

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, Davis Jimenez via telephone, Lindsey Krom-Craven 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 councilmember Jolene Biggs

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 in the amount of \$996,814.65.
- 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 appointed Dirk Becker to the Airport Advisory Board.
- 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 8th 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. City staff will coordinate with the National Guard during this time.
- 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:** Mayor Schmidt amended the agenda to add an Executive Session to discuss information deemed privileged in attorney-client relation.

B. OLD BUSINESS

1. **Jesus Carbajal Rezoning – 1013 Hubbard Street:** City Attorney Allen Glendenning will reported that 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. Mr. Urban made a motion to reconsider Ordinance 4438. Mr. Soupiset seconded the motion and passed by a vote of 6-1, with Ms. Krom-Craven voting against. Mr. Urban made a motion to pass Ordinance 4438. Mr. Moeder seconded the motion and passed by a vote of 6-1, with Ms. Krom-Craven voting against.

C. RECOGNITION OF VISITORS AND ANNOUNCEMENTS

- Brad Shirer addressed the Governing Body regarding being excited about Party in the Park and he hopes Council will reconsider moving the mud volleyball back to the park.
- Gary Parr addressed the Governing Body about the City Administrator position and supports Councilman Jimenez regarding taking applications for the opening.

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. Department Heads gave an update on what is happening in their department.
3. **Economic Development Report:** Economic Development Inc. President Sara Arnberger presented her monthly report.
4. **Dangerous Building – 2521 12th Street:** Assistant City Administrator Logan Burns reported that 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. Mr. Urban made a motion to approve Resolution 080524-A, setting the public hearing. Mr. Soupiset seconded the motion and passed with all voting in favor.

- 5. Public Hearing for Dangerous Building – 1441 9th Street:** Assistant City Administrator Logan Burns reported that an investigation was conducted from public right-of-way on the accessory structure at 1441 9th 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. Mayor Schmidt opened the public hearing and no public comment was made. Mr. Urban made a motion to close public hearing. Ms. Mingenback seconded the motion and passed with all voting in favor. Mr. Moeder made a motion to approve Resolution 080524-B. Ms. Maddox seconded the motion and passed with all voting in favor.
- 6. Common Consumption Area (CCA):** Economic Development President Sara Arnberger reported that 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. Councilmember Urban noted that he would like to see the Mayor and a member of the council on the committee. Mr. Urban made a motion to table Ordinance 4439, establishing a common consumption area within city limits until the next Council meeting with a request that the Mayor and member of the council be added to the CCA Committee. Mr. Soupiset seconded the motion and passed by a vote of 6-1, with Mr. Moeder voting against.
- 7. ½ Cent Sales Tax Renewal Resolution:** City Attorney Allen Glendenning reported that 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. Mr. Soupiset made a motion to approve Resolution 080524-C, to place the ½ Cent sales tax renewal question on the November ballot. Mr. Urban seconded the motion and passed with all voting in favor.
- 8. Vacation Buy-back:** City Administrator Brandon Anderson reported that 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 buyback form. Employees may only buyback up to 40 hours of vacation or up to 60 hours for fire

department shift employees. Vacation buyback will be paid in November. Ms. Krom-Craven made a motion to approve the vacation buy-back policy. Mr. Moeder seconded the motion and passed by a vote of 6-1, with Mr. Urban voting against.

9. 2024 Asphalt Residential Alleyway Improvements: Public Works Director Jason Cauley reported that 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 18th 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. Mr. Moeder made a motion to approve the bid from Venture for the alleyway improvements for \$146,430. Mr. Soupiest seconded the motion and passed with all voting in favor.

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. Mr. Urban made a motion to recess to executive session for a period of 20 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 7:40 p.m. The motion was seconded by Mr. Moeder and passed with all voting in favor. The regular meeting resumed at 7:40p.m. and Mayor Schmidt asked for a motion to appoint Logan Burns as the next City Administrator. Mr. Urban made that motion, and it was seconded by Ms. Krom-Craven. The motion passed by a vote of 6-1, with Mr. Jimenez voting against.

11. Executive Session: An executive session has been requested to discuss information deemed privileged in attorney-client relation. The executive session shall include the Governing Body, the City Administrator, Assistant City Administrator, City Attorney, and Human Resource Director. Mr. Moeder made a motion to recess into executive session for a period of 15 minutes to discuss information deemed privileged in the attorney-client relation pursuant to K.S.A. 75-4319(b)(2). The regular meeting will resume at 7:56p.m. The motion was seconded by Ms. Maddox and passed with all voting in favor. The regular meeting resumed at 7:56p.m. and no action was taken.

ADJOURNMENT

Mr. Moeder made a motion that the meeting be adjourned. The motion was seconded by Ms. Mingenback and passed with all voting in favor. The meeting was adjourned at 7:56 p.m.