



City Commission Meeting

January 03, 2023 at 5:30 p.m.

118 W Central Ave, Arkansas City, KS

Please join our meeting <https://global.gotomeeting.com/join/501494021>
Or dial in using your phone: United States: +1 (872) 240-3212 Access Code: 501-494-021

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 the December 20, 2022, regular meeting minutes as written.
2. Ratify Mayor Canyon Gingher's re-appointment of:
 - Randy Smith, Spencer Warren, Jamie Terrill, and Richard Brown to the Building Trades Board
 - Ian Kuhn to the Planning Commission/Board of Zoning Appeals
3. Approve a Resolution authorizing a public meeting of the Governing Body to attend a Land Bank Board of Trustees meeting at 5 p.m. Tuesday, January 17, 2023, in the Commission Room at City Hall, located at 118 W. Central Ave. in Arkansas City.

III. Old Business

1. Update and Discussion regarding SCK Health's request for a loan from the City of Arkansas City.

IV. New Business

City Manager Department

1. Select Mayor for 2023. **(Voice Vote)**
2. Recognize and honor the service of past mayor Canyon Gingher.
3. Select Vice-Mayor for 2023. **(Voice Vote)**
4. Appoint three members of the Governing Body to serve as Arkansas City's representatives on the Strother Field Commission. **(Voice Vote)**
5. Designate one member of the Governing Body to serve as a representative to Cowley First. **(Voice Vote)**
6. Appoint one member of the Governing Body to serve as a voting member of the Regional Economic Area Partnership (REAP) of South-Central Kansas and either one member of the Governing Body or the City Manager to serve as an alternate member of REAP in the voting member's absence. **(Voice Vote)**

7. Appoint one member of the Governing Body to serve on the Arkansas City Public Library Board of Trustees. **(Voice Vote)**
8. Appoint one member of the Governing Body to serve on the Visit Ark City Board of Trustees. **(Voice Vote)**
9. Designate one member of the Governing Body to serve as a representative to the Cherokee Strip Land Rush Museum Board of Trustees. **(Voice Vote)**
10. Designate RCB Bank as primary depository for banking services and all other eligible banks in the community as potential depositories for City funds. **(Voice Vote)**
11. A Home Rule Ordinance of the City of Arkansas City, Kansas, authorizing the acquisition of real property for economic and residential development purposes; and authorizing the issuance of general obligation bonds of the city to pay the costs thereof. **(Roll Call 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. Adjournment



City Commission Agenda Item

Meeting Date: January 3, 2023

From: Lesley Shook, City Clerk

Item: Approve the December 20, 2022, Regular Meeting Minutes

Purpose: Approve the December 20, 2022, 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



City of Arkansas City
Tuesday, December 20, 2022
118 W Central Ave, Arkansas City, KS

Routine Business

1. Roll Call

PRESENT

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

Also present: Also present: City Manager Randy Frazer, Police Chief Eric Burr, Finance Director/Treasurer Jennifer Waggoner, City Clerk Lesley Shook, Deputy City Clerk Tiffany Parsons, Human Resources Director Marla McFarland, Accountant Amy Roberts.

2. The Opening Prayer was led by Commissioner Charles Jennings and Pledge of Allegiance was led by Mayor Kanyon Gingher

3. Additions to the Agenda

- Revise New Business Item #2 from “city services” to “loan”.
- Renumber New Business Item #3 City Manager Frazer reminders and updated to #5.
- Add New Business Item #3 Request from SCK Health for distribution of the available funds in the unpledged healthcare sales tax for uncompensated care.
- Add New Business Item #4 Resolution authorizing the City of Arkansas City to approve a bid recommended by Smith & Oakes submitted from APAC-Kansas, to resurface US-166 from 8th Street to Summit Street, for an amount not to exceed \$458,787.00.

Motion made by Commissioner Spielman, Seconded by Commissioner Jennings to approve the additions to the agenda.

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

4. Approval of the Agenda

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

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

Recognition of Staff

1. Patrick Shook was introduced and sworn in as a new Police Officer.

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.

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

1. Approve the December 2, 2022, Special and December 6, 2022, regular meeting minutes as written.
2. Ratify Mayor Kanyon Gingher's re-appointment of:
 - Robin Henderson and Candace Hendricks to the Beautification and Tree Advisory Board
 - James Fry and Tammy Lanman-Henderson to the Equal Opportunity & Accessibility Advisory Board
 - Dan Jurkovich and Jay Warren to the South-Central Kansas Medical Center Board of Trustees,
 - Shawn Silliman and Sadie Spurlock to the Visit Ark City Board of Trustees
3. Approve renewal Cereal Malt Beverage (CMB) licenses for 2023.

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

Old Business

1. City Clerk Shook presented for consideration Holding a public hearing regarding the proposed 2022 amended budget.

Motion made by Commissioner Rogers, Seconded by Commissioner Warren to open the public hearing regarding the proposed 2022 amended budget.

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

With no public comment received, Motion made by Commissioner Rogers, Seconded by Commissioner Spielman to close the public hearing.

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

- a. City Clerk Shook presented for consideration an Ordinance amending specified funds in the budget for the City of Arkansas City for the year beginning January 1, 2022. Finance Director/Treasurer Waggoner outlined the 8 funds being amended which include Water, Sanitation, Library, Municipalities Fight Addition, Debt Service, Healthcare Sales Tax, Unpledged Healthcare Sales Tax, and CID Sales Tax.

Motion made by Commissioner Rogers, Seconded by Commissioner Spielman to amend specified funds in the budget for the City of Arkansas City for the year beginning January 1, 2022.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Ordinance No. 2022-12-4569.**

- 2. City Clerk Shook presented for consideration a Resolution authorizing the City of Arkansas City to renew the contract agreement with Retail Attractions, LLC for Economic Development Consulting Services, for an amount not to exceed \$48,000. Dustin Schutz, 2115 Cedar Crest Court Arkansas City, expressed his concerns regarding renewing this agreement. Brandon Jellings, no address given, expressed his concerns as well.

Motion made by Commissioner Warren, Seconded by Commissioner Jennings to approve the contract.

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

Motion made by Commissioner Jennings, Seconded by Commissioner Rogers to extend the contract with retail attractions on a quarterly basis subject to the agreed upon reviews and reports.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Warren. Voting Nay: Mayor Gingher. Commissioner Spielman abstained. Mayor Gingher declared the motion approved and given **Resolution No. 2022-12-3521.**

New Business

City Manager Department

- 1. City Clerk Shook presented for discussion the Agri-Business building use charges. Finance Director/Treasurer Waggoner stated the expenses are approximately \$35,000 per year just for the building to exist. Currently all entities are being charged a fee to use the building, including nonprofits, which makes up approximately 85-90% of the usage of the building.

Dustin Schutz, 2115 Cedar Crest Court Arkansas City addressed the commission regarding possibly creating a donation fund for the building.

Motion made by Commissioner Spielman, Seconded by Commissioner Warren to no longer charge non-profits for the use of the Ag Building.

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

- 2. City Clerk Shook presented for discussion a request from SCK Health regarding a loan from the city. Hospital CEO Jeff Bowman and CFO Debbie Hockenbury were present at the meeting to request a loan of \$1,000,000 from the city to subsidize their payroll until their allotted \$3,000,000.00 comes in in July 2024 at which time they would reimburse the city. The commission directed staff to look at what obligations the city has regarding the cash and budget authority and loan the hospital money to subsidize their payroll. They also directed the CEO to keep the City Manager and Finance Director involved and updated on the hospital's financial situation.

- 3. City Clerk Shook presented for discussion a request from SCK Health for distribution of the available funds in the unpledged healthcare sales tax for uncompensated care.

Motion made by Commissioner Spielman, Seconded by Commissioner Warren to approve the request from SCK Health for distribution of the available funds in the unpledged healthcare sales tax for uncompensated care also to include the December distribution.

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

- 4. City Clerk Shook presented for discussion a Resolution authorizing the City of Arkansas City to approve a bid recommended by Smith & Oakes submitted from APAC-Kansas, to resurface US-166 from 8th Street to Summit Street, for an amount not to exceed \$458,787.00. City Manager Frazer noted that APAC was the low bidder for this project.

Motion made by Commissioner Spielman, Seconded by Commissioner Rogers to approve a bid recommended by Smith & Oakes submitted from APAC-Kansas, to resurface US-166 from 8th Street to Summit Street, for an amount not to exceed \$458,787.00.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved and given **Resolution No. 2022-12-3522.**

- 5. City Manager Frazer reminders and updates
 - a. Received notice city will get an additional 26921.00 in opiate funds by the end of the year.
 - b. Great American water taste test will be in Washington DC, February 6-9, 2023.
 - c. Meeting at strother re: pavement replacement on 77 between Winfield and Ark city would probably start in the year 2025.
 - d. Data walk for Cowley County will be January 31, 2023. Commissioners were encouraged to go.
 - e. Local government day at LKM will be January 26, 2023.
 - f. 2023 REAP legislative agenda was distributed to commissioners for review.
 - g. KMU water summit recently held focusing on municipal issues. The outcome of that meeting was distributed to commissioners for review.

Items for Discussion by City Commissioners

Commissioner Warren Jay – brought up the question Ken Harader talked about at the last work session regarding a truck that came down 1st street recently. He asked Police Chief Burr what can be done to stop truck traffic on side streets. Police Chief Burr stated this is something he will talk about it at the city level, possibly getting additional signage.

Comments from the Audience for Items not on the agenda

Ken Harader, 1st street, addressed the commission regarding the truck traffic and signage on 1st street.

Executive Session

- 1. Recess into executive session to discuss a potential real estate development site, pursuant to K.S.A. 75-4319(b)(6) preliminary discussion of the acquisition of real property exception.

Motion made by Commissioner Rogers, Seconded by Commissioner Jennings to Recess into executive session to discuss a potential real estate development site, pursuant to K.S.A. 75-4319(b)(6) preliminary discussion of the acquisition of real property exception. The public meeting to resume in the commission chambers at 7:28 p.m.

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

Adjournment

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

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

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

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Lesley Shook, City Clerk



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Lesley Shook, City Clerk
Item: City Board Re-Appointments

Purpose: Ratify Mayor Kanyon Gingher’s re-appointment of:

- Randy Smith, Spencer Warren, Jamie Terrill, and Richard Brown to the Building Trades Board
- Ian Kuhn to the Planning Commission/Board of Zoning Appeals

Background:

All above are requesting reappointment to their respective boards.

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



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Lesley Shook, City Clerk
Item: Scheduling 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 p.m. Tuesday, January 17, 2023, 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:

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 P.M. JANUARY 17, 2023, 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 p.m. on Tuesday, January 17, 2023, 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 3rd day of January, 2023.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2023-01-3523 of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on January 3, 2023, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Select Mayor for 2023. **(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 2021) to become the next Mayor. In 2023, that individual would be Commissioner Diana Spielman, 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 2023.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Recognize and honor the service of past mayor Kanyon Gingher.

Background:

Following the selection of the new Mayor, the new Mayor will take his or her chair at the center of the dais. The new Mayor’s first order of business will be to recognize outgoing Mayor Kanyon Gingher’s contributions to the City Commission and community during her past year as Mayor.

Commission Options:

- 1. Recognize outgoing mayor Kanyon Gingher

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Select Vice-Mayor for 2023. **(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 absent or unavailable. Traditionally, in odd-numbered years, the second highest vote-getter in the most recent City Commission election becomes Vice Mayor a year later, and then ascends to Mayor in the following year. In 2023, that individual would be Commissioner Jay Warren.

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 2023.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Appoint three members of the Governing Body to serve as Arkansas City’s representatives on the Strother Field Commission. **(Voice Vote)**

Background:

Strother Field is jointly owned by the cities of Arkansas City and Winfield. It is governed by a seven-member (7) body — three (3) from each City and one (1) from the Cowley County Commission. The Governing Body will need to appoint three (3) of its members to serve on the Strother Field Commission.

Current representatives are Commissioners Scott Rogers, Jay Warren and Charles Jennings.

Commission Options:

- 1. Approve reorganization item.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Designate one member of the Governing Body to serve as a representative to Cowley First.
(Voice Vote)

Background:

The City Commission will need to designate one (1) member of the Governing Body to serve as a representative to the Cowley County Economic Development Partnership (Cowley First).

This commissioner serves as one of nine (9) voting members of the Cowley First coordinating council, which is made up of representatives selected by the City, Cowley College, Cowley County, RCB Bank, the Strother Field Commission, Union State Bank and the City of Winfield. Two (2) at-large members, appointed by the other seven (7) members, complete the coordinating council.

The current representative is Commissioner Diana Spielman.

Commission Options:

1. Approve reorganization item.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Appoint one member of the Governing Body to serve as a voting member of the Regional Economic Area Partnership (REAP) of South-Central Kansas and either one member of the Governing Body or the City Manager to serve as an alternate member of REAP in the voting member’s absence. **(Voice Vote)**

Background:

The City Commission will need to appoint one (1) member of the Governing Body to serve as a voting member of the Regional Economic Area Partnership (REAP) of South-Central Kansas and either one (1) member of the Governing Body or the City Manager to serve as an alternate member of REAP in the voting member’s absence.

The current representative is Commissioner Charles Jennings, with City Manager Randy Frazer currently serving as the designated alternate.

Commission Options:

- 1. Approve reorganization item.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Appoint one member of the Governing Body to serve on the Arkansas City Public Library Board of Trustees. **(Voice Vote)**

Background:

The City Commission will need to appoint one (1) member of the Governing Body to serve as an ex officio member of the Arkansas City Public Library Board of Trustees. This representative has the same voting powers as the other six (6) library board members.

The current representative is Commissioner Jay Warren, with Commissioner Scott Rogers designated as the alternate.

Commission Options:

- 1. Approve reorganization item.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Appoint one member of the Governing Body to serve on the Visit Ark City Board of Trustees.
(Voice Vote)

Background:

The City Commission will need to appoint one (1) member of the Governing Body to serve as an ex officio member of the Visit Ark City Board of Trustees. This representative has the same voting powers as the other six (6) Visit Ark City board members.

The current representative is Commissioner Kanyon Gingher.

Commission Options:

- 1. Approve reorganization item.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Designate one member of the Governing Body to serve as a representative to the Cherokee Strip Land Rush Museum Board of Trustees. **(Voice Vote)**

Background:

The City Commission will need to designate one (1) member of the Governing Body to serve as a nonvoting ex officio representative to the Cherokee Strip Land Rush Museum Board of Directors.

The current representative is Commissioner Jay Warren. *(Commissioner Kanyon Gingher cannot be selected for this role because she already is a voting member of this board in an independent capacity.)*

Commission Options:

- 1. Approve reorganization item.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Annual Reorganization of City Commission

Purpose: Designate RCB Bank as primary depository for banking services and all other eligible banks in the community as potential depositories for City funds. **(Voice Vote)**

Background:

It also is necessary for the Governing Body to designate official depositories for various City funds. It has been the past practice of the City Commission to designate all eligible banks in the community as potential depositories for City funds.

Currently, those include RCB Bank, Union State Bank, The Stock Exchange Bank, and Community National Bank & Trust. RCB Bank also serves as the current primary depository for banking services for the City of Arkansas City.

Commission Options:

- 1. Approve reorganization item.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: January 3, 2023
From: Randy Frazer, City Manager
Item: Land Acquisition

Purpose: A Home Rule Ordinance of the City of Arkansas City, Kansas, authorizing the acquisition of real property for economic and residential development purposes; and authorizing the issuance of general obligation bonds of the city to pay the costs thereof. **(Roll Call Vote)**

Background:

Passage of this home rule ordinance will authorize the City to finance the costs associated with the purchase and acquisition of the 101.75 acres for future residential and economic development purposes.

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

Gilmore & Bell, P.C.
12/29/2022

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF ARKANSAS CITY, KANSAS
HELD ON JANUARY 3, 2023**

The City Commission (the “Governing Body”) met in regular session at the usual meeting place in the City, at 5:30 P.M., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

There was presented an Ordinance entitled:

**A HOME RULE ORDINANCE OF THE CITY OF ARKANSAS CITY, KANSAS,
AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR ECONOMIC
AND RESIDENTIAL DEVELOPMENT PURPOSES; AND AUTHORIZING THE
ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE
COSTS THEREOF.**

Commissioner _____ moved that the Ordinance be passed. The motion was seconded by Commissioner _____. The Ordinance was duly read and considered, and upon being put, the motion for approval was carried by the following vote of the Governing Body:

Aye:

Nay:

The Mayor declared the Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 2023-__-____, was signed by the Mayor and attested by the Clerk and the Ordinance was directed to be published one time in the official newspaper of the City.

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Governing Body of the City of Arkansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

(Published in *The Cowley CourierTraveler* on January 7, 2023)

ORDINANCE NO. 2023-[__ - ____]

A HOME RULE ORDINANCE OF THE CITY OF ARKANSAS CITY, KANSAS, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR ECONOMIC AND RESIDENTIAL DEVELOPMENT PURPOSES; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE COSTS THEREOF.

WHEREAS, the governing body of the City of Arkansas City, Kansas (the “City”) has considered the needs of the City and its environs for securing and developing new areas for residential uses, business uses, and industrial uses, in order to enhance and provide for the general and economic welfare of the citizens of the City; and

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the “Home Rule Amendment”) empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government and shall be exercised by ordinance, subject only to (a) enactments of the Kansas legislature of statewide concern applicable uniformly to all cities, (b) other enactments of the legislature applicable uniformly to all cities, (c) enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other action and (d) enactments of the legislature prescribing limits of indebtedness; and

WHEREAS, the Kansas Supreme Court has considered the Home Rule Amendment and determined that (a) home rule legislation should be permitted to stand unless an actual conflict exists between the home rule legislation and a state legislative enactment, or unless the legislature has clearly preempted the field so as to preclude municipal action, and (b) legislative intent to reserve to the state exclusive jurisdiction to regulate an area must be clearly manifested by statute before it can be held that the state has withdrawn from the cities the power to regulate in the field; and

WHEREAS, the City is a city within the meaning of the Home Rule Amendment; and

WHEREAS, the governing body of the City has found and determined that it is in the interest of the public health, safety and welfare of the City to authorize the purchase and acquisition of certain real property consisting of approximately 101.75 acres generally located south of W. Skyline Road, west of N. 8th Street, north of Forrest Glenn addition, and east of N. 15th Street (the “Site”), upon terms and conditions deemed advisable to the governing body of the City, as a residential and economic development measure for the City; and

WHEREAS, the governing body of the City has further found and determined that it is necessary and advisable and in the interest of the public health, safety and welfare of the City to authorize the issuance of general obligation bonds of the City to finance the costs of purchasing and acquiring the Site; and

WHEREAS, the governing body of the City now further finds and determines that (a) it has no present plan or intention to use the Site in any manner that would subject it and the City to an enactment of the Kansas legislature, (b) there are no enactments of the Kansas legislature of statewide concern applicable uniformly to all cities or applicable to the City relating to a city authorizing the purchase and acquisition of real property for economic and residential development purposes and the issuance of general obligation bonds of a city to provide funds for such purposes, (c) no conflict exists between the provisions of this

Ordinance and a state legislative enactment, and (d) the legislature has not clearly preempted, or clearly manifested its intent to preempt, the field of land acquisition for municipal residential and economic development so as to preclude this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ARKANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization of Site Acquisition. The governing body of the City hereby finds and determines that the purchase and acquisition of the Site will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens. The purchase and acquisition of the Site is authorized at an estimated acquisition cost of \$610,500, plus related closing costs, if necessary, all upon terms and conditions deemed advisable by the governing body of the City.

Section 2. Authorization of Bonds. The costs of purchasing and acquiring the Site and related closing costs, costs of issuance and interest on temporary financing may be paid, in whole or in part, from the proceeds of general obligation bonds of the City (the “Bonds”), which are authorized to be issued for such purposes pursuant to the authority of the Home Rule Amendment. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Home Rule Ordinance, pursuant to Treasury Regulation §1.150-2.

Section 3. Further Authority. The officials of the City, the City Attorney, Bond Counsel and other consultants are authorized to proceed with such action as is necessary in order to comply with the intent of this Home Rule Ordinance, subject to final approval of such documents by the governing body.

Section 4. Effective Date. This Home Rule Ordinance shall be effective from and after final passage by the governing body, signature by the Mayor and publication once in the official City newspaper.

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PASSED by the City Commission on January 3, 2023, and **SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on January 3, 2023; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance was published in *The Cowley CourierTraveler* on January 7, 2023.

DATED: January 7, 2023.

Clerk

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