



City Commission Meeting

November 07, 2023 at 5:30 PM

118 W Central Ave, Arkansas City, KS

Please join our meeting <https://global.gotomeeting.com/join/867477325>
Or dial in using your phone: United States: +1 (312) 757-3121 Access Code: 867 477 325

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. Awards and Proclamations

1. Proclaim November 12-18, 2023, as Community Foundation Week in Arkansas City.

III. Recognition of Visitors/Staff

1. Introduce and swear in of new police officer Ethan Stephenson.

IV. 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 October 17, 2023, regular meeting minutes and the October 31, 2023, special meeting minutes as written.
2. Approve a Resolution authorizing a public meeting of the Governing Body to attend a Land Bank Board of Trustees meeting at 5:00 p.m. Tuesday, November 21, 2023, in the Commission Room at City Hall, located at 118 W. Central Avenue in Arkansas City.

V. Old Business

1. Discuss and explore options for the remaining balance of the Legacy Foundation, Friends of Wilson Park Fund.

VI. New Business

City Manager Department

1. Authorize a Resolution of support from City Commissioners to M Street Homes LLC, to apply for tax credit. **(Voice Vote)**
2. An Ordinance authorizing the rezoning of Blocks 19, 20 & 21 of Sleeth Addition, from "P" (Public Use District) to R-3 (High Density Residential District). **(Roll Call Vote)**
3. Hold a public hearing and consider a Resolution declaring structures located at 820 S. 3rd St., 610 N. 5th St., 126 S. 8th St., 120 S. 9th St., 122 S. 9th St., 1504 S. G St., 514 E. Cedar Ave., and 525 E. Cedar Ave., as unsafe and dangerous, and directing that said structures be repaired, shored, or otherwise made safe, or, in the alternative, demolished. **(Voice Vote)**

- [4.](#) An Ordinance amending certain articles of the Subdivision and Zoning Regulations and official city zoning map pursuant of the 2022 Comprehensive Plan; and incorporating such regulations by reference. **(Roll Call Vote)**
- [5.](#) Consider the first reading of an Ordinance adopting the budgeted pay plan to become effective November 18, 2023. **(Roll Call Vote)**
- [6.](#) Approve the employee health insurance renewal for the 2024 plan year. **(Voice Vote)**
- [7.](#) Approve the employee dental insurance renewal for the 2024 plan year. **(Voice Vote)**
- [8.](#) Approve the employee Flexible Spending Account (FSA) benefit administration for the 2024 plan year. **(Voice Vote)**
- [9.](#) Approve the employee Group Term Life/AD&D insurance benefit for 2024 plan year. **(Voice Vote)**
- [10.](#) A Resolution adopting by reference the updated Employee Manual for the City of Arkansas City and repealing Resolution No. 2022-04-3475. **(Voice Vote)**
- [11.](#) A Resolution authorizing the proposal submitted by Bankers Security, of Salina, KS, to secure particular departments within City Hall, for an amount not to exceed \$14,705.00. **(Voice Vote)**
- [12.](#) A Resolution approving the notice of budget hearing for publication and setting the date for a public hearing at 5:30 p.m. on November 21, 2023, to amend the 2023 budget for the City of Arkansas City. **(Voice Vote)**

VII. Items for Discussion by City Commissioners

VIII. 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.

IX. City Manager Reminders & Updates

X. Adjournment

Office of the Mayor
Arkansas City, Kansas
Proclamation

WHEREAS, Community Foundation Week was created in 1989 by former President George H.W. Bush to recognize the important work of community foundations throughout America and their collaborative and innovative approach to working with the public, private, and nonprofit sector; and,

WHEREAS, for more than **27** years the **Legacy, a Regional Community Foundation** has made it possible for **Arkansas City** citizens, businesses, and organizations to create permanent philanthropic resources for the current and future needs of our communities from basic human needs to creating innovative solutions that transform our towns, cities, and counties; and,

WHEREAS, **Legacy, a Regional Community Foundation** provides the opportunity for individuals from all walks of life to be philanthropists with over 100 community foundations, affiliates, and area funds in Kansas; and,

WHEREAS, one of the greatest ways to ensure a strong community, economic vitality, educational success, and effective community leadership is through the active presence of a community foundation that allows for local community-based endowments; and,

WHEREAS, together we can build a stronger **Arkansas City** and Kansas, and improve the future by creating community legacies to benefit all of Kansas; and,

WHEREAS, **Legacy, a Regional Community Foundation** provides beneficial grants to our community, supports critical community causes and efforts, strengthens the nonprofits in our region, and makes our community stronger; and,

WHEREAS, it is critical to set aside a time to recognize the value and impact of **Legacy, a Regional Community Foundation** on a regional and local level for the investment, partnership, and leadership they create across many of Kansas’s communities;

NOW, THEREFORE, The Mayor of the City of Arkansas City, Kansas, does hereby proclaim **November 12-18, 2023**, as:

COMMUNITY FOUNDATION WEEK

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

Name/Title: *Diana L. Spielman, Mayor*
Date: *November 7, 2023*



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Eric Burr, Chief of Police
Item: Introduce and swear in of new police officer Ethan Stephenson

Purpose: Introduce and swear in of new police officer Ethan Stephenson.

Background:

Commission Options:

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: November 7, 2023
From: Tiffany Parsons, City Clerk
Item: Approve the October 17, 2023 Regular Meeting Minutes & October 31, 2023 Special Meeting Minutes

Purpose: Approve the October 17, 2023, regular meeting minutes and the October 31, 2023, special 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, October 17, 2023
Regular Meeting Minutes
118 W Central Ave, Arkansas City, KS

Routine Business

1. Roll Call

PRESENT

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

ABSENT

None

Also present from staff: City Attorney Larry Schwartz, City Manager Randy Frazer, City Clerk Tiffany Parsons, Communications Director Shana Adkisson, Detective Lieutenant Jason Legleiter, Environmental Services Distribution & Collection Maintenance Worker I Colter Pickett, Master Police Officer Madison Pickett, Police Captain Jim Holloway, and Police Chief Eric Burr.

- 2. Opening Prayer led by Commissioner Jay Warren and Pledge of Allegiance led by Mayor Spielman.
- 3. There we no additions or deletions to the agenda.
- 4. Approval of the agenda.

Motion made by Commissioner Rogers, Seconded by Commissioner Gingher to approve the agenda as written.

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

Recognition of Visitors/Staff

- 1. Recognize Officer Madison Pickett for her recent promotion to the rank of Master Police Officer as honored by Police Captain Holloway and the Police Department.

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 September 19, 2023, regular meeting minutes as written.
- 2. Ratify Mayor Diana Spielman’s appointment of Robin Henderson to the Northwest Community Center Board.

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

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

Old Business

- 1. City Clerk Parsons offered a second reading of Resolution authorizing the City of Arkansas City to transfer the current fund balance in the Legacy Foundation, from the Friends of Wilson Park fund to the Ark City Pickleball fund.

City Manager Frazer provided that he and staff followed up on the request from the commission at the last meeting to investigate separating two different funds. Sam Oglesby with the pickleball group advised that they are trying to raise funds for the courts and want to do the right thing for the park, being open to sharing funds with Docking Gardens and for the overall beautification of the park.

Initially, Commissioner Rogers moved, seconded by Commissioner Jennings to approve a resolution authorizing the City of Arkansas City to transfer \$1,500 in the Legacy Foundation, from the Friends of Wilson Park fund to the Ark City Beautification Foundation fund. After further discussion, Commissioner Rogers retracted his motion and Commissioner Jennings withdrew his second.

Commissioner Rogers moved, seconded by Commissioner Jennings, to authorize the City of Arkansas City to transfer \$13,358.32 the Legacy Foundation from the Friends of Wilson Park fund to the Ark City Pickleball fund.

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion carried and given **Resolution 2023-10-3575**.*

New Business

City Attorney Department

- 1. City Clerk Parsons presented for consideration a Resolution authorizing the City of Arkansas City to approve a temporary extension of licensed premise at The Sandbar, to allow a Parklet Hospitality Area on public property, located at 408 S. Summit St.

Parsons said that she has been working with The Sandbar Owner Brandi Webb, and this request is for an extension of the licensed premises allowing guests to sit outside and be served in a designated fenced area of the business storefront parking lot. The governing body’s approval by resolution is a requirement of the state application process for the temporary extension of premise license. The resolution was revised to reflect the four (4) feet from roadway suggestion from work session.

Motion made by Commissioner Rogers, seconded by Commissioner Warren to approve a Resolution authorizing the City of Arkansas City to approve a temporary extension of licensed premise at The Sandbar, to allow a Parklet Hospitality Area on public property, located at 408 S. Summit St.

Webb questioned the commission on amending the parking spaces from 3 to 4 parking spaces as discussed at work session.

Commissioner Roger moved to add an amendment to his original motion to allow four parking spaces, Commission Warren seconded. Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman.

*Mayor Spielman entertained a vote on the main motion with amendments. Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion carried and given **Resolution 2023-10-3576**.*

City Manager Department

- 1. City Clerk Parsons posed a motion approving a bid for the purchase of Taxable General Obligation Bonds, Series 2023.

City Manager Frazer introduced Ranson Financial Municipal Advisor Larry Kleeman, who received three bids this morning, pursuant of the Notice of Bond Sale, dated November 2, 2023. Kleeman explained their recommended bid before the commission. The commission reviewed and considered the bids and determined Central States Capital Markets LLC., of Prairie Village, Kansas, was the best bid for the Taxable General Obligation Bonds, Series 2023.

Commissioner Warren moved to approve the item as written, the motion was then amended to identify the bidder and seconded by Commissioner Rogers with the final motion amended to reflect, approve a bid from Central States Capital Markets LLC for the purchase of Taxable General Obligation Bonds, Series 2023.

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

- 2. An Ordinance authorizing and providing for the issuance of Taxable General Obligation Bonds, Series 2023, of the City of Arkansas City, Kansas.

Commissioner Rogers moved to authorize the Ordinance providing for the issuance of Taxable General Obligation Bonds, Series 2023; motion seconded by Commissioner Jennings.

*Roll Call Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Roll Call Voting Nay: Commissioner Gingher. Mayor Spielman declared the motion approved, given **Ordinance No. 2023-10-4595.***

- 3. City Clerk Parsons presented a Resolution authorizing and directing the sale and delivery of Taxable General Obligation Bonds, Series 2023, to the City of Arkansas City, Kansas.

Commissioner Rogers moved, seconded by Commissioner Jennings, to approve the item as written.

*Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Voting Nay: Commissioner Gingher. Mayor Spielman declared the motion approved, given **Resolution 2023-10-3577.***

Fire/EMS Department

- 1. City Clerk Parsons recited a Resolution authorizing the City of Arkansas City to purchase a 2026 E450 Ford Ambulance from Emergency Medical Services Supply/Osage Ambulances of Jefferson City, MO, for an amount not to exceed \$321,033.61.

EMS Director Jeri Wheatly presented details for the request before the commission, noting that ambulances are on a two-year build schedule. Staff intends to sell the current 2014 ambulance.

Commissioner Gingher moved, seconded by Commissioner Warren, to approve the item as written.

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion carried, given **Resolution No. 2023-10-3578.***

- 2. City Clerk Parsons presented a Resolution authorizing the City of Arkansas City to execute a professional services agreement with Dr. Patrick T. Blachford as Medical Director increasing his salary by five percent, repealing all previous contracts.

EMS Director Jeri Wheatly elaborated on the reasons for this request.

Commissioner Warren moved, seconded by Commissioner Jennings, to approve the item as written.

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion carried, given **Resolution No. 2023-10-3579.***

Police Department

- 7. City Clerk Parsons offered to an Ordinance amending Chapter 2, Article IV of the City of Arkansas City Municipal Code, modifying Section 2-279 to incorporate financial responsibility to the provisions for a chief of police as required by ~~national state~~ accreditation standards, and repealing Ordinance 2021-09-4539.

Police Chief Burr noted a change in the item to be a state accreditation standard. This amendment to the ordinance is a role the police chief has always been doing. Explicitly stating this change in the ordinance will allow the police department to meet the specific state accreditation standards annually with ease as they continue through the accreditation process.

Commissioner Rogers moved to authorize an Ordinance amending Chapter 2, Article IV of the City of Arkansas City Municipal Code, modifying Section 2-279 to incorporate financial responsibility to the provisions for a chief of police as required by state accreditation standards, and repealing Ordinance 2021-09-4539; seconded by Commissioner Gingher.

*Roll Call Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion carried, given **Ordinance No. 2023-10-4596.***

Items for Discussion by City Commissioners

- 1. Proposal for property development growth from Jim Sybrant.

Mayor Spielman spoke of the commission being approached by more than one developer about this property, reiterating that they would not be a vote this evening. Sybrant was not in attendance to discuss with the commission his intent to develop. Further study will need to be done and more information needed before moving forward in the process.

Commissioner Gingher spoke of the stop light at B Street and Madison Ave. Citizens have inquired about removing the stop light and school signs since the school is no longer there. School signs are there because they still do pick-up and drop offs there. Some are interested in knowing if we can take out the stop lights at B and Madison. The Traffic Safety Committee will discuss and report back to the commission.

Mayor Spielman inquired about water leaks on Filmore and Madison.

Commissioner Jennings spoke of a citizen who came into work session Friday in apparent medical distress. Jennings formally commended Finance Director/Treasure Jennifer Waggoner and EMS Director Jeri Wheatly for readiness to provide both medical attention and address the citizens anxiety.

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.

Jerry Straylee inquired about the master plan for the expansion of Wilson Park that was presented about nine years ago. Straylee would like to see it be put in place. Commissioner Rogers noted that this is still part of the

discussion of the land as Mayor Spielman previously addressed, further acknowledging that the master plan is still a vision and considerable option.

Municipal Judge NM Iverson spoke of his appreciation for City Manager Frazer. Of the six city managers Iverson has worked with over the last 33 years upon being hired by Kirk Freeland, Frazer has given Judge Iverson and the Municipal Court the upmost respect, further noting “that it has been a joy to work for Randy Frazer”.

City Manager Reminders and Updates

1. City Manager Frazer provided the commissioner with the following:
 - List of block parties participating in tonight’s National Night Out Event provided to the commission
 - Joe B. Avery Community Spirit Award October 24th
 - Passenger Rail zoom meeting November 8th
 - 2023 Local Elected Officials Reception in Wichita at Botanica Lotus Hall, November 4th from 5:30 pm – 7:00 pm as part of the REAP group. Local South Central Kansas Elected Officials to be honored.
 - Contract from company purchasing property near the East Mill at the next meeting
 - M Street Homes LLC (Alfredo Sympayo) Resolution of Support for the Sleeth Addition tax housing credit they are working on will be on the next agenda
 - MIH Housing Program releasing revolving land for Kansas housing - another position for developers helps housing projects in future
 - Travel Center has completed civil drawings for utilities winding up the mechanical, plumbing, and electrical engineering plans. They will be ready to pull permits soon.
 - Evergy rate increase on LED streetlights seeing a 2.8 percent increase vs. 11.8 increase, allowing the city to reduce the amount of increase on streetlights moving forward

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.

Commissioner Jennings moved to enter into executive session, pursuant to K.S.A. 75-4319(b)(1) personnel matters of non-elected personnel, to discuss the City Manager's contact, for 30 minutes to include the City Attorney. Commissioner Warren seconded the motion.

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

Commission meeting resumed at 7:09 p.m.

Commissioner Jennings made a motion, seconded by Commissioner Warren, to express our (Governing Body’s) intent to enter into a contract renewal for two (2) years with the city manager for his professional services, contingent upon successful negotiation of the details between the governing body, city manager and the guidance of the city attorney.

Commissioner Jennings spoke to the foundation for his motion, further commended City Manager Frazer for bringing staff together making swift and tactful assessments to correct the city budget after the governing body opposed exceeding the RNR.

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

Adjournment

Motion made by Commissioner Jennings, Seconded by Commissioner Rogers to adjourn the meeting. The meeting was adjourned unanimously.

(Seal)

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

ATTEST:

Diana L. Spielman, Mayor

Tiffany Parsons, City Clerk

Prepared by:

Tiffany Parsons, City Clerk

DRAFT



Tuesday, October 31, 2023
Special Meeting Minutes
118 W Central Ave, Arkansas City, KS

Routine Business

1. Roll Call

PRESENT

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

ABSENT

None

Also present from staff: City Attorney Larry Schwartz, City Manager Randy Frazer, City Clerk Tiffany Parsons, Communications Director Shana Adkisson, and Finance Director/Treasure Jennifer Waggoner.

Business

City Attorney Department

- 1. City Manager Frazer presented for consideration a request from SCK Health for release of funds from the Unpledged Healthcare Sales Tax Fund from the City of Arkansas City, in the amount of \$27,823.11.

Finance Director/Treasure Waggoner explained the item had been amended from the original request amount of \$13,144.99 to reflect the full amount of funds now available in the account of \$27,832.11. The city received a second letter request from the hospital for the unpledged healthcare sales tax fund moments before this noon meeting. The letter and revised details of funds were provided to the governing body prior to the start of the meeting.

Motion made by Commissioner Gingher, seconded by Commissioner Warren to approve a request from SCK Health for release of funds from the Unpledged Healthcare Sales Tax Fund from the City of Arkansas City, in the amount of \$27,823.11.

*Voting Yea: Commissioner Gingher, Commissioner Jennings, Commissioner Rogers, Commissioner Warren, Mayor Spielman. Mayor Spielman declared the motion carried and given **Resolution 2023-10-3576**.*

Adjournment

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

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

(Seal)

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

ATTEST:

Diana L. Spielman, Mayor

Tiffany Parsons, City Clerk

Prepared by:

Tiffany Parsons, City Clerk

DRAFT



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Tiffany Parsons, City Clerk
Item: Scheduling a Land Bank Board of Trustees Meeting

Purpose: **Consent Agenda Item:** Approve a Resolution authorizing a public meeting of the Governing Body to attend a Land Bank Board of Trustees meeting at 5:00 p.m. Tuesday, November 21, 2023, in the Commission Room at City Hall, located at 118 W. Central Avenue in Arkansas City.

Background:

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. 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.

At this meeting the board will consider a transfer of property out of the City’s Land Bank.

Commission Options:

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

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other (explain)

Approved for Agenda by:



Randy Frazer, City Manager

RESOLUTION NO. 2023-10-_____

A RESOLUTION AUTHORIZING A PUBLIC MEETING OF THE GOVERNING BODY TO ATTEND A LAND BANK BOARD OF TRUSTEES MEETING AT 5:00 P.M. TUESDAY, NOVEMBER 21, 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, in order to comply with the Kansas Open Meetings Act, the Governing Body of the City of Arkansas City, Kansas, must designate this upcoming Land Bank Board of Trustees meeting as a public meeting of the Governing Body.

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

SECTION ONE: The Governing Body of the City of Arkansas City, Kansas, hereby establishes that it shall hold a public meeting at 5:00 p.m. on November 21, 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 7th day of November, 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 Resolution No. 2023-11-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on November 7, 2023, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Randy Frazer, City Manager
Item: Remaining Balance in the Legacy Foundation Friends of Wilson Park Fund

Purpose: Discuss and explore options for the remaining balance of the Legacy Foundation, Friends of Wilson Park Fund.

Background:

The current remaining balance in the Friends of Wilson Park fund is \$1,500.00. Overall, this fund is not meeting the needs of Legacy Foundation or the City, which is creating conflict. Legacy Foundation and city staff believe the best course of action is to close the fund and look at options to transfer the balance, where it can prosper and remain open to contributions yet be still available for the same use of park beautification and growth.

The Legacy Foundation has conducted a review of the donations made to the Friends of Wilson Park Fund and has determined that there are no specific restrictions on the funds. Other funds have been discovered that already exist within the Legacy Foundation that will be able contribute to the upkeep of Wilson Park.

With the authorization of the Commission, staff would like to explore options and eventually initiate the transfer of the current fund balance in an arrangement that ensures transparency and accountability in the allocation and utilization of these resources. This action will effectively close the Friends of Wilson Park Fund. If the City of Arkansas City intends to pursue a similar partnership with the Legacy Foundation, a new agreement will be necessary and must be drafted and signed.

Commission Options:

1. Determine and approve fund options
2. Table the item 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



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Randy Frazer, City Manager
Item: Grant Application Resolution of Support

Purpose: Authorize a Resolution of support from City Commissioners to M Street Homes LLC, to apply for tax credit. **(Voice Vote)**

Background:

Alfredo Sampayo with M Street Homes LLC is requesting a resolution of support from the City Commissioners in their efforts to apply for tax credit that will aid in the development of affordable housing located in the Sleeth Addition.

Commission Options:

1. Approve the letter of support
2. Disapprove the letter of support
3. Table the letter of support for further consideration

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager

RESOLUTION NO. 2023-11-_____**A RESOLUTION OF SUPPORT BY THE MAYOR AND CITY COMMISSION OF THE CITY OF ARKANSAS CITY FOR M STREET HOMES, LLC.**

WHEREAS, the City Commission of Arkansas City recognizes the critical need for new housing in our community; and

WHEREAS, the lack of available housing has presented significant challenges to the growth of employment opportunities with local companies, thereby hindering economic development; and

WHEREAS, a proposed housing project has been introduced that seeks to address this pressing need by adding approximately 50 new and affordable houses in Arkansas City; and

WHEREAS, we are particularly excited that the developers have committed to utilizing our local manufacturing plant, Skyline Homes, for the construction of these homes, which is expected to stimulate job creation and enhance economic activity in our beloved city; and

WHEREAS, this housing issue is of the utmost urgency, as there is currently a scarcity of affordable and new homes available for our local workforce, which negatively impacts the quality of life for our residents; and

WHEREAS, the decision to use manufactured homes that will be permanently affixed to the real estate offers the advantage of rapid construction, allowing these homes to be in place and occupied by new homeowners in a matter of weeks, not months; and

WHEREAS, M Street Homes, LLC has shown a deep commitment to Arkansas City, and their project proposal aligns with the vision of our community; and

WHEREAS, we, the Arkansas City Commission, have met in person with all of the principals of M Street Homes, LLC, and they have earned our full confidence and support.

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 City Commission of Arkansas City hereby expresses its wholehearted support for the proposed housing project by M Street Homes, LLC and encourages the swift realization of this initiative.

SECTION TWO: We anticipate a project agreement to be completed by the end of the year, and we are dedicated to working collaboratively with M Street Homes, LLC to make this project a reality for the benefit of our community.

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.

FURTHER RESOLVED that we anticipate a project agreement to be completed by the end of the year, and we are dedicated to working collaboratively with M Street Homes, LLC to make this project a reality for the benefit of our community.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this 7th day of November, 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 Resolution No. 2023-11-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on November 7, 2023, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Josh White, Principal Planner
Item: Sleeth Ballpark Rezone

Purpose: An Ordinance authorizing the rezoning of Blocks 19, 20 & 21 of Sleeth Addition, from “P” (Public Use District) to R-3 (High Density Residential District). **(Roll Call Vote)**

Background:

Alfredo Sampayo has requested the former Sleeth ballpark be rezoned. The surrounding area is comprised of residential, commercial, and public uses. Single Family Residential is to the north and west of the site. The Wastewater Treatment Plant is to the south. To the east is the dance studio and a construction business and yard both outside the city limits. The property consists of approximately 7.87 acres. The project will be to develop a residential subdivision. The applicant is requesting a rezone from P, Public Use District to an R-3, High Density Residential District. The City has entered into a memorandum of understanding with Alfredo Sampayo and his partners to develop additional housing. The Planning Commission held a public hearing on Tuesday, October, 2023 and voted unanimously to recommend that the City Commission approve the request.

Commission Options:

1. Approve the Ordinance on the first reading
2. Table and approve on second reading
3. Disapprove the Ordinance with 2/3 majority vote
4. Table and send back to the Planning Commission for further discussion

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Attachments: Staff report and ordinance.

Approved for Agenda by:

Randy Frazer, City Manager

ORDINANCE NO. 2023-11-_____

AN ORDINANCE AUTHORIZING THE RE-ZONING OF BLOCKS 19, 20 & 21 OF SLEETH ADDITION, FROM “P” (PUBLIC USE DISTRICT) TO “R-3” (HIGH DENSITY RESIDENTIAL DISTRICT).

WHEREAS, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-756 and K.S.A. § 12-757, has considered the proposed request to re-zone property, and recommended the City grant the Petition to re-zone; and

WHEREAS, on August 15, 2023, the Governing Body approved Resolution 2023-08-3565 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; and

WHEREAS, the existing Public Use District would not permit a residential housing development; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the re-zoning of the property at issue; and

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

SECTION ONE: The property legally described as:

Blocks 19, 20 & 21 Sleeth Addition to Arkansas City

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.

IS HEREBY RE-ZONED from a P (Public Use District) to an R-3 (High Density Residential District).

SECTION TWO: This ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Arkansas City and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

SECTION THREE: A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this 7th day of November, 2023.

(Seal)

Diana L. Spielman, Mayor

ATTEST:

Tiffany Parsons, Clerk

APPROVED AS TO FORM

Larry Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-11-_____ of the City of Arkansas City, Kansas adopted by the governing body on November 7, 2023 as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, Clerk



STAFF REPORT

City of Arkansas City Neighborhood Services Division
 Josh White, Principal Planner
 118 W Central Ave, Arkansas City, KS 67005
 Phone: 620-441-4420 Fax: 620-441-4403 Email: jwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER
 RZ-2023-117

APPLICANT/PROPERTY OWNER
 Alfredo Sampayo/City of Arkansas City

PUBLIC HEARING DATE
 October 10, 2023

PROPERTY ADDRESS/LOCATION
 Former Sleeth Ballpark

SUMMARY OF REQUEST

The subject property is located the former Sleeth Ballpark. The surrounding area is comprised of residential, commercial, and public uses. Single Family Residential is to the north and west of the site. The Wastewater Treatment Plant is to the south. To the east is the dance studio and a construction business and yard both outside the city limits. The property consists of approximately 7.87 acres. The project will be to develop a residential subdivision. The applicant is requesting a rezone from P, Public Use District to an R-3, High Density Residential District. The City has entered into a memorandum of understanding with Alfredo Sampayo and his partners to develop additional housing. Staff recommend approval of the rezone.



Map data ©2023 Esri World Topographic map

EXISTING ZONING P-Public Use District	EXISTING LAND USE Vacant	SURROUNDING ZONING & LAND USE North-R-2; Residential East-Unzoned County; Commercial South-P;Public West-R-2; Residential	SITE IMPROVEMENTS None	SIZE OF PROPERTY 7.87 acres
--	-----------------------------	---	---------------------------	--------------------------------

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN
 The Future Land Use portion of the Comprehensive Plan designates the subject property as public use. When the Comprehensive Plan was developed, it was not clear whether a project would materialize so the public use designation was retained in 2022. The proposed use is residential. The project meets the goal to “encourage the availability of housing for all ages and income groups” by establishing additional housing and establishing a Rural (now Reinvestment) Housing Incentive District to pay for improvements. The city also meets to goal to “encourage more builders to invest in housing by finding ways to reduce the cost to build.” The City has done this by establishing the Rural (now Reinvestment) Housing Incentive District and waiving permit and utility connection fees. The City Commission also entered a memorandum of understanding with the developer on the donation of the land.

PROPERTY HISTORY
 Until approximately 2011, the property had been a ballpark. It is unclear when the ballpark was first established in this location. The ballpark was relocated to the high school in 2011 and shortly after the facility was removed. The property has remained vacant ever since. There is no record of any other land use cases for the property.

COMPATIBILITY with the ZONING ORDINANCE
 The surrounding area is comprised of residential, commercial, and public uses. It is the intent of the residential zoning districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with residential development. The change in classification would be consistent with the intent and purpose of these regulations.

Rezone Request



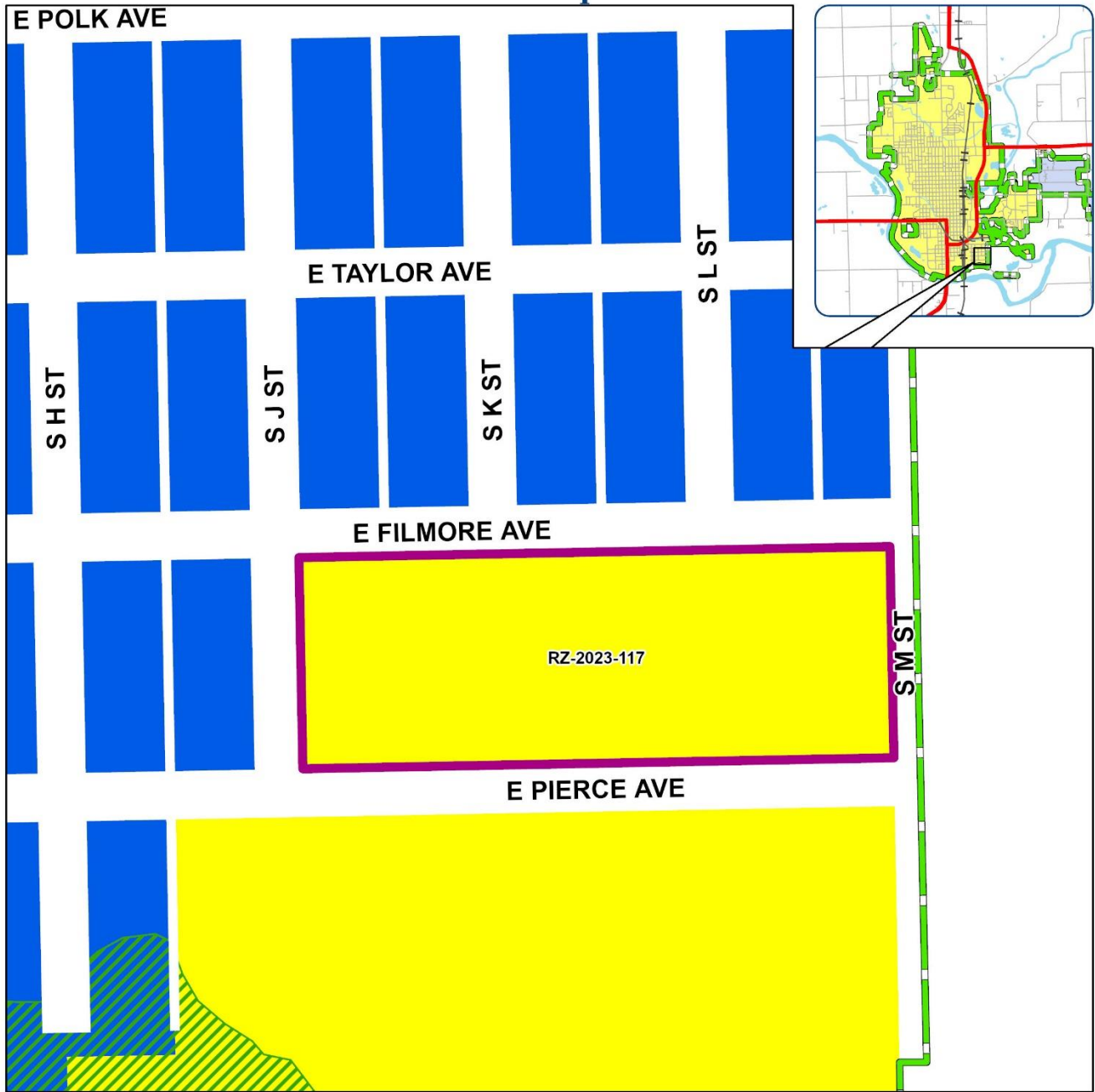
A request to rezone the former Sleeth Ball Park
 from P (Public Use District) to R-3 (High Density Residential District)

-  City Limits
-  Rezone

Produced by the
 City of Arkansas City GIS
 using the best available
 data to date.
 Created: September 12, 2023



Rezone Request



A request to rezone the former Sleeth Ball Park from P (Public Use District) to R-3 (High Density Residential District)

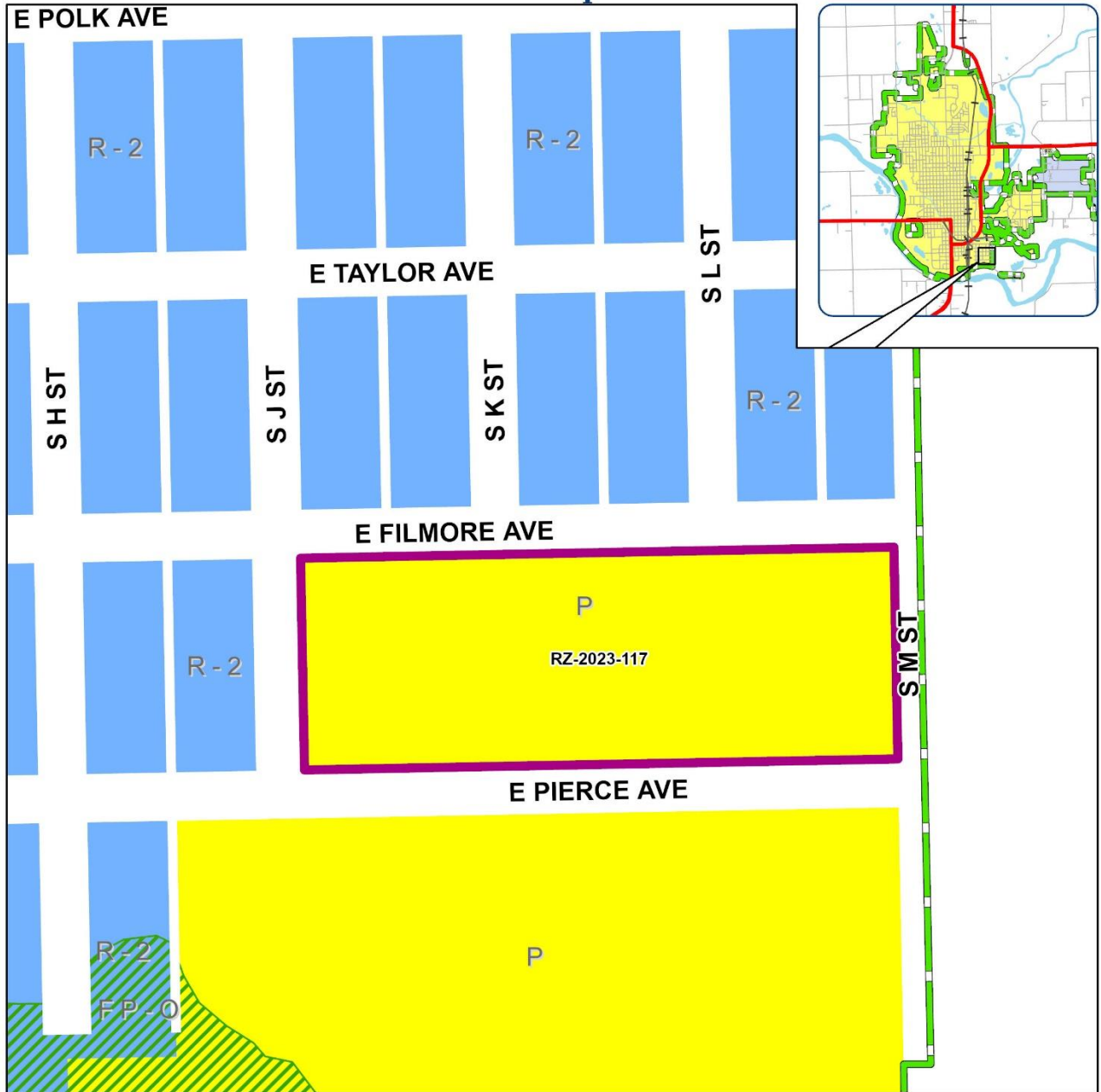
-  City Limits
-  Rezone
- Future Land Use**
-  Floodplain
-  Residential
-  Public

Produced by the City of Arkansas City GIS using the best available data to date. Created: September 29, 2023



Zoning map

Rezone Request

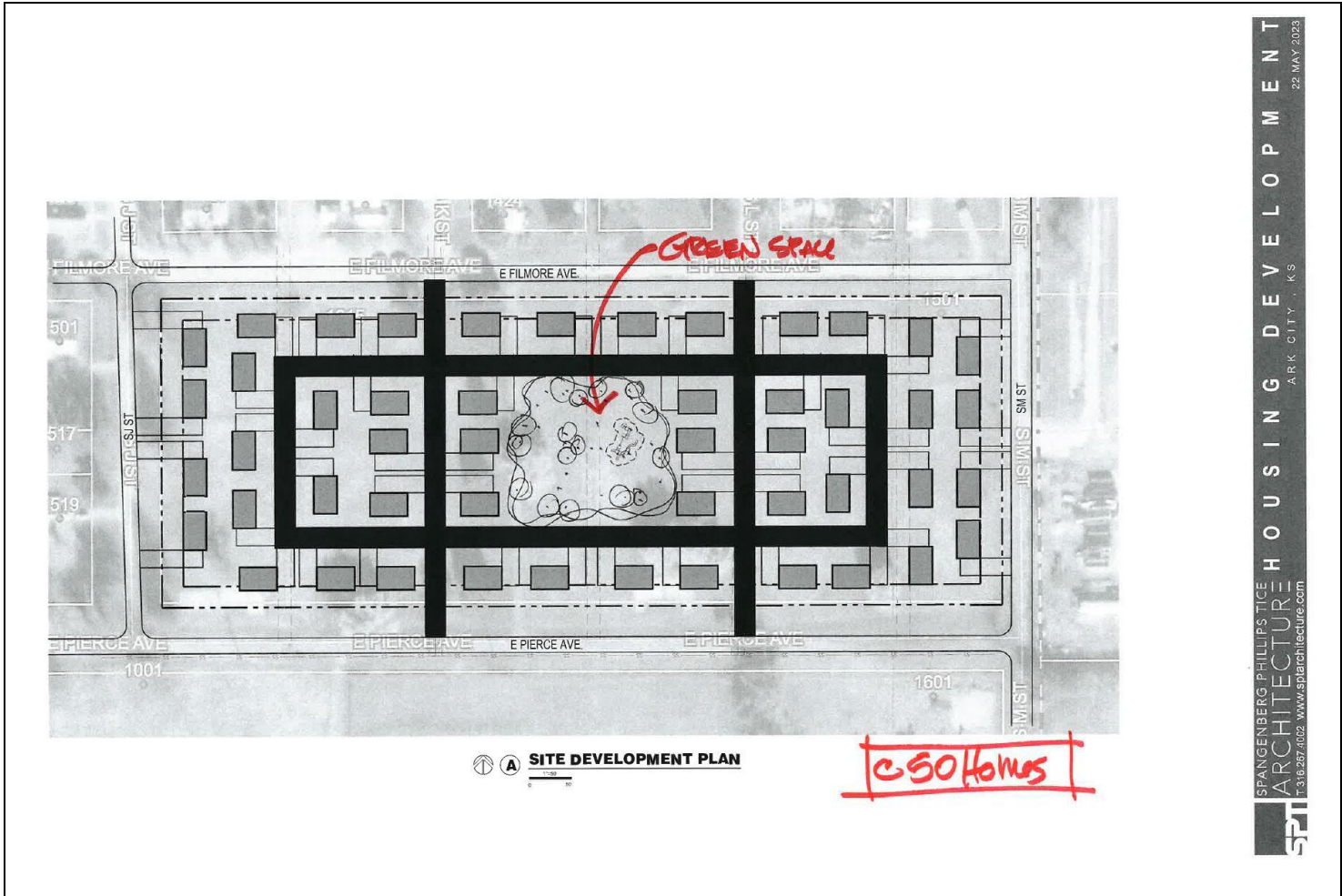


A request to rezone the former Sleeth Ball Park from P (Public Use District) to R-3 (High Density Residential District)

-  City Limits
-  Rezone
-  R-2, Medium Density Residential District
-  P, Public Use District
-  FP-0, Floodplain Management Overlay District

Produced by the City of Arkansas City GIS using the best available data to date. Created: September 29, 2023





Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

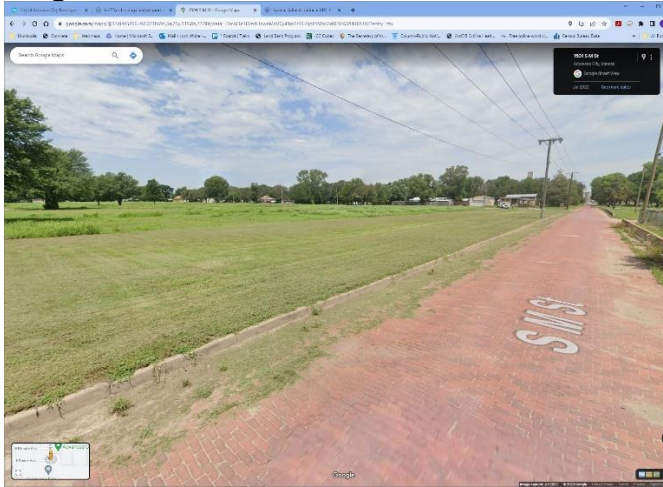
1. Whether the change in classification would be consistent with the intent and purpose of these regulations;

The surrounding area is comprised of residential, commercial, and public uses. It is the intent of the residential zoning districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with residential development. The change in classification would be consistent with the intent and purpose of these regulations.

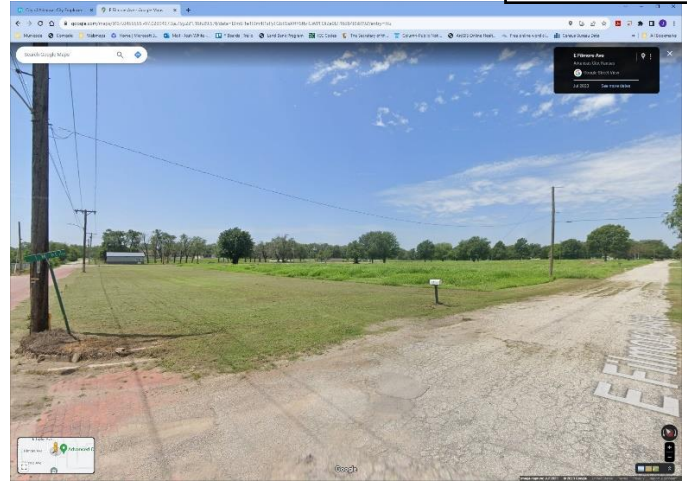
2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The surrounding area is comprised of residential, commercial, and public uses. Single Family Residential is to the north and west of the site. The Wastewater Treatment Plant is to the south. To the east is the dance studio and a construction business and yard both outside the city limits.

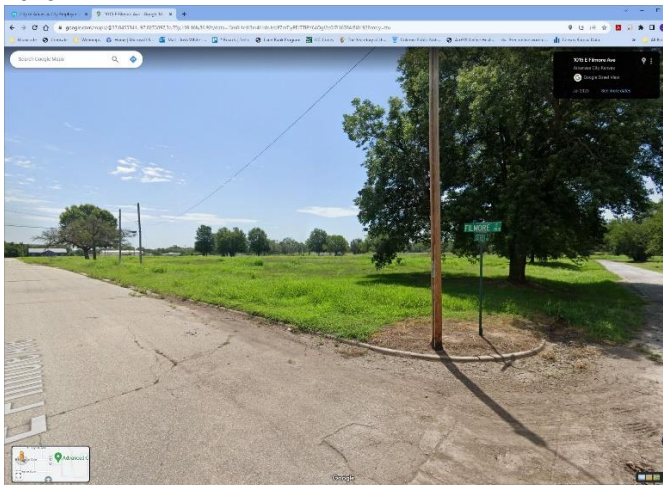
Neighborhood Photos



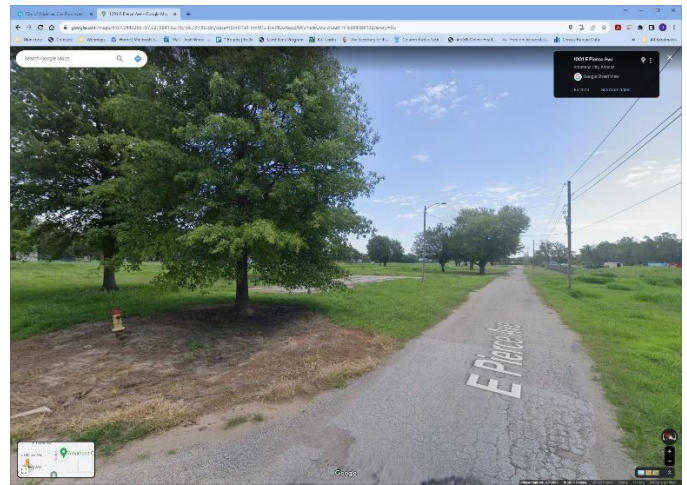
Looking NW from M & Pierce. Google StreetView from July 2023.



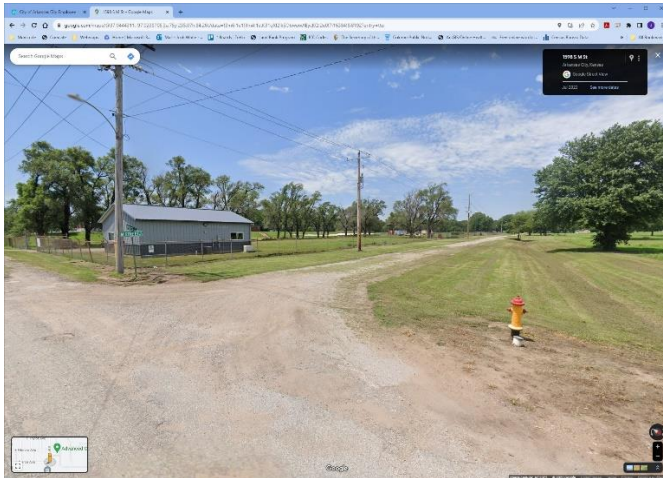
Looking SW from M & Filmore. Google StreetView from July 2023.



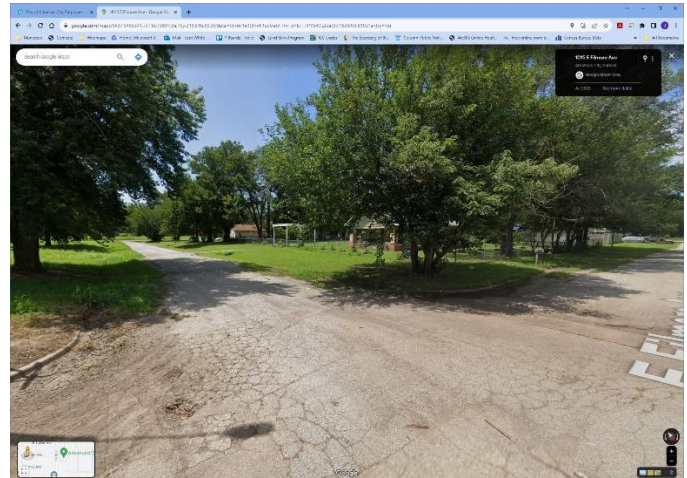
Looking SE from J & Filmore. Google StreetView from July 2023.



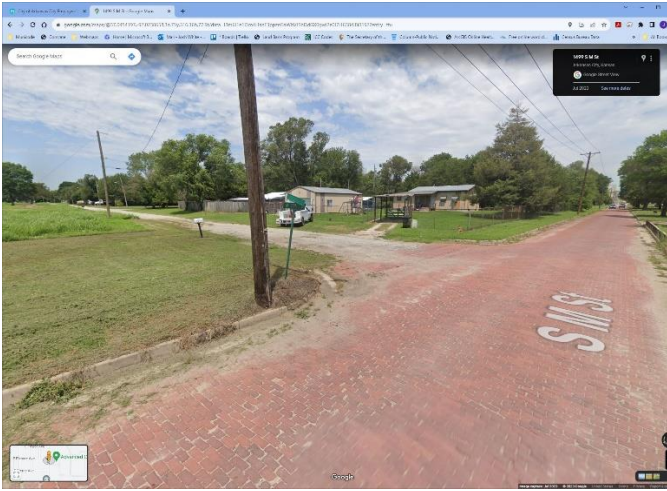
Looking NE from J & Pierce. Google StreetView from July 2023.



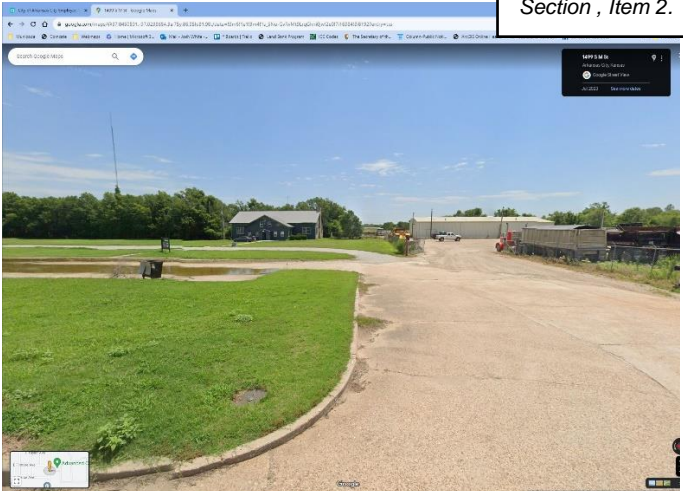
Looking SW from M & Pierce and Wastewater Treatment Facility. Google StreetView from July 2023.



Looking SW from J & Filmore at neighborhood West of site. Google StreetView from July 2023.



Looking NW from M & Filmore at neighborhood N of site. Google StreetView from July 2023.



Looking East of site across M St. Google StreetView from July 2023.

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

The current Public Use District does not allow the proposed use. The proposed R-3 district allows multi-family homes and institutional uses at greater intensities than the R-2 district. The R-3 district allows the most flexibility in design as well as ownership structure of the homes. The conditions of the area are not changing outside of this property, but this property is primed for additional residential development in this residential neighborhood.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

The properties to the north and west are zoned R-2, Medium Density Residential District. This matches the use. To the south is a P, Public Use District and is the site of the Wastewater Treatment Facility. To the east is commercial/industrial that is outside the city limits and unzoned. The proposed use matches the uses to the north and west of the site. With the departure of the ballpark, this area has changed, and residential development seems the best option for redevelopment of the site.

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

The proposed R-3 district allows multi-family homes and institutional uses at greater intensities than the R-2 district. The R-3 district allows the most flexibility in design as well as ownership structure of the homes. All permitted uses should be compatible with other property in the immediate vicinity of this project.

6. The suitability of the applicant’s property for the uses to which it has been restricted;

The property is currently zoned for public use. The property was formerly the Sleeth Ballpark, but the ballpark was relocated to the property south the High School. The 2013 Comprehensive Plan called for this area to be public because it was a ballpark at the time. When the 2022 Comprehensive Plan was developed it wasn’t yet clear how the property would be used so the public use designation was kept. Public use or residential use would be appropriate for the area. The city has no plans to expand the Wastewater Treatment Facility footprint so residential use appears most appropriate for the site.

7. The length of time the subject property has remained vacant or undeveloped as zoned;

In 2010-11 a new ballpark south of Arkansas City High School was opened. Shortly after it moved, the

ballfields, fencing and concession stand were all removed. All that remains is the foundation from the concession stand.

8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

All sewer, water and other utilities are readily available at or near the site. Police and Fire should be able to serve the building without any changes to services. The area's streets are paved. Any required improvements can be offset with funds from the Reinvestment Housing Incentive District.

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;

There is other land that has the appropriate zoning, but this project aims to provide infill housing, a much desired development for the City. This also puts the property back on the tax rolls and eliminates city maintenance costs for the property.

10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;

The Future Land Use portion of the Comprehensive Plan designates the subject property as public use. When the Comprehensive Plan was developed, it was not clear whether a project would materialize so the public use designation was retained in 2022. The proposed use is residential. The project meets the goal to "encourage the availability of housing for all ages and income groups" by establishing additional housing and establishing a Rural (now Reinvestment) Housing Incentive District to pay for improvements. The city also meets to goal to "encourage more builders to invest in housing by finding ways to reduce the cost to build." The City has done this by establishing the Rural (now Reinvestment) Housing Incentive District and waiving permit and utility connection fees. The City Commission also entered a memorandum of understanding with the developer on the donation of the land.

11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,

Public health, safety and general welfare should not be negatively impacted by this rezoning. There have been several environmental studies related to the Wastewater Treatment Facility and many of the negative effects of that facility have been mitigated over the years. The developer in cooperation with the City will also handle any additional required studies for this property prior to development.

12. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application

13. The recommendations of professional staff;

It is the recommendation of staff that the requested rezoning P to R-2 be approved based on the following conclusions:

- The property has remained underutilized since 2011.
- The public use of a ballpark no longer exists as the facility moved to the high school.
- The project should not adversely affect the neighboring properties as it will match the residential uses in the neighborhood.
- Public health, safety and general welfare should not be negatively impacted by this rezoning.



City Commission Agenda Item

Section , Item 3.

Meeting Date: November 7, 2023
From: Mike Bellis, Building Official
Item: Dangerous Structure Hearing

Purpose: Hold a public hearing and consider a Resolution declaring structures located at 820 S. 3rd St., 610 N. 5th St., 126 S. 8th St., 120 S. 9th St., 122 S. 9th St., 1504 S. G St., 514 E. Cedar Ave., and 525 E. Cedar Ave., as unsafe and dangerous, and directing that said structures be repaired, shored, or otherwise made safe, or, in the alternative, demolished. **(Voice Vote)**

Background: November 7, 2023, was set by the City Commission as the date to hold a public hearing on the status of the structures listed below to determine if they are dangerous structures and possibly to order abatement and/or demolition.

The properties to be considered are:

1. 820 S. 3rd St. – Heather Prince & James Brookshire
2. 610 N. 5th St. – Marcial Gutierrez Amaya
3. 126 S. 8th St. – Miguel Jose Jimenez
4. 120 S. 9th St. – Charles Edward Towles
5. 122 S. 9th St. – Anna Martin Reed & Aubrey C. Lolar
6. 1504 S. G St. – Michael Lambert
7. 514 E. Cedar Ave. – Tamara L. Morris
8. 525 E. Cedar Ave. – Alice Major & Edward Major

During this hearing, owners, agents, lienholders of record, and any occupants of the listed structures may appear and show cause as to why the structure should not be condemned as an unsafe structure. If so ordered, the owner will have 30 days to begin repair or demolition and 90 days to complete that work after publication of the resolution declaring a dangerous structure. The owners have been properly notified and have not made appropriate corrections.

Commission Options:

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

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other (explain)

Approved for Agenda by:

Randy Frazer, City Manager

RESOLUTION NO. 2023-11-_____

A RESOLUTION FINDING THAT THE STRUCTURE(S) LEGALLY DESCRIBED HEREIN AND LOCATED WITHIN THE CITY LIMITS OF THE CITY OF ARKANSAS CITY, KANSAS, ARE UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE(S) BE REPAIRED, SHORED OR OTHERWISE MADE SAFE, OR, IN THE ALTERNATIVE, DEMOLISH THE STRUCTURE(S), MAKING THE PREMISES SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Arkansas City, Kansas, did, on or about the 19th day of September 2023 file with the Governing Body of the City of Arkansas City a statement in writing that the structures hereinafter described constitute an unsafe or dangerous structure.

WHEREAS, the Governing Body did by Resolution No. 2023-09-3570 establish the 7th day of November, 2023 at 5:30 p.m., as the date of public hearing at which time the owners, their agents, any lienholders of record and occupants of the structure(s) could appear and show cause why said structure(s) should not be condemned and ordered repaired, shored or otherwise made safe, or, in the alternative, demolished as unsafe or dangerous structure(s), and did duly publish and serve said Resolution in the manner provided by law; and

WHEREAS, on this date the Governing Body held a public hearing to determine whether the structure(s) at issue is a dangerous structure.

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

SECTION ONE: That the Governing Body hereby finds the following described structure(s) located in Arkansas City, Kansas, to-wit:

Parcel 1:

Dilapidated Structure, including any Accessory structures located at 820 S. 3rd ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 11 and 12, Block 6, Gooch's Addition to Arkansas City, Cowley County, Kansas

Record Owner(s): Heather Prince and James Brookshire
820 S. 3rd ST
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 2:

Dilapidated Structure, including any Accessory structures located at 610 N. 5th ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lot 17, 18, 19, and 20, Block 137, Original Town Arkansas City, Cowley County, Kansas.

Record Owner(s): Marcial Gutierrez Amaya
610 N. 5th ST
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 3:

Dilapidated Structure, including any Accessory structures located at 126 S. 8th ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 15 and 16, Block 122, Original Town, Arkansas City, Cowley County, Kansas.

Record Owner(s): Miguel Jose Jimenez
126 S. 8th ST
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

State of Kansas
Department of Revenue
PO Box 3506
Topeka, KS 66625-3506

Parcel 4:

Dilapidated Structure, including any Accessory structures located at 120 S. 9th ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 19 and 20, Block 2, Love's First Addition to Arkansas City, Cowley County, Kansas.

Record Owner(s): Charles Edward Towles
120 S. 9th ST
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 5:

Dilapidated Structure, including any Accessory structures located at 122 S. 9th ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 17 and 18, Block 2, Love's First Addition to Arkansas City, Cowley County, Kansas.

Record Owner(s): Anna Martin Reed and Aubrey C. Lolar
122 S. 9th ST
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 6:

Dilapidated Structure, including any Accessory structures located at 1504 S. G ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 27 and 28, Block 17, Sleeth Addition to the City of Arkansas City, Cowley County, Kansas

Record Owner(s): Michael Lambert
1504 S. G ST
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 7:

Dilapidated Structure, including any Accessory structures located at 514 E. Cedar Ave, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 15, 16, 17 and 18, Block 14, Original Town Arkansas City, Cowley County, Kansas.

Record Owner(s): Tamara L. Morris
514 E. Cedar Ave.
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 8:

Dilapidated Structure, including any Accessory structures located at 525 E. Cedar Ave, Arkansas City, Cowley County, Kansas, and legally described as, to-wit:

Lots 27 and 28, Block 15, Original Town Arkansas City, Cowley County, Kansas.

Record Owner(s): Alice Major and Edward Major
525 E. Cedar Ave
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

To be UNSAFE and DANGEROUS and hereby directs that the structure(s) be repaired, shored or otherwise made safe, or, if economically unfeasible, then, in the alternative, that the structure(s) be demolished and the premises made safe and secure. The owner(s) of said structure(s) are hereby given:

_ For **REPAIR** and **RENOVATION**, thirty (30) days from the date of publication of this Resolution within which to commence repair and/or renovation of the same, and an additional ninety (90) days to complete such, or during a timeframe extended by the Building Official in the Neighborhood Services Division, or his designee, in his sole discretion; and

_ For **DEMOLITION**, thirty (30) days from the date of publication of this Resolution within which to obtain the necessary demolition permit and commence demolition of the same and an additional fifteen (15) days to complete such, including removal of all materials from the demolished structure, or during a timeframe extended by the Building Official in the Neighborhood Services Division, or his designee, in his sole discretion;

_ If the owners fail to commence such repair and renovation or demolition within the time allotted above, the Building Official in the Neighborhood Services Division, or his designee, is hereby authorized to cause the structure(s) to be either repaired and renovated and thereby made safe, or, in the alternative, demolished, and the premises made safe and secure and the costs incurred thereby, less salvage, if any, shall

be assessed as a special assessment against the lot or parcel of land upon which the structure(s) are located, and the City may also pursue collection in the manner provided by K.S.A. § 12-1,115 and all acts amendatory thereof or supplemental thereto and through any other available means.

SECTION TWO: The City Clerk shall cause this Resolution to be published once in the official City newspaper and a copy mailed by certified mail within three (3) days after publication to each such owner, agent, lienholder, or occupant at his/her/their/its last known place of residence, all as contemplated under Kansas law. Further, this Resolution shall be filed with the Cowley County Register of Deeds, and indexed to the property(ies) described herein.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas this 7th day of November 2023 with City Officials being authorized and directed to execute any and all documents necessary to consummate the purposes and intents as expressed in this Resolution and if executed by the Mayor (or other person authorized by law to act in the event of the absence or inability of the Mayor to act) and the City Clerk is directed to attest to and affix the official seal of the City thereon.

(Seal)

Diana L. Spielman, Mayor

ATTEST:

Tiffany Parsons, City Clerk

APPROVED AS TO FORM.

Larry R. Schwartz, City Attorney

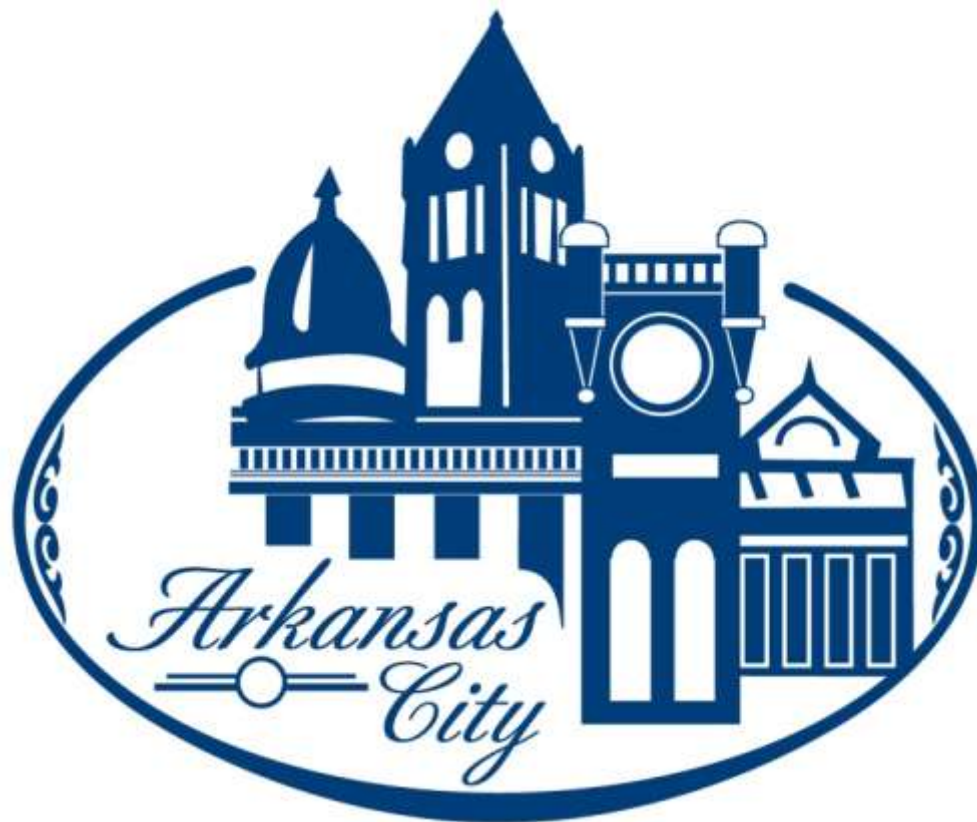
CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2023-11-____ of the City of Arkansas City, Kansas adopted by the governing body on November 7, 2023 as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk

City of Arkansas City Neighborhood Services Division Dangerous Structures



820 S. 3rd Street

- **Owner of Record:**
 - Heather Prince and James Brookshire
- **Legal Description:**
 - Lots 11 and 12, Block 6, Gooch's Addition to Arkansas City, Cowley County, Kansas.
- **Comcate Case**
 - Case opened on December 14, 2022
 - Unsafe Structure
 - Structure Unfit for Human Occupancy
 - Placard
 - Roof and Drainage
 - Overhang Extensions
 - Exterior Walls
 - Certified Letter sent on December 14, 2022
 - Letter returned unclaimed on January 3, 2023

820 S. 3rd Street



820 S. 3rd Street



820 S. 3rd Street



820 S. 3rd Street



820 S. 3rd Street



820 S. 3rd Street



820 S. 3rd Street



820 S. 3rd Street



820 S. 3rd Street



820 S. 3rd Street



610 N. 5th Street

- **Owner of Record:**
 - Marcial Gutierrez Amaya
- **Legal Description:**
 - Lot 17, 18, 19, and 20, Block 137, Original Town, Arkansas City, Cowley County, Kansas.
- **Comcate Case:**
 - Case opened on December 31, 2015
 - Trash, Dangerous Structure, Maintain Exterior, Electrical Wiring, Structure Unfit for Human Occupancy, Unsanitary and Unsafe Premises
 - Placard Structure as Uninhabitable/Dangerous Structure
 - Certified letter sent to Samuel Hanby on January 8, 2016
 - Letter returned unclaimed on February 2, 2016
 - **Follow-ups on property:**
 - November 30, 2021- Certified Letter sent to Marcial Gutierrez Amaya; Property non-compliant, Returned unclaimed December 17, 2021
 - July 29, 2022- Certified Letter sent to Marcial Gutierrez Amaya; Property non-compliant, Returned unclaimed August 8, 2022
 - April 20, 2023– Certified Letter sent to Marcial Gutierrez Amaya; Property non-compliant, Returned unable to forward April 26, 2023

610 N 5th ST



610 N 5th ST



610 N 5th ST



610 N 5th ST



610 N 5th ST



610 N 5th ST



610 N 5th ST



610 N 5th ST



610 N 5th ST



610 N 5th ST



126 S. 8th Street

- **Owner of Record:**
 - Miguel Jose Jimenez
- **Legal Description:**
 - Lots 15 and 16, Block 122, Original Town, Arkansas City, Cowley County, Kansas.
- **Comcate Case:**
 - Case opened on April 20, 2023
 - No Permit Issued, Failure to Provide Building Security, Vacant Structure/land Affecting Public Health or Safety, Maintain Exterior Walls, Unsafe Conditions
 - Placard placement as Uninhabitable or Dangerous
 - Certified letter sent April 20, 2023
 - Letter returned to sender-vacant, unable to forward April 28, 2023

126 S 8th ST



126 S 8th ST



126 S 8th ST



126 S 8th ST



126 S 8th ST



126 S 8th ST



126 S 8th ST



126 S 8th ST



126 S 8th ST



120 S. 9th Street

- **Owner of Record:**
 - Charles Edward Towles, Jr.
- **Legal Description:**
 - Lots 19 and 20, Block 2, Love's First Addition to Arkansas City, Cowley County, Kansas.
- **Comcate Case:**
 - Case opened on April 20, 2023
 - Vacant structure/land affecting public health or safety
 - Maintain exterior of structure
 - Placard placement as Uninhabitable or Dangerous
 - Certified Letter sent on April 20, 2023
 - Letter signed for by Charles Towels, Jr. on April 27, 2023

120 S. 9th Street



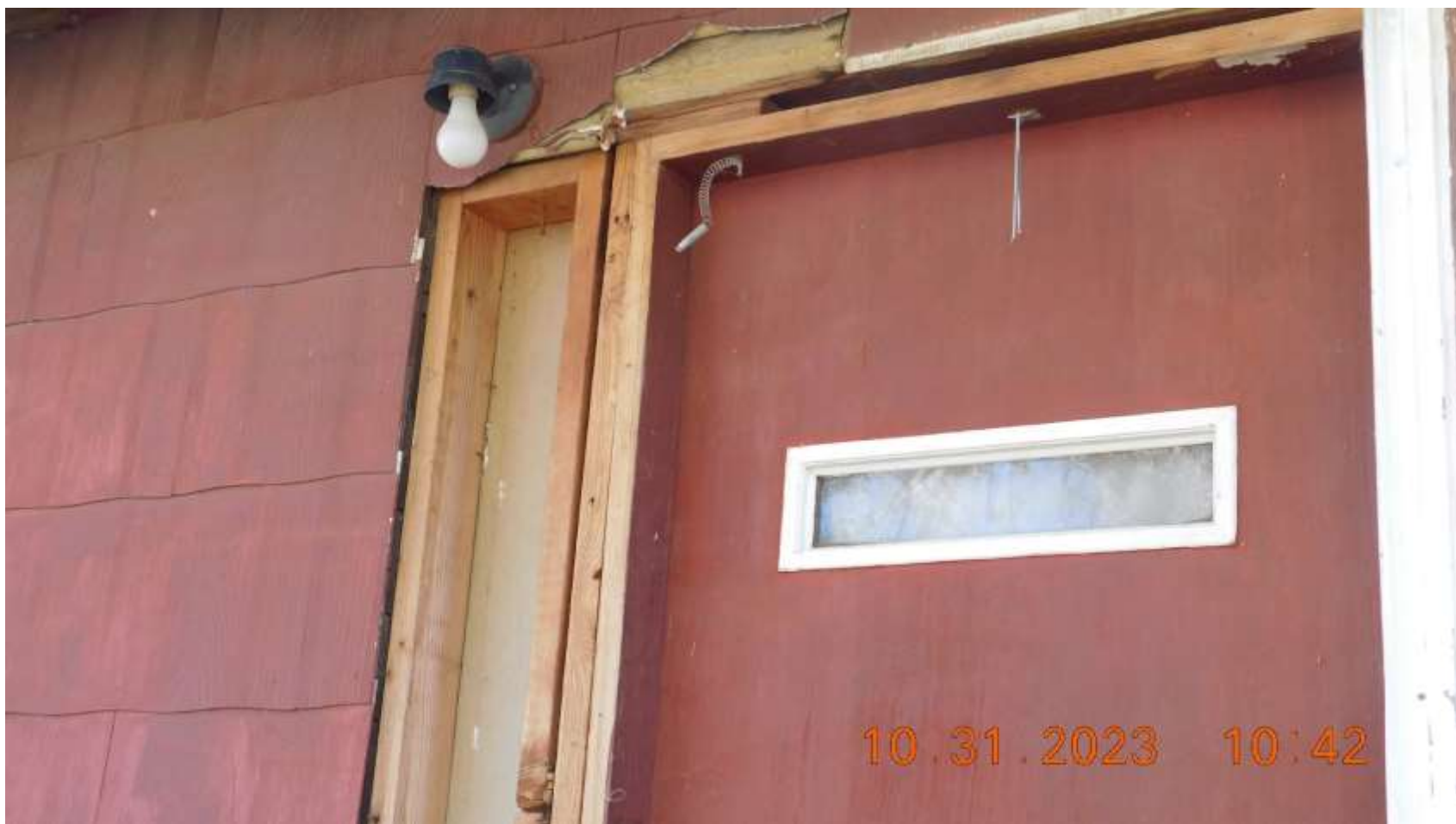
120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



120 S. 9th Street



122 S. 9th Street

- **Owner of Record:**
 - Anna M. Reed and Aubrey C. Lolar
- **Legal Description:**
 - Lot 17 and 18, Block 2, Love's First Addition to Arkansas City, Cowley County, Kansas.
- **Comcate Case:**
 - Case opened on April 20, 2023
 - Vacant structure/land affecting public health or safety
 - Maintain exterior of structure
 - Placard placement as Uninhabitable or Dangerous
 - Certified Letter sent on April 20, 2023
 - Letter signed for by NGM on April 22, 2023

122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



122 S. 9th Street



1504 S. G Street

- **Owner of Record:**
 - Michael Lambert
- **Legal Description:**
 - Lots 27 and 28, Block 17, Sleeth Addition to the City of Arkansas City, Cowley County, Kansas.
- **Comcate Case:**
 - Case opened on June 8, 2022
 - Structure to be found unfit for human occupancy; dangerous/condemned structure or premise; Vacant structure/land affecting public health or safety; Exterior surfaces to include fences/detached structures; Creating a public nuisance (roof and water); Maintain in sound condition; Correct electrical system; Maintain structural members; Maintain exterior walls; Maintain overhead extensions; Provide building security.
 - Placard placement as Uninhabitable or Dangerous
 - Certified letter sent on June 8, 2022
 - Letter returned to sender, vacant, unclaimed, unable to forward on June 14, 2022
 - Certified letter sent on May 5, 2023
 - Letter returned to sender, not deliverable as addressed, unable to forward on May 10, 2023

1504 S. G Street



1504 S. G Street



1504 S. G Street



1504 S. G Street



1504 S. G Street



1504 S. G Street



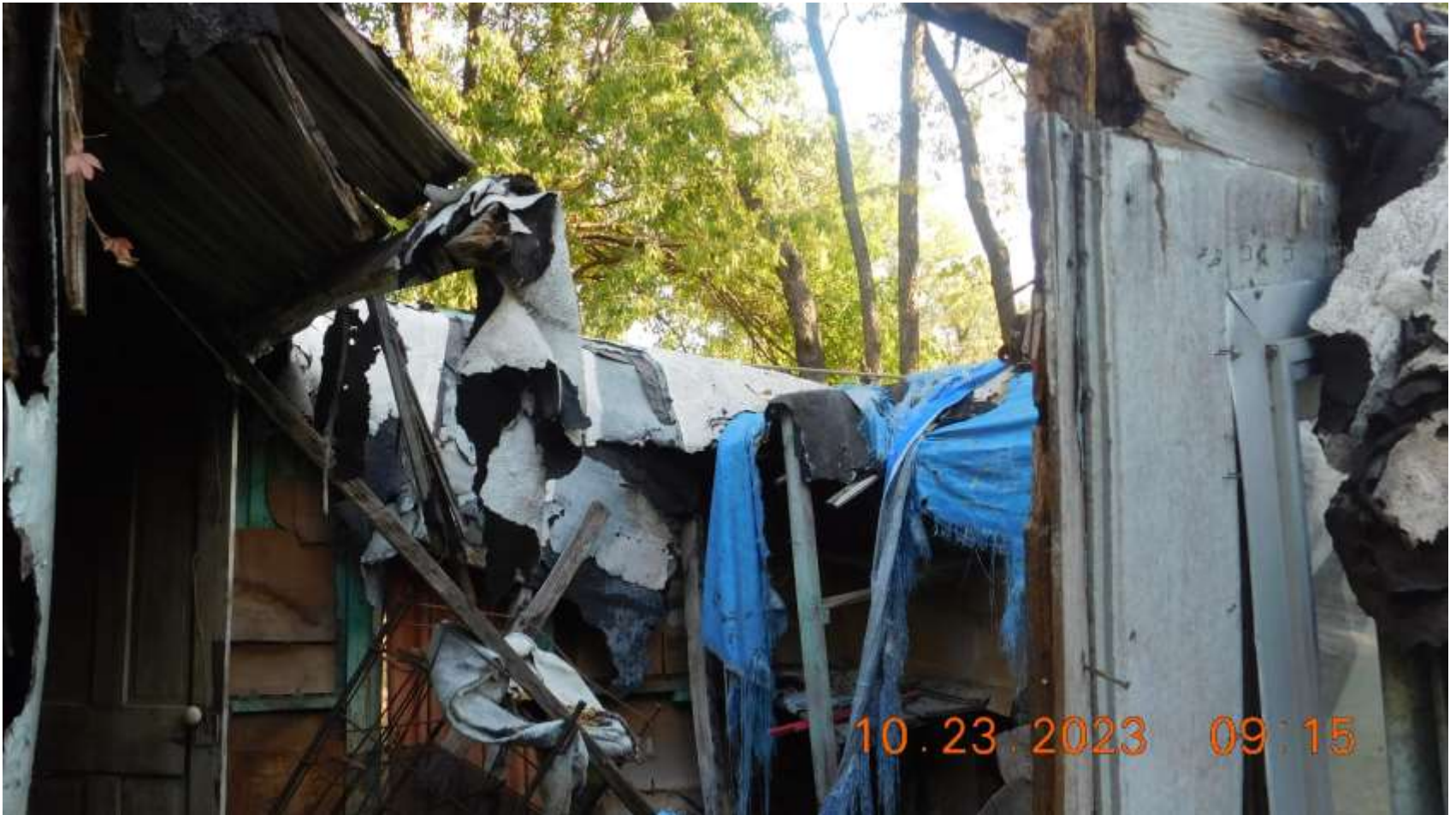
1504 S. G Street



1504 S. G Street



1504 S. G Street



1504 S. G Street



1504 S. G Street



10.23.2023 09:15

1504 S. G Street



514 E. Cedar Ave.

- **Owner of Record:**
 - Tamara L. Morris
- **Legal Description:**
 - Lots 15, 16, 17 and 18, Block 14, Arkansas City, Cowley County, Kansas.
- **Comcate Case:**
 - Case opened on January 9, 2017
 - Structure to be found unfit; Dangerous/condemned structure or premise; Provide address numbers on structure; Structures free from rodents; Maintain exterior of structure.
 - Placard placement as Uninhabitable or Dangerous
 - Certified letter sent on January 9, 2017
 - Letter returned to sender, unclaimed, unable to forward on January 26, 2017
 - Certified letter sent on May 6, 2022
 - Letter returned to sender, vacant, unable to forward on May 10, 2022
 - Certified letter sent on May 18, 2023
 - Letter returned to sender, vacant, unable to forward on May 23, 2023

514 E. Cedar Ave.



514 E. Cedar Ave.



514 E. Cedar Ave.



514 E. Cedar Ave.



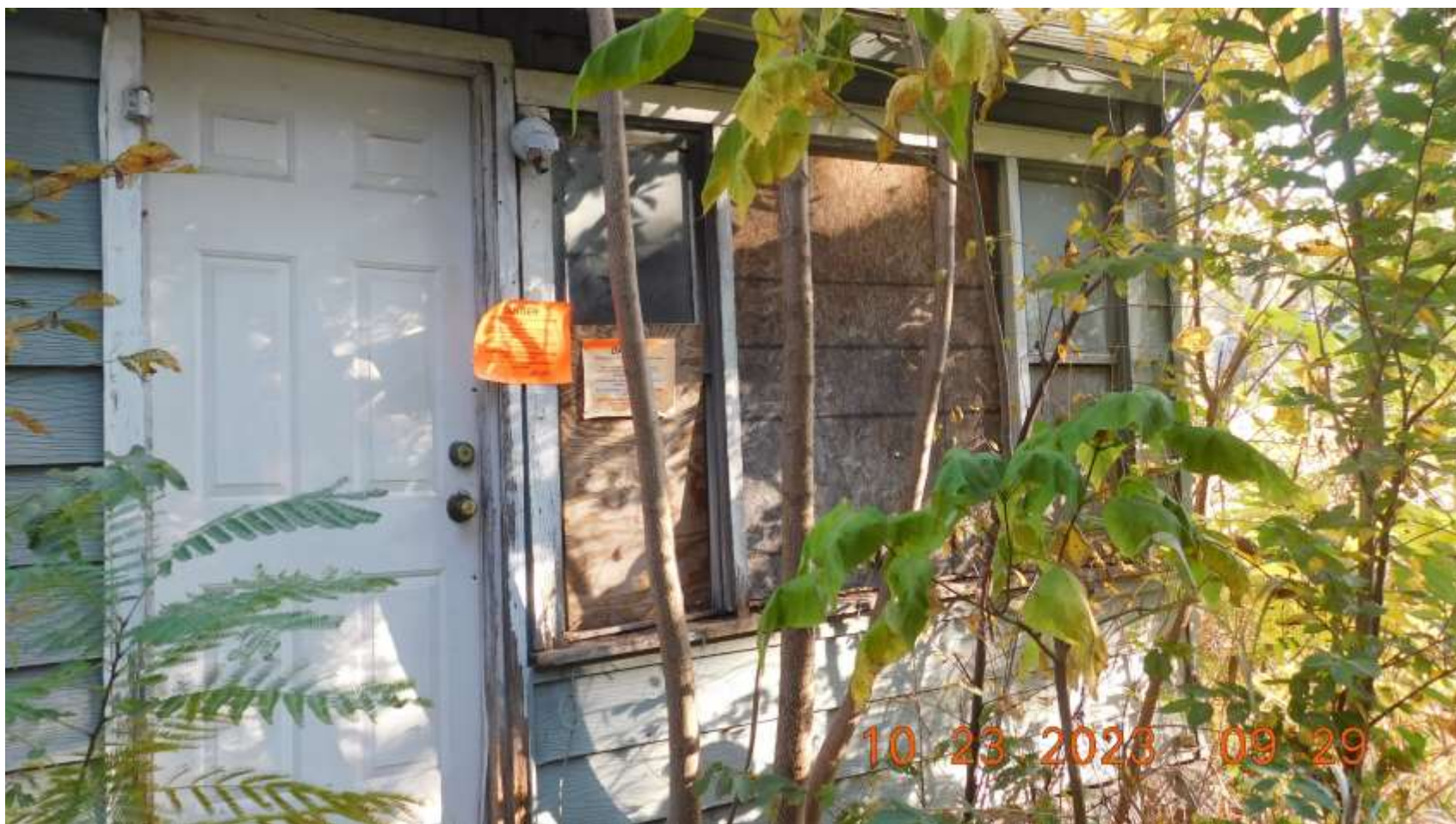
514 E. Cedar Ave.



514 E. Cedar Ave.



514 E. Cedar Ave.



514 E. Cedar Ave.



514 E. Cedar Ave.



514 E. Cedar Ave.



525 E. Cedar Ave.

- **Owner of Record:**
 - Edward and Alice Major
- **Legal Description:**
 - Lots 27 and 28, Block 15, Arkansas City, Cowley County, Kansas.
- **Comcate Case:**
 - Case opened on January 11, 2017
 - Structure to be found unfit; Dangerous/condemned structure or premise; Structures free from rodents; Maintain exterior property; Maintain all exterior surfaces to include fences/detached structure.
 - Placard placement as Uninhabitable or Dangerous
 - Certified letter sent on January 11, 2017
 - Letter returned to sender, unclaimed, unable to forward on January 28, 2017
 - Certified letter sent on May 9, 2023
 - Letter returned to sender, vacant, unable to forward on May 13, 2023

525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.



525 E. Cedar Ave.





City Commission Agenda Item

Meeting Date: November 7, 2023
From: Josh White, Principal Planner
Item: 2023 Subdivision and Zoning Amendments

Purpose: An Ordinance amending certain articles of the Subdivision and Zoning Regulations and official city zoning map pursuant of the 2022 Comprehensive Plan; and incorporating such regulations by reference. **(Roll Call Vote)**

Background:

The current Subdivision and Zoning Regulations were adopted in 2014 shortly after the 2013 Comprehensive Plan was adopted. A major rewrite to the zoning regulations had not been done since 1964. Since 2014 several amendments have been made to the regulations. In 2022, the Comprehensive Plan was updated again. In it, there were several recommendations for changes to the regulations. Staff also noted several changes that needed to be made because of conflicts with interpretation and changing conditions. The Board of Zoning Appeals also expressed a desire to lessen the number of variances granted. In a perfect world, variances would never have to be granted because the regulations would be perfect. Unfortunately, there is no way to write regulations for every possible situation, but staff have attempted to rectify some of the situations. Proposed Changes to the Zoning map were also made. The two recent rezone cases (if fully approved) will also be included in changes to the zoning map.

The full text of the proposed changes are available on the city website. The Zoning Amendments can be found at <https://tinyurl.com/ACzoning> and the Subdivision Amendments at <https://tinyurl.com/acsubdiv>. A summary of the changes are included in the packet.

The Planning Commission held a public hearing and voted to recommend adoption of the proposed amendments to the Subdivision and Zoning Regulations on October 10, 2023.

Commission Options:

- 1. Approve the Ordinance
- 2. Table the Ordinance for a second reading
- 3. Send back to Planning Commission for further consideration

Fiscal Impact:

Amount: Fund: Department: Expense Code:
 Included in budget Grant Bonds Other Not Budgeted

Attachments:

Executive summary, summary of proposed changes, and proposed zoning map changes.

Approved for Agenda by:

Randy Frazer, City Manager

ORDINANCE NO. 2023-11-_____

AN ORDINANCE AMENDING CERTAIN ARTICLES OF THE SUBDIVISION AND ZONING REGULATIONS AND OFFICIAL CITY ZONING MAP PURSUANT TO THE 2022 COMPREHENSIVE PLAN; AND INCORPORATING SUCH REGULATIONS BY REFERENCE.

WHEREAS, the City Commission of Arkansas City adopted Zoning and Subdivision Regulations on May 20, 2014 and since amended both sets of regulations; and

WHEREAS, such regulations need to be reviewed and amended from time to time and the 2022 Comprehensive Plan recommended certain changes;

WHEREAS, on the 10th day of October, 2023 the Planning Commission held a public hearing after due public notice on the proposed amendments to Articles 2, 4, 5, 6, 8, 11, 12 & 13 of the Subdivision Regulations, and the proposed amendments to Articles 2, 3, 4, 6, 7, 9, 10, 15, 18, 19, 20, 22, 27 & 29 of the Zoning Regulations as well as amendments to the Official City Zoning Map; and

WHEREAS, on that date the Planning Commission recommended the Governing Body adopt the amendments to the Subdivision and Zoning Regulations and Official City Zoning map; and

WHEREAS, the Governing Body desires to accept the Planning Commission’s recommendation and amend the stated Articles of the Subdivision and Zoning Regulations and Official City Zoning map.

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

SECTION ONE: AMENDMENTS TO MUNICIPAL CODE.

The Governing Body of the City of Arkansas City desires to amend the Subdivision Regulations: Article 2 Administration regarding the Technical Advisory Committee; Article 4 Subdivision Design Standards regarding minimum lot width and depth; Article 5 Dedication or Reservation of Public Sites and Open Space minor changes; Article 6 Submission and Approval of Plats regarding requirements for submission of plats; Article 8 Improvement Procedures regarding procedure; Article 11 Lot Splits regarding procedure; Article 12 Vacations and Corrections minor changes; and the removal of Article 13 Site Plan Review and inclusion of these regulations in the Zoning Regulations. Said amended Articles are attached hereto and incorporated by reference as if fully set forth herein.

The Governing Body also desires to amend the Zoning Regulations: Article 2 Rules, Interpretations and Definitions regarding several definitions; Article 3 Districts and Boundaries to remove the Countryside (CS) District; Article 4 Intent of Districts to remove the Countryside (CS) District; Article 6 Residential Zoned Districts use table; Article 7 Countryside District removed in its entirety; Article 9 Commercial Zoned Districts use table and development standards; Article 10 Central Business District regarding off street parking; Article 15 Industrial Districts use table and development standards; Article 18 Mixed Use District regarding required yards and screening; Article 19 Wind Conversion Systems regarding where they are allowed and development standards; Article 20 Supplemental District Regulations regarding Accessory Dwelling Units, Licensed Amateur Communications, and fences; Article 22 Off-Street Parking, Loading and Unloading Requirements table; Article 27 Signs regarding temporary signs and sign regulations for the P, I-1 and I-2 districts; Article 29 new Site Plan Review article adapted from the Subdivision Regulations; and certain amendments to the Official City Zoning Map. Said amended Articles are attached hereto and incorporated by reference as if fully set forth herein.

The Governing Body therefore hereby amends Arkansas City Municipal Code Part III, Titles 17 & 18 t as follows (new provisions in italics; deleted provisions struck through):

Title 17- SUBDIVISIONS

Sec. 17.1. - Adopted by reference.

The City of Arkansas City Subdivision Regulations (hereafter "Subdivision Regulations"), as prepared in book form by the planning commission under date of ~~September 2018~~ *October 10, 2023*, following a public hearing as required by state law, and the same is hereby declared to be approved and incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 et seq., K.S.A. 12-3009 et seq. and K.S.A. 12-3301 et seq.

Title 18 - ZONING

Sec. 18.1. - Adopted by reference.

The City of Arkansas City Zoning Regulations (hereafter "Zoning Regulations"), as prepared in book form by the Planning Commission under date of ~~September 2022~~ *October 10, 2023*, following a public hearing as required by state law, and the same and new zoning map are hereby declared to be approved and incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 et seq., K.S.A. 12-3009 et seq. and K.S.A. 12-3301 et seq.

SECTION THREE: 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 FOUR: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 7th day of November 2023.

(Seal)

Diana L. Spielman, Mayor

ATTEST:

Tiffany Parsons, City Clerk

DRAFTED AND APPROVED AS TO FORM:

Larry Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-11-_____ of the City of Arkansas City, Kansas adopted by the Governing Body thereof on November 7, 2023, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk

Subdivision Amendments Executive Summary

The current Subdivision Regulations were adopted in 2014 shortly after the 2013 Comprehensive Plan was adopted. Since 2014 several amendments have been made to the regulations. In 2022, the Comprehensive Plan was updated again. In it, there were several recommendations for changes to the regulations. One of the major recommendations from the Plan was to move the Site Plan Review article contents to the Zoning Regulations for better visibility. There were also some embedded development standards that were moved into the appropriate district regulations as noted in the Zoning Amendments Executive Summary document. What follows is a highlight summary of the changes. A separate document outlines all the changes and each of the affected Articles is also available in full of proposed changes within them.

Throughout the Regulations there are numerous mentions of the Utility Advisory Committee. This committee was originally created by these regulations for comments on plats but morphed into a committee to do initial site plan reviews as well. As such, and due to the composition of the committee, it was changed to **Technical Advisory Committee**. Anywhere in the regulations that referred to the committee was changed to match Technical Advisory Committee.

One of the changes in the Zoning Regulations is to remove the **Countryside District** (see the Summary for the Zoning Regulations for more information regarding this). All references to the Countryside (CS) District in the Subdivision Regulations will be removed.

Article 4 contains the **Subdivision Design Standards**. Some language in Section 4-401 was changed both the match practice and to avoid conflicts with the Zoning Regulations. **Minimum lot width and depth** is spelled out in the Zoning Regulations and shouldn't be fully spelled out in the Subdivision Regulations as well as that introduces potential conflicts.

Article 6 discusses the procedures for **Submission and Approval of Plats**. The provisions were altered slightly to **better match existing practices and policies**. This mostly involved the number of copies required and how the documents are processed.

Article 11 covers **lot splits**. Like Article 6, it was edited to **better match existing practices and policies**.

Article 13 currently covers **Site Plan Review**. As noted above, this Article will be **completely removed** from the Subdivision Regulations and moved to the Zoning Regulations.

There are revisions to other Articles but these either are grammatical, edited for conciseness or have been discussed above. All are very minor in nature.

Proposed Changes to Subdivision Regulations 2023

Article 1:General Regulations

No Changes

Article 2:Administration

Changed the Section headers to match the section name changes below.

Section 2-201: Changed sentence to remove “and every” as this is unnecessary and make the sentence more concise.

Section 2-501: Changed “insure” to “ensure”. Insure was inappropriately used in the original regulations.

Sections 2-6 and 2-7 Titles were changed from “Utility Advisory Committee” to “Technical Advisory Committee”.

Section 2-601 and 2-701: The name of the committee was changed from “Utility Advisory Committee” to “Technical Advisory Committee” to better match practice and clarify the scope of the committee. Note that this committee’s meetings are not typically open to the public as no quorum of any public body is present at them. The meeting is attended by city staff and utility company representatives as well as whoever the applicant chooses to invite to the meeting. While the meeting discusses utilities it also discusses the site plan or plat design and any notable building code requirements.

Article 3:Definitions

No Changes

Article 4:Subdivision Design Standards

Section 4-301:

Paragraph f 2. Simply needed to have the word “the” added.

Paragraph k 4. Had extra verbiage “a distance of generally”. The sentence was edited for conciseness by removing this phrase and the meaning of the sentence is unchanged.

Section 4-401:

a.....Minimum lot width shall be measured at the building setback line and shall not be less than required by the zoning regulations of the district in which the subdivision is located. ~~No residential lots shall be less than seventy (70) feet in width at the building line. Corner lots shall have a width at least twenty (20) feet greater than the minimum width.~~

Commented [JW1]: This sentence is unnecessary and it conflicts with the zoning regulations in several places. The first sentence explains how the minimum lot width is determined.

~~b.~~ **b.** Minimum lot depth shall be ~~one hundred and thirty (130) feet,~~ measured through the center of the lot and perpendicular to the property line, or radial to the property line or curved streets, ~~and shall not be less than required by the zoning regulations in which the subdivision is located.~~

Commented [JW2]: Same as a. above. This also better matches the sentence structure of a. (Also the b is crossed out because of a requirement of Microsoft Word related to the automatic lettering and formatting, no change is actually happening.)

~~c. Maximum depth of residential lots shall not exceed two and one half (2 1/2) times the width of the lot.~~

Commented [JW3]: Unnecessary with the wording a b. above. All the remaining paragraphs of Section 4-401 are now relettered.

Section 4-501:

b. All easements shall be shown on the plat. Permanent easements shall not be obstructed by structures or vegetation. No fences may be placed in ~~storm drain drainage~~ easements located along side lot lines. A property owner may otherwise erect fences and landscape the easement at his or her own risk of loss.

Commented [JW4]: Changed for consistency.

c. Drainage Easements. If a subdivision is traversed by a water course, drainage way or channel, then a stormwater easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of the natural water course and shall be of such width or construction, or both, as may be necessary to provide adequate stormwater drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. The City Engineer shall make a study and report his or her recommendation to the Planning Commission as to the desired width of such easement. Such study and report shall be based on the ~~one-hundred-year flood depth (if known)~~. Maintenance of stormwater easements and drainage right-of-way shall be the responsibility of the owners of property adjoining such easements or right-of-way.

Commented [JW5]: Floodplains shall always be known and shown on the plat to be in compliance with Section 4-801. The subdivider should be able to provide this information to the City Engineer for analysis.

Section 4-801:

- a. Land subject to intermediate regional flood shall not be subdivided for any use incompatible with such flooding. An intermediate regional flood is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year or even in successive years. It is based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed. Data on the flood characteristics for the planning area may be obtained from the ~~Kansas Water Resources Board~~ ~~Division of Water Resources~~, or the ~~U.S. Army~~ Corps of Engineers, ~~U.S. Army~~, and or the ~~Federal Emergency Management Agency~~. ~~FEMA~~.
- c. Adequate drainage shall be provided ~~so as~~ to reduce exposure to flood hazards.
- d. All public utilities and facilities shall be located ~~so as~~ to minimize or eliminate flood damage.

Commented [JW6]: The names of the agencies are being corrected for clarity. Also it is important to avoid the use of acronyms and abbreviations in most cases.

Commented [JW7]: Removed for conciseness

Commented [JW8]: Removed for conciseness.

Article 5: Dedication or Reservation of Public Sites and Open Space

Section 5-201 & 5-202:

5-201. General Requirement. In subdividing ~~or resubdividing~~ land zoned and intended for residential use, the developer shall dedicate or reserve land for public park purposes, or pay a fee in lieu of dedication, or select a combination of dedication or reservation and a fee. The method chosen to meet this requirement shall be determined by the developer with consideration given to the standards set out in these regulations and the recommendation of the Planning Commission.

Commented [JW9]: redundant

5-202. Amount of Dedication. The number of acres of land required to be dedicated or reserved shall be determined as follows, based on the density of development as permitted by the zoning of the property being subdivided. The area required to be dedicated or reserved shall be exclusive of all street rights-of-way and stormwater easements.

Percent of Total Land Area Being Subdivided to be Dedicated or Reserved for Park Purposes: ~~CS Countryside – 2%~~; R-1 Low Density Residential – 5%; R-2 Medium Density Residential – 6%; R-3 High Density Residential – 8%.

Commented [JW10]: The CS district is planned to be eliminated

Article 6: Submission and Approval of Plats

Section 6-301:

- Paragraph a. 2. The number of copies required of the preliminary plat was changed from five to three.
- Paragraph a. 3. Was removed as that is provided by staff using the GIS. This also causes the remaining paragraphs to be renumbered for a.
- Paragraph b. Utility Advisory Committee was changed to Technical Advisory Committee as in Article 2.

Section 6-401:

Paragraph a. 2. The number of prints required in addition to the mylar was changed from 5 to 2.

Paragraph b. 13. (d) & (e) Notary blocks were added for both of these. All signatures must be notarized except for the Register of Deeds. Letters (f) and (g) were removed because they are not required. That caused (h) to be changed to (f). Staff works with the surveyor to ensure that the certificates are all accurate prior to printing where possible.

Article 7:Improvements

Section 7-201:

Paragraph a. 1 (a) table has asterisks and an explanation statement below it that is redundant with the table headings

- (a) Pavement thickness shall be established by the *Standard Specifications for Road and Bridge Construction*, a publication of the Kansas Department of Transportation, *Standard Specifications and Design Criteria*, a publication of the Kansas City Metropolitan Chapter of the American Public Works Association.

Proposed pavement types and thicknesses shall be approved by the City Engineer.

Pavement Width	
Street Classification	Minimum Lane Width Not Including Curb & Gutter
Local Residential	12 feet*
Collector	14 feet*
Arterial	14 feet*

* Lane widths do not include curb and gutter sections.

Commented [JW11]: This and the asterisks are unneeded based on the table heading

There are several situations where “Public Works Department” was changed to “City Engineer” specifically in paragraph i. Similarly in paragraphs k,l and m “Public Works Department” is changed to “Zoning Administrator”. The Public Works Department no longer exists in the form it existed when these regulations were originally written. Today that department is actually split into two departments and a division of another department. Public Works also covered the Zoning Administrator at that time. The appropriate people as defined in Article 3 replace it.

Article 8:Improvement Procedures

Section 8-201:

Edited for conciseness by removing the word “so” from the first sentence.

Section 8-401:

Changed “costs” to “cost” in the phrase cost estimates in the first sentence of paragraph a.

Section 8-501:

The City Engineer and other City staff shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with design standards. The cost attributable to all engineering drawing review shall be charged to and paid by the subdivider prior to the recording of the final plat. If such drawings are consistent and in compliance, the City Engineer shall forward to the Planning Commission a notice that such drawings do

~~so~~ conform and comply. ~~In the event that~~ If the drawings do not ~~so~~ conform and comply, the City Engineer shall notify the subdivider of the specific manner in which such drawings do not ~~so~~ conform or comply. The subdivider may then correct such drawings and resubmit the corrected drawings.

Commented [JW12]: This paragraph was edited for conciseness. There is still a bit of legalese left though but many more edits would not get the same message across.

Section 8-701:

Changed “Utility Advisory Committee” to “Technical Advisory Committee” to match the change in Article 2.

Article 9:Guarantee of Installation of Improvements

No Changes

Article 10:Rule Exceptions

No Changes

Article 11:Lot Splits

11-201. A request for lot split approval shall be made by the owner of the land to the Zoning Administrator. ~~Four (4) copies of a scale drawing of the lots involved if there are no structures thereon or, if structures are located on any part of the lot being split, four (4) copies of~~ A survey of the lot and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split, shall accompany the application. The application shall provide a legal description for the original lot and legal descriptions for each of the lots produced by the proposed lot split, and such legal description shall be certified by a registered land surveyor and monuments placed.

Commented [JW13]: This paragraph was edited to match practice. There is no need for multiple copies but a scale drawing is not acceptable for a lot split application. A survey must always be provided for approval.

11-401. The Zoning Administrator shall, in writing, either approve with or without conditions or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, the Zoning Administrator shall sign and furnish a certificate of approval to be affixed to the lot split survey. ~~and a certified copy thereof shall be filed with the Cowley County Register of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.~~

Commented [JW14]: Edited to match practice. Currently fees are being waived for lot split applications due to compliance issues. Since no fee is being charged the responsibility of filing the certificate with the Register of Deeds falls on the applicant.

Article 12:Vacations and Corrections

Section 12-101:

a. Before any application for the vacation of any public right-of-way, street, alley, easement, plat, setback or access control shall be approved or recommended for approval by the Governing Body, the application shall be submitted to the Planning Commission for review and recommendation. Said recommendation shall include conditions which are appropriate to protect the best interests of the public, Governing Body and utilities. All vacation applications shall be submitted to the ~~Director of Public Works~~ **Technical Advisory Committee** for review and comments prior to the Planning Commission taking action.

Commented [JW15]: This was changed to match practice.

e. A written receipt shall be issued to the person(s) making such a payment and records thereof shall be kept in such a manner as prescribed by law. ~~No fee shall be required when said application is submitted by any agency.~~ No fee shall be refunded in the event of disapproval by the Planning Commission or Governing Body.

Commented [JW16]: This is confusing. Agency isn't defined. In general the only time fees are waived is when the City is the applicant or would otherwise directly benefit from the vacation.

Section 12-401:

Paragraph 1 a. 2 & 3: Changed Utility Advisory Committee to Technical Advisory Committee as in Article 2.

Article 13:formerly Site Plan Review and now [RESERVED FOR FUTURE USE]

Removed in its entirety. Much of its contents will be relocated to Article 29 of the Zoning Regulations in accordance with Chapter 8 Section 8.5 of the 2022 Comprehensive Plan.

Zoning Amendments Executive Summary

The current Zoning Regulations were adopted in 2014 shortly after the 2013 Comprehensive Plan was adopted. A major rewrite to the zoning regulations had not been done since 1964. Since 2014 several amendments have been made to the regulations. In 2022, the Comprehensive Plan was updated again. In it, there were several recommendations for changes to the regulations. Staff also noted several changes that needed to be made because of conflicts with interpretation and changing conditions. The Board of Zoning Appeals also expressed a desire to lessen the number of variances granted. In a perfect world, variances would never have to be granted because the regulations would be perfect. Unfortunately, there is no way to write regulations for every possible situation, but staff have attempted to rectify some of the situations. What follows is a highlight summary of the changes. A separate document outlines all the changes and each of the affected Articles is also available in full of proposed changes within them.

Article 2 is the main location for definitions for the regulations. Key changes include the definition of fences, short term rentals are also newly defined. The definition of permanent wall foundation is also slightly altered to add the required depth and the definition for sight distances was eliminated and is better defined in Section 20-4.

In the 2022 Comprehensive Plan, it was noted that the **Countryside (CS) district** is not used and since we have not adopted Extraterritorial zoning is unnecessary. All references throughout the regulations to the Countryside (CS) district will be removed. This also requires the removal of Article 7 in its entirety. The sections and articles removed are reserved for future use to avoid renumbering.

Article 6 covers our **Residential districts**. The only change there is to the **use table** by adding short-term rentals as a use and defining where this use is both a permitted use and one which would require a conditional use permit. It would be permitted in the R-3 district and would require a conditional use permit in the R-1 and R-2 districts. There was discussion of **tiny homes** but ultimately it was determined that tiny homes are just small single-family dwellings and don't require a separate definition. Some discussion was held about how to handle cases where lots don't meet the minimum size required for building a new dwelling but that is covered by Article 21 Nonconformities. If a lot was split prior to the current regulations that was too small, a home could still be built on the lot provided it would meet the required setbacks and cover no more than 50% of the lot.

Articles 9 & 10 cover our **Commercial Districts**. In Article 9 there were several changes. The first change was to the **use table**. Several uses were altered as to when they would be permitted or when they would require a conditional use permit. Many of the changes made the regulations a bit less stringent than before. Often permitting a use by right in a district where it had required a conditional use permit previously. Affected uses include public buildings, automobile and truck wash services, motor vehicle repair and body shops and package liquor store. Two uses mini-storage and package liquor stores also have footnotes added to the table to clarify the requirements for these uses. See the proposed changes document for a look at each of the uses and their proposed changes. The next change to Article 9 involves bringing some of the **development standards** from the Subdivision Regulations into the Zoning Regulations. See the Subdivision Regulations Summary for more details. Article 10 focuses on the Central Business District. A clarification that no **off-street parking** is required in the **Central Business District (C-4)** was made.

Article 15 covers our **Industrial Districts**. Like the Commercial District use table, a number of changes were made to the Industrial Districts **use table** much for the same reason. In this case the table was changed because a number of uses were more strictly regulated in the Heavy Industrial District than they were in the Light Industrial District. It is unclear to staff why that was the case originally. The general premise is that the heavier uses should be relegated to the Heavy Industrial (I-2) district while the less intense uses could be in the light industrial (I-1) district but that shouldn't preclude those less intense uses from being next to higher intensity uses in the I-2 district. See the proposed changes document for the specific changes. Also, in Article 15 some **development standards** were brought over from the subdivision regulations for the same reasons as in Article 9 mentioned above.

Article 18 covers our **Mixed Use district**. This district allows some residential and commercial districts to be side by side. In most cases this has worked well but staff have observed some problems and has proposed some changes. The **setbacks** were lessened to encourage buildings to be moved closer to the street while pushing parking back to the sides and rear of the lot. Some language was also added to **screen nearby residential properties from commercial uses**. Some of that language was there but was clarified.

Article 19 covers **Wind Energy Conversion Systems or wind turbines**. These are now allowed in the R-1, Low Density Residential District, the P, Public Use District, and the Industrial Districts. Most of the changes here involved clarification but also a provision for blade height was removed and a provision for security measures was added.

Article 20 covers our **Supplemental Regulations**. These regulations cover items that aren't district specific but nevertheless must be included as part of the regulations.

A definition for **Accessory Dwelling Units** was added. This allows an accessory dwelling to be added to a property if it meets certain criteria. This will lessen the requirement for a conditional use permit in the R-1 districts when a property owner wants to add a new unit for instance for an ailing parent or other family member that could also be rented out in the future. The criteria do require the owner to live in the primary dwelling.

Regulations for **Licensed Amateur Communications** were added. This section sets out the requirements for amateur radio operators to place antenna support structures on their property. If the support structure does not meet these requirements, it will be subject to the requirements of Article 23 Telecommunication Towers which require a conditional use permit to be built.

The **fence regulations** also received a major overhaul. **Allowed heights** for privacy fences were reduced from 8 feet to 6 feet in residential districts and clarification about how high fences could be in front and side yards was added. **A listing of permitted and prohibited fencing materials** was also added as was a provision requiring that the finished side of a fence should face outward. Staff will produce a document outlining these changes after they are adopted.

Article 22 covers our **Off-Street parking regulations**. Some clarification on when **hard surfacing** is required was added. The **table that states the required minimum off street parking** was also updated to match other cities' standards. Some of the standards seemed a bit arcane and needed to be updated. In many cases the minimum parking was lowered. The idea is to help induce development by lowering

some of the requirements while also ensuring that customers have adequate parking at each business. If a business disagrees with our standards, they can also provide a parking analysis which will be reviewed by the zoning administrator.

Article 27 covers **signs**. Some clarification about when and where **temporary signs** (including political signs) can be placed. A U.S. Supreme Court ruling, and a state statute have caused a lot of conflict in temporary sign regulations across Kansas. This causes us to have two sets of temporary sign regulations. One for the election cycle and one for all other times. Cities are not allowed to regulate signage based on content to protect First Amendment (free speech) rights according to the Supreme Court, so all temporary signs are regulated the same way. These proposed regulations would separate requirements into two categories, Residential and Non-Residential property. This greatly simplifies the regulations from what they are now while also loosening the regulations and making enforcement easier. They continue to protect the residential areas from large signs but also help those using the signs in high visibility areas to get their message out. Regulations for signs in both the **Public and Industrial Districts** were made **less stringent** due to recent variance and use cases. This involved increased allowed height, size and number of signs allowed. For specifics, please see the Proposed Changes document.

Article 29 was previously reserved. The 2022 Comprehensive Plan recommended moving the **Site Plan Regulations** from the Subdivision Regulations to the Zoning Regulations. Most of those regulations will now be in Article 29 while some of the embedded development standards were moved to either Article 9 (Commercial Districts) or Article 15 (Industrial Districts).

Finally, the Comprehensive Plan recommended several changes to both the future land use map and the **Zoning map**.

SW Mixed Use area-there is currently a Mixed Use District with some other districts interspersed in it in the southwest portion of the City, primarily between Tyler, Lincoln, 1st and 6th. The proposed map would change any district in this area that is currently a Mixed Use District (**MU**) to a Medium Density Residential District (**R-2**). All other zoning districts in this area would remain unchanged.

Former railroad right of way along future Hike-Bike Trail-There is a city owned area along what will eventually become the Hike-Bike Trail along the Mill Canal from the 300 block of W Madison to the intersection of 1st & Jackson Ave. Because this was formerly railroad right of way, it was unzoned. This change would designate this property as a Public Use District (**P**).

W Radio Lane between 6th (from the alley behind this block) & 8th Streets changed from Mixed use (**MU**) to Medium Density Residential District (**R-2**). This matches the new Future Land Use map.

Proposed Changes to Zoning Regulations 2023

Article 1: Title and Purpose

No Changes

Article 2: Rules, Interpretations and Definitions

Section 2-301: Changes to Definitions

Fence. A free-standing structure intended to provide privacy, protection or confinement or to redirect a person's direction of travel. ~~A fence may be constructed of but not limited to: wire, chain links, wood, stone or any standard building materials. A fence is not a structure unless it exceeds 80% visual blockage.~~

Permanent wall foundation. An exterior wall designed to resist frost action ~~to a depth of thirty (30) inches below grade.~~ The wall must be continuous around the perimeter of the structure but may have such openings as required by any adopted Building Code of the City of Arkansas City. The wall must be designed as a footing and foundation wall and constructed in accordance with any applicable City-adopted building code.

~~**Short term rental.** A dwelling unit, portion of a dwelling unit, or sleeping unit, which is within a single family dwelling, and which is rented or leased for transient or temporary occupancy, for no more than 30 consecutive days per renter.~~

~~**Sight distances.** The area within which no sign, fence, wall, planting or other obstruction to vision shall be constructed, placed or maintained.~~

- a. ~~No such obstruction above three feet (3') above the established street grade shall occur within the area of a corner lot between the lines of the intersecting streets and a straight line connecting them at points twenty feet (20') distant from the intersection of the lot lines.~~
- b. ~~No wall or fence more than four feet (4') in height may project into or enclose any required front yard. Walls or fences of up to seven feet (7') in height may project into or enclose other required yards.~~
- e. ~~An area comprising a triangle with legs of five feet (5') measured from the curbline shall be free from any visual obstruction at all points where alleys intersect with public streets.~~

Commented [JW1]: Fences are better defined in Section 20-9 including acceptable fencing materials. The last sentence here is problematic. It does not match practice and would exclude chain-link fences from permitting.

Commented [JW2]: Additional information from the International Residential Code

Commented [JW3]: The comprehensive plan mentioned we needed some regulations for these uses. This new definition is necessary. Table 6-1 in Article 6 will be updated to include this new use.

Commented [JW4]: This is redundant with Section 20-4 Corner Visibility. To avoid conflicts between the two, it is best to remove this definition.

Article 3: Districts and Boundaries

3-101. In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the City is hereby divided into ~~sixteen (16)~~ districts and ~~five (5)~~ overlay districts which are designated as follows:

Commented [JW5]: Rather than having to keep changing these numbers, let's just remove them and change only the districts below.

- A: Agricultural District
 - R-1: Low Density Residential District
 - R-2: Medium Density Residential District
 - R-3: High Density Residential District
 - ~~CS: Countryside District~~
 - C-1: Office and Service Business District
 - C-2: Restricted Commercial District
 - C-3: General Commercial District
 - C-4: Central Business District
 - MHS: .. Manufactured Home Subdivision
 - MP: Manufactured Home Park District
- I-1:Light Industrial District
 - I-2:Heavy Industrial District
 - P:Public Use District
 - MU:Mixed Use District
 - FP:Floodplain Management District
 - C-O:College Overlay District
 - PUD-O: .Planned Unit Development Overlay District
 - HO-O:Housing Opportunity Overlay District
 - HC-O: ...Historic Conservation Overlay District
 - EH-O: ...Elderly Housing Overlay District

Commented [JW6]: Remove this district in response to the Comprehensive Plan Section 8-5.

Article 4:Intent of Districts

SECTION 4-5 “CS” COUNTRYSIDE DISTRICT [RESERVED FOR FUTURE USE]

~~4-501. The intent of the CS District is to provide area to accommodate a rural residential lifestyle, with limited future residential development which will provide adequate open space even after full development. The district is intended for one family detached dwellings and limited related residential and agricultural uses.~~

Commented [JW7]: Remove per Comprehensive Plan Sec 8-5

Also edit the Section header to match this change.

Article 5:Agricultural District (A)

No Changes

Article 6:Residential Zoned Districts (R-1:R-3)

**TABLE 6-1
Residential Zoned Districts
Permitted and Conditional Uses**

P = Indicates Permitted Uses C = Conditional Uses

USE		R-1	R-2	R-3
1.	Any public building or land use by any department of the City, county, state or federal government.	C	C	C
2.	Bed and breakfast inns.			P (1) / C
3.	Churches and similar places of worship	C	P	P
4.	Community recreation building owned and operated by a public agency.		P	P
5.	Day care facilities: adult day care homes, childcare centers, day care homes, family day care homes, group day care homes and preschools.	P (3)	P (3)	P (3) / C (1)
6.	Dormitories for students of colleges and theological institutions.	C (3)	C (3)	C (3)

7.	Dwellings:	P	P	P
	a. Single family (including Modular home and Residential design manufactured home).			
	b. Two family. c. Three or more families.			
8.	Fraternal organizations, lodges.	C	C	C
9.	Golf courses.	P (5)	P (5)	P (5)
10.	Group boarding homes for minors.			P (2) / C (4)
11.	Group homes.	P (4)	P (4)	P (4)
12.	Hospitals and related medical facilities including, but not limited to, medical, dental and health clinics.	C	C	C
13.	Large group homes.		C (3)	P (2) / C (4)
14.	Lodging houses.		C	P (1) / C
15.	Nonprofit institutions of an educational, philanthropic or eleemosynary nature.			C
16.	Nursing homes, rest homes, convalescent homes and similar facilities.		C	C
17.	Rehabilitation houses.		C	C (5)
18.	Safe houses.	P	P	P
19.	Schools:			
	a. Public and private elementary schools	P	P	P
	b. Public and private secondary schools	C	P	P
	c. Post-secondary educational institutions	C	C	P
20. 21.	Telephone exchanges, electric substations and similar public utilities.			C

Commented [JW8]: Its not all that helpful to have this added. It was originally added for clarification but looking at definitions and other sections of the regulations and we find that it is unnecessary.

Commented [JW9]: Added new use to accommodate short terms rentals as noted in Section 8-5 of the Comprehensive Plan. This provides greater control on where these can be placed. Conditions in R-2 may be on the length of stay, number of guests, owner occupied requirement, etc. Could make it Conditional in R-1 as well but then those conditions should really be included in the regulations.

**TABLE 6-1
Residential Zoned Districts**

Permitted Uses Footnotes:

- (1) When having nine (9) or fewer sleeping rooms.
- (2) When having twenty (20) or fewer residents, including staff.
- (3) When having twelve (12) or fewer children or twelve (12) or fewer adults for whom care is provided.
- (4) When having eight (8) or fewer residents plus no more than two (2) staff.
- (5) Excluding miniature golf and pitch and putt courses and commercially operated golf driving ranges.

Conditional Uses Footnotes:

- (1) For facilities having thirteen (13) or more children or thirteen (13) or more adults for whom care is provided.
- (2) For facilities having more than ten (10) residents, including staff.
- (3) When having more than ten (10) residents, including staff.

- (4) When having more than twenty (20) residents, including staff.
- (5) If property contains at least 500 sq. ft. of ground lot area per occupant.

**TABLE 6-2
MINIMUM LOT AREAS, PER DWELLING UNIT**

Use		R-1	R-2	R-3
1.	Single-family dwelling	6,000	5,600	5,600
2.	Two-family dwelling	4,000	3,000	3,000
3.	Three and four family dwelling	NA	2,000	2,000
4.	Five or more family dwelling	NA	2,000	1,500

Additional requirements:

Maximum lot coverage by principal buildings shall not exceed fifty percent (50%). The combined floor area of all accessory buildings constructed in accordance with these regulations shall not exceed twenty-five percent (25%). Where a lot has less area than required in Table 6-2 and was in existence as a separate legal lot prior to the effective date of these regulations, the provisions in Article 21 for nonconforming lots will govern.

Article 7: Countryside District (CS)

Article 7 is deleted in its entirety in response to the Comprehensive Plan Section 8-5 which called for the removal of the Countryside District. The Article is reserved for future use, so it doesn't cause the renumbering of the remaining Articles. In the future, a new district could replace this one.

Article 8: Public Use District (P)

No Changes

Article 9: Commercial Zoned Districts (C-1:C-4)

TABLE 9-1

P = Indicates Permitted Uses C = Indicates Conditional Uses

USE		C-1	C-2	C-3	C-4
1.	Ambulance service.			P	P
2.	Amusement places, indoor.			P	P
3.	Animal hospitals.			P ⁽¹⁾	P ⁽¹⁾
4.	Any public building or land use by any department of the City, county, state or federal government	C	CP	CP	P
5.	Artists, authors, composers, studios and galleries	P	P	P	P
6.	Auditoriums, exhibition halls, fairgrounds, stadiums and similar uses.			P	P
7.	Automobile and truck wash services.		P	P	C
8.	Churches, similar places of worship.	P	P	P	P ⁽²⁾
9.	Convenience stores.		P ⁽³⁾	P	P
10.	Day care facilities: childcare centers, day care homes, family day care homes, group day care homes and preschools.	P	P	P	P
11.	Dry cleaners-laundries, including self-service.			P	P
12.	Dwellings: When dwelling unit(s) located on other than ground floor of commercial structure.	P	P	P	P
13.	Electric-telephone substations and similar public utility uses.		P	P	P
14.	Food catering service, lockers-storage.			P	P
15.	Fraternal-civic-social organizations.	P	P	P	P
16.	Funeral, crematory and mortuary services		P	P	P

Commented [JW10]: This is a similar use to #13. It doesn't make sense that this use is more restricted in C-2 & C-3

Commented [JW11]: Better matches practice and is a compatible use in C-2.

Commented [JW12]: This footnote does not apply.

17.	Furniture repair, upholstery			P	P
18.	Garden supplies – nurseries, greenhouses.			P	P
19.	Golf driving ranges.			C	C
20.	Health and exercise spas, gymnasiums.	P	P	P	P
21.	Hospitals, clinics, laboratories.	P	P	P	P
22.	Hotels and motels.		C	P	P
23.	Industrial laundry and linen supply services.			C	C
24.	Kennels-boarding and breeding.			C	C
25.	Miniature golf, outdoor.		P	P	C
26.	Mini-storage, self-storage.		C(2)	C(2)	C(2)
27.	Manufactured home sales.			P	P
28.	Monument engraving and sales.			P	P
29.	Motor vehicle repair and body shops, provided all work shall be performed and all materials shall be stored within an enclosed building.		C	CP	CP
30.	Nursing homes, rest homes, convalescent homes and similar facilities.	P	P	P	P
31.	Offices: professional-business-educational-industrial-religious-philanthropic-public.	P	P	P	P
32.	Package liquor store.		C(4)	CP(4)	CP(4)
33.	Printing, including newspaper publishing.			P	P
34.	Private clubs.			P(4)	P(4)
35.	Race track and courses – vehicle and animal.			C	C
USE		C-1	C-2	C-3	C-4
36.	Radio and television broadcasting studios (without transmission towers).	P	P	P	P
37.	Radio or television broadcasting studios (with transmission towers).		P	P	P
38.	Radio, television or telephone transmitting station or towers, subject to further regulations set out in Article 23.		C	C	C
39.	Recreation centers.			P	P
40.	Recreational vehicles – trailers, equipment sales.			P	P
41.	Restaurants.	C	P	P	P
42.	Retail sales and rental of goods and merchandise including, but not limited to: antiques; apparel; appliances; bakeries; bicycles; books and stationery; building materials; carpet and other floor coverings; cigarettes; clocks; farm machinery and supplies; florists; food and groceries; furniture; hardware; heating, plumbing, and air conditioning equipment; jewelry; musical instruments; motor vehicles, parts and supplies; pet shops; pharmacies; photographic supplies and cameras; office equipment and supplies; and service stations.	P/ C(5)	P	P	P
43.	Retail sales of services including, but not limited to: banks, barber and beauty shops; building contractors, including air-conditioning, heating, plumbing and electrical; cleaning and repair; interior decorating; lawn care and landscaping; locksmith; message service; outdoor advertising; pet grooming; photocopying and blueprinting; and stenographic, duplicating and mailing services.	P	P	P	P
44.	Schools:	C	C	C	C

Commented [JW13]: Footnote reference added to further explain the requirements of placing mini-storage.

Commented [JW14]: Made less restrictive to match existing conditions. A condition is already imposed by the use description. Further conditions are still likely needed for C-2 though.

Commented [JW15]: This better matches existing conditions. Adding the restriction of (4) eliminates the need for conditional use permits for C-3 and C-4. (4) provides a condition for C-2 but others may be needed.

	a. Public and private elementary schools	C	C	C	C
	b. Public and private secondary schools	P	P	P	P
	c. Postsecondary educational institutions	C	C	P	P
	d. Business and training/vocational schools				
45.	Storage or warehousing, except for products of a highly explosive, combustible or volatile nature.			C	C
46.	Taverns, bars and drinking establishments.			P ⁽⁴⁾	C ⁽⁴⁾
47.	Theaters, indoor.		P	P	P
48.	Theaters, outdoor.			C	C
49.	Travel trailer parks.			C ⁽⁶⁾	
50.	Wholesale establishment.			C	C

Permitted and conditional uses footnotes:

- (1) Providing all services, runs and pens are within an enclosed building.
- (2) ~~Parsonages and similar uses when located in the C-4 District must comply with the same floor area regulations as set out in Item 12 (Dwellings) of Table 9-1. Subject to requirements set out in Section 9-602.~~
- (3) Including the self-service dispensing of gasoline and related petroleum products, providing there is no motor vehicle repair or service.
- (4) Provided not located within 200 feet of: a church, a school or a hospital.
- (5) If display and/or sales area exceeds 2,000 sq. ft., regardless of number of stories.
- (6) Subject to requirements set out in Section 9-11.

Commented [JW16]: The footnote related to parsonages does not apply in our regulations. The new footnote for mini-storage/self-storage was put in its place.

TABLE 9-2

District	Front Yard	Side Yard	Rear Yard(1)
C-1	25 ft.	5 ft. – 1 or 2 stories 8ft. – 3 stories	25 ft.
C-2	25 ft.	10 ft. where property adjoins any residential-zoned district. In all other cases – 0.	10 ft. where property adjoins any residential-zoned district.
C-3	10 ft.	10 ft. where property adjoins any residential-zoned district. In all other cases – 0.	10 ft. where property adjoins any residential-zoned district.
C-4	0	0	0

(1) There shall be a thirty (30) foot rear yard for structures of three (3) stories or more in all zones.

Commented [JW17]: Due to footnote, this table for C-4 conflicts with Sec 10-402. Since C-4 has its own Article anyway, just remove.

Section 9-601:

- e. Rooftop equipment shall be screened from view from the ground near the building with vertical extensions of the building walls or with parapets or other architectural design features of the same materials used on the wall of the building. Where the topography permits, it is desirable to screen such equipment from adjacent property, but it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment to screen it from view from tall buildings or from higher ground. Raised exterior walls or screen walls should be designed to enclose groups of equipment.
- f. The form and proportion of building should be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
- g. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate favorably to the rhythms established in adjacent buildings.

Commented [JW18]: Adapted from the former Subdivision Regulations Section 13-701 paragraph a.

- h. Overly long horizontal facades (walls) should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, landscaping and other design or site plan features. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and island containing trees and shrubs.
- i. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely bland, is discouraged.
- j. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.
- k. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is encouraged.
- l. Use of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces is discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood. Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco or split-face block, especially along perimeter streets. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping can be used to complement and enhance a building's design, color and material.
- m. Architectural treatments (e.g., building material, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the requirements of this principle. Adjacent land uses, visibility from public streets, use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment.

Commented [JW19]: Adapted from the former Subdivision Regulations Section 13-701 paragraphs c-j

Section 9-602: New section

9-602. Mini-storage facilities shall be developed in accordance with the following minimum standards:

- a. Off street parking shall be provided as follows:
 - 1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty feet (20') wide for one-way access lanes and at least twenty-five feet (25') wide for two-way access lanes.
 - 2. One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.
 - 3. Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.
- b. There shall be landscaped screening and fencing around the perimeter of the project. The fencing shall be a minimum of six feet (6') in height. When a development borders an arterial street, or adjoining residential or commercial development, the fence shall be constructed of decorative material approved by the Zoning Administrator along those sides. Chain link fencing may be used on sides that adjoin other industrial property of similar or greater intensity, as approved by the Zoning Administrator.
- c. The buildings shall be architecturally compatible with the existing neighborhood. To that end, newly constructed mini-storage units either shall (a) install a screen to shield door openings from residentially

Commented [JW20]: Adapted from the former Subdivision Regulations Section 13-702

zoned property and public right-of-way, or (b) face door openings away from any residentially zoned property or public right-of-way.

Table 9-1 will also have a footnote that directs the reader to Section 9-602 for Mini Storage or Mini Warehouses

Article 10:Central Business District (C-4)

10-301. Other than for dwelling uses, as set out in Section 22-5 of these regulations, ~~n~~ No off-street parking spaces shall be required of uses located in the C-4 District.

Commented [JW21]: The first part of this sentence conflicts with Section 22-201 and could be seen as a deterrent to developing housing in the district. There appears to be adequate public parking in the C-4 district as well as street parking on Summit Street.

Articles 11-14:MHS, EH-O, MP and HO-O Districts

No Changes

Article 15:Industrial Districts (I-1 and I-2)

TABLE 15-1

**Industrial Zoned Districts
Permitted and Conditional Uses**

P = Indicates Permitted Uses C = Indicates Conditional Uses

USE		I-1	I-2
1.	Agricultural.	P	P
2.	Airplane hangars.	P	CP
3.	Animal hospitals, veterinarian clinics, and kennels.	P	P
4.	Automobile and truck wrecking or salvage yards, junk yards and scrap processing yards.		C
5.	Bottling works.	P	P
6.	Building material sales including lumber yards (except for ready-mix concrete and similar uses which emit dust, odor and smoke.)	P	P
7.	Car and truck wash establishments	P	P
8.	Carpenter, cabinet, plumbing or sheet metal shops.	P	P
9.	Contractor's office and equipment storage yard.	P	P
10.	Dry cleaning and/or laundry plants.	P	P
11.	Farm implement sales and services.	P	P
12.	Feed and seed stores, grain elevators.	C	P
USE		I-1	I-2
13.	Frozen food lockers.	P	P
14.	Greenhouses and nurseries, retail and wholesale.	P	P
15.	Light manufacturing, processing or fabrication operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, smoke or other particulate matter.	P	P
16.	Machine shops, tool and die shops, and similar establishments	P	P
17.	Machinery sales and storage lots, including motor vehicles.	P	CP
18.	Manufacturing, processing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust fumes, gas, odor.		P

Commented [JW22]: It is unclear why there are any cases in which I-2 would be more strict than I-1. These have all been adjusted.

19.	Manufactured home production, storage and sales of units produced on-site.		P
20.	Motor vehicle repair or body shop.	P	P
21.	Offices and service yards for the Kansas Department of Transportation.	P	P
22.	Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.		C
23.	Public utility and public service uses including: municipal power plants; substations; lift stations; railroads; telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings; electric power plants; and public utility storage yards.	P	P
24.	Self-storage (mini-storage).	P ⁽¹⁾	P ⁽¹⁾
25.	Service stations.	P	P
26.	Stockyards and slaughterhouses.		C
27.	Storage of bulk oil, gas, explosives and similar materials.		C
28.	Storage yards providing the storage yard is completely enclosed with a six foot fence or wall.		P
29.	Telecommunication towers.	C	C
30.	Truck and rail terminals.	P	P
31.	Warehouses or storage houses.	P	P
32.	Welding shops.	C	P

Permitted and conditional uses footnotes:

(1) Subject to the requirements set out in Section 15-302.

Commented [JW23]: This footnote is added to #24 to direct the developer to additional regulations in 15-302 regarding Self-storage (mini-storage).

Section 15-302: New Section

15-302. Self-storage (Mini-storage) facilities shall be developed in accordance with the following minimum standards:

- a. Off street parking shall be provided as follows:
 - 4. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty feet (20') wide for one-way access lanes and at least twenty-five feet (25') wide for two-way access lanes.
 - 5. One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.
 - 6. Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.
- b. There shall be landscaped screening and fencing around the perimeter of the project. The fencing shall be a minimum of six feet (6') in height. When a development borders an arterial street, adjoining residential or commercial development, the fence shall be constructed of decorative material approved by the Zoning Administrator along those sides. Chain link fencing may be used on sides that adjoin other industrial property of similar or greater intensity, as approved by the Zoning Administrator.
- c. The buildings shall be architecturally compatible with the existing neighborhood. To that end, newly constructed self-storage (mini-storage) units either shall (a) install a screen to shield door openings from residentially zoned property and public right-of-way, or (b) face door openings away from any residentially zoned property or public right-of-way.

Commented [JW24]: Adapted from the former Subdivision Regulations Section 13-702

Table 15-1 will also have a footnote that directs the reader to Section 15-302 for Mini-storage or mini-warehouses.

Articles 16-17:PUD-O and C-O Districts

No Changes

Article 18:Mixed Use District (MU)

18-602.

- a. Front yard.
 - 1. Front yards on arterial and collector streets and unplatted tracts on local streets shall conform with the provisions of Article 20.
 - 2. There shall be a front yard having a depth of not less than ~~thirty (30)~~ **fifteen (15)** feet or the established building line as defined in Article 20.
 - 3. No accessory building shall project beyond the front building setback line of any lot.

Commented [JW25]: 30 feet seems to contradict 18-605a which encourages setbacks to be minimized. 30 feet also encourages parking in the front which seems to contradict 18-605h. 30 feet is also greater than required in the R-2 and R-3 districts. 15 feet is the same setback that is required in the R-3 district (C-3 is only 10) and fits better. On the N Summit Mixed Use corridor many of the houses are closer to 15 or 20 feet setbacks.

Commented [JW26]: Same comment as for the front yard above.

18-604. Rear yard. Except as otherwise required in Article 20, there shall be a rear yard having a depth of not less than ~~thirty (30)~~ **fifteen (15)** feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.

Section 18-605: paragraphs c & h

- c. ~~Parking lots~~ – Parking lots shall not dominate the frontage of pedestrian-oriented and image streets or conflict with pedestrian crossings. ~~No parking space shall be closer to the primary frontage street than the building.~~
- h. ~~Transition yards and landscaping screening~~ – Where a commercial ~~lot~~ **use** abuts a residential use, ~~a landscaped yard consisting of, but not limited to,~~ trees, vegetation, ~~wood~~ **privacy** fencing, landscaped earthen berm, or other plantings shall be provided for as a visual buffer that creates spatial separation. Front yard setback areas shall be landscaped. ~~Landscaping plans shall be submitted to the Zoning Administrator for approval.~~ **On through lots, the rear yard that is immediately across the street from a residential district shall also require screening.**

Commented [JW27]: The requirement for no parking in the front actually creates a new issue along the Summit Street Mixed Use corridor. The other language is acceptable. Parking should be screened per h below as much as possible.

Commented [JW28]: These edits are for a bit of clarification but also the last new sentence was added to help deal with problems associated with the mixed use district along the N Summit corridor as it immediately borders a residential area but is separated by a street.

Article 19:Wind Energy Conversion Systems

19-101. The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the regulations governing the placement and operation of domestic Wind Energy Conversion Systems (WECS). The intent of this Article is to allow domestic WECS as accessory uses in the Agricultural (~~Article 5A~~), **Low Density Residential District (R-1)**, ~~Countryside (Article 7)~~, Public Use (~~Article 12P~~), Light Industrial (~~Article 15 I-1~~), and Heavy Industrial (~~Article 15 I-2~~), Zoning Districts, subject to compliance with the relevant provisions for such use set forth in this Article.

Commented [JW29]: Remove Countryside since that district is being removed. Add R-1 which would be the most similar district.

19-301. ~~As an Accessory Use in the Agricultural District. In the "A" Agricultural District domestic WECS are allowed as an accessory use.~~

Commented [JW30]: This language is unnecessary as it is already spelled out in 19-101.

- a. **Domestic wind energy conversion systems.** The following conditions and restrictions shall apply to domestic wind energy conversion systems:
 - 1. **Spacing.** No system may be located within 300 feet of another domestic system.
 - 2. **Setbacks.** Every system shall meet the following minimum setbacks:
 - (a) A setback from the nearest property line a distance equal to twice the height of the system, including the rotor blades.

(b) A setback from the nearest public road right-of-way a distance equal to the height of the system, including the rotor blades, plus an additional 50 feet.

3. ~~Blade height. The lowest point of the rotor blades shall be at least 50 feet above ground level at the base of the tower.~~

4. **3. Tower height.** A maximum of 100 feet.

5. ~~4. Security. All WECS must be secured to protect against trespass or unauthorized use of the property, tower or similar structures.~~

Commented [JW31]: While the premise behind minimum blade height is understood, this also forces all WECS to be more than 50 feet in height regardless of the height needed. I also did not see this in other cities' regulations.

Commented [JW32]: This is similar to the verbiage for Telecommunications Towers.

Remove Sections 19-302 & 19-303. The regulations are the same for all areas allowed and having them separated out makes little sense and just requires additional unnecessary reading to find out the regulations.

Article 20:Supplemental District Regulations

Section 20-401: New paragraph e.

Alley Intersections: A sight triangle is the triangular area formed by the intersection of the alley and the public street bound by two lines extending from the point of intersection along the edge of the traveled way for a distance of 5 feet.

Commented [JW33]: This was taken from the sight distances definition in Section 2-3. The definition in that section is removed.

Section 20-701: New Item under paragraph b.

14. Accessory Dwelling Units (ADU):

(a) An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. This includes a building or part of a building that provides complete independent living facilities for one (1) or more people, including a kitchen, living room, bathroom, and bedroom, either attached to a principal dwelling or a detached building on the same lot.

(b) ADUs are permitted as accessory to single-family dwelling units in the R-2 and R-3 districts. ADUs are a conditional use in the R-1 district.

(c) An ADU may be constructed as a new building, adapted from an existing accessory structure on the same lot or adapted from a portion of the principal dwelling unit.

(d) Only one ADU is allowed on a lot.

(e) Standards:

1. Attached ADUs must meet applicable district setbacks. Detached ADUs must conform to the yard regulations for accessory buildings in Section 20-8.

2. The principal dwelling unit or the ADU must be occupied by an owner of record of the property.

3. The architectural style of the ADU must conform to the architectural style and materials of the principal dwelling unit.

4. The ADU must not exceed a gross floor area of eight hundred (800) square feet or more than fifty (50) percent of the principal structure's floor area, whichever is less.

5. The ADU may not exceed the height of the principal dwelling unit.

6. The ADU must meet current building code requirements.

7. The ADU must obtain a separate address for emergency response.

Commented [JW34]: This is an all new accessory use. In an ongoing effort to provide additional housing options, this is a nationwide movement. Ark City currently has a number of so-called ADUs mostly within the R-3 district. If any of those do not meet these regulations, they would be allowed to continue as a nonconforming use per Section 21-4.

20-703 Licensed Amateur Communications

Commented [JW35]: This section is new. It was discussed at the June 13, 2023 meeting.

The provisions of this section apply only to antennas and antenna support structures used in FCC Licensed Amateur Radio Service Communications. The provisions of this section shall control in the event of a conflict with the Height and Yard Regulations of the District Regulations in which the antenna support structure shall be placed. If said communications facilities do not comply with the following regulations, then a Conditional Use Permit as defined in Article 23 Telecommunications Towers shall be required unless such communications facilities are otherwise in compliance with and/or otherwise allowed under applicable district development standards.

a. Definitions

For the purposes of this section and notwithstanding any conflicting definitions under any other section of this Code:

Amateur Radio Antenna. means “antenna(s)” used for the purpose of receiving and/or transmitting licensed Amateur Radio Communications.

Amateur Radio Antenna Support Structure. means a structure, such as a mast, tower, or pole, that is placed, erected, or constructed to support one or more antennas for the purposes of engaging in licensed Amateur Radio Communications. Buildings and associated roof mounted equipment alone shall not be considered an antenna support structure.

Licensed Amateur Radio Communications. means any form of communication and/or testing, whether transmitted or received, that is licensed by the Federal Communication Commission under and pursuant to 47 C.F.R. Part 97, including all Operator and Station Licenses, under which communication/or testing is conducted by, or under the authority of, a licensed Amateur Radio Operator and Station holding a current valid Amateur Radio License.

Detached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are not physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

Attached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

b. Maximum Number of Detached Antenna Support Structures in Residential Districts

No more than one detached guyed or freestanding antenna support structures shall be permitted as a matter of right in a residential district. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communication, the Zoning Administrator shall have the right to administratively approve one or more additional detached antenna support structures on the condition that said additional structure(s) shall not create a risk of collapse on adjoining property not under the control of the Licensed Amateur Radio Operator requesting such additional structure(s).

c. Maximum Number of Attached Antenna Support Structures in Residential Districts

No more than one attached antenna support structure, whether guyed or unguyed, shall be permitted as a matter of right on a house or any other permitted structure on the subject property. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communications, the Zoning Administrator shall have

the right to administratively approve one or more additional attached antenna support structures on the subject property.

d. Height Limitations applicable to Amateur Radio Communications Antenna Support Structures

The maximum height for any Amateur Radio Communications antenna support structure in any district, whether attached or detached, shall be one hundred (100) feet. Any antenna support structure that exceeds one hundred (100) feet in height above the ground shall be allowed only with the approval of a Conditional Use Permit.

Commented [JW36]: Increased from 60 to 100 feet per direction of the Planning Commission at August meeting.

e. Antenna and Antenna Support Structure Standards

1. Number and Size

The number and/or size of antennas placed upon a properly erected antenna support structure used for licensed amateur radio communications shall not exceed the wind load requirements/limits for the supporting structure as specified by the manufacturer(s) of the antenna(s) and of the supporting structure, or in the absence of such specification, the wind load requirements contained in the current version of the City building codes if available, or under nationally recognized standards for wind loading determination.

2. Setbacks

Front Yards: Antenna support structures (including guy wires, foundations, anchor, and other components of the structure) shall not be permitted in required front yards. The Zoning Administrator may administratively approve the location of guy wires in a required front yard if it is demonstrated that there are limiting physical characteristics of the subject property that necessitate the location of guy wires in the front yard.

Side and Rear Yards: Guy wires shall be permitted in required side and rear yards. Minimum setbacks for antenna support structures (including guy wires, foundations, anchor, and other components of the structure) shall be the same as those required for accessory buildings in the applicable residential district and as for all buildings in nonresidential districts, except that side yard encroachments equal to that allowed for fireplaces or other allowed side yard encroachments under single family district regulations shall be permitted.

3. Lights

No lights shall be mounted on antenna support structures unless otherwise required by applicable State and/or Federal Regulations governing said structure. Any such lighting shall be as specified in said regulations.

4. Construction Standards

Antenna Support Structures shall be installed, maintained and/or modified in accordance with the support structures manufacturer's plans and specifications, or in accordance with engineering plans and specifications which meet or exceed the TIA-222 Standard for said structure prepared by and under the seal of a registered professional engineer of the State of Kansas. All installations and maintenance thereon shall otherwise be performed in accordance with the usual and customary standards of care in the industry applicable to such installations in the State of Kansas.

Commented [JW37]: For those structures built by the operator and not a manufacturer, they must meet the TIA-222 standard.

5. Insurance

The applicant must include a statement from their insurance company that lists the tower at the address of construction as a covered item on the applicant’s property or otherwise show proof of coverage.

6. Maintenance

All Antennas and antenna support structures shall be kept in good condition and properly maintained in accordance with manufacturers recommendations, the standards of the industry and any applicable Federal Amateur Radio License regulations. Antennas and Antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, in danger of failure to support, or which no longer meet the applicable standards of installation and maintenance shall be removed or brought into repair within 90 days following notice given by an authorized representative to the City. Notwithstanding said 90-day repair deadline, said authorized representative shall have the power to order such immediate remedial action as necessary, including removal of any offending antenna and/or antenna support structure if it is deemed to constitute an imminent threat to public safety or property.

7. Amateur Radio License Requirements

No person, corporation, partnership, or other legal entity shall have any rights under, nor be subject to the provisions of this section except the person or entity to whom a current, valid Amateur Radio License has been issued by the F.C.C under the provisions of 47 C.F.R. Part 97.

8. Discontinuance of Amateur Radio Operations

Within 180 days of the date that Amateur Radio Operations have been discontinued at the subject property on which an antenna and/or antenna support structure is located the owner of said property shall remove, or cause to be removed, all such antennas and structures on the property excepting only if said antennas and/or structures are otherwise and independently authorized to be on the subject property under other provisions of these regulations or other applicable law unrelated to this section.

Discontinuance: Discontinuance of Amateur Radio Operations means voluntary termination of operation or termination of the legal right to operate an Amateur Radio Station, including but not limited to the following: F.C.C. revocation, suspension and or termination of Amateur Radio operator and/or station license; death of the license holder or termination of any legal entity holding said license; voluntary cessation of operation by the license holder; termination of ownership, lease, license or legal interest in the subject property by the license holder under which licensed Amateur Radio Operations were conducted on the subject property.

Commented [JW38]: Keep this italicized in final form

~~20-901. Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations of the City the following restrictions shall apply to the construction of all fences or improvements, replacements or extensions of existing fences. No fence shall be constructed within the City unless it is constructed in conformance with the following requirements:~~

- a. ~~No fence shall be constructed at a location where it would constitute a traffic hazard.~~ A fence or wall may project into or enclose any required front, side or rear yard subject to access requirements of any established easement and in accordance with the following:

Commented [JW39]: This wording was moved to the section regarding corner visibility. The new section includes the reference to the former b. about dedicated easement.

~~b. A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.~~

Commented [JW40]: The easement is briefly noted in a. above

1. ~~The maximum height of fences or walls erected in a residential district shall be no more than six (6) feet in height for any side or rear yards measured from the adjacent grade.~~

Commented [JW41]: This was previously 8 feet but an 8 feet fence triggers additional structural requirements. 7 feet may work but the standard size is 6.

2. ~~Any fence that extends beyond the front wall of any principal structure shall not be more than four (4) feet in height.~~

Commented [JW42]: Some cities say 3 instead of 4. 4 feet is the current restriction. The language is also simplified. The previous language taking about requiring the height to be equal to the required depth of the front yard was confusing, this language would make fences more uniform in front yards at 4 feet.

3. ~~e. For corner lots in a residential district, a solid fence six (6) feet in height may be constructed in the side street front yard subject to the following: rules shall apply: All sides adjacent to a street shall be considered front yards, with the one on the non address side having the lesser setback requirement. The primary front yard shall meet the applicable district setback.~~

a. ~~The fence shall not extend nearer to the front street lot line than the front wall of the principal building~~

Commented [JW43]: This is new wording, that is similar to 2 above. It should help with corner visibility and reduce traffic hazards. It also is clearer than the previous language or at least that is the intent.

b. ~~The fence shall not extend into any sight triangle as defined in these regulations.~~

Commented [JW44]: This also covers the former a. about traffic hazards.

c. ~~The zoning administrator shall establish which yard is the side street front yard.~~

4. ~~d. For institutional uses in residential districts, such as schools, parks, hospitals and cemeteries, a fence may be constructed in the front yard setback provided it complies with subsections b, d and e of this section, and has at a maximum eight (8) foot height provided it does not constitute a traffic hazard.~~

Commented [JW45]: This statement had to be removed due to section renumbering/organization

5. ~~e. A fence may be erected in a commercial district or industrial district to not more than eight (8) foot maximum height, except no fence shall have a height greater than six (6) feet in a required front yard, except where these Regulations provide otherwise.~~

~~f. A fence may be erected in a residential district to not more than eight (8) foot maximum height, provided a fence not more than four (4) feet in height may project into or enclose any required front yard to a depth from the street line equal to the required depth of the front yard.~~

Commented [JW46]: This was moved up to a.1. above

6. ~~Except as otherwise set forth in these regulations, permitted materials for fences or walls on all properties shall include:~~

- a. ~~new lumber and new wood boards (picket style);~~
- b. ~~chain link;~~
- c. ~~wrought iron and decorative aluminum;~~
- d. ~~vinyl (picket or panel style);~~
- e. ~~brick and masonry (including proper footing in accordance with the building codes);~~

- f. stone, rock and concrete block (including proper footing in accordance with the building codes);
- g. stucco (including proper footing in accordance with the building codes);
- h. any generally accepted fencing materials commonly used in the fencing industry as approved by the Zoning Administrator.

7. Prohibited materials shall include but not be limited to:

- a. sheet metal.
- b. metal building siding and roofing materials.
- c. corrugated metal or fiberglass.
- d. chicken wire.
- e. plywood.
- f. scrap wood.
- g. scrap metal.
- h. canvas, nylon or other non-rigid material or fabric.
- i. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence (including pallets); and
- j. stock fences (including cattle or hog panels) except in the Agricultural (A) District.
- k. ~~g. Barbed wire fences are prohibited inside the City limits, except:~~

- 1. When property exclusively used for agricultural purposes is annexed into the City and the barbed wire fencing does not pose a risk to pedestrians. Risk to pedestrians shall be presumed when any barbed wire fencing is located within 10 feet of any pedestrian sidewalk, street or public thoroughfare.
- 2. On top of perimeter fencing of storage areas in industrial and commercial district zones, provided that barbed wire atop such fences shall be at least 6 feet above the ground with a maximum fence height of 8 feet;

- l. ~~h. Electric charged fences are prohibited inside the City limits, except:~~
 - 1. An electric fence not exceeding 24 volts and completely contained within a landowner's fenced property shall be permitted if the landowner first obtains approval from City Code Enforcement;
 - 2. Electronic detector loops for animal containment systems shall not be classified as an electric charged fence;

- m. ~~i. Concertina wire or looped barbed-wire fences are prohibited inside the City limits.~~

8. The zoning administrator may require a photograph or sketch of the proposed fence.

b. The finished surface of all fences shall face outward from the property. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

c. Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of these regulations may remain without change, notwithstanding same may be in conflict with one or more provisions of these regulations. However, any replacement or change

Commented [JW47]: 6 and 7 were added to better define what is acceptable and not acceptable for fencing materials. This is new as the current regulations did not define this.

Commented [JW48]: Moved up to the prohibited section

Commented [JW49]: Simply moved from its previous section, wording is the same.

Commented [JW50]: Simply moved from its previous section, wording is essentially the same.

Commented [JW51]: Simply moved from its previous section, wording is the same except for the removed redundancy.

Commented [JW52]: New language that is especially helpful for interpreting 6h above. Notice the intentional use of the word "may" as this will not always be required.

Commented [JW53]: This is new language and is OPTIONAL. I wanted to add it because there is often issues with this. Generally speaking, whoever is constructing the fence should have the finished side facing outward but it can get interesting if the fence is on a shared property line.

consisting of more than 50 percent of said existing fence or addition of a new fence shall meet the requirements of these regulations.

Commented [JW54]: This is new language. This section could help us with non-conforming fences.

SECTION 20-11 BUILDING SETBACKS

Commented [JW55]: Building Setbacks was moved to 20-13 with edits noted.

20-1101. For purposes of determining the applicability of building setback lines established in these regulations whenever any two or more provisions in these regulations establish building setback lines that are applicable to a given building or structure, the regulation establishing the more restrictive standard shall be the regulation which controls.

Commented [JW56R55]: With the elimination of the proposed tiny homes section, moving this section doesn't make as much sense. Instead it will remain in its original section.

~~20-1102. Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, shall not be located less than twelve (12) feet from any right-of-way line or easement.~~

Commented [JW57]: This language is already present in 9-601.

~~20-1103. Canopies covering gas or other fuel pumps shall be located so that no part of the structure is less than ten (10) feet from the property line. Such structures shall meet all other setback requirements in these regulations.~~

Commented [JW58]: Canopies should meet applicable yard regulations for the district in which they are located.

SECTION 20-12 HOME OCCUPATIONS

20-1201. Home occupations as defined in Article 2 of these regulations shall be permitted in the A District, and the ~~CS~~, MHS, R-1, ~~R-2~~ and ~~R-23~~ residential districts, subject to the following:

Commented [JW59]: Remove reference to the CS-Countryside District and add R-3 District

Article 21: Nonconformities

Commented [JW60]: Add R-3 district.

No Changes

Article 22: Off-Street Parking, Loading and Unloading Requirements

22-301. Area size. Each required parking space shall consist of a rectangular area of not less than nine (9) feet in width, by nineteen (19) feet in length. All required spaces shall be clearly marked and defined except for spaces for single-family and two-family dwellings, where parking spaces may be those portions of a driveway that are not within the city right-of-way and shall not be shared with adjacent properties.

Commented [JW61]: Added to clarify that driveways in single family areas should not be shared.

22-305. Surfacing. All off-street parking facilities, loading areas, ~~vehicular storage areas~~ and drives ~~and access to and from such areas~~ shall be surfaced and maintained with four (4) inches of asphalt, or concrete to create a permanent all-weather, dust-free surface. Such paving must be completed prior to occupancy of the facility that the paving is intended to serve, unless temporary occupancy approval is received from the Zoning Administrator. An exception to the surfacing requirements may be granted by the Zoning Administrator in instances where the off-street areas take access from a graveled public street.

Commented [JW62]: This better matches practice and allows some additional flexibility in parking design. There are some situations in which paved surfacing is unnecessary. In general, required parking spaces should be paved but certain circumstances make gravel surfaces acceptable. Paving everything also can cause additional run-off concerns.

Gravel areas in existence prior to the effective date of these regulations may be maintained with six (6) inches of gravel, including base, as an alternative to these surfacing requirements.

The Zoning Administrator may, upon receiving a specific written request from an owner of a property, authorize temporary occupancy for a time period not to exceed twelve (12) months prior to accomplishing the required paving or a portion thereof.

In reviewing a request for temporary occupancy prior to accomplishing required paving, the Zoning Administrator shall consider the following criteria:

- a. Season of the year.
- b. Affect on the adjoining property.
- c. Surfacing of the connecting street.
- d. Surfacing of existing adjoining parking facilities.

Should the owner receive approval of the Zoning Administrator for a delay in paving, the owner shall, prior to occupancy, present written verification to the Zoning Administrator that guarantees all paving shall be complete prior to the deadline given by the Zoning Administrator.

22-308. Parking facilities in residential districts. Any parking facilities for eight (8) or more vehicles (1) when in residential zoning districts and (2) which are adjacent to a residential or manufactured home-zoned district, shall have a screened fence or wall to prevent the passage of vehicular lights and to prevent the blowing of debris. Such fence or wall shall be at least six (6) feet in height and have a visual density of not less than seventy percent (70%). Whenever a fence shall be required along a required front yard, such fence shall not be more than forty-eight (48) inches in height.

22-501. Off-street parking spaces shall be provided as follows:

Commented [JW63]: This aligns better with Section 20-9 Fences.

Commented [JW64]: Staff compared the minimum parking requirements for Andover, Derby, Olathe, Salina and Wichita and modified this chart based on an average of these cities. Winfield was also consulted but theirs is nearly identical to ours.

RESIDENTIAL USES:		MINIMUM OFF-STREET PARKING SPACES:
1.	Single-family	2 spaces per unit for residences on lots 50' or less in width and 3 spaces for residences on lots greater than 50' in width. See Section 22-301.
	Two-family	2 spaces per unit for residences on lots 50' or less in width and 3 spaces for residences on lots greater than 50' in width. See Section 22-301.
	Multiple-family: Efficiency One or more bedroom	1 space per unit. 2 spaces per unit.
2.	Dormitories	1 space for each 2 persons based on maximum design capacity.
3.	Lodging houses, rental sleeping rooms in a dwelling unit	1 space for each 2 tenants
4.	Nursing home, rest home, similar facilities	1 space for each 3 beds based on maximum design.
5.	Manufactured home park or subdivision	2 spaces per unit.
6.	Bed and breakfast inns	1 space per rental unit.
NONRESIDENTIAL USES:		MINIMUM OFF-STREET PARKING SPACES:
1.	Automobile, truck, recreation vehicle, mobile home sales and rental lots	1 space per 3,000 square feet of display area, plus 1 space per employee.
2.	Automobile or truck wash	3 holding spaces for each stall, plus 1 drying space per stall.
3.	Banks, business or professional offices	1 space for each 200 square feet up to 1,000 square feet, plus 1 space for each 400 <u>300</u> square feet. thereafter.
4.	Bowling alleys	5 <u>4</u> spaces for each lane or alley <u>plus seventy-five (75) percent of spaces required for accessory uses such as restaurants or game rooms.</u>
5.	Community college or high school	1 space for each 3 employees, plus 1 additional space for each 45 students enrolled.
6.	Day care or nursery schools	1 space for each 15 students enrolled.

NONRESIDENTIAL USES:		MINIMUM OFF-STREET PARKING SPACES:
7.	Elementary, junior high schools, and equivalent	2 spaces per classroom.
8.	*Funeral homes and mortuaries	1 space for each 4 seats based on maximum design capacity as determined by the fire marshal. plus 1 space per employee. <u>as determined by the fire marshal.</u>
9.	Furniture and appliance stores	1 space per 400 square feet of floor area
10.	Hospitals	1 space for each 3 beds plus 1 space for each 2 employees on a maximum shift.
11.	Laundromats	1 space for every 2 washing machines. <u>1 space per 300 square ft.</u>
12.	Manufacturing, processing, assembly plants	1 space for each 1.5 workers on a maximum shift.
13.	Medical and dental clinics	5 spaces for each doctor or dentist. <u>1 space per 400 square feet</u>
14.	Motel and hotels	1.2 spaces <u>1 space</u> per rental unit plus 1 space for each 2 employees per working shift. <u>seventy-five (75) percent of spaces otherwise required for accessory restaurants, assembly rooms and related facilities.</u>
15.	Motor vehicle repair or body shop	1 space for each 2 <u>per</u> employees, plus 1 <u>2</u> spaces per service bay.
16.	Restaurants with fixed seating, provided that drive-up restaurants shall provide a minimum of 10 spaces. <u>1 space per employee on maximum shift.</u>	3 spaces for each 5 seats <u>1 space per 2.5 seats</u> based on maximum occupancy as determined by the Fire Marshal.
17.	Retail stores and shops	1 space per 175 <u>300</u> square feet of retail area.
18.	Service stations	1 space for each employee, plus 2 spaces per service bay.
19.	Taverns, private clubs	1 space for each 3 persons based on maximum design capacity as determined by the Fire Marshal.
20.	*Theaters, auditoriums, churches and other places of assembly having fixed seating	1 space for each 4 seats.
21.	*Theaters, auditoriums, churches and other assembly places without fixed seating	1 space for each 4 persons based on maximum capacity as determined by the Fire Marshal.
22.	Trade, commercial schools	1 space for each 3 students and employees.
23.	Warehouse, storage, wholesale establishments	1 space for each 2 employees.
24.	All other uses not specified above	1 space per each 200 <u>300</u> square feet of gross floor area or 1 space for each 4 persons based on maximum occupancy as determined by the Fire Marshal, whichever is the lesser <u>or as otherwise determined by the Zoning Administrator based on</u>

the most similar use. A parking analyses may be required if no similar use can be found.

* NOTE: Where a use has different rooms of assembly with different maximum occupancies the parking space requirement will be based upon the capacity of the main place of assemblage, as determined by the Zoning Administrator.

Section 22-601: Paragraph e

Screening. A fence (such as solid-wall masonry, wood, louvered wood, metal or other similar materials) at least six (6) feet high and having a density of not less than seventy (70) percent per square feet, shall be erected along any property line adjacent to or adjoining any dwelling district to eliminate the passage of light from vehicles and to prevent the blowing of debris. Whenever a fence shall be required along a front yard, such fence shall not be higher than forty-eight (48) inches. ~~and such fence shall be located within one foot of the front yard setback line. Fences along said yards shall not extend nearer to the street than the front yard setback line.~~

Commented [JW65]: Confusing and somewhat conflicting statement. Fences should follow the regulations in Section 20-9.

Articles 23-26: Telecommunication Towers, HC-O District, Administration and Amendment Procedures

No changes

Article 27:Signs

Section 27-301: Paragraph i. and j.

- i. ~~Temporary signs used during the 45-day period prior to any election and the two-day period following any such election a public voting cycle will follow the State of Kansas statute in accordance with K.S.A 25-2711.~~
- 1. ~~Signs in AG, C S & I districts placed on non-residential property shall not exceed (6) six feet in height, (32) thirty-two square feet. In all other districts Signs placed on residential property shall not exceed four (4) six (6) sq. feet in area, and two (2) feet in height.~~
- 2. Signs shall not be: placed, erected or maintained on or in public buildings or structures, including libraries, recreational centers, parking structures, city hall, or on or in public parks, lawns, vehicles, trees, fences, or fire hydrants, ~~or rights of way.~~
- 3. Signs shall not be placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks, or at street corners.
- j. Temporary Signs: A sign that either (1) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign at such a time the event is complete the sign will be removed, or (2) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
 - 1. Signs shall not be placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks, or at street corners.
 - 2. Signs shall not be lighted.
 - 3. Signs ~~in AG, C S & I districts shall not exceed (6) six feet in height,~~ placed on non-residential property shall not exceed (32) thirty-two square feet in area. ~~In all other districts, temporary signs~~ Signs placed on residential property shall not exceed ~~four (4)~~ six (6) sq. feet in area, ~~and two (2) feet in height.~~

Commented [JW66]: Rewritten to add the language from KSA 25-2711 rather than simply guiding the reader to a non-listed statute.

Commented [JW67]: This section has been difficult to enforce and provided no means for the larger signs to be placed in commercial districts. The non-residential/residential status will still protect residential areas by limiting the size of the signs. This does propose a small increase in size for residential. Height is not really an issue with this sort of sign. Regulations from Andover, Concordia, Derby and Winfield were consulted.

Commented [JW68]: K.S.A 25-2711 allows signs to be placed on the unpaved right-of-way as long as they do not impede sight lines or sight distance for safety reasons. This does not include the right-of-way immediately adjacent to anything on the list in paragraph 2 however.

Section 27-7: All contents should be removed since the CS district is being eliminated. The section number will be reserved for future use.

27-901. In the P District the following regulations apply:

a. Any number or combinations of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed ~~400~~ 200 sq. ft.

b. Sign permitted in the P District, and maximum square footage:

Wall	Maximum 15% of façade
Pole/pylon	Maximum 50 75 sq ft/face Height 40 15 feet
Monument	Maximum 50 75 sq ft/face Height 10 feet

Commented [JW69]: In line with the maximum for C-1 district but not as high as the C-2 or C-3. This limit also needs to increase with increases in b.

Commented [JW70]: These limits were increased in response to BZA-2021-208. It is still a little lower than C-2 and C-3. Had these limits been in place at the time of that case, no variance would have been required.

27-1201. The following signs shall be allowed in the Light Industrial District (I-1):

a. One (1) wall sign per façade. The sign area shall not exceed ten percent (10%) of the wall upon which it is located.

b. One (1) freestanding sign per 300 feet of street frontage shall be permitted for each industrial establishment. Such sign shall not exceed ~~ten (10)~~ fifteen (15) feet in height above the average grade, and the sign face shall not exceed fifty (50) square feet in area per face.

Commented [JW71]: This was a little too strict, this height matches the C-2 district. Also added the ability to have additional signs for larger properties.

27-1202. The following signs shall be allowed in the Heavy Industrial District (I-2):

a. One (1) wall sign per façade. The sign area not to exceed fifteen percent (15%) of the wall upon which it is located.

b. One (1) freestanding sign per 300 feet of street frontage shall be permitted for each industrial establishment. Such sign shall not exceed ~~ten (10)~~ twenty-five (25) feet in height above the average grade, and the sign face shall not exceed one hundred (100) square feet in area per face.

Commented [JW72]: New height matches the C-3 district. Also added the ability to have additional signs for larger properties with a lot of street frontage.

Article 28:Floodplain Management

No Changes

Article 29:Site Plan Review

This article is entirely new content to the Zoning Regulations. The text was largely adopted from Article 13 Site Plan Review of the Subdivision Regulations. Some of the content from that Article was removed and placed in Articles 9 & 15. Where that happens in those articles, it will be noted. These changes are occurring in accordance with Section 8-5 of the 2022 Comprehensive Plan.

Also since this is entirely new content staff has chosen not to use the red underline for the draft so that it is not overwhelming to the reader. The reader should treat all of this content as if it was red underlined with the exception of the title at the top.

Article 30:Enforcement, Violation and Penalty

No Changes

Zoning Map

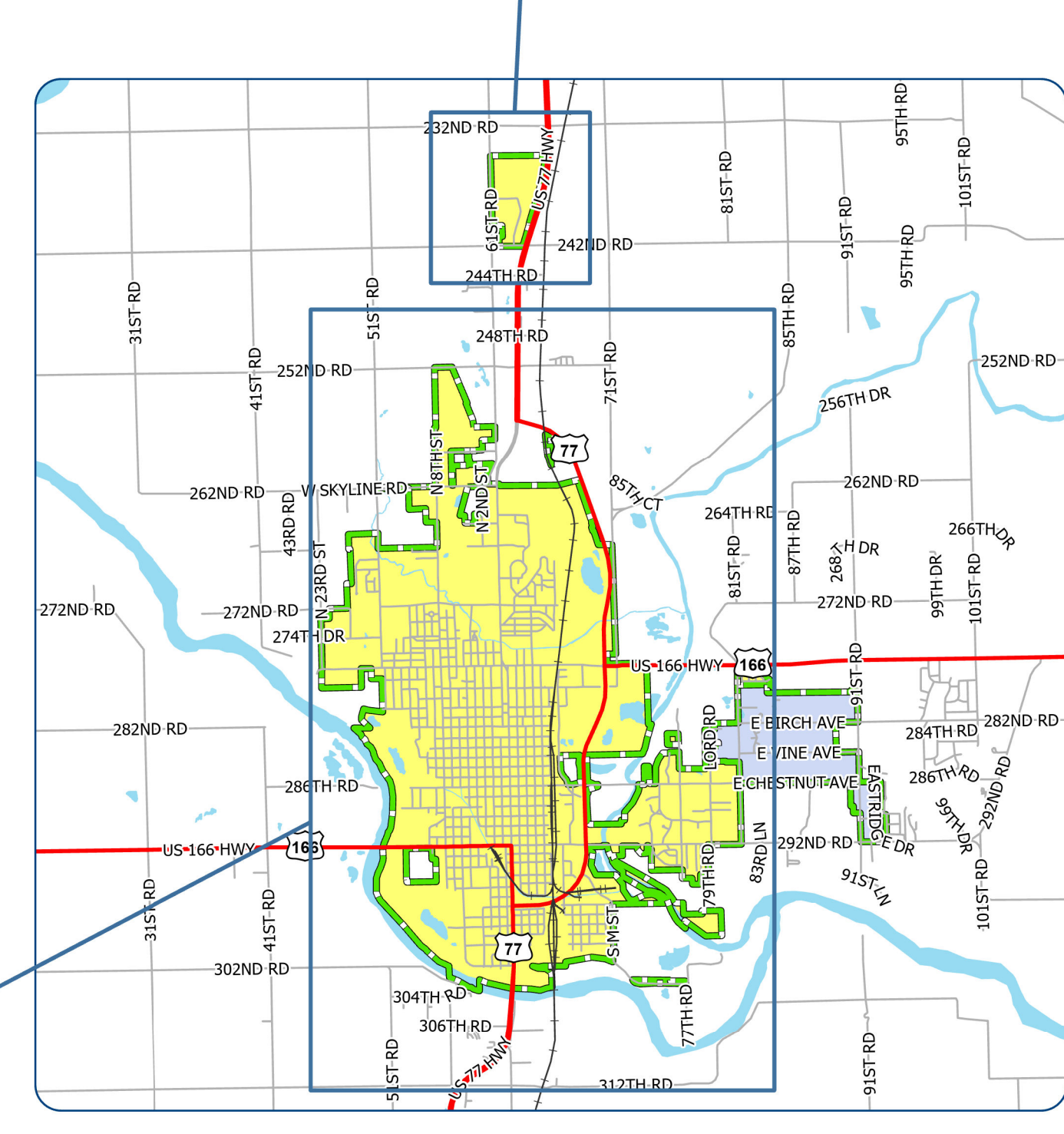
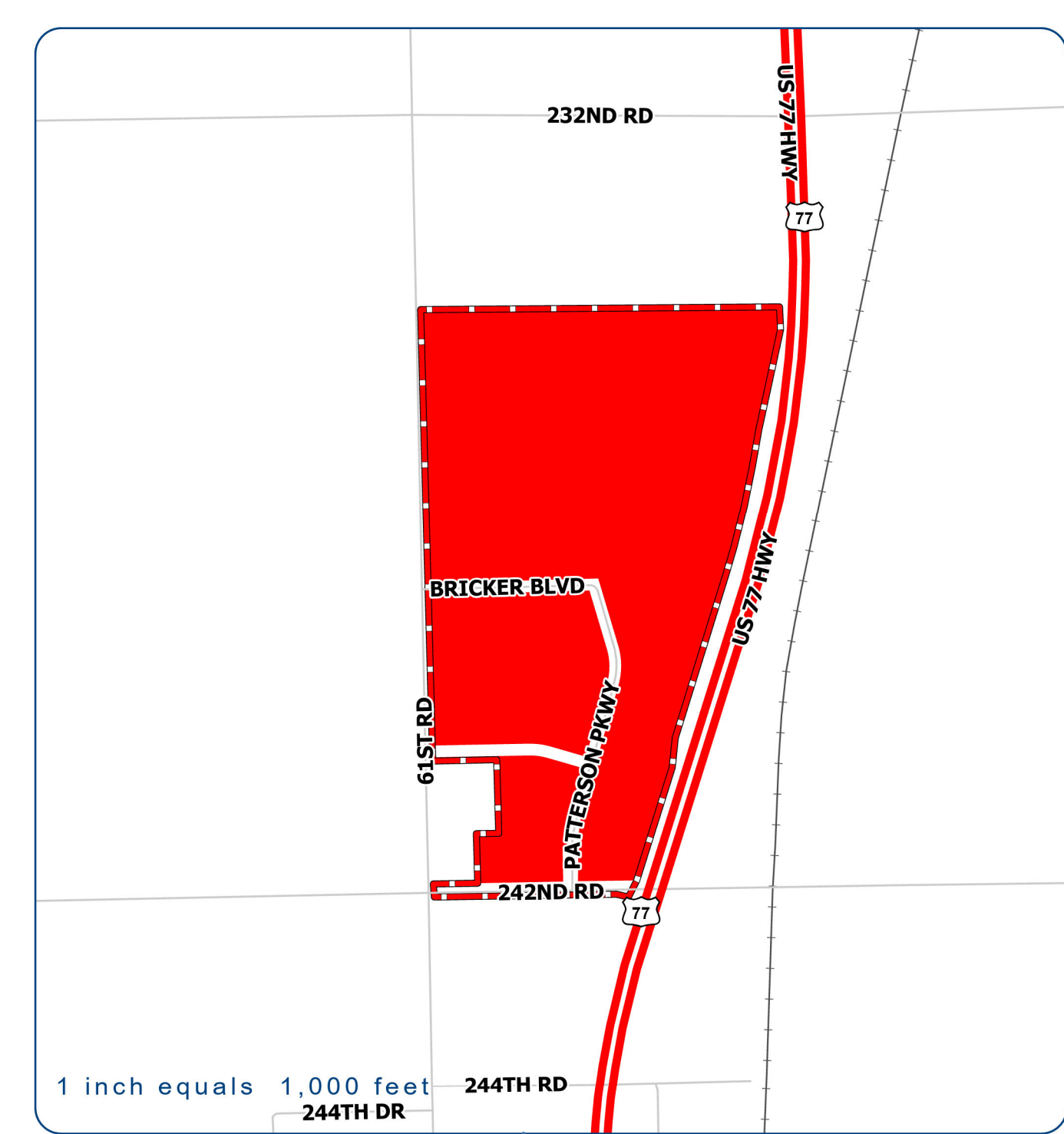
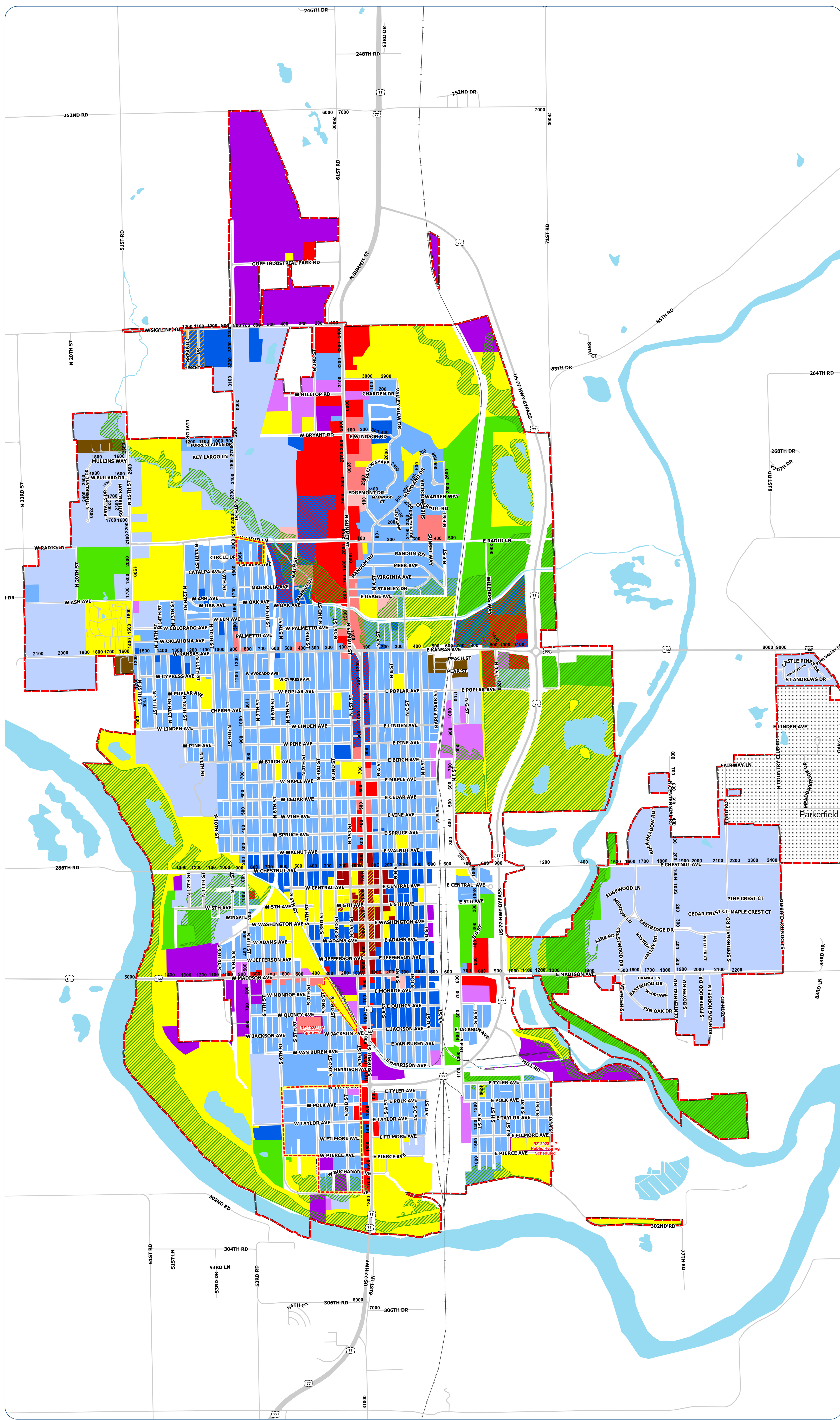
In response to the 2022 Comprehensive Plan, some areas of the zoning map need to be adjusted. Additional areas could also be changed at the direction of the Planning Commission

SW Mixed Use-previously there was a Mixed Use District with some other districts interspersed in it in the southwest portion of the City, primarily between Tyler, Lincoln, 1st and 6th. The proposed map would change any district in this area that is currently a Mixed Use District (MU) to a Medium Density Residential District (R-2). All other zoning districts in this area would remain unchanged.

Former railroad right of way along future Hike-Bike Trail-There is a city owned area along what will eventually become the Hike-Bike Trail along the Mill Canal from the 300 block of W Madison to the intersection of 1st & Jackson Ave. Because this was formerly railroad right of way, it was unzoned. This change would designate this property as a Public Use District (P).

W Radio Lane between 6th (from the alley behind this block) & 8th Streets changed from Mixed use (MU) to Medium Density Residential District (R-2). This matches the new Future Land Use map.

One other potential area that could be rezoned: E Kansas Ave near the future truck stop could be changed to General Commercial District (C-3). As of now, staff has chosen not to make this change.



LEGEND

- CITY LIMITS
- ZONING 2023
- ZONECLASS
 - A, AGRICULTURAL DISTRICT
 - R-1, LOW DENSITY RESIDENTIAL DISTRICT
 - R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT
 - R-3, HIGH DENSITY RESIDENTIAL DISTRICT
 - CS, COUNTRYSIDE DISTRICT
 - C-1, OFFICE AND SERVICE BUSINESS DISTRICT
 - C-2, RESTRICTED COMMERCIAL DISTRICT
 - C-3, GENERAL COMMERCIAL DISTRICT
 - C-4, CENTRAL BUSINESS DISTRICT
 - MBS, MANUFACTURED HOME SUBDIVISION DISTRICT
 - MP, MANUFACTURED HOME PARK DISTRICT
 - I-1, LIGHT INDUSTRIAL DISTRICT
 - I-2, HEAVY INDUSTRIAL DISTRICT
 - P, PUBLIC USE DISTRICT
 - MU, MIXED USE DISTRICT
 - C-O, COLLEGE OVERLAY DISTRICT
 - PUD-O, PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
 - FPO-O, FLOODPLAIN MANAGEMENT OVERLAY DISTRICT
 - HO-O, HOUSING OPPORTUNITY OVERLAY DISTRICT
 - HC-O, HISTORIC CONSERVATION OVERLAY DISTRICT
 - EH-O, ELDERLY HOUSING OVERLAY DISTRICT
- AREAS OF PROPOSED CHANGE

0 1,000 2,000 4,000 Feet

1 inch equals 800 feet

**City of Arkansas City
Official
City Zoning Map
PROPOSED CHANGES 2023**

Diana Spielman, Mayor

**City Limits Include
(Approximately):
9.37 Square Miles
5,995 acres**

NOTE: This map has been updated to reflect approval of Case RZ-2023-116. The map will be updated again if and when Case RZ-2023-117 is approved. Both cases are highlighted on this map. All other zoning designations represented on this map will be retained.



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Marla McFarland, Human Resources Director
Item: Pay Ordinance Effective November 18, 2023

Purpose: Consider the first reading of an Ordinance adopting the budgeted pay plan to become effective November 18, 2023. **(Roll Call Vote)**

Background:

Change only the full-time job title of **Building Official** to **Neighborhood Services Director**.

Commission Options:

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

Fiscal Impact:

Amount: No budgetary changes.

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager

ORDINANCE NO. 2023-11-_____

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. 2023-08-4582.

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. 2023-08-4582.

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 November 18, 2023.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 7th day of November, 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. 2023-11-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on November 7, 2023, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk

**CITY OF ARKANSAS CITY
PAY ORDINANCE
ORDINANCE NO. 2023-11-_____
EFFECTIVE NOVEMBER 18, 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**					
Neighborhood Services Director**	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	CM16	\$22.18	\$29.48	\$36.78	\$46,134.40
Principal Planner					
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

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	PD17	\$23.26	\$30.90	\$38.54	\$48,380.80
Police Lieutenant					
Police Sergeant	PD15	\$21.15	\$28.13	\$35.10	\$43,992.00
Sergeant Detective					
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	PS1	\$10.93	\$14.74	\$18.54	Varies
Temporary/Seasonal Horticulturalist					

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

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



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Human Resources Division
Item: 2024 Employee Health Insurance

Purpose: Approve the employee health insurance renewal for the 2024 plan year. **(Voice Vote)**

Background:

Blue Cross Blue Shield of Kansas has provided a renewal quote for the 2024 plan year. We will receive a **decrease of approximately 2.3%**. This decrease in premiums will allow the plan to remain unchanged (including continuation of Grandfather Status).

We are proposing no change in employee health premium contributions. Proposed employee premium contributions for the 2024 plan year are as follows:

2024 Employee Health Premium Contributions	Employee Only	Employee + Child(ren)	Employee + Spouse	Employee + Family
200/400 Deductible	48.54	97.27	104.25	152.97
500/1000 Deductible	35.55	71.21	76.34	112.01
1000/2000 Deductible	22.93	45.91	49.23	72.22

Please note: These premium contributions will be taken through payroll deduction on both the first and second paychecks of each month. These contributions are made on a pre-tax basis.

Commission Options:

1. Approve Blue Cross Blue Shield employee health insurance renewal for the 2024 plan.
2. Disapprove Blue Cross Blue Shield employee health insurance renewal for the 2024 plan.
3. Table item for further consideration.

Fiscal Impact:

Amount: Estimated annual reduction in cost is approximately \$60,000. Estimated total annual cost to employer is approximately \$1,523,000.

Fund: **01** (General), **15** (Stormwater), **16** (Water), **18** (Wastewater) and **19** (Sanitation)

Department: **All** Expense Code: **5112** (Medical and Dental Insurance)

Included in budget Grant Bonds Other (explain)

Attachments: Blue Cross Blue Shield of Kansas renewal documents.

Approved for Agenda by:

Randy Frazer, City Manager

G U R SUPPLEMENT

Master Policy Number: 07888

Grandfather Status: Y

Effective: 01/01/2024

Group Name: CITY OF ARKANSAS CITY

Meets Minimum Value = Y

EARLY FINAL

CURRENT RATES

	EMP	ECH	ESP	FAM	Rate Structure Code = 4
Health	479.28	970.10	1029.25	1520.07	
Drugs	202.12	395.21	434.56	627.65	
Total	681.40	1365.31	1463.81	2147.72	

Option A

RENEWAL RATES

HEALTH - Comprehensive Major Medical - Blue Choice

					Rate Adjustment Factor	Rate Method
\$200/400 Ded, 80% Coins to \$1000/\$2000, \$25 OVC	466.39	945.05	1002.74	1481.39	Z.ZZZ	MERIT
Dependents to Age 26	---	---	---	---		
Utilization Management Services	1.40	1.40	1.40	1.40		
Blue Choice	---	---	---	---		
Phys Med/Rehab Benefits Rider	---	---	---	---		
\$100 Emergency Room Copay	---	---	---	---		
Home Social Work Visits/Hospice Unlimited @ 100%	0.00	0.00	0.00	0.00		
OB Benefits Available All Females	---	---	---	---		
Autism Coverage	---	---	---	---		
Telemedicine	---	---	---	---		
Total Health	467.79	946.45	1004.14	1482.79		

DRUGS

BlueRx Card \$15/\$30/\$45/\$30 Copay with Oral Contraceptives	190.47	372.41	409.50	591.46	Z.ZZZ	MERIT
Select Formulary - Maintenance List Included	---	---	---	---		
Dependents to Age 26	---	---	---	---		
BlueRx Mail \$37.50/\$75.00/\$112.50 Copay with Oral Contraceptives	---	---	---	---		
Generic Mandatory, Doctor Can Override, No Penalty for Brand Drugs on NTI List	---	---	---	---		
Total Drugs	190.47	372.41	409.50	591.46		

Grand Total

Total Rate Adjustments	-23.14	-46.45	-50.17	-73.47		
Percentage Increase/Decrease	-3.4%	-3.4%	-3.4%	-3.4%		

Rates subject to change due to 2024 benefit and retention changes

SIGNED BY: _____ DATE SIGNED: _____ EFFECTIVE DATE: _____

Plan Administrator Representative or Plan Sponsor Representative

SIGNED BY: _____ DATE SIGNED: _____ EFFECTIVE DATE: _____

BCBSKS Representative

G U R SUPPLEMENT

Master Policy Number: 07888

Grandfather Status: Y

Effective: 01/01/2024

Group Name: CITY OF ARKANSAS CITY

Meets Minimum Value = Y

EARLY FINAL

CURRENT RATES

	EMP	ECH	ESP	FAM	Rate Structure Code = 4
Health	464.61	940.37	997.71	1473.47	
Drugs	202.12	395.21	434.56	627.65	
Total	666.73	1335.58	1432.27	2101.12	

Option B

RENEWAL RATES

HEALTH - Comprehensive Major Medical - Blue Choice

					Rate Adjustment Factor	Rate Method
\$500/1000 Ded, 80% Coins to \$1000/\$2000, \$25 OVC	452.97	917.85	973.88	1438.76	Z.ZZZ	MERIT
Dependents to Age 26	---	---	---	---		
Utilization Management Services	1.40	1.40	1.40	1.40		
Blue Choice	---	---	---	---		
Phys Med/Rehab Benefits Rider	---	---	---	---		
\$100 Emergency Room Copay	---	---	---	---		
Home Social Work Visits/Hospice Unlimited @ 100%	0.00	0.00	0.00	0.00		
OB Benefits Available All Females	---	---	---	---		
Autism Coverage	---	---	---	---		
Telemedicine	---	---	---	---		
Total Health	454.37	919.25	975.28	1440.16		

DRUGS

BlueRx Card \$15/\$30/\$45/\$30 Copay with Oral Contraceptives	190.47	372.41	409.50	591.46	Z.ZZZ	MERIT
Select Formulary - Maintenance List Included	---	---	---	---		
Dependents to Age 26	---	---	---	---		
BlueRx Mail \$37.50/\$75.00/\$112.50 Copay with Oral Contraceptives	---	---	---	---		
Generic Mandatory, Doctor Can Override, No Penalty for Brand Drugs on NTI List	---	---	---	---		
Total Drugs	190.47	372.41	409.50	591.46		

Grand Total

Total Rate Adjustments	-21.89	-43.92	-47.49	-69.50		
Percentage Increase/Decrease	-3.3%	-3.3%	-3.3%	-3.3%		

Rates subject to change due to 2024 benefit and retention changes

SIGNED BY: _____ DATE SIGNED: _____ EFFECTIVE DATE: _____
 Plan Administrator Representative or Plan Sponsor Representative

SIGNED BY: _____ DATE SIGNED: _____ EFFECTIVE DATE: _____
 BCBSKS Representative

G U R SUPPLEMENT

Master Policy Number: 07888

Grandfather Status: Y

Effective: 01/01/2024

Group Name: CITY OF ARKANSAS CITY

Meets Minimum Value = Y

EARLY FINAL

CURRENT RATES

	EMP	ECH	ESP	FAM	
Health	446.63	903.93	959.05	1416.37	Rate Structure Code = 4
Drugs	202.12	395.21	434.56	627.65	
Total	648.75	1299.14	1393.61	2044.02	

Option C

RENEWAL RATES

HEALTH - Comprehensive Major Medical - Blue Choice

					Rate Adjustment Factor	Rate Method
\$500/1000 Ded, 80% Coins to \$1000/\$2000, \$25 OVC	436.05	883.56	937.50	1385.02	Z.ZZZ	MERIT
Dependents to Age 26	—	—	—	—		
Utilization Management Services	1.40	1.40	1.40	1.40		
Blue Choice	—	—	—	—		
Phys Med/Rehab Benefits Rider	—	—	—	—		
\$100 Emergency Room Copay	—	—	—	—		
Home Social Work Visits/Hospice Unlimited @ 100%	0.00	0.00	0.00	0.00		
OB Benefits Available All Females	—	—	—	—		
Autism Coverage	—	—	—	—		
Telemedicine	—	—	—	—		
Total Health	437.45	884.96	938.90	1386.42		

DRUGS

BlueRx Card \$15/\$30/\$45/\$30 Copay with Oral Contraceptives	190.47	372.41	409.50	591.46	Z.ZZZ	MERIT
Select Formulary - Maintenance List Included	—	—	—	—		
Dependents to Age 26	—	—	—	—		
BlueRx Mail \$37.50/\$75.00/\$112.50 Copay with Oral Contraceptives	—	—	—	—		
Generic Mandatory, Doctor Can Override, No Penalty for Brand Drugs on NTI List	—	—	—	—		
Total Drugs	190.47	372.41	409.50	591.46		

Grand Total

Total Rate Adjustments	-20.83	-41.77	-45.21	-66.14		
Percentage Increase/Decrease	-3.2%	-3.2%	-3.2%	-3.2%		

Rates subject to change due to 2024 benefit and retention changes

SIGNED BY: _____ DATE SIGNED: _____ EFFECTIVE DATE: _____
 Plan Administrator Representative or Plan Sponsor Representative

SIGNED BY: _____ DATE SIGNED: _____ EFFECTIVE DATE: _____
 BCBSKS Representative



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Human Resources Division
Item: 2024 Employee Dental Insurance

Purpose: Approve the employee dental insurance renewal for the 2024 plan year. **(Voice Vote)**

Background:

The dental plan is a self-funded plan. The City of Arkansas City pays a monthly administrative fee per enrollee for administrative services. Additionally, the City pays claims up to **\$1,500** per member and dependent(s), per year.

Delta Dental of Kansas has provided a renewal quote for the 2024 plan year. The cost for administrative services per enrollee, per month, will increase from **\$5.50** (2023 Plan Year) to **\$5.60** (2024 Plan Year), with a three-year rate guarantee (2024, 2025 and 2026). This is an increase of approximately **\$120** per year. Delta Dental of Kansas has suggested a slight decrease in funding levels for the 2024 plan year. The suggested funding level is **\$93,189.40**. (Funding levels indicate the dollars the City *might* need to contribute toward claims.)

Commission Options:

1. Approve Delta Dental employee dental insurance renewal for the 2024 plan year.
2. Disapprove Delta Dental employee dental insurance renewal for the 2024 plan year.
3. Table item for further consideration.

Fiscal Impact:

Amount: \$120.00

Fund: **01** (General), **15** (Stormwater), **16** (Water), **18** (Wastewater) and **19** (Sanitation)

Department: **All** Expense Code: **5112** (Medical and Dental Insurance)

Included in budget Grant Bonds Other (explain)

Attachments: Delta Dental of Kansas supporting documents.

Approved for Agenda by:

Randy Frazer, City Manager

RENEWAL ADDENDUM FOR GROUP #90904-0

Attached to and forming a part of the Agreement To Provide Dental Care Benefits between **CITY OF ARKANSAS CITY** (plan #90904-0) and Delta Dental of Kansas, Inc.

It is agreed and understood that effective with the **January 1, 2024**, renewal, Section VIII, Number 2 shall read:

Current Admin Rate:
\$5.50

New Admin Rate:
\$5.60

NOTE: New 3 year agreement:
2024 - as noted above
2025 - \$5.60 administrative rate; 2026 - \$5.60 administrative rate

Please acknowledge acceptance of this renewal by signing below and returning the renewal confirmation by fax to (913) 381-8312 or by email to marketing@deltadentalks.com by **December 1, 2023**.

Printed Name

Date

Signature

Agent's Name

Sara K. Marlock

Delta Dental of Kansas, Inc.

Please assist us in updating our records by providing the name & email address of your group administrator.

Contact: _____

Email: _____

WELLNESS CONNECTION - As the dental benefits experts, we're here to help educate your employees on the importance of good oral health. Visit the **Wellness Connection** on our website, www.deltadentalks.com, to download easy-to-use wellness materials.

RS:ae

City of Arkansas City (90904)
Suggested Funding Levels***
Based on July 2022 through June 2023 History

Month	Year	Claims	Revenue	93,189.40	Suggested	
					2024	Enrollment
July	2022	4,864.10	Employee	15,504.16	35.56	436
August	2022	6,482.20	Emp+Sp	16,509.60	68.79	240
September	2022	7,432.70	Emp+Ch	6,879.51	69.49	99
October	2022	6,562.67	Family	54,296.13	115.77	469
November	2022	5,580.20	Expenses	82,115.93		
December	2022	6,473.34	* Admin Fee	6,966.40	5.60	1,244
January	2023	5,792.10	Claims	68,860.07		
February	2023	4,118.60	Trend	6,289.46		
March	2023	6,430.36	** Net Gain (Loss)	11,073.47		
April	2023	5,293.20				
May	2023	4,260.60	Loss Ratio	88.12%		
June	2023	5,570.00	Recommend:	No Increase		
		68,860.07				

*\$5.60 for 2024 (includes \$0.50 PEPM commission)

**Trend is calculated at 6% annually for 18 months*

*** Suggested Funding Levels are recommendations only and not to be considered guaranteed amounts.

Prepared by Delta Dental of Kansas 8/15/2023



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Human Resources Division
Item: 2024 Employee Flexible Spending Account (FSA) Benefit Administration

Purpose: Approve the employee Flexible Spending Account (FSA) benefit administration for the 2024 plan year. **(Voice Vote)**

Background:

Staff would like to recommend we partner with Freedom Claims Management Inc., and NueSynergy for employee Flexible Spending Account (FSA) administration for the 2024 plan year.

The cost for these administrative services will be **\$4.25** per member, per month. The cost to the employer will be approximately **\$100** per month. We are currently paying approximately **\$110** per month.

Commission Options:

1. Approve agreement with Freedom Claims Management Inc, and NueSynergy for employee Flexible Spending Account (FSA) administration for the 2024 plan year
2. Disapprove Freedom Claims Management Inc, and NueSynergy for employee Flexible Spending Account (FSA) administration for the 2024 plan year.
3. Table item for further consideration.

Fiscal Impact:

Amount: Approximately (\$120.00)

Fund: **01** (General), **15** (Stormwater), **16** (Water), **18** (Wastewater) and **19** (Sanitation)

Department: **All** Expense Code: **6214**

Included in budget Grant Bonds Other (explain)

Attachments: Freedom Claims Management Inc., and NueSynergy supporting documents.

Approved for Agenda by:

Randy Frazer, City Manager

FREEDOM *flex*

Freedom Claims Management, Inc.



**INDUSTRY-LEADING
SERVICE & TECHNOLOGY**

Administrative Services Proposal

City of Ark City



**Leader in Benefit Account &
Billing Administration**



FLEXIBLE SPENDING ACCOUNT (FSA) ADMINISTRATION

Flexible benefit plans, also known as Cafeteria Plans or Section 125 plans, offer employers and employees payroll tax savings. These plans allow employees to set aside money pre-tax to pay for health insurance and various medical and dependent care expenses. Employers can elect to offer multiple types of accounts each providing a valuable benefit to employees. Below is a partial list of expenses that can be reimbursed through the various accounts.

Health Care Reimbursement

- Physician & Prescription copays
- Dental fees
- Orthodontics treatment
- Diabetic supplies
- Eye exams

Dependent Care Reimbursement

- Licensed daycare centers
- Babysitters or nannies
- Before and after school care
- Daycare for an elderly or disabled dependent

Limited Purpose Reimbursement (For participants with an HSA)

- Dental fees
- Orthodontics treatment
- Eye exams

Qualified Adoption Expense

- Reasonable and necessary adoption fees, court costs, attorney fees, and other expenses.

Premium Only Plan (POP)

- Reduces tax liabilities for both the employee and the employer. Employers can benefit from reductions in Social Security and Medicare taxes and employees can save on federal, state, and city income taxes.

Private Insurance Reimbursement

- Reasonable and necessary adoption fees, court costs, attorney fees, and other expenses.

Transportation and Parking

Transportation Spending Account

Eligible mass transit or vanpool expenses associated with travel to and from work, including bus, train or subway.

Parking Spending Account

Eligible parking expenses either at your place of employment or at a location where you use mass transit.

Standard FSA Services

- User guide and educational communications
- Plan setup and administration
- Monitor and verify all claims and reimburse employees via direct deposit
- Dedicated account management
- Dedicated customer service
- Grace period administration
- 24/7 access to participant account balances, withdrawals, pending claims and reimbursements
- Monthly employer status report
- Online claim entry
- Plan compliance
- Video tutorials
- Plan comparison calculator
- Annual discrimination testing
- Form 5500 preparation
- NueSynergy smart mobile app
- Comprehensive reporting tools

Optional FSA Services

- Employee group presentations
- Smart debit card
- Plan document preparation
- Manual reimbursement checks
- Carrier integration for claim reimbursement



TOOLS & RESOURCES

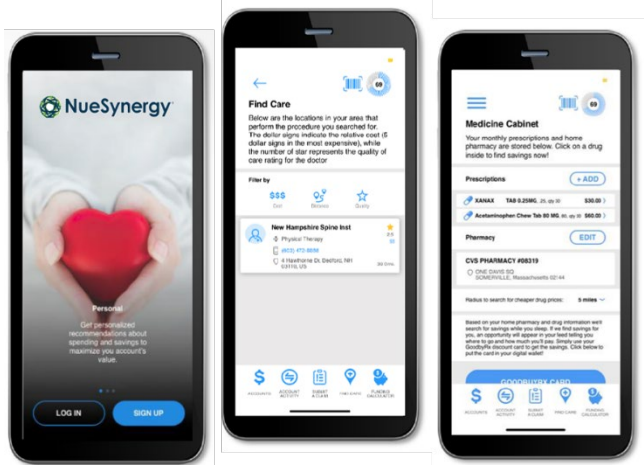
TECHNOLOGY MEETS SERVICE



NueSynergy Smart Mobile App

New and innovative technology makes the NueSynergy smart mobile app user experience more convenient while providing more of the important information needed to make health care decisions. Free of charge for our members, the smart mobile app provides real-time, secure benefit account access anywhere at any time.

- Account tracking allows up-to-date viewing of balance, claims status, plan details and contributions
- Prescription storing and cost savings opportunities
- Transparency tools to evaluate providers and shop for procedures
- Geotracking to find nearby providers
- Reporting tools to help maximize benefits and potential savings
- Enter and submit claim information - Take a photo of receipt and upload or attach receipt to a card transaction
- Secure account communications
- For iPhone and Android devices



NueSynergy Smart Debit Card

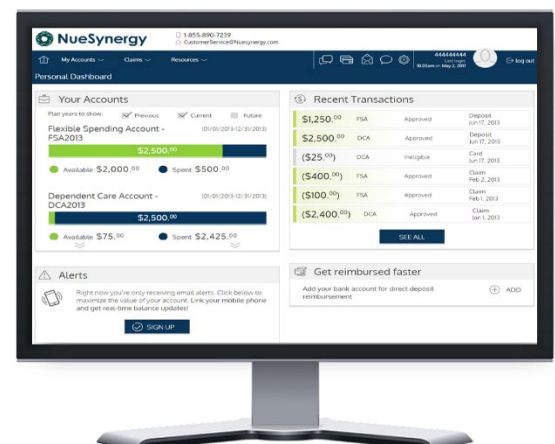
Provides participants a convenient method to access their funds to pay for eligible expenses directly from their designated benefit account, rather than paying out-of-pocket and waiting for reimbursement.

- Easy, immediate, thought-free access to funds with one benefits debit card
- Includes ability to view card authorizations and denials in real-time
- Sophisticated payments rules and highly configurable purse priority settings



NueSynergy Participant Website

- Allows convenient and secure member access 24/7/365
- Real-time, year-to-date benefit account tracking
- Claims filing and status
- Secure communications
- Meaningful insights to better guide health care spending
- Educational videos and planning calculators





eCLAIMS MANAGER

SIMPLIFYING THE CLAIMS PROCESS

NueSynergy's eClaims Manager provides access to an employee's claims data or Explanation of Benefits (EOBs), allowing increased auto-substantiation of debit card claims and easier electronic manual claim submission. eClaims Manager is fully integrated into the NueSynergy member portal and allows employees centralized access to their EOBs, simplifying the management of their HSA, FSA, or HRA accounts.



NueSynergy Integrated eClaims Carriers

- Aetna
- Altius
- Anthem Blue Cross Blue Shield of Colorado
- Anthem Blue Cross Blue Shield of Connecticut
- Anthem Blue Cross Blue Shield of Indiana
- Anthem Blue Cross Blue Shield of Kentucky
- Anthem Blue Cross Blue Shield of Maine
- Anthem Blue Cross Blue Shield of Missouri
- Anthem Blue Cross Blue Shield of Nevada
- Anthem Blue Cross Blue Shield of New Hampshire
- Anthem Blue Cross Blue Shield of Ohio
- Anthem Blue Cross Blue Shield of Virginia
- Anthem Blue Cross Blue Shield of Wisconsin
- Anthem Blue Cross of California
- Blue Cross and Blue Shield of Georgia
- Blue Cross and Blue Shield of Illinois
- Blue Cross and Blue Shield of Kansas
- Blue Cross and Blue Shield of Kansas City
- Blue Cross and Blue Shield of Michigan
- Blue Cross and Blue Shield of Minnesota
- Blue Cross and Blue Shield of Montana
- Blue Cross and Blue Shield of New Mexico
- Blue Cross and Blue Shield of Oklahoma
- Blue Cross and Blue Shield of Texas
- Blue Shield of California
- CareFirst BlueCross BlueShield
- Carelink Health Plans
- CHC of the Carolinas – WellPath
- Cigna
- Coventry
- Coventry First Health Part D
- Coventry Health and Life
- Coventry Health and Life Company
- Coventry Health Care of Delaware
- Coventry Health Care of Florida
- Coventry Health Care of Georgia
- Coventry Health Care of Illinois
- Coventry Health Care of Iowa
- Coventry Health Care of Kansas
- Coventry Health Care of Louisiana
- Coventry Health Care of Missouri
- Coventry Health Care of Nebraska
- Coventry Health Care of Nevada
- Coventry Health Care of Tennessee
- Coventry Health Care of the Carolinas
- CoventryOne
- Delta Dental Insurance Company Alabama
- Delta Dental Insurance Company Florida
- Delta Dental Insurance Company Georgia
- Delta Dental Insurance Company Louisiana
- Delta Dental Insurance Company Mississippi
- Delta Dental Insurance Company Montana
- Delta Dental Insurance Company Nevada
- Delta Dental Insurance Company Texas
- Delta Dental Insurance Company Utah
- Delta Dental of California
- Delta Dental of Delaware
- Delta Dental of the District of Columbia
- Delta Dental of Maryland
- Delta Dental of New York
- Delta Dental of Pennsylvania
- Delta Dental of Washington
- Delta Dental of West Virginia
- Empire BlueCross BlueShield
- Excellus Blue Cross Blue Shield
- First Choice Health Network
- Group Health
- HealthAmerica of Pennsylvania
- Highmark Blue Cross Blue Shield Delaware
- Highmark Blue Cross Blue Shield (Western Pennsylvania)
- Highmark Blue Cross Blue Shield West Virginia
- Highmark Blue Shield (Central Pennsylvania)
- Horizon Blue Cross Blue Shield of New Jersey
- Humana
- Independence Blue Cross
- Kaiser Permanente
- Mail Handlers Benefit Plans
- Medicaid: Advantra® offered by Altius Health Plans
- Medicaid: CoventryCares
- Healthcare USA
- Medicaid: OmniCare Health Plan
- Medicare: Advantra
- MetLife
- Oxford Health Plans
- Premera Blue Cross Blue Shield of Alaska
- Premera Blue Cross of Washington
- Regence Blue Cross Blue Shield of Oregon
- Regence Blue Cross Blue Shield of Utah
- Regence Blue Shield of Idaho
- Regence Blue Shield of Washington
- Southern Health Services
- UMR
- Unicare
- Uniform Medical Plan
- UnitedHealthcare
- VSP
- WellPath Select Inc.
- Wellmark

This list is updated frequently and may not include all integrated eClaims carriers.



GROUP:	City of Ark City		
EFFECTIVE DATE:	01/01/2024	PROPOSAL DATE:	10/20/2023

HSA Plans	
Per Participant Per Month	
Section 125, FSA Plans	» HEALTH CARE, DEPENDENT CARE, LIMITED PURPOSE, COMMUTER, ADOPTION
FSA Plan Documents, Implementation, Design & Installation	0
Annual Compliance & Renewal (AFTER YEAR 1)	75.00
Per Participant Per Month	4.25
Monthly Minimum (APPLIES ONLY IF GREATER THAN PER PARTICIPANT PER MONTH FEES)	
Section 125, Premium Only Plan (POP)	
POP Document (ONE-TIME SETUP FEE)	
Annual Compliance & Renewal (WAIVED 1ST YEAR)	

Miscellaneous	

Proposal Notes
<ul style="list-style-type: none"> - NueSynergy smart debit cards are always free. - Includes NueSynergy Smart Mobile App with Account Tracking, Find Care, Pharmacy/Provider cost transparency tools. - Outstanding Service is always included: <ul style="list-style-type: none"> Jason Galvin, Director of Central Region Sales (913)258-2084 Direct (816)520-6189 Mobile JGalvin@NueSynergy.com

FREEDOM *flex*

Freedom Claims Management, Inc.



Full-service administration of consumer-driven and traditional account-based plans.
855.890.7239 • 4601 College Blvd. Suite 280, Leawood, KS 66211 • www.NueSynergy.com

Sales@NueSynergy.com





City Commission Agenda Item

Meeting Date: November 7, 2023
From: Human Resources Division
Item: 2024 Employee Group Term Life/AD&D Insurance

Purpose: Approve the employee Group Term Life/AD&D insurance benefit for 2024 plan year. **(Voice Vote)**

Background:

Staff would like to recommend we partner with USAlliance for employee Group Term Life/AD&D Insurance for the 2024 plan year.

The cost will be approximately **\$420** per month, with a three-year rate guarantee (2024, 2025 and 2026). We are currently paying approximately **\$440** per month.

Commission Options:

1. Approve agreement with USAlliance to provide employee Group Term Life/AD&D Insurance for the 2024 plan year.
2. Disapprove of agreement with USAlliance to provide employee Group Term Life/AD&D Insurance for the 2024 plan year.
3. Table item for further consideration.

Fiscal Impact:

Amount: Approximately (\$240.00)

Fund: **01** (General), **15** (Stormwater), **16** (Water), **18** (Wastewater) and **19** (Sanitation)

Department: **All** Expense Code: **5111**

Included in budget Grant Bonds Other (explain)

Attachments: USAlliance supporting documents.

Approved for Agenda by:

Randy Frazer, City Manager



Group Insurance Proposal

PROPOSAL FOR: City of Arkansas City

Group Life and AD&D

Voluntary Group Life

Group Short Term Disability

Group Long Term Disability

EFFECTIVE DATE: January 1, 2024

PROPOSAL PRESENTATION BY: Marc Homan

(316) 841-0541

This proposal is not intended as a contract. Contract provisions, exclusions, limitations, and reductions will be subject to US Alliance Life and Security Company standard provisions. If there is any conflict between this proposal and a subsequently issued group contract, the contract will prevail. The provisions of any contract we may issue will comply with Kansas insurance laws and regulations as applicable. The agent/broker does not have authority to bind nor modify the terms of this offer without prior written approval of US Alliance Life and Security Company. The proposed rates are based on the accuracy of the data submitted and include the plan design, qualifications and assumptions as specified herein, assuming US Alliance standard contract language and definitions. We reserve the right to modify the plan design and/or rates as deemed appropriate by US Alliance if the proposed qualifications or assumptions are incorrect or if the plan design is modified.

Prepared By: 117

Coverage Summary:

Group Life and AD&D

Option 1

Class Description: All Full Time Employees

Plan Design: \$10,000 Life and AD&D

Rate Guarantee – Initial 36 Months

Rate Summary:

Accept Coverage

Initial Here

<u>Coverage</u>	<u>Lives</u>	<u>Volume</u>	<u>Monthly Rate</u>	<u>Monthly Cost</u>
Basic Life	126	\$1,231,000	\$0.20	\$ 246.20
AD&D	126	\$1,231,000	\$0.03	\$ 36.93
Total Monthly Premium:				\$ 283.13

Option 2

Class Description: All Full Time Employees

Plan Design: \$15,000 Life and AD&D

Rate Guarantee – Initial 36 Months

Rate Summary:

<u>Coverage</u>	<u>Lives</u>	<u>Volume</u>	<u>Monthly Rate</u>	<u>Monthly Cost</u>
Basic Life	126	\$1,846,500	\$0.20	\$ 369.30
AD&D	126	\$1,846,500	\$0.03	\$ 55.40
Total Monthly Premium:				\$ 424.70

Option 3

Class Description: All Full Time Employees

Plan Design: \$20,000 Life and AD&D

Rate Guarantee – Initial 36 Months

Rate Summary:

<u>Coverage</u>	<u>Lives</u>	<u>Volume</u>	<u>Monthly Rate</u>	<u>Monthly Cost</u>
Basic Life	126	\$2,462,000	\$0.19	\$ 467.78
AD&D	126	\$2,462,000	\$0.03	\$ 73.86
Total Monthly Premium:				\$ 541.64

Option 4

Class Description: All Full Time Employees

Plan Design: \$25,000 Life and AD&D

Rate Guarantee – Initial 36 Months

Rate Summary:

<u>Coverage</u>	<u>Lives</u>	<u>Volume</u>	<u>Monthly Rate</u>	<u>Monthly Cost</u>
Basic Life	126	\$3,077,500	\$0.19	\$ 584.73
AD&D	126	\$3,077,500	\$0.03	\$ 92.33
Total Monthly Premium:				\$ 677.06

**Accept
Coverage**

Initial Here

Voluntary Group Life

Total Guarantee Issue Amount: \$150,000

*GI includes both employer paid and voluntary coverage

Employee: Increments of \$10,000 to \$250,000 Total Maximum Benefit

Spouse: Increments of \$10,000 to \$30,000 Total Maximum Benefit

Child: Increments of \$5,000 to \$10,000 Total Maximum Benefit

*Amounts include both employer paid and voluntary coverage

**Accept
Coverage**

Initial Here

Cost Summary		Rates per \$1000 of Coverage		
Age Bands	Employee	Spouse	Child	
< 29	0.11	0.11	0.20	
30-34	0.11	0.11	-	
35-39	0.15	.015	-	
40-44	0.22	0.22	-	
45-49	0.38	0.38	-	
50-54	0.58	0.58	-	
55-59	0.84	0.84	-	
60-64	1.15	1.15	-	
65-69	1.90	1.90	-	
70-74	3.27	-	-	
75-79	5.39	-	-	
80 +	18.49	-	-	

Existing Coverage amounts will not require Evidence of Insurability

Minimum participation requirement is the greater of 25% or 5 employees

Spouse and Child Coverage is limited to 50% of employee's coverage

Spousal rate will be determined upon employee's age

Group Short Term Disability

Option 1:

Class Description: All Full Time Employees Excluding Police or Fire Employees

Plan Design: 60% of weekly salary to \$1,500 Maximum

Benefit Duration: 26 Weeks

Elimination Periods: 1 Days Accident/ 8 Days Sickness

Pre-Existing Condition: None

Rate Guarantee – Initial 36 Months

Rate Summary:

Lives	Volume (Weekly Covered Benefit)	Weekly Rate per \$10	Monthly Premium
69	\$38,216	\$0.323	\$1,234.38

**Accept
Coverage**

Initial Here

Option 2:

Class Description: All Full Time Employees Excluding Police or Fire Employees

Plan Design: 60% of weekly salary to \$1,500 Maximum

Benefit Duration: 26 Weeks

Elimination Periods: 8 Days Accident/ 8 Days Sickness

Pre-Existing Condition: None

Rate Guarantee – Initial 36 Months

Rate Summary:

Lives	Volume (Weekly Covered Benefit)	Weekly Rate per \$10	Monthly Premium
69	\$38,216	\$0.302	\$1,154.13

**Accept
Coverage**

Initial Here

Option 3:

Class Description: All Full Time Employees Excluding Police or Fire Employees

Plan Design: 60% of weekly salary to \$1,500 Maximum

Benefit Duration: 26 Weeks

Elimination Periods: 1 Days Accident/ 15 Days Sickness

Pre-Existing Condition: None

Rate Guarantee – Initial 36 Months

Rate Summary:

Lives	Volume (Weekly Covered Benefit)	Weekly Rate per \$10	Monthly Premium
69	\$38,216	\$0.312	\$1,192.34

**Accept
Coverage**

Initial Here

Option 4:

Class Description: All Full Time Employees Excluding Police or Fire Employees

Plan Design: 60% of weekly salary to \$1,500 Maximum

Benefit Duration: 26 Weeks

Elimination Periods: 15 Days Accident/ 15 Days Sickness

Pre-Existing Condition: None

Rate Guarantee – Initial 36 Months

Rate Summary:

Lives	Volume (Weekly Covered Benefit)	Weekly Rate per \$10	Monthly Premium
69	\$38,216	\$0.276	\$1,054.77

**Accept
Coverage**

Initial Here

Group Long Term Disability

Option 1:

Class Description: All Full Time Employees Excluding Police or Fire Employees

Plan Design: 60% of monthly salary to \$5,000 Maximum

Benefit Duration: SSNRA

Elimination Period: 180 days

Pre-Existing Condition: 3/12

Rate Guarantee – Initial 36 Months

Rate Summary:

Lives	Volume (Monthly Covered Payroll)	Monthly Rate per \$100	Monthly Premium
69	\$272,247	\$0.260	\$707.84

**Accept
Coverage**

Initial Here

Option 2:

Class Description: All Full Time Employees Excluding Police or Fire Employees

Plan Design: 60% of monthly salary to \$7,000 Maximum

Benefit Duration: SSNRA

Elimination Period: 180 days

Pre-Existing Condition: 3/12

Rate Guarantee – Initial 36 Months

Rate Summary:

Lives	Volume (Monthly Covered Payroll)	Monthly Rate per \$100	Monthly Premium
69	\$276,534	\$0.271	\$749.41

**Accept
Coverage**

Initial Here

Plan Descriptions

Group Life

Conditions of Eligibility

You are eligible for group term life coverage if You are:

- legally working in the United States or working outside of the United States for a United States based Employer in a country or region approved by Us; and
- regularly working at least the number of hours in the normal work week set by the Employer (but not less than 30 hours per week) at: (1) the Employer's place of business; (2) some place where the Employer's business requires You to travel; or (3) any other place You and the Employer have agreed upon for the performance of occupational duties.

You are **not** eligible for group term life coverage if You are:

- A temporary or seasonal Employee; or
- An Employee for whom, pursuant to a collective bargaining agreement, the Employer makes any payments to any kind of health and welfare benefit plan other than under this Plan.

The Waiting Period for Employee Group Term Life Insurance

If You are in an eligible class on the effective date, You are eligible for Employee group term life insurance under this Plan as of that date.

If You enter an eligible class after the effective date, You are eligible for such coverage after You complete the service waiting period, if any.

Reduction of Group Term Life Insurance Amount Based on Age

Age Reduction Table	
Employees age 65-69	Reduced to 65% of initial coverage
Employees age 70-74	Reduced to 50% of initial coverage
Employees age 75+	Reduced to 25% of initial coverage

Waiver of Premium Benefit

You must: (1) become Totally Disabled before You reach age 60 and while insured by this Plan; and (2) remain totally disabled for at least nine months in a row.

Your Waiver of Premium benefit will end on the earliest of: (1) the date You are no longer Totally Disabled; (2) the date We ask You to be examined by Our doctor, and You refuse; (3) the date You do not give Us the proof of disability We require; (4) the date You are no longer receiving regular doctor's care appropriate to the cause of disability; or (5) the date You reach age 65.

If You die while covered for this benefit and while You are under age 65, We will pay Your beneficiary the amount of Group Term Life Insurance for which You were insured as of Your last day of active Full-Time work.

Eligible Dependents for Dependent Group Term Life Insurance

Your eligible dependents are Your: (1) spouse who is under age 70; and (2) unmarried dependent children who are 14 or more days old from birth until they reach age 26. We exclude any dependent who is on active duty in any armed force. And We exclude any dependent who is covered by this Plan as an Employee.

Group AD&D

Expiration Date of Rider

All Accidental Death and Dismemberment Benefits provided under this Rider will expire upon Your attainment of age 75.

Accidental Death and Dismemberment Benefit

If You sustain an Accidental Injury which results in any of the following Losses within of the date of accident, and the accident occurs while You are covered under this benefit, We will pay the amount of Principal Sum, or a portion of such Principal Sum, as shown opposite the Loss after We receive Proof of Loss. This benefit will be paid according to the general provisions of the Policy.

We will not pay more than the Principal Sum for all losses due to the same accident. Your amount of Principal Sum is shown above.

For Loss Of	Benefit
Life	Principal Sum
Both Hands or Both Feet or Sight of Both Eyes	Principal Sum
One Hand and One Foot	Principal Sum
Speech and Hearing in Both Ears	Principal Sum
Either Hand or Foot and Sight of One Eye	Principal Sum
Movement of Both Upper and Lower Limbs (Quadriplegia)	Principal Sum
Movement of Four Entire Limbs	Principal Sum
Movement of Both Lower Limbs (Paraplegia)	Three-Quarters of Principal Sum
Movement of Three Entire Limbs	Three-Quarters of Principal Sum
Movement of Three Limbs (Triplegia)	Three-Quarters of Principal Sum
Movement of Two Entire Limbs	Two-Thirds of Principal Sum
Movement of One Entire Limb	One-Half of Principal Sum
Movement of the Upper and Lower Limbs of One Side of the Body (Hemiplegia)	One-Half of Principal Sum
Either Hand or Foot	One-Half of Principal Sum
Sight of One Eye	One-Half of Principal Sum
Speech or Hearing in Both Ears	One-Half of Principal Sum
Movement of One Limb (Uniplegia)	One-Quarter of Principal Sum
Thumb and Index Finger of Either Hand	One-Quarter of Principal Sum

Loss means, with regard to:

- 1) hands and feet, actual severance through or above wrist or ankle joints;
- 2) sight, speech and hearing, entire and irrecoverable loss thereof;
- 3) thumb and index finger, actual severance through or above the metacarpophalangeal joints; or
- 4) movement, complete and irreversible paralysis of such limbs.

Entire Limb means with regard to:

- 1) the arm, the total areas from shoulder joint to finger tips; or
- 2) the leg, the total area from hip joint to toes.

Short Term Disability

Provisions:	Option 1	Option 2
Full Time Eligibility	30 Hours per Week	30 Hours per Week
Contribution Type	Non-Contributory	Non-Contributory
Employee Contribution Percentage	0%	0%
Benefit Percentage	60%	60%
Benefit Schedule Type	Percentage of Weekly Earnings	Percentage of Weekly Earnings
Maximum Weekly Benefit	\$1,500	\$1,500
Minimum Weekly Benefit	\$25	\$25
Illness Benefit Commencement	8 days	8 days
Accident Benefit Commencement	1 day	8 days
Maximum Duration of Benefits	26 Weeks	26 Weeks
Pre-Existing Conditions	None	None
First Day Hospital	Not Included	Not Included
Definition Of Disability	Partial Disability	Partial Disability
Recurrent Disability	15 days	15 days
Coverage Basis	Non-Occupational	Non-Occupational
Employer Participates in Workers Compensation	Yes	Yes
Offset Salary Continuation/Sick Leave	Dollar for Dollar	Dollar for Dollar
Pre-Existing Condition Limitation	None	None
Continuity of Coverage	Not Applicable	Not Applicable
Definition of Earnings	Regular rate of pay, not including bonuses, commissions, or any other form of compensation.	Regular rate of pay, not including bonuses, commissions, or any other form of compensation.
W-2 Reporting	Included	Included
FICA Match Services	Not Included	Not Included
Rate Guarantee	2 Years	2 Years
Enrollment Type	No Enrollment	No Enrollment
Participation Requirement	100%	100%
Family Medical Leave	Included	Included
Commissions	Standard Schedule	Standard Schedule

Short Term Disability

Provisions:	Option 3	Option 4
Full Time Eligibility	30 Hours per Week	30 Hours per Week
Contribution Type	Non-Contributory	Non-Contributory
Employee Contribution Percentage	0%	0%
Benefit Percentage	60%	60%
Benefit Schedule Type	Percentage of Weekly Earnings	Percentage of Weekly Earnings
Maximum Weekly Benefit	\$1,500	\$1,500
Minimum Weekly Benefit	\$25	\$25
Illness Benefit Commencement	15 days	15 days
Accident Benefit Commencement	1 day	15 days
Maximum Duration of Benefits	26 Weeks	26 Weeks
Pre-Existing Conditions	None	None
First Day Hospital	Not Included	Not Included
Definition Of Disability	Partial Disability	Partial Disability
Recurrent Disability	15 days	15 days
Coverage Basis	Non-Occupational	Non-Occupational
Employer Participates in Workers Compensation	Yes	Yes
Offset Salary Continuation/Sick Leave	Dollar for Dollar	Dollar for Dollar
Pre-Existing Condition Limitation	None	None
Definition of Earnings	Regular rate of pay, not including bonuses, commissions, or any other form of compensation.	Regular rate of pay, not including bonuses, commissions, or any other form of compensation.
W-2 Reporting	Included	Included
Rate Guarantee	2 Years	2 Years
Enrollment Type	No Enrollment	No Enrollment
Participation Requirement	100%	100%
Family Medical Leave	Included	Included
Commissions	Standard Schedule	Standard Schedule

Long Term Disability		
	Option 1	Option 2
Minimum Hours Requirements	30 Hours per Week	30 Hours per Week
Coverage Basis	24 Hour Coverage	24 Hour Coverage
Elimination Period	180 Days	180 Days
Benefit Percent	60%	60%
Guarantee Issue Benefit	\$5,000	\$7,000
Minimum Monthly Benefit	Greater of 10.00% or \$100.00	Greater of 10.00% or \$100.00
Maximum Duration of Benefits	ADEA I with SSNRA	ADEA I with SSNRA
Definition of Disability	2 Years Regular Occ	2 Years Regular Occ
Earnings Test	80% / 60%	80% / 60%
Partial or Residual	Residual	Residual
Return to Work Incentive	12 months	12 months
Integration Method	Direct	Direct
Social Security Offset	Family	Family
Employer Participates in Workers Compensation	Yes	Yes
Rehabilitation Participation Requirement	Included	Included
Pre-Existing Condition Exclusion	3/12	3/12
Continuity of Coverage	Not Applicable, New Coverage.	Not Applicable, New Coverage.
Mental Illness Limitation	24 Months (Lifetime)	24 Months (Lifetime)
Substance Abuse Limitation	24 Months (Lifetime)	24 Months (Lifetime)
Survivor Income Benefit	3 Times Gross Benefit	3 Times Gross Benefit
Workplace Modification Benefit	Included	Included
Employee Participation Requirement	100%	100%
Contribution Type	Non-Contributory	Non-Contributory
Enrollment Type	No Enrollment	No Enrollment
W-2 Reporting	Included	Included
Rate Guarantee	2 years	2 years
Commissions	Standard Schedule	Standard Schedule

Proposal Assumptions and Qualifications

General

- Quote assumes coverage will become effective on 08/01/2023.
- Quote assumes a SIC Code of 9111.
- Quote assumes KS as the State of Situs of US Alliance standard filed contract language applies unless approved in advance.
- Proposed Rate(s) are valid until 10 days prior to effective date.
- Group must be in business for a minimum of one year to be eligible for benefits.
- Employees must be actively at work to become eligible. This policy does not replace or affect requirements for coverage by Workers' Compensation Insurance or State Disability insurance.
- If an employee is not actively at work on the day coverage would normally become effective, coverage for that employee will not go into effect until the day the employee returns to active full-time employment for the Policyholder, subject to any Takeover-provision as outlined in this proposal.
- Rates assume participation in Workers' Compensation Insurance plan.
- Evidence of insurability/proof of good health is required for applicants who apply for contributory/voluntary coverage more than 90 days after first becoming eligible.
- Minimum of 10 covered lives is required.
- Quote is based on the census presented and actual cost will be based on the data submitted at sold case time. Should there be any changes in the original data quoted – number of lives, class occupations, salaries, or other pertinent facts – the case will be subject to new underwriting to determine acceptability of the group, the policy provisions and the rate may be changed. This offer expires 31 days from the requested effective date.
- Disability claims are administered by Group Reinsurance Plus.
- Quote does not include coverage for any temporary, leased, contracted or seasonal employees.
- Definition of Earnings Regular rate of pay, not including bonuses, commissions, or any other form of compensation averaged over the last [2] years
- Coverage is written on a fully insured, non-participating, non-dividend eligible funding arrangement.
- US Alliance reserves the right to revise the Rate(s) or decline to offer coverage if the participation requirement is not met.
- Employer must notify US Alliance of any completed acquisition or merger.
- At any time during the rate guarantee period, US Alliance reserves the right to revise the Rate(s) for one or more of the following reasons:
 - More than a 10% change in the number of eligible employees, enrolled employees or covered volume;
 - Changes in state or federal insurance regulations or mandated benefits;
 - Changes in the sold plan design or employee eligibility from that proposed;
 - Material misstatement or misrepresentation of the information provided during the Request for Proposal (RFP) process, including but not limited to bid specifications, claims experience or inforce benefits.
- Quote assumes eligible employees are U.S. citizens or U.S. residents working in U.S. locations who have met the employee eligibility requirements. Requests for coverage of International employees must be approved in advance.
- Family members cannot comprise more than 50% of the insured employee population. Family members include father, mother, spouse and/or children.
- Quote assumes all claims incurred prior to the effective date will be the responsibility of the prior carrier.
- Unless otherwise noted, quote assumes a Traditional Evidence of Insurability (EOI) enrollment on any employee paid coverage.
- Quote assumes the employer has been in business for at least 2 years.

- Late entrants are required to provide Evidence of Insurability to enter into the plan at any coverage level/amount.
- If there are any union negotiated provisions, those provisions are not a part of this quote unless specifically stated in this proposal. In addition, this proposal is not subject to any collective bargaining agreement.
- Quote assumes proposed plan of benefits is subject to ERISA regulations.
- This proposal is intended to highlight certain plan design aspects of the proposed lines of coverage and does not constitute the contract. Any discrepancies between this proposal and the contract will be resolved by the wording in the contract.
- A minimum number of 10 eligible employees must be insured for coverage to become effective and remain in force, subject to the specified conditions of the rate guarantee.
- This quote assumes the minimum participation to be the greater of 10 lives or 25% participation. [US Alliance] reserves the right to either re-price or to decline to accept the risk if the minimum participation threshold is not met.
- With this rate structure the employer may be electing to partially support employer paid coverages with the rate for the employee paid coverages. This means that premiums paid for one coverage may cover the cost of another coverage under the Plan. When we quote rates with such partial support between the employee paid and employer paid coverages we do so with the understanding that the employer and employee coverages are part of a single ERISA plan sponsored by the employer and that the employer has determined that the rate structure is consistent with information provided to employees and with its ERISA obligations. If this understanding is not accurate, please contact us.
- This proposal explains the general purpose of the insurance described, but in no way changes or affects the policy as actually issued. In the event of a discrepancy between this proposal and the policy, the terms of the policy apply. All benefits are subject to the terms and conditions of the policy. Policies underwritten by the issuing company listed above detail exclusions, limitations, reduction of benefits and terms under which the policies may be continued in full or discontinued. Complete details are in the Certificate of Insurance issued to each insured individual and the Master Policy issued to the policyholder. This program may vary and may not be available to residents of all states.

Long Term Disability and Short Term Disability Definitions

- Quote assumes the employer participates in Social Security.
- Quote assumes that the employer participates in statutory disability benefits where mandated as statutory coverages are not included in this proposal
- Quotation includes W-2 preparation unless the employer requests otherwise.
- Assumes the employer participates in Workers Compensation.
- On employer paid coverage(s), quote assumes the employer pays the cost of coverage on a pre-tax basis.
- On employee paid coverage(s), quote assumes the employee pays the cost of coverage on a post-tax basis.
- Maternity is covered as any other condition
- 14 day recurrent disability/temporary recovery
 - If the insured returns to work, earning more than 80% of pre-disability earnings, and the same sickness or injury causes the disability to occur again within 14 days of the date the prior disability ended, US Alliance will resume monthly payments if the insured is covered under the policy for the period of temporary recovery.
- Cost of Living Freeze
 - Except for increases in income earned or received from any form of employment, once an Other Income Amount has been subtracted from the gross weekly disability payment, the insured's payment will not be further reduced due to a cost of living increase in any Other Income Amounts.

Deviations



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Marla McFarland, Human Resources Division
Item: Employee Manual Changes – Chapter 15

Purpose: A Resolution adopting by reference the updated Employee Manual for the City of Arkansas City and repealing Resolution No. 2022-04-3475. (**Voice Vote**)

Background:

1. Staff recommends changing Employee Manual Policy **15.1.a. Travel** to state the following:
Occasionally performance of official City business will necessitate travel by City employees. Any amount of time you spend driving or traveling on official City business will be paid time.
2. Staff recommends inserting new **15.1.b. Travel/Training Time and Regularly Scheduled Work Shift.**

All non-exempt employees (except those whose overtime hours are measured by Work Periods) will be paid the greater of all travel and/or training time or their Regularly Scheduled Work Shift, whichever is greater. This will be measured within the Work Week.

All employees whose overtime hours are measured by Work Periods will be paid the greater of all travel and/or training time or their Regularly Scheduled Work Shift, whichever is greater. This will be measured within the Work Period.

Please note only time worked will be included in the Overtime Pay threshold.
3. Staff recommends inserting the new **15.1.f. Means of Transportation** heading. Only inserting heading. There are no changes to the content.

Commission Options:

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

Fiscal Impact:

Amount: None

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Attachments: Chapter 15 – Employee Training & Travel changes

Approved for Agenda by:

Randy Frazer, City Manager

RESOLUTION NO. 2023-11-_____

A RESOLUTION ADOPTING BY REFERENCE THE UPDATED PERSONNEL POLICIES AND GUIDELINES MANUAL FOR THE CITY OF ARKANSAS CITY AND REPEALING RESOLUTION NO. 2022-04-3475.

NOW THEREFORE, 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 adopts and implements the Personnel Policies and Guidelines Manual attached hereto and incorporated by reference as if fully set forth herein.

SECTION TWO: 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: The Governing Body of the City of Arkansas City, Kansas hereby repeals all provisions of Resolution No. 2022-04-3475.

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

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this 7th day of November, 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 Resolution No. 2023-11-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on November 11, 2023, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk

Chapter 15 - Employee Training and Travel

15.1 Training and Travel Expenses

It is the policy of the City of Arkansas City to provide employees educational and training opportunities to improve their skills and capabilities as may be appropriate for their duties and responsibilities.

When training (including classes, seminars, conferences or college courses) is required by the City Manager or an employee's department/division head, expenses associated with those training opportunities will be paid by the City according to the Fair Labor Standards Act (FLSA), Internal Revenue Service (IRS) guidelines and this Employee Training and Travel policy.

15.1.a. Travel

Occasionally performance of official City business will necessitate travel by City employees. Any amount of time you spend driving or traveling on official City business will be paid time.

15.1.b. Travel/Training Time and Regularly Scheduled Work Shift

All non-exempt employees (except those whose overtime hours are measured by Work Periods) will be paid the greater of all travel and/or training time or their Regularly Scheduled Work Shift, whichever is greater. This will be measured within the Work Week.

All employees whose overtime hours are measured by Work Periods will be paid the greater of all travel and/or training time or their Regularly Scheduled Work Shift, whichever is greater. This will be measured within the Work Period.

Please note only time worked will be included in the Overtime Pay threshold.

15.1.c. Definitions

1. Authorized Travel – Travel outside of City limits that is directly relevant to, and necessary for, the successful accomplishment of, legitimate City requirements (i.e., official City business).
2. Authorized Individuals – Individuals who are either performing official City business or representing the City in some fashion.
3. Reimbursable Mileage Rate – IRS business standard mileage rate in effect at the time of Authorized Travel.
4. Purchasing Card – Any card or other similar item or arrangement which authorizes credit purchases by an employee in the name of the City of Arkansas City.
5. Reimbursable Expenses – Only those expenses for which City funds will be used for reimbursement.
6. Travel Approving Official - Person authorized to approve travel and related expenses. For this policy, the Travel Approving Official will be the department/division head. If the Authorized Individual is a department/division head, the Travel Approving Official will be the City Manager.

15.1.d. Approval Process

Any Authorized Individual intending to travel on official City business shall request approval from their Travel Approving Official prior to the planned departure date.

15.1.e. Authorized Expenses

1. Transportation costs (specified below) for out of town meetings, conferences and seminars; and,
2. Lodging for approved overnight business-related functions as detailed below; and,
3. Actual meal expenses for official City business when traveling out of town as explained below; and, incidental travel related expenses such as tolls, parking, etc.

15.1.f. Unauthorized Expenses

1. Alcohol; and,
2. Appetizers unless ordered as a meal; and,
3. Snacks; and,
4. Personal expenses; and,
5. Expenses for family members or others; and,
6. Entertainment expenses such as tickets to concerts, plays, sporting events, etc.; and/or tips.

15.1.g. Means of Transportation

Employees needing to travel may use the following means of transportation:

1. City Vehicle – Employees without assigned City Vehicles may request a City Vehicle for business-related travel. City Vehicle issuance is based on availability and shall be approved by the department/division head that has responsibility for the assigned vehicle.
2. Commercial Carrier – The allowable expense is economy or tourist class if by air; first class day coach if by train. When possible, commercial travel should be planned far enough in advance to take advantage of reduced fares. Under no circumstances will an airline be selected, or route established, solely for the purpose of accruing airline bonus points.
3. Private Vehicle - Rates for reimbursement will be the Reimbursable Mileage Rate (IRS business standard). Mileage will be determined by the usually traveled, most direct route in accordance with figures obtained by Google Maps or Map Quest applications. If approved, this use of a Private Vehicle may be selected but reimbursement will be limited to cost of the most economical mode of transportation available (i.e., limited to the total cost of reimbursable mileage to airport, airport parking, airfare, etc.).
4. Rental Vehicle – Rental Vehicles may be authorized if their use is the most economical option either traveling to and from or at an authorized event.
5. Other Travel-Related Expenses - Other business expenses directly attributed to City related travel such as public transportation, baggage fee, airport parking, taxi/bus fares, tolls and parking fees are allowed as long as receipts detailing the charges are provided.

Please note mileage will not be reimbursed for travel within the City limits of the City of Arkansas City.

15.1.h. Lodging

The City may pay lodging costs associated with attendance at an authorized business meeting, seminar or conference. Reimbursement will be for the best available room rate.

Phone calls and internet access charges on the hotel bill will be deducted unless identified as to who was called and the nature of City business conducted.

15.f.i. Meal Expense

Meals will be paid or reimbursed for actual cost (including tip not to exceed fifteen percent (15%)).

Expenses for meals associated with a training seminar or meeting within the City limits of Arkansas City will not be reimbursed.

When overnight stay is not required but an employee's travel extends their Regularly Scheduled Work Shift by three (3) hours, the employee will be provided with one (1) meal.

An itemized, original receipt must be submitted for reimbursement. The receipt must identify name and address of restaurant, date and itemized purchases.

Meal purchases must be done with good judgement and proper discretion. Employees are encouraged to use the U.S. General Services Administration (GSA) guidelines for acceptable expenses. Under no circumstance shall the amount exceed GSA guidelines for the area.

15.2 Certification/License Testing

When attempting Certification/License Testing (job requirement) the City will reimburse the employee for the cost of (1) the first attempt (pass or fail) and (2) the final successful attempt at testing. The expense for all other attempts will need to be paid by the employee.



City Commission Agenda Item

Meeting Date: November 7th, 2023
From: Nick Rizzio, Municipal Project Manager
Item: Bankers Security Implementation – City Hall

Purpose: A Resolution authorizing the proposal submitted by Bankers Security, of Salina, KS, to secure particular departments within City Hall, for an amount not to exceed \$14,705.00. **(Voice Vote)**

Background:

Securing certain departments within City Hall is essential to ensure the smooth and secure functioning of government operations, protect sensitive information, maintain public safety, and comply with relevant regulations. We currently do not follow this practice and the need for implementation is imminent.

Confidentiality and Privacy: Certain departments handle sensitive information that needs to be protected from unauthorized access to ensure the privacy and confidentiality of individuals i.e., departments dealing with personal records, legal matters, or sensitive community issues may need to operate in a secure environment.

Security Concerns: There may be security concerns related to specific departments, especially those that deal with Human Resources, law enforcement, emergency response, or sensitive infrastructure. Securing these areas can help prevent unauthorized access and protect critical information and resources from potential threats.

Protection of Official Records: Departments that manage important official records, such as land records, historical documents, or financial data, need to be secured to prevent tampering, unauthorized modifications, or theft of critical information.

Maintaining Operational Efficiency: Restricting access to certain departments can help maintain operational efficiency by limiting disruptions caused by excessive foot traffic, ensuring that staff can focus on their duties without unnecessary interruptions.

Regulatory Compliance: Compliance with legal and regulatory requirements might necessitate restricted access to specific areas within City Hall, ensuring that the city government operates within the boundaries of the law.

Commission Options:

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

Fiscal Impact:

Amount: \$14,705.00

Fund: 01–General Fund Department: 201–City Commission Expense Code: 7503–Audio/Visual Equipment

Included in budget Grant Bonds Other Not Budgeted

Attachments: Bankers Security proposal.

Approved for Agenda by:

Randy Frazer, City Manager

RESOLUTION NO. 2023-11-_____

A RESOLUTION AUTHORIZING THE PROPOSAL SUBMITTED BY BANKERS SECURITY, OF SALINA, KS, TO SECURE PARTICULAR DEPARTMENTS WITHIN CITY HALL, FOR AN AMOUNT NOT TO EXCEED \$14,705.00.

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 approves the proposal submitted by Bankers Security, of Salina, KS, to secure particular departments within City Hall, for an amount not to exceed \$14,705.00.

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 7th day of November, 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 Resolution No. 2023-11-_____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on November 7, 2023. as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk

Ark City Police

Memo

To: Chief Burr
From: Lt. Detective Jason Legleiter #104
CC:
Date: 05-04-2023
Reference: Municipal Court Safety

Chief Burr,

This memo is to address security issues at the Arkansas City Municipal court and more broadly City Hall which houses Municipal court. As you are aware the Municipal court is set to run each Tuesday from 1 p.m. – 5 p.m.. In speaking with the court clerk, she advised that individuals who need to be seen in court take a number and wait to be called upon. I was told that individuals can wait in the court room, however we know that at time individuals who are awaiting Municipal Court stand in the main hallway.

When evaluating the overall safety of Municipal Court and those employed by the City of Arkansas City, we see glaring issues. The most noticeable is the overall lack of physical security, meaning there is not an officer present inside or outside the courtroom. This creates the possibility of any type of violence against not only Municipal court staff, but City Hall staff or others attending court. Normally on a Tuesday during the current set times for court there could be up to 11 Police Officers on duty, with the possibility of 5 at the Police Station, this considers the Police Administrative staff and the Investigations division. The reason this is important to note is if an incident took place, we could not prevent it however the response time to stop this event or capture the suspect would be very minimum compared to a night shift response when at most 4 officers are on duty covering the entire town of 12,000.

Other obvious security issues are the lack of security video, or metal detectors upon entering City Hall. This then leads to the next security issue there are currently 3 entrances to City Hall. The main South door, the West door, and the Elevator, which we must provide to be compliant with ADA laws. The West door opens to a set of stairs which accesses the main level where court is held, however one could elect to not go up the stairs and instead go towards the location where

EOC, Human Resources, Project Management and IT is located. This area is not secured and accessible by any citizen of Arkansas City. As you can image this presents major safety concerns but not physical safety, safety of personal private records (HR), access to the city early warning systems (EOC), records on major city projects and lastly and most importantly the network security for the City as the servers and network equipment is housed in this area. Also housed in this area are multiple years of records for the city, this is in a location which should be secured however there are times in which the door is propped open allowing easy access into a sensitive area with little if no oversight even during normal business hours.

On the main level where the Municipal Court is located, also houses the City Manager and Finance department. Individuals who have handled their matters in court or who simply received a citation which can be paid without a court appearance, must enter the finance department area to make this payment. I was told that the doors to this area are locked after 5 p.m., however the doors to access this area have large glass windows, and there are no other security measures in place, no audible alarms, motion sensor or cameras. This could allow an individual who gained access to have access to City Financial information, even if it were on a computer system in this area.

In addressing the entrance to the elevator this is located on the northwest corner of the City Hall building. In entering this area, individuals immediately see a glass door which behind are District Court records, this presents yet another privacy security situation. Once an individual access the elevator, they can choose the 1st floor (Main floor) or the 2nd floor where District Court is house. Once on the 2nd floor an individual can access the district court. During a day in which court is held in person there is an armed Cowley County Sheriff Deputy present in the court room. Also on the 2nd floor is the City Code and Planning department.

To increase the safety of staff and individuals at Municipal Court and City Hall some immediate steps could be taken.

1. Securing the West door, only access would be the front door (South) or the elevator.
2. Installation of security cameras so that individual's movements could be monitored, and this could deter individuals from being in areas they should not be.
3. Creating a secured area where EOC, HR, Project Management and IT are located. This would be accessible by key card or key lock (punch code) only. This would take changing the glass door on the east access by IT to a solid fireproof door and then securing the west entrance once inside the waiting room area.

A long-term solution to improve the overall security would be a joint building encompassing the Municipal Court and the Police Department. This would reduce individuals roaming throughout City Hall which reducing traffic and availability to identified sensitive areas. This would also allow for easier access to assistance, creating a deterrent. In combining the two at one centralized location it could streamline the process from court to payment to fingerprinting etc.



City Commission Agenda Item

Meeting Date: November 7, 2023
From: Jennifer Waggoner, Finance Director/Treasurer
Item: Set Public Hearing for 2023 Budget Amendment

Purpose: A Resolution approving the notice of budget hearing for publication and setting the date for a public hearing at 5:30 p.m. on November 21, 2023, to amend the 2023 budget for the City of Arkansas City. **(Voice Vote)**

Background:

Kansas State Statutes allow the governing body to increase the originally adopted budget for previously unbudgeted increases in revenue other than ad valorem property taxes. To do this, the governing body must set a public hearing, and publish the notice in the City's official newspaper. The Notice of Hearing for Amending the 2023 Budget must be published at least 10 days before a formal budget hearing is held to hear the public comments on the proposed changes before its adoption.

General Fund: The General Fund is being amended to accommodate the \$1 million loan to the hospital.

Sewer Fund: The Sewer Fund is being amended to accommodate the runout of the Wastewater Treatment Plant upgrade project.

Library Fund: The Library is budgeted to receive 6 mills per charter ordinance. This amendment increases the budget authority should the last distribution of motor vehicle tax come in stronger than expected.

Municipalities Fight Addiction Fund: This is a newly created fund, required by the State of Kansas to accommodate distributions made on behalf of the Kansas Fights Addiction Act (KFAA). The amendment is necessary in order to expend these funds, if desired, in a manner consistent with the approved purposes.

Debt Service: This amendment is necessary to accommodate the issuance of Taxable General Obligation Bonds, Series 2023.

Healthcare Sales Tax Fund (HST): This fund accounts for 95% of the Healthcare Sales Tax receipts, as well as 40% of total Compensating Use Tax. Sales tax and Compensating Use Tax came in stronger than anticipated. This amendment gives us budget authority to remit the funds to the Trustee.

CID Sales Tax Fund: This fund receives 100% of the 1% special Community Improvement District Sales Tax levied within Summit Plaza. The money is in turn paid to the developer (Diversified Acquisitions) until the earlier of:

1. 22 years from its commencement date of July 1, 2015 (or)
2. The date on which reimbursement of pay-as-you-go costs of the Project not to exceed \$750,000 from the CID Sales Tax and NRD revenue has been paid.

As of 10/31/2023, a total of \$430,939.32 has been paid to Diversified Acquisitions. This amendment gives us budget authority to remit the funds to Diversified Acquisitions should the last distribution come in stronger than expected.

Commission Options:

- 1. Adopt the resolution to approve the Notice of Budget Hearing for publication and set the public hearing to amend the 2023 budget for 5:30 p.m. on November 21, 2023.
- 2. Disapprove

Fiscal Impact:

Amount:

Fund: **01 General** Department: **209 Finance** Expense Code: **6301 Advertising**

Included in budget Grant Bonds Other (explain)

Approved for Agenda by:



Randy Frazer, City Manager

RESOLUTION NO. 2023-11- _____

A RESOLUTION APPROVING THE NOTICE OF BUDGET HEARING FOR PUBLICATION AND SETTING THE DATE FOR A PUBLIC HEARING AT 5:30 P.M. ON NOVEMBER 21, 2023 TO AMEND THE 2023 BUDGET FOR THE CITY OF ARKANSAS CITY.

WHEREAS, the Governing Body of the City of Arkansas City has received a request to amend the 2023 budget for the General Fund, Sewer Fund, Library Fund, Municipalities Fight Addiction Fund, Debt Service Fund, Healthcare Sales Tax Fund (HST), and CID Sales Tax Fund; and

WHEREAS, the Governing Body of the City of Arkansas City will consider amendments to the 2023 budget for the City of Arkansas City after a public hearing is held, wherein the City Commission will open the floor to public comment.

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 approves the attached Notice of Budget Hearing for publication.

SECTION TWO: The Governing Body of the City of Arkansas City hereby sets a public hearing at 5:30 p.m. on November 21, 2023, at City Hall, 118 W. Central, Arkansas City, Kansas to receive public input regarding amendments to the 2023 budget for the General Fund, Sewer Fund, Library Fund, Municipalities Fight Addiction Fund, Debt Service Fund, Healthcare Sales Tax Fund (HST), and CID Sales Tax Fund.

SECTION THREE: The Mayor, City Clerk, and/or City Administration are hereby authorized and directed to execute any and all documents necessary to consummate the legislative purposes and intents as expressed in this Legislative Enactment, and, if executed by the Mayor (or other person authorized by law to act in the event of the absence or inability of the Mayor to act), the City Clerk is directed to attest to and affix the official seal of the City thereon; the City Manager shall act as the official representative of the City for this and all subsequent related activities.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas, Kansas this 7th day of November, 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 Resolution No. 2023-11-_____ of the City of Arkansas City, Kansas adopted by the governing body on November 7, 2023 as the same appears of record in my office.

DATED: _____

Tiffany Parsons, City Clerk