



City of Arkansas City

CITY COMMISSION MEETING MINUTES

Tuesday, September 06, 2022 at 5:30 PM — 118 W Central Ave, Arkansas City, KS

Routine Business

1. Roll Call

PRESENT

Commissioner Charles Jennings
Commissioner Scott Rogers
Commissioner Diana Spielman
Commissioner Jay Warren
Mayor Canyon Gingher

Also present: City Manager Randy Frazer, City Attorney Larry Schwartz, Police Chief Eric Burr, Finance Director/Treasurer Jennifer Waggoner, City Clerk Lesley Shook, Deputy City Clerk Tiffany Parsons, Accountant Amy Roberts, Planner Josh White, Police Captain Jim Holloway, Municipal Project Manager Nick Rizzio, Environmental Services Superintendent Rod Philo, Public Services Superintendent Tony Tapia, Fire Marshal Chet Ranzau, EMS Director Jeri Smith, and Building Official Mike Bellis

2. Opening Prayer was led by Loralie Leon. The Pledge of Allegiance was led by Ellie Mangold

3. There were no additions or deletions to the agenda.

4. Approval of the Agenda

Motion made by Commissioner Spielman, Seconded by Commissioner Rogers to approve the agenda as presented.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

Awards and Proclamations

1. Proclaim September 11-17, 2022, was proclaimed as Direct Support Professionals Recognition Week in Arkansas City as ready by Emma Mangold

Comments from the Audience for Items Not on the Agenda

Regina Stodard 7167 242nd road. - 10 year tax abatement and what happens after that is over. She was explained that after 10 years she would pay the full taxes on the property.

Consent Agenda

Note: All matters listed below on the Consent Agenda are considered under one motion and enacted by one motion. There should be no separate discussion. If such discussion is desired, any item may be removed from the Consent Agenda and then considered separately under Section VII: New Business.

Motion made by Commissioner Warren, Seconded by Commissioner Jennings to approve the consent agenda as presented.

1. Approve the August 16, 2022 regular meeting minutes as written.
2. Approve Resolution No. 2022-09-3498 authorizing a public meeting of the Governing Body to attend a Public Building Commission meeting at 5:15 p.m. Tuesday, September 20, 2022, in the Commission Room at City Hall, located at 118 W. Central Ave. in Arkansas City.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the consent agenda approved.

Old Business

1. City Clerk Shook presented for consideration for the governing body hold a public hearing to receive public comment relating to the Revenue Neutral Rate.
 - 1a) Consider a Resolution to exceed the Revenue Neutral Rate.

Motion made by Commissioner Rogers, Seconded by Commissioner Jennings to open the public hearing.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

Citizens that spoke during the public hearing included: Regina Stoddard, Lloyd Colston, Carlie Gilbert, Lacey Pool, John Sybrant, Jake Richardson, and Billy Gilbert.

Motion made by Commissioner Rogers, Seconded by Commissioner Warren to close the public hearing.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

Motion made by Commissioner Spielman, Seconded by Commissioner Warren to approve the Resolution to exceed the Revenue Neutral Rate.

Roll Call Vote Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Resolution No. 2022-09-3499.**

2. City Clerk Shook presented for consideration for the governing body hold a public hearing to receive public comment regarding the proposed 2023 budget.
 - 2a) (Optional) Consider first reading of an Ordinance adopting the 2023 Budget for the City of Arkansas City.

Motion made by Commissioner Rogers, Seconded by Commissioner Spielman to open the public hearing.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

Citizens that spoke during the public hearing included: Mickey Schmith.

Motion made by Commissioner Rogers, Seconded by Commissioner Warren to close the public hearing.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

Motion made by Commissioner Warren, Seconded by Commissioner Rogers to approve the Ordinance adopting the 2023 Budget for the City of Arkansas City.

Roll Call Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Ordinance No. 2022-09-4559.**

New Business

Ordinances for Consideration

1. City Clerk Shook presented for consideration first reading of an Ordinance adopting by reference the Standard Traffic Ordinance for Kansas Cities, 49th Edition, prepared and published in book form in 2022 by the League of Kansas Municipalities. City Attorney Schwartz discussed the substantive changes with the commission.

Motion made by Commissioner Warren, Seconded by Commissioner Jennings to approve the Ordinance adopting by reference the Standard Traffic Ordinance for Kansas Cities, 49th Edition, prepared and published in book form in 2022 by the League of Kansas Municipalities.

Roll Call Vote Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Ordinance No. 2022-09-4560.**

2. City Clerk Shook presented for consideration first reading of an Ordinance adopting by reference the Uniform Public Offense Code for Kansas Cities, 38th Edition, prepared and published in book form in 2022 by the League of Kansas Municipalities. City Attorney Schwartz discussed the substantive changes with the commission.

Motion made by Commissioner Warren, Seconded by Commissioner Jennings to approve the Ordinance adopting by reference the Uniform Public Offense Code for Kansas Cities, 38th Edition, prepared and published in book form in 2022 by the League of Kansas Municipalities.

Roll Call Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Ordinance No. 2022-09-4561.**

3. City Clerk Shook presented for consideration first reading of an Ordinance amending Zoning Regulations Article 28 (Floodplain Management), and incorporating such regulations by reference. Principle Planner White noted this is a community rating system and only involves cases of new construction or major improvement. The planning commission has recommended all the changes be approved.

Motion made by Commissioner Spielman, Seconded by Commissioner Jennings to approve the Ordinance amending Zoning Regulations Article 28 (Floodplain Management), and incorporating such regulations by reference.

Roll Call Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Ordinance No. 2022-09-4562.**

4. City Clerk Shook presented for consideration first reading of an Ordinance exempting the application of K.S.A. § 41-719(c) to allow the sale and consumption of alcoholic liquor at a designated area of Wilson Park during Cowley Market Craft Show, from 10:00 a.m. to 4:00 p.m. on Saturday, September 24, 2022. Shelley Robertson, One Margarita Express LLC, addressed the governing body to allow her to sell and serve alcohol at a designated area of Wilson Park during the Cowley Market Craft Show. She stated she will take all necessary precautions to ensure the property is used in full compliance with applicable state and local law.

Motion made by Commissioner Warren, Seconded by Commissioner Spielman to approve the Ordinance exempting the application of K.S.A. § 41-719(c) to allow the sale and consumption of alcoholic liquor at a designated area of Wilson Park during Cowley Market Craft Show, from 10:00 a.m. to 4:00 p.m. on Saturday, September 24, 2022.

Roll Call Voting Yea: Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Voting Nay: Commissioner Jennings. Mayor Gingher declared the motion approved and given **Ordinance No. 2022-09-4563.**

Motion made by Commissioner Warren, Seconded by Commissioner Rogers to also waive the age restriction at the Agri-Business building during the 3 other Cowley Market Events scheduled on October 8, 2022, November 19, 2022, and December 3, 2022 as long as the area is fenced and monitored.

Voting Yea: Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Voting Nay: Commissioner Jennings. Mayor Gingher declared the motion approved.

Resolutions for Consideration

1. City Clerk Shook presented for consideration 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. Toby Kuhn/Kansas Department of Health Environmental compliance/regulatory specialist was available to answer any questions the commission had. It was noted that the owners of the property have approved a "consent to access" agreement.

Motion made by Commissioner Warren, Seconded by Commissioner Rogers to approve the 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.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Resolution No. 2022-09-3500.**

2. City Clerk Shook presented for consideration the Resolution authorizing the transfer of certain real estate at 212 N 3rd Street to George and Nisa Cummings. Principle Planner stated George and Nisa Cummings own the property to the South and would like to purchase the property to put a garage on it. George Cummings addressed the commission and asked for a reduction in price.

Motion made by Commissioner Warren, Seconded by Commissioner Spielman to approve the Resolution authorizing the transfer of certain real estate at 212 N 3rd Street to George and Nisa Cummings in the amount of \$1.00.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Resolution No. 2022-09-3501**.

3. City Clerk Shook presented for consideration a Resolution authoring the City of Arkansas to enter into a Memorandum of Understanding with “a to be determined entity” composed of Consolidate Housing Services and Consolidated Development Partners, to acquire property and develop a residential housing development on the city owned lot bordered by N. 1st Street, N. 2nd Street, W. Birch Avenue, and W. Pine Avenue.

Motion by Commissioner Spielman to table until next meeting. The motion died for a lack of second.

John Sybrant addressed the commission regarding this item.

Motion by Commissioner Jennings, Seconded by Commissioner Rogers to table for a future agenda item.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

Other Items for Consideration

1. City Clerk Shook presented for consideration a motion authorizing the City of Arkansas City Commissioners to sign a letter concerning the 2023 Final IPPS Rule that could cause negative financial consequences to SCK Health. City Manager Frazer noted that SCK Health CEO, Jeff Bowman, requested this letter to be sent to our congressman and Senator.

Motion made by Commissioner Warren, Seconded by Commissioner Spielman to authorizing the City of Arkansas City Commissioners to sign a letter concerning the 2023 Final IPPS Rule that could cause negative financial consequences to SCK Health.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

City Manager's Report on Upcoming Activities

- strategic work plan. infrastructure/water tower (identified as priority) and water master plan.
- Pool and recreation options conversations are beginning
- Wifi and technology option wouldn't be feasible for city to pursue
- City priorities : housing study from 2019.
- Communication director has been hired and will start early October.

Adjournment

Motion made by Commissioner Rogers, Seconded by Commissioner Warren to adjourn the meeting.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the meeting adjourned.

**THE CITY OF ARKANSAS CITY
BOARD OF CITY COMMISSIONERS**

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Lesley Shook, City Clerk