



# City Commission Meeting

September 19, 2023 at 5:30 PM

118 W Central Ave, Arkansas City, KS

Please join our meeting <https://meet.goto.com/978910901>  
Or dial in using your phone: United States: +1 (646) 749-3122 Access Code: 978 910 901

## I. Routine Business

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

## II. Awards and Proclamations

1. Proclaim October 3, 2023, as National Night Out in Arkansas City.
2. Proclaim October 8-14, 2023, as Fire Prevention Week in Arkansas City.
3. Proclaim October 2023 as Community Planning Month in Arkansas City.

## III. Consent Agenda (Voice Vote)

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

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

## IV. New Business

### City Manager Department

1. Consider first reading of an Ordinance exempting the application of K.S.A. 41-719(d) to allow the sale and consumption of alcoholic liquor at a designated area of SCK Health during the Fall on the Lawn Special Event on October 7, 2023. **(Roll Call Vote)**
2. Consider a Resolution scheduling a public hearing at 5:30 PM on November 7, 2023, in the Commission Chambers at City Hall, to determine if structures located at 820 S. 3rd St., 610 N. 5th St., 126 S. 8th St., 120 S. 9th St., 122 S. 9th St., 1504 S. G St., 514 E. Cedar Ave., and 525 E. Cedar Ave., are unsafe and dangerous. **(Voice Vote)**
3. An Ordinance prohibiting the use of tobacco products, including electronic smoking devices, in Lovie Watson Park, in the City of Arkansas City, Kansas. **(Roll Call Vote)**

## Environmental Services Department

1. A Resolution authorizing the City of Arkansas City to enter into a contract with Professional Engineering Consultants (PEC), of Wichita, KS, to provide project specifications including permitting, design, bidding assistance and construction administration for Goff Tower Rehabilitation, for an amount not to exceed \$94,500.00. **(Voice Vote)**
2. A Resolution approving the proposal submitted by R.E. Pedrotti Company, of Mission, KS, to upgrade the Chestnut Booster Station SCADA Remote Telemetry Unit, for reliability of the booster station operation, for an amount not to exceed \$32,429.00. **(Voice Vote)**

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

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

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

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

## **VIII. Financial Summary**

1. August 2023 Financial Summary

## **IX. Executive Session**

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

## **X. Adjournment**

*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 39<sup>th</sup> 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 2023 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

**NOW, THEREFORE**, The Mayor does 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 39<sup>th</sup> annual National Night Out and does hereby proclaim Tuesday, October 3, 2023, as

**NATIONAL NIGHT OUT**

in Arkansas City, Kansas. The Mayor further calls 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 2, 2023, at Wilson Park in Arkansas City.

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

\_\_\_\_\_  
Name/Title: *Diana L. Spielman, Mayor*  
Date: *September 19, 2023*

Office of the Mayor  
Arkansas City, Kansas  
*Proclamation*

**WHEREAS**, National Fire Protection Association (NFPA) has designated the **second 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 2023 Fire Prevention Week theme — “Cooking safety starts with YOU! Pay attention to fire prevention”, — puts the focus on educating the public about simple but important steps to reduce the risk of fire when cooking at home, keeping themselves and those around them safe; and

**WHEREAS**, according to the NFPA, cooking is the leading cause of home fires with nearly half of all home fires involving cooking equipment and injuries. Unattended cooking being the leading cause of home cooking fires and related deaths.

**NOW, THEREFORE**, The Mayor of the City of Arkansas City, Kansas, calls upon all citizens to observe the week of **October 8-14, 2023**, as

**FIRE PREVENTION WEEK**

in Arkansas City and urge all citizens to check their homes for fire hazards and take measures to be more aware while cooking during Fire Prevention Week, and all times, as to support the activities and efforts of the Arkansas City Fire-EMS Department.

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

\_\_\_\_\_  
Name/Title: *Diana L. Spielman, Mayor*  
Date: *September 19, 2023*

*Office of the Mayor*  
**Arkansas City, Kansas**  
  
*Proclamation*

**WHEREAS**, change is constant, and it affects all cities, towns, counties, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help to manage this change in a way that provides better choices for how people work, live, and play, and community planning provides an opportunity for all residents to be involved meaningfully in making those choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of **October** is designated as National Community Planning Month throughout the United States of America and its territories; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to recognize publicly the participation and dedication of the members of Planning Commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Arkansas City, Kansas; and

**WHEREAS**, tonight we recognize the many valuable contributions made by professional community and regional planners of the City of Arkansas City, Kansas, and extend our heartfelt thanks for the continued commitment to public service by these professionals.

**NOW, THEREFORE**, The Mayor of the City of Arkansas City, Kansas, does hereby proclaim the month of **October 2023** as

**COMMUNITY PLANNING MONTH**

in the City of Arkansas City, Kansas, in conjunction with the celebration of National Community Planning Month throughout the United States, and urge all citizens to observe this day with appropriate ceremonies.

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

\_\_\_\_\_  
Name/Title: *Diana L. Spielman, Mayor*  
Date: *September 19, 2023*



# City Commission Agenda Item

**Meeting Date:** September 19, 2023  
**From:** Tiffany Parsons, City Clerk  
**Item:** Approve the September 5, 2023, Regular Meeting Minutes

**Purpose:** Approve the August 5, 2023, regular meeting minutes as written.

**Background:**

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

**Commission Options:**

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

**Approved for Agenda by:**

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

Randy Frazer, City Manager



Tuesday, September 5, 2023  
Regular Meeting Minutes  
118 W Central Ave, Arkansas City, KS

**Routine Business**

- 1. Roll Call

**PRESENT**

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

**ABSENT**

None

Also present from staff: City Attorney Larry Schwartz, City Manager Randy Frazer, City Clerk Tiffany Parsons, and Communications Director Shana Adkisson.

- 1. Opening Prayer and Pledge of Allegiance led by Mayor Spielman.
- 2. Additions or Deletions to the Agenda as read by City Manager Frazer:
  - Add new item #3 under City Manager Department - *Consider approving a request from SCK Health for release of funds from the Unpledged Healthcare Sales Tax Fund from the City of Arkansas City in the amount of \$62,966.77.*

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

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

- 3. Approval of the Agenda

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

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

**Awards & Proclamations**

- 1. Proclaim September 10-16, 2023, as Direct Support Professionals Recognition Week in Arkansas City as read by Mayor Spielman.
- 2. Proclaim September 2023 as National Suicide Prevention month in Arkansas City as read by Arkansas City High School Junior and active Hope Squad Member Presli Tharp, with support from Police Captain Anthony Rider and School Resource Police Officer Adam Utt.

## Recognition of Visitors/Staff

City Manager Frazer recognized Environmental Services employees Rod Philo, Tommy Bowman, Mike Frank, and Spencer Stover for winning the Environmental Excellence Competition, a “scholar’s bowl” of the water industry, at the Kansas Section AWWA/KWEA Water and Wastewater Conference held August 29-31, 2023, in Wichita, KS.

## Consent Agenda

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

1. Approve the August 15, 2023, regular meeting minutes as written.
2. Approve a Resolution authorizing a public meeting of the Governing Body to attend a Public Building Commission meeting at 5:15 p.m. Tuesday, September 19, 2023, in the Commission Room at City Hall, located at 118 W. Central Ave. in Arkansas City.

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

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

## New Business

### City Manager Department

1. City Clerk Parsons presented to hold a public hearing to receive public comment relating to the Revenue Neutral Rate.  
Finance Director/Treasurer Waggoner gave brief description of the Revenue Neutral Rate that has be in review by the City and Commissioners since May and purpose of the public hearing.

*Commissioner Rogers moved, seconded by Commissioner Warren to open a public hearing to receive public comment relating to the (RNR) Revenue Neutral Rate.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the floor open to the public for public comment.*

Four citizens residing in the city limits and one Cowley County resident spoke before the commission regarding the Revenue Neutral Rate.

*Mayor Spielman moved, seconded by Commissioner Warren to close the public hearing.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the public hearing closed.*

- 1a) City Clerk Parsons recited to consider a Resolution to exceed the Revenue Neutral Rate.

Commissioner Gingher confirmed with Finance Director/Treasurer Waggoner that the commission did vote to exceed the RNR when Waggoner initially put this packet together, which the City had to confirm the intent to exceed the RNR to the County Clerk by July 20, 2023.



*Commissioner Warren moved and Commission Gingher seconded to consider a Resolution to exceed the Revenue Neutral Rate.*

*Roll Call Voting Yea: Commissioner Warren. Roll Call Voting Nay: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, and Mayor Spielman. Mayor Spielman declared the motion failed.*

Commissioner Jennings asked staff to outline the ramifications of a no vote on the motion to exceed the revenue neutral rate. Wagoner explained that the next step is the budget hearing, which we can still hold tonight as the next item, but the commission cannot vote to adopt the budget as presented. However, if the commission wants to go down to the revenue neutral rate (63.000 mills), then the budget could be adopted at that lower RNR rate.

2. Hold a public hearing to receive public comment regarding the proposed 2024 budget.

*Mayor Spielman moved, seconded by Commissioner Gingher to open a public hearing on the budget.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the floor open to the public for public comment.*

Three citizens of Arkansas City from the public audience spoke.

*Mayor Spielman moved, seconded by Commissioner Rogers to close the public hearing.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the public hearing closed.*

- 2a) Consider first reading of an Ordinance adopting the 2024 Budget for the City of Arkansas City.

*Commissioner Rogers moved, seconded by Commissioner Warren to approve an Ordinance adopting the 2024 Budget for the City of Arkansas City based off the (RNR) Revenue Natural Rate.*

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

3. Consider approving a request from SCK Health for release of funds from the Unpledged Healthcare Sales Tax Fund from the City of Arkansas City in the amount of \$62,966.77.

Waggoner spoke of the regular request of SCK Health for release of all funds that are available from the unpledged healthcare sales tax fund, providing their charity care write offs included in the packet.

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

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

4. City Clerk Parsons offered a Resolution adopting by reference the City's 2023 Comprehensive Fee Schedule and repealing Resolution No. 2023-07-3559. **(Voice Vote)**

City Manager Frazer spoke to the major changes being the stormwater items with a few other areas that needed to be cleaned up. Currently there are two stormwater rates residential and commercial. Through the stormwater rate analysis, five classes were created for separate residential and commercial classes.

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

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

- 5. City Clerk Parsons presented an Ordinance authorizing the City of Arkansas City, Kansas, in conjunction with other participating governmental entities, to enter into a new interlocal agreement for the provision of Cowley First, a county-wide economic development service. **(Roll Call Vote)**

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

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

- 6. Building Permit Valuation Discussion

Discussion was held among commission and staff.

City Attorney Department

- 1. An Ordinance adopting by reference the Standard Traffic Ordinance for Kansas Cities, 50th Edition, prepared and published in book form in 2023, by the League of Kansas Municipalities.

City Attorney Schwartz gave a brief overview of the changes made by the by the League of Kansas Municipalities.

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

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

- 2. An Ordinance adopting by reference the Uniform Public Offense Code for Kansas Cities, 39th Edition, prepared and published in book form in 2023, by the League of Kansas Municipalities.

City Attorney Schwartz noted that the changes by the by the League of Kansas Municipalities.

New this year, City Clerk Parsons is ordering both the book and electronic version of both the STO and UPOC editions for officers and staff, also making the electronic version available to the public on the city website.

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

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

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

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

Ken Harader at 1313 N. 1<sup>st</sup> St., would like the PA speaker and microphone system brought back in the commission chambers.

### **City Manager Reminders and Updates**

1. City Manager Frazer provided the commissioner with the following:

- Waste Water Treatment Plant is winding down. Clarifier value should be in this week.
- More funding received for the Opioid Settlement, \$5,4500 each for three different settlements.
- CCLIP at Maddison had mobilization traffic control issues should be up and running tomorrow.
- City Staff did a stop log training on S. Summit. Stop logs are for the flood control and the levy to block off the openings at the bridges, to be prepared for emergency situations.
- Waste Water Treatment Plan Project fund has an estimated \$122k left in our allowance for unexpected items. Staff has identified a couple of pumps that are older they would like added into this project.

### **Executive Session**

1. City Clerk Parsons offered to recess into executive session to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for the preliminary discussion of the acquisition of real property.

*Commissioner Rogers moved, seconded by Commissioner Warren to recess into executive session to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for the preliminary discussion of the acquisition of real property, to include City Manager Randy and Larry (City Attorney) in there for no more than 10 minutes.*

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

Commission meeting resumed at 7:30 p.m.

*Commissioner Rogers moved, Seconded by Commissioner Jennings to continue the executive session for another 10 minutes, with the same individuals.*

Commission meeting resumed at 7:41 p.m.

*Commissioner Rogers moved, Seconded by Commissioner Jennings to continue the executive session for another 7 minutes.*

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

Commission meeting resumed at 7:49 p.m.

**Adjournment**

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

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

(Seal)

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

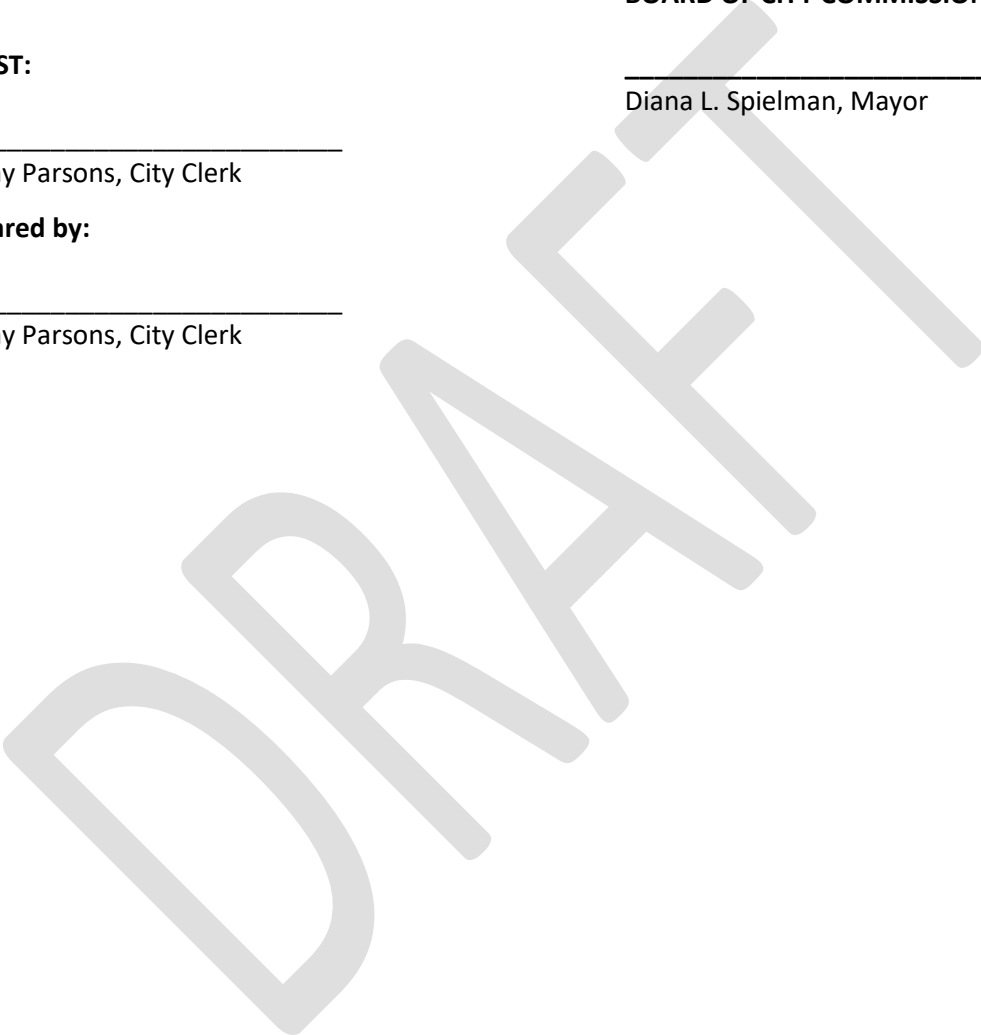
**ATTEST:**

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

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

**Prepared by:**

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





# City Commission Agenda Item

**Meeting Date:** September 19, 2023  
**From:** Tiffany Parsons, City Clerk  
**Item:** City Board Appointment

**Purpose:** Ratify Mayor Diana Spielman’s appointment of Mickie Schmith to the Northwest Community Center Board.

**Background:**

Mickie has expressed an interest in serving on this committee. Currently, he serves as a substitute teacher for USD 470 and 465 and volunteers at Camp McFadden in Ponca City, OK. Formerly, president of the Ark City Little League in the early 2000’s, longtime YMCA board member in Seattle, WA, and Pacific International Baseball League president (Oregon, Washington and British Columbia).

The Board and Mayor Spielman recommend Mickie Schmith be appointed to the Northwest Community Center Board.

**Commission Options:**

- 1. Approve with consent agenda.
- 2. Remove from consent agenda to new business for further consideration.

**Approved for Agenda by:**

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

Randy Frazer, City Manager



# Volunteer Form Boards, Commissions and Committees

Name: Mickie Schmith Application Date: 8/22/2023  
 Home Address: [REDACTED]  
 Email: [REDACTED] Phone: [REDACTED]  
 Current Employer: I Substitute Teach for USD 470's USD 465  
 Job Title: [REDACTED] Years Lived in Arkansas City: 23

Community and Professional Activities/Associations/Honors/Organizations: Currently a volunteer at Camp  
None in Ark City Currently McAllen in Ponca City. Former president  
of the Ark City Little League in early  
Long time YMCA Board member and volunteer for the YMCA of Greater  
Seattle 2000's

Previous Civic Experience (please list any appointed or elected positions you have held in the past):  
None in Ark City Currently Former President of the Pacific International  
Baseball League located in (Oregon, Washington and British Columbia Canada)

Appointment(s) you are applying for [please indicate all of your choice(s) — when a vacancy occurs, you will be contacted; also, please note you may serve on only two (2) of these boards at one time]:

- |   |  |
|---|--|
| <input type="checkbox"/> ACPL (Public Library) Board of Trustees              | <input checked="" type="checkbox"/> Northwest Community Center Board |
| <input type="checkbox"/> Beautification and Tree Advisory Board               | <input type="checkbox"/> Outstanding Student Award Committee         |
| <input type="checkbox"/> Building Trades Board                                | <input type="checkbox"/> Planning Commission / Board of Zoning       |
| <i>*Professional certification required - call (620) 441-4412 or 441-4420</i> | <input type="checkbox"/> Public Building Commission                  |
| <input type="checkbox"/> Capital Improvement Planning Committee               | <input type="checkbox"/> Recreation Commission                       |
| <input type="checkbox"/> City Commission (only if vacancy occurs)             | <input type="checkbox"/> SCKMC (Hospital) Board of Trustees          |
| <input type="checkbox"/> Community Spirit Award Committee                     | <input type="checkbox"/> Traffic Safety Committee                    |
| <input type="checkbox"/> Equal Opportunity & Accessibility Board              | <input type="checkbox"/> Visit Ark City Board of Trustees            |
| <input type="checkbox"/> Historic Preservation Board                          |  |

Please indicate why you are interested in serving and what skills you might contribute:

See Attached

Signature: Michael Schmith Date: 8/22/2023

I agree that this application may be electronically signed and that the electronic signature appearing on this agreement is the same as my handwritten signature for the purpose of validity and admissibility.

**~APPLICANTS MUST BE APPOINTED BY THE MAYOR WITH THE CONSENT OF THE CITY COMMISSION~**

**Mail or deliver to:**  
 Tiffany Parsons, City Clerk  
 Email: [tparsons@arkansascityks.gov](mailto:tparsons@arkansascityks.gov)  
 118 W Central Ave | Arkansas City, KS 67005  
 Or click the submit button for this form to be emailed:

**Submit Form**

**OFFICE USE ONLY:**

Received Date: 9/5/2023 Commission Mtg Date: \_\_\_\_\_ Appointed Date: \_\_\_\_\_  
 Info sent to Board Liaison:  Notification Letter Date: \_\_\_\_\_ New Board Member Guide:

**ORDINANCE NO. 2023-09-\_\_\_\_\_**

**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 SCK HEALTH DURING THE FALL ON THE LAWN SPECIAL EVENT ON OCTOBER 7, 2023.**

**WHEREAS**, VISIT Ark City has requested that the Governing Body of the City of Arkansas City, Kansas, allow it to sponsor a beer garden to sell and serve beer and seltzers at a designated area of SCK Health located at 6401 Patterson Parkway, during the SCK Health Foundation Fall on the Lawn Special Community Event from 5:00 p.m. until 10:00 p.m. on Saturday, October 7, 2023; and

**WHEREAS**, the event proceeds will support the annual 4<sup>th</sup> of July fireworks display; and

**WHEREAS**, VISIT Ark City 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 SCK Health (6401 Patterson Parkway) and designated on the attached map (hereafter “the Premises”) from the provisions of K.S.A. 41-719(d), 5:00 p.m. until 10:00 p.m. on Saturday, October 7, 2023. The Governing Body of the City of Arkansas City, Kansas, hereby grants this exemption as it is a unique opportunity specifically tied to the Arkalalah Festival, a community celebration, and it will be fully contained and have measures in place to provide for security and monitoring to ensure compliance with Municipal laws. By providing this exemption, the Governing Body hereby authorizes VISIT Ark City, holder of a Kansas ABC Division Temporary Liquor License, to sell and serve alcoholic liquor by the drink for consumption on the Premises, subject to the following terms and conditions:

1. VISIT Ark City 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 VISIT Ark City 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. VISIT Ark City shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities, if applicable.

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

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

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas, on this 19<sup>th</sup> day of September, 2023.

(Seal)

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry R. Schwartz, City Attorney

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-09-\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 19, 2023, as the same appears of record in my office.

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

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





# City Commission Agenda Item

**Meeting Date:** September 19, 2023  
**From:** Tiffany Parsons, City Clerk  
**Item:** Beer Garden at SCK Health during Fall on the Lawn Special Event.

**Purpose:** Consider first reading of an Ordinance exempting the application of K.S.A. 41-719(d) to allow the sale and consumption of alcoholic liquor at a designated area of SCK Health during the Fall on the Lawn Special Event on October 7, 2023. **(Roll Call Vote)**

**Background:**

VISIT Ark City, who holds a State of Kansas ABC Division Temporary Alcoholic Liquor License, has requested the city commission allow them to sponsor a beer garden to sell and serve beer and seltzers at a designated area of SCK Health located at 6401 Patterson Parkway, during the SCK Health Foundation Fall on the Lawn Special Community Event from 5:00 p.m. until 10:00 p.m. on Saturday, October 7, 2023.

This event is sponsored in part by: Creekstone Farms, KanPak, Jet AirWerks, City of Arkansas City, Visit Ark City and KSOK BOBFM. Proceeds from the beer garden will go to support the annual 4<sup>th</sup> of July fireworks display. Visit Ark City has provided reasonable assurances that it will take all necessary precautions to ensure the property is used in full compliance with applicable state and local law. No one younger than twenty-one (21) years old will be allowed within the enclosed area where alcohol is being served.

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.

**Commission Options:**

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

**Fiscal Impact:**

Amount: Cost of publication.

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other (explain)

**Attachments:**

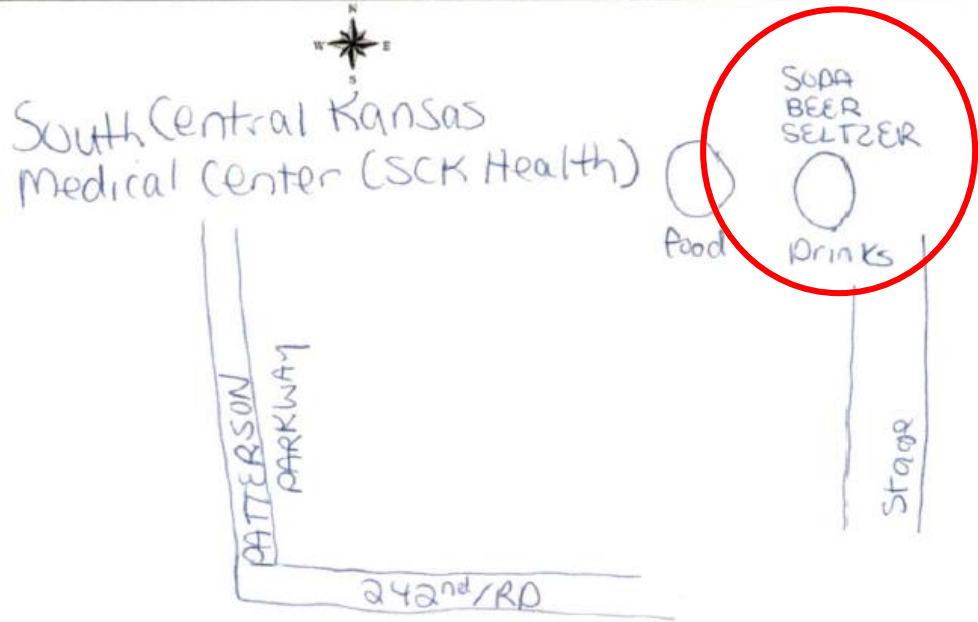
**Approved for Agenda by:**



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Randy Frazer, City Manager

**SECTION 1 – EVENT AREA:** Complete this section for On-Premise and Special Events only.  
In the space below, draw the floor plan and any outside areas included in the proposed event area where alcoholic liquor will be sold, served, or consumed. If the area is outside, it must show the line of demarcation to define the event area; and, include nearby streets for reference. Shade in the areas you DO NOT wish to be permitted.





*sponsored in part by* **CREEKSTONE FARMS  
KANPAK . JETAIRWERKS  
CITY OF ARKANSAS CITY  
VISIT ARK CITY . KSOK BOBFM**

*Underwritten by* **VJ WILKINS FOUNDATION**

# City Commission Agenda Item



**Meeting Date:** September 19, 2023  
**From:** Mike Bellis, Building Official  
**Item:** Schedule a Public Hearing for Dangerous Structures

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

**Background:**  
 The attached resolution will set a public hearing at 5:30 PM on November 7, 2023, in the Commission Chambers at City Hall, for the Governing Body to determine dangerous structures.

- The properties to be considered are:
1. 820 S. 3<sup>rd</sup> St. – Heather Prince & James Brookshire
  2. 610 N. 5<sup>th</sup> St. – Marcial Gutierrez Amaya
  3. 126 S. 8<sup>th</sup> St. – Miguel Jose Jimenez
  4. 120 S. 9<sup>th</sup> St. – Charles Edward Towles
  5. 122 S. 9<sup>th</sup> St. – Anna Martin Reed & Aubrey C. Lolar
  6. 1504 S. G St. – Michael Lambert
  7. 514 E. Cedar Ave. – Tamara L. Morris
  8. 525 E. Cedar Ave. – Alice Major & Edward Major

During this hearing, owners, agents, lienholders of record, and any occupants of the listed structures may appear and show cause as to why the structure should not be condemned as an unsafe structure. If so ordered, the owner will have 30 days to begin repair or demolition and 90 days to complete that work after publication of the resolution declaring a dangerous structure. The owners have been properly notified and have not made appropriate corrections.

- Commission Options:**
1. Approve setting the Public Hearing for November 7, 2023
  2. Disapprove setting the Public Hearing for November 7, 2023
  3. Table setting the Public Hearing for November 7, 2023


**Fiscal Impact:**

Amount:

Fund:            Department:            Expense Code:

Included in budget             Grant             Bonds             Other (explain)

**Approved for Agenda by:**




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Randy Frazer, City Manager

**RESOLUTION NO. 2023-09-\_\_\_\_\_**

**A RESOLUTION ESTABLISHING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS, AT WHICH TIME THE OWNERS, AGENTS, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE(S) (IF APPLICABLE) HEREINAFTER LISTED AT THEIR RESPECTIVE LOCATIONS IN SAID CITY, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED, SHORED OR OTHERWISE MADE SAFE OR IN THE ALTERNATIVE, DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES.**

**WHEREAS**, the Enforcing Officer of the City of Arkansas City, Kansas, did, on or about the 19th day of September, 2023, file with the Governing Body of the City of Arkansas City a statement in writing that the structures hereinafter described constitute an unsafe or dangerous structure.

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

**SECTION ONE:** A hearing will be held on the 7th day of November, 2023 before the Governing Body of the City at 5:30 p. m. in the Commission Chambers of the City Building, 118 West Central Avenue, Arkansas City, Kansas at which time owners, agents, Lienholders of record and any occupants of the hereinafter listed structure(s) may appear and show cause why such structure should not be condemned as unsafe or dangerous and ordered repaired, shored or otherwise made safe or in the alternative, demolished as an unsafe structure.

Reasonable accommodations will be made available to persons with disabilities. Requests for accommodations should be submitted to the City Clerk no later than five days prior to the date of the hearing.

**SECTION TWO:** The following described structures shall be considered at said hearing:

Parcel 1:

Dilapidated Structure, including any Accessory structures located at 820 S 3<sup>rd</sup> ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 11 and 12, Block 6, Gooch's Addition to Arkansas City, Cowley County, Kansas

Record Owner(s): Heather Prince and James Brookshire  
820 S 3<sup>rd</sup> ST  
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes  
311 E. 9<sup>th</sup> Avenue  
Winfield, KS 67156

Parcel 2:

Dilapidated Structure, including any Accessory structures located at 610 N 5<sup>th</sup> ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lot 17, 18, 19, and 20, Block 137, Original Town Arkansas City, Cowley County, Kansas.

Record Owner(s): Marcial Gutierrez Amaya  
610 N 5<sup>th</sup> ST  
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes  
311 E. 9<sup>th</sup> Avenue  
Winfield, KS 67156

Parcel 3:

Dilapidated Structure, including any Accessory structures located at 126 S 8<sup>th</sup> ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 15 and 16, Block 122, Original Town, Arkansas City, Cowley County, Kansas.

Record Owner(s): Miguel Jose Jimenez  
126 S 8<sup>th</sup> ST  
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes  
311 E. 9<sup>th</sup> Avenue  
Winfield, KS 67156

State of Kansas  
Department of Revenue  
PO Box 3506  
Topeka, KS 66625-3506

Parcel 4:

Dilapidated Structure, including any Accessory structures located at 120 S 9<sup>th</sup> ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 19 and 20, Block 2, Love's First Addition to Arkansas City, Cowley County, Kansas.

Record Owner(s): Charles Edward Towles  
120 S 9<sup>th</sup> ST  
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes  
311 E. 9<sup>th</sup> Avenue  
Winfield, KS 67156

Parcel 5:

Dilapidated Structure, including any Accessory structures located at 122 S 9<sup>th</sup> ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 17 and 18, Block 2, Love's First Addition to Arkansas City, Cowley County, Kansas.

Record Owner(s): Anna Martin Reed and Aubrey C. Lolar  
122 S 9<sup>th</sup> ST  
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes  
311 E. 9<sup>th</sup> Avenue  
Winfield, KS 67156

Parcel 6:

Dilapidated Structure, including any Accessory structures located at 1504 S G ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 27 and 28, Block 17, Sleeth Addition to the City of Arkansas City, Cowley County, Kansas

Record Owner(s): Michael Lambert  
1504 S G ST  
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes  
311 E. 9<sup>th</sup> Avenue  
Winfield, KS 67156

Parcel 7:

Dilapidated Structure, including any Accessory structures located at 514 E Cedar Ave, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 15, 16, 17 and 18, Block 14, Original Town Arkansas City, Cowley County, Kansas.

Record Owner(s): Tamara L. Morris  
514 E Cedar Ave.  
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes  
311 E. 9<sup>th</sup> Avenue  
Winfield, KS 67156

Parcel 8:

Dilapidated Structure, including any Accessory structures located at 525 E Cedar Ave, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 27 and 28, Block 15, Original Town Arkansas City, Cowley County, Kansas.

Record Owner(s): Alice Major and Edward Major  
525 E Cedar Ave  
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes  
311 E. 9<sup>th</sup> Avenue  
Winfield, KS 67156

**SECTION THREE:** Be it further resolved that the City Clerk shall cause this Resolution to be published once each week for two consecutive weeks and at least thirty (30) days shall elapse between the LAST PUBLICATION and the date set for hearing, and the City Clerk is further directed to mail a copy of said Resolution by certified mail within three (3) days after the FIRST PUBLICATION to each such owner, agent, Lienholder or occupant at his/her/its last known place of residence and marked "Deliver to Addressee Only" as provided by K.S.A. § 12-1752 and all acts amendatory thereof or supplemental thereto.



**PASSED AND RESOLVED** by the Governing Body of the City of Arkansas City, Kansas this 19th day of September, 2023 with City Officials being authorized and directed to execute any and all documents necessary to consummate the purposes and intents as expressed in this Resolution 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) and/or City Manager, the City Clerk is directed to attest to and affix the official seal of the City thereon.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry R. Schwartz, City Attorney

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2023-09-\_\_\_\_\_ of the City of Arkansas City, Kansas adopted by the governing body on September 19, 2023 as the same appears of record in my office.

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

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

# 820 S 3<sup>RD</sup> ST



# 610 N 5<sup>th</sup> ST



# 126 S 8<sup>th</sup> ST



# 120 S 9<sup>th</sup> ST



# 122 S 9<sup>th</sup> ST



# 1504 S G ST



# 514 E Cedar Ave





# 525 E Cedar Ave





# City Commission Agenda Item

**Meeting Date:** September 19, 2023  
**From:** Nick Rizzio, Municipal Project Manager  
**Item:** Prohibiting Tobacco Products in Lovie Watson Park

**Purpose:** An Ordinance prohibiting the use of tobacco products, including electronic smoking devices, in Lovie Watson Park, in the City of Arkansas City, Kansas. **(Roll Call Vote)**

**Background:**

As part of the Blue Cross Blue Shield Pathways to a Healthy Kansas (*Pathways*) initiative grant qualification, the City of Arkansas City established Placemaking Policy which includes an Ordinance prohibiting the use of tobacco products in Lovie Watson Park. The City of Arkansas City needs to commit to the established Placemaking Policy in relation to *Pathways* funds as inscribed in section three, of the enclosed Ordinance. As established in prior phases through the grant application process, this grant allows for up to \$50,000 park improvements at Lovie Watson Park.

City of Arkansas City (partner) acknowledges that we play an integral role in creating spaces that promote health in our community. Our position provides us with a significant opportunity to assist members of our community in leading healthier lives. We are committed to taking steps toward providing the healthiest possible environment in our community.

**Commission Options:**

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

**Fiscal Impact:**

Amount:

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other Not Budgeted

**Approved for Agenda by:**

Randy Frazer, City Manager

(First Published in The Cowley CourierTraveler, September \_\_\_\_, 2023)

**ORDINANCE NO. 2023-09-\_\_\_\_\_**

**AN ORDINANCE PROHIBITING THE USE OF TOBACCO PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES, IN LOVIE WATSON PARK, IN THE CITY OF ARKANSAS CITY, KANSAS.**

**WHEREAS**, the governing body of the City of Arkansas City knowledges that secondhand tobacco smoke poses a threat to the health, safety, and welfare of adults and children; and

**WHEREAS**, the City of Arkansas City believes that tobacco and e-cigarette use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health; and

**WHEREAS**, the U.S. Surgeon General has determined that there is no safe level of exposure to tobacco smoke pollution; and

**WHEREAS**, electronic smoking devices, more commonly referred to as electronic cigarettes or e-cigarettes, typically contain nicotine, which is highly addictive, has been determined by the FDA to contain detectable levels of known carcinogens and toxic chemicals, and their use (1) often closely resembles and purposely mimics the act of smoking, (2) produces an aerosol or vapor of undetermined and potentially harmful substances, (3) is increasing among both adults and youth, (4) is especially concerning among youth because of the negative impacts of nicotine on the developing adolescent brain, (5) threatens to re-normalize smoking, potentially jeopardizing tobacco control efforts of the past and present, and (6) creates confusion and leads to difficulties enforcing smoking prohibitions; and

**WHEREAS**, tobacco products, including electronic smoking devices, consumed in outdoor public places are often discarded on the ground as an environmental blight, diminishes the beauty of recreational areas, requiring additional maintenance expenses to clean up, and posing a fire risk as well as risk to human and animal health through potential ingestion and contamination of water sources; and

**WHEREAS**, the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and

**WHEREAS**, the City believes parents, coaches, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

**WHEREAS**, the governing body of the City of Arkansas City desires to promote the public health by making the Lovie Watson Park a “tobacco-free zone.”

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

**SECTION 1. Tobacco Use is Prohibited in Lovie Watson Park in the City of Arkansas City**

(a) It shall be unlawful for any person to use tobacco or an electronic smoking device at any time within Lovie Watson Park, or within 25 feet of the perimeter boundary of Lovie Watson Park, except to the extent the additional 25-foot area extends onto private property.

(b) It is not a violation of this ordinance to use sacred tobacco in Lovie Watson Park as part of Native American religious, spiritual, or cultural ceremony or practice.

## SECTION 2. Definitions

**Electronic Smoking Device** means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

**Lovie Watson Park** or **Park** means Lovie Watson Park in the City of Arkansas City, Kansas, including all buildings, playgrounds, parking lots, basketball courts, trails, shelters, restrooms and other amenities or facilities located in Lovie Watson Park.

**Smoking** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted, heated or activated product containing, made, or derived from nicotine, tobacco, cannabis, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic smoking device or e-hookah.

**Tobacco Product** means: 1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus; 2) any electronic smoking device as defined in this ordinance and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or 3) any component, part, accessory, of 1) or 2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

**Tobacco Product** does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration (FDA), as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

**Tobacco Use** or **Use Tobacco** mean the act of smoking or the use of any other tobacco product in any form.

## SECTION 3. Compliance and Enforcement

- (a) Signage will be posted at strategic locations in Lovie Watson Park to inform the community and park users about this ordinance. Ash receptacles for the disposal of tobacco products, including, but not limited to, ashtrays or ashcans, will not be permitted in the park.
- (b) City staff, community, and volunteers will be notified about this ordinance through the signage posted at Lovie Watson Park, City Municipal Code, initial local newspaper ordinance publication, and social media communications.
- (c) The success of this ordinance depends on the consideration and cooperation of all. Enforcement of this ordinance is a shared responsibility of City staff and park users. City staff will communicate the policy to event organizers. City staff will also make periodic observations of the park to monitor for compliance and promote awareness of this policy.
- (d) Any individual found violating this ordinance will first be reminded of the policy and asked to comply. Failure to comply with the policy will result in the individual being asked to leave the park.
- (e) City staff found violating this ordinance may be subject to disciplinary action.
- (f) The City of Arkansas City is committed to assisting all persons who use tobacco, including electronic smoking devices, in overcoming nicotine dependency. Persons who violate this ordinance may be referred to Kansas's Tobacco Quitline (KanQuit), 1-800-QUIT-NOW, which is a free tobacco cessation resource.

**SECTION 4. Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section or provision of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

**SECTION 5. Severability**

If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision or application. Each invalid provision or application of this ordinance is severable.

**SECTION 6. 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, this 19th day of September, 2023.

(Seal)

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry R. Schwartz, City Attorney

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-09-\_\_\_\_\_ of the City of Arkansas City, Kansas adopted by the governing body on September 19, 2023 as the same appears of record in my office.

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

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



# City Commission Agenda Item

**Meeting Date:** September 19, 2023  
**From:** Rod Philo, Environmental Services Superintendent  
**Item:** Goff Tower Rehabilitation Engineering - PEC

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

**Background:**

Goff Tower has been inspected by divers at regular intervals every 3 to 5 years. The 2019 diver inspection report found blistering, rust nodules and coating separating from the floor of the inside wet surfaces. Outside appearance is showing deterioration.

Staff would like to utilize professional services provided by Professional Engineering Consultants (PEC) to provide project specifications including front-end bidding/contract documents and technical specifications.

**Attachments**

PEC Work Order No. 1

**Commission Options:**

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

**Fiscal Impact:**

Amount: 94,500.00

Fund: **16 - Water** Department: **651 - Water Treatment Facility** Expense Code: **7405 - Capital Outlay**

Included in budget       Grant       Bonds       Other Not Budgeted

**Approved for Agenda by:**

Randy Frazer, City Manager

RESOLUTION NO. 2023-09-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO ENTER INTO A CONTACT WITH PROFESSIONAL ENGINEERING CONSULTANTS (PEC), OF WICHITA, KS, TO PROVIDE PROJECT SPECIFICATIONS INCLUDING PERMITTING, DESIGN, BIDDING ASSISTANCE, AND CONSTRUCTION ADMINISTRATION FOR GOFF TOWER REHABILITATION, FOR AN AMOUNT NOT TO EXCEED \$94,500.00.

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 approves a contract with Professional Engineering Consultants (PEC), Wichita, KS, to provide project specifications including permitting, design, bidding assistance and construction administration for Goff Tower Rehabilitation, for an amount not to exceed \$94,500.00.

SECTION TWO: That the Governing Body of the City of Arkansas City hereby authorizes the City Manager and/or City Clerk take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION THREE: This Resolution will 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 19th day of September, 2023.

(Seal)

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2023-09-\_\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 19, 2023, as the same appears of record in my office.

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

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

**WORK ORDER NO. 1**

This Work Order No. 1 is made as of this August day of 11<sup>th</sup>, 2023, under the terms and conditions established in the Master Agreement between Client and Professional Consultant dated May 22<sup>nd</sup>, 2023 (the “Master Services Agreement” between The City of Arkansas City (Client) and Professional Engineering Consultants, P.A. (PEC). Except to the extent modified herein, all terms and conditions of the Master Services Agreement shall continue a full force and effect.

**A. Project Description**

1. The Project shall consist of the rehabilitation of the 0.5 MG Goff Elevated Storage Tank. The interior wet surface will be fully reconditioned. The exterior surface will be reviewed to determine if an overcoat can be utilized or if a full coating replacement is required.
2. The Project delivery method is design-bid-build.

**B. Anticipated Project Schedule**

1. PEC shall commence its services on the Project within 10 days after receiving CLIENT’s notice to proceed.
2. PEC and CLIENT anticipate that the design duration to complete construction documents will be approximately 12 weeks after receiving Notice to Proceed.
3. CLIENT acknowledges that directed changes, unforeseen conditions, and other delays may affect the completion of PEC’s services. PEC will not have control over or responsibility for any contractor or vendor’s performance schedule.

**C. Project Deliverables**

1. This Project Deliverables shall consist of the following sealed by an Engineer licensed in the State of Kansas where applicable:
  - a) Preliminary Plans and Specifications
  - b) Final Plans and Specifications

**D. Scope of Services**

1. General Scope Items for Civil Services:
  - a) Participate in a kickoff meeting to discuss project improvements.
  - b) Attend up to two progress design meetings with CLIENT.
  - c) Provide bidding assistance including response to Contractor’s questions and preparation of items for inclusion in Addenda.
  - d) Provide Engineer’s opinion of probable construction cost.
2. Civil Design Services:
  - a) Coordinate with Coating manufacturer to gather adhesion samples to determine if the exterior surface requires an overcoat or full coating replacement.
  - b) Prepare surface preparation requirements, coating system requirements, timeline for construction activities, and construction sequencing for taking the water tower out of service.



- c) Coordinate with City Staff on exterior lettering and logo options and include in bid package as separate or alternate costing items.
  - d) Provide a complete set of construction drawings and details, including Cover Sheet, key map, plan/profiles.
  - e) Provide project specifications including front-end bidding/contract documents and technical specifications. City Standard Specifications will be utilized where applicable.
  - f) Summarize project quantities and estimate probable construction costs.
3. Civil Engineering Construction Administration Services including:
- a) Review shop drawings for systems and elements designed by PEC. Review period will be 14 calendar days after received by PEC office unless other terms are agreed to by PEC and CLIENT.
  - b) Review Contractor's shop drawings and material test certifications for compliance with plans and specifications.
  - c) Respond to RFIs generated by the contracting team. Response will be provided in 7 working days after received by PEC office unless other terms are agreed to by PEC and CLIENT.
  - d) Consult with the Resident Inspector regarding interpretations or clarifications of the plans and specifications.
  - e) Provide decisions in accordance with the Contract Documents on questions regarding this work.
  - f) Prepare Change Orders covering modifications or revisions necessitated by field conditions.
  - g) Visit the PROJECT site if needed to determine Contractor's progress and general character of the work.
  - h) Meet with the CLIENT as requested during construction to review progress on each part of the PROJECT.
  - i) Perform one final construction observation site visit following substantial completion and develop written punch list of remaining items required for final acceptance.
4. Construction Observation Services (PEC will help facilitate Construction Observation services through KLM Engineering.):
- a) Preconstruction meeting with the client and contractor to clearly define the role of the Engineer and Inspector, to discuss the intent of the specifications, and to ensure all parties agree to the scope of work and expectations regarding the quality of work.
  - b) Monitor and approval of structural repairs and modifications to conformance to the specifications.
  - c) Inspection of the abrasive blasting media and equipment for conformance to the specifications and to prevent contamination of surfaces during surface preparation with moisture and oil or other contaminants.
  - d) Monitor the paint removal and disposal process for conformance to the specifications and environmental regulations.
  - e) Monitor the contractors mixing and application of the coatings for conformance to the specifications and the coating manufacturer's recommendations.
  - f) Approve surface preparation samples.
  - g) Record the contractor's progress for adherence to the construction schedule.

- h) Submit daily and weekly inspection reports. Prepare and file copies of the reports on construction activities.
- i) Coordinate and review testing of materials for conformance to the specifications and environmental regulations.
- j) Monitor punch list items and subsequent corrective action by the contractor.
- k) Final inspection, substantial completion, and project acceptance.

**E. Additional Responsibilities of CLIENT**

The CLIENT agrees to provide the following pursuant to PEC accomplishing the Scope of Services outlined herein.

- 1. Drawings, studies, reports, and other information available pertaining to the existing site.

**F. Additional Services**

The following services can be provided by PEC at an additional cost by Supplemental Agreement:

- 1. Production of record drawings, as-builts, or release of electronic files.
- 2. Meetings in excess of the number above will be performed on an hourly basis.
- 3. Analysis of existing utility systems.
- 4. Topographic Survey
- 5. Geotechnical Investigations
- 6. Plan revisions, as necessary, to reduce the cost of construction after issue of Construction Documents. (Typically referred to “Value Engineering” or “VE”.)
- 7. Landscape Design.
- 8. Electrical Design of Lighting, SCADA, or Other Electrical Improvements.
- 9. Site Improvements.
- 10. Alternate designs not specifically listed in the Scope of Services.

**G. Exclusions**

The following shall be specifically excluded from the Scope of Services to be provided by PEC.

- 1. Permitting/Application/Review Fees
- 2. Filing Fees
- 3. Franchise Utility Design.
- 4. Structural Analysis and Design
- 5. Public Meetings

**H. PEC’s Fees & Reimbursable Expenses**

- 1. PEC will invoice CLIENT one time per month for services rendered incurred in the previous month. CLIENT agrees to pay each invoice within 30 days after receipt.
- 2. PEC’s Fee for its Scope of Design Services will be on a lump sum basis in the amount of \$19,500. An estimated breakdown of the total aggregate fee is outlined below:

Discipline	Design	CA	Subtotal
Civil	\$14,500	\$5,000	\$19,500

3. PEC’s fees for its Construction Observation Scope of Service will be on a standard hourly basis, at the rates established on the attached Rate Schedule, plus reimbursable expenses not to exceed \$75,000.
4. Reimbursable Expenses shall include digital scanning and printing by outside firms, deliveries made by outside services, vehicle mileage or vehicle rental and fuel, vehicle parking and tolls, travel fares (air/land/water), lodging, meals, and review/application/filing/permit fees.
5. Taxes are not included in PEC’s Fees. CLIENT shall reimburse PEC for any sales, use, and value added taxes which apply to these services.

**CLIENT**

**CONSULTANT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



# City Commission Agenda Item

**Meeting Date:** September 19, 2023  
**From:** Rod Philo, Environmental Services Superintendent  
**Item:** Chestnut Booster Station SCADA Upgrade

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

**Background:**

The SCADA controls at Chestnut Booster Station are obsolete and repair parts are extremely scarce. When this pump station is inoperable the result is low water pressure east of the Walnut River. This upgrade would increase the reliability of the pump station.

Staff recommends utilizing P.E. Pedrotti Company for the unit upgrade to increase reliability of the booster station operation. The until will be a shop assembled backplane to fit the existing cabinet with some field work to add a touchscreen on the door. The quote from American Control and Engineering is slightly lower but would incur extra cost from R.E. Pedrotti Company for proper integration into our existing SCADA System.

**Attachments:**

R.E. Pedrotti Quote  
American Control and Engineering Quote  
Bid Table

**Commission Options:**

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

**Fiscal Impact:**

Amount: \$32,429.00

Fund: **16 - Water** Department: **651 - Water Treatment Facility** Expense Code: **7201 – Repair, Parts, Maintenance**

Included in budget       Grant       Bonds       Other Not Budgeted

**Approved for Agenda by:**

Randy Frazer, City Manager



RESOLUTION NO. 2023-09-\_\_\_\_\_

**A RESOLUTION APPROVING THE PROPOSAL SUBMITTED BY R.E. PEDROTTI COMPANY, OF MISSION, KS, TO UPGRADE THE CHESTNUT BOOSTER STATION SCADA REMOTE TELEMETRY UNIT, FOR RELIABILITY OF THE BOOSTER STATION OPERATION, FOR AN AMOUNT NOT TO EXCEED \$32,429.00.**

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

**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 19th day of September, 2023.

(Seal)

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry R. Schwartz, City Attorney

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2023-09-\_\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on September 19, 2023. as the same appears of record in my office.

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

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

City of Arkansas City-Environmental Services Dept.  
Chestnut Booster Station PLC Upgrade 2023  
Bid Tabulation

Section , Item 2.

	R.E. Pedrotti	ACES
PLC Upgrade	\$32,429.00	\$30,139.81
<b>Total Cost</b>	<b>\$32,429.00</b>	<b>\$30,139.81</b>
Warranty Parts & Equipment	1 year	1 year
Warranty Labor	1 year	Not Covered



**R.E. Pedrotti Company, Inc.**  
*Instrumentation, Controls, and System Integration*

5855 Beverly Avenue, Suite A / Mission, KS 66202  
 p: 913-677-3366 / repedrotti.com

August 24, 2023

Mr. Mike Frank  
 City of Arkansas City  
 118 W. Central  
 Arkansas City, KS 67005

Reference: Arkansas City, KS WTP – Chestnut Booster Station RTU Upgrade  
 Quote No: 1881

Dear Mike:

The **R.E. Pedrotti Company, Inc.** is pleased to provide the following proposal for upgrading the Chestnut Booster Station RTU. This will be a shop assembled backplane to fit the existing cabinet with some field work to add a touchscreen on the door.

Item	Qty.	Description
A.	1	Chestnut Booster Station RTU Upgrade (System to operate on 120 VAC/60Hz/1 Phase Power)  To Include: <ul style="list-style-type: none"> <li>• Backplane Assembly</li> <li>• Schneider Electric SCADAPack474i Process Controller&amp; IO Hardware</li> <li>• 4RF UHF Licensed Radio</li> <li>• C-More 10" OIT Touchscreen</li> <li>• Yagi antenna, Surge Protection, Coax and Connectors &amp; Grounding Kit</li> <li>• Power Supply, 24VDC</li> <li>• Phoenix Contact UPS &amp; Backup Batteries</li> </ul>
B.	Lot	RTU Control Panel & Telemetry Equipment Installation, Cabinet Door Modifications
C.	Lot	PLC Programming, Start-up, Testing, SCADA System Integration

**TOTAL PRICE FOR ITEMS A-C: \$32,429.00\*\***



\*\*Clarifications/Exclusions

1. Pricing is exclusive of taxes, fees, permits, bonds and licenses unless noted above.
2. FOB Factory. **Freight included.**
3. Terms: Net 30 Days.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

**R. E. PEDROTTI COMPANY, INC**

*Bill Wilkus*

Bill Wilkus

# American Control & Engineering Svc, Inc

14433 SW 150th St  
 Rose Hill, KS 67133-8078  
 USA

Voice: 316.776.7500  
 Fax: 316.776.7502

# QUOTATION

Section , Item 2.

Quote Number: 5989  
 Quote Date: Jul 24, 2023  
 Page: 1

Quoted To:
City of Arkansas City Attn: Rod Philo 2929 N. 2nd Arkansas City, KS 67005

Customer ID	Good Thru	Payment Terms	Sales Rep
ArkansasCity	8/23/23	See Proposal for Terms	DurenIIR

Quantity	Description	Unit Price	Amount
1.00	Proposal to Upgrade Chestnut Booster Station Radio and PLC		
1.00	Parts	12,459.81	12,459.81
1.00	Labor (Engineering, Drawings, Programming, Installation, Testing, Radio Survey ***** Any changes in the project's scope of work will require a new evaluation and may result in the generation of a new quote to reflect any and all changes. A Purchase Order will signify acceptance of this proposal and ACES Standard Terms and Conditions. Should this project require additional labor to complete, such labor will be billed at ACES standard hourly rates.	17,680.00	17,680.00

This quote is subject to ACES Terms and Conditions see <http://theacesinc.com/terms-and-conditions/>

Subtotal	30,139.81
Sales Tax	
<b>TOTAL</b>	<b>30,139.81</b>



# AMERICAN CONTROL & ENGINEERING SERVICE, INC.

Design, Manufacture, Install, Repair  
UL508A UL698A Listed Panel Shop  
AMS SAE 2750 Service  
ASME Code Manufacturing

14433 SW 150<sup>th</sup>  
Rose Hill, Kansas  
67133  
Phone: 316.776.7500  
Fax: 316.776.7502

---

Date: 07/24/2023

To: Mike Frank  
City of Arkansas City

Prepared by: Josiah Carey  
Reviewed by: Robert Duren

Subject: Proposal to upgrade the Chestnut Booster Station radio and PLC

See Quote # 5989  
ACES Project # 23062605

We look forward to serving you.

Best Regards,

*Josiah Carey*

Josiah Carey



## I. Scope of Work

Replace the existing control board and CB radios at the Chestnut Booster Station with a PLC and Ethernet radios at the main station. The new system will be able to control the three booster station pumps, take pumps out of the control rotation in case of fault, report pump status and analog values back to the main station, and display the data locally on an HMI

## II. Description of Major Equipment

### A. Major Equipment

- [1] 1769-L30ER PLC
- [1] PLC Power supply
- [1] 16-point discrete input card
- [1] 8-point analog output card
- [1] 16-point digital output card
- [2] DX80ER9M-H Ethernet radio
- [1] BWC-4MNFN6 radio cable
- [1] BWC-4MNFN6 radio cable
- [1] BWA-9O6-AS Omni Antenna
- [1] BWA-9Y10-A Yagi Antenna
- [1] CM5-T10W C-more touchscreen

## III. Installation

Upon receipt of purchase order, ACES will order parts and start engineering. Once all parts have arrived the installation will be scheduled

1. ACES will order parts and start engineering
2. ACES will schedule a time to start the installation
3. The existing components will be removed from the existing cabinet and the new components will be installed
4. ACES will start testing the PLC program and HMI changes.
5. The main PLC in the Water plant will be modified to communicate to the new station PLC

## IV. Notes

Install time is estimated to be 2 to 3 days

**\*This proposal is contingent on a radio survey being completed**

## V. Lead Time

Longest lead time on parts is 3 to 4 weeks. Onsite installation is estimated at 2 business days for install and 1 more day to finish testing with main plant PLC.



Lead times are estimated based on our current workload. After receipt of purchase order, ACES will update with an estimated project schedule.

**VI. Exclusions**

No field parts or repairs other than the ones specified are included.

Any damaged or defective parts discovered during the upgrade will be reported to discuss how to proceed.

Parts or programming of the booster station other than the radio and PLC as described above.

All labor is expected to be and is priced as normal business hours Monday through Friday 8am to 5pm. Weekend and overtime labor can be provided but is not included in this proposal.

**VII. Price**

Parts.....	\$ 12,459.81
Labor (engineering, drawings, programming, installation+testing, radio survey). \$	17,680.00
<hr/>	
Total .....	\$ 30,139.81

**\*\*Applicable sales tax will be added to the final bill. If this is a tax-exempt job, please provide proper sales tax exemption certificate.**

**VIII. Shipping**

*Shipping charges are included.*

**IX. Payment Schedule**

- 50% due at order
- 50% due upon completion

If payment is not received within 30 days following the due date shown on the invoice, an amount equal to 1.5% per month shall be charged on the unpaid balance of the invoice as a late payment service charge.

Price includes engineering and programming

**X. Documentation**

ACES will create electrical schematics, one physical copy and one electronic copy will be provided upon completion.

**XI. Warranty**

Manufacturer’s warranty on parts and equipment is 1 year. Labor is not covered under warranty and will be billed at ACES standard rates.



ACES will warranty the software free of software bugs for a period of 1 year.

\*\*Software bugs are defined as the software not working as the programmer intended and does not include scope or operational process changes after the FAT.

## Tier I Standard Hourly Labor Rates

(Customers within the continental U.S.)

Effective 01/01/2022

Senior Engineer	\$230.00
Level III Engineer	\$195.00
Level II Engineer	\$165.00
Level I Engineer	\$150.00
Level II Software Engineer	\$165.00
Level I Software Engineer	\$150.00
Level II Technician	\$140.00
Level I Technician	\$90.00
CAD Technician	\$100.00

- Special rates may apply for metrology services. Please contact us.

### Overtime

- Overtime rates at one and one half times the standard rate apply for hours outside our normal business hours which are 8:00 a.m. to 5:00 p.m. Monday through Friday.
- Overtime rates for Christmas Day are three times the standard rate for hours beginning at 5:00 p.m. on the eve of the holiday weekend and ending at 8:00 a.m. on the next business day following the holiday weekend.
- Overtime rates for other holidays are two times the standard rate for hours beginning at 5:00 p.m. on the eve of the holiday weekend and ending at 8:00 a.m. on the next business day following the holiday weekend. These rates apply to the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, and Thanksgiving Day (inclusive of the following Friday).

### Travel

- Travel time is charged out at standard hourly labor rates. If travel time exceeds 8 hours in a day, overtime rates do not apply. All expenses including travel, lodging, rental car and \$59 per diem (high cost areas based on location) for meals will be covered by the customer.

**Issuance of a Purchase Order (written or verbal) is the customer's acknowledgement of the aforementioned rates, terms and fees.**

## XII. Terms and Conditions

Any and all sales to customer/buyer are expressly governed by these terms and conditions set forth hereinafter as well as by those listed or enumerated in any other documentation from American Control and Engineering Service, Inc., if any. Customer referred to herein as "Buyer". American Control and Engineering Service, Inc. referred to herein as "Seller".

Your purchase order or statement of intent to purchase goods or services, or any direction to proceed with procurement or shipment of goods, or any acceptance of payment for such goods or services constitute your specific and express agreement to the following terms and conditions as governing this sale. American Control and Engineering Service, Inc. will not, under any circumstance, agree or be bound by any provisions, conditions, or agreements which are inconsistent with, contrary to, additional to or in lieu of or which modify in any manner the following terms and conditions unless an Authorized Officer of American Control and Engineering Service, Inc., in writing agrees to such provisions, conditions or agreements.

**STORAGE AND USE OF MATERIAL:** Buyer is required to use and hereby does warrant that it/he will use safe job procedures for the sale, installation, storage and handling of all Purchased materials/products.

**QUOTATIONS:** All quotations are subject to change without notice, unless otherwise stated in writing, in a Quotation. Orders, whether or not placed on the basis of any quotation, are subject to American Control and Engineering Service, Inc.'s acceptance which can only be made by an authorized Officer of American Control and Engineering Service, Inc.

**DELIVERIES:** Shipping dates given in advance of actual shipment are estimated based on Information received from our suppliers and shall not be deemed to represent fixed or guaranteed shipping dates. Delivery dates are not guaranteed and American Control and Engineering Service, Inc. shall not be liable to Buyer/customer or the ultimate user for any claims arising from delay in shipment or delivery. If shortages should occur in Seller's supply of specific items, Seller may allocate its deliveries as it deems necessary.

**WARRANTIES:** American Control and Engineering Service, Inc. being solely a supplier-distributor and not a manufacturer, gives no warranty whatsoever and expressly DISCLAIMS ANY WARRANTY BY AMERICAN CONTROL AND ENGINEERING SERVICE, INC., EXPRESS OR IMPLIED, STATUTORY, BY OPERATION OF LAW OR OTHERWISE, INCLUDING MERCHANTABILITY AND FITNESS FOR ANY PARTICULAR PURPOSE and the only warranty on any item purchased from American Control and Engineering Service, Inc. is the express warranty, if any, given by the manufacturer of the item. Buyer hereby agrees that it has no right or remedy against Seller/American Control including, but not limited to claims for INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES OR ANY CAUSE, LOSS, ACTION, CLAIM OR DAMAGE WHATSOEVER, OR INJURY TO PERSON OR PROPERTY OR ANY OTHER CONSEQUENTIAL, ECONOMIC OR INCIDENTAL LOSS arising out of or related in any way to any item purchased from American Control and Engineering Service, Inc. Any liability from Seller to Buyer shall be limited and shall not exceed the price of the item on which such liability claim is based. All items sold by American Control and Engineering Service, Inc. to buyer are sold "AS IS" AND WITH ALL FAULTS and Seller's sole obligation to Buyer is to use due diligence in an effort to cause manufacturer of any item which is defective to repair or replace such item.

**INDEMNIFICATION:** Buyer shall protect, defend, save harmless and indemnify Seller/American Control for any loss, cost, delay, liability, damage, liquidated or otherwise, and expense, including attorney's fees, which Seller may sustain, have assessed against it or incur as a consequence of any litigation dispute or claim with respect to all or any part of the items sold by American Control to Buyer or anything done or omitted or claimed to have been done or omitted hereunder by Seller/American Control or anyone acting for Seller/American Control, including but not limited to, any claim of injury to person or property by reason of defects or infirmity in any such items or damage by reason of the failure of Buyer to perform promptly and satisfactorily its obligations.

**F.O.B. POINT:** All sales are made f.o.b. point of shipment, and each shipment or delivery Shall be considered for purpose of shipment as a separate and independent transaction. Buyer has risk of loss after delivery at f.o.b. point of shipment.

**SALES TAX:** Unless otherwise noted, prices do not include any present or future sales, excise, value added or similar tax. Where applicable all such taxes shall be paid by the Buyer.

**PAYMENT:** Payment for items purchased by Buyer is due on or before the due date shown on each invoice. If paid on or before the date shown on each invoice, the applicable cash discount, if any, shown on the invoice may be deducted by Buyer when making such payment. If payment is not received by the first of the month following the due date shown on the invoice, an amount equal to 1-1/2 % per month shall be charged on the unpaid balance of the invoice as a late payment service charge. At any time, Seller, at its sole discretion, reserves the right to require Buyer to pay in full or in part in cash for items ordered prior to shipment, pick-up, or delivery. Special "non-stocked" items may require advanced payment terms or other arrangements at discretion of American Control and Engineering Service, Inc. as authorized by an Officer of American Control and Engineering Service, Inc.

**RETURNS:** No returns are accepted without prior authorization. A deduction or re-stock charge to cover handling and restocking of material will be made in accordance with American Control and Engineering Service, Inc.'s current Returned Goods Policy.

**CLAIMS:** Within five (5) days after tender of, delivery to or receipt of any shipment and before any part of this material has been changed from its original state or condition, Buyer shall inform American Control and Engineering Service, Inc. in writing if the material is found to be defective or short in any respect. Failure to inform Seller/American Control or use of the material shall be conclusive that Seller/American Control has satisfactorily performed.

**ATTORNEY FEES:** In the event it is necessary for Seller to employ an attorney or attorneys or incurs other expense it may deem necessary to enforce or protect its rights hereunder or to collect damages for breach of the terms and conditions set forth herein, Buyer hereby agrees to pay to Seller those attorneys' fees and expenses so incurred by Seller.

**MISCELLANEOUS:** All rights and remedies of Seller hereunder are in addition to Seller's other rights and remedies and are cumulative and not alternative. If goods are used in an application where failure of a single component could cause harm or substantial harm to persons or Property, Buyer agrees to indemnify and hold Seller harmless from liability for such harm whether as a result of breach of contract, warranty, tort, (including negligence) or other grounds. The validity, performance, construction and effect of these terms and conditions Shall be governed by Kansas law and any action based on a sale by American Control and Engineering Service, Inc. as the Seller to Buyer shall be brought either in a State Court or a United States District Court located in Butler County, Kansas. Buyer hereby waives venue in agreeing and consenting to venue in Butler County, Kansas and specifically and expressly agrees to jurisdiction of said courts.





**CITY OF ARKANSAS CITY, KANSAS  
FINANCIAL SUMMARY  
Year-To-Date August 31, 2023**

Fund	Cash Summary						Budget Summary			
	1/1/2023 Beginning Cash Balance	Prior Year Encumbrances/ Adjusting Entries	Receipts	Disbursements	Change in Assets/Liabilities	08/31/2023 Ending Cash Balance	Budget	Encumbrances	Budget Variance Favorable (Unfavorable)	% Remaining (34%)
01 - GENERAL FUND	\$ 2,895,567.21	\$ 235,440.90	\$ 8,507,643.77	\$ 8,049,638.91	\$ (270,866.44)	\$ 2,847,264.73	\$ 13,389,936	\$ 43,153.96	\$ 5,297,143	40%
15 - STORMWATER FUND	\$ 440,484.20	\$ -	\$ 141,609.28	\$ 116,893.56	\$ (16,698.70)	\$ 448,501.22	\$ 346,287	\$ 13,761.10	\$ 215,632	62%
16 - WATER FUND	\$ 3,744,233.50	\$ 352,062.11	\$ 3,690,606.24	\$ 2,992,855.57	\$ (501,900.24)	\$ 3,588,021.82	\$ 5,626,946	\$ 350,667.11	\$ 2,283,423	41%
18 - SEWER FUND	\$ 5,825,432.80	\$ 1,280,786.91	\$ 6,797,266.17	\$ 3,662,214.80	\$ (2,463,255.63)	\$ 5,216,441.63	\$ 4,659,731	\$ 37,496.13	\$ 960,020	21%
19 - SANITATION FUND	\$ 1,444,768.15	\$ -	\$ 1,197,798.36	\$ 831,959.35	\$ (187,055.05)	\$ 1,623,552.11	\$ 1,933,112	\$ 222,495.48	\$ 878,657	45%
20 - SPECIAL RECREATION FUND	\$ 41,151.85	\$ -	\$ 8,514.84	\$ -	\$ -	\$ 49,666.69	\$ 57,041	\$ -	\$ 57,041	100%
21 - SPECIAL STREET FUND	\$ 501,383.18	\$ -	\$ 798,380.19	\$ 183,174.04	\$ (157.09)	\$ 1,116,432.24	\$ 1,289,108	\$ -	\$ 1,105,934	86%
23 - TOURISM/CONVENTION FUND	\$ 58,921.39	\$ -	\$ 123,576.35	\$ 91,229.96	\$ -	\$ 91,267.78	\$ 200,398	\$ -	\$ 109,168	54%
26 - SPECIAL ALCOHOL FUND	\$ 82,849.19	\$ -	\$ 10,839.84	\$ 12,473.98	\$ 989.11	\$ 82,204.16	\$ 103,678	\$ -	\$ 91,204	88%
27 - PUBLIC LIBRARY FUND	\$ -	\$ -	\$ 401,029.52	\$ 401,029.52	\$ -	\$ -	\$ 457,400	\$ -	\$ 56,370	12%
29 - SPECIAL LAW ENF TRUST FUND	\$ 3,540.14	\$ -	\$ -	\$ 2,500.00	\$ -	\$ 1,040.14	Not a Budgeted Fund			
31 - LAND BANK FUND	\$ 16,950.90	\$ -	\$ -	\$ 71.00	\$ -	\$ 16,879.90	\$ 11,211	\$ -	\$ 11,140	99%
32 - MUNICIPALITIES FIGHT ADDICTION FUND	\$ 2,852.63	\$ -	\$ 26,902.57	\$ 457.00	\$ -	\$ 29,298.20	\$ -	\$ -	\$ (457)	0%
43 - BOND & INTEREST FUND	\$ 108,383.41	\$ -	\$ 2,399,125.10	\$ 2,465,697.48	\$ -	\$ 41,811.03	\$ 2,615,798	\$ -	\$ 150,101	6%
44 - HEALTHCARE SALES TAX FUND	\$ 178,275.32	\$ -	\$ 1,544,046.65	\$ 1,544,046.65	\$ (178,275.32)	\$ -	\$ 2,120,000	\$ -	\$ 575,953	27%
45 - UNPLEDGED HEALTHCARE SALES TAX FUND	\$ -	\$ -	\$ 135,993.29	\$ 72,893.03	\$ -	\$ 63,100.26	\$ 441,285	\$ -	\$ 368,392	83%
53 - MUNICIPAL COURT FUND	\$ 21,152.55	\$ 13,979.42	\$ -	\$ 7,173.13	\$ 12,637.66	\$ 12,637.66	Not a Budgeted Fund			
54 - EQUIPMENT RESERVE FUND	\$ 184,746.02	\$ -	\$ -	\$ -	\$ -	\$ 184,746.02	Not a Budgeted Fund			
57 - CID SALES TAX FUND	\$ -	\$ -	\$ 48,572.11	\$ 48,572.11	\$ 7,171.15	\$ 7,171.15	\$ 70,000	\$ -	\$ 21,428	31%
68 - CAPITAL IMPROVEMENT FUND	\$ 3,183,124.40	\$ -	\$ 71,703.54	\$ 968,650.00	\$ (360,000.00)	\$ 1,926,177.94	Not a Budgeted Fund			
<b>TOTALS</b>	<b>\$ 18,733,816.84</b>	<b>\$ 1,882,269.34</b>	<b>\$ 25,903,607.82</b>	<b>\$ 21,451,530.09</b>	<b>\$ (3,957,410.55)</b>	<b>\$ 17,346,214.68</b>	<b>\$ 33,321,931.00</b>			

INDEBTEDNESS:

2019 PBC	\$ 15,955,000
GO 2020 REFUNDING & IMPROVEMENT BOND	\$ 16,960,000
GO 2022 TAXABLE STROTHER FIELD	\$ 4,290,000
2019 FERRARA PUMPER TRUCK LEASE	\$ 332,016
2021 RAVO STREET SWEEPER	\$ 85,785
2023 WWTP SRF LOAN	\$ 9,291,483
<b>TOTAL</b>	<b>\$ 46,914,284</b>

Note: Information is Unaudited



# City Commission Agenda Item

**Meeting Date:** September 19, 2023  
**From:** Diana Spielman, Mayor  
**Item:** Executive Session – City Manager’s Contract

**Purpose:** Recess into executive session to discuss the City Manager’s contract, pursuant to K.S.A. 75-4319(b)(1), personnel matters of nonelected personnel.

**Background:**

Requesting to recess into executive session to discuss the City Manager’s contract. A complete copy of K.S.A. 75-4319 is enclosed.

**State Reference K.S.A. 75 -4319(b)(1) defined:**

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

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

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

**(1) to discuss personnel matters of nonelected personnel**

**Commission Options:**

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

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

**Motion:** “I move that the governing body recess into executive session, **to discuss the City Manager’s contract, pursuant to K.S.A. 75-4319(b)(1), personnel matters of nonelected personnel. The open meeting will resume in the commission chambers at \_\_\_\_:\_\_\_\_ p.m.” (Voice Vote)**

**Approved for Agenda by:**

Randy Frazer, City Manager

## 2021 Kansas Statutes

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

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

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

vulnerability assessments;

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

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

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

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

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

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