

CITY COUNCIL CHAMBERS
JULY 13, 2021
7:00 P.M.

- A. **CALL TO ORDER:** Mayor Irlan Fullbright called the meeting to order at 7:00 p.m. in council chambers.
- B. **ROLL CALL:** Members present were Councilmembers Kirk Clawson, Jacque Isern, Ken Lebbin, Jon Prescott, and Mayor Irlan Fullbright. Councilmember Steve Oelke was absent. City attorney Jane Isern was present. Also present was Becky Gillette representing the Ellinwood Leader.
- 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 Kirk Clawson. Motion carried. All present voting in favor.
- E. **APPROVAL OF MINUTES:** A motion was made by Councilmember Kirk Clawson to approve minutes for the June 8, 2021 regular council meeting, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.
- F. **APPROPRIATIONS:** A motion was made by Councilmember Jacque Isern to authorize payment of bills and claims processed, seconded by Councilmember Jon Prescott. Motion carried. All present voting in favor.
- G. **OLD BUSINESS: NONE**
- H. **VISITORS:** Jon Perron, Chance Bailey, Brittney Bailey, Spencer Proffitt, Jarrod Carr, Nathan White, Ned Marks
- I. **NEW BUSINESS:**
1. Service Award: A service award was presented to Nathan White for his 5 years of service to the water department.
 2. Review Progress of Property Clean up at 211 East E: At the June 8, 2021 council meeting it was approved to give Mr. Schmidt 30 days to execute his plan for cleaning up the property, with a review of the progress at the July 13, 2021 council meeting. Staff explained that some progress has been made on the property but there is still work to be done. Staff presented to council an email from Tyler Schmidt with his updated itinerary for the clean up of the property. A motion was made by Councilmember Jon Prescott to allow Mr. Schmidt an additional 30 days to continue cleaning up the property with a review in 30 days at the

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August 10, 2021 council meeting, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor.

3. Discussion of Municipal Water Wells: Staff explained that over the last year manganese levels have increased in several of the city's water wells. In February 2021 the City quit using well #5 because of the increased manganese level and requested the services of Ned Marks from Terrane Resources to help evaluate the cause. Presented to council was a detailed report from Mr. Marks with his findings and recommendations. Mr. Marks was present at the meeting to explain his report and address questions and concerns from the council. Also presented to council was an invoice from Terrane Resources in the amount of \$10,500 for services performed to date.

A motion was made by Councilmember Jon Prescott to engage Terrane Resources to develop a work plan for water well #5, seconded by Councilmember Ken Lebbin. Motion carried. All present voting in favor. A motion was made by Councilmember Ken Lebbin to approve payment of \$10,500 to Terrane Resources for services performed to date, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

4. Sale of Lot at 400 East 4th: Presented to council was an offer on the lot at 400 East 4th Street made by Brian W and Ashley R Davis for \$10,500.00 to build a single-family house as a primary residence which would qualify for the rebate program.

A motion was made by Councilmember Kirk Clawson to accept the offer submitted by Brian and Ashley Davis in the amount of \$10,500.00 with the rebate program in place, seconded by Councilmember Jon Prescott. Motion carried. All present voting in favor.

5. Dilapidated Structure at 307 W. 2nd: Presented to city council was a report from Police Chief Bailey, acting as the Code Enforcement Officer detailing the condition of the structure located at 307 W. 2nd. Also presented to council for consideration was Resolution 071321 which deems the property at 307 W. 2nd to be a dangerous or unsafe structure and would initiate the condemnation proceedings.

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:

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- 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.
- 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 Jon Prescott to adopt Resolution No 71321, 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 structures located at: , according to the recorded plat thereof, commonly known as 307 W. 2nd, 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 14th day of September, 2021 before the Governing Body of the City of Ellinwood at 7:00 p.m. in the council room of the city office, 104 E. 2nd Street. Motion seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

6. Power Plant Switch Gear Relays: Staff explained the power plant switch gear was installed in 2001 and staff has learned that the electronic relays on the eight circuits feeding the town have served their useful life and could begin to experience problems. Staff's recommendation would be to replace these over the next several years. Presented to council were 2 quotes to replace two of the relays this year. The quotes were as follows:

Utility HelpNet, Inc. \$11,980

KMEA Time and materials (estimated \$6500 per relay)

A motion was made by Councilmember Kirk Clawson to approve the quote from Utility HelpNet, Inc. in the amount of \$11,980, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.

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7. Power Plant Engine Testing: Staff explained regulations require compliance testing of all engines that have a catalyst system. The City has 2 engines with a catalyst system which must be tested every five years. In order to stay compliant with regulations the testing must be completed before February 2022. Staff explained the expected costs could be \$12,200 and would like to get the testing scheduled for later this fall. Staff is waiting for additional cost estimates to possibly reduce the expected cost of \$12,200. The issue was tabled awaiting further information.
8. ARPA Funding: Staff reported the city has been awarded \$294,000 from American Rescue Plan Act funding. The city has received the first tranch of \$147,382.97 with the remaining half to be received in July 2022. Staff explained funds could be used for water, wastewater and storm sewer infrastructure.
9. Library Budget and Board Approval: Staff explained the local library is a combined school/community library. The City is responsible for a portion of the funding and operation of the library is overseen by an appointed library board. Presented to council was the proposed Library 2022 budget and the following list of Library board members for approval:

Dirk Ricker
Marlene Clayton
Karie Gibson
Deanna Rogers
Melanie Krier
Marla Isern
Macey Dinkel

A motion was made by Councilmember Jon Prescott to approve the list of Library board members as presented, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.

10. Set Work Study Session for Review of 2022 Budget: A study session is recommended to review the 2022 budget. A motion was made by Councilmember Jacque Isern to schedule a budget review session for Wednesday July 21, 2021 at 6:00 p.m., seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

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11. Notice to Exceed Revenue Neutral Rate (RNR): As discussed at the June 8, 2021 council meeting, Staff's recommendation would be to build a revenue neutral budget with a \$100 minimal increase in total taxes levied which would require a RNR hearing but would ensure that the city would not lose tax revenue if final valuation decreases and ensure that the city would be in compliance with SB 13. The consensus of council was to build a revenue neutral budget as recommended. Presented to council was the "Notice of Revenue Neutral Rate Intent" which states the City's intention to exceed the Revenue Neutral Rate of 53.579 with a proposed mill levy rate of 53.589 with a date of hearing of August 23, 2021 at 7:00 pm. at the City Office 104 E. 2nd Street. Staff explained the proposed mill levy of 53.589 would bring in an additional \$115 of tax revenue for 2022.

A motion was made by Councilmember Ken Lebbin to approve the "Notice of Revenue Neutral Rate Intent" as presented above and direct the city clerk to send the notice to the Barton County Clerk as required by July 20, 2021. Motion seconded by Councilmember Jon Prescott. Motion carried. All present voting in favor.

12. Discussion of City Sales Tax: There has been some discussion recently regarding a city sales tax increase, in an attempt, to keep from increasing property taxes and accomplish more infrastructure improvements. Staff is recommending council discuss this item in more detail at the special July 21, 2021 council meeting.
13. 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 for the purpose of discussion of individual employees' performance pursuant to KSA 75-4319(b)(1). Executive session will be for fifteen (15) minutes beginning at 9:05 p.m. until 9:20 p.m. and council will reconvene in council chambers at that time. Persons to remain in executive session are the governing body, city administrator and city attorney, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor. The governing body recessed into executive session at 9:05 p.m.

Meeting reconvened at 9:20 p.m. No action taken.

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14. Executive Session for Acquisition of Property: An executive session was requested for discussion of the acquisition of real property relating to a storm water easement. 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 a storm water easement. Executive session will be for ten (10) minutes beginning at 9:20 p.m. until 9:30 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 Kirk Clawson. Motion carried. All present voting in favor. The governing body recessed into executive session at 9:20 p.m.

Meeting reconvened at 9:30 pm. No action taken.

J. REPORTS:

1. Municipal Court Report: Presented to council was the Municipal Court Report for June, 2021.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
 - a.) Staff reported the pickup for the street department has been delivered to Marmies.
 - b.) Staff reported the pickleball courts are finished.
 - c.) Staff reported the Park Street ditch work has been completed.
 - d.) Staff is hoping to begin work on the Reichuber ditch in August.
 - e.) Staff reported approximately 300 AMI meters have been installed.
 - f.) Staff informed council that the KPP Summit is 9/17 and 9/18.
 - g.) Staff reported city crews are working on the drain line on the fire station driveway.

- 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 Jacque Isern. Motion carried. All present voting in favor.

Irlan Fullbright, Mayor

Kim Schartz, City Clerk