

**CITY COUNCIL CHAMBERS**  
**AUGUST 10, 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, Steve Oelke and Mayor Irlan Fullbright. Councilmember Jon Prescott 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 Steve Oelke 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 Ken Lebbin to approve minutes for the July 13, 2021 regular council meeting and July 21, 2021 special council meeting seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.
- F. **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 present voting in favor.
- G. **OLD BUSINESS:**
1. Review Progress of Property Clean up at 211 East E Street: At the July 13, 2021 council meeting it was approved to give Mr. Schmidt 30 additional days to continue the clean up of the property, with a review of the progress at the August 10, 2021 council meeting.  
  
Mr. Schmidt was present at the meeting. Staff explained that work continues to be done to clean up the property. The consensus of council was to allow Chris Komarek, city administrator to stay in contact with Tyler Schmidt to make sure the clean up of the property is completed.
  2. Review Property at 101 N. Main: A notice was served to the property owner of 101 N Main for environmental code violations. Alicia Straub, an owner of the property requested a hearing in front of the governing body which was held December 22, 2020. After much discussion, city council made several recommendations to property owner Alicia Straub to address the environmental code violations and allow her until August 1, 2021 to make the recommended repairs to the property.

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Ms. Straub was not present at the meeting. Staff explained that he had talked to Ms. Straub and she is planning to apply for the Barton County Facade Improvement Grant which provides financial assistance to businesses and property owners for facade improvements to downtown areas. Ms. Straub should know the status of the grant within 30 days. Staff also reported that some work has been done on the property in the last week. The consensus of council was to table the issue until the September 14, 2021 meeting.

H. **VISITORS:** Caci Smith, Jon Perron, Brittney Bailey, Justin Joiner, Tyler Schmidt, Rob Dove, Jarrod Carr, Mike Ruppe, Donald Pizinger

Mike Ruppe addressed council regarding the condition of the properties at 214 East B street and 300 East B street and the junk that is stored on the properties.

I. **NEW BUSINESS:**

1. Service Award: A service award was presented to Chelsey Doll for her 15 years of service to the EMS department.
2. Consider Ordinance Adopting 2021 Uniform Public Offense Code: The League of Kansas Municipalities publishes an updated Uniform Public Offense Code, which includes all criminal offenses not related to traffic. The City currently utilizes the 2020 edition.

A motion was made by Councilmember Ken Lebbin to adopt Ordinance 2021-4, an ordinance regulating public offenses within the corporate limits of the City of Ellinwood, Kansas incorporating by reference the “Uniform Public Offense Code for Kansas Cities”, Edition of 2021 and repealing Ordinance 2020-5. Councilmember Kirk Clawson seconded the motion. Motion carried. All present voting in favor.

3. Consider Ordinance Adopting 2021 Standard Traffic Offense Code: The League of Kansas Municipalities publishes an updated Standard Traffic Offense Code, which includes all traffic offenses. The City currently utilizes the 2020 edition.

A motion was made by Councilmember Kirk Clawson to adopt Ordinance 2021-5, an ordinance regulating traffic within the corporate limits of the City of Ellinwood, Kansas; incorporating by reference the “Standard Traffic Ordinance for Kansas Cities”, Edition of 2021, providing certain

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penalties and repealing Ordinance 2020-6. Councilmember Jacque Isern seconded the motion. Motion carried. All present voting in favor.

4. Moderate Income Housing Grant: At the October 13, 2020 council meeting Justin Joiner and JR Robl addressed council regarding a Moderate-Income Housing (MIH) project. Justin Joiner was present at the meeting and explained that Joiner Brothers Property Group LLC wants to partner with the city to apply for a MIH grant. The MIH grant provides gap funding to a developer for a housing project. The grant has a deadline of September 27, 2021 and JR Robl would write the grant. The city would need to approve a resolution, review and approve the grant and then submit the grant before the grant deadline. The city would receive the funding and disburse funds to the developer upon the submission of proper documentation.

A motion was made by Councilmember Steve Oelke to proceed with the MIH grant application, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.

5. 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. Presented to council were the following quotes:

Power Plant Compliance	\$10,000
Olsson, Inc.	\$12,200

A motion was made by Councilmember Ken Lebbin to approve the quote from Power Plant Compliance in the amount of \$10,000, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

6. Street Sealing Quote: Staff explained the last street sealing project was done in 2018. Presented to council was a quote from B & H Paving, Inc. for a street sealing project which would chip seal approximately 12 blocks of asphalt streets. The quote of \$40,000 is for approximately 16,000 square yards @ \$2.50 per sq. yard. The total cost would be based on actual square yards applied at \$2.50 per sq. yard.

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A motion was made by Councilmember Kirk Clawson to approve the quote from B & H Paving, Inc. in the amount of \$40,000, seconded by Councilmember Steve Oelke. Motion carried. All present voting in favor.

7. Flood Control Project: Staff explained there have been problems finding equipment to rent to do the final phase of lowering the slough on the Reichuber property to the natural grade. Staff has contacted Nelson Stone and he has equipment capable of doing the project as designed. Presented to council was the following estimate from Stone Sand Co, Inc.:

Labor-Base and Rover set up for the rough grade staking	
10-12 hours @ \$75.00 per hour	\$ 750 - 900
850K dozer with SU-blade & backup ripper with operator	\$9000 - 11250
40-50 hours @ \$225.00 per hour	
772G motor grader with GPS 20-25 hours @150 per hr	\$3000 -3750

(Final costs will vary depending on the actual work performed and would be billed out on an hourly basis)

A motion was made by Councilmember Ken Lebbin to approve the estimated bid from Stone Sand Co., Inc. to complete the final phase of lowering the slough on the Reichuber property to the natural grade not to exceed \$20,000. The motion was seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

8. Neighborhood Revitalization Plan: Staff explained the City's NRP will be expiring on December 31, 2021 as well as NRP's in Great Bend, Claflin and Hoisington. Barton County is pursuing implementing a county wide NRP that would include all cities.

Staff explained the county needs each city to determine their target area, number of years of rebate and rebate percentages. The county's recommendation for eligibility is a minimum investment of \$10,000 for residential property and \$20,000 for commercial property and an increase in assessed valuation of 10% for residential and 20% for commercial property, with no rebates following a sale of the property.

The current city NRP plan provides for 2 target areas with the following percentages of rebate:

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	Primary	Secondary
Year 1	80%	80%
Year 2	80%	70%
Year 3	80%	60%
Year 4	60%	50%
Year 5	60%	40%
Year 6	60%	0%
Year 7	40%	0%
Year 8	40%	0%

After some discussion a motion was made by Councilmember Ken Lebbin to approve an 8-year plan with the same percentages noted above and designate one primary area for the entire city, seconded by Jacque Isern. Motion carried. All present voting in favor.

9. Discussion of Sales Tax: Staff explained that legal counsel has been in contact with the League of Kansas Municipalities regarding the wording of the sales tax proposal and recommended the proposal be more concise and general in nature. Presented to council was Resolution 081021 a resolution to submit to the qualified electors of the City of Ellinwood the proposition to levy a .5% retailers' sales tax in the City of Ellinwood for the purpose of funding construction, maintenance and repair of general infrastructure and for such other governmental purposes as may be in the best interest of the City of Ellinwood.

A motion was made by Councilmember Ken Lebbin to approve Resolution 081021, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor.

10. Executive Session – Review of Confidential Information of Individual Delinquent Utility Accounts: An executive session was requested to review the list of delinquent utility accounts. A motion was made by Councilmember Ken Lebbin to recess into executive session pursuant to KSA 45-221 (a) (26) for the review of delinquent utility account information. Executive session will last for ten (10) minutes beginning at 9:00 p.m. until 9:10 p.m. and council will reconvene in council chambers at that time. Persons to remain for the executive session are the governing body, city administrator, city clerk, and city attorney. Motion seconded by Councilmember Steve Oelke. Motion carried. All present voting in favor. The governing body recessed into executive session at 9:00 p.m.

Meeting reconvened into regular session at 9:10 p.m. No action taken.

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11. Consideration to Write-off Delinquent Utility Accounts: The auditors recommend the City annually review delinquent utility accounts and write off those accounts which are becoming aged. A review and write-off of older accounts provides the City with a more accurate amount of collectible accounts receivable at year end. Although the accounts are written off, the City will continue with collection efforts including referral of the accounts to the State of Kansas Setoff program to offset against tax refunds or funds. The City's percentage of bad debts is very low.

A motion was made by Councilmember Steve Oelke to approve for write off, the list of delinquent utility accounts totaling \$6459.22, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.

12. Executive Session for Acquisition of Property: An executive session was requested for discussion of acquisition of real property relating to a stormwater 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 9:10 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, city clerk and city attorney, seconded by Councilmember Kirk Clawson. Motion carried. All present voting in favor. The governing body recessed into executive session at 9:10 p.m.

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

13. Easement for Storm Water Drainage: This issue was tabled awaiting a survey from EBH.
14. Flood Control Property Agreement Addendums: Presented to council were addendums to agreements with Mary Jo and Ron Cunningham and Kathleen Hildenbrand for easements acquired on their property. The original purchase price for these easements were \$2500 per acre. The city was granted a similar easement on another property and that purchase price was \$3500 per acre. Therefore, the addendums provide for an additional \$1000 per acre payment to the Cunningham's and Ms. Hildenbrand, thereby equalizing the per acre amount paid on the similar easement.

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A motion was made by Councilmember Ken Lebbin to approve the agreement addendums as presented, seconded by Councilmember Jacque Isern. Motion carried. All present voting in favor.

**J. REPORTS:**

1. Municipal Court Report: Presented to council was the Municipal Court Report for July, 2021.
2. Utilities Production Report: Presented to Council was the Utilities Production Report.
3. Staff Reports:
  - a.) Staff reported a police interview will be conducted on Thursday
  - b.) Staff reminded council of the KPP Summit on September 17<sup>th</sup> and 18<sup>th</sup>.
  - c.) Staff reported a grant was received from the Golden Belt Community Foundation in the amount of \$4300 payable to the Ellinwood Community Foundation for portable basketball goals.
  - d.) Staff reported the work on the new building is complete for the present time.
  - e.) Staff reported the pool will be closing August 15<sup>th</sup>
  - f.) Staff reported Sue Cooper and some commission members from Barton County will be in Ellinwood Tuesday August 17<sup>th</sup> to explain the Façade Improvement Grant available to downtown businesses.

**K. 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 present voting in favor.

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Irlan Fullbright, Mayor

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Kim Schartz, City Clerk