

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, Alan Moeder, Cory Urban, Kevyn Soupiset, Jolene Biggs, Davis Jimenez and Lindsey Krom-Craven and Natalie Towns. Absent was councilmember Brock McPherson. Also in attendance were Assistant City Administrator Logan Burns, City Attorney Allen Glendenning, and City Clerk Shawna Schafer.

OPENING: PLEDGE OF ALLEGIANCE

A. CONSENT AGENDA

- a) **Minutes:** Minutes of the Special Session held on May 15, 2023.
- b) **Claim's Warrant Register 6-5-23:** Covering 2023 bills to date in the amount of \$737,869.07.
- c) **Payroll Register P/R 5-19-23 & P/R 6-2/23:** Covering payroll ending May 13, 2023, in the amount of \$507,049.92 and payroll ending May 27, 2023, in the amount of \$411,935.17.
- d) **Appointments:** Mayor Schmidt made no appointments.
- e) **Annual Blessed Bike Rally:** Authorize blocking off parking stalls on the north side of Lakin Avenue between Kansas Avenue and Main on August 18-20, 2023, for vendors to set up and tear down. Authorize closing Lakin Avenue between Main and Kansas from 8:00am to 11:00pm on August 19, 2023. Authorize individuals to stay overnight in Jack Kilby Square for security of the event on August 18-20, 2023.
- f) **Agenda:** Mayor Schmidt amended the agenda to remove item #3, Economic Development report.

Mr. Urban made a motion to approve the amended agenda. Ms. Biggs seconded the motion 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:** Mayor Schmidt asked about the July 3rd Council meeting whether the council wanted to move it and to make sure there would be a quorum. After discussion, it was the consensus to leave it as scheduled for 6:30pm. on July 3rd.

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

3. **Abatements:** Code Enforcement Art Keffer presented the following abatements:
 - A. **313 Grapevine St:** There is trash and refuse on the property including, but not limited to: construction material and lumber that is considered to be refuse 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 313 Grapevine St. and is the subject of Resolution Number 060523-A.
 - B. **1618 Jefferson St:** There is trash and refuse on the property including, but not limited to: There a couch and other trash and refuse 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 1618 Jefferson St. and is the subject of Resolution Number 060523-B.
 - C. **2535 21st St:** There is trash and refuse on the property including, but not limited to: There are multiple jugs of used oil and other trash and refuse 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 2535 21st St. and is the subject of Resolution Number 060523-C.
 - D. **201 Frey St:** There is trash and refuse on the property including, but not limited to: There is construction material, lumber and other trash and refuse 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 201 Frey St. and is the subject of Resolution Number 060523-D.
 - E. **222 Fruit St:** There is trash and refuse on the property including, but not limited to: There is construction material, metal roofing material and other trash and refuse 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 222 Fruit St. and is the subject of Resolution Number 060523-E.
 - F. **2433 24th St:** There is trash and refuse on the property including, but not limited to: There are mattresses, a toilet, bedframe and other trash and refuse 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 2433 24th St. and is the subject of Resolution Number 060523-F.
 - G. **523 Morphy St:** There is trash and refuse on the property including, but not limited to: There is a washer, dryer and other trash and refuse 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 523 Morphy St. and is the subject of Resolution Number 060523-G.
 - H. **1805 8th St:** There is trash and refuse on the property including, but not limited to: There are tires and other trash and refuse 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 1805 8th St. and is the subject of Resolution Number 060523-H.
 - I. **707 Stone St:** There is trash and refuse on the property including, but not limited to: There are rolls of carpeting and other trash and refuse 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 707 Stone St. and is the subject of Resolution Number 060523-I.
 - J. **1715 Heizer St:** There is trash and refuse on the property including, but not limited to: There are vehicle parts, multiple jugs of used oil and other trash and refuse 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 1715 Heizer St. and is the subject of Resolution Number 060523-J.

- K. 719 Morphy St:** There is trash and refuse on the property including, but not limited to: There is roofing material and other refuse 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 719 Morphy St. and is the subject of Resolution Number 060523-K.

Mr. Soupiset made a motion to approve Resolutions 060523A-K. Ms. Biggs seconded the motion and passed with all voting in favor.

- 4. Short-Term Rental Ordinance:** Interim City Administrator Logan Burns reported that based upon the findings and the current processes, Building Inspection staff feel it is important to have regulations in place for Short-Term Rentals within the City of Great Bend. Staff propose to change the Zoning Regulations allowing Short-Term Rentals to be classified as Permitted Use rather than a Conditional Use in designated zoning districts. Staff also propose creating and implementing a licensing and inspection program for Short-Term Rentals. This program will be implemented and managed through Building Inspections in a similar manner as the current Contractor Licensing. This would also allow for the licensing and City inspection to be maintained within one department. After discussion, Ms. Biggs made a motion to adopt Ordinance No 4408, regulating the operation and offering of short-term rentals, with a change to notify certified property owners within 200ft. The motion was seconded by Mr. Soupiset and passed with all voting in favor.

- 5. Skatepark Soil Conditions Change Order:** Interim City Administrator Logan Burns reported that the City is in the process of demolition of the asphalt and concrete at the skatepark. We found 2' of mud/muck underneath as the years of water infiltrating the cracks in the asphalt have destroyed the subsoil. Attached is the language from Stone on the remedies and proposals for replacement. The additional costs incurred and options moving forward for the wet soils removal and replacement are as follows; Removal of saturated soils from the 125' x 125' area at the depth of 2' - \$10,000. Use our soil from the sports complex as backfill for the area, no guarantees as to the moisture content, amount of irrigation pipe and vegetation that could/will cause problems - \$13,500 (not recommended). Supply and place clean LVC fill dirt soils as backfill up to grade - \$25,300. Supply and place clean dirt/concrete screenings - \$29,700. The dirt/concrete screening would be a better option as it stabilizes the soil better and would also allow the pad to get wet again and not sacrifice the integrity and compaction of the soil until the concrete contractors are on-site. To accommodate the additional costs, as I would not like to take this money out of QOL, our options are to take monies from Park Maintenance where we have a balance of \$50,000. Our other options are FEMA Admin Costs from Flood Disaster of \$51,026.56 and FEMA Walking Bridge Reimbursement of \$34,925.59. Any of these funds or a combination of any can be used to cover the additional expense of \$39,700. Mayor Schmidt said he would like for the City to use some of the dirt from the sports complex that was torn out, however, Mr. Burns had some reservations about the dirt having vegetation and the possibility of clay mixture included in the dirt that would create issues for a solid base. After discussion, Mr. Urban made a motion to approve the change order from Stone Sand for removal of soils for \$10,000 and supply and place clean dirt/concrete screening for \$29,700 for a total cost of \$39,700. The motion was seconded by Ms. Krom-Craven and passed with all voting in favor.

- 6. Ordinance Regarding Vacancies on the Governing Body:** City Attorney Allen Glendenning reported that the city currently has no clear definition of what creates a vacancy or any procedure to address the situation where a person is elected to a position on the governing body but fails or refuses to accept the office, take the oath and/or attend meetings. This either leaves a portion of the citizenry not fully represented or leaves the city with only the cumbersome and expensive statutory processes of ouster or a recall election. The city can pass an ordinance that allows for the replacement of non-qualifying or non-functioning members after 4 consecutive meetings missed and a majority vote, which is much less cumbersome and expensive. After discussion about how many meetings should one miss, Mr. Urban made a motion to adopt Ordinance No 4409, relating to vacancies in the offices of Mayor and Council Member, with the change to having 4 consecutive meetings missed instead of 3. The motion was seconded by Mr. Soupiset and passed by a vote of 6-1, with Ms. Biggs voting against.
- 7. Ordinance Regarding Harboring of Chickens Within the City Limits:** City Attorney Allen Glendenning reported that the current city code prohibits the harboring of chickens within the city limits. Recently citizens have expressed a desire to be allowed to keep “backyard chickens” within the city limits and have argues that the present code does not prohibit them. If the city council desires to continue the ban on harboring chickens, it can take no action, stand on the existing code and allow any arguments about its interpretation to be handled in the courts. Or the council can pass the attached proposed ordinance that addresses the arguments being made and clarifies that harboring chickens is not allowed within the city limits. If the council desires to allow the harboring of chickens, then it should discuss and give some direction on whether it wishes the harboring of chickens to be limited and regulated and, if so what limitations and regulations are desired and an ordinance can be drafted and submitted at a later meeting. Many council members said that they had more phone calls against chickens than for. There was also concern about manpower in enforcing the regulations of the ordinance if chickens passed. Ms. Biggs made a motion to adopt ordinance No. 4410, regulating the keeping and harboring of animals within the city limits, which is clear that chickens are not allowed within city limits. The motion was seconded by Ms. Towns and passed by a vote of 4-3, with Mr. Moeder, Mr. Soupiset, and Mr. Jimenez voting against.
- 8. 2023 Chip and Seal with Fog Seal Top:** Public Works Director Jason Cauley reported that for the 2023 year, we are requesting to fund chip and seal with a fog seal top coating on residential streets on approximately 100 blocks. We received only one bid for this project despite putting bids out through our typical bid process. The bid is from Circle C Paving for \$308,100.00. The funding will come from money budgeted in the ¼ cent sales tax fund. Mr. Moeder suggested we do a better job filling the potholes before this work is completed. Ms. Biggs made a motion to approve the bid from Circle C Paving for Chip and Seal with Fog Seal Top for \$308,100.00. The motion was seconded by Mr. Moeder and passed with all voting in favor.
- 9. 2024 Connecting City Link Improvement Program (CCLIP):** Assistant City Engineer Hitha Kadiyala reported that our 2024 CCLIP project was approved by the Kansas Department of Transportation. We have received the agreement from KDOT which is the next step in the process that will allow us to utilize the funding from the state to make improvements to Main Street from the bridge to 2nd Street and improvements to Patton Road from 10th to 9th street. As per CCLIP Resurfacing Program under the criteria of Surface Preservation the State’s participation in the cost of Construction and Construction engineering will be 90% and 10% will be City’s portion. After this

agreement with KDOT is approved, the project will be designed and sent out for bid. Mr. Soupiset made a motion to authorize Mayor Schmidt to sign the 2024 CCLIP Agreement with KDOT. The motion was seconded by Ms. Towns and passed with all voting in favor.

- 10. Proposed Lease of Storage Building at Airport:** Airport Manager Martin Miller reported that the lease of the storage building located south of EagleMed at the airport has expired, and an updated lease has been negotiated with the existing tenant, Ray Christians. The proposed lease incorporates necessary terms compliant with the City's assurances with the FAA. Mr. Urban requested that when buildings lease is up at the airport, that we should send it out for bid to see if any other parties are interested. Mr. Urban made a motion to authorize Mayor Schmidt to sign the lease agreement with Ray Christians. The motion was seconded by Ms. Biggs and passed with all voting in favor.

ADJOURNMENT

Mr. Moeder 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 7:30 p.m.