

# 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, December 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**, City Clerk **Lesley Shook**, Public Information Officer **Andrew Lawson**, Management Assistant **Mike Crandall**, Environmental Services Superintendent **Rod Philo**, Interim Fire Chief **Les Parks**, Police Chief **Eric Burr**, ACPD Administrative Assistant **Jeni McGee**, Building Official **Mike Bellis**, Principal Planner **Josh White** and Human Resources Assistant **Marla McFarland**.

In addition to Chief Burr and Administrative Assistant McGee, the Suicide Prevention Coalition of Cowley County was represented by **Trish Blatchford, Dena Kemp, Donna Kunkel, Kim Mercer, Jodi Pew** and **Michael Segree**, of HOG MOB Ministries. GilmoreBell was represented by **Dominic Eck**.

Other citizens observing in person or via GoToMeeting were **Ken Harader**, Commissioner-elect **Diana Spielman** and **Harrison Taylor**.

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

## **Approval of the Agenda**

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

Mayor Rogers declared the agenda **approved** as presented.

## **Recognition of Visitors**

Police Chief Burr introduced to the City Commission the other members present from the **Suicide Prevention of Cowley County Coalition**. He outlined the group's short-term and long-term goals for the barricade and street area on West Chestnut Avenue, just north of Chestnut Park. Burr asked for the commissioners' support of the coalition's plans to clean up, adopt and enhance this area.

## **Consent Agenda**

Commissioner Welch made a motion to approve the consent agenda, consisting of the following:

1. Approving the **December 7, 2021**, regular meeting minutes as written.
2. Ratifying Mayor Rogers' reappointments of **Shannon Martin** and **Carlla Pike** to the **Visit Ark City Board of Trustees**.

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Commissioner Gingher seconded the motion. A voice vote was **unanimous** in favor of the motion.

Mayor Rogers declared the consent agenda **approved** as presented.

## Old Business

### Archaeological Survey Services Resolution No. 2021-12-3449

City Clerk Shook presented for discussion a resolution authorizing the City to accept a proposal submitted by **KB Archaeological Consulting**, of Lawrence, regarding an archaeological survey at 1110 E. Kansas Ave., for an amount not to exceed **\$16,928.00**.

Management Assistant Crandall said the state archaeologist is requiring an archaeological survey to be performed at **1110 E. Kansas Ave.** before any future development can take place there.

Crandall said he recently sent out a Request For Proposals (RFP) to 10 qualified archeological consultants, selected from a list that was provided to him by the state archaeologist. Only one proposal was originally received, from Wichita State University.

Commissioner Gingher and staff worked to solicit more proposals, with four additional companies being interviewed. Since this item was submitted for the agenda, Crandall said, a lower bid was submitted by **Algonquin Consulting**, of Miami, Oklahoma, for an amount not to exceed **\$8,760.00**.

Commissioner Warren made a motion to approve a resolution authorizing the City to accept the proposal submitted by Algonquin Consultants, Inc., of Miami, Oklahoma, regarding an archaeological survey at 1110 E. Kansas Ave., for an amount not to exceed **\$8,760.00**.

Commissioner Gingher seconded the motion. A voice vote resulted in **four yea votes** and **one nay vote**, with Commissioner Oestmann casting the lone dissenting vote.

Mayor Rogers declared the motion **approved** and given **Resolution No. 2021-12-3449**.

## New Business

### Budgeted Pay Plan for 2022 Ordinance No. 2021-12-4546

City Clerk Shook presented for discussion a first reading of an ordinance adopting the **budgeted pay plan for 2022**, with a 1-percent cost-of-living adjustment (COLA) for all City employees.

Human Resources Assistant McFarland said the 1-percent COLA already has been approved in the budget for **2022** and the estimated cost of that increase will be approximately **\$83,736.00** in total.

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The ordinance also increases the maximum for each pay range by **10 percent**. This allows long-term and experienced employees a greater opportunity for a merit increase, as several already have reached their maximum and therefore currently are ineligible for merit increases in compensation.

The ordinance changes the Management Assistant job title to a **Municipal Project Manager** (and increased it from a Range 24 to a **Range 28**), adds new **Engineer/Paramedic** (Range 28F) and **Fire Marshal** (Range 30F) positions, and increases Fire-Emergency Medical Services (EMS) Lieutenant to a **Pay Range 29F** and Fire-Emergency Medical Services (EMS) Captain to a **Pay Range 30F**.

Commissioner Warren made a motion to approve the ordinance as presented and praised all of the City employees and the work they do. Mayor Rogers seconded the motion.

A roll call vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved** and given **Ordinance No. 2021-12-4546**.

### 2022 Employee Manual and City Holidays

City Clerk Shook presented for discussion a resolution adopting by reference the **Personnel Policies and Guidelines Manual** for the City of Arkansas City, to become effective **January 1, 2022**.

Human Resources Assistant McFarland said it is a comprehensive review and update of all policies.

Commissioner Gingher asked to table the proposed manual for further consideration, but Commissioners Oestmann and Welch said they had read it and were prepared to vote that night.

Commissioner Gingher made a motion to table the resolution until the next meeting. Commissioner Warren seconded the motion. A voice vote resulted in **three yea votes** and **one nay vote**, with Commissioner Oestmann casting the lone dissenting vote. Commissioner Welch did not vote.

Mayor Rogers declared the motion **approved** and the resolution **tabled** until **January 10, 2022**.

Mayor Rogers then made a motion to set the 2022 City of Arkansas City **official holidays** to mirror those set by the Board of Cowley County Commissioners. Those 11 holidays, as set forth, would be:

1. **December 31, 2021** – New Year’s Day (observed)
2. **January 17, 2022** – Martin Luther King Jr. Day
3. **February 21, 2022** – Presidents Day (Washington’s Birthday); this will be a new City holiday
4. **May 30, 2022** – Memorial Day
5. **July 4, 2022** – Independence Day
6. **September 5, 2022** – Labor Day
7. **November 11, 2022** – Veterans Day
8. **November 24, 2022** – Thanksgiving Day
9. **November 25, 2022** – day after Thanksgiving (“Black Friday”)
10. **December 23, 2022** – day before Christmas Eve; this would be the “floating holiday” for 2022
11. **December 26, 2022** – Christmas Day (observed)

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Commissioner Gingher seconded the motion. A voice vote was **unanimous** in favor of the motion.

Mayor Rogers declared the motion **approved**.

A City staff proposal also to add the Federal holidays of **Columbus Day** and **Juneteenth** as new City holidays will be removed from the draft employee manual prior to its second reading.

### **Environmental Assessment** **Resolution No. 2021-12-3450**

City Clerk Shook presented for discussion a resolution approving a proposal for a **Phase 1 Environmental Assessment** for the property located at **West Madison Avenue** in Arkansas City, Section 36, Township 34, Range 03; S36, T34, R03, PT NW1/4 BEG W1345 & S42.81 FROM NE COR, S860, E300, S223.0, E357.5, SE 425(S), W690(S), N120, W495.28, N910(S), E325, N450.83, E TO POB.

City Manager Frazer said the City is in the process of taking ownership of this property that is located within the old Arkansas City dump area EPA Superfund site. Conducting this Phase 1 Environmental Assessment will help to mitigate any liability associated with the site to the City.

Requests for proposals were sent out on **December 6** and due back on **December 20**. Frazer said two proposals were received, one from Allied Environmental and one from ISI Environmental.

Commissioner Warren made a motion to approve the resolution as presented, awarding the contract to **Allied Environmental Consultants**, of Wichita, for an amount not to exceed **\$2,450.00**.

Commissioner Welch seconded the motion. A voice vote was **unanimous** in favor of the motion.

Mayor Rogers declared the motion **approved** and given **Resolution No. 2021-12-3450**.

### **Rural Housing Incentive District** **Resolution No. 2021-12-3451**

City Clerk Shook presented for discussion a resolution making certain findings and determinations as to the need for housing within the City of Arkansas City, and setting forth the legal description of real property proposed to be designated as a **Rural Housing Incentive District** within the City.

**Dominic Eck**, with GilmoreBell, said this is a resolution stating the City conducted a Housing Assessment that contains certain findings and determinations as to the need for housing in the City.

It also provides the legal description of the downtown area to be designated as a Rural Housing Incentive District (RHID). It is similar, but not identical, to the existing Downtown Historic District.

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If approved, this resolution will be sent to the Kansas Secretary of Commerce to consider the findings. If the Secretary agrees with those findings, the commission can proceed with establishing a Rural Housing Incentive District within the boundaries established in this resolution.

Commissioner Warren 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 motion **approved** and given **Resolution No. 2021-12-3451**.

### **NWCC Advisory Board Reduction** **Resolution No. 2021-12-3452**

City Clerk Shook presented for discussion a resolution amending **Resolution No. 665**, concerning the composition of the **Northwest Community Center (NWCC) Advisory Board**.

The Northwest Community Center Advisory Board was first established by Resolution No. 665, which was approved by the City Commission on **March 20, 1979**. It was set up as a five-member board with staggered three-year terms and has continued to operate this way until the present day.

However, there are now two vacancies on the NWCC Advisory Board after **Ruben Garcia** passed away recently. One of these vacancies was created years ago by the resignation of **Tyler Henderson** and staff has been trying unsuccessfully for years to attract a candidate for the position.

At this time, all three current members must be present for a meeting to occur because the quorum for a five-member board is three. By downsizing the board to just three members, a quorum is two.

If the City receives additional applications in the future, the board could easily be restored to its original five-member status by simply repealing this resolution and restoring Resolution No. 665.

After consultation with NWCC Director Cindy Bennett and the three current board members, staff and Mayor Rogers all were comfortable recommending passage of this resolution to address the quorum issue for the short term. The three current board members also were comfortable with this.

Commissioner Oestmann 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 motion **approved** and given **Resolution No. 2021-12-3452**.

### **Opioid Settlement Funding** **Resolution No. 2021-12-3453**

City Clerk Shook presented for discussion a resolution approving the execution and delivery of necessary agreements to maximize the City's allocation of Kansas **opioid settlement funds**.

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City Attorney Schwartz said multiple class-action lawsuits have been filed throughout the United States concerning the negative impacts to communities and strain on government resources that have been caused by opioid abuse and addiction.

In Kansas, the Attorney General's Office has joined multiple class action suits on behalf of the State. In addition to the State of Kansas, multiple cities and counties have joined various suits.

The various suits have begun to become settled and, in many instances, financial compensation will be paid to offset and mitigate negative impacts of opioid abuse and addiction in communities.

Schwartz recommended adoption of the resolution to authorize the City to execute any necessary settlement participation and other forms required to access funds, pursuant to **House Bill 2079**.

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

Mayor Rogers declared the motion **approved** and given **Resolution No. 2021-12-3453**.

### City Manager's Report on Upcoming Activities

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

- The Arkansas City Area Chamber of Commerce will be host to a special **Christmas cookie swap** and Chamber coffee at **10 a.m. December 23** at the Chamber office, 106 S. Summit St.
- City Hall and all other City offices will be closed **Friday, December 24** and **Friday, December 31** in observance of **Christmas** and **New Year's Day**, respectively. There will be no recycling offered at Strother Field on **December 24-25, December 31** or **January 1, 2022**.
- The next **Cowley County Legislative Committee** meeting will be at **noon January 4, 2022** at the Winfield Area Chamber of Commerce office, located at 123 E. Ninth Ave. in Winfield.
- The next City Commission study session will be at **noon January 7, 2022** in Frazer's office.
- The City Commission's annual reorganization meeting for 2022 was rescheduled automatically from **January 4, 2022** to **5:30 p.m. Monday, January 10, 2022**. A reception honoring Mayor Scott Rogers and incoming Mayor Kanyon Gingher will follow about **6 p.m.**
- Several architecture students from Kansas State University and South Dakota State University will be in Arkansas City on **February 3-6, 2022** for a downtown **visioning study**.

### Adjournment

Commissioner Warren made a motion to adjourn the meeting. Commissioner Oestmann seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the meeting adjourned at **6:37 p.m.**

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## THE CITY OF ARKANSAS CITY BOARD OF CITY COMMISSIONERS

\_\_\_\_\_  
Scott Rogers, Mayor

### ATTEST:

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Lesley Shook, City Clerk

### Prepared by:

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Andrew Lawson, Public Information Officer