



# CITY COMMISSION AGENDA

## MONDAY, JANURARY 5, 2026

204 W. 11<sup>TH</sup> ST. – 5:00 P.M.

JASON SHOWALTER– MAYOR  
JJ HOWARD – VICE MAYOR  
SARAH ARTZER – COMMISSIONER  
BROOK REDLIN – COMMISSIONER  
ANN MYERS – COMMISSIONER

### 1. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

### 2. PUBLIC HEARING

None this meeting.

### 3. PUBLIC COMMENT

(Members of the audience will have five minutes to present any matter of concern to the Commission. No official action may be taken at this time.)

### 4. CONSENT AGENDA

- A. 12/15/2025 Commission Meeting Minutes
- B. Appropriation Ordinances 2026-01; 2026-01A; 2026-P01; and 2026-P01A

### 5. COMMISSION LEADERSHIP TRANSITION & OATHS

- A. Recognition of Outgoing City Commissioner
- B. Oath of Office and Installation of New Elected City Commissioner
- C. Election of Mayor for 1 year term
- D. Oath of Office-Mayor
- E. Election of Vice Mayor for 1 year term
- F. Oath of Office-Vice Mayor

### 6. PRESENTATIONS & PROCLAMATIONS

- A. Introducing Corporal Conde.

### 7. ORDINANCES AND RESOLUTIONS

- A. Ordinance 1813 – Amend Chapter 4, Section 202 to include penalty for commencing work without a permit.

### 8. FORMAL ACTIONS

- A. Welcome Center Lease Extension

### 9. DISCUSSION ITEMS

- A. USD352- Transfer of property

### 10. REPORTS

- A. City Manager
  - (1) Manager Memo
  - (2) 4<sup>th</sup> Quarter/ Yearly Building Permits
  - (3) Updates by Building Official
  - (4) Police Chief – submitting grant for drone
  - (5) CMB License follow up
  - (6) Veterans Connection Tour – Oakley flyer
- B. City Attorney: Open Meetings Act Information
- C. City Commissioners
- D. Mayor

### 11. ADJOURNMENT

- A. Next Regular Meeting is Tuesday, January 20, 2026

NOTE: Background information is available for review in the office of the City Clerk prior to the meeting. The Public Comment section is to allow members of the public to address the Commission on matters pertaining to any business within the scope of Commission authority and not appearing on the Agenda. Ordinance No. 1730 requires anyone who wishes to address the Commission on a non-agenda item to sign up in advance of the meeting and to provide their name, address, and the subject matter of their comments.



City of Goodland  
204 W. 11<sup>th</sup> Street  
Goodland, KS 67735

## MEMORANDUM

TO: Mayor Showalter and City Commissioners  
FROM: Kent Brown, City Manager  
DATE: January 5, 2026  
SUBJECT: Agenda Report

### 3. Consent Agenda:

- A. 12-15-2025 Commission Meeting Minutes
- B. Appropriation Ordinances 2026-01; 2026-01A; 2026-P01

*RECOMMENDED MOTION: "I move that we approve Consent Agenda items A and B."*

### 4. Commission Leadership Transition & Oaths:

#### A. Recognition of Outgoing City Commissioner

#### B. Oath of Office and Installation of New Elected City Commissioners

Mary will deliver the Oath of Office to Jason Showalter, Brook Redlin and Angie Cloyd in front of the dais. The new City Commissioners will then take their seats.

#### C. Election of Mayor

The City Commission elects its own Mayor by majority vote, who will serve a one-year term.

#### D. Oath of Mayor

After the election, City Clerk Mary Volk will swear in the Mayor, and then the Mayor will take his seat at the center of the Commission.

#### E. Election of Vice-Mayor

The City Commission then elects its own Vice-Mayor by majority vote, who will serve a one-year term.

#### F. Oath of Vice-Mayor

After the election, Mary will swear in the Vice-Mayor. The Vice-Mayor does not have a designated seat.

### 5. PRESENTATIONS & PROCLAMATIONS

Police Chief Erhart will introduce newly promoted Corporal Adrian Conde to the Commission.



## 5. Ordinances and Resolutions:

### A. Ordinance 1813 – Amend Chapter 4 Section 202 to add penalty for commencing work without a building permit.

Amendment was reviewed by the Contractors Board of Trades and Appeals and recommended for approval to the City Commission.

RECOMMENDED MOTION: “I move that we approve Ordinance 1813 amending the text of the building code penalties, Chapter 4, Section 202, to include a penalty for work commencing without a permit for the Municipal Code of the City of Goodland, Kansas.”

## 6. Formal Actions

### A. Municipal Judge Contract

LeAnn served as Municipal Judge and as Municipal Court Clerk since 1990. LeAnn is now retired from the full-time staff position as of the end of 2025. Staff has split the duties and requests to contract out the duties of the Municipal Judge. Contract has been given to LeAnn Taylor for review. If there are any changes requested, staff will advise the Commission at the meeting.

RECOMMENDED MOTION: “I move that we approve the contract with LeAnn Taylor to serve as Municipal Judge and authorize the City Manager to sign.”

This item will be tabled until the following Commission meeting. Leaving the description here for a preview of a coming agenda item.

### B. Welcome Center Lease Extension

The previous contract extension commenced on January 1, 2025 and ends December 31, 2025. This request is to confirm the annual renewal with SCCD under the same terms. Staff is requesting no changes to the agreement.

RECOMMENDED MOTION: “I move that we approve the Welcome Center Lease Agreement Renewal with Sherman County Community Development for 2026.”

## 7. Discussion Items

### A. USD352- Transfer of property

USD352 Superintendent Bill Biermann will attend. As stated in the 1<sup>st</sup> City Commission meeting in December - Kent stated, the city purchased 321 Broadway at Sheriff Sale. USD 352 is interested in moving house across from high school to this property. The quiet title has been filed and conclusion of process is December 23rd. Bill Biermann would like to come to January meeting to discuss property transfer. Mayor Showalter stated, I feel this is an appropriate use of property and look forward to discussing transfer with Bill. Kent stated, the city paid a few hundred dollars but school will have to do some utility work at property.

City paid \$500 for the purchase of the property. The Quiet Title process cost the City \$3,150.14 to complete.



## 8. Reports:

### A. City Manager

- Manager Memo
- 4<sup>th</sup> Quarter Building Permits
- Updates by Building Official
- Police Chief – submitting grant for drone
- CMB License follow up
- Veterans Connection Tour – Oakley flyer in packet

### B. City Attorney: Open Meetings Act Information

- a. City Attorney Jake Kling will give a presentation and answer any questions on Kansas Open Meetings Act and how it applies to the Commissioner's role on the Goodland City Commission. There is a PDF included in the agenda packet that goes over the Purpose of KOMA, Bodies that are subject to the rules, Meetings in general, Notice requirements for meetings, Conduct of meetings, Executive Sessions, Investigative Authority of any violations of KOMA, and graduated enforcement options. Please review and bring any questions to the meeting for the City Attorney to respond.

### C. City Commissioners

The Mayor will ask each City Commissioner for their comments or questions for staff on any other topic not on the agenda at this time.

### D. Mayor

Mayor will present any comments or questions for staff at this time.



## GOODLAND CITY COMMISSION Regular Meeting

December 15, 2025

5:00 P.M.

Mayor Jason Showalter called the meeting to order with Vice-Mayor J. J. Howard, Commissioner Ann Myers, Commissioner Sarah Artzer and Commissioner Brook Redlin responding to roll call.

Also present were Jason Erhart –Chief of Police, Joshua Jordan – IT Director, Neal Thornburg – Director of Water and Wastewater, Danny Krayca – Director of Parks, Zach Hildebrand – Code Enforcement/Building Official, Jake Kling – City Attorney, Shauna Johnson – Deputy City Clerk, Mary Volk - City Clerk and Kent Brown - City Manager.

### Mayor Showalter led Pledge of Allegiance

### PUBLIC HEARING

- A. **Unfit Structure: 216 E. Hwy 24 Lot D5** – Mayor Showalter opened public hearing for the unfit structure at 216 E. Hwy 24 Lot D5 at 5:01 p.m. Zach stated, we discussed property previously and there has been no attempt to clean up property. The property is not fit for anyone to live and tenant has not given time line to clean up property. There was no public comment. Mayor Showalter closed the public hearing for the unfit structure at 216 E. Hwy 24 Lot D5 at 5:02 p.m.
- B. **Unfit Structure: 520 W. 16<sup>th</sup> Street** – Mayor Showalter opened the public hearing for the unfit structure at 520 W. 16<sup>th</sup> Street at 5:02 p.m. Zach stated, property first brought to commission in 2010 and owner only repaired windows and door. Property has changed hands five times. Omar Alvarez is current owner and has put roof on structure. It will need more improvements. Value of house is \$1,500. Omar stated, we come from Denver and are trying to move to Goodland. I contacted Zach when we purchased property a year ago. Title search did not show any problems with property. I know he stated value of property, but that is not what I paid. My long-time savings went into purchase. We started working on weekends to improve property. We replaced roof, now in debt because we purchased material for further improvements. Zach informed me we cannot move forward because of structural damage. We have materials to make improvements and are disappointed because of all money and work we put into improving property. We want to add to Goodland. We see there are a lot of similar properties in neighborhood. The main thing is the foundation issue. We can fix it by jacking up the property and properly repairing. This is only way to make it work and property livable. We want to do what we can to live in it. We stopped when instructed by Zach, but that is our savings and we want to improve property. There are certain things you can do to make the house strong enough to be lived in. Mayor Showalter asked, if we declare structure as unfit it starts timeline. Would you be able to work with a timeline to address large issues on structure. Omar stated, yes, we did not know about issues when purchased but I have talked to people who say it is fixable. Our problem now is winter weather. We purchased in August and were working until Zach contacted us in September. We do not want to tear it down but improve property. If commission will work with us, we will do what we need to do. Mayor Showalter stated, declaring structure as unfit sets timeline so it does not remain in this condition. We will take it under advisement. Mayor Showalter closed the public hearing for the unfit structure at 520 W. 16<sup>th</sup> Street at 5:11 p.m.
- C. **Unfit Structure: 216 E. Hwy 24 Lot D5** – Mayor Showalter reopened public hearing for the unfit structure at 216 E. Hwy 24 Lot D5 at 5:11 p.m. Bobbie McKnight, property manager stated, I understand it is the trailer you are condemning. I am working to evict tenant to get in and clean trailer to make it livable. I have done several eviction notices and he does not abide by them. His dad said he was doing some cleanup but I do not see it being done. I want to clean up trailer as it has potential. Commissioner Artzer asked, does declaring structure unfit move along eviction? Jake



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stated, no that is a civil matter. Mayor Showalter stated, we will take it under advisement. Mayor Showalter closed the second public hearing for the unfit structure at 216 E. Hwy 24 Lot D5 at 5:14 p.m.

## PUBLIC COMMENT

- A. Cynthia Bohl** – Cynthia stated, I have been a barber since 1999 and am a hometown girl. I owned a barbershop until I was injured by a horse. I would like to open a barbershop at airport. I only need water and the carpet replaced with tile and I am willing to pay for the improvement. I will move in my own equipment into shop. I would like to be in space by January 1<sup>st</sup> if commission approves. Kent stated, I asked Cythia to discuss idea with commission tonight to see if any objections, if not we can have an agreement for next meeting. Commissioner Artzer asked, will this cause issues with it being an airport? Kent stated, no because we are not operating a commercial airline and FAA does not access that area. Mayor Showalter asked, do we have idea of cost for sewer and water? Kent stated, not at this time but it will be at tenant's expense. Consensus of commission is no objection and continue working with Kent.

## CONSENT AGENDA

- A. 12/01/25 Commission Meeting Minutes**

- B. Appropriation Ordinances: 2025-24, 2025-24A and 2025-P24**

**ON A MOTION** by Commissioner Redlin to approve Consent Agenda **seconded** by Commissioner Myers. **MOTION carried on a VOTE of 5-0.**

## ORDINANCES AND RESOLUTIONS

- A. Ordinance 1808: Electric Rates** – Kent stated, staff has been working with Waterworth on utility rates. The water rates were approved last meeting, this ordinance is electric. We wanted to have our base rate include OCA charges currently in code. The OCA is becoming more prevalent as costs have increased significantly last several years and is becoming more difficult. With assistance of Waterworth, we presented this ordinance to spread costs on evenly monthly basis. Last week we also received price increase notice from Sunflower and Prairieland Electric that we will receive in 2026. That was not included in rate information previously discussed with commission, but included in ordinance presented. We have provided examples of bills by categories for each quarter and notice the increase compared to same bill last year is fairly close, not much of an increase. Hopefully this provides information commission was requesting. Staff s recommends approving ordinance and suspend OCA charge. We will evaluate next few months and bring back to commission. The city has not increased electric rates in a number of years, while other companies have raised rates. This establishes a rate where we do not have a variable cost added to bills every month based on operating costs. Commissioner Myers asked, why is rate for small commercial higher again? Kent stated, they do not have demand charge like large commercial. There are 67 large commercial customers who are bigger users with more demand. We have about 450 commercial customers in total. Commissioner Artzer stated, in the information, there are some cases where bills are less which will be nice to those it happens to. As a utility business we have to be able to maintain operations. Commissioner Redlin stated, this also promotes a sense of conservation for both water and electric use. Kent stated, yes, this ordinance adds a tier for higher users. Commissioner Artzer stated, you said they will not have an OCA with rate. Kent stated, correct, we want to suspend OCA for now and evaluate a charge based on increased power costs only, if that occurs. That occurred with February 2021 event. However, that cost was so large we had to assess charge over time not just for one month. The OCA charge includes all electric





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operating expenses each month, we would like it for power costs only. We also want to make sure this rate does what we need. Mary stated, to clarify, we recommend suspending OCA charge when rate goes into effect **ON A MOTION** by Commissioner Redlin to approve Ordinance 1808: Electric Rates **seconded** by Commissioner Artzer. **MOTION carried on a VOTE of 5-0.**

- B. Ordinance 1810: Amending Text of the Management of Uses of Right of Way (ROW)** – Zach stated, this ordinance protects the city and allows contractors to work in a specific area and time. That way we are not doing locates when they are not able to complete work timely. This also sets working hours for contractors and requires inspections to protect from damage to property. Kent stated, this is only for ROW work, not work on personal property. The city can respond and observe work if needed, which is reason to keep working hours Monday through Friday. Most utilities are in the ROW. Commissioner Artzer asked, would this allow for emergency work required after hours? Zach stated, yes, they get 48 hours to contact city for follow up work completed in emergency. **ON A MOTION** by Commissioner Myers to approve Ordinance 1810: Amending Text of the Management of Uses of Right of Way **seconded** by Commissioner Redlin. **MOTION carried on a VOTE of 5-0.**

- C. Ordinance 1811: Amend Section 19-705, Off Street Parking Required Spaces** – Kent stated, this ordinance is result of work with Planning Commission, City Commission and Community Matters. Off street parking was one of the recommendations Barb Cole made to our code. This ordinance amends text in Chapter 19 Section 705 of the code for off street parking at new or repurposed property. One of issues discussed was to reduce number spaces for residential districts and redoing number of spaces for certain commercial uses. For commercial property, it used to be based on number of employees or chairs. This is much easier to read and for the public to understand. Planning Commission had a hearing and recommend approval of ordinance. Commissioner Artzer asked, are current lots grandfathered in? Zach stated, this does not change existing structures, only new or those where property is repurposed. **ON A MOTION** by Commissioner Redlin to approve Ordinance 1811: Amend Section 19-705, Off Street Parking Required Spaces **seconded** by Vice-Mayor Howard. **MOTION carried on a VOTE of 5-0.**

- D. Ordinance 1812: Authorizing the levy of a General One-Quarter Percent (.25%) City Wide Retailer's Sales Tax** – Kent stated, this ordinance authorizes and directs that the New Educational Sales Tax be levied and the revenue received therefrom be applied first for the authorized purposes of the Existing Educational Sales Tax, and then to (a) assist the District in the repayment of the principal of and interest on District Bonds issued to pay a portion of the estimated costs to construct, equip and furnish a new Career and Technical Education Building; (b) provide for the payment of certain City infrastructure improvements to facilitate the use of District educational facilities; and (c) alleviate the property tax burden to the patrons of District. Staff recommends approval. Ordinance was provided by Kevin Cowan. The documents are required by the Department of Revenue for the sales tax. This ties to the Sales Tax Agreement later in meeting. **ON A MOTION** by Vice-Mayor Howard to approve Ordinance 1812: Authorizing the levy of a General One-Quarter Percent (.25%) City Wide Retailer's Sales Tax **seconded** by Commissioner Myers. **MOTION carried on a VOTE of 5-0.**

- E. Resolution 2025-33: Abatement of Unfit Structure at 216 E. Hwy 24 Lot D5** – Commissioner Artzer stated, my concern is I do not want to force if tenant can get it clean. Zach stated, the house is covered with feces and needs addressed before anyone can live in trailer. If we deem as unfit structure, we can control who can be in structure to abate nuisance. Bobbie stated, I have pictures of inside of trailer. I need him out to get it cleaned. By condemning trailer, it gives me the opportunity to clean and make trailer livable. Commissioner Redlin stated, I want to make sure we do it right. Do we have legal ground to tell tenant to get out? Jake stated, tenant eviction is landlord



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issue. The commission can deem it a nuisance to set timetable to abate the structure. There are tenant and landlord rights which has nothing to do with commission. Owner has to abide by the code which is why we deal with property owner. Vice-Mayor Howard stated, this ordinance allows clean up inside trailer. Zach stated, that is correct, clean inside and fix plumbing. **ON A MOTION** by Commissioner Redlin to approve Resolution 2025-33: Abatement of Unfit Structure at 216 E. Hwy 24 Lot D5 **seconded** by Vice-Mayor Howard. **MOTION carried on a VOTE of 5-0. Jason what is posted on outside. Zach I will get notice from Jake to post on property.**

- F. Resolution 2025-34: Abatement of Unfit Structure at 520 W. 16<sup>th</sup> Street** – Mayor Showalter stated, this falls into same category. We want to declare structure as unfit but have you work with Zach on a timeline so we know when work will be done. I would ask Zach to allow additional time since owners are coming from Denver. Zach stated, I would set a timeline then if it appears to go beyond timeframe, I will bring back to commission. Commissioner Redlin stated, my concern is we need to take into consideration the winter conditions and running concrete. Commissioner Artzer stated, I am not in favor of declaring structure unfit, they just purchased property and situation is different. Vice-Mayor Howard stated, I do not like to see property torn down, or that our code compares value of repairs to value of improvement to be declare property a nuisance. That structure is a lot if you had to go out and buy all new materials. If they are willing to improve property and spend money, it is their money. It increases property values in Goodland. I feel we push people away. Commissioner Redlin stated, I feel it can be done, I did it to my property. Kent stated, if commission agrees I feel it is important for property owner and Zach to work out issue. It will not be a simple thing, but having them attend hearing is important and they understand what needs to be done. The hardest thing will be to set a schedule with winter. One option is table ordinance to have them come back with a timeline staff feels comfortable with. That gives the city an idea the property owner understands what needs to be done. Omar understands it will take time. Commissioner Artzer asked, if we table resolution, can they continue working on property. **ON A MOTION** by Commissioner Artzer to table Resolution 2025-34: Abatement of Unfit Structure at 520 W. 16<sup>th</sup> Street **seconded** by Commissioner Myers. Kent stated, Zach can discuss timeline with Omar and bring back to commission. Jake stated, if you do nothing with resolution, it remains on books and you can bring back up to commission to declare as unfit. If you want to table resolution, it stays on agenda. Commissioner Redlin stated, I feel we can discuss time line next meeting and then proceed. **MOTION carried on a VOTE of 5-0.**

## FORMAL ACTIONS

- A Sales Tax Agreement** - Kent stated, the previous one-quarter percent (.25%) school sales tax was issued by an interlocal agreement with the school to use the sales tax funds to pay off bond issue. This agreement allows the continuance of the sales tax by the school district to pay off old bond issue first, then new bond. Action is required by Commission and School Board then sent to Department of Revenue. Agreement will not be signed until bond closes in February as a formality. **ON A MOTION** by Mayor Showalter to approve the Sales Tax Agreement **seconded** by Commissioner Redlin. **MOTION carried on a VOTE of 5-0.**
- B. 2026 CMB Licenses-** Kent stated, you have a list of CMB's for renewal for both consumption on premises and for sale in original and unopened container. The Rec Room is pending inspection approval. **ON A MOTION** by Commissioner Redlin to approve the 2026 CMB License for Goodland KOA for consumption on the premises, The Rec Room for Consumption on Premises pending inspection approval and 2026 CMB Licenses for Corner Market, Casey's General Store, 24/7 Travel Store, Wal-Mart Stores, Inc, Dollar General, Cowboy Corner Xpress, LLC and





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Goodland Travel Center for sale in original and unopened containers, not for Consumption on the premises, **seconded by** Commissioner Myers. **MOTION carried on a VOTE of 5-0.**

- C. **2026 Library Contract** – Kent stated, this is annual agreement for library services. **ON A MOTION by** Vice-Mayor Howard to approve 2026 Library Contract **seconded by** Commissioner Redlin. **MOTION carried on a VOTE of 5-0.**
- D. **Bid Award IFB 2025-1201: 1319 Cherry Ave Unfit Structure** – Zach stated, property was brought to your attention in 2024 to consider for landbank. The owner has since passed away. We received two bids for demolition of property at 1319 Cherry Avenue. The bids are Goody's in the amount of \$6,900 and S & M Repair for \$4,000. S & M has completion date of 10 days. Staff recommends the low bid from S & M Repair. **ON A MOTION by** Commissioner Redlin to approve the bid from S & M Repair in the amount of \$4,000 for the demolition of 1319 Cherry Avenue **seconded by** Commissioner Artzer. **MOTION carried on a VOTE of 5-0.**
- E. **Reappoint Jackie Elliott, Marlene Whiteker and Terry Leonhart to Cemetery Board** – Kent stated, Jackie, Marlene and Terry have submitted applications for reappointment to the cemetery board and are recommended for approval by the Cemetery Board. All three members are active on board. **ON A MOTION by** Vice-Mayor Howard to approve the reappointment of Jackie Elliott, Marlene Whiteker and Terry Leonhart to the Cemetery Board **seconded by** Commissioner Redlin. **MOTION carried on a VOTE of 5-0.**
- F. **8<sup>th</sup> Street Engineering Contract: EBH** - Andrew stated, this contract is for engineering of 8<sup>th</sup> Street project funded by the bonds recently approved. The bond will be reimbursed by sales tax monies collected over the next 20 years. This project will take a substantial amount of time to design and construct. It includes lighting the commission previously discussed. Kent stated, there is a significant amount of surveying work for project. This contract with EBH is for developing plans & specifications, completing bid specifications and oversight of the bid process, as well as a not to exceed amount for construction engineering and observation services. The cost of the contract is \$200,000 for the surveying services and engineering plans for design and specifications and a maximum not to exceed \$275,000 for the construction engineering and observation and additional parameters for any changes in service. Andrew stated, we will get started with surveying within next six to eight weeks and keep Kent informed to ensure Commission approves project that goes out for bid. Commissioner Redlin asked, so the timeline to begin is February? Andrew stated, we hope to get a portion of construction started fall 2026 then next phase fall of 2027. We have to watch how we phase project when modifying street and make sure information gets to the public. Commissioner Artzer asked, will we reach out to property owners on 8<sup>th</sup> Street? Andrew stated, we will to avoid sprinklers and get information need from the owners. Commissioner Artzer asked, when we bid project is there a way to split project to use Goodland based companies? Andrew stated, it is interesting what is considered a local company. There is company that owns property in Goodland but is not located here. Mary stated, when considering local company, we also need to consider 10% of \$100,000 is a lot less than 10% of \$6,000,000. **ON A MOTION by** Commissioner Redlin to approve the 8<sup>th</sup> Street Engineering Contract with EBH **seconded by** Commissioner Myers. **MOTION carried on a VOTE of 5-0.**

## DISCUSSION

## REPORTS

- A. **City Manager - 1.** Manager memo is in the packet. **2.** November month end financial report and police activity report are in the packet. **3.** Museum is working on Veteran's banner project. They have had over 80 veterans respond to project. They will work with electric department to install



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banners once made. 4. We are working with Apptegy to update the city website. This is same provider school works with on their website. 5. Merchant McIntyre, consultant for our grant in Industrial Park, has requested a lot of information that will require an electrical engineer. We are reaching out to KMEA Mid-states Engineering for assistance to get information for grant application. There will be some work required to complete, but uncertain of cost amount. 5. The transportation van broke down today with a transmission issue. We completed route today using another vehicle, but cannot continue in future as not ADA compliant. The state is trying to find us another vehicle to use. The rest of this week we will not be operating the van until we get another option. We have to have a vehicle that is ADA compliant. We know people depend on service and are working to resolve issue.

**B. City Commissioners**

**Vice-Mayor Howard – 1.** Merry Christmas and Happy New Year.

**Commissioner Artzer – 1.** Completed another successful Topside Tipoff basketball tournament. I appreciate everyone supporting the event. **2.** Merry Christmas.

**Commissioner Myers - 1.** Enjoy your holidays.

**Commissioner Redlin – 1.** Thank you to everyone in the city for the work you do. **2.** Merry Christmas and Happy New Year.

**C. Mayor Showalter– 1.** I would like to thank Commissioner Myers for your work and serving the community on commission the last four years.

**EXECUTIVE SESSION**

**A. EXECUTIVE SESSION - Under the Authority of KSA 75-4319 (b) (1) for personnel matters of non-elected personnel -** Mayor Showalter made a motion at 6:17 p.m. to recess into executive session under authority of K.S.A.75-4319 (b) (1) to discuss personnel matters of non-elected personnel not to exceed ten minutes. I request the City Commission and City Manager be present. Vice-Mayor Howard seconded the motion. **MOTION carried by a VOTE of 5-0. Meeting resumed at 6:27 p.m.** Mayor Showalter made a second motion at 6:27 p.m. to recess into executive session under authority of K.S.A.75-4319 (b) (1) to discuss personnel matters of non-elected personnel not to exceed five minutes. I request the City Commission and City Manager be present. Vice-Mayor Howard seconded the motion. **MOTION carried by a VOTE of 5-0. Meeting resumed at 6:32 p.m.**

**B. Action from Executive Session - ON A MOTION by Mayor Showalter to approve a \$5,000 year end bonus for City Manager Kent Brown seconded by Commissioner Redlin. MOTION carried on a VOTE of 5-0.**

**ADJOURNMENT WAS HAD ON A MOTION BY Commissioner Myers seconded by Commissioner Redlin. Motion carried by unanimous VOTE; meeting adjourned at 6:33 p.m. Next meeting is scheduled for January 5, 2026.**

ATTEST:

\_\_\_\_\_  
Jason Showalter, Mayor

\_\_\_\_\_  
Mary P. Volk, City Clerk

INVOICE NO	LN	DATE	PO NO	REFERENCE	CD	GL ACCOUNT	1099	NET	CHECK	PD DATE
-----										
			2871	AMERICAN FAMILY LIFE						
PR20251212	1	12/12/25		AFLAC CANCER		11-00-0012	N	33.18	3046350	12/19/25 E
PR20251212	2	12/12/25		AFLAC ACCIDENT		11-00-0012	N	44.50	3046350	12/19/25 E
PR20251212	3	12/12/25		AFLAC ACCIDENT		15-00-0012	N	41.28	3046350	12/19/25 E
PR20251212	4	12/12/25		AFLAC ACCIDENT		23-00-0012	N	14.09	3046350	12/19/25 E
PR20251212	5	12/12/25		AFLAC ST DISB		11-00-0012	N	28.08	3046350	12/19/25 E
PR20251212	6	12/12/25		AFLAC ST DISB		15-00-0012	N	65.52	3046350	12/19/25 E
PR20251212	7	12/12/25		AFLAC ST DISB		23-00-0012	N	24.84	3046350	12/19/25 E
PR20251212	8	12/12/25		AFLAC LIFE RIDR		15-00-0012	N	2.76	3046350	12/19/25 E
PR20251212	9	12/12/25		AFLAC LIFE		11-00-0012	N	21.31	3046350	12/19/25 E
PR20251212	10	12/12/25		SPEC HLTH EVENT		11-00-0012	N	24.06	3046350	12/19/25 E
PR20251212	11	12/12/25		SPEC HLTH EVENT		15-00-0012	N	1.98	3046350	12/19/25 E
								-----		
				AMERICAN FAMILY LIFE				301.60		
			1389	AMERICAN FID						
PR20251212	1	12/12/25		AF CANCER AT		11-00-0012	N	43.05	3046347	12/19/25 E
PR20251212	2	12/12/25		AF CANCER AT		15-00-0012	N	16.90	3046347	12/19/25 E
PR20251212	3	12/12/25		AF CANCER AT		21-00-0012	N	4.95	3046347	12/19/25 E
PR20251212	4	12/12/25		AF CANCER AT		23-00-0012	N	4.95	3046347	12/19/25 E
PR20251212	5	12/12/25		AMER FID CANCER		11-00-0012	N	140.24	3046347	12/19/25 E
PR20251212	6	12/12/25		AMER FID CANCER		15-00-0012	N	115.00	3046347	12/19/25 E
PR20251212	7	12/12/25		AMER FID CANCER		21-00-0012	N	45.13	3046347	12/19/25 E
PR20251212	8	12/12/25		AMER FID CANCER		23-00-0012	N	13.47	3046347	12/19/25 E
PR20251212	9	12/12/25		AMER FID LIFE		11-00-0012	N	268.04	3046347	12/19/25 E
PR20251212	10	12/12/25		AMER FID LIFE		15-00-0012	N	239.16	3046347	12/19/25 E
PR20251212	11	12/12/25		AMER FID LIFE		21-00-0012	N	71.25	3046347	12/19/25 E
PR20251212	12	12/12/25		AMER FID LIFE		23-00-0012	N	71.25	3046347	12/19/25 E
PR20251212	13	12/12/25		AM FID ACCIDENT		11-00-0012	N	150.85	3046347	12/19/25 E
PR20251212	14	12/12/25		AM FID ACCIDENT		15-00-0012	N	84.75	3046347	12/19/25 E
PR20251212	15	12/12/25		AM FID ACCIDENT		21-00-0012	N	26.18	3046347	12/19/25 E
PR20251212	16	12/12/25		AM FID ACCIDENT		23-00-0012	N	8.72	3046347	12/19/25 E
PR20251212	17	12/12/25		AM FID HOSPITAL		15-00-0012	N	26.99	3046347	12/19/25 E
PR20251212	18	12/12/25		AM FID HOSPITAL		21-00-0012	N	7.97	3046347	12/19/25 E
PR20251212	19	12/12/25		AM FID HOSPITAL		23-00-0012	N	7.96	3046347	12/19/25 E
PR20251212	20	12/12/25		AM FD DISABILTY		11-00-0012	N	101.50	3046347	12/19/25 E
PR20251212	21	12/12/25		AM FD DISABILTY		15-00-0012	N	18.48	3046347	12/19/25 E
PR20251212	22	12/12/25		AM FD DISABILTY		21-00-0012	N	19.38	3046347	12/19/25 E
PR20251212	23	12/12/25		AF CRITICAL CR		11-00-0012	N	18.86	3046347	12/19/25 E
								-----		
				AMERICAN FID				1505.03		
			1390	AMERICAN FIDELITY						
PR20251212	1	12/12/25		AF MED REIMBURS		11-00-0012	N	547.52	3046348	12/19/25 E
PR20251212	2	12/12/25		AF MED REIMBURS		15-00-0012	N	440.85	3046348	12/19/25 E
PR20251212	3	12/12/25		AF MED REIMBURS		21-00-0012	N	125.00	3046348	12/19/25 E
PR20251212	4	12/12/25		AF MED REIMBURS		23-00-0012	N	62.50	3046348	12/19/25 E
								-----		
				AMERICAN FIDELITY				1175.87		
			4190	ATTORNEY GENERAL'S OFFICE						
LG-25-001077	1	12/11/25		GENERAL OBLIGATION BOND		02-01-2150		375.00	73420	12/31/25
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				ATTORNEY GENERAL'S OFFICE				375.00		

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374 BLACK HILLS ENERGY										
GEN25-587	1	12/19/25		GAS CHARGES/POLICE DEPT		11-03-2100		937.43	73421	12/31/25
GEN25-588	1	12/26/25		GAS CHARGES/POWER PLANT		15-40-2090		474.58	73421	12/31/25
GEN25-589	1	12/18/25		GAS CHARGES/CEMETERY		11-19-2100		331.92	73421	12/31/25
GEN25-600	1	12/31/25		GAS CHARGES/FAA		11-13-2100		185.00	73421	12/31/25
								-----		
BLACK HILLS ENERGY								1928.93		
2015 CONST.NEWENERGY										
4475236	1	12/16/25		GAS CHARGES/CITY SHOP		11-11-2100		114.74	73422	12/31/25
4475249	1	12/16/25		GAS CHARGES/CITY OFFICE		15-44-2100		33.97	73422	12/31/25
4475249	2	12/16/25		GAS CHARGES/CITY OFFICE		21-40-2100		33.96	73422	12/31/25
								-----		
CONST.NEWENERGY								182.67		
600 CONSTELLATION NEWENERGY G										
4487177	1	12/31/25		GAS CHARGES		15-40-2090		1278.64	73423	12/31/25
								-----		
CONSTELLATION NEWENERGY G								1278.64		
891 DAN BRENNER FORD-MERCURY,										
07151	1	7/25/25		REPLACE COOLING FAN MOTORS/17		11-03-3170		708.27	73424	12/31/25
08239	1	12/19/25		REPAIR FUEL CONNECTOR/25 EXPLO		11-03-3170		342.17	73424	12/31/25
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DAN BRENNER FORD-MERCURY,								1050.44		
1867 DEMARS PENSION CONSULTING										
0794321	1	11/17/25		PLAN DOCUMENT/ADOPTION AGREEMT		11-02-2140		550.00	73425	12/31/25
								-----		
DEMARS PENSION CONSULTING								550.00		
206 GOODLAND STAR-NEWS										
66888	1	11/28/25		VAN AD		11-06-2130		42.90	73427	12/31/25
66888	2	11/28/25		OFF STREET PARKING AMENDMENT		11-09-2130		78.72	73427	12/31/25
66888	3	11/28/25		RES 2025-30		11-09-2130		127.92	73427	12/31/25
66888	4	11/28/25		ORDINANCE 1804		11-09-2130		49.20	73427	12/31/25
66888	5	11/28/25		ORDINANCE 1805		11-09-2130		49.20	73427	12/31/25
66888	6	11/28/25		321 BROADWAY		11-02-2130		137.76	73427	12/31/25
66888	7	11/28/25		RESOULTION 2025-30		11-09-2130		127.92	73427	12/31/25
66888	8	11/28/25		321 BROADWAY		11-02-2130		137.76	73427	12/31/25
66888	9	11/28/25		ORDINANCE 1806		11-02-2130		98.40	73427	12/31/25
66888	10	11/28/25		RESOLUTION 2025-32		11-09-2130		137.76	73427	12/31/25
66888	11	11/28/25		321 BROADWAY		11-02-2130		137.76	73427	12/31/25
66888	12	11/28/25		RESOLUTION 2025-32		11-09-2130		137.76	73427	12/31/25
GEN25-599	1	12/31/25		VAN AD		11-06-2130		42.90	73427	12/31/25
GEN25-599	2	12/31/25		ORDINANCE 1807		21-40-2130		39.36	73427	12/31/25
GEN25-599	3	12/31/25		ORDINANCE 1809		15-44-2130		39.36	73427	12/31/25
GEN25-599	4	12/31/25		VARIANCE REQUEST		11-09-2130		265.68	73427	12/31/25
GEN25-599	5	12/31/25		OFF ST PARKING		11-09-2130		59.04	73427	12/31/25
GEN25-599	6	12/31/25		OFF ST PARKING		11-09-2130		59.04	73427	12/31/25
GEN25-599	7	12/31/25		RESOLUTION 2025-33		11-09-2130		295.20	73427	12/31/25
GEN25-599	8	12/31/25		ORDINANCE 1812/SCHOOL SALES TA		11-02-2130		98.40	73427	12/31/25
GEN25-599	9	12/31/25		ORDINANCE 1811		11-09-2130		39.36	73427	12/31/25
GEN25-599	10	12/31/25		ORDINANCE 1810		11-09-2130		39.36	73427	12/31/25

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206 GOODLAND STAR-NEWS										
GEN25-599	11	12/31/25		ORDINANCE 1808		15-44-2130		39.36	73427	12/31/25
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GOODLAND STAR-NEWS								2280.12		
3931 HADLEY, NICOLE										
GEN25-599	1	12/31/25		MUSEUM SALES/HAIRCLIP & EARRIN		11-00-0893		50.00	73428	12/31/25
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HADLEY, NICOLE								50.00		
391 HOOVER LUMBER										
370459	1	12/12/25		DOOR SWEEP/AIRPORT DOOR		11-13-3030		38.31	73429	12/31/25
370697	1	12/18/25		KEYS		11-13-3030		10.78	73429	12/31/25
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HOOVER LUMBER								49.09		
3920 IMA, INC.-BENEFITS										
551135	1	12/30/25		CONSULTING FEES/QUARTERLY		11-02-2140		500.00	73431	12/31/25
551135	2	12/30/25		CONSULTING FEES/QUARTERLY		11-03-2140		850.00	73431	12/31/25
551135	3	12/30/25		CONSULTING FEES/QUARTERLY		11-04-2140		100.00	73431	12/31/25
551135	4	12/30/25		CONSULTING FEES/QUARTERLY		11-09-2140		100.00	73431	12/31/25
551135	5	12/30/25		CONSULTING FEES/QUARTERLY		11-11-2140		850.00	73431	12/31/25
551135	6	12/30/25		CONSULTING FEES/QUARTERLY		11-15-3120		200.00	73431	12/31/25
551135	7	12/30/25		CONSULTING FEES/QUARTERLY		11-17-2140		100.00	73431	12/31/25
551135	8	12/30/25		CONSULTING FEES/QUARTERLY		21-40-2140		100.00	73431	12/31/25
551135	9	12/30/25		CONSULTING FEES/QUARTERLY		21-42-2140		250.00	73431	12/31/25
551135	10	12/30/25		CONSULTING FEES/QUARTERLY		23-41-2140		100.00	73431	12/31/25
551135	11	12/30/25		CONSULTING FEES/QUARTERLY		15-40-2140		700.00	73431	12/31/25
551135	12	12/30/25		CONSULTING FEES/QUARTERLY		15-42-2140		700.00	73431	12/31/25
551135	13	12/30/25		CONSULTING FEES/QUARTERLY		15-44-2140		350.00	73431	12/31/25
551135	14	12/30/25		CONSULTING FEES/QUARTERLY		23-43-2140		100.00	73431	12/31/25
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IMA, INC.-BENEFITS								5000.00		
3249 INTERNAL REVENUE SERVICE										
PR20251212	1	12/12/25		FED/FICA TAX		11-00-0011	N	15128.67	3046351	12/19/25 E
PR20251212	2	12/12/25		FED/FICA TAX		15-00-0011	N	7482.76	3046351	12/19/25 E
PR20251212	3	12/12/25		FED/FICA TAX		21-00-0011	N	1162.87	3046351	12/19/25 E
PR20251212	4	12/12/25		FED/FICA TAX		23-00-0011	N	1233.13	3046351	12/19/25 E
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INTERNAL REVENUE SERVICE								25007.43		
1072 KANSAS PAYMENT CENTER										
PR20251212	1	12/12/25		INCOME WITHOLD		11-00-0012	N	96.46	3046346	12/19/25 E
PR20251212	2	12/12/25		INCOME WITHOLD		15-00-0012	N	461.54	3046346	12/19/25 E
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KANSAS PAYMENT CENTER								558.00		
3999 KANSAS TURNPIKE AUTHORITY										
40192668	1	12/19/25		SPRINGER/TRAVEL		11-03-2190		3.14	73432	12/31/25
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KANSAS TURNPIKE AUTHORITY								3.14		
3392 KLING, JAKE D.										

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			3392	KLING, JAKE D.						
05379	1	12/30/25		CLEAR TITLE/321 BROADWAY		11-02-2140	M	3150.14	73433	12/31/25
				KLING, JAKE D.				-----		
								3150.14		
			865	KS DEPT TAX						
PR20251212	1	12/12/25		STATE TAX		11-00-0011	N	2401.34	3046345	12/19/25 E
PR20251212	2	12/12/25		STATE TAX		15-00-0011	N	1225.06	3046345	12/19/25 E
PR20251212	3	12/12/25		STATE TAX		21-00-0011	N	174.54	3046345	12/19/25 E
PR20251212	4	12/12/25		STATE TAX		23-00-0011	N	191.51	3046345	12/19/25 E
				KS DEPT TAX				-----		
								3992.45		
			523	KS PUBLIC EMP. RETIREMENT						
PR20251212	1	12/12/25		KPERS		11-00-0012	N	3316.23	3046344	12/19/25 E
PR20251212	2	12/12/25		KPERS		15-00-0012	N	2287.86	3046344	12/19/25 E
PR20251212	3	12/12/25		KPERS		21-00-0012	N	223.78	3046344	12/19/25 E
PR20251212	4	12/12/25		KPERS		23-00-0012	N	223.77	3046344	12/19/25 E
PR20251212	5	12/12/25		KPERS II		11-00-0012	N	2090.10	3046344	12/19/25 E
PR20251212	6	12/12/25		KPERS II		15-00-0012	N	1482.88	3046344	12/19/25 E
PR20251212	7	12/12/25		KPERS II		21-00-0012	N	105.44	3046344	12/19/25 E
PR20251212	8	12/12/25		KPERS II		23-00-0012	N	105.44	3046344	12/19/25 E
PR20251212	9	12/12/25		KPERS III		11-00-0012	N	4297.42	3046344	12/19/25 E
PR20251212	10	12/12/25		KPERS III		15-00-0012	N	1524.63	3046344	12/19/25 E
PR20251212	11	12/12/25		KPERS III		21-00-0012	N	481.27	3046344	12/19/25 E
PR20251212	12	12/12/25		KPERS III		23-00-0012	N	511.39	3046344	12/19/25 E
PR20251212	13	12/12/25		KPERS D&D		11-00-0012	N	618.04	3046344	12/19/25 E
PR20251212	14	12/12/25		KPERS D&D		15-00-0012	N	337.09	3046344	12/19/25 E
PR20251212	15	12/12/25		KPERS D&D		21-00-0012	N	51.59	3046344	12/19/25 E
PR20251212	16	12/12/25		KPERS D&D		23-00-0012	N	53.51	3046344	12/19/25 E
				KS PUBLIC EMP. RETIREMENT				-----		
								17710.44		
			301	LEAGUE OF KS. MUNICIPALIT						
200016150	1	10/20/25		KACM FALL CONFERENCE/BROWN		11-02-2170		185.00	73434	12/31/25
				LEAGUE OF KS. MUNICIPALIT				-----		
								185.00		
			3295	LOGAN CONTRACTORS SUPPLY						
G46763	1	10/16/25	20673	CONCRETE STAKES/INDUSTRIAL PAR		38-01-4020		643.00	73435	12/31/25
				LOGAN CONTRACTORS SUPPLY				-----		
								643.00		
			2104	NATIONWIDE TRUST CO. FSB						
PR20251212	1	12/12/25		NATIONWIDE TRST		11-00-0012	N	575.00	3046349	12/19/25 E
PR20251212	2	12/12/25		NATIONWIDE TRST		15-00-0012	N	265.00	3046349	12/19/25 E
				NATIONWIDE TRUST CO. FSB				-----		
								840.00		
			3085	OFFICE WORKS & HOME FURNI						
INV17914	1	12/19/25		NAME PLATE/CLOYD		11-02-3120		23.14	73436	12/31/25
INV18039	1	12/31/25		COPY COUNT		11-02-3120		75.19	73436	12/31/25
				OFFICE WORKS & HOME FURNI				-----		
								98.33		



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GEN25-590	1	12/31/25	3759 PRAIRIESPRINGS HOSPITALIT	REIMB SALES TAX		28-01-2050		12138.46	73437	12/31/25	
				PRAIRIESPRINGS HOSPITALIT				12138.46			
PR20251212	1	12/12/25	1683 PRINCIPAL MUTUAL LIFE INS	PRIN. MUTUAL		11-00-0012	N	107.20	73410	12/19/25	
PR20251212	2	12/12/25		PRIN. MUTUAL		15-00-0012	N	287.01	73410	12/19/25	
				PRINCIPAL MUTUAL LIFE INS				394.21			
14761	1	12/12/25	924 SCHEOPNER'S WATER CONDITI	WATER		11-17-3120		12.00	73438	12/31/25	
17846	1	12/08/25		WATER		11-03-3120		12.00	73438	12/31/25	
				SCHEOPNER'S WATER CONDITI				24.00			
GEN25-600	1	12/31/25	3851 SHERMAN CO COMM DEVELOP	MUSEUM SALES/KEYCHAIN MAGNET		11-00-0893	M	4.00	73439	12/31/25	
				SHERMAN CO COMM DEVELOP				4.00			
379657	1	12/19/25	427 SHORES NAPA	CRIMPS & CRIMPER		11-13-3030		55.33	73440	12/31/25	
				SHORES NAPA				55.33			
E4152AE2	1	12/13/25	4184 TREVIPAY	SHOP WITH A COP		38-01-4010		144.09	73441	12/31/25	
				TREVIPAY				144.09			
GEN25-591	1	12/31/25	2159 TRIPLETT INC	SALES TAX REIMB		28-01-2060		6994.17	73442	12/31/25	
				TRIPLETT INC				6994.17			
PR20251212	1	12/12/25	4179 UNEMPLOYMENT INSURANCE	WI UNEMP INS DI		11-00-0012	N	134.55	73413	12/19/25	
				UNEMPLOYMENT INSURANCE				134.55			
1930176791	1	12/01/25	972 UNIFIRST CORPORATION	UNIFORMS		21-40-3160		32.38	73444	12/31/25	
1930176791	2	12/01/25		UNIFORMS		21-42-3160		30.03	73444	12/31/25	
1930176791	3	12/01/25		UNIFORMS		23-41-3160		30.03	73444	12/31/25	
1930177703	1	12/08/25		UNIFORMS		21-40-3160		32.38	73444	12/31/25	
1930177703	2	12/08/25		UNIFORMS		21-42-3160		30.03	73444	12/31/25	
1930177703	3	12/08/25		UNIFORMS		23-41-3160		30.03	73444	12/31/25	
1930178707	1	12/15/25		UNIFORMS		21-40-3160		32.38	73444	12/31/25	
1930178707	2	12/15/25		UNIFORMS		21-42-3160		30.03	73444	12/31/25	
1930178707	3	12/15/25		UNIFORMS		23-41-3160		30.03	73444	12/31/25	
1930179963	1	12/22/25		UNIFORMS		21-40-3160		32.38	73444	12/31/25	
1930179963	2	12/22/25		UNIFORMS		21-42-3160		30.03	73444	12/31/25	

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972 UNIFIRST CORPORATION										
1930179963	3	12/22/25		UNIFORMS		23-41-3160		30.03	73444	12/31/25
1930180789	1	12/29/25		UNIFORMS		21-40-3160		32.38	73444	12/31/25
1930180789	2	12/29/25		UNIFORMS		21-42-3160		30.03	73444	12/31/25
1930180789	3	12/29/25		UNIFORMS		23-41-3160		30.03	73444	12/31/25
								-----		
UNIFIRST CORPORATION								462.20		
2784 USD # 352										
GEN25-592	1	12/31/25		SCHOOL SALES TAX		11-02-2050		41212.74	73445	12/31/25
								-----		
USD # 352								41212.74		
3524 VERIZON										
6127312901	1	10/31/25		HOT SPOTS/CROSSINGS		11-02-2180		121.86	73415	12/22/25
6127312901	2	10/31/25		HOT SPOT/IT		11-02-2180		40.01	73415	12/22/25
6127312901	3	10/31/25		CELL PHONES/HOT SPOTS		11-03-2180		776.66	73415	12/22/25
6127312901	4	10/31/25		CELL PHONE/IPAD		11-06-2180		81.85	73415	12/22/25
6127312901	5	10/31/25		IPAD		11-09-3120		40.01	73415	12/22/25
6127312901	6	10/31/25		CELL PHONE/IPAD		11-11-3120		64.54	73415	12/22/25
6127312901	7	10/31/25		CELL PHONE/IPAD		15-42-3120		81.85	73415	12/22/25
6127312901	8	10/31/25		ON CALL		15-42-3120		24.53	73415	12/22/25
6127312901	9	10/31/25		GIS TABLET/IPAD		21-40-2180		80.02	73415	12/22/25
6129813259	1	11/30/25		HOT SPOTS/CROSSINGS AND IT		11-02-2180		161.87	73415	12/22/25
6129813259	2	11/30/25		CELL PHONES/HOT SPOTS		11-03-2180		776.66	73415	12/22/25
6129813259	3	11/30/25		CELL PHONE/IPAD		11-06-2180		81.85	73415	12/22/25
6129813259	4	11/30/25		IPAD		11-09-3120		40.01	73415	12/22/25
6129813259	5	11/30/25		CELL PHONE/IPAD		11-11-3120		64.54	73415	12/22/25
6129813259	6	11/30/25		CELL PHONES/IPAD		15-42-3120		106.38	73415	12/22/25
6129813259	7	11/30/25		GIS TABLET/IPAD		21-40-2180		80.02	73415	12/22/25
								-----		
VERIZON								2622.66		
3313 VISA										
GEN25-593	1	12/31/25		FUEL/BROWN KACM CONFERENCE		11-02-2190		26.00	73449	12/31/25
GEN25-593	2	12/31/25		MEAL/BROWN KACM CONFERENCE		11-02-2190		17.35	73449	12/31/25
GEN25-593	3	12/31/25		MEAL/BROWN KACM CONFERENCE		11-02-2190		16.07	73449	12/31/25
GEN25-593	4	12/31/25		FUEL/BROWN KACM CONFERENCE		11-02-2190		27.65	73449	12/31/25
GEN25-593	5	12/31/25		ROOM/BROWN KACM CONFERENCE		11-02-2190		269.07	73449	12/31/25
GEN25-594	1	12/31/25		FRAME/TAYLOR RETIREMENT		11-04-3120		26.94	73449	12/31/25
GEN25-594	2	12/31/25		WALKING STICK/MYERS COMMISSION		11-02-3120		17.75	73449	12/31/25
GEN25-595	1	12/31/25		PHP RUNNER UPGRADE/XLINESOFT		11-02-3060		249.00	73449	12/31/25
GEN25-596	1	12/31/25		TELEPHONE		11-02-2180		35.22	73449	12/31/25
GEN25-596	2	12/31/25		TELEPHONE		11-03-2180		132.09	73449	12/31/25
GEN25-596	3	12/31/25		TELEPHONE		11-04-2180		8.81	73449	12/31/25
GEN25-596	4	12/31/25		TELEPHONE		11-06-2180		8.79	73449	12/31/25
GEN25-596	5	12/31/25		TELEPHONE		11-09-2180		8.81	73449	12/31/25
GEN25-596	6	12/31/25		TELEPHONE		11-11-2100		26.42	73449	12/31/25
GEN25-596	7	12/31/25		TELEPHONE		11-15-2100		8.81	73449	12/31/25
GEN25-596	8	12/31/25		TELEPHONE		11-17-2180		17.61	73449	12/31/25
GEN25-596	9	12/31/25		TELEPHONE		11-25-2180		26.42	73449	12/31/25
GEN25-596	10	12/31/25		TELEPHONE		15-40-2100		44.03	73449	12/31/25
GEN25-596	11	12/31/25		TELEPHONE		15-42-2100		17.61	73449	12/31/25
GEN25-596	12	12/31/25		TELEPHONE		15-44-2180		52.84	73449	12/31/25

INVOICE NO	LN	DATE	PO NO	REFERENCE	CD	GL ACCOUNT	1099	NET	CHECK	PD DATE
-----										
3313 VISA										
GEN25-596	13	12/31/25		TELEPHONE		21-40-2180		8.81	73449	12/31/25
GEN25-596	14	12/31/25		TELEPHONE		21-42-2100		17.61	73449	12/31/25
GEN25-596	15	12/31/25		TELEPHONE		23-41-2180		8.81	73449	12/31/25
GEN25-597	1	12/31/25		SHOP WITH A COP		38-01-4010		60.00	73449	12/31/25
GEN25-597	2	12/31/25		SHOP WITH A COP		38-01-4010		1449.49	73449	12/31/25
GEN25-597	3	12/31/25		FUEL/MADER K9 TRAINING		25-01-2170		34.07	73449	12/31/25
GEN25-598	1	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		26.00	73449	12/31/25
GEN25-598	2	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		38.00	73449	12/31/25
GEN25-598	3	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		35.35	73449	12/31/25
GEN25-598	4	12/31/25		MEAL/BROWN MOTLEY KLETC		25-01-2170		7.03	73449	12/31/25
GEN25-598	5	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		24.15	73449	12/31/25
GEN25-598	6	12/31/25		MEAL/BROWN KLETC		25-01-2170		13.67	73449	12/31/25
GEN25-598	7	12/31/25		MEAL/MOTLEY KLETC		25-01-2170		14.90	73449	12/31/25
GEN25-598	8	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		24.00	73449	12/31/25
GEN25-598	9	12/31/25		MEAL/BROWN MOTLEY KLETC		25-01-2170		14.90	73449	12/31/25
GEN25-598	10	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		31.01	73449	12/31/25
GEN25-598	11	12/31/25		MEAL/BROWN MOTLEY KLETC		25-01-2170		11.11	73449	12/31/25
GEN25-598	12	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		32.00	73449	12/31/25
GEN25-598	13	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		28.63	73449	12/31/25
GEN25-598	14	12/31/25		MEAL/BROWN MOTLEY KLETC		25-01-2170		14.90	73449	12/31/25
GEN25-598	15	12/31/25		MEAL/BROWN MOTLEY KLETC		25-01-2170		14.90	73449	12/31/25
GEN25-598	16	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		25.58	73449	12/31/25
GEN25-598	17	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		37.00	73449	12/31/25
GEN25-598	18	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		35.64	73449	12/31/25
GEN25-598	19	12/31/25		FUEL/BROWN MOTLEY KLETC		25-01-2170		21.32	73449	12/31/25
GEN25-598	20	12/31/25		MEAL/MOTLEY KLETC		25-01-2170		13.41	73449	12/31/25
GEN25-598	21	12/31/25		MEAL/BROWN KLETC		25-01-2170		12.30	73449	12/31/25
								-----		
VISA								3091.88		
2895 VISION CARE DIRECT ADM.										
PR20251212	1	12/12/25		VISION CARE DIR		11-00-0012	N	194.41	73411	12/19/25
PR20251212	2	12/12/25		VISION CARE DIR		15-00-0012	N	120.62	73411	12/19/25
PR20251212	3	12/12/25		VISION CARE DIR		21-00-0012	N	14.82	73411	12/19/25
								-----		
VISION CARE DIRECT ADM.								329.85		
4171 WI SCTF										
PR20251212	1	12/12/25		WI CHILD SUPPOR		11-00-0012	N	299.07	73412	12/19/25
								-----		
WI SCTF								299.07		
								-----		
***** REPORT TOTAL *****								135822.53		

JRNLR ID/OTHER NUMBER/OTHER REFERENCE/ACCOUNT NUMBERACCOUNT TITLEREFERENCEDEBITCREDITBANK #

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PAYROLL						
07-01-5030	SELF INSUR BCBS STOP LOSS PYMT	STOP LOSS 12/16	837.72-			
07-00-0001	SELF INSUR CASH	STOP LOSS 12/16		837.72-		1
07-01-5030	SELF INSUR BCBS STOP LOSS PYMT	STOP LOSS 12/23	4,527.44			
07-00-0001	SELF INSUR CASH	STOP LOSS 12/23		4,527.44		1
07-01-5030	SELF INSUR BCBS STOP LOSS PYMT	STOP LOSS 12/30	3,900.86			
07-00-0001	SELF INSUR CASH	STOP LOSS 12/30		3,900.86		1
02-01-2150	SALES TX ST IMP PROJ ISS COSTS	WIRE FEE	5.00			
02-00-0001	SALES TX ST IMP PROJ CASH	WIRE FEE		5.00		1
45-01-5040	EMP BENEFIT REMIT TO UNEMP INS	UNEMP GEN	376.35			
45-00-0001	EMP BENEFITS CASH	UNEMP GEN		376.35		1
15-40-1050	ELEC. PROD. INSURANCE	UNEMP ELPR	67.05			
15-00-0001	ELECTRIC CASH	UNEMP ELPR		67.05		1
15-42-1050	ELEC. DIST. INSURANCE	UNEMP ELDI	96.90			
15-00-0001	ELECTRIC CASH	UNEMP ELDI		96.90		1
15-44-1050	ELEC. COMM & GEN INSURANCE	UNEMP ELCG	41.74			
15-00-0001	ELECTRIC CASH	UNEMP ELCG		41.74		1
21-40-1050	WATER PROD. INSURANCE	UNEMP WAPR	12.66			
21-00-0001	WATER CASH	UNEMP WAPR		12.66		1
21-42-1050	WATER DIST. INSURANCE	UNEMP WADI	17.40			
21-00-0001	WATER CASH	UNEMP WADI		17.40		1
23-41-1050	SEWER TREATMENT INSURANCE	UNEMP SETR	12.66			
23-00-0001	SEWER CASH	UNEMP SETR		12.66		1
23-43-1050	SEWER COLL. INSURANCE	UNEMP SECO	17.07			
23-00-0001	SEWER CASH	UNEMP SECO		17.07		1
15-44-2140	ELEC. COMM & GEN PROF. SERV.	CC TRANS	260.81			
15-00-0001	ELECTRIC CASH	CC TRANS		260.81		1
15-00-0010	ELECTRIC A/C PAYABLE	CC	6,772.69			
15-00-0001	ELECTRIC CASH	CC		6,772.69		1
Journal Total :			15,270.91	15,270.91		
Sub Total			15,270.91	15,270.91		
** Report Total **			15,270.91	15,270.91		

FUND	NAME	DEBITS	CREDITS
02	ECONOMIC DEVELOPMENT	5.00	5.00
07	SELF INSURANCE	7,590.58	7,590.58
15	ELECTRIC UTILITY	7,239.19	7,239.19
21	WATER UTILITY	30.06	30.06
23	SEWER UTILITY	29.73	29.73
45	EMPLOYEE BENEFIT	376.35	376.35
TOTALS		15,270.91	15,270.91

\*\* Transactions affected cash may need to be entered in Bank Rec! \*\*

\*\* Review transactions that have a number in the Bank # column. \*\*

ACCOUNT NUMBER	ACCOUNT TITLE	DEBITS	CREDITS	NET
02-00-0001	SALES TX ST IMP PROJ CASH	.00	5.00	5.00-
02-01-2150	SALES TX ST IMP PROJ ISS COSTS	5.00	.00	5.00
07-00-0001	SELF INSUR CASH	.00	7,590.58	7,590.58-
07-01-5030	SELF INSUR BCBS STOP LOSS PYMT	7,590.58	.00	7,590.58
15-00-0001	ELECTRIC CASH	.00	7,239.19	7,239.19-
15-00-0010	ELECTRIC A/C PAYABLE	6,772.69	.00	6,772.69
15-40-1050	ELEC. PROD. INSURANCE	67.05	.00	67.05
15-42-1050	ELEC. DIST. INSURANCE	96.90	.00	96.90
15-44-1050	ELEC. COMM & GEN INSURANCE	41.74	.00	41.74
15-44-2140	ELEC. COMM & GEN PROF. SERV.	260.81	.00	260.81
21-00-0001	WATER CASH	.00	30.06	30.06-
21-40-1050	WATER PROD. INSURANCE	12.66	.00	12.66
21-42-1050	WATER DIST. INSURANCE	17.40	.00	17.40
23-00-0001	SEWER CASH	.00	29.73	29.73-
23-41-1050	SEWER TREATMENT INSURANCE	12.66	.00	12.66
23-43-1050	SEWER COLL. INSURANCE	17.07	.00	17.07
45-00-0001	EMP BENEFITS CASH	.00	376.35	376.35-
45-01-5040	EMP BENEFIT REMIT TO UNEMP INS	376.35	.00	376.35
TRANSACTION TOTALS		15,270.91	15,270.91	.00



PAYROLL REGISTER

ORDINANCE #2026-P01

12/19/2025

<u>DEPARTMENT</u>	<u>GROSS PAY</u>
GENERAL	69,828.76
ELECTRIC	35,511.58
WATER	5,390.68
SEWER	5,640.35
TOTAL	<u>116,371.37</u>

PASSED AND SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR





PAYROLL REGISTER

ORDINANCE #2026-P01A

1/2/2026

<u>DEPARTMENT</u>	<u>GROSS PAY</u>
GENERAL	60,017.99
ELECTRIC	35,297.10
WATER	7,392.39
SEWER	5,253.67
TOTAL	<u>107,961.15</u>

PASSED AND SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



## AGENDA ITEM

### CITY COMMISSION COMMUNICATION FORM

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**FROM: Zach Hildebrand- Building Inspector, Kent Brown – City Manager**

**DATE: 1/5/26**

**ITEM: Ordinance 1813 -- Amendment to Penalties Chapter 4 Section 202  
Building Code**

**NEXT STEP: Commission Motion**

---

☐ ORDINANCE  
☒ MOTION  
☐ INFORMATION

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**I. REQUEST OR ISSUE:** Staff is requesting to amend the text in Chapter 4 Section 202. This is the penalty section for the building code. Last year it was discussed with the Construction Board of Trades and Appeals to add this penalty to the building code. After the adoption of all of the building code other matters came up and this got placed down the priority list. As we are starting the new year this was brought up amongst staff to be brought back up to get adopted. The section will stay the same with a small addition to the code.

**II. BACKGROUND INFORMATION:**

**Current Code -- Sec. 4-202. - Penalties.**

Any person, firm, or corporation violating any provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum of not less than \$50.00 nor more than \$1,000.00 and shall be subject to a sentence in the Sherman County Bastille of not less than five nor more than 30 days or both fine and jail sentence. Each separate day or any portion thereof, during which any violation of this article occurs or continues, shall be deemed to constitute a separate offense.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons found in violation shall be required to correct or remedy such violations or defects within a reasonable time.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 1419, § 2, 8-2-99)

**Proposed Code with amendments -- Sec. 4-202. - Penalties.**

A.) Any person, firm, or corporation violating any provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum of not less than \$50.00 nor more than \$1,000.00 and shall be subject to a sentence in the Sherman County Bastille of not less than five nor more than 30 days or both fine and jail sentence. Each separate



day or any portion thereof, during which any violation of this article occurs or continues, shall be deemed to constitute a separate offense.  
The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.

All persons found in violation shall be required to correct or remedy such violations or defects within a reasonable time.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

B.) A double fee may be assessed for any permit required under this article when work commences prior to the issuance of a building permit.

**III. RECOMMENDED ACTION / NEXT STEP:** I move to adopt ordinance 1813 to amend Chapter 4 Section 202 Penalties to include a double fee for the permit when work commences prior to this issuance of a building permit.



## ORDINANCE NO. 1813

### **AN ORDINANCE AMENDING THE TEXT OF THE BUILDING CODE PENALTIES CHAPTER 4 SECTION 202 TO INCLUDE A PENALTY FOR WORKING COMMENCING WITHOUT A PERMIT FOR THE MUNICIPAL CODE OF THE CITY OF GOODLAND, KANSAS.**

**WHEREAS**, the Governing Body has found it is in the best interest of the City of Goodland to amend the text in Chapter 4 Section 202 of the Municipal Code for the City of Goodland, Kansas

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GOODLAND, KANSAS:**

**SECTION 1.** The City of Goodland Code Chapter 4 Section 202 is hereby amended to read as follows:

Sec. 4-202. - Penalties.

A.) Any person, firm, or corporation violating any provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum of not less than \$50.00 nor more than \$1,000.00 and shall be subject to a sentence in the Sherman County Bastille of not less than five nor more than 30 days or both fine and jail sentence. Each separate day or any portion thereof, during which any violation of this article occurs or continues, shall be deemed to constitute a separate offense.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.

All persons found in violation shall be required to correct or remedy such violations or defects within a reasonable time.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

B.) A double fee may be assessed for any permit required under this article when work commences prior to the issuance of a building permit.

**SECTION 2.** This ordinance shall be in force and take effect after its publication in the Goodland Star News.

**PASSED AND ADOPTED** this 5<sup>th</sup> day of January, 2026, by the Governing Body of the City of Goodland, Kansas.

\_\_\_\_\_  
Jason Showalter, Mayor

ATTEST:

\_\_\_\_\_  
Mary Volk, City Clerk



## 4<sup>th</sup> Quarter

**Duplex**

**Foundation for prefab structure**

**New Dwelling**

**R&R x 6**

**Minisplit**

**Elec. Service Upgrade**

**Hood & Fire Suppression Upgrade**

**Curb Cut**

**Demo**

**TOTAL: \$ 681.00**

## November

Roof Repair

Open Air garage addition

Detached Garage 12' x 24'

Water Service Main Replacement

R&R

26' x 32' dwelling with 30' x 40' attached garage

Siding, windows, doors, insulation, plumbing, electrical, and addition of egress windows

Demo

Sewer Main replacement

**Total: \$1142.75**

## December

Demo House

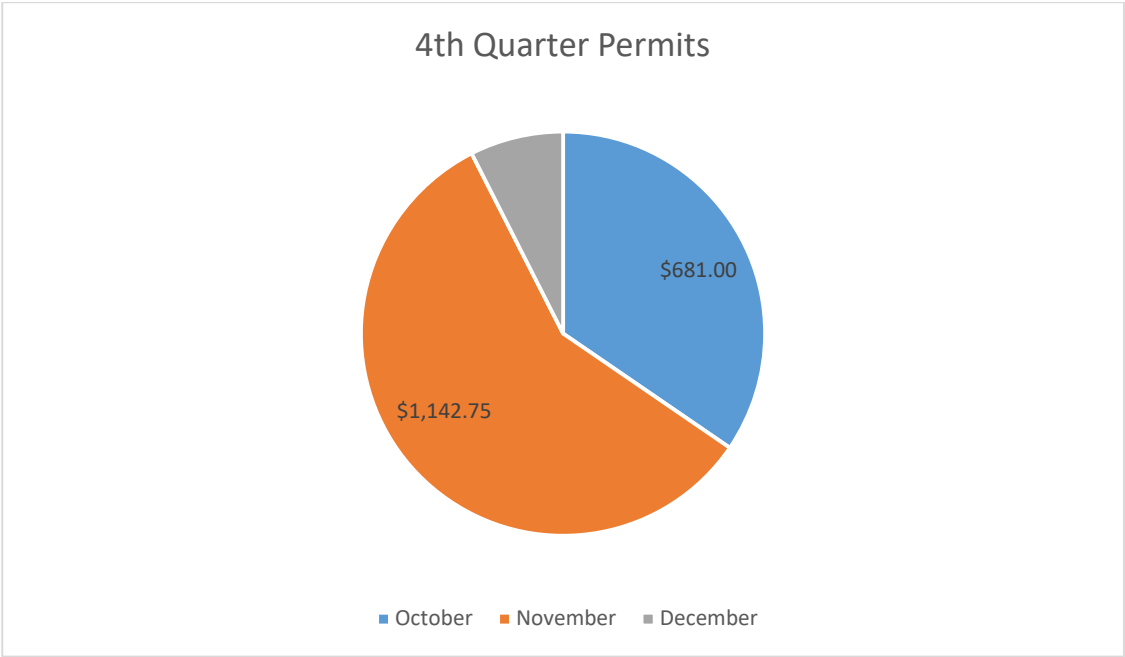
18' x 80' addition



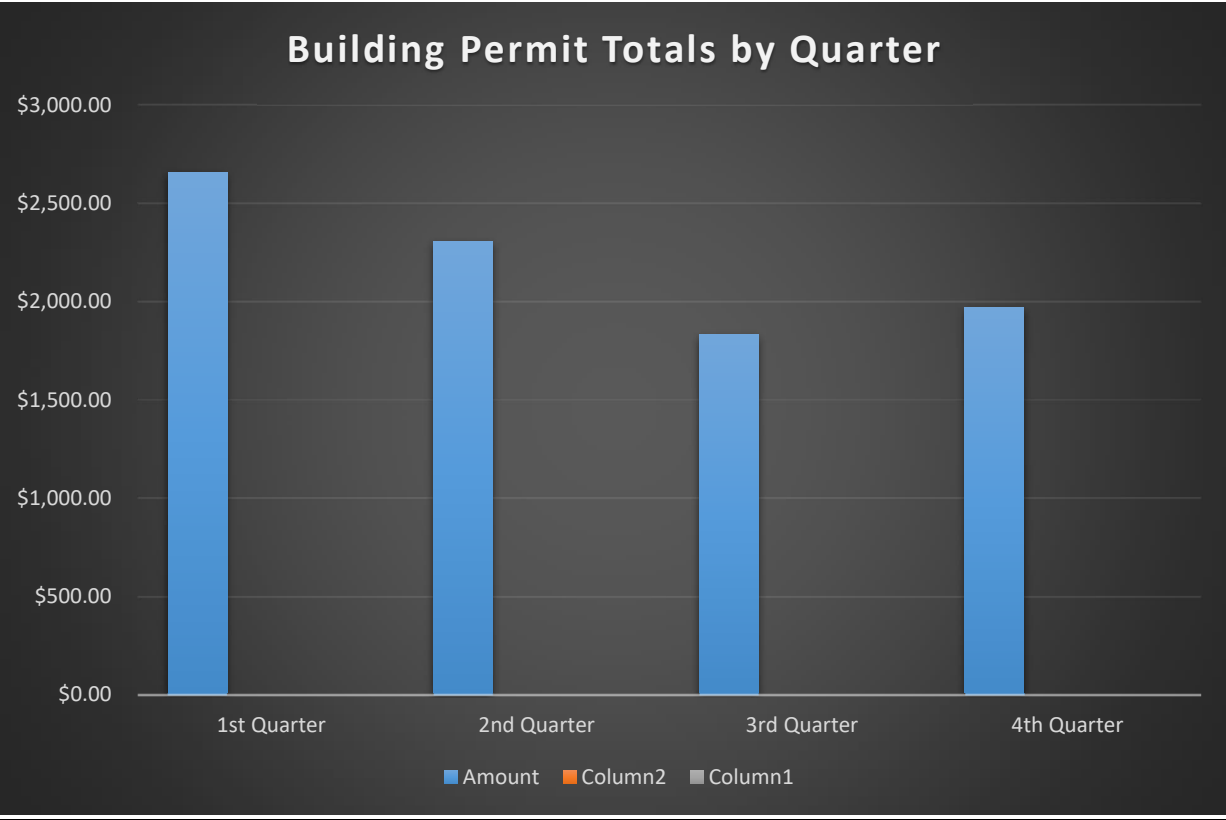
50 x 100' open air structure

Roof, fascia, soffit repair

**Total: \$147.00**









**AGENDA ITEM #**  
**CITY COMMISSION COMMUNICATION FORM**

---

**FROM: Kent Brown, City Manager**

**DATE: 01/05/2026**

**ITEM: Welcome Center Lease Extension**

**NEXT STEP: Council Motion**

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☐ ORDINANCE  
☒ MOTION  
☐ INFORMATION

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**I. REQUEST OR ISSUE:**

Attached is a copy of the Welcome Center lease for renewal. The current lease period ends December 31, 2025 and shall automatically renew for another year term.

**II. RECOMMENDED ACTION / NEXT STEP:**

Staff is seeking to approve the addition one year lease extension.

**III. FISCAL IMPACTS:**

The LESSEE shall pay rent to the LESSOR in the amount of \$1.00 per year for the term of this lease agreement, which is unchanged from previous years.

**IV. BACKGROUND INFORMATION:**

The previous contract commenced on January 1, 2023 and ends December 31, 2023 with automatic annual renewals under the same terms of this agreement, unless otherwise agreed upon by both parties in writing.

**V. LEGAL ISSUE**

None

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None.

**VII. SUMMARY AND ALTERNATIVES:**

Council may take one of the following actions:

1. Approve the proposal as requested.
2. Reject the proposal and move to deny the request.
3. Direct staff to pursue an alternative approach.

**WELCOME CENTER LEASE  
CITY OF GOODLAND, KANSAS**

This lease, made and entered into shall be effective as of the 3<sup>rd</sup> day of January, 2022, between the City of Goodland, Kansas, a Municipal Corporation, hereinafter referred to as **LESSOR**, and Sherman County Community Development, Goodland, Kansas, hereinafter referred to as **LESSEE**.

**WHEREAS**, the **LESSOR** now owns the Goodland Welcome Center, located at 524 E. Hwy 24, Goodland, Kansas 67735; and

**WHEREAS**, the **LESSEE** has requested that the **LESSOR** lease to it the Goodland Welcome Center for the purpose of promoting and facilitating community economic development efforts; and

**WHEREAS**, the **LESSOR** finds that it would be to the best interest of the community to lease said property to **LESSEE** for the purpose above stated.

**NOW, THEREFORE**, in consideration of the covenants hereinafter set out the parties agree as follows:

The **LESSOR** hereby leases to the above named **LESSEE** the Goodland Welcome Center, located at 524 E. Hwy. 24, Goodland, Kansas 67735.

**RENTAL RATE AND TERM**

This lease agreement shall be for one year with automatic annual renewals under the same terms of this agreement, unless otherwise agreed upon by both parties in writing.

The **LESSEE** shall pay rent to the **LESSOR** in the amount of \$1.00 per year for the term of this lease agreement and continue each year the lease remains in effect. The yearly rental shall begin on the 1<sup>st</sup> day of January, 2022, and be due to be paid to **LESSOR** by January 1 of each year this lease remains in effect.

**LESSEE** shall not have the right to sublease any of the property herein without the prior written approval of **LESSOR**.

**LESSEE** further agrees to the following covenants:

**UTILITIES**

**LESSOR** agrees that **LESSEE** shall not be charged for or pay city utilities, specifically being electricity, water, sewer and solid waste. It shall be the sole responsibility of the **LESSEE** to pay for any other utilities used or consumed by the **LESSEE**, including those provided by Black Hills Energy.

### **BUILDING MAINTINANCE AND IMPROVEMENTS**

**LESSOR** shall be responsible for all general maintenance of the Welcome Center's interior and fixtures on the leased premises at the time of entering into this lease agreement. **LESSOR** shall be responsible for all exterior maintenance.

**LESSEE** shall not make any structural or cosmetic changes to the leased premises without prior approval by **LESSOR**.

At the end of the Lease period, as hereinbefore set out, the said **LESSEE** shall have the right to remove all improvements placed upon the premises by **LESSEE**, and in the event of such removal, **LESSEE** agrees and covenants that it will replace the premises in a like condition as when the premises were taken.

**LESSEE** agrees to admit the City Building Inspector and /or Fire Chief during reasonable hours of operation and to comply with City fire regulations and other reasonable safety regulations.

### **STRICT COMPLIANCE WITH LAWS**

**LESSEE** agrees to observe and obey, during the term of this lease agreement, any and all laws, ordinances, rules and regulations which have been or may be enacted or promulgated by the United States, State of Kansas, City of Goodland, the Goodland City manager, or any other governmental agency or entity having jurisdiction over the Goodland Welcome Center.

### **INSURANCE**

**LESSEE** may purchase at its own and sole expense and maintain during the term of this agreement and at all times that it is in possession of or has control over any part of **LESSOR'S** premises, an insurance policy to cover **LESSEE'S** personal property, supplies, inventory and contents in the event of loss or damage to the property.

### **TERMINATION AND BREACH**

**LESSEE** shall have the right to terminate this lease agreement by providing **LESSOR** with thirty (30) days written notice of the intent to terminate.

**LESSOR** shall have the right to terminate this lease in the event of any breach of this lease agreement and its terms by providing **LESSEE** with notice of the breach, in writing, and allowing **LESSEE** fifteen (15) days to correct said breach. If **LESSEE** fails to correct the breach within the fifteen (15) days, then **LESSOR** shall have the right to terminate this lease agreement within fifteen (15) days following the failure to correct said breach.

All written correspondence and notices shall be sent to the parties as follows:



LESSOR:

**City of Goodland**

Attn: Kent Brown

204 W. 11<sup>th</sup> Street

Goodland, KS 67735

LESSEE:

**Sherman County Community  
Development**

Attn: President of the Board

524 E. Hwy 24

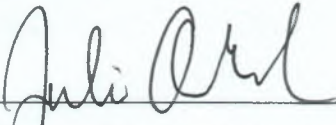
Goodland, KS 67735

**MISCELLANEOUS**

**LESSEE** shall have the rights and possession of all promotional production located at the Goodland Welcome Center. No personal property shall be stored outside the buildings located on the real property, which is the subject matter of this lease.

3<sup>rd</sup> ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR this  
day of January, 2022.

ATTEST:

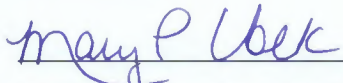
  
\_\_\_\_\_  
**LESSEE:** Sherman County Community  
Development,

By: Julica Oharah, Executive Director

  
\_\_\_\_\_  
**LESSOR:** City of Goodland

Aaron Thompson, Mayor

ATTEST:

  
\_\_\_\_\_  
Mary P. Volk, City Clerk



# VETERANS CONNECTION TOUR- LISTEN AND SHARE

With Kansas Office of Veterans Services

**Oakley, Kansas**  
**VFW Post 2981, 317 Center Avenue**  
**Oakley, Kansas**

**January 20, 2026**  
**1:00pm**

**\*SHARE THE NEEDS OF VETERANS IN  
NW KANSAS**

**\*LEARN ABOUT  
VETERANS SERVICES  
VETERANS LONG TERM CARE HOMES  
VETERANS CEMETERIES**

**\*ON SITE:  
MOBILE VETERANS SERVICES UNIT  
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For information, contact  
785.940.1221/michelle.sweeney@ks.gov



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## **Kansas Open Meetings Act (KOMA) Guidelines**

**Revision Date: January 29, 2017**

### **I. PURPOSE AND CONSTRUCTION**

#### **A. Public Policy.**

1. It is the public policy of Kansas that meetings be open to the public because “a representative government is dependent upon an informed electorate. . . .” K.S.A. 2016 Supp. 75-4317.

#### **B. KOMA is interpreted liberally and exceptions narrowly construed to carry out the public purpose of the law. *State ex rel. Murray v. Palmgren*, 231 Kan. 524, Syl. ¶ 4 (1982) (KOMA enacted for the public benefit and therefore is construed broadly in favor of the public to give effect to its specific purpose).**

### **II. BODIES SUBJECT TO KOMA**

#### **A. Two concurrent requirements found K.S.A. 2016 Supp. 75-4318:**

1. All legislative and administrative bodies, and agencies of the state, and political and taxing subdivisions thereof
2. Which receive or expend and are supported in whole or in part by public funds.

#### **B. Specific Bodies Subject to KOMA:**

1. Political and taxing subdivisions include:
  - a. Cities, counties, townships. AGO 81-288.
  - b. School districts, community colleges. AGO 81-258.
  - c. Watershed districts. AGO 85-161.
  - d. Rural water districts. AGO 89-92; 88-97.
  - e. Drainage districts. AGO 90-69.
  - f. Local historic preservation committees administering K.S.A. 75-2724. AGO 99-22.
2. State agencies and boards, unless otherwise provided. AGO 86-176.

C. Subordinate Groups Subject to KOMA.

1. All subordinate groups, such as boards, commissions, authorities, councils, committees, subcommittees are covered by act if:
  - a. The parent or controlling body meets funding test (*State ex rel., Murray v. Palmgren*, 231 Kan. 524 (1982), and
  - b. Appointed by parent body to weigh options, discuss options, present recommendations or a plan of action.
  - c. It is the nature of the group, not its designation, which determines if it is subject to KOMA. AGO 86-92; *see also* AGOs 86-38; 80-201; 77-53; 76-140; 76-122; 73-235.
  - d. Examples of subordinate groups:
    - 1) School District Advisory Board. AGO 84-81.
    - 2) Fire District Advisory Board. AGO 86-84.
    - 3) Mayor's Commission. AGO 88-25.
    - 4) Appointed grievance committees created by a city to hear employee grievances. AGO 91-31.
    - 5) SRS Drug Utilization Review Board. AGO 93-41.
    - 6) Parental boards under Recreation Commission. AGO 93-73.
    - 7) House and senate conference committees. AGO 93-113.
2. Joint boards subject to KOMA if boards composed of members of different governmental bodies and:
  - a. Appointed by official action, AGO 86-48; or
  - b. Majority of a public body is present. *See also* AGO 84-103 (discussing joint boards under prior law) and 91-150 (discussing presence of public body on joint board under prior law).
3. Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public. K.S.A. 2016 Supp. 75-4318(a).

D. Non-profit corporations may be subject to KOMA if the non-profit:

1. Receives or expends public funds;
2. Is subject to control of governmental unit(s); and
3. Acts as a governmental agency in providing services or has independent authority to make governmental decisions.
4. Examples of nonprofit corporations subject to KOMA:
  - a. Area agencies on aging. AGO 79-219.
  - b. Economic Opportunity Foundation, Inc. AGO 84-10.
  - c. McPherson Co. Diversified Services, Inc. AGO 79-284.
  - d. Three Rivers, Inc. AGO 87-143.
  - e. Cowley County Diversified Services. AGO 87-188.
  - f. HELP, Inc. AGO 88-27.
  - g. Southwest Developmental Services, Inc. AGO 94-111.
5. Examples of nonprofit corporations not subject to KOMA:
  - a. Private nursing homes. AGO 79-221.
  - b. KU and WSU Endowment Associations. AGO 82-172; 80-239.
  - c. Planned Parenthood. AGO 81-253.
  - d. Hutchinson Cosmosphere. AGO 82-256.
  - e. Electric Cooperatives. AGO 85-175; *see also Memorial Hospital v. Knutson*, 239 Kan. 663 (1986) (nonprofit operating a county hospital not subject to KOMA; association leased hospital for \$1.00 per year and received \$228,000 from the county mill levy budgeted by county hospital board of trustees, about 4.8% of total revenues; court held this was a limited receipt of public funds)
  - f. Parsons Chamber of Commerce. AGO 89-149.
  - g. K-10 Corridor Development, Inc. AGO 94-42.
  - h. Koch Commission. AGO 94-55.

- i. Kansas Venture Capital, Inc. AGO 94-107.
- j. Mid-America Commercialization, Inc. AGO 94-99.
- k. Consensus Estimating Group – with staff from state agencies. AGO 94-93.
- l. Prairie Village Economic Development Commission. AGO 99-64.
- m. Hesston Area Senior Center. AGO 2001-02.
- n. Sheltered Living, Inc. AGO 2004-34.
- o. KSU Student Senate. AGO 77-174.

E. Bodies and meetings not subject to KOMA:

- 1. Governor-elect transition office (GETO) and Budget Efficiency Savings Team (BEST). *Associated Press v. Sebelius*, 31 K.A.2d 1107 (2003) (entities not subject to KOMA; not created by statute and no authority to act).
- 2. Staff meetings.
- 3. Judicial agencies and bodies. AGO 82-254 (concerning Supreme Court nominating commission).
- 4. Administrative bodies exercising quasi-judicial functions when the body is deliberating matters relating to a decision involving quasi-judicial functions – K.S.A. 2016 Supp. 75-4318(g)(1).
  - a. Examples:
    - 1) Zoning boards. AGO 78-13.
    - 2) City grievance panels. AGO 91-31.
    - 3) Hearing panels. AGO 97-40.
  - b. Only quasi-judicial deliberations may be closed—binding action must be in open meeting. AGOs 91-31; 84-50; 79-225.
  - c. KAPA hearings (K.S.A. 77-501 *et seq.*) are not deemed meetings as defined in KOMA. *See* K.S.A. 2016 Supp. 77-523(f); *see also* K.S.A. 2016 Supp. 75-4318(g); AGO 2014-07 (KAPA only applies to the extent a board's statutes expressly provide that proceedings under

those statutes are governed by KAPA; if KAPA does not apply, then actions of an investigations committee of a state licensing board must be held in accordance with KOMA).

5. Private Organizations.
  - a. Examples:
    - 1) Private/parochial schools. AGO 81-94.
    - 2) Nursing homes. AGO 79-221.
6. Precinct committees. AGO 94-157.
7. Meetings of legislature, if house or senate rules so provide. K.S.A. 2016 Supp. 75-4318(g)(4).
8. Hospital board discussions regarding risk management and peer review exempted from open meeting discussion. AGO 89-42.
9. Prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution. K.S.A. 2016 Supp. 75-4318(g)(2).

### **III. MEETING**

KOMA only applies when a body subject to the act holds a meeting as defined by law.

- A. “Meeting” defined by K.S.A. 2016 Supp. 75-4317a:
  1. Any gathering or assembly, in person or through the use of a telephone or any other medium for interactive communication,
  2. By a majority of the membership of a public body or agency,
  3. For the purpose of discussing the business or affairs of the public body or agency.
- B. Gathering or Assembly, in Person or Through the Use of a Telephone or other Medium for Interactive Communication.
  1. May conduct meetings by telephone or other medium for interactive communication (video, third parties, Skype, etc.) if do so in compliance with all KOMA requirements, *e.g.*, notice, free access, etc. AGOs 2011-23; 2005-03; 81-268; 80-173; 80-159.
  2. Informal discussions before, after, or during recesses of a public meeting are

subject to KOMA. *Coggins v. Public Employee Relations Board*, 2 K.A.2d 416, 423, *rev. denied* 225 Kan. 843 (1978).

3. Title of the gathering, *e.g.* work session, is irrelevant if the three requirements of a meeting are met. AGO 90-47; 80-197.
4. “Serial communications” or interactive communications outside of a noticed meeting. K.S.A. 2016 Supp. 75-4318(f).
  - a. Interactive communications in a series or “serial communications” may constitute a meeting subject to KOMA and shall be open if they:
    - 1) Collectively involve a majority of the membership of the public body or agency,
    - 2) Share a common topic of discussion concerning the business or affairs of the public body or agency, and
    - 3) Are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the public body or agency.
  - b. Whether a series of communications constitutes a violation is very fact specific. AGO 2009-22 (no interactive communication where nonmember communicates with a majority of body or agency board and member responds as well as shares response with other members; possibility exists for KOMA violation if there is further interactive communication).

C. Majority of the Membership of the Body.

1. “A majority” means the next whole number greater than one-half the total number of members. AGOs 2002-41; 93-140; 87-152; 87-132; 87-45; 86-110; and 83-174.

D. For the Purpose of Discussing the Business or Affairs of the Body.

1. Binding action or voting is not necessary; discussion is what triggers KOMA. AGO 79-200 (setting out general “common sense guidelines” under prior law).
2. “Meeting” includes all gatherings at all stages of the decision making process. *Coggins v. Public Employees Relations Board*, 2 K.A.2d 416, 423, *rev. denied* 225 Kan. 843 (1978).
3. Social gatherings are not necessarily subject to KOMA; if there is no discussion of the business of the body, one element of a meeting is absent.

4. Retreats and meetings held in private clubs are probably prohibited, especially if site makes it impossible for public to attend without cost. AGOs 82-133 (discussing meeting proposed to be held in Colorado); 80-148.
5. Members attending an educational conference/seminar where items of general interest are discussed (such as a convention of League of Municipalities) are not in violation of the KOMA, as long as the specific business of a body is not discussed. AGO 82-133.
  - a. Opinion focused on the fact that seminars sponsored by the League are open to attendance by the press and public, and are held within Kansas state borders, “thus enhancing its accessibility to the citizens of various Kansas municipalities whose officials are in attendance.”
  - b. CAVEAT: a majority of a public body using such gatherings to discuss the business and affairs of the body among themselves “subverts the purposes of the [KOMA] and must be regarded as a violation. . . .” AGO 82-133.
  - c. When traveling to, attending or returning from such gatherings, advise the members of public bodies to avoid discussing the business or affairs of the body amongst themselves. AGO 82-133.
6. Marriage between two members of a five member city council of a third class city does not violate KOMA, but they should not discuss city business outside open meeting. *See* AGO 87-45 (discussing definition of meeting under prior law which required a majority of a quorum).

#### IV. NOTICE OF MEETINGS

Contrary to popular belief, KOMA does not actually require notice of meetings to be published in advance of the meeting in a paper, on the Internet, etc.

- A. Must request notice of meetings before the public body or agency is required to provide it. K.S.A. 2016 Supp. 75-4318(b). Notice shall be furnished to any person or organization requesting it. AGO 86-133.
  1. Residence of the requester is irrelevant. AGO 81-137.
  2. Notice request expires at the end of the fiscal year; request must be renewed.
    - a. Must first notify of expiration before terminating notice. K.S.A. 2016 Supp. 75-4318(b)(3).
  3. Presiding officer has duty to provide notice, but that duty may be delegated.

K.S.A. 2016 Supp. 75-4318(c).

B. Form of Request and Notice.

1. Oral request is valid; prosecution is difficult if request for notice is not honored. AGOs 86-133; 81-22; 81-15.
2. Notice given can be written or oral, but must be made individually to the person requesting it. Posting or publication in newspaper is insufficient.
3. A single notice can suffice for regularly scheduled meetings; must notify the requester of any special meetings. AGO 83-173.
4. Cannot charge a fee for providing notice. AGOs 82-141; 81-137.
5. If notice requested by petition, petition shall designate one person to receive notice on behalf of all persons named in petition; notice to designee constitutes notice to all persons named in petition. K.S.A. 2016 Supp. 75-4318(b)(1); AGO 86-133.
6. If notice is furnished to an executive officer of an employees' organization or trade association, that notice shall be deemed to have been furnished to the entire membership of the organization or association. K.S.A. 2016 Supp. 75-4318(b)(2).
7. No time limit is imposed for receipt of notice prior to meeting. Notice must be given in a "reasonable time." Reasonableness depends on the circumstances. AGO 81-15.
8. To establish a violation for failure to provide notice of a meeting there must have been a prior request for notice. A pattern of providing courtesy notice does not create a duty to provide it.
9. Content of notice – must provide the date, time and location of the meeting. K.S.A. 2016 Supp. 75-4318(b).

C. Agendas.

1. KOMA does not require that an agenda be created.
  - a. If a body chooses to create an agenda, the agenda must include topics planned for discussion if known at the time the agenda is prepared. *Stevens v. City of Hutchinson*, 11 K.A.2d 290, 293 (1986).
  - b. Agenda may be amended during a meeting unless there is a statute or rule prohibiting amendment. *USD 407 v. Fiske*, 232 Kan. 820 (1983).



2. If agenda exists, it shall be made available to any person requesting it prior to the meeting. K.S.A. 2016 Supp. 75-4318(d); AGO 78-281.
  - a. Agenda not required to be mailed out; can simply be provided by placing the agendas in a public place. AGOs 86-133; 81-15; 79-218.
3. Mandamus proper remedy for board of county commissioners' alleged KOMA violations for failing to include planned discussion topic on agenda for meeting. *Klein v. Johnson County Bd. of County Comm'rs*, 77 P.3d 1009, Syl. ¶ 1 (Court of Appeals, 2003) (unpublished opinion).

D. Minutes.

1. KOMA does not require minutes except to record motions for executive sessions. AGO 90-47.
  - a. CAVEAT: Local bylaws, ordinances, or policies may require meeting minutes be kept.
2. Not required to disclose publicly draft of minutes before vote to approve such minutes unless draft publicly cited or identified in an open meeting or in the agenda of an open meeting; once cited or identified, draft minutes open. AGO 2013-5.

## V. CONDUCT OF OPEN MEETINGS

- A. All meetings by public bodies and agencies subject to KOMA are required to be open. K.S.A. 2016 Supp. 75-4318(a).
- B. Public attendance and observation only.
  1. Any person may attend open meetings. AGO 80-43.
  2. KOMA does not require that the public be allowed to speak or to have an item placed on the agenda; "right" is to attend and listen. AGO 2005-03.
    - a. Check local ordinances and policies; these may provide for a public comment portion of the meeting.
    - b. K.S.A. 2016 Supp. 21-6203(a)(2), Disorderly conduct, prohibits "disturbing an assembly, meeting or procession, not unlawful in its character"; violation is a class C misdemeanor.
- C. Recording meetings.

- a. Use of cameras, photographic lights and recording devices not prohibited in open meeting. K.S.A. 2016 Supp. 75-4318(e).
  - 1. Use subject to reasonable rules designed to insure the orderly conduct of the meeting.
- D. Action.
  - 1. Binding action by public body must be conducted in the open; secret ballots not allowed. K.S.A. 2016 Supp. 75-4318(a).
    - a. The public must be able to ascertain how each member voted. AGOs 93-55; 86-176; 81-106; 79-167.
- E. Meeting location.
  - 1. KOMA does not dictate the location of the meeting, the size of the room, or other accommodation type considerations. Key to openness is whether location is accessible to the public. *Stevens v. City of Hutchinson*, 11 Kan. App. 2d 292, 293 (1986). AGOs 2011-23; 86-153; 82-133; 80-148; 79-253.

## VI. EXECUTIVE SESSIONS

- A. Generally.
  - 1. Public body and agencies must convene an open meeting before it can recess into executive session. K.S.A. 2016 Supp. 75-4319(a); AGO 81-22.
  - 2. “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. K.S.A. 2016 Supp. 75-4319(c); AGO 91-31.
    - a. May reach a consensus in executive session. *O’Hair v. USD No. 300*, 15 K.A.2d 52, Syl. ¶ 10 (1991).
    - b. A “consensus” may constitute binding action and violate KOMA if a body fails to follow up with a formal open vote on a decision that would normally require a vote. *City of Topeka v. Watertower Place Development Group*, 265 Kan. 148 (1998).
  - 3. Decision to hold executive session is discretionary.
    - a. KOMA never requires an executive session. *See* K.S.A. 2016 Supp. 75-4319(a) (public bodies and agencies subject to the act “may recess”).
    - b. Other laws or policies concerning privacy or confidentiality need to be

considered when deciding on the need for executive session.

B. Recessing into executive session.

1. Procedure – K.S.A. 2016 Supp. 75-4319(a) requires specific steps to be taken to recess into an executive session.
  - a. Must be a formal motion, seconded, carried, and recorded in the minutes.
  - b. Three statutory elements to proper motion:
    - 1) Justification for closure,
    - 2) Subject(s) to be discussed, and
    - 3) Time and place the open meeting will resume.
2. The justification and the subject are not the same thing. AGOs 91-78; 86-33; *but see State v. USD 305*, 13 K.A.2d 117 (1988) (privacy rights of non-elected personnel sufficient justification for executive session under KOMA)
  - a. The justification is an explanation of what is to be discussed (without revealing confidential information.)
  - b. The subject is one of the topics allowed for executive session listed in K.S.A. 2016 Supp. 75-4319(b)(1) through (16).
3. Sample Motion:

“Madam Chairman, I move we recess into executive session to discuss disciplinary action against a student in order to protect the privacy of the parties involved. We will reconvene the open meeting in the conference room at 8:30 p.m.”
4. Executive session motions must be recorded in minutes. K.S.A. 2016 Supp. 75-4319(a).
  - a. KOMA does not require other information discussed during the executive session to be recorded. Other minutes for open or executive sessions are discretionary, unless some other law requires them. AGO 90-47.
  - b. Minutes must be maintained as a part of the permanent records of the agency or body. K.S.A. 2016 Supp. 75-4319(a).

5. Motion to go into executive session assures the public that the executive session is permissible and in the public interest; may also remind the members of the public body of the limitations upon and purpose served by the executive session discussion. AGO 91-78.

C. Examples of subjects that may be discussed in an executive session:

1. Personnel matters of non-elected personnel. K.S.A. 2016 Supp. 75-4319(b)(1).
  - a. Must be to discuss an individual, not groups. AGO 88-25; 81-39; 80-102; *but see State of Kansas v. USD 305 et al.*, 13 K.A.2d 117 (1988) (discussion of exempt and nonexempt topics in executive session; separation burdensome and impractical, if not impossible).
  - b. Must be to discuss personnel, not policy matters. AGO 2009-21 (employee evaluation may take place in executive session; employee's implementation of policy or directive may be discussed, but not policy or directive itself).
  - c. Purpose of exception is to protect the privacy interests of employees, save personal reputations, and encourage qualified people to remain in government employ. *State of Kansas v. USD 305*, 13 K.A.2d at 119.
  - d. Discussions of consolidation of departments or overall salary structure are not proper topics for discussion under this exception.
  - e. "Personnel" refers to employees of the public agency. AGO 87-10.
    - 1) "Personnel" does not include appointments to boards or committees. AGO 87-10.
    - 2) "Personnel" does not include independent contractors. AGO 2002-28; 87-169.
    - 3) "Personnel" does not include public officers such as workers compensation administrative law judges, workers compensation appeals board members and employment security board of review members. AGO 16-3.
    - 4) KOMA does not give employee a right to be present in the executive session or to force an open session. Other laws or contracts may, however.
    - 5) Exception may be used to discuss applicants for employment. AGO 96-61.

2. Consultation with the public body's attorney that would be deemed privileged in the attorney-client relationship. K.S.A. 2016 Supp. 75-4319(b)(2); *see also* K.S.A. 60-426 (Lawyer-client privilege); *Pickering v. Hollabaugh*, 194 Kan. 804 (1965).
  - a. All elements of attorney-client privilege must be present:
    - 1) The body's attorney must be present,
    - 2) The communication must be privileged, and
    - 3) No other third parties may be present. AGO 92-56; 82-247; 82-176; 82-130; 78-303.
  - b. Cannot be used to discuss letter received from attorney if the attorney is not present. AGO 86-162.
  - c. Closed executive session statements of city commission not subject to attorney/client privilege; held discoverable. *Hinsdale v. City of Liberal*, 981 F.Supp. 1378, 1378 (1997).
3. Employer-employee negotiations. K.S.A. 2016 Supp. 75-4319(b)(3).
  - a. May meet in executive session to discuss conduct or status of negotiations, with or without the authorized representative who is actually doing the bargaining. K.S.A. 2016 Supp. 4319(b)(3); AGO 79-125.
  - b. Cannot use this exception to meet with employees. AGO 80-43.
  - c. School boards have special rules for professional negotiations. *See* K.S.A. 72-5423(c); AGO 92-51.
4. Confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorship. K.S.A. 2016 Supp. 75-4319(b)(4).
  - a. Economic development groups. AGO 88-148.
  - b. Must be for data that is truly confidential in nature. *See* K.S.A. 60-3320(4); *Southwestern Bell Telephone Co. v. KCC*, 6 K.A.2d 444, 457 (1980), *rev. den.* 230 Kan. 819 (1981); *All West Pet Supply v. Hill's Pet Products*, 840 F.Supp. 1433, 1437 (Kan. 1993).
  - c. Kansas Bioscience Authority has special rules on executive sessions to discuss or consider marketing or operational strategies; may also use

any other exception found in K.S.A. 2016 Supp. 75-4317 *et seq.* See K.S.A. 2016 Supp. 74-99b07(c); AGO 2011-23.

5. Matters affecting a student, patient, or resident of public institutions. K.S.A. 2016 Supp. 75-4319(b)(5).
  - a. Must concern a particular person, not students, patients or residents in general.
    - 1) General discussion of quality of care and staffing at county hospital not allowed in executive session. AGO 2008-22; *see also* AGO 89-22 (discussing hospital peer review and risk management reports).
  - b. Hearing must be open if requested by person involved.
  - c. Inmates are residents of institutions. AGO 80-102.
6. Preliminary discussions relating to acquisition of real property. K.S.A. 2016 Supp. 75-4319(b)(6).
  - a. Acquisition only, not sale of property, which must be discussed in open meeting. AGO 87-91.
  - b. This exception can be used only when the primary focus of the discussion is real property; negotiating strategy alone is insufficient. AGO 89-92.
7. Security measures, if open discussion would jeopardize security. K.S.A. 2016 Supp. 75-4319(b)(13).
  - a. “Security measures” are 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. They include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments. K.S.A. 2016 Supp. 75-4319(b)(13).
  - b. Any confidential records or information concerning security measures discussed in executive session are exempt from subpoena, discovery or other action. K.S.A. 2016 Supp. 45-221(g).
8. Other subjects may be discussed in closed or executive meeting pursuant to specific statutes. *See, e.g.*, K.S.A. 2016 Supp. 75-4319(b)(7) [racing and gaming]; (b)(8) [abuse and neglect]; (b)(9) [child death review board]; (b)(11) [Medicaid]

drug utilization board] (b)(12) [tribal-state gaming compacts]; (b)(14) (records on matters related to child care facilities or maternity centers); (b)(15) [KHPA and inspector general discussion of investigations and audits).

D. Attendance at executive session—who can be present?

1. Only the members of a public body have the right to attend executive session. AGO 87-170 (county clerk does not have right to attend); 86-143 (members of advisory boards do not have right to attend).
  - a. Mere observers may not attend. Inclusion of general observers means the meeting should be open to all members of the public. AGO 92-56; 86-143; 82-176.
  - b. Persons who aid the public body in their discussions may be admitted to the executive session. AGO 91-31; 82-176; 80-43.
2. CAVEAT: Non-clients cannot attend executive sessions for attorney-client privileged communication. AGO 82-247.

## VII. INVESTIGATIVE AUTHORITY

A. Filing a complaint. K.S.A. 2016 Supp. 75-4320e(a).

1. Any complaint submitted to the attorney general must be on a form approved by the attorney general. The person submitting the complaint must attest to the facts under penalty of perjury. The form is located on the Office of the Attorney General website at [www.ksag.org](http://www.ksag.org).
2. Each county/district attorney establishes a procedure for filing a complaint.

B. Attorney general and county/district attorney may:

1. Subpoena witnesses, evidence, records, documents or other material;
2. Take testimony under oath;
3. Examine or cause to be examined any records or other materials relevant to the alleged KOMA violations;
4. Require attendance and take testimony under oath concerning the records or other materials;
5. Serve interrogatories; and
6. Administer oaths and affirmations.

K.S.A. 2016 Supp. 75-4320b.

- B. Enforcement of Investigative Demands and Subpoena – K.S.A. 2016 Supp. 75-4320b.
1. If any person willfully fails or refuses to file a response to an investigative demand or refuses to obey a subpoena, the attorney general or the county/district attorney may apply to the district court to enforce the investigative demand or subpoena.
  2. The attorney general or county/district attorney must first give notice to the person before applying to the district court.
  3. After a hearing, the district court may:
    - a. Issue an order requiring a response or
    - b. Grant other relief as required until the person responds to the investigative demands or obeys the subpoena.

### **VIII. GRADUATED ENFORCEMENT OPTIONS**

- A. Any member of a public body or agency who “knowingly” violates KOMA provisions or who intentionally fails to provide information required by K.S.A. 2016 Supp. 75-4318(b) (notice), shall be liable for payment of a civil penalty in a sum not to exceed \$500 for each violation. *See* K.S.A. 2016 Supp. 75-4320(a).
1. No requirement of specific intent to violate the law. “Knowing” violation occurs when there is purposeful commission of the prohibited acts. (*Palmgren*, 231 Kan. 524, Syl. § 10 and at 536-37).
  2. The KOMA is a civil statute – not a criminal statute.
- B. Consent Judgment. K.S.A. 2016 Supp. 75-4320f.
1. The attorney general or a county/district attorney may accept a consent judgment instead of filing an enforcement action pursuant to K.S.A. 2016 Supp. 75-4320a.
  2. May include any remedy available to the district court but shall not include an award of reasonable expenses, investigation costs or attorney fees.
  3. The district court must approve the consent judgment and enter judgment before the consent judgment is effective.



4. A breach of the consent judgment is a violation of a court order and shall be subject to penalties as provided by law.

C. Consent Order. K.S.A. 2016 Supp. 75-4320d.

1. When the attorney general determines by a preponderance of the evidence after an investigation that a public body or agency has violated the KOMA, the attorney general may enter into a consent order instead of filing an enforcement action pursuant to K.S.A. 2016 Supp. 75-4320a.
2. A consent order may:
  - a. Contain admissions of fact;
  - b. Require completion of attorney general approved training;
  - c. Impose a civil penalty of up to \$250 per person for each violation;
  - d. Set forth an agreement to comply with the KOMA: and
  - e. Require submission of proof that the requirements of the consent order have been satisfied.
3. Signature. Consent order shall be signed by:
  - a. The head of the public body or agency;
  - b. Any officer found to have violated the KOMA; and
  - c. By any other person required by the attorney general.

D. Finding of Violation. K.S.A. 2016 Supp. 75-4320d.

1. When the attorney general determines by a preponderance of the evidence after an investigation that a public body or agency has violated the KOMA, the attorney general may issue a finding of violation instead of filing an enforcement action pursuant to K.S.A. 2016 Supp. 75-4320a.
2. A finding of violation may:
  - a. Contain findings of fact and conclusions of law;
  - b. Require the public body or agency to cease and desist from further violations of the KOMA;
  - c. Require completion of attorney general approved training;

- d. Impose a civil penalty of up to \$500 per person for each violation;
  - e. Require compliance with the KOMA; and
  - f. Require submission of proof that the requirements of the consent order have been satisfied.
- E. District Court Enforcement of Consent Order or Finding of Violation. K.S.A. 2016 Supp. 75-4320d.
  - 1. The attorney general may apply to the district court to enforce a consent order or a finding of violation. Before doing so, the attorney general shall make a demand of the public body or agency to comply with the consent order or finding of violation, and provide a reasonable opportunity to cure the violation.
  - 2. Venue. The action must be filed in the district court of the county where the consent order or finding of violation is issued or effective.
  - 3. District court order. If the district court finds that the attorney general did not abuse the attorney general's discretion in entering into the consent order or issuing the finding of violation, the district court shall enter an order that:
    - a. Enjoins the public body or agency to comply with the consent order or finding of violation;
    - b. Imposes a civil penalty not less than the attorney general imposed and not more than \$500;
    - c. Requires the public body or agency to pay the attorney general's court costs and costs incurred in investigating the violation; and
    - d. Any other remedy authorized by K.S.A. 2016 Supp. 75-4320a(a) that the court deems appropriate.
  - 4. Attorney Fees. K.S.A. 2016 Supp. 75-4320d.
    - a. The court may require the public body or agency to pay the attorney general's reasonable attorney fees.
    - b. The court shall require the public body or agency to pay the attorney general's reasonable attorney fees if the violation was not made in good faith and without a reasonable basis in fact or law.
- F. Enforcement Action

1. Any person, county/district attorney or the attorney general may bring an action. K.S.A. 2016 Supp. 75-4320.
2. Venue is in the county where the meeting was held. K.S.A. 2016 Supp. 75-4320a(a).
3. Public body bears the burden of proof to sustain its action. K.S.A. 2016 75-4320a(b).
4. Except as otherwise provided by law, KOMA enforcement proceedings brought by a county/district attorney or the attorney general have precedence over all other cases and “shall be assigned for hearing and trial at the earliest practicable date.” K.S.A. 2016 75-4320a(e).
5. Remedies
  - a. Voiding action. K.S.A. 2016 75-4320(a).
    - 1) Binding action taken at a meeting not in substantial compliance with KOMA may be voided by court.
    - 2) Action to void must be filed within 21 days of the meeting where the alleged violation took place.
    - 3) Only attorney general and county/district attorney have standing to seek avoidance of governmental action based on violations of KOMA; may also bring action to seek injunctive or mandamus relief. K.S.A. 2016 Supp. 75-4320; *Stoldt*, 234 Kan. 957, ¶ 1; *Krider v. Board of Trustees of Coffeyville Community College, Montgomery County*, 277 Kan. 244 (2004); *see also Mid-Continent Specialists, Inc. v. Capital Homes, L.C.*, 279 Kan. 178 (2005).
  - b. Injunction, mandamus, or declaratory judgment can be brought by any person or by attorney general or county/district. K.S.A. 2016 Supp. 75-4320a(a); *Stoldt v. City of Toronto*, 234 Kan. 957, ¶ 1 (1984).
    - a. Injunctive relief, rather than mandamus, proper remedy to address board of county commissioners’ past KOMA violations. *Klein v. Johnson County Bd. Of County Comm’rs*, 77 P.3d 1009 (Court of Appeals, 2003) (unpublished case).
6. Penalties for violations. Penalties are civil, not criminal, in nature. K.S.A. 2016 Supp. 75-4320.

- a. Penalties are assessed against the individual, not the public body or agency. K.S.A. 2016 Supp. 75-4320(a).
  - b. Penalty of up to \$500 for each violation as determined by the district court in actions brought by attorney general or county/district attorney. K.S.A. 2016 Supp. 75-4320(a).
  - c. Civil penalties recovered by attorney general paid to the attorney general's open government fund; civil penalties recovered by county/district attorney paid to general fund in county where proceedings instigated. K.S.A. 2016 Supp. 75-4320(b).
- 7. Technical violations.
  - a. Courts overlook technical violations if public body made good faith effort to comply, there was substantial compliance with KOMA, no one prejudiced, and public's right to know not effectively denied. *Stevens v. Board of Reno County Comm'rs*, 10 K.A.2d 523, 526 (1985); *see also* K.S.A. 2016 Supp. 75-4320a(a) (action taken at a meeting not in substantial compliance shall be voidable).
- 8. Other Consequences.
  - a. Ouster pursuant to K.S.A. 60-1205; *see also* AGO 80-168. This is a separate action which must be filed by a public prosecutor.
  - b. Recall pursuant to K.S.A. 25-4301 *et seq.*; *but see* K.S.A. 25-4302 concerning grounds for recall (felony, misconduct in office or failure to perform duties prescribed by law; "misconduct in office" defined as violation of the law that impacts the officer's ability to perform the official duties of the office); *see also Collins v. Hoeme*, 40 K.A.2d 93, 96 (2008) (KOMA violations sufficient for recall of elected officials).
  - c. Ouster or recall not automatic – these actions must be pursued separately.
- 9. Costs.
  - a. Court may award court costs to person seeking to enforce the KOMA. K.S.A. 2016 Supp. 75-4318 or 75-4319. Unlike a civil penalty, costs are assessed against the public body or agency responsible for violation. K.S.A. 2016 Supp. 75-4320a(c).
  - b. Where defendant is the prevailing party, court may award costs if it finds plaintiff maintained action frivolously, not in good faith or without a reasonable basis in fact or law. K.S.A. 2016 Supp.

75-4320a(d).

- c. Court may award to the attorney general or a county/district attorney reasonable expenses, investigation costs and attorney fees. K.S.A. 2016 Supp. 75-4320a(e)(1).
- d. Court shall award to the attorney general or a county/district attorney reasonable expenses, investigation costs and attorney fees if the violation was not made in good faith and without a reasonable basis in fact or law. K.S.A. 2016 Supp. 75-4320a(e)(2).