

City of Arkansas City

Board of City Commissioners

Agenda

Regular Meeting

Tuesday, October 4, 2016 @ 5:30 PM

Commission Room, City Hall — 118 W. Central Ave. — Arkansas City, KS

I. Routine Business

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

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

- *Each speaker will state his or her name and address before making any comments.*
- *Each speaker will have three (3) minutes to present his or her comments.*
- *Comments or questions will be directed only to the City Commission.*
- *Debate or argument between parties in the audience will not be allowed.*
- *Repeated reiterations by speakers will not be allowed.*
- *Violations of comment procedure will result in being directed to cease speaking or resume sitting.*

III. Awards and Proclamations

1. Proclaim October 9th to October 15th as Fire Prevention Week in Arkansas City.

IV. Consent Agenda (Voice Vote)

1. Approve the September 20, 2016 regular meeting minutes as written.
2. Ratify Mayor Duane Oestmann's appointments of Dennis Rittle to the Outstanding Young Student Award Committee and Tammy Lanman-Henderson to the Equal Opportunity and Accessibility Advisory Board.

V. Old Business

VI. New Business

1. Consider first reading of an Ordinance exempting the application of K.S.A. § 41-719(c) to allow the consumption of alcoholic liquor at a designated area of Wilson park during the Arkalalah concert on October 28, 2016 between the hours of 6:00 p.m. and midnight. (Roll Call Vote)
2. Consider a Resolution authorizing Addendum No. 1 to the contract agreement between the City and Smith & Oakes, Inc. for engineering design and inspection services for the "Summit Street Paving Improvements" project not to exceed \$33,050.00. (Voice Vote)

VII. City Manager Updates

1. Riverview Cemetery discussion.

VIII. Other Business

Adjourn

Office of the Mayor
Arkansas City, Kansas

Proclamation

WHEREAS, The City of Arkansas City is committed to ensuring the safety and security of all those living and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at the greatest of risk from fire; and

WHEREAS, roughly 3,000 people die as a result of home fires and burns and more than 2,000,000 individuals are seen in the nations emergency rooms for burn injuries; and

WHEREAS, cooking is the leading cause of home fires in the United States, while heating equipment and smoking are the leading cause of home fire fatalities; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

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

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

WHEREAS, The 2016 Fire Prevention Week theme - Don't Wait – Check the Date! Replace Smoke Alarms Every 10 Years – effectively serves to remind us about the basic but essential elements of smoke alarm safety.

NOW, THEREFORE, I, Mayor Duane L Oestmann do hereby proclaim October 9th to October 15th 2016 as

FIRE PREVENTION WEEK

in the City of Arkansas City, and urge all citizens of Arkansas City to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2016, and to support the many public safety activities and efforts of the City of Arkansas City Fire-EMS Department.

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

Name/Title: Duane Oestmann, Mayor

Date: October 4, 2016



Item for City Commission Action

Section IV Item 1

Meeting Date

10/04/2016

Department/Division

City Manager

Staff Contacts

Lesley Shook /
Andrew Lawson

Title:

Consent Agenda Item: Approve the Sept. 20, 2016, regular meeting minutes as written.

Description:

Please see attached document.

Commission Options:

1. Approve with the consent agenda.
2. Remove items from the consent agenda for consideration as new business.

Fiscal Impact:

Amount: N/A

Fund: Department: Expense Code:

Included in budget Grant Bonds Other (explain)

Approved for Agenda by:

Nickolas J. Hernandez

City Manager



Item for City Commission Action

Section IV Item 2

Meeting Date

10/04/2016

Department/Division

City Manager

Staff Contacts

Lesley Shook /
Andrew Lawson

Title:

Consent Agenda Item: Ratify Mayor Duane Oestmann’s appointments of Dennis Rittle to the Outstanding Young Student Award Committee and Tammy Lanman-Henderson to the Equal Opportunity and Accessibility Advisory Board.

Description:

Cowley College President Dennis Rittle has applied to be a member of the Outstanding Young Student Award Committee. Since this committee currently has four vacancies and Dr. Rittle’s length career in academic service means he is more than qualified to serve, staff recommends making this appointment.

Tammy Lanman-Henderson is interesting in being part of the new Equal Opportunity and Accessibility Advisory Board. She served as chair of the Human Relations Commission, one of the dissolved boards that was combined to create the new board, for more than five years and has extensive experience to offer.

Staff recommends her appointment in order to provide a bridge of expertise as the new board starts up.

Commission Options:

1. Approve with the consent agenda.
2. Remove items from the consent agenda for consideration as new business.

Fiscal Impact:

Amount: N/A

Fund: Department: Expense Code:

Included in budget Grant Bonds Other (explain)

Approved for Agenda by:

City Manager

Board Vacancies as of September 28, 2016

Boards/Commissions/Committees/Councils	Board Recommendations	Applications Received/ <i>Interest Expressed</i>
Cowley County Council on Aging — 1 Vacancy		Accepting applications
Equal Opportunity and Accessibility Advisory Board — 5-7 Vacancies	Tammy Lanman-Henderson*	<i>Joann Bierle, James Fry, Josh Hawkins, Daniel Yocum</i>
Outstanding Young Student Award Committee — 4 Vacancies	Dennis Rittle*	Sue Lancaster, Chris Tackett, <i>Melody Morris</i>

* Mayor's Recommendation

Reappointments

Boards/Commissions/Committees/Councils	Member(s) / Term Expiration Date	Notes:
Historic Preservation Board	Foss Farrar, Gordon Fry September 1, 2016	Both men desire reappointment

Applications Received / No Current Vacancies

Name	Interest in serving on:
Michael Bergagnini	South Central Kansas Medical Center Board of Trustees
Kay Cartee	South Central Kansas Medical Center Board of Trustees
Michelle Dykes	Arkansas City Recreation Commission
Dale Eggen	Planning Commission / Board of Zoning Appeals
Dr. Mauricio Herrera	South Central Kansas Medical Center Board of Trustees
Ted Kadau	Building Trades Advisory Board Planning Commission / Board of Zoning Appeals
Derek Koller	South Central Kansas Medical Center Board of Trustees
Mell Kuhn	Planning Commission / Board of Zoning Appeals South Central Kansas Medical Center Board of Trustees
Sue Lancaster	Planning Commission / Board of Zoning Appeals
Bob Mathews	Planning Commission / Board of Zoning Appeals
Harvey Owens	Planning Commission / Board of Zoning Appeals
Dr. John Seitz	South Central Kansas Medical Center Board of Trustees
Chris Tackett	Planning Commission / Board of Zoning Appeals
Don Ward	South Central Kansas Medical Center Board of Trustees
Jill Wineinger	Planning Commission / Board of Zoning Appeals



Item for City Commission Action

Section VI Item 1

Meeting Date

10/04/2016

Department/Division

City Manager

Staff Contact

Nick Hernandez

Title:

Consider first reading of an Ordinance exempting the application of K.S.A. § 41-719(c) to allow the consumption of alcoholic liquor at a designated area of Wilson park during the Arkalalah concert on October 28, 2016 between the hours of 6:00 p.m. and midnight. (Roll Call Vote)

Description:

Matt Miers, from the Bottle Service, LLC in Winfield who currently holds a state Caterers license, has requested the Governing Body allow him to sell and serve alcohol at a designated area of Wilson Park during the Arkalalah Concert on Friday, October 28, 2016.

Commission Options:

1. Approve the Ordinance on first reading.
2. Disapprove the Ordinance.
3. Take no action to allow a second reading.

Fiscal Impact:

Amount:

Fund:

Department:

Expense Code:

Included in budget

Grant

Bonds

Other (explain)

Approved for Agenda by:

Nickolava J. Hernandez

City Manager

ORDINANCE NO. 2016-10-

AN ORDINANCE EXEMPTING THE APPLICATION OF K.S.A. § 41-719(C) TO ALLOW THE CONSUMPTION OF ALCOHOLIC LIQUOR AT A DESIGNATED AREA OF WILSON PARK DURING THE ARKALALAH CONCERT ON OCTOBER 28, 2016 BETWEEN THE HOURS OF 6:00 P.M. AND MIDNIGHT.

WHEREAS, Bottle Service, LLC has requested the Governing Body allow it to sell and serve alcohol at a designated area of Wilson Park during the Arkalalah Concert on October 28, 2016 between the hours of 6:00 p.m. and Midnight; and

WHEREAS, the requester have provided reasonable assurances that they 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 is required by Kansas statute to adopt an Ordinance specifically exempting the property from the provisions of K.S.A. § 41-719(c), 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 CITY, KANSAS:

SECTION ONE: Notwithstanding any provision of Municipal Code to contrary, the Governing Body of the City of Arkansas City hereby exempts property located at Wilson Park, and designated on the attached map (hereafter "the Premises) from the provisions of K.S.A. § 41-719(c), on October 28, 2016 between the hours of 6:00 p.m. and Midnight. By providing this exemption, the Governing Body hereby authorizes Bottle Service, LLC to sell and serve alcoholic liquor by the drink for consumption on the Premises, subject to the following terms and conditions:

1. This exemption is contingent upon Bottle Service, LLC receiving a valid license from the State of Kansas to sell and serve alcoholic liquor by the drink for the date and location at issue.
2. Bottle Service, LLC shall take all necessary precautions to ensure compliance with all other provisions of Arkansas City Municipal Code, including the public offense code.
3. No person under twenty-one (21) years of age shall be permitted within the interior of the Premises during the scheduled event.
4. Any openings for entrance and exit from the Premises must be manned by at least one person over the age of 21 to check identification and/or otherwise ensure entrants are over the age of 21.
5. Bottle Service, LLC shall not allow a number of persons inside the Premises in excess of the occupancy load established by approved authorities.
6. Bottle Service, LLC shall leave the Premises in a same or similar condition as it existed prior to the exemption dates, and shall remove all trash and other supplies from the event; and repair any damage, in a timely fashion.
7. This exemption shall only apply 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 this 4th day of October, 2016.

(Seal)

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM.

Tamara Niles, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2016-10-_____ of the City of Arkansas City, Kansas adopted by the governing body on October 4, 2016 as the same appears of record in my office.

DATED: _____

Lesley Shook, City Clerk



Item for City Commission Action

Section VI Item 2

Meeting Date

10/04/2016

Department/Division

Public Works

Staff Contact

Eric Broce

Title:

Consider a Resolution authorizing Addendum No. 1 to the contract agreement between the City and Smith & Oakes, Inc. for engineering design and inspection services for the "Summit Street Paving Improvements" project not to exceed \$33,050.00. (Voice Vote)

Description:

Due to several recent water main breaks and the condition of the existing waterlines in the 100 block of East Birch and the 100 block of West Spruce, staff directed Smith & Oakes to add the replacement of those waterlines to the project. In addition, it was directed by the City Commission to add the mill and asphalt overlay of Radio Lane from Summit to 15th St. to the project.

These additions to the original scope of the project increased the design, construction administration, staking, and inspection fees by \$33,050.00 over the original contract amount.

Commission Options:

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

Fiscal Impact:

Amount: \$33,050.00

Fund: 58 (Street Improvement Fund) Department: 542 (Streets) Expense Code: 6212 (Payment to Contractors)

Included in budget

Grant

Bonds

Other (explain)

Approved for Agenda by:

Nickolava J. Hernandez

City Manager

RESOLUTION NO. 2016-10

A RESOLUTION AUTHORIZING ADDENDUM NO. 1 TO THE CONTRACT AGREEMENT BETWEEN THE CITY AND SMITH & OAKES, INC. FOR ENGINEERING DESIGN AND INSPECTION SERVICES FOR THE "SUMMIT STREET PAVING IMPROVEMENTS" PROJECT NOT TO EXCEED \$33,050.00.

WHEREAS, the parties previously entered into an "Agreement for Engineering Design, Construction Administration, Staking and Services dated October 21, 2014; and

WHEREAS, the parties desire to amend the terms, obligations, and scope of service of their agreement.

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

SECTION ONE: The Governing Body of the City of Arkansas City hereby authorizes the Mayor of the City of Arkansas City to execute Addendum No. 1 to the contract agreement between the City and Smith & Oakes, Inc. for engineering design and inspection services for the "Summit Street Paving Improvements" project not to exceed \$33,050.00. Such Agreement is attached hereto and incorporated by reference as if fully set forth herein.

SECTION TWO: This Resolution will be in full force and effect from its date of passage by the City Commission of the City of Arkansas City.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas this 4th day of October, 2016 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 the City Clerk is directed to attest to and affix the official seal of the City thereon.

(Seal)

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM

Tamara Niles, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2016-10-____ of the City of Arkansas City, Kansas adopted by the governing body on October 4, 2016 as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk



SMITH & OAKES, INC

CIVIL ENGINEERING / LAND SURVEYING

**P.O. Box 696 / 107 North Summit / Arkansas City, KS 67005
620-442-4756 / FAX 620-442-0461 / info@smithandoakes.com**

August 29, 2016

City of Arkansas City
City Hall
118 W. Central
P.O. Box 778
Arkansas City, Kansas 67005

Attention: Nickolas Hernandez, City Manager

Reference: Summit Street Paving and Waterline Improvements
(Walnut Avenue to Kansas Avenue)
Smith & Oakes, Inc. Project No. 34-131 & 36-056

Dear Mr. Hernandez:

As you are aware, City staff has requested additional professional services from Smith & Oakes, Inc. for the project referenced above. Attached is Addendum No. 1 to our original agreement.

The most notable additions to the project are outlined below:

- Mill, overlay, and re-stripe of Radio Lane between Summit Street and 15th Street.
- Waterline replacement of the 100 block of East Birch Avenue.
- Waterline replacement of the 100 block of West Spruce Avenue.
- Re-striping of the Summit Street / Kansas Avenue intersection.

To accommodate the additional work, the construction calendar days were adjusted from 120 to 145 days. The total net change between the original Contract and Addendum No. 1 is \$33,050.00.

If acceptable, please execute and return an original copy of the addendum. If there are any questions or comments, please notify.

Respectfully Submitted,

SMITH AND OAKES, INC

Chris A. Meinen, L.S.

**ADDENDUM NO. 1
TO**

**AGREEMENT FOR ENGINEERING DESIGN, CONSTRUCTION
ADMINISTRATION, STAKING, AND INSPECTION SERVICES**

BETWEEN

THE CITY OF ARKANSAS CITY, KANSAS

AND

SMITH & OAKES, INC.

FOR

**SUMMIT STREET PAVING IMPROVEMENTS
(WALNUT AVENUE. TO KANSAS AVE.)
MILL & OVERLAY, INTERSECTION, DRIVEWAY, SIDEWALK RAMP AND
WATERLINE IMPROVEMENTS**

**NOW EFFECTIVE ON THIS _____ day of _____ 2016, this Supplemental
Agreement is made and entered into,**

BY AND BETWEEN

**THE CITY OF
ARKANSAS CITY,
KANSAS, a Municipal
Corporation,**

hereinafter referred to as
"OWNER",

AND

SMITH & OAKES, INC.

hereinafter referred to as
"ENGINEER".

WITNESSETH:

WHEREAS, the parties have previously entered into an "Agreement for Engineering Design, Construction Administration, Staking And Services" dated October 21, 2014 and

WHEREAS, the parties wish to further amend the terms, obligations and scope of service of their Agreement.

NOW THEREFORE, the parties hereto agree to be bound as follows:

1. **REVISE "SECTION 1. GENERAL PROJECT DESCRIPTION"** of the Contract with the following paragraph:

The OWNER has requested that the ENGINEER provide engineering design, construction administration, construction staking, and inspection services for Summit Street paving improvements, including mill & overlay of Summit Street, intersection, driveway, sidewalk ramp and waterline reconstruction between Walnut Avenue and Kansas Avenue, as generally indicated by Exhibit B:

In Addition, the OWNER has requested that the ENGINEER provide engineering design, bidding, construction administration, construction staking, and inspection services for the mill & overlay of Radio Lane between Summit Street and 15th Street; and reconstruction of waterlines and appurtenances for the 100 block of East Birch Avenue, and the 100 block of West Spruce Avenue.

2. **REVISE "SECTION 5. PAYMENT PROVISIONS"** of the Contract with the following paragraph:

For services performed under this Agreement the OWNER will reimburse the ENGINEER the following lump sum fees for the Engineering Design, Bidding, Construction Administration and Staking items of work. Compensation for Inspection Services shall be 2.9 times direct cost, not-to-exceed the value shown below for Inspection Services. Inspection fees are based on 145 calendar days of inspection with 5 day work weeks at 9 hours per day.

ENGINEERING DESIGN	\$ 59,600
CONSTRUCTION ADMIN.	\$ 6,700
CONSTRUCTION STAKING	\$ 8,900
INSPECTION SERVICES	\$ 62,850

IN WITNESS WHEREOF, the parties hereto have executed ADDENDUM NO. 1 to the Original Agreement on the day and year first above written.

OWNER: CITY OF ARKANSAS CITY, KANSAS

BY: _____
Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

ENGINEER: SMITH & OAKES, INC.

BY: _____
Chris Meinen, President