



# City Commission Meeting

October 03, 2023 at 5:30 PM

118 W Central Ave, Arkansas City, KS

Please join our meeting <https://global.gotomeeting.com/join/261077901>  
Or dial in using your phone: United States: +1 (872) 240-3311 Access Code: 261 077 901

## I. Routine Business

1. Roll Call
2. Opening Prayer and Pledge of Allegiance
3. Additions or Deletions **(Voice Vote)**
4. Approval of the Agenda **(Voice Vote)**

## II. Consent Agenda (Voice Vote)

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 VI: New Business.

1. Approve the September 19, 2023, regular meeting minutes as written.

## III. New Business

### City Manager Department

1. A Resolution authorizing the City of Arkansas City to transfer the current fund balance in the Legacy Foundation, from the Friends of Wilson Park fund to the Ark City Pickleball fund. **(Voice Vote)**
2. An Ordinance exempting the application of K.S.A. 41-719(d), to allow the sale and consumption of alcoholic liquor at a designated area of Ben Givens Center City Park during Arkalalah, on October 25-28, 2023. **(Roll Call Vote)**
3. An Ordinance authorizing the rezoning of 425 W. Quincy Avenue, from R-2 (Medium Density Residential District to C-2 (Restricted Commercial District). **(Roll Call Vote)**
4. An Ordinance granting a conditional use permit to allow a self-storage facility in a C-2 Restricted Commercial District located at 425 W. Quincy Avenue, requested by Chris Befort, in the City of Arkansas City, KS. **(Roll Call Vote)**
5. Consider first reading of Ordinance levying special assessments for code enforcement activities for unpaid weed mowing charges. **(Roll Call Vote)**
6. Consider first reading of Ordinance levying special assessments for code enforcement activities for unpaid refuse abatement charges and inoperative or abandoned vehicles. **(Roll Call Vote)**

7. Consider for approval a Certificate of Special Assessment for dangerous structure demolitions. **(Voice Vote)**

#### Fire/EMS Department

1. A Resolution authorizing the City of Arkansas City to purchase the LION ITS Intelligent Fire Extinguisher Training System from NAFECO of Decatur, Alabama, for an amount not to exceed \$15,660.25. **(Voice Vote)**

#### **IV. Items for Discussion by City Commissioners**

#### **V. Comments from the Audience for Items not on the Agenda**

*The public will be allowed to speak on issues or items that are not scheduled for discussion on the agenda. Individuals should address all comments and questions to the Commission. Comments should be limited to issues and items relevant to the business of the Governing Body. The Commission will not discuss or debate these items, nor will the Commission make decisions on items presented during this time. Each person will be limited to three (3) minutes.*

#### **VI. City Manager Reminders & Updates**

#### **VII. Executive Session**

1. Recess into executive session to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for the preliminary discussion of the acquisition of real property.
2. A Home Rule Ordinance of the City of Arkansas City, Kansas, authorizing the acquisition of real property for economic and residential development purposes; and authorizing the issuance of general obligation bond of the city to pay the costs thereof. **(Roll Call Vote)**
3. A Resolution authorizing the offering for sale of taxable general obligation bonds, series 2023, of the City of Arkansas City, Kansas. **(Voice Vote)**

#### **VIII. Adjournment**



# City Commission Agenda Item

**Meeting Date:** October 3, 2023

**From:** Tiffany Parsons, City Clerk

**Item:** Approve the September 19, 2023, Regular Meeting Minutes

**Purpose:** Approve the September 19, 2023, regular meeting minutes as written.

**Background:**

Each meeting, the City Commission reviews and approves the minutes of its prior meeting(s).

**Commission Options:**

1. Approve with consent agenda.
2. Remove item from consent agenda for further consideration.

**Approved for Agenda by:**

A handwritten signature in black ink, appearing to read "Randy Frazer", is written over a horizontal line.

Randy Frazer, City Manager



Tuesday, September 19, 2023  
 Regular Meeting Minutes  
 118 W Central Ave, Arkansas City, KS

### Routine Business

1. Roll Call

**PRESENT**

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

**ABSENT**

None

Also present from staff: Building Official Mike Bellis, City Attorney Larry Schwartz, City Manager Randy Frazer, City Clerk Tiffany Parsons, Communications Director Shana Adkisson, Environmental Services Superintendent Rod Philo, Division Chief of Fire Prevention Chet Ranzau, Interim Assistant Fire/EMS Chief Patrick Ramirez, Interim Fire/EMS Chief Stuart Cassaboom, Police Captain Jim Holloway, Police Chief Eric Burr, and Public Services Superintendent Tony Tapia.

1. Opening Prayer and Pledge of Allegiance led by Commissioner Charles Jennings.
2. Additions or Deletions to the Agenda as read by City Manager Frazer:
  - Correct Consent Agenda item #1 to reflect - Approve the September 5, 2023, regular meeting minutes as written.

*Motion made by Commissioner Rogers, Seconded by Commissioner Gingher to approve the addition as written.*

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

3. Approval of the Agenda

*Motion made by Commissioner Jennings, Seconded by Commissioner Warren to approve the agenda as amended.*

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

### Awards & Proclamations

1. Proclaim October 3, 2023, as National Night Out in Arkansas City, as read by Police Captain Holloway alongside Police Chief Eric Burr.
2. Proclaim October 8-14, 2023, as Fire Prevention Week in Arkansas City as ready by Interim Assistant Fire/EMS Chief Patrick Ramirez with support from Division Chief of Fire Prevention Ranzau.

- 3. Proclaim October 2023 as Community Planning Month in Arkansas City as read by Building Official Mike Bellis.

**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 VI: New Business.

- 1. Approve the September 5, 2023, regular meeting minutes as written.
- 2. Ratify Mayor Diana Spielman’s appointment of Mickie Schmith to the Northwest Community Center Board.

*Motion made by Commissioner Warren, Seconded by Commissioner Gingher, to approve the consent agenda as written.*

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

**New Business**

City Manager Department

- 1. City Clerk Parsons presented, consider first reading of an Ordinance exempting the application of K.S.A. 41-719(d) to allow the sale and consumption of alcoholic liquor at a designated area of SCK Health during the Fall on the Lawn Special Event on October 7, 2023.

SCK Health Foundation Executive Director Pam Crain spoke that it is a celebration of their 2nd anniversary elaborating on all the fun activities planned that evening. The beer garden proceeds will go to annual fireworks display in Ark City. The event is free to the public; however, the beer garden will have a cost.

Visit Ark City Program Director Jill Hunter noted that they will sell beer, pop, and snow cones during the event. With fireworks costs going up from \$10k to \$12k next year SCK Health Foundation is allowing Visit Ark City to host the beer garden to help raise money for the fireworks. Cowley County College Security Officer Frank Owens will provide security of the beer garden, which although not required, has been an added precaution.

*Commissioner Warren moved, seconded by Commissioner Rogers to approve the item as written.*

*Roll Call Voting Yea: Commissioner Gingher, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Roll Call Voting Nay: Commissioner Jennings. Mayor Spielman declared the motion approved , given **Ordinance 2023-09-4587**.*

- 2. Consider a Resolution scheduling a public hearing at 5:30 PM on November 7, 2023, in the Commission Chambers at City Hall, to determine if structures located at 820 S. 3rd St., 610 N. 5th St., 126 S. 8th St., 120 S. 9th St., 122 S. 9th St., 1504 S. G St., 514 E. Cedar Ave., and 525 E. Cedar Ave., are unsafe and dangerous.

Building Official Bellis spoke of the item, noting that all the addresses are currently vacant.

*Commissioner Jennings moved, seconded by Commissioner Rogers, to approve the item as written.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion approved, given **Resolution No. 2023-09-3570**.*

- 3. An Ordinance prohibiting the use of tobacco products, including electronic smoking devices, in Lovie Watson Park, in the City of Arkansas City, Kansas.

City Manager Frazer spoke of the ordinance being both a requirement and one of the grants next step.

*Commissioner Roger moved, seconded by Commissioner Jennings, to approve the item as written.*

*Roll Call Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion approved, given **Ordinance 2023-09-4588.***

Environmental Services Department

- 1. A Resolution authorizing the City of Arkansas City to enter into a contract with Professional Engineering Consultants (PEC), of Wichita, KS, to provide project specifications including permitting, design, bidding assistance and construction administration for Goff Tower Rehabilitation, for an amount not to exceed \$94,500.00.

Environmental Services Superintendent Philo discussed the reasoning behind the request. Divers throughout the years have inspected gradual deterioration inside. Although the process would require very little civil engineering, any coating and use abrasiveness to remove paint must meet specs and code.

*Commissioner Gingher moved, seconded by Commissioner Warren, to approve the item as written.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion approved, given **Resolution No. 2023-09-3571.***

- 2. A Resolution approving the proposal submitted by R.E. Pedrotti Company, of Mission, KS, to upgrade the Chestnut Booster Station SCADA Remote Telemetry Unit, for reliability of the booster station operation, for an amount not to exceed \$32,429.00.

Environmental Services Superintendent Philo gave a background of old booster station including holding onto old parts to be able to fix scale upgrades one at a time to save money. Low water presser lately is the reason for the request.

*Commissioner Warren moved, seconded by Commissioner Rogers, to approve the item as written.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion approved, given **Resolution No. 2023-09-3572.***

**Items for Discussion by City Commissioners**

None.

**Comments from the Audience for Items not on the Agenda**

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None.

## City Manager Reminders and Updates

1. City Manager Frazer provided the commissioner with the following:
  - Frazer met with the new representative for U.S. Senator Moran's Office today
  - Staff is looking a Technical Assistance Grant Program, Risk Map for stormwater to improve the C. St. Canal primarily on the East side of town. This study would reduce the risk of flooding in that area.
  - Rehabilitation Housing Incentive District (RHID) was approved for Sleeth Housing Development Project. Staff met with Alfredo on Monday to get re-zoning the process of re-zoning going.
  - Sam Olglesby with the Pickleball group has requested to move funds from Friend of Wilson Park over to the pickleball funds. Legacy Foundation Funds is okay with it but also needs to verify funds were not allocated to a specific project.
  - Staff met with the Arkalalah Board on Friday to discuss the upcoming events.
  - CDBG Housing Grant inspection of files occurred last week. Staff had everything needed accounted for. The city is being allowed an expansion of the target area, staff will reach out to those areas and advertise to occupy the rest of the grant dollars. City staff plans to apply for a second CDBG Housing Grant towards the end of the year.
  - Another Child Care Impact Center Grant is available. The same group as before is working on bringing another community childcare facility to Ark City.
  - KanPak bought additional property on S. Summit and recently expanded their parking lot, then inquired about adding traffic crossings for their employees. KDOT to perform a traffic impact study for that area. Frazer sent the recommendation from KDOT to KanPak to review and City staff will meet with KanPak to see what we can do to address safety issues for their employees.
  - A tour of the Waste Water Treatment Plant is planned for commission work session Friday, September 29<sup>th</sup>, contingent on weather.
  - LKM Conference October 7, 8 and 9<sup>th</sup>. All attendees have been registered and rooms confirmed.
  - October 25<sup>th</sup> LKM Annual Regional Dinner in Hutchinson, KS, more details to come.
  - August 2023 Financial Summary located in the packet.

### Executive Session

1. City Clerk Parsons offered to recess into executive session to discuss the City Manager's contract, pursuant to K.S.A. 75-4319(b)(1), personnel matters of nonelected personnel.

*Mayor Spielman moved, seconded by Commissioner Rogers to recess into executive session to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(1), for personnel matters of nonelected personnel, for no more than 30 minutes, to include City Attorney Larry and Commissioners.*

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

Commission meeting resumed at 6:53 p.m.

*Mayor Spielman moved, seconded by Commissioner Warren, to continue the executive session for 10 minutes, with the same individuals.*

Commission meeting resumed at 7:05 p.m.

*Mayor Spielman moved, seconded by Commissioner Rogers, to continue the executive session for another 10 minutes.*

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

Commission meeting resumed at 7:15 p.m.

*Commissioner Rogers moved to extend the executive session for just five more minutes. Commissioner Rogers amended the motion to 10 minutes, seconded by Commissioner Jennings.*

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

Commission meeting resumed at 7:27 p.m.

*Mayor Spielman declared the Executive Session now closed.*

**Adjournment**

*Motion made by Commissioner Gingher, Seconded by Commissioner Jennings to adjourn the meeting.*

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

(Seal)

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

**ATTEST:**

\_\_\_\_\_  
Diana L. Spielman, Mayor

\_\_\_\_\_  
Tiffany Parsons, City Clerk

**Prepared by:**

\_\_\_\_\_  
Tiffany Parsons, City Clerk





# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Randy Frazer, City Manager  
**Item:** Transfer fund balance in the Legacy Foundation from Friends of Wilson Park to Ark City Pickleball fund

**Purpose:** A Resolution authorizing the City of Arkansas City to transfer the current fund balance in the Legacy Foundation, from the Friends of Wilson Park fund to the Ark City Pickleball fund. **(Voice Vote)**

A dedicated and passionate group of pickleball enthusiasts has approached the Legacy Foundation with a proposal to establish the "Ark City Pickleball Fund." The primary goal of this fund is to raise essential funds for the construction of pickleball courts at Wilson Park within our community.

The purpose of this request is to initiate the process and transfer the fund balance from the Friends of Wilson Park Fund to the Ark City Pickleball Fund.

The Ark City Pickleball Fund will serve as the centralized repository for all contributions, donations, and fundraising efforts aimed at supporting the construction and maintenance of pickleball courts at Wilson Park. This arrangement ensures transparency and accountability in the allocation and utilization of these resources.

**Background:** The Friends of Wilson Park Fund was established to raise funds for the implementation of the master plan for Wilson Park. To date, there has been limited progress in executing this plan, as the initial fund balance remains unused. The Legacy Foundation has conducted a review of the donations made to the Friends of Wilson Park Fund and has determined that there are no specific restrictions on the funds. The members of the Legacy Board support the proposed transfer.

With the authorization of the Commission, the City Manager will initiate the transfer of the current fund balance, which amounts to \$14,858.32, from the Friends of Wilson Park Fund to the Ark City Pickleball Fund. This action will effectively close the Friends of Wilson Park Fund. If the City of Arkansas City intends to pursue a similar partnership with the Legacy Foundation in the future, a new agreement will be necessary and must be drafted and signed.

**Commission Options:**

1. Approve the Resolution
2. Disapprove the Resolution
3. Table the Resolution for further discussion

**Fiscal Impact:**

Amount:

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other Not Budgeted

**Approved for Agenda by:**

Randy Frazer, City Manager

**RESOLUTION NO. 2023-10-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO TRANSFER THE CURRENT FUND BALANCE IN THE LEGACY FOUNDATION, FROM THE FRIENDS OF WILSON PARK FUND TO THE ARK CITY PICKLEBALL FUND.**

**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 transfer the current fund balance in the Legacy Foundation, from the Friends of Wilson Park fund to the Ark City Pickleball fund.

**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 and after its adoption by the Governing Body of the City of Arkansas City.

**PASSED AND RESOLVED** by the Governing Body of the City of Arkansas City, Kansas, on this 3<sup>rd</sup> day of October 2023.

(Seal)

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, 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 Resolution No. 2023-10-\_\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on October 10, 2023, as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Tiffany Parsons, City Clerk



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Tiffany Parsons, City Clerk  
**Item:** Beer Garden at Ben Givens Center City Park during Arkalalah Festival

**Purpose:** An Ordinance exempting the application of K.S.A. 41-719(d), to allow the sale and consumption of alcoholic liquor at a designated area of Ben Givens Center City Park during Arkalalah, on October 25-28, 2023. **(Roll Call Vote)**

**Background:**

The Arkalalah Committee has requested that the City Commission allow it to include a beer garden during the 2023 Arkalalah Festival. Gypsy Bev. Co., a Licensed Caterer with the State of Kansas, will sponsor a beer garden to sell and serve alcoholic liquor at a designated area of Ben Givens Center City Park during the Arkalalah Festival from 12:00 p.m. (noon) until 10:00 p.m. on Wednesday, October 25, 2023, through Saturday, October 28, 2023.

The event will support Arkalalah, and Gypsy Bev. Co. has provided reasonable assurances that it will take all necessary precautions to ensure the property is used in full compliance with applicable state and local law. No one under twenty-one (21) years of age will be allowed within the enclosed area where alcohol is being served. Beer gardens at Ben Givens Park have operated for several years now with no issues.

**Commission Options:**

1. Approve the Ordinance on first reading
2. Table Ordinance for second reading October 17<sup>th</sup>
2. Disapprove the Ordinance

**Fiscal Impact:**

Amount: Cost of publication.

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other (explain)

**Attachments:**

**Approved for Agenda by:**




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Randy Frazer, City Manager

**ORDINANCE NO. 2023-10-\_\_\_\_\_**

**AN ORDINANCE EXEMPTING THE APPLICATION OF K.S.A. 41-719(d), TO ALLOW THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR AT A DESIGNATED AREA OF BEN GIVENS CENTER CITY PARK DURING ARKALALAH, ON OCTOBER 25-28, 2023.**

**WHEREAS**, Gypsy Bev. Co. has requested that the Governing Body of the City of Arkansas City, Kansas, allow it to sponsor a beer garden to sell and serve alcohol at a designated area of downtown Arkansas City during the Arkalalah Festival from 12:00 p.m. (noon) until 10:00 p.m. on Wednesday, October 25, 2023, through Saturday, October 28, 2023; and

**WHEREAS**, the event will support the Arkalalah Festival; and

**WHEREAS**, Gypsy Bev. Co. has provided reasonable assurances that it will take all necessary precautions to ensure the property is used in full compliance with applicable state and local law; and

**WHEREAS**, in order to use the property in the manner requested, the Governing Body of the City of Arkansas City, Kansas, is required by Kansas statute to adopt an Ordinance specifically exempting the property from the provisions of K.S.A. 41-719(d), which prohibits the consumption of alcoholic liquor on public property.

**NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS, KANSAS, AS FOLLOWS:**

**SECTION ONE:** Notwithstanding any provision of Municipal Code to the contrary, the Governing Body of the City of Arkansas City, Kansas, hereby exempts property located at Ben Givens Center City Park (101 N. Summit St.), and designated on the attached map (hereafter “the Premises”) from the provisions of K.S.A. 41-719(d), from 12:00 p.m. (noon) until 10:00 p.m. on Wednesday, October 25, 2023, through Saturday, October 28, 2023. The Governing Body of the City of Arkansas City, Kansas, hereby grants this exemption as it is a unique opportunity specifically tied to the Arkalalah Festival, a community celebration, and it will be fully contained and have measures in place to provide for security and monitoring to ensure compliance with Municipal laws. By providing this exemption, the Governing Body hereby authorizes Bottle Service, a duly licensed caterer, to sell and serve alcoholic liquor by the drink for consumption on the Premises, subject to the following terms and conditions:

1. Gypsy Bev. Co. shall take all necessary precautions to ensure compliance with all other provisions of Arkansas City Municipal Code, including the Uniform Public Offense Code.
2. No person younger than twenty-one (21) years of age shall be allowed within the enclosed area where alcohol is served, and precautions shall be taken to ensure this does not occur. The Bottle Service or its designee shall check photo identification to ensure no one younger than 21 enters the area.
3. The Premises must be fully gated or otherwise enclosed. Any place where the gating or other enclosure provides an opening for entrance and exit from the Premises must be staffed to ensure no one may leave the fenced premises with an open container of alcoholic liquor or cereal malt beverage.
4. Gypsy Bev. Co. shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities, if applicable.

- 5. Gypsy Bev. Co. shall leave the Premises in the same or similar condition as it existed prior exemption dates, and shall remove all gating, trash, seating, portable toilets, and other supplies from the event; and repair any damage, in a timely fashion.
- 6. This exemption shall apply only to the interior of the gated Premises and shall not include any surrounding curtilage.

**SECTION TWO: PUBLICATION; EFFECTIVE DATE.** This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas, on this 3<sup>rd</sup> day of October, 2023.

(Seal)

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, 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 Ordinance No. 2023-10-\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on October 3, 2023, as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Tiffany Parsons, City Clerk



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Josh White, Principal Planner  
**Item:** 425 W. Quincy Ave. Rezone

**Purpose:** An Ordinance authorizing the rezoning of 425 W. Quincy Avenue, from R-2 (Medium Density Residential District to C-2 (Restricted Commercial District). **(Roll Call Vote)**

**Background:**

Glenna Baker & Verna Welch/Chris Befort have requested 425 W. Quincy Avenue be rezoned. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The project will be to develop a self storage facility. That use would also require a conditional use permit. The applicants are requesting a rezone from R-2, Medium Density Residential District to a C-2, Restricted Commercial District. The sale of the property to Chris Befort is contingent upon approval of this request. Staff recommends tentatively approval of the rezone request as a portion of the property was zoned commercial as recently as 2014 but also have some concerns that the proposed use does not match the Future Land Use map. Having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff but not all. The Planning Commission held a public hearing on Tuesday, September 12, 2023 and voted unanimously to recommend that the City Commission approve the request.

**Commission Options:**

1. Approve ordinance on first reading
2. Table and approve on second reading
3. Disapprove ordinance with 2/3 majority
4. Table and send back to Planning Commission for further consideration

**Fiscal Impact:**

Amount: Cost of publication

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other Not Budgeted

**Attachments:** Staff report, ordinance

**Approved for Agenda by:**

Randy Frazer, City Manager



# STAFF REPORT

City of Arkansas City Neighborhood Services Division  
 Josh White, Principal Planner  
 118 W Central Ave, Arkansas City, KS 67005  
 Phone: 620-441-4420 Fax: 620-441-4403 Email: [jwhite@arkansascityks.gov](mailto:jwhite@arkansascityks.gov) Website: [www.arkcity.org](http://www.arkcity.org)

CASE NUMBER  
 RZ-2023-116

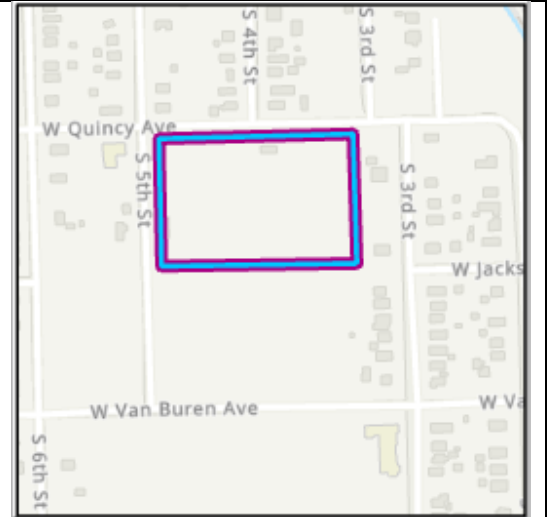
APPLICANT/PROPERTY OWNER  
 Chris Befort/Glenna Baker & Verna Welch

PUBLIC HEARING DATE  
 September 12, 2023

PROPERTY ADDRESS/LOCATION  
 425 W Quincy Ave

**SUMMARY OF REQUEST**

The subject property is located at 425 W Quincy Avenue. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The project will be to develop a self storage facility. That use would also require a conditional use permit. The applicants are requesting a rezone from R-2, Medium Density Residential District to a C-2, Restricted Commercial District. The sale of the property to Chris Befort is contingent upon approval of this request. Staff recommends tentatively approval of the rezone request as a portion of the property was zoned commercial as recently as 2014 but also have some concerns that the proposed use does not match the Future Land Use map. Having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff but not all.



Map data ©2023 Esri World Topographic map

EXISTING ZONING R-2-Medium Density Residential	EXISTING LAND USE Agricultural	SURROUNDING ZONING & LAND USE North-R-2; Residential East-R-2; Residential South-R-2; Residential/Institutional West-R-2; Residential/Institutional	SITE IMPROVEMENTS Numerous Outbuildings Drainage ditch	SIZE OF PROPERTY 11.22 acres
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STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

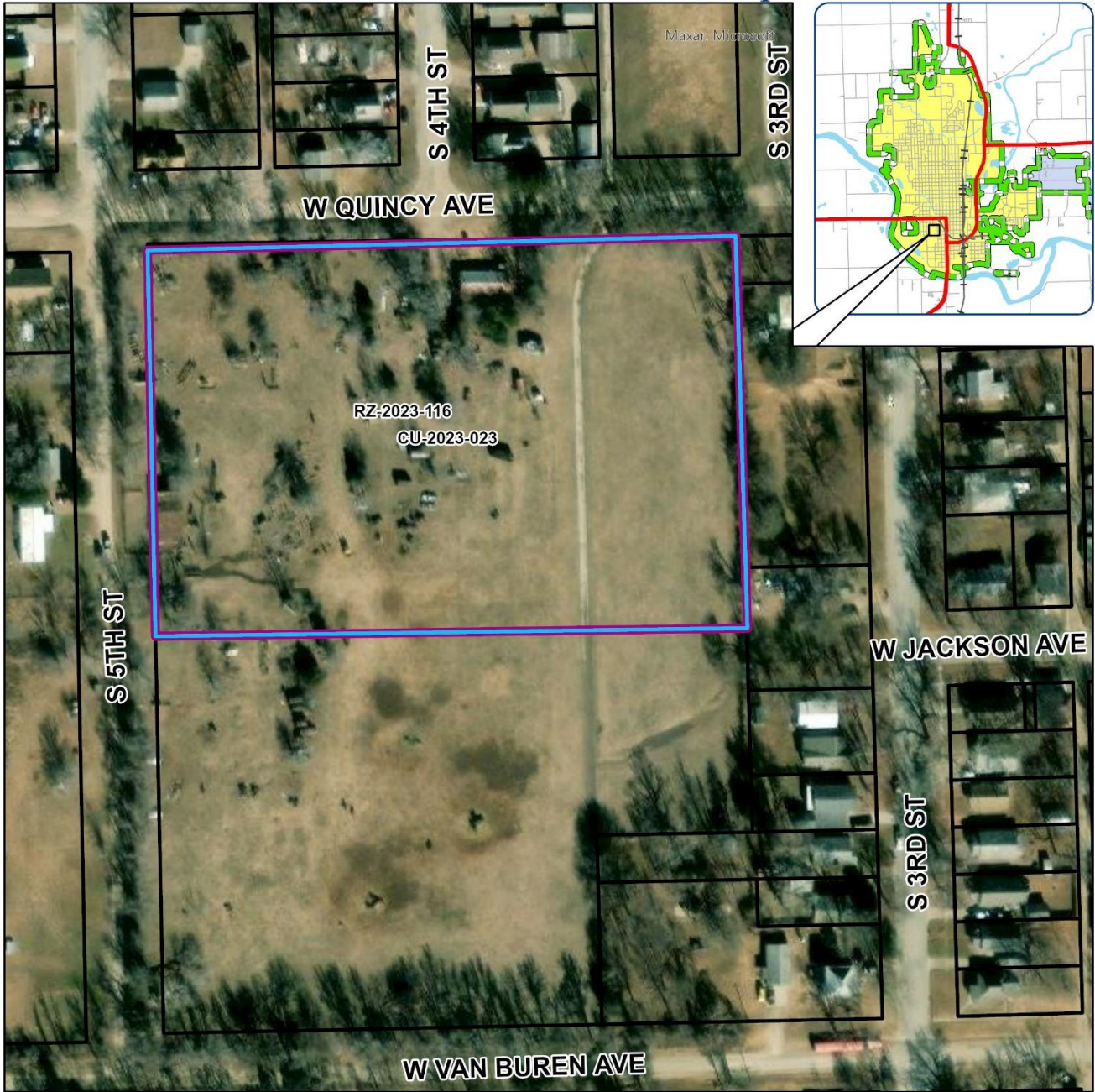
DENY

**COMPATIBILITY with the COMPREHENSIVE PLAN**  
 The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City.

**PROPERTY HISTORY**  
 The property has long been used as a pasture as well as a welding shop. In 1969, the area around the welding shop was rezoned from R-2 (Single Family Residential District, similar to our current R-2 district) to B-2 (General Business District, similar to our current C-3 district). In 2002, a front yard setback variance was issued for the construction of an accessory building with zero setback along 5<sup>th</sup> Street. The property designated as R-2 (Medium Density Residential District) in 2014 when the new zoning map was established as the welding shop had become inactive. The last time it was used as a welding shop was likely in 2007 with it mostly being used for storage or small projects since. In 2014, a rezone request to rezone the property from R-2 to A was denied and later withdrawn after the Planning Commission determined the rezone was unnecessary as the existing use had become legal non-conforming and would be allowed to continue.

**COMPATIBILITY with the ZONING ORDINANCE**  
 The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)  
 and

A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

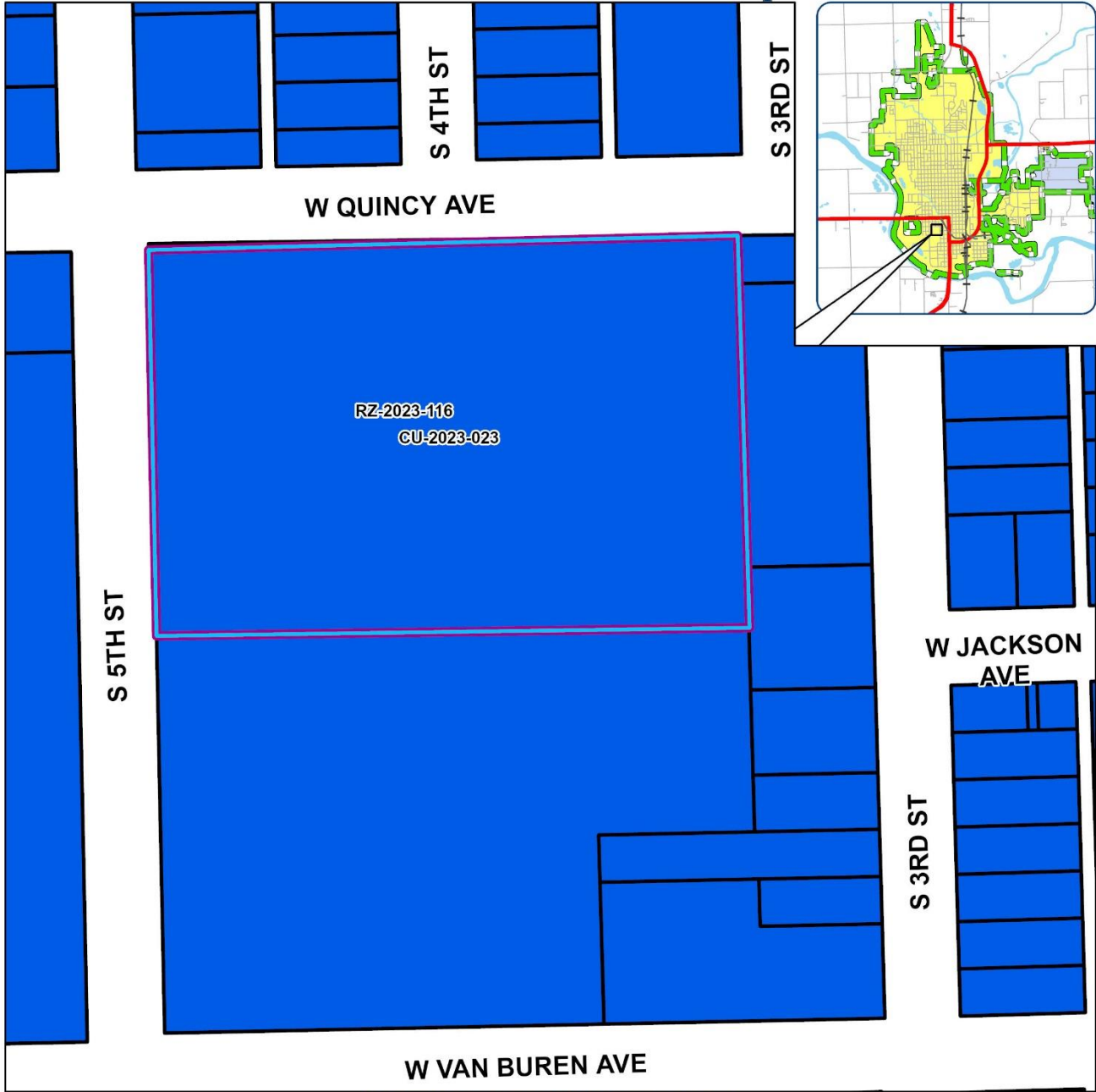
- Conditional Use
- Rezone
- Property Lines

Produced by the  
 City of Arkansas City GIS  
 using the best available  
 data to date.  
 Created: August 16, 2023





### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)  
 and  
 A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
- Future Land Use**
-  Residential

Produced by the  
 City of Arkansas City GIS  
 using the best available  
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 Created: August 16, 2023



### Zoning map

## Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District  
 and

A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
-  R-2, Medium Density Residential District

Produced by the  
 City of Arkansas City GIS  
 using the best available  
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 Created: August 16, 2023



## Site Plan

A site plan was not provided but may be available at the public hearing.

## Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

**1. Whether the change in classification would be consistent with the intent and purpose of these regulations;**

The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

**2. The character and condition of the surrounding neighborhood and its effect on the proposed change;**

The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. Commercial development in this area should not negatively affect the neighborhood if certain conditions are applied to the development. The proposed use requires a conditional use permit where these issues can be addressed.

### Neighborhood Photos



Looking east along Quincy Ave. Google StreetView from March 2014.



Looking west along Quincy Ave. Google StreetView from March 2014



Looking east from 5<sup>th</sup> Street. Taken 7/11/2014 by Josh White



Welding Shop. Google StreetView from March 2014

**3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;**

The current Residential Zoning District does not allow the proposed use. The C-2, Restricted Commercial District is the most restrictive district that allows the proposed use. The area in the past was partially zoned for commercial use but had been discontinued and in 2014 was designated as R-2, Medium Density Residential. The conditions of the area are not changing but are primed for some sort of development, whether residential or otherwise.

**4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;**

The area surrounding the property is all zoned R-2, Medium Density Residential Districts. All nearby uses comply with this designation. A couple of churches are present in the area but comply with the regulations as an institutional use. The area does not appear to be changing. The proposed use is similar to a previous use of the property.

**5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;**

The proposed use of self-storage facility would be permitted under the C-2, Restricted Commercial District. This area surrounding the property is residential but is low density in this area. The site could be designed so that it has large setbacks and screened from the view of the residential properties in order to mitigate any issues.

**6. The suitability of the applicants property for the uses to which it has been restricted;**

The property is currently zoned for residential use; the property is mostly vacant, being used most recently as a cattle pasture approximately a year ago. The site could be developed as a residential site or could be modified as is proposed to be commercial. The 2022 Comprehensive Plan called for this area to be residential, which is likely the best use. Any commercial development must have conditions attached to it to mitigate any negative impacts it would have on the surrounding area.

**7. The length of time the subject property has remained vacant or undeveloped as zoned;**

The welding shop is still present but hasn't been used as a welding shop since approximately 2007. It has mostly been used for storage (with the occasional small project) since then. The balance of the property had been used as a cattle pasture as recently as about a year ago.

**8. Whether adequate sewer and water facilities, and all other needed public services exist to be provided to serve the uses that would be permitted on the property if it were reclassified;**

All sewer, water and other utilities are readily available at or near the site. Police and Fire should be able to serve the building without any changes to services. The area's streets are gravel. The proposed use will generate some traffic but not a substantial amount. Additional grading frequency may be necessary or perhaps the street could have millings applied to it as has occurred with other gravel streets in the City.

**9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;**

There is other land that could be used for such a use but not necessarily in a place conducive to business for this particular company. The self-storage industry has also suggested that there is a high demand in our community for additional facilities, especially in this area.

**10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;**

The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City.

**11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,**

Public health, safety and general welfare should not be negatively impacted by this rezoning. The site should have adequate lighting and security measures to reduce the probability of crime in the area. Lighting should be focused away from residential areas.

**12. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

**13. The recommendations of professional staff;**

Staff tentatively recommend approval of the rezone request as a portion of the property was zoned commercial as recently as 2014 but also have some concerns that the proposed use does not match the Future Land Use map. Having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff but not all. Assuming the issues can be mitigated and the fact that a conditional use permit would have to be issued, it is the recommendation of staff that the requested rezoning R-2 to C-2 be approved based on the following conclusions:

- The property has remained underutilized for the past year or more.
- A portion of the area has been a commercial use in the recent past.
- The project should not adversely affect the neighboring properties with conditions imposed on it by the Conditional Use Permit.
- The public health, safety and general welfare should not be negatively impacted by this rezoning.

**ORDINANCE NO. 2023-10-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE RE-ZONING OF 425 W QUINCY AVENUE, FROM “R-2” (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO “C-2” (RESTRICTED COMMERCIAL DISTRICT).**

WHEREAS, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-756 and K.S.A. § 12-757, has considered the proposed request to re-zone property, and recommended the City grant the Petition to re-zone; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the re-zoning of the property at issue; and

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

SECTION ONE: The property legally described as:

The North 415 feet of the following described tracts:

The West 460 feet of Outlot A, Gooch’s Addition to Arkansas City, Cowley County, Kansas.

AND

Part of said Outlot A beginning at a point 132 feet West of the Northeast corner of said Outlot A, thence 160 feet West, thence 630 feet South, thence 160 feet East, thence 630 feet North to the Point of Beginning.

IS HEREBY RE-ZONED from an R-2 (Medium Density Residential District) to a C-2 (Restricted Commercial District).

SECTION TWO: This ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Arkansas City and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

SECTION THREE: A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this 3rd day of October, 2023.

(Seal)

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, 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 Ordinance No. 2023-10-\_\_\_\_\_ of the City of Arkansas City, Kansas adopted by the governing body on October 3, 2023 as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Tiffany Parsons, Clerk



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Josh White, Principal Planner  
**Item:** 425 W. Quincy Ave. Conditional Use Permit

**Purpose:** An Ordinance granting a conditional use permit to allow a self-storage facility in a C-2 Restricted Commercial District located at 425 W. Quincy Avenue, requested by Chris Befort, in the City of Arkansas City, KS. **(Roll Call Vote)**

**Background:**

Chris Befort has submitted a request for a conditional use permit for a self-storage facility located at 425 W. Quincy Avenue. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The use must meet the requirements of Subdivision Regulations Section 13-702. In the C-2 District this use is only permitted with a conditional use permit. The sale of the property to Chris Befort is contingent upon approval of this request. Staff do have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit be approved.

The Planning Commission held a public hearing on Tuesday, September 12, 2023 and voted to recommend to the City Commission to approve the request with the following conditions:

- 1) The project must meet the requirements of Subdivision Regulations Section 13-702;
- 2) The project must ensure its drainage plan does not negatively impact the existing drainage ditch on the property;
- 3) Automotive Repair or related operations shall not be allowed on the site.

**Commission Options:**

- 1. Approve ordinance on first reading
- 2. Table and approve on second reading
- 3. Disapprove ordinance with 2/3 majority
- 4. Table and send back to Planning Commission for further consideration

**Fiscal Impact:**

Amount: Cost of publication

Fund:

Department:

Expense Code:

Included in budget

Grant

Bonds

Other Not Budgeted

**Attachments:** Staff report, ordinance

**Approved for Agenda by:**

Randy Frazer, City Manager



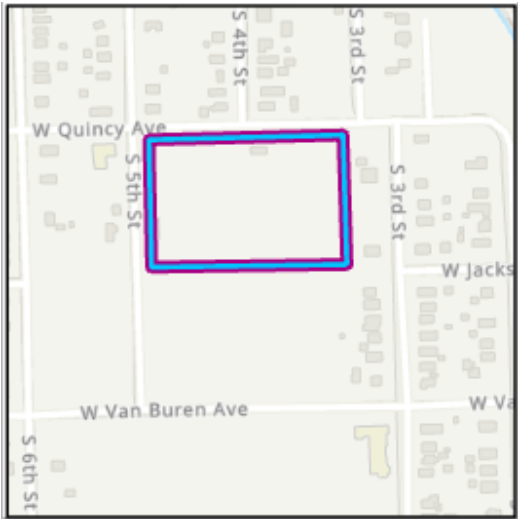


# STAFF REPORT

City of Arkansas City Neighborhood Services Division  
 Josh White, Principal Planner  
 118 W Central Ave, Arkansas City, KS 67005  
 Phone: 620-441-4420 Fax: 620-441-4403 Email: [jwhite@arkansascityks.gov](mailto:jwhite@arkansascityks.gov) Website: [www.arkcity.org](http://www.arkcity.org)

CASE NUMBER CU-2023-023	APPLICANT/PROPERTY OWNER Chris Befort/Glenna Baker & Verna Welch
PUBLIC HEARING DATE September 12, 2023	PROPERTY ADDRESS/LOCATION 425 W Quincy Ave

**BRIEF SUMMARY OF REQUEST**  
 The subject property is located at 425 W Quincy Avenue. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The applicant has submitted the request for a conditional use permit for a self-storage facility. The use must meet the requirements of Subdivision Regulations Section 13-702. In the C-2 District this use is only permitted with a conditional use permit. The sale of the property to Chris Befort is contingent upon approval of this request. Staff do have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit be approved.



Map data ©2023 Esri World Topographic map

EXISTING ZONING R-2-Medium Density Residential (subject of case RZ-2023-116 which would rezone the property to C-2-Restricted Commercial District)	EXISTING LAND USE Agricultural	SURROUNDING ZONING & LAND USE North-R-2; Residential East-R-2; Residential South-R-2; Residential/Institutional West-R-2; Residential/Institutional	SITE IMPROVEMENTS Numerous Outbuildings Drainage ditch	SIZE OF PROPERTY 11.22 acres
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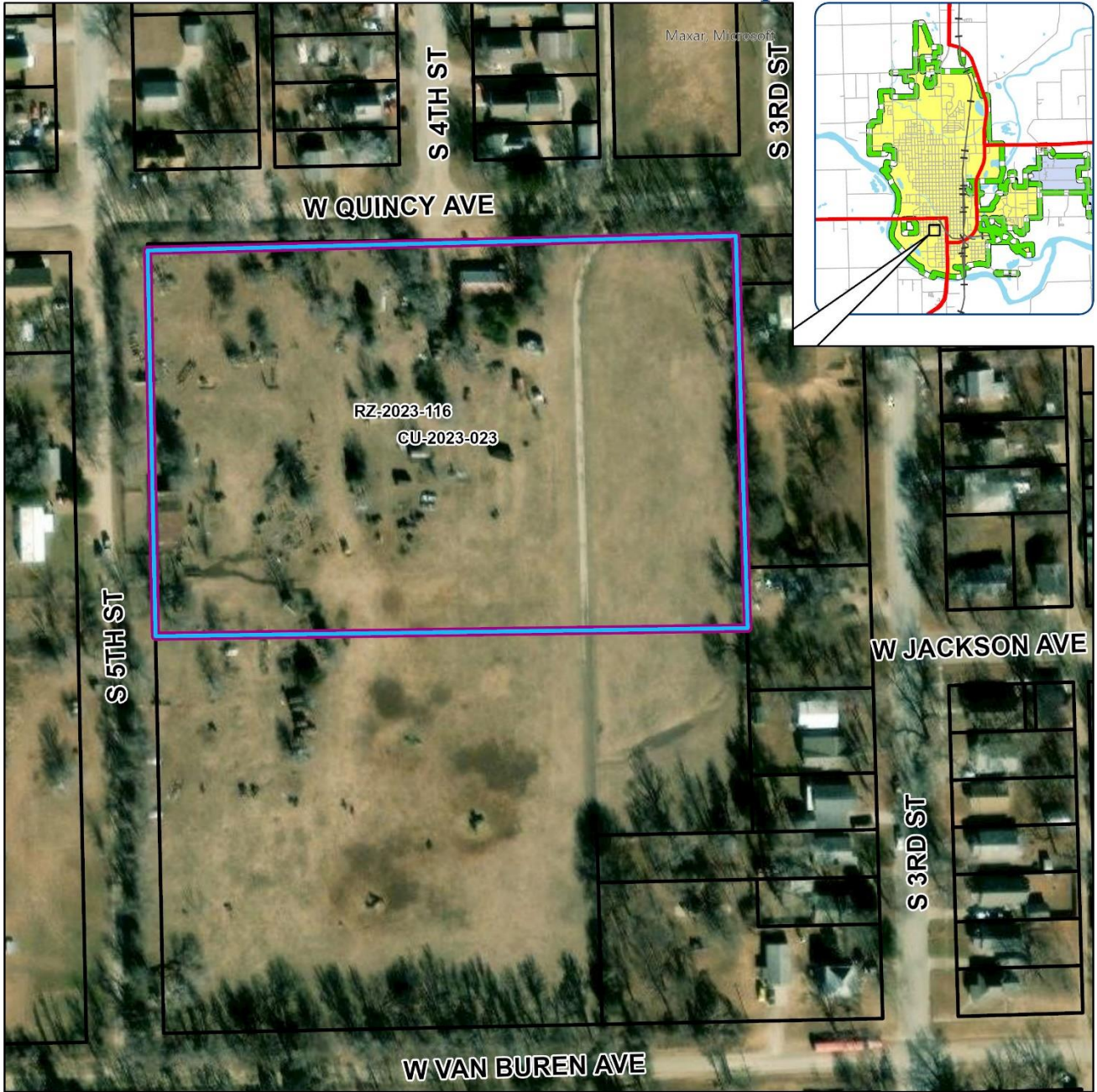
STAFF RECOMMENDATION

- APPROVE                     
  APPROVE WITH CONDITIONS                     
  DENY

<p><b>COMPATIBILITY with the COMPREHENSIVE PLAN</b>                  The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City. While the area is predominantly residential, commercial has been present on the property in the past and was partially zoned for it as recently as 2014.</p>	<p><b>PROPERTY HISTORY</b>                  The property has long been used as a pasture as well as a welding shop. In 1969, the area around the welding shop was rezoned from R-2 (Single Family Residential District, similar to our current R-2 district) to B-2 (General Business District, similar to our current C-3 district). In 2002, a front yard setback variance was issued for the construction of an accessory building with zero setback along 5<sup>th</sup> Street. The property designated as R-2 (Medium Density Residential District) in 2014 when the new zoning map was established as the welding shop had become inactive. The last time it was used as a welding shop was likely in 2007 with it mostly being used for storage or small projects since. In 2014, a rezone request to rezone the property from R-2 to A was denied and later withdrawn after the Planning Commission determined the rezone was unnecessary as the existing use had become legal non-conforming and would be allowed to continue. The property also has a rezoning case pending (RZ-2023-116) that would rezone it to C-2.</p>
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**COMPATIBILITY with the ZONING ORDINANCE**  
 The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)  
 and

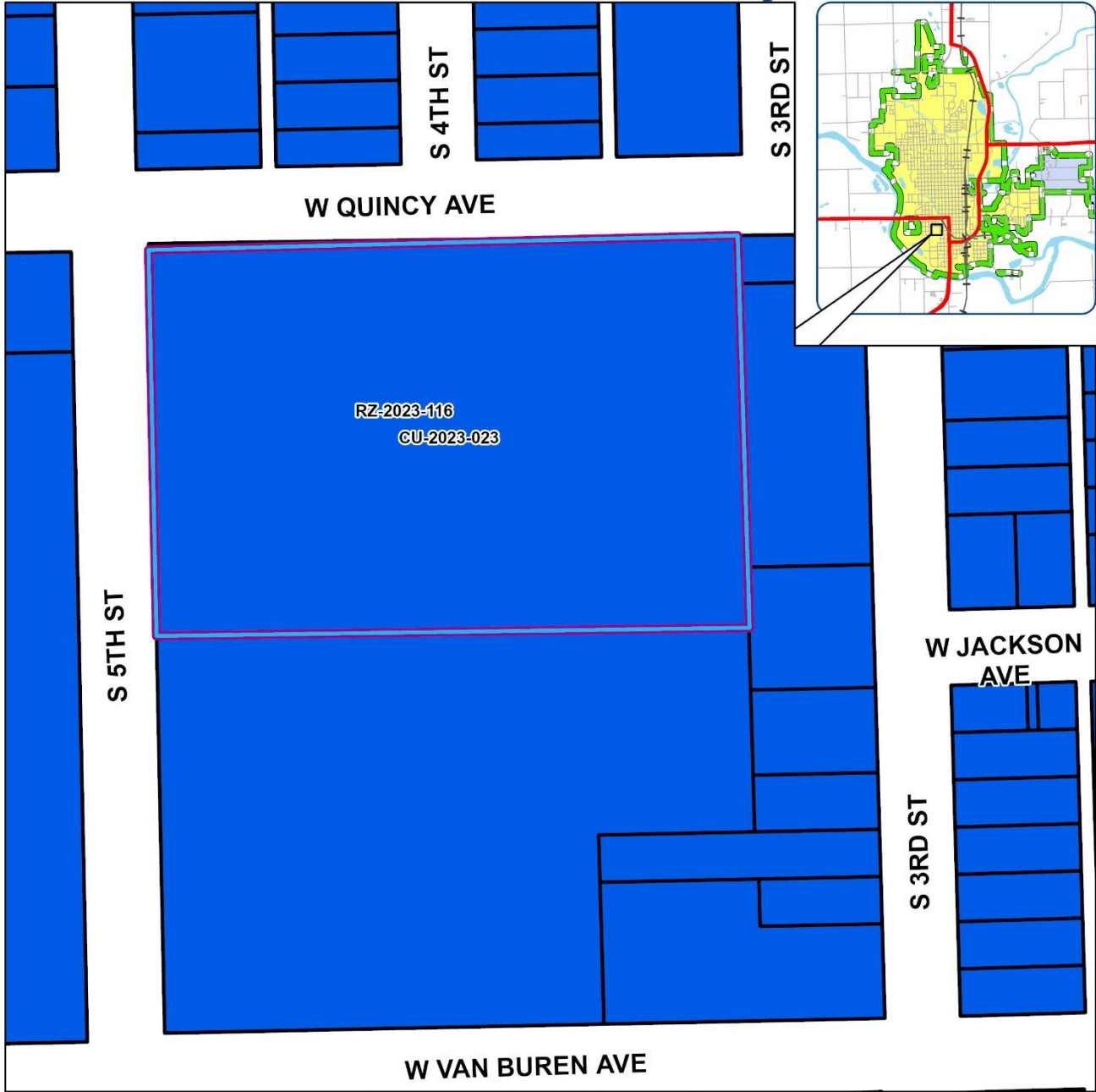
A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

- Conditional Use
- Rezone
- Property Lines

Produced by the  
 City of Arkansas City GIS  
 using the best available  
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 Created: August 16, 2023



### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)  
 and  
 A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
- Future Land Use**
-  Residential

Produced by the  
 City of Arkansas City GIS  
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 Created: August 16, 2023



### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District  
 and

A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
-  R-2, Medium Density Residential District

Produced by the  
 City of Arkansas City GIS  
 using the best available  
 data to date.  
 Created: August 16, 2023



**Findings**

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

**1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations**

The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

**2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;**

The proposed use of self-storage facility would be permitted under the C-2, Restricted Commercial District. This area surrounding the property is residential but is low density in this area. The site could be designed so that it has large setbacks and screened from the view of the residential properties in order to mitigate any issues.

**Neighborhood Photos**



Looking east along Quincy Ave. Google StreetView from March 2014.



Looking west along Quincy Ave. Google StreetView from March 2014



Looking east from 5<sup>th</sup> Street. Taken 7/11/2014 by Josh White



Welding Shop. Google StreetView from March 2014

**3. Whether the proposed use places an undue burden on the existing public infrastructure in the area affected and, if so, whether additional infrastructure can be provided;**

All sewer, water and other utilities are readily available at or near the site. Police and Fire should be able to serve the building without any changes to services. The area's streets are gravel. The proposed use will generate some traffic but not a substantial amount. Additional grading frequency

may be necessary or perhaps the street could have millings applied to it as has occurred with gravel streets in the City.

4. **Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;**  
The area does not appear to be changing and is not made necessary due to such changes. It is desirable to the buyer in order to make the most use of the property.
5. **The length of time the subject property has remained vacant or undeveloped as zoned;**  
The welding shop is still present but hasn't been used as a welding shop since approximately 2007. It has mostly been used for storage (with the occasional small project) since then. The balance of the property had been used as a cattle pasture as recently as about a year ago.
6. **Whether the applicant's property is suitable for the proposed conditional use;**  
The property is mostly vacant pasture. The development needs to be setback from the existing drainage ditch and is also large enough to be setback a fairly good distance from property lines.
7. **Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;**  
The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City. While the area is predominantly residential, commercial has been present on the property in the past and was partially zoned for it as recently as 2014.
8. **Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;**  
Provided the use meets the conditions, it should not adversely affect the property in the area. It must meet all of the requirements of Subdivision Regulations Section 13-702 for self-storage facilities. The regulations include such standards as off-street parking, screening and fencing, and architecturally compatible with the neighborhood. Door openings to units must be screened from view of public right-of-way or residential properties.
9. **For such uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with any adopted Solid Waste Management Plan of Cowley County, and amendments thereto; and**  
The proposed project does not require special disposal of solid waste. No operations such as automotive repair shall be conducted on the site.
10. **The recommendations of professional staff and advisors**  
Staff does have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of these concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit for a self-storage facility be approved based on the following conclusions:
  - The property has remained underutilized for the past year or more.
  - A portion of the area has been a commercial use in the recent past.
  - The project should not adversely affect the neighboring properties with conditions imposed on it by the Conditional Use Permit specifically those regulations in Subdivision Regulations Section 13-702.
  - The public health, safety and general welfare should not be negatively impacted by the issuance of the conditional use permit

**Conditions:**

- The project must meet the requirements of Subdivision Regulations Section 13-702
- The project must ensure its drainage plan does not negatively impact the existing drainage ditch on the property.
- Automotive Repair or related operations shall not be conducted on the site.

**11. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

Additional conditions may be recommended by the Planning Commission

**Subdivision Regulations pertaining to Mini-warehouse (Self-storage) facilities:**

**13-702.** Mini-warehouse facilities shall be developed in accordance with the following minimum standards:

- a. Off street parking shall be provided as follows:
  - 1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty feet (20') wide for one-way access lanes and at least twenty-five feet (25') wide for two-way access lanes.
  - 2. One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.
  - 3. Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.
- b. There shall be landscaped screening and fencing around the perimeter of the project. The fencing shall be a minimum of six feet (6') in height. When a development borders an arterial street, adjoining residential or commercial development, the fence shall be constructed of decorative material approved by the Zoning Administrator along those sides. Chain link fencing may be used on sides that adjoin other industrial property of similar or greater intensity, as approved by the Zoning Administrator.
- c. The buildings shall be architecturally compatible with the existing neighborhood. To that end, newly constructed mini-warehouse storage units either shall (a) install a screen to shield door openings from residentially zoned property and public right-of-way, or (b) face door openings away from any residentially zoned property or public right-of-way.



(First Published in the Cowley CourierTraveler, October \_\_\_\_,2023)

**ORDINANCE NO. 2023-10-\_\_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A SELF-STORAGE FACILITY IN A C-2, RESTRICTED COMMERCIAL DISTRICT LOCATED AT 425 W QUINCY AVENUE REQUESTED BY CHRIS BEFORT, IN THE CITY OF ARKANSAS CITY, KANSAS.**

WHEREAS, Written findings have been made by the Planning Commission for the City of Arkansas City after providing notice and holding a hearing pursuant to K.S.A. § 12-756 and K.S.A. § 12-757 that the application from Chris Befort dated August 14, 2023, for a conditional use permit is in compliance with the Arkansas City Zoning Regulations.

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the granting of a conditional use permit for the property.

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

SECTION ONE: A conditional use permit is hereby granted to allow a self-storage facility in a C-2, Restricted Commercial District, at 425 W Quincy Avenue, Arkansas City, Kansas with the following conditions: 1) The project must meet the requirements of Subdivision Regulations Section 13-702; 2) The project must ensure its drainage plan does not negatively impact the existing drainage ditch on the property; 3) Automotive Repair or related operations shall not be allowed on the site.

The property is legally described as follows:

The North 415 feet of the following described tracts:

The West 460 feet of Outlot A, Gooch’s Addition to Arkansas City, Cowley County, Kansas.

AND

Part of said Outlot A beginning at a point 132 feet West of the Northeast corner of said Outlot A, thence 160 feet West, thence 630 feet South, thence 160 feet East, thence 630 feet North to the Point of Beginning.

SECTION TWO: The conditional use permit runs with the land and the right to carry on the approved use is subject to the initial application and conditions of this permit. The permit for the approved use shall not be limited in time. A change in ownership shall require the new owner to notify staff. Any change in scale, extent or nature of the approved use will require notice and hearing before the Planning Commission with final approval by the City Commission.

SECTION THREE: This ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Arkansas City and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

SECTION FOUR: A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, this 3<sup>rd</sup> day of October 2023.

(Seal)

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, 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 Ordinance No. 2023-10-\_\_\_\_\_ of the City of Arkansas City, Kansas adopted by the governing body on October 3, 2023 as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Tiffany Parsons, City Clerk



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Mike Bellis, Building Official  
**Item:** Special Assessments - Mowing

**Purpose:** Consider first reading of Ordinance levying special assessments for code enforcement activities for unpaid weed mowing charges. **(Roll Call Vote)**

**Background:**

Attached please find two ordinances assessing the cost of weed removal. These ordinances provide for the assessment of certain costs incurred by the City for various parcels of property around the community for the 2022/2023 billing period.

**Commission Options:**

1. Approve the Ordinances on first read and the Certificate of Special Assessment assessing the costs and direct staff to file them with the County for inclusion on the 2023 tax rolls of the listed properties.
2. Disapprove the Ordinances

**Fiscal Impact:**

Amount:

Fund: Department: Expense Code:  
 Included in budget       Grant       Bonds       Other (explain)

**Approved for Agenda by:**

\_\_\_\_\_  
Randy Frazer, City Manager

**ORDINANCE NO. 2023-10**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS INCURRED BY THE CITY OF ARKANSAS CITY IN REMOVING NOXIOUS WEEDS ON PROPERTY HEREINAFTER LEGALLY DESCRIBED AND LOCATED WITHIN THE CITY LIMITS OF THE CITY OF ARKANSAS CITY, KANSAS, PURSUANT TO THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE CHAPTER 3, SECTION 302.4.**

**WHEREAS**, notice was given to the owners of real property hereinafter legally described as provided by the 2015 IPMC Chapter 1, Part 2, Section 107.2 as amended by Arkansas City Municipal Code Section 14-46, by the Neighborhood Services Office notifying said owners of the existence of noxious weeds growing on their property, determining that said weeds are a nuisance, and giving them due notice and reasonable time to abate such nuisance(s).

**WHEREAS**, the owners of the following described properties have failed to abate said nuisances, by permitting noxious weeds to continue to grow thereon, thereby requiring the City to abate subject nuisances, thereby incurring costs as hereinafter specified.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:**

**SECTION ONE:** The following amounts are hereby assessed against the hereinafter described property for the abatement of noxious weeds. Such record of the costs are on file in the City Clerk's Office, and said owners have been notified as to the costs incurred and have failed to pay the same within thirty (30) days after receipt of said notice:

Last Name	First Name	Work Address	Cama #	Legal Description	Total
FRAZEE	CHARLOTTE/DAVID	326 N. C ST	2993002026002000	AC ORIGINAL TOWN, BLK 29, LT 1-2	200.00
TOWNSLEY, GLADYS	C/O STEVE BUTLER	1200 W LINDEN AVE	3062403017003000	SUMMIT ADDITION, BLK 16, 2.2 ACRES	\$ 250.00
AVALOS	REBECCA	303 S. D ST	2993003021001000	AC ORIGINAL TOWN, BLK 34, E82 LTS 27-28 & E82 N1/2 LT	\$ 400.00
BERRYMAN	JOYCE & ERBY	525 N. 9TH ST	3072502006001000	REEDS ADDITION, BLK 2, LTS 1-3 & N1/2 LT 4	\$ 250.00
GARCIA	POLO	108 E. JACKSON AVE	2993102018011000	CANAL CO'S ADDITION, BLK 163, E44.3 OF W 97 LTS 9-10	\$ 200.00
ORTIZ JR.	RAFAEL	1706 S 2ND ST	3073604023002020	LINCOLN PARK ADDITION, BLK 10, LTS 35-36 & W 1/2 VAC ALLEY ADJ.	\$ 200.00
ORTIZ JR.	RAFAEL	1708 S 2ND ST	3073604023002000	LINCOLN PARK ADDITION, BLK 10, LTS 34 & W 1/2 VAC ALLEY ADJ.	\$ 200.00
ORTIZ JR.	RAFAEL	1712 S 2ND ST	3073604023002030	LINCOLN PARK ADDITION, BLK 10, LTS 32 & W 1/2 VAC ALL	\$ 200.00
JOYCE CROW LIFE EST	ANDREA DICKSON	328 S 8TH ST	3072504022006000	AC ORIGINAL TOWN, BLK 124, LTS 15-16	\$ 200.00
WOOD	DONALD/IDA	702 E POLK AVE	2993104005006000	SLEETH ADDITION 2ND PLATS, BLK 3, LTS 15-16	\$ 400.00
KEMP TRUST	MARLENE	221 S D ST	2993003012010000	AC ORIGINAL TOWN, BLK 33, N20 LT 17, & ALL LOT 20	\$ 700.00
VEGA	BENJAMIN	312 N 3RD ST	3072501034007000	AC ORIGINAL TOWN, BLK 131, LT 19 & ALL LT 20	\$ 700.00
DORMAN	FALIS	609 S 5TH ST	3073601004011000	PARK PLACE ADDITION, BLK 4, LT 4 & ALL LTS 5-6	\$ 590.19
WILLIAMS	GRANT	1125 N 2ND ST	3062404011001000	CENTRAL HEIGHTS ADDITION, BLK 1, LTS 5-7 & ALL LTS 6-7	\$ 225.00
WILLIAMS	DARREN/CHERRY	410 S A ST	2993003026003000	AC ORIGINAL TOWN, BLK 59, LTS 6-7 & N 5 LT 8	\$ 200.00

JW28, LLC		1032 N A ST	2941903008010000	MCLAUGHLINS ADDITION, BLK 13, LT 36 & S8.2 LT 37	\$ 350.00
SCOTT/JANELLE ELLSWORTH	KACIES KLOSET, LLC	818 N D ST	2941903014011000	MAPLE PARK ADDITION, BLK 4, LT 11-12	\$ 450.00
VIVEROS	JOSEFINA	609 N D ST	2993002011013010	AC ORIGINAL TOWN, BLK 26, LT 19-20	\$ 200.00
WHITFORD	JACOB	1517 W. OKLAHOMA	3062402024003000	GHENT ADDITION, BLK 3, LT 31-32	\$ 500.00
LIBERTON	CARL	1422 S A ST	2993103012007000	ENTERPRISE ADDITION, BLK 231, LT 11-12	\$ 250.00
ADAMS	ROBERT	1815 N 6TH ST	3062401007008000	GRANDVIEW ADD TO AC, BLK 4, LT 33-34	\$ 375.00
GUTIERREZ AMAYA	MARCIAL	610 N 5TH ST	3072501011005000	AC ORIGINAL TOWN, BLK 137, LT 17-20	\$ 950.00
WHALER	HUGH EDWARD	702 S 7TH ST	3073601008002000	PARK PLACE ADDITION, BLK 8, LT 32-34	\$ 250.00
HICKS	PAUL/MARSHA	722 N B ST	2993002004004000	AC ORIGINAL TOWN, BLK 37, LTS 5-6	\$ 1,375.00
HICKS	PAUL/MARSHA	724 N B ST	2993002004003000	AC ORIGINAL TOWN, BLK 34, LTS 3-4	\$ 500.00
IRVIN	CLAUDIE/SHIRLEY GOULDEN	906 S 7TH ST	3073601023003000	GOOCHS ADDITION, BLK 13, LT 3-4	\$ 425.00
IRVIN	CLAUDIE/SHIRLEY GOULDEN	910 S 7TH ST	3073601023004010	GOOCHS ADDITION, BLK 13, LT 5-8	\$ 275.00
COMBS	MARY	117 N 2ND ST	3072504003008000	AC ORIGINAL TOWN, BLK 91, LT 21-22	\$ 200.00
MAJOR	JAMES	521 N D ST	2993002014001010	AC ORIGINAL TOWN, BLK 27, LT 23-26	\$ 450.00
HASLEY	SANDRA	1220 N 10TH ST	3062403002011000	SUMMIT ADDITION, BLK 2, LTS 4-6 & N 17 LT 7	\$ 300.00
RODRIGUEZ	ESTEBAN	1025 N 13TH ST	3062403010014000	SUMMIT 2ND ADDITION, BLK 28, LTS 1-4	\$ 625.00
MANLEY	RENATA	410 E. MADISON AVE	2993003033013000	AC ORIGINAL TOWN, BLK 36, W45 LTS 15-16 & ALL LTS 17-18	\$ 1,100.00
CAMPBELL	HENRY III/VIRGINIA BRANT	338 RANDOM RD	2941902001008000	BRAD-MEEK ADDITION, BLK 15, LT 6	\$ 225.00
CHAPMAN	JENNIFER/ANESSA ADMIRE	406 S. A ST	2993003026002000	AC ORIGINAL TOWN, BLK 59, LT 1-5	\$ 300.00
GATES	PAUL	1218 N. 2ND ST	3062404001014000	POPLAR HEIGHTS, BLK 1, LT 31-32	\$ 200.00
ANGKEL	NORME/TORIBIO UBICO RAMOS	301 N. 7TH ST	3072501039007000	AC ORIGINAL TOWN, BLK 155, LTS 12-14 & N 11.5 VAC WALUNT ST ADJ	\$ 350.00
REEVES	MATTHEW/CATHERINE	717 S. B ST	2993102009010000	MR LEONARDS ADD, BLK 167, LT 8	\$ 200.00
MIGUEL	ANDRES TOMAS	1205 S C ST	2993103002001000	ENTERPRISE ADDITION, BLK 224, LT 10-14	\$ 225.00
GIBFRIED	TIM	1027 S. B ST	2993102031010000	JENKINS & CAMPBELL ADDITION, BLK 3, LT 18	\$ 200.00
KEYON WALKER	ROY/VELMA	401 N. 6TH ST	3072501025008000	AC ORIGINAL TOWN, BLK 151, LT 10-14	\$ 900.00
KEYON WALKER	ROY/VELMA	415 N. 6TH ST	3072501025009000	AC ORIGINAL TOWN, BLK 151, S15.5 LT 8 & ALL LT 8	\$ 400.00
KEYON WALKER	ROY/VELMA	417 N. 6TH ST	3072501025010000	AC ORIGINAL TOWN, BLK 151, LTS 6-7 & N9.5 LT 8	\$ 450.00
HENLEY	ROBERT & ROSE	1611 S. 2ND ST	3073604019001000	LINCOLN PARK ADDITION, BLK 8, LTS 1-6 & LTS 19-26 & PT VAL ALLEY ADJ & E1/2 VAC 3RD ST ADJ	\$ 550.00
HENLEY	ROBERT & ROSE	1613 S 2ND ST	3073604019003000	LINCOLN PARK ADDITION, BLK 8, LTS 7-18 & VAC ALLEY ADJ & E 1/2 VAC 3RD ST ADJ	\$ 300.00
BLJ HOLDINGS, LLC		123 E MADISON AVE	2993102005001000	MR LEONARDS ADDITION, BLK 165, LT 12 & N 1/2 LT 11	\$ 250.00
AREVALO JIMENEZ	ANDREA	1425 S H ST	2993104016008000	SLEETH ADDITION 2 PLATS, BLK 14, LT 11-14	\$ 250.00
MUNDAY	ALBERT/TAMMY	1321 N. 8TH ST	3062403001022000	FAIRMOUNT ADD, BLOCK 1, LOT 28-29	\$ 225.00
<b>TOTAL</b>					<b>\$ 18,515.19</b>

**SECTION TWO:** The City Clerk shall certify to the County Clerk of Cowley County, Kansas, the s assessments levied under Section One of this Ordinance, and the County Clerk shall extend the same on the tax rolls against the property as hereinabove described, and the amount so certified shall be collected the same as *ad valorem* taxes against said real estate.

**SECTION THREE:** This ordinance, or a summary thereof, shall be published one time in the official city newspaper, and shall take effect and be in force from and after said publication.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas, on this 3rd day of October, 2023

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, 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 Ordinance No. 2023-10-\_\_\_\_ of the City of Arkansas City, Kansas adopted by the Governing Body on October 3, 2023 as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Tiffany Parsons, City Clerk



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Mike Bellis, Building Official  
**Item:** Special Assessments – Trash and Junk Vehicles

**Purpose:** Consider first reading of Ordinance levying special assessments for code enforcement activities for unpaid refuse abatement charges and inoperative or abandoned vehicles. **(Roll Call Vote)**

**Background:**

Attached please find two ordinances assessing the cost of refuse abatement. These ordinances provide for the assessment of certain costs incurred by the City for various parcels of property around the community for the 2022/2023 billing period.

**Commission Options:**

1. Approve the Ordinances on first read and the Certificate of Special Assessment assessing the costs and direct staff to file them with the County for inclusion on the 2023 tax rolls of the listed properties.
2. Disapprove the Ordinances

**Fiscal Impact:**

Amount:

Fund:            Department:            Expense Code:  
 Included in budget             Grant             Bonds     Other (explain)

**Approved for Agenda by:**




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Randy Frazer, City Manager

**ORDINANCE NO. 2023-10**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS TO PAY COSTS INCURRED BY THE CITY OF ARKANSAS CITY FOR ABATING PUBLIC NUISANCES FOR UNLAWFUL DEPOSIT OR ACCUMULATION OF REFUSE AS PROHIBITED BY SECTION 46-2 and 46-4 OF THE ARKANSAS CITY MUNICIPAL CODE.**

**WHEREAS**, notice was given to the owners of record or tenants of the real estate as hereinafter legally described as provided by Section 46-3 of the Arkansas City Municipal Code as to the existence of unlawful deposit or accumulation of refuse as prohibited by Section 46-2 and 46-4 as defined by Section 42-27 of the Arkansas City Municipal Code, thereby constituting a public nuisance and giving notice and reasonable time to abate such nuisance(s); and,

**WHEREAS**, the owners or tenants of the following described properties have failed to abate said nuisances, thereby requiring the City to abate such nuisances, thereby incurring costs as hereinafter specified.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:**

**SECTION ONE:** The following amounts are hereby assessed against the hereinafter described property for:

- a. The abatement of public nuisance(s), consisting of unlawful deposit or accumulation of refuse, contrary to Section 46-2 and 46-4 of the Arkansas City Municipal Code. Record of the costs of abatement of the hereinbefore referenced nuisances are on file in the City Clerk’s Office and the owners of said real estate have been notified as to the costs incurred and have failed to pay the same within thirty (30) days after receipt of billing from the City requesting payment, to-wit:

Last Name	First Name	Work Address	Cama #	Legal Description	Total
HICKS	PAUL/MARSHA	722 N B ST	2993002004004000	AC ORIGINAL TOWN, BLK 37, LTS 5-6	\$ 5.00
HICKS	PAUL/MARSHA	724 N B ST	2993002004003000	AC ORIGINAL TOWN, BLK 34, LTS 3-4	\$ 5.00
RODRIGUEZ	ESTEBAN	1025 N 13TH ST	3062403010014000	SUMMIT 2ND ADDITION, BLK 28, LTS 1-4	\$ 10.50
MANLEY	RENATA	410 E. MADISON AVE	2993003033013000	AC ORIGINAL TOWN, BLK 36, W45 LTS 15-16 & ALL LTS 17-18	\$ 18.30
REEVES	MATTHEW/CATHERINE	717 S. B ST	2993102009010000	MR LEONARDS ADD, BLK 167, LT 8	\$ 1,862.26
CARSON	ANTHONY, JR	425 N. 4TH ST	3072501027001000	AC ORIGINAL TOWN, BLK 139, LT 1-2	\$ 1,250.00
WALKER	KAYLA	417 N 6TH ST	3072501025010000	AC ORIGINAL TOWN, BLK 151, LTS 6-7 & N9.5 LT 8	\$ 360.00
HENLEY	ROBERT & ROSE	1611 S. 2ND ST	3073604019001000	LINCOLN PARK ADDITION, BLK 8, LTS 1-6 & LTS 19-26 & PT VAL ALLEY ADJ & E1/2 VAC 3RD ST ADJ	\$ 569.52
<b>TOTAL</b>					<b>\$ 4,080.58</b>

**SECTION TWO:** The City Clerk shall certify to the County Clerk of Cowley County, Kansas, the special assessments and administrative fines(s) levied under Section One of this Ordinance, and the County Clerk shall extend the same on the tax rolls against the property as hereinabove described, and the amount so certified shall be collected the same as *ad valorem* taxes against said real estate.



**SECTION THREE:** This ordinance, or a summary thereof, shall be published one time in the official city newspaper, and shall take effect and be in force from and after said publication.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas, on this 3rd day of October, 2023.

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, 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 Ordinance No. 2023-10-\_\_\_\_ of the City of Arkansas City, Kansas adopted by the Governing Body on October 3, 2023 as the same appears of record in my office.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Tiffany Parsons, City Clerk



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Mike Bellis, Building Official  
**Item:** Special Assessments - Demo

**Purpose:** Consider for approval a Certificate of Special Assessment for dangerous structure demolitions.  
**(Voice Vote)**

**Background:**

Attached please find a Certificate of Special Assessment detailing costs incurred by the city for demolition of dangerous structures previously declared unsafe and dangerous.

**Commission Options:**

1. Approve the Ordinances on first read and the Certificate of Special Assessment assessing the costs and direct staff to file them with the County for inclusion on the 2023 tax rolls of the listed properties.
2. Disapprove the Ordinances

**Fiscal Impact:**

Amount:

Fund:	Department:	Expense Code:		
<input type="checkbox"/> Included in budget		<input type="checkbox"/> Grant	<input type="checkbox"/> Bonds	<input type="checkbox"/> Other (explain)

**Approved for Agenda by:**

---

Randy Frazer, City Manager

**CERTIFICATE OF SPECIAL ASSESSMENT FOR DEMOLISHING  
DANGEROUS STRUCTURES AND MAKING THE  
PREMISES SAFE AND SECURE**

I, Tiffany Parsons, the duly qualified appointed and acting Clerk of the City of Arkansas City, Kansas, a Municipal Corporation of the Second Class, do hereby certify that the amounts herein specified are to be assessed against the real estate as hereinafter described for the purposes of providing funds to pay the costs incurred by the City of Arkansas City, Kansas for demolishing dangerous structures, thereby making the premises safe and secure in accordance with K.S.A. 12-1750, et seq. to wit:

Last Name	First Name	Mailing Address	City, ST, Zip	Work Address	Cama #	Legal Description	Total
HOFFER	DANA	836 S. C ST	ARKANSAS CITY, KS 67005	902 S. C ST	29931020 24003000	PLEASANT VIEW, BLK 5, LT 12	\$ 6,138.20
BERRYMAN	JOYCE & ERBY	1028 N C ST	ARKANSAS CITY, KS 67005	523 N 9TH ST	30725020 06001000	REEDS ADDITION, BLK 2, LTS 1-3 & N1/2 LT 4	\$ 6,600.45
HICKS	PAUL/MARSHA	1415 E. 6TH AVE. APT. 102	WINFIELD, KS 67156	722 N B ST	29930020 04004000	AC ORIGINAL TOWN, BLK 37, LTS 5-6	\$ 16,062.38
IRVIN	CLAUDIE/SHIRLEY GOULDEN	6130 302ND RD	ARKANSAS CITY, KS 67005	906 S 7TH ST	30736010 23003000	GOOCHS ADDITION, BLK 13, LT 3-4	\$ 4,028.02
HATFIELD	JUSTIN P	324 N D ST	ARKANSAS CITY, KS 67005	318 N D ST	29930020 25002000	AC ORIGINAL TOWN, BLK 17, LT 1-4	\$ 3,303.00
KEYON WALKER	ROY/VELMA	7021 S. SHARTEL AVE	OKLAHOMA CITY, OK 73139	401 N. 6TH ST	30725010 25008000	AC ORIGINAL TOWN, BLK 151, LT 10-14	\$ 3,965.36
<b>Total</b>							<b>\$ 40,097.41</b>

Date effective this 3<sup>rd</sup> day of October, 2023.

\_\_\_\_\_  
Tiffany Parsons, City Clerk  
Arkansas City, Cowley County, KS

STATE OF KANSAS                    )  
COUNTY OF COWLEY            ) ss.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Notary Public

My Commission expires:



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Chet Ranzau, Fire Marshal  
**Item:** LION ITS Intelligent Fire Extinguisher Training System

**Purpose:** A Resolution authorizing the City of Arkansas City to purchase the LION ITS Intelligent Fire Extinguisher Training System from NAFECO of Decatur, Alabama, for an amount not to exceed \$15,660.25. **(Voice Vote)**

**Background:**

The Arkansas City Fire/EMS Department provides fire extinguisher training to several entities throughout our community. The purpose of fire extinguisher training is to ensure that employees are familiar with the types of fire extinguishers and how to safely use them. Taking the time to train employees could potentially save lives, reduce property loss, and minimize recovery time.

ACFD/EMS uses a metal drum with a mixture of gasoline and diesel. The drum is ignited to simulate a fire. The employee would use an extinguisher provided by the company to extinguish the fire. This method of training is useful; however, it is not safe, efficient, or cost effective.

The Lion company produces a fire extinguisher training system called the Intelligent Training System. This system is a compact design that senses where the trainee aims and sweeps the SmartExtinguisher® putting the fire out if used correctly and can be relit by a handheld controller. The SmartExtinguisher® is recharged with water and air in the field, eliminating the mess of dry chemicals and fumes from the gasoline/diesel mixture that can pose a hazard to the environment and employees. This system also eliminates the cost of recharging the extinguishers used in the training.

Staff recommends to purchase the LION ITS Intelligent Training System, Xtreme, Plus Package ITS Extreme Plus Package which includes: CC057 Industrial Grade Extinguisher Carrying Case 1, ITSX01# Intelligent Training System™ Extreme Base Unit 1, PC01X Transport Case for I.T.S.™ Props 1, PX01A I.T.S.™ Trash Can Prop 1, PX01B I.T.S.™ Stove Top Prop 1, PX01C I.T.S.™ Motor Prop 1, SE007XR SmartExtinguisher for I.T.S.™ (7X) 2, TC005 Accessories Transport Case for Intelligent Training System™ 1 and the Bullex Intelligent Training System Transport Case ITS Base/Xtreme Transport case from NAFECO of Decatur, AL for an amount not to exceed \$15,660.25.

The purchase of the system will be covered by donations from local businesses, civic groups, and budgeted funds.

**Commission Options:**

- 1. Approve the Resolution
- 2. Disapprove the Resolution
- 3. Table the Resolution for further discussion

**Fiscal Impact:**

Amount:

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other Not Budgeted

**Approved for Agenda by:**

Section , Item 1.



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Randy Frazer, City Manager

RESOLUTION NO. 2023-10-\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO PURCHASE A LION ITS INTELLIGENT FIRE EXTINGUISHER TRAINING SYSTEM, FROM NAFECO OF DECATUR, ALABAMA, FOR AN AMOUNT NOT TO EXCEED \$15,660.25.**

**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 purchase a Lion ITS Intelligent Fire Extinguisher Training System, from NAFECO of Decatur, Alabama, for an amount not to exceed \$15,660.25.

**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 3rd day of October, 2023.

(Seal)

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, 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 Resolution No. 2023-10-\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on October 3, 2023. as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Tiffany Parsons, City Clerk



**NAFECO**

Mailing: 1515 W Moulton St  
(2601 Beltline Road)  
Decatur, AL 35601  
(800) 628-6233  
info@nafeco.com

**Quote** Section , Item 1.  
Q0023091258391

**Date:** 2023-09-12  
**Expires:** 2023-10-12  
**FOB:** Origin

Customer Number:

Customer Information: Arkansas City Fire/EMS  
Address: 115 South D Street  
Arkansas City, AR 67005

Attention: Chet Ranzau  
Phone: (620) 441-4430  
Email: cranzau@arkansascityks.gov

Prepared By: Marc Cupp

Qty	Item #	Description	Each	Total
1	ITSXSU01-P#	LION ITS Intelligent Training System, Xtreme, Plus Package ITS Extreme Plus Package includes: CC057 Industrial Grade Extinguisher Carrying Case 1, ITSX01# Intelligent Training System™ Extreme Base Unit 1, PC01X Transport Case for I.T.S.™ Props 1, PX01A I.T.S.™ Trash Can Prop 1, PX01B I.T.S.™ Stove Top Prop 1, PX01C I.T.S.™ Motor Prop 1, SE007XR SmartExtinguisher for I.T.S.™ (7X) 2, TC005 Accessories Transport Case for Intelligent Training System™ 1.	\$14,424.25	\$14,424.25
1	IC001	Bulex Intelligent Training System Transport Case ITS Base/Xtreme Transport case	\$1,081.00	\$1,081.00
			<b>Freight Charges</b>	<b>\$155.00</b>
			<b>Total</b>	<b>\$15,660.25</b>

*tax to be determined*

**Notes:** Allow 4-6 weeks for delivery.

## Thank you for your business!

*NOTE: All accounts are subject to sales tax charges unless a valid state exempt certificate is on file with NAFECO, or provided at the time of the order.*

**If you have any questions concerning this quote, please call our number listed above.**

**Visit Us On The Internet At: [nafeco.com](http://nafeco.com)**



## Live fire training made safe, clean & effective

COMES COMPLETE WITH EVERYTHING YOU WILL NEED FOR FIRE EXTINGUISHER TRAINING

### INTELLIGENT TRAINING SYSTEM™ (I.T.S.)

The Intelligent Training System™ (I.T.S.) senses where the trainee aims and sweeps the SmartExtinguisher® and varies the flames automatically, putting the fire out only when the extinguisher is used correctly. The SmartExtinguishers are recharged quickly and easily with only compressed air and water.

#### SPEND MORE TIME TRAINING.

We've heard from instructors like you that more time is spent preparing the site before training and cleaning it up after than actually teaching their trainees to use an extinguisher. Not anymore. The I.T.S. compact design makes it easy for one person to set up in just a few minutes. The handheld controller makes it easy to light the flames with the push of a button, so the evolution can start as soon as the next trainee is ready. Plus, the I.T.S. is constructed with industrial grade stainless steel

components so that it can withstand many years of intense training.

#### EXTINGUISHER TRAINING WITHOUT THE MESS

The LION I.T.S.'s easy set up and field rechargeable air/water SmartExtinguishers eliminate the mess associated with traditional dry chemical extinguishers and diesel burn pans. No messy dry chemical extinguishers or dangerous diesel fumes also means no environmental effects or exposure risks for your trainees.

#### COST EFFECTIVE

Because there is no longer a need to discharge and recharge costly dry-chemical or CO2 extinguishers, LION live-fire extinguisher training systems are often more cost-effective.



**AVAILABLE PRODUCTS:**

**A.** Intelligent Training System (I.T.S.) Base Unit **B.** 7X SmartExtinguisher **C.** Handheld Controller & Controller Cable **D.** Power Cable **E.** Propane Supply Kit **F.** Recharge Accessories **G.** Accessories Carrying Case **H.** I.T.S. Transport Case **I.** Two Industrial Grade Extinguisher Carrying Cases **J.** Battery Power Pack **K.** Choice of Air Regulator Kit or Air Compressor

NOTE: Product availability and design may differ based on market location

## INTELLIGENT TRAINING SYSTEM™ (I.T.S.)

# Specifications

**FEATURES**

- Emergency stop/deadman switch on handheld controller
- Bump/tilt sensor
- Auto-ignition pilot
- Auto-off after 32 seconds of full flame evolution
- Key-code entry at start-up
- Combustible materials, flammable liquids, flammable gas and electrical fire class settings

**PHYSICAL SPECIFICATIONS**

- **Base Unit:** 28.75" × 18" × 13" (73 cm × 45.7 cm × 33 cm)
- **Base Unit:** Stainless Steel
- **Burner:** Stainless Steel
- **Weight:** 32 lbs. (14.5 kg.)

**FUEL**

- **Type:** Propane

- **Input:** 375,000 BTU/H (109.8 kw)
- **Max Gas Supply Pressure:** 2 PSI (13.8 kPa)
- **Duty Cycle:** 50%

**HOSE & REGULATOR**

- **Type:** Long pressure LPG
- **Length:** 10' (3.05 m.)
- **Coupling:** Self sealing quick disconnect
- **Regulator Connection:** Standard 20 lb. (9.1 kg.) tank LPG reverse thread

**ELECTRICAL**

- **Input:** 2V DC/5 amps maximum
- **Receptacle:** 12V cigarette lighter plug
- **Length:** 25' (64 cm.)

**CONTROLLER**

- **Connector Type:** 5-Pin DM
- **Cable Type:** RS-485
- **Length:** 25' (64 cm.)

**SMARTEXTINGUISHER**

- **Air Pressure Connection:** Schrader Valve
- **Recommended Pressure:** 100 PSI (690kPa)
- **Maximum Pressure:** 110 PSI (758kPa)
- **Minimum Pressure:** 100 PSI (690kPa)
- **Fill Volume:** 5X: 4 liters, 7X: 6 liters
- **Volume/Trainee:** 5X: 0.80 liters, 7X: 0.85 liters





**AVAILABLE PRODUCTS:**

A. Intelligent Training System (I.T.S.) Base Unit B. 7X SmartExtinguisher C. Handheld Controller & Controller Cable D. Power Cable E. Propane Supply Kit F. Recharge Accessories G. Accessories Carrying Case H. I.T.S. Transport Case I. Two Industrial Grade Extinguisher Carrying Cases J. Battery Power Pack K. Choice of Air Regulator Kit or Air Compressor

NOTE: Product availability and design may differ based on market location.

## Popular Packages

COMPONENT	BASE	PLUS	TRAINER'S
Intelligent Training System™ (I.T.S.) Base Unit	1	1	1
7X SmartExtinguisher	1	2	4
I.T.S.™ Accessories Transport Case	1	1	
Extinguisher Transport Case		1	2
I.T.S.™ Transport Case			1
Air Compressor with Accessories			1
NFPA Fire Extinguishers at Work DVD			1



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Randy Frazer, City Manager  
**Item:** Executive Session – Acquisition of Real Property

**Purpose:** Recess into executive session to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for the preliminary discussion of the acquisition of real property.

**Background:**

Requesting to recess into executive session to discuss the acquisition of real property. A complete copy of K.S.A. 75-4319 is enclosed.

**State Reference K.S.A. 75 -4319(b)(6) defined:**

**75-4319. Closed or executive meetings; conditions; authorized subjects for discussion; binding action prohibited; certain documents identified in meetings not subject to disclosure.**

(a) Upon formal motion made, seconded, and carried, all public bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include: (1) A statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) Justifications for recess to a closed or executive meeting may only include the following, the need:

(6) for the preliminary discussion of the acquisition of real property

**Commission Options:**

1. Make a motion to recess into executive session, establishing a time to resume the open meeting.

To be in compliance with the Kansas Open Meetings Act, City Attorney Larry Schwartz recommends the following motion be stated when the City Commission requests an executive session:

**Motion:** "I move that the governing body recess into executive session, to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for the preliminary discussion of the acquisition of real property. The open meeting will resume in the commission chambers at \_\_\_\_:\_\_\_\_ p.m." (Voice Vote)

**Approved for Agenda by:**

Randy Frazer, City Manager

## 2021 Kansas Statutes

**75-4319. Closed or executive meetings; conditions; authorized subjects for discussion; binding action prohibited; certain documents identified in meetings not subject to disclosure.** (a) Upon formal motion made, seconded and carried, all public bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include: (1) A statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) Justifications for recess to a closed or executive meeting may only include the following, the need:

- (1) To discuss personnel matters of nonelected personnel;
- (2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship;
- (3) to discuss employer-employee negotiations whether or not in consultation with the representative or representatives of the public body or agency;
- (4) to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) to discuss matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) for the preliminary discussion of the acquisition of real property;
- (7) to discuss matters relating to parimutuel racing permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
- (8) to discuss matters relating to the care of children permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 38-2212(d)(1) or 38-2213(e), and amendments thereto;
- (9) to discuss matters relating to the investigation of child deaths permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 22a-243(j), and amendments thereto;
- (10) to discuss matters relating to patients and providers permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 39-7,119(g), and amendments thereto;
- (11) to discuss matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;
- (12) to discuss matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the public body or agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and

vulnerability assessments;

(13) to discuss matters relating to maternity centers and child care facilities permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 65-525(d), and amendments thereto;

(14) to discuss matters relating to the office of inspector general permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 75-7427, and amendments thereto; and

(15) for the governor's domestic violence fatality review board to conduct case reviews.

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

(d) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(12), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

**History:** L. 1972, ch. 319, § 3; L. 1977, ch. 301, § 3; L. 1981, ch. 344, § 1; L. 1988, ch. 315, § 4; L. 1992, ch. 318, § 9; L. 1993, ch. 286, § 75; L. 1994, ch. 254, § 3; L. 1996, ch. 256, § 23; L. 1999, ch. 96, § 2; L. 2001, ch. 190, § 2; L. 2004, ch. 177, § 2; L. 2005, ch. 126, § 4; L. 2007, ch. 177, § 16; L. 2009, ch. 132, § 14; L. 2012, ch. 16, § 33; L. 2015, ch. 68, § 16; L. 2017, ch. 73, § 4; July 1.



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Randy Frazer, City Manager  
**Item:** Home Rule Ordinance Authorizing Acquisition of Real Property

**Purpose:** A Home Rule Ordinance of the City of Arkansas City, Kansas, authorizing the acquisition of real property for economic and residential development purposes; and authorizing the issuance of general obligation bond of the city to pay the costs thereof. **(Roll Call Vote)**

**Background:**

The governing body of the City of Arkansas City, Kansas has considered the needs of the city and its environs for securing and developing new areas for residential uses, business uses, and industrial uses, in order to enhance and provide for the general and economic welfare of the citizens of the city.

**Commission Options:**

1. Approve the Home Rule Ordinance
2. Disapprove the Home Rule Ordinance
3. Table the Home Rule Ordinance for further discussion

**Fiscal Impact:**

Amount:

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other Not Budgeted

**Approved for Agenda by:**

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Randy Frazer, City Manager



# City Commission Agenda Item

**Meeting Date:** October 3, 2023  
**From:** Randy Frazer, City Manager  
**Item:** Sale of Taxable General Obligation Bonds, Series 2023

**Purpose:** A Resolution authorizing the offering for sale of taxable general obligation bonds, series 2023, of the City of Arkansas City, Kansas. **(Voice Vote)**

**Background:**

All proposals for the purchase of the Bonds shall be delivered to the Governing Body at its meeting to be held on the sale date referenced in the Notice of Bond Sale, at which meeting the Governing Body shall review such bids and award the sale of the Bonds or reject all proposals.

**Commission Options:**

- 1. Approve the Resolution
- 2. Disapprove the Resolution
- 3. Table the Resolution for further discussion

**Fiscal Impact:**

Amount:

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other Not Budgeted

**Approved for Agenda by:**

Randy Frazer, City Manager