

RESOLUTION NO. 2022-09-____

A RESOLUTION REGARDING THE CLEANUP OF THE PROPERTY LOCATED AT 425 W QUINCY AVENUE, ARKANSAS CITY, KANSAS, AND PROVIDING FOR COOPERATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT IN ACHIEVING SAID REPAIR AND CLEANUP.

WHEREAS, the City Commission after study and review has determined as follows, to-wit:

THAT, K.S.A. 65-3415a(c)(7) authorizes the Secretary of the Kansas Department of Health and Environment (KDHE) to take corrective action where the release of solid waste presents an actual or potential threat to human health or the environment if the owner or operator has not been identified or is unable or unwilling to perform corrective action.

THAT, K.S.A. 65-3415a(d) requires that the person(s) responsible for the operation or long-term care of a disposal area whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are responsible for repayment of those funds and the Secretary shall take the appropriate action to recover those funds.

THAT, the Secretary has determined that the site presents an actual or potential threat to human health or the environment and the owner or operator is unable or unwilling to perform the necessary corrective action. The Secretary has further determined that the person(s) responsible for the long-term care of the site has not violated the solid waste act, rules, regulations, or permit conditions resulting in the determination that funds should be expended and therefore is not responsible for repayment of funds expended.

THAT, the City of Arkansas City should enter into an agreement to remediate the human health or environmental hazards at the site located in Cowley County, Kansas known as 425 W Quincy Ave, Arkansas City, KS, as the same represents a threat to the safety of the citizens of the City of Arkansas City and Cowley County, Kansas.

THAT, the Secretary has determined that it is most cost effective for the City to contract for performance of the tasks necessary to remediate the site.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the City of Arkansas City, Kansas, to enter into an agreement with the Kansas Department of Health and Environment for the clean-up of 425 W Quincy Avenue, Arkansas City, Kansas, and to provide for a work plan for said repair and clean-up, and to perform all acts necessary to contract for the performance of the tasks necessary to accomplish same and to enter into a reimbursement agreement with KDHE to recover the actual costs associated in performing said services.

SECTION TWO: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the Mayor and/or City staff of the City of Arkansas City, Kansas, to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION THREE: This Resolution shall be in full force and effect from its date of passage by the Governing Body of the City of Arkansas City, Kansas.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this __ day of September, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2022-09-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on _____, 2022, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk