

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, Jolene Biggs, Davis Jimenez, Lindsey Krom-Craven and Tina Mingenback. Councilman Kevyn Soupiset arrived after the meeting had begun at 6:47pm. Also in attendance were City Administrator Logan Burns, City Attorney Allen Glendenning, and City Clerk/Finance Director Shawna Schafer.

OPENING: PLEDGE OF ALLEGIANCE

A. CONSENT AGENDA

- a) **Minutes:** Minutes of the Regular Session held on August 5, 2024.
- b) **Claim's Warrant Register 8-19-24:** Covering 2024 bills to date in the amount of \$371,336.58.
- c) **Payroll Register P/R 8-9-24:** Covering payroll ending August 3, 2024, in the amount of \$428,147.81.
- d) **Appointments:** Mayor Schmidt appointed Kathleen Kottas to the CVB Board to replace Jan Westfall.
- e) **Change of Date for the Next Regular Council Meeting:** The next regular council meeting falls on Labor Day which is a Holiday observed by the City. It is recommended that the meeting be held on Tuesday, September 3, 2024, at 6:30 p.m.
- f) **Agenda:** Approval of agenda as submitted or amended.

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

B. OLD BUSINESS

1. **Common Consumption Area (CCA):** City Attorney Allen Glendenning reported that on August 5, 2024, The Council considered this ordinance and tabled the vote to allow a requested change to include the Mayor and a Council member in the Downtown Committee. The ordinance attached makes that change. A resident of Great Bend spoke to the Governing Body about her concerns with expanding the CCA. Mr. Moeder made a motion to approve Ordinance 4439. Mr. Urban seconded the motion and it passed by a vote of 6-1, with Mr. Jimenez voting against.

C. RECOGNITION OF VISITORS AND ANNOUNCEMENTS

- Ethan Thomas addressed the Governing Body about supporting the Central Kansas Christian Basketball League as a sponsor.

D. NEW BUSINESS

1. **2025 Budget Ordinance No. 4440:** City Clerk/Finance Director Shawna Schafer reported that the previous City Administrator, Brandon Anderson, presented the 2025 Operating Budget to the Governing Body at the July 8, 2024, budget work session. The budget is funded at a mill levy of 44.391, which is the calculated Revenue Neutral Rate of 44.391 certified by the County Clerk. Senate Bill 410 was approved this past year which states that if the governing body did not intend to exceed its revenue neutral rate but the final valuations of the taxing entity used to calculate the revenue neutral rate changes, the governing body shall be permitted to levy a tax rate that generates the same amount of property tax revenue as levied in the prior year. With this change in the bill, no RNR hearing is recommended. The Mayor opened the Public hearing. Mr. Urban made a motion to close the public hearing. The motion was seconded by Ms. Biggs and passed with all voting in favor. Mr. Urban made a motion to adopt Ordinance No. 4440 as the 2025 Budget Ordinance. Ms. Biggs seconded the motion and it passed with all voting in favor.

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

3. **Administrators Update:** City Administrator Logan Burns presented an update on what is happening within the City organization.

4. **CVB/Community Coordinator Report:** Community Coordinator Christina Hayes presented her monthly report.

5. **Abatements:** City Administrator Logan Burns presented the following abatement:
 - a. **1116 9th:** There is trash and refuse on the property including, but not limited to: There are tires in the front yard and that said Unlawful Accumulation constitutes a nuisance pursuant to Section 8.08.110 of the Code of Ordinances of the City of Great Bend, Kansas. This real estate is located at 1116 9th St. and is the subject of Resolution Number 081924-A.

Mr. Urban made a motion to approve Resolution 081924-A. Ms. Biggs seconded the motion and passed with all voting in favor.

6. **Adoption of the 2024 Edition of the Standard Traffic Ordinance (STO):** City Attorney Allen Glendenning reported that the Standard Traffic Ordinance is published by The League of Kansas Municipalities and adopted by cities throughout the state. It is updated annually. The 2024 edition makes substantive changes. The only changes relate to Court procedures. Two versions of the ordinances are presented for your consideration; Version 1 maintains the status quo by continuing the past practice of adopting the current edition of the STO with two tweaks regarding parking and removing vehicles, to meet local conditions. Version 2 the City Attorney has made a review of the Great Bend Code and found several sections that are duplicative of, or in conflict with, the STO. Version 2 would delete those duplicative and conflicting code sections. It makes no substantive change to what the ordinances declare to be unlawful. Ms. Krom-Craven made a motion to adopt Ordinance 4441, the 2024 STO version 2. Ms. Mingenback seconded the motion and passed with all voting in favor.

- 7. Adoption of the 2024 Edition of the Uniform Public Offense Code Ordinance (UPOC):** City Attorney Allen Glendenning reported that the Uniform Public Offense Code is published by The League of Kansas Municipalities and adopted by cities throughout the state. It is updated annually. The 2024 edition makes the following substantive changes; First, amending the definition of disorderly conduct to remove language that the Kansas Supreme Court struck down in a decision on March 4, 2024 and second, adding provisions to three section dealing with controlled substances to provide immunity from arrest and prosecution for persons who initiate contact with law enforcement or EMS, seeking medical assistance needed as a result of the use of controlled substances, provided they cooperate with the officers and EMTs. This year three versions of the adopting ordinance are being presented for the reasons explained below; Version 1 would continue the past practice of adopting the current edition with the marijuana prohibition deleted and the trespass definition tweaked. Version 2 the City Attorney has made a review of the Great Bend Code and found several sections that are duplicative of, or in conflict with, the UPOC. Version 2 would delete those duplicative and conflicting code sections. It makes no substantive change to what the ordinances declare to be unlawful. Version 3, historically, the City of Great Bend has adopted the most recent edition of the UPOC but has tweaked it to delete the section prohibiting the possession of marijuana, as a result, the possession of marijuana is not a violation of city ordinance. It remains a violation of state and federal law, but those cases are prosecuted in state and federal courts by the County Attorney and the United States Attorney. The Police Department has requested that the UPOC prohibition on possession of marijuana not be deleted, which would make possession of marijuana a violation of city ordinance going forward. This would allow officers to submit such cases for prosecution in Municipal Court by the City Attorney. Chief Haulmark will be present and available to answer questions and discuss the reasons for the request. Ms. Biggs asked Chief Haulmark to explain his reasoning for requesting the change and he stated that his officers do the work and must write affidavits to District Court and when it gets sent to District Court, they end up collecting all the fees, not the City. Mr. Soupiset made a motion to adopt Ordinance 4442, the 2024 UPOC version 3. The motion was seconded by Mr. Moeder and passed with all voting in favor.

- 8. Kestrel Sublease to Med-Trans Corporation (Eagle Med):** City Attorney Allen Glendenning reported that on January 2, 2024, the Council approved the renewed lease of the ground at this address to Kestrel. Kestrel owns the buildings at that address. In recent years, Kestrel has sublet the ground and buildings to Med-Trans (Eagle Med) for their operations and that sublease has just been renewed. The lease between the City and Kestrel prohibits subletting without the City's written consent. Mr. Moeder made a motion to approve the sub lease agreement, subject to its subordination to or incorporation of the terms of the lease between the City and Kestrel and the federal government and authorize the City Administrator to give written consent on behalf of the City of Great Bend. The motion was seconded by Ms. Biggs and passed with all voting in favor.

- 9. Proposed Agreements with Garver for Airport Projects:** Airport Manager Martin Miller reported that the Airport has accrued FAA entitlement and BIL grants that are sufficient to fund 95% of the 2025 rehabilitation of Runway 17/35, specifically crack-fill, slurry seal, and re-marking. Requisite to obtaining these federal grants, the Airport Consultant Selection Committee chose Garver on February 9 to administer the upcoming 5-year Airport Improvement Program. Attached are the two proposed agreements to establish Garver as the Engineer of Record for the upcoming projects, and to authorize Garver to administer this first project through the bidding phase. Ms. Biggs made a motion to approve and authorize the Mayor's signature on the attached

Master Agreement and Work Order #1 with Garver. The motion was seconded by Mr. Soupiset and passed with all voting in favor.

- 10. City Administrator Contract:** Mayor Schmidt reported that on August 5, 2024, the Mayor, with the advice and consent of the City Council, appointed Logan Burns to fill the City Administrator position. By City ordinance, the terms and conditions of that employment may be set by contract. The contract was prepared by the City Attorney in accordance with information provided by the Mayor and Council members. Ms. Biggs made a motion to approve the contract setting the terms and conditions of the City Administrator's employment. Mr. Moeder seconded the motion and passed by a vote of 7-1, with Mr. Jimenez voting against.

ADJOURNMENT

Mr. Moeder made a motion that the meeting be adjourned. The motion was seconded by Ms. Krom-Craven and passed with all voting in favor. The meeting was adjourned at 7:02 p.m.