



City of Arkansas City

CITY COMMISSION MEETING AGENDA

Tuesday, September 21, 2021 at 5:30 PM — 118 W Central Ave, Arkansas City, KS

Please join our meeting for your computer, tablet or smartphone

<https://global.gotomeeting.com/join/214943525>

You can also dial in using your phone: United States: +1 (646) 749-3122

Access Code: **214-943-525**

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. Awards and Proclamations

1. Proclaim October 3-9, 2021, as Fire Prevention Week and October 3, 2021, as National Fallen Firefighters Memorial Day.
2. Proclaim October 5, 2021, as National Night Out in Arkansas City.

III. Recognition of Visitors

1. Present the Police Department promotions of Nelson Douglas to the rank of Lieutenant, Travis Stroud to the rank of Lieutenant and Ted Shinneman to the rank of Sergeant.
2. Introduce and swear in new Police Officer Brandon Casares.

IV. 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.

V. 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. Approve the September 7, 2021, regular meeting minutes as written.
2. Approve a Resolution authorizing a public meeting of the Governing Body to attend a special Land Bank Board of Trustees meeting at 5 p.m. Tuesday, October 5, 2021, in the Commission Room at City Hall, located at 118 W. Central Ave. in Arkansas City.
3. Approve a Resolution authorizing the City of Arkansas City to enter into a Memorandum of Understanding (MOU) by and between the City of Arkansas City, Kansas, and the Kansas Alliance for Wetlands and Streams, to maintain informational signage at Walnut Park.

VI. New Business

Resolutions for Consideration

1. Hold a public hearing to receive public comment regarding the Wastewater Treatment Plant Improvements Project and the KDHE Low Interest State Revolving Loan Fund Program. **(Voice Vote)**
 - (a) Consider a Resolution authorizing the City of Arkansas City to file an application with the Kansas Department of Health and Environment (KDHE) for a loan under the Kansas Water Pollution Control Revolving Fund Act. **(Voice Vote)**
 - (b) Approve the "Cost and Effectiveness" Certification. **(Voice Vote)**
 - (c) Approve the "Applicant Assurance of Public Participation for Kansas Water Pollution Control Revolving Loan Fund Projects". **(Voice Vote)**
 - (d) Approve the "Lobbying" Certification. **(Voice Vote)**
2. Consider a Resolution authorizing the City of Arkansas City to enter into a contract with Vogts-Parga Construction, LLC, of Newton, for construction of the Wilson Park Master Plan Phase 1 Upgrades Project and installation of the Creekstone Farms Pavilion at Wilson Park, for an amount not to exceed \$356,176.62. **(Voice Vote)**

Ordinances for Consideration

1. Consider first reading of an Ordinance amending Chapter 2, Article IV of the Arkansas City Municipal Code to add a new Section 2-279 to provide provisions for a Chief of Police as required by National Accreditation Standards. **(Roll Call Vote)**
2. 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 Ben Givens City Center Park during Arkalalah on October 27-30, 2021. **(Roll Call Vote)**
3. Consider first reading of an Ordinance adopting by reference the Standard Traffic Ordinance for Kansas Cities, 48th Edition, prepared and published in book form in 2021 by the League of Kansas Municipalities. **(Roll Call Vote)**
4. Consider first reading of an Ordinance adopting by reference the Uniform Public Offense Code for Kansas Cities, 37th Edition, prepared and published in book form in 2021 by the League of Kansas Municipalities. **(Roll Call Vote)**

City Manager's Report on Upcoming Activities

1. Cowley Indoor Market
2. Visit Ark City 'Aloha Party'
3. CDBG Summit Street meeting
4. Final Farm and Art Market
5. City Commission study session
6. Mommy & Me Fair at Burford
7. KDOT Local Consult meeting
8. National Night Out kickoff party
9. Land Bank Board of Trustees meeting

VII. Communications and Reports

1. August 2021 Financial Summary
2. City Advisory Board Reports

VIII. Adjournment

Office of the Mayor
Arkansas City, Kansas
Proclamation

WHEREAS, Congress and the President of the United States have designated the **first Sunday of October** as National Fallen Firefighters Memorial Day, and the National Fire Protection Association has designated the **first full week of October** as Fire Prevention Week; and

WHEREAS, homes are the locations where people are at the greatest risk of fire injury and death; and

WHEREAS, the Arkansas City Fire-EMS Department is dedicated to reducing the occurrence of home fires, home fire injuries, and carbon monoxide poisoning through education, prevention, and protection; and

WHEREAS, the City of Arkansas City's residents are responsive to public education measures and able to take personal steps to increase their safety from fires, especially in their homes and kitchens; and

WHEREAS, the 2021 Fire Prevention Week theme — "Learn the Sounds of Fire Safety" — puts the focus on educating children and adults about smoke and carbon monoxide alarms, their necessity, and how the sounds they make help to save lives.

NOW, THEREFORE, I, Scott Rogers, Mayor of the City of Arkansas City, Kansas, call upon all citizens to observe the week of **October 3-9, 2021**, as

FIRE PREVENTION WEEK

in Arkansas City, and urge all citizens to check their homes for fire hazards during Fire Prevention Week 2021, and to support the activities and efforts of the Arkansas City Fire-EMS Department.

I FURTHER call upon all citizens of Arkansas City to solemnly observe **Sunday, October 3, 2021**, as

NATIONAL FALLEN FIREFIGHTERS MEMORIAL DAY

in Arkansas City, on the 40th anniversary of this event, in honor of those firefighters who, through their courageous deeds, have lost their lives or become disabled in the performance of their duty.

*In witness thereof I have hereunto set my
hand and caused this seal to be affixed:*

Name/Title: Scott Rogers, Mayor
Date: September 21, 2021

Office of the Mayor
Arkansas City, Kansas
Proclamation

WHEREAS, the National Association of Town Watch annually sponsors National Night Out, a unique, nationwide crime, drug and violence prevention program; and

WHEREAS, the 37th annual National Night Out provides a unique opportunity for Arkansas City to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Arkansas City community plays a vital role in assisting the Arkansas City Police Department through joint crime, drug, and violence prevention efforts in Arkansas City and is supporting National Night Out 2021 locally; and

WHEREAS, it is essential that all citizens of Arkansas City be aware of the importance of crime prevention programs and the impact their participation can have on reducing crime, drugs, and violence in Arkansas City; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the National Night Out program; and

WHEREAS, this important program returns this year after a one-year hiatus due to COVID-19.

NOW, THEREFORE, I, Mayor Scott Rogers, do hereby call upon all citizens of the City of Arkansas City, Kansas, to join the Arkansas City Police Department and National Association of Town Watch in supporting the 37th annual National Night Out and do hereby proclaim Tuesday, October 5, 2021, as

NATIONAL NIGHT OUT

in Arkansas City, Kansas. I further call upon all citizens to consider attending or supporting the annual National Night Out kickoff party, to be held from 5 to 8:30 p.m. Monday, October 4, 2021, at Wilson Park in Arkansas City.

*In witness thereof, I have hereunto set my
hand and caused this seal to be affixed.*

Name/Title: Scott Rogers, Mayor

Date: September 21, 2021



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Eric Burr, Chief of Police
Item: Promotion of Lieutenants and Sergeant

Purpose: Present the promotions of Nelson Douglas to the rank of Lieutenant, Travis Stroud to the rank of Lieutenant and Ted Shinneman to the rank of Sergeant.

Background:

Recent retirements have vacated supervision level positions within the Arkansas City Police Department. A promotion process was recently held for the position of Lieutenant. Both Nelson Douglas and Travis Stroud were selected to fill these vacancies. Additionally, Ted Shinneman was selected to assume the role of Sergeant.

Commission Options:

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

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

Attachments:

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Eric Burr, Chief of Police
Item: Swearing in of New Police Officer Brandon Casares

Purpose: Introduce and swear in new police officer Brandon Casares.

Background:

Police Officer Brandon Casares started employment with the Arkansas City Police Department on September 14, 2021. Officer Casares has been working as a full-time police officer in the City of Kingman, Kansas.

Commission Options:

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

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

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Andrew Lawson, Public Information Officer
Item: Approving September 7, 2021 Minutes

Purpose: Consent Agenda Item: Approve the September 7, 2021, 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.

Attachments:

1. September 7, 2021 Regular Minutes

Approved for Agenda by:

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

Randy Frazer, City Manager

City Commission of Arkansas City - Regular Meeting Minutes

The Arkansas City Board of City Commissioners met in regular session at **5:30 p.m. Tuesday, September 7, 2021**, in the Commission Room at City Hall, located at 118 W. Central Ave.

Mayor **Scott Rogers** called the meeting to order. Commissioners also present at roll call were Commissioners **Kanyon Gingham, Duane L. Oestmann, Jay Warren** and **Karen Welch**.

City employees present were City Manager **Randy Frazer**, City Attorney **Larry Schwartz**, City Clerk **Lesley Shook**, Public Information Officer **Andrew Lawson**, Management Assistant **Mike Crandall**, Finance Director/Treasurer **Jennifer Waggoner**, Accountant **Amy Roberts**, Interim Fire Chief **Les Parks**, Police Chief **Eric Burr**, Environmental Services Superintendent **Rod Philo**, Public Services Superintendent **Tony Tapia** and Building Official **Mike Bellis**.

The Equal Opportunity and Accessibility Advisory Board was represented by **JoAnn Bierle** and **Frances "Rags" Smith**. Mosaic of South-Central Kansas was represented by **Nancy Maier**.

Others in attendance were **Sue Lancaster, Thaniel Monaco, Greg Schartz** and **Harrison Taylor**.

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

Approval of the Agenda

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

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

Awards and Proclamations

Mayor Rogers issued a proclamation that **September 12-18, 2021**, is **Direct Support Professionals Recognition Week** in Arkansas City. Nancy Maier received the proclamation on behalf of **Mosaic**.

Comments from the Audience

Greg Schartz, **1018 W. Oak Ave.**, asked the commissioners about the possibility of paving or chip-sealing his alley on Ash Avenue from Ninth to 10th streets. He also asked about the progress of Wilson Park and whether sidewalks could be added on West Radio Lane.

Management Assistant Crandall told commissioners a Wilson Park construction contract would be presented to them soon and said the Traffic Safety Committee was working on West Radio Lane.

City Commission of Arkansas City - Regular Meeting Minutes

Consent Agenda

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

1. Approving the **August 17, 2021**, regular meeting minutes as written.
2. Approving **Resolution No. 2021-09-3431**, authorizing a public meeting of the Governing Body to attend a special Public Building Commission meeting at **5 p.m. Tuesday, September 21, 2021**, in the Commission Room at City Hall, located at 118 W. Central Ave.
3. Ratifying Mayor Rogers' appointment of **Jynda Murray** to the **Visit Ark City Board of Trustees**.

Mayor Rogers seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the consent agenda **approved** as presented.

New Business

Change Order Agreement No. 1 Resolution No. 2021-09-3432

City Clerk Shook presented for discussion a resolution authorizing the City to enter into **Change Order Agreement No. 1** with Mies Construction, of Wichita, regarding the **Brad Meek and Hillside Additions Water Line Replacement Project**, for an amount not to exceed **\$5,380.00**.

Environmental Services Superintendent Philo said the change order was for work performed by Mies to install an additional 6-inch gate valve assembly and 6-inch pipe to cross Highland Drive that was not included in the original contract.

The additional valve and pipe were required to modify the project due to the location of a Pressure Reducing Valve (PRV) that was not identified on the City's GIS maps, according to Philo.

The change order will increase the revised contract amount from **\$1,087,900.00** to **\$1,093,280.00**.

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

Mayor Rogers declared the resolution **approved** and given **Resolution No. 2021-09-3432**.

Sleeth Sanitary Sewer Repair Resolution No. 2021-09-3433

City Clerk Shook presented for discussion a resolution authorizing the City to enter a contract with Nowak Construction, of Goddard, for a **sanitary sewer repair** in **Block 26, Sleeth Addition**, for an amount not to exceed **\$60,146.60**.

City Commission of Arkansas City - Regular Meeting Minutes

Environmental Services Superintendent Philo said a lateral line off the main south sewer interceptor to the Wastewater Treatment Plant has collapsed.

A sinkhole has developed over this collapse in close proximity to the Arkansas River levee. The sinkhole is located in the field just south of where G Street ends in Sleeth Addition.

An invitation to bid was sent out to make the needed repairs and three bids were received. Nowak was the low bidder.

One of the line items is for fill material. As the amount of fill material will not be known until after the repairs have been made, Philo said a change order will be required for the final cost of repairs.

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

Mayor Rogers declared the resolution **approved** and given **Resolution No. 2021-09-3433**.

Revenue Neutral Rate Hearing **Resolution No. 2021-09-3434**

City Clerk Shook presented for discussion a public hearing to receive public comment relating to the **2022 Revenue Neutral Rate** (RNR) and a resolution authorizing the City to exceed the RNR.

Finance Director Waggoner said the new **Senate Bill 13** requires a public hearing be held at least 10 days after notice of that hearing is published in the official City newspaper, and prior to the proposed budget hearing, which previously was set for **5:30 p.m. Tuesday, September 7, 2021**.

Waggoner said the notice of hearing to exceed the 2022 RNR was published in The Cowley CourierTraveler on **August 24, 2021**. City Manager Frazer said this public hearing is required to be held for the purpose of hearing and answering any objections of taxpayers relating to the RNR.

Mayor Rogers made a motion to open the public hearing. Commissioner Warren seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved** and opened the hearing. No one from the public spoke. Mayor Rogers made a motion to close the hearing. Commissioner Gingher seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved** and closed the hearing.

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

Mayor Rogers declared the resolution **approved** and given **Resolution No. 2021-09-3434**.

City Commission of Arkansas City - Regular Meeting Minutes

2022 City Budget Hearing Ordinance No. 2021-09-4538

Mayor Rogers presented for discussion a public hearing to receive public comment regarding the proposed **2022 budget** and the first reading of an ordinance adopting the 2022 budget for the City.

Mayor Rogers made a motion to open the public hearing. Commissioner Welch seconded the motion. A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the motion **approved** and opened the hearing. No one from the public spoke. Commissioner Welch made a motion to close the hearing. Commissioner Gingher seconded the motion. A voice vote was **unanimous** in favor. Mayor Rogers declared the motion **approved** and closed the hearing.

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

Mayor Rogers declared the motion approved and given **Ordinance No. 2021-09-4538**.

Wastewater Treatment Plant Discussion

City Clerk Shook presented for discussion the alternatives for the **Wastewater Treatment Plant** improvements and the low-interest **State Revolving Loan Fund Program** through the **Kansas Department of Health and Environment** (KDHE).

City Manager Frazer said this was the next step in figuring out how to finance the improvements.

Thaniel Monaco, the City's owner representative, spoke at length about the upcoming process.

City Manager's Report on Upcoming Activities

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

- There will be a special **Traffic Safety Committee** meeting at **10 a.m. September 10** in the conference room at the Water Treatment Facility, located at 400 W. Madison Ave.
- The City, the Arkansas City Fire-EMS and Police departments, and Visit Ark City will be host to a special **9/11 20th anniversary commemoration ceremony** starting at **8:15 a.m. September 11** at the large flagpole at the former Country Mart, located at 616 N. Summit St.
- The **Cowley Outdoor Market** returns to Wilson Park from **9 a.m. to 6 p.m. September 11**. The Chamber of Commerce will present its **STAR Award** to 4 Friends Events, LLC at **11 a.m.** Ballet Wichita will present "Carnival of the Animals" from **10 a.m. to noon** at the rotunda.
- The 15th annual **Sgt. Jerry Mills Jr. Fishing Derby** will be held from **9 a.m. to noon September 11** at Veterans Memorial Lake, located at 803 W. Taylor Ave.

City Commission of Arkansas City - Regular Meeting Minutes

- The next **RISE Cowley** steering committee meeting will be at **10 a.m. September 14** at the Cowley County Courthouse, located at 311 E. Ninth Ave. in Winfield.
- The next monthly **Cowley County Legislative Committee** meeting will be at **noon September 14** at the Winfield Chamber of Commerce office, located at 123 E. Ninth Ave.
- The **Arkansas City Farm and Art Market** will continue its 2021 season from **4 to 6:30 p.m. September 14** and **September 21** at the Wilson Park rotunda. (Its season ends **Sept. 28.**)
- The next City Commission study session will be at **noon September 17** at City Hall.
- The City Commission will convene as part of the Public Building Commission at **5 p.m. September 21** in the commission room at City Hall, prior to its next meeting at **5:30 p.m. September 21**.
- The next REAP regional meeting will be at **8:30 to 11 a.m. September 17** in Wichita.
- The League of Kansas Municipalities annual conference will be **October 9-11** in Topeka.

Adjournment

Commissioner Warren made a motion to adjourn the meeting. Mayor Rogers seconded the motion.

A voice vote was **unanimous** in favor of the motion. Mayor Rogers declared the meeting adjourned at **6:16 p.m.**

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

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Andrew Lawson, Public Information Officer



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Andrew Lawson, Public Information Officer
Item: Scheduling Special Land Bank Board Meeting

Purpose: Consent Agenda Item: Approve a Resolution authorizing a public meeting of the Governing Body to attend a special Land Bank Board of Trustees meeting at 5 p.m. Tuesday, October 5, 2021, in the Commission Room at City Hall, located at 118 W. Central Ave. in Arkansas City.

Background:

The **Land Bank Board of Trustees**, comprising the five city commissioners, is required by its bylaws to meet publicly at least twice annually — once in **January** for annual business and once in **July** to approve a budget for the following fiscal year. These meetings will be held on the third Tuesday in both months. Special meetings also may be held as needed throughout the year.

At this special meeting, the Land Bank Board of Trustees will consider additional land requests from citizens.

Commission Options:

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

Attachments:

1. Resolution No. 2021-09- ____

Approved for Agenda by:

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

Randy Frazer, City Manager

A RESOLUTION AUTHORIZING A PUBLIC MEETING OF THE GOVERNING BODY TO ATTEND A SPECIAL LAND BANK BOARD OF TRUSTEES MEETING AT 5 P.M. ON OCTOBER 5, 2021, IN THE COMMISSION ROOM AT CITY HALL, 118 W. CENTRAL AVE.

WHEREAS, all members of the Governing Body of the City of Arkansas City, Kansas, also serve as members of the City's Land Bank Board of Trustees; and

WHEREAS, the Land Bank Board of Trustees is required to meet at least twice annually for regular business, meetings which traditionally occur on the third Tuesday in January and the third Tuesday in July, prior to a regular meeting of the Governing Body of the City of Arkansas City, Kansas, but also may meet as needed for special meetings; and

WHEREAS, in order to comply with the Kansas Open Meetings Act, the Governing Body of the City of Arkansas City, Kansas, must designate this upcoming Land Bank Board of Trustees meeting as a public meeting of the Governing Body.

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

SECTION ONE: The Governing Body of the City of Arkansas City, Kansas, hereby establishes that it shall hold a public meeting at 5 p.m. on Tuesday, October 5, 2021, in the Commission Room at City Hall, 118 W. Central Ave., Arkansas City, Kansas, to attend a special Land Bank Board of Trustees meeting.

SECTION TWO: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes 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, and also to notify all persons requesting notice of such public meetings under the Kansas Open Meetings Act and K.A.R. 16-20-1.

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 21st day of September, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

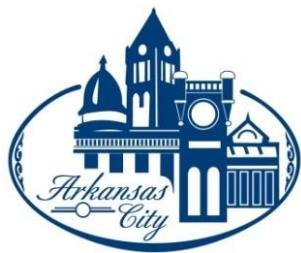
Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2021-09-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 21, 2021, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Tony Tapia, Parks & Facilities
Item: Kansas Alliance for Wetlands and Streams Memorandum of Understanding (MOU).

Purpose: Consent Agenda Item: Approve a Resolution authorizing the City of Arkansas City to enter into a Memorandum of Understanding (MOU) by and between the City of Arkansas City, Kansas and The Kansas Alliance for Wetlands and Streams, to maintain informational signage at Walnut River Park.

Background:

The Kansas Alliance for Wetlands and Streams (KAWS) has an agreement with the Kansas Department of Wildlife, Parks and Tourism to place informational signage at the Navigable River Access Site along the West Bank of the Walnut River in the Walnut River Park.

The informational signage will be placed in a wooden kiosk with a roof provided by the KAWS at no cost to the City. The City will be required to maintain the Kiosk for a period of five years from the date the Kiosk is completed.

Commission Options:

1. Approve with the Consent Agenda
2. Remove from the Consent Agenda 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

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE CITY OF ARKANSAS, KANSAS AND THE KANSAS ALLIANCE FOR WETLANDS AND STREAMS, TO MAINTAIN INFORMATIONAL SIGNAGE AT WALNUT RIVER PARK.

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

SECTION ONE: The Governing Body of the City of Arkansas City hereby authorizes the City of Arkansas City to enter into a Memorandum of Understanding (MOU) by and between the City of Arkansas, Kansas and The Kansas Alliance for Wetlands and Streams to maintain informational signage at Walnut River Park. Such Agreement is attached hereto and incorporated by reference as if fully set forth herein.

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 21st day of September, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2021-09-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 21, 2021 as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
CITY OF ARKANSAS CITY, KANSAS
AND
THE KANSAS ALLIANCE FOR WETLANDS AND STREAMS**

This Memorandum of Understanding (“MOU”) is entered into this _____ day of _____, 2021 between the following parties: CITY OF ARKANSAS CITY, KANSAS (referred to as the “Site Owner”), and KANSAS ALLIANCE FOR WETLANDS AND STREAMS (hereinafter referred to as “KAWS”) located at PO Box 142, Holton, KS 67436.

WHEREAS, KAWS has an agreement with the Kansas Department of Wildlife, Parks and Tourism to place informational signage at the Navigable River Access Site along the West Bank of the Walnut River approximately 1.5 miles from the confluence with the Arkansas River at 1100 E. Madison Avenue, Arkansas City, Cowley County, Kansas and more specifically described by a survey in Attachment “A”,

WHEREAS, KAWS and the Site Owner desire to provide a safe and enjoyable recreational experience for users of the Arkansas River and to increase responsible usage of access points for paddling and boating activities by the public; and

WHEREAS, it is the statutory policy of the State of Kansas to provide and improve outdoor recreation and KAWS’ mission is to Connect the Waters, Lands, and People of Kansas;

NOW, THEREFORE, in consideration of the promises and of the mutual covenants set forth below, the parties agree as follows:

I. Project Construction.

A. KAWS, in accordance with a design plan provided by KAWS, shall be responsible for constructing the following: one (1) newly constructed single panel 64” x 64” vertical surface wooden kiosk with a roof; one (1) Site Owner-specific 60” x 60” informational sign; and two (2) directional 12” x 18” road signs (collectively hereinafter referred to as the “Project”). The Project shall comply with all relevant statutes and regulations in constructing the Project, including but not limited to the applicable provisions of the Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*) (“ADA”) and with the Kansas Architectural Accessibility Act (K.S.A. 58-1301, *et seq.*) (“KAAA”).

B. Construction of the Project shall be completed and open for public use no later than December 31, 2022.

II. Management Conditions and Provisions.

Upon completion and installation of the Project described in Paragraph I.A above, the Site Owner agrees to maintain said Project for a period of five (5) years from the date the Project is first made open for public use. The Site Owner shall be responsible for any and all maintenance and repair necessary to keep the Project kiosk and signage serviceable for the intended purpose during the five-year (5) period. The Site Owner shall complete all maintenance and repair of the Project in conformity with applicable requirements of the ADA and the KAAA.

III. Use of the Facilities.

The parties agree that the intended use of the Project is to provide safe access to the public for paddlesports and accompanying outdoor recreation on the Arkansas River.

KAWS and the Site Owner Further Agree as Follows:

1. Every provision of this MOU is subject to the laws of the State of Kansas.
2. No assignment of this MOU shall be permitted to any other entity, nor the respective rights or duties thereof.
3. The Site Owner shall provide thirty days (30) written notice to KAWS of modifications and amendments to this MOU. All modifications and amendments to this MOU must have prior written consent of KAWS.
4. KAWS shall provide written notice to the Site Owner of stated provisions that fall into non-compliance of this MOU or of conditions which fail to comply with State and Federal requirements. If the Site Owner fails to remedy the condition within thirty (30) days, KAWS may treat this action as a material breach and may subsequently elect to terminate this MOU pursuant to the terms and conditions provided herein.
5. KAWS may terminate this MOU as a whole or any part thereof, without penalty to KAWS, with forty-five days (45) written notification.
6. In the event any provision of this MOU is deemed to be invalid or unenforceable, the same shall be deemed severable from the remainder of the MOU. If such provision shall be deemed invalid due to its scope and breadth, such provision shall be deemed valid to the extent of the scope and breadth as permitted by law.
7. This MOU shall be binding upon and insure to the benefit of the subcontractors, successors, executors, and assignees of the Site Owner and KAWS.
8. This MOU constitutes the entire agreement between KAWS and the Site Owner. This MOU shall supersede and control over all prior written or oral agreements and representations pertaining thereto between KAWS and the Site Owner, or their predecessor in interest concerning the subject matter hereof.

Memorandum of Understanding
City of Arkansas City, Kansas, and the Kansas Alliance for Wetlands and Streams

This MOU is effective upon the date of last signing by a duly authorized representative of the
aforementioned parties.

City of Arkansas City, Kansas

By (Signature): _____	Date_____
Printed Name: _____	Title: _____

Kansas Alliance for Wetlands and Streams

By (Signature): _____	Date_____
Printed Name: Aaron Deters	Title: Executive Director

Attachment “A”
Access Site Location Description and Survey

**Arkansas
City - Walnut
River**

Map: [37.057134,](#)
[-97.025452](#)



Attachment “A” Continued
Access Site Location Description and Survey

Managing Agency:

City of Arkansas City, Kansas

Nearest Community:

Arkansas City, Cowley County Kansas

Developed Amenities Provided

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Parking | <input type="checkbox"/> Camping (Primitive) <input type="checkbox"/> | <input type="checkbox"/> Directional/Regulatory Signs |
| <input checked="" type="checkbox"/> Boat Ramp | Camping (RV) <input type="checkbox"/> Electrical | <input type="checkbox"/> Bench |
| <input checked="" type="checkbox"/> Trailer Parking <input checked="" type="checkbox"/> Toilet(s) | <input checked="" type="checkbox"/> Potable Water <input type="checkbox"/> Grill | <input type="checkbox"/> Visitor Center |
| <input type="checkbox"/> Showers | <input type="checkbox"/> Established Fire Pit <input checked="" type="checkbox"/> Picnic | <input type="checkbox"/> Other |
| <input type="checkbox"/> Changing Rooms <input type="checkbox"/> Trash | Table _____ <input type="checkbox"/> | |
| Receptacle | <input checked="" type="checkbox"/> Information Kiosk | Other _____ |
| | <input type="checkbox"/> Education/Interpretive signs | |

Potential limitations or sensitivities of this site: (check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Strong Currents <input type="checkbox"/> | <input checked="" type="checkbox"/> Motorized Boat Traffic | <input type="checkbox"/> Presence of ANS |
| Navigational Hazards <input type="checkbox"/> | <input type="checkbox"/> Hazard Trees | <input type="checkbox"/> Presence of T&E Species |
| Low-Head Dam | <input type="checkbox"/> Sudden Water Level Changes | <input type="checkbox"/> Presence of Critical Habitat |
| | | <input type="checkbox"/> Sensitive Nesting Area |

Landing Conditions: (check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Boat Dock <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Muddy Shore | <input type="checkbox"/> Grassy Shore |
| Boat Ramp <input type="checkbox"/> | <input checked="" type="checkbox"/> Sandy Shore | <input type="checkbox"/> Steep Grade <input checked="" type="checkbox"/> |
| Road Bridge | <input type="checkbox"/> Rocky Shore | Gradual Grade |

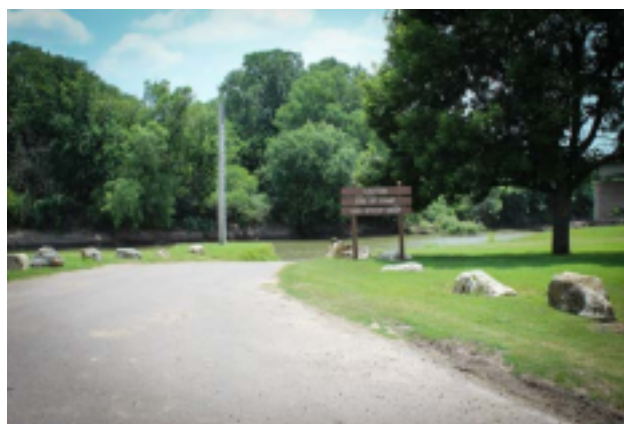
Additional Facility Notes:

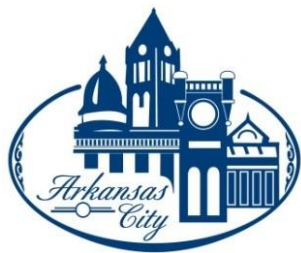
This access site provides for the start of an interesting alternative float on the southern portion of the Walnut and Arkansas Rivers. Located in the Walnut park, there are restrooms and picnic facilities. The Kaw Wildlife Area access point on the Walnut river is 1.5 miles downstream. Continuing from there, the Walnut converges with the Arkansas River, and the Lower Grouse Creek access point is approximately 9 total miles downstream at the confluence of Grouse Creek and the Arkansas River.

Memorandum of Understanding
City of Arkansas City, Kansas, and the Kansas Alliance for Wetlands and Streams

Attachment "A" Continued Access Site Location Description and Survey

Additional Site Photos:





City Commission Agenda Item

Meeting Date: September 21, 2021
From: Randy Frazer, City Manager
Item: Wastewater Treatment Plant Improvements

Purpose: Hold a public hearing to receive public comment regarding the Wastewater Treatment Plant Improvements Project and the KDHE Low Interest State Revolving Loan Fund Program. **(Voice Vote)**

- (a) Consider a Resolution authorizing the City of Arkansas City to file an application with the Kansas Department of Health and Environment (KDHE) for a loan under the Kansas Water Pollution Control Revolving Fund Act. **(Voice Vote)**
- (b) Approve the "Cost and Effectiveness" Certification. **(Voice Vote)**
- (c) Approve the "Applicant Assurance of Public Participation for Kansas Water Pollution Control Revolving Loan Fund Projects". **(Voice Vote)**
- (d) Approve the "Lobbying" Certification. **(Voice Vote)**

Background:

In accordance with a notice published on August 21, 2021 in the Cowleycourier Traveler, the Governing Body shall hold a public hearing relating to the proposed improvements for the Wastewater Treatment Plant Project.

The purpose of this public hearing is to provide detailed information to the public concerning the proposed improvements. The hearing will provide a current engineer's cost estimate and address the impact on sewer user charges or other taxes which will fund the improvements.

Commission Options:

Open the public hearing, receive comments from the public, and close the public hearing

1. Approve the Resolution and other required items
2. Disapprove the Resolution
3. Table the Resolution for further discussion

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

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

Approved for Agenda by:

Randy Frazer, City Manager

A RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR A LOAN UNDER THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND ACT (K.S.A. 1988 SUPP. 65-3321 THROUGH 65-3329).

WHEREAS under the terms of the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329), the State of Kansas has authorized the making of the loans to authorize applicants to aid in the construction of specific public projects.

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

SECTION ONE: Loan Application. The Mayor and City Clerk of the City are hereby authorized to cause to be prepared and to execute a Loan Application, including all attachments thereto (jointly, the "Application"); in substantially the form presented to the Governing Body this date, in order to provide financing to aid in the construction of the 2021 Wastewater Treatment Plant Improvements Project. The Application shall be forwarded to KDHE as soon as possible.

SECTION TWO: Further Proceedings. The Mayor, City Clerk and the other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to complete the Application and to coordinate processing of a loan agreement for the Loan.

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 21st day of September, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2021-09-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 21, 2021 as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk



Kansas Water Pollution Control Revolving Fund

Loan Application

Applicant Information

Municipality Name:

Address: _____

Street	City	State	Zip

Contact Person		
	<i>Name</i>	<i>Title</i>

Contact Info _____
Phone No. _____ *Email* _____

DUNS No. Congressional District of Municipality

Tax ID No. _____ Engineering Consultant Firm _____

Engineering Contact Name

Engineering Contact Phone No.

Engineering Contact Email

Project Title:

Project Description:

Project Details

Estimated Project Costs

Construction Cost	\$ _____	Contingencies	\$ _____
Engineering Planning & Design	\$ _____	Administrative & Legal Costs	\$ _____
Construction Engineering & Inspection	\$ _____	Other	\$ _____
		Total Project Cost	\$ _____

List all anticipated funding sources which are intended to be utilized to complete this project:

KDHE SRF Loan	\$ _____
Cash on Hand	\$ _____
Community Development Block Grant (CDBG)	\$ _____
USDA Rural Development Grant**	\$ _____
Other	\$ _____
Total	\$ _____

☐ Check if SRF loan will be interim financing
(paid off when project is complete)

** Do not include USDA Rural Development loan amounts if the SRF loan will be interim financing for the Rural Development loan

Anticipated Project Schedule:

	Date (month/year)
Notice of Public Meeting Issued	_____
Public Meeting Held	_____
Notice of Public Hearing Issued	_____
Public Hearing Held	_____
Environmental Review Letters Sent	_____
Final Plans and Specifications submitted to KDHE	_____
Duration of Construction (in months)	_____

Number of Customers (connections) for the previous 3 years:

Year	Residential	Commercial	Other	Total

If sewer charges are based (even in part) on volume of drinking water, complete the table for the Previous 3 Years

Year	Total Gallons Billed for Calculating Sewer Rate

Valuations for Previous 3 Years (for Cities Only)

Year	Assessed Valuation of Taxable Tangible Property (within City Limits)	Tangible Valuation of Motor Vehicles (within City Limits)	Total for Year

Attachments

The following documents must be submitted for the application to be considered complete.

Document	Attached	Will be Submitted Separately
Preliminary Engineering Report/Facilities Plan	<input type="checkbox"/>	<input type="checkbox"/>
Cost and Effectiveness Certification	<input type="checkbox"/>	<input type="checkbox"/>
List of Outstanding Debt Paid by Sewer Utility and Repayment Schedules	<input type="checkbox"/>	<input type="checkbox"/>
Assurance of Public Participation Form	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Resolution Authorizing Application	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Outgoing Environmental Review Letters	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Environmental Review Responses	<input type="checkbox"/>	<input type="checkbox"/>

Attachments Continued

The following documents must be submitted for the application to be considered complete.

Document	Attached	Will be Submitted Separately
EPA Form 6600-06(Certification Regarding Lobbying)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Sewer Use Ordinance	<input type="checkbox"/>	<input type="checkbox"/>
Copy of User Charge System	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Capital Improvement Financing Plan	<input type="checkbox"/>	<input type="checkbox"/>
NPDES Permit Application (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>

Financial Capability Certification

The application signature below will also certify that the municipality has the financial capability to repay a Kansas Water Pollution Control Reviving Fund loan and also has the capacity to cover the costs of operation and maintenance of the entire system of which the proposed project is an integral part.

Signature

I certify that I am authorized to sign this application on behalf of the governing body. To the best of my knowledge and belief, the data in this application is true and accurate.

Signature: _____ Date: _____

Title: _____

Submit this application and all required attachments to:

KDHE/BOW
Attn: Kansas SRF Program
1000 SW Jackson St., Suite 420
Topeka, KS 66612-1367



Instructions for Completing the Kansas Water Pollution Control Revolving Fund Loan Application

1. If the municipality does not already have a D-U-N-S number, obtain one. Please go to <http://fedgov.dnb.com/webform/> to start the process or call 1-866-705-5711, Monday - Friday 7 AM to 8 PM C.S.T. The process to request a D-U-N-S® Number by telephone takes between 5 and 10 minutes. You will need to provide the following information:
 - Legal Name
 - Trade style, Doing Business As (DBA), or other name by which your organization is commonly recognized
 - Physical Address, City, State and Zip Code
 - Mailing Address (if separate)
 - Telephone Number
 - Contact Name
 - SIC Code (Line of Business)
 - Number of Employees at your location
 - Headquarters name and address (if there is a reporting relationship to a parent corporate entity)
 - Is this a home-based business?
2. Complete the application by filling in the requested contact and project information in the blanks provided.
3. If sewer rates are determined based on drinking water use, provide the total gallons of drinking water usage that was billed to determine the sewer charges. The sewer ordinance submitted with this application should explain if charges are based on winter drinking water use. This information will be used to determine an average sewer use.
4. Cities can obtain valuation information (table on page 3) from their County government offices.
5. If the municipal financial audits (or annual budgets for municipalities that do not have financial audits performed) are not accessible from the Kansas Department of Administration's [Municipal Services web site](#), then the previous 3 years of audits (or budgets) will need to be submitted with the loan application.
6. There are several documents that will need to be submitted with the application form before the application is considered complete. Below is a brief explanation for each required attachment.
 - a. Preliminary Engineering Report/Facilities Plan. This document must contain the items required by 40 CFR 35.2030(b) which includes, but is not limited to, a description of both the proposed treatment works and the complete waste treatment system, a cost-effectiveness analysis; any alternatives considered, and a projected useful life of the proposed project.
 - b. Cost and Effectiveness Certification. The municipality and its consulting engineer must sign this certification and submit it with the application. The certification should include the appropriate completed supporting checklist (the template for this certification and supporting checklists, one for lagoon systems and one for mechanical systems, are included in these instructions).

- c. List of Outstanding Debt Paid by Sewer Utility and Repayment Schedules. Debt repayments that are supported by the sewer utility should be listed and a copy of the repayment schedule for each debt should be included. If debt payments are only partially paid by the sewer utility provide details about how the debt service is paid.
 - d. Assurance of Public Participation Form. Regulations (KAR 28-16-136) require that each loan recipient conduct a public meeting AND a public hearing. This form certifies that both meetings were held and provides documentation of the meetings (examples of the notices for these events are included in these instructions).
 - e. Resolution Authorizing the Application. After the public hearing has been conducted the loan applicant will need to pass a resolution that documents the governing body authorization for an application to be submitted to KDHE. This resolution also authorizes municipal officials to sign related application documents. A template for this resolution is attached to these instructions.
 - f. Outgoing Environmental Review Letters. The loan applicant must send environmental review letters that describe the project and the associated project area (using Section, Township, and Range), include a map of the project area, and a summary of the total cost for the project, to certain intergovernmental agencies. You must allow at least 30 days for the agencies to respond (by written or email correspondence or using the included response form). Instructions for this process are attached. KDHE must have a copy of the letters, including all attachments, that were sent.
 - g. Environmental Review Responses. A copy of all the responses received from the environmental review letters must be provided to KDHE for the application.
 - h. Lobbying Certification Form. This form must be filled out to certify that no Kansas Water Pollution Control Loan funds were used for lobbying.
 - i. Sewer Use Ordinance. Regulations require that loan applicants adopt a sewer use ordinance or other legally binding document to protect the integrity of the entire wastewater works system specifically by:
 - i. requiring the exclusion of excessive infiltration and inflows from the treatment works
 - ii. prohibiting toxic concentrations of toxic materials in wastewater introduced into the treatment works; and
 - iii. prohibiting other pollutants in amounts or concentrations that:
 - 1. endanger public safety or the physical integrity of the treatment works; or
 - cause violation of effluent or water quality limitations or cause residue or sludge processing or disposal problems.
- If the loan applicant already has such an ordinance or other legally binding document, please provide a copy with the application, otherwise a template for such an ordinance is attached to these instructions.
- j. User Charge System. A copy of each sewer rate structure that was in effect during the time period covered by the required financial statements (item 4), current sewer rate structure, if different, and any proposed future sewer rate structure should be attached.
 - k. Capital Improvement Financing Plan. Regulations (KAR 28-16-124) require a 5-year capital improvement plan for sewerage facility needs covering a five-year period. If the loan applicant does not regularly develop a Capital Improvement Plan, this requirement must be addressed in the preliminary engineering report/facilities plan.

1. NPDES Permit Application. If the project would require a new NPDES permit, that permit application must be submitted also.
7. The application form must be signed by an authorized official of the loan applicant.



Double Click for MS Word version

(To be Typed on City/Applicant Letterhead)

Certification for “Cost and Effectiveness”
KWPCRF Project No. C20 xxxx 01
(Today’s Date)

The Water Resources Reform and Development Act (WRRDA) includes Section 602(B)(13) applicable to the state Clean Water SRF programs – the Kansas Water Pollution Control Revolving Fund (KWPCRF). This requires the following certification regarding “cost and effectiveness” of the design for the wastewater collection and treatment system as a condition to receive funding from the KWPCRF.

“The applicant has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity funded by this KWPCRF low interest loan, and has selected, to the maximum extent practicable, the processes, materials, techniques, and technologies that maximize the conservation and efficient use of water, considered the potential reuse of treated wastewater effluent, and considered the recapture of water for reuse, and that maximize energy conservation, taking into account construction costs, operation and maintenance costs, and replacement costs. Reference the attached checklist(s).”

(Signature Block of the Licensed Professional Engineer that Prepared the Planning and/or Design Documents for the Referenced KWPCRF Project)

(Signature Block of the Authorized Representative of the City/Applicant Receiving the Loan Assistance for the KWPCRF Project)

KWPCRF Cost and Effectiveness Supporting Information Form
(Small Systems)
KWPCRF Project No. C20 xxxx 01

The Water Resources Reform and Development Act (WRRDA) includes the following Section 602(B)(13) applicable to the state Clean Water SRF beginning October 1, 2015

“Section 602 (B) (13) – beginning in fiscal year 2016, the State will require as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient –

- (A) has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title; and
- (B) has selected, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account –
 - (i) the cost of constructing the project or activity;
 - (ii) the cost of operating and maintaining the project or activity over the life of the project or activity; and
 - (iii) the cost of replacing the project or activity”

This two page support memo provides the necessary certifications review statements as required by the KWPCRF to document this “cost and effectiveness” review requirement for the referenced project. In each case the City/Applicant must check the applicable statements as listed below, and indicate “NA” for any subjects Not Applicable to the KWPCRF project as funded.

1. Major Sewer Rehabilitation

_____ The project does not include any sewer line or manhole rehabilitation measures.

_____ The project includes sewer line and/or manhole rehabilitation. As per KDHE program direction, reducing sewage flows by reducing I/I in the collection system will inherently reduce energy use by reducing pumping costs and costs of treatment. A detailed analysis is not needed and was not prepared.

_____ There is no water use by gravity sewers. A detailed analysis is not needed and was not prepared.

2. Sewage Pumping Stations

_____ The project does not include any sewage pumping stations construction or rehabilitation. As per KDHE program direction the necessary capacity for pumping is determined by peak design sewage flow and the specific

head conditions which then dictate energy use needs for pumping. A detailed analysis is not needed and was not prepared.

_____ The design is encouraged to incorporate VFDs on the pump motors. (Check the space if VFDs are included in the design.)

_____ The design is encouraged to incorporate high efficiency design motors (NEMA Premium Efficiency) (note, smaller Hp motors may not be available as high efficiency designs). (Check the space if high efficiency design motors are included in the design.)

_____ There is no potable water use at these sewage pumping stations, except perhaps wash down at larger stations. Wherever potable water supply is provided to a sewage pumping station, backflow prevention must be provided in the design and construction. (Check the space if potable water supply to a sewage pumping station with backflow prevention is included in the design.)

3. Regionalization

_____ The Preliminary Engineering Report (PER) must give serious consideration to abandoning the existing WWTP, if regionalization with a nearby wastewater treatment facility is at all feasible. A review has been completed and submitted to KDHE within the PER.

4. Non-discharging lagoons

_____ The project does not include a non-discharging lagoon in the design.

_____ The project includes a non-discharging lagoon in the design. As per KDHE program direction, this is a natural treatment process using sun and wind and using zero electricity (other than pumping) and zero natural gas (none needed for space heating, as these small lagoons do not have buildings). The only energy use is in fuel to mow the grass, which leaves no opportunity or need for this analysis. A detailed analysis is not needed and was not prepared.

_____ There is no water use by non-overflowing lagoons, and water reuse of the relatively small quantities of treated effluent available is openly allowed by agricultural crops if any farmer desires. A detailed analysis is not needed and was not prepared.

5. Discharging lagoons –

_____ The project does not include a discharging lagoon in the design.

_____ The project includes a discharging lagoon in the design. As per KDHE program direction, this is a natural treatment process using sun and wind and using zero electricity (other than pumping) and zero natural gas (none needed for space heating, as these small and even the larger lagoons do not have buildings). The only energy use is in fuel to mow the grass and taking/transporting the sample, which leaves no opportunity or need for this analysis. (It should be noted it is expected very few new or expanded discharging lagoons will be permitted in the future by KDHE due to more stringent water quality standards). A detailed analysis is not needed and was not prepared.

_____ There is no water use by discharging lagoons, and water reuse of the relatively small quantities of treated effluent available is openly allowed by agricultural crops if any farmer desires. A detailed analysis is not needed and was not prepared.

KWPCRF Cost and Effectiveness Supporting Information Form
(Mechanical Wastewater Treatment Systems)
KWPCRF Project No. C20 xxxx 01

The Water Resources Reform and Development Act (WRRDA) includes the following Section 602(B)(13) applicable to the state Clean Water SRF beginning October 1, 2015

“Section 602 (B) (13) – beginning in fiscal year 2016, the State will require as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient –

- (A) has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title; and
- (B) has selected, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account –
 - (i) the cost of constructing the project or activity;
 - (ii) the cost of operating and maintaining the project or activity over the life of the project or activity; and
 - (iii) the cost of replacing the project or activity”

This four page support memo provides the necessary certifications review statements as required by the KWPCRF to document this “cost and effectiveness” review requirement for the referenced project. In each case the City/Applicant must check the applicable statements as listed below, and indicate “NA” for any subjects Not Applicable to the KWPCRF project as funded.

1. Major Sewer Rehabilitation

_____ The project does not include any sewer line or manhole rehabilitation measures.

_____ The project includes sewer line and/or manhole rehabilitation. As per KDHE program direction, reducing sewage flows by reducing I/I in the collection system will inherently reduce energy use by reducing pumping costs and costs of treatment. A detailed analysis is not needed and was not prepared.

_____ There is no water use by gravity sewers. A detailed analysis is not needed and was not prepared.

2. Sewage Pumping Stations

_____ The project does not include any sewage pumping stations construction or rehabilitation. As per KDHE program direction the necessary capacity for pumping is determined by peak design sewage flow and the specific

KWPCRF Cost and Effectiveness Supporting Information Form
(Mechanical WWTP Systems)

head conditions which then dictate energy use needs for pumping. A detailed analysis is not needed and was not prepared.

_____ The design is encouraged to incorporate VFDs on the pump motors. (Check the space if VFDs are included in the design.)

_____ The design is encouraged to incorporate high efficiency design motors (NEMA Premium Efficiency) (note, smaller Hp motors may not be available as high efficiency designs). (Check the space if high efficiency design motors are included in the design.)

_____ There is no potable water use at these sewage pumping stations, except perhaps wash down at larger stations. Wherever potable water supply is provided to a sewage pumping station, backflow prevention must be provided in the design and construction. (Check the space if potable water supply to a sewage pumping station with backflow prevention is included in the design.)

3. Regionalization

_____ The Preliminary Engineering Report (PER) must give serious consideration to abandoning the existing WWTP, if regionalization with a nearby wastewater treatment facility is at all feasible. A review has been completed and submitted to KDHE within the PER.

4. Mechanical Wastewater Treatment Systems (i.e., activated sludge) – There are many opportunities to conserve electricity, conserve natural gas for building space heating, maximize aeration efficiency, maximize nitrate oxygen recovery, and (at the larger flow facilities) provide non-potable reuse of effluent in the on-site processes or by off-site irrigation reuse, all while improving nitrogen removal and phosphorus removal. A somewhat lengthy presentation written analysis received and approved by KDHE will be required for mechanical plant designs including –

A. _____ Although natural gas and motor fuel have recently reduced in price, electricity is going up in price, and water is always a precious commodity in Kansas.

B. _____ The design has considered the use of VFDs for influent pumping, and reviewed the opportunity for variable influent pumping rates in the process design. (Check the space if VFDs are included in the design.)

C. _____ The design is encouraged and has considered the use of high efficiency design motors (NEMA Premium Efficiency) (note, smaller Hp motors may not be available as high efficiency designs). (Check the space if high efficiency design motors are included in the design.)

D. _____ The opportunities to “re-purpose” any existing buildings into “cold storage”, without heat or potable water service has been reviewed.

E. _____ The opportunities to utilize and/or replace all lighting with LEDs and/or CFLs has been reviewed. The following lighting fixtures have not been replaced or converted to LED lighting with an explanation attached of why this improvement is not implemented. _____

KWPCRF Cost and Effectiveness Supporting Information Form
(Mechanical WWTP Systems)

F. _____ The opportunities to provide the use of VFDs on all electric motors has been reviewed. The following electric motors do not include the use of VFDs with an explanation attached listing the motors and explaining why these do not have VFDs implemented into the design and use.

G. _____ The opportunities to replace motors with high efficiency design motors (NEMA Premium Efficiency) has been reviewed. The following electric motors do not provide NEMA Premium Efficiency design; an explanation is attached listing the motors and explaining why these do not have NEMA Premium Efficiency design implemented into the design and use. _____
_____(note, smaller Hp motors may not be available as high efficiency designs).

H. _____ The need for potable water use in the treatment processes has been reviewed, versus the provision of non-potable effluent water re-use on-site.

I. _____ The design includes a new building(s). The justification for the need for the additional heated and air conditioned space (if provided) is attached, and the need for potable water service to the new building(s) (if provided) is attached.

J. _____ The opportunities for off-site effluent irrigation reuse, or industrial non-potable reuse, have been reviewed in the PER. (Please list any off-site reuse opportunities that will be implemented. _____)

K. _____ Implementation of de-nitrification biological treatment processes following nitrification to remove ammonia is required and has been provided in the design to recover the energy benefit of chemically bound oxygen within the nitrate (NO₃).

L. _____ Computer controls for aeration and denitrification systems including DO probes, ORP probes, nitrate (NO₃) probes, etc., with SCADA , PLC, LC, or time clock controls to maximize the pollutant removal efficiency and energy efficiency of the treatment processes are required and provided in the design, as determined appropriate by the design engineer (a climate controlled room or small building may be required for the SCADA electronics and computer controls).

M. _____ Computer controls for chemical feed systems (including flow measurement if needed) with SCADA , PLC, LC, or time clock controls to maximize the pollutant removal efficiency and energy efficiency of the treatment processes are required and provided in the design, as determined appropriate by the design engineer (a climate controlled room or small building may be required for the SCADA, electronics, computer controls, and chemical storage).

KWPCRF Cost and Effectiveness Supporting Information Form
(Mechanical WWTP Systems)

N. _____ A review of the cost and efficiency of phosphorus removal by pretreatment at any large discharge of phosphorus into the collection system versus “end-of-pipe” treatment at the municipal wwtp is required and has been provided in the PER. (Please list any phosphorus pretreatment opportunities that were considered, and identify those that will be implemented. _____).

O. _____ A review of the cost and efficiency of bio-P versus chem-P phosphorus reduction processes to implement the most efficient combination of processes to reduce phosphorus in the effluent is required, including a 20 year cost-effectiveness analysis comparing the phosphorus treatment alternatives, is required. The cost and efficiency analysis was provided in the PER, or is attached.

P. _____ Other concepts and considerations as proposed by the applicant and consulting engineer can be presented in the PER or the design for consideration. Those additional concepts and considerations that will be implemented are as follows: _____

Attachment(s)

Public Meeting and Hearing Requirements Kansas Water Pollution Control Revolving Loan Fund

Per Kansas Administrative Regulation 28-16-136 public participation during development of the facility plan is required. The following minimum public participation will be required:

1. A public meeting is required during the preparation of the facility plan to discuss alternatives. The public meeting must be advertised with a minimum of 15 days notice. The meeting must be advertised in the official paper, minutes must be taken of the meeting and a list of attendees must be recorded. The purpose of the public meeting is to provide information to the public concerning the project, the alternatives that are under investigation and to solicit public comments.
2. A public hearing is required prior to the formal adoption of a facilities plan. The public hearing must be advertised with a minimum of 30 days notice. The hearing must be advertised in the official paper, minutes must be taken of the hearing and a list of attendees must be recorded. The purpose of the public hearing is to provide detailed information to the public concerning the proposed improvements. The hearing must provide the public a current engineer's cost estimate and address the impact on sewer user charges or other taxes which will fund the improvements. The public must also be afforded the opportunity to comment on the project.

A copy of the form titled "Applicant Assurance of Public Participation" is attached and should be completed after the public hearing. This form must be submitted to KDHE with the affidavits of publication for both the meeting and hearing, minutes of both the meeting and hearing, and list of attendees for both the meeting and hearing.

**APPLICANT ASSURANCE OF PUBLIC PARTICIPATION
FOR KANSAS WATER POLLUTION CONTROL
REVOLVING LOAN FUND PROJECTS**

I hereby certify that with reference to Wastewater Treatment Project Number:

_____:

_____(a) A public meeting was conducted during the preparation of the facilities plan, non-point source pollution control management plan or groundwater quality protection plan to discuss project alternatives. Public notice was given not less than 15 days before the public meeting. A copy of the proof of publication for the notice of this meeting is attached.

_____(b) Prior to the adoption by the governing body and submission to the secretary for approval of the facilities plan, non-point source pollution control management plan or groundwater quality protection plan, a public hearing was conducted. Public notice was given not less than 30 days before the public hearing. Attached is a copy of the advertisement, record of minutes and list of persons attending.

Authorized Representative of Applicant

Date

Legal Name of Applicant

EXAMPLE PUBLIC HEARING AND PUBLIC MEETING NOTICES

 Double Click for MS Word version

PUBLIC MEETING

The City of _____, Kansas will hold a public meeting on _____, 2000 at _____ p.m. in (City Hall) to present and discuss the alternatives for (wastewater treatment plant or collection system) improvements. The improvements will be funded under the low interest State Revolving Loan Fund Program through the Kansas Department of Health and Environment. The Loan application will include funding for the following improvements:

1. Wastewater Treatment Plant Improvements consisting of _____ with an estimated amount of \$ _____. _.
2. Sewer Collection System Improvements consisting of _____ with an estimated amount of _____. _.

The anticipated amount of the loan application request will be \$ _____. _ and the total project cost is estimated at. \$ _____. _ The alternatives will be discussed at the public meeting and comments by the public will be considered. Oral and written comments will be accepted.

PUBLIC HEARING

The City of _____, Kansas will hold a public hearing on _____, 2000 at _____ p.m. in (City Hall) to present and discuss the proposed improvements for the (wastewater treatment plant or collection system) project. The improvements will be funded under the low interest State Revolving Loan Fund Program through the Kansas Department of Health and Environment. The Loan application will include funding for the following improvements:

1. Wastewater Treatment Plant Improvements consisting of _____ with an estimated amount of \$ _____. _.
2. Sewer Collection System Improvements consisting of _____ with an estimated amount of \$ _____. _.

The anticipated amount of the loan application request will be \$ _____. _ and the total project cost is estimated at. \$ _____. _ The anticipated increase in sewer use charges will be discussed. The proposed improvements will be explained and comments by the public will be considered. Oral and written comments will be accepted. Any written comments will become a part of the City's record of public hearing.

 Double Click for MS Word Version

RESOLUTION OF GOVERNING BODY OF APPICANT
(Suggested form for recipient use)

RESOLUTION NO. _____

Resolution authorizing filing of application with the Kansas Department of Health and Environment for a Loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329).

WHEREAS under the terms of the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329), the State of Kansas has authorized the making of the loans to authorize applicants to aid in the construction of specific public projects,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF [CITY NAME], KANSAS, AS FOLLOWS:

Section 1. Loan Application. The Mayor and City Clerk of the City are hereby authorized to cause to be prepared and to execute a Loan Application, including all attachments thereto (jointly, the "Application"); in substantially the form presented to the Governing Body this date, in order to provide financing for the Project. The Application shall be forwarded to KDHE as soon as possible.

Section 2. Further Proceedings. The Mayor, City Clerk and the other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to complete the Application and to coordinate processing of a loan agreement for the Loan (the "Loan Agreement"); provided that the authorization to execute the Loan Agreement shall be subject to further resolution of the Governing Body.

Section 3. Further Authority. This Resolution shall be in full force and effect from and after its adoption.

Adopted by the Governing Body of the City of [City Name], Kansas on [Date of Public Hearing].

(SEAL)

Mayor

ATTEST:

City Clerk

Kansas Water Pollution Control Revolving Fund (Wastewater
Collection and Treatment)

NOTICE
Environmental Review Process

As part of the application process for project financing by the Kansas Water Pollution Control Revolving Fund, the Kansas Department of Health and Environment (KDHE) must prepare an environmental clearance document in accordance with K.A.R. 28-16-137. It is the responsibility of the loan recipient for a wastewater improvement project to obtain the necessary clearance comments from the necessary agencies involved in the environmental review process. Copies of the written clearance/comments are then provided to KDHE, Bureau of Water.

The Agencies listed on the attached Distribution List must be contacted in writing (if allowed by the agency email or online contact can be used) for clearance/comment. The interested agencies must be provided with:

1. A narrative description of the project including the collection system improvements and/or treatment facilities to be constructed, the rated capacity of the facility, expected effluent discharge volume, the primary receiving water body, and the expected effluent quality.
2. A site map (USGS is acceptable) showing the location of the treatment facility and the effluent discharge location. If a lagoon treatment facility is proposed, a rough layout map of the lagoon itself should also be provided.
3. The exact location (county name and legal description) of the site, the present land use and predominant vegetation type(s) at the new plant site under consideration.

Example: The preferred alternative would be located in what is presently a wheat field, approximately 200 feet from an oxbow of Blackbird Creek. The oxbow is surrounded by a 50 foot-wide band of mature riparian timber of mixed species.

4. If the project will convert farmland to non-farm use, a USDA Farmland Conversion Impact Rating form must be sent to the Natural Resources Conservation Service in addition to first 3 items 1. Forms and instructions start on page 3 of this packet.
5. Environmental information such as any existing Environmental Assessments or Impacts Statements, proximity to any known sensitive fish or wildlife habitats (if known). Examples of wildlife habitats include: a) Wetlands, b) State or Federal Wildlife refuges or recreation areas, c) Critical habitats for threatened or endangered species, d) Mature riparian timber, e) Streams designated Class I by the U.S. Fish and Wildlife Service, f) Native Prairie tracts.

The transmittal letter / form should request review and clearance of the project and specify a deadline for response, not less than 30 days. You may provide the attached Agency Review Form (next page) for environmental review letter recipients to use, but it is not required.

When all clearances/comments have been received or the allowable review time has expired, copies of all letters requesting clearances and all responses should be submitted to KDHE - Attn: BOW SRF Program

The following form may be used by the Review Agency/Commission for comments in response to the request for clearance from the proposed Kansas SRF Project.

_____ Army Corps of Engineers
 _____ Kansas Biological Survey
 _____ State Conservation Commission
 _____ Kansas Corporation Commission
 _____ Division of Water Resources/Kansas Department of Agriculture
 _____ Kansas Geological Survey
 _____ Kansas State Historical Society, State Historic Preservation Office
 _____ Kansas Water Office
 _____ Kansas Department of Wildlife & Parks
 _____ US Dept of Agriculture - Natural Resources Conservation Service
 _____ Kansas Department of Health and Environment
 _____ US Dept of the Interior - Fish and Wildlife Service

Agency Review Comments: (to be completed by reviewing agency and returned to applicant contact person at name and address shown below)

Comments: _____

Recommended Action: (to be completed by the reviewing agency and returned to applicant contact person at name and address shown below.)

_____ Clearance of project should be granted
 _____ Clearance of project should not be granted
 _____ Clearance of project should be delayed until the issues or questions have been clarified.
 _____ Clearance of project should not be delayed, but the applicant (in the application) should address or clarify the questions or concerns indicated above.)

Reviewer's Name _____ Division/Agency/Commission _____ Date _____

Project Title: _____

Applicant: _____

Contact Person: _____

Address: _____

City, State: _____ Zip: _____ Phone: (____)-____-_____

Agencies and Addresses to Contact for Clearance/Comments on the Environmental Review Process

Kansas Dept. of Health & Environment
DOE Attn: Donna Fisher
1000 SW Jackson St., Suite 400
Topeka, KS 66612
donna.fisher@ks.gov

Kansas Corporation Commission
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
k.stoll@kcc.ks.gov

U.S. Fish and Wildlife Service
Ecological Serv./Partners for Fish & Wildlife
2609 Anderson Avenue
Manhattan, KS 66502-2801

Kansas Water Office
900 SW Jackson St., Suite 404
Topeka, KS 66612

U.S. Department of Agriculture
Natural Resources Conservation Service
760 S. Broadway
Salina, KS 67401-4642
brian.nester@ks.usda.gov

KS Dept. of Agriculture
Division of Water Resources
1320 Research Park Dr.
Manhattan, KS 66502-5000
KDA.EnvrionmentalReview@ks.gov

Kansas State Historical Society
State Historical Preservation Office
Must be submitted online at
<https://review.kshs.org/>

Kansas Geological Survey
University of Kansas
1930 Constant Ave.,
Lawrence, KS 66047-3724

Kansas Biological Survey
University of Kansas
2101 Constant Avenue, Higuchi Hall
Lawrence, KS 66047-3759

U.S. Army Corp. of Engineers
Kansas City District
700 Federal Building - 601 East 12th Street
Kansas City, Missouri 64106-2896

KS Dept. of Wildlife, Parks, and Tourism
Environmental Services Section
512 SE 25th Avenue
Pratt, KS 67124-8174
ess@ksoutdoors.com

Instructions for completing Farmland Conversion Impact Rating Form

If the proposed project will convert farmland to non-farm use, an additional form must be submitted to USDA Natural Resources Conservation Service. If the project will only construct water lines on farmland, Form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Projects, must be submitted. Otherwise, Form AD-1006, Farmland Conversion Impact Rating, must be submitted. Both forms are included in this packet.

1. Complete Part 1 and Part 3. The system must complete these sections; disregard the statement “To be completed by Federal Agency”. If there are alternate project sites, please list each alternative separately in Part 3. Include the appropriate form with the letter and Agency Review Comment form sent to USDA Natural Resource Conservation Service (NRCS).
2. The NRCS will complete Part 2, 4, and 5, and then return the form with its Agency Comment Letter. If NRCS enters 0 on Part 5, no further action is required by the system.
3. If a value greater than 0 is entered in Part 5 by NRCS, then the system must complete Part 6 using the site assessment criteria numbering system as outlined on pages 10 and 11 of this packet.
4. Submit a copy of the form to KDHE along with the NRCS environmental review response letter and/or comment form.
5. KDHE will complete part 7.

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name of Project		Federal Agency Involved EPA/Kansas DWSRF			
Proposed Land Use		County and State			
PART II (To be completed by NRCS)		Date Request Received By NRCS			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES NO		Acres Irrigated	
				Average Farm Size	
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %		Amount of Farmland As Defined in FPPA Acres: %		
Name of Land Evaluation System Used	Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS		
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection:					
Name of Federal agency representative completing this form:					
Date:					

(See Instructions on reverse side)

Form AD-1006

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days. In the event NRCS fails to complete a response within the required period, the agency may proceed as though the site were not farmland.)
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form.
- Step 7 - The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND AND CONVERSION IMPACT RATING FORM (For Federal Agency)

Part I: When completing the "County And State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a State or Local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, FPPA suggests the agency consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites).

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160.
Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS****PART I** (To be completed by Federal Agency)

3. Date Of Land Evaluation Request:

4. Sheet 1 of _____

1. Name of Project:

5. Federal Agency Involved: **EPA/Kansas DWSRF**

2. Proposed Land Use:

6. County and State:

PART II (To be completed by NRCS)1. Date Request Received By
NRCS

2. Person Completing Form:

3. Does the corridor contain prime, unique, statewide or local important farmland? YES NO
(If no, the FPPA does not apply - do not complete additional parts of this form)

4. Acres Irrigated

Average Farm Size

5. Major Crop(s)

6. Farmable Land In Government Jurisdiction
Acres: %7. Amount of Farmland As Defined in FPPA
Acres: %

8. Name of Land Evaluation System Used

9. Name of State or Local Site Assessment System

10. Date Land Evaluation Returned by NRCS

PART III (To be completed by Federal Agency)

Alternative Corridor For Segment:

Corridor A

Corridor B

Corridor C

Corridor d

A. Total Acres To Be Converted Directly

B. Total Acres To Be Converted Indirectly

C. Total Acres In Site

PART IV (To be completed by NRCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland

B. Total Acres Statewide Important or Local Important Farmland

C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted

D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value

PART V (To be completed by NRCS) Land Evaluation Criterion
Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)**PART VI** (To be completed by Federal Agency) Corridor Assessment Criteria
(Criteria are explained in 7 CFR 658.5 b & c. For Non-Corridor project use form AD-1006)Maximum
Points

Corridor A

Corridor B

Corridor C

Corridor D

1. Area In Non-urban Use

(15)

2. Perimeter In Non-urban Use

(10)

3. Percent Of Corridor Being Farmed

(20)

4. Protection Provided By State and Local Government

(20)

5. Size Of Present Farm Unit Compared To Average

(10)

6. Creation Of Non-farmable Farmland

(25)

7. Availability Of Farm Support Services

(5)

8. On-Farm Investments

(20)

9. Effects Of Conversion On Farm Support Services

(25)

10. Compatibility With Existing Agricultural Use

(10)

TOTAL CORRIDOR ASSESSMENT POINTS

160

PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)

100

Total Corridor Assessment (From Part VI above or local site assessment)

160

TOTAL POINTS (Total of above 2 lines)

260

1. Corridor Selected:

2. Total Acres of Farmlands to be
Converted by Project:

3. Date Of Selection

4. Was A Local Site Assessment Used?

YES ☐NO ☐

5. Reason For Selection:

Signature of Federal agency representative completing this form:

Date:

NOTE: Complete one form for each segment with more than one Alternate Corridor

(See Instructions on reverse side)

Form NRCS-CPA-106

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM**(Use this form only for Corridor type projects. Other projects use form AD-1006)**

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Non-Corridor type projects, the Federal agency shall use form AD-1006 in place of form NRCS-CPA-106
- Step 2 - Originator will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days. In the event NRCS fails to complete a response within the required period, the agency may proceed as though the site were not farmland.)
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form.
- Step 7 - The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND AND CONVERSION IMPACT RATING FORM*(For Federal Agency)*

Part I: When completing the "County And State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

3. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
4. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a State or Local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5(b and c) of CFR. In cases of corridor-type project such as transportation, powerline and flood control, criteria #5 and #6 do not apply or show on form CPA-106, however, original criterion #8 will be weighed a maximum of 25 points and original criterion #11 a maximum of 25 points.

Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points are equal to or exceed 160, FPPA suggests the agency consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites).

In rating alternative corridors, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Corridors most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Corridor Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$\frac{\text{Total points assigned Corridor A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Corridor A}$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees consult the FPPA Manual and/or policy for additional instructions to complete form NRCS-CPA-106.

SITE ASSESSMENT CRITERIA

Use to complete Part 6 (If using NRCS-CPA-106, items 5 and 6 are not used)

(1) How much land is in non-urban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent—15 points
 90 to 20 percent—14 to 1 point(s)
 Less than 20 percent—0 points

(2) How much of the perimeter of the site borders on land in non-urban use?

More than 90 percent—10 points
 90 to 20 percent—9 to 1 point(s)
 Less than 20 percent—0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than 5 of the last 10 years?

More than 90 percent—20 points
 90 to 20 percent—19 to 1 points(s)
 Less than 20 percent—0 points

(4) Is the site subject to State or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected—20 points
 Site is not protected—0 points

(5) How close is the site to an urban built-up area? (Not used in NRCS-CPA-106) The

site is 2 miles or more from an urban built-up area—15 points
 The site is more than 1 mile but less than 2 miles from an urban built-up area—10 points
 The site is less than 1 mile from, but is not adjacent to an urban built-up area—5 points
 The site is adjacent to an urban built-up area—0 points

(6) How close is the site to water lines, sewer lines and/or other local facilities and services whose capacities and design would promote nonagricultural use? (Not used in NRCS-CPA-106)

None of the services exist nearer than 3 miles from the site—15 points
 Some of the services exist more than 1 but less than 3 miles from the site—10 points
 All of the services exist within 1/2 mile of the site—0 points

(7) if using NRCS-CPA-106) Is the farm unit(s) containing the site (before the project) as large as the average-size farming unit in the county? (Average farm sizes in each county are available from the NRCS field offices in each State. Data are from the latest available Census of Agriculture, Acreage of Farm Units in Operation with \$1,000 or more in sales.)

As large or larger—10 points
 Below average—deduct 1 point for each 5 percent below the average, down to 0 points if
 50 percent or more below average—9 to 0 points

- (8) if using NRCS-CPA-106) If this site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project—10 points (25 points if NRCS

-CPA-106 is used)

Acreage equal to between 25 and 5 percent of the acres directly converted by the project—9 to 1 point(s) (24 to 1 points if NRCS-CPA-106 is used)

Acreage equal to less than 5 percent of the acres directly converted by the project—0 points

- (9)) if using NRCS-CPA-106) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available—5 points

Some required services are available—4 to 1 point(s)

No required services are available—0 points

- (10) if using NRCS-CPA-106) Does the site have substantial and well-maintained on-farm investments such as barns, other storage buildings, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment—20 points

Moderate amount of on-farm investment—19 to 1 point(s)

No on-farm investment—0 points

- (11) if using NRCS-CPA-106) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted—10 points (25 points if NRCS - CPA-106 is used)

Some reduction in demand for support services if the site is converted—9 to 1 point(s) (24 to 1 points if NRCS- CPA-106 is used)

No significant reduction in demand for support services if the site is converted—0 points

- (12) if using NRCS-CPA-106) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible with existing agricultural use of surrounding farmland— 10

points Proposed project is tolerable to existing agricultural use of surrounding farmland—9

to 1 point(s) Proposed project is fully compatible with existing agricultural use of

surrounding farmland—0 points



KDHE PROJECT #

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Typed Name & Title of Authorized Representative

Signature and Date of Authorized Representative



THE MODEL ORDINANCE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF _____, COUNTY OF _____, STATE OF _____.

Be it ordained by the Mayor and Council/Commission of the City of _____, State of _____, as follows:

ARTICLE I

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle, greater than one-half ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.
- Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 13. "Sewage" shall mean a combination of the water-carried wastes from residents, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 17. "Shall" is mandatory; "May" is permissive.
- Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Sec. 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Sec. 20. "Superintendent" shall mean the [Superintendent of Sewage Works and/or of Water Pollution Control] of the [city] of [], or his authorized deputy, agent, or representative.
- Sec. 21. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- Sec. 23. "Hearing Board" shall mean that Board appointed according to provision of Article []. (This section to be included only if optional article entitled "Hearing Boards" is made a part of the ordinance.)

ARTICLE II

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the [city] of [], or in any area under the jurisdiction of said [city], any human or animal excrement, garbage, or other objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the [city] of [], or in any area under the jurisdiction of said [city], any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- Sec. 4. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the [city] and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the [city], is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within [ninety (90) days] after date of official notice to do so, provided that said public sewer is within [one hundred (100) feet 30.5 meters] of the property line.

ARTICLE III

- Sec. 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the [Superintendent]. The application for such permit shall be made on a form furnished by the [city], which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the [Superintendent]. A permit and inspection fee of [] dollars shall be paid to the [city] at the time the application is filed.
- Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the [Superintendent]. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the [Superintendent] when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within [] hours of the receipt of notice by the [Superintendent].
- Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of []. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than [] square feet (square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the [city].

- Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV

- Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the [Superintendent].
- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the [city]. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the [Superintendent]. A permit and inspection fee of [] dollars for a residential or commercial building sewer permit and [] dollars for an industrial building sewer permit shall be paid to the [city] at the time the application is filed.
- Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the [city] from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the [Superintendent], to meet all requirements of this ordinance.
- Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the [city]. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8. No permit shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the [city], or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the [Superintendent] before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the [Superintendent] when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the [Superintendent] or his representative.
- Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the [city].

ARTICLE V

- Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the [Superintendent]. Industrial cooling water or unpolluted process waters may be discharged on approval of the [Superintendent], to a storm sewer, combined sewer, or natural outlet.
- Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- Sec. 4. No permit shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the [Superintendent] that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the [Superintendent] will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150)°F (65°C).
 - (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).
 - (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the [Superintendent].
 - (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the [Superintendent] for such materials.
 - (f) Any waters or wastes containing phenols or other taste- or odor- producing substances, in such concentrations exceeding limits which may be established by the [Superintendent] as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the [Superintendent] in compliance with applicable State and Federal regulations.
 - (h) Any waters or wastes having a pH in excess of [9.5].
 - (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the [city], shall be subject to the review of the [Superintendent]. Where necessary in the opinion of the [Superintendent], the owner shall provided, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the [Superintendent] and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the [Superintendent], may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the [Superintendent] may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the Article.

If the [Superintendent] permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the [Superintendent], and subject to the requirements of all applicable codes, ordinances and laws.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the [Superintendent], they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the [Superintendent], and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8. When required by the [Superintendent], the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the [Superintendent]. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hours composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the [city] and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the [city] for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VI

- Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII

- Sec. 1. The [Superintendent] and other duly authorized employees of the [city] bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The [Superintendent] or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the [Superintendent] or duly authorized employees of the [city] shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the [city] employees and the [city] shall indemnify the company against loss or damage to its property by [city] employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- Sec. 3. The [Superintendent] and other duly authorized employees of the [city] bearing proper credentials and identification shall be permitted to enter all private properties through which the [city] holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the [city] with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding [\$100] dollars for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the [city] for any expense, loss, or damage occasioned the [city] by reason of such violation.

ARTICLE IX

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
- Sec. 2. Passed and adopted by the [Council/Commission] of the [city] of _____, State of _____ on the ____ day of [Month], [Year], by the following vote:

Ayes _____:namely

Nays _____:namely

Approved this _____ day of _____,

(Signed) _____, (Mayor)

Attest:

(Signed) _____, (Clerk)



KWPCRF Cost and Effectiveness Supporting Information Form
(Mechanical Wastewater Treatment Svstems)
KWPCRF Project No. C20 1812 01

The Water Resources Reform and Development Act (WRRDA) includes the following Section 602(B)(13) applicable to the state Clean Water SRF beginning October 1, 2015

“Section 602 (B) (13) – beginning in fiscal year 2016, the State will require as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient –

- (A) has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title; and
- (B) has selected, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account –
 - (i) the cost of constructing the project or activity;
 - (ii) the cost of operating and maintaining the project or activity over the life of the project or activity; and
 - (iii) the cost of replacing the project or activity”

This four page support memo provides the necessary certifications review statements as required by the KWPCRF to document this “cost and effectiveness” review requirement for the referenced project. In each case the City/Applicant must check the applicable statements as listed below, and indicate “NA” for any subjects Not Applicable to the KWPCRF project as funded.

1. Major Sewer Rehabilitation

X The project does not include any sewer line or manhole rehabilitation measures.

_____ The project includes sewer line and/or manhole rehabilitation. As per KDHE program direction, reducing sewage flows by reducing I/I in the collection system will inherently reduce energy use by reducing pumping costs and costs of treatment. A detailed analysis is not needed and was not prepared.

_____ There is no water use by gravity sewers. A detailed analysis is not needed and was not prepared.

2. Sewage Pumping Stations

X The project does not include any sewage pumping stations construction or rehabilitation. As per KDHE program direction the necessary capacity for pumping is determined by peak design sewage flow and the specific

KWPCRF Cost and Effectiveness Supporting Information Form
(Mechanical WWTP Systems)

head conditions which then dictate energy use needs for pumping. A detailed analysis is not needed and was not prepared.

_____ The design is encouraged to incorporate VFDs on the pump motors. (Check the space if VFDs are included in the design.)

_____ The design is encouraged to incorporate high efficiency design motors (NEMA Premium Efficiency) (note, smaller Hp motors may not be available as high efficiency designs). (Check the space if high efficiency design motors are included in the design.)

_____ There is no potable water use at these sewage pumping stations, except perhaps wash down at larger stations. Wherever potable water supply is provided to a sewage pumping station, backflow prevention must be provided in the design and construction. (Check the space if potable water supply to a sewage pumping station with backflow prevention is included in the design.)

3. Regionalization

_____ (NA) The Preliminary Engineering Report (PER) must give serious consideration to abandoning the existing WWTP, if regionalization with a nearby wastewater treatment facility is at all feasible. A review has been completed and submitted to KDHE within the PER.

4. Mechanical Wastewater Treatment Systems (i.e., activated sludge) – There are many opportunities to conserve electricity, conserve natural gas for building space heating, maximize aeration efficiency, maximize nitrate oxygen recovery, and (at the larger flow facilities) provide non-potable reuse of effluent in the on-site processes or by off-site irrigation reuse, all while improving nitrogen removal and phosphorus removal. A somewhat lengthy presentation written analysis received and approved by KDHE will be required for mechanical plant designs including –

A. _____ Although natural gas and motor fuel have recently reduced in price, electricity is going up in price, and water is always a precious commodity in Kansas.

B. _____ (NA) The design has considered the use of VFDs for influent pumping, and reviewed the opportunity for variable influent pumping rates in the process design. (Check the space if VFDs are included in the design.)

C. _____ X The design is encouraged and has considered the use of high efficiency design motors (NEMA Premium Efficiency) (note, smaller Hp motors may not be available as high efficiency designs). (Check the space if high efficiency design motors are included in the design.)

D. _____ (NA) The opportunities to “re-purpose” any existing buildings into “cold storage”, without heat or potable water service has been reviewed.

E. _____ (NA) The opportunities to utilize and/or replace all lighting with LEDs and/or CFLs has been reviewed. The following lighting fixtures have not been replaced or converted to LED lighting with an explanation attached of why this improvement is not implemented. _____

KWPCRF Cost and Effectiveness Supporting Information Form
(Mechanical WWTP Systems)

F. X The opportunities to provide the use of VFDs on all electric motors has been reviewed. The following electric motors do not include the use of VFDs with an explanation attached listing the motors and explaining why these do not have VFDs implemented into the design and use.
Recirculation Pump (Pump will not be replaced only rebuilt and reinstalled)

G. X The opportunities to replace motors with high efficiency design motors (NEMA Premium Efficiency) has been reviewed. The following electric motors do not provide NEMA Premium Efficiency design; an explanation is attached listing the motors and explaining why these do not have NEMA Premium Efficiency design implemented into the design and use.
(note, smaller Hp motors may not be available as high efficiency designs).

Recirculation Pump (Pump will not be replaced only rebuilt and reinstalled)

H. (NA) The need for potable water use in the treatment processes has been reviewed, versus the provision of non-potable effluent water re-use on-site.

I. X The design includes a new building(s). The justification for the need for the additional heated and air conditioned space (if provided) is attached, and the need for potable water service to the new building(s) (if provided) is attached.

J. (NA) The opportunities for off-site effluent irrigation reuse, or industrial non-potable reuse, have been reviewed in the PER. (Please list any off-site reuse opportunities that will be implemented. _____)

K. (NA) Implementation of de-nitrification biological treatment processes following nitrification to remove ammonia is required and has been provided in the design to recover the energy benefit of chemically bound oxygen within the nitrate (NO₃).

L. (NA) Computer controls for aeration and denitrification systems including DO probes, ORP probes, nitrate (NO₃) probes, etc., with SCADA , PLC, LC, or time clock controls to maximize the pollutant removal efficiency and energy efficiency of the treatment processes are required and provided in the design, as determined appropriate by the design engineer (a climate controlled room or small building may be required for the SCADA electronics and computer controls).

M. (NA) Computer controls for chemical feed systems (including flow measurement if needed) with SCADA , PLC, LC, or time clock controls to maximize the pollutant removal efficiency and energy efficiency of the treatment processes are required and provided in the design, as determined appropriate by the design engineer (a climate controlled room or small building may be required for the SCADA, electronics, computer controls, and chemical storage).

KWPCRF Cost and Effectiveness Supporting Information Form
(Mechanical WWTP Systems)

N. (NA) A review of the cost and efficiency of phosphorus removal by pretreatment at any large discharge of phosphorus into the collection system versus “end-of-pipe” treatment at the municipal wwtp is required and has been provided in the PER. (Please list any phosphorus pretreatment opportunities that were considered, and identify those that will be implemented. _____).

O. (NA) A review of the cost and efficiency of bio-P versus chem-P phosphorus reduction processes to implement the most efficient combination of processes to reduce phosphorus in the effluent is required, including a 20 year cost-effectiveness analysis comparing the phosphorus treatment alternatives, is required. The cost and efficiency analysis was provided in the PER, or is attached.

P. (NA) Other concepts and considerations as proposed by the applicant and consulting engineer can be presented in the PER or the design for consideration. Those additional concepts and considerations that will be implemented are as follows: _____

Attachment(s)

APPLICANT ASSURANCE OF PUBLIC PARTICIPATION
FOR KANSAS WATER POLLUTION CONTROL
REVOLVING LOAN FUND PROJECTS

I hereby certify that with reference to Wastewater Treatment Project Number:

KWPCRF # C20 1812 01:

X (a) A public meeting was conducted during the preparation of the facilities plan, non-point source pollution control management plan or groundwater quality protection plan to discuss project alternatives. Public notice was given not less than 15 days before the public meeting. A copy of the proof of publication for the notice of this meeting is attached.

X (b) Prior to the adoption by the governing body and submission to the secretary for approval of the facilities plan, non-point source pollution control management plan or groundwater quality protection plan, a public hearing was conducted. Public notice was given not less than 30 days before the public hearing. Attached is a copy of the advertisement, record of minutes and list of persons attending.

Authorized Representative of Applicant

September 21, 2021
Date

City of Arkansas City, Kansas
Legal Name of Applicant



KWPCRF # C20 1812 01
KDHE PROJECT #

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

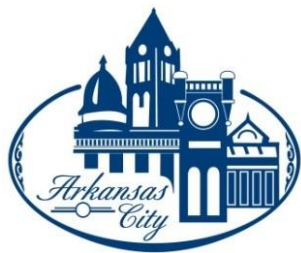
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Typed Name & Title of Authorized Representative

Signature and Date of Authorized Representative



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Mike Crandall, Management Assistant
Item: Wilson Park Phase 1 Upgrades Construction Contract

Purpose: Consider a Resolution authorizing the City of Arkansas City to enter into a contract with Vogts-Parga Construction, LLC, of Newton, for construction of the Wilson Park Master Plan Phase 1 Upgrades Project and installation of the Creekstone Farms Pavilion at Wilson Park, for an amount not to exceed \$356,176.62. **(Voice Vote)**

Background:

The City Commission on **November 20, 2018**, unanimously approved **Resolution No. 2018-11-3217**, entering into a professional services agreement with Wichita-based **LK Architecture** for professional architectural, electrical, plumbing, mechanical and structural engineering services for the **Wilson Park Master Plan Phase 1 Upgrades Project**, for a total amount not to exceed **\$60,500.00**.

As part of the Phase 1 improvements, the City received a quote on **February 9, 2021**, for a Polygon multi-rib pavilion that would be shipped in pieces and assembled on site by Vogts-Parga Construction, LLC, of Newton.

The City Commission on **April 6, 2021**, unanimously approved **Resolution No. 2021-04-3395**, authorizing the City to accept a proposal from Recreation Resource, Inc., of Overland Park, to purchase a Polygon multi-rib pavilion that was shipped in pieces and will be assembled on site by Vogts-Parga to form the new Arkansas City Farm and Art Market structure, south of the Wilson Park rotunda in the new parking lot, to be named the "Creekstone Farms Pavilion at Wilson Park," for an amount not to exceed **\$169,470.00**. The structure was delivered in **July**.

Construction delays have prevented Vogts-Parga from preparing to mobilize until now, but City staff put this time to good use by working diligently with Vogts-Parga for the past five months to explore every possible cost-cutting option, including eliminating unnecessary sidewalks and drainage structures, repurposed rock donated by Everygy, and accomplishing some concrete work and all electrical upgrades in house with City staff labor.

This final revised quote of **\$330,388.47** from Vogts-Parga will cover all new stormwater pipe, manhole and drain basins, as well as excavation, reinforced concrete paving, ADA ramps, light pole bases, pavement markings, drilled piers and installation of the canopy structure, and the additional **\$25,788.15** option will add a reinforced rock base using the donated rock. Staff recommends this option to ensure maximum longevity of the concrete.

If the contract is approved tonight, Vogts-Parga can be on site in **October** and estimates project completion will occur four (4) to five (5) months later, which would be in the range of **February to April 2022**, well in advance of such spring and summer events as Tacolalah, the Farm and Art Market, and the Community Band season.

Primary funding sources for this project, including both the pavilion and the Vogts-Parga contract, include:

- Creekstone Farms Premium Beef donation — **\$300,000.00**
- V.J. Wilkins Foundation Challenge Grant — **\$205,802.00**
- Friends of Wilson Park (Legacy Foundation) — **\$15,470.97**

Commission Options:

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

Fiscal Impact:Amount: **\$356,176.62**Fund: **68** (Capital
Improvement)Department: **100** (General
Government)Expense Code: **6214** (Other
Professional
Services)

☐ Included in Budget ☒ Grant ☐ Bonds ☒ Other (explain):

Funding sources for this project include **\$205,802.00** in matching funds provided through a V.J. Wilkins Foundation Challenge Grant, **\$300,000** from Creekstone Farms and Capital Improvement Fund reserves. As part of its generous contribution, Creekstone is being afforded promotional consideration on the pavilion structure.

Attachments:

1. Resolution No. 2021-09-_____
2. Vogts-Parga Revised Estimate/Contract
3. Wilson Park Phase 1 Check Set Plans
4. Polygon Multi-Rib Pavilion Drawings

Approved for Agenda by:


Randy Frazer, City Manager

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO ENTER INTO A CONTRACT WITH VOGTS-PARGA CONSTRUCTION, LLC, OF NEWTON, FOR CONSTRUCTION OF THE WILSON PARK MASTER PLAN PHASE 1 UPGRADES PROJECT AND INSTALLATION OF THE CREEKSTONE FARMS PAVILION, FOR AN AMOUNT NOT TO EXCEED \$356,176.62.

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, on November 20, 2018, unanimously approved Resolution No. 2018-11-3217, entering into a professional services agreement with LK Architecture, of Wichita, for professional architectural, electrical, plumbing, mechanical and structural engineering services for the Wilson Park Master Plan Phase 1 Upgrades Project, for a total amount not to exceed \$60,500.00; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, on April 6, 2021, unanimously approved Resolution No. 2021-04-3395, authorizing the City of Arkansas City, Kansas, to accept a proposal from Recreation Resource, Inc., of Overland Park, to purchase a Polygon multi-rib pavilion that was shipped in pieces and will be assembled on site by Vogts-Parga Construction, LLC, of Newton, to form the new Arkansas City Farm and Art Market structure, south of the Wilson Park rotunda in the new parking lot, to be named the "Creekstone Farms Pavilion"; and

WHEREAS, City staff have worked diligently with Vogts-Parga, LLC for the past five months to explore every possible cost-cutting option, including eliminating unnecessary sidewalks and drainage structures, repurposed rock donated by Evergy, and accomplishing some concrete work and all electrical upgrades in house with City staff labor; and

WHEREAS, the final revised quote of \$330,388.47 from Vogts-Parga will cover all new stormwater pipe, manhole and drain basins, as well as excavation, reinforced concrete paving, ADA ramps, light pole bases, pavement markings, drilled piers and installation of the canopy structure, and the additional \$25,788.15 option will add a reinforced rock base.

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

SECTION ONE: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the City of Arkansas City, Kansas, to enter into a contract with Vogts-Parga Construction, LLC, of Newton, for construction of the Wilson Park Master Plan Phase 1 Upgrades Project and installation of the Creekstone Farms Pavilion at Wilson Park, for an amount not to exceed \$356,176.62. Such contract is attached hereto and incorporated by reference as if fully set forth herein.

SECTION TWO: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the Mayor and 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 21st day of September, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

Section , Item 2.

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2021-09-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 21, 2021, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk

Rene Parga — President
Ricardo Parga — Vice President

717 N. Main Street
Newton, KS 67114



VOGTS-PARGA CONSTRUCTION, LLC

Concrete & Drainage Specialists
Heavy Civil General Contractor
ProjectManagement@VogtsParga.com
Phone: (316) 284-2801
www.vogtsparga.com

CERTIFIED DBE/MBE

REVISED ESTIMATE

DATE: 9/9/2021
TO: CITY OF ARKANSAS CITY
ATTN: RANDY FRAZER (rfrazer@arkansascityks.gov)
FROM: CHRIS METCALF
PROJECT: WILSON PARK IMPROVEMENTS
We have included the following in our estimate:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNITS</u>		<u>U-EST</u>	<u>TOT. EST</u>
1	Pavement Removal (City to Complete Work)	0.00	SF	\$1.55	\$0.00
2	Gravel Removal (City to Complete Work)	0.00	SF	\$1.31	\$0.00
3	Drinking Fountain Removal (City to Complete Work)	0.00	EA	\$650.00	\$0.00
4	Tree Removal (City to Complete Work)	0.00	Trees	\$675.00	\$0.00
5	Shape Dirt Work for Drainage (City Will Complete with layout assistance from VP)	1.00	LS	\$1,800.00	\$1,800.00
6	10" SDR-35 Drain Pipe	70.00	LF	\$31.00	\$2,170.00
7	12" SDR-35 Drain Pipe	476.00	LF	\$32.15	\$15,303.40
8	18" RCP	78.00	LF	\$61.00	\$4,758.00
9	24" RCP	78.00	LF	\$69.70	\$5,436.60
10	30" RCP	132.00	LF	\$85.70	\$11,312.40
11	60" Storm Sewer Manhole	1.00	EA	\$5,985.00	\$5,985.00
12	18" ADS Drain Basins	5.00	EA	\$2,335.00	\$11,675.00
13	2'x4' Drain Basins	2.00	EA	\$4,935.00	\$9,870.00
14	Storm Pipe Connection (In Street)	1.00	EA	\$6,250.00	\$6,250.00
15	Common Excavation	885.00	CY	\$10.68	\$9,451.80
16	7.5" Reinforced Concrete Entrance Pavement	1,335.00	SF	\$10.95	\$14,618.25
17	6" Reinforced Concrete Paving	28,954.00	SF	\$6.13	\$177,488.02
18	5" Reinforced Concrete Sidewalk (City to Complete Work)	0.00	SF	\$6.05	\$0.00
19	ADA Ramps	7.00	EA	\$800.00	\$5,600.00
20	Parking Bumper Blocks (City to Complete Work)	0.00	EA	\$218.75	\$0.00
21	24" Light Pole Bases	2.00	EA	\$950.00	\$1,900.00
22	Pavement Markings	1.00	LS	\$2,500.00	\$2,500.00
23	Construction Staking	1.00	LS	\$3,540.00	\$3,540.00
24	3' Diameter Drilled Piers (4' Deep)	14.00	EA	\$705.00	\$9,870.00
	Installation of Canopy Structure (Structure/Anchors/Screws, Plates and All Material to be Provided by the City)	1.00	LS	\$24,725.00	\$24,725.00
25	Mobilization and Site Layout	1.00	LS	\$6,135.00	\$6,135.00
	TOTAL OF ESTIMATE				\$330,388.47

ADDITIONAL OPTION

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNITS</u>		<u>U-EST</u>	<u>TOT. EST</u>
1	6" Reinforced Rock Base for Paving Areas	3,371.00	SY	\$7.65	\$25,788.15
	TOTAL OF ESTIMATE				\$25,788.15

Rene Parga — President
Ricardo Parga — Vice President

VOGTS-PARGA CONSTRUCTION, LLC

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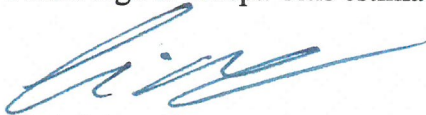
CERTIFIED DBE/MBE

In the above pricing that has been reduced to utilize city forces (Items #5 and #Add Option). On item number 5 we will help with layout and what we would have done to complete this work. We can help shoot grades and layout the limits we were going to grade to and elevation we would have completed for that work. On the adder option for rock base the city will need to provide all the rock necessary to complete the rock base item. They will also help with supplying a dump truck and driver to help haul material to the site as well as a loader to load out trucks at the cities stockpile area. The rock pile will need to be consolidated so that we are able to just load and haul once this operation starts. This work will be completed by city forces as well.

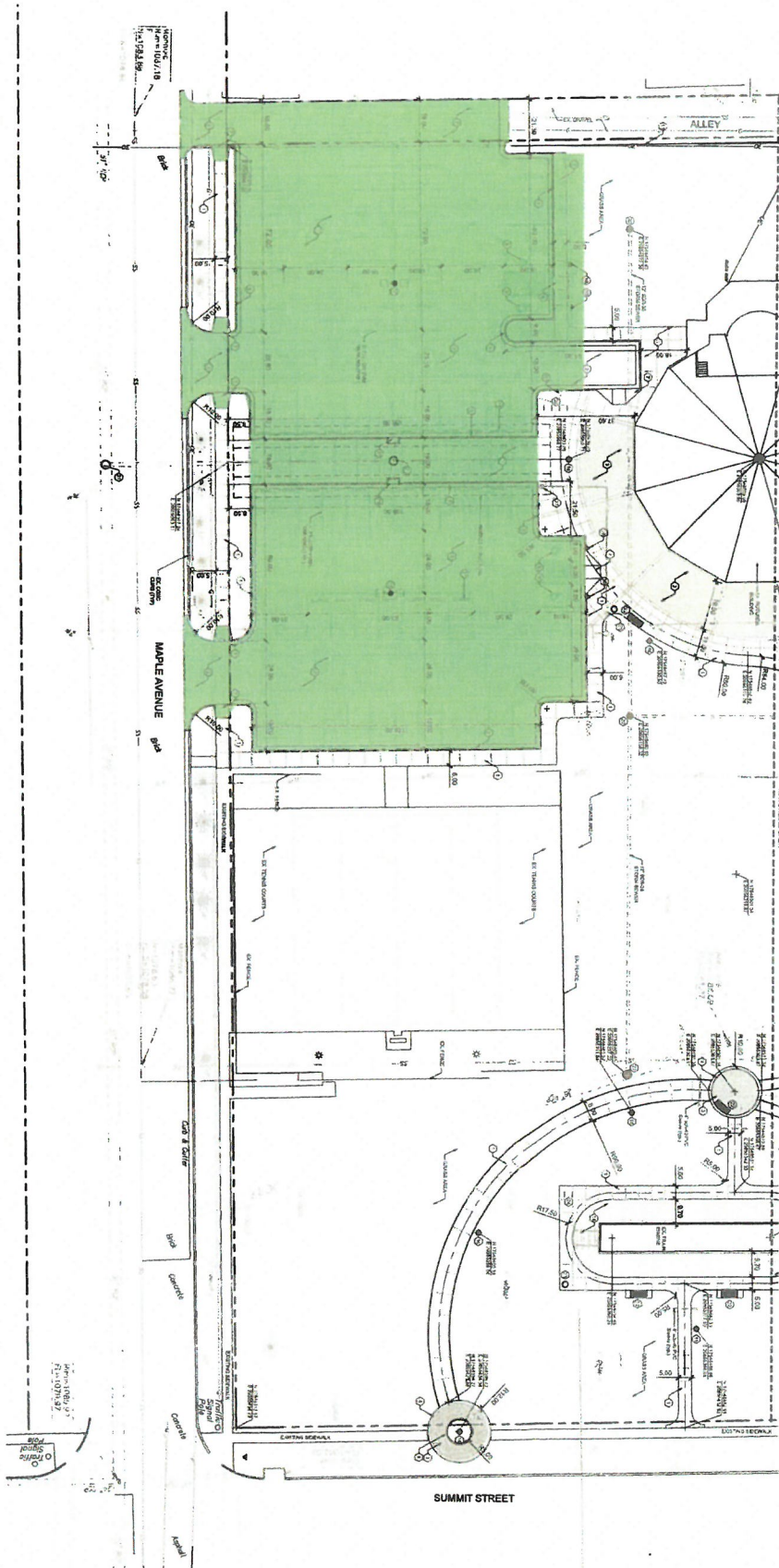
This estimate does not include: Seeding, canopy building, fasteners anchor bolts or connectors for canopy building (Price above is for installation of building only), electrical work, light poles, signs, turf repair, landscaping, erosion control, utility relocation, bonding, irrigation removal and or replacement, permits, etc. This estimate does not include any work not specifically listed above.

Vogts-Parga Construction, LLC is dedicated to quality construction. Please call with questions and/or concerns about this estimate.

Estimate accepted by _____ Date _____
Please sign to accept. This estimate is valid for 30 days

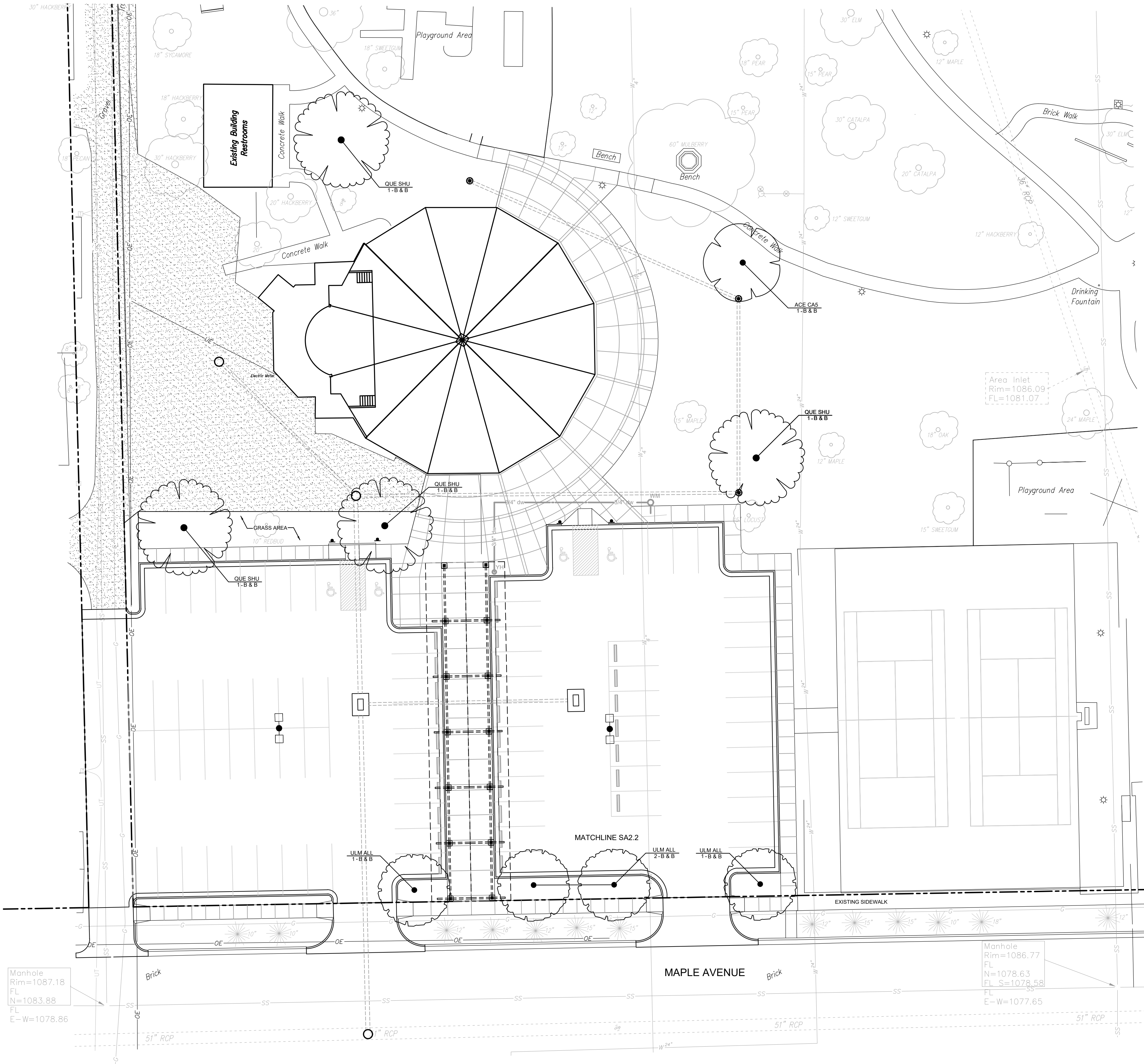


Chris Metcalf
(316) 350-6650



DETAIL		DETAIL		DETAIL		DETAIL	
1	* PLAIN CONC. FINISH	17/3441		1	UPR. POLE 'X'		REFER TO UPR. PLANS
2	* CONCRETE PARAPET	2/3/441		2	UPR. POLE 'Y'		REFER TO UPR. PLANS
3	* CONC. PAVES ON ASBESTITE	3/3/441		3	UPR. WALKER MANNING		REFER TO UPR. PLANS
4	* CONC. DADO	3/3/441		4	UPR. WALKER MANNING		REFER TO UPR. PLANS
5	* CONCRETE DADO 'X'	7/3/441		5	UPR. DRAIN		REFER TO UPR. PLANS
6	* CONCRETE DADO 'Y'	8/3/441		6	UPR. NET		REFER TO UPR. PLANS
7	* ACCESSIBLE RAMP	9/3/441		7	UPR. NET		REFER TO UPR. PLANS
8	* ACCESSIBLE RAMP	10/3/441		8	UPR. NET		REFER TO UPR. PLANS
9	* ADA PARAPET WALKING	11/3/441		9	UPR. NET		REFER TO UPR. PLANS
10	* ADA PARKING SIGNAGE	12/3/441		10	UPR. NET		REFER TO UPR. PLANS
11	* CONCRETE PARKING BLOCK	13/3/441		11	UPR. NET		REFER TO UPR. PLANS
12	* CONCRETE WALL W/ FENCE	14/3/441		12	UPR. NET		REFER TO UPR. PLANS
13	* 3 BLACK WHT. CHAIN-LINK FENCE	15/3/441		13	UPR. NET		REFER TO UPR. PLANS
14	* POWERED IN-LANE REVERSE PARKING	16/3/441		14	UPR. NET		REFER TO UPR. PLANS
15	* BOWTIE INCH-10" FOUNTAIN SURFACE	17/3/441		15	UPR. NET		REFER TO UPR. PLANS

Mar 26, 2021 -- 8:23am -- USER: jst
J:\Other\18595-Wilson Park-Phase 1\18595-Current\18595-Construction Documents\18595-Phase 1b-Farmers Market & Parking Lot\18595-LP1.1 - Landscape Plan.dwg



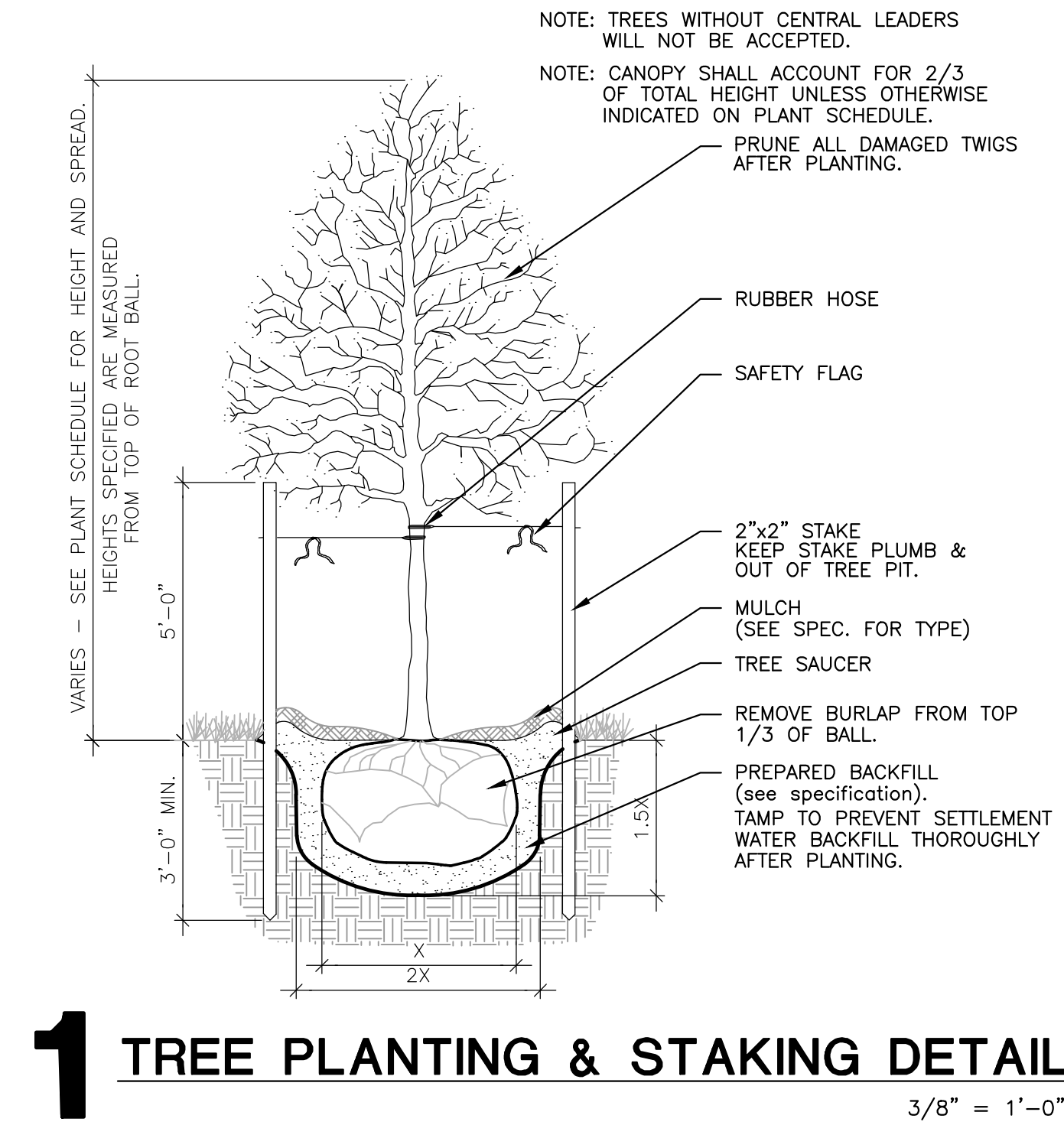
A SITE ARCHITECTURAL PLAN

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	REMARKS
ACE CAS	1	Acer saccharum 'Caddo'	Caddo Maple	B & B	2-1/2" - 3" Cal.	
QUE SHU	4	Quercus shumardii	Shumard Red Oak	B & B	2-1/2" - 3" Cal.	
ULM ALL	4	Ulmus parvifolia 'Allee'	Allee Lacebark Elm	B & B	2-1/2" - 3" Cal.	

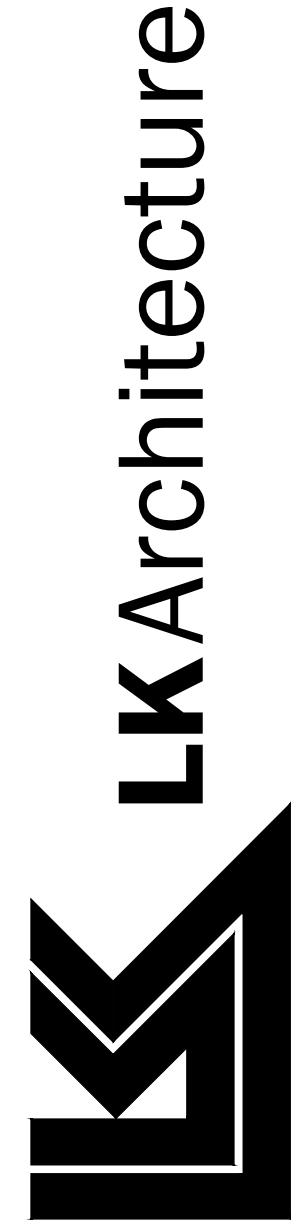
PLANTING NOTES

- UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES ARE FROM FILES FROM SITE SURVEY. THEREFORE, THE RELATIONSHIP BETWEEN PROPOSED WORK AND EXISTING FACILITIES MUST BE CONSIDERED AS APPROXIMATE AND SUBJECT TO CHANGE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION OF EXISTING FACILITIES, STRUCTURES AND UTILITIES AND ANY NOT SHOWN. NOTIFY THE PROJECT ENGINEER IMMEDIATELY OF ANY DISCREPANCIES AND VERIFY CONDITIONS PRIOR TO COMMENCING WORK.
- ALL PLANTING AREAS ARE TO RECEIVE A MINIMUM OF 6" OF TOPSOIL. TOPSOIL SHALL BE A FRIABLE LOAM WITH GOOD STRUCTURE. SOLUBLE SALTS SHALL NOT EXCEED 500ppm AND ORGANIC MATTER SHALL BE NO LESS THAN 3%. The pH SHALL RANGE BETWEEN 5.5 AND 7.4.
- BACKFILL: FOR PLANT EXCAVATIONS TO BE CLEAN NATURAL TOPSOIL MIXED WITH AMENDMENTS.
- PLANT MATERIAL SHALL BE WELL-FORMED AND DEVELOPED IN GOOD CONDITION, HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
- PLANTS SHALL COMPLY IN ALL APPLICABLE RESPECTS WITH ACCEPTABLE STANDARDS AS SET FORTH IN THE AMERICAN ASSOCIATION OF NURSERYMAN'S 'AMERICAN STANDARD OF NURSERY STOCK.' THESE STANDARDS SHALL REPRESENT THE GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE THE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIALS.
- ALL TREES SHALL HAVE STRAIGHT TRUNKS (FOR SINGLE STEM SPECIES) AND FULL CROWN AND MEET ALL REQUIREMENTS SPECIFIED. ALL TREES MUST BE GUYED OR STAKED AS SHOWN IN THE DETAILS.
- PLANT LOCATIONS AND QUANTITIES SHOWN ARE APPROXIMATE. ADJUST PLANT LOCATIONS AS NECESSARY TO AVOID CONFLICTS. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING INDICATED ON THE PLANS.
- ALL PLANT MATERIAL SHALL BE CONTAINER GROWN OR BALLED & BURLAPPED AS INDICATED IN THE PLANT SCHEDULE. PLANTS DESIGNATED CONTAINER GROWN SHALL HAVE BEEN GROWN IN POTS, CANS, OR BOXES FOR FOR A MINIMUM OF SIX MONTHS AND UP TOO A MAXIMUM OF TWO YEARS. THESE PLANTS SHALL BE REMOVED FROM CONTAINERS BEFORE PLANTING.
- ANY PLANT MATERIAL WHICH IS DISEASED, DISTRESSED, DEAD, OR REJECTED (PRIOR TO SUBSTANTIAL COMPLETION) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE THAT MEETING ALL PLANT LIST SPECIFICATIONS.
- ALL PLANTING AREAS SHALL BE COMPLETELY MULCHED AS SPECIFIED. PLACE 4" OF SHREADED CYPRESS MULCH IN ALL SHRUB BEDS, PLACE 4" OF SHREADED CYPRESS MULCH IN ALL TREE SAUCERS.
- PLANTING BEDS RECEIVING MULCH ARE TO BE FREE OF WEEDS AND GRASS. TREAT BEDS WITH A PRE-EMERGENT HERBICIDE PRIOR TO PLANTING AND MULCH PLACEMENT. APPLY IN ACCORDANCE WITH STANDARD TRADE PRACTICE.
- ALL PLANTING BEDS SHALL BE SEPARATED FROM TURF AREAS WITH STEEL EDGING. EDGING SHALL BE 1/2" X 4" INTERLOCKING STEEL EDGING WITH METAL STAKES SUFFICIENT TO HOLD EDGING IN PLACE. EDGING SHALL NOT EXTEND ABOVE ANY ADJACENT SIDEWALKS.
- LIMIT AMOUNT OF PRUNING TO A MINIMUM NECESSARY TO REMOVE DEAD OR INJURED TWIGS AND BRANCHES. PRUNE IN SUCH A MANNER AS NOT TO CHANGE NATURAL HABIT OR SHAPE OF PLANT. MAKE CUTS FLUSH, LEAVING NO STUBS. CENTRAL LEADERS SHALL NOT BE REMOVED.
- LANDSCAPE CONTRACTOR TO REMOVE TREE STAKES, GUYS, AND ALL DEAD WOOD ON TREES AND SHRUBS ONE YEAR AFTER PROVISIONAL ACCEPTANCE.



PRINTS ISSUED		
DATE	PURPOSE	NO.
02/12/21	OWNER REVIEW	
03/26/21	OWNER REVIEW	

WILSON PARK IMPROVEMENTS
ARKANSAS CITY - KANSAS



Architecture • Engineering • Planning • Interior Design • Landscape Architecture

LKArchitecture, Inc.©
345 Riverview Wichita, KS 67203
T 316.268.0230 F 316.268.0205

CONTACT: J. BEST
DRAWN: J. BEST
CHECKED: J. BEST

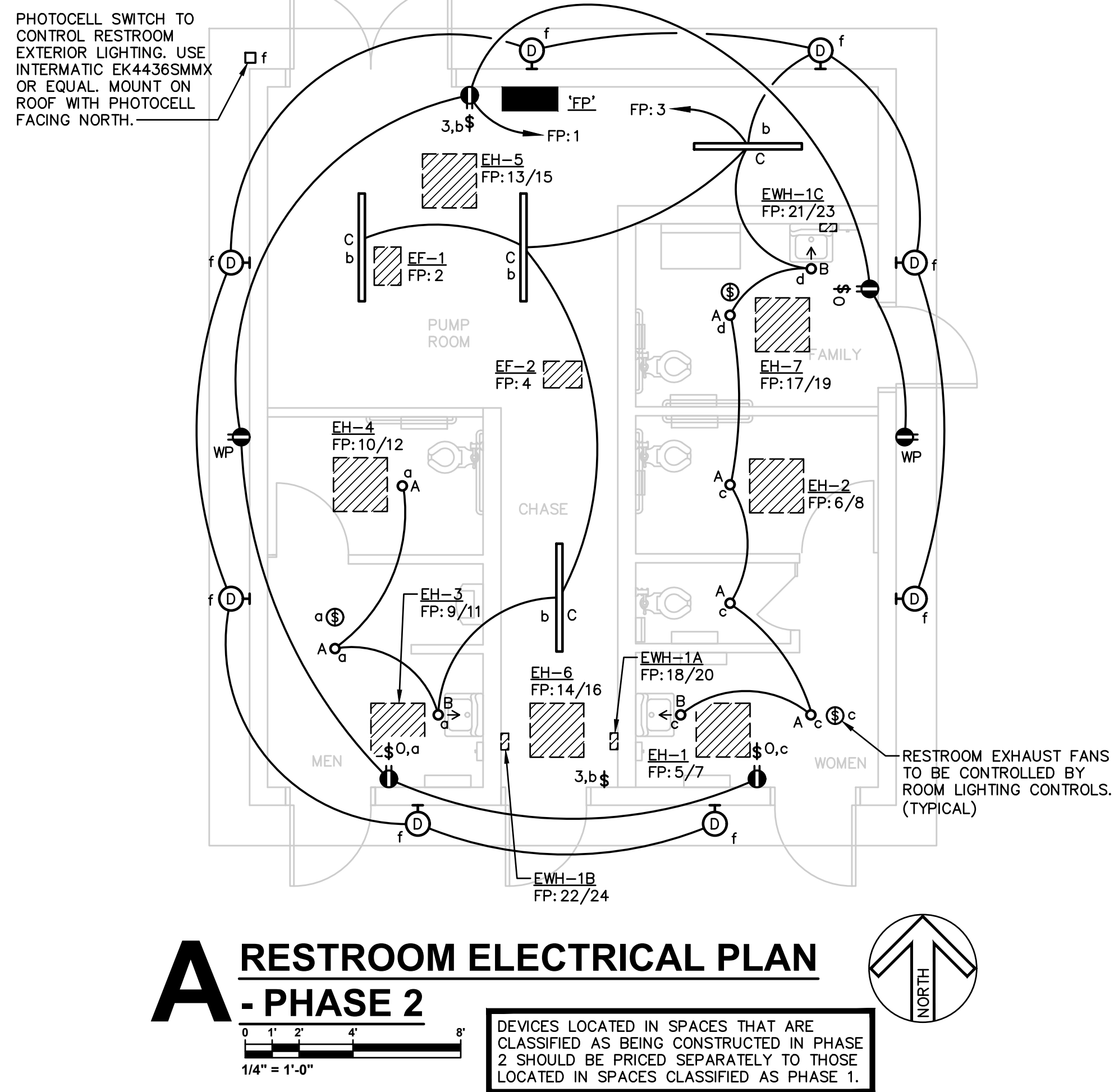
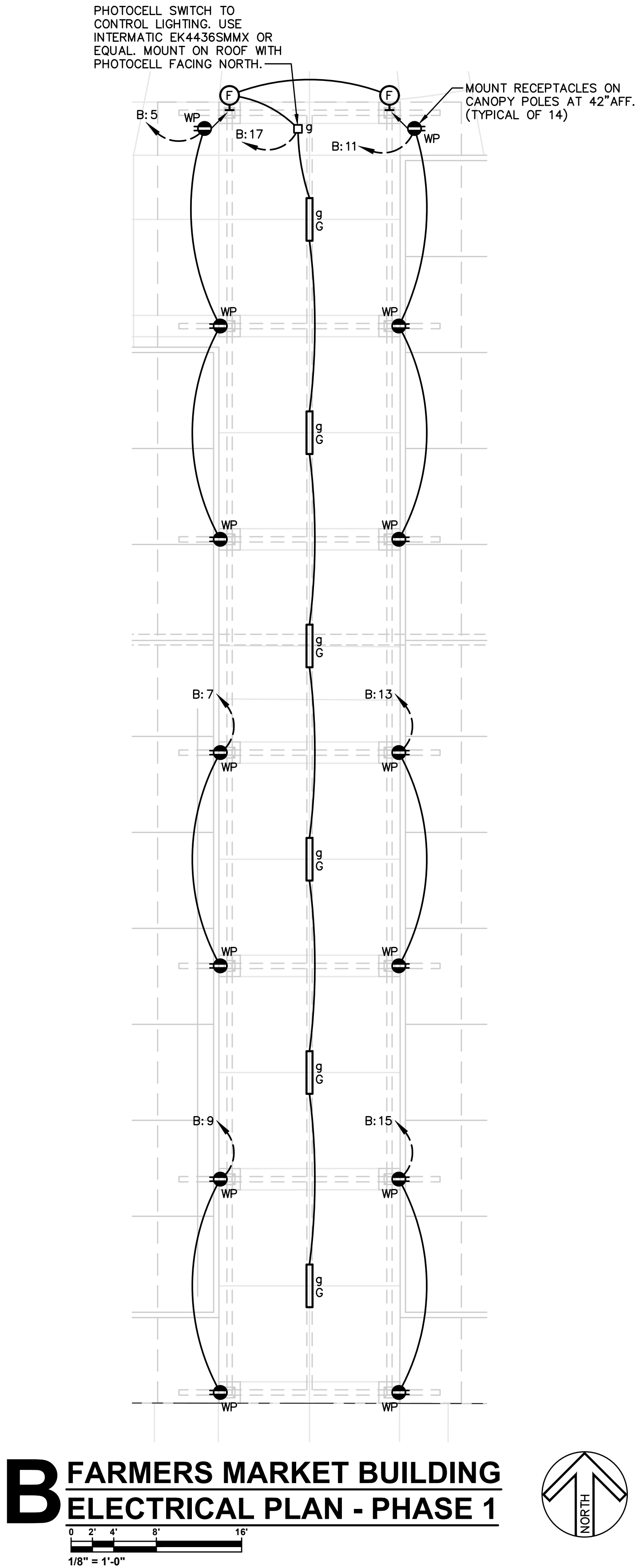
PROJECT NUMBER:
18595

SHEET TITLE:
LANDSCAPE
PLAN

SHEET NUMBER:
LP1.1

OF: 76

L/K DWG. NAME: 18595-E2_0-POWER.dwg; Feb 15 2021 -- 10:20am; LAST EDITED BY: twiebs



PRINTS ISSUED		
DATE	PURPOSE	NO.
3/26/21	OWNER REVIEW	

WILSON PARK IMPROVEMENTS
ARKANSAS CITY - KANSAS



PROGRESS
PRINT

NOT FOR CONSTRUCTION

DATE MAR 26, 2021

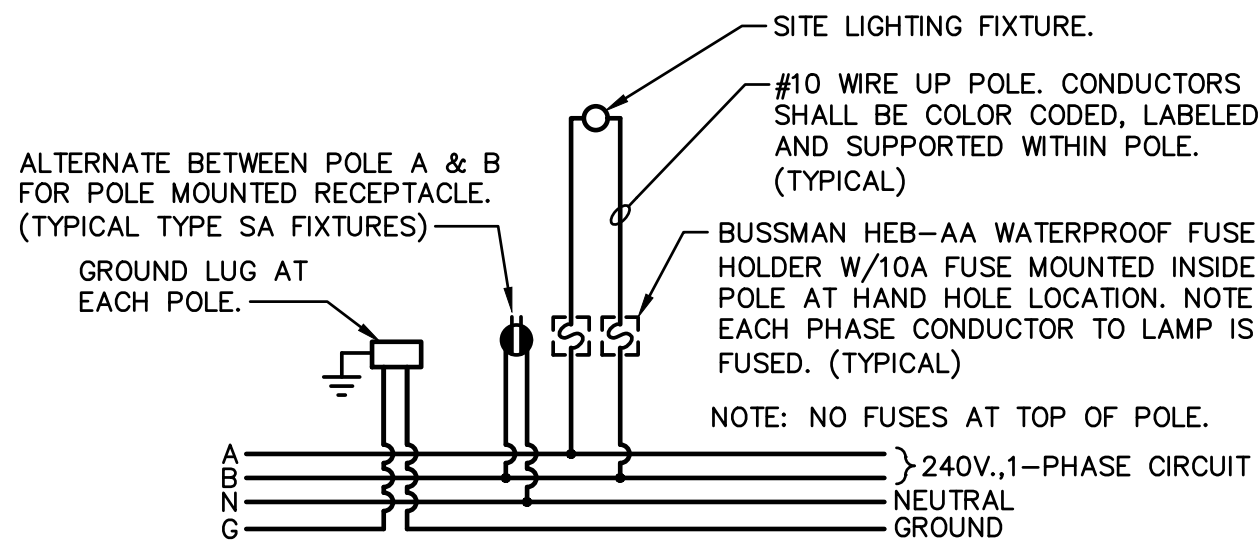
LKArchitecture, Inc. ©
345 Riverview Wichita, KS 67203
T 316.268.0230 F 316.268.0205
CONTACT: J. BEST
DRAWN: SW
CHECKED: TL

PROJECT NUMBER:
18595

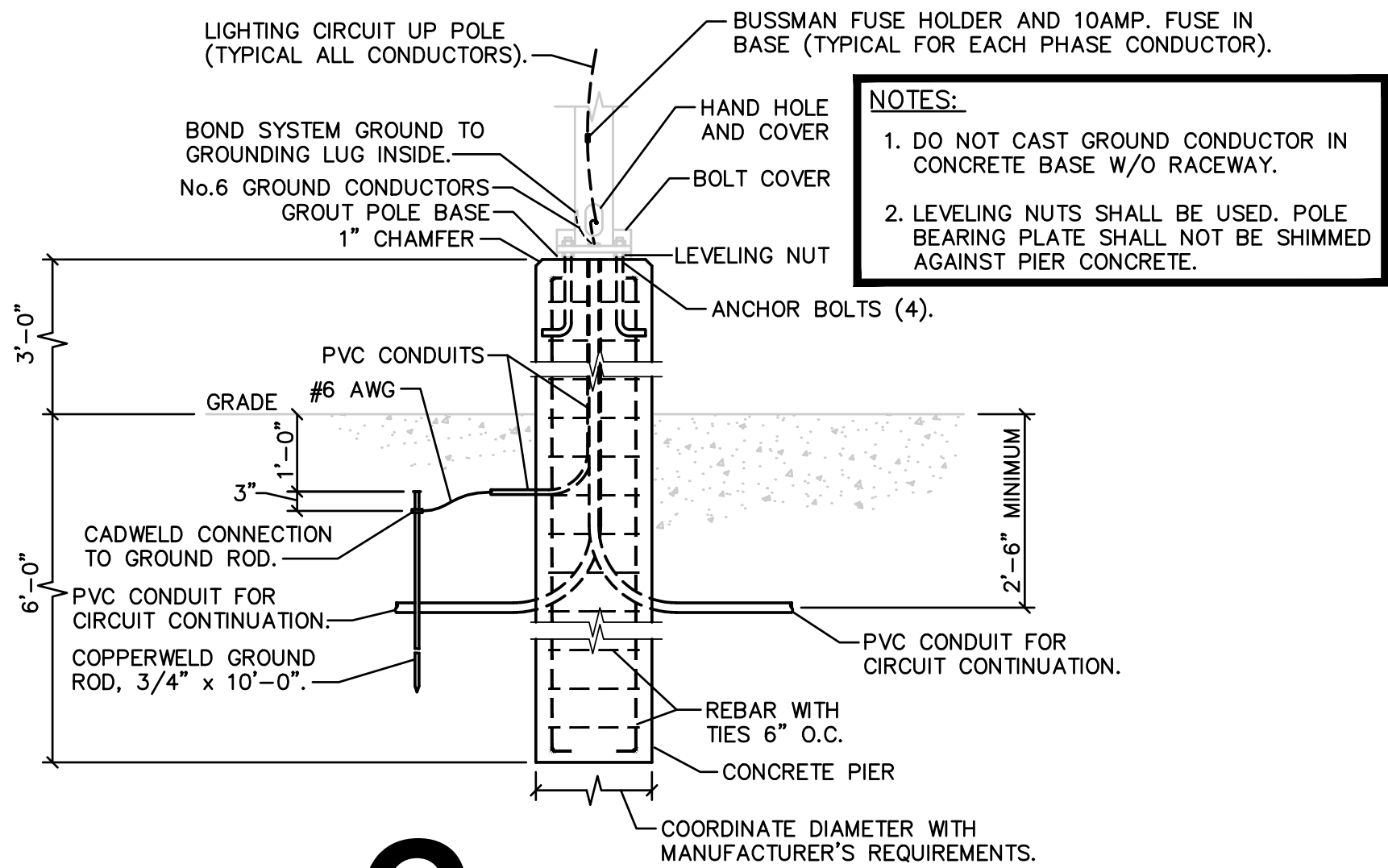
SHEET TITLE:
ELECTRICAL ENLARGED
PLANS

SHEET NUMBER:
E2.0

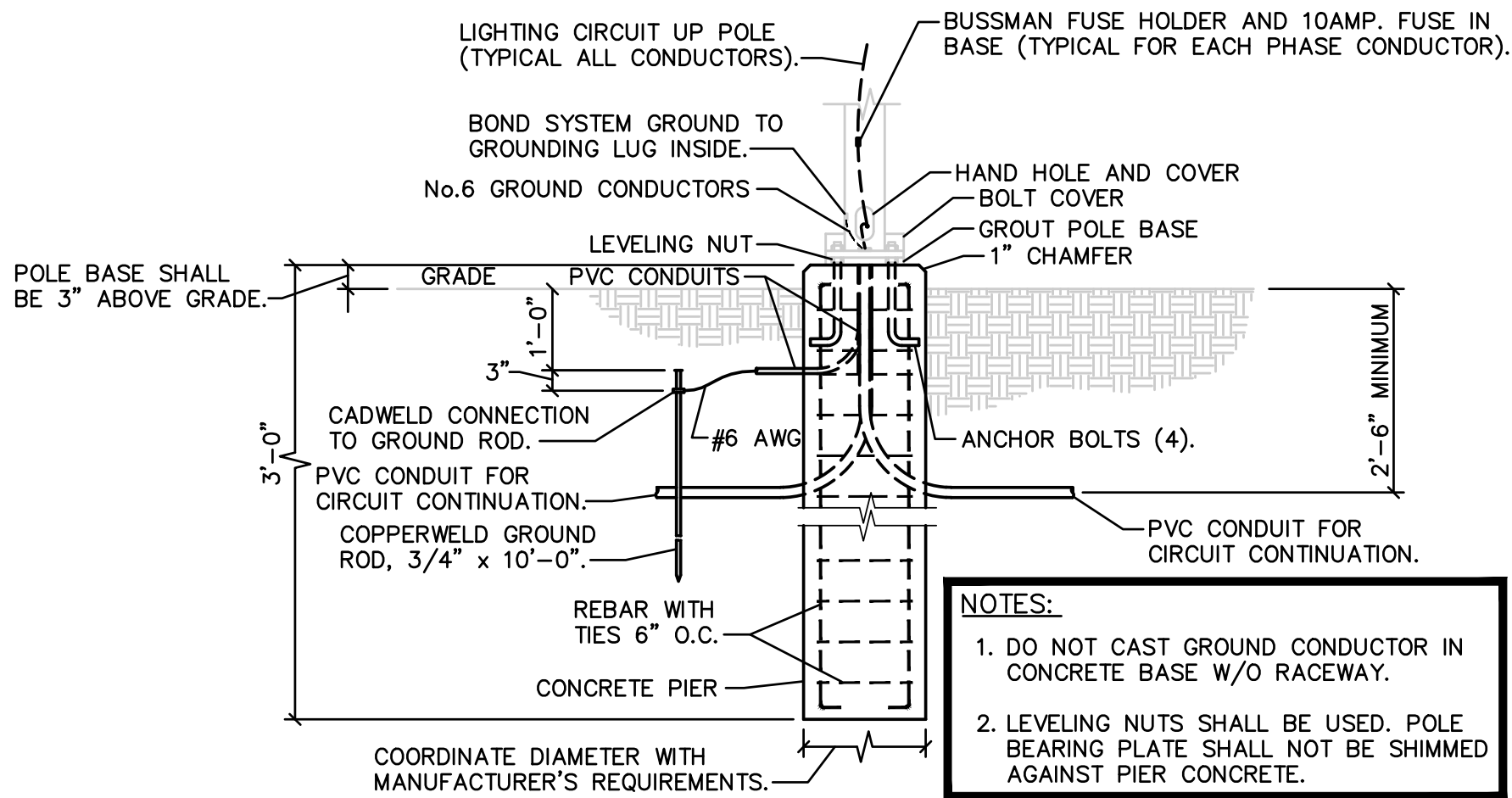
L/K DWG. NAME: 18595-SE1.0-SITE ELECTRICAL.dwg; Mar 29 2021 -- 10:07am; LAST EDITED BY: swiehe



B FIXTURE WIRING DETAIL
N.T.S.



C POLE BASE DETAIL
N.T.S.

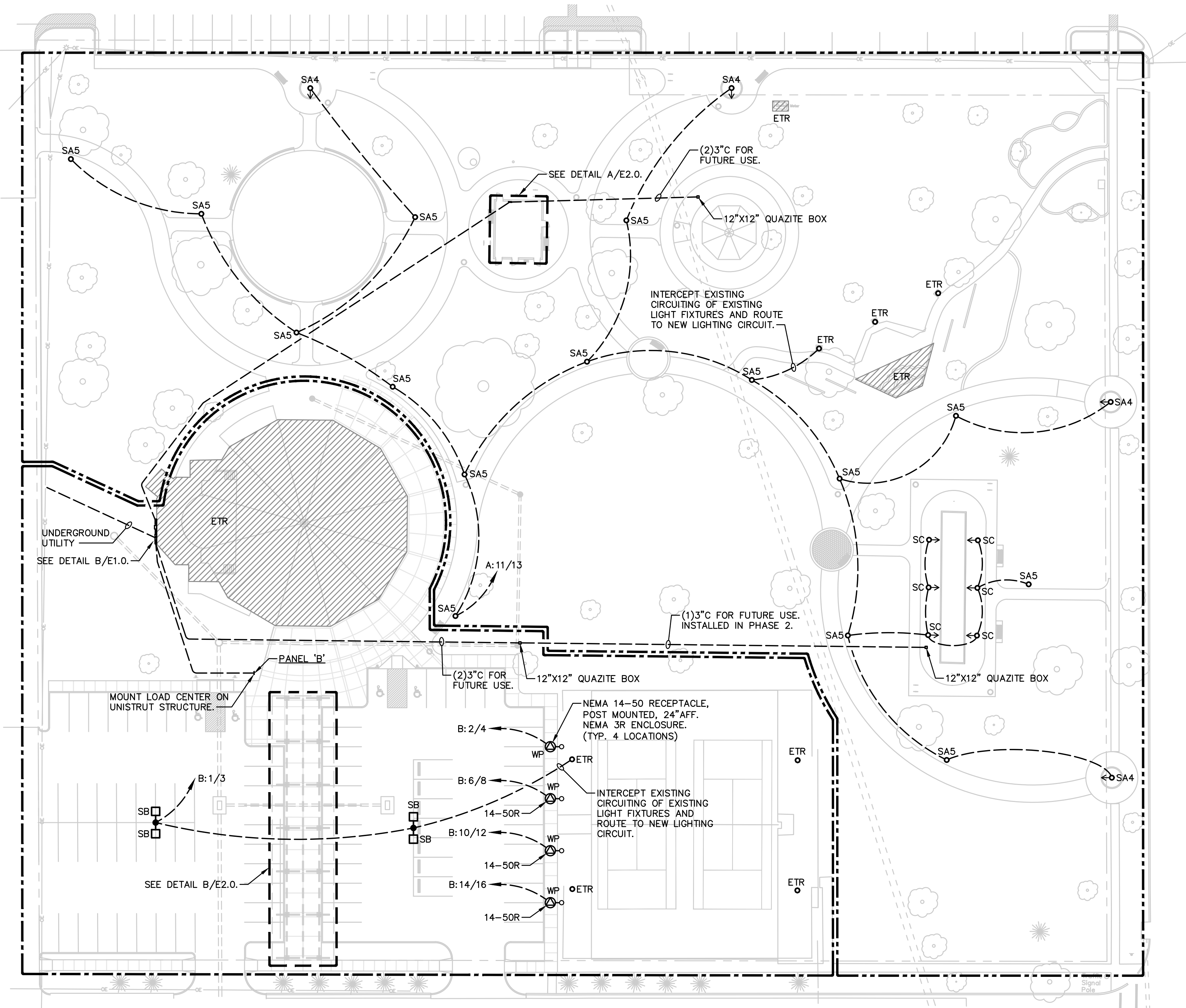


D POLE BASE DETAIL
N.T.S.

LETTER DESIG.	MANUFACTURER	CATALOG NUMBER	VOLTAGE	LAMPS		MOUNTING	FINISH TRIM	TOTAL VA	REMARKS
				NO.	TYPE				
SA4	STERNBERG LIGHTING	PT-D650-5P-VC0B-4L40TA-MDL05-A-PEC-BKT	240	-	LED W/UNIT ④	POLE - 12'-0"	BLACK	75	SEE DETAIL B & D/SE1.0
SA5	STERNBERG LIGHTING	PT-D650-5P-VC0B-4L40TS-MDL05-A-PEC-BKT	240	-	LED W/UNIT ④	POLE - 12'-0"	BLACK	75	SEE DETAIL B & D/SE1.0
SB	WILLIAMS	VA1-L220/740-T4-F-S-BLK-PCR-DIM-UNV	240	-	LED W/UNIT	POLE - 30'-0"	BLACK	213	SEE DETAIL B & C/SE1.0
SC	KIM LIGHTING	LTV83EB-WW-8L-4K-UV-PL	240	-	LED W/UNIT	FLUSH IN GRADE	BRONZE	10	

NOTE:

- ① FIELD COORDINATE MOUNTING HEIGHT WITH ARCHITECT PRIOR TO ROUGH-IN.
- ② IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY FIXTURE SUBMITTAL (BY VENDOR) PRIOR TO SUBMITTING SHOP DRAWINGS FOR ENGINEER'S REVIEW.
- ③ ALL KNOWN INFORMATION ON LIGHT FIXTURES ARE IN SCHEDULE, FOR ANY ADDITIONAL FIXTURE INFORMATION CONTACT ARCHITECT.
- ④ POLE TO BE STERNBERG LIGHTING 3912T4/GFI/BKT. POLE TO HAVE FACTORY INSTALLED GFI RECEPTACLE.



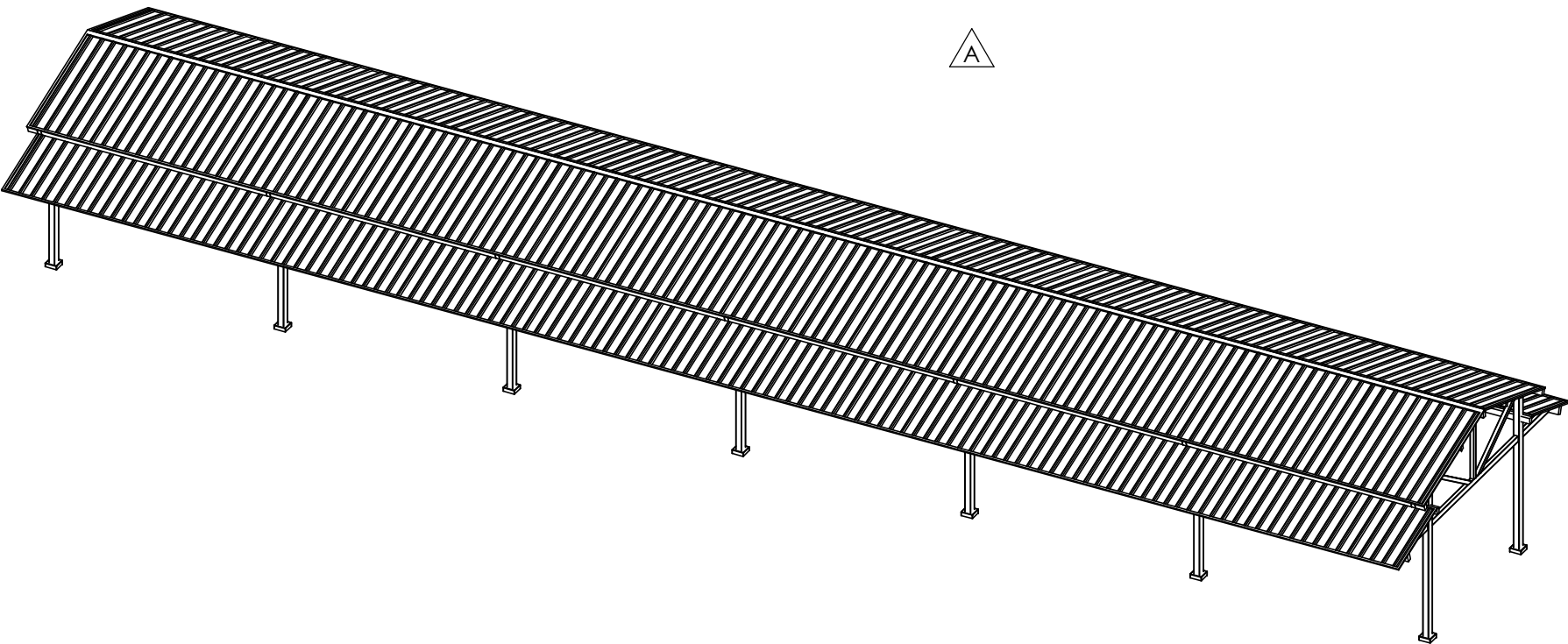


REVISIONS				Section , Item 2.	
REV.	DESCRIPTION	BY	DATE		
A	ADDED BASEPLATE COVERS, REMOVED ORN FROM MID BAYS	CL	2/22/2021	161399-19	www.poligon.com

PROJECT:	WILSON PARK-KS
LOCATION:	ARKANSAS CITY, KS
BUILDING TYPE:	CHE 28.5' X 122'
ROOF TYPE:	MULTI-RIB
BUILDING NUMBER:	P12524
ORDER NUMBER:	69503

DRAWING LIST:

SHEET NUMBER	DRAWING DESCRIPTION
CS	COVER SHEET
1	ARCHITECTURAL ELEVATIONS
2	STRUCTURAL FRAMING PLAN
3	COLUMN LAYOUT



FABRICATOR APPROVALS:
CITY OF PHOENIX, AZ APPROVED FABRICATOR #C08-2010
CITY OF LOS ANGELES, CA APPROVED FABRICATOR #1596
CITY OF RIVERSIDE, CA APPROVED FABRICATOR #SP06-0033
CITY OF HOUSTON, TX APPROVED FABRICATOR #470
CLARK COUNTY, NV APPROVED FABRICATOR #264
STATE OF UTAH APPROVED FABRICATOR 02008-14

CERTIFICATES:
MIAMI-DADE COUNTY CERTIFICATE OF COMPETENCY NO. 19-0806.05
PCI (POWDER COATING INSTITUTE) 4000 CERTIFIED

<u>MATERIALS:</u>	
<u>DESCRIPTION</u>	<u>ASTM DESIGNATION</u>
TUBE STEEL	A500 (GRADE B)
SCHEDULE PIPE	A53 (GRADE B)
RMT PIPE	A519
LIGHT GAGE COLD FORMED	A1003 (GRADE 50)
STRUCTURAL STEEL PLATE	A36
ROOF PANELS (STEEL)	A653

GENERAL NOTES:
UNLESS NOTED OTHERWISE, THIS STRUCTURE WAS DESIGNED TO ONLY SUPPORT WHAT IS SHOWN ON THESE DRAWINGS. THE MANUFACTURER MUST BE CONTACTED IF ANYTHING ELSE IS TO BE ATTACHED TO THIS STRUCTURE (WALLS, COLUMN WRAPS, RAILINGS, ETC.) SO THE DESIGN OF THIS STRUCTURE CAN BE REVIEWED AND POSSIBLY REVISED.

UNLESS NOTED OTHERWISE, THIS STRUCTURE WAS DESIGNED ASSUMING A 20' SEPARATION BETWEEN ANY ADJACENT STRUCTURE WITH AN EAVE HEIGHT EQUAL TO OR GREATER THAN THE EAVE HEIGHT OF THIS STRUCTURE. IF THAT SEPARATION DOES NOT EXIST, THE MANUFACTURER MUST BE CONTACTED SO THE DESIGN OF THIS STRUCTURE CAN BE REVIEWED AND POSSIBLY REVISED.

STRUCTURAL STEEL SHALL BE DETAILED, FABRICATED, AND ERECTED IN ACCORDANCE WITH THE LATEST EDITION OF THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC) SPECIFICATION MANUAL.

ALL WELDING IS PERFORMED BY AMERICAN WELDING SOCIETY (AWS) CERTIFIED WELDERS AND CONFORMS TO THE LATEST EDITION OF AWS D1.1 OR D1.3 AS REQUIRED.

PARTS SHOWN MAY BE UPGRADED DUE TO STANDARDIZED FABRICATION. REFER TO THE SHIPPING BILL OF MATERIALS FOR POSSIBLE SUBSTITUTIONS.

FOR PROPER FIELD INSTALLATION OF THE BUILDING IT IS RECOMMENDED THAT THE PRIMARY FRAME INSTALLER AND THE ROOF INSTALLER HAVE A MINIMUM FIVE (5) YEARS DOCUMENTED EXPERIENCE INSTALLING THIS TYPE OF PRODUCT.

FOR PROPER FIELD INSTALLATION OF THE BUILDING IT IS RECOMMENDED THAT ELECTRIC WIRING, IF REQUIRED, BE RUN THROUGH THE STRUCTURAL MEMBERS BEFORE THE BUILDING IS ERECTED.

STOP!!
NOT FOR CONSTRUCTION

**USE FOR PRELIMINARY
PLANNING AND ESTIMATING
ONLY**

ection , Item 2.

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 by PORTER

REV LEVEL: A	SCALE: 1:156
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DRAWN BY:
chris.lisac

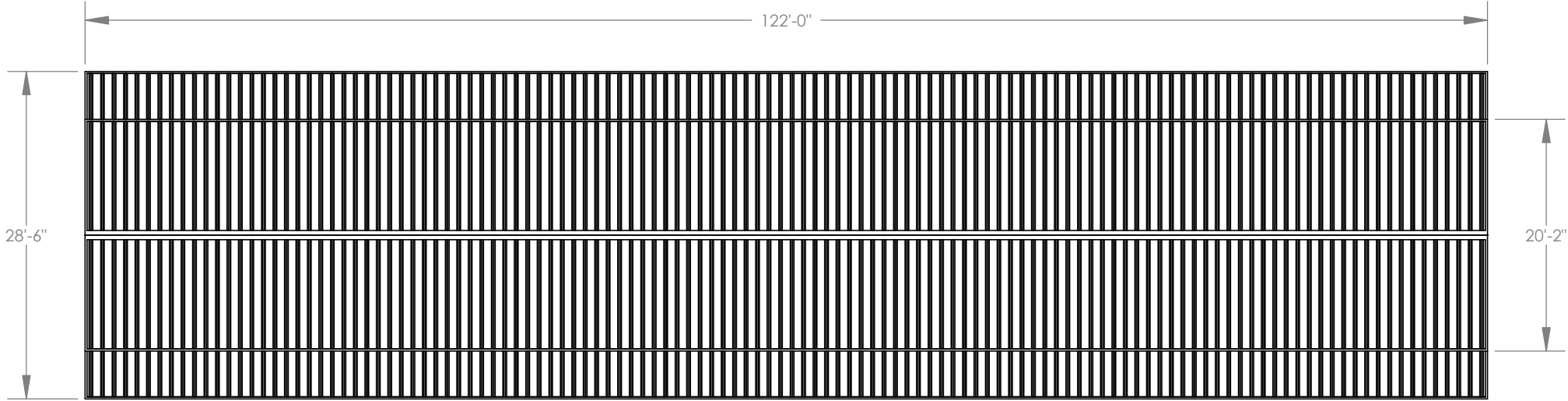
PRINT DATE:
2/22/2021
JOB NO:
P12524
CAD MODEL:
~P12524

PROJECT:
WILSON PARK-KS
PROJECT LOCATION:
ARKANSAS CITY,
DRAWING:
COVER SHEET

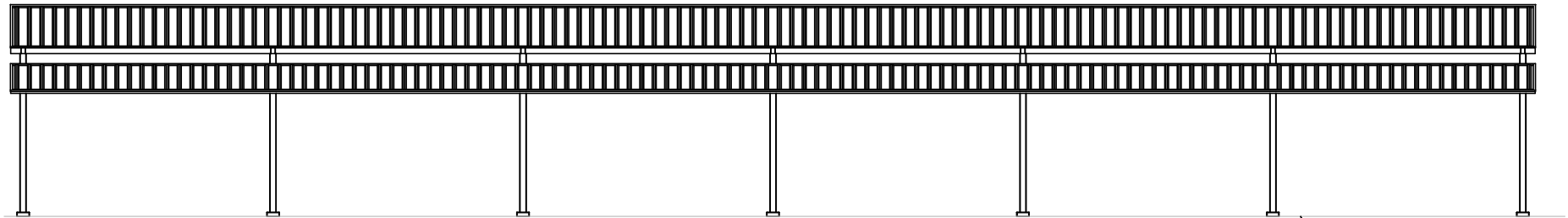
SHEET



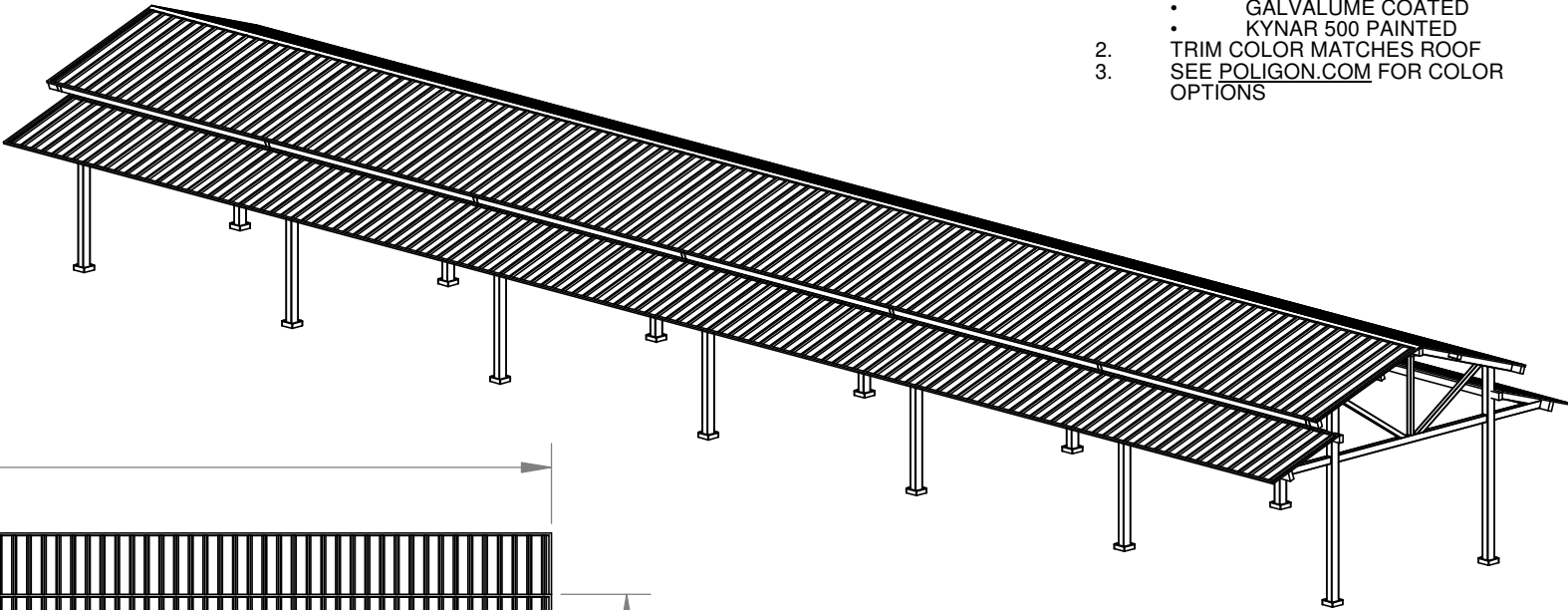
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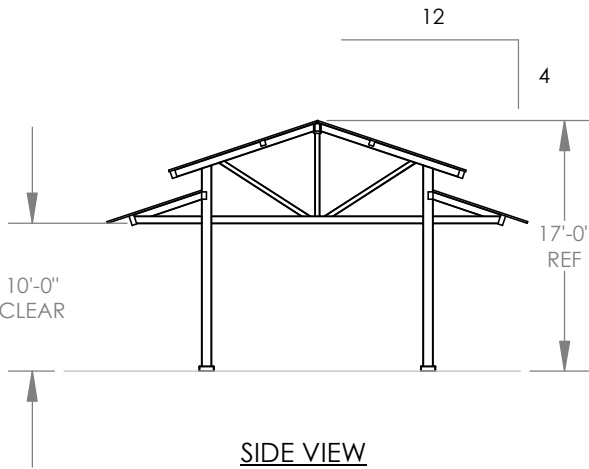
TOP VIEW



FRONT VIEW



ISOMETRIC VIEW



SIDE VIEW

GENERAL ROOF NOTES:

1. METAL ROOFING:
 - 24 GAUGE
 - GALVALUME COATED
 - KYNAR 500 PAINTED
2. TRIM COLOR MATCHES ROOF
3. SEE POLIGON.COM FOR COLOR OPTIONS

Section , Item 2.

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www.poligon.com
by **PORTER**
CORPORATION
HOLLAND, MI 49424

REV LEVEL:
A
SCALE:
1:156

DRAWN BY:
chris.isac

PRINT DATE:
2/22/2021
JOB NO:
P12524
CAD MODEL:
~P12524

PROJECT:
WILSON PARK-KS
PROJECT LOCATION:
ARKANSAS CITY, KS
DRAWING:
ARCHITECTURAL ELEVATIONS

SHEET

1

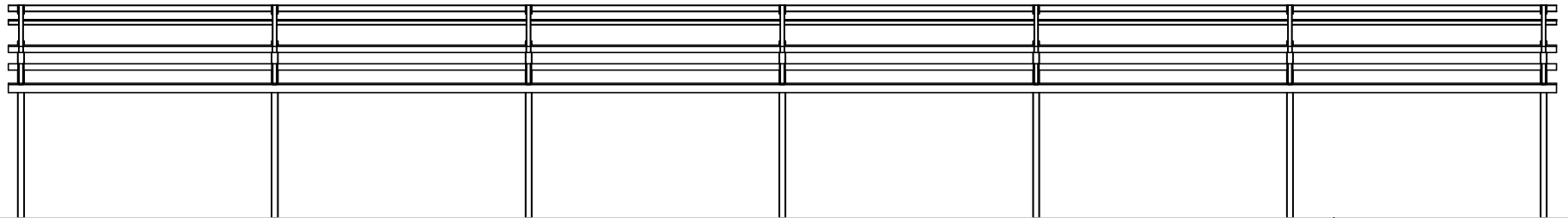
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STOP!!
NOT FOR CONSTRUCTION
USE FOR PRELIMINARY
PLANNING AND ESTIMATING
ONLY

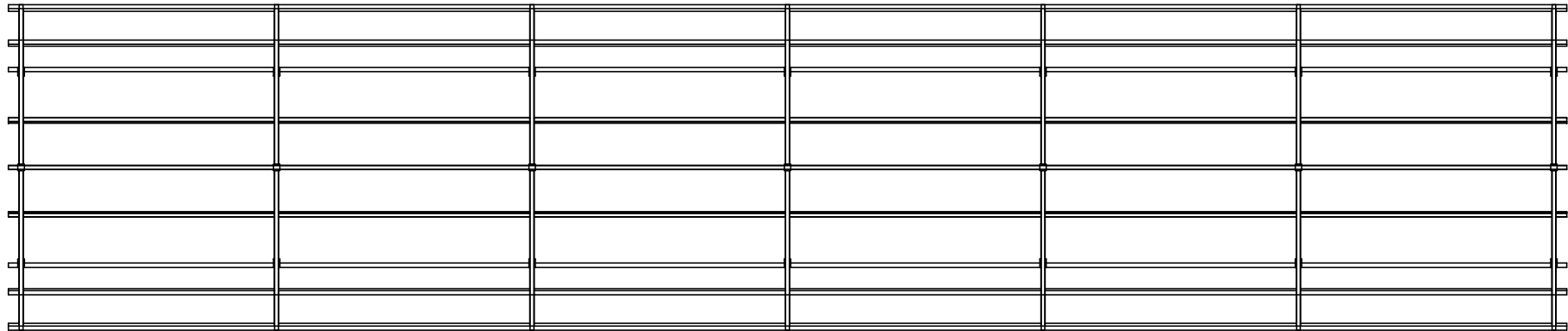
FINISH GRADE
(ASSUMED AT CONSTANT
ELEVATION UNLESS
OTHERWISE NOTED)

STOP!!
NOT FOR CONSTRUCTION

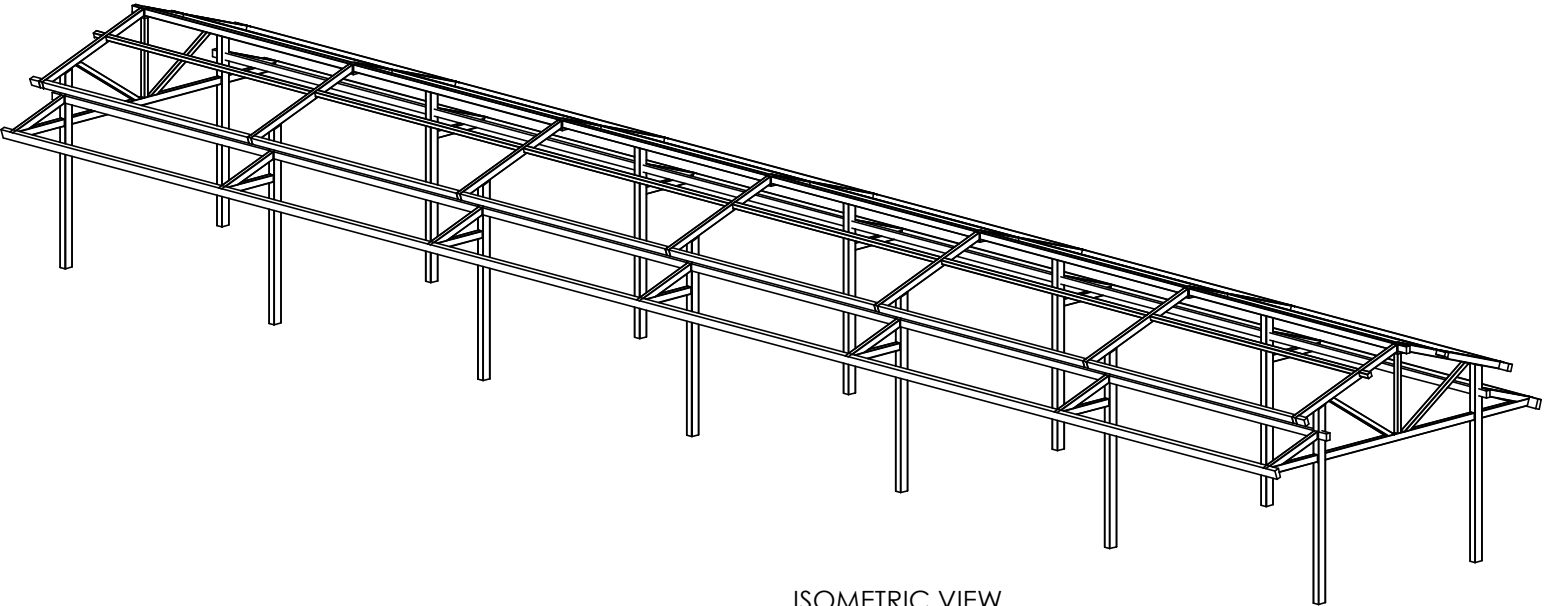
USE FOR PRELIMINARY
PLANNING AND ESTIMATING
ONLY



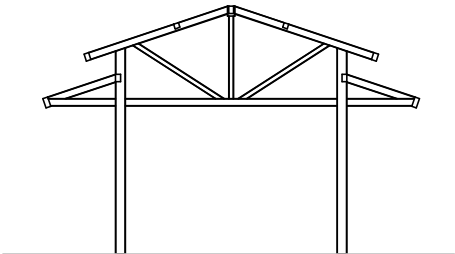
FRONT VIEW



TOP VIEW



ISOMETRIC VIEW



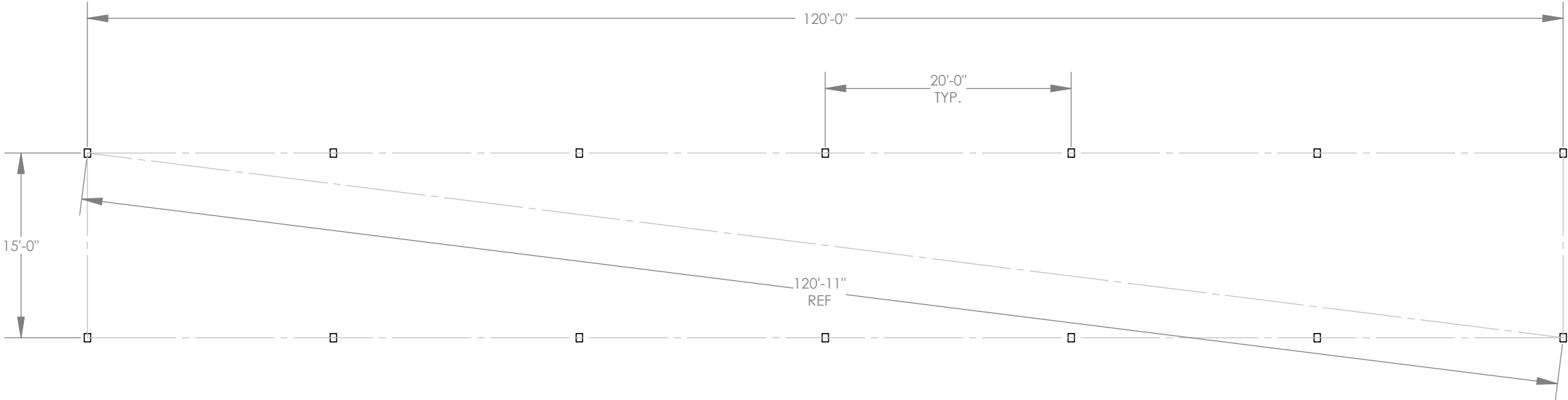
SIDE VIEW

FINISH GRADE
(ASSUMED AT CONSTANT
ELEVATION UNLESS
OTHERWISE NOTED)

Section , Item 2.					
<div>2</div> <div>81</div>	PROJECT: WILSON PARK-KS	PRINT DATE: 2/22/2021	DRAWN BY: chris.lisac	REV LEVEL: A	<div>poligon</div> <div>(616)399-19</div> <div>www.poligon</div> <div>by PORTER</div> <div>COPYRIGHT 2016</div> <div>PATENTED OR PATENTS PENDING</div> <div>PORTER CORP 4240 N. 136th AVE HOLLAND, MI 49424</div>
	PROJECT LOCATION: ARKANSAS CITY, KS	JOB NO: P12524		SCALE: 1:156	
	DRAWING: STRUCTURAL FRAMING PLAN	CAD MODEL: ~P12524			
	SHEET				

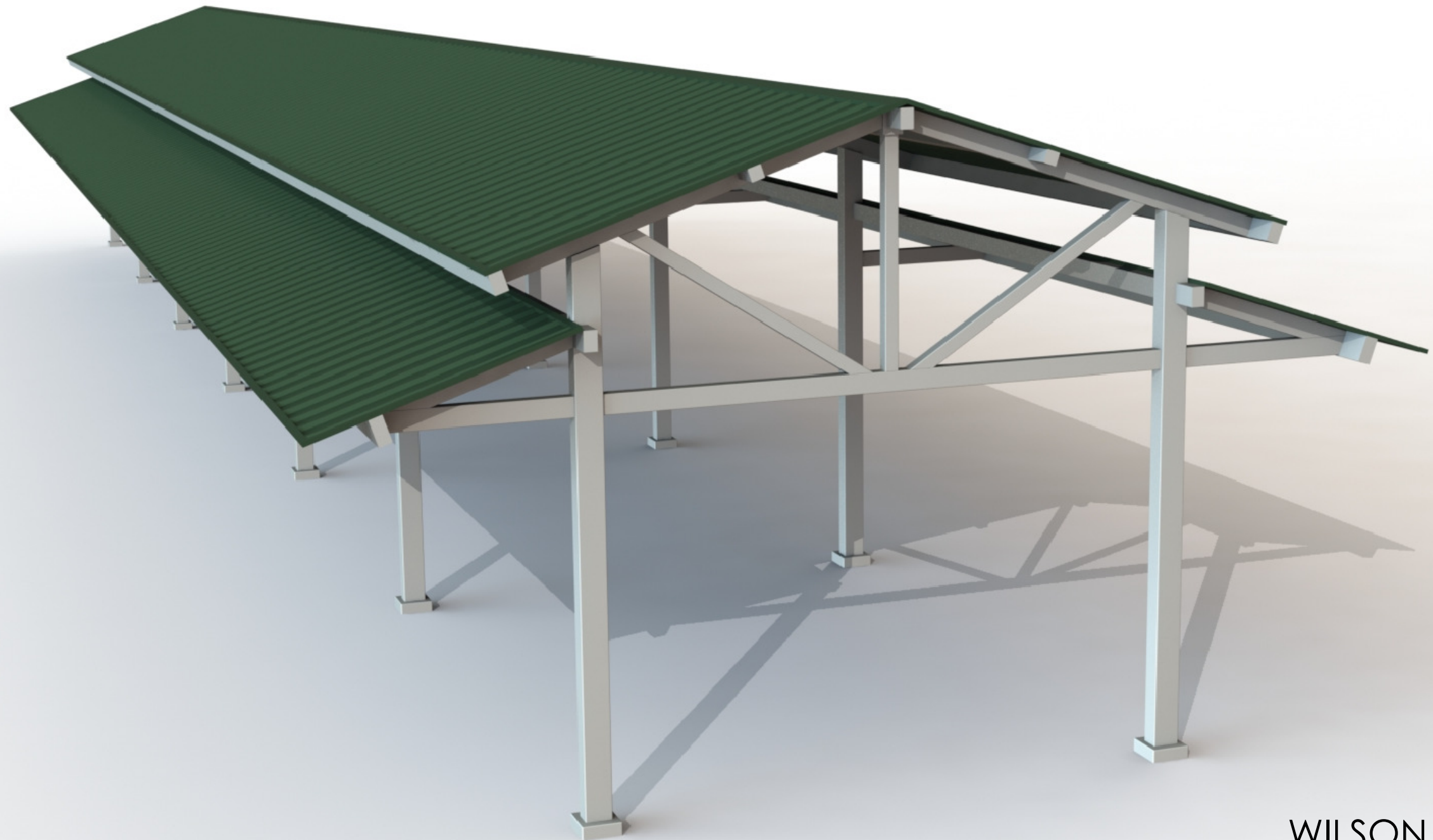
STOP!!
NOT FOR CONSTRUCTION

USE FOR PRELIMINARY
PLANNING AND ESTIMATING
ONLY



- ANCHOR BOLT LAYOUT NOTES:**
- ENGINEERING WILL DETERMINE REQUIRED ANCHOR BOLT LAYOUT AFTER ENGINEERING PACKAGE IS ORDERED.
 - CUSTOMER MAY SUGGEST PREFERRED ANCHOR BOLT LAYOUT.

Section , Item 2.				
<div><div><div><div>poligon</div><div>(616)399-19</div><div>www.poligon</div><div>byPORTER</div><div><div>COPYRIGHT 2016</div><div>PATENTED OR PATENTS PENDING</div><div>PORTERCORP 4240 N. 136th AVE HOLLAND, MI 49424</div></div></div></div></div>	REV LEVEL:	DRAWN BY:	PRINT DATE:	PROJECT:
	A	chris.lisac	2/22/2021	WILSON PARK-KS
	SCALE:		JOB NO:	PROJECT LOCATION:
	1:128		P12524	ARKANSAS CITY, KS
		CAD MODEL:	DRAWING:	
		~P12524	COLUMN LAYOUT	
SHEET		3		
82				



FRAME COLOR: **ALMOND**
 ROOF COLOR: **EVERGREEN**
 COLORS MAY VARY SLIGHTLY FROM RENDERED IMAGE

WILSON PARK-KS
 ARKANSAS CITY, KS
 CHE 28.5' X 12'



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Eric Burr, Chief of Police
Item: Amend Municipal Code to add provisions for a Chief of Police

Purpose: Consider first reading of an Ordinance amending Chapter 2, Article IV of the Arkansas City municipal code to add a new section 2-279 to provide provisions for a Chief of Police as required by National Accreditation Standards. **(Roll Call Vote)**

Background:

The Commission on Accreditation for Law Enforcement Agencies (CALEA) requires member agencies to have a written statement issued by the unit of government consisting of a law or ordinance that designates the authority and responsibility of the chief executive officer.

Commission Options:

1. Approve the Ordinance on first reading
2. Disapprove the Ordinance
3. Table the Ordinance for a second reading

Fiscal Impact:

Amount: None

Fund: Department: Expense Code:

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

Approved for Agenda by:

Randy Frazer, City Manager

(First Published in the *CowleyCourier Traveler*, _____ 2021)**ORDINANCE NO. 2021-09-**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV OF THE ARKANSAS CITY MUNICIPAL CODE TO ADD A NEW SECTION 2-279 TO PROVIDE PROVISIONS FOR A CHIEF OF POLICE AS REQUIRED BY NATIONAL ACCREDITATION STANDARDS.

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

SECTION ONE: Chapter 2, Article IV of the Arkansas City Municipal Code is hereby amended to add a new section 2-279 to read as follows:

2-279 Chief of Police

The commissioned law enforcement officer position of Chief of Police shall be the chief executive officer of the police department. The Chief of Police shall be appointed by the City Manager, shall be responsible for the general management and control of the police department and subject to supervisory control by the City Manager, and shall administer the police department in a manner consistent with the ordinances of the City, the laws and Constitution of the state of Kansas and the United States Constitution.

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 21st day of September, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

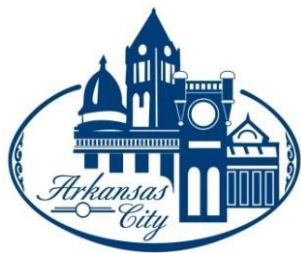
APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2021-09-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 21, 2021, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Larry Schwartz, City Attorney
Item: Arkalalah Beer Garden at Ben Givens City Center Park

Purpose: Consider first reading of an Ordinance exempting the application of K.S.S. 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 27-30, 2021.

Background:

The Arkalalah Committee has requested that the City Commission allow it to sponsor a beer garden to sell and serve alcoholic liquor and CMB at a designated area downtown during the Arkalalah Festival from 11 a.m. until midnight on Wednesday, October 27, 2020, through Saturday, October 30, 2020.

The event will support Arkalalah, and the Arkalalah Committee 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. This beer garden has been operated for several years now with no major issues.

Commission Options:

1. Approve the Ordinance on first reading.
2. Table the Ordinance for a second reading Oct. 1.
3. 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:

Randy Frazer, City Manager

ORDINANCE NO. 2021-09-

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 27-30, 2021.

WHEREAS, the Arkalalah Committee 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 11 a.m. until midnight on Wednesday, October 27, 2021, through Saturday, October 30, 2021; and

WHEREAS, the event will support the Arkalalah Festival; and

WHEREAS, the Arkalalah Committee 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 11 a.m. until midnight on Wednesday, October 27, 2021, through Saturday, October 30, 2021. 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 the Arkalalah Committee, or a duly licensed caterer acting on its behalf, to sell and serve alcoholic liquor by the drink for consumption on the Premises, subject to the following terms and conditions:

1. The Arkalalah Committee 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 Arkalalah Committee 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. The Arkalalah Committee shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities, if applicable.

5. The Arkalalah Committee shall leave the Premises in a same or similar condition as it existed prior to the 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 21st day of September, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2021-09-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 21, 2021, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk



City Commission Agenda Item

Meeting Date: September 7, 2021
From: Larry Schwartz, City Attorney
Item: Standard Traffic Ordinance for Kansas Cities, 48th Edition

Purpose: Consider first reading of an Ordinance adopting by reference the Standard Traffic Ordinance for Kansas Cities, 48th Edition, prepared and published in book form in 2021 by the League of Kansas Municipalities. **(Roll Call Vote)**

Background:

Each year, the City of Arkansas City adopts the most recent version of the Standard Traffic Ordinance (STO) prepared by the League of Kansas Municipalities. The STO is a model traffic code based upon Kansas state law, and its adoption allows for the prosecution of most traffic violations in Arkansas City municipal court. New editions are prepared annually in order to respond to the changes made to the traffic laws each legislative session.

The following sections were added/modified in the 48th edition of the STO published in 2021.

New Sections :

- 10.1 Funeral Procession
- 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle
- 126.1.1 Display of License Plate

Changes:

- 30.4 Impounded Motor Vehicle
- 31 Fleeing or Attempting to Elude a Police Officer
- 106 Transportation of Alcoholic Beverage
- 119 Parades and Processions
- 179 Spilling Loads on Highway
- 201.1 Failure to Comply with a Traffic Citation

Commission Options:

1. Approve the Ordinance on first reading so City Law mirrors State Law.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

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

Approved for Agenda by:

Randy Frazer, City Manager

2021 Changes to the Standard Traffic Ordinance and Uniform Public Offense Code.

By Amanda Stanley, General Counsel

The 2021 legislative session was extremely busy. There were 116 bills enrolled, many impacting the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC). This summary is to highlight the changes made to both publications.

Changes to the 48th Edition of the STO

Article 1 Definitions

In Article 1 Definitions, the following have been amended: All-Terrain Vehicle (SB 95), Antique (HB 2165), Golf Cart (SB 95), and Recreational Off-Highway Vehicle (SB 95). There are also new definitions for Authorized Utility or Telecommunication Vehicle (SB 67), Funeral Escort (SB 67), Funeral Lead Vehicle (SB 67), and Funeral Procession (SB 67).

New Section 10.1 Funeral Procession; Section 119 Parades and Processions

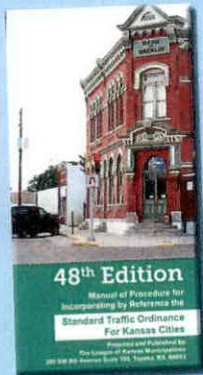
SB 67 modified how funerals are treated under the traffic code. The STO previously contained provisions relating to funerals (that the organizers notify the chief of police, and that no driver not involved in the funeral procession insert themselves into the procession of vehicles) in sections 119, Parades and processions, and Section 120 Driving through Procession.

The new requirements in SB 67 are found in New Section 10.1 of the STO. The legislation sets out the duties of both the operators of vehicles in the funeral procession and of other vehicles and pedestrians who encounter funeral processions in the context of traffic laws and right-of-way at intersections. Cities are allowed to require prior notice of a planned funeral procession and make additional requirements that go beyond, but are not in conflict with, the requirements of the act.

Section 119 Parades and Processions has been updated to remove the funeral procession provisions now in New Section 10.1.

Section 30.4 Impounded Motor Vehicle

While this section was not modified, a new editor's note has been added drawing the reader's attention to SB 36 which amended the requirements for the disposition of such vehicle.



Section 31 Fleeing or Attempting to Elude a Police Officer

Section 31 has been amended to match the language in SB 60. The intent requirement has been modified to a knowingly standard (previously a willfully standard). The sentencing language has also been modified. SB 60 elevated certain offenses to a felony.

New Section 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle

SB 67 created a new traffic offense for failing to move over when approaching an authorized utility or telecommunications vehicle. This is contained in New Section 40.2.

Section 106 Transportation of Alcoholic Beverage

A new editor's note has been added to Section 106. HB 2137 made several changes to Kansas alcohol statutes regarding liquor and CMB to go; however, K.S.A. 8-1599 regarding the transportation of said liquor or CMB was not amended to reflect the changes. An editor's note has been added to explain this discrepancy and list the requirements establishments must follow under HB 2137.

Section 115 Unlawful Riding on Vehicles; Persons 14 years of age and older

An eagle-eyed city attorney noticed an error in (c)(1) of this section in previous editions. It has been updated accordingly.

New Section 126.1.1 Display of License Plate

Section 126.1.1 has been added to the STO in response to HB 2167 which established new rules for the locations of license plates on certain types of vehicles.

Section 179 Spilling Loads on Highway

Section 179 has been amended to match the changes made in SB 89.

Section 201.1 Failure to Comply with a Traffic Citation

Section 201.1 was amended in SB 127 to allow a person who is assessed a fine or court costs for a traffic citation to petition the court for waiver of payment of the fine or costs at any time if the amount due will impose a manifest hardship on the person or the person's immediate family. The corresponding section has been updated to match the changes to state law.

Changes in the 37th Edition of the UPOC

Section 1.1 Definitions

Two definitions were modified in Section 1.1: Class A Club and Drinking Establishment (HB 2137).

Section 3.2.1 Sexual Battery

Section 3.2.1 was amended to remove the spousal exception to sexual battery per SB 60. The editor's note was also updated in response to *City of Shawnee v. Adem*, 58 Kan. App. 2d 560 (2020).

Section 5.5 Watercraft

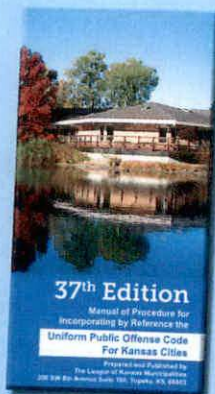
Section 5.5 was updated in response to SB 142's new requirements for approved personal flotation devices.

Section 6.2 Intent; Permanently Deprive

SB 60 made changes to this section of law when dealing with the theft of a motor vehicle. Those changes have been added to Section 6.2.

New Section 6.7.2 Trespassing on a critical infrastructure facility

SB 172 created several new criminal offenses. One of the offenses, trespassing on a critical infrastructure facility, is a misdemeanor and has been added to the UPOC in New Section 6.7.2.



New Section 7.1 Unlawfully tampering with electronic monitoring equipment

While not often used, municipal courts can require court ordered supervision in some instances. HB 2026 amended the offense of unlawfully tampering with electronic monitoring equipment. This has been added as new Section 7.1.

New Section 7.5 Distribution of unattributed applications for advance voting ballots

This is a new election offense created in HB 2323. It has been added as new Section 7.5


Section 7.14 Electioneering


HB 2183 amended the offense of electioneering and added new limitations for when a ballot can be handled by a candidate.

New Section 9.3 Violation of Executive Order under K.S.A 48-925 mandating a curfew or prohibiting public entry

The legislature made several changes to the Kansas Emergency Management Act in SB 40. One change relevant to the UPOC was making certain violations of executive orders mandating a curfew or prohibiting public entry criminal offenses. This has been added as New Section 9.3.

Section 11.3 Commercialization of Wildlife

The Legislature fixed a grammatical error in K.S.A. 32-1005. This has been updated in Section 11.3. 

 **Amanda Stanley** is the League's General Counsel. She can be reached at astanley@lkm.org.

(First Published in the CowleyCourier Traveler, _____ 2021)

ORDINANCE NO. 2021-09

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF ARKANSAS CITY, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," 48TH EDITION, WITH CERTAIN CHANGES AND ADDITIONS; AMENDING THE CITY OF ARKANSAS CITY MUNICIPAL CODE TO SO REFLECT; RATIFYING AND CONFIRMING CITY OF ARKANSAS CITY MUNICIPAL CODE WHICH MODIFIES PROVISIONS OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," 48TH EDITION; AND REPEALING ORDINANCE NUMBER 2019-12-4505.

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

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Arkansas City Kansas, that certain standard traffic ordinances known as the "Standard Traffic Ordinance for Kansas Cities," 48th Edition ~~of 2019~~, prepared and published in book form in 2021 by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. The police department, municipal judge and all administrative departments of the city charged with enforcements of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

- (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. § 8-2118.
- (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3: AMENDMENTS TO MUNICIPAL CODE

- (a) Section 58-18 of the Arkansas City Municipal Code is hereby amended to read as follows (new provisions in italics):

58-18 Adopted by Reference.

- (a) The Standard Traffic Ordinance for Kansas Cities, 48th Edition ~~of 201819~~ (hereafter "Standard Traffic Ordinance"), is incorporated by reference under provisions of K.S.A. 12-3009 through 12-3012, and 12-3301 and 12-3302, and all acts amendatory thereof or supplemental thereto, which Standard Traffic Ordinance is so incorporated in its entirety in this Chapter by reference and made a part hereof as if fully set forth herein, provided and specifically deleting therefrom sections of the Standard Traffic Ordinance which have been replaced by local City provisions as hereinafter recited or provided for.
- (b) No fewer than one copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. ~~2019-12-4505~~ 2021-09-" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 4: DEVIATIONS FROM STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 48th EDITION ~~OF 2019~~

The City of Arkansas City Municipal Code provides additions, exceptions and modifications to certain sections of the Standard Traffic Ordinance for Kansas Cities, 48th Edition ~~of 2019~~, which are hereby ratified and confirmed. As described in City of Arkansas City Municipal Code: the Standard Traffic Ordinance is supplemented and amended by Municipal Code Sections 58-20, 58-21, 58-22, 58-24, 58-27, 58-58, 58-59, 58-77, 58-78, 58-79, 58-102, 58-103, 58-104; Standard Traffic Ordinance Section 33 is supplanted by Municipal Code Section 58-19; Standard Traffic Ordinance Section 116 is supplanted by Municipal Code Section 58-23; ~~Standard Traffic Ordinance Section 120 is supplanted by Municipal Code Section 58-25~~; and Standard Traffic Ordinance Section 114.2 is supplanted by Municipal Code Section 58-26.

Section 5: *Section 58-25 of the Arkansas City Municipal Code pertaining to "Driving Through Procession" is hereby repealed.*

Section 6: REPEAL

To the extent any provision(s) of Ordinance number ~~2018-08-4466~~ 2019-12-4505 conflicts with or is otherwise specifically supplanted by this Ordinance, those provisions of Ordinance number ~~2018-08-4466~~ 2019-12-4505 are hereby repealed.

Section 6.7: EFFECTIVE DATE

The City Clerk shall make proper publication of this Ordinance, or a summary thereof, in the official City newspaper, and shall take effect and be in force from and after said publication. That the Mayor, City Clerk, and/or City Administration of the City of Arkansas City, Cowley County, Kansas, are authorized and directed to execute any and all documents necessary to consummate the Legislative purposes and intents as expressed herein and if executed by the Mayor (or other person authorized by law to act in the event of the absence or inability of the Mayor to act), the City Clerk is directed to attest to and affix the Official Seal of the City thereon.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 7th day of September, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2021-09-____ of the City of Arkansas City, Kansas adopted by the governing body on September 7, 2021 as the same appears of record in my office.

DATED: _____

Lesley Shook, City Clerk

- (a) Notwithstanding any provision of state law, city ordinance or county resolution relating to traffic control devices or right of-way provisions, pedestrians and operators of all vehicles, except as provided in subsection (b), funeral escorts may reasonably direct vehicle and pedestrian traffic to allow funeral processions to pass through intersections and disregard traffic control devices. When the funeral lead vehicle is directed by a funeral escort to lawfully enter an intersection, the remaining vehicles in the funeral procession may follow such funeral lead vehicle through the intersection regardless of any traffic control devices or right-of-way provisions prescribed by state law, city ordinance or county resolution.
- (b) Funeral processions shall have the right-of-way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:
- (1) Operators of vehicles in a funeral procession shall yield the right of-way to an approaching authorized emergency vehicle, and amendments thereto, using an audible signal meeting the requirements of Sec. 174, and amendments thereto, or a visual signal meeting the requirements of Sec. 160, and amendments thereto;
 - (2) operators of vehicles in a funeral procession shall yield the right of-way when directed by a police officer;
 - (3) operators of vehicles in a funeral procession shall exercise due care when participating in a funeral procession and avoid colliding with any other vehicle or pedestrian in accordance Sec. 66, and amendments thereto; and
 - (4) (4) an operator of a vehicle in a funeral procession shall not have the right-of-way at an intersection, if the vehicle is more than 300 feet behind the immediately preceding vehicle in the funeral procession. (2021 SB 67 New Sec. 2)
- (c) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

- (d) In accordance with Sec. 47, and a Section , Item 3. p, any state law, city ordinance or court order requiring that motor vehicles shall be operated to allow sufficient space, enabling any other vehicle to enter and occupy such space without danger, shall not be applicable to funeral processions.
- (e) Each vehicle that is a part of a funeral procession shall have such vehicle's headlights, either high beam or low beam, and tail lights lighted and may also use flashing hazard lights if the vehicle is so equipped.
- (f) No funeral procession shall occupy, march or proceed along any highway until the city police department has been notified by the person or persons in charge thereof and until the chief shall have made provision for such purpose together with a law enforcement or non-law enforcement funeral escort if he or she deems such escort necessary. (K.S.A. 8-2002(a)(3)) (2021 SB 67 New Sec. 2-4).

Article 4. Traffic Signs, Signals and Markings

Sec. 11. Manual and Specifications for Traffic Control Devices. All traffic control devices shall conform to the state manual and specifications. (K.S.A. 8-2005)

Sec. 12. Obedience to and Required Traffic-Control Devices; Presumption of Legality.

- (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the provisions of this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.
- (b) No provision of this ordinance for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

- (2) If the driver is not traveling on a highway described in paragraph (1), or Section , Item 3. traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.

- (b) This section shall not operate to relieve the driver of a waste collection vehicle from the duty to drive with due regard for the safety of all persons using the highway.
- (c) Prior to July 1, 2019, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a). Violations after July 1, 2019 shall be subject to penalties as established pursuant to Section 201. (K.S.A. 8-15,112)

Sec. 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle

- (a) The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of a stationary authorized utility or telecommunications vehicle.
- (b) The driver of a vehicle shall yield the right-of-way to any authorized utility or telecommunications vehicle or pedestrian actually engaged in work on the highway whenever such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.
- (c) The driver of a motor vehicle, upon approaching a stationary authorized utility or telecommunications vehicle that is obviously and actually engaged in work upon a highway, when such authorized utility or telecommunications vehicle is displaying flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto, shall do either of the following:
- (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with

due regard to the road and Section , Item 3.ic conditions, shall change lane is not adjacent to that of the stationary authorized public utility or telecommunications vehicle; or

- (2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type described in paragraph (1) but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road and weather and traffic conditions.

- (d) This section shall not operate to relieve the driver of an authorized utility or telecommunications vehicle from the duty to drive with due regard for the safety of all persons using the highway. (2021 SB 67).

Sec. 41. When Passing on the Right is Permitted.

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
- (1) When the vehicle overtaken is making or about to make a left turn; or
 - (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
 - (3) A transit bus authorized under and being operated in accordance with the provisions of K.S.A. 75-5091, and amendments thereto.
- (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway, except as authorized under K.S.A. 75-5091, and amendments thereto. (K.S.A. 8-1517)

- (a) The license plate assigned to the vehicle shall be attached to the rear of the vehicle and shall be displayed during the current registration year or years. Except as otherwise provided in subsection (b), a Kansas registered vehicle shall not have a license plate attached to the front of the vehicle,
- (b) The following classes of vehicles shall attach a license plate in the location or locations specifically stated:
 - (1) The license plate issued for a truck tractor shall be attached to the front of the truck tractor;
 - (2) a model year license plate issued for an antique vehicle, in accordance with K.S.A. 8-172, and amendments thereto, may be attached to the front of the antique vehicle;
 - (3) a personalized license plate issued to a passenger vehicle or truck pursuant to K.S.A. 8-132(c), and amendments thereto, may be attached to the front of the passenger vehicle or truck;
 - (4) the license plate issued for a motor vehicle used as a concrete mixer truck may be attached to either the front or rear of the vehicle; and
 - (5) the license plate issued for a motor vehicle used as a dump truck with a gross weight of 26,000 pounds or more shall be attached to the front of the vehicle. The provisions of this paragraph shall not apply to such vehicle if such vehicle is registered as a farm truck.
- (c) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate,. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.
- (d) During any period in which the construction of license plates has been suspended pursuant to the provisions of K.S.A. 8-132, and amendments thereto, the plate, tag, token, marker or sign assigned to such vehicle shall be attached to and displayed on such vehicle in such place, position, manner and condition as shall be prescribed by the director of vehicles.

- (e) A law enforcement officer shall issue a citation on to anyone violating the provisions of **Section , Item 3.** The provisions of this subsection shall expire and have no effect on and after January 1, 2022. (K.S.A. 8-133).

Sec. 126.2. Use of Wireless Communication Devices.

- (a) Except as provided in subsections (b) and (c), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication.
- (b) The provisions of subsection (a) shall not apply to:
- (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officers or emergency service personnel's employment;
 - (2) A motor vehicle stopped off the regular traveled portion of the roadway;
 - (3) A person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;
 - (4) A person who receives an emergency, traffic or weather alert message; or
 - (5) A person receiving a message related to the operation or navigation of the motor vehicle.
- (c) The provisions of subsection (a) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:
- (1) Report current or ongoing illegal activity to law enforcement;
 - (2) Prevent imminent injury to a person or property; or
 - (3) Relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle. (K.S.A. 8-15,111)

(B) On a second or subsequent violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and

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(2) On a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.

(K.S.A. 8-1017)

{Editor's Note: K.S.A.8-1015(e) seems to provide an exception to K.S.A. 8-1017(a)(4) as replicated in STO section 30.3 (a) (4) with regard to driving an employer's vehicle. However, there are also exceptions to this exception. Please see K.S.A. 8-1015 for further guidance.}

Sec. 30.4. Impounded Motor Vehicle; Disposition; When.

If the owner of a motor vehicle which has been impounded pursuant to Section 30 or Section 105, refuses to pay any towing, impoundment, storage, or other fees relating to the impoundment or immobilization of such vehicle or fails to take possession of such vehicle within 30 days following the date of the expiration of the impoundment period, such vehicle shall be deemed abandoned and the vehicle may be disposed of by the person having possession of such vehicle. If the person having possession of such vehicle is a public agency, disposition of such vehicle shall be in compliance with the procedures for notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. If the person having possession of such vehicle is not a public agency, disposition of such vehicle shall be in compliance with K.S.A. 8-1103 through 8-1108, and amendments thereto. (K.S.A. 8-1021)

{Editor's Note: The requirements for the disposition of such vehicle in K.S.A. 8-1103 through K.S.A. 8-1108 were amended in 2021 SB 36.}

Sec. 30.5. Commercial Driver's Licenses; Diversion Agreements Not Allowed.

(a) A driver or a holder of a commercial driver's license may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such person's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the person's record, whether the person was convicted for an offense committed in the state where the person is licensed or another state.

- (b) For purposes of subsection (a), Section , Item 3. if the person was a holder of a commercial driver's license at the time the person was arrested or was issued a citation and shall remain a holder of a commercial driver's license even if the person surrenders the commercial driver's license after the arrest or citation. (K.S.A. 8-2,150)

Sec. 31. Fleeing or Attempting to Elude a Police Officer.

- (a) (1) Any driver of a motor vehicle who knowingly fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop shall be guilty as provided by subsection (c).
- (2) Any driver of a motor vehicle who knowingly otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c).
- (3) It shall be an affirmative defense to any prosecution under subsection (a)(1) that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.
- (b) The signal given by the police officer may be by hand, voice, emergency light, or siren:
- (1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or
- (2) If the office giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

- (c) When the person being sentenced for violation of subsection (a), the person, shall be imprisoned for not more than six months or fined not to exceed \$1,000, or both when the person being sentenced has no prior convictions for a violation of subsection (a) or K.S.A. 8-1568(b). Every person convicted of violating this section shall be punished by imprisonment not to exceed one year or fined not to exceed \$2,500 or both when the person has one prior conviction for a violation of subsection (a) or K.S.A. 8-1568(b).
- (d) (1) For the purpose of this section **conviction** means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section it is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (2) **Appropriately marked** official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle. (K.S.A. 8-1568)

Article 7. Speed Regulations

Sec. 32. Speed Limitations; Basic Rule. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (K.S.A. 8-1557)

For the purposes of this subsection the term "appurtenance" shall include:

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- (1) An awning and its support hardware; and
- (2) any appendage that is intended to be an integral part of a motor home or travel trailer coach and that is installed by the manufacturer or dealer.

The term "appurtenance" shall not include any item that is temporarily affixed or attached to the exterior of a motor home or travel trailer by the owner of such motor home or travel trailer for the purposes of transporting such item from one location to another.

(K.S.A. 8-1902)

Sec. 105.3. Loads on Passenger Vehicles Extending to Either Side. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the left side of such vehicle nor extending more than six (6) inches beyond the right side thereof. (K.S.A. 8-1903)

Sec. 105.4. Projecting Loads to the Front and Rear.

- (a) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with a bumper.
- (b) Any vehicle or combination of vehicles transporting passenger vehicles or other motor vehicles may carry a load which extends no more than four feet beyond the front and six feet beyond the rear of the transporting vehicle or combination of vehicles.

(K.S.A. 8-1905)

Sec. 106. Transportation of Alcoholic Beverage.

- (a) No person shall transport in any vehicle upon a highway or street any alcoholic beverage unless such beverage is:
 - (1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;

- (2) (A) In the locked rear trunk or rear compartment or any locked outside compartment, which is not accessible to any person in the vehicle while it is in motion; or
- (B) If a motor vehicle is not equipped with a trunk, behind the last upright seat or in an area not normally occupied by the driver or a passenger; or
- (3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

(b) Violation of this section is punishable by a fine of not more than \$200 or by imprisonment for not more than six months, or both.

(c) Except as provided in subsection (e) upon conviction or adjudication of a second or subsequent violation of this section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this state for one year.

(d) Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(e) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (c), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to

carry any time such person is operating a motor vehicle on the highways of this state. All conditions shall be prescribed by the court. Section , Item 3. The court shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

- (f) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic beverage.

- (g) The court shall report to the division every time a violation of this section. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state. Section , Item 3.
- (h) For the purpose of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section:
- (1) **Conviction** includes being convicted of a violation of an ordinance of any city, or resolution of any county, which prohibits the acts that K.S.A. 8-1599, as amended, prohibits;
 - (2) Only convictions occurring in the immediately preceding five years shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second or subsequent offender, whichever is applicable; and
 - (3) It is irrelevant whether an offense occurred before or after conviction for a previous offense. (K.S.A. 8-1599)

{Editor's Note: K.S.A. 8-1599 was not amended in 2021 HB 2137 when amendments were made in Section 32 to K.S.A. 41-2653 to allow the removal by patrons of alcoholic liquor or cereal malt beverages from clubs or drinking establishments. Any opened containers must be securely resealed by licensee or the licensee's employee and placed in a tamper-proof, transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened. Section 32 also allows the removal of one or more containers of beer, domestic beer and cereal malt beverages that are sold on the licensed premises to consumers and served in refillable and sealable containers for consumption off the licensed premises if such containers: (1) Contain between 32 and 64 fluid ounces; (2) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container; and (3) are not sold or removed from the premises after 11:00 p.m.}

(c) This section shall not apply to:

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- (1) An employee under the age of 14 years engaged in the necessary discharge of the employee's duty within truck bodies in space intended for merchandise or cargo; or
- (2) When the vehicle is being operated in parades, caravans or exhibitions which are officially authorized or otherwise permitted by law.
(K.S.A. 8-1578a)

Ref.: For Persons Under 14 Years of Age see Sec. 182.2.

Sec. 116. Driving Upon Sidewalk. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (K.S.A. 8-1575)

Sec. 117. Limitations on Backing.

- (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.
(K.S.A. 8-1574)

Sec. 118. Driving Through or On Private Property to Avoid Traffic Control Devices. No person shall drive through the property of a gasoline service station or the service entrance of any public or private property adjacent to any street intersection to avoid any official traffic control device or short cut from one street to another.

Sec. 119. Parades and Processions. No parade of persons or vehicles, excepting the military forces of the United States, the military forces of the State of Kansas, or the forces of the city police and fire departments, shall occupy, march or proceed along any highway until the chief of police shall have been notified by the person or persons in charge thereof and until the chief shall have made provision for such purpose together with a police escort if he or she deems such escort necessary. (K.S.A. 8-2002(a)(3))

Sec. 178.1. Wide-Base Single Tires.

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- (a) The following shall apply where wide-base single tires are used in the operation of any vehicle or combination of vehicles:
 - (1) The maximum load for a wide-base single tire on a steering axle shall not exceed 600 pounds per inch of tire section width. The maximum load for a wide-base single tire on any other axle shall not exceed 575 pounds per inch of tire section width;
 - (2) No wide-base single tire shall exceed the load designated by the manufacturer; and
 - (3) The maximum tire inflation pressures shall be as designated by the manufacturer.
- (b) The provisions of paragraph (1) of subsection (a) shall apply to all wide-based single tires purchased after July 1, 1993.
- (c) Any conviction or forfeiture of bail or bond for any violation of this section shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto. (K.S.A. 8-1742b)

Sec. 179. Spilling Loads on Highways Prohibited.

- (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that:
 - (1) This section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations; and
 - (2) (A) Subsections (a) and (c) shall not apply to:
 - (i) trailers or semitrailers when hauling livestock if such trailers or semitrailers are properly equipped with a cleanout trap and such trap is operated in a closed position unless material is intentionally spilled when the trap is in a closed position; or
 - (ii) trucks, trailers or semitrailers when hauling agricultural forage commodities intrastate from the place of production to a market or place of storage or from a place of storage to a place of use. The provisions of this clause shall not apply to trucks, trailers or semitrailers hauling:

(a) Hay bales; or

(b) other packaged or bundle

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s.

(B) Paragraph (2)(A)(i) shall not apply to trailers or semitrailers used for hauling livestock when livestock are not being hauled in such trailers or semitrailers.

- (b) All trailers or semitrailers used for hauling livestock shall be cleaned out periodically.
- (c) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. (K.S.A. 8-1906)

Sec. 180. Trailers and Towed Vehicles; Drawbar Connections and Safety Hitch.

- (a) When one vehicle is towing another, the drawbar, tow bar or other connections shall be of sufficient strength to pull, stop and hold all weight towed thereby, and so designed, constructed and installed as to insure that any vehicle or motor vehicle towed on a level, smooth, paved surface will follow in the path of the towing vehicle when it is moving in a straight line. In addition to the drawbar connections between any two such vehicles, there shall be provided an adequate safety hitch.
- (b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.
- (c) Motor vehicles in transit may be transported in combination by means of tow bar, saddle-mount or full-mount mechanisms, utilizing the motive power of one of the motor vehicles in such combination, except that not more than two vehicles in any such combination of motor vehicles in transit may be connected by means of a tow bar mechanism. Whenever motor vehicles are transported as authorized in this subsection, such motor vehicles shall be connected securely in combination in accordance with rules and regulations adopted by the secretary of transportation, and any combination of such motor vehicles shall comply with the limitations prescribed by K.S.A. 8-1904, and amendments thereto.

- (c) A person who has been convicted of a _____ may be sentenced to pay a fine which _____ the court, not exceeding \$500. Section , Item 3.
- (d) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment. (K.S.A. 8-2116; K.S.A. 8-2116; K.S.A. 21-6602; K.S.A. 21-6611)

Sec. 201.1. Failure to Comply with a Traffic Citation.

- (a) It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to:
- (1) Appear before the municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or
 - (2) Otherwise comply with a traffic citation issued for an ordinance traffic infraction. Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.
- (b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing, or stopping, the municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division

of vehicles will be notified to s Section , Item 3. 's driving privileges. The municip Section , Item 3. e an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

- (2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges.
- (B) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met:
- (i) The suspended license that expired was issued by the division of vehicles;
 - (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b) (1) and;
 - (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state.

- (C) Upon review and approval of the person's eligibility, the driving privileges shall be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:
- (i) In going to or returning from the person's place of employment or schooling;
 - (ii) In the course of the person's employment;
 - (iii) In going to or returning from an appointment with a health care provider or during a medical emergency;
 - (iv) In going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

- (c) On and after July 1, 2018, except as provided in subsection (d), when the municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to

the state treasurer in accordance of K.S.A. 75–4215, and amendment Section , Item 3. on receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41–1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79–4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20–1a15, and amendments thereto.

- (d) The municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the State of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor.
- (e) (1) A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

- (2) A person who is assessed a fine or traffic citation may petition the court for the fine or costs at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

Section , Item 3.

- (f) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2019, through June 30, 2025 the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel. (K.S.A. 8-2110, as amended)

Sec. 202. Parties to a Violation. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance is likewise guilty of such offense. (K.S.A. 8-2101)

Sec. 203. Offenses by Persons Owning or Controlling Vehicles. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle, to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to this ordinance. (K.S.A. 8-2102)

Sec. 204. Fines Doubled in Road Construction and School Zones.

- (a) Fines listed in the schedule of fines, as established by the municipal court judge, shall be doubled if a person is convicted of an ordinance traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone.



City Commission Agenda Item

Meeting Date: September 7, 2021
From: Larry Schwartz, City Attorney
Item: Uniform Public Offense Code for Kansas Cities, 37th Edition

Purpose: Consider first reading of an Ordinance adopting by reference the Uniform Public Offense Code for Kansas Cities, 37th Edition, prepared and published in book form in 2021 by the League of Kansas Municipalities. **(Roll Call Vote)**

Background:

The League of Kansas Municipalities has published the Uniform Public Offense Code (UPOC) since 1980. The UPOC is designed to provide a comprehensive public offense ordinance for Kansas cities and does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference. It generally mirrors Kansas statute and case law, and allows violations of those laws to be prosecuted in Arkansas City Municipal Court.

The following sections were added/modified in the 37th edition of the UPOC published in 2021.

New Sections:

- 6.7.2 Trespassing on a critical infrastructure facility
- 7.1 Unlawfully tampering with electronic monitoring equipment
- 7.5 Distribution of unattributed applications for advance voting ballots
- 9.3 Violation of Executive Order under K.S.A. 48-925 mandating a curfew or prohibiting public entry

Changes:

- 3.2.1 Sexual Battery
- 5.5 Watercraft
- 6.2 Intent; Permanently Deprive
- 7.14 Electioneering
- 11.3 Commercialization of Wildlife

Commission Options:

1. Approve the Ordinance on first reading so City Law mirrors State Law.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

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

Approved for Agenda by:

Randy Frazer, City Manager

2021 Changes to the Standard Traffic Ordinance and Uniform Public Offense Code.

By Amanda Stanley, General Counsel

The 2021 legislative session was extremely busy. There were 116 bills enrolled, many impacting the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC). This summary is to highlight the changes made to both publications.

Changes to the 48th Edition of the STO

Article 1 Definitions

In Article 1 Definitions, the following have been amended: All-Terrain Vehicle (SB 95), Antique (HB 2165), Golf Cart (SB 95), and Recreational Off-Highway Vehicle (SB 95). There are also new definitions for Authorized Utility or Telecommunication Vehicle (SB 67), Funeral Escort (SB 67), Funeral Lead Vehicle (SB 67), and Funeral Procession (SB 67).

New Section 10.1 Funeral Procession; Section 119 Parades and Processions

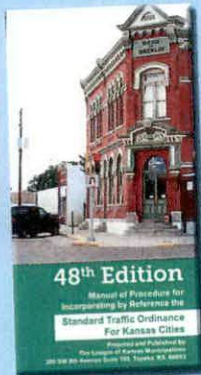
SB 67 modified how funerals are treated under the traffic code. The STO previously contained provisions relating to funerals (that the organizers notify the chief of police, and that no driver not involved in the funeral procession insert themselves into the procession of vehicles) in sections 119, Parades and processions, and Section 120 Driving through Procession.

The new requirements in SB 67 are found in New Section 10.1 of the STO. The legislation sets out the duties of both the operators of vehicles in the funeral procession and of other vehicles and pedestrians who encounter funeral processions in the context of traffic laws and right-of-way at intersections. Cities are allowed to require prior notice of a planned funeral procession and make additional requirements that go beyond, but are not in conflict with, the requirements of the act.

Section 119 Parades and Processions has been updated to remove the funeral procession provisions now in New Section 10.1.

Section 30.4 Impounded Motor Vehicle

While this section was not modified, a new editor's note has been added drawing the reader's attention to SB 36 which amended the requirements for the disposition of such vehicle.



Section 31 Fleeing or Attempting to Elude a Police Officer

Section 31 has been amended to match the language in SB 60. The intent requirement has been modified to a knowingly standard (previously a willfully standard). The sentencing language has also been modified. SB 60 elevated certain offenses to a felony.

New Section 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle

SB 67 created a new traffic offense for failing to move over when approaching an authorized utility or telecommunications vehicle. This is contained in New Section 40.2.

Section 106 Transportation of Alcoholic Beverage

A new editor's note has been added to Section 106. HB 2137 made several changes to Kansas alcohol statutes regarding liquor and CMB to go; however, K.S.A. 8-1599 regarding the transportation of said liquor or CMB was not amended to reflect the changes. An editor's note has been added to explain this discrepancy and list the requirements establishments must follow under HB 2137.

Section 115 Unlawful Riding on Vehicles; Persons 14 years of age and older

An eagle-eyed city attorney noticed an error in (c)(1) of this section in previous editions. It has been updated accordingly.

New Section 126.1.1 Display of License Plate

Section 126.1.1 has been added to the STO in response to HB 2167 which established new rules for the locations of license plates on certain types of vehicles.

Section 179 Spilling Loads on Highway

Section 179 has been amended to match the changes made in SB 89.

Section 201.1 Failure to Comply with a Traffic Citation

Section 201.1 was amended in SB 127 to allow a person who is assessed a fine or court costs for a traffic citation to petition the court for waiver of payment of the fine or costs at any time if the amount due will impose a manifest hardship on the person or the person's immediate family. The corresponding section has been updated to match the changes to state law.

Changes in the 37th Edition of the UPOC

Section 1.1 Definitions

Two definitions were modified in Section 1.1: Class A Club and Drinking Establishment (HB 2137).

Section 3.2.1 Sexual Battery

Section 3.2.1 was amended to remove the spousal exception to sexual battery per SB 60. The editor's note was also updated in response to *City of Shawnee v. Adem*, 58 Kan. App. 2d 560 (2020).

Section 5.5 Watercraft

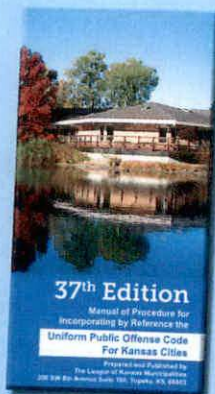
Section 5.5 was updated in response to SB 142's new requirements for approved personal flotation devices.

Section 6.2 Intent; Permanently Deprive

SB 60 made changes to this section of law when dealing with the theft of a motor vehicle. Those changes have been added to Section 6.2.

New Section 6.7.2 Trespassing on a critical infrastructure facility

SB 172 created several new criminal offenses. One of the offenses, trespassing on a critical infrastructure facility, is a misdemeanor and has been added to the UPOC in New Section 6.7.2.



New Section 7.1 Unlawfully tampering with electronic monitoring equipment

While not often used, municipal courts can require court ordered supervision in some instances. HB 2026 amended the offense of unlawfully tampering with electronic monitoring equipment. This has been added as new Section 7.1.

New Section 7.5 Distribution of unattributed applications for advance voting ballots

This is a new election offense created in HB 2323. It has been added as new Section 7.5


Section 7.14 Electioneering


HB 2183 amended the offense of electioneering and added new limitations for when a ballot can be handled by a candidate.

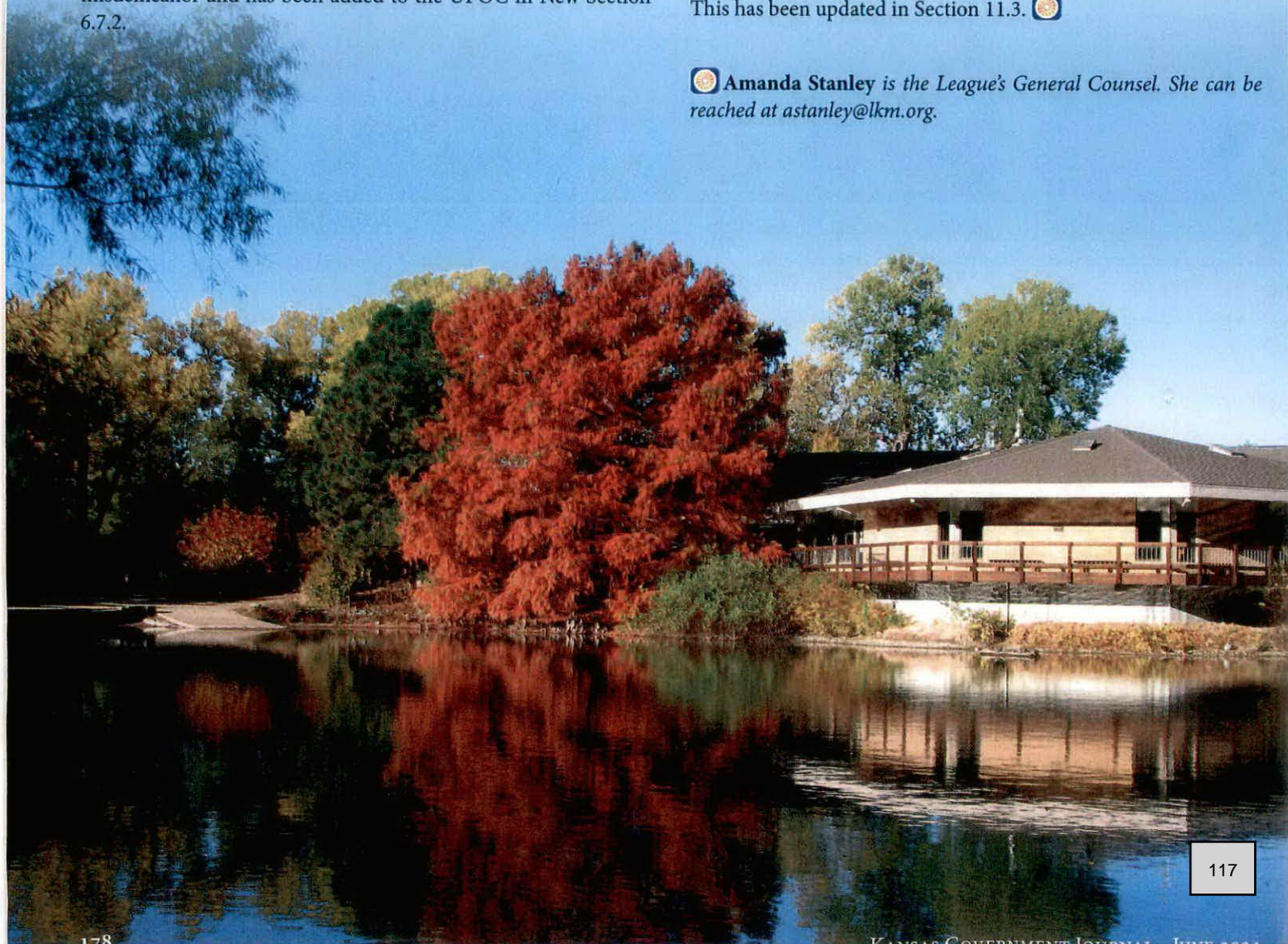
New Section 9.3 Violation of Executive Order under K.S.A 48-925 mandating a curfew or prohibiting public entry

The legislature made several changes to the Kansas Emergency Management Act in SB 40. One change relevant to the UPOC was making certain violations of executive orders mandating a curfew or prohibiting public entry criminal offenses. This has been added as New Section 9.3.

Section 11.3 Commercialization of Wildlife

The Legislature fixed a grammatical error in K.S.A. 32-1005. This has been updated in Section 11.3. 

 **Amanda Stanley** is the League's General Counsel. She can be reached at astanley@lkm.org.



ORDINANCE NO. 2021-09-

AN ORDINANCE ESTABLISHING CRIMINAL CONDUCT WITHIN THE CORPORATE LIMITS OF THE CITY OF ARKANSAS CITY, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES,” 37TH EDITION , WITH CERTAIN CHANGES AND ADDITIONS; AMENDING THE CITY OF ARKANSAS CITY MUNICIPAL CODE TO SO REFLECT; AND REPEALING ORDINANCE NUMBER 2020-10-4522.

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

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

There is hereby incorporated by reference for the purpose of establishing criminal conduct within the corporate limits of the City of Arkansas City Kansas, that certain standard public offenses known as the “Uniform Public Offense Code for Kansas Cities,” ~~36~~ 37th Edition, prepared and published in book form in 2021 by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed herein. No fewer than one copy of said Standard Uniform Public Offense Code for Kansas Cities shall be marked or stamped “Official Copy as Adopted by Ordinance No. 2021-09-____,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the public offense code shall be supplied, at the cost of the city, such number of official copies of such Uniform Public Offense Code similarly marked, as may be deemed expedient.

Section 2: AMENDMENTS TO MUNICIPAL CODE

The Governing Body hereby modifies and amends the Arkansas City Municipal Code Chapter 42, Article II to provide additions and modifications to the Standard Uniform Public Offense Code for Kansas Cities as follows (new provisions in italics; deleted provisions struck through):

42-19 Title.

The Uniform Public Offense Code for Kansas Cities, ~~36~~ 37th Edition (hereafter “Uniform Public Offense Code”), is incorporated by reference in its entirety and made a part of the Public Offense Code of the City of Arkansas City as if fully set forth herein, except as modified or supplemented in this Chapter.

Section 3: DEVIATIONS FROM UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, ~~36~~ 37th EDITION:

The City of Arkansas City Municipal Code provides additions, exceptions and modifications to certain sections of the Uniform Public Offense Code for Kansas Cities, 37th Edition, which are hereby ratified and confirmed. As described in City of Arkansas City Municipal Code: Uniform Public Offense Code Section 5.7 is amended by Municipal Code Section 42-29. Uniform Public Offense Code Section 5.8 is amended by Municipal Code Section 42-20; Uniform Public Offense Code Section 6.8 is supplanted by Municipal Code Section 42-26; Uniform Public Offense Code Section 9.5 is supplanted by Municipal Code Section 42-27; and Uniform Public Offense Code Section 10.6 is amended by Municipal Code 42-28. Further, the Uniform Public Offense Code is supplemented with the following Municipal Code Sections: 42-21; 42-22; 42-23; and 42-24.

Section 4: REPEAL

To the extent any provision(s) of Ordinance number 2020-10-4522 conflicts with or is otherwise specifically supplanted by this Ordinance, those provisions of Ordinance number 2020-10-4522 are hereby repealed.

Section 5: EFFECTIVE DATE

The City Clerk shall make proper publication of this Ordinance, or a summary thereof, in the official City newspaper, and shall take effect and be in force from and after said publication. That the Mayor, City Clerk, and/or City Administration of the City of Arkansas City, Cowley County, Kansas, are authorized and directed to execute any and all documents necessary to consummate the Legislative purposes and intents as expressed herein and if executed by the Mayor (or other person authorized by law to act in the event of the absence or inability of the Mayor to act), the City Clerk is directed to attest to and affix the Official Seal of the City thereon.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 7th day of September, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2021-09-____ of the City of Arkansas City, Kansas adopted by the governing body on September 7, 2021 as the same appears of record in my office.

DATED: _____

Lesley Shook, City Clerk

- (c) Criminal trespass is a Class Section , Item 4. a conviction of a violation of such statute, a person shall be sentenced to not less than 48 consecutive hours of imprisonment which shall be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. (K.S.A. 21-5808)

Sec. 6.7.1. Trespassing on Railroad Property.

- (a) Trespassing on railroad property is:
- (1) Entering or remaining on railroad property, without consent of the owner or the owner's agent, knowing that it is railroad property; or
 - (2) Recklessly causing in any manner the derailment of a train, railroad car or rail-mounted work equipment.
- (b) Subsection (a) shall not be construed to interfere with the lawful use of a public or private crossing.
- (c) Nothing in this section shall be construed as limiting a representative or member of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided under the railway labor act (45 U.S.C. § 151 et seq.) and other federal labor laws.
- (d) Trespassing on railroad property is a Class A nonperson violation. (K.S.A. 21-5809)

Sec. 6.7.2. Trespassing on a Critical Infrastructure Facility.

- (a) Trespassing on a critical infrastructure facility is, without consent of the owner or the owner's agent, knowingly entering or remaining in:
- (1) A critical infrastructure facility; or
 - (2) any property containing a critical infrastructure facility, if such property is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders or is clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization.

- (b) Trespassing on a critical infrastructure class A nonperson violation.

Section , Item 4.

- (c) Nothing in this section shall be construed to prevent:

- (1) An owner or operator of a critical infrastructure facility that has been damaged from pursuing any other remedy in law or equity; or
- (2) a person who violates the provisions of this section from being prosecuted for, convicted of and punished for any other offense in article 58 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 66-2303, and amendments thereto

- (d) As used in this section “critical infrastructure facility” means any:

- (1) Petroleum or alumina refinery;
- (2) electric generation facility, substation, switching station, electrical control center, electric distribution or transmission lines, or associated equipment infrastructure;
- (3) chemical, polymer or rubber manufacturing facility;
- (4) water supply diversion, production, treatment, storage or distribution facility and appurtenances, including, but not limited to, underground pipelines and a wastewater treatment plant or pump station;
- (5) natural gas compressor station;
- (6) liquid natural gas or propane terminal or storage facility;
- (7) facility that is used for wireline, broadband or wireless telecommunications or video services infrastructure, including backup power supplies and cable television headend;
- (8) port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility;
- (9) gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas, propane or natural gas liquids;
- (10) transmission facility used by a federally licensed radio or television station;
- (11) steelmaking facility that uses an electric arc furnace to make steel;

- (12) facility identified and regulated by the United States department of Homeland Security chemical facility anti-terrorism standards program, a facility operated by the office of laboratory services under the supervision of the secretary of health and environment pursuant to K.S.A. 75-5608, and amendments thereto, the national bio and agro-defense facility or the biosecurity research institute at Kansas state university;
- (13) dam that is regulated by the state as a hazard class B or C dam or by the federal government;
- (14) natural gas distribution utility facility or natural gas transmission facility, including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, belowground or aboveground piping, a regular station or a natural gas storage facility;
- (15) crude oil, including y-grade or natural gas liquids, or refined products storage and distribution facility, including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, belowground or aboveground pipeline or piping and truck loading or offloading facility; or
- (16) portion of any belowground or aboveground oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or any other storage facility that is enclosed by a fence or other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

Sec. 6.8. Criminal Littering.

- (a) Criminal littering is recklessly depositing or causing to be deposited any object or substance into, upon or about:
- (1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; or
- (2) Any private property without the consent of the owner or occupant of such property.

Sec. 7.1. Unlawfully Tampering with Electronic Monitoring Equipment.

- (a) Unlawfully tampering with electronic monitoring equipment is, knowingly and without authorization, removing, disabling, altering, tampering with, damaging or destroying any electronic monitoring equipment used pursuant to court ordered supervision or as a condition of post-release supervision or parole.
- (b) Unlawfully tampering with electronic monitoring equipment is a class A nonperson violation in the case of electronic monitoring equipment used pursuant to court-ordered supervision or as a condition of postrelease supervision for any violation of municipal code. (K.S.A. 21-6322).

Sec. 7.2. Interference with Law Enforcement.

- (a) Interference with law enforcement is:
 - (1) Falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency:
 - (A) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;
 - (B) That a law enforcement officer has committed a crime or committed misconduct in the performance of such officer's duties, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or
 - (C) Any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty.
 - (2) Concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or
 - (3) Knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of a legal duty.

- (d) Interference with the judicial process. A violation, except that a second conviction of section (a)(5) is a severity level 9, person felony and will be referred to the appropriate prosecuting authority. (K.S.A. 21-5905)

Sec. 7.5. Distribution of Unattributed Applications for Advance Voting Ballots.

- (a) (1) Any person who solicits by mail a registered voter to file an application for an advance voting ballot and includes an application for an advance voting ballot in such mailing shall include on the exterior of such mailing, and on each page contained therein, except the application, a clear and conspicuous label in 14-point font or larger that includes:
- (A) The name of the individual or organization that caused such solicitation to be mailed;
 - (B) if an organization, the name of the president, chief executive officer or executive director of such organization;
 - (C) the address of such individual or organization; and
 - (D) the following statement: "Disclosure: This is not a government mailing. It is from a private individual or organization."
- (2) The application for an advance voting ballot included in such mailing shall be the official application for advance ballot by mail provided by the secretary of state. No portion of such application shall be completed prior to mailing such application to the registered voter
- (3) An application for an advance voting ballot shall include an envelope addressed to the appropriate county election office for the mailing of such application. In no case shall the person who mails the application to the voter direct that the completed application be returned to such person.
- (4) The provisions of this subsection shall not apply to:
- (A) The secretary of state or any election official or county election office; or

- (B) the official protection a voting access agency designated pursuant to the federal help America vote act of 2002, public law 107-252, or any other entity required to provide information concerning elections and voting procedures by federal law

Section , Item 4.

- (5) A violation of this subsection is a class C nonperson Violation. (K.S.A. 25-1122).

Sec. 7.6. Performance of Unauthorized Official Act.

- (a) Performance of an unauthorized official act is knowingly and without lawful authority:
- (1) Conducting a marriage ceremony; or
 - (2) Certifying an acknowledgment of the execution of any document which by law may be recorded.
- (b) Performance of an unauthorized official act is a Class B violation. (K.S.A. 21-5919)

Sec. 7.7. Simulating Legal Process.

- (a) Simulating legal process is:
- (1) Distributing to another any document which simulates or purports to be, or is designed to cause others to believe it to be, a summons, petition, complaint or other legal process, with the intent to mislead the recipient and cause the recipient to take action in reliance thereon; or
 - (2) Printing or distributing any such document, knowing that it shall be so used.
- (b) This section shall not apply to the printing or distribution of blank forms of legal documents intended for actual use in judicial proceedings.
- (c) Simulating legal process is a Class A violation. (K.S.A. 21-5907)

Sec. 7.8. Tampering With Public Record.

- (a) Tampering with a public record is knowingly and without lawful authority altering, destroying, defacing, removing or concealing any public record.
- (b) Tampering with a public record is a Class A violation (K.S.A. 21-5920)

**Sec. 9.2. Unlawful Assembly; Remaining at a
Assembly.**

Section , Item 4.

- (a) Unlawful assembly is:
 - (1) The meeting or coming together of not less than five persons with the intent to engage in conduct constituting;
 - (A) Disorderly conduct, as defined by Section 9.1 of this article; or
 - (B) A riot, as defined by Section 9.4 of this article; or
 - (2) When a lawful assembly of not less than five persons, agreeing to engage in conduct constituting disorderly conduct or riot.
- (b) Remaining at an unlawful assembly is intentionally failing to depart from the place of an unlawful assembly after being directed to leave by a law enforcement officer.
- (c) Penalties.
 - (1) Unlawful assembly is a Class B violation.
 - (2) Remaining at an unlawful assembly is a Class A violation. (K.S.A. 21-6202)

**Sec. 9.3. Violation of Executive Order under K.S.A. 48-925
Mandating a Curfew or Prohibiting Public Entry.**

A knowing violation of an executive order issued pursuant to K.S.A. 48-925, and amendments thereto, that mandates a curfew or prohibits public entry into an area affected by a disaster is a Class A nonperson violation.

Sec. 9.4. Riot.

- (a) Riot is five or more persons acting together and without lawful authority engaging in any:
 - (1) Use of force or violence which produces a breach of the public peace; or
 - (2) Threat to use such force or violence against any person or property if accompanied by power or apparent power of immediate execution.
- (b) Riot is a Class A violation. (K.S.A. 21-6201)

juveniles as assigned by the court
corrections supervision and any

Section , Item 4.

of a community correctional services program
that provides enhanced supervision of offenders
such as house arrest and surveillance programs;

- (4) **Court Services Officer** means an employee
of the Kansas judicial branch or local judicial
district responsible for supervising, monitoring
or writing reports relating to adults or juveniles
as assigned by the court, or performing related
duties as assigned by the court.

- (c) Battery against a law enforcement officer is a Class
A violation. (K.S.A. 21-5413)

Sec. 3.2.1. Sexual Battery.

- (a) Sexual battery is the touching of a victim who is 16 or
more years of age and who does not consent thereto,
with the intent to arouse or satisfy the sexual desires
of the offender or another.
- (b) Sexual battery is a Class A violation.
(K.S.A. 21-5505)

{Editor's note: Prior to *City of Shawnee v. Adem*, 58 Kan. App.
2d 560 (2020), municipal courts were not considered a court of
record and therefore, a conviction for this section in municipal
court did not subject the defendant to registering as a sexual
offender pursuant to K.S.A. 22-4902(b)(5). See *State v. Adams*,
No. 114,276, (Kan. App. August 26, 2016) Unpublished opinion.};
however, the Court of Appeals in *Adem* found that a violation of
the crime of Sexual Battery under the UPOC does require the
municipal court to impose sex offender registration requirements
on a defendant convicted of sexual battery under city ordinance.
The Supreme Court has granted review in this case.

Sec. 3.2.2. Battery Against a School Employee.

- (a) Battery against a school employee is a battery, as
defined in Section 3.1, committed against a school
employee in or on any school property or grounds
upon which is located a building or structure
used by a unified school district or an accredited
nonpublic school for student instruction or attendance
or extracurricular activities of pupils enrolled in
kindergarten or any of the grades one through 12 or
at any regularly scheduled school sponsored activity
or event, while such employee is engaged in the
performance of such employee's duty.

- (b) As used in this section, **minor** means 21 years of age. Section , Item 4.
- (c) The provisions of this section shall not be deemed to create any civil liability for any lodging establishment, as defined in K.S.A. 36-501, and amendments thereto.
- (d) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a Class A violation, for which the minimum fine is \$1,000. If the court sentences the offender to perform community or public service work as a condition of probation, as described in subsection (b)(10) of K.S.A. 21-6607, and amendments thereto, the court shall consider ordering the offender to serve the community or public service at an alcohol treatment facility.
(K.S.A. 21-5608)

Sec. 5.4. Endangering a Child.

- (a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be injured or endangered.
- (b) Nothing in this section shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.
- (c) Endangering a child is a Class A violation.
(K.S.A. 21-5601)

Sec. 5.5. Watercraft; Lifesaving Devices Required.

- (a) (1) No operator of any vessel may operate such vessel while any person 12 years of age or under is aboard or being towed by such vessel unless such person is either:
- (A) Wearing a United States Coast guard-approved personal flotation device as prescribed in rules and regulations of the secretary of wildlife, parks, and tourism; or

- (B) is below decks or in the bilge.
- (2) A life belt or ring shall not be used in violation of Section , Item 4. of this section.

- (b) As used in this section, **operator** means the person who operates or has charge of the navigation or use of a motorboat or a vessel.
- (c) Violation of this section shall constitute a Class C violation. (K.S.A. 32-1129)

Sec. 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.

It shall be unlawful for any person:

- (a) Who is under 18 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, or tobacco products; or
- (b) Who is under 18 years of age to possess or attempt to possess cigarettes, electronic cigarettes, or tobacco products.
- (c) Violation of this section shall be an ordinance cigarette or tobacco infraction for which the fine shall be \$25. In addition, the judge may require the juvenile to appear in court with a parent or legal guardian. (K.S.A. 79-3321;3322)

Sec. 5.7. Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor.

- (a) It shall be unlawful for any person to:
- (1) Sell, furnish or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age; or
- (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.
- (b) It shall be a defense to a prosecution under this section if:
- (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;

(c) As used in this section:

Section , Item 4.

- (1) **Regulated scrap metal** means the same as in K.S.A. 50-6,109, and amendments thereto; and
- (2) **Value** means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.
(K.S.A. 21-5801)

{Editor's Note: Under state law, theft of property or services of the value of less than \$1,500 is a Class A violation, unless any one of the following is present:

- (1) Property of the value of less than \$1,500 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;
- (2) Property of the value of at least \$50 but less than \$1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times; and
- (3) Property which is a firearm of the value of less than \$25,000 is a severity level 9, nonperson felony. Violations under these facts are considered felony violations over which municipal court has no jurisdiction and should be referred to the appropriate prosecuting authority}.

Sec. 6.2. Intent; Permanently Deprive.

- (a) In any prosecution under this article, the following shall be prima facie evidence of intent to permanently deprive the owner or lessor of property of the possession, use or benefit thereof:
 - (1) The giving of a false identification or fictitious name, address or place of employment at the time of buying, selling, leasing, trading, gathering, collecting, soliciting, procuring, receiving, dealing or otherwise obtaining or exerting control over the property.
 - (2) The failure of a person who leases or rents personal property and fails to return the same within 10 days after the date set forth in the lease or rental agreement for the return of the prop

if notice is given to the person renting or leasing the property to return the property within three calendar days after receipt of the notice, the subsequent return of the property within the seven-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section;

Section , Item 4.

- (3) Destroying, breaking or opening a lock, chain, key switch, enclosure or other device used to secure the property in order to obtain control over the property;
- (4) Destruction of or substantially damaging or altering the property so as to make the property unusable or unrecognizable in order to obtain control over the property;
- (5) The failure of a person who leases or rents from a commercial renter a motor vehicle under a written agreement that provides for the return of the motor vehicle to a particular place at a particular time, if notice has been given to the person renting or leasing the motor vehicle to return such vehicle within three calendar days from the date of the receipt or refusal of the demand. In addition, if such vehicle has not been returned after demand, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;
- (6) The failure of a person who is provided with a use of a vehicle by the owner of the vehicle to return it to the owner pursuant to a written instruction specifying:
 - (A) The time and place to return the vehicle; and
 - (B) That failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle. In addition, if such vehicle has not been returned pursuant to the specifications in such instructions, the owner may notify the local law enforcement agency of the failure of the person to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into appropriate state and local computer system listing stolen motor vehicles;

(7) Removing a theft detection device without authority, from merchandise or device prior to purchase; or

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(8) Under the provisions of subsection (a)(5) of section 6.1 the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels or placing such nozzle and hose on the ground or pavement.

(b) In any prosecution in which the object of the alleged theft is a book or other material borrowed from a library, it shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

(c) In prosecution for theft as defined in Section 6.1, and such theft is of services, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service, caused by tampering, shall be prima facie evidence of intent to commit theft of services by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, water, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, water, telephone service or cable television service which has not been authorized or measured.

(d) In prosecution for theft as defined in Section 6.1, and such theft is of regulated scrap metal as defined in K.S.A. 50-6,109, and amendments thereto, either in whole or in part, the failure to give information or the giving of false information to a scrap metal dealer pursuant to the requirements of the scrap metal theft reduction act, the transportation of regulated scrap metal outside the county from where it was obtained, the transportation of regulated scrap metal across state lines or the alteration of any regulated scrap metal prior to any transaction with a scrap metal dealer shall be prima facie evidence of intent to permanently deprive the owner of the regulated scrap metal of the possession, use or benefit thereof.

(e) In a prosecution for theft as defined in Section , Item 4. 1, and such theft is of a motor vehicle in Section 1.1, fleeing or attempting to elude a police officer as defined in K.S.A. 8-1568(a)(1)(B) or (b), and amendments thereto, shall be prima facie evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use or benefit thereof.

(f) As used in this section:

- (1) **Notice** means notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or certified matter in the United States mail, addressed to such person who has leased or rented the personal property or borrowed the library material at the address as it appears in the information supplied by such person at the time of such leasing, renting or borrowing, or to such person's last known address; and
- (2) **Tampering** includes, but is not limited to:
 - (A) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;
 - (B) Defacing, puncturing, removing, reversing or altering any meter or any connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service;
 - (C) Preventing any such meters from properly measuring or registering;
 - (D) Knowingly taking, receiving, using or converting to such person's own use, or the use of another, (i) any electricity, water or natural gas that has not been measured; or (ii) any telephone or cable television service which has not been authorized; or
 - (E) Causing, procuring, permitting, aiding or abetting any person to do any of the acts described in subparagraphs (A) through (D). (K.S.A. 21-5804)

- (b) It shall be unlawful for any person to use a dog being used by the police department to interfere with the handler of the dog in such a manner as to inhibit, restrict or deprive the handler of his or her control of the dog. Section , Item 4.

- (c) Violation of this section is a Class C violation.

Sec. 7.14. Electioneering.

- (a) (1) Electioneering is:
- (A) knowingly attempting to persuade or influence eligible voters to vote for or against a particular candidate, party or question submitted, including wearing, exhibiting or distributing labels, signs, posters, stickers or other materials that clearly identify a candidate in the election or clearly indicates support or opposition to a question submitted election within any polling place on election day or advance voting site during the time period allowed by law for casting a ballot by advance voting or within a radius of 250 feet from the entrance thereof; or
 - (B) if committed by a candidate:
 - (i) Touching or handling any voter's ballot during the voting process;
 - (ii) distributing ballots or counting ballots;
 - (iii) hindering or obstructing any voter from voting or from entering and leaving the polling place; or
 - (iv) hindering or obstructing any election board worker from performing election duties.
- (2) Electioneering shall not include bumper stickers affixed to a motor vehicle that is used to transport voters to a polling place or to an advance voting site for the purpose of voting.
- (b) The provisions of subsection (a)(1)(B) shall not apply to:
- (1) The secretary of state or any election official or county election office; or
 - (2) a candidate transmitting or delivering an advance voting ballot in accordance with section 2(b), and amendments thereto.

- (c) As used in this section, “advance” means the central county election of Section , Item 4. advance voting sites designated as such pursuant to subsection (c) of K.S.A. 25–1122(c), and amendments thereto, and adult care homes and hospital based care units at the time of an election participating in the voting procedures prescribed in K.S.A. 2020 Supp. 25–2812, and amendments thereto.
- (d) Electioneering is a Class C violation.
(K.S.A. 25- 2430)

Sec. 7.15. Intimidation of a Witness or Victim.

- (a) Intimidation of a witness or victim is preventing or dissuading, or attempting to prevent or dissuade, with an intent to vex, annoy, harm or injure in any way another person or an intent to thwart or interfere in any manner with the orderly administration of justice:
- (1) Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law; or
 - (2) Any witness, victim or person acting on behalf of a victim from:
 - (A) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer, judicial officer, the secretary for children and families, the secretary for aging and disability services, or any agent or representative of either secretary, or any person required to make a report pursuant to K.S.A. 38-2223, and amendments thereto;
 - (B) Causing a complaint, indictment or information to be sought and prosecuted or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution;

- (f) Promoting obscenity to minors. Subsequent violations considered under state law and will be referred to the appropriate prosecuting authority. Section , Item 4.
- (g) Upon any conviction of promoting obscenity to minors, the court may require, in addition to any fine or imprisonment imposed, that the defendant enter into a reasonable recognizance with good and sufficient surety, in such sum as the court may direct, but not to exceed \$50,000, conditioned that, in the event the defendant is convicted of a subsequent offense of promoting obscenity to minors within two years after such conviction, the defendant shall forfeit the recognizance. (K.S.A. 21-6401)

Sec. 11.3. Commercialization of Wildlife.

- (a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:
- (1) Capturing, killing, or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;
 - (2) Selling, bartering, purchasing, or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section;
 - (3) Shipping, exporting, importing, transporting or carrying; causing to be shipped, exported, imported, transported, or carried; or delivering or receiving for shipping, exporting, importing, transporting, or carrying all or any part of any wildlife protected by this section, for profit or commercial purposes; or
 - (4) Purchasing, for personal use or consumption, all or any part of any wildlife protected by this section.
- (b) The wildlife protected by this section and the minimum value thereof are as follows:
- (1) Eagles, \$1,000;
 - (2) Deer or antelope, \$1,000;
 - (3) Elk or buffalo, \$1,500;
 - (4) Furbearing animals, except bobcats, \$25;
 - (5) Bobcats, \$200;
 - (6) Wild turkey, \$200;

- (7) Owls, hawks, falcons, kites, harriers, \$500;
- (8) Game birds, migratory game birds, resident and migratory nongame birds, game animals and nongame animals, \$50 unless a higher amount is specified above;
- (9) Fish and mussels, the value for which shall be no less than the value listed for the appropriate fish or mussels species in the monetary values of freshwater fish or mussels and fish kill counting guidelines of the American fisheries society, special publication number 30;
- (10) Turtles, \$25 each for unprocessed turtle or \$16 per pound or fraction of a pound for processed turtle parts;
- (11) Bullfrogs, \$4, whether dressed or not dressed;
- (12) Any wildlife classified as threatened or endangered, \$500 unless a higher amount is specified above; and
- (13) Any other wildlife not listed above, \$25.
- (c) Possession of wildlife, in whole or in part, captured, or killed in violation of law and having an aggregate value of \$1,000 or more, as specified in subsection (b), is prima facie evidence of possession for profit or commercial purposes.
- (d) Commercialization of wildlife having an aggregate value of less than \$1000, as specified in subsection (b), is a Class A violation. (K.S.A. 32-1005)
- (e) In addition to any other penalty provided by law, a court convicting a person of the crime of commercialization of wildlife may:
- (1) Confiscate all equipment used in the commission of the crime and may revoke for a period of up to 10 years all licenses and permits issued to the convicted person by the Kansas department of wildlife, parks and tourism;
- (2) Order restitution to be paid to the Kansas department of wildlife, parks and tourism for the wildlife taken, such restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).
- (f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by any person having actual knowledge that such wildlife was illegally harvested. (K.S.A. 32-1005)



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Randy Frazer, City Manager
Item: City Manager Updates

Purpose: City Manager's Report on Upcoming Activities

Background:

1. The monthly **Cowley Indoor Market** will have its next event from **5 to 8 p.m. Wednesday, September 22** at Burford Theatre Arts, located at 118 S. Summit St. in downtown Arkansas City.
2. Visit Ark City (VAC) will be host to a special "**Aloha party**" as they bid a fond Aloha to outgoing director Pam Crain and welcome Jill Hunter as the new VAC director from **5 to 7 p.m. Thursday, September 23** at Burford Theatre Arts, located at 118 S. Summit St. in downtown Arkansas City.
3. City staff will meet with project consultants about the **CDBG North Summit Street Resurfacing Project** at **10 a.m. Monday, September 27** in the city manager's office. We hope to let bids later this year.
4. The **Arkansas City Farm and Art Market** will finish out its 2021 season with its final market from **4 to 6:30 p.m. Tuesday, September 28** at the Wilson Park rotunda, located at 701 N. Summit St.
5. The next **City Commission** study session will be in my office here at City Hall at **noon Friday, October 1**.
6. There will be a special "**Mommy & Me Fair**," sponsored by 4 Friends Events LLC, from **10 a.m. to 2 p.m. Sunday, October 3** at Burford Theatre Arts, located at 118 S. Summit St. in downtown Arkansas City.
7. City staff will participate in a virtual **Kansas Department of Transportation (KDOT) local consult meeting** at **1:30 p.m. Monday, October 4**. This is a great opportunity gain state support for our street projects!
8. The **National Night Out kickoff party** will be from **5 to 8 p.m. Monday, October 4** at Wilson Park. The Police Department is very excited to bring this event back after having to take 2020 off due to COVID-19!
9. The City Commission will convene as the **Land Bank Board of Trustees** at **5 p.m. Tuesday, October 5** in the commission room at City Hall, prior to its next regular City Commission meeting at **5:30 p.m.** We will try to end that City Commission meeting by **6 p.m.** so that the commissioners can attend some of the National Night Out block parties from **6 to 8:30 p.m.**

Approved for Agenda by:

Randy Frazer, City Manager



CITY OF ARKANSAS CITY, KANSAS
FINANCIAL SUMMARY
 Year-To-Date August 31, 2021

Fund	Cash Summary					Budget Summary				
	1/1/2021 Beginning Cash Balance	Prior Year Adjustments	Receipts	Disbursements	08/31/2021 Ending Cash Balance	Budget	Encumbrances	Budget Variance Favorable (Unfavorable)	% Remaining (33%)	
01 - GENERAL FUND	\$ 2,430,776.08	\$ -	\$ 7,265,206.68	\$ 6,720,957.22	\$ 2,975,025.54	\$ 10,702,736	\$ 372,038.21	\$ 3,609,741	34%	
15 - STORMWATER FUND	\$ 297,096.40	\$ -	\$ 135,971.13	\$ 123,763.96	\$ 309,303.57	\$ 306,139	\$ -	\$ 182,375	60%	
16 - WATER FUND	\$ 4,477,842.01	\$ -	\$ 3,408,805.55	\$ 3,984,917.87	\$ 3,901,729.69	\$ 5,760,616	\$ 447,432.38	\$ 1,328,266	23%	
18 - SEWER FUND	\$ 4,307,387.88	\$ -	\$ 2,352,302.24	\$ 899,376.22	\$ 5,760,313.90	\$ 14,169,544	\$ 19,709.00	\$ 13,250,459	94%	
19 - SANITATION FUND	\$ 1,142,083.64	\$ -	\$ 1,086,766.26	\$ 884,439.14	\$ 1,344,410.76	\$ 1,495,989	\$ 208.00	\$ 611,342	41%	
20 - SPECIAL RECREATION FUND	\$ 35,613.60	\$ -	\$ 5,621.63	\$ 12,312.33	\$ 28,922.90	\$ 46,068	\$ -	\$ 33,756	73%	
21 - SPECIAL STREET FUND	\$ 789,869.50	\$ -	\$ 415,749.34	\$ 312,903.60	\$ 892,715.24	\$ 1,357,500	\$ 3,187.02	\$ 1,041,409	77%	
23 - TOURISM/CONVENTION FUND	\$ 28,279.90	\$ -	\$ 99,263.79	\$ 103,263.79	\$ 24,279.90	\$ 139,145	\$ -	\$ 35,881	26%	
26 - SPECIAL ALCOHOL FUND	\$ 93,482.01	\$ -	\$ 5,821.63	\$ 3,931.51	\$ 95,372.13	\$ 90,524	\$ -	\$ 86,592	96%	
27 - PUBLIC LIBRARY FUND	\$ -	\$ -	\$ 342,768.73	\$ 342,768.73	\$ -	\$ 384,950	\$ -	\$ 42,181	11%	
29 - SPECIAL LAW ENF TRUST FUND	\$ 11,617.22	\$ -	\$ 610.22	\$ 8,322.80	\$ 3,904.64	Not a Budgeted Fund				
31 - LAND BANK FUND	\$ 986.21	\$ -	\$ -	\$ 114.91	\$ 871.30	\$ 3,500	\$ -	\$ 3,385	97%	
43 - BOND & INTEREST FUND	\$ 303,521.84	\$ -	\$ 346,922.04	\$ 616,580.00	\$ 33,863.88	\$ 673,385	\$ -	\$ 56,805	8%	
44 - HEALTHCARE SALES TAX FUND	\$ -	\$ -	\$ 1,256,072.38	\$ 1,256,072.38	\$ -	\$ 1,696,000	\$ -	\$ 439,928	26%	
45 - UNPLEDGED HEALTHCARE SALES TAX FUND	\$ 189,526.15	\$ -	\$ 202,388.72	\$ 290,704.26	\$ 101,210.61	\$ 332,706	\$ -	\$ 42,002	13%	
53 - MUNICIPAL COURT FUND	\$ 15,923.05	\$ -	\$ -	\$ 1,705.88	\$ 14,217.17	Not a Budgeted Fund				
54 - EQUIPMENT RESERVE FUND	\$ 200,946.02	\$ -	\$ -	\$ -	\$ 200,946.02	Not a Budgeted Fund				
57 - CID SALES TAX FUND	\$ -	\$ -	\$ 40,613.22	\$ 40,613.22	\$ -	\$ 65,000	\$ -	\$ 24,387	38%	
68 - CAPITAL IMPROVEMENT FUND	\$ 1,758,315.08	\$ -	\$ 300,637.12	\$ 532,315.37	\$ 1,526,636.83	Not a Budgeted Fund				
TOTALS	\$ 16,083,266.59	\$ -	\$ 17,265,520.68	\$ 16,135,063.19	\$ 17,213,724.08	\$ 37,223,802.00				

INDEBTEDNESS:

GO 2020 REFUNDING & IMPROVEMENT BOND	\$ 20,205,000
2013 PUMPER FIRE TRUCK LEASE	\$ 97,598
2019 FERRARA PUMPER TRUCK LEASE	\$ 449,198
2019 PBC	\$ 17,280,000
TOTAL	\$ 38,031,796

Note: Information is Unaudited



City Commission Agenda Item

Meeting Date: September 21, 2021
From: Andrew Lawson, Public Information Officer
Item: City Advisory Board Reports

Purpose: City Advisory Board Reports

Background:

The City Commission receives regular reports from its appointed advisory boards and committees in the form of their approved minutes.

Commission Options:

1. No action needed.

Attachments:

The following approved board and committee minutes are included in this packet:

- **August 10** — Arkansas City Planning Commission
- **August 12** — Visit Ark City Board of Trustees
- **August 16** — Arkansas City Public Library Board of Trustees

Approved for Agenda by:

A handwritten signature in dark ink, appearing to read "Randy Frazer", is written over a horizontal line. The signature is fluid and stylized, with a long horizontal stroke extending to the right.

Randy Frazer, City Manager



City of Arkansas City

PLANNING COMMISSION MINUTES

Tuesday, August 10, 2021 at 5:30 PM — 400 W Madison Ave, Arkansas City, KS

Call to Order

Roll Call

PRESENT: Chair Andy Paton, Mary Benton, Charles Jennings, Paisley Howerton, Ian Kuhn, Lloyd Colston, Cody Richardson, Joni Curl

ABSENT: Karla Gallegos

Staff present at roll call was Principal Planner Josh White and Public Information Officer Andrew Lawson.

Also present at roll call either in person or via GoToMeeting was Harrison Taylor representing the Beautification Advisory Board; Pastor Jack Dickson representing the Arkansas City Ministerial Alliance; Tom Langer representing the City-Cowley County Health Department; Kerri Falletti representing Cowley First and RISE Cowley; Dr. Ron Ballard, Lindsay Wilke and Braden Smith representing USD 470; Landon West representing Arkansas City Recreation Commission; Candace Stephens representing RISE Cowley and First Presbyterian Church; Sarah Johnson representing William Newton Hospital; and Shayla McDonald representing SCK Health.

Public Comments

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.

There were no comments from the public regarding items not on the agenda.

Consent Agenda

1. Meeting Minutes, **July 13, 2021 meeting.**
Motion made by Jennings, Seconded by Colston to approve the meeting minutes as written.
Voting Yea: Chair Paton, Benton, Jennings, Howerton, Kuhn, Colston, Richardson, Curl

Comprehensive Plan

2. Comprehensive Plan discussion on Community Health

White introduced the topic of Community Health. He discussed the content of Chapter 7 from the 2013 Comprehensive Plan including the goals. He invited guests to speak about their respective agencies and how they were working to improve community health in the Arkansas City area. Tom Langer spoke of an ongoing Community Health Needs Assessment which is done every three years. He emphasized that the Health Department's main duty was to promote health in the county. He challenged Planning Commissioners to look at public health in all planning decisions. He volunteered to assist with creating goals and setting metrics to look at. He also noted that the pandemic had the positive that it created new partnerships in the county. Kerri Falletti noted the goals of the organization were active living, healthy eating and tobacco cessation. She spoke about the initiatives the organization is focusing on. Jack Dickson wanted to point out the spiritual component of public health. Churches and religious organizations can sometimes be the first agency somebody in a crisis goes to. These organizations can help with the physical issues including financial needs but can also

help by building better mental health as well. Braden Smith spoke of the partnerships that the school district has developed which have helped greatly in all manner of health situations. He also noted that we are still struggling in our community with child care as well the fact that we don't have enough pediatricians in the area. A major topic of concern for the school district was dealing with teen suicide as well as drug use by students. Landon West noted that the Recreation Commission had been working to get youth active but realized they needed to do more with adult programs. Colston noted that it was important for seniors to stay active and applauded the Silver Sneakers program and the Golden Tigers programs. Jennings stated it was important to celebrate successes something that was lacking in the current plan. Sarah Johnson spoke of their priorities and coordination of care with other healthcare agencies in the county. She also mentioned the Resource Directory that is being created for the county that will help direct people to the resources available all in one place. Candace Stephens spoke of the issues she is seeing in the youth of the community. She spoke of her involvement in RISE Cowley, RESIST, SADD and her work with the Student Resource Officers in the schools and the importance of all of these programs. White thanked all of the guests that spoke for all of their valuable input and the Planning Commissioners echoed that. The notes from this discussion will be compiled and used to start a draft of the new community health chapter. More discussion from some of the absent entities may be discussed at a future meeting including Arkansas City Police and Fire-EMS as well as SCK Health.

Other Items

Lawson asked Planning Commissioners what topics should be the focus of the remaining FlashVote surveys. Planning Commissioners felt that will the ongoing Health Assessment that a Community Health survey would be a waste. They suggested that the next survey should be on Parks and Recreation. Lawson noted that the pool and Wilson Park would probably be separated out but everything else could be a part of that survey. Housing was another topic discussed but it was determined that the Housing Assessment Tool did a pretty good job of gathering community input on housing already. Other potential topics include transportation, infrastructure, economic development and land use and with the exception of economic development, these topics haven't been discussed by the Planning Commission yet.

Adjournment

Motion made by Jennings, Seconded by Colston to adjourn the meeting.

Voting Yea: Chair Paton, Benton, Jennings, Howerton, Kuhn, Colston, Richardson, Curl

Meeting adjourned at 7:05 pm.

Visit Ark City Board of Trustees

8/12/2021

Section VII, Item 2.

The Visit Ark City Board of Trustees met in the Chamber Conference Room on Thursday, **August 12, 2021**. Those present were Shawn Silliman, Liz Shepard, Carlla Pike, Arty Hicks, Kanyon Gingher, Shannon Martin, Andrew Lawson, Charles Tweedy and Pam Crain - VAC Director.

Liz Shepard called the meeting to order.

Minutes from June 10 Meeting

Minutes of the previous meeting were reviewed. Carlla Pike moved to accept the minutes. It was seconded by Kanyon Gingher. A unanimous voice vote declared the minutes accepted.

Treasurer's Report

Pam Crain presented the financials and monthly expenses for June and July. On August 4, the VAC checking account contained \$11,440.17. Shawn Silliman moved to accept the report as presented. Carlla Pike seconded, and a unanimous voice vote declared the motion approved.

Director Announcement

Pam Crain will be leaving her position as VAC Director. Her last day will be September 23, 2021. A subcommittee will be interviewing potential candidates for VAC Director next week.

Business Items

Social Media and Website

Pam Crain reported that Shannon Lorg, VAC social media manager, is performing well. Lorg has been posting actively to the new website and taking pictures of local businesses.

150th Celebration

Pam Crain reported the total cost for the event is still being determined. She estimates that it will cost VAC a couple thousand dollars. The City has provided \$2,000 for the event.

Cowley College Events

A booth promoting Ark City events and local information will be set up at the college's Community Showcase. The Back to School Bash will feature a water slide and DJ, and hot dogs will be served to the students.

Billy Bob Thornton Concert

Pam Crain will host the Green Room at the Burford.

Model T Touring Event 8/27-29

Pam Crain has arranged for the group to visit several local attractions in Cowley County. The group has reserved 24 hotel rooms.

State Fair Weekend 9/17-18

VAC will be in the South Central Kansas tent for two days.

Last Run Car Show 9/24-25

Pam Crain reported there has been little communication from the event organizers.

TIAC Conference 10/18-20

Pam Crain will register for this event for the future VAC director to attend.

Tacolalah Committee

Andrew Lawson requested that a member of the VAC board be appointed to the Tacolalah Executive Committee.

VAC Board Vacancy

Juliana Barragan no longer works at Best Western and has been replaced by Jynda Murray. Jynda has expressed an interest in replacing Julianna on the VAC Board. Arty Hicks will provide her with an application for the open position.

Arty Hicks made a motion to adjourn; seconded by Carlla Pike.

The next regular meeting is scheduled for noon on September 9, 2021.

MINUTES

**Arkansas City Public Library Board of Trustees Special Meeting via Zoom –
August 16, 2021**

The Board of Trustees of the Arkansas City Public Library, pursuant to official notification, met Monday, August 16, 2021, at 5:30 p.m. at the library.

MEMBERS PRESENT:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Duane Oestmann, <i>City Commissioner, ex-officio</i> | <input checked="" type="checkbox"/> Kayleigh Lawson, <i>President</i> |
| <input checked="" type="checkbox"/> Shawna Allison, <i>Vice President</i> | <input checked="" type="checkbox"/> Gia Watson |
| <input checked="" type="checkbox"/> Lloyd Colston | <input checked="" type="checkbox"/> Emily Mitton, <i>Secretary</i> |
| <input checked="" type="checkbox"/> Mitch Reichle, <i>Treasurer</i> | |

STAFF PRESENT: Mendy Pfannenstiel, Library Director

OTHERS PRESENT:

Lawson called the meeting to order at 5:30 p.m.

Motion by Colston to approve the July meeting minutes. Second by Allison. Approved unanimously.

Motion by Colston to approve the June & July 2021 Treasurer Reports. Second by Mitton. Approved unanimously. The June 2021 report shows that we have total assets of \$426,824.21 (\$1,039.38 in current liabilities, \$104,226.28 in the operating fund and \$321,303.04 in the capital improvement fund). We have accepted 62% of our anticipated receipts and expended 40% of our anticipated budget. The July 2021 report shows that we have total assets of \$527,203.83 (\$2,221.81 in current liabilities, \$203,195.43 in the operating fund and \$321,531.43 in the capital improvement fund). We have accepted 96% of our anticipated receipts and expended 49% of our anticipated budget.

Pfannenstiel provided a Director’s report to the Board.

There was discussion about managing the Dolly Parton Imagination Library for Ark City.

The Board reviewed ACPL’s current strategic plan.

Motion by Allison to amend the library’s expired facility agreement with the City to present to Commissioners. Second by Mitton. Approved unanimously. Changes include: (1) rent of \$10/year will no longer be charged and instead it will be a simple agreement for ACPL to run a free library out of the facility; (2) wording changes in the accounting section stating ACPL will provide a copy of its annual audit, as well as an annual summary of activities and statistics in lieu of a physical budget presentation; and (3) proposal that the City maintains the exterior of the building and ACPL maintains the interior, as well as landscaping.

Motion by Reichle to move forward on pursuing a taxing boundary change to include all territory of USD 470. Second by Colston. Approved unanimously.

Motion by Colston to adjourn the meeting. Second by Oestmann. Approved unanimously. With there being no further business, the meeting concluded at 7:34 p.m.

The next regular Board meeting will be September 13, 5:30pm at both he library and via Zoom.

Director's Report

Personnel:

- Still haven't hired new custodian.

Facilities & Grounds:

- I had a company come on-site to look at our painting/lead abatement areas. I have not received a quote, yet.

Budget/Finance:

- Nothing new to report.

Collection/Circulation:

- Nothing new to report.

Special Projects / Grants:

- A new book has been placed at the StoryWalk. We never did find any affordable solutions to the books fading so much. We'll have to change out the stories more often to avoid the fading.
- The City installed two Little Free Libraries—one at Wilson Park and another at Pershing Park. The library registered and stocked both. The one at Pershing is being sponsored by KanPak.
- We picked up several bottles of hand sanitizer from Cowley County Emergency Services—80 32-oz bottles, 288 1.69-oz bottles, and 4 1-gallon jugs. We also got 12 Q-boxes to distribute to those who are quarantined. We are able to get as many as we want, if needed.
- We also received several Farmer's Market coupons to distribute to patrons.
- We received 304 books valued at \$2,458 from Lisa Libraries. We had to pay only \$85 in shipping costs.

Technology:

- SCKLS installed a new firewall router. This will be a system managed by LockIt out of Beloit.

Programming:

- Regular programming will start again this month. (We take a hiatus in August every year following Summer Reading.)

Public Relations:

- Facebook: 1,769 Page Likes; 1,863 Followers; 130 Page Views; 2,577 Post Reach; 404 Post Engagements
- Website:
 - Main Page: 320 Views (251 Desktop, 59 Mobile, 8 Tablet, 2 Other); 77 Clicks
 - Kids Page: 15 Views, 20 Clicks
- Marketing: Facebook boosts; CourierTraveler ads

SCKLS/State Library:

- Nothing new to report.

Gifts, Memorials, and Other:

- Nothing new to report.

Submitted by:

Mendy Pfannenstiel, Director
September 2021