

# GREAT BEND CITY COUNCIL MEETING

August 5, 2024

6:30 p.m.

Location – City Hall Council Chambers

*The Council meeting will be livestreamed for public to view on our city council Facebook page, <https://www.facebook.com/gbcitycouncil/>.*

## AGENDA

### Members present:

__ Mayor Cody Schmidt	__ Councilmember Cory Urban
__ Councilmember Kevyn Soupiset	__ Councilmember Lindsey Krom-Craven
__ Councilmember Rickee Maddox	__ Councilmember Tina Mingenback
__ Councilmember Alan Moeder	__ Councilmember Davis Jimenez
__ Councilmember Jolene Biggs	__ Attorney Allen Glendenning
__ Administrator Brandon Anderson	__ Clerk/Finance Director Shawna Schafer
__ Assistant Administrator Logan Burns	

## OPENING: PLEDGE OF ALLEGIANCE

### A. CONSENT AGENDA

- a) **Minutes:** Minutes of the Regular Session held on July 15, 2024.
- b) **Claim's Warrant Register 8-5-24:** Covering 2024 bills to date.
- c) **Payroll Register P/R 7-26-24:** Covering payroll ending July 20, 2024 in the amount of \$559,560.79.
- d) **Appointments:** Mayor Schmidt will make appointments as appropriate.
- e) **Additional Party in the Park Permissions:** Approval for the Great Bend Expo Complex to be utilized on August 10, 2024 for the Oozefest Mud Volleyball portion of Party in the Park and allow the consumption of CMB beer (no glass allowed) in the Mud Volleyball area of the event. Approval for City Staff and Authorized Volunteers to use golf carts and/or ATVs in the Park and no further than ½ mile away from the park for Parade Line up during the event on August 10, 2024.
- f) **Kans for Kids Car Show:** Close Lakin Avenue from Kansas to Main Street for the Kans for Kids Car Show on August 30, 2024 from 12pm-9pm.
- g) **Airfest Permissions:** Grant permission for the Temporary Use Permit for the Airport Main Hanger on September 20-22, 2024. Grant permission to close all access to 8<sup>th</sup> Street from Airport Rd. to the businesses just west of C Street. Street will be closed from 5pm on September 19, 2024 and re-open at 6am on September 23, 2024. Grant permission to completely close and lock the gates of the Great Bend Expo Complex from 9am on September 20 through 4pm

on September 22, 2024 to ensure safety of airspace during the Great Bend Airfest. Approval of overnight camping September 19-22, 2024 only to granted Airfest helpers in the specified areas. Approval for the use of pyrotechnics at the Great Bend Municipal Airport from September 20-22, 2024 only by the aircraft that are licensed and contracted for the Great Bend Airfest.

- h) **Door-to-Door License:** Venessa Favela with Quick & Right Roofing LLC out of Great Bend, KS has applied for a Door-to-Door license. All requirements of the ordinance have been completed and recommend approval.
- i) **Agenda:** Approval of agenda as submitted or amended.

## **B. OLD BUSINESS**

1. **Jesus Carbajal Rezoning – 1013 Hubbard Street:** At the July 15 meeting, the Planning Commission's recommendation to pass Ordinance 4438, approving this zoning request, was presented to the City Council. The vote was 4-2 in favor of accepting the recommendation and passing the ordinance. However, five votes are required to pass an ordinance -- Kansas statutes state that no ordinance is valid unless it receives the vote of a majority of the "members-elect". A majority of those present and voting is not sufficient unless it is also a majority of the full membership. The City Attorney correctly advised that the ordinance had not passed because it was one vote short. Unfortunately, he later retracted that, stating that there was an exception for zoning ordinances. However, upon further review of the statutes and case law, the City Attorney has concluded that there is no exception and that the general rule applies. The result is that the rezoning ordinance is not valid. Therefore, this matter needs to be publicly revisited to clear up the confusion. City Attorney Allen Glendenning will report.

Recommendation: Motion to reconsider and pass Ordinance 4438 or send the matter back to the Planning Commission.

## **C. RECOGNITION OF VISITORS AND 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 wish to speak by abiding by the 3-minute limit. If a large group is present for the same topic, the mayor, in his discretion, may ask that you elect 1 spokesperson, and he could allow a longer time for that individual to speak.*

## **D. NEW BUSINESS**

1. **Councilmember Reports:** Councilmembers will report on the boards and commissions that they serve on.

Recommendation: Informational item.

- 2. Administrators Update:** City Administrator Brandon Anderson will present an update on what is happening within the City organization.

Recommendation: Informational item.

- 3. Economic Development Report:** Economic Development Inc. President Sara Arnberger presented her monthly report.

Recommendation: Informational item.

- 4. Dangerous Building – 2521 12<sup>th</sup> Street:** An investigation was conducted from public right-of-way on the principal structure. The building official's letter referencing the deficiencies is attached for your reference. Deficiencies include but are not limited to; the roof of the structure has collapsed and exposing the structure to the elements. The rafters and roof structure are hanging into the alley and exterior wall covering is missing exposing the contents and not secure from entry. This resolution sets a public hearing date of September 16, 2024 at 6:30 PM at the City Council Chambers. Assistant City Administrator Logan Burns will report.

Recommendation: Motion to approve Resolution 080524-A, setting the public hearing.

- 5. Public Hearing for Dangerous Building – 1441 9<sup>th</sup> Street:** An investigation was conducted from public right-of-way on the accessory structure at 1441 9<sup>th</sup> Street owned by Thomas Pearson. The building official's letter referencing the deficiencies is attached for your reference. Deficiencies include but are not limited to; the roof of the structure has collapsed and exposing the structure to the elements. The rafters and roof structure are hanging into the alley and exterior wall covering is missing and exposing the contents and not secure from entry. Assistant City Administrator Logan Burns will report.

Recommendation: Open public hearing. Motion to close public hearing. Motion to approve Resolution 080524-B.

- 6. Common Consumption Area (CCA):** In 2021 this same group requested and was granted a CCA for Forest Avenue from the West side of Main Street to the East side of Williams Street. The current CCA expires in 2026 but they are now bringing forth a new proposed ordinance to cover a larger area as described in the new proposed ordinance as well as shown on the attached exhibit. They are again asking that Great Bend Alive be the licensee to operate the expanded area. The downtown CCA Committee described in Section 4 would oversee the requests with final decision authority being the City Administrator. Economic Development President Sara Arnberger will report.

Recommendation: Motion to adopt Ordinance 4439, establishing a common consumption area within city limits.

7. **½ Cent Sales Tax Renewal Resolution:** In 1999, the voters of Great Bend voted to levy a one half of one percent Retailers' Sales Tax for purposes of property tax relief, capital improvement projects throughout the city and economic development. That tax went into effect in 2000 and has been in effect for the past 24 years. Whether this tax should continue to be used as a source for needed city funding was again put to the voters in 2004 and the voters voted to continue the tax for another 10 years. In 2014 the issue of whether to continue the one half of one percent tax was again put to a vote in 2014, who again voted to continue this tax for another 10 years. That ten years will be up in 2025. In order for this source of revenue to continue, the issue must again be put to the voters. The first step in getting this to the voters is the adoption by the Governing Body of a Resolution giving notice of its intent to continue the tax and calling for a special question election to allow the voters to speak on the issue. Resolution 080524-C is that resolution. City Attorney Allen Glendenning will report.

Recommendation: Motion to approve Resolution 080524-C, to place the ½ Cent sales tax renewal question on the November ballot.

8. **Vacation Buy-back:** Any employee who has between 200-240 hours of accrued vacation leave or 300-360 hours for fire department shift employees, is eligible to participate in the vacation buy-back. Employees who are eligible will meet with the department secretary at the city's annual open enrollment held in late October and complete the vacation buy back form. Employees may only buy back up to 40 hours of vacation or up to 60 hours for fire department shift employees. Vacation buy-back will be paid in November. City Administrator Brandon Anderson will report.

Recommendation: Motion to approve the vacation buy-back policy.

9. **2024 Asphalt Residential Alleyway Improvements:** In the spring of this year, there were temporary repairs made to some of the residential asphalt alleys due to accessibility issues with the intent of having a project for the permanent repairs of the alleys. The alleys that were chosen for this project are alleys that have had temporary patching done multiple times throughout the years to attempt to maintain a usable surface for residents. It has become time to do a complete resurfacing of the asphalt. Alleyways that were chosen are those that have been on a multi-year long-standing list needing repair and in which crews have patched multiple times through the years to make them accessible. This project is part of our overall plans for other asphalt paving and maintenance projects that are being done for 2024. We held a letting on July 18<sup>th</sup> with receiving one bid from Venture Corporation for 4,134 square yards of asphalt at a price of \$146,430. The cost will be split between two funding sources with \$40,000 being paid from the street fund and \$106,430 being paid from the sales tax infrastructure fund. Public Works Director Jason Cauley will report.

Recommendation: Motion to approve the bid from Venture for the alleyway improvements for \$146,430.

**10. Executive Session:** An executive session has been requested to discuss personnel matters concerning non-elected personnel for the discussion of the City Administrator Position.

Recommendation: Motion to recess to executive session for a period of \_\_\_\_ minutes to discuss personnel matters concerning non-elected personnel for the discussion of the City Administrator position under K.S.A 75-4319(b)(1). The regular meeting will resume at \_\_: \_\_p.m.

**ADJOURNMENT**