

**EXCERPT OF MINUTES OF A MEETING
OF THE CITY COUNCIL OF
THE CITY OF SEDGWICK, KANSAS
HELD ON APRIL 16, 2025**

The City Council (the “Governing Body”) met in regular session at the usual meeting place in the City at 6:30 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

There was presented an Ordinance entitled:

**A HOME RULE ORDINANCE OF THE CITY OF SEDGWICK, KANSAS
AUTHORIZING THE PURCHASE AND ACQUISITION OF REAL ESTATE
FOR ECONOMIC AND RESIDENTIAL DEVELOPMENT PURPOSES; AND
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF
THE CITY TO PROVIDE FUNDS FOR SUCH PURPOSES.**

Councilmember _____ moved that the Ordinance be passed. The motion was seconded by Councilmember _____. The Ordinance was duly read and considered, and upon being put, the motion for approval was carried by the vote of the governing body, the vote being as follows:

Aye: _____.

Nay: _____.

The Mayor declared the Ordinance duly passed by the Governing Body and the Clerk designated the same Ordinance No. _____.

* * * * *

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Sedgwick, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

(Published in the *Harvey County Independent* on April 24, 2025)

ORDINANCE NO. 910

**A HOME RULE ORDINANCE OF THE CITY OF SEDGWICK, KANSAS
AUTHORIZING THE PURCHASE AND ACQUISITION OF REAL ESTATE
FOR ECONOMIC AND RESIDENTIAL DEVELOPMENT PURPOSES; AND
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF
THE CITY TO PROVIDE FUNDS FOR SUCH PURPOSES.**

WHEREAS, the governing body of the City of Sedgwick, Kansas (the “City”) has considered the needs of the City and its environs for the securing and development of new (1) residential areas, (2) businesses and (3) industries, in order to enhance and provide for the general and economic welfare of the citizens of the City; and

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the “Home Rule Amendment”) (1) empowers cities to determine their local affairs and government and (2) provides that such power and authority granted thereby to cities (a) shall be liberally construed for the purpose of giving to cities the largest measure of self-government and (b) shall be exercised by ordinance, subject only to (i) enactments of the Kansas legislature of statewide concern applicable uniformly to all cities, (ii) other enactments of the legislature applicable uniformly to all cities, (iii) enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other action and (iv) enactments of the legislature prescribing limits of indebtedness; and

WHEREAS, the Home Rule Amendment provides that the power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government; and

WHEREAS, the Kansas Supreme Court has considered the Home Rule Amendment and determined that (a) home rule legislation should be permitted to stand unless an actual conflict exists between the home rule legislation and a state legislative enactment, or unless the legislature has clearly preempted the field so as to preclude municipal action, and (b) legislative intent to reserve to the state exclusive jurisdiction to regulate an area must be clearly manifested by statute before it can be held that the state has withdrawn from the cities the power to regulate in the field (*McCarthy v. City of Leawood*, 257 Kan. 566 (1995); *Junction City v. Lee*, 216 Kan. 495 (1975)); and

WHEREAS, the City is a city within the meaning of the Home Rule Amendment; and

WHEREAS, the governing body of the City has found and determined that it is in the interest of the public health, safety and welfare of the City to authorize the purchase and acquisition of certain real estate described on *Schedule 1* attached hereto (the “Site”), upon terms and conditions deemed advisable to the governing body of the City, as a residential and economic development measure for the City; and

WHEREAS, the governing body of the City has further found and determined that it is necessary and advisable and in the interest of the public health, safety and welfare of the City to authorize the issuance of general obligation bonds of the City to finance the costs of purchasing and acquiring the Site; and

WHEREAS, the governing body of the City now further finds and determines that (i) it has no present plan or intention to use the Site in any manner that would subject it and the City to an enactment of the Kansas legislature, (ii) there are no enactments of the Kansas legislature of statewide concern applicable uniformly to all cities or applicable to the City relating to a city authorizing the purchase and acquisition of real estate for economic and residential development purposes and the issuance of general obligation bonds of a city to provide funds for such purposes, (iii) no conflict exists between the provisions of this Ordinance and a state legislative enactment, and (iv) the legislature has not clearly preempted, or clearly manifested its intent to preempt, the field of land acquisition for municipal residential and economic development so as to preclude this Ordinance.

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

Section 1. Authorization of Site Acquisition. The purchase and acquisition of the Site is authorized at a maximum acquisition and financing cost of \$390,000, all upon terms and conditions deemed advisable by the governing body of the City.

Section 2. Authorization of Bonds. The costs of purchasing and acquiring the Site and associated financing costs may be paid from the proceeds of the sale of general obligation bonds of the City, which are authorized to be issued for such purposes pursuant to the authority of the Home Rule Amendment, in an amount not to exceed \$390,000, and which may be issued in one or more series, in such principal amounts as are determined by subsequently enacted ordinances of the governing body of the City.

Section 3. Reimbursement Authorization. The proceeds of such bonds may be used to reimburse the City for funds expended in purchasing and acquiring the Site on or after the date that is 60 days before the date of passage of this Ordinance, as provided in U.S. Treasury Regulations §1.150-2.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage by a majority of the governing body of the City, its signature by the Mayor, and its publication once in the official City newspaper as provided by law.

PASSED and APPROVED by a majority of the governing body of the City of Sedgwick, Kansas and **SIGNED** by the Mayor on April 16, 2025.

(SEAL)

Mayor

ATTEST:

Clerk

SCHEDULE 1

The Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Thirty-four (34), Township Twenty-four (24) South, Range One (1) West of the 6th P.M., Harvey County, Kansas.