

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 present: Councilmembers Alan Moeder, Cory Urban, Kevyn Soupiset, Jolene Biggs, Lindsey Krom-Craven and Natalie Towns. Also in attendance were City Administrator Kendal Francis, City Attorney Allen Glendenning, and City Clerk Shawna Schafer. Absent were councilmembers Brock McPherson and Davis Jimenez.

OPENING: PLEDGE OF ALLEGIANCE

A. CONSENT AGENDA

- a) **Minutes:** Minutes of the Regular Session held on October 3, 2022.
- b) **Claim's Warrant Register 10-17-22:** Covering 2022 bills to date in the amount of \$242,845.21.
- c) **Payroll Register P/R 10-7-22:** Covering payroll ending October 1, 2022, in the amount of \$385,229.67.
- d) **Appointments:** Mayor Schmidt appointed Kylee Schwarz to the Great Bend Public Library Board and Maria McGoldrick to the Housing Authority Board.
- e) **Agenda:** Mayor Schmidt amended the agenda to add an executive session to discuss information deemed privileged in the attorney-client relationship.

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:** There were no councilmember reports.
2. **Administrators Update:** City Administrator Kendal Francis presented an update on what is happening within the City organization.

- 3. Conditional Use Permit for Group Daycare Center:** Building Official Logan Burns reported that notice of the request and of a public hearing on the request were given to surrounding landowners within 200 feet of this real estate in city limits. Notice was also published in the Great Bend Tribune. A public hearing was held on September 26, 2022, before the planning commission. There were no surrounding landowners that attended the meeting. Mr. Urban made a motion to adopt the findings of fact prepared by City staff and recommend for approval by the Planning Commission. The motion was seconded by Mr. Moeder and passed with all voting in favor. Ms. Krom-Craven then made a motion to adopt Resolution Number 101722-A, for a conditional use permit for a Group Daycare Center. The motion was seconded by Mr. Moeder and passed with all voting in favor.
- 4. Amendment of Zoning Regulations – Boarding Kennels:** Building Official Logan Burns reported that the issue has recently arisen that kennel businesses are not allowed in residential districts. A recent request from Larry & Jennifer Kurtz to continue the operation of their kennel business from their residence led to discussion by City staff regarding the permitting of such businesses. The result of the discussion was that staff concluded that certain circumstances might justify permitting of such kennel businesses in residential districts. It is being proposed to amend Part II. Definitions of the current Zoning Regulations to define boarding kennel and redefine kennel. It is also being proposed to amend the current R-1 District Conditional Uses to allow for boarding kennels to be operated by resident members. The Planning Commission considered the matter at its September 26, 2022, meeting and recommended approval. Mr. Soupiset made a motion to adopt Ordinance Number 4395, to allow for a conditional use permit to be issued for a dog boarding kennel in a R-1 zone. The motion was seconded by Ms. Biggs and passed with all voting in favor.
- 5. Conditional Use Permit for a Dog Boarding Kennel:** Building Official Logan Burns reported that notice of the request and of a public hearing on the request were given to surrounding landowners within 200 feet of this real estate in city limits. Notice was also published in the Great Bend Tribune. A public hearing was held on September 26, 2022, before the planning commission. There were 19 surrounding landowners and customers that attended the meeting in support. Mr. Soupiset made a motion to adopt the findings of fact prepared by City staff and recommend for approval by the Planning Commission. The motion was seconded by Mr. Urban and passed with all voting in favor. Ms. Biggs then made a motion to adopt Resolution Number 101722-B for a conditional use permit for a dog boarding kennel. The motion was seconded by Mr. Moeder and passed with all voting in favor.
- 6. Abatements:** Code Enforcement Leo Espino presented the following abatements:

 - C. 207 Heizer St:** There is trash and refuse on the property including, but not limited to: a box spring and other refuse on the south side of the property 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 207 Heizer St. and is the subject of Resolution Number 101722-C.
 - D. 812 Pine Pl:** There is trash and refuse on the property including, but not limited to: tires on the north side of the property 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 812 Pine Pl. and is the subject of Resolution Number 101722-D.
 - E. 823 Pine Pl:** There is trash and refuse on the property including, but not limited to: tires and other refuse on the east side of the property 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 823 Pine Pl. and is the subject of Resolution Number 101722-E.

- F. **1113 9th St:** There is trash and refuse on the property including, but not limited to: tires and other refuse on the south side of the property 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 1113 9th St. and is the subject of Resolution Number 101722-F.
- G. **1419 Hubbard St:** There is trash and refuse on the property including, but not limited to: a broken window leaning against a porch and other refuse on the east side of the property 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 1419 Hubbard St. and is the subject of Resolution Number 101722-G.
- H. **1429 11th St:** There is trash and refuse on the property including, but not limited to: a scrap pile located on the south side of the property 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 1429 11th St. and is the subject of Resolution Number 101722-H.
- I. **5210 10th St:** There is trash and refuse on the property including, but not limited to: bags, tires and other debris along the north side of the property 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 5210 10th St. and is the subject of Resolution Number 101722-I.
- J. **416 Almond St:** There is a silver-colored van that is either not displaying current registration, and/or is not inoperable condition, and that said motor vehicle(s) constitute a nuisance pursuant to Section 10.20.030 of the Code of Ordinances of the City of Great Bend, Kansas. This motor vehicle is located at 416 Almond St. and is the subject of Resolution Number 101722-J.
- K. **800 Pine Pl:** There is a green colored Chevy S-10 pickup that is either not displaying current registration, and/or is not inoperable condition, and that said motor vehicle(s) constitute a nuisance pursuant to Section 10.20.030 of the Code of Ordinances of the City of Great Bend, Kansas. This vehicle is located at 800 Pine Pl. and is the subject of Resolution Number 101722-K.
- L. **1720 Harrison St:** There is a red colored pickup that is either not displaying current registration, and/or is not inoperable condition, and that said motor vehicle(s) constitute a nuisance pursuant to Section 10.20.030 of the Code of Ordinances of the City of Great Bend, Kansas. This vehicle is located at 1720 Harrison St. and is the subject of Resolution Number 101722-L.
- M. **1700 Lakin Ave:** There is a black colored four door sedan that is either not displaying current registration, and/or is not inoperable condition, and that said motor vehicle(s) constitute a nuisance pursuant to Section 10.20.030 of the Code of Ordinances of the City of Great Bend, Kansas. These vehicles are located at 1700 Lakin Ave. and is the subject of Resolution Number 101722-M.

Mr. Soupiset made a motion to approve resolutions 101722C-M. Ms. Biggs seconded the motion and passed with all voting in favor.

- 7. **Temporary Premise Extension:** City Attorney Allen Glendenning reported that Dry Lake Brewery has requested a temporary extension of premise on October 29th to host a Halloween party. The event will include food trucks and Pumpkin Smash fundraiser for the Cystic Fibrosis Foundation. The consumption of alcohol is planned in the proposed space. The brewery is working with the State Alcoholic Beverage Control to obtain proper permits for this activity. In order to allow consumption of alcohol on public

property, Ordinance 4396 must be passed to exempt the public property from state statute. Mr. Moeder made a motion to approve Ordinance Number 4396, allowing consumption of alcohol on public property. The motion was seconded by Mr. Soupiset and passed with all voting in favor. Ms. Biggs then made a motion to close the alley from Lakin Avenue to Forest and closure of parking stalls on city-owned parking lot at Lakin and Williams on October 29th from 4:00 p.m. to 12:00 a.m. The motion was seconded by Mr. Soupiset and passed with all voting in favor.

- 8. Ordinance Limiting Living in Recreational Vehicles (RV) to Campgrounds and RV Parks:** City Attorney Allen Glendenning reported that existing ordinances and regulations could be interpreted to prohibit the use of an RV parked on a lot as a residence. However, they do not clearly do so. A complaint was made to code enforcement about a trailer in the side yard of a residence being used as a residence for a family member. When the city code enforcement officer contacted the owner, he came before the Council a few weeks ago and argued that the existing ordinances and regulation do not prohibit the use of on RV as a residence. Since then, the city clerk and the zoning enforcement officer have received complaints about new instances of RVs being set up to be used as residences. The use of RVs in this manner creates problems and potential problems with the esthetics of the neighborhoods, the stringing of cables and hoses across yards, and substandard and potentially hazardous and unsanitary utility connections. It also creates enforcement issues with other regulations such as zoning regulations prohibiting more than one residence on a lot. Since the issue is not clear, we are presenting Ordinance 4397 to clearly state that this is not permitted. Those uses already existing as of October 1, 2022, are grandfathered. After discussion, it was the consensus that we add in the ordinance to allow RV living in motor home parks. Ms. Biggs made a motion to approve Ordinance Number 4397, limiting living in recreational vehicles to campgrounds but to add to allow RV living in motor home parks. The motion was seconded by Ms. Krom-Craven and passed by a vote of 5-1, with Mr. Moeder voting no.
- 9. Annexation of Cambridge Development:** City Attorney Allen Glendenning reported that Housing Opportunities, Inc. (HOI) is the sole owner of approximately 24 acres adjacent to the southern boundary of the city. It has been working with the Planning Commission to rezone the property to a planned unit development. A hearing before the Planning Commission is set for November 28, 2022. HOI has requested to connect the anticipated development into the city's sanitary sewer. On October 3, 2022, the governing body approved the connection to the sanitary sewer, conditioned upon HOI requesting annexation. HOI has requested annexation. Ms. Krom-Craven made a motion to approve Ordinance Number 4398, annexing certain lands adjoining the corporate city limits. The motion was seconded by Mr. Urban and passed by a vote of 4-2, with Mr. Moeder and Ms. Biggs voting no.
- 10. City Attorney/Prosecutor Contract:** City Administrator Kendal Francis reported that for the past year, the city has contracted with Watkins Calcara for attorney & prosecutor services. The current agreement is based on 40hrs/month for attorney & 40hrs/month for prosecutor. The base fee for services is \$14,000/month, with additional hours be billed at \$200/hr. We have learned that the attorney's workload requires a more full-time presence. Following overtures to Allen for a full-time position, a new contract has been proposed; Allen will serve as city attorney/prosecutor, fee will remain at \$14,000/month, Watkins Calcara will provide workers comp & other applicable insurance, and the city will continue to provide a legal staff position to assist. The term of the new agreement is for 3 years ending November 2025. Mr. Urban made a motion to approve the new

agreement with Watkins Calcara. The motion was seconded by Ms. Biggs and passed with all voting in favor.

- 11. 2023 Health Insurance Options:** Human Resources Director Randy Keasling reported that following the September 19th council meeting, the city reached out Humana, Aetna, United Healthcare, and Cigna and received no response. The city reached out to KMIT for their association health plan for municipalities and after providing census and claims, we were denied the ability to join this year based on our current utilization but encouraged us to try again next year. Julie Yarmer with Freedom Claims Management contacted the city about their services, and she is here tonight to present options. Freedom Claims Management option is a two-layer option where we would stay with BCBS and move everyone to the option 4 high deductible and then anyone who wants a lower deductible would then be processed as a secondary insurance through Freedom Claims. The employee would not see any difference to the option they have except they would then need to provide 2 insurance cards to the provider. There are additional admin fees the city would pay to Freedom Claims, but we are saving money by only purchasing the high deductible plan from BCBS. Freedom Claims is local, and provides exceptional customer services and would handle all the enrollments and filings. The city would stay grandfathered and would be partially self-funded. The city then contacted Mike Minton to discuss options and he analyzed our rates from BCBS and compared to alternative self-funded options available. Ultimately, his recommendation due to timing, as well as viable options, was to renew with BCBS and utilize the 7% increase in premiums to employee and city as budgeted. The expected claims for 2023 is just that, expected. If we don't reach those claims next year, the money we put in the account will stay in the account to pay claims in the following years. He also suggested to Engage Gallagher Benefit Consulting Services in early 2023 to evaluate and prepare for the 2024 renewal. Engaging Gallagher brings experts in actuarial and underwriting, compliance, marketing, and negotiations, compliance support, and many other services to build the city's strategic plan toward benefits for their employees. After some discussion Ms. Biggs made a motion to approve the 7% increase to employee and employee rates for 2023. The motion was seconded by Ms. Towns and passed by a vote of 5-0, with Mr. Urban abstaining. Ms. Biggs then made a motion to continue with our current BCBS and send it out to bid at the first of the year for the 2024 renewal. The motion was seconded by Mr. Soupiset and passed by a vote of 4-3, with Mr. Moeder, Ms. Krom-Craven, and Ms. Towns voting no. Mayor Schimdt broke the tie with voting to continue with our current BCBS plan.

- 12. 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, and the City Attorney. Ms. Biggs made a motion to recess into executive session for a period of 15 minutes to discuss pending litigation 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, with the regular meeting to resume in the City Council Chambers at 8:13p.m. The motion was seconded by Ms. Krom-Craven and passed with all voting in favor. The meeting resumed at 8:13 p.m. and no action was taken.

ADJOURNMENT

Mr. Moeder made a motion that the meeting be adjourned. Ms. Biggs seconded the motion and passed with all voting in favor. The meeting was adjourned at 8:13pm.