



City Commission Meeting

January 07, 2025 at 5:30 PM

118 W Central Ave, Arkansas City, KS

Please join our meeting and subscribe to our YouTube channel:
<https://www.youtube.com/@cityofarkansascitykansas895>



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. 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 December 17, 2024, regular meeting minutes as written.
2. Approve a Resolution authorizing a public meeting of the Governing Body to attend a Land Bank Board of Trustees meeting at 5:00 p.m. Tuesday, January 21, 2025, in the Commission Room at City Hall, located at 118 W. Central Ave. in Arkansas City.

III. New Business

City Manager Department

1. Select Mayor for 2025. **(Voice Vote)**
2. Recognize and honor the service of past Mayor Jay Warren.
3. Select Vice-Mayor for 2025. **(Voice Vote)**

IV. City Manager Updates & Reminders

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 five (5) minutes.

VII. Executive Session

1. Recess into executive session for a period of ____ minutes to discuss a matter involving a nonelected city employee, 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., to include _____. **(Voice Vote)**

2. Recess into executive session for a period of ____ minutes to discuss the City Manager’s annual review, 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., to include _____. **(Voice Vote)**

VIII. Adjournment



City Commission Agenda Item

Meeting Date: January 7, 2025
From: Tiffany Parsons, City Clerk
Item: Approve the December 17, 2024, Regular Meeting Minutes

Purpose: Approve December 17, 2024, 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", written over a horizontal line.

Randy Frazer, City Manager



Tuesday, December 17, 2024
Regular Meeting Minutes
118 W Central Ave, Arkansas City, KS

Routine Business

- Opening Prayer led by City Attorney Larry Schwartz and Pledge of Allegiance led by Vice Mayor Beeson.
- Roll Call

PRESENT

Commissioner Diana Spielman
Commissioner Tad Stover
Commissioner Charles Tweedy III
Vice Mayor Chad Beeson

ABSENT

Mayor Jay Warren

Also present from staff: City Attorney Larry Schwartz, City Manager Randy Frazer, City Clerk Tiffany Parsons, Communications Director Shana Adkisson, Fire Chief Stuart Cassaboom, Human Recourses Director Marla McFarland, Police Chief Jim Holloway, Police Captain Jason Legleiter, Police Lieutenant Travis Stroud, Police Lieutenant Matt Mayo, Principal Planner Josh White, and Public Services Superintendent Tony Tapia.

- There were two additions to the agenda, adding an Executive Session category.

Additions:

- Consent Agenda; Item No. 3.** Approve a severance payment to Amanda Webb in the amount of \$14,000.00.
- Executive Session; Item No. 1.** Recess into executive session for a period of ____ minutes to discuss the City Manager’s annual review, 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. to include _____. **(Voice Vote)**

Motion made by Commissioner Stover, Seconded by Vice Mayor Beeson to approve the agenda as amended.

Voice Voting Yea: Commissioner Stover, Commissioner Spielman, Commissioner Tweedy III, and Vice Mayor Beeson. Vice Mayor Beeson declared the motion approved.

- Approval of the Agenda

Motion made by Commissioner Stover, Seconded by Commissioner Tweedy III to approve the agenda as adjusted.

Voice Voting Yea: Commissioner Spielman, Commissioner Stover, Commissioner Tweedy III, and Vice Mayor Beeson. Vice Mayor Beeson declared the motion approved.

Recognition of Visitors/Staff

- Recognition of Captain Jason Legleiter for completing the Law Enforcement Leadership Academy (LELA) Command School.

Police Chief Holloway introduced Lieutenant Mayo, who announced that Captain Legleiter successfully completed the 11-month LELA Command School. Throughout 2024, Captain Legleiter attended classes in

Lawrence, Kansas, as part of the 300-contact-hour and in-person training program, and recently graduated on December 5, 2024.

- 2. Recognize three City of Arkansas City employees, Tony Tapia, Travis Stroud and Curtis Tauscher, for achieving milestone years of service with the League of Kansas Municipalities (LKM).

City Manager Frazer recognized Tony Tapia for 25 years of service and Travis Stroud for 21 years of dedication to the City of Arkansas City, expressing appreciation and congratulations to both for their commitment to our community. Curtis Tauscher, who has served the City for 15 years, was also acknowledged but was unable to attend the meeting.

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.

City Clerk Parsons recited the following consent agenda items:

- 1. Approve the December 3, 2024, regular meeting minutes as written.
- 2. Ratify Mayor Jay Warren’s re-appointment of Brad Bryant to the South Central Kansas Medical Center (SCKMC) Board of Trustees. Approve the Cereal Malt Beverage (CMB) License Renewals for 2025.
- 3. **Approve a severance payment to Amanda Webb in the amount of \$14,000.00.**

Motion made by Commissioner Tweedy III, Seconded by Commissioner Stover to approve the consent agenda as written.

Voice Voting Yea: Commissioner Spielman, Commissioner Stover, Commissioner Tweedy III, and Vice Mayor Beeson. Vice Mayor Beeson declared the motion approved.

New Business

City Manager Department

- 1. A Resolution adopting the 2024 Kansas Region G Hazard Mitigation Plan. **(Voice Vote)**

City Manager Frazer presented the item for discussion. Principal Planner White further explained the 2024 Hazard Mitigation Plan in more detail. Adopting the Hazard Mitigation Plan qualifies the city for the Flood Plain Plan as the City’s ongoing effort to implement flood mitigation measures aimed at protecting the community from future hazards. The full copy of the 2024 Kansas Region G Hazard Mitigation Plan is available on the City’s website and will remain in effect until July 2029. Staff will continue to conduct annual progress review and reporting with plan revisions every five years.

Motion made by Commissioner Stover, Seconded by Commissioner Spielman to approve the item as written.

*Voice Voting Yea: Commissioner Beeson, Commissioner Spielman, Commissioner Stover, Commissioner Tweedy III, and Vice Mayor Beeson. Vice Mayor Beeson declared the motion approved; given **Resolution No. 2024-12-3666**.*

City Manager Updates & Reminders

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

- 1. December 6th staff met with PEC to identify future projects that the city will be working together with them on. One topic of discussion was possibly adding sewer collection systems infrastructure.

- 2. IT Manager Matt Metzinger and City Manager Frazer met with SRM on continuing the Sentinel One IT security system installed on the Water Treatment Plant, which is an aggressive virus protection monitored 24/7. The Water Treatment Plan should be back to operating as normal by tomorrow.
- 3. December 11th, Department Heads reviewed an electronic time and attendance system presentation that will be more efficient and be able to tie into the city’s current payroll system. This improvement will still need monitoring but will eliminate paper timecard punching. Once approved, the process could take up to a year to implement.
- 4. Frazer participated in the recent Passenger Rail Plan update which will connect the Southwest Chief route in Newton, KS and Heartland Flyer in Oklahoma City, OK. 2029 remains the target date for rail service to begin according to the Kansas Department of Transportation.
- 5. City Hall will be closed Christmas Day and will also close at noon on Christmas Eve, however staff will need to use or make-up time to take off the half day. Also, closed on January 1st for New Years Day.
- 6. Friday, January 17th is will be Staff/Commission Strategic Planning Retreat Day. This annual retreat will serve as a forum for discussing priorities and establishing a forward-looking vision for the City’s future direction.
- 7. January 22nd is the Kansas Leage of Municipalities (LKM)Government Day at the capital and hear from local legislatures on what to expect in the year to come. Commissioners are invited to attend and can contact City Clerk Parson to get signed up.
- 8. Updated CIP handout provided to commission.
- 9. 2025 Budget Books printed and handed out to commissioners. Also available on the City’s website.
- 10. Human Resources Director Marla McFarland has been nominated through the Wichita Business Journal. Luncheon reception to be held February 13th at the Wind Surge Baseball Stadum in Wichita, KS.

Comments from the Audience for Items not on the Agenda

Mickie Schmith provided the commission with an update of his programing and fund-raising efforts with the Northwest Community Center.

Financial Summary

The November 2024 Financial Summary is located in the back of the agenda packet.

Executive Session

- 1. Recess into executive session for a period of ____ minutes to discuss the City Manager’s annual review, 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. to include _____.

Motion made by Vice Mayor Beeson, seconded by Commissioner Stover to recess into Executive Session a period of 5 minutes to discuss the City Manager’s annual review, pursuant to K.S.A. 75-4319(b)(1), personnel matters of nonelected personnel. The open meeting will resume in the City Commission Chambers at 6:03 p.m. to include all commissioners and Randy. The voice vote was unanimous in favor of the motion.

Vice Mayor Beeson called the regular commission meeting back into session at 6:03 PM.

Adjournment

Motion made by Commissioner Stover, seconded by Commissioner Spielman to adjourn the meeting.

The voice vote was unanimous in favor of the motion. Vice Mayor Beeson declared the meeting adjourned.

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

(Seal)

ATTEST:

Chad Beeson, Vice Mayor

Tiffany Parsons, City Clerk

Prepared by:

Tiffany Parsons, City Clerk

DRAFT



City Commission Agenda Item

Meeting Date: January 7, 2025
From: Tiffany Parsons, City Clerk
Item: Schedule Land Bank Board of Trustees Meeting

Purpose: Approve a Resolution authorizing a public meeting of the Governing Body to attend a Land Bank Board of Trustees meeting at 5:00 p.m. Tuesday, January 21, 2025, in the Commission Room at City Hall, located at 118 W. Central Ave. in Arkansas City.

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

At this regular annual meeting, the Land Bank Board of Trustees will convene and conduct any business necessary, including approving minutes, electing new officers for the upcoming year and receiving an annual report, as well as approving any necessary property transfers into or out of the City’s Land Bank.

- Commission Options:**
1. Approve with consent agenda.
 2. Remove from consent agenda 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

A RESOLUTION AUTHORIZING A PUBLIC MEETING OF THE GOVERNING BODY TO ATTEND A LAND BANK BOARD OF TRUSTEES MEETING AT 5:00 P.M. JANUARY 21, 2025, IN THE COMMISSION ROOM AT CITY HALL, 118 W. CENTRAL AVE.

WHEREAS, all five (5) members of the Governing Body of the City of Arkansas City, Kansas, also serve as members of the City’s Land Bank Board of Trustees; and

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

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

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

SECTION ONE: The Governing Body of the City of Arkansas City, Kansas, hereby establishes that it shall hold a public meeting at 5:00 p.m. on Tuesday, January 21, 2025, in the Commission Room at City Hall, 118 W. Central Ave., Arkansas City, Kansas, to attend a Land Bank Board of Trustees meeting.

SECTION TWO: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes City staff of the City of Arkansas City, Kansas, to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment, and also to notify all persons requesting notice of such public meetings under the Kansas Open Meetings Act and K.A.R. 16-20-1.

SECTION THREE: This Resolution shall be in full force and effect from its date of passage by the Governing Body of the City of Arkansas City, Kansas.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this 7th day of January, 2025.

(Seal)

Jay Warren, 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. 2025-01-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on January 7, 2025, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk



City Commission Agenda Item

Meeting Date: January 7, 2025
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission - Mayor

Purpose: Select Mayor for 2025. **(Voice Vote)**

Background:

The first order of business to consider when reorganizing the City Commission will be the selection of a new Mayor. In order to ensure legislative familiarity and commission protocol, the selection of a Mayor by the Governing Body should be of a member not in the first year of his or her current term of office.

Traditionally, in odd-numbered years, the City Commission selects the highest vote-getter in the most recent City Commission election (November 2023) to become the next Mayor. In 2025, that individual would be Commissioner Chad Beeson, who currently is serving as Vice Mayor.

All Mayoral and Vice Mayoral terms are for one (1) year. Annual reorganization meetings are held on the first Tuesday in January.

Commission Options:

1. Select Mayor for 2025.

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 7, 2025
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission – Past Mayor

Purpose: Recognize and honor the service of past Mayor Jay Warren.

Background:

Following the selection of the new Mayor, they will take their chair at the center of the dais. The new Mayor’s first order of business will be to recognize outgoing Mayor Jay Warren’s contributions to the City Commission and community over the past year.

Commission Options:

1. Recognize outgoing Mayor Jay Warren.

Approved for Agenda by:

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

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 7, 2025
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission – Vice Mayor

Purpose: Select Vice-Mayor for 2025. **(Voice Vote)**

Background:

The next order of business will be to select a new Vice Mayor, who serves in the capacity of Mayor when the Mayor is unavailable or absent. Traditionally, in odd-numbered years, the second highest vote-getter in the most recent City Commission election (November 2023) after serving as commissioner, becomes Vice Mayor a year later, and then ascends to Mayor in the following year. In 2025, that individual would be Commissioner Tad Stover.

All Mayoral and Vice Mayoral terms are for one (1) year. Annual reorganization meetings are held on the first Tuesday in January.

Commission Options:

1. Select Vice-Mayor for 2025.

Approved for Agenda by:

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

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 7, 2025
From: City Commissioners
Item: Executive Session – Nonelected Personal

Purpose: Recess into executive session for a period of ____ minutes to discuss a matter involving a nonelected city employee, 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., to include _____. **(Voice Vote)**

Background:

Requesting to recess into executive session to discuss a matter involving a nonelected city employee pursuant to K.S.A. 75-4319(b)(1), which justifies discussion of personnel matters of nonelected personnel as private matters.

A complete copy of K.S.A. 75-4319 is enclosed and summarized for this specific matter below.

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 a matter involving a 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 to recess into executive session for a period of _____ minutes to discuss a matter involving a nonelected city employee, pursuant to K.S.A. 75-4319(b)(1), which justifies discussion of personnel matters of nonelected personnel as private matters. The open meeting will resume in the commission chambers at ____ : ____ p.m., to include _____." **(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.



City Commission Agenda Item

Meeting Date: January 7, 2025
From: City Commissioners
Item: Executive Session – City Manager’s Annual Review

Purpose: Recess into executive session for a period of ____ minutes to discuss the City Manager’s annual review, 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., to include _____.
(Voice Vote)

Background:

Requesting recess into executive session to discuss the City Manager’s annual review. K.S.A. 75-4319(b)(1) is referenced below.

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, for a period of ____ minutes to discuss the City Manager’s annual review, 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., to include _____.” (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.