

City of Arkansas City
Board of City Commissioners
Agenda

Regular Meeting
Tuesday, November 17, 2015 @ 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. Awards and Proclamations

1. National Adoption month proclamation.

III. Consent Agenda (Voice Vote)

1. Approval of November 3, 2015 regular meeting minutes as written.

IV. Old Business

V. New Business

1. Consider first reading of an ordinance modifying Municipal Code section 42-22, to prohibit engine braking in the city limits, and amending the City of Arkansas City Municipal Code to so reflect. (Roll Call Vote)
2. Board of Trustees, South Central Kansas Medical Center Appointments. (Voice Vote)

VI. City Manager Updates

VII. Other Business

Adjourn

Office of the Mayor
Arkansas City, Kansas
Proclamation

WHEREAS, November is National Adoption Month and National Adoption Day is November 21, 2015.

WHEREAS, there are nearly 400 children in Kansas who are waiting to be discovered, loved, and adopted by you. Saint Francis Community Services invites you to become the stable loving “forever family” these children need after the loss of their biological parents.

WHEREAS, you can help these young fragile hearts heal and grow as productive members of this community by providing guidance, love, and a nurturing family environment.

NOW, THEREFORE, I, Chad Giles, Mayor of the City of Arkansas City, call upon all citizens of Arkansas City to observe the month of November as

NATIONAL ADOPTION MONTH

And encourage all citizens of the city of Arkansas city to observe this month by answering the call to find a permanent and caring family for every child in need, and by supporting the families who care for them.

I FURTHER call upon all citizens of the City of Arkansas City to observe November 21, 2015 as

NATIONAL ADOPTION DAY

By giving a voice to children who are still waiting for that opportunity, celebrate the bond that unites adoptive parents with their sons and daughters, and recommit to providing every child with the care and security that will nurture their development and well-being.

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

*Name/Title: Chad Giles, Mayor
Date: November 17, 2015*



Item for City Commission Action

Section III Item 1

Meeting Date

11/17/2015

Department/Division

City Manager

Staff Contact

Andrew Lawson, Public
Information Officer
Lesley Shook, City Clerk

Title:

Consent Agenda Item - Approval of November 3, 2015 regular meeting minutes as written.

Description:

Please see attached

Commission Options:

1. Approve
2. Disapprove
3. Table

Fiscal Impact:

Amount:

Fund:

Department:

Expense Code:

Included in budget

Grant

Bonds

Other (explain)

Approved for Agenda by:

Nickolas J. Hernandez

City Manager

City Commission Arkansas City Meeting Minutes

Other Business

Commissioner Evers and City Manager Hernandez commended City workers for their efforts to maintain order during and clean up after Arkalalah

Adjournment

Commissioner Turkovich moved to adjourn. Commissioner Warren seconded the motion. A voice vote was unanimous in favor of the motion. City declared the meeting adjourned at 5:55p.m.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Chad Giles Mayor

ATTEST:

Lesley Shook, City Clerk

DRAFT



Item for City Commission Action

Section V Item 1

Meeting Date

11/17/2015

Department/Division

City Attorney

Staff Contact

Tamara Niles

Title:

Consider first reading of an ordinance modifying Municipal Code section 42-22, to prohibit engine braking in the city limits, and amending the City of Arkansas City Municipal Code to so reflect. (Roll Call Vote)

Description:

The use of engine braking by large vehicles within the City limits can be unusually loud and disturb the peace and quiet of the City. The City has received complaints about the noise of semis using engine braking (aka "Jake Brakes") on the US-77 overpass, near Kan-Pak. The attached revised ordinance prohibits the use of engine braking in the City. If adopted, the City would seek authority from KDOT to post signage at this location notifying drivers that engine braking is prohibited.

Commission Options:

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

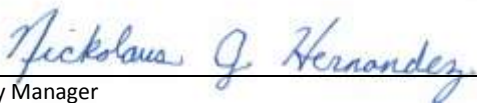
Fiscal Impact:

Amount: N/A

Fund: Department: Expense Code:

Included in budget Grant Bonds Other (explain)

Approved for Agenda by:



City Manager

ORDINANCE NO. 2015- ___ - ____

AN ORDINANCE MODIFYING MUNICIPAL CODE SECTION 42-22, TO PROHIBIT ENGINE BRAKING IN THE CITY LIMITS, AND AMENDING THE CITY OF ARKANSAS CITY MUNICIPAL CODE TO SO REFLECT.

WHEREAS, use of engine braking by large vehicles within the City limits can be unusually loud and disturb the peace and quiet of the City; and

WHEREAS, the Board of City Commissioners has received complaints regarding engine braking noises within the City; and

WHEREAS, the Board of City Commissioners desires to amend Municipal Code to prohibit such braking within the City limits.

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

Section 1: Section 42-22 of the Arkansas City Municipal Code is hereby modified to read as follows (new provisions in italics; deleted provisions struck through):

Sec. 42-22 - Disturbing the peace.

(a) For purposes of protecting individuals from unreasonable intrusions caused by excessive, unnecessary, or unusually loud noises, it shall be unlawful to:

- (1) Disturb the peace and quiet of any reasonable person, family, or neighborhood.
- (2) Operate or occupy a motor vehicle on a street, highway, alley, parking lot, or driveway, or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.
- (3) *Use a compression release engine braking system on any motor vehicle.*

(b) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *A compression release engine braking system is a braking device to assist in reduction or control of vehicle speed, by converting the engine from a power source to a power absorber and creating a noise plainly audible at a distance of 50 or more feet from the vehicle.*

(2) Motor vehicle means every vehicle defined, encompassed, or referred to as a "motor vehicle" in the Standard Traffic Ordinance of Kansas Cities as adopted by the City of Arkansas City.

(3) Plainly audible means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses based upon direct line of sight. Words or phrases need not be discernible and base reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on a street, highway, alley, parking lot, or driveway.

(4) Sound amplification system means any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of sound.

(c) Affirmative defenses. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system where any of the following apply:

- (1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
- (2) The vehicle was an emergency or public safety vehicle.
- (3) The vehicle was owned or operated by the city or a utility company in the performance of its duty.
- (4) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any person or assemblages of persons in compliance with ordinances of the city.

(5)The vehicle was used in authorized public activity such as parades, fireworks, sporting events, musical productions, or other activities which have the approval of the department of the city authorized to grant such approval.

Section 3: EFFECTIVE DATE

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

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City on the ____ day of _____, 2015.

Chad Giles, Mayor

ATTEST:

Lesley Shook, City Clerk

DRAFTED AND APPROVED FOR FORM BY:

Tamara L. Niles, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2015-__-____ of the City of Arkansas City, Kansas adopted by the governing body on _____, 2015 as the same appears of record in my office.

DATED: _____

Lesley Shook, City Clerk



Item for City Commission Action

Section V Item 2

Meeting Date
11/17/2015

Department/Division
Mayor's Office

Staff Contact
Chad Giles

Title:

Board of Trustees, South Central Kansas Medical Center appointments. (Voice Vote)

Description:

Applications for the hospital board were previously received from Mike Bergagnini, Mell Kuhn, Jerry Old, and Joel Day when there was a vacancy on the board back in July. At the July 7th meeting, Mr. Old was appointed to the board.

Since then, board member Slade Griffiths has resigned leaving one vacancy. The 3 remaining applicants have been contacted and wish to be considered along with the hospitals recommendation of Mark Paton for the vacant seat.

Commission Options:

1. Approve
2. Disapprove
3. Table

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other (explain)

Approved for Agenda by:



City Manager



CITY OF ARKANSAS CITY, KANSAS
FINANCIAL SUMMARY
 Year-To-Date Ending October 31, 2015

Fund	Cash Summary				Budget Summary			
	1/1/2015 Beginning Cash Balance*	Receipts	Disbursements	10/31/2015 Ending Cash Balance	Budget	Encumbrances	Variance Favorable (Unfavorable)	% Remaining (17%)
01 - GENERAL FUND	\$ 550,307	7,116,620	6,801,921	865,007	\$ 9,071,072	\$ 211	\$ 2,268,941	25.01%
15 - STORMWATER FUND	\$ 496,536	161,686	140,248	517,974	\$ 296,695	\$ -	\$ 156,447	52.73%
16 - WATER FUND	\$ 2,931,116	3,242,237	3,389,812	2,783,541	\$ 7,094,534	\$ 320,352	\$ 3,384,370	47.70%
18 - SEWER FUND	\$ 2,310,240	1,627,622	746,424	3,191,438	\$ 2,381,068	\$ 63,727	\$ 1,570,917	65.98%
19 - SANITATION FUND	\$ 547,126	1,246,969	778,527	1,015,568	\$ 1,719,500	\$ -	\$ 940,973	54.72%
20 - SPECIAL RECREATION FUND	\$ 19,972	7,459	7,224	20,208	\$ 20,000	\$ 4,011	\$ 8,766	43.83%
21 - SPECIAL STREET FUND	\$ 248,296	642,779	365,313	525,762	\$ 525,000	\$ -	\$ 159,687	30.42%
23 - TOURISM/CONVENTION FUND	\$ 52,294	120,633	120,633	52,294	\$ 116,211	\$ -	\$ (4,422)	-3.80%
25 - CHEROKEE STRIP MUSEUM	\$ -	171,094	167,553	3,541	\$ 182,008	\$ -	\$ 14,455	7.94%
26 - SPECIAL ALCOHOL FUND	\$ 57,375	16,081	14,970	58,486	\$ 16,000	\$ -	\$ 1,030	6.44%
27 - PUBLIC LIBRARY FUND	\$ 982	326,630	322,102	5,510	\$ 353,779	\$ -	\$ 31,677	8.95%
29 - SPECIAL LAW ENF TRUST FUND	\$ 11,671	4,953	354	16,270	Not a budgeted fund			
42 - HOSPITAL IMPROVEMENT FUND	\$ 466,968	715,039	964,416	217,591	\$ 800,000	\$ -	\$ (164,416)	-20.55%
43 - BOND & INTEREST FUND	\$ 356,960	970,619	90,475	1,237,104	\$ 1,661,550	\$ -	\$ 1,571,075	94.55%
51 - DRUG TASK FORCE FUND	\$ -	11,797	2,897	8,900	Not a budgeted fund			
53 - MUNICIPAL COURT FUND	\$ 2,086	15,970	-	18,056	Not a budgeted fund			
54 - EQUIPMENT RESERVE FUND	\$ 225,648	-	-	225,648	Not a budgeted fund			
57 - CID SALES TAX FUND	\$ -	5,861	-	5,861	\$ -	\$ -	\$ -	0%
58 - STREET IMPROVEMENT FUND	\$ 1,813,571	1,175	398,689	1,416,057	\$ 1,200,000	\$ -	\$ 801,311	66.78%
68 - CAPITAL IMPROVEMENT FUND	\$ 311,031	1,406,423	1,678,436	39,018	Not a budgeted fund			
TOTALS	\$ 10,402,178	17,811,648	15,989,993	12,223,833	\$ 25,437,417			

INDEBTEDNESS:

GO SERIES 2005A BONDS	\$ 250,000
GO SERIES 2008A BONDS	\$ 1,160,000
GO SERIES 2009A BONDS	\$ 1,095,000
GO SERIES 2013A BONDS	\$ 5,115,000
KDHE WATER LOAN	\$ 698,408
2005 AERIAL PLATFORM TRUCK LEASE	\$ 80,238
2013 PUMPER FIRE TRUCK LEASE	\$ 449,463
TOTAL	\$ 8,848,109

* Audited 2014 Ending Unencumbered Cash Balances
 Note: Information is unaudited.