permanent Easement and Grant of Temporary and Permanent Easement between the City of Ellinwood and Arnold Reichuber, Jr. and Eleanora Reichuber. The agreement grants a permanent easement for a 60 foot wide strip of channel. The channel is to be excavated to determined elevation to assist in flood management. The payment for the permanent easement would be \$18,165 which is \$3,500 per acre for 5.19 acres. The channel will be planted to non-invasive grass and will be maintained by the City. The City has right of ingress and egress to work on the channel and maintain it. The agreement provides for payment for damaged crops for ingress, egress, or maintenance work. The agreement also provides for a temporary easement outside of the boundaries of the permanent easement for use during the terms of construction. The temporary easement is an area 100 feet on each side of the legal description and to run parcel to the same.

A motion was made by Councilmember Kirk Clawson to approve the Agreement for Temporary and Permanent Easement and Grant of Temporary and Permanent Easement and authorize Mayor Irlan Fullbright to execute the agreements with Arnold Reichuber, Jr. and Eleanora Reichuber, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.

Councilmember Ken Lebbin arrived at the meeting at 4:30

5. February Energy Cost Discussion: Staff explained that during the February energy crisis the Kansas Power Pool had to use reserve funds to purchase power for member cities. At the recent KPP board meeting the board members voted to assess an additional \$.01 storm surcharge to all KPP member cities for 2 years or until the reserves are replenished. The February KPP bill with the \$.01 storm surcharge was \$128,018.70. If KPP would have billed the actual power costs, the energy cost adjustment would have been \$.25139 on 1,457,537 kwh's resulting in a total bill of \$470,175.51. Staff recommended passing on \$.01 ECA to city customers over the next 2 years, unless the KPP recoups their reserve funds quicker than anticipated.

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A motion was made by Councilmember Jon Prescott to approve an additional \$.01 cent PCA beginning with the March 31st bill for 2 years or until the KPP recoups their reserves, seconded by Councilmember Ken Lebbin. Motion carried. All voting in favor.

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

Irlan Fullbright, Mayor

Kim Schartz, City Clerk