



# City Commission Meeting

August 15, 2023 at 5:30 PM

118 W Central Ave, Arkansas City, KS

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Please join our meeting <https://global.gotomeeting.com/join/121379189>  
Or dial in using your phone: United States: +1 (646) 749-3122 Access Code: 121 379 189

## 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 August 1, 2023, regular meeting minutes as written.

## III. New Business

### City Manager Department

1. A Resolution making certain findings and determinations as to the need for housing within the City of Arkansas City, Kansas and setting forth the legal description for real property proposed to be designated as a Reinvestment Housing Incentive District within the city. **(Voice Vote)**
2. A Resolution authorizing the City of Arkansas City to enter into an Memorandum of Understanding with Alfredo Sampayo, his business partners and consolidated development partners, to acquire property and develop a residential housing development on city owned property located in the Sleeth Addition of Arkansas City, KS. **(Voice Vote)**
3. A Resolution authorizing the transfer of certain real estate being a tract of land situated in the Northeast Quarter of Section 19, Township 34 South, Range 4 East of the 6th Principal Meridian, Cowley County, Kansas, to KLANDS Venture, LLC. **(Voice Vote)**
4. Consider the first reading of an Ordinance adopting the budgeted pay plan to become effective August 26, 2023. **(Roll Call Vote)**

## IV. Items for Discussion by City Commissioners

## V. 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.*

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

## **VII. Financial Summary**

- [1.](#) July 2023 Financial Summary

## **VIII. Executive Session**

- [1.](#) Recess into executive session to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for the preliminary discussion of the acquisition of real property.

## **IX. Adjournment**



# City Commission Agenda Item

**Meeting Date:** August 15, 2023

**From:** Tiffany Parsons, City Clerk

**Item:** Approve the August 1, 2023, Regular Meeting Minutes

**Purpose:** Approve the August 1, 2023, regular meeting minutes as written.

**Background:**

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

**Commission Options:**

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

**Approved for Agenda by:**

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

Randy Frazer, City Manager



Tuesday, August 1, 2023  
 Regular Meeting Minutes  
 118 W Central Ave, Arkansas City, KS

**Routine Business**

1. Roll Call

**PRESENT**

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

**ABSENT**

Commissioner Scott Rogers

Also present from staff: Accountant Amy Roberts, City Attorney Larry Schwartz, City Manager Randy Frazer, Communications Director Shana Adkisson, Finance Director/Treasurer Jennifer Waggoner, Municipal Project Manager Nick Rizzio, Police Captain Jim Holloway, and Police Chief Eric Burr.

2. Opening Prayer and Pledge of Allegiance were led by Mayor Spielman.

3. Additions or Deletions to the Agenda as delivered by City Manager Frazer:

- Addition: Moved Consent Agenda Item No. 1 to City Manager New Business Item No. 1.
- Deletion: Delete Executive Session from the agenda.

4. Approval of the Agenda

*Motion made by Commissioner Gingher, Seconded by Commissioner Jennings to approve the additions, deletions and amended agenda.*

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

**Consent Agenda**

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

1. Approve the July 18, 2023, regular meeting minutes as written.

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

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

**Old Business**

1. Communications Director Adkisson re-presented the item to select three (3) voting delegates and three (3) alternates to the 2023 League of Kansas Municipalities (LKM) Annual Business Meeting to be held on Monday, October 9, 2023.

City Manager Frazer spoke that at the last meeting, Commissioners Gingher, Jennings, and Warren were approved as the three voting delegates but tabled the remainder of item to identify the three alternates. Frazer noted that he did send out an email to city staff offering the opportunity to attend the meeting and be alternates but has little response. City Manager Frazer and City Clerk Parsons volunteered to be two alternates. If a third staff member wishes to come join, staff will register them as the final alternate.

*Motion made by Commissioner Jennings, seconded by Commissioner Warren to identify City Manager Randy Frazer and City Clerk Tiffany Parsons as affirmed alternates, with the added option to open for a third alternate at the City Manager’s discretion.*

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

**New Business**

**City Manager Department**

1. Communications Director Adkisson presented to approve the Investment Policy.

Finance Director Waggoner presented a draft packet of the investment policy as something new that has not been adopted by the City of Arkansas City before in response to the recent interest rate changes expected to stay high. Commissioner Jennings requested Waggoner to explain a brief overview of the policy to the listening audience. Waggoner touched on the three objectives: safety, liquidity, and Yield. This policy will be managed by the Finance Director Waggoner and City Manager Frazer. This policy will allow the city to act more quickly and efficiently with interest rates changes.

*Motion made by Commissioner Jennings, seconded by Commissioner Warren to approve the item as written.*

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

2. Communications Director Adkisson offered the item to set a date of September 5, 2023 to hold a public hearing for the 2024 budget. Finance Director Waggoner added the item to Consider a resolution approving the Notice of Budget Hearing for publication and for the City of Arkansas City.

Waggoner explained that this is for the budget hearing that will be held after the Revenue Neutral Rate (RNR) Hearing, provided that the resolution to exceed RNR gets passed. Several surrounding cities, including Arkansas City are requesting intent to exceed the RNR this year. Once the date is approved, the resolution will also need voted upon.

*Motion made by Commissioner Jennings, seconded by Commissioner Warren to approve the items as written.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Warren, and Mayor Spielman. Mayor Spielman declared the motion carried; given **Resolution No. 2023-08-3562.***

3. Communications Director Adkisson delivered to consider he first reading of an Ordinance authorizing the execution of a loan agreement between the City of Arkansas City, Kansas and the State of Kansas, acting

by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a Public Water Supply Project; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement.

City Manager Frazer elaborated that the purpose of this loan agreement is to aid Strother Field in building a water tower, as they otherwise do not have the authority to borrow money on their own. As co-owners of the property, the City of Arkansas City and the City of Winfield must apply for the loan. Both cities are applying to borrow equal loan amounts on behalf of Strother Field, which splits the cost of the proposed water tower loan. Prewritten agreement, Strother Field will be paying back the loan directly, so no monies from Arkansas City will be utilized to pay back the loan. Rose Mary Saunders with Ranson Financial followed-up, that this approval of the loan agreement by ordinance sets the project in action for accepting bids to build the 200,000-gallon water tower at Strother Field. Frazer also pointed out the importance that the loan in not to exceed \$602,695.00 with a principal loan forgiveness of \$180,808.50, so the actual net loan cost will be \$421,886.50. The interest rate is 2.14 percent for a 20-year period.

*Motion made by Commissioner Warren, seconded by Commissioner Jennings to approve the item as written.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion carried; given **Ordinance No. 2023-08-4581**.*

- 4. Communications Director Adkisson offered a Resolution authorizing the City of Arkansas City to apply for an implementation grant from *Pathways to a Healthy Kansas (Pathways)*, a Blue Cross Blue Shield Kansas (BCBSKS) initiative, in partnership with Rise Cowley County, supporting improvements to Lovie Watson Park.

Municipal Project Manager Rizzio spoke before the commission of the reasoning behind this resolution is to establish approval for a applying for the implementation grant by acknowledging the commitments listed within, that the City of Arkansas City will make, including required steps in making Lovie Watson Park tobacco free, to qualify for the loan. Rizzio pointed out that there will be more Resolutions to come before the commission soon, one specifically aimed at giving price specific to the project.

*Motion made by Commissioner Warren, Seconded by Commissioner Jennings to approve the Resolution as written.*

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Warren, and Mayor Spielman. Mayor Spielman declared the motion carried; given **Resolution No. 2023-08-3563**.*

Public Services Department

- 1. Communications Director Adkisson presented a Resolution authorizing the City of Arkansas City to establish Wilson Park as the proposed location for pickle ball courts.

Pricing options have come back from a pickle ball court contractor out of Wichita, KS. Sam Oglesby, spoke before the commission that there was no interest from the Tennis Court Association to move forward with adding the option of tennis courts to pickle ball court proposal, therefore the group is moving forward with a four-court design. This resolution affirms that the group has the commissions blessing in establishing Wilson Park as the proposed location as they move forward with planning and fundraising.

Motion made by Commissioner Jennings, Seconded by Commissioner Gingher to approve the Resolution as written.

Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Warren, and Mayor Spielman. Mayor Spielman declared the motion carried; given **Resolution No. 2023-08-3564**.

**Items for Discussion by City Commissioners**

Commissioner Jennings brought up animal negligence and the growing population of feral cats as seen in the lack of collars, tags, and treatment of cats in being allowed to continually reproduce. Jennings would like to establish a strategy for the owners to take responsibility when a litter of kittens is born to find proper homes for them. Commissioner Warren suggested City Manager Frazer get ahold of Ponca City as they have an Ordinance when they have cats and that we this should be looked at during a work session.

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

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1. Evelyn Shoup thanked city staff and commissioners on behalf of all the residents on the south half of North 14<sup>th</sup> Street, in application of the widening of their narrow dirt road that previously measured 15 feet wide that has also been milled. Shoup expressed that this would have been made possible without the city commissioners, leaders, heads of all departments, and city crews who do these projects.
2. Citizen John Shelman questioned if a decision has been made to put the half-cent sales tax on the ballot or not. City Manager Frazer stated that more public hearings are planned, and this item is not a ballot item yet.
3. Mag Bilyeu visiting from Tulsa, Oklahoma, offered comment on Commissioner Jennings previous topic of feral cats. She shared what Tulsa has done for their cat problem. Bilyeu shared that the Tulsa animal shelter offers a free spay/neuter day which includes \$25.00 vouchers provided by local non-profit organizations to aid in services for low-income individuals. Each treated animal has their ears clipped, which allows community to know that the cat has been spayed/neutered, given a rabies shot and be treated by a veterinarian for disease.
4. Nancy Dobson also offered suggestions on feral cats. She explained that Southern Europe loves cats, showing the commission images of their cat at hotels explaining that the community takes care of and feeds them. She agrees that they do need neutered and taken care of disease wise.

**City Manager Reminders and Updates**

1. City Manager Frazer provided the commissioner with the following:
  - Employee is cookout Friday, August 18<sup>th</sup> at the Wilson Park Rotunda form 11 a.m. to 1:00 p.m.
  - Water Rate Analysis is underway, and we are receiving data.

- Chestnut Booster Pump Station has had a couple circuit boards replaced. Pumps two and three are running normally. Pump one is not getting a signal to come on correctly, crews are working to fix it.
- Wastewater Treatment Plant UV is online and working. Final piece to be installed is the gas flare. Final project to be completed the end of August or first week of September timeframe. An additional change order will be coming up and a credit for additional bollards at about \$1,200.00 each that were budgeted for, purchased but not used.
- Travel Center Developers have their finances in place, so development is moving forward, and design work done. The city will soon transfer ownership. City Attorney Schwartz to work up on a deed to transfer ownership with added call back language so that the city can obtain the property back if something should fall through. Still trying to coordinate with archeologist to be onsite when grading begins.
- Jefferson Elementary School traffic analysis was reviewed by City Manager Frazer, Police Chief Burr, Dr. Ron Ballard, and Jefferson Elementary School Principal Lauren Rosales. A plan is in place which includes moving cross walks and making safety changes to decrease traffic congestion during school drop off and pick up.
- City crews are painting crosswalks in preparation for school.
- Kansas and C St. traffic signal cabinet has been installed near the middle school and includes a left turn signal.
- The 15<sup>th</sup> Street Bridge replacement is complete.
- Madison Ave. overlay project will begin August 14<sup>th</sup>.

**Adjournment**

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

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

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

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

(Seal)

**ATTEST:**

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

**Prepared by:**

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





# City Commission Agenda Item

**Meeting Date:** August 15, 2023  
**From:** Randy Frazer, City Manager  
**Item:** Reinvestment Housing Incentive District (RHID)  
 Proposed Sleeth Addition Development

**Purpose:** A Resolution making certain findings and determinations as to the need for housing within the City of Arkansas City, Kansas and setting forth the legal description for real property proposed to be designated as a Reinvestment Housing Incentive District within the city. **(Voice Vote)**

**Background:**

The resolution is based on the authority provided by K.S.A. 12-5241 et seq., which empowers cities in Kansas to establish reinvestment housing incentive districts. Such districts are established to address housing needs within the community by providing financial incentives for private sector housing development or renovation.

The property we are requesting to designated as an RHID is the 7.87-acre property that formally were ball fields in the Sleeth Addition.

The resolution makes several key findings and determinations:

1. There is a shortage of quality housing in the City of Arkansas City, Kansas, despite efforts from both public and private housing developers.
2. The housing shortage is expected to persist, and additional financial incentives are necessary to encourage private sector housing construction or renovation.
3. The lack of quality housing is impeding the City's economic growth and development.
4. The economic well-being of the city depends on providing incentives for the construction or renovation of quality housing.

Based on the above findings, the resolution proposes to establish a Reinvestment Housing Incentive District (RHID) within the City. The legal description of the real estate proposed to be designated as the RHID is provided in Exhibit A, and a map depicting the existing parcel(s) of land is enclosed as Exhibit B. RHID will come into effect once the certified copy of the approved resolution is sent to the Secretary of Commerce for review and approval.

**Commission Options:**

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

**Fiscal Impact:**

Amount:

Fund:                      Department:                      Expense Code:

Included in budget                       Grant                       Bonds                       Other Not Budgeted

**Approved for Agenda by:**

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

Randy Frazer, City Manager

Gilmore & Bell, P.C.  
08/08/2023

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF ARKANSAS CITY, KANSAS  
HELD ON AUGUST 15, 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 a Resolution entitled:

**A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR HOUSING WITHIN THE CITY OF ARKANSAS CITY, KANSAS AND SETTING FORTH THE LEGAL DESCRIPTION OF REAL PROPERTY PROPOSED TO BE DESIGNATED AS A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY.**

Commissioner \_\_\_\_\_ moved that the Resolution be adopted. The motion was seconded by Commissioner \_\_\_\_\_. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body as follows:

Yea: \_\_\_\_\_.

Nay: \_\_\_\_\_.

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. \_\_\_\_\_ and was signed by the Mayor and attested by the Clerk. The Clerk was directed to arrange for the publication of the Resolution one time in the official newspaper of the City.

\*\*\*\*\*  
(Other Proceedings)

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**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

Gilmore & Bell, P.C.  
08/08/2023

(Published in the *The Cowley CourierTraveler* on August \_\_\_\_, 2023)

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR HOUSING WITHIN THE CITY OF ARKANSAS CITY, KANSAS AND SETTING FORTH THE LEGAL DESCRIPTION OF REAL PROPERTY PROPOSED TO BE DESIGNATED AS A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY.**

**WHEREAS**, K.S.A. 12-5241 *et seq.*, as amended (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) to designate reinvestment housing incentive districts within such city in accordance with the provisions of the Act; and

**WHEREAS**, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

**WHEREAS**, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a reinvestment housing incentive district and providing the legal description of property to be contained therein; and

**WHEREAS**, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

**WHEREAS**, if the Secretary agrees with such findings, such city may proceed with the establishment of a reinvestment housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

**WHEREAS**, the City of Arkansas City, Kansas (the “City”) has an estimated population less than 60,000 and is eligible to establish reinvestment housing incentive districts pursuant to the Act; and

**WHEREAS**, the Governing Body of the City has performed the Arkansas City 2021 Housing Needs Study (the “Needs Analysis”), a copy of which is on file in the office of the City Clerk; and

**WHEREAS**, based on the Needs Analysis, the Governing Body of the City proposes to commence proceedings necessary to create a reinvestment housing incentive district in accordance with the provisions of the Act.

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

**Section 1.** The Governing Body hereby adopts and incorporates by this reference as part of this Resolution the Needs Analysis, a copy of which is on file in the office of the City Clerk, and based on a review of said Needs Analysis makes the following findings and determinations.

**Section 2.** The Governing Body hereby finds and determines that there is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.

**Section 3.** The Governing Body hereby finds and determines that the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.

**Section 4.** The Governing Body hereby finds and determines that the shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.

**Section 5.** The Governing Body hereby finds and determines that the future economic well-being of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

**Section 6.** Based on the findings and determinations contained in *Sections 2* through *5* of this Resolution, the Governing Body proposes to establish a Reinvestment Housing Incentive District pursuant to the Act, within boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcel(s) of land attached hereto as *Exhibit B* (the “District”).

**Section 7.** The City Clerk is hereby directed to publish this Resolution one time in the official City newspaper, and to send a certified copy of this Resolution to the Secretary for the Secretary's review and approval.

**Section 8.** The Mayor, City Manager, City Clerk, other City employees and officials and Gilmore & Bell, P.C. are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

**Section 9.** This Resolution shall take effect after its adoption and publication once in the official City newspaper.

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**ADOPTED** by the Governing Body of the City of Arkansas City, Kansas, on August 15, 2023.

(SEAL)

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. \_\_\_\_\_ adopted by the Governing Body of the City on August 15, 2023, as the same appears of record in my office.

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

\_\_\_\_\_  
Clerk



***EXHIBIT A***

**LEGAL DESCRIPTION OF PROPOSED  
REINVESTMENT HOUSING INCENTIVE DISTRICT**

Blocks 19, 20 & 21 Sleeth Addition to Arkansas City, Cowley County, Kansas

AND

A tract beginning 8 feet East of the Northeast Corner of said Block 21, thence East 112 feet, thence South 350 feet, thence West 112 feet, thence North to the Point of Beginning

AND

Vacated L Street, Vacated K Street & the Vacated alleys all adjacent to said blocks

AND

And all-rights-of-way adjacent thereto

**EXHIBIT B**  
**MAP OF PROPOSED**  
**HOUSING INCENTIVE DISTRICT**





# City Commission Agenda Item

**Meeting Date:** August 18, 2023  
**From:** Randy Frazer, City Manager  
**Item:** MOU Sleeth Addition Development

**Purpose:** A Resolution authorizing the City of Arkansas City to enter into an Memorandum of Understanding with Alfredo Sampayo, his business partners and consolidated development partners, to acquire property and develop a residential housing development on city owned property located in the Sleeth Addition of Arkansas City, KS. **(Voice Vote)**

**Background:**

The City owns a 7.87-acre parcel located in the Sleeth Addition of Arkansas City, Kansas, known as the "Property." The intent is to transfer the Property's title to the Developer, who plans to develop single-family residential housing units. Skyline Homes in Arkansas City will be the supplier of these units.

**Principal Terms:**

**1. Property:**

The City commits not to transfer the Property's title or entertain offers from other developers during the term of the MOU.

**2. Purchase Agreement:**

Within 90 days of MOU execution, the parties will negotiate and execute a definitive Purchase Agreement ("Purchase Agreement"). This document will encompass terms from the MOU, customary real estate conditions, representations, warranties, due diligence requirements, governmental approvals (including zoning and land use plans), and a binding financing commitment from a financial institution. The due diligence period is limited to 120 days, with the closing scheduled within 30 days thereafter.

**3. Consideration:**

The City will transfer the Property title to the Developer without financial payment. Considerations include the Developer's commitment to initiate construction within 24 months, seek tax rebates and incentives, and adhere to utility requirements. The city will offer support, incentives, and utility connections as detailed in the MOU.

**4. Costs:**

Each party will bear its own costs and expenses related to the transaction.

**5. Governing Law:**

The MOU will be governed by the laws of the State of Kansas.

**6. Jurisdiction: Service of Process:**

Legal actions arising from the MOU will be pursued in the District Court for Cowley County, State of Kansas.

**7. Assignment:**

The Developer may assign rights under the MOU to affiliated entities for acquisition purposes, subject to City's written consent.

**8. Non-Binding:**

The MOU outlines proposed terms. Contractual obligations arise through a Definitive Agreement.

**9. Counterparts:**

The MOU may be executed in counterparts, constituting one agreement.

Attached is a checklist designed for an ideal twelve-month timeline for Brightline Ark City. This timeline covers critical steps from signing the Letter of Intent to finalizing the project's execution.

**Commission Options:**

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

**Fiscal Impact:**

Amount:

Fund:            Department:            Expense Code:

Included in budget             Grant             Bonds             Other Not Budgeted

**Approved for Agenda by:**



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Randy Frazer, City Manager

**A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ALFREDO SAMPAYO, HIS BUSINESS PARTNERS AND CONSOLIDATED DEVELOPMENT PARTNERS, TO ACQUIRE PROPERTY AND DEVELOP A RESIDENTIAL HOUSING DEVELOPMENT ON CITY OWNED PROPERTY LOCATED IN THE SLEETH ADDITION OF ARKANSAS CITY, KS.**

**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 City of Arkansas City to enter into a Memorandum of Understanding (MOU) with Alfredo Sampayo, along with his business partners Mark Teitelbaum, Gordon Hendry, and Developer Rick Cutrera, to acquire property and develop a residential housing development on the city owned property located in the Sleeth Addition of Arkansas City.

**SECTION TWO:** The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the Mayor and/or City staff of the City of Arkansas City, Kansas, to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

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

**PASSED AND RESOLVED** by the Governing Body of the City of Arkansas City, Kansas, on this 15<sup>th</sup> day of August, 2023.

(Seal)

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

ATTEST:

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

APPROVED AS TO FORM:

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

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2023-08-\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on August 15, 2023. as the same appears of record in my office.

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

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



# Office of the City Manager

## MEMORANDUM OF UNDERSTANDING

Subject: Letter of Intent for Acquisition of Real Estate for single family residential development

This Memorandum of Understanding (the "MOU") is entered into on this 15 day of August 2023, by and between the CITY OF ARKANSAS CITY (hereinafter referred to as "City"), a municipal corporation organized and existing under the laws of the State of Kansas, and Alfredo Sampayo, along with his business partners Mark Teitelbaum, Gordon Hendry, and Rick Cutrera (collectively referred to as "Developer").

### Background:

The City owns a parcel of real estate consisting of approximately 7.87 acres located in the Sleeth Addition of Arkansas City, Kansas (the "Property") and agrees to transfer title of this real estate to the Developer. The Developer intends to acquire the Property for the purpose of constructing single family residential housing units.

Tract:

Tract Description: SLEETH ADD 2 PLATS, ACRES 7.87, BLKS 19,20, & 21 & BEG 8 E NE C OR BLK 21, E112, S350, W112, N TO POB & VAC L & K ST & VAC ALLEY S ADJ

### Principal Terms:

#### 1. Property:

The City agrees not to transfer title to the Property or consider offers from other developers during the term of this MOU.

#### 2. Purchase Agreement:

Within 90 days of the execution of this MOU, the parties will negotiate and execute a definitive Purchase Agreement ("Purchase Agreement"). The Purchase Agreement will incorporate the terms and conditions outlined in this MOU, customary commercial real estate terms, and conditions, representations, warranties, due diligence requirements, governmental approvals (including zoning and land use plans), and a binding financing commitment from a financial institution. The due diligence period shall not exceed 120 days, and the closing shall occur within 30 days after the expiration of this period.

#### 3. Consideration:

The City, recognizing the potential economic benefits, will transfer title to the Property to the Developer without financial payment. The Purchase Agreement will outline the following considerations:

A. Developer shall commence construction of residential units on the Property within 24 months of the execution of this MOU. The Developer will be responsible to apply for tax rebates and incentives, such as the Neighborhood Revitalization Plan or a project under the Rural Housing Incentive District program.

B. The City shall:

i. Support and make available to the Developer applicable economic development incentives and tax rebates under Kansas or City law, to include providing a housing needs analysis and adopting a resolution for creating a Rural Housing Incentive District.

ii. Assist and support the connection to existing utilities on the Property at no cost to the Developer, subject to Developer meeting program requirements and establishing a binding agreement with the utilities before or upon closing.

**4. Costs:**

Each party will be responsible for its own costs and expenses incurred in connection with the transaction.

**5. Governing Law:**

This MOU will be governed by and construed in accordance with the laws of the State of Kansas, without regard to conflicts of law principles.

**6. Jurisdiction: Service of Process:**

Any legal action arising from this MOU will be brought in the District Court for Cowley County, State of Kansas, U.S.A. Each party consents to the jurisdiction of this court and waives any objection to venue.

**7. Assignment:**

Developer may assign its rights under this MOU to any affiliated entity created for the acquisition purpose. Any successor in interest may not assign its rights without the City's written consent.

**8. Non-Binding:**

This MOU is non-binding and serves as a summary of proposed terms. The parties are not contractually bound except by a Definitive Agreement.

**9. Counterparts:**

This MOU may be executed in counterparts, each constituting an original, and all taken together forming one agreement.

**Acknowledgment:**

If the foregoing terms are acceptable to all parties, please indicate your agreement by signing below.

CITY OF ARKANSAS CITY

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

Printed Name: Randy Frazer

Title: City Manager

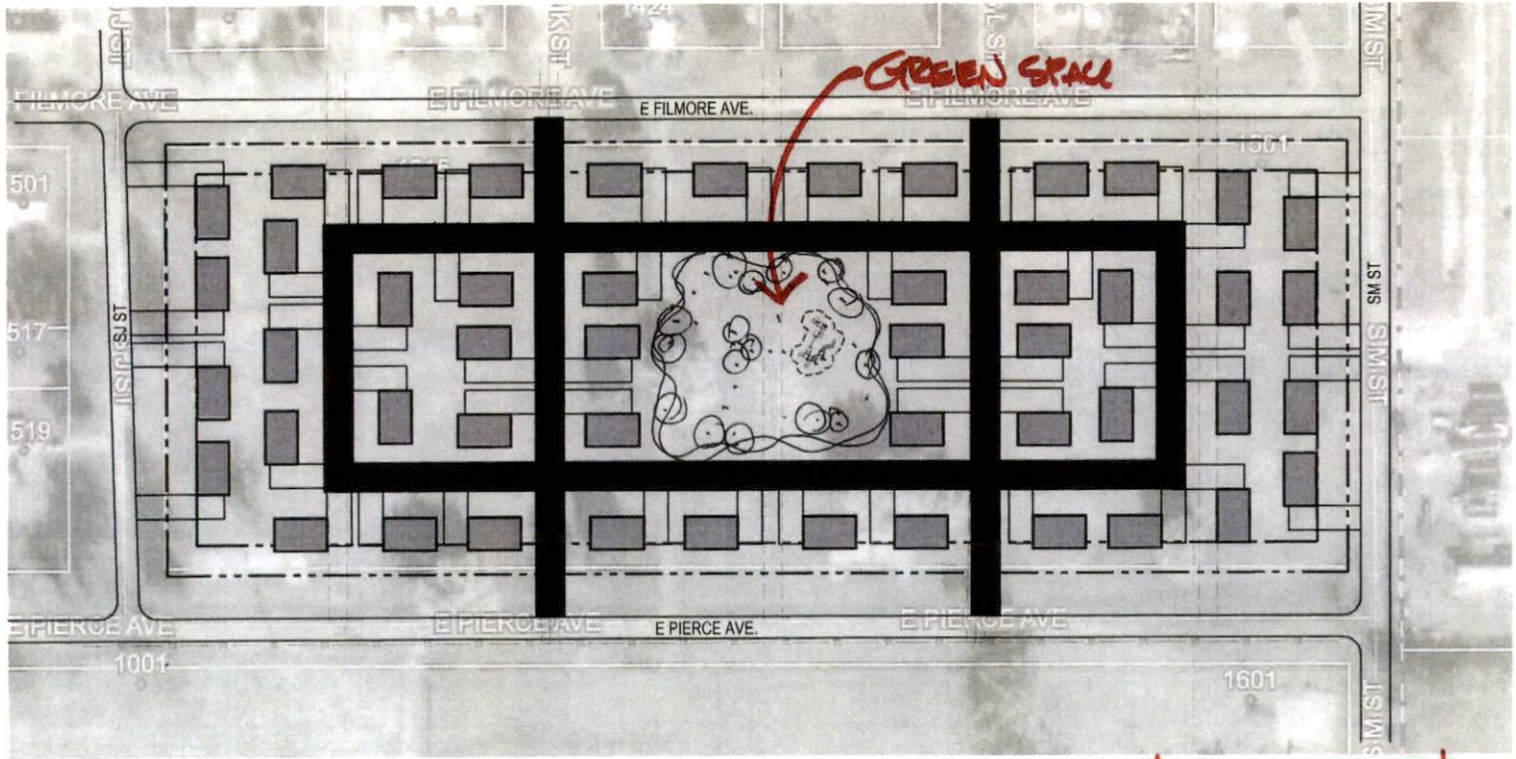
DEVELOPER

By: Alfredo Sampayo

Alfredo Sampayo

Sampayo Capital Group – Rural Vision Development

Duly executed and agreed on this 15 day of August 2023.



⬆️ Ⓐ **SITE DEVELOPMENT PLAN**  
1"=50'

CSO Homes

**SPT** SPANGENBERG PHILLIPS TICE ARCHITECTURE  
316.267.4002 www.sptarchitecture.com  
**H O U S I N G D E V E L O P M E N T**  
A R K C I T Y , K S  
22 MAY 2023



# ARK City Timeline & Checklist

The following checklist is designed with an ideal timetable of twelve months for Brightline Ark City:

## NEXT 45 DAYS (DUE DATE 8/18/23)

- |  |  |
|--|--|
| <input type="checkbox"/> Sign LOI with City (1) - <b>Completed</b>   | <input type="checkbox"/> Finalize Project Budget (5)   |
| <input type="checkbox"/> Determine the infrastructure budget (roads, utilities, lighting) (2) - <b>Scheduled</b>           | <input type="checkbox"/> Review City-prepared items including RHID, Tax Credit and other incentives (6) - <b>In Progress</b>                             |
| <input type="checkbox"/> Choose a target closing date and time. <b>Scheduled 8/23</b>                                      | <input type="checkbox"/> Retain GC/Developer partner   |
| <input type="checkbox"/> Finalize site plan (3)  | <input type="checkbox"/> Finalize budget and options with Skyline, including order timeline. Should have a binding contract in place. <b>In Progress</b> |
| <input type="checkbox"/> Finalize project team, including legal counsel. - <b>Completed</b>                                | <input type="checkbox"/> Identify and meet with at least one lending/financing partner <b>In progress</b>  |
| <input type="checkbox"/> On-site visit with team, including meetings with City and Creekstone. (4) - <b>Scheduled 8/23</b> |  |

## NEXT 90 DAYS (10/06/23)

- |  |  |
|--|--|
| <input type="checkbox"/> Prepare and execute Project Agreement   | <input type="checkbox"/> Finalize project financing  |
| <input type="checkbox"/> Begin due diligence, including environmental review, title work, survey, any zoning, etc. | <input type="checkbox"/> Finalize contracts with vendors for site prep etc.  |
| <input type="checkbox"/> Finalize City/State incentives  | <input type="checkbox"/> Work with local banks to prepare packet to inform and assist potential buyers with financing purchase |
| <input type="checkbox"/> Develop marketing plan for homes  |  |
| <input type="checkbox"/>   |  |

## 90-180 DAYS

- Close on property
- Receive public incentive funding for infrastructure (bonds)
- Finalize process for selling RHID - Tax Credits for each home sold
- Commence marketing
- Execute sales process
- 

## 180+ DAYS

- 
- 
- 
-



# City Commission Agenda Item

**Meeting Date:** August 18, 2023  
**From:** Randy Frazer, City Manager  
**Item:** Resolution Quick Claim Deed  
KLANDS Venture, LLC - Travel Center Project

**Purpose:** A Resolution authorizing the transfer of certain real estate being a tract of land situated in the Northeast Quarter of Section 19, Township 34 South, Range 4 East of the 6th Principal Meridian, Cowley County, Kansas, to KLANDS Venture, LLC. **(Voice Vote)**

**Background:**

This resolution is in regard to the National Travel Center project as outlined in the previous Letter of Intent (LOI) dated August 29, 2019, and its subsequent amendment in 2021. We are pleased to announce that KLANDS Venture, LLC, under the guidance of developers Zafar Khan and Asif Niazi, is prepared to proceed with the execution of the Deed outlined in the agenda packet. This action marks a pivotal step forward in bringing the National Travel Center project to fruition.

As a quick recap, the LOI established the fundamental terms and conditions for the acquisition of the designated real estate at the intersection of the US 77 bypass and Kansas Avenue for the construction of the National Travel Center. The LOI defined the roles, responsibilities, and timeframes to be adhered to throughout the development process. Notably, the LOI included a provision wherein the property ownership would revert to the City in the event that the project was not initiated within two years of the LOI's execution.

In 2021, an amendment was introduced to extend the timeline for the commencement of the project, granting KLANDS Venture, LLC the opportunity to proceed within the new timeframe. The amendment maintained the core principles of the original LOI, including the vital clause that provides for the reversion of property ownership to the City if the project does not initiate within the stipulated timeframe.

With this update, we are excited to announce that KLANDS Venture, LLC is fully prepared to act on the LOI and the amendment. The Developers are ready to execute the Deed as outlined in the agenda packet, and construction is slated to commence in the near future. This marks a significant milestone in our journey to establish the National Travel Center and its associated benefits for our community.

**Commission Options:**

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

**Fiscal Impact:**

Amount:

Fund: Department: Expense Code:

Included in budget       Grant       Bonds       Other Not Budgeted

**Approved for Agenda by:**



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Randy Frazer, City Manager

**A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN REAL ESTATE BEING A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 34 SOUTH, RANGE 4 EAST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COWLEY COUNTY, KANSAS, TO KLANDS VENTURE, LLC.**

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

**SECTION ONE:** That the Governing Body of the City of Arkansas City hereby authorizes the City to execute a Statutory Quit Claim Deed with Klands Venture, LLC for all the following lands and property situated in Cowley County, together with any and all improvements located thereon, subject to easements and restrictions of record, if any, and legally described as:

A tract of land situated in the Northeast Quarter of Section 19, Township 34 South, Range 4 East of the 6th Principal Meridian, Cowley County, Kansas and, prepared by Greg D. Frederick, PS#1323, Smith & Oakes, Inc. on August 6th, 2021, being more particularly described as follows: Commencing at a 1 ½" Pipe marking the Southwest Corner of Thompson Gardens Subdivision (now vacated) on the North Right-of-Way for Kansas Avenue; thence North 89 degrees, 22 minutes, 04 seconds East (assumed), along said North Right-of-Way, a distance of 200.00 feet to the Point of Beginning of the herein described tract; thence North 01 degrees, 56 minutes, 43 seconds West, parallel with the West Line of said Subdivision, a distance of 100.00 feet to a point; thence North 42 degrees, 05 minutes, 51 seconds West, a distance of 155.00 feet to a point being 100.00 feet East of the West Line of said Subdivision; thence North 01 degrees, 56 minutes, 43 seconds West, parallel with the West Line of said Subdivision, a distance of 585.00 feet to a point; thence North 89 degrees, 22 minutes, 28 seconds East, a distance of 843.28 feet to a point on the West Right-of-Way for U.S. 77 Highway Bypass; thence South 01 degrees, 56 minutes, 23 seconds East, along said West Right-of-Way, a distance of 458.00 feet to a point; thence South 05 degrees, 53 minutes, 50 seconds East, along said West Right-of-Way, a distance of 143.69 feet to the Northeast Corner of Lot 18, Block 8, Thompson Gardens Subdivision; thence South 89 degrees, 22 minutes, 28 seconds West, along the North Line of Lots 18-13 of said Block 8 extended, a distance of 325.00 feet to a point on the centerline of vacated K Street of said Subdivision; thence South 01 degrees, 56 minutes, 44 seconds East, along said centerline, a distance of 200.00 feet to a point on the North Right-of-Way for Kansas Avenue; thence South 89 degrees, 22 minutes, 04 seconds West, along said North Right-of-Way, a distance of 428.17 feet to the Point of Beginning, containing 13.71 acres, more or less.

Subject to the following:

BUYER shall commence construction within twenty-four months of the execution of this deed, otherwise ownership of the property, including all improvements made thereon, will revert back to the SELLER upon written notice provided to the BUYER.

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

**SECTION THREE:** This Resolution 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, Kansas this 15th day of August, 2023.

(Seal)

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

ATTEST:

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

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

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2023-08-\_\_\_\_\_ of the City of Arkansas City, Kansas adopted by the governing body on August 15<sup>th</sup>, 2023 as the same appears of record in my office.

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

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

**STATUTORY QUIT CLAIM DEED**

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GRANTOR,

**THE CITY OF ARKANSAS CITY, KANSAS,  
A Kansas Municipality of the Second Class**

BY WAY OF GIFT, DONATION, OR CONTRIBUTION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, DOES HEREBY GRANT, CONVEY AND QUITCLAIM UNTO:

GRANTEE,

**KLANDS VENTURE,  
a Limited Liability Corporation,**

all the following lands and property situated in Cowley County, together with any and all improvements located thereon, subject to easements and restrictions of record, if any, and legally described as:

A tract of land situated in the Northeast Quarter of Section 19, Township 34 South, Range 4 East of the 6th Principal Meridian, Cowley County, Kansas, prepared by Greg D. Frederick, PS#1323, Smith & Oakes, Inc. on August 6th, 2021, being more particularly described as follows: Commencing at a 1 ½” Pipe marking the Southwest Corner of Thompson Gardens Subdivision (now vacated) on the North Right-of-Way for Kansas Avenue; thence North 89 degrees, 22 minutes, 04 seconds East (assumed), along said North Right-of-Way, a distance of 200.00 feet to the Point of Beginning of the herein described tract; thence North 01 degrees, 56 minutes, 43 seconds West, parallel with the West Line of said Subdivision, a distance of 100.00 feet to a point; thence North 42 degrees, 05 minutes, 51 seconds West, a distance of 155.00 feet to a point being 100.00 feet East of the West Line of said Subdivision; thence North 01 degrees, 56 minutes, 43 seconds West, parallel with the West Line of said Subdivision, a distance of 585.00 feet to a point; thence North 89 degrees, 22 minutes, 28 seconds East, a distance of 843.28 feet to a point on the West Right-of-Way for U.S. 77 Highway Bypass; thence South 01 degrees, 56 minutes, 23 seconds East, along said West Right-of-Way, a distance of 458.00 feet to a point; thence South 05 degrees, 53 minutes, 50 seconds East, along said West Right-of-Way, a distance of 143.69 feet to the Northeast Corner of Lot 18, Block 8, Thompson Gardens Subdivision; thence South 89 degrees, 22 minutes, 28 seconds West, along the North Line of Lots 18-13 of said Block 8 extended, a distance of 325.00 feet to a point on the centerline of vacated K Street of said Subdivision; thence South 01 degrees, 56 minutes, 44 seconds East, along said centerline, a distance of 200.00 feet to a point on the North Right-of-Way for Kansas Avenue; thence South 89 degrees, 22 minutes, 04 seconds West, along said North Right-of-Way, a distance of 428.17 feet to the Point of Beginning, containing 13.71 acres, more or less.

Subject to the following:

BUYER shall commence construction within twenty-four months of the execution of this deed, otherwise ownership of the property, including all improvements made thereon, will revert back to the SELLER upon written notice provided to the BUYER.

WITNESS Grantor’s hand this the \_\_\_\_ day of August 2023.

\_\_\_\_\_  
By: Diana L. Spielman  
Mayor, City of Arkansas City  
STATE OF KANSAS            )  
COUNTY OF COWLEY        ) ss:

On this \_\_\_\_\_ day of August 2023, before me, a Notary Public within and for said County and State, having first been duly sworn under oath, personally appeared: DIANA L. SPIELMAN, who is personally known to me to be the same person who executed the foregoing instrument, and the aforementioned acknowledged said instrument to be her free and voluntary act and deed and a duly authorized act on behalf of the City of Arkansas City, Kansas.

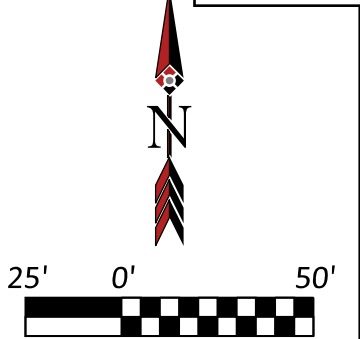
In testimony whereof I have hereunto subscribed my hand and affixed my official seal the day and year last above appearing.

\_\_\_\_\_  
Notary Public

My appointment expires:

No real estate validation questionnaire is required pursuant to K.S.A. 79-1437e(a)(4), as the transfer of this title is by way of gift, donation, or contribution.





PRELIMINARY  
NOT FOR  
CONSTRUCTION

Issue	Date	By	Description
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-

Drawn By: \_\_\_\_\_ Date: 8/9/2023  
Checked By: \_\_\_\_\_ Issue No. 0

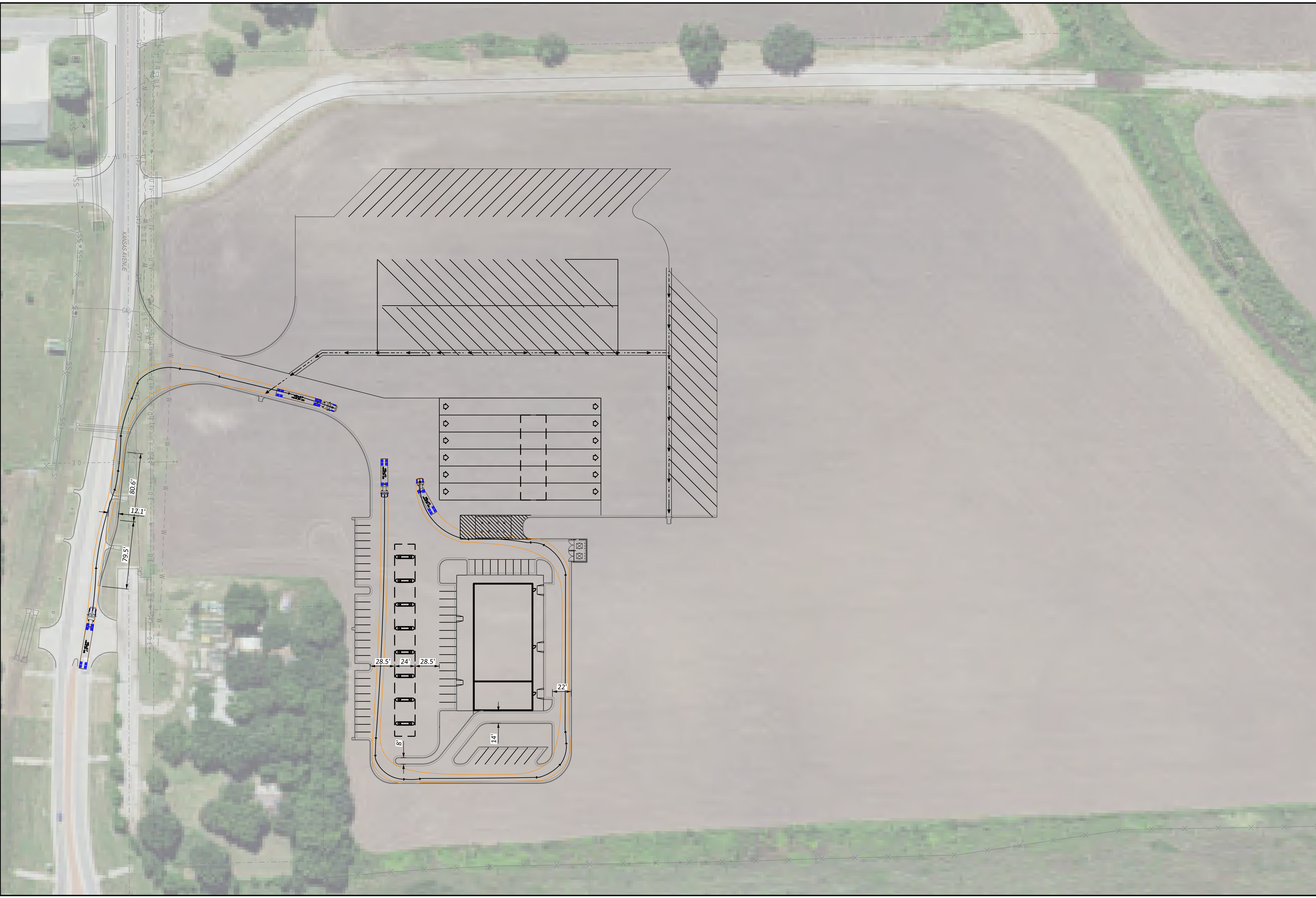


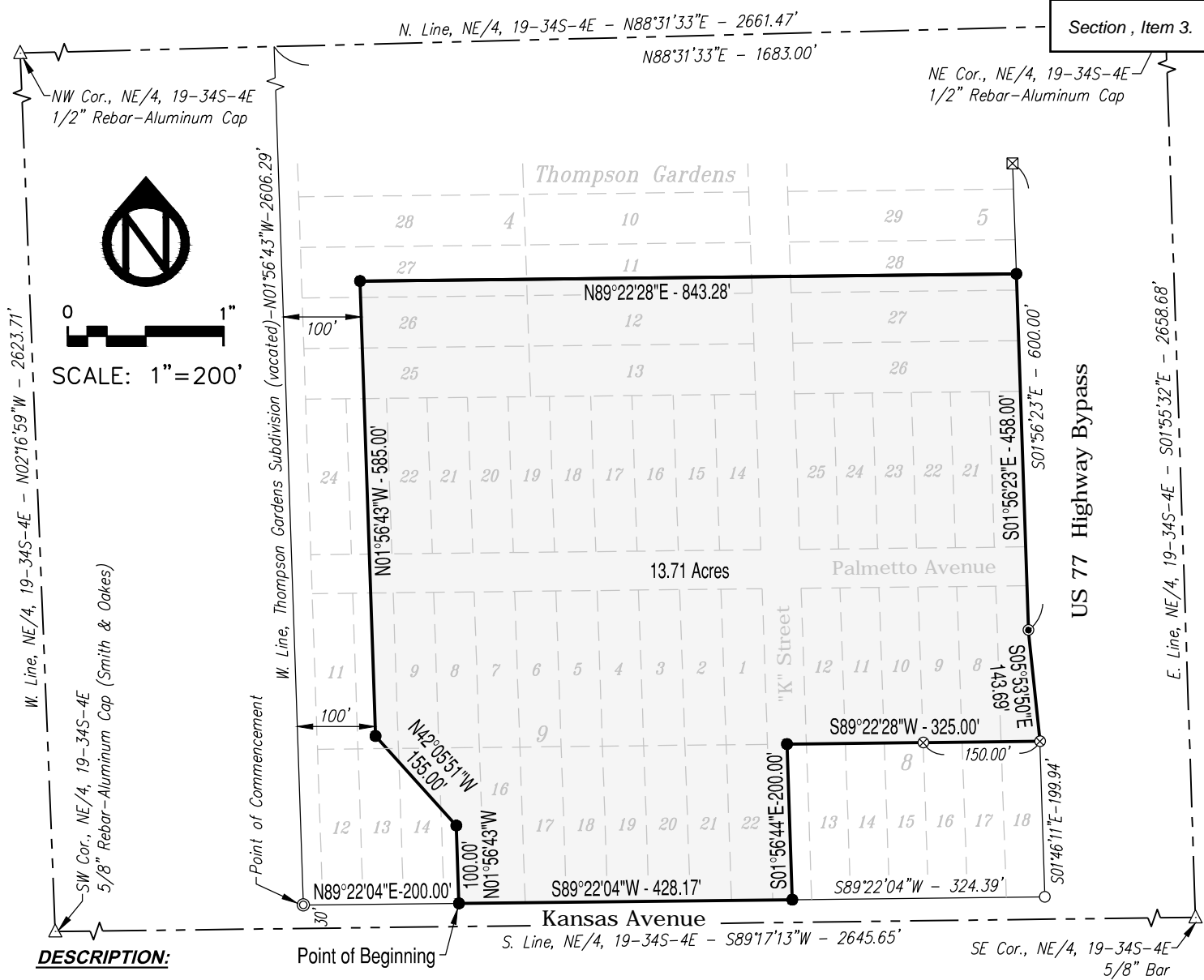
Client:  
**ZABGO  
TRUCK STOP**  
ARKANSAS CITY, KANSAS

ZABGO GAS STATION & TRUCK STOP  
**CONCEPTUAL LAYOUT 2**  
ARKANSAS CITY, KANSAS

Sheet No.  
**C2**

Project No.  
**2501 R-1**





**DESCRIPTION:**

A tract of land situated in the Northeast Quarter of Section 19, Township 34 South, Range 4 East of the 6th Principal Meridian, Cowley County, Kansas, prepared by Greg D. Frederick, PS#1323, Smith & Oakes, Inc. on August 6th, 2021, being more particularly described as follows: Commencing at a 1 1/2" Pipe marking the Southwest Corner of Thompson Gardens Subdivision (now vacated) on the North Right-of-Way for Kansas Avenue; thence North 89 degrees, 22 minutes, 04 seconds East (assumed), along said North Right-of-Way, a distance of 200.00 feet to the Point of Beginning of the herein described tract; thence North 01 degrees, 56 minutes, 43 seconds West, parallel with the West Line of said Subdivision, a distance of 100.00 feet to a point; thence North 42 degrees, 05 minutes, 51 seconds West, a distance of 155.00 feet to a point being 100.00 feet East of the West Line of said Subdivision; thence North 01 degrees, 56 minutes, 43 seconds West, parallel with the West Line of said Subdivision, a distance of 585.00 feet to a point; thence North 89 degrees, 22 minutes, 28 seconds East, a distance of 843.28 feet to a point on the West Right-of-Way for U.S. 77 Highway Bypass; thence South 01 degrees, 56 minutes, 23 seconds East, along said West Right-of-Way, a distance of 458.00 feet to a point; thence South 05 degrees, 53 minutes, 50 seconds East, along said West Right-of-Way, a distance of 143.69 feet to the Northeast Corner of Lot 18, Block 8, Thompson Gardens Subdivision; thence South 89 degrees, 22 minutes, 28 seconds West, along the North Line of Lots 18-13 of said Block 8 extended, a distance of 325.00 feet to a point on the centerline of vacated K Street of said Subdivision; thence South 01 degrees, 56 minutes, 44 seconds East, along said centerline, a distance of 200.00 feet to a point on the North Right-of-Way for Kansas Avenue; thence South 89 degrees, 22 minutes, 04 seconds West, along said North Right-of-Way, a distance of 428.17 feet to the Point of Beginning, containing 13.71 acres, more or less.

**NOTES:**

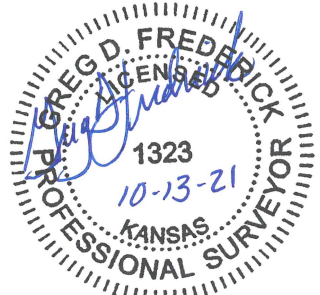
- Bearings for this survey are based on an assumed N89°22'04"E for the North Right-of-Way for Kansas Avenue as shown hereon. All distances and bearings shown are as measured.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, vacated lands, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

**CERTIFICATION:**

I hereby certify that the above is an accurate plat of the survey and legal description completed by me on the 13th day of October, 2021, and that the survey meets or exceeds the Minimum Technical Standards for a Boundary Survey as adopted by the Kansas State Board of Technical Professions.

Greg D. Frederick  
 Kansas LIC. NO.: PS 1323

**PREPARED FOR:**  
 KLANDS Venture, LLC  
 Zafar Khan  
 703 Tuskegee Dr.  
 Wylie, TX 75098



**LEGEND:**

- ☒ R/W Monument Found
- ⊙ 1-1/2" Pipe Found (origin unknown)
- ⊗ 1/2" Pipe Found (origin unknown)
- 1/2" Rebar Found (origin unknown)
- 1/2" Rebar-cap#1323 Found
- 1/2"x24" Rebar-cap#85 Set
- △ Section Corner Monument Found (origin unknown unless noted)

**SMITH + OAKES**  
 P.O. BOX 696 / 110 W BRYANT RD, ARKANSAS CITY, MO 64108  
 PHONE / 620-442-4756 / INFO@SMITHANDOAKES.COM

DATE: 10/13/2021    DRAWN BY: GDF    SHEET: 1 OF 1    PROJECT: 21-089



# City Commission Agenda Item

**Meeting Date:** August 15, 2023  
**From:** Marla McFarland, Human Resources Director  
**Item:** August 26, 2023 Pay Ordinance

**Purpose:** Consider the first reading of an Ordinance adopting the budgeted pay plan to become effective August 26, 2023. **(Roll Call Vote)**

**Background:**

1. Add one **Part Time Police Officer** position. Carve one Police Officer - FT position into Police Officer – PT positions. These part-time positions will be used to cover shifts and events. Each part-time position will work less than 1,000 hours per year.
2. Remove **Burn Pit Attendant** position from Pay Ordinance as position is not currently compensated through payroll.

**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

**ORDINANCE NO. 2023-08-\_\_\_\_\_**

**AN ORDINANCE FIXING THE COMPENSATION OF EMPLOYEES OF THE CITY OF ARKANSAS CITY, KANSAS, PURSUANT TO THE PROVISION OF K.S.A. 14-1501 ET SEQ., AND REPEALING ORDINANCE NO. 2023-04-4578.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS, KANSAS, AS FOLLOWS:**

**SECTION ONE:** The Governing Body of the City of Arkansas City, Kansas, hereby adopts the City Master Wage Plan, attached hereto, and incorporated by reference as if fully set forth herein. All such officers and employees of said City shall be paid respectively the amount set opposite the range set forth, in accordance with the City Budget for such purposes. All officers and employees shall be compensated from the several funds appropriated therefore, and shall be paid at such time and for such periods as the City Manager may direct, and further approval by the Governing Body for the payment of salaries and wages as authorized is not deemed necessary provided that pay period and time for payment of appropriate salaries shall be on a biweekly basis.

**SECTION TWO:** Overtime rate, longevity pay, and other pay incentives for employees shall be determined and specified in accordance with personnel policies in effect, and herein adopted by reference and incorporated as fully set forth herein. All compensation provided for in the City of Arkansas City Master Wage Plan shall be paid on warrants duly drawn according to law.

**SECTION THREE:** The Governing Body of the City of Arkansas City, Kansas, hereby repeals all provisions of Ordinance No. 2023-04-4578.

**SECTION FOUR:** The City Clerk of the City of Arkansas City, Kansas, shall cause this Ordinance, or a summary thereof, to be published one time in the official City newspaper and said Ordinance shall be in effect August 26, 2023.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas, on this 15th day of August, 2023.

(Seal)

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

ATTEST:

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

APPROVED AS TO FORM:

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

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-08-\_\_\_\_\_ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on August 15, 2023, as the same appears of record in my office.

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

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

**CITY OF ARKANSAS CITY MASTER WAGE PLAN  
ORDINANCE NO. 2023-08-\_\_\_\_\_  
ADOPTED BY THE GOVERNING BODY AUGUST 15, 2023  
EFFECTIVE AUGUST 26, 2023**

City Manager Department					
Position	Range	MIN	MID	MAX	Minimum Annual
City Manager**	Contract				
City Attorney**	Contract				
Municipal Court Judge**	Contract				
Finance Director/Treasurer**	CM23	\$31.02	\$41.07	\$51.11	\$64,521.60
Human Resources Director**					
Building Official**	CM20	\$26.86	\$35.62	\$44.37	\$55,868.80
Information Technology (IT) Manager**					
Municipal Project Manager**	CM18	\$24.40	\$32.39	\$40.38	\$50,752.00
Communications Director**					
City Clerk	CM17	\$23.26	\$30.90	\$38.54	\$48,380.80
Accountant					
Principal Planner	CM16	\$22.18	\$29.48	\$36.78	\$46,134.40
Combination Inspector	CM10	\$16.68	\$22.27	\$27.86	\$34,694.40
Administrative Assistant					
Customer Service Specialist	CM8	\$15.17	\$20.30	\$25.42	\$31,553.60
Human Resources Assistant					
Municipal Court Clerk					
Nuisance Inspector	CM6	\$13.81	\$18.51	\$23.21	\$28,724.80

Environmental Services Department					
Position	Range	MIN	MID	MAX	Minimum Annual
Environmental Services Superintendent**	ES26	\$35.83	\$47.38	\$58.92	\$74,526.40
Assistant Environmental Services Superintendent**	ES23	\$31.02	\$41.06	\$51.10	\$64,521.60
Wastewater Treatment Plant Supervisor					
Water Distribution & Collection Supervisor	ES16	\$22.18	\$29.48	\$36.78	\$46,134.40
Water Treatment Facility Supervisor					
Distribution & Collection Maintenance Worker III	ES12	\$18.33	\$24.44	\$30.55	\$38,126.40
Wastewater Treatment Plant Operator	ES10	\$16.68	\$22.27	\$27.86	\$34,694.40
Water Treatment Facility Operator					
Distribution & Collection Maintenance Worker II	ES9	\$15.90	\$21.25	\$26.60	\$33,072.00
Distribution & Collection Maintenance Worker I	ES7	\$14.47	\$19.38	\$24.28	\$30,097.60
Meter Technician	ES6	\$13.81	\$18.52	\$23.22	\$28,724.80
Temporary/Seasonal Hydrant Flusher	ES1	\$10.93	\$14.74	\$18.54	\$22,734.40

Fire/EMS Department					
Position	Range	MIN	MID	MAX	Minimum Annual
Fire/EMS Chief**	FD26	\$35.83	\$47.38	\$58.92	\$74,526.40
EMS Director**					
Fire Marshal**	FD19	\$25.60	\$33.96	\$42.32	\$53,248.00
Training Officer**					
Administrative Assistant	FD8	\$15.17	\$20.30	\$25.42	\$31,553.60
Fire/EMS Captain*	FD1700	\$18.38	\$24.51	\$30.63	\$53,669.60
Fire/EMS Lieutenant*	FD1600	\$17.53	\$23.39	\$29.24	\$51,187.60
Engineer/Paramedic*	FD1500	\$16.73	\$22.33	\$27.93	\$48,851.60
Firefighter/Paramedic*	FD1400	\$15.95	\$21.32	\$26.69	\$46,574.00
Firefighter/Paramedic - PT					Varies
Paramedic - PT	FD1300	\$15.21	\$19.24	\$25.48	Varies
Engineer/AEMT*	FD1200	\$14.52	\$19.44	\$24.35	\$42,398.40
Engineer/EMT*	FD1100	\$13.85	\$18.56	\$23.27	\$40,442.00
Firefighter/AEMT*					
Firefighter/EMT*	FD1000	13.21	16.69	22.23	\$38,573.20
Firefighter/EMT- PT					Varies
Firefighter*	FD900	12.57	16.69	21.15	\$36,704.40
Firefighter - PT					Varies

Police Department					
Position	Range	MIN	MID	MAX	Minimum Annual
Police Chief**	PD26	\$35.83	\$47.38	\$58.92	\$74,526.40
Police Captain**	PD20	\$26.86	\$35.62	\$44.37	\$55,868.80
Lieutenant Detective					
Police Lieutenant	PD17	\$23.26	\$30.90	\$38.54	\$48,380.80
Police Sergeant					
Sergeant Detective	PD15	\$21.15	\$28.13	\$35.10	\$43,992.00
Master Police Officer (MPO)	PD13	\$19.23	\$25.62	\$32.00	\$39,998.40
Emergency Management Coordinator - PT					Varies
Police Officer	PD12	\$18.33	\$24.44	\$30.55	\$38,126.40
Police Officer - PT					Varies
Administrative Assistant					
Public Service Officer (PSO)	PD8	\$15.17	\$20.30	\$25.42	\$31,553.60
Records Specialist					
Clerk	PD1	\$10.93	\$14.74	\$18.54	\$22,734.40

Public Services Department					
Position	Range	MIN	MID	MAX	Minimum Annual
Public Services Superintendent**	PS26	\$35.83	\$47.38	\$58.92	\$74,526.40
Director of Senior Services					
Parks & Facilities Supervisor	PS13	\$19.23	\$25.62	\$32.00	\$39,998.40
Sanitation Supervisor					
Street & Stormwater Supervisor					
Parks & Facilities Lead	PS11	\$17.48	\$23.33	\$29.17	\$36,358.40
Street & Stormwater Maintenance Worker III					
Sexton	PS10	\$16.68	\$22.27	\$27.86	\$34,694.40
Sanitation Driver	PS9	\$15.90	\$21.25	\$26.60	\$33,072.00
Street & Stormwater Maintenance Worker II					
Administrative Assistant	PS8	\$15.17	\$20.30	\$25.42	\$31,553.60
Parks & Facilities Maintenance Worker	PS7	\$14.47	\$19.38	\$24.28	\$30,097.60
Street & Stormwater Maintenance Worker I					
Sanitation Collector	PS6	\$13.81	\$18.51	\$23.21	\$28,724.80
Head Cook	PS4	\$12.57	\$16.89	\$21.20	\$26,145.60
Horticulturalist					
Cook/Driver	PS3	\$11.99	\$16.13	\$20.27	\$24,939.20
Director of Northwest Community Center & Hogan					
Temporary/Seasonal Grounds Maintenance Worker					Varies
Temporary/Seasonal Horticulturalist	PS1	\$10.93	\$14.74	\$18.54	Varies
Burn-Pit Attendant					

\*Positions working 2920 hours annually  
\*\*Positions Salaried, Exempt



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

Fund	Cash Summary						Budget Summary			
	1/1/2023 Beginning Cash Balance	Prior Year Encumbrances/ Adjusting Entries	Receipts	Disbursements	Change in Assets/Liabilities	07/31/2023 Ending Cash Balance	Budget	Encumbrances	Budget Variance Favorable (Unfavorable)	% Remaining (42%)
01 - GENERAL FUND	\$ 2,895,567.21	\$ 235,440.90	\$ 7,968,934.79	\$ 7,094,277.24	\$ (348,268.33)	\$ 3,186,515.53	\$ 13,389,936	\$ 36,930.38	\$ 6,258,728	47%
15 - STORMWATER FUND	\$ 440,484.20	\$ -	\$ 124,709.69	\$ 103,897.86	\$ (16,350.80)	\$ 444,945.23	\$ 346,287	\$ -	\$ 242,389	70%
16 - WATER FUND	\$ 3,744,233.50	\$ 352,062.11	\$ 3,208,572.47	\$ 2,740,106.97	\$ (477,322.08)	\$ 3,383,314.81	\$ 5,626,946	\$ 403,475.07	\$ 2,483,364	44%
18 - SEWER FUND	\$ 5,825,432.80	\$ 1,280,786.91	\$ 6,054,945.66	\$ 3,314,075.73	\$ (2,449,525.67)	\$ 4,835,990.15	\$ 4,659,731	\$ 37,496.13	\$ 1,308,159	28%
19 - SANITATION FUND	\$ 1,444,768.15	\$ -	\$ 1,046,625.00	\$ 720,367.76	\$ (186,441.95)	\$ 1,584,583.44	\$ 1,933,112	\$ 222,495.48	\$ 990,249	51%
20 - SPECIAL RECREATION FUND	\$ 41,151.85	\$ -	\$ 8,514.84	\$ -	\$ -	\$ 49,666.69	\$ 57,041	\$ -	\$ 57,041	100%
21 - SPECIAL STREET FUND	\$ 501,383.18	\$ -	\$ 793,830.19	\$ 168,862.34	\$ (2,707.65)	\$ 1,123,643.38	\$ 1,289,108	\$ -	\$ 1,120,246	87%
23 - TOURISM/CONVENTION FUND	\$ 58,921.39	\$ -	\$ 123,576.35	\$ 91,229.96	\$ -	\$ 91,267.78	\$ 200,398	\$ -	\$ 109,168	54%
26 - SPECIAL ALCOHOL FUND	\$ 82,849.19	\$ -	\$ 10,839.84	\$ 6,325.98	\$ (1,708.89)	\$ 85,654.16	\$ 103,678	\$ -	\$ 97,352	94%
27 - PUBLIC LIBRARY FUND	\$ -	\$ -	\$ 401,029.52	\$ 401,029.52	\$ -	\$ -	\$ 457,400	\$ -	\$ 56,370	12%
29 - SPECIAL LAW ENF TRUST FUND	\$ 3,540.14	\$ -	\$ -	\$ 2,500.00	\$ -	\$ 1,040.14	Not a Budgeted Fund			
31 - LAND BANK FUND	\$ 16,950.90	\$ -	\$ -	\$ 71.00	\$ -	\$ 16,879.90	\$ 11,211	\$ -	\$ 11,140	99%
32 - MUNICIPALITIES FIGHT ADDICTION FUND	\$ 2,852.63	\$ -	\$ 26,902.57	\$ 457.00	\$ -	\$ 29,298.20	\$ -	\$ -	\$ (457)	0%
43 - BOND & INTEREST FUND	\$ 108,383.41	\$ -	\$ 2,138,888.60	\$ 2,205,460.98	\$ -	\$ 41,811.03	\$ 2,615,798	\$ -	\$ 410,337	16%
44 - HEALTHCARE SALES TAX FUND	\$ 178,275.32	\$ -	\$ 1,348,098.65	\$ 1,348,098.65	\$ (178,275.32)	\$ -	\$ 2,120,000	\$ -	\$ 771,901	36%
45 - UNPLEDGED HEALTHCARE SALES TAX FUND	\$ -	\$ -	\$ 119,352.96	\$ 69,893.03	\$ 1,000.00	\$ 50,459.93	\$ 441,285	\$ -	\$ 371,392	84%
53 - MUNICIPAL COURT FUND	\$ 21,152.55	\$ 13,979.42	\$ -	\$ 7,173.13	\$ 12,315.18	\$ 12,315.18	Not a Budgeted Fund			
54 - EQUIPMENT RESERVE FUND	\$ 184,746.02	\$ -	\$ -	\$ -	\$ -	\$ 184,746.02	Not a Budgeted Fund			
57 - CID SALES TAX FUND	\$ -	\$ -	\$ 41,400.96	\$ 41,400.96	\$ -	\$ -	\$ 70,000	\$ -	\$ 28,599	41%
68 - CAPITAL IMPROVEMENT FUND	\$ 3,183,124.40	\$ -	\$ 67,628.58	\$ 968,650.00	\$ (360,000.00)	\$ 1,922,102.98	Not a Budgeted Fund			
<b>TOTALS</b>	<b>\$ 18,733,816.84</b>	<b>\$ 1,882,269.34</b>	<b>\$ 23,483,850.67</b>	<b>\$ 19,283,878.11</b>	<b>\$ (4,007,285.51)</b>	<b>\$ 17,044,234.55</b>	<b>\$ 33,321,931.00</b>			

INDEBTEDNESS:

2019 PBC	\$ 16,415,000
GO 2020 REFUNDING & IMPROVEMENT BOND	\$ 17,785,000
GO 2022 TAXABLE STROTHER FIELD	\$ 4,470,000
2019 FERRARA PUMPER TRUCK LEASE	\$ 362,095
2021 RAVO STREET SWEEPER	\$ 85,785
2023 WWTP SRF LOAN	\$ 9,500,000
<b>TOTAL</b>	<b>\$ 48,617,880</b>

Note: Information is Unaudited



# City Commission Agenda Item

**Meeting Date:** August 15, 2023  
**From:** Randy Frazer, City Manager  
**Item:** Executive Session – Acquisition of Real Property

**Purpose:** Recess into executive session to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for the preliminary discussion of the acquisition of real property.

**Background:**

Requesting to recess into executive session to discuss the acquisition of real property. A complete copy of K.S.A. 75-4319 is enclosed.

**State Reference K.S.A. 75 -4319(b)(6) 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:

(6) for the preliminary discussion of the acquisition of real property

**Commission Options:**

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

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

**Motion:** "I move that the governing body recess into executive session, to discuss the prior acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for the preliminary discussion of the acquisition of real property. The open meeting will resume in the commission chambers at \_\_\_\_:\_\_\_\_ p.m." (Voice Vote)

**Approved for Agenda by:**

Randy Frazer, City Manager

## 2021 Kansas Statutes

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

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

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



vulnerability assessments;

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

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

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

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

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

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