

REGULAR SESSION

The Governing Body met in Regular Session in the City Council Chambers. Mayor Cody Schmidt called the meeting to order at 6:30 p.m. with the following present: Councilmembers Cory Urban, Junior Welsch, Kevyn Soupiset, Lindsey Krom-Craven, Davis Jimenez, Alan Moeder, Brock McPherson and Jolene Biggs. Also in attendance were City Administrator Kendal Francis, City Attorney Robert Suelter and City Clerk/Finance Director Shawna Schafer.

OPENING: PLEDGE OF ALLEGIANCE

A. CONSENT AGENDA

- a) **Minutes:** Minutes of the Regular Session held on October 4, 2021.
- b) **Claim's Warrant Register 10-18-21:** Covering 2021 bills to date in the amount of 188,068.07.
- c) **Payroll Register P/R 10-8-21:** Covering payroll ending October 2, 2021, in the amount of \$340,079.95.
- d) **Appointments:** Mayor Schmidt appointed Stuart Baker to the Zoning Board.
- e) **Street Closure:** Close Odell Street from 19th Street to 21st Street on October 19, 2021, from 3:00 p.m. to 9:00 p.m. for the Western Kansas Marching Band Festival.
- f) **Street Closure:** Close Forest Avenue from Main Street to Williams Street on November 13, 2021, from 9:00 a.m. to 12:30 p.m. for the Sunflower Diversified Inc. 5K Turkey Trot.
- g) **Agenda:** Approval of agenda as submitted or amended.

Mr. Urban made a motion to approve the consent agenda. The motion was seconded by Ms. Biggs and passed with all voting in favor.

B. OLD BUSINESS: There were no old business.

C. RECOGNITION OF VISITORS AND ANNOUNCEMENTS: There were no visitors or announcements.

The public is free to comment on items not listed on the agenda. Please address comments to the City Council as a body and be mindful of others who may also wish to speak by limiting comments to 3 minutes.

D. NEW BUSINESS

1. **Councilmember Reports:** There were no councilmember reports.
2. **Administrators Update:** City Administrator Kendal Francis presented an update on what is happening within the City organization.
3. **Abatements:** Code Enforcement Art Keffer presented a progress report.
4. **2021 Water Conservation Ordinance:** Public Works Director Jason Cauley reported that when applying for the State Revolving Loan it was brought to our attention the current Water Conservation Plan and Ordinance was outdated. It was requested by the state to update the plan and ordinance. We contacted KRWA who graciously assisted with drafting a revision of both items which was then sent to the Division of Water Resources. The ordinance would replace the current ordinance 4044 in Chapter 13.28. Mr. Moeder made a motion to approve the Water Conservation Plan and Ordinance Number 4376. The motion was seconded by Mr. Soupiset and passed with all voting in favor.
5. **Rezoning:** City Attorney Robert Suelter reported that the City has requested that the real estate on Baker between Eleventh Street and Twelfth Street be rezoned from C-1 (local commercial) to C-3 (central business). The real estate is the proposed location of the new police department. The C-1 zone requires front yard setbacks of 25 feet, rear yard setbacks of 20 feet and side yard setbacks of 10 feet if adjacent to residential property. The proposed building may be constructed to the property line in the front yard. The c-3 zone allows building to the front property line. There are no residential structures adjacent, so the side yard setbacks do not apply. The Planning Commission held a public hearing on this matter and have recommended approval. There were no interested parties attending the meeting on this issue other than City staff. Ms. Biggs made a motion to adopt the Findings of Fact prepared by City Staff and as recommended by the Planning Commission. The motion was seconded by Mr. Welsch and passed with all voting in favor. Ms. Biggs then made a motion to adopt Ordinance Number 4377, rezoning the real estate from C-1 to C-3 was. The motion was seconded by Mr. Welsch and passed with all voting in favor.
6. **Small Cell Agreement:** City Administrator Kendal Francis reported that Cox Communications has proposed an agreement to allow the placement of Small Cell facilities on city right of ways. State law allows for these to be placed on ROWs without municipalities having much authority to regulate them. However, Cox does prefer to have agreements in place. The agreement provides for a franchise fee payment of \$150 per year per attachment for the attachment of wireless equipment to support DAS or SWF installations within the City on City owned infrastructure. The city attorney has reviewed the agreement and finds it to be in order. Therefore, staff recommends approving the agreement with Cox Communications. Mr. Moeder made a motion to approve Ordinance Number

4378, granting a franchise and authorizing Cox Wireless to construct, maintain, and operate in the public right-of-way was made by. The motion was seconded by Mr. Soupiset and passed by a vote of 5-2, with Mr. Urban and Mr. Welsch voting no. Ms. Krom-Craven abstained.

7. Temporary Premise Extension: City Administrator Kendal Francis reported that Dry Lakes Brewery has requested a temporary extension of premise on October 30th to host a Halloween party. The event will include food trucks and Pumpkin Smash fundraiser for the Cystic Fibrosis Foundation. The consumption of alcohol is planned in the proposed space. The brewery is working with the State Alcoholic Beverage Control to obtain proper permits for this activity. In order to allow consumption of alcohol on public property, an ordinance must be passed to exempt the public property from state statute. Ms. Biggs made a motion to approve Ordinance Number 4379, allowing consumption of alcohol on public property. The motion was seconded by Mr. Soupiset and passed with all voting in favor. Mr. Soupiset then made a motion to close the alley from Lakin Avenue to Forest and closure of parking stalls on city-owned parking lot at Lakin and Williams on October 30th from 4:00 p.m. to 12:00 a.m. The motion was seconded by Ms. Biggs and passed with all voting in favor.

8. Legal Services: City Administrator reported that we recently requested RFQs for the positions of City Attorney & City Prosecutor. After reviewing the proposals and conducting interviews, staff recommends entering into 1-year agreements with Watkins Calcara; Alan Glendenning to serve as City Attorney, and Jeffrey Kuhlman to serve as City Prosecutor. Fees for City Attorney is \$7000 per month retainer for 40 hours per month. Fees for City Prosecutor is \$7000 per month retainer for 40 hours per month. Anything above the 40 hours will be billed at their hourly rates. Ms. Biggs made a motion to approve the 1-year agreement with Watkins Calcara. The motion was seconded by Mr. Urban and passed with all voting in favor.

ADJOURNMENT

Mr. Moeder made a motion that the meeting be adjourned. Mr. Welsch seconded the motion and passed with all voting in favor. The meeting was adjourned at 7:00pm.