

**MINUTES OF THE GOVERNING BODY OF  
THE CITY OF PARK CITY, KANSAS  
COUNCIL CHAMBERS – 1941 E. 61<sup>st</sup> STREET NORTH  
October 8, 2019**

**ROLL CALL**

The following were present: Council Members John Lehnherr, George Glover, Ben Saucedo, Melvin Kerr, Tom Jones, George Capps, Brandi Baily, and Jim Schroeder.

Also present: Mayor Ray Mann, City Administrator Sean Fox, Assistant City Administrator/Human Resources Manager Dana Walden, Finance Director/City Clerk Dee Anne Grunder, Police Chief Phil Bostian, City Attorney Doug Moshier, and Public Works Director Eric Miner.

**VISITORS**

Taylor Messick, Ark Valley News  
Terry Ford  
Dominic Eck  
Michelle Gaede  
Dan Lear  
Dwight Buford  
Marlo Rugg

**MEETING CALLED TO ORDER**

The meeting was called to order by Mayor Ray Mann at 7:00pm. Pastor Dwight Burford gave the invocation, and Council Member John Lehnherr led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Council Member George Glover moved to approve the agenda as presented. Council Member Melvin Kerr seconded the motion. Motion carried 8-0.

**AWARDS & PRESENTATIONS**

None.

**PUBLIC FORUM**

None.

**STAFF REPORTS**

None

**CONSENT AGENDA:**

1. Minutes of September 24, 2019 Regular Meeting.
2. Appropriations 922-2019 with Addendum.

Council Member Jim Schroeder moved that the Consent Agenda, as presented, be approved.

Council Member John Lehnherr seconded the motion. Motion carried 7-0-1 (Council Member Ben Saucedo abstained.)

**NEW BUSINESS**

**3. DISCUSS AND CONSIDER APPOINTMENT TO THE PARK AND RECREATION AND TREE ADVISORY BOARD**

Mayor Ray Mann stated Mr. Gaede had expressed serving on a board and the Park and Recreation and Tree Advisory Board is good fit for him.

Council Member Tom Jones moved to approve the appointment of Mitchell Gaede to the Park and Recreation and Tree Advisory Board, with a term ending 2021.

Council Member Brandi Baily seconded the motion. Motion carried 8-0.

**4. DISCUSS AND CONSIDER ORDINANCE AUTHORIZING ISSUANCE OF TAXABLE IRBs (HARPER CAMPERLAND PROJECT, TENANT F&L RENTALS, LLC)**

Dominic Eck with Gilmore & Bell stated the ordinance was the final step in the process to issue Industrial Revenue Bonds for Harper Camperland. He stated when the project is complete, the amount of Industrial Revenue Bonds will be determined, but will not exceed the \$5 million dollars that was previously approved in the resolution of intent.

Council Member Ben Saucedo moved to approve Ordinance #1077-2019 authorizing the City of Park City, Kansas to issue its Taxable Industrial Revenue Bonds, Series 2019 (Harper Camperland Project), in an amount not to exceed \$5 million, for the purpose of paying the costs of the acquisition, construction and equipping of a commercial facility; and authorizing certain other documents and actions in connection therewith.

Council Member Jim Schroeder seconded the motion.

Council Member Tom Jones asked if Harper Camperland would have a Park City address. Mr. Eck stated he was unsure. Dan Lear with Harper Camperland stated the address should be a Park City address. Council Member George Capps asked for a definitive answer to the question if the address would be Wichita or Park City. Mr. Lear stated Harper Camperland will use Park City as their address.

**Roll Call**

Council Member John Lehnherr	Yes	Council Member Tom Jones	Yes
Council Member George Glover	Yes	Council Member George Capps	Yes
Council Member Ben Saucedo	Yes	Council Member Brandi Baily	Yes
Council Member Melvin Kerr	Yes	Council Member Jim Schroeder	Yes

**5. DISCUSS AND CONSIDER ORDINANCE AUTHORIZING ISSUANCE OF TAXABLE IRBs (APEX TRUCKING, INC.)**

Dominic Eck with Gilmore & Bell stated the ordinance was similar the previous ordinance. He stated the project will be completed this year. Mr. Eck stated the company expects to use the full amount from the amended resolution of intent.

Council Member Ben Saucedo moved to approve Ordinance #1078-2019 authorizing the City of Park City, Kansas to issue its Taxable Industrial Revenue Bonds, Series 2019 (Apex Trucking, Inc.) for the purpose of the acquisition, construction and equipping of a commercial facility; and authorizing certain other documents and actions in connection therewith.

Council Member Tom Jones seconded the motion.

**Roll Call**

Council Member John Lehnerr	Yes	Council Member Tom Jones	Yes
Council Member George Glover	Yes	Council Member George Capps	Yes
Council Member Ben Saucedo	Yes	Council Member Brandi Baily	Yes
Council Member Melvin Kerr	Yes	Council Member Jim Schroeder	Yes

**6. DISCUSS AND CONSIDER A RESOLUTION AMENDING RESOLUTION #996-2018 RELATED TO THE TERMS OF EXEMPTION FOR THE 2BDW, LLC TAXABLE IRB (SLEEP INN & SUITES)**

Dominic Eck with Gilmore & Bell stated the resolution explicitly sets forth the property exemption to be six years at 100% tax exemption. Mayor Ray Mann asked City Administrator Sean Fox to clarify how the resolution complies with the City's policy. Mr. Fox stated he was unsure of how it complies with the City's policy. He stated the Council approved the Industrial Revenue Bond previous to his employment and it was approved on a 60% cost benefit. Mr. Fox stated he gave the developer two tax exemption options: 1. 60% for ten years or 2. 100% for six years. He stated the developer chose the 100% for six years.

Council Member Jim Schroeder moved to approve Resolution #1036-2019, a resolution of the governing body of the City of Park City, Kansas amending Resolution No. 996-2018 determining the advisability of issuing Taxable Industrial Revenue Bonds for the purpose of financing the acquisition, construction and equipping of a hotel facility to be located in said city.

Council Member Ben Saucedo seconded the motion. Motion carried 8-0.

**7. CONSIDER RESOLUTION CONVEYING PROPERTY RELATED TO ROBERTS TRUCK CENTER IRBS TO CAPITAL PROPERTIES 2017, LLC**

Dominic Eck with Gilmore & Bell stated the bonds have matured and this will transfer the property and title of the property back to Capital Properties 2017, LLC.

Council Member Ben Saucedo moved to approve Resolution #1037-2019 of the Governing Body of the City of Park City, Kansas authorizing the sale and conveyance of certain property to Capital Properties 2017, LLC.

Council Member Tom Jones seconded the motion. Motion carried 8-0.

**8. DISCUSS AND CONSIDER RECOMMENDATION FOR CITY CLERK POSITION**

City Administrator Sean Fox stated Council approved the job description and authorized the posting for a part-time City Clerk position at the last meeting. Mr. Fox stated the position was posted internally, and after interviewing the qualified applicants, staff recommended approval to hire Marlo Rugg to be the new City Clerk. He stated Ms. Rugg has worked as the Park City Payroll and Benefits Clerk since May 2017. Mr. Fox stated Ms. Rugg was the City Clerk for Kiowa, Kansas for nearly ten years and has a Kansas/IIMC Municipal Clerks Certification. Mr. Fox stated Ms. Rugg has been a tremendous asset to the City, valued member of staff and staff is confident she will continue to make a positive impact in her new role, if approved

Council Member George Capps moved to approve the appointment of Marlo Rugg to the position of City Clerk.

Council Member Tom Jones seconded the motion. Motion carried 8-0.

**9. RECESS**

Council Member Jim Schroeder moved to recess the Council meeting for ten minutes and to reconvene as the Land Bank.

Council Member Tom Jones seconded the motion. Motion carried 8-0.

**CITY OF PARK CITY, KANSAS, LAND BANK  
COUNCIL CHAMBERS – 1941 E. 61<sup>st</sup> STREET NORTH  
October 8, 2019**

**MEETING CALLED TO ORDER.**

**I. DISCUSS AND CONSIDER AGREEMENT WITH THE CITY OF PARK CITY TO AUTHORIZE RESPREAD OF SPECIAL ASSESSMENTS ON PLATTED LOTS CURRENTLY HELD BY THE LAND BANK**

City Attorney Doug Moshier stated the agenda item should have stated respread rather than reamortize. Mr. Moshier stated the Land Bank owns one hundred thirty-seven remaining lots. He stated there are substantial drainage assessments on the majority of the lots. Mr. Moshier stated the City and Land Bank may agree to respread specials if it is beneficial to the marketing of those properties. He stated when the properties are sold, the proceeds from the sale can be transferred from the Land Bank to the Bond and Interest Fund of the City to the extent that it covers future special assessments.

Board Member Brandi Baily moved to approve the agreement with the City of Park City to authorize the respreading of special assessments on platted lots currently held by the Land Bank.

Board Member Ben Saucedo seconded the motion. Motion carried 9-0.

**II. DISCUSS AND CONSIDER REAL ESTATE PURCHASE CONTRACT WITH ELITE USA LLC FOR PROPERTY IN HIGH RIDGE 2<sup>ND</sup> ADDITION**

City Administrator Sean Fox stated in July of 2018, the Land Bank sold thirty-seven lots to Elite USA LLC. Mr. Fox stated Elite USA LLC is now requesting to purchase twenty-four lots directly south of their existing development for \$143,351.35. He stated additional terms of the contract include 1. the construction of an east-west shared use path through Reserve I, as outlined in the recently adopted "Connecting Park City" Pedestrian and Bicycle Connectivity Plan and 2. the construction of an Amenity Center on Lot 11, Block J, both of which have been discussed and agreed to by the developer. Mr. Fox stated the City would share 50% of the title insurance and closing cost. He stated the \$143,351.35 would be an unbudgeted surplus for 2020.

Council Member Brandi Baily asked if there was earnest money in the contract. Mr. Fox stated the 2018 contract earnest money was \$100.

Board Member Ben Saucedo moved to approve and authorize the Mayor to execute the real estate agreement with Elite USA LLC for the sale of Lots 1 through 11, Block J; Lots 1 through 13, Block I; and Reserves I and J in High Ridge 2nd Addition for \$143,351.35.

Board Member Brandi Baily seconded the motion. Motion carried 9-0.

**ADJOURN**

Board Member George Glover moved to Adjourn the Land Bank Meeting.

Board Member Tom Jones seconded the motion. Motion carried 9-0.

**10. RECONVENE****11. DISCUSS AND CONSIDER SUBMISSION OF AIR CAP DRIVE EXTENSION UNDER THE KANSAS DEPARTMENT OF TRANSPORTATION COST SHARE PROGRAM.**

City Administrator Sean Fox stated staff submitted a WAMPO application for funding to extend Air Cap Drive earlier this year. Mr. Fox stated after screening, the indications were not favorable the application would be approved. He stated the Kansas Department of Transportation (KDOT) was expanding their Cost Share Program from \$11M to \$50M, and staff is requesting approval to submit the Air Cap Drive extension for consideration to KDOT. Mr. Fox stated if the City approves submission under the original program guidelines, the minimum City cost share is 15%. He stated if the City approves submission under the updated program guidelines (\$50M) the minimum cost share commitment is 25%. He stated the total estimated cost of the project is \$6.24M. He stated KDOT only covers construction costs which is \$4.79M. Mr. Fox stated the City would be required to pay for preliminary engineering, right-of-way acquisition, utility adjustments, construction engineering and inspection (\$1.629M) regardless of submission type, and then either 15% (\$719K) or 25% (\$1.199M) of the construction cost. He stated total cost to the City, if approved and selected would be either \$2.35M or \$2.82M. Mr. Fox stated Air Cap Drive is not in the Capital Improvement Program at this time. He stated if approved, staff recommends temporary financing and then the issuance of general obligation bonds to cover the cost.

Mayor Ray Mann stated staff wanted Council made aware of the higher commitment on the City level. He stated if Council is good with this, staff will move forward.

Council Member Tom Jones asked if the property owner had been approached and will there be lots on both sides of the street. Mr. Fox stated it is the City's responsibility is to secure the right-of-way, and the City has not contacted the property owner at this time. Mr. Jones asked if there would be an impact fee to collect part of the \$2M investment back. City Attorney Doug Moshier stated there is no impact fee, but the City can initiate special assessments. He stated if the City does not have a petition from the majority of the property owners, then the property owners can protest the project. A discussion ensued on different options of how to recover part of the City's investment.

Council Member Jim Schroeder asked questions related to repayment and if the City has the debt ceiling to accommodate this project. Finance Director Dee Anne Grunder stated yes. Mr. Schroeder stated he is supportive of the project.

Council Member Ben Saucedo stated he is supportive of the project. Mr. Saucedo stated the City would see the return on the investment through property tax and sales tax benefits. He stated the long-term benefits will exceed the risks of pursuing the project.

Council Member Tom Jones moved to approve the submission of a project application to KDOT for consideration for the extension of Air Cap Drive between 53rd Street North and 61st Street North under the Metropolitan Transportation Plan for up to 25%.

Council Member Brandi Baily seconded the motion.

Council Member Brandi Baily stated the requirements appear to be in line with what the City wants to do along the corridor. She stated she is in favor of the 25% cost share commitment.

Council Member John Lehnerr stated he is in favor of the 25% cost share commitment. Mr. Lehnerr stated he would like Council to keep in mind the City has to pay for the road, and when a developer comes to the City to ask for industrial revenue bonds, the City still must pay for the road.

Motion carried 8-0.

## **12. DISCUSS AND CONSIDER ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO THE SALE AND DISCHARGE OF FIREWORKS**

City Attorney Doug Moshier stated the ordinance is amending part of the City's local fireworks regulations. Mr. Moshier stated the amendment prohibits sky lanterns or aerial luminaries. He stated last summer, the City became aware of a conflict between County regulations and City regulations. Mr. Moshier stated the county prohibits the sale of sky lanterns and aerial luminaries, so operators of fireworks stands were told they could not sell them. He stated staff has had inquiries from organizations that wished to use sky lanterns or aerial luminaria for events. Mr. Moshier stated these items can be a significant fire hazard. Mr. Moshier stated Kansas does not prohibit the use of these items, but Sedgwick County does.

Council Member Ben Saucedo asked for the distinction between the items being prohibited and other fireworks. Mr. Moshier stated the ordinance is very specific in subsection (b) on what items are prohibited. Mr. Saucedo asked if the City is having issues with these items causing fires in the area. City Administrator Sean Fox stated not to the City's knowledge. Mr. Saucedo stated he is having a difficult time understanding the creation of an ordinance without a proper need. Mr. Fox stated there

is a conflict with two local governments, and this will bring the City in compliance with Sedgwick County.

Council Member Tom Jones asked if the City will be prohibiting the sale of the items at fireworks stands, but not prohibiting the use of the items if someone brings them into town. Mr. Moshier stated the ordinance prohibits the sale and use of these items.

Council Member John Lehnherr moved to approve Ordinance #1079-2019 amending Section 18-202 of the Municipal Code of the City of Park City, Kansas, pertaining to the sale and discharge of fireworks and repealing the original of said section.

Council Member Brandi Baily seconded the motion.

Council Member George Capps stated lots of debris from fireworks end up in his yard that no one cleans it up. He stated he would like people to have more consideration of others.

**Roll Call**

Council Member John Lehnherr	Yes	Council Member Tom Jones	No
Council Member George Glover	Yes	Council Member George Capps	No
Council Member Ben Saucedo	No	Council Member Brandi Baily	Yes
Council Member Melvin Kerr	No	Council Member Jim Schroeder	Yes
Mayor Ray Mann	Yes		

**GOVERNING BODY REPORTS**

**Mayor’s Remarks**

Mayor Ray Mann stated he thought the meeting had a lot of good discussion.

**Remarks by Council Members**

Council Member Brandi Baily offered her condolences to the John Leeker family. She stated Mr. Leeker will be missed. Ms. Baily stated there have been comments on social media about disposing of sump pumps into the streets. She asked if staff could post some educational information on how to fix the issue. Mr. Fox stated yes.

Council Member George stated his condolences to the John Leeker family. He stated Mr. Leeker’s generosity and service helped the City and the community. Mr. Capps stated the City’s citizens are under constant criminal assault with the robocalls being made. He stated the City needs to encourage the legislature to try to stop these types of calls.

Council Member Tom Jones stated John Leeker helped civic groups and the City. He personally thanked Mr. Leeker for all he has done.

Council Member Melvin Kerr stated his thoughts and prayers go out to the Leeker family.

Council Member Ben Saucedo stated Mr. Leeker is the second loss of men who have been pillars in the community. He offered his condolences to the Leeker family. Mr. Saucedo stated he will host Convos Over Coffee on Saturday October 12, 2019 from 9:30am to 11:00am at Daylight Donuts. He stated Tonya Buckingham, the Register of Deeds for Sedgwick County, will be there to offer military discount cards.

Council Member George Glover stated his condolences to the John Leeker family. He stated Mr. Leeker was a great contributor to the City. Mr. Glover invited everyone to attend Fall Fest on October 26, 2019 at Hap McLean Park for 4:00pm to 7:00pm.

**ADJOURN**

Council Member John Lehnherr moved to adjourn the meeting at 7:55pm.

Council Member Ben Saucedo seconded the motion. Motion carried 8-0.

\_\_\_\_\_  
Ray Mann, Mayor

Attest:

\_\_\_\_\_  
Marlo Rugg, City Clerk

The foregoing minutes were considered at the October 22, 2019 meeting and approved with the following amendment\_\_\_\_\_.

The vote to approve the minutes\_\_\_\_\_.