

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 presents: Councilmembers Rickee Maddox, Alan Moeder, Cory Urban, Kevyn Soupiset, Jolene Biggs, Davis Jimenez, and Tina Mingenback. Also in attendance were City Administrator Brandon Anderson, Assistant City Administrator Logan Burns, City Attorney Allen Glendenning, and City Clerk/Finance Director Shawna Schafer. Absent was Lindsey Krom-Craven.

OPENING: PLEDGE OF ALLEGIANCE

A. CONSENT AGENDA

- a) **Minutes:** Minutes of the Regular Session held on March 4, 2024.
- b) **Claim's Warrant Register 3-18-24:** Covering 2024 bills to date in the amount of \$1,263,674.73
- c) **Payroll Register P/R 3-8-24:** Covering payroll ending March 2, 2024, in the amount of \$422,036.14.
- d) **Appointments:** Mayor Schmidt made no appointments.
- e) **Independence Day Fireworks Show & Batcats Fireworks Shows:** Authorized the Fireworks Display at Expo Grounds on July 3, 2024, with a makeup date on September 21, 2024, at Airfest. Authorize the fireworks display at the Great Bend Bat Cats home games on June 1, 2024, with June 4, 2024, as the makeup day and July 8, 2024, with July 9, 2024, as the makeup day.
- f) **Bat Cats AI Burns Facility Use Agreement:** Authorized the Mayor to sign the attached Facility Use Agreement with Great Bend Bat Cats.
- g) **Agenda:** Approval of agenda as submitted or amended.

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

B. OLD BUSINESS: There was no old business.

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

D. NEW BUSINESS

1. **Councilmember Reports:** There were no Councilmember reports.

2. **Administrators Update:** City Administrator Brandon Anderson presented an update on what is happening within the City organization.
3. **Community Coordinator Report:** Visitor Service Representative Amanda Gaddis presented the monthly report.
4. **Request for Public Hearing – Dangerous Structure 2421 12th Street:** Assistant City Administrator Logan Burns reported that an inspection was conducted on the house located at 2421 12th Street as part of a search warrant conducted by the Barton County Sheriff's Office. There were no utilities to the structure and there were multiple makeshift wood burning stoves without proper venting. Piles of ashes were collecting in front of the stove and in the corner of the room along with multiple propane bottles indoors. Multiple electrical boxes were noted with exposed wiring and the ceiling assemblies in multiple rooms had fallen. Mold was noted in the living room ceiling assembly from the roof leaking. The interior load bearing walls had had due to possible floor joist and/foundation failure. The exterior shows shingles missing, and windows boarded up and the front porch has deteriorated, and the corner support post has shifted off the foundation. Multiple areas of foundation repair were noted. The resolution sets a public hearing date of May 6, 2024 at 6:30 PM at the City Council Chambers. Mr. Soupiset made a motion to approve Resolution 031824-A, setting the public hearing. The motion was seconded by Mr. Moeder and passed with all voting in favor.
5. **Request for Public Hearing – Dangerous Structure 5714 Rosewood:** Assistant City Administrator Logan Burns reported that a visual inspection was conducted from right-of-way on the house located at 5714 Rosewood. Multiple public complaints had been called in after a structure fire destroyed the dwelling in June of 2023. Stone Sand pulled a demolition permit on August 14, 2023 to demolish the house and clean the lot. The homeowners had left the area and contact had been made with no success. Stone Sand said they could not complete the work without payment. The fire report is also attached with this agenda item and the fire originates in the garage and shows severe smoke damage throughout the garage as well as structural damage to the rafters. Smoke went throughout the house from broken windows and a ventilation hole in the roof. The garage door is still open and windows are broken and is not secure from entry. The resolution sets a public hearing date of May 6, 2024 at 6:30 PM at the City Council Chambers. Mr. Moeder made a motion to approve Resolution 031824-B, setting the public hearing. The motion was seconded by Mr. Soupiset and passed with all voting in favor.
6. **Extension Premise for Dry Lake Brewery:** City Attorney Allen Glendenning reported that Dry Lakes is requesting three temporary premises extensions in April and May for events it will be holding. The area involved is the same as on several others that have been granted in the past – the alley and part of the parking lot behind the Dry Lakes business – as shown on the diagram. Mr. Urban made a motion to adopt Ordinance 4430. The motion was seconded by Mr. Moeder and passed with all voting in favor. Mr. Urban made a motion to adopt Ordinance 4431. The motion was seconded by Mr. Moeder and passed with all voting in favor. Mr. Urban made a motion to adopt Ordinance 4432. The motion was seconded by Ms. Moeder and passed with all voting in favor.
7. **Right of Way Management Ordinance:** City Attorney Allen Glendenning reported that with increasing technology, the city's utility right of way (ROW) are becoming occupied

by more utility providers and the space is becoming more crowded and recent events relating to work in the right of way has highlighted a need regulate the work in the right of way. Administration has put together the attached ROW management ordinance after looking at how several other cities have handled this issue. In addition, the administration did not want this to impose undue new burdens on the city's providers, so a copy of the original draft was sent out to the utility providers currently occupying the right of way for their input. Administration held meetings with several of those providers, incorporated suggested changes and re-circulated the finished product to them all. The only feedback received was from Wheatland indicating that the final product is acceptable to them. Mr. Soupiset made a motion to adopt Ordinance 4433, relating to right of way management. The motion was seconded by Ms. Maddox and passed with all voting in favor.

- 8. ABCC Conditional Use Permit Extension:** City Attorney Allen Glendenning will report that in October 2023, the City Council granted a Conditional Use Permit to ABCC, Inc. for the operation of daycare at 4507 Farmers Plaza Lane, as recommended by the Planning Commission. A few months later, the Kansas Court of Appeals held that the granting of CUPs must be in accordance with the statute applicable to zoning regulation changes, which statute requires an ordinance, not a resolution. That case is now on appeal to the Supreme Court and may be overturned, but until that happens, it is a good idea to grant CUPs by ordinance rather than resolution. In addition, the resolution inadvertently omitted language from the Planning Commission's recommendation, which the licensing authority has indicated prevents the issuance of a license. The ordinance being presented is essentially the same as the resolution previously adopted, with the addition of the words inadvertently omitted from the Resolution. Mr. Moeder made a motion to adopt Ordinance 4434, conditional use permit for ABCC, Inc. The motion was seconded by Mr. Soupiset and passed with all voting in favor.
- 9. Ambulance Replacement:** Fire Chief Brent Smith reported that the Great Bend Fire Department has in place a vehicle replacement plan for all vehicles in our fleet. This allows us to replace our vehicles at an age, mileage, and engine hours to keep maintenance costs down and maximize our trade in value. Using this plan we have been setting money aside in our capital outlay fund for the replacement of our 2012 Ram/Osage 4500 ambulance. This ambulance is scheduled to be replaced in 2025. By 2025, we will have saved \$390,000.00 for this purchase. We decided to start this process now as vehicle delivery dates currently are in the range of 2.5 to 3 years. We received 2 bids back with a third company advising they would like to bid but were not accepting any new customers at this time due to their backlog in manufacturing. Bids received were from American Response Vehicles in the amount of \$352,357.24 which included the trade in of the 2012 Ram. We also received a bid from Feld Fire in the amount of \$359,516.00. Upon opening the bids, the committee met to review what was submitted by each vendor. After reviewing the bids the committee recommends the purchase of the ambulance from American Response Vehicles in the amount of \$352,357.24. Mr. Urban made a motion to approve the purchase of a new ambulance from American Response Vehicles in the amount of \$352,357.24 and hopefully selling the old ambulance to a local agency if still available. The motion was seconded by Ms. Biggs and passed with all voting in favor.
- 10. Executive Session:** An executive session has been requested to discuss information deemed privileged in the attorney-client relation. The executive session shall include the Governing Body, the City Administrator, the Assistant City Administrator, and the City Attorney. Mr. Moeder made a motion to recess into executive session for a period of 40 minutes to seek legal advice for pending legal matters pursuant to K.S.A. 75-

4319(b)(2), consultation with an attorney for the body which would be deemed privileged in the attorney-client relationship. The motion was seconded by Mr. Urban and passed with all voting in favor. The regular meeting will resume at 7:45pm. The regular meeting resumed at 7:45pm and Mr. Soupiset made a motion to recess back into executive session for a period of 15 minutes to seek legal advice for pending legal matters pursuant to K.S.A. 75-4319(b)(2), consultation with an attorney for the body which would be deemed privileged in the attorney-client relationship. The motion was seconded by Mr. Moeder and passed with all voting in favor. The regular meeting will resume at 8:00pm. The regular meeting resumed at 8:00pm and no action taken.

ADJOURNMENT

Ms. Biggs made a motion that the meeting be adjourned. Mr. Urban seconded the motion and passed with all voting in favor. The meeting was adjourned at 8:00 p.m.