

City of Arkansas City
Board of City Commissioners
Agenda

Regular Meeting

Tuesday, November 6, 2012 @ 5:30 PM

City Commission Room, City Building – 118 W. Central – Arkansas City, Ks

I. Routine Business

1. Roll Call
2. Opening Prayer and Pledge of Allegiance
3. Additions or Deletions to the Agenda
4. Approval of the Agenda (Voice Vote)
5. Recognition of Visitors

II. Awards and Proclamations

III. Consent Agenda (Voice Vote)

1. Approval of October 16, 2012 minutes as written

IV. Old Business

V. New Business

1. Consider Resolution authorizing the City to enter into an agreement with Kaup Law office for development of a Comprehensive/ Capital Improvements Plan. (Voice Vote)
2. Consider Resolution extending Neighborhood Revitalization Plan for an additional 4 years, to December 31, 2016. (Voice Vote)
3. Consider Resolution authorizing the City to enter into an agreement with BCBS for the 2013 Health Insurance Renewal. (Voice Vote)
4. Consider Resolution authorizing an addendum with Delta Dental for the 2013 Dental Insurance Renewal. (Voice Vote)
5. Letter of Support for the Development of US 77 Highway Corridor in Cowley County. (Voice Vote)
6. First reading of Ordinance authorizing use of bow and arrow on tracts of 30 acres or more.

VI. Other Business

VII. City Manager Updates


1. Comprehensive Plan Steering Committee
2. Governing Body Handbook

Adjournment



Item for City Commission Action

Section III Item 1

Date 11/6/2012	<u>Citizen/Agency Contact</u>	<u>Department/Division</u> Finance Department/City Clerk	<u>Staff Contact</u> Lesley Shook
Details	Consent Agenda Item - Approval of minutes from October 16, 2012 Arkansas City Commission Meeting.		
<u>Description</u> Please see attached			
<u>Commission Options</u> 1. Approve the minutes Recommended by Staff <u>1</u> Advisory Board _____			
<u>Fiscal Impact:</u> Amount: N/A Fund: Department: Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>			
<u>Approved for Agenda by:</u>		 SIGNATURE	

CITY COMMISSION MEETING MINUTES
Arkansas City, KS
October 16, 2012

The Arkansas City Board of City Commissioners met in regular session on Tuesday, October 16, 2012 at 5:30 p.m. in the Commission Chambers at City Hall. Those present at roll call were Commissioners Giles, Hockenbury, McDonald and Warren. Absent at roll call was Mayor Tweedy III. Also present at roll call were City Manager Nick Hernandez, City Attorney Tamara Niles, Management Intern Taggart Wall, Public Works Director Eric Broce, Finance Director Kathy Cornwell, Public Services Superintendent Randy Jacobs, and City Clerk Lesley Shook.

Pastor Fry offered the opening prayer.

Vice Mayor Giles led the pledge of allegiance.

Approval of Agenda

Commissioner McDonald moved to approve the agenda. Commissioner Warren seconded the motion. Voice vote was unanimous in favor of the motion. Vice Mayor Giles declared the agenda approved.

Recognition of Visitors

Pam Brown, 121 Highland Drive, addressed the commission regarding privatizing sanitation. She has started a petition in town that has now over 1000 signatures. Ms. Brown presented a list of question to the commission. The commission recommended she give the list to the city manager for his review. City Manager Hernandez stated he was available anytime to discuss any issues regarding sanitation, recycling, or any other city issues. Vice Mayor Giles stated he would like a copy of the petition. Ms. Brown stated she would bring a copy to the City Manager's office this week.

Dave Pond, 1206 N Summit Street, addressed the commission regarding privatizing sanitation. He expressed to the commission that if the citizens didn't want a change in the current sanitation program, he hoped the commission would take that under advisement.

Presentation of Proclamation

Vice Mayor Giles read a proclamation recognizing October 3, 2012 as Soroptimist Founders Day in Arkansas City. Connie Kimsey was present to accept the proclamation.

Consent Agenda

Motion by Commissioner Hockenbury and seconded by Commissioner Warren to approve the consent agenda. Voice vote was unanimous in favor of the motion. Vice Mayor Giles declared the consent agenda approved.

2. Approval of September 18, 2012 minutes as written

New Business

Ordinance Amending County-Wide
Economic Development (Cowley First)
Interlocal Agreement
Ordinance No. 2012-10-4316

City Clerk Shook presented an Ordinance amending the county-wide economic development interlocal agreement. City Manager Hernandez noted one minor change needed to the agreement that would add Strother Field Commission to the Coordinating Council. The change has already been approved by the City of Winfield. Commissioner Hockenbury moved to approve the Ordinance amending the county wide economic development interlocal agreement. Commissioner McDonald seconded the motion. Roll call vote was unanimous in favor of the motion. Vice Mayor Giles declared the ordinance adopted and given Ordinance No. 2012-10-4316.

Ordinance rescinding Ordinance 2012-09-4315
Property Maintenance Violations
Ordinance No. 2012-10-4317

City Clerk Shook presented an Ordinance rescinding Ordinance No. 2012-09-4315 regarding property maintenance violations. City Manager Hernandez noted Ordinance 2012-09-4315 had the wrong names and addresses listed, requiring it to be rescinded. Commissioner McDonald moved to approve the Ordinance rescinding Ordinance No. 2012-09-4315 regarding property maintenance violations. Commissioner Hockenbury seconded the motion. Roll call vote was unanimous in favor of the motion. Vice Mayor Giles declared the ordinance adopted and given Ordinance No. 2012-10-4317.

Ordinance certifying Special Assessments
Property Maintenance Violations
Ordinance No. 2012-10-4318

City Clerk Shook presented an Ordinance levying special assessments for administrative fines, and costs incurred by the City for abating, investigating, and/or inspecting real property in violation of Municipal Code in the amount of \$1,100.00. Commissioner McDonald moved to approve an Ordinance levying special assessments for costs incurred for property maintenance violations. Commissioner Warren seconded the motion. Roll call vote was unanimous in favor of the motion. Vice Mayor Giles declared the ordinance adopted and given Ordinance No. 2012-10-4318.

City Manager Updates

City Manager Hernandez discussed the Comprehensive Plan process. He distributed an agreement from Kaup Law office for the commission to review. He noted Kaup Law office has spoken with the Planning Commission and described with them the process for updating our Comprehensive Plan and Capital Improvements Plan as well as Land Use Regulations and Zoning Maps. City Manager Hernandez noted the last time any comprehensive re-write on zoning regulations took place was back in the early 1960's. He would like to develop a steering committee that would be appointed by the commission.

City Manager Hernandez distributed a memo to the commission regarding employee health insurance renewals. There is an overall increase of 2.2% for 2013 which equates to approximately \$30,000. The figure is significantly lower than anticipated.

City Manager Hernandez noted Water Treatment Plant requests for qualifications had recently been sent out to approximately 12 engineering firms. He has met with several national firms and will continue through the end of the week and possibly into the following week. Plans are to interview the top three candidates then make the decision to present to the commission for approval.

Other Business

City Manager Nick Hernandez requested two executive sessions; one for 10 minutes to discuss matters of attorney/client privilege, and the other for 5 minutes to discuss matters relating to the acquisition of real property. No action anticipated on either item. Commissioner McDonald made a motion to go into executive session for 15 minutes to discuss matters of attorney/client privilege and matters relating to acquisition of real property. Commissioner Warren seconded the motion. Voice vote was unanimous in favor of the motion. Vice Mayor Giles declared the motion passed.

Adjournment

Commissioner Hockenbury moved to adjourn. Vice Mayor Giles seconded the motion. Voice vote was unanimous in favor of the motion. Vice Mayor Giles declared the meeting adjourned.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Vice Mayor Chad Giles


ATTEST:

Lesley Shook
City Clerk



Item for City Commission Action

Section V Item 1

Date 11/6/2012	Citizen/Agency Contact	Department/Division Public Works Dept/ Planning Division	Staff Contact Josh White
Details	A Resolution authorizing the City of Arkansas City to enter into an Agreement with Kaup Law Office to assist City staff, the Planning Commission and Governing Body in the development of a new Comprehensive Plan/Capital Improvements Plan, and Land Use Regulations. (Voice Vote)		
Description The Planning Commission met on Tuesday, October 9 and recommended approval of Kaup Law Office to create a new Comprehensive Plan, Capital Improvements Plan and Land Use Regulations.			
Commission Options 1. Approve agreement 2. Send back to Planning Commission 3. Table the item 4. Disapprove the agreement Recommended by Staff <u>1</u> Advisory Board <u>1</u>			
Fiscal Impact: This is budgeted in Neighborhood Services with \$30k available this year and the remaining \$30k next year's budget. Amount: \$59,800 Fund: Department: Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>			
Approved for Agenda by:		 SIGNATURE	

RESOLUTION NO. 2012-11-

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO ENTER INTO AN AGREEMENT WITH KAUP LAW OFFICE TO ASSIST CITY STAFF, THE PLANNING COMMISSION AND GOVERNING BODY IN THE DEVELOPMENT OF A NEW COMPREHENSIVE PLAN/CAPITAL IMPROVEMENTS PLAN, AND LAND USE REGULATIONS.

WHEREAS, the current comprehensive plan was adopted in 1996 and last updated in 2002.

WHEREAS, the City of Arkansas City desires to update this outdated plan.

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

SECTION ONE: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to execute an Agreement with Kaup Law Office to assist City staff, the Planning Commission and Governing Body in the development of a new Comprehensive Plan/Capital Improvements Plan, and Land Use Regulations for an amount not to exceed \$59,800.00. Such Agreement is 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: This Resolution will be in full force and effect from its date of passage by the City Commission of the City of Arkansas City.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas, Kansas this 6th day of November, 2012.

Charles Tweedy III, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

TAMARA L. NILES, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2012-11- of the City of Arkansas City, Kansas adopted by the governing body on November 6th, 2012 as the same appears of record in my office.


DATED: _____

Lesley Shook, Clerk



Item for City Commission Action

Section V Item 2

Date 11/6/2012	Citizen/Agency Contact	Department/Division City Attorney	Staff Contact Tamara Niles
Details	Consider Resolution extending Neighborhood Revitalization Plan for an additional 4 years, to December 31, 2016. (Voice Vote)		
Description On December 16, 2008, the City Commission adopted Ordinance No. 2008-12-4185, authorizing an Interlocal Agreement establishing a Neighborhood Revitalization Plan to spur growth and improvement in real estate within Arkansas City (Exhibits to this plan are on file in the Neighborhood Services Department). That plan, attached, authorizes a tax rebate of 90 percent of increased taxes for 10 years, resulting from new construction or improvements (and 75 percent for 7 years on commercial property; 95 percent for 10 years on historic structures). The Plan expires on 12-31-12, unless the City Commission extends it for an additional 4-year term by Resolution.			
Commission Options Recommended by Staff <input checked="" type="checkbox"/> Advisory Board _____			
Fiscal Impact: Amount: Fund: Department: Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>			
Approved for Agenda by:		 SIGNATURE	

RESOLUTION NO. 2012-10-_____

A RESOLUTION AUTHORIZING THE EXTENSION OF THE 2008 REVISED NEIGHBORHOOD REVITALIZATION PLAN, TO DECEMBER 31, 2016.

WHEREAS, on December 16, 2008, the City Commission adopted Ordinance No. 2008-12-4185, authorizing an Interlocal Agreement establishing a Neighborhood Revitalization program to spur growth and improvement in real estate within Arkansas City; and

WHEREAS, that program authorizes a tax rebate of 90 percent of increased taxes for 10 years, arising out of new construction or improvements (and 75 percent for 7 years on commercial property; 95 percent for 10 years on historic structures); and

WHEREAS, the program expires on 12-31-12, unless the City Commission extends it for an additional 4-year term by Resolution.

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

SECTION ONE: Pursuant to Page 9 of the City of Arkansas City's 2008 Revised Neighborhood Revitalization Plan, the Board of City Commissioners hereby extends the Neighborhood Revitalization fund and tax rebate incentive program until December 31, 2016.

SECTION TWO: The Board of City Commissioners hereby authorizes City Staff of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

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

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas this 6th day of November, 2012 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)

Charles Tweedy III, Mayor

ATTEST:

Lesley Shook, Clerk

DRAFTED AND APPROVED AS TO FORM.

Tamara Niles, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2012-10-_____ of the City of Arkansas City, Kansas adopted by the governing body on November 6, 2012 as the same appears of record in my office.

DATED: _____.

Lesley Shook, Clerk

**REVISED NEIGHBORHOOD REVITALIZATION PLAN
ARKANSAS CITY, KANSAS
2008**

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EXHIBITS

1. Legal Description
2. Assessed Values & Owner of Record
3. City-wide Map with Revitalization Areas
4. Zoning Classification Map
5. Land Use Map(s): Existing and Proposed
6. Statutory Authority
7. Public Hearing and Adopting Ordinance
8. Interlocal Agreement

Purpose and Factual Findings

This plan is required by state statute (K.S.A. 12-17,114 et seq.) in order to create an incremental tax rebate program intended to encourage reinvestment and improvement of blighted, declining areas of the community pursuant to the State Neighborhood Act. The components of the plan include establishing the Neighborhood Revitalization Area boundaries, proposals for improving municipal services and establishing Local eligibility criteria and application procedures for the tax rebate program.

The Neighborhood Revitalization Plan also serves as the City's strategy to stimulate and promote the revitalization of areas in the City of Arkansas City, Kansas, through the rehabilitation, conservation or redevelopment of the area in order to protect the public health, safety or welfare of the residents of the Neighborhood Revitalization Areas and the municipality as a whole.

Purposes for implementing a Neighborhood Revitalization Plan include:

- Stabilize blighted neighborhoods by rehabilitation of older homes
- Provide incentives for affordable housing to persons with limited resources
- Encourage non-profit and religious organizations to revitalize areas and homes
- Encourage property owners to improve homes
- Encourage additions to existing housing
- Encourage infill housing
- Encourage construction of new housing
- Eventually increase tax base and make affordable housing more available

In accordance with the provisions of K.S.A. 12-17,114 et seq., the City Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated areas, the criteria and standards for a tax rebate and the necessity for Interlocal cooperation among the other taxing units. Accordingly, the Commission has carefully reviewed, evaluated and determined that the areas meet one or more of the conditions to be designated as a "neighborhood revitalization area/dilapidated structure."

The City previously has adopted other Neighborhood Revitalization Plans, to apply to different areas within the City. This Plan is intended to replace those in full, to provide one comprehensive plan applicable to all areas eligible for this incremental tax rebate program, as those areas are described herein, and to extend the period of time of the pre-existing plans. To that end, this Plan is the only Neighborhood Revitalization Plan in effect in the City of Arkansas City, from and after the date of execution of the Interlocal Agreement authorizing same.

Legal Description Neighborhood Revitalization Area

The total area of the Neighborhood Revitalization District is described in *Exhibit 1*.

Assessed Valuation of Real Property

The assessed valuation of the real estate and a listing of each owner of record with the corresponding address for each parcel within the Neighborhood Revitalization District are made a part of this plan, see *Exhibit 2*. Existing valuation and ownership is available upon request at the Cowley County Appraiser's Office.

The latest assessed valuation for land and building value by District is as follows:

TOTAL VALUATION PER DISTRICT

	LAND	BUILDINGS	TOTAL
HISTORICAL	\$783,000	\$6,958,500	\$7,741,500
DISTRICT 1	\$19,726,250	\$221,541,170	\$241,267,420
DISTRICT 2	\$6,790,010	\$80,598,550	\$87,388,560
DISTRICT 3	\$94,810	\$475,580	\$570,390
<u>GRAND TOTAL</u>	<u>\$27,394,070</u>	<u>\$309,573,800</u>	<u>\$336,967,870</u>

Zoning Classifications, Districts and Land Use Maps

Maps detailing the Neighborhood Revitalization Areas, zoning districts found within the Neighborhood Revitalization Areas, and a copy of the land use map from the 1996 Comprehensive Plan are made a part of this plan. See *Exhibits 3, 4, and 5*.

Capital Improvements Planned for the Revitalization Areas

Public Safety

- Rehab/Replace Fire Trucks
- Replace Police Cars
- Replace GIS server

Transportation

- Residential Overlay
- Chip and Seal Streets
- Proposed completion of bypass
- Build overpass at railroad and E. Kansas Ave.
- Re-pave and improve arterial streets
With sales tax funding.

Parks, Recreation, Schools

- Build new stadium

Utilities

- Upgrade Sewer Plant

--Construct Hike/Bike Trails
--Improve existing parks

--Upgrade water treatment plant

Schools

Upgrade and improve all schools in City

Property Eligible for a Tax Rebate

Residential Property in all Districts:

1. Rehabilitation, alterations and additions to any existing residential structure, including the alteration of a single-family home into a duplex dwelling, shall be eligible.
2. Construction of new residential structures, including the conversion of all or part of a non-residential structure into a residential structure, shall be eligible.
3. Improvements to existing or construction of new residential detached accessory structures such as garages, gazebos, storage buildings, workshops, swimming pools, etc., shall not be eligible.
4. Eligible residential property may be located anywhere in the neighborhood revitalization area.

Commercial/Industrial Property, within Historic District, and Districts 1, 2 and 3:

1. Rehabilitation, alterations and additions to any existing commercial structure used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purposes shall be eligible.
2. Construction of new commercial structures, including the conversion of all or part of a non-commercial structure into a commercial structure, used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purposes shall be eligible.
3. Improvements to existing or construction of new structures used for public utility or railroad purposes shall not be eligible.
4. Eligible commercial or industrial property may be located anywhere in the Historic District, and Districts 1, 2 and 3.

Criteria for Determination of Eligibility

1. Construction must have been completed after the effective date of the program with written notification to City of owner's intent to participate under proposed program criteria being received by the City after the date of formal approval of the program by the City Commission.
2. AN APPLICATION FOR REBATE **MUST** BE FILED WITHIN SIXTY (60) DAYS OF THE ISSUANCE OF A BUILDING PERMIT.
3. The minimum investment in an improvement is \$5,000, or \$2,500 if the unit is repainted or resided.

4. Residential properties within the Neighborhood Revitalization Area are eligible for a 90% rebate for ten (10) years, on the amount of increased *ad valorem* property taxes, as measured from the amount of tax prior to the improvement to the amount of tax after the improvement was complete (hereafter “tax increase”). Commercial properties within the Neighborhood Revitalization Area are eligible for a 75% rebate for seven (7) years on the tax increase. Properties listed on the national, Kansas or local historical register or located within the designated historic district are eligible for a 95% rebate for ten (10) years on the tax increase. Evidence of listing on the historic register must accompany the application.
5. Property eligible for tax incentives under any other program adopted pursuant to statutory or constitutional authority shall be eligible to submit only one application per project.
6. The improvements must conform to the City of Arkansas City's Comprehensive Land Use and Zoning Ordinance in effect at the time the improvements are made.
7. New, as well as existing improvements on the property must conform to all applicable codes, rules, laws, ordinances and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
8. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any rebate or future rebate until such time that all taxes and assessments have been paid. If such delinquency occurs after entry into the rebate program, the owner shall have no more that 90 days to bring the taxes current. If such delinquency continues beyond 90 days, the property shall no longer be eligible for a rebate.
9. The following improvements are not eligible for a tax rebate:
 - ❑ Surface parking lots except as an accessory to a contiguous improvement
 - ❑ Railroads and utilities
 - ❑ Swimming pools, gazebos, new unattached garages and workshops. Rehabilitation of existing unattached garages is eligible for rebates.
 - ❑ Mini warehouses
 - ❑ Conversion of single family to multi-family housing except for duplexes
 - ❑ Mobile homes
 - ❑ Any property which has or will receive IRB financing and/or a tax abatement
10. The City Commission has the option for a case-by-case review of individual blighted properties located outside of the Neighborhood Revitalization Area. The City Commission also has the option to adjust rebates for individual properties located inside of the Neighborhood Revitalization Area on a case-by-case basis.

Contents of Application for Tax Rebate

Applicants for the Neighborhood Revitalization Act tax rebate program should include the following information and be submitted on the following form. Each application shall require a \$25 application fee. ***Please note:*** *It is the responsibility of the person applying for this grant to obtain the necessary permits and meet any and all local, state, and federal laws/regulations/codes.*

APPLICATION FOR TAX REBATE
City of Arkansas City Neighborhood Revitalization Program
(Please Print or Type)

PART 1

OWNER'S NAME _____ DAY PHONE NO. _____

OWNER'S MAILING ADDRESS _____

PROPERTY ADDRESS _____

PARCEL IDENTIFICATION NUMBER _____

(Take Parcel ID number and legal description from your tax statement or call the County Clerk's Office)

LEGAL DESCRIPTION OF PROPERTY _____

(Use additional sheets if necessary)

PROPERTY USE (check two) Residential Commercial
 Rental Owner-occupied

IS PROPERTY LISTED ON HISTORICAL REGISTER OR IN THE HISTORIC DISTRICT? No Yes
If yes, attach proof

PROPOSED IMPROVEMENTS
(Be specific)

IMPROVEMENT	BUILDING PERMIT VALUE
_____	\$ _____
_____	\$ _____

(Use additional sheets if necessary)

TOTAL BUILDING PERMIT VALUE \$ _____

DATE OF COMPLETION _____ ACTUAL ESTIMATED

LIST BUILDINGS TO BE OR ACTUALLY DEMOLISHED _____

IF DEMOLISHING A RESIDENTIAL STRUCTURE, COMPLETE THE FOLLOWING:

NUMBER OF DWELLING UNITS _____ (List tenants occupying the building when purchased, if known or present tenants)

TENANT	DATE OF OCCUPANCY
_____	_____
_____	_____
_____	_____

CONSTRUCTION TO BEGIN ON _____ DEMOLITION PERMIT NO. _____
BUILDING PERMIT NO. _____

(Attach copy)

BY _____ DATE _____
(Applicant's Signature)

For City Use Only

THE ABOVE APPLICATION [] IS [] IS NOT IN CONFORMANCE WITH THE REQUIREMENTS OF THE CITY OF ARKANSAS CITY NEIGHBORHOOD REVITALIZATION PROGRAM.

REASON NOT IN CONFORMANCE _____

BY _____ DATE _____

PART 2

INCOMPLETE PROJECT AS OF JANUARY 1 FOLLOWING COMMENCEMENT []

COMPLETE PROJECT AS OF JANUARY 1 FOLLOWING COMMENCEMENT []

BY _____ DATE _____

(Property owner's signature)

For County Appraiser's Use Only

THE ABOVE IMPROVEMENTS ASSESSED VALUE IS:

	PRIOR TO IMPROVEMENT	AFTER IMPROVEMENT	AMOUNT SUBJECT TO REBATE
Land	\$ _____	\$ _____	\$ _____
Improvements	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____

BY _____ DATE _____

(Cowley County Appraiser's Office)

For County Clerk's Use Only

AS OF _____ TAXES AND SPECIAL ASSESSMENTS ON THIS PARCEL OF PROPERTY [] ARE
[] ARE NOT CURRENT

BY _____ DATE _____ 19 _____

(Cowley County Clerk's Office)

Procedure for Submission of an Application

Overview of Process

1. The City will offer and advertise the availability of the tax rebate program periodically throughout the year.
2. Persons or businesses planning improvement projects may submit an application to the Building, Planning and Code Enforcement Department at any time for a predetermination of eligibility.
3. The improvement plan will stipulate the type of improvement to be made, renderings, a timetable for completion and any supporting documents appropriate for the type of application.
4. Prior to beginning the project, the owner shall apply for a building permit that shall be attached to the application.
5. Once the application and the building permit have been submitted, the Building, Planning, and Code Enforcement Department shall determine eligibility of the project for the tax rebate.
6. At completion, the owner shall request a reappraisal by the county appraiser which will determine the property value and shall be used to calculate the tax value increment added by the improvements.
7. At the customary time, the county treasurer shall mail tax statements based on the new appraised value.
8. The property owner shall submit proof of payment of the entire tax bill to the county treasurer to initiate the tax rebate procedure.
9. Only the increase in taxes will be rebated less any applicable administrative fees. In accordance with state law, the rebate must be issued within thirty days after proof of payment has been submitted by an approved applicant.
10. Only projects that have been predetermined to be eligible shall receive a rebate.

How To/Where To

This program will begin receiving applications after its adoption by the governing body of the City of Arkansas City and the execution of the Interlocal Agreement with Cowley County, Unified School District #470, and Cowley County Community College. Thereafter, the City will process applications as they are submitted with no monthly or quarterly deadlines. Applications will be available in the Building, Planning, and Code Enforcement Department, City Hall, 118 W. Central, 620-441-4420.

The County Treasurer will perform the calculation of the final rebate amount based on the actual appraised value. Each month in which rebates are paid, the County Treasurer will submit a report to the City's Building, Planning and Code Enforcement Department showing the property before and after appraisal and the amount of the rebate.

1. The Applicant shall obtain an Application for Tax Rebate from the Building, Planning, and Code Enforcement Department Monday through Friday (excepting holidays) from 8:00 a.m. to 5:00 p.m.
2. The applicant shall complete and sign Part 1 of the application and file the original, accompanied by a \$25 application fee, with Code Office within 60 days following issuance of the building permit. A valid copy of the building permit must be attached to the application.

3. The Building, Planning, and Code Enforcement Department (BPC) shall forward the application to the Cowley County Appraiser's Office to determine if the taxes and special assessments are current.
4. Upon completion by the Appraiser's office, BPC will return the application to the applicant. The applicant shall certify the status of the improvement project as of January 1 following the commencement of construction by completing and signing Part 2 of the application. The applicant shall file the application with the Appraiser's office on or before December 1, preceding the commencement of the tax rebate period.
5. Following January 1, the County Appraiser shall conduct an on-site inspection of the construction project and determine the new valuation of the real estate and shall complete his or her portion of the application and shall report the new valuation to the County Clerk by June 1. The tax records on the project shall be revised by the County Clerk's Office.
6. Upon determination by the County Appraiser's office of the value of the improvements and a determination by the County Clerk's office that the taxes and assessments on the property are not delinquent, the OBPC shall certify that the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant and the County Appraiser's Office of the rebate percentage due for each year of the rebate period.
7. Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year extending through the specified rebate period, a tax rebate shall be made to the applicant less applicable administrative fees as specified in the Interlocal Agreements. The tax rebate shall be made within 30 days following payment and submittal of a receipt by the applicant to the County Treasurer. The tax rebate shall be made from the Neighborhood Revitalization Fund established by Cowley County and other taxing units participating in the Interlocal Agreement. The Building, Planning and Code Enforcement Department shall make periodic reports on the tax rebate program to the City Commission and other taxing units accordingly.
8. The BPC shall inform the County Clerk and City Finance Department 30 days prior to the expiration of the final rebate period for each property receiving a tax rebate.

Standards and Criteria for Review and Approval

1. The property for which a rebate is requested shall conform with all applicable city codes and regulations in effect at the time the improvements are made and shall remain in conformance for the duration of the rebate period or the rebate may be terminated.
2. The property must meet all qualifications established herein for participation in the tax rebate program.
3. Any property that is delinquent in any tax payment or special assessment, including BID assessments, shall not be eligible for a rebate until such time as all taxes and assessments have been paid.
4. Following establishment of the increase in assessed value resulting from a specific improvement, the fixed rebate percentage shall be applied to any change in assessed value or mill levy during subsequent years for the duration of the rebate term.
5. The Building, Planning and Code Enforcement Department shall have the authority and discretion to approve or reject applications based on the eligibility standards and review criteria contained herein. If an applicant is dissatisfied with the Department's decision, a no-cost written appeal may be submitted to the Planning Commission for determination.

Statement Specifying Rebate Formula

Program Period:

The Neighborhood Revitalization fund and tax rebate incentive program shall expire on December 31, 2012 but may be extended in 2012 for a 4 year period until December 31, 2016 by Resolution of the City Commission of Arkansas City and in 2016 for an additional 4 year term ending December 31, 2020.

Rebate Period:

- Residential10 years
- Commercial and Industrial7 years
- Properties in National, Kansas or Local Historical Register..10 years

Rebate Amount:

- Residential90% of the first \$200,000 in additional value from the improvements. Rebate of taxes on additional new value beyond \$200,000 is not permitted under this program.
- Commercial and Industrial75%
- National, Kansas or Local Historical Register95%

5% of the tax increment rebate of improvements may be retained by Cowley County to offset expenses and handling costs of the Neighborhood Revitalization Program. Those properties listed on State or Federal Historical Registries will not pay the 5% County handling costs.

EXHIBIT 1

Due to the length, this exhibit is on file in the Neighborhood Services Department

EXHIBIT 2

Due to the length, this exhibit is on file in the Neighborhood Services Department

EXHIBIT 3

Due to the length, this exhibit is on file in the Neighborhood Services Department

EXHIBIT 4

Due to the length, this exhibit is on file in the Neighborhood Services Department

EXHIBIT 5

Due to the length, this exhibit is on file in the Neighborhood Services Department

EXHIBIT 6

Kansas Neighborhood Revitalization Act

12-17,114. Neighborhood revitalization; title of act.

This act shall be known and may be cited as the Kansas neighborhood revitalization act.

12-17,115. Same; definitions.

As used in this act:

(a) "Dilapidated structure" means a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.

(b) "Municipality" means any municipality as defined by [K.S.A. 10-1101](#), and amendments thereto.

(c) "Neighborhood revitalization area" means:

(1) An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;

(2) an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

(3) an area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

(d) "Governing body" means the governing body of any municipality.

(e) "Increment" means that amount of ad valorem taxes collected from real property located within the neighborhood revitalization area or from dilapidated structures outside the revitalization area that is in excess of the amount which is produced from such property and attributable to the assessed valuation of such property prior to the date the neighborhood revitalization area was established or the structure was declared dilapidated pursuant to this act.

12-17,116. Same; designation of revitalization area; findings.

The governing body of any municipality may designate any area within such municipality as a neighborhood revitalization area if the governing body finds that one or more of the conditions as described in subsection (c) of [K.S.A. 12-17,115](#), and amendments thereto, exist and that the rehabilitation, conservation or redevelopment of the area is necessary to protect the public health, safety or welfare of the residents of the municipality. The governing body may declare a building outside of a neighborhood revitalization area to be a dilapidated structure if

the structure satisfies the conditions set forth in subsection (a) of [K.S.A. 12-17,115](#).

12-17,117. Same; revitalization plan, contents; notice and hearing.

(a) Prior to designating an area as a neighborhood revitalization area or a structure to be a dilapidated structure, the governing body shall adopt a plan for the revitalization of such area or designation of a dilapidated structure. Such plan shall include:

- (1) A legal description of the real estate forming the boundaries of the proposed area and a map depicting the existing parcels of real estate;
- (2) the existing assessed valuation of the real estate in the proposed area, listing the land and building values separately;
- (3) a list of names and addresses of the owners of record of real estate within the area;
- (4) the existing zoning classifications and district boundaries and the existing and proposed land uses within the area;
- (5) any proposals for improving or expanding municipal services within the area including, but not limited to, transportation facilities, water and sewage systems, refuse collection, road and street maintenance, park and recreation facilities and police and fire protection;
- (6) a statement specifying what property is eligible for revitalization and whether rehabilitation and additions to existing buildings or new construction or both is eligible for revitalization;
- (7) the criteria to be used by the governing body to determine what property is eligible for revitalization;
- (8) the contents of an application for a rebate of property tax increments authorized by [K.S.A. 12-17,118](#) and amendments thereto;
- (9) the procedure for submission of an application for a rebate of property tax increments authorized by [K.S.A. 12-17,118](#) and amendments thereto;
- (10) the standards or criteria to be used when reviewing and approving applications for a rebate of property tax increments authorized by [K.S.A. 12-17,118](#) and amendments thereto;
- (11) a statement specifying the maximum amount and years of eligibility for a rebate of property tax increments authorized by [K.S.A. 12-17,118](#); and
- (12) any other matter deemed necessary by the governing body.

(b) Prior to declaring a building to be a dilapidated structure, the governing body shall do the following:

- (1) Obtain a legal description of the property to be declared dilapidated;
- (2) determine the assessed value of the property to be declared a dilapidated structure, with separate values established for the land and structure;
- (3) determine the owner of record of the structure.

(c) Prior to adopting a plan pursuant to this section, the governing body shall call and hold a hearing on the proposal. Notice of such hearing shall be published at least once each week for two consecutive weeks in a newspaper of general circulation within the municipality. Following such hearing, or the continuation thereof, the governing body may adopt such plan.

12-17,118. Same; neighborhood revitalization fund; application for tax rebates; impact on state aid to school districts.

(a) Following adoption of a plan pursuant to [K.S.A. 12-17,117](#) and amendments thereto, the governing body shall create a neighborhood revitalization fund to finance the redevelopment of designated revitalization areas and dilapidated structures and to provide rebates authorized by this section. Moneys may be budgeted and transferred to such fund from any source which may be lawfully utilized for such purposes. Any municipality may expend money from the general fund of such municipality to accomplish the purposes of this act.

(b) Moneys credited to such fund from annually budgeted transfers shall not be subject to the provisions of [K.S.A. 79-2925](#) through [79-2937](#), and amendments thereto. In making the budget of the municipality, the amounts credited to, and the amount on hand in, such neighborhood revitalization fund and the amount expended therefrom shall be shown thereon for the information of taxpayers. Moneys in such fund may be invested in accordance with [K.S.A. 10-131](#), and amendments thereto with the interest credited to the fund.

(c) If the governing body determines that money which has been credited to such fund or any part thereof is not needed for the purposes for which so budgeted or transferred, the governing body may transfer such amount not needed to the fund from which it came and such retransfer and expenditure shall be subject to the provisions of [K.S.A. 79-2925](#) through [79-2937](#), and amendments thereto.

(d) Any increment in ad valorem property taxes levied by the municipality resulting from improvements by a taxpayer to property in a neighborhood revitalization area or to a dilapidated structure may be credited to the fund for the purpose of returning all or a part of the property increment to the taxpayer in the form of a rebate. Applications for rebates shall be submitted in the manner and subject to the conditions provided by the revitalization plan adopted under [K.S.A. 12-17,117](#) and amendments thereto. Upon approval of an application received hereunder the municipality shall rebate all or a part of incremental increases in ad valorem property tax resulting from the improvements. Upon payment of taxes by the taxpayer, the rebate must be made within 30 days after the next distribution date as specified in [K.S.A. 12-1678a](#), and amendments thereto.

(e) No later than November 1 of each year the county clerk of each county shall certify to the state commissioner of education the assessed valuation amount of any school district therein for which tax increment rebates have been made by the school district during the previous year in accordance with an interlocal agreement approved by the board of education of such district under the provisions of [K.S.A. 12-17,119](#) and amendments thereto. The amount of the assessed valuation shall be determined by dividing the total amount of tax increment rebates paid by the district during the preceding 12 months by the total of the ad valorem tax levy rates levied by or on behalf of the district in the previous year. The commissioner of education shall annually deduct the certified amounts of assessed valuation for such rebates from the total assessed valuation of the district in determining the total and per pupil assessed valuations used in the allocation of state aid payments to school districts.

12-17,119. Same; interlocal agreements.

Any two or more municipalities may agree pursuant to [K.S.A. 12-2901](#) *et seq.*, and amendments thereto, to exercise the powers and duties authorized by this act.

12-17,120. Same; act not exclusive authority for revitalization.

This is enabling legislation for the revitalization of neighborhood areas and is not intended to prevent cities and counties from enacting and enforcing additional laws and regulations on the same subject which are not in conflict with the provisions of this act.

EXHIBIT 7

Due to the length, this exhibit is on file in the Neighborhood Services Department

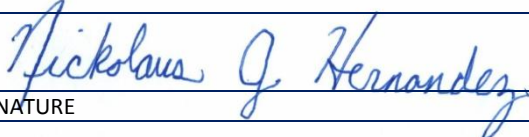
EXHIBIT 8

Due to the length, this exhibit is on file in the Neighborhood Services Department



Item for City Commission Action

Section V Item 3

Date 11/6/2012	Citizen/Agency Contact	Department/Division City Manager/HR Division	Staff Contact Marla McFarland
Details	Consider Resolution authorizing the City to enter into an Agreement with Blue Cross Blue Shield for the 2013 Health Insurance Renewal. (Voice Vote)		
Description Enter into contract with Blue Cross Blue Shield of Kansas to provide fully funded employee health insurance benefits for the 2013 plan year. The City of Arkansas City has provided employee health insurance through Blue Cross Blue Shield of Kansas for the past four years. There will be no changes in the plan design for the 2013 plan year; however, there will be an average 2.2% overall increase in premiums.			
Commission Options 1. Approve the Agreement 2. Table the Item 3. Disapprove the Agreement Recommended by Staff <u>1</u> Advisory Board _____			
Fiscal Impact: Amount: Approximately \$2,524.89 per month or a total increase of \$30,298.68 for 2013 plan year (January through December 2013). Fund: Department: Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>			
Approved for Agenda by:			
		SIGNATURE	

RESOLUTION NO. 2012-11

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH BLUE CROSS BLUE SHIELD OF KANSAS FOR THE CITY'S 2013 HEALTH INSURANCE RENEWAL.

WHEREAS, the City of Arkansas City, Kansas has been offered health insurance for City employees, which represents a 2.2% overall increase from last year's rates; and

WHEREAS, the Governing Body desires to accept this insurance quote, and authorization execution of an agreement regarding same.

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

SECTION ONE: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to execute an Agreement with Blue Cross Blue Shield of Kansas for City employee health insurance for the 2013 plan year.

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

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas this 6th day of November, 2012 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.

Charles Tweedy III, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

TAMARA L. NILES, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2012-11- of the City of Arkansas City, Kansas adopted by the governing body on November 6th, 2012 as the same appears of record in my office.


DATED: _____

Lesley Shook, Clerk



Item for City Commission Action

Section V Item 4

Date 11/6/2012	Citizen/Agency Contact	Department/Division City Manager/HR Division	Staff Contact Marla McFarland
Details	Consider Resolution authorizing an addendum with Delta Dental for the 2013 Dental Insurance Renewal. (Voice Vote)		
Description Authorize addendum with Delta Dental of Kansas to provide administrative services for our self funded plan for the 2013 plan year. This is the third year of a three year contract which, by this contract, increases the administrative fees from \$4.90 per enrollee/per month to \$5.00/per enrollee per month.			
Commission Options 1. Approve the Addendum 2. Table the Item 3. Disapprove the Addendum Recommended by Staff <u>1</u> Advisory Board _____			
Fiscal Impact: Amount: Approximately \$133.20 increase for 2013 plan year (January through December 2013). Fund: Department: Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>			
Approved for Agenda by:		 SIGNATURE	

RESOLUTION NO. 2012-11

A RESOLUTION AUTHORIZING EXECUTION OF AN ADDENDUM WITH DELTA DENTAL FOR THE CITY'S 2013 DENTAL INSURANCE RENEWAL.

WHEREAS, the City of Arkansas City, Kansas has been offered dental insurance for City employees, which represents an increase in administrative fees of 10 cents per enrollee per month from last year's rates; and

WHEREAS, the Governing Body desires to accept this addendum, and authorization execution of an agreement regarding same.

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

SECTION ONE: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to execute an addendum with Delta Dental for the employee dental insurance for the 2013 plan year.

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

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas this 6th day of November, 2012 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.

Charles Tweedy III, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

TAMARA L. NILES, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2012-11- of the City of Arkansas City, Kansas adopted by the governing body on November 6th, 2012 as the same appears of record in my office.

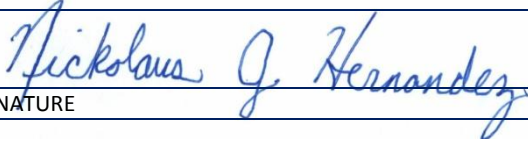
DATED: _____

Lesley Shook, Clerk



Item for City Commission Action

Section V Item 5

Date 11/6/2012	Citizen/Agency Contact	Department/Division City Manager	Staff Contact Nick Hernandez
Details	Letter of Support for the development of US 77 Highway Corridor in Cowley County. (voice Vote)		
Description	The attached letter of support is a joint effort between the City of Arkansas City, the City of Winfield, and Board of Cowley County Commissioners.		
Commission Options	1. Approve the Letter of Support as attached 2. Table the item for further review 3. Reject the Letter of Support Recommended by Staff <u>1</u> Advisory Board _____		
Fiscal Impact:	Amount: Fund: Department: Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>		
Approved for Agenda by:	 SIGNATURE		



City of Arkansas City, Kansas

Charles Tweedy III, Mayor

The City of Arkansas City, in conjunction with the Board of Cowley County Commissioners and City of Winfield, support the development of the US 77 Highway in Cowley County. We are pleased to work with the Kansas Department of Transportation in the development of the highway system that will improve safety and promote economic development.

If the corridor can be improved in the Strother Field area that is consistent with the adopted long-term Corridor Management plan, the partners will collectively financially support the project with up to one million dollars.

We understand that our offer is contingent upon KDOT constructing the project in a manner consistent with the improvements as outlined in the Corridor Plan along with the execution of subsequent agreements that will outline the nature of improvements, financial considerations and other requirements. We also understand that the entities may utilize KDOT project funds as our contribution, including but not limited to Corridor Enhancement funds, Federal Exchange funds, and other programs as may be applicable. The local partners intend for Strother Field Commission to be a participant in the funding of the proposed project.

Thank you for the opportunity for Cowley County to be eligible for construction improvements on US 77 Highway. Please let us know if you have any questions or comments.

THE ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

Mayor Charles Tweedy III

ATTEST:

Lesley Shook
City Clerk



Item for City Commission Action

Section V Item 6

Date 11/6/2012	Citizen/Agency Contact	Department/Division City Attorney	Staff Contact Tamara Niles
Details	First reading of Ordinance authorizing use of bow and arrow on tracts of 30 acres or more.		
Description	The City Commission has received a request to re-consider provisions of Municipal Code that would prohibit all forms of hunting in the City limits. Prior Municipal Code provided an exception, to allow hunting on large tracts of land. The Proposed Ordinance would authorize use of a bow and arrow (along with air gun, slingshot, BB gun, and paintball gun) on tracts of 30 acres or more.		
Commission Options	Recommended by Staff <input checked="" type="checkbox"/> Advisory Board _____		
Fiscal Impact:	Amount: N/A Fund: Department: Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>		
Approved for Agenda by:	<i>Nickolas J. Hernandez</i> SIGNATURE		

(First Published in the Arkansas City Traveler, _____ 2012)

ORDINANCE NO. 2012-_____

AN ORDINANCE AMENDING ARKANSAS CITY MUNICIPAL CODE UNIFORM PUBLIC OFFENSE CODE SECTION 10.6, TO AUTHORIZE USE OF A BOW ON TRACTS OF THIRTY ACRES OR MORE.

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

Section 1. AMENDMENT TO MUNICIPAL CODE. The Board of Commissioners amends Section 10.6 of the Arkansas City Municipal Code Uniform Public Offense Code as follows (new provisions in italics; deleted provisions struck through):

10.6 AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN OR PAINT BALL GUN.

The unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun, with in the city except *(a) within the confines of a building or other structure or (b) on tracts of land containing 30 acres or more, from which the projectiles cannot and do not escape.*

Section 2. If any particular section of this ordinance is declared to be unconstitutional or void, only that particular section is affected, and all other sections of this ordinance shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect from and after its publication in the official City newspaper.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this ____ day of _____, 2012.

CHARLES TWEEDY III, Mayor

ATTEST:

LESLEY SHOOK, City Clerk

DRAFTED AND APPROVED AS TO FORM:

TAMARA L. NILES, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2012-__ -_____ of the City of Arkansas City, Kansas adopted by the Board of Commissioners on _____, 2012 as the same appears of record in my office.

DATED: _____

Lesley Shook, Clerk