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

II. Awards and Proclamations
   1. ACPD Lifesaving Award presented to Officer Cori Tuxhorn

III. Recognition of Visitors
   1. Etzanoa Conservancy Update

IV. Comments from the Audience for Items Not on the Agenda
   ➢ Each speaker will state his or her name and address before making any comments.
   ➢ Each speaker will have three (3) minutes to present his or her comments.
   ➢ Comments or questions will be directed only to the City Commission.
   ➢ Debate or argument between parties in the audience will not be allowed.
   ➢ Repeated reiterations by speakers will not be allowed.
   ➢ Violations of comment procedure will result in being directed to cease speaking or resume sitting.

V. 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 be considered separately under Section VII: New Business.

   1. Approve the March 5, 2019, regular meeting minutes as written.
   2. Authorize Mayor Jay Warren to sign the annual Statement of Assurance from the Kansas Department of Wildlife, Parks and Tourism regarding continuing use of recreational facilities funded by Land and Water Conservation Grant funds.
   3. Approve a new Cereal Malt Beverage license for Fast Freddy’s, located at 121 S. Summit St., Arkansas City.

VI. Old Business
   1. Consider second reading of a Resolution authorizing the City of Arkansas City, Kansas, to file an application for a Historic Preservation Fund Grant, administered by the National Park Service, for a National Register of Historic Places nomination revising the Downtown Arkansas City Commercial District, pledging matching funds and/or in-kind services for said grant, and authorizing Mayor Jay Warren and/or City staff to execute any and all documents necessary to apply for and accept such grant and consent to said nominations of City properties. (Voice Vote)
VII. New Business
1. Consider approving a Development Agreement by and between the City of Arkansas City, Kansas; Lake View Estates I LP; and Red-Wood Development, Inc., for the Lake View Estates project. (Voice Vote)

2. Consider a Resolution authorizing the City of Arkansas City to accept a bid from Worth Hydrochem of Okla., Inc., of Norman, Oklahoma, to supply Clean-In-Place (CIP) chemicals, service and training for Water Treatment Facility staff, for an amount not to exceed $30,982.80. (Voice Vote)

3. Consider a Resolution authorizing the City of Arkansas City to execute a Grant of Right-of-Way agreement with Kansas Gas and Electric Company, a subsidiary of Westar Energy, Inc. (Voice Vote)

VIII. City Manager Updates
1. Blarney Breakfast for Employees
2. Final CIP Committee Meeting
3. Possible dates for budget retreat?
4. CCEM Countywide Tabletop Exercise
5. City Commission study session

IX. Other Business
1. Reports:
   a. City Advisory Board Reports
   b. February Financial Summary
2. Recess into executive session for 20 minutes for consultation with an attorney for the Governing Body which would be deemed privileged in the attorney-client relationship, pursuant to K.S.A. 75-4319(b)(2), to discuss the acquisition of real property.

X. Adjournment
Title:

Recognize and present the Life Saving Award to Officer Cori Tuxhorn.

Description:

The Arkansas City Police Department will present the Life Saving Award to Officer Tuxhorn for her actions which resulted in saving the life of an infant who was not breathing.

Commission Options:

Fiscal Impact:

Amount:  
Fund:  
Department:  
Expense Code:  

Included in budget  
Grant  
Bonds  
Other (explain)

Approved for Agenda by:

City Manager
The Story of Etzanoa

After the discovery of America by Christopher Columbus, Spanish conquistadors set out from Mexico to explore the new territories to the north. They were looking for rich farmlands, precious materials, and the fabled Cibola, Seven Cities of Gold.

In 1601, Juan de Oñate set out from the pueblo of San Gabriel in the Spanish province of New Mexico with 70 soldiers, support personnel, horses and supplies. They were in search of two renegade Spaniards, Leyva and Humaña, who had traveled to the area now known as Kansas without permission from the King of Spain in 1598. Oñate also hoped to locate Cibola, the Seven Cities of Gold.

After traveling east and north along river banks and prairies, they encountered a nomadic tribe of approximately 6,000 members about 20 miles south of what is now the Kansas-Oklahoma border. The Spaniards called the tribe the “Escanjaques.” The Escanjaques told of a large settlement to the north and east where a group of indigenous people lived called the “Rayados”. Rayados means “striped” in Spanish referring to their custom of tattooing their faces and bodies. The Spaniards were told that the Rayados would not be peaceful. Oñate marched on towards the settlement.

Oñate reached the confluence of the Arkansas and Walnut Rivers just north of the now Kansas-Oklahoma border, at the present-day Arkansas City. Oñate and his men forded the Arkansas after setting up camp on the river's south side. From a hill, the Spaniards along with a group of Escanjaques spotted the huge settlement of the Rayados across the river to the north. Meanwhile, scouts of the Rayados who were perched on a bluff on the other side of the river, saw the expedition's camp. The chief of the Rayados and three other tribe members crossed the river and brought peace offerings of corn to the Spaniards. Although the Spaniards found them to be peaceful, they recalled that the Escanjaques warned them the tribe was dangerous. So the Spaniards took four tribe members hostage to quiz them. The people of the town fled north when they saw their chief and others being held captive by the Spanish.

The next day, Oñate and his expedition crossed the river and came to an empty town. The town lay on both sides of the Walnut River from the confluence of the two rivers to the north. Oñate’s men explored the empty town and counted the number of houses. Oñate’s party was forced to travel to the east of the town to allow room for their carts and wagons to travel through. The houses were in clusters with open spaces between them for the growing of crops. The expedition eventually ran into an area that was impassable with their carts and wagons. Oñate sent scouts on to the north to continue counting houses. When they returned, they stated that the town stopped, then started up again, and they did not reach the end. They estimated 2,000 houses at 8 to 10 persons per house for a population of approximately 20,000.

Given the time of year, September 1601, and the large amount of indigenous people residing in the town, Oñate and his expedition decided to turn back. They returned the
same way they came into the town. At the southern edge of the town, they were
ambushed by a group of Escanjaques who had followed them into the empty town and
were lying in wait for them. The battle went on for the better part of an afternoon. Both
sides fought and retreated. Finally, Oñate was able to get his wagons and carts through
the area and headed back across the river. He took with him three hostages from the
battle, two young boys and a man who were captured and taken to Mexico City to be
interviewed.

The viceroy in Mexico City arranged for a formal set of interviews of the three captives
along with other soldiers. Miguel, one of the men, drew a map of the area and labeled
the town Etzanoa. This map would hold the key to the location of Etzanoa.
A Feasibility Study Report
by Lisa Dodson and Jan Luth / August 2018

This project was funded in part by the V.J. Wilkins Foundation and the Etzanao Conservancy of Arkansas City, Kansas.
EXECUTIVE SUMMARY

The Etzanoa Conservancy determined the need for a five-year feasibility study of the Etzanoa project. This study was designed to achieve two goals: (1) determine how the archaeological research of the Etzanoa Project can be sustained; and (2) determine how the Etzanoa Project can leverage its activities and partnerships to foster the economic growth of Arkansas City.

The focus of the study as outlined in the Scope of Services and reaffirmed in the first workshop is to:

• Determine a governance framework for the project;
• Understand how all business functions are addressed;
• Develop a five-year plan;
• Consider ideas for a long-term 10 year goal;
• Inventory stakeholders and identify their roles through a Memorandum of Understanding of the key stakeholders: City of Arkansas City; Cowley College; Etzanoa Conservancy; and Wichita State University.

The methodology of the study consisted of five phases:

1. Establishing a steering committee to lead the study;
2. Assess community interest and engagement through interviews with key stakeholders.

Key findings indicated:

• A plan is needed to provide central focus to provide a shared vision and sense of direction for the future.
• There is a need for sustainable financial support for the project.
3. Collect and analyze national, state and community trends and peer museum data.

4. Conduct a virtual visit by the steering committee with the Center for American Archeology in Kamps ville, Illinois.

5. Issue the final report with research outcomes and recommendations. Findings in this report and recommendations were developed in collaboration with the steering committee.

The researchers, with collaboration from the steering committee, determined the following recommendations:

1. Establish a New Governing Structure
2. Coordinate Business Functions
3. Hire a Project Director
4. Restructure the Etzanoa Conservancy
5. Establish a Public Awareness Campaign
6. Create a High School Field School
7. Conduct an Etzanoa Project Re-Launch

The Etzanoa Project holds great promise if managed strategically and carefully over the next five years. This study indicates that there is strong community support, increased engagement by each of the partners and a shared vision of the future which will sustain the archaeological research and provide economic and social benefits for the community. This feasibility study includes a 5-year plan identifying achievable deliverables. However, a full-time director, reporting to the Governance Council is critically important to ensure the momentum of the plan continues at a pace that interests and engages the community and fosters the growth of the research and programming.

The Etzanoa Conservancy has provided important and significant leadership in advancing the project to the present juncture. The vision of the board in identifying the need for a feasibility study and securing the funding, exemplifies their passion and commitment for the continued development and support of the Etzanoa Project.
In June 2015, Wichita State University (WSU) archaeology faculty and students began the first steps toward uncovering what is believed to be the site of Etzanoa, one of the largest prehistoric Native American settlements, with an estimated population of 20,000 inhabitants. It was a settlement of ancestors of the Wichita tribe who lived along the banks of the lower Walnut River near its confluence with the Arkansas River. The estimated five-mile long settlement existed from approximately 1425 to the early 1700s and research indicates it was explored in 1601 by Spanish soldiers.

The Etzanoa Conservancy was established to support the archaeological research and conservation of the site, near the City of Arkansas City, and to promote public awareness of the project. The Etzanoa Conservancy supports the archaeological research conducted by Wichita State University Professor Donald Blakeslee in a number of ways. They have recruited volunteers to help with the excavations, launched a Facebook page to share information with the general public, encouraged Cowley College to offer archaeology classes, elevated public awareness during community festivals and supported an educational display, produced by WSU students and exhibited in the Cherokee Strip Land Rush Museum.

In the summer of 2016, the Etzanoa Conservancy determined the need for a five-year feasibility study of the project and took the leadership initiative to seek grant funding from the J.V. Wilkins Foundation in Arkansas City. The grant was awarded for 50% of the study cost and the Etzanoa Conservancy raised the remaining 50% from the community. The Conservancy hired Lisa Dodson and Jan Luth, researchers with extensive experience in the field of museums and community research, to begin the study in the fall of 2017.

BACKGROUND

This study was designed to achieve two goals: first, determine how the archaeological research of the Etzanoa Project can be sustained, and second, determine how the Etzanoa Project can leverage its activities and partnerships to foster the economic growth of Arkansas City. This final report identifies activities, over the next five years, which will ensure achievement of the two project goals.

GOAL 1: Sustain the Archaeological Research

Archaeological research is the foundation for the success of the Etzanoa Project. This research includes additional excavations in the field, research on the artifacts and information recovered from past excavations in the region and research to understand comparable settlement patterns in this time period in the Great Plains. Archaeological research provides the context to interpret and express the significance of Etzanoa in prehistory. This feasibility study focuses on the processes necessary to expand the archaeological research and provide supporting educational programs. The study does not address the archaeological research planning and execution, which is the responsibility of researchers at Wichita State University.
**GOAL 2: Leverage the Etzanoa Project to benefit the Arkansas City Community**

Providing a community vision and focus for the Etzanoa project, including formalizing the governance structure and the relationship among all the stakeholders, is fundamental to cohesively moving the project forward to achieve full potential. To clarify stakeholder roles and responsibilities, the study included development of a Memorandum of Understanding (MOU) between the four key stakeholders: (1) City of Arkansas City; (2) Cowley College; (3) Etzanoa Conservancy; and (4) Wichita State University. *(Appendix A)* The study also identified specific activities and developed a detailed five-year implementation plan for the Etzanoa Project. *(Appendix B)*

**METHODOLOGY & RESEARCH**

The focus of the study as outlined in the Scope of Services and reaffirmed in the first workshop of the project steering committee was to:

- Determine a governance framework for the project;
- Understand how all business functions are addressed such as legal documents, insurance, accounting;
- Develop a five-year plan;
- Consider ideas for a long-term 10 year goal;
- Inventory stakeholders and identify their roles.

The methodology of the study consisted of five phases (1) establishing a steering committee to lead the study; (2) assessing community interest and engagement through interviews with key stakeholders; (3) collecting and analyzing national, state and community trends and peer museum data; (4) conducting a virtual visit by the steering committee with the Center for American Archeology in Kankakee, Illinois; and (5) issuing the final report with research outcomes and recommendations. Findings in this report were developed and presented to the steering committee following each research phase. The final report and recommendations were developed in collaboration with the steering committee.

**Establishment of the Steering Committee**

The first phase of the project involved establishing a steering committee to provide guidance to the researchers, make recommendations on the study plan and advise about the community engagement process. The steering committee was comprised of representatives and decision-makers from numerous project stakeholder organizations. Committee members provided important guidance for the research plan and implementation and each member was dedicated to fostering the success of the Etzanoa Project. Steering committee members included:

- Dr. Harold Arnette, Vice President of Academics, Cowley College; Board Etzanoa Conservancy
- Dr. Donald Blakeslee, Archaeological Anthropologist, Wichita State University; Board Etzanoa Conservancy; Etzanoa Project Chief Researcher
• Kerri Falletti, Director, Cowley First-Cowley County Economic Development Partnership
• Nick Hernandez, City Administrator, City of Arkansas City; Board Etzanoa Conservancy
• Carol House, Community Volunteer and Landowner; Board Etzanoa Conservancy
• Ron Matson, Dean, Fairmount College of Liberal Arts, Wichita State University; Retired June 2018; Replaced by Cheryl Miller, Sr. Assistant Dean for College Outreach, Fairmount College of Liberal Arts, Wichita State University
• Hap McCloud, Chair, Etzanoa Conservancy
• Sandy Randal, Director, Cherokee Strip Land Rush Museum.

The steering committee initially convened on September 16, 2017 to:
• Clarify the goals of the study.
• Review the roles and responsibilities of the steering committee and researchers.
• Review the scope of work for the study.
• Begin brainstorming potential stakeholder roles for a MOU for the Etzanoa project.

The steering committee also met on the following dates:
• Workshop 2: December 15, 2017
• Workshop 3: February 23, 2018
• Workshop 4: May 4, 2018
• Workshop 5: June 15, 2018
• Workshop 6: June 29, 2018

### Assessing Community Interest and Engagement

#### PROCESS

To assess community interest and support for the project, the researchers used a qualitative analysis research approach which involved conducting interviews with representatives of key sectors in the community. This approach is well-documented as a reliable and valid method of research (Carspecken, P.F. & Apple, M., 1992; Miles & Hubberman, 1994). Interviews are considered highly confidential and information obtained is not credited to any specific individual. This is important to ensure candid, frank conversations and accurate data assessment for the study.

In the first workshop, the steering committee identified a list of individuals and organizations to consider for interviews which provided a cross-section of community sectors and representatives. From this list, the researchers identified eleven community members, who were interviewed between September and December 2017. Respondents participated in one-on-one, in-person or phone interviews for approximately one hour for each interview. All interview respondents indicated they were willing to participate in the study, with the understanding they were specifically selected. Respondents accepted participation as a serious responsibility and genuinely strived to provide valuable insights and ideas to inform the research outcomes.

The types of interview questions included respondents’ perceptions about the Etzanoa project, the potential for the project’s growth and success, identification of important issues facing the project and what the project might realistically achieve over the next five years.
Examples of the types of concepts and ideas discussed in the interviews included:

- Perceptions about the Etzanoa Project;
- Significance of the project;
- Potential of the project to be a tourist destination;
- Issues facing landowners and sustaining the archaeological research;
- Community capacity to support this project;
- Leadership for the project;
- Role of Wichita State University;
- Role of Cowley College;
- Barriers to the project.

Once all interview transcripts were compiled, the researchers conducted a qualitative theme analysis, which is a well-accepted practice in case study research (Carspecken, P.F. & Apple, M., 1992; Miles & Hubberman, 1994). This process involves identifying a coding unit (word, sentence, and paragraph) with each researcher independently coding the interview transcript data to identify significant themes. Researchers then compare coding results to determine a level of inter-rater reliability before the theme is determined to be of importance for the study.

**FINDINGS**

Results of the theme analysis were presented to the steering committee for comment and discussion at Workshop 2 on December 15, 2017. These findings are the perceptions and impressions of the individuals that were interviewed in fall 2017. Although these findings may not always be the responses desired by those closely associated with the project, they provide important insights of community perceptions. This data can help frame the future work needed to develop community awareness and support for the project.

All participants interviewed noted the history, revealed through Etzanoa archaeology, is very important. Nearly all interviewees noted there is not an existing organization in Arkansas City which would be either willing and/or strong enough to provide sustainable leadership for the project.

More than 50% of those interviewed also stated:

- Continued archaeological research is foundational for this project.
- The project will be a great opportunity for education for K-12 and higher education.
- Despite some challenges, there is potential to generate landowner interest and support.
- Collaboration of community organizations is very important to make this project successful.
- There is a general lack of community awareness about Etzanoa among the majority of citizens in the area.
- There needs to be a plan of programs and products to increase community awareness and understanding of the Etzanoa Project.
- There is shared concern about the lack of artifacts to display or sites to see which would attract tourism.
- A plan is needed to provide central focus - nearly all indicated that there is a lack of vision or sense of direction for the future.
- There is a need for sustainable financial support for the project.

**INFLUENCING FACTORS**

Some influencing factors were also identified through the interview process:

- The transitions at WSU, with Dean Matson’s retirement and archaeologist Don Blakeslee’s anticipated retirement, create uncertainty regarding the commitment of WSU leadership and their fundraising assistance.
• The changing demographics in the community, especially the growth of the Hispanic population, require consideration about how to make connections to the shared history of peoples impacted through the Etzanoa project.
• Archaeological research should involve collaboration among multiple university research institutions.
• The level of professionalism, in all aspects of the project, needs to be improved.
• There are injured relationships in the community that need to be acknowledged and addressed.
• The short bursts of discovery activity, during the summer, are exciting; the challenge is how to have excitement for the project extend beyond the discovery activity.

■ SITE VISITS

In January 2018, the researchers conducted site visits, which are significant for the Etzanoa Project, to Anadarko, Oklahoma and Lyons, Kansas. The Wichita Tribe in Anadarko, Oklahoma is important because the Etzanoa site was home to the Wichita tribe ancestors. Several attempts were made to reach the President of the Wichita Tribe, Terri Parton. However, researchers were unsuccessful in obtaining an interview, even by phone. During the visit to the Wichita Tribe, researchers interviewed Gary McAdams, Director of Cultural Affairs. Although during the interview very few specifics were shared regarding the way in which the tribe is willing to work with the project, Mr. McAdams did indicate the tribe would like to display artifacts recovered from the site in their new museum on the reservation.

The tribe is also interested in encouraging their young people to participate in archaeological work, especially related to the tribe’s past. However, they were not interested in encouraging their young people to participate in the excavation for Etzanoa. Dr. Blakeslee reported to the researchers that in a personal communication with the Wichita Tribe, they indicated there is interest in collaborating primarily as they have in prior years, by participating in a limited capacity with some programming opportunities in Arkansas City.

The second site visit was to the Rice County Historical Museum/Coronado Quivira Museum in Lyons, Kansas, where researchers interviewed the director of the museum, Charlene Akers. This museum features exhibits and artifacts of the culture group that also occupied the Etzanoa site. Archaeological research was conducted in the Lyons region, beginning in 1928, and later in 1940 by the Smithsonian Institution under the direction of Dr. Waldo Wedel, who was a native of Newton, Kansas. The prehistoric settlement pattern discovered in the Lyons area is similar to discoveries in the Arkansas City area. There is great potential for the Etzanoa project to partner with this museum, especially in programming areas. Ideas are included in the five-year plan. (Appendix B)

■ RECOMMENDATIONS FROM RESEARCH

Based upon the interviews and a discussion with the steering committee, five key recommendations were identified as central to the success of the Etzanoa project.

1. Establish a Realistic Plan with a Central Focus
   The community feels the current effort is enthusiastic and those involved genuinely care, but this effort is not focused. The ambitious vision, to construct a major interpretive center and grow international tourism, is not considered to be realistic. The community wants to rally behind a realistic plan.

2. Increase Community Awareness
   There needs to be a campaign to increase community awareness in the greater Arkansas City region. Concern was expressed that all promotional materials and activities need to be professionally produced and implemented. A community awareness campaign would include all public projects such as exhibits, education programs, web site, events, tours, etc.
3. Establish Sustainable Financial Support
Sustainable financial support for the Etzanoa project is critical. The community does not have unlimited resources and there are many worthwhile programs and organizations in Arkansas City competing for limited resources. A sustainable financial plan, consisting of a combination of earned revenue, donations and grants is essential to the success of the project.

4. Continued Archaeological Research is Foundational
The community, especially the Etzanoa supporters, is very excited during the annual period of discovery when the excavations take place. Interest was expressed in extending the length of time excavations occur, to include the entire summer. A more encompassing vision for the archaeological work, which includes more than what Wichita State University alone can provide, is required. This may include exploring partnerships with other universities that conduct excavations.

5. Community Leadership Role is Important
There is a distinction between the leadership for the archaeological research compared with the leadership for the overall project. The key decision-making and leadership for the overall project needs to be locally based in Arkansas City. WSU provides the archaeological research leadership. This extends to the artifacts collected from the excavations. The community understands that artifacts need to be located at WSU during the research phase, but would prefer to have the long term curation and storage housed in Arkansas City.

Analysis of Economic Trends and Peer Museum Data

- **ECONOMIC TRENDS**

Analysis of U.S. Census data was conducted to identify the current and potential economic climate for Arkansas City and Cowley County. Data trends examined included population growth, business growth, employment and income.

The Cowley County economy has been stable over the past five years. Population in Cowley County has been relatively stable over the past six years as shown in Chart 1. In the business sector, the number of business establishments has been stable, (- 3%), while annual payroll has grown 8%. Charts 2 and Chart 3 illustrate these trends. Employment has been
stable and the median household income has grown by 7% (Chart 4).

General economic conditions indicate the local economy can continue to support the existing cultural arts non-profit organizations, such as the Cherokee Land Rush Museum and the Burford Theatre, but does not exhibit the growth necessary to support a new interpretive center or museum about Etzanoa.

■ PEER MUSEUM DATA

An online survey was sent to 16 museums considered comparable to the Cherokee Land Rush Museum in order to determine potential benchmarks for museums in communities of comparable size to Arkansas City. The survey received an acceptable 31% response rate (5 museums) to the survey. Museums were asked about annual visitation, membership, service areas, collections, operating budget and revenues sources.

Surveyed museums reported an average annual attendance ranging from 700 to 5000. The Cherokee Land Rush museum has an average attendance of 3000, which is within the norms of peer museums. Because the Coronado Quivira Museum in Lyons, Kansas, has several exhibits that are similar in content to Etzanoa, this museum is considered a close peer for a potential Etzanoa museum or for the Cherokee Land Rush Museum. The Coronado Quivira Museum’s annual visitation is 2000 per year. This visitation level demonstrates that there is not a large demand for tourism about this topic. National trends also support this finding and will be discussed in the National Trends section of this report.

Membership of the surveyed museums ranges from 107 to 345. The Cherokee Land Rush Museum has significantly higher museum membership at 1100 members. This large level of support for the existing museum is commendable. However, it also indicates the community may not have capacity, at this time, to establish membership support for a new Etzanoa museum or interpretive center.

Peer museums report collections of 25,000 to 100,000 artifacts housed in museums ranging from 1700 square feet to 21,000 square feet. The Cherokee Strip Land Rush Museum has 100,000 artifacts (not including photographs) and is housed in a museum of 1900 square feet.

The service area population for museums surveyed was from 2,848 to 116,000. Cowley County population is 35,977 and Arkansas City has a population of 12,415, which is within the range of surveyed museums. The operating budget for peer museums ranged from $140,000 to $384,491. The Cherokee Land Rush Museum has an operating budget of $100,000 annually, falling significantly below peers. Another way to look at the budget is to compare the per capita budgets for the Land Rush museum, which is $2.78 per capita for Cowley County to the closest comparable peer which is Coronado Quivira museum in Rice County. The Coronado Quivira museum has an annual budget of $175,000, with a per capita budget of $17.36, substantially higher than the Cherokee Land Rush Museum.

Peer museums were asked what percent of their budgets were from: (1) earned revenue; (2) grants, donations, gifts; (3) endowment, and: (4) government support. Peer museums reported earned revenue ranged between below 1% to 27%, with the Cherokee Land Rush Museum reporting 25% of revenue as earned. Grants, donations and gifts comprised 3% to 72% of peer museum revenues, with the Cherokee Land Rush Museum not reporting revenue in this category. For peer museums that have an endowment they received less than 10% of their budget.
from this source. Government provides the largest source of revenue for peer museums, providing between 27% and 96%. The Cherokee Land Rush Museum received 75% of their revenue from government and the Coronado Quivira Museum received 80% of their revenue from government. The majority of museums in Kansas, especially museums in smaller communities, require substantial support from local government to be sustainable. Consequently, it is reasonable to assume that establishing an interpretive center or museum dedicated to Etzanoa would require substantial government support or a large private endowment. Given the relatively stagnant growth in Cowley County, coupled with the need to sustain and grow cultural arts funding for the Land Rush Museum and the Burford Theatre, this study concludes there is not sufficient local economic base to support establishing a separate interpretive center or museum dedicated to Etzanoa. The following section will demonstrate this finding is consistent with national trends showing declining support for historical museums and historic sites.

■ NATIONAL TRENDS IN HERITAGE TOURISM

Tourism to national historic sites has fallen substantially over the past thirty years. In 1982, about 37% of Americans over the age of 18 reported visiting historic sites but by 2012 this had declined to 24%. This decline is even more concerning when looking at younger Americans, between the ages of 18 to 24 and visitation to historic sites over the past ten years. In 2002, 28.5% reported visiting historic sites, but by 2012, visitation fell to 20.5% (Tiedemann, J. & Marisico, K. 2017).

This lack of interest in history is also evidenced by the decline in the number of undergraduates enrolling in history courses. In the 2014-15 academic year enrollment fell 7.6% over the prior academic year. Nationally, over two academic years from 2012-13 to 2014-15, history majors fell 12%. Only 18% of liberal arts colleges now require students to take a course in U.S. history or government (Tiedemann, J. & Marisico, K. 2017).

In 2001, 34 states required students take state social studies tests. By 2013, only 13 states still required social studies tests (Tiedemann, J. & Marisico, K. 2017). Clearly, the trend nationally is moving away from an emphasis on history which is impacting education and visitation to historic sites. This trend does not bode well for establishing new museums, but rather, supports consolidation and collaboration among existing institutions, as they strive to remain relevant to the public.

■ ARCHAEOLOGICAL RESEARCH CENTERS

The research does not indicate the viability of a separate Etzanoa museum or interpretive center at this time. To determine how to achieve the study goals of sustaining the research and promoting growth of the Arkansas City community, the researchers reviewed other potential models that might be feasible. Many archaeological research centers are affiliated with universities, rather than affiliated with a community operating as a private not-for-profit. Peer research identified three archaeological research centers that might serve as potential models for the Etzanoa Project. They are Crow Canyon in Cortez, Colorado, the Center for American Archeology (CAA) in Kampsville, Illinois and Shumla Archaeological Research and Education Center in Comstock, Texas. The researchers determined that Crow Canyon is on a scale that is not feasible to be considered as a model for the Etzanoa Project. The other two identified centers present models to consider. The researchers conducted in-depth phone interviews with Jason King, Director of CAA and Jessica Lee, Director of Shumla to collect information about their models, both of which are solely focused on research.
Shumla was founded in 1998 as a research center that focuses on the rock art of the Lower Pecos Region of Texas. They have 10 full time equivalent employees in addition to interns, summer researchers and an endowed research position at Texas State University. Their budget of $700,000 is primarily from grants, foundations and donations. They have no government support and very limited earned revenue. Their singular research focus is to document and conserve rock art. All of their work is conducted on private land. They do not conduct excavations, have no collections and do not provide education programs. The only tours of cliff rock art are conducted by The Witte Museum in San Antonio and Seminole State Park near Comstock. Shumla partnered with Texas State University to offer a student summer field school in the past that has been discontinued, but is expected to return in the future.

The Center for American Archeology (CAA) was founded in 1953 to research sites in northern Illinois. By the late 1960s, they relocated to Kampsung and spent the next 10 years conducting field work on the deeply stratified Koster Site. They have five full time equivalent employees plus seasonal staff. They are loosely affiliated (e.g. students attend field schools) with Arizona State University. Their budget is $500,000 with 50% from grants, including National Science Foundation grants, donations, gifts and membership and 50% from earned revenue through tuition for summer field schools. Their research focus is the Illinois River Valley where all work is conducted on private land. CAA has a variety of public archaeology programs, a small store front museum and has an extensive inventory of vehicles, property and buildings in the community.

The Steering Committee agreed it would be beneficial to learn more about the Center for American Archeology (CAA) as a potential model for the Etzanoa Project. The researchers scheduled an interview between the steering committee and the director of the CAA.

Interview and Virtual Visit to Center for American Archeology

On Monday, April 23, 2017 the steering committee met at Cowley College for a Skype interview with Dr. Jason King, Director of the Center for American Archeology. This Center was identified as a potential model for the Etzanoa Project and the interview provided members of the steering committee the opportunity to discuss with Dr. King the founding, growth and operation of the Center.

The CAA conducts 10 weeks of archaeological work in the summer. Of those, eight weeks are with students and two weeks are staff-only excavations. The students include field schools with Arizona State University, Illinois State University and high school students from across the region. The excavations are conducted on private land with collections stored and owned by CAA through formal agreement with landowners; some collections are stored at the Illinois State Museum.

CAA has a commitment to public archaeology, which is a subset of the field of archaeology, focusing on enhancing general public knowledge and understanding of archaeology. In addition to participatory excavations, they are advancing public archaeology in a number of ways. A store front museum, approximately 800 square feet, serves about 3000 visitors a year. The majority of museum visitors attend during the annual archaeology day event and during seasonal region-wide events, featuring fall colors and orchards, promoted by the regional tourism board. They have about 10-12 class field trips a year from regional schools and do minimal outreach education programs. They do not conduct tours of any site on which they are conducting excavations.

Their $500,000 annual budget allocates about 58% for administrative staff, facilities, insurance and vehicles; and 42% for program staff. CAA has several buildings and facilities for offices, museum, labs, dormitories, food
service and vehicle storage. Dr. King indicated the building upkeep and transportation costs were significant. He advised great caution for a new endeavor such as the Etzanoa Project, recommending they capitalize on the convenience of the Cowley College facilities (e.g. dorms, cafeteria) and avoid incurring overhead costs associated with ownership and maintenance for buildings and property. Facility management shifts an organization’s focus away from the central function and redirects community and staff time and resources to managing facilities.

Final Report

The draft final report was presented to the steering committee on June 29, 2018 for review and comment, with the final report issued in mid-August 2018. The following section presents the research recommendations.

RECOMMENDATIONS

After research and analysis a summary of outcomes was presented to the steering committee at Workshop 5 on June 15, 2018. They are:

• Develop a plan with a central focus that is realistic to achieve.

• Create a public awareness campaign about the project that is professionally implemented.

• Secure sustainable financial support for the project.

• Sustain archaeological research, which is foundational for project success.

• Provide leadership at the local level.

To address the research outcomes, there are a number of recommendations to be implemented.

1. Establish a New Governing Structure

The project partners are: City of Arkansas City, Cowley College, The Etzanoa Conservancy and Wichita State University. The primary role of each partner follows. The City of Arkansas City will provide supportive services and will assist with any governmental strategies for preservation of the site. Cowley College will provide space for a variety of functions including housing and food service for summer excavations and can have a central role in the development of a summer field school for high school students. The Etzanoa Conservancy will facilitate landowner relationships and fundraise for a project director, public awareness and education projects and acquisition of the site for preservation. Wichita State University will provide the leadership for the archaeological research and conduct fundraising for this research. The role of each partner is outlined in detail in the MOA. (Appendix A)

For the Etzanoa Project to be successful, the partners need to operate in a transparent collaborative manner. A Governance Council will be created, which is comprised of a representative of each of the four partners. The Council will oversee the work of the Project Director and coordinate the Etzanoa Project priorities. The Governance Council will

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<tr>
<th>Arkansas City Representative</th>
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<th>Wichita State University Representative</th>
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<td>Project Director</td>
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determine their name, frequency of their meetings and the processes and procedures they will utilize to coordinate the work of the partners. They will also approve details regarding the role of the partners with each new project activity. Communication among the partners is essential. Council members are responsible for reporting back to their organization information about the work of the Project Director and the agreed upon priorities. Consider engaging the services of a consultant to assist the Governance Council in its formation and establishment.

2. Business Functions

The business functions of the Etzanoa Project will not be centralized, but rather each partner will have some responsibilities depending upon the activity. Wichita State University is willing to provide all legal advice and services for the project. The fiscal agent will be either Wichita State University Foundation or The Etzanoa Conservancy, depending upon whether the funding or revenue stream is for research or other project functions. The fiscal agent will be responsible for accounting, taxes, audits, if necessary, and filing of all official paperwork with local, state and federal government. Three of the partners are complex established organizations and have the necessary insurance. As The Etzanoa Conservancy progresses with new revenue stream programs, such as tours and fee-based participation in summer excavations, they will need to research acquiring or expanding liability and director’s insurance to protect the board and officers of the organization.

3. Hire a Project Director

To grow and expand the Etzanoa Project, a full-time paid project director is necessary. This position will be hired by, and report to, the Governance Council of the Etzanoa Project. To launch this initiative the Etzanoa Conservancy will raise the funds necessary for the salary and benefits for the position will be provided by one of the other partner organizations.

The Project Director will collaborate with the Governance Council to provide the vision and direction for the Etzanoa Project and establish priorities. The position will be responsible for fundraising, public awareness program development and implementation, public relations and branding oversight and coordination with partners, volunteer program, development of a high school field school, and ensure administrative requirements are met.

The Project Director will assist in all aspects of fundraising to support and augment the Etzanoa Conservancy for public awareness projects and fundraising by the Wichita State University Foundation for archaeological research. The Etzanoa Conservancy will be the fiscal agent for all public awareness projects and for fee-based programs such as summer excavations, school programs during the school year and community tours. Therefore, the Project Director will work closely with the Treasurer of the Conservancy. The Project Director will manage and oversee the implementation of all public awareness projects from budget to working with volunteers and content experts, contracting with professional services and maintaining relationships with all audience partners. (Appendix C)

4. Restructure the Etzanoa Conservancy

With the establishment of the Governance Council for broad oversight and management of the overall project and the hiring of a Project Director, it is important that The Etzanoa Conservancy refocus its role. There are several critical and highly significant components of the project that can be fulfilled by The Etzanoa Conservancy. This is the opportunity to redirect the Conservancy’s energy and resources to fundraise for public awareness projects, fundraiser for purchase and preserve the archaeological site, promote and maintain a membership program and facilitate landowner relations. The researchers recommend that a consultant be hired to assist The Etzanoa Conservancy to restructure into a fundraising and landowner relations board, redefining its mission and engaging in board training.
5. Public Awareness Campaign

There is universal agreement among the steering committee that a public awareness campaign is critical to build community support and understanding of the Etzanoa Project. For the purposes of this study, a public awareness campaign includes both products and programs. There are unlimited ideas and opportunities for different products and programs. There needs to be careful strategic thought given to prioritizing the incremental roll out of these products and programs. There should be an assessment to understand how the time and resources required for each equates to the anticipated outcome for the project.

Consideration needs to be given to ensure that each product and program is top notch and developed by experienced professionals in those fields whether it is publicity, website, social media, exhibits, education programs, tours, etc. Consideration should also be given to partnerships with professional highly regarded organizations in the community that have established audiences and facilities such as the Arkansas City Public Library, USD 470, Cherokee Land Rush Museum, Burford Theatre etc. Suggestions for the roll out of public awareness products and programs are included in the Five Year Plan. (Appendix B)

The public awareness campaign would include:

- **Communication Platform**
  - Graphic platform that identifies the project’s brand including the logo, font, colors, size, graphic elements, and spatial relationship of graphic elements
  - Consistent voice in tone, language and vocabulary for the project.

- **Communication Platform Products**
  - Website
  - Social media

- **Programs**
  - Brochures
  - Program handouts
  - Media releases
  - Print collateral for all programs.

- **Programs can be done in collaboration with existing organizations in the community, such as:**
  - Exhibit to be displayed at the Cherokee Land Rush Museum, City Hall and/or Arkansas City Public Library;
  - School program developed with USD 470 aligned with their curriculum needs and hands-on object-based learning methodology;
  - Special events such as an artifact identification day or activities incorporated into city-wide events;
  - Lecture series at the Burford Theatre or the Arkansas City Public Library;
  - Tours of the Etzanoa site in the area;
  - Walking / biking tour app around the city.

6. High School Field School

A strategy to expand the period of discovery, sustaining the archaeological research while involving students, can all be achieved with the establishment of a high school field school. The pilot program should launch in the summer of 2020. There are many elements of this program that would need to be worked through including (a) securing academic credit for the students through the community college and school district; (b) determining appropriate pricing, number of weeks and number of hours per day; (c) liability and medical insurance issues; (d) recruitment plan; (e) formalizing the process to house and feed the students at the college; and (f) provide appropriate supervision and evening activities.
In subsequent years, the summer field school can reach out to high schools in the region, then statewide, then out-of-state, growing in a deliberate incremental manner to ensure success and opportunity to make adjustments. This model can also be the framework for a teacher training field school in the future.

7. Etzanoa Project Re-Launch

A formal professional launch of the new vision, structure, and plan for the Etzanoa Project should be implemented once key elements are in place. This launch can be done in multiple locations, such as Arkansas City and Wichita, and other locations where the Etzanoa Conservancy Governance Council deem there is great potential.

The professional launch should be implemented once the ground-work is established and the project is poised for new elements estimated to be late 2019. The ground-work that needs to be in place includes:

- Hiring of the Project Director;
- Establishment and smooth operation of the Governance Council processes and procedures;
- Redefining and board restructure of the Etzanoa Conservancy;
- Creation of a print platform that unifies membership brochures, website, social media, donation information, etc;
- Planning and readiness to announce the pilot test for the high school summer field school;
- Introduction of the new research archaeologist at WSU who provides a presentation about the site’s significance and necessity for ongoing research;
- The announcement of the refined plan of activities, products and programs for the coming years.

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<thead>
<tr>
<th>Etzanoa Project Talking Points</th>
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<td>For community unity and to build enthusiasm, it is important that all stakeholders for the Etzanoa Project articulate the same message. They need to be prepared to summarize the feasibility study and the future for the Etzanoa Project. Suggested talking points are:</td>
</tr>
<tr>
<td>1. The future of the Etzanoa Project is a collaboration of four organizations with the common goal to promote and conserve the archaeological site.</td>
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<tr>
<td>a. The four partners are: City of Arkansas City, Cowley College, Etzanoa Conservancy and Wichita State University.</td>
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<tr>
<td>b. They are equal partners with different roles of equal importance for the project.</td>
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<td>2. This is a long-term project that will take years but will be implemented with a calculated, sustainable vision for both research and a public awareness campaign, which includes education programs and exhibits.</td>
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<td>3. The “Champion” will be a Project Director hired in early 2019 who will provide the charismatic leadership to align the work of the four partners, keep activities focused and move the project forward.</td>
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<td>4. Donations for the Etzanoa Project can be accepted now.</td>
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<tr>
<td>a. WSU Foundation will fundraise for the archaeological research.</td>
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<tr>
<td>b. Etzanoa Conservancy will fundraise for all other aspects of the project and can accept donations.</td>
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</table>
CONCLUSION

The Etzanoa Project holds great promise if managed strategically and carefully over the next five years. This study indicates that there is strong community support, increased engagement by each of the partners and a shared vision of the future which will sustain the archeological research and provide economic and social benefits for the community. Through the research process, a structured plan with benchmark deliverables was developed and clearly details the roles and responsibilities of each partner in the project.

The Etzanoa Conservancy has provided important and significant leadership in advancing the project to the present juncture. The vision of the board in identifying the need for a feasibility study and securing the funding, exemplifies their passion and commitment for the continued development and support of the Etzanoa Project. The study has facilitated discussion between the key partners and stakeholders clarifying roles and responsibilities and providing the foundation for the 5-year plan.

As the project grows and develops, the feasibility study indicates that a new organizational structure, with specialized resources and expertise is needed. Creation of the shared Governance Council along with a MOA will strengthen the project and allow each partner to specialize in the areas of expertise they can best provide.

A full-time director, reporting to the Governance Council is critically important to ensure the momentum of the plan continues at a pace that interests and engages the community and fosters the growth of the research and programming. The highlights of the 5-year plan deliverables include:

- Hire a Project Director and Re-Launch the Etzanoa Project.
- Formalize the Etzanoa project through a collaboration of four partners with a Governance Council, restructure Etzanoa Conservancy and create a brand platform.
- Create, launch and grow a high school summer field school.
- Create a business plan and a fundraising plan.
- Design a curriculum based education program with USD 470 to be available throughout the region and Kansas.
- Create a traveling exhibit.
- Develop a regional tour.
- Develop and launch summer teacher training program in archaeology.

References
III. Non-binding Agreement
This MOU does not create any legally binding obligations on any party but is rather intended to facilitate further cooperation and collaboration between the parties for the Etzanoa Project.

IV. Objectives
The objectives and goals of the Etzanoa Project are:
1. To sustain archeological research conducted at the site(s).
2. To enhance public awareness and understanding of the important archaeological find.
3. To provide educational opportunities for students in both K-12 and college.
4. To protect the archeological site(s).

V. Structure
The structure of the Etzanoa Project will be:
1. A Governing Council comprised of a representative of each party as identified, in Section VI Commitments.
2. The Governing Council will oversee the work of the Project Director and coordinate the project priorities.
3. Governing Council representatives will determine frequency of meetings, processes and procedures to coordinate work of the parties, and approve details regarding the role of parties with each new project activity.
4. Governing Council will report to the party they represent on the activities of the Project Director and project priorities.

VI. Commitments
The City of Arkansas City commits to:
1. Take all steps necessary to protect the archaeological site;
2. Provide assistance through its Public Relations office to generate public awareness;
3. Provide meeting or office space, as needed, for those connected to the Project; and
4. Provide City Manager or his or her employee designee to serve on the Governing Council.

Cowley Community College commits to:
1. Teach Anthropology and Archaeology classes;
2. Provide fee-based housing and food service for those conducting archaeology work;
3. Provide office space for project staff such as an archaeologist and Project Director;
4. Provide meeting space for Etzanoa Conservancy board and committees;
5. Provide storage space for collections;
6. Provide assistance through its Public Relations office to generate public awareness;
7. Provide students to conduct limited processing of collections and public awareness projects; and
8. Provide President or his or her employee designee to serve on the Governing Council.

■ The Etzanoa Conservancy commits to:
1. Engage in fundraising to support all aspects of the Etzanoa Project, such as:
   a. Acquire land to protect the site;
   b. Retain a paid Project Director;
   c. Augment archaeological research conducted by WSU; and
   d. Develop and implement public awareness and education products by the Project Director.
2. Foster and develop landowner relationships;
3. Take all steps necessary to protect the archaeological site(s); and
4. Provide Chair of Etzanoa Conservancy or his or her board member designee to serve on the Governing Council.

■ Wichita State University commits to:
1. Provide research leadership through archaeology faculty and students to work on the project;
2. Take the lead in partnering with other universities on the archaeology research;
3. Conduct an annual field school;
4. Engage in fundraising that supports WSU’s archeological and scientific work on the project;
5. Teach Anthropology and Archaeology classes;
6. Provide access to its Office of General Counsel; and
7. Provide Dean of Arts and Sciences or his or her employee designee to serve on the Governing Council.

VII. Term
Commencing on the Effective Date, this MOU shall be valid for a period of five (5) years and is renewable thereafter upon mutual agreement of the parties for one (1) year terms (the “Term”). Any party may terminate its portion hereof prior to the expiration date of any term upon sixty (60) days’ written notice to the other parties.

VIII. Amendments
The parties understand that, as the Project progresses, the commitments of the parties as set forth above may need to be modified. Accordingly, this MOU may be amended at any time in writing duly executed by authorized representatives of all parties to this MOU.

IX. Additional Agreements
The parties understand and agree that, as the Project progresses, there may be a need for additional MOUs and legal agreements. These additional documents may involve the parties hereto and/or additional parties not a part of this MOU. To the extent necessary, the parties agree to work together in developing such documents.
Appendix B: 5-Year Plan

Year 1: 2019 – Behind the Scenes Groundwork

- Fund the Project Director:
  - Seek funding from V. J. Wilkins Foundation for one year; notification in December 2018.
  - Raise the 50% match in the community which includes finding an organization partner to provide employee benefits.
  - Identify additional prospects to fund a second year for the position.
- Form the Governance Council:
  - Hire a consultant to identify and develop the functional processes for the Council and the processes for coordination with the partners.
  - Identify an individual to help coordinate the work of the Governing Council until the Project Director is hired.
  - Work with attorneys to protect the Etzanoa Brand and a structure for determining who has the authority to approve and create a product.
- Hire a Project Director:
  - Job description – advertise, conduct interviews
  - Governing Council identifies the lead member for coordinating the hiring.
- Project Director oversees development of a print platform for the project and design and production of new print pieces for membership, volunteers and donations.
- Project Director evaluates membership categories, benefits and amounts working with Etzanoa Conservancy.
- Project Director evaluates and fine tunes the group tour program.
- Project Director ensures professionalism of website and social media.
- Project Director formalizes a volunteer program working with Etzanoa Conservancy:
  - Distinguish between volunteers that support archeological research conducted by WSU and work under the direction of the project director.
  - Consider having a volunteer in a volunteer coordinator position.
  - Identify volunteer jobs such as posting on social media, leading tours, mailings.
- Project Director begins the process to create a high school field school to launch a pilot program for summer 2020.
- Expand the archaeological research through the project with the State Historical Society.
- Open dialogue with the Wichita Tribe.
- Project Re-launch at end of Year 1:
  - Introduce the director.
  - Present the structure and celebrate.
  - Present the 5-Year Plan.
  - Introduce the new research archaeologist from WSU.
  - Fundraise for the project.
  - Re-launch the project brand with compelling print collateral for distribution throughout south central Kansas.

Year 2: 2020

- Project Director – fundraising focus – meet everyone in the region – be the face of the Etzanoa Project.
- Project Director develop a business plan for earned revenue and fundraising with Etzanoa Conservancy to include:
  - Grants, donations and foundations;
  - Expansion of earned revenue with summer field school, tours and other fee-based events and activities;
  - Annual fundraiser signature event;
  - Donor recognition and benefit plan.
- Project Director finalizes planning, implement recruitment and launch pilot program for summer high school field school with USD 470.
- Project Director evaluate pilot program for summer high school field school and begin planning to expand to surrounding communities in south central Kansas for summer 2021.
- Compelling graphics/posters about the project in high traffic locations throughout south central Kansas.
- Concept a self-guided walking tour around Ark City:
  - Determine if this is outdoor signage, a phone app or a combination of both;
  - Develop a budget and identify the content experts and professionals to implement;
  - Seek funding.
Year 3: 2021
- Summer High School Field School expanded to surrounding communities; evaluate; begin planning for statewide for summer 2022.
- If funded, develop and implement the self-guided walking tour:
  - Research
  - Writing
  - Graphics
  - Recordings
  - Technology and/or Fabrication and Installation
  - Major event to launch the self-guided walking tour in fall.
- Extensive fundraising to maintain the position and operational costs for the Etzanoa Project.
- Apply for a federal grant from the Institute of Museum and Library Services (due Dec 1, 2021; notified August 2022; 2-year grant) for a professional traveling exhibit:
  - Partner with Coronado-Quivira Museum;
  - Focus is redefining prehistory of the Great Plains;
  - Two-year grant maximum $150,000 over two years;
  - Year one is research to include archaeological evidence throughout the Great Plains and not just Kansas, develop the concept, identify artifacts;
  - Year two is detail design and fabrication, develop of education programs to accompany the exhibit, coordinate the travel schedule for several years;
  - Identify all contracted services including exhibit design and fabrication firm.
- Begin planning to develop and implement a curriculum driven education program for USD 470:
  - Develop and implement the program for USD 470;
  - Utilize hands-on object based learning methodology; consider museum educator consultant to guide development of the program;
  - USD 470 determine the grade and curriculum connection;
  - Work with USD 470 for externship program in summer for a team to develop the program;
  - Pilot test with schools in fall; refine.
- Hire part-time assistant to help with marketing, coordination, scheduling, etc.
- Raise money to fund publication of a popular, image focused book about Etzanoa and regional prehistory:
  - Determine author;
  - Determine publisher; consider Arcadia Publishing.

Year 4: 2022
- Continue extensive fundraising.
- Contract with author to write, curate images and take additional photographs of artifacts to produce a book about Etzanoa prehistory; sold as revenue stream for the project.
- Launch education program for schools outside of USD 470 to be fee-based.
- Summer high school field school expand state wide.
- Begin process to create a summer teacher training with teachers in USD 470.
- If funded by IMLS, begin the first year of the traveling exhibit project in September.

Year 5: 2023
- Continue extensive fundraising.
- Summer high school field school expand to multi state.
- Finalize planning and implement summer teacher training.
- Traveling Exhibit work continues.
- Launch new donor events.

Years 6-10: 2024-2028
- Continue extensive fundraising.
- Summer high school field school is multi week, multi state.
- Teacher summer training is multi week, multi state.
- Traveling exhibit opens summer 2024; travel in Kansas and other states for several years.
- Work with Coronado Quivira Museum and state historical society to create a prehistory driving tour especially as it relates to the Etzanoa culture group.
- Create a long-term exhibit for the highest traffic public facility in Arkansas City.
- Develop a signature public event.
Appendix C: Sample Job Description for Project Director

The project director is responsible for the execution and management of the policies, programs, and initiatives of the Etzanoa Project Governance Council.

Primary Duties and Responsibilities

• Assumes management responsibility for all services and activities of the project.
• Recommends and administers policies and procedures of the Governance Board.
• Develops and supervises the project programming and annual budget.
• Participates in the development and implementation of goals, objectives, policies, and priorities for the project.
• Develops and maintains effective relationships with persons and groups directly or indirectly involved in the planning, maintenance, operations, and development of the project.
• Develops and maintains a close and effective working relationship with project partners and stakeholders.
• Serves as the project’s primary external contact and spokesperson, including interaction with the media, community associations, and others as necessary and appropriate.
• Hires and oversees the work of professional consultants and staff.
• Develops – in conjunction with the Governance Council – the agenda for the Council meetings; attends and reports to the Council at its meetings; oversees or performs an accurate recording of the proceedings; and distributes information as requested.
• Oversees and coordinates fundraising and donor management activities. Identifies new initiatives and partnerships to grow the Project revenues.
• Responsible for grant administration and community/corporate sponsorships.
Title:

Consent Agenda Item: Approve the March 5, 2019, regular meeting minutes as written.

Description:

Please see attached document.

Commission Options:

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

Approved for Agenda by:

City Manager
The Arkansas City Board of City Commissioners met in regular session at 5:30 p.m. Tuesday, March 5, 2019, in the Commission Room at City Hall, located at 118 W. Central Ave. in Ark City.

Mayor Jay Warren called the meeting to order. Commissioners also present at roll call were Commissioners Kanyon Gingher, Dan Jurkovich, Duane L. Oestmann and Karen Welch.

City employees present at the meeting were City Manager Nick Hernandez, City Attorney Tamara Niles, City Clerk Lesley Shook, Public Information Officer Andrew Lawson, Public Works Director Mike Crandall, Street & Stormwater Supervisor Brian Edwards, Police Chief Dan Ward, Fire Chief Bobby Wolfe, Human Resources Manager Marla McFarland, and Building Official Mike Bellis.


Citizens in attendance included Bob Baker and Mell Kuhn. KanPak was represented by Crystal Hunt and Olivia Wilkie.

Commissioner Jurkovich offered the opening prayer. Mayor Warren led the pledge of allegiance.

**Agenda Approval**

At City Manager Hernandez’s request, Commissioner Welch made a motion to amend the agenda by switching the order of Items 1 and 2 under Awards and Proclamations.

Commissioner Jurkovich seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Warren declared the agenda approved as amended.

**Awards and Proclamations**

Mayor Warren issued a proclamation that March is Developmental Disabilities Awareness Month in Arkansas City. Bob Baker received the proclamation on behalf of the Equal Opportunity and Accessibility Advisory Board, as well as Mosaic, of which he is a supporter.

The commissioners then witnessed the presentation of a Lifesaving Award to Arkansas City Police Department Sgt. Eric Mata. Capt. Eric Burr detailed how Mata arrived January 10 at KanPak and administered the Heimlich maneuver to a choking Olivia Wilkie, who became emotional as she thanked Mata for saving her life. Crystal Hunt also thanked him on behalf of KanPak.

**Consent Agenda**

Commissioner Jurkovich made a motion to approve the consent agenda, including the following:
1. Approving the **February 19, 2019**, regular meeting minutes as written.
2. Ratifying Mayor Warren’s appointment of Mike Crandall to the County Council on Aging.

Commissioner Oestmann seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Warren declared the consent agenda approved.

**Old Business**

**Contractor Licensing**

City Clerk Shook presented for discussion a second reading of an ordinance modifying Municipal Code Part II, Chapter 14, concerning contractor licensure, contractor examination and the Building Trades Board, and modifying Municipal Code to so reflect.

Mayor Warren made a motion to table the ordinance and send it to the Building Trades Board for further consideration. Commissioner Gingher seconded the motion.

Commissioner Jurkovich questioned the need for this. Commissioner Gingher said she thought Building Trades Board members needed a chance to weigh in as it had not seen the changes yet.

Mell Kuhn, 521 W. Kansas Ave., asked what prompted the changes. Commissioner Jurkovich said out-of-town contractors with licenses in other states had been required by Municipal Code to take the City-approved International Code Council test before being issued permits on major projects.

City Manager Hernandez said one such company had done multimillion jobs all around the world.

He said a contractor would be able to be issued one permit per license per year under the proposed alternate licensing requirements, which include providing an equivalent license issued by another state or municipality; providing proof of obtaining a bachelor’s degree in engineering, architecture, construction management or construction science from an accredited university that would qualify the contractor to perform the work as specified below; demonstrating to Building Official Bellis’ satisfaction that the contractor is qualified to perform the work, by providing such documentation and references as he deems necessary. City Attorney Niles clarified that this last provision is the only one that incurs the “one permit per license per year” stipulation and added that continuing education requirements that already are required by staff also would be added to Municipal Code.

Kuhn objected and said he has to take different tests in other communities in which he does work.

Bellis said the ICC test, taken in Wichita, can take up to two to four hours and cost upwards of $200.

He said there is a current state statute that allows him to use another state’s license, with similar testing, to issue a permit and he had to do that in one case this year to avoid impacting a project.

A voice vote was unanimous in favor of the motion. Mayor Warren declared the motion approved.
New Business

6.0% Cereal Malt Beverage
Ordinance No. 2019-03-4483

City Clerk Shook presented for discussion a first reading of an ordinance amending regulation of cereal malt beverage (CMB) and alcoholic liquor licensees within the City to reflect changes to Kansas law, and amending Municipal Code to so reflect.

City Attorney Niles said that as of April 1, 2019, state law changes to allow distributors such as convenience and grocery stores to sell the same 6.0-percent CMB previously allowed only in liquor stores. As a result, 3.2-percent CMB will be phased out and Municipal Code needs to be updated.

Commissioner Oestmann made a motion to approve the ordinance. Commissioner Welch seconded the motion. A roll call vote was unanimous in favor of the motion.

Mayor Warren declared the motion approved and given Ordinance No. 2019-03-4483.

In-Car / Body-Worn Cameras
Resolution No. 2019-03-3238

City Clerk Shook presented for discussion a resolution authorizing the City to purchase one in-car recording system and 26 body-worn cameras from WatchGuard, of Allen, Texas, for an amount not to exceed $33,100.00.

Police Chief Ward said body-worn cameras have become an integral part of policing that allow ACPD to review what officers do in the field, support them in court and defend against complaints.

The cameras to be replaced have exceeded their maximum useful life. The in-car system is on a rotation schedule. All of this equipment works together and also with a server system at ACPD.

City Attorney Niles said she has seen the number of Municipal Court trials drop due to the videos.

Commissioner Welch made a motion to approve the resolution. Commissioner Gingher seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Warren declared the resolution approved and given Resolution No. 2019-03-3238.

Flatbed Dump / Hoist Trucks
Resolution No. 2019-03-3239

City Clerk Shook presented for discussion a resolution authorizing the City to purchase two 2019 Ford F-350 1-ton pickup trucks with flatbed dump and hoist packages from Reedy Ford, of Arkansas City, for an amount not to exceed $61,814.00.
Public Works Director Crandall said both trucks were budgeted in 2019 for the Public Works Department — one for Streets and one for Stormwater. Four bidders were non-responsive, but Reedy Ford and Rusty Eck Ford responded. City Manager Hernandez said the City will work more closely next time with Zeller Motors, which is under new ownership.

After trade-in values for two current trucks, the total final price could be reduced to $58,514.00.

However, Crandall said staff first will try to list the trucks on Purple Wave in order to hopefully obtain a higher price for them.

The trucks will replace a 17-year-old 2002 Dodge Ram 4x4 crew cab with 129,883 miles on it and a 16-year-old 2003 Ford F-150 extended cab with 99,248 miles on it. Both are beyond economic repair.

The new trucks would come with 36-month or 36,000-mile bumper-to-bumper warranties and five-year or 60,000-mile power train warranties.

Commissioner Oestmann made a motion to approve the resolution. Mayor Warren seconded the motion. A voice vote was unanimous in favor of the motion.

Mayor Warren declared the resolution approved and given Resolution No. 2019-03-3239.

City Manager Updates

City Manager Hernandez provided the commissioners with the following reminders and updates:

- The City of Arkansas City will be host to the next Arkansas City Chamber of Commerce coffee at 10 a.m. March 7 at the Agri-Business Building, located at 712 W. Washington Ave. This event will be followed by a special rededication ceremony and ribbon-cutting at 11 a.m., followed by a public come-and-go open house for the newly renovated, remodeled facility.
- The next monthly Cowley County Legislative Committee meeting will be at noon March 12 at the Arkansas City Area Chamber of Commerce office, located at 106 S. Summit St.
- The next City Commission study session is at noon March 15 in Hernandez’s office. He will not be able to attend, but City Attorney Niles volunteered to run the meeting in his absence.
- Hernandez said he will be gone March 14-15 for vacation, on March 19 for his daughter’s stint as a page in Topeka and again March 21-22 for the Humanities Kansas conference.

Adjournment

Commissioner Oestmann made a motion to adjourn the meeting. Mayor Warren seconded the motion. A voice vote was unanimous in favor of the motion. Mayor Warren declared the meeting adjourned at 6:15 p.m.
THE CITY OF ARKANSAS CITY
BOARD OF CITY COMMISSIONERS

__________________________________________
Jay Warren, Mayor

ATTEST:

__________________________________________
Lesley Shook, City Clerk

Prepared by:

__________________________________________
Andrew Lawson, Public Information Officer
Title:
Consent Agenda Item: Authorize Mayor Jay Warren to sign the annual Statement of Assurance from the Kansas Department of Wildlife, Parks and Tourism regarding continuing use of recreational facilities funded by Land and Water Conservation Grant funds.

Description:
This is an annual certification required by the Kansas Department of Wildlife, Parks and Tourism (KDWPT) to assure KDWPT and its Federal auditors that grant funds allocated to the City of Arkansas City for park development still are being used beneficially for the purposes for which they were intended.

Commission Options:
1. Approve with the consent agenda.
2. Remove item from consent agenda for further consideration.

Fiscal Impact:
Amount: N/A
Fund: Department: Expense Code:

[ ] Included in budget [ ] Grant [ ] Bonds [ ] Other (explain)

Approved for Agenda by:

[Signature]

City Manager
February 22, 2019

Dear Land & Water Conservation Fund (LWCF) Recipient:

Enclosed is the annual operation and maintenance assurance statement (AOMAS) with a list of LWCF projects for which you have previously received awards. Also enclosed is information outlining your LWCF sites and the LWCF program in general. This information is provided as a tool to help you understand the LWCF program and your responsibilities as a subgrantee. Please keep this information for your records.

Please read the responsibilities listed on the blue AOMAS form and sign and return it to the attention of the KDWPT State Park Division by April 30, 2019. Also, please return the enclosed Contact Information Update slip to be sure our office has your most current contact information.

Keep in mind that any new improvements to the LWCF site must be approved by our office prior to development and must meet ADA requirements. Also remember that overhead lines are a direct violation of LWCF requirements and are never permitted within a project’s boundaries. Any future utility development at these facilities must be buried underground or relocated outside of the 6(f) boundaries.

It is very important that LWCF guidelines are followed and that you return the blue AOMAS form. Your cooperation in maintaining your LWCF project is very important if you are interested in receiving future outdoor recreation funding.

We are now taking applications for new projects. If you would like to submit an application please have them to our office by April 15, 2019. You can find information on the application process by going to www.kstateoutdoors.com/KDWPT-Info/Grants.

Feel free to call our office if you have any questions. Thank you for your dedication to providing outdoor recreation opportunities to your community.

Sincerely,

Kati Westerhaus
Kansas Department of Wildlife, Parks and Tourism
LWCF Coordinator, State Parks Division
Protecting Places that Matter

LWCF History

Since 1965, the Land and Water Conservation Fund has been an active partner with states and communities in creating places that really matter: playgrounds alive with kids, well-used baseball diamonds and soccer fields, peaceful picnic areas, safe paths for walking and cycling, fast-paced basketball courts, popular beaches and pools, and scenic state parks.

But America’s most productive conservation partnership does even more. The benefits of the Land and Water Conservation Fund extend beyond park and recreation facility construction and open space acquisition. The Fund also plays a major stewardship role, ensuring the integrity and recreational quality of Fund-assisted parks and conservation lands, now and for future generations.

Protecting our Parklands Forever

One of the most important aspects to understand about LWCF assisted sites is that the sites are protected under LWCF stewardship forever.

The Fund’s most important tool for ensuring long-term stewardship is its “conversion protection” requirement. Administered by the National Park Service in cooperation with states, this requirement, Section 6(f)(3) of the Land and Water Conservation Fund Act, strongly discourages casual discards and conversions of state and local park and recreation facilities to other uses.

SEC. 6(f)(3) No property acquired or developed with the assistance under this section shall, without the approval of the Secretary be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Clearly, change is inevitable and sometimes – when all other alternatives have been carefully reviewed – conversions are deemed both necessary and desirable. When conversions are approved, the goal is always a “win-win” solution, balancing the needs of recreation and open space with other community needs. At the same time, the Fund’s conversion protection language ensures that any changes or conversions from recreation use will bear an equivalent cost – a cost that guarantees that our nation’s past investments in its treasured recreation and open space resources will be honored.

The conversion process (which is set forth in Title 36, Part 59.3 of the Code of Federal Regulations) includes a comprehensive review of key issues relating to recreation access and use, land valuation, and an assessment of its impact on the environment. The process takes time – from six months to more than a year depending on the complexity of the conversion and the replacement site – and is subject to concurrence by the State and the National Park Service.
Understanding Stewardship Responsibilities

Stewardship responsibility for Fund-assisted state and local parks and recreation facilities is shared by the Land and Water Conservation Fund’s three partners: the National Park Service, the State Sponsor (KDWPT), and the local project sponsor (you). Stewardship duties are as follows:

**Local sponsor** (YOU): are responsible for local site stewardship, including:
- Public access and safety
- Basic maintenance
- All responsibilities outlined on the AOMAS statement

**State Sponsor** (KDWPT): responsible for site stewardship at state parks and coordination with local sponsors, including:
- Periodic site visits — KDWPT conducts site visits every 5 years
- Working with local sponsors to ensure that LWCF stewardship goals are met

**National Park Service**: charged with the overall responsibility for protecting the integrity and recreational value of all state and local sites assisted by the Fund.

State Sponsor Contact Information

Kansas Department of Wildlife, Parks and Tourism administers the Land and Water Conservation Fund as the state sponsor. Our goal is to support and maintain the spirit of the Fund as we work to preserve outdoor recreation opportunities statewide through the state park system and local LWCF projects.

As the State sponsor, our office works directly with the local sponsors to ensure that LWCF goals are met statewide. We do this primarily through the Annual Operations and Maintenance Assurance Statement (AOMAS) and local site visits. AOMAS statements are sent yearly as a reminder of the stewardship responsibilities for the local sponsor; we ask that you sign this statement and return it to us as an acknowledgement of understanding. In addition to the AOMAS, KDWPT conducts site visits every 5 years to ensure that Fund-assisted sites are still open and in compliance with LWCF goals.

Any questions or concerns you have regarding your LWCF assisted sites may be directed to:

Kati Westerhaus  
LWCF Coordinator  
512 SE 25th Avenue  
Pratt, KS 67124

Email: kati.westerhaus@ks.gov  
Phone: 620-672-0740  
Fax: 620-672-2972
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM  
512 SE 25th AVENUE  
PRATT, KS 67124  

2019 ANNUAL OPERATION AND MAINTENANCE ASSURANCE STATEMENT  
Land & Water Conservation Fund (LWCF)  

Whereas, City of Arkansas City has received financial assistance from the Land & Water Conservation Fund for the following project(s):

<table>
<thead>
<tr>
<th>NPS Project No.</th>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-00176</td>
<td>North C Street Tennis Court</td>
</tr>
<tr>
<td>20-00209</td>
<td>Walnut River Park Acq. Project</td>
</tr>
<tr>
<td>20-00254</td>
<td>Walnut River Park Development</td>
</tr>
<tr>
<td>20-00255</td>
<td>Center City Park Area Acq. &amp; Dev.</td>
</tr>
<tr>
<td>20-00285</td>
<td>Municipal Swimming Pool Renovation</td>
</tr>
<tr>
<td>20-00498</td>
<td>Springhill Golf Course Acq.</td>
</tr>
<tr>
<td>20-00622</td>
<td>Wilson Park Improvements</td>
</tr>
</tbody>
</table>

The subgrantee does hereby assure that it:

1. will not convert any portion of a project area to other than public outdoor recreation use through sale, lease, easement, construction of non-outdoor recreation facilities or by any other means without prior approval and replacement of the converted property. (see Section 6(f)(3) of the LWCF act) A “project area” will generally include all or any outdoor recreation area which has received LWCF assistance;

2. will not install any overhead electric or telephone lines on project areas;

3. will maintain the project area and facilities in a safe, attractive, and inviting manner;

4. will maintain sanitary facilities in accordance with local/state health standards;

5. will make reasonable and prompt repairs on facilities funded with LWCF throughout their estimated lifetime to prevent undue or premature deterioration;

6. will keep facilities open for public use during reasonable hours of the day and times of the year;

7. will permanently display a LWCF sign (symbol) at all project areas;

8. will comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975;

9. will not change, by addition or deletion, any structural features of facilities without prior review and approval of the Kansas Department of Wildlife, Parks & Tourism and the National Park Service.

10. will submit any new development plans for the project site to Kansas Department of Wildlife, Parks & Tourism prior to development, and all required permitting from the State Historical Preservation Office and all environmental approvals must be sent to Kansas Department of Wildlife, Parks & Tourism for their files.

City of Arkansas City  
Project Sponsor

** I certify that I have the authority to sign for this project sponsor **

Date: ___________________________  
Signature: ___________________________

Printed Name: ___________________________  
Title: ___________________________
<table>
<thead>
<tr>
<th>Contact Information Update</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Printed Name:</strong></td>
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<tr>
<td><strong>Title:</strong></td>
</tr>
<tr>
<td><strong>Agency or Department:</strong></td>
</tr>
<tr>
<td><strong>Mailing Address:</strong></td>
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<tr>
<td><strong>City, State, Zipcode:</strong></td>
</tr>
<tr>
<td><strong>Phone number:</strong></td>
</tr>
<tr>
<td><strong>Fax number:</strong></td>
</tr>
<tr>
<td><strong>E-mail address:</strong></td>
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</tbody>
</table>
**Title:**

Consent Agenda Item – Approve a new Cereal Malt Beverage license for Fast Freddy’s, located at 121 S. Summit St., Arkansas City.

**Description:**

Fast Freddy’s has changed ownership. The new owner, Terry Cassiday, has applied to the City for a license to sell cereal malt beverages, for consumption on the premises, located at 121 S. Summit St. All procedures have been followed as outlined in Municipal Code Part II, Chapter 6, Article III, Sec. 6-108. No deficiencies noted.

**Commission Options:**

1. Approve with the consent agenda.
2. Remove from the consent agenda for further review.

**Fiscal Impact:**

<table>
<thead>
<tr>
<th>Amount:</th>
<th>Department:</th>
<th>Expense Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

- [ ] Included in budget
- [ ] Grant
- [ ] Bonds
- [ ] Other (explain)

**Approved for Agenda by:**

[Signature]

City Manager
CEREAL MALT BEVERAGE LICENSE

New, Consumption on the Premises:

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
<th>Owner or Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fast Freddy’s</td>
<td>121 S. Summit</td>
<td>Terry Cassiday</td>
</tr>
</tbody>
</table>

The above location has been reviewed by the proper authorities and is approved for licensing.
Item for City Commission Action
Section VI Item 1

Meeting Date
3/19/2019

Department/Division
City Manager / Neighborhood Services

Staff Contact
Josh White

Title:
Second reading of a Resolution authorizing the City of Arkansas City, Kansas, to file an application for a Historic Preservation Fund Grant, administered by the National Park Service, for a National Register of Historic Places nomination revising the Downtown Arkansas City Commercial District, pledging matching funds and/or in-kind services for said grant, and authorizing Mayor Jay Warren and/or City staff to execute any and all documents necessary to apply for and accept such grant and consent to said nominations of City properties. (Voice Vote)

Description:
The City was awarded a grant in 2017 to conduct a resurvey of its Downtown Historic District. This resurvey was conducted and completed in May 2018. The survey made recommendations to modify the historic district by adding some properties and removing others. (The report also recommended creating a thematic nomination of Ark City’s historic churches, but that will not be part of this particular project.)

This project also directly aligns with the City’s Comprehensive Plan goal to “promote the maintenance and preservation of historical resources such as Burford Theatre, the downtown district, Ireland Hall, Pilgrim Congregational Church, and other historic structures,” as well as its accompanying action item to “Give careful consideration to the possible impacts of development on nearby historic and cultural properties when taking action on zoning applications, demolition permits and other necessary city approvals.”

A historic district can only be created or modified with the consent of a majority of the property owners.

The City owns three (3) properties that would be added to the district, including City Hall, which would be considered contributing and thus would be eligible for grants or tax credits. The other two — funding the Police Department and Ben Givens Park — would be considered non-contributing and thus not eligible.

The grant requires a 40% match, but this can be in staff salaries and volunteer labor (as before). The proposed budget for the grant does include enough salaries and labor so that the City should not have to pay any cash directly. The grant does operate on a reimbursement basis, so any expenses would have to be incurred up front and then reimbursed at the close of the grant in the summer of 2020.

The funds for this program come from Outer Continental Shelf mineral receipts. The grant application is attached and it includes the proposed budget for the project. The final grant application is due March 29, 2019. Grant awards would be announced May 4, 2019. After that, the Historic Preservation Board would accept bids and recommend a consultant to the City Commission for approval.
The Historic Preservation Board voted unanimously at its meeting on January 28 to recommend that the City Commission approve this grant application. It also held a meeting on February 18 to converse with the affected property owners and obtain support for this grant proposal. Board members and staff have been working diligently since then to contact all the property owners who did not attend this meeting.

**Commission Actions:**

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

**Fiscal Impact:**

Amount: See note below

<table>
<thead>
<tr>
<th>Fund:</th>
<th>Department:</th>
<th>Expense Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Grant, Bonds, Other (explain)</td>
</tr>
</tbody>
</table>

If the grant is awarded, the City’s match will be in the form of salaries, volunteer labor and administrative costs. Cash only would be required if the match from these other sources is insufficient.

The total match required, according the budget, should not exceed $8,000.00. The grant should pay for the consultant, for an amount not to exceed $12,000.00. The total project budget is $20,000.00.

**Approved for Agenda by:**

[Signature]
City Manager
RESOLUTION NO. 2019-03-

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY, KANSAS, TO FILE AN APPLICATION FOR A HISTORIC PRESERVATION FUND GRANT, ADMINISTERED BY THE NATIONAL PARK SERVICE, FOR A NATIONAL REGISTER OF HISTORIC PLACES NOMINATION REVISING THE DOWNTOWN ARKANSAS CITY COMMERCIAL DISTRICT, PLEDGING MATCHING FUNDS AND/OR IN-KIND SERVICES FOR SAID GRANT, AND AUTHORIZING MAYOR JAY WARREN AND/OR CITY STAFF TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT SUCH GRANT AND CONSENT TO SAID NOMINATIONS OF CITY PROPERTIES.

WHEREAS, the Historic Preservation Fund (HPF) is a grant program administered by the National Park Service (NPS); and

WHEREAS, funds for the HPF program are derived from Outer Continental Shelf mineral receipts; and

WHEREAS, each year, the NPS provides the Kansas State Historic Preservation Office (SHPO) with funds that finance its operations, salaries and grants; and

WHEREAS, ten percent (10%) of these grant funds awarded to the SHPO must be passed through to Certified Local Governments (CLGs), per federal regulations; and

WHEREAS, said grants may reimburse up to sixty percent (60%) of project costs; and

WHEREAS, the City of Arkansas City, Kansas, was recognized as a Certified Local Government (CLG) by the National Park Service in 2012; and

WHEREAS, the City of Arkansas City, Kansas, received a grant in 2017 and conducted a re-survey of the Arkansas City Commercial Center and adjacent areas; and

WHEREAS, this Survey Report made recommendations to modify the boundaries of the current Downtown Historic District and possibly list the City’s historic churches on the National Register of Historic Places, and some of the affected properties are owned by the City of Arkansas City, Kansas; and

WHEREAS, the Arkansas City Historic Preservation Board and City staff wish to pursue such a grant to nominate these properties to the State and National Historic Registers of Historic Places; and

WHEREAS, the Arkansas City Historic Preservation Board held a public hearing on February 18, 2019, for the purposes of hearing public feedback on the proposed alterations and gathering public support; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, wishes to express its support for said grant application and said nominations of City-owned properties.

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

SECTION ONE: After due investigation and consideration, it is herein determined that the nature and extent of the public use and interest to be subserved is such as to authorize the City of Arkansas City, Kansas, to file an application to participate in the Historic Preservation Fund grant program, as administered by the National Park Service, for a National Register of Historic Places nomination to modify the Downtown Arkansas City Commercial District. The total project budget shall be $20,000.00, with the grant covering 60 percent of the cost and the City of Arkansas City, Kansas, being required to provide a 40-percent match. The Governing Body of the City of Arkansas City, Kansas, hereby pledges to
provide a 40-percent match in the form of salaries, volunteer labor and indirect expenses, and remaining match, if any is required, in cash.

SECTION TWO: The Governing Body of the City of Arkansas City, Kansas, hereby consents to City-owned properties being added to the Downtown Historic District as recommended by the Survey Report of the Resurvey of Arkansas City Commercial Center Historic District (1983) and Adjacent Areas.

SECTION THREE: Should the City of Arkansas City, Kansas, receive a grant from the Historic Preservation Fund as administered by the National Park Service, the Governing Body of the City of Arkansas City, Kansas, hereby authorizes and directs the City of Arkansas City, Kansas, to accept such monies.

SECTION FOUR: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes and directs the Mayor, City Clerk and/or City administration to execute any and all documents necessary to consummate the legislative purposes and intents as expressed in this Legislative Enactment, including executing application and/or acceptance documents, and, if executed by the Mayor (or another person authorized by law to act in the event of the absence or inability of the Mayor to so 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 of Arkansas City, Kansas, for this and all subsequent related activities.

SECTION FIVE: 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 March 19th, 2019.

(Seal)

Jay Warren, 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. 2019-03-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on March 19, 2019, as the same appears of record in my office.

DATED: ______________________.

Lesley Shook, City Clerk
1. Applicant (Subgrantee): City or Arkansas City ____________________________________________

Authorized Signatory (type or print): Nickolaus Hernandez, City Manager ____________________

Authorized Signatory (signature): _______________________________________________________

Mailing Address: 118 W. Central Ave. ____________________________________________________

Arkansas City, KS 67005 _______________________________________________________________

2. Contact Person: Josh White, Principal Planner __________________________________________

Mailing Address: 118 W. Central Ave. ____________________________________________________

Arkansas City, KS 67005 _______________________________________________________________

Telephone Number: 620-441-4420 _______________________________________________________

E-mail: jwhite@arkansascityks.gov _____________________________________________________

3. DUNS Number of Applicant: City of Arkansas City 09778556

4. U.S. Congressional District: 4 _______________________________________________________

5. Is this application being submitted by a Certified Local Government (CLG)?  Yes _x_   No __

6. Project Title: National Register Nominations for Downtown Commercial Historic District

7. Project Beginning Date: June 2019       Project Ending Date: April 2020

8. Project Type:

<table>
<thead>
<tr>
<th>Survey and Inventory</th>
<th>Preservation Assistant</th>
</tr>
</thead>
<tbody>
<tr>
<td>x National Register nomination</td>
<td>Educational Activity</td>
</tr>
<tr>
<td>Preservation Plan or Ordinance</td>
<td>Other</td>
</tr>
<tr>
<td>Design Review Guidelines</td>
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</table>

9. Estimated Project Costs:

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>$20,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Share (60%)</td>
<td>$12,000</td>
</tr>
<tr>
<td>Matching Share (40%)</td>
<td>$8,000</td>
</tr>
<tr>
<td>Cash Match</td>
<td>$7,210</td>
</tr>
<tr>
<td>In-Kind Match</td>
<td>$790</td>
</tr>
</tbody>
</table>
A. PROJECT RATIONALE AND OBJECTIVES
Arkansas City is situated on a hill above the Arkansas and Walnut rivers, which mostly surround the city. The town was originally laid out in 1870 under various names, including Adelphi, Walnut City, Creswell and finally Arkansas City. It was formally incorporated as Arkansas City in 1872. The City grew quickly in the early years, but most of the early wood-frame buildings were replaced in the 1880s by stone and brick buildings, many with elaborate cast-iron trim. In 1983, a survey was conducted in the downtown area and the Arkansas City Commercial Center Historic District was formed. There is no evidence in City files to determine whether additional buildings were surveyed, but not included in the historic district. Since 1983, there have been a number of new buildings constructed, and several buildings have been torn down for parking lots or new buildings. There also are a number of buildings just outside of the current district that either have become eligible since the original survey in 1983 or, for whatever reason, were left out of the original district nomination. The original district contained 75 buildings. In 2017, a Historic Preservation Fund grant was used to conduct a new, updated survey. The survey report recommended some changes to the historic district, as well as a thematic nomination for Arkansas City’s Historic Churches. This project would make amendments to the existing historic district by adding some newly eligible properties and removing some properties that no longer hold any historic significance due to building demolitions. The City may look into a thematic nomination for the historic churches in a future project or may work with the churches to assist them in becoming listed individually.

The City and its Historic Preservation Board think this project to amend the current district directly aligns with the City’s Comprehensive Plan goal to “promote the maintenance and preservation of historical resources such as Burford Theatre, the downtown district, Ireland Hall, Pilgrim Congregational Church, and other historic structures,” as well as its accompanying action item to “Give careful consideration to the possible impacts of development on nearby historic and cultural properties when taking action on zoning applications, demolition permits and other necessary city approvals.” We believe that listing the historic and cultural resources of our community on the National Register of Historic Places can assist us with this goal.

The City, realizing the importance of preservation, became a Certified Local Government in 2012. Funding for these types of projects is generally limited and this grant will make the project possible. Staff and volunteer labor will be utilized as part of this project, but a paid consultant is needed to ensure the process is completed properly. We further believe this project meets the medium priority of the state by updating information in older National Register and National Landmark nominations.

B. PROJECT DESCRIPTION AND PRODUCTS
1. **Products.** The City of Arkansas City will use this grant funding to hire a historic preservation consultant to work with the City and the Arkansas City Historic Preservation Board to prepare a nomination to the National Register for the amended Downtown Historic Commercial District. Approximately 13 properties would be nominated to be added to the National Register and Historic District. About five vacant properties would be removed from the district, as the historic structures have been demolished since the district originally was created. All work will meet the requirements in the *Historic Preservation Fund (HPF) 2019 Grant Products Manual*, and *National Register Bulletin 15*.

2. **Implementation.** Once awarded funding assistance, the Historic Preservation Board will seek a qualified preservation consultant immediately through the City’s Request for Proposal (RFP) process. Once the consultant is identified and is in place, the survey work will commence.

<table>
<thead>
<tr>
<th>Estimated Timeline:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests for Proposals released</td>
</tr>
<tr>
<td>Requests for Proposals responses due</td>
</tr>
<tr>
<td>Consultant Selected</td>
</tr>
<tr>
<td>Meeting with SHPO and Consultant</td>
</tr>
<tr>
<td>Contract Agreement signed</td>
</tr>
</tbody>
</table>
### C. APPLICANT ORGANIZATION AND PERSONNEL

1. **Organization.** The applicant organization is the City of Arkansas City, Kansas. The project is supported through the staffing and facilities of the Arkansas City Neighborhood Services Division, with the aid of the Arkansas City Historic Preservation Board. The Neighborhood Services Division staff contact is Josh White, who will manage the project on a daily basis. All financial and accounting measures will be handled by the Neighborhood Services Administrative Assistant, as well as Finance Department staff.

   In addition to organization personnel, the City of Arkansas City will hire a qualified and experienced consultant to write the nomination of the designated areas within the Downtown area. This consultant will meet the Secretary of the Interior’s Professional Qualifications Standards and will be selected through established protocol of the City of Arkansas City.

2. **Role of Historic Preservation Board.** The Historic Preservation Board will be involved in the project by choosing the historic preservation consultant, reviewing drafts of the nominations, serving on the project team and assisting as needed throughout the project.

3. **Résumés.** If awarded funding, the Historic Preservation Board will begin seeking a qualified preservation consultant that is consistent with the State Historic Preservation Office and the Secretary of the Interior’s Historic Preservation Professional Qualification Standards.

4. **Additional Resource Persons.** N/A

5. **Previous HPF Grant Funding.** The City was awarded an HPF grant of $6,533 in 2005 for a Downtown Walking Tour brochure. It also was awarded an HPF grant of $13,000 in 2017 for the survey project of the Arkansas City Commercial Center Historic District (1983) and Adjacent Areas.

6. **Other Funding Sources.** N/A

7. **Application Support.** A Resolution of support from the City Commission is attached.
D. PUBLIC EDUCATION AND IMPACT
The public will be informed about the project through mailings to property owners, as well as two public meetings, one at the beginning and one at the end of the project. The survey report also will be available on the City’s website upon completion and will be distributed to local media for publication. The City also has a Facebook page where updates may be posted. The success of the project will be measured when the properties are listed on the State and National Registers.

E. PROJECT BUDGET
1. **Budget Chart.** See attached form.

2. **Budget Narrative.**
   - **Salaries**
     - Grant Administrator will be Principal Planner Josh White:
       - 160 hours x $37.49 per hour = approximately $6,000.00
     - City Historic Preservation Board will advise on hiring of consultant and will assist with public meetings:
       - 5 board members x $22.56 per hour x 7 hours = approximately $790
     - A consultant will be hired to produce the survey. It is estimated that the total cost for consultant services will be $12,000.
     - Indirect expenses of $560 were added to account for miscellaneous administrative costs.

   - **Communication**
     - Notifications will be mailed to property owners in the survey area:
       - 2 mailings x 100 property owners = $100.00

   - **Printing & Advertising**
     - Flyers will be printed to be mailed to all property owners, giving notice of public meetings. Public meetings also will be publicized via local media outlets (e.g. newspapers, websites, etc.):
       - Estimated costs for publications = $500.00

*Accounting system used by the City is its standard accounting and auditing practices. Annual audits meet the OMB Circular A-128 audit guidelines. Two copies of the audit will be submitted to the SHPO upon request.*
### E. Project Budget Chart

<table>
<thead>
<tr>
<th>BUDGET ITEMS</th>
<th>1. RECIPIENT MATCH</th>
<th>2. INDIRECT EXPENSES</th>
<th>3. FEDERAL SHARE</th>
<th>4. TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a) CASH</td>
<td>b) IN-KIND</td>
<td></td>
<td></td>
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<tr>
<td>1. SALARIES (list each separately)</td>
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<tr>
<td>Administrator</td>
<td>$6,000</td>
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<td>$6,000</td>
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<tr>
<td>Surveyor</td>
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<td>Secretary</td>
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<tr>
<td>Volunteer(s)</td>
<td>$790</td>
<td></td>
<td></td>
<td>$790</td>
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<tr>
<td>Bookkeeper</td>
<td></td>
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<tr>
<td>Others</td>
<td>$560</td>
<td></td>
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<td>$560</td>
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<tr>
<td>Consultant</td>
<td></td>
<td>$12,000</td>
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<td>$12,000</td>
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<tr>
<td>2. Mileage</td>
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<td>3. Expendable Supplies</td>
<td></td>
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<tr>
<td>4. Communication</td>
<td>$150</td>
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<td>$150</td>
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<td>5. Office Rent</td>
<td></td>
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<tr>
<td>6. Printing and Advertising</td>
<td>$500</td>
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<td>$500</td>
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<tr>
<td>7. Utilities</td>
<td></td>
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<tr>
<td>8. Equipment Rent</td>
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<tr>
<td>9. Equipment Maintenance</td>
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<tr>
<td>10. Insurance and Bonding</td>
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<td>11. Other</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>$6,670</td>
<td>$790</td>
<td>$560</td>
<td>$12,000</td>
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</tbody>
</table>

*Totals on this page should match totals on the cover sheet of application.*

1a+1b+2=40%  3=60%  4=100%
ASSURANCES

Applicants must agree to the following assurances for their applications to be considered for funding. Applicants hereby agree and acknowledge that:

(1) if they are awarded funds, they will conduct their operations in accordance with Title VI and VII of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, as amended, the Kansas Act Against Discrimination, and the Americans With Disabilities Act of 1990 which bar discrimination against any employee, applicant for employment, or any person participating in any sponsored program on the basis of race, creed, color, national origin, religion, sex, age, or physical or mental disability, and require compensation for employment at no less than minimum wage requirements, and will provide safe and sanitary working conditions;

(2) all consultants and contractors hired to implement the project activities must be hired through competitive procurement procedures as outlined in the 2019 HPF Grant Guide to be received at grant orientation;

(3) they will perform no work for which reimbursement will be requested or match claimed until (a) they have been notified that their application was approved; (b) a project agreement has been signed by the applicant and the State Historic Preservation Officer; and (c) they have been notified in writing that the work may begin;

(4) they have sufficient funds to match the Historic Preservation Fund grant and will pay for materials and services pending reimbursement by the Kansas Historical Society;

(5) they will carry out the project in accordance with the relevant standards and guidelines developed by the Secretary of the Interior for Preservation Planning, Identification, Evaluation, and Registration;

(6) they will follow the guidelines established by the Kansas State Historic Preservation Office and the U.S. Department of the Interior for the Historic Preservation Fund grant-in-aid;

(7) they will notify the Kansas State Historic Preservation Office of any changes in the source or sources of the match, the project conditions, project scope of work, personnel changes, or of any other factors that might affect the progress, completion or outcome of the project;

(8) the filing of this application has been approved by the legally authorized governing body of the applicant, if applicable;

(9) the facts, figures, and information contained in this application, including all attachments, are true and correct. The submission of fraudulent information is grounds for the cancellation of a Historic Preservation Fund grant; and

(10) all components of the grant application, including mandatory attachments are included and no additional or missing materials will be submitted after the stated application deadline.

__________________________  ______________________________________
Date     Signature of Authorized Signatory

Nickolaus Hernandez, City Manager
Typed Name and Title of Signatory
Policy Regarding Sexual Harassment

WHEREAS, sexual harassment and retaliation for sexual harassment claims are unacceptable forms of discrimination that must not be tolerated in the workplace; and

WHEREAS, state and federal employment discrimination laws prohibit sexual harassment and retaliation in the workplace; and

WHEREAS, officers and employees of the State of Kansas are entitled to working conditions that are free from sexual harassment, discrimination, and retaliation; and

WHEREAS, the Governor and all officers and employees of the State of Kansas should seek to foster a culture that does not tolerate sexual harassment, retaliation, and unlawful discrimination.

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order as follows:

1. All Executive Branch department and agency heads shall have available and shall regularly review and update at least every three years or more frequently as necessary, their sexual harassment, discrimination, and retaliation policies. Such policies shall include components for confidentiality and anonymous reporting, applicability to intern positions, and training policies.

2. All Executive Branch department and agency heads shall ensure that their employees, interns, and contractors have been notified of the state’s policy against sexual harassment, discrimination, or retaliation, and shall further ensure that such persons are aware of the procedures for submitting a complaint of sexual harassment, discrimination, or retaliation, including an anonymous complaint.

3. Executive Branch departments and agencies shall annually require training seminars regarding the policy against sexual harassment, discrimination, or retaliation. All employees shall complete their initial training session pursuant to this order by the end of the current fiscal year.

4. Within ninety (90) days of this order, all Executive Branch employees, interns, and contractors under the jurisdiction of the Office of the Governor shall be provided a written copy of the policy against sexual harassment, discrimination, or retaliation, and they shall execute a document agreeing and acknowledging that they are aware of and will comply with the policy against sexual harassment, discrimination, and retaliation.

5. Matters involving any elected official, department or agency head, or any appointee of the Governor may be investigated by independent legal counsel.

6. The Office of the Governor will require annual mandatory training seminars for all staff, employees, and interns in the office regarding the policy against sexual harassment, discrimination, and retaliation, and shall maintain a record of attendance.

7. Allegations of sexual harassment, discrimination, or retaliation within the Office of the Governor will be investigated promptly, and violations of law or policy shall constitute grounds for disciplinary action, including dismissal.

8. This Order is intended to supplement existing laws and regulations concerning sexual harassment and discrimination and shall not be interpreted to in any way diminish such laws and regulations. The Order provides conduct requirements for covered persons and is not intended to create any new right or benefit enforceable against the State of Kansas.

9. Persons seeking to report violations of this Order, or guidance regarding the application or interpretation of this Order, may contact the Office of the Governor regarding such matters.

Agreement to Comply with the Policy Against Sexual Harassment, Discrimination, and Retaliation.

I hereby acknowledge that I have received a copy of the State of Kansas Policy Against Sexual Harassment, Discrimination, and Retaliation established by Executive Order 18-04 and agree to comply with the provisions of this policy.


____________________________________
Nickolaus Hernandez, City Manager
Signature and Date       Printed Name
U. S. DEPARTMENT OF THE INTERIOR
CIVIL RIGHTS ASSURANCE

As the authorized representative of the applicant, I certify that the applicant agrees that, as a condition to receiving any Federal financial assistance from the Department of the Interior, it will comply with all Federal laws relating to nondiscrimination. These laws include, but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et. seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE shall apply to all aspects of the applicant’s operations including those parts that have not received or benefited from Federal financial assistance.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is sued for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applicants for Federal financial assistance which were approved before such date.

The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of the assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and subrecipients and the person whose signature appears below who is authorized to sign this assurance on behalf of the Applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

APPLICANT/ORGANIZATION
City of Arkansas City

APPLICANT/ORGANIZATION MAILING ADDRESS
118 W. Central Ave.
Arkansas City, KS 67005

TITLE City Manager
DATE SUBMITTED

BUREAU OR OFFICE EXTENDING ASSISTANCE
National Park Service / SHPO

DI-1350

Standard Form 424D (Rev.7-97)
Authorized for Local Reproduction
Prescribed by OMB Circular A-102
ASSURANCES - NON-CONSTRUCTION PROGRAMS

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-
   Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act
   (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract
   Work Hours and Safety Standards Act (40 U.S.C. §§327-
   333), regarding labor standards for federally-assisted
   construction subagreements.

10. Will comply, if applicable, with flood insurance purchase
    requirements of Section 102(a) of the Flood Disaster
    Protection Act of 1973 (P.L. 93-234) which requires recipients
    in a special flood hazard area to participate in the program
    and to purchase flood insurance if the total cost of insurable
    construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be
    prescribed pursuant to the following: (a) institution of
    environmental quality control measures under the National
    Environmental Policy Act of 1969 (P.L. 91-190) and Executive
    Order (EO) 11514; (b) notification of violating facilities
    pursuant to EO 11738; (c) protection of wetlands pursuant
    to EO 11990; (d) evaluation of flood hazards in floodplains
    in accordance with EO 11988; (e) assurance of project
    consistency with the approved State management program
    developed under the Coastal Zone Management Act of
    1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal
    actions to State (Clean Air) Implementation Plans under
    Section 176(c) of the Clean Air Act of 1955, as amended (42
    U.S.C. §§7401 et seq.); (g) protection of underground
    sources of drinking water under the Safe Drinking Water Act
    of 1974, as amended (P.L. 93-523); and, (h) protection of
    endangered species under the Endangered Species Act of
    1973, as amended (P.L. 93- 205).

12. Will comply with the Wild and Scenic Rivers Act of 1968
    (16 U.S.C. §§1271 et seq.) related to protecting
    components or potential components of the national wild
    and scenic rivers system.

13. Will assist the awarding agency in assuring compliance
    with Section 106 of the National Historic Preservation
    (identification and protection of historic properties), and
    the Archaeological and Historic Preservation Act of 1974
    (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of
    human subjects involved in research, development, and
    related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of
    1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.)
    pertaining to the care, handling, and treatment of
    warm blooded animals held for research, teaching, or
    other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning
    Prevention Act (42 U.S.C. §§4801 et seq.) which
    prohibits the use of lead-based paint in construction or
    rehabilitation of residence structures.

17. Will cause to be performed the required financial and
    compliance audits in accordance with the Single Audit
    Act Amendments of 1996 and OMB Circular No. A-133,
    "Audits of States, Local Governments, and Non-Profit
    Organizations."

18. Will comply with all applicable requirements of all other
    Federal laws, executive orders, regulations, and policies
    governing this program.

<table>
<thead>
<tr>
<th>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td></td>
</tr>
</tbody>
</table>

| APPLICANT ORGANIZATION                      | DATE SUBMITTED |
| City of Arkansas City                      |               |
### 1. What type of accounting system will be used to manage the financial records for this project?

- [ ] Manual
- [ ] Automated
- [ ] Combination of manual and automated (please explain)
- [ ] Our organization does not have an accounting system in place at this time (please explain)

**Explanation:**

### 2. Does a conflict of interest exist between your organization and the Kansas Historical Society?

A conflict of interest would entail key personnel of your organization, such as the Executive Director, Finance Officer, Business Manager, Board Members, etc. and/or the granting organization, such as a state officer and/or employee having an interest in, or deriving a direct benefit from, a contract.

- [ ] Yes* (please explain)
- [ ] No
- [ ] Unsure (please explain)

*Disclosing a potential conflict of interest does not automatically render the applicant disqualified from receiving the award.

**Explanation:**

### 3. Does the project manager have more than three (3) years of experience in managing the scope of service required under this program?

- [ ] Yes (please explain)
- [ ] No

**Explanation:**

### 4. Does your organization’s financial and programmatic staff who will oversee this award have more than one (1) year prior experience with a federal grant award?

- [ ] Yes (please explain)
- [ ] No

**Explanation:**
5. How long has your organization been in operation?
   - [ ] 0-2 years
   - [ ] 3-5 years
   - [ ] 6-9 years
   - [ ] 10+ years

6. Does your organization anticipate passing the award on to other entities?
   - [ ] Yes (please explain)
   - [x] No

7. If your organization answered “yes” to the previous question, does a conflict of interest exist between your organization and the entity to which your organization will pass the award?
   - [ ] Yes (please explain)
   - [ ] No
   - [ ] Unsure (please explain)

Answer the following questions if your grant request exceeds $10,000:

8. Does your organization have experience with an award of this size or larger?
   - [ ] Yes (please explain)
   - [ ] No

9. Does your organization maintain policies which include procedures for assuring compliance with the terms of this award?
   - [ ] Yes (please explain)
   - [ ] No
   - [ ] Unsure (please explain)

10. Does your organization have an accounting system that will allow your organization to completely and accurately track the receipt and disbursements of funds related to this award?
    - [ ] Yes (please explain)
    - [ ] No
    - [ ] Unsure (please explain)
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes (please explain)</th>
<th>No</th>
<th>Unsure (please explain)</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Does your organization have a system in place which can track employee time spent on multiple programs?</td>
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<td></td>
<td>Yes (please explain)</td>
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<td>No</td>
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<td></td>
<td>Unsure (please explain)</td>
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<td>12. Does your organization have a procurement system or procedures in place that meet the minimum federal requirements for procurement as stated in 2 CFR §200.317 – §200.326 (see attached)?</td>
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<td>Yes (please explain)</td>
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<td></td>
<td>Unsure (please explain)</td>
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<td>13. Does your organization have a property management system in place that meets the minimum federal requirements for equipment management as found in 2 CFR §200.310 – §200.316 (see attached)?</td>
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<td></td>
<td>Yes (please explain)</td>
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<td></td>
<td>Unsure (please explain)</td>
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<td></td>
<td>Not Applicable (no property)</td>
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<td>14. Does your organization have an adequate system or procedures in place for tracking and evaluating in-kind match?</td>
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<td></td>
<td>Yes (please explain)</td>
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<td>Unsure (please explain)</td>
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<td>15. Has your organization been audited (internally or externally) within the last 3 years?</td>
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<td></td>
<td>Yes</td>
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<td></td>
<td>No (please explain)</td>
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16. If your organization received over $750,000 total in federal funds from all sources last year, was a Single Audit conducted on the entity per 2 CFR §200.501 (see attached)?
- Yes
- No (please explain)
- Our organization did not receive over $750,000 total in federal funds from all sources last year.

17. Does your organization currently have any unresolved audit issues?
- Yes (please explain)
- No
- Unsure (please explain)
- My organization has not been audited

28. Please check all of the following circumstances that apply to your organization (explain as necessary):
- A new or substantially changed system or software packages (i.e. accounting, payroll, reporting, technology, administration, etc.)
- External risks including: economic conditions, political conditions, regulatory changes, unreliable information, etc.
- Loss of license or accreditation
- New activities, products, or services
- Organization restructuring
- Inadequate system to segregate indirect from direct costs

Applicant’s Name (Please Print)  Applicant’s Title

__________________________________________________________  
Applicant’s Signature  Date
Section § 200.310 - Insurance coverage.
Section § 200.311 - Real property.
Section § 200.312 - Federally-owned and exempt property.
Section § 200.313 - Equipment.
Section § 200.314 - Supplies.
Section § 200.315 - Intangible property.
Section § 200.316 - Property trust relationship.
Section § 200.317 - Procurements by states.
Section § 200.318 - General procurement standards.
Section § 200.319 - Competition.
Section § 200.320 - Methods of procurement to be followed.
Section § 200.321 - Contracting with small and minority businesses, women's business enterprises, and labor surplus...
Section § 200.322 - Procurement of recovered materials.
Section § 200.323 - Contract cost and price.
Section § 200.324 - Federal awarding agency or pass-through entity review.
Section § 200.325 - Bonding requirements.
Section § 200.326 - Contract provisions.
Section 200.501 - Audit requirements.
Please Use this Format for HPF Grant Applications

☐ HISTORIC PRESERVATION FUND GRANT APPLICATION (Cover sheet - packet page 11)

☐ A. PROJECT RATIONALE AND OBJECTIVES

☐ B. PROJECT DESCRIPTION AND PRODUCTS
   1. Describe project products
   2. Implementation, Timeline
   3. Map of project area
   4. Acreage of project area
   5. Photographs if applicable

☐ C. APPLICANT ORGANIZATION AND PERSONNEL
   1. Describe organization, project administrator
   2. Describe role of the preservation commission
   3. Resumes, experience of team, hiring process
   4. Qualifications of additional resource
   5. Previous grants?
   6. Other funding sources sought
   7. Written documentation of applicant / local government support

☐ D. PUBLIC EDUCATION AND IMPACT

☐ E. PROJECT BUDGET CHART (Page 12 of application)

☐ E. PROJECT BUDGET NARRATIVE

☐ ASSURANCES

☐ SEXUAL HARASSMENT POLICY

☐ US Department of Interior CIVIL RIGHTS ASSURANCE DI-1350

☐ ASSURANCES – NON-CONSTRUCTION PROGRAMS (STANDARD FORM 424B)

☐ RISK ASSESSMENT QUESTIONNAIRE

Send complete applications to: Kansas Historical Society
Historic Preservation Fund Grant Application
6425 SW Sixth Avenue • Topeka KS 66615-1099

2019 Application Deadline:
March 29, 2019
Postmarked or delivered to SHPO by 4:30 pm
Requirements for Various HPF-Funded Products and Activities

For survey and inventory projects, does your application:
__ identify the area to be surveyed and estimate the number of properties to be included?
__ includes a map of the proposed survey area?
__ provide the estimated number of acres within the survey area?
__ describe a process to notify and work with owners of properties within the area to be surveyed?
__ describe a process to notify and work with interested and concerned groups who have an association with the properties to be surveyed?
__ include a research design if the project is for archeological survey?
__ acknowledge any previous surveys or historical studies of the area?
__ indicate that the survey information will be uploaded to the Kansas Historic Resources Inventory (KHRI)?

For National Register nomination projects, does your application:
__ acknowledge that the property has previously been determined eligible for National Register listing by the SHPO through a PSIQ or survey?
__ describe how the property owner(s) were asked to consent to the nomination? Do the property owners consent to the nomination? Provide verification of that consent.

For planning projects, does your application:
__ include public involvement in the process? Does the proposal show that diverse groups in the community will be invited to participate?
__ focus on historic preservation?
__ describe how the plan will be utilized?

For design review guidelines projects, does your application:
__ describe how the guidelines will be used by the community/property owner?
__ identify the intended primary audience for or users of the guidelines?
__ acknowledge that the guidelines produced will meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties?

For preservation assistant projects, does your application:
__ address why an assistant is needed?
__ acknowledge that future funding for the assistant is not guaranteed through HPF?
__ describe the tasks that the assistant will be asked to complete?
__ describe the products that the assistant will produce?

For preservation education projects, does your application:
__ have a historic preservation focus?
__ clearly identify the audience(s) and/or participants?
__ establish a proposed date for the educational activity?
# SAMPLE - Project Budget Chart
(DO NOT include this page with your final application.)

<table>
<thead>
<tr>
<th>BUDGET ITEMS</th>
<th>1. RECIPIENT MATCH</th>
<th>2. INDIRECT EXPENSES</th>
<th>3. FEDERAL SHARE</th>
<th>4. TOTAL</th>
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<tbody>
<tr>
<td></td>
<td>a) CASH</td>
<td>b) IN-KIND</td>
<td>Indirect Cost Agreement Required</td>
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<td>Surveyor</td>
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<td>2,320.00</td>
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<td>Secretary</td>
<td></td>
<td>1,324.00</td>
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<tr>
<td>Consultant</td>
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<tr>
<td>2. Mileage</td>
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<tr>
<td>3. Expendable Supplies</td>
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<tr>
<td>4. Communication</td>
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<td>5. Office Rent</td>
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<td>6. Printing and Advertising</td>
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<tr>
<td>7. Utilities</td>
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<tr>
<td>8. Equipment Rent</td>
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<td>9. Equipment Maintenance</td>
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<td>10. Insurance and Bonding</td>
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<td>11. Other</td>
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<td>2,320.00</td>
<td>18,500</td>
<td>30,901.00</td>
</tr>
</tbody>
</table>
SAMPLE - Budget Narrative
(Do not include this page with your final application.)

1. Salaries
   - Grant Administrator will be senior city planner, Jane Doe.
     - 275 hours x $22.33 per hour = approximately $6,140.00
   - Department Secretary will assist with mailings and public meetings.
     - 80 hours x $16.55 per hour = $1,324.00
   - City Preservation Commission will advise on hiring of consultant and will assist with public meetings.
     - 8 commission members x $7.25 per hour x 40 hours = $2,320
   - City Accounting staff will oversee payments to consultant and reimbursements
     - 20 hours x $19.75 per hour = $395.00
   - A consultant will be hired to produce the survey. It is estimated that the total cost for consultant services will be $20,000. The City has dedicated $1,500 in cash toward that cost.

4. Communication
   - Notifications will be mailed to property owners in the survey area.
     - 2 mailings x 150 property owners x $0.49 = $147.00

6. Printing & Advertising
   - Flyers will be printed up to be mailed to all property owners giving notice of public meetings.
     - 2 flyers x 150 property owners x $0.25 per copy = $75.00
   - Public meetings will be publicized via local media outlets (i.e. newspapers, websites, etc.)
     - Estimated costs for publications = $500.00

*Accounting system used by the City is its standard accounting and auditing practices. Annual audits meet the OMB Circular A-128 audit guidelines. Two copies of the audit will be submitted to the SHPO upon request.

In this example, the applicant has provided match above and beyond the minimum 40% required. Overmatch is not necessary but is always appreciated.

Keep in mind that match expenses must be directly related to the HPF-funded project. Food and beverage costs are not eligible costs for federal funding or match under the HPF program.

Be sure that you will be able to document costs and verify payments through invoices, receipts, time sheets, payroll statements, etc. for both HPF-reimbursed expenses as well as cash and in-kind match.

Please contact Katrina Ringler, Grants Manager, at 785-272-8681 ext. 215 or katrina.ringler@ks.gov with any questions about eligible costs and match.
Title:
Consider approving a Development Agreement by and between the City of Arkansas City, Kansas; Lake View Estates I LP; and Red-Wood Development, Inc. for the Lake View Estates project. (Voice Vote)

Description:
The City previously entered into a sales contract to sell a tract of land at Veterans Memorial Lake to Red Wood Development, in order to build 48 units of housing, 36 of which will be low-income units. As payment for the tract, the developer agreed to:
(a) extend the existing asphalt walking trail built to the same standards as the existing trail on the west side of the property, approximately 8 feet by 300 feet, to completely encircle Veterans Memorial Lake with an asphalt trail, at no cost to the seller;
(b) construct one restroom, one side men’s and one side women’s, with two stalls and one sink in each side, directly west of the pavilion in compliance with applicable building codes, at no cost to the seller;
(c) extend the 8-inch sewer main approximately 800 linear feet, from just south of Taylor Avenue and west of 4th Street to the property, with the understanding that there is proper gravity flow and the aid of a lift station will not be necessary, at no cost to the seller; and
(d) construct multi-family housing with no less than 48 units as shown on plans submitted to the City, utilizing superior construction, hurricane clips, extra soundproofing, raised toilets, grab bars, emergency pull cords, energy-efficient appliances and low-energy windows, as described in City Resolution No. 2016-12-3061 in support of this project, adopted on December 6, 2016.

The attached agreement mirrors these requirements, and provides a clear remedy if the developer fails to meet these requirements — the developer will pay the City $95,000.00. The agreement further guarantees this payment to the City by requiring a bank’s guaranteed letter of credit to pay the funds, in the event of a default by the developer. This provision will protect the City’s interest in the parcel.

Commission Options:
1. Approve the agreement.
2. Table the agreement.
3. Disapprove the agreement.

Approved for Agenda by:

[Signature]
City Manager
DEVELOPMENT AGREEMENT

This Development Agreement is entered into as of the ___ day of ________________, 2019 by and between The City of Arkansas City, Kansas, a municipal corporation (the "City"), Lake View Estates I LP, a Kansas limited partnership ("Lake View") and Red-Wood Development, Inc., a Kansas corporation (the “Purchaser” or “Developer”).

This Agreement is made in view of the following facts:

A. The City and Purchaser entered into a Real Estate Purchase Agreement (the "Agreement") dated January 26, 2017. Pursuant to the Agreement, the City agreed to sell to Purchaser and Purchaser agreed to purchase two (2) separate tracts of real Property in Cowley County, Kansas owned by the City. Specifically, one tract of property that is the subject of the Agreement is a so-called 12-unit market rate tract (the “Market Rate Parcel”) and the other is a so-called 36-unit Low Income Housing Tax Credit (“LIHTC”) property (the “LIHTC Parcel”).

B. Pursuant to a partial assignment of the Agreement, Purchaser assigned to Lake View Purchaser's right to acquire the LIHTC Parcel. Lake View accepted such assignment.

C. Pursuant to the Agreement, the LIHTC Parcel is to be conveyed subject to certain covenants and restrictions. The purpose of this Agreement is to: (i) evidence Lake View's undertaking and agreement to subject the LIHTC Parcel to the covenants and restrictions set forth herein and (ii) to comply with such covenants and restrictions. The LIHTC Parcel which is the subject of this Agreement is legally described on Exhibit A attached hereto and incorporated herein by reference.

D. Developer and Lake View intend to construct on LIHTC Parcel a 36-unit a multi-family apartment complex (the "Project").
NOW THEREFORE, for good and valuable consideration, City and Lake View agree as follows:

1. **Covenants and Restrictions:** Developer and Lake View each agrees for itself and its successors and assigns that they shall, within thirty-six (36) months of the date of this Agreement, complete the following improvements on the LIHTC Parcel:

   a. extend the existing asphalt walking trail built to the same standards as the existing trail on west side of the Property, approximately 8’ by 300’ to completely encircle Veterans Lake with an asphalt trail, at no cost to the City;

   b. construct one restroom, one side men’s and one side women’s, with two stalls and one sink in each side, directly west of the pavilion in compliance with applicable building codes, at no cost to the City; and

   c. extend the 8” sewer main approximately 800LF from just south of Taylor Avenue and West of 4th Street to the Property, with the understanding that there is proper gravity flow and the aid of a lift station will not be necessary, at no cost to the City.

   d. construct a 36-unit multifamily apartment complex (the “Project”).

2. **Remedies.** In the event the Developer and Lake View, their successors or assigns fail to comply with these requirements, upon 30 days written notice of default issued by the City to parties listed in Section 5 below, the Developer shall pay to the City sum of $95,000 (the current, as of the date of this Agreement, appraised value of the Property), or in the alternative, the City shall draw on the Letter of Credit as set forth below in full satisfaction of any obligations hereunder. The City affirmatively agrees that its sole remedy for the failure to comply with the covenants and restrictions set forth herein shall be the receipt of $95,000 from the Developer or from drawing upon the letter of credit and there shall be no right to file liens against the Property.

3. **Termination of Covenants and Restrictions:** The City's right to enforce the covenants and restrictions shall cease, terminate and be void and ineffective as of the date when the certificate of occupancy with respect to the Project is issued, or upon the City’s receipt of $95,000 as set forth in Section 2 above. The City agrees to execute a release in recordable form upon the issuance of the certificate of occupancy for the Project.

4. **Security:** In order to secure Lake View's obligations set forth in this Agreement, the Developer, on behalf of itself and Lake View, has delivered to the City a letter of credit in the face amount of $95,000 issued by Arvest Bank (the "Letter of Credit") which Letter of Credit is the equivalent of the current (as of the date of this Agreement) appraised value of the Property.
5. **Notices.** The parties to this Agreement agree that any notice required hereunder shall be sent to the following:

If to the City:

The City of Arkansas City, Kansas  
PO Box 778  
118 W. Central  
Arkansas City, KS 67005

If to the Developer:

Red-Wood Development, Inc.  
3609 E 20th Street  
Joplin, MO 64801

If to Lake View:

Lake View Estates I LP  
c/o Red-Wood Development, Inc.  
3609 E 20th Street  
Joplin, MO 64801

With a copy to:

USA Lake View Estates LLC  
c/o The Richman Group Affordable Housing Corporation  
777 West Putnam Avenue  
Greenwich, CT 06830  
Attention: Joanne D. Flanagan, Esq.

6. **Miscellaneous:** This Agreement shall be binding upon the parties hereto and their successors and assigns. This Agreement and any subsequent release shall be recorded at the cost and expense of Lake View. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original for all purposes. This Agreement shall be governed, construed, and interpreted as to validity and enforcement and in all other respects in accordance with the laws of the State of Kansas.
IN WITNESS WHEREOF, this Agreement has been executed as of the date set forth above.

The City of Arkansas City, Kansas, a municipal corporation

By: ____________________________________
Name: Nick Hernandez
Title: City Manager

ACKNOWLEDGMENT

STATE OF KANSAS   )
) §
COUNTY OF COWLEY  )

On this ____ day of February, 2019, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Nick Hernandez, City Manager/Chief Executive Officer of The City of Arkansas City, Kansas, a municipal corporation, to me personally known, who being by me duly sworn did say that he is City Manager/Chief Executive Officer of The City of Arkansas City, Kansas, in the foregoing deed, and acknowledged said deed to be the free act and deed of The City of Arkansas City, Kansas.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County and State, the day and year last above written.

Notary Public
Printed Name: __________________________
My commission expires __________________
Lake View Estates I LP, a Kansas limited partnership
("Lakeview I")

By: Schroeder Arkansas City, LLC, general partner

By: _____________________________
Name: _____________________________
Title: _____________________________

ACKNOWLEDGMENT

STATE OF                                )
COUNTY OF                                ) §

On this ____ day of _________________, 2019, before me, the undersigned, a Notary Public in and
for said County and State, personally appeared __________________________________,
_______________________ of Schroeder Arkansas City, LLC, general partner to Lake View
Estates LP, a Kansas limited partnership, and acknowledged to me that he has executed this
document on behalf of said partnership as the free act and deed of said partnership, and pursuant
to the authority vested in him to execute this document by the partnership agreement of said
partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my
office in said County and State, the day and year last above written.

_______________________________________
Notary Public
Printed Name: __________________________
My commission expires ___________________
Red-Wood Development, Inc., a Kansas corporation
("Developer")

By: _____________________________
Name: _____________________________
Title: _____________________________

ACKNOWLEDGMENT

STATE OF )
 ) §
COUNTY OF )

On this ____ day of _________________, 2019, before me, the undersigned, a Notary Public in and
for said County and State, personally appeared __________________________________,  
_______________________ of Red-Wood Development, Inc., a Kansas corporation, and
acknowledged to me that he has executed this document on behalf of said partnership as the free
act and deed of said partnership, and pursuant to the authority vested in him to execute this
document by the partnership agreement of said partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my
office in said County and State, the day and year last above written.

_______________________________________
Notary Public
Printed Name: __________________________
My commission expires ___________________
Exhibit “A”

PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 3 EAST, COWLEY COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGINNING AT A FOUND PIPE AT THE NORTHEAST CORNER OF LOT 1, BLOCK B, RIVERSIDE ADDITION, A SUBDIVISION OF LAND IN ARKANSAS CITY, KANSAS, AS PREVIOUSLY PLATTED AND RECORDED; THENCE NORTH 1°38'26" WEST ALONG THE WEST RIGHT-OF-WAY OF SOUTH 6TH STREET AS NOW LOCATED, 20.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 36, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTH 89°19'30" WEST ALONG THE SOUTH LINE OF SAID NORTH HALF, 639.99 FEET; THENCE LEAVING THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER, NORTH 26°00'00" WEST, 82.37 FEET; THENCE NORTH 6°00'00" WEST, 236.76 FEET; THENCE NORTH 89°50'00" EAST, 155.33 FEET; THENCE NORTH 0°10'00" WEST, 33.15 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST TAYLOR AVENUE AS NOW LOCATED; THENCE NORTH 88°20'00" EAST ALONG SAID RIGHT-OF-WAY, 19.48 FEET; THENCE SOUTH 0°18'43" WEST, 34.51 FEET; THENCE SOUTH 42°29'03" WEST, 54.27 FEET; THENCE SOUTH 1°35'17" EAST, 114.51 FEET; THENCE NORTH 88°24'43" EAST, 435.58 FEET; THENCE NORTH 1°44'24" WEST, 188.53 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SAID WEST TAYLOR AVENUE; THENCE NORTH 88°20'00" EAST ALONG SAID RIGHT-OF-WAY, 120.06 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF WEST TAYLOR AVENUE AND THE WEST RIGHT-OF-WAY OF SOUTH 6TH STREET; THENCE SOUTH 1°38'26" EAST ALONG THE WEST RIGHT-OF-WAY OF SOUTH 6TH STREET, 351.28 FEET TO THE POINT OF BEGINNING. CONTAINS 3.431 ACRES, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS. BEARINGS ARE BASED ON THE KANSAS COORDINATE SYSTEM OF 1983, SOUTH ZONE.
**Title:**

A Resolution authorizing the City of Arkansas City to accept a bid from Worth Hydrochem of Okla., Inc., of Norman, Oklahoma, to supply Clean-In-Place (CIP) chemicals, service and training for Water Treatment Facility staff, for an amount not to exceed $30,982.80. (Voice Vote)

**Description:**

Staff sought bids from various vendors (please see attached bid packages) to “Clean-In-Place” the Reverse Osmosis (RO) cartridges at the Water Treatment Facility.

Two bids were received from Worth Hydrochem, with different methods; one bid from Kansas Water Technologies; and one “no bid” from Fremont Industries.

Staff recommends the Oticlean A and Oticlean B from Worth Hydrochem, as they are best suited for our application to extend the life of our RO membranes beyond the projected seven-year (7) minimum life.

**Commission Options:**

1. Approve the Resolution.
2. Table the Resolution.
3. Disapprove the Resolution.

**Fiscal Impact:**

Amount: **$30,982.80 (should be lower in future years)**

Fund: **16** (Water)  Department: **651** (Water Treatment)  Expense Code: **6212** (Payment to Contractors)

☑ Included in budget  ☐ Grant  ☐ Bonds  ☐ Other (explain)

**Approved for Agenda by:**

[Signature]

City Manager
RESOLUTION NO. 2019-03-____

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO ACCEPT A BID FROM WORTH HYDROCHEM OF OKLA., INC., OF NORMAN, OKLAHOMA, TO SUPPLY CLEAN-IN-PLACE (CIP) CHEMICALS, SERVICE AND TRAINING FOR WATER TREATMENT FACILITY STAFF, FOR AN AMOUNT NOT TO EXCEED $30,982.80.

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 authorizes the City of Arkansas City, Kansas, to accept a bid from Worth Hydrochem of Okla., Inc., of Norman, Oklahoma, to supply Clean-In-Place (CIP) chemicals, service and training for Water Treatment Facility staff, for an amount not to exceed $30,982.80.

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 19th day of March, 2019.

(Seal)

Jay Warren, 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. 2019-03-____ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on March 19, 2019, as the same appears of record in my office.

DATED: ____________________.

Lesley Shook, City Clerk
To: Mike Crandall  
From: Rod Philo  
Date: 2-28-19  
Re: RO Membranes Clean-In-Place

The Opticlean A & Opticlean B from Worth Hydrochem are the highest cost and best suited for our application. I know from early on in the WTF project manganese was a concern for its effects on RO Membranes. We have projected membrane replacement cost at $301,000 in seven years. I would not want to base cleaning chemicals on price with the chance of premature failure of the membranes. It is in our favor to heed recommendations from the experts with the goal of experiencing the longest run possible from the RO membranes.

I received another bid from Worth Hydrochem for general average cleaners. I requested bids from Kansas Water Technologies and Fremont Industries also. Kansas Water Technologies was in line with Worth Hydrochem's average cleaners. Fremont Industries refused to bid as they are the Northern rep for H2O Technologies and were not qualified to give procedure assistance and training on the H2O Innovations CIP Equipment. When we contacted H2O Innovations first for CIP assistance and training they immediately referred us to Worth Hydrochem.

For the best cleaning of the membranes with training and development of the best procedure for our equipment I recommend utilizing Worth Hydrochem with their Opticlean A & Opticlean B chemicals at their bid cost of $30,982.80.

Proposals, bid tabulation and an email from Earl Young with Worth Hydrochem are attached.

Please provide advisement on procedures needed to proceed.
## City of Arkansas City WTF
### RO Clean-in-Place
#### Bid Tabulation
*Rod Philo, Environmental Services Superintendent*

<table>
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<tr>
<th></th>
<th>Worth Hydrochem</th>
<th>H₂O Innovations Recommended best for our Water</th>
<th>Worth Hydrochem General Average Cleaner</th>
<th>Kansas Water Technologies</th>
<th>Fremont Industries</th>
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<td>Total Cost</td>
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<td>$18,023.04</td>
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</table>
Hello Rod

Mike asked me to drop you a note to give a definition of the cleaning quotes.

First of all, H2O Innovation owns PWT chemicals so this is their house brand of cleaners. Since H2O built your system with engineering by Burns and Mac the original cleaning quote with the Opticlean A and B powder cleaners was based on the criteria of what is best suited for Ark City application. The water there is a tough water with manganese etc...
The opticlean powders are a superior product and unfortunately the price reflects it. It is hard to compare that since one town uses a cleaner does not mean that it is best suited for another plant. The cleaners are generally categorized by what is in the feed water. No 2 plants will the same nor will operate the same. The cleaning is site specific.
The second quote I provided was with Lavasol Liquid cleaners by PWT is a less expensive alternative but they are a general average cleaner.
All of us in the cleaning chemical membrane world have a good, better, best product. The best products are a higher cost and the good products are a lower cost is really the best answer I can give.
Worth Hydrochem knows the HMI set up from H2O, we are able to train your staff on how to perform a CIP and if any structured texts or function block edits in the program need to adjusted or corrected we can provide that at time of doing the actual cleaning.
In essence we are the boots on the ground for them.

--
Thanks,
Earl Young
Worth Hydrochem of Okla., Inc.
Office: 405-366-7729
Cell: 405-520-2612
February 8, 2019

City of Arkansas City
Arkansas City, KS
Mike Frank

Estimates for supplying CIP chemicals and CIP service for staff at Arkansas City WTP.

Estimated to clean each skid with both a High and Low PH cleaning using PWT Opticlean A and B powders.
Plant has 4 RO skids, 2 stages per skid, with a CIP tank.

1st stage estimated volume 3350 gallons, estimated 1 lb cleaner to 12 gallons per water
1st stage estimated cleaners needed, 280 lbs of Opticlean A and B

2nd stage estimated volume 2300 gallons, estimated 1 lb of cleaner to 12 gallons per water
2nd stage estimated cleaners needed, 192 lbs of Opticlean A and B

Opticlean A and B provided in 45lb tubs each
1 RO skid will require 472 lbs of A and B cleaner

11 tubs of Opticlean A needed for each skid X 4 skids = 44, 45lb tubs of Opticlean A
11 tubs of Opticlean B needed for each skid X 4 skids = 44, 45lb tubs of Opticlean B

Opticlean A powder, Low PH cleaner, $5.78 per lb, 45lb tub, 44 tubs @ $260.10 each
Opticlean B powder, High PH cleaner, $6.08 per lb 45lb tub, 44 tubs @ $273.60 each
Recap: total cleaner $23,482.80

Shipping, additional, pre pay and add best way ground STBD

Technical Field Rates for CIP and train staff and guidance for future CIP

1 daily rate, to include mileage, per diem, and time onsite. $1500.00 per day.
Estimate up to two days pers skid for full both High and Low cleanings.

5 days @ Daily rate of $1500.00 $7500.00
Chemicals $23,482.80
Shipping: Additional, pre pay and add best way ground STBD

Earl Young
Worth Hydrochem of Okla, Inc.
February 13, 2019

City of Arkansas City
Mike Frank

Cleaning Chemical Quotation:

Liquid Cleaners Quoted

2% strength required. Estimate it will take 2 by 55 gallons drums of both High and Low liquid cleaner to perform each skid.

Lavasol 6 Low PH liquid cleaner, 55 gallon drum $608.85 ea
Lavasol 9 High PH liquid cleaner, 55 gallon drum $706.53 ea

Estimated to take 8 drums of each for all 4 skids.

Cleaning chemical total recap: $10,523.04

Shipping: Pre pay and add at cost best way ground. $TBD

Field service rates, previously quoted, $1500.00 per day daily rate. Daily rate includes mileage, travel, per diem and time onsite.

Earl Young
Worth Hydrochem of Okla, Inc.
February 25, 2019

Rod Philo
Water and Wastewater Superintendent
City of Arkansas City
118 W Central Avenue
Arkansas City, KS 67005

RE: Quotation WTP RO CIP

Dear Mr. Philo:

Attached is our quotation for the CIP of the 4 RO skids at Arkansas City Water Treatment Plant.

We have based our quotation on the information provided to us by Mike Frank. This information included the following:

1. Normalized data on each skid showing historic and current RO skid operation including normalized flows and the pressure differentials for each stage.
2. Details of the CIP system including tank size, skid design and array and CIP piping.
3. Specifications on the Toray-TMG20D-400 membranes including temperature and pH limitations for operation and CIP.
4. Details of the CIP section of the H2O Innovations OEM manual specifying CIP procedures.
5. Neutralization requirements for the discharge of CIP wastes to the city sewer system.

Attached is an itemized quotation for the CIP of all four skids. The quote includes all chemicals and service. The total amount is $18724.

Also attached is a diagram of the CIP system which details the chemicals and volumes used for each stage for both low pH and high pH CIP. Product fact sheets are included for both cleaning chemicals. We will use cleaning chemicals provided by our RO chemistry provider, Avista Technologies.

The service will include a complete report of the procedure and results of the CIP. A standard operating procedure document will be provided to the plant.

We appreciate the opportunity we have had to visit your plant and prepare this proposal. Our thanks especially to Mike Frank for his assistance in getting the information we have needed.

Sincerely,

Eric Fraser

CC: Aaron Terry, Kansas Water Technologies, RO Specialist
    Mike Frank, City of Arkansas City, Water Plant Supervisor

Attachments
Quotation

Quotation Number: KWT 022519

Quote Date: Feb 25, 2019

Page: 1

City of Arkansas City
City of Arkansas City KS
118 W Central Ave
Arkansas City, KS 67005

Customer ID: A011F
Good Thru: 3/27/19
Payment Terms: Net 30 Days

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Item</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.00</td>
<td></td>
<td>55 Gallon drums of ROClean L211 - Hi pH CIP chemistry for 4 skids</td>
<td>2,560.00</td>
<td>7,680.00</td>
</tr>
<tr>
<td>3.00</td>
<td></td>
<td>55 Gallon drums of ROClean L403 - Lo pH CIP chemistry for 4 skids</td>
<td>2,785.00</td>
<td>8,355.00</td>
</tr>
<tr>
<td>1.00</td>
<td></td>
<td>Chemicals for Neutralization of CIP wastes for Low pH and High pH solutions for 4 skids. Service-CIP for 4 RO Skids includes monitoring and optimizing CIP, Neutralization of wastes and provide CIP procedures report</td>
<td>2,689.00</td>
<td>2,689.00</td>
</tr>
<tr>
<td>1.00</td>
<td></td>
<td>Neutralization Chemicals</td>
<td>Caustic Soda (50%) 3 55 G drums</td>
<td>Muriatic Acid (33%) 2 55 G drums</td>
</tr>
</tbody>
</table>

Subtotal: 18,724.00
Sales Tax: 18,724.00
Total: 18,724.00
CIP Calculations

<table>
<thead>
<tr>
<th>CIP Parameter</th>
<th>per Train</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total No. of Vessels:</td>
<td>24</td>
</tr>
<tr>
<td>No. of Membranes per Train:</td>
<td>168</td>
</tr>
<tr>
<td>Total No. of Stages per CIP Cycle:</td>
<td>2</td>
</tr>
<tr>
<td>Cleaning Flow per Train (gpm):</td>
<td>320</td>
</tr>
<tr>
<td>Displacement Volume- Pipe/Hose (gal.):</td>
<td>399</td>
</tr>
<tr>
<td>Displacement Volume- Membranes (gal.):</td>
<td>1008</td>
</tr>
<tr>
<td>Base CIP Cleaning Volume (gal.):</td>
<td>2000</td>
</tr>
<tr>
<td>Total Cleaning Volume per Cycle (gal.):</td>
<td>3407</td>
</tr>
</tbody>
</table>

Note: CIP Volumes calculated based on all stages cleaned in a single cycle.
Note: Minimum CIP Tank Volume of 1800 gallons due to heater/level switch locations.

Membrane Size: 8" dia. X 40"L

No 1 Interconnecting Pipng: 399 gal
No.2 Membrane Void Volume: 1008 gal
No.3 CIP Tank Soln Volume: 2000 gal

CIP Tank Volume: 4000 gal.
Interconnecting Pipe-Equivalent Length: 150 ft of 8" pipe
<table>
<thead>
<tr>
<th>Cleaning Cycle:</th>
<th>Low pH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avista Cleaner:</td>
<td>RoClean L403 NSF</td>
</tr>
<tr>
<td>Type of Cleaner:</td>
<td>Liquid</td>
</tr>
<tr>
<td>Total Cleaning Vol. per Train:</td>
<td>3407 gal.</td>
</tr>
<tr>
<td>Total Chemical Req. (per train):</td>
<td>284 lbs</td>
</tr>
<tr>
<td>Total Chemical Req. (total system):</td>
<td>1138 lbs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cleaning Cycle:</th>
<th>High pH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avista Cleaner:</td>
<td>RoClean L211-NSF</td>
</tr>
<tr>
<td>Type of Cleaner:</td>
<td>Liquid</td>
</tr>
<tr>
<td>Total Cleaning Vol. per Train:</td>
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<td>284 lbs</td>
</tr>
<tr>
<td>Total Chemical Req. (total system):</td>
<td>1138 lbs</td>
</tr>
</tbody>
</table>

Note: See MSDS Sheets for chemical handling and mixing instructions. Review membrane manufacturers data sheet for pH, cross flow, and temperature limits.
RoClean® L211

RoClean L211 is a liquid multicomponent, high pH buffered, low foaming cleaner formulated to remove colloidal silica, clay, organic color and bioslime from reverse osmosis (RO) membranes. This cleaner is successfully applied to systems operating on seawater, brackish water and waste water where liquid cleaner is preferred. RoClean L211 is a highly effective foulant remover but gentle enough for daily application if required. RoClean L211 is certified by NSF International under NSF/ANSI Standard 60 for use as an offline cleaner in drinking water systems.

INSTRUCTIONS FOR USE

Cleaning
Below is a summary of the RoClean L211 cleaning procedure. For more detail, please refer to our technical bulletin, “Cleaning Spiral Wound Membrane Elements.”

1. Fill the cleaning tank to the desired volume with RO permeate or deionized water. Heat the solution to the maximum acceptable temperature (according to the membrane manufacturer’s guidelines), as this will dramatically increase cleaning efficiency. Add sufficient RoClean L211 to create a 2% wt/wt solution if the fouling is moderate to severe or a 1% wt/wt solution if the fouling is mild. Recirculate the solution through the cleaning tank to ensure adequate mixing.

2. Run the cleaning solution through each RO system stage, one at a time, for a minimum of 60 minutes at the flow rate recommended by the membrane manufacturer. If that rate is not known, use these guidelines:

<table>
<thead>
<tr>
<th>Element Diameter, inches</th>
<th>Flow Rate per Vessel, gpm (l/15)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>10 (2.4)</td>
</tr>
<tr>
<td>8</td>
<td>40 (9.0)</td>
</tr>
</tbody>
</table>

3. If the membranes are heavily fouled and the recirculated cleaning solution becomes discolored or turbid, discard as much as 15% of the solution volume. Heavily fouled elements may also benefit from a soaking period (up to 8 hours).

4. Monitor the pH of the solution during the cleaning process. If the pH remains in the desired range and the solution is not turbid, it may be used to clean subsequent stages. In the unlikely event that the pH falls, prepare a new batch and repeat steps 1-4.

5. When cleaning is complete, rinse the membranes by flushing RO permeate through each pressure vessel. The system can then be returned to service.

PRODUCT INFORMATION

Packaging and Storage
Standard regional pack sizes are listed below. Information on drumless or bulk tanker delivery is available on request.

<table>
<thead>
<tr>
<th>SPECIFICATIONS</th>
<th>PACKAGING FORMAT</th>
<th>AMERICAS/ ASIA</th>
<th>EMEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appearance: Clear, colorless to amber liquid</td>
<td>Peil</td>
<td>45 lb</td>
<td>20 kg</td>
</tr>
<tr>
<td>pH (2% solution): 10.5-11.5</td>
<td>Drum</td>
<td>500 lb</td>
<td>200 kg</td>
</tr>
<tr>
<td>Specific Gravity (25°C): 1.05-1.20</td>
<td>IBC tote</td>
<td>2375 lb</td>
<td></td>
</tr>
</tbody>
</table>
RoClean L403 liquid is a multicomponent, low pH cleaner formulated to remove metal foulants and calcium carbonate scale from membranes. This cleaner is effective against iron, manganese and aluminum and is successful when applied to all acid removable scales and foulants. RoClean 403 is the premium product for systems operating on seawater, brackish water and waste water.

RoClean L403 is certified by NSF International under NSF/ANSI Standard 60 for use as an off-line cleaner in drinking water systems.

INSTRUCTIONS FOR USE

Cleaning

Below is a summary of the RoClean L403 cleaning procedure. For more detail, please refer to our technical bulletin, "Cleaning Spiral Wound Membrane Elements."

1. Fill the cleaning tank to the desired volume with reverse osmosis (RO) permeate or deionized water. Heat the solution to the maximum acceptable temperature (according to the membrane manufacturer's guidelines), as this will dramatically increase cleaning efficiency. Add sufficient RoClean L403 to create a 2% wt/wt solution if the fouling is moderate to severe or a 1% wt/wt solution if the fouling is mild. Recirculate the solution through the cleaning tank to ensure adequate mixing.

2. Run the cleaning solution through each RO system stage, one at a time, for a minimum of 60 minutes at the flow rate recommended by the membrane manufacturer. If that rate is not known, use these guidelines:

<table>
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<tr>
<th>Element Diameter, inches</th>
<th>Flow Rate per Vessel, gpm (m3/hr)</th>
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<tr>
<td>4</td>
<td>10 (2.4)</td>
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<td>8</td>
<td>40 (9.0)</td>
</tr>
</tbody>
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3. If the membranes are heavily fouled and the recirculated cleaning solution becomes discolored or turbid, discard as much as 15% of the solution volume. Heavily fouled elements may also benefit from a soaking period (up to 8 hours).

4. Monitor the pH of the solution during the cleaning process. If the pH remains in the desired range and the solution is not turbid, it may be used to clean subsequent stages. In the unlikely event that the pH rises, prepare a new batch and repeat steps 1-4.

5. When cleaning is complete, rinse the membranes by flushing RO permeate through each pressure vessel. The system can then be returned to service.

PRODUCT INFORMATION

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</tr>
</thead>
<tbody>
<tr>
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<td>Pail</td>
<td>45 lb</td>
<td>20 kg</td>
</tr>
<tr>
<td>pH (2% solution): 2.5-3.5</td>
<td>Drum</td>
<td>500 lb</td>
<td>200 kg</td>
</tr>
<tr>
<td>Specific Gravity (@25°C): 1.3-1.4</td>
<td>IBC tote</td>
<td>2500 lb</td>
<td>-</td>
</tr>
</tbody>
</table>
Title:

A Resolution authorizing the City of Arkansas City to execute a Grant of Right-of-Way agreement with Kansas Gas and Electric Company, a subsidiary of Westar Energy, Inc. (Voice Vote)

Description:

Westar is requesting another easement for the Madison & G Street project. Attached is a copy of the Grant of Right-of-Way agreement.

Commission Options:

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

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

- Included in budget
- Grant
- Bonds
- Other (explain)

Approved for Agenda by:

[Signature]

City Manager
RESOLUTION NO. 2019-03-

A RESOLUTION AUTHORIZING THE CITY OF ARKANSAS CITY TO EXECUTE A GRANT OF RIGHT OF WAY AGREEMENT WITH KANSAS GAS AND ELECTRIC COMPANY, A SUBSIDIARY OF WESTAR ENERGY, INC.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The Board of City Commissioners of the City of Arkansas City hereby authorizes the City to execute a Grant of Right of Way for project ARKA 12-06 Madison & G Street, Arkansas City, KS, to Kansas Gas and Electric Company, a subsidiary of Westar Energy, Inc.,

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

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this 13th day of March, 2019.

(Seal)

Jay Warren, 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. 2019-03-______ of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on March 19, 2019, as the same appears of record in my office.

DATED: ________________________.

Lesley Shook, City Clerk
GRANT OF RIGHT OF WAY

For and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, The City of Arkansas City, a Kansas municipal corporation, ("Grantor") do hereby grant, convey and warrant unto KANSAS GAS AND ELECTRIC COMPANY, a Kansas corporation, a wholly owned subsidiary of Westar Energy, Inc., its successors, assigns and lessees, ("Grantee") the right and easement to alter, conduct surveys, construct, erect, inspect, install, maintain, operate, rebuild, reconstruct, relocate, remove, renew, repair and replace electric and communication transmission and distribution lines and their appurtenances under varying conditions of operation, including the poles, towers, anchors, guys, crossarms, insulators, conductors, conduit, ducts, cables, and other fixtures and equipment appurtenant thereto for the transmission and/or distribution of electric energy and communications in, along, under, across, and over the Grantor Real Property on a strip of land particularly described in Exhibit "A" attached hereto and made part of this instrument by reference ("Right of Way") (individually and in any combination referred to as the "Rights"), together with the right of ingress to and egress from the Right of Way on the Grantor Real Property and contiguous land owned by Grantor for the purpose of Grantee exercising the Rights ("Access Rights"). Grantee shall exercise the Rights and Access Rights in a reasonable and appropriate manner as determined in its good faith and when practicable, use existing roads and lanes. The "Grantor Real Property" is that certain real property owned by Grantor and described as:

Lots 1 to 36 inclusive, Block 1, and Lots 1 to 36 inclusive, Block 2, all in Santa Fe Addition, Arkansas City, Cowley County, Kansas, except that portion taken for South G Street.

In the exercise of the Rights and Access Rights, Grantee shall have the further right to erect and use gates in all fences that cross or obstruct the Access Rights or that shall hereafter cross or obstruct the Access Rights on the Grantor Real Property or contiguous land owned by Grantor,
and also have the right to trim, remove, eradicate, cut and clear away any trees, limbs, brush and
vines ("Woody Vegetation") on or adjoining the Right of Way or on routes exercised as Access
Rights now or at any future time whenever in its judgment such Woody Vegetation will interfere
with or endanger the exercise of the Rights or the Access Rights. All such Woody Vegetation shall
be burned or removed by the Grantee unless otherwise agreed to by Grantor.

The Grantor, its heirs, successors, assigns and lessees, may cultivate, use and enjoy the
Right of Way, provided such use shall not, in the reasonable judgment of Grantee, interfere with
or endanger the Rights, and provided further that no improvements, buildings or structures shall
be located, constructed or otherwise placed on the Right of Way without the prior written consent
of the Grantee, which consent shall not be unreasonably withheld.

In the event Grantee causes damage to Grantor or the Grantor Real Property from the
exercise of the Rights or Access Rights, Grantee shall either cause the physical, material damage
to be repaired or pay Grantor the reasonable cost of such work; said damages, if not mutually
agreed upon, shall be appraised, ascertained and otherwise valued by three disinterested persons,
one of whom shall be selected by each, Grantor and Grantee, their heirs or successors, assigns or
lessees, and the third by the two so selected. The damages determined by such persons, or a
majority of them, shall be conclusive. This shall be Grantee's only liability for damage.

This grant shall be binding upon the heirs, successors and assigns of the Grantor and shall
otherwise run with the land.

This Agreement may be executed in counterparts, each of which shall be deemed to be
an original, but all of which, taken together, shall constitute one and the same agreement.

WITNESS the hand of the Grantor this _____ day of ______________, 2019.

The City of Arkansas City, a Kansas municipal corporation

By:_____________________________ By:_____________________________

Name: Jay Warren Name: Nickolaus J. Hernandez

Title: Mayor Title: City Manager
STATE OF KANSAS

COUNTY OF COWLEY

ACKNOWLEDGMENT

On this ___________ day of ______________________, 2019, before me, __________________________, a Notary Public in and for said County and State aforesaid, personally appeared __________________________ and Nickolaus J. Hernandez, City Manager, of The City of Arkansas City, a Kansas municipal corporation

and did say that said instrument was signed and delivered in the name and on behalf of said entity acknowledge said instrument to be the free and voluntary act and deed of said entity.

WITNESS my hand and seal the day and year last above written.

________________________________________
Notary Public

________________________________________
Print Name Here

My appointment expires:

________________________________________
KG&E PERMANENT EASEMENT

EASEMENT DESCRIPTION

A portion of Lots 33, 34, 35, and 36 in Block 2, Santa Fe Addition, City of Arkansas City, Cowley County, Kansas, being described as follows:

Commencing at the Northeast corner of said Lot 36; Thence S01°08'49"E (Bearings Based on the Kansas Coordinate System 1983 South Zone) along the east line of said Lot 36 a distance of 60.82 feet to the Point of Beginning; Thence continuing S01°08'49"E along said east line a distance of 31.82 feet; Thence S37°47'38"W a distance of 93.03 feet to the south line of said Lot 34; Thence S88°51′11″W along the south line of said Lot 34 and Lot 33 a distance of 25.71 feet; Thence N37°47′38″E a distance of 133.94 feet to the Point of Beginning.

Encompassing 2,270 Sq. Ft. or 0.05 Acres more or less.
This Sketch has been prepared for Easement Exhibit purposes only, and does not constitute a Boundary Survey. Distances and Bearings are based on Kansas Coordinate System NAD 83(2011) South Zone.

EXHIBIT A
SHEET 2 OF 2

LEGEND

SECTION LINE
PROPERTY LINE
ROAD R/W LINE
EASEMENT LINE
SECTION CORNER
EASEMENT NOT IN PUBLIC R/W

LEGEND

ARKA12-06-CLD011
OWNER: CITY OF ARKANSAS CITY

3TH STREET
S88'51"11'W 25.71'

WEST LINE, SE ¼
SEC. 30, T34S, R4E

4TH STREET

SANTA FE ADDITION

ARKA12-06-CLD011

P.O.C.
S01°08'49"E 60.82'
P.O.B.
S01°08'49"E 31.82'

KG&E EASEMENT
2,270 SQUARE FEET OR 0.05 ACRES MORE OR LESS

N37°47'38"E 133.94'

S37°47'38"W 93.03'

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
104 SOUTH PINE PITTSBURG, KS 66762
620-235-0195 www.pec1.com

COWLEY CITY OF ARKANSAS CITY ARKA12-06-CLD011 DATE: Jan. 9, 2019

KG&E PERMANENT EASEMENT

Wester Energy
Title:
City Manager Updates

Description:

1. The City of Arkansas City will be host to a Blarney Breakfast employee appreciation event for its employees from **10 to 8:30 a.m. Friday, March 22**, at the Northwest Community Center, located at 615 W. Birch Ave. Commissioners are invited both to attend and assist with cooking, if able.

2. The final meeting of the 2019 Capital Improvement Planning (CIP) Committee will be at **5:30 p.m. Wednesday, March 27** at the Water Treatment Facility, located at 400 W. Madison Ave.

3. Wrapping up the CIP process signals the start of the next phase of budgeting for 2020 — the City Commission’s annual budget retreat. Staff requests discussion of possible retreat dates in **April**.

4. Many City employees will be participating in a Cowley County Emergency Management tabletop training exercise from **9 to 11 a.m. Thursday, March 28** at Cowley College’s Brown Center.

5. The next City Commission study session will be at **noon Friday, March 29** in the city manager’s office at City Hall, located at 118 W. Central Ave. Staff’s intention is to revisit Chapter 6 of the Governing Body Handbook, including organization charts and recent City reorganizations.

Commission Options:

1. No action needed.

Approved for Agenda by:

[Signature]
City Manager
Title:
City Advisory Board Reports

Description:
The following approved board minutes are included in this packet:

- September 11, 2018 — Planning Commission / Board of Zoning Appeals
- January 24, 2019 — Beautification and Tree Advisory Board  *(special joint Tacolah planning meeting with Visit Ark City and Equal Opportunity & Accessibility Advisory Board)*

Commission Options:
1. No action needed.

Approved for Agenda by:

[Signature]
City Manager
1. Declaration:
At this time I would like to ask the Planning Commission members to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.
No such declarations were made.

2. Public Comments:
Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three minutes. Any presentation is for information purposes only. No action will be taken.
No members of the public brought any comments for items not on the agenda.

3. Consent Agenda:
Meeting Minutes, August 13, 2018 meeting.
A motion was made by Benton and seconded by Jennings to approve the August 13, 2018 meeting minutes as written. Voice vote carried the motion.

4. Recess the Planning Commission and Convene the Board of Zoning Appeals
A motion to recess the Planning Commission and convene the Board of Zoning Appeals was made by Paton and seconded by Tackett. Voice vote carried the motion.

5. Hold a public hearing to consider a request for a variance to the maximum allowed signage in a C-3, General Commercial District at 2701 N Summit Street.
Jennings opened the public hearing. White presented the findings in the case. Walmart wishes to add additional signage that is above the maximum allowed for the site. The sign is placed on a large sign façade and the total coverage of the façade is far less than 20%. The signs are located 700 feet from the nearest street and will not be confused with any traffic control devices. Staff recommends approval of the variance. Jennings asked if the Board had any questions. White introduced Chris Evertz of SGA Design Group. Evertz explained the reason for wanting the additional signage. It involved a new program offered at the store and this would help to direct customers to the appropriate location for this new program. Jennings felt it was important to remember the size of the structure when considered this variance as well as the distance from the road and the commercial nature of the neighborhood. He supported the approval of the variance. Jennings closed the public hearing. Rogers made a motion to approve a variance to exceed the maximum allowed signage by 170 square feet at 2701 N Summit Street. The motion was seconded by Benton. The vote was taken by roll call.
Roll Call: Yes: Benton, Jennings, Paton, Rogers, Tackett No: None Abstentions: None Not present: Brown, Smith Jennings declared the motion passed.

6. Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission
Rogers made a motion to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission. The motion was seconded by Benton. Voice vote carried the motion.
7. Hold a public hearing to consider a request for a rezone from a P-Public Use District to an R-3-High Density Residential District at 207 N 5th Street.

Rogers opened the public hearing. White presented the findings of the case. The proposal is to place a single family home on the property. The property is no longer publicly owned and “P” zoning is no longer appropriate. This is in a residential area with the nearby school. R-2 zoning would be acceptable but R-3 is recommended by staff because the surrounding residential zoning is R-3. White described this part of the city as the residential core with a higher density. [Secretary’s Note: The boundaries of the R-3 area are approximately from Walnut Ave south to Jackson Ave and east of Mill Canal to the railroad tracks. The boundaries were incorrectly identified during the meeting.] Rogers asked if there were any questions. He asked Curt Freeland of Habitat for Humanity of Arkansas City if he had any additional comments. Freeland briefly described the house. The Planning Commission praised Habitat for Humanity for what they do for community housing. Jennings asked for clarification of the difference between R-2 and R-3 zoning. White said there isn't much difference between the districts as far as permitted uses are concerned. The main difference is with the allowed density. Paton agreed that R-3 was appropriate due to the surrounding areas. Rogers closed the public hearing. Benton made a motion to recommend the City Commission approve the request for a rezone from a P-Public Use District to an R-3-High Density Residential District at 207 N 5th Street. The motion was seconded by Tackett. The vote was taken by roll call.

Roll Call: Yes: Benton, Jennings, Paton, Rogers, Tackett No: None Abstentions: None Not present: Brown, Munson, Smith, Wells

Rogers declared the motion passed.

8. Hold a public hearing to consider amendments to the Subdivision and Zoning Regulations.

Rogers reminded the Commission that a work session was held at last month’s meeting. Rogers opened the public hearing. Rogers asked if there were any comments from the public. White stated no but that the public notice did provide links to the website where the full text of the amendments was included. He then briefly went over the highlights of the amendments. The amendments covered several housing definitions, requirement of sidewalks for commercial development, clarification of parking design requirements to better comply with ADA Standards and lot split definitions. He also noted that he made a change to the parking section requested at the last meeting. Jennings made a motion to recommend the City Commission approve the amendments to the Subdivision and Zoning Regulations as presented. The motion was seconded by Benton. Vote was taken by roll call.

Roll Call: Yes: Benton, Jennings, Paton, Rogers, Tackett No: None Abstentions: None Not present: Brown, Munson, Smith, Wells

Rogers declared the motion passed.

9. Other Items:

White noted that Brown has resigned from the Planning Commission and staff is looking for a replacement. He asked the Planning Commission for any recommendations. He also noted that staff is actively looking for Growth Area members. Paton mentioned Jace Kennedy as a possibility and White indicated he would check on him. Jennings asked if we still liked the applications and White indicated yes. White also mentioned that a proclamation will be read by the Mayor on October 2 to declare October National Community Planning Month in Arkansas City. He invited Planning Commissioners to attend.

10. Adjournment:

Jennings made a motion to adjourn the meeting, Paton seconded the motion. Voice vote carried the motion.
A special joint meeting was held Thursday, January 24, 2019, in the Commission Room. The meeting was called to order at 4 p.m.

1. Approve December Meeting Minutes:
   Brooke moved to approve the minutes of the Dec. 6 regular meeting. Robin seconded the motion, which was approved 4-0.

2. 2019 Master Plan Update for Wilson Park:
   Andrew said things are a bit stalled out due to difficulty contacting committee members and other projects taking priority. He gave an overview of minor changes he and Nick have discussed with Jeff Best, of LK Architecture. Engineering is ongoing.

   Andrew showed pictures from Tony of the damage caused by a drunk driver who drove his truck into Wilson Park. The items that were damaged already have been fixed, totaling less than $500, but were scheduled for Master Plan replacement anyway.

3. 2019 Regular BATAB Meeting Schedule:
   Andrew said the finalized schedule of 2019 meetings was in the packet and asked if there were any issues with those dates.

   No one did. Meetings will be Feb. 28, March 28, April 25, May 23, June 27, July 25, Aug. 22, Sept. 26, Oct. 24 and Dec. 5.

4. Exceptional Yard/Good Neighbor/Nelson Sensation Awards:
   Andrew said the corrected award criteria are in the packet. No one had any remaining concerns. He will start ordering signs.

5. Monarch / Movies Subcommittee Reports:
   There are no reports. Andrew shared an email from Swank Movies regarding upcoming releases to get members started thinking about possible titles. He wants to work on a movie schedule in February and suggested showing “Coco” again.

   Andrew said he is still working on the inventory of public land for monarch habitat and wants to have it done in February.

6. Other Miscellaneous Items:
   Andrew said the Capital Improvement Planning Committee will start soon and for members to let him know if they are interested in participating. He already has approached Paisley about this in her role as chamber of commerce director.

   He is optimistic about the City receiving funding for the hike-bike trail extension project and wants to discuss naming it.

7. “Tacolalah” Taco Festival Planning:
   In addition to those listed above, citizens in attendance for this discussion included Gary Hale, Kayleigh Lawson, Ophelia Strecker and Charles Tweedy. Andrew gave a brief overview of the 2018 Taco Festival in Wichita and showed pictures.

   He presented on the goals of the event, including being a community foods and cultural festival, having a “small-town” community feel similar to Arkalalah, featuring Wilson Park, raising funds to support the Wilson Park Master Plan, replacing PrairieFest as an anchor spring/summer family-friendly event with music and alcohol. He recapped the 2018 Salsa Fest.

   Kelly said the chamber will take over the Salsa Fest, while 1025 The River will continue to sponsor the Outdoor Market.
Andrew said he has received permission to use the “Tacolalah” moniker and brand all of the events under one umbrella.

Many different ideas were discussed for the festival, including having an arts component, cultural activities, games and showing “Coco” that day as part of the event itself. Andrew said the event is still open for brainstorming and changes.

Items that remain to be determined include the tax status of the event and its vendors, how money will be handled, whether there will be vendor fees, details about music and entertainment, and the exact location of each component of the festival.

A follow-up meeting with all interested parties was scheduled for 2 p.m. Feb. 4 in the city manager’s office at City Hall.

Paisley made a motion to adjourn the meeting. Jessica seconded the motion, which was approved 4-0 on a voice vote. The meeting was adjourned at 5 p.m. The next regular meeting of the Equal Opportunity and Accessibility Advisory Board will be at 4 p.m. Feb. 14 at City Hall. The next regular meeting of the Beautification and Tree Advisory Board will be at 4 p.m. Feb. 28 at City Hall.
## Financial Summary

**Year-To-Date Ending February 28, 2019**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Cash Summary</th>
<th></th>
<th></th>
<th></th>
<th>Budget Summary</th>
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<td>1/1/2019</td>
<td>02/28/2019</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td>Beginning Cash Balance</td>
<td>Receipts</td>
<td>Disbursements</td>
<td>Ending Cash Balance</td>
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<td>Budget</td>
<td>Encumbrances</td>
<td>Favorable (Unfavorable)</td>
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<td>15 - STORMWATER FUND</td>
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<td>16 - WATER FUND</td>
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<td>20 - SPECIAL RECREATION FUND</td>
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<td>23 - TOURISM/CONVENTION FUND</td>
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<td>26 - SPECIAL ALCOHOL FUND</td>
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<td>31 - LAND BANK FUND</td>
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<td>57 - CID SALES TAX FUND</td>
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<td><strong>TOTALS</strong></td>
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</tbody>
</table>

### Indebtedness:
- GO Series 2009A Bonds: $235,000
- GO Series 2013A Bonds: $3,260,000
- KDHE Water Loan #2813: $21,151,283
- 2013 Pumper Fire Truck Lease: $251,422
- 2019 Ferrara Pumper Truck Lease: $584,463

Total: $26,048,255

*Note: Information is Unaudited*
In order to be in compliance with the Kansas Open Meetings Act, City Attorney Tamara Niles recommends the following motion be stated when the City Commission requests an executive session:

**Motion**

I move that the City Commission recess into executive session for consultation with an attorney for the Governing Body which would be deemed privileged in the attorney-client relationship, pursuant to K.S.A. 75-4319(b)(2), to discuss the acquisition of real property. The open meeting will resume in this room at [INSERT] p.m.

**State Reference**

75-4319. Closed or executive meetings; conditions; authorized subjects for discussion; binding action prohibited; certain documents identified in meetings not subject to disclosure.

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

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

1. To discuss personnel matters of nonelected personnel;
2. for consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;
3. to discuss employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;
4. to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
5. to discuss matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
6. for the preliminary discussion of the acquisition of real property;
7. to discuss matters relating to pari-mutuel racing permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
8. to discuss matters relating to the care of children permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 38-2212(d)(1) or 38-2213(e), and amendments thereto;
(9) to discuss matters relating to the investigation of child deaths permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 22a-243(j), and amendments thereto;

(10) to discuss matters relating to patients and providers permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 39-7,119(g), and amendments thereto;

(11) to discuss matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;

(12) to discuss matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities, or equipment used in the production, transmission, or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities, or equipment; (C) a public body or agency, public building or facility, or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion, or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments;

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

(14) to discuss matters relating to the office of inspector general permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 75-7427, and amendments thereto; and

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

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

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