

City Commission of Arkansas City - Regular Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at **5:30 p.m. Tuesday, September 21, 2021**, in the Commission Room at City Hall, located at 118 W. Central Ave.

Mayor **Scott Rogers** called the meeting to order. Commissioners also present at roll call were Commissioners **Kanyon Gingher, Duane L. Oestmann, Jay Warren** and **Karen Welch**.

City employees present were City Manager **Randy Frazer**, City Attorney **Larry Schwartz**, Deputy City Clerk **Amanda Evinger**, Public Information Officer **Andrew Lawson**, Management Assistant **Mike Crandall**, Finance Director/Treasurer **Jennifer Waggoner**, Environmental Services Superintendent **Rod Philo** and Building Official **Mike Bellis**.

Arkansas City Fire-EMS Department personnel in attendance were Interim Fire Chief **Les Parks**, Capt. **Justin Parks**, Lt. **Jon Clawson**, and Firefighter-Emergency Medical Technicians **Logon French** and **Daniel Goubeaux**.

Arkansas City Police Department personnel in attendance were Police Chief **Eric Burr**, Capt. **Jim Holloway**, Lt. **Nelson Douglas**, Lt. **Travis Stroud**, Lt. **Kevyn Ternes**, Sgt. **Ted Shinneman**, Master Police Officers **Jeremy Samson** and **Cori Tuxhorn**, Police Officers **Rick Bennett** and **Brandon Casares**, Public Service Officer **Eric Gross**, and Administrative Assistant **Jeni McGee**.

The Arkalalah Executive Committee was represented by Chairman **Jace Kennedy**, **Damon Mendoza**, **Clayton Pappan**, **Chris Rains** and Executive Secretary **Tasha Bucher**.

Citizens observing in person or via GoToMeeting were **Kacie Douglas**, **Sue Lancaster**, **Bob Mathews**, **Thaniel Monaco**, **Amber Samson**, **Tiffany Shinneman**, **Harrison Taylor** and Cowley CourierTraveler reporter **John Shelman**.

Commissioner Warren offered the opening prayer. Mayor Rogers led the Pledge of Allegiance.

Approval of the Agenda

At City Manager Frazer's request, Mayor Rogers made a motion to amend the agenda by adding **Resolution No. 21-360**, adopted by the City Council of the City of Wichita, Kansas, on **September 14, 2021**, regarding the issuance of bonds for Presbyterian Manors, Inc., as **Item 4** under the **Consent Agenda**. Commissioner Gingher seconded the motion.

A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the agenda **amended** as requested.

Commissioner Welch then made a motion to approve the agenda as amended. Commissioner Warren seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the agenda **approved** as amended.

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Awards and Proclamations

Mayor Rogers issued a proclamation that **October 3-9, 2021**, is **Fire Prevention Week** and **October 3, 2021**, is **National Fallen Firefighters Memorial Day** in Arkansas City. Fire Chief Les Parks, Capt. Justin Parks, Lt. Clawson, Firefighter-EMT French and Firefighter-EMT Goubeaux all received the proclamation on behalf of the **Arkansas City Fire-EMS Department**.

Mayor Rogers also issued a proclamation that **October 5, 2021**, is **National Night Out** in Arkansas City. Police Chief Burr, Capt. Holloway, Lt. Douglas, Lt. Stroud, Sgt. Shinneman, Master Police Officer Samson, Master Police Officer Tuxhorn, Officers Bennett and Casares, and Public Service Officer Gross all received the proclamation on behalf of the **Arkansas City Police Department**.

Recognition of Visitors

Police Chief Burr recognized three recently promoted Arkansas City Police Department officers, all of whom were in attendance – Lt. **Nelson Douglas**, Lt. **Travis Stroud** and Sgt. **Ted Shinneman**.

Chief Burr then introduced the newest member of the Arkansas City Police Department, Officer **Brandon Casares**, who then was administered his Oath of Office by Deputy City Clerk Evinger.

Comments from the Audience

Bob Mathews, 900 North D St., spoke to the commissioners about drainage and property maintenance issues in the area of D Street, between Linden and Pine avenues, and the alley behind.

Consent Agenda

Commissioner Oestmann made a motion to approve the consent agenda as amended, consisting of:

1. Approving the **September 7, 2021**, regular meeting minutes as written.
2. Approving **Resolution No. 2021-09-3435**, authorizing a public meeting of the Governing Body to attend a special Land Bank Board of Trustees meeting at **5 p.m. Tuesday, October 5, 2021**, in the Commission Room at City Hall, located at 118 W. Central Ave.
3. Approving **Resolution No. 2021-09-3436**, authorizing the City to enter into a Memorandum of Understanding (MOU) by and between the City of Arkansas City, Kansas, and the Kansas Alliance for Wetlands and Streams, to maintain informational signage at **Walnut Park**.
4. Approving the adoption of **Resolution No. 21-360**, adopted by the City Council of the City of Wichita, Kansas, on **September 14, 2021**, regarding the issuance of Health Care Facilities Revenue Bonds for Presbyterian Manors, Inc.

Commissioner Gingher seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the consent agenda **approved** as presented.

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New Business

WWTP Improvements Hearing Resolution No. 2021-09-3437

Deputy City Clerk Evinger presented for discussion a resolution authorizing the City to file an application with the **Kansas Department of Health and Environment (KDHE)** for a loan in the amount of **\$10.5 million** under the Kansas Water Pollution Control Revolving Fund Act.

Thaniel Monaco, with BG Consultants, said notice of this hearing was published **August 21, 2021**, in the Cowley CourierTraveler. The purpose of this public hearing is to provide detailed information to the public concerning the proposed Wastewater Treatment Plant improvements.

Monaco, the City's owner representative, provided a current engineer's cost estimate and addressed the potential impact of the loan on sewer user charges or other taxes to fund the improvements.

Mayor Rogers made a motion to open the public hearing. Commissioner Gingher seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved** and opened the hearing. No one from the public spoke. Mayor Rogers made a motion to close the hearing. Commissioner Oestmann seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved** and closed the hearing.

Commissioner Gingher left the meeting in progress at **6:04 p.m.** and did not return.

Mayor Rogers made a motion to approve the resolution as presented. Commissioner Welch seconded the motion. A voice vote was **unanimous** in favor of the motion.

Mayor Rogers declared the resolution **approved** and given **Resolution No. 2021-09-3437**.

Commissioner Oestmann made a motion to approve the **"Cost and Effectiveness" Certification**.

Commissioner Warren seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved**.

Commissioner Welch then made a motion to approve the **"Applicant Assurance of Public Participation for Kansas Water Pollution Control Revolving Loan Fund Projects"**.

Commissioner Oestmann seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved**.

Finally, Mayor Rogers made a motion to approve the **"Lobbying" Certification**. Commissioner Warren seconded the motion.

A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved**.

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Wilson Park Master Plan Phase 1 Resolution No. 2021-09-3438

Deputy City Clerk Evinger presented for discussion a resolution authorizing the City to enter into a contract with **Vogts-Parga Construction**, LLC, of Newton, for construction of the **Wilson Park Master Plan Phase 1 Upgrades Project** and installation of the **Creekstone Farms Pavilion** at Wilson Park, for an amount not to exceed **\$356,176.62**.

City Manager Frazer said construction delays have prevented Vogts-Parga from preparing to mobilize until now, but City staff put this time to good use by working diligently with Vogts-Parga for the past five months to explore every possible cost-cutting option, including eliminating unnecessary sidewalks and drainage structures, using repurposed rock donated by Everygy, and accomplishing some concrete work and all electrical upgrades in house with City staff labor.

This final revised quote of **\$330,388.47** from Vogts-Parga will cover all new stormwater pipe, manhole and drain basins, as well as excavation, reinforced concrete paving, ADA ramps, light pole bases, pavement markings, drilled piers and installation of the canopy structure, while the additional **\$25,788.15** option will add a reinforced rock base using the donated rock. Frazer said City staff recommends this additional option to ensure the maximum longevity of the concrete.

Commissioner Warren asked about electrical and water hookups. Building Official Bellis explained his plans for wiring the connections for food trucks and said the City will plumb a pair of spigots.

Mayor Rogers made a motion to approve the resolution as presented. Commissioner Oestmann seconded the motion. A voice vote was **unanimous** in favor of the motion.

Mayor Rogers declared the resolution **approved** and given **Resolution No. 2021-09-3438**.

Police Chief Duties Ordinance Ordinance No. 2021-09-4539

Deputy City Clerk Evinger presented for discussion the first reading of an ordinance amending **Chapter 2, Article IV** of the **Arkansas City Municipal Code** to add a new **Section 2-279** to provide provisions for a Chief of Police as required by National Accreditation Standards.

Police Chief Burr said the Commission on Accreditation for Law Enforcement Agencies (CALEA) requires member agencies to have a written statement issued by the unit of government, consisting of a law or ordinance that designates the authority and responsibility of the chief executive officer.

Commissioner Warren made a motion to approve the ordinance as presented. Commissioner Oestmann seconded the motion. A roll call vote was **unanimous** in favor of the motion. Mayor Rogers declared the ordinance **approved** and given **Ordinance No. 2021-09-4539**. Following this action, **Harrison Taylor**, who lives at 525 N. Fourth St., spoke in praise of the Police Department.

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Arkalalah Festival Beer Garden **Ordinance No. 2021-09-4540**

Commissioner Welch presented for discussion the first reading of an ordinance exempting the application of **K.S.A. 41-719(d)** to allow the consumption of alcoholic liquor at a designated area of Ben Givens City Center Park for a “beer garden” during the Arkalalah Festival on **October 27-30**.

Commissioner Welch made a motion to approve the ordinance as presented. Commissioner Oestmann seconded the motion. A roll call vote was **unanimous** in favor of the motion.

Mayor Rogers declared the ordinance **approved** and given **Ordinance No. 2021-09-4540**.

Commissioner Oestmann asked City Attorney Schwartz to look for a way to make this process easier.

Standard Traffic Ordinance **Ordinance No. 2021-09-4541**

Deputy City Clerk Evinger presented for discussion the first reading of an ordinance adopting by reference into Municipal Code the **Standard Traffic Ordinance (STO) for Kansas Cities, 48th Edition**, prepared and published in book form in **2021** by the League of Kansas Municipalities.

City Attorney Schwartz reviewed the major changes to the state’s traffic laws that took effect **July 1, 2021**, including three new sections and modifications to six other sections.

Commissioner Oestmann made a motion to approve the ordinance as presented. Commissioner Welch seconded the motion. A roll call vote was **unanimous** in favor of the motion.

Mayor Rogers declared the ordinance **approved** and given **Ordinance No. 2021-09-4541**.

Uniform Public Offense Code **Ordinance No. 2021-09-4542**

Deputy City Clerk Evinger presented for discussion the first reading of an ordinance adopting by reference into Municipal Code the **Uniform Public Offense Code (UPOC) for Kansas Cities, 37th Edition**, prepared and published in book form in **2021** by the League of Kansas Municipalities.

City Attorney Schwartz reviewed major changes to the state’s criminal code that took effect in 2021.

Mayor Rogers made a motion to approve the ordinance as presented. Commissioner Warren seconded the motion. A roll call vote was **unanimous** in favor of the motion.

Mayor Rogers declared the ordinance **approved** and given **Ordinance No. 2021-09-4542**.

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City Manager's Report on Upcoming Activities

City Manager Frazer provided the commissioners with the following reminders and updates:

- The monthly **Cowley Indoor Market** will have its next event from **5 to 8 p.m. September 22** at Burford Theatre Arts, located at 118 S. Summit St. in downtown Arkansas City.
- Visit Ark City (VAC) will be host to a special "**Aloha party**" as they bid a fond "Aloha" to outgoing director Pam Crain and welcome Jill Hunter as the new VAC director from **5 to 7 p.m. September 23** at Burford Theatre Arts, located at 118 S. Summit St.
- City staff will meet with project consultants about the **CDBG North Summit Street Resurfacing Project** at **10 a.m. September 27** in the city manager's office.
- The **Arkansas City Farm and Art Market** will finish out its 2021 season with its final market from **4 to 6:30 p.m. September 28** at the Wilson Park rotunda, located at 701 N. Summit St.
- The next **City Commission** study session will be at **noon October 1** in Frazer's office.
- There will be a special "**Mommy & Me Fair**," sponsored by 4 Friends Events LLC, from **10 a.m. to 2 p.m. October 3** at Burford Theatre Arts, located at 118 S. Summit St.
- City staff will participate in a virtual **Kansas Department of Transportation (KDOT) local consult meeting** at **1:30 p.m. October 4**. It is a great opportunity to pitch local projects.
- The **National Night Out kickoff party** will be from **5 to 8 p.m. October 4** at Wilson Park. The Police Department is very excited to bring this event back after having to take 2020 off!
- The City Commission will convene as the **Land Bank Board of Trustees** at **5 p.m. October 5** in the commission room at City Hall, prior to its next regular City Commission meeting at **5:30 p.m.** Frazer will try to end that City Commission meeting by **6 p.m.** so that the commissioners can attend some of the National Night Out block parties from **6 to 8:30 p.m.**

Other Business

Commissioner Welch asked about **Citywide Pickup Week**, which Public Information Officer Lawson said will be **October 11-15**, following **Fall Cleanup Day** from **8 a.m. to noon October 9**.

Lawson said the City will be applying again for **KDOT Cost Share** funds for the North Summit Street Resurfacing Project. That grant application will be due **September 24**.

Frazer reminded commissioners he will be gone **September 29** through **October 1** at a REAP event.

Adjournment

Commissioner Warren made a motion to adjourn the meeting. Mayor Rogers seconded the motion.

A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the meeting adjourned at **6:41 p.m.**

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THE CITY OF ARKANSAS CITY BOARD OF CITY COMMISSIONERS

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer

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