



City of Arkansas City

CITY COMMISSION MEETING AGENDA

Tuesday, November 01, 2022 at 5:30 PM — 118 W Central Ave, Arkansas City, KS

Please join my meeting from your computer, tablet or smartphone.
<https://meet.goto.com/427093221>

United States: +1 (872) 240-3412
- One-touch: tel:+18722403412,,427093221#
Access Code: 427-093-221

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. Recognition of Visitors

1. Recognition of Spencer Stover for successfully obtaining a Class III Wastewater Treatment Facility Operator Certification

III. Comments from the Audience for Items Not on the Agenda

Per the Kansas Open Meetings Act, the City Commission is not required to entertain any comments from the public during any meeting.

*The following rules **must** be strictly adhered to by all citizens wishing to speak during a virtual/hybrid meeting, **whether they are on the agenda or recognized by the Mayor during the meeting itself:***

- Each speaker will state his or her name and address before making any comments.
- Each speaker will have three (3) minutes to present his or her comments.
- Comments or questions will be directed only to the City Commission.
- Debate or argument between parties in the audience will not be allowed. **"Logged in" citizens will remain muted during the meeting, unless recognized and called upon specifically by the Mayor.**
- Repeated reiterations by speakers will not be allowed.
- Violations of comment procedure will result in being directed to cease speaking or being muted.

IV. 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 VII: New Business.

1. Consent Agenda Item: Approve the October 18, 2022, regular meeting minutes as written.

V. New Business

Other Items for Consideration

1. Consider for approval accepting title to the Goff Industrial Park Detention Pond. **(Voice Vote)**
2. Approve a request from Shelley Robertson, One Margarita Express LLC, to waive the age restriction at the Agri-Business building during the Cowley Market event on November 19, 2022. **(Voice Vote)**

VI. Staff Report Presentations

City Manager's Report on Upcoming Activities

VII. Adjournment



City Commission Agenda Item

Meeting Date: November 1, 2022

From: Lesley Shook, City Clerk

Item: Approve October 18, 2022 Regular Meeting Minutes

Purpose: Consent Agenda Item: Approve the October 18, 2022, 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 be "Randy Frazer", is written over a horizontal line. The signature is fluid and cursive.

Randy Frazer, City Manager



City of Arkansas City

CITY COMMISSION MEETING MINUTES

Tuesday, October 18, 2022 at 5:30 PM — 118 W Central Ave, Arkansas City, KS

Routine Business

1. Roll Call

PRESENT

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

ABSENT

Commissioner Charles Jennings

Also present: City Manager Randy Frazer, Police Chief Eric Burr, Fire Chief Chris Ledeker, City Clerk Lesley Shook, Deputy City Clerk Tiffany Parsons, Communications Director Shana Adkisson, Environmental Services Superintendent Rod Philo, Building Official Mike Bellis, EMS Director Jeri Smith.

2. The Opening Prayer was led by Jaiden Harris and the pledge of allegiance was led by Jasiah Harris.

3. Additions or Deletions

- Add Consent Agenda Item #3 - Ratify Mayor Canyon Gingher's appointment of Jace Kennedy to the Building Trades Board.
- Add Consent Agenda Item #4 – A Resolution No. 2022-10-3507 canceling a public meeting of the Governing Body scheduled for noon Friday, October 28, 2022, in the City Manager's office at City Hall, 118 W. Central Ave., Arkansas City.

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

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

4. Approval of the Agenda

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

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

Awards and Proclamations

1. Good Neighbor Award presented to a citizen that rendered aid during a recent critical incident. Police Chief Burr presented Good Neighbor award to Samantha Koester. She was recognized for actions on Oct. 8 when her neighbor suffered an accidental gunshot wound to the leg. When Koester, a nurse for eight years, learned of the accident, she quickly called 911, used a towel to put pressure on the wound, and applied a belt as a tourniquet. Koester was awarded for being cool, calm, and collected under pressure and for rendering effective medical aid during a critical incident.

He also recognized Jaime Lovell, an employee of Four County Mental Health, and who partners with Arkansas City Police Officer Cori Tuxhorn as part of the department's Crisis Intervention Team. On Oct. 13, a citizen came to the police department to pick up her personal property after serving time in jail. Upon realizing that the citizen, who is currently homeless, didn't have shoes on, Jaime removed her shoes to give to the citizen.

Consent Agenda

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

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

1. Approve the October 4, 2022, regular meeting minutes as written.
2. Ratify Mayor Canyon Ginger's appointment of Sadie Spurlock to the Visit Ark City Board of Trustees.
3. Ratify Mayor Canyon Ginger's appointment of Jace Kennedy to the Building Trades Board.
4. **Resolution No. 2022-10-3507** canceling a public meeting of the Governing Body scheduled for noon Friday, October 28, 2022, in the City Manager's office at City Hall, 118 W. Central Ave., Arkansas City.

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

New Business

Ordinances for Consideration

1. City Clerk Shook presented for consideration first reading of an Ordinance adopting the budgeted pay plan to become effective October 22, 2022. City Manager Frazer stated the fire department is reorganizing and requesting the addition of a training officer for in house training.

Motion made by Commissioner Warren, Seconded by Commissioner Spielman to approve an ordinance adopting the budgeted pay plan to become effective October 22, 2022.

*Voting Yea: Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Ginger. Mayor Ginger declared the motion approve and given **Ordinance No. 2022-10-4566**.*

2. City Clerk Shook presented for consideration 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 Ben Givens Center City Park during Arkalalah on October 26-29, 2022. Bottle Service, a KS State Licensed Caterer, has requested the city commission allow it to 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 11 a.m. until midnight on Wednesday, October 26, 2022, through Saturday, October 29, 2022.

Motion made by Commissioner Rogers, Seconded by Commissioner Warren to approve 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 26-29, 2022.

*Voting Yea: Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approve and given **Ordinance No. 2022-10-4567.***

Resolutions for Consideration

1. City Clerk Shook presented for consideration a Resolution authorizing the City of Arkansas City, Kansas, in conjunction with the City of Winfield, Kansas, and the Cowley County Humane Society to enter into an Interlocal Cooperation Agreement for the operation of the Cowley County Animal Shelter. City Manager Frazer noted this is a renewal agreement and will be in effect for 5 years. Each city will contribute \$35,000 annually, up from \$31,500 from previous contract period, and all three entities will contribute \$2,000 toward annual capital outlay projects.

Motion made by Commissioner Spielman, Seconded by Commissioner Rogers to approve the resolution authorizing the City of Arkansas City, Kansas, in conjunction with the City of Winfield, Kansas, and the Cowley County Humane Society to enter into an Interlocal Cooperation Agreement for the operation of the Cowley County Animal Shelter.

*Voting Yea: Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Resolution No. 2022-10-3508.***

2. City Clerk Shook presented for consideration a Resolution approving a proposal submitted by DEX Water Conservation Systems, Arkansas City, to purchase their patented water conserving product, for an amount not to exceed \$9,879.00. Environmental Services Superintendent Philo explained the system will be installed at 14th and Ash, is self-contained, and will run off of solar power. There also is a 1 year warranty.

Motion made by Commissioner Warren, Seconded by Commissioner Spielman to approve a proposal submitted by DEX Water Conservation Systems, Arkansas City, to purchase their patented water conserving product, for an amount not to exceed \$9,879.00.

*Voting Yea: Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Resolution No. 2022-10-3509.***

Other Items for Consideration

1. City Clerk Shook presented for approval a Letter of Support from City Commissioners to Twin Rivers Developmental Supports, Inc. to request Kansas Department of Transportation operating funds for fiscal year 2024. Standard yearly request for requesting funding.

Motion made by Commissioner Spielman, Seconded by Commissioner Rogers to Authorize a Letter of Support from City Commissioners to Twin Rivers Developmental Supports, Inc. to request Kansas Department of Transportation operating funds for fiscal year 2024.

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

Staff Report Presentations

City Manager Frazer provided the commission with the following reminders and updates.

- Nov 3rd legislative lunch in Wichita at Riverfront stadium at 11:30 a.m.
- Nov 11th Arkansas City chamber biannual membership meeting 10 a.m. until Noon.
- Received authorization from KDOT to advertise for the Madison Avenue mill and overlay project
- Kansas State Historical Society confirmed a SHPO review is not required for the travel center project. The Developer is ready to move forward.
- Contractor for the alley project is waiting on 2 revision on the pricing plan, which should be received soon.
- The contractor is in town working with Environmental Services Superintendent Philo on the pressure release valves.

Adjournment

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

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

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

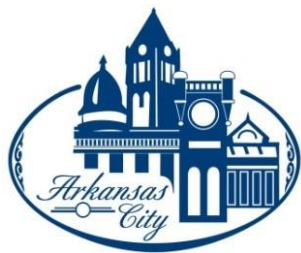
Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Lesley Shook, City Clerk



City Commission Agenda Item

Meeting Date: November 1, 2022
From: Randy Frazer, City Manager
Item: Goff Industrial Park Detention Pond Title

Purpose: Consider for approval accepting title to the Goff Industrial Park Detention Pond. (Voice Vote)

Background:

Ark City Industries (ACI) would like to transfer title by deed, the 5.11 acres in which the Goff Industrial Park detention pond is located. The Detention Pond was built in conjunction with Skyline Road improvements and the development in Goff Industrial Park by KanPak and Creekstone. This action will formalize ownership and future maintenance of the detention pond.

Commission Options:

1. Approve
2. Disapprove
3. Table for further consideration

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

☐ Included in budget ☐ Grant ☐ Bonds ☐ Other (explain)

Approved for Agenda by:

Randy Frazer, City Manager

Return recorded document to:

OTIS W. MORROW, Attorney at Law

209 S. Summit St., PO Box 1146

Arkansas City, KS 67005-1146

Phone: 620:307:6010 Email: t_omorrow@cox.net**CORPORATION QUIT CLAIM DEED: Detention Pond-Goff Industrial Park**

WHEREAS, in 2014 the City of Arkansas City, Cowley County Kansas, a Kansas municipal corporation was awarded a financial grant to "...construct, reconstruct, repair, grade, improve and maintain..." Skyline Road generally between Summit Street (US Highway 77) on the East and Eighth (8th) Street on the West, which improvements required landowner Arkansas City Industries Inc. to confer Easements encompassing real estate along the North side of the existing Skyline Road as well as to allow the construction of a detention pond North of Skyline Road, as improved and on real property owned by landowner Arkansas City Industries Inc., to provide protection to the project from surface water drainage and because of inadvertence, formalization of the detention pond on public record was not completed and is set forth herein.

GRANTOR

ARKANSAS CITY INDUSTRIES, INC.,
a Kansas Corporation
In Good Standing,

in consideration of the aforestated premises, the sum of ONE DOLLAR and other valuable considerations, the receipt of which are hereby acknowledged,

HEREBY CONVEYS, TRANSFERS, AND WARRANTS UNTO

GRANTEE,

CITY OF ARKANSAS CITY, KANSAS,
 A municipal corporation of the State of Kansas

All of GRANTOR'S right, title, and ownership in and to the following described real estate situate in the COUNTY of COWLEY and the STATE of KANSAS, to-wit:

A tract of land situated in the Southeast Quarter of Section 12, Township 34 South, Range 3 East of the 6th Principal Meridian, Cowley County, Kansas, prepared by Chris A. Meinen PS#1489, Smith & Oakes, Inc. on September 7th, 2022, being more particularly described as follows: Commencing at the Southeast Corner of said Southeast Quarter; thence South 88 degrees, 44 minutes, 57 seconds West (assumed), along the South Line of said Southeast Quarter, a distance of 402.00 feet to a point; thence North 01 degrees, 15 minutes, 03 seconds West, perpendicular to the South Line of said Southeast Quarter, a distance of 100.00 feet to a point on the North Right-of-Way for Skyline Road and the West Right-of-Way for 61st Road; thence South 88 degrees, 44 minutes, 57 seconds West, along the said North Right-of-Way, a distance of 822.89 feet to the Point of Beginning of the herein described tract; thence North 14 degrees, 19 minutes, 58 seconds East, a distance of 425.63 feet to a point; thence South

88 degrees, 44 minutes, 57 seconds West, parallel with the South Line of said Southeast Quarter, a distance of 576.28 feet to a point; thence South 00 degrees, 45 minutes, 55 seconds East, parallel with the West Line of said Southeast Quarter, a distance of 430.00 feet to a point on said North Right-of-Way; thence North 88 degrees, 44 minutes, 57 seconds East, along said North Right-of-Way, a distance of 460.00 feet to a point; thence North 14 degrees, 19 minutes, 58 seconds East, along said North Right-of-Way, a distance of 20.76 feet to the Point of Beginning, containing 5.11 acres, more or less.

For purposes of repairing, reconstructing and maintaining a detention pond upon the aforerecited 5.11 acres, to receive surface water runoff designed and constructed in conjunction with Skyline Road improvements

Subject to Easements and Restrictions of Record.

Dated this _____ day of _____, 2022.

GRANTOR:

ARKANSAS CITY INDUSTRIES, INC.
a Kansas Corporation

By: _____
Kevin Campbell, President

Attestation Not Required
K.S.A. 17-6003(g)

CORPORATE ACKNOWLEDGMENT

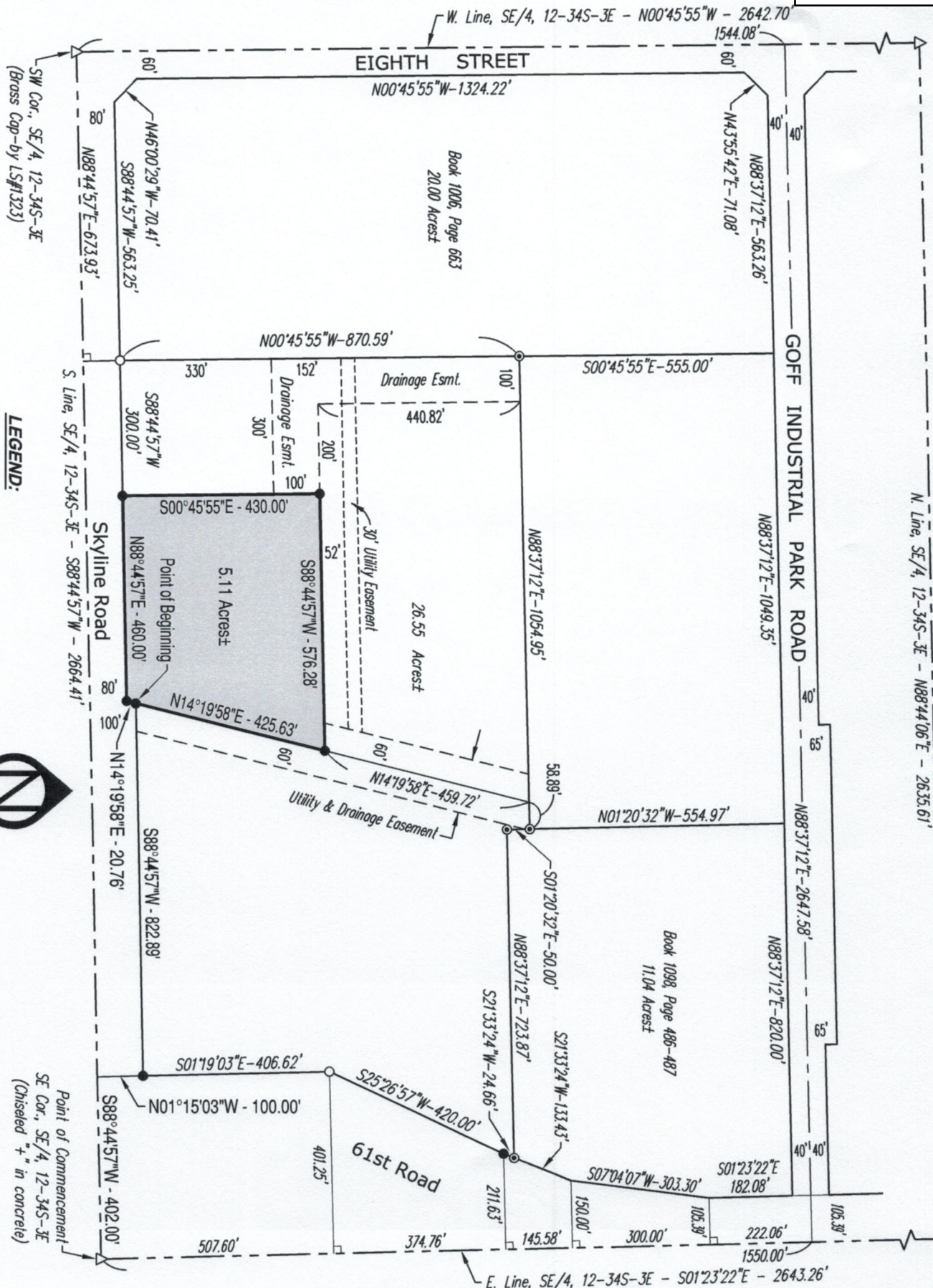
STATE OF Kansas)
COUNTY OF Cowley) ss:

BE IT REMEMBERED, that on this ____ day of _____, 2022, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Kevin Campbell, President of Arkansas City Industries, Inc. a corporation in “good standing”, duly organized, incorporated, and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed my official seal the day and year last above written.

Notary Public

My appointment expires:



LEGEND:

- 1/2" Rebar Found
- ⊙ 1/2" Rebar-cop#85 Found
- 1/2"x24" Rebar-cop#85 Set
- △ Section Corner Monument Found

SCALE: 1" = 300'



SMITH + OAKES

P.O. BOX 696 / 110 W BRYANT RD, ARKANSAS CITY, KS 67005

PHONE / 620-442-4756 / INFO@SMITHANDOAKES.COM

DATE: 09/13/2022

DRAWN BY: GOF

SHEET: 1 OF 2

PROJECT # 42-171

DESCRIPTION:

A tract of land situated in the Southeast Quarter of Section 12, Township 34 South, Range 3 East of the 6th Principal Meridian, Cowley County, Kansas, prepared by Chris A. Meinen PS#1489, Smith & Oakes, Inc. on September 7th, 2022, being more particularly described as follows: Commencing at the Southeast Corner of said Southeast Quarter; thence South 88 degrees, 44 minutes, 57 seconds West (assumed), along the South Line of said Southeast Quarter, a distance of 402.00 feet to a point; thence North 01 degrees, 15 minutes, 03 seconds West, perpendicular to the South Line of said Southeast Quarter, a distance of 100.00 feet to a point on the North Right-of-Way for Skyline Road and the West Right-of-Way for 61st Road; thence South 88 degrees, 44 minutes, 57 seconds West, along the said North Right-of-Way, a distance of 822.89 feet to the Point of Beginning of the herein described tract; thence North 14 degrees, 19 minutes, 58 seconds East, a distance of 425.63 feet to a point; thence South 88 degrees, 44 minutes, 57 seconds West, parallel with the South Line of said Southeast Quarter, a distance of 576.28 feet to a point; thence South 00 degrees, 45 minutes, 55 seconds East, parallel with the West Line of said Southeast Quarter, a distance of 430.00 feet to a point on said North Right-of-Way; thence North 88 degrees, 44 minutes, 57 seconds East, along said North Right-of-Way, a distance of 460.00 feet to a point; thence North 14 degrees, 19 minutes, 58 seconds East, along said North Right-of-Way, a distance of 20.76 feet to the Point of Beginning, containing 5.11 acres, more or less.

NOTES:

—Bearings for this survey are based on an assumed S88°44'57"W for the South Line of the Southeast Quarter, 12-34S-3E. All distances shown are as measured in the field.

—Surveyor has made no investigation or independent search for easements of record, encumbrances, vacated lands, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

CERTIFICATION:

I hereby certify that the above is an accurate plat of the survey and legal description prepared by me on the 7th day of September 2022, and that the survey meets or exceeds the Minimum Technical Standards for a Boundary Survey as adopted by the Kansas State Board of Technical Professions.

Chris A. Meinen

Kansas LIC. NO.: PS 1489

**PREPARED FOR:**

Ark City Industries
PO Box 662
Arkansas City, KS 67005

See Sheet 1 for Survey Plat



SMITH + OAKES

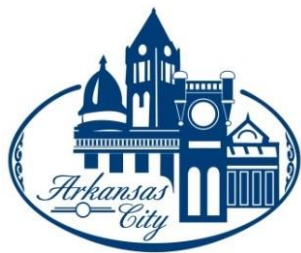
P.O. BOX 696 / 110 W BRYANT RD, ARKANSAS CITY, MO 64108
PHONE / 620-442-4756 / INFO@SMITHANDOAKES.COM

DATE: 09/13/2022

DRAWN BY: GDF

SHEET: 2 OF 2

PROJ: 171



City Commission Agenda Item

Meeting Date: November 1, 2022
From: Lesley Shook, City Clerk
Item: Agri-Business Building Age Restriction Waiver

Purpose: Approve a request from Shelley Robertson, One Margarita Express LLC, to waive the age restriction at the Agri-Business building during the Cowley Market event on November 19, 2022. **(Voice Vote)**

Background:

At the commission meeting on September 20th, the governing body approved Ms. Robertson's request to waive the age restriction at the Agri-business building during the Cowley Market event on October 8, 2022 as a trial run. Unfortunately due to a scheduling conflict, she was unable to attend the event on October 8th.

Another Cowley Market event is scheduled for November 19, 2022 and Ms. Robertson has requested the governing body waive the age restriction.

Currently, the Agri-Business building allows alcohol during events as long certain rules/regulations are followed:

1. *Any serving of alcoholic liquor or set-ups must be done by a vendor, group, or person holding a State temporary liquor license, or a caterer's license. The license may be obtained from the State alcoholic beverage division for a cost of \$25.00. Call 785.368.8222 (choose option 5 then 4) to obtain an application. This must be done a minimum of 14 days prior to the event in order for the license to be reviewed by the State. If serving 3.2 Cereal Malt Beverage only, the license must be obtained by the City.*
2. *Applicant must schedule use of the Agri-Business Building with the Finance Department and pay the rental fee for the Building.*
3. *Applicant must complete this alcoholic beverage permit application and pay the \$50 per each calendar day permit fee to the City Clerk's Office.*
4. *All events must be approved in advance by the City Manager.*
5. *Permits will be valid for no more than three (3) consecutive days, only for a six (6) hour period each day between the hours of 10:00 AM and 12:00 Midnight.*
6. ***No person under 21 years of age shall be permitted within the interior of the agri-business building during the event.***
7. *The permit holder shall provide security approved by the police chief or his designee in the form of an off-duty, uniformed police officer or a uniformed security officer.*
8. *Permit only applies to the interior of the Building. No one may carry an open container or consume alcohol outside the building.*
9. *Events where guests are invited and requested to bring their own alcoholic beverages and set-ups are limited only to specifically invited guests. Events of this type cannot be open to the public or uninvited guests. For this, the state Temporary Liquor License is not required. Note: Setups cannot be provided to the guests.*
10. *Any group, person, or organization convicted of violating any of the permit rules and regulations will be ineligible to apply for another permit until the offense is expunged from their record in accordance with law.*

The only exemption being requested is to waive the age restriction to allow persons under 21 in the building during the event. Ms. Robertson has an active Caterers' license issued through the State of Kansas has provided reasonable assurances that she will take all necessary precautions to ensure the property is used in full compliance with applicable state and local law.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

☐ Included in budget

☐ Grant

☐ Bonds

☐ Other (explain)

Attachments:

Approved for Agenda by:



Randy Frazer, City Manager