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**CITY COMMISSION**  
**WEDNESDAY, NOVEMBER 20, 2024 AT 11:00 AM**  
**CITY COMMISSION CHAMBER**

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**ORDER OF BUSINESS**

**CALL MEETING TO ORDER**      Mayor Erren Harter

**MEMBERS PRESENT**

Vice-Mayor Susan Brinkman  
Commissioner Tyler Curtis  
Commissioner Becky Smith  
Commissioner Jamie Sauder

**PROCLAMATIONS**

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**PUBLIC FORUM**

*The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.*

**NEW BUSINESS**

**1) Emporia Recreation Center Steering Committee Progress Report**

*Presented by: Trey Cocking, City Manager*

**Recommended Action:** Review Emporia Recreation Center Steering Committee Progress Report

**2) Second Amendment to the Memorandum of Understanding Pertaining to the Recreation Facilities Steering Committee**

*Presented by: Christina Montgomery, City Attorney*

**Recommended Action:** Approve Second Amendment to the Memorandum of Understanding Pertaining to the Recreation Facilities Steering Committee.

**3) Resolution No. 3746 Authorizing and Providing for the Calling of a Special Question Election in the City of Emporia, Kansas, to Submit to Voters the Question of Imposing a One-Half Percent (0.5%) Citywide Retailers' Sales Tax to Finance Public Improvements, Including a Recreation Facility**

*Presented by: Trey Cocking, City Manager*

**Recommended Action:** Adopt Resolution No. 3746 Authorizing and Providing for the Calling of a Special Question Election in the City of Emporia, Kansas, to Submit to Voters the Question of Imposing a One-Half Percent (0.5%) Citywide Retailers' Sales Tax to Finance Public Improvements, Including a Recreation Facility

**4) Resolution No. 3745 Authorizing the City of Emporia to Apply for a \$500,000 Moderate Income Housing Grant**

*Presented by: Jeffrey Lynch, Community Development Coordinator*

**Recommended Action:** Approve Resolution No. 3745, and authorize the Mayor to execute all related documents

5) **Ordinance No. 24-36 Granting Franchise to Zayo Group, LLC**

*Presented by: Christina Montgomery, City Attorney*

**Recommended Action:** Approve Ordinance No. 24-36 Granting Franchise to Zayo Group, LLC

**COMMUNICATIONS**

*Presented by Trey Cocking, City Manager.*

- 1) Financials & Permits
- 2) October Budget

**CONSENT AGENDA**

*Presented by Trey Cocking, City Manager.*

- 1) Commission Meeting Minutes for November 6, and November 15, 2024
- 2) 2024 Emergency Solution Grant Agreement

**INFORMATIONAL ITEMS**

*Presented by Trey Cocking, City Manager.*

- 1) Informational Items

**GOVERNING BODY COMMENTS**

Mayor Erren Harter

Vice-Mayor Susan Brinkman

Commissioner Tyler Curtis

Commissioner Becky Smith

Commissioner Jamie Sauder

**EXECUTIVE SESSION**

- 1) Executive Session for 10 minutes inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in K.S.A. 75-4319(b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume in this room at approximately \_\_:\_\_\_\_ a.m./p.m.

**RECESS**

Recess to Conference Room 1AB for Study Session

**STUDY SESSION AGENDA ITEMS**

- 1) Tyler Technologies Work Order, Asset Management, and Notification System Discussion
- 2) Utility Rate Update
- 3) CAMSO Rebate Agreement
- 4) Discuss Meetings in January
- 5) Ground Breaking for Fire Station

**ADJOURNMENT**



**Date:** November 13, 2024  
**To:** Emporia Board of Education, Emporia Recreation Center Board of Directors, and Emporia City Commission  
**From:** Emporia Recreation Center Steering Committee  
**Subject:** Progress Report

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### **History**

In 2023, the Emporia Recreation Commission Board voted to implement a Future Funding Team. The goal of this team was to provide recommendations regarding future funding for a new or renovated recreation center

The team was asked to evaluate the scope, location and funding for a new or renovated Emporia Recreation Commission facility. Their tasks included:

- o Research funding options within our community, including bonds and sales tax increase
- o Discuss cost/benefit analysis for current renovation vs. building construction
- o Determine which option for funding, location and building construction best meets the needs of our community
- o Review affordability for patrons of all new facility models

The Future Funding Team met from May 2023 - July 2023. On August 21, 2023, the team made the following recommendation to the City of Emporia Commission: *The Future Funding Team realizes that the Emporia Recreation Commission facility is inadequate. We recommended that the City choose between a central location, new construction or a new build at the Northeast aquatics location. The team asked that multiple funding options be considered.*

Following this recommendation, the Future Funding Committee disbanded.

### **Emporia Recreation Steering Committee**

In August 2023, the City Commission, Emporia Public Schools, and the Emporia Recreation Commission executed a Memorandum of Understanding (MOU) to build upon the recommendation of the Future Funding Team. The committee began meeting in March, 2024 to execute tasks outlined in the MOU. These tasks included:

1. Produce a Request for Qualification ("RFQ") seeking a Construction Manager at Risk ("CMAR") and architect for the Project. **Completed.**
2. Review RFQs and make recommendations to the City Commission regarding the selection of the CMAR and an architectural firm for the Project; provided that the authority for the final selections of the CMAR and the architectural firm, as well as any decisions regarding land acquisition for the Project, shall remain with the City. **Completed with the retention of BG Consultants, Kahler Slater, Shockey Consulting as the architect/design team and Hutton hired as CMAR.**
3. Consider entering into separate arrangement(s) to implement management activities associated with the Project. Such arrangement(s) shall be independently authorized by appropriate authority; **Ongoing.**



4. Recognize that other organizations and entities may assist in endeavors critical to the purposes of this MOU under separate formal arrangements. Such assistance may include but not be limited to managing funds, writing grant applications, providing consultation, education, and facilitation.

#### **Ongoing.**

Since the MOU was signed, the steering committee has met together and with the community to imagine a new Emporia Recreation Center. Key activities have included:

**August 2024:** Community survey and pop up sessions at schools and the Lyon County Fair to gauge community interest and opinions on a new facility, including location.

**September 2024:** Community members were invited to Workshop #1 where they were able to participate in interactive stations of design and program options, as well as provide feedback on potential locations. Upon receiving feedback from location surveys, the Steering Committee selected 18<sup>th</sup> and Merchant, west of the Emporia National Guard Armory (Champions Landing East) as the new site.

**October 2024:** Community Workshop #2 was held to garner additional feedback on the design options. Following the meeting, the steering committee took the following action:

*A motion was made to recommend a half-cent sales tax to generate approximately 53 million dollars and commit 47 million to the new facility at Champions Landing using the flat-site option and have a strong commitment with the rest of the funding towards both Lee Beran and Debaugue Sports Complex. The motion passed.*

**November 2024:** Community Workshop #3 was held at Champions Landing, which allowed residents to walk the site of the new recreation center and hear a report from the committee on designs for the new center and the proposed improvements for the current Lee Beran and DeBauge Complex sites.

The committee reviewed the sample ballot question for the March, 2025 election and recommended that it be presented to the City Commission for their approval:

*Shall the City of Emporia, Kansas, be authorized to impose a one-half percent (0.5%) Citywide retailers' sales tax, the revenue from which will be used to pay the costs to acquire, construct, furnish and equip a recreation facility in the City and to make other recreational improvements and quality of life enhancements in the City, and all improvements related thereto (the "Projects"), including payment of debt service on financings issued for the Projects, with the collection of such sales tax to commence on July 1, 2025, or as soon thereafter as permitted by law; all pursuant to the provisions of K.S.A. 12-187 et seq., as amended.*

#### **Future Work**

The committee will present final designs to the community on December 10, 2024. Following the design selection, the committee will work to educate the community about the ballot question in anticipation of a March 4, 2025 election.



## Commission Action Report

Second Amendment to the Memorandum of Understanding Pertaining to the Recreation Facilities Steering Committee.

**Title:** Second Amendment to the Memorandum of Understanding Pertaining to the Recreation Facilities Steering Committee.

**Agenda Date:** November 20, 2024

**Presented By:** Christina Montgomery, City Attorney

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### Background:

The City of Emporia, Emporia Recreation Commission, and Emporia Unified School District 253 entered into a Memorandum of Understanding (MOU) on February 7, 2024, establishing a Steering Committee to identify priorities and provide guidance for renovation, expansion, and/or construction of new recreational facilities.

The MOU was amended by written agreement on March 20, 2024, to authorize the Steering Committee to amend certain terms of the MOU by a unanimous vote.

### Discussion:

The proposed Second Amendment to the MOU will extend the expiration date of the MOU through project completion in the event voters approve a ballot question pertaining to project funding; or through April 1, 2025, in the event voters reject such ballot question.

### Financial considerations:

None.

### Recommended action:

Approve Second Amendment to the Memorandum of Understanding Pertaining to the Recreation Facilities Steering Committee.

### Attachments:

Second Amendment to the Memorandum of Understanding Pertaining to the Recreation Facilities Steering Committee

SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING

BY AND AMONG

THE CITY OF EMPORIA, KANSAS,

THE EMPORIA RECREATION COMMISSION,

AND

EMPORIA UNIFIED SCHOOL DISTRICT 253

THIS Second Amendment to the Memorandum of Understanding entered into this 20<sup>th</sup> day of November, 2024 (“Second Amendment”) is intended by the parties hereto to modify and supplement a certain Memorandum of Understanding entered into by and among the City of Emporia, the Emporia Recreation Commission, and the Emporia Unified School District 253; collectively referred to herein as the “Parties”.

WHEREAS, the parties entered into the Memorandum of Understanding on February 7, 2024 (“MOU”); and

WHEREAS, the MOU was modified by an Amendment to the MOU on March 20, 2024 (“First Amendment”); and

WHEREAS the parties now wish to amend the MOU further.

NOW, THEREFORE, the Parties agree as follows:

1. Section III, Part G. of the MOU is hereby amended to read as follows:

“5. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and shall be effective through Project completion in the event voters approve a ballot question pertaining to Project funding. In the event voters reject a ballot question pertaining to Project funding, this MOU shall be effective through April 1, 2025.”

2. Except as set forth in this Second Amendment, the MOU as amended by the First Amendment shall continue in full force and effect in accordance with its terms.

*[Signature pages follow]*

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment to the MOU as of the last date written below.

THE CITY OF EMPORIA, KANSAS

By: \_\_\_\_\_  
Name: Trey Cocking  
Title: City Manager

Date: \_\_\_\_\_, 2024

THE EMPORIA RECREATION COMMISSION

By: \_\_\_\_\_  
Name: Jeremy Dorsey  
Title: Chair

Date: \_\_\_\_\_, 2024

THE EMPORIA UNIFIED SCHOOL DISTRICT 253

By: \_\_\_\_\_  
Name: Lillian Lingenfelter  
Title: President

Date: \_\_\_\_\_, 2024



## Commission Action Report

Resolution No. 3746 Authorizing And Providing For  
The Calling Of A Special Question Election  
In The City Of Emporia, Kansas, To Submit To Voters  
The Question Of Imposing A One-Half Percent (0.5%) Citywide Retailers' Sales Tax  
To Finance Public Improvements, Including A Recreation Facility.

**Title:** Resolution No. 3746 Authorizing and Providing for the Calling of a Special Question Election in the City of Emporia, Kansas, to Submit to Voters the Question of Imposing a One-Half Percent (0.5%) Citywide Retailers' Sales Tax to Finance Public Improvements, Including a Recreation Facility.

**Agenda Date:** November 20, 2024

**Presented By:** Trey Cocking, City Manager

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### Background:

The Emporia Recreation Center Steering Committee has identified the need for a new recreation facility to meet growing community demands for modern recreational spaces and enhanced quality-of-life amenities. Following extensive planning and public engagement through surveys and meetings, the committee has recommended a project at Champion's Landing that includes the design, construction, furnishing, and equipping of the recreation facility.

Additionally, the Steering Committee has prioritized the importance of funding other recreational improvements and quality-of-life projects throughout the City. To finance these initiatives, the committee has proposed a one-half percent (0.5%) Citywide retailers' sales tax, subject to voter approval.

Pursuant to K.S.A. 12-187 et seq., the City Commission is authorized to place the sales tax question before voters via a special question election.

### Discussion:

Resolution No. 3746 authorizes a special election on March 4, 2025, allowing voters to decide on the proposed sales tax. If approved, the sales tax will take effect on July 1, 2025, or as soon thereafter as legally permitted, and will remain in effect for ten years.

The sales tax revenues will be utilized to fund the following:

The acquisition, construction, furnishing, and equipping of a new recreation facility at Champion's Landing.

Additional recreational improvements and quality-of-life projects to benefit the community.

The Steering Committee's recommendation is based on a comprehensive evaluation of community needs and priorities, reflecting public input and expert analysis. Approval of this resolution will allow the electorate to make the final decision regarding these investments in Emporia's future.



## **Commission Action Report**

Resolution No. 3746 Authorizing And Providing For  
The Calling Of A Special Question Election  
In The City Of Emporia, Kansas, To Submit To Voters  
The Question Of Imposing A One-Half Percent (0.5%) Citywide Retailers' Sales Tax  
To Finance Public Improvements, Including A Recreation Facility.

### **Financial Implications:**

The proposed 0.5% sales tax is projected to generate approximately \$3 million annually. These funds will be used to:

Cover project costs associated with the recreation facility and related quality-of-life improvements.  
Repay any debt issued for financing the projects.

**Recommended Action:** Staff recommends the adoption of Resolution No. 3746

### **Attachments:**

Resolution 3746

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF EMPORIA, KANSAS  
HELD ON NOVEMBER 20, 2024**

The governing body met in regular session at the usual meeting place in the City, at 11:00 a.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)

Tere was presented a Resolution entitled:

**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF EMPORIA, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE-HALF PERCENT (0.5%) CITYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.**

Commissioner \_\_\_\_\_ moved that the Resolution be adopted. The motion was seconded by Commissioner \_\_\_\_\_. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the following vote of the governing body:

Aye: \_\_\_\_\_.

Nay: \_\_\_\_\_.

The Mayor declared the Resolution duly adopted and the Resolution was then numbered Resolution No. 3746; was signed by the Mayor and attested by the Clerk. The Clerk was further directed to forward the Resolution and related documents to the County Clerk of Lyon County, Kansas, and to take all further action necessary to proceed with calling the special question election in the manner prescribed by law.

\* \* \* \* \*

(Other Proceedings)

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### **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 Emporia, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

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Clerk



**RESOLUTION NO. 3746**

**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF EMPORIA, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE-HALF PERCENT (0.5%) CITYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.**

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**WHEREAS**, K.S.A. 12-187 *et seq.*, as amended (the "Act"), authorizes the governing body (the "Governing Body") of the City of Emporia, Kansas (the "City") to submit to the electors of the City the question of imposing Citywide retailers' sales taxes, which in the aggregate may be in amounts not to exceed two percent (2%) for general purposes and not to exceed one percent (1%) for special purposes, provided sales taxes for special purposes shall expire ten (10) years from the initial date of collection thereof; and

**WHEREAS**, pursuant to the Act, the electors of the City have heretofore approved propositions to authorize the levy of the following Citywide retailers' sales taxes:

One percent (1.0%) for general purposes, commencing on January 1, 1995; and

**WHEREAS**, the Governing Body hereby deems it advisable to finance a recreation facility and other recreational improvements and quality of life enhancements (collectively the "Projects") by the imposition of a Citywide retailers' sales tax; provided the electors of the City authorize such expenditures at an election held in the City for such purpose; and

**WHEREAS**, in order to finance the costs of the Projects, the Governing Body deems it advisable to provide for the calling of a special question election in the City on March 4, 2025 for the purpose of submitting to the qualified electors of the City the question of imposing a one-half percent (0.5%) Citywide retailers' sales tax ("Sales Tax"); and

**WHEREAS**, if approved, the Sales Tax will constitute a sales tax imposed for general purposes, as said term is described in K.S.A. 12-189, as amended.

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

**SECTION 1. Public Purpose.** It is hereby deemed necessary and advisable and in the best interests of the citizens of the City to proceed with the Projects in accordance with plans and specifications therefore to be approved by the Governing Body.

**SECTION 2. Implementation of the Sales Tax.** In order to pay the costs of the Projects, improvements necessary and appurtenant thereto, it is necessary and advisable pursuant to authority of the Act to impose the Sales Tax. Collection of the Sales Tax, if approved by the electors of the City, shall commence on July 1, 2025, or as soon thereafter as permitted by the Act. All proceeds of the Sales Tax shall be applied for the purposes set forth in this *Section 2*; provided, however, in the event that other City

funds are required to be utilized for such purposes, such City funds may be reimbursed from the proceeds of the Sales Tax.

**SECTION 3. Special Question Election.** It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on March 4, 2025 (the “Election”), at which time there shall be submitted to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Emporia, Kansas, be authorized to impose a one-half percent (0.5%) Citywide retailers' sales tax, the revenue from which will be used to pay the costs to acquire, construct, furnish and equip a recreation facility in the City and to make other recreational improvements and quality of life enhancements in the City, and all improvements related thereto (the “Projects”), including payment of debt service on financings issued for the Projects, with the collection of such sales tax to commence on July 1, 2025, or as soon thereafter as permitted by law; all pursuant to the provisions of K.S.A. 12 187 *et seq.*, as amended?

**SECTION 4. Special Question Election Procedures.** The vote at the Election shall be by ballot, and the proposition stated above shall be printed on the ballots, together with voting instructions as provided by law. The Clerk shall transmit a copy of this Resolution to the County Clerk of Lyon County, Kansas, to give notice of the Election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as ***Exhibit A***: (a) once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication to be not less than twenty-one (21) days prior to the date of the special question election, and the last publication being not more than sixty (60) days prior to the date of the Election, and (b) on the website of the county election office of any county where the Election is to be conducted not less than 21 days prior to the Election and shall remain on the website until the day after the Election.

**SECTION 5. Effective Date.** This Resolution shall be effective from and after its adoption by the Governing Body.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**ADOPTED AND APPROVED** by the governing body of the City of Emporia, Kansas, on November 20, 2024.

(Seal)

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Mayor

ATTEST:

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Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 3746 of the City of Emporia, Kansas, adopted by the governing body on November 20, 2024, as the same appears of record in my office.

DATED: November 20, 2024.

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Clerk

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**EXHIBIT A**

(Published in the *Emporia Gazette* on January 7, 2025 and January 14, 2025, and on the website of the county election office of any county where the Election is to be conducted not less than 21 days prior to the Election and shall remain on the website until the day after the Election)

**NOTICE OF SPECIAL QUESTION ELECTION  
THE CITY OF EMPORIA, KANSAS**

Notice is hereby given to the qualified electors of the City of Emporia, Kansas (the “City”) that a special question election has been called and will be held on March 4, 2025, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Emporia, Kansas, be authorized to impose a one-half percent (0.5%) Citywide retailers' sales tax, the revenue from which will be used to pay the costs to acquire, construct, furnish and equip a recreation facility in the City and to make other recreational improvements and quality of life enhancements in the City, and all improvements related thereto (the “Projects”), including payment of debt service on financings issued for the Projects, with the collection of such sales tax to commence on July 1, 2025, or as soon thereafter as permitted by law; all pursuant to the provisions of K.S.A. 12 187 *et seq.*, as amended?

\*\*\*\*\*

IT IS IMPORTANT FOR EACH QUALIFIED VOTER TO NOTE THAT YOUR BALLOT CANNOT BE COUNTED UNLESS YOU TAKE THE APPROPRIATE STEPS:

To vote in favor of any question submitted on this ballot, press the word “YES” on the voting machine or completely darken the oval to the left of the word “YES” on the paper ballot. To vote against it, press the word “NO” on the voting machine or completely darken the oval to the left of the word “NO” on the paper ballot.

☐ YES  
☐ NO

\*\*\*\*\*

The polls will open at [ ]:00 A.M. and will close at [ ]:00 P.M., on March 4, 2025, the election day. The voting places in the City and the area each voting place will serve will be as follows:

[To be updated by the County Clerk as necessary]

| <u>Voters Residing In Precinct</u> | <u>Will Vote At</u> | <u>Location</u> |
|------------------------------------|---------------------|-----------------|
| [ ]                                | [ ]                 | [ ]             |
| [ ]                                | [ ]                 | [ ]             |
| [ ]                                | [ ]                 | [ ]             |

The election will be conducted by the officers and/or persons provided by law for holding elections, and the method of voting will be by ballot. Registered voters are eligible to vote by advance voting ballot upon application to the County Clerk of Lyon County, Kansas, set forth below pursuant to K.S.A. 25-1117 *et seq.*

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#### **ADDITIONAL INFORMATION**

##### ***General***

The following additional information is provided by the City with respect to the effect of this ballot proposition. Passage of this ballot proposition would authorize the City to impose a one-half percent (0.5%) Citywide retailers' sales tax (the "Sales Tax"), the proceeds of which shall be used to finance a recreation facility and other recreational improvements and quality of life enhancements (collectively the "Projects"), the collection of the Sales Tax to commence on July 1, 2025, or as soon thereafter as permitted by law.

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#### **ELECTION INFORMATION**

The election officer conducting the election will be the County Clerk of Lyon County, Kansas, whose address is: 430 Commercial, Emporia, Kansas 66801.

DATED: November 20, 2024.

Tammy Vopat, County Clerk  
Amie Jackson, County Clerk Elect  
Lyon County, Kansas

**AFFIDAVIT**

STATE OF KANSAS                    )  
                                              ) ss:  
COUNTY OF LYON                    )

The undersigned, acting as election officer for Lyon County, Kansas (the “County”) pursuant to the laws of the State of Kansas, being of lawful age, first being duly sworn, on oath states:

Pursuant to K.S.A. 10-120, the attached Notice of Election was published on the website of the County election office, not less than 21 days prior to the election described in such Notice and remained on the website until the day after such election.

WITNESS my hand and official seal on \_\_\_\_\_, 2025.

(Seal)

\_\_\_\_\_  
Amie Jackson, County Clerk  
Lyon County, Kansas

The foregoing instrument was subscribed and sworn to or affirmed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by Amie Jackson, County Clerk, Lyon County, Kansas.

(Seal)

\_\_\_\_\_  
Notary Public

## BALLOT CERTIFICATE

STATE OF KANSAS            )  
                                      ) ss:  
COUNTY OF LYON         )

I, the undersigned County Clerk of Lyon County, Kansas, do hereby certify that attached below is a true and correct copy of the ballot label used at the special question election held on March 4, 2025, in the City of Emporia, Kansas, on the proposition set forth in the ballot; and that the judges and clerks duly qualified by taking their respective oaths before assuming their duties at the election.

WITNESS my hand and official seal on March 4, 2025.

(SEAL)

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Amie Jackson, County Clerk  
Lyon County, Kansas

[Affix copy of ballot label]

STATE OF KANSAS  
OFFICIAL BALLOT

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THE CITY OF EMPORIA, KANSAS

---

MARCH 4, 2025

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NOTICE

*If you deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot.*

TO VOTE IN FAVOR OF ANY QUESTION SUBMITTED ON THIS BALLOT, PRESS THE WORD “YES” ON THE VOTING MACHINE OR COMPLETELY DARKEN THE OVAL TO THE LEFT OF THE WORD “YES” ON THE PAPER BALLOT. TO VOTE AGAINST IT, PRESS THE WORD “NO” ON THE VOTING MACHINE OR COMPLETELY DARKEN THE OVAL TO THE LEFT OF THE WORD “NO” ON THE PAPER BALLOT.

SHALL THE FOLLOWING BE ADOPTED?

SHALL THE CITY OF EMPORIA, KANSAS, BE AUTHORIZED TO IMPOSE A ONE-HALF PERCENT (0.5%) CITYWIDE RETAILERS' SALES TAX, THE REVENUE FROM WHICH WILL BE USED TO PAY THE COSTS TO ACQUIRE, CONSTRUCT, FURNISH AND EQUIP A RECREATION FACILITY IN THE CITY AND TO MAKE OTHER RECREATIONAL IMPROVEMENTS AND QUALITY OF LIFE ENHANCEMENTS IN THE CITY, AND ALL IMPROVEMENTS RELATED THERETO (THE “PROJECTS”), INCLUDING PAYMENT OF DEBT SERVICE ON FINANCINGS ISSUED FOR THE PROJECTS, WITH THE COLLECTION OF SUCH SALES TAX TO COMMENCE ON JULY 1, 2025, OR AS SOON THEREAFTER AS PERMITTED BY LAW; ALL PURSUANT TO THE PROVISIONS OF K.S.A. 12 187 *ET SEQ.*, AS AMENDED?

☐ YES  
☐ NO



**STATE OF KANSAS  
OFFICIAL BALLOT**

CITY OF EMPORIA, KANSAS

QUESTION SUBMITTED

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**SPECIAL QUESTION ELECTION**

MARCH 4, 2025

LYON COUNTY, KANSAS

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**CERTIFICATION OF CANVASS OF VOTES**

STATE OF KANSAS                    )  
                                                  ) ss:  
COUNTY OF LYON                    )

I, the undersigned County Clerk of Lyon County, Kansas, do hereby certify that the following are the true and correct results according to the abstract of votes cast at the special question election held on March 4, 2025, in the City of Emporia, Kansas, on the following proposition:

Shall the following be adopted?

Shall the City of Emporia, Kansas, be authorized to impose a one-half percent (0.5%) Citywide retailers' sales tax, the revenue from which will be used to pay the costs to acquire, construct, furnish and equip a recreation facility in the City and to make other recreational improvements and quality of life enhancements in the City, and all improvements related thereto (the "Projects"), including payment of debt service on financings issued for the Projects, with the collection of such sales tax to commence on July 1, 2025, or as soon thereafter as permitted by law; all pursuant to the provisions of K.S.A. 12 187 *et seq.*, as amended?

Such results are shown by the returns of said election which are on file in the Office of the County Clerk and canvassed as provided by law:

|                  |       |
|------------------|-------|
| Yes -----        | _____ |
| No -----         | _____ |
| Void -----       | _____ |
| Total Vote ----- | _____ |

WITNESS my hand and official seal on March \_\_\_\_, 2025.

(Seal)

\_\_\_\_\_  
Amie Jackson, County Clerk  
Lyon County, Kansas

**EMPORIA, KANSAS  
SALES TAX ELECTION 2025**

**DISTRIBUTION LIST**

| <b>ISSUER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>BOND COUNSEL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>CITY OF EMPORIA, KANSAS<br/>111 East 6th Avenue<br/>P.O. Box 928<br/>Emporia, Kansas 66801<br/>Telephone: (620) 343-4250</p> <p><b>Trey Cocking, City Manager</b><br/>E-mail: <a href="mailto:tcocking@emporiaks.gov">tcocking@emporiaks.gov</a></p> <p><b>Tayler Wash, Assistant City Manager</b><br/>E-mail: <a href="mailto:twash@emporiaks.gov">twash@emporiaks.gov</a></p> <p><b>Janet Harrouff, Finance Director</b><br/>E-mail: <a href="mailto:jharrouff@emporiaks.gov">jharrouff@emporiaks.gov</a></p> <p><b>Kerry Sull, City Clerk</b><br/>E-mail: <a href="mailto:ksull@emporiaks.gov">ksull@emporiaks.gov</a></p> <p><b>Christina Montgomery, City Attorney</b><br/>E-mail: <a href="mailto:cmontgomery@emporiaks.gov">cmontgomery@emporiaks.gov</a></p> | <p>GILMORE &amp; BELL, P.C.<br/>100 N. Main, Suite 800<br/>Wichita, Kansas 67202<br/>Telephone: (316) 267-2091</p> <p><b>Garth Herrmann, Esq.</b><br/>E-mail: <a href="mailto:gherrmann@gilmorebell.com">gherrmann@gilmorebell.com</a></p> <p><b>Dominic Eck, Esq.</b><br/>E-mail: <a href="mailto:deck@gilmorebell.com">deck@gilmorebell.com</a></p> <p><b>Johnna K. Middleton, Legal Practice Assistant</b><br/>E-mail: <a href="mailto:jmiddleton@gilmorebell.com">jmiddleton@gilmorebell.com</a></p> |
| <b>MUNICIPAL ADVISOR</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>RAYMOND JAMES &amp; ASSOCIATES, INC.<br/>11551 Ash Street, Suite 250<br/>Leawood, Kansas 66211<br/>Telephone: (800) 398-6101</p> <p><b>Greg Vahrenberg, Managing Director</b><br/>Telephone: (816) 391-4120<br/>E-mail: <a href="mailto:greg.vahrenberg@raymondjames.com">greg.vahrenberg@raymondjames.com</a></p> <p><b>Kelli Manson, Vice President</b><br/>Telephone: (913) 832-0919<br/>E-mail: <a href="mailto:kelli.manson@raymondjames.com">kelli.manson@raymondjames.com</a></p> <p><b>Marc Krasner, Director</b><br/>E-mail: <a href="mailto:marc.krasner@raymondjames.com">marc.krasner@raymondjames.com</a></p>                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF EMPORIA, KANSAS  
HELD ON NOVEMBER 20, 2024**

The governing body met in regular session at the usual meeting place in the City, at 11:00 a.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)

Tere was presented a Resolution entitled:

**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF EMPORIA, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE-HALF PERCENT (0.5%) CITYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.**

Commissioner \_\_\_\_\_ moved that the Resolution be adopted. The motion was seconded by Commissioner \_\_\_\_\_. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the following vote of the governing body:

Aye: \_\_\_\_\_.

Nay: \_\_\_\_\_.

The Mayor declared the Resolution duly adopted and the Resolution was then numbered Resolution No. \_\_\_\_; was signed by the Mayor and attested by the Clerk. The Clerk was further directed to forward the Resolution and related documents to the County Clerk of Lyon County, Kansas, and to take all further action necessary to proceed with calling the special question election in the manner prescribed by law.

\* \* \* \* \*

(Other Proceedings)

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### **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 Emporia, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

---

Clerk

**ADOPTED AND APPROVED** by the governing body of the City of Emporia, Kansas, on November 20, 2024.

(Seal)

---

Mayor

ATTEST:

---

Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. \_\_\_\_ of the City of Emporia, Kansas, adopted by the governing body on November 20, 2024, as the same appears of record in my office.

DATED: November 20, 2024.

---

Clerk

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## **Commission Action Report**

Resolution No. 3745 Authorizing the City of Emporia  
to Apply for Moderate Income Housing Grant

**Title:** Resolution No. 3745 Authorizing the City of Emporia to Apply  
for a \$500,000 Moderate Income Housing Grant

**Agenda Date:** November 20, 2024

**Presented By:** Jeff Lynch, Community Development Coordinator

---

### **Background:**

This grant is offered by the Kansas Housing Resources Corporation for the development of housing for moderate-income occupants. Moderate income is defined by the State as 60% to 150% of HUD's FY 2024 income ranges. The city has utilized the program in the past with the construction of six new homes from 2017-2020, and 24 new apartment units with a MIH grant awarded in 2022.

### **Discussion:**

The proposal for this application includes the demolition of three dilapidated houses and the construction of 11 new structures, including three duplexes and eight single-family homes. All units are to be occupied by eligible owners or tenants who meet the income guidelines. Two project sites will be owned by the Emporia Land Bank, with proceeds from the sales to be reinvested into infill development of housing. The city's commitment will include providing appropriate staff for grant administration and inspections.

### **Financial considerations:**

The city will pledge to waive building and demolition permit fees, and inspection fees, for program projects.

### **Recommended action:**

Recommend approval of Resolution No. 3745, and authorize the Mayor to execute all related documents.

### **Attachments:**

Resolution No. 3745  
Cover Letter  
Application

## **RESOLUTION NO. 3745**

### **A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE KANSAS MODERATE INCOME HOUSING PROGRAM REQUEST FOR PROPOSAL**

**WHEREAS**, an eligible applicant may be any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 60,000; and

**WHEREAS**, the City of Emporia, Kansas (the “City”) has an estimated population of approximately 24,105, and therefore constitutes a city as said term is defined in this Request For Proposal; and

**WHEREAS**, the Governing Body of the City has agreed to the following commitments for the purpose of carrying out the proposed project:

1. Providing staff for grant administration and inspections for a housing development program;
2. Waiving of all city building and demolition permits, and inspection fees;
3. Streamline the bidding process to allow bids/estimates to be obtained by property owners/participants in lieu of city purchasing policy; city to approve disbursement of grant funds based on such bids or estimates.

**WHEREAS**, the City of Emporia intends to submit an application for \$500,000 in assistance from the Kansas Housing Resources Corporation, Moderate Income Housing Program.

THE APPLICANT hereby authorizes the MAYOR of EMPORIA, Kansas, to act as the applicant’s official representative in signing and submitting an application for the assistance to the KANSAS MODERATE INCOME HOUSING PROGRAM.

**APPROVED** BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this 20<sup>th</sup> day of November 2024.

(SEAL)

\_\_\_\_\_  
Erren Harter, Mayor

ATTEST:

\_\_\_\_\_  
Kerry Sull, City Clerk





November 20, 2024

Kansas Housing Resources Corporation  
611 S. Kansas Ave., Suite 300  
Topeka, KS 66603

RE: Moderate Income Housing Grant Application- Emporia

Dear Kansas Housing Resources Corporation,

The City of Emporia is submitting this application for \$500,000 of funding to provide for the demolition of three dilapidated houses, and the development of 11 new residential structures. Providing additional housing units is one of the top goals of the City Commission.

The city is committed to this project as it will provide a grant administrator and a construction manager, waive all building permit fees, and provide all necessary building inspections. The participants will also benefit from the city's neighborhood revitalization program which will offer property tax rebates on the properties improved. Along with other incentives offered by the city, the proposed project will greatly improve our housing stock for years to come.

We appreciate your consideration of our proposal to improve our community.

Sincerely,

Erren Harter  
Mayor, City of Emporia



*Instructions for 2024 Round 4 All Applications : To better facilitate evaluation, KHRC requires that MIH and KHITC applications and any required attachments be submitted via electronic upload via the online platform Procorem. RLF applications and any required attachments must be submitted via email to [RLF@kshousingcorp.org](mailto:RLF@kshousingcorp.org).*

*Please complete this application in Excel and save as "24-04-NameofApplicant-Application.xlsx" Example: Anytown, KS would name the application "24-04-Anytown-Application.xlsx". Accompanying documents must be uploaded electronically as PDF documents. If the applicant has difficulty or cannot upload the application electronically, please email [MIH@kshousingcorp.org](mailto:MIH@kshousingcorp.org).*

## I. Application Overview:

*Type of Request (select all that apply)*

**IMPORTANT:** MIH applications may be submitted as MIH-only or combined with a KHITC and/or RLF application. KHITC applications MUST be combined with an MIH request.

MIH: Yes

KHITC: No

RLF: No

*Application Type*

*Updated Date:*

New Application:            Resubmission: X Updated Application:            Closeout:           

*Site Information*

Project Name (should match Notice of Application ): Rebuild Emporia  
Street Address (or other detail to identify location ): 104 E. 5th Ave.  
City: Emporia City Population: 24,105 State: KS Zip: 66801  
County: Lyon County Population: 32,172 Census Tract:             
Kansas Senate District: 17th Kansas House District: 60th  
Federal Congressional District: 1st Legal Address: P.O. Box 928, Emporia, KS 66801

## II. Type of Development:

*Provide the total number of units for each type of unit below. KHRC recognizes that some units may fall under more than one of the descriptors below and that this may cause some units to be counted twice. However, the total units in development (FH45) should not contain duplicate information.*

| Unit Type                  | Number of Units |
|----------------------------|-----------------|
| Total Units in Development | 14              |
| Market Rate Units          |                 |
| MIH Units                  | 14              |
| KHITC Units                |                 |
| RLF Units                  |                 |

*What is the type of the development? Indicate the number of units of each.*

| Development Type            | Number of Units | Number of Buildings |
|-----------------------------|-----------------|---------------------|
| Multi-Family Rental         |                 |                     |
| Single Family Rental        |                 |                     |
| Single Family Homeownership | 8               | 8                   |
| Infrastructure              |                 |                     |
| Duplexes                    | 6               | 3                   |
| Other (specify)             |                 |                     |

Anticipated start date for construction: 4/15/2025  
 Anticipated completion date of the development: 10/15/2026  
 Address or geographic location of the development: Emporia

### III. Funding Information:

*How will KHRC's resources be used? Please select all that apply and indicate the \$ amount of each, but ONLY select the items that KHRC's resources will be applied towards. Infrastructure (as defined in the NORA) is **not** an eligible expense for an MIH grant.*

| Cost                         | Amount        | MIH | KHITC | RLF |
|------------------------------|---------------|-----|-------|-----|
| Building-Specific Site Costs | \$ -          |     |       |     |
| Down Payment Assistance      | \$ -          |     |       |     |
| Historic Rehabilitation      | \$ -          |     |       |     |
| Conversion From Another Use  | \$ -          |     |       |     |
| * Infrastructure/Site Work   | \$ -          |     |       |     |
| New Construction             | \$ 470,000.00 | Yes | No    | No  |
| Acquisition + Rehab          | \$ -          |     |       |     |
| Rehabilitation               | \$ -          |     |       |     |
| Other (describe) Demolition  | \$ 30,000.00  | Yes | No    | No  |

If project is a rehabilitation or conversion of existing buildings, year constructed: \_\_\_\_\_

*\* Infrastructure is generally not an eligible cost under the MIH program. If applicants need infrastructure for their proposed project, funds for infrastructure costs should be requested through the RLF program. However, in extenuating circumstances, KHRC may consider providing funds for infrastructure under an MIH grant. If the applicant believes their project warrants consideration for such a waiver, **provide an explanation for why the funds for infrastructure cannot be requested as a loan.***

Has the applicant applied or been approved for a Reinvestment Housing Incentive District (RHID)? No  
 If yes, at what stage of the approval process is the applicant? \_\_\_\_\_

### IV. Source of Funds (Construction & Permanent Financing):

**Construction: List individually the source of construction financing.**

*Please attach proof of funding source with the application.*

Source of Funds: Moderate Income Housing Grant Amount of Funds: \$ 500,000.00  
 Contact Name: Kansas Housing Resources Corporation  
 Email: MIH@kshousingcorp.org Phone: 785-217-2001

|                                                                                                |                                                     |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Source of Funds: <u>Kansas Housing Investor Tax Credit</u>                                     | Tax Credit Equity: \$ <u>-</u>                      |
| Contact Name: <u>Kansas Housing Resources Corporation</u>                                      | <i>Prefilled from KHITC tab.</i>                    |
| Email: <u>MIH@kshousingcorp.org</u>                                                            | Phone: <u>785-217-2001</u>                          |
| Source of Funds: <u>Revolving Loan Fund</u>                                                    | Amount of Funds: \$ <u>-</u>                        |
| Contact Name: <u>Kansas Housing Resources Corporation</u>                                      |                                                     |
| Email: <u>MIH@kshousingcorp.org</u>                                                            | Phone: <u>785-217-2001</u>                          |
| Source of Funds: <u>Emporia Land Bank</u>                                                      | Amount of Funds: \$ <u>70,000.00</u>                |
| Contact Name: <u>Jeff Lynch</u>                                                                | Phone: <u>620-343-4285</u>                          |
| Email: <u>jlynch@emporiaks.gov</u>                                                             |                                                     |
| Source of Funds: <u>Property Owners</u>                                                        | Amount of Funds: \$ <u>315,000.00</u>               |
| Contact Name: <u>Jeff Lynch</u>                                                                | Phone: <u>6203434285</u>                            |
| Email: <u>jlynch@emporiaks.gov</u>                                                             |                                                     |
| Source of Funds: <u>ESB Financial</u>                                                          | Amount of Funds: \$ <u>240,000.00</u>               |
| Contact Name: <u>Craig Bender</u>                                                              | Phone: <u>620-342-3454</u>                          |
| Email: <u>craigbe@esbfinancial.com</u>                                                         |                                                     |
| Source of Funds: <u>Flint Hills Bank</u>                                                       | Amount of Funds: \$ <u>860,000.00</u>               |
| Contact Name: <u>Mark Hoelting</u>                                                             | Phone: <u>785-449-2266</u>                          |
| Email: <u>mark@flinthillsbank.com</u>                                                          |                                                     |
| Source of Funds: _____                                                                         | Amount of Funds: \$ <u>-</u>                        |
| Contact Name: _____                                                                            | Phone: _____                                        |
| Email: _____                                                                                   |                                                     |
| Source of Funds: _____                                                                         | Amount of Funds: \$ <u>-</u>                        |
| Contact Name: _____                                                                            | Phone: _____                                        |
| Email: _____                                                                                   |                                                     |
| Source of Funds: _____                                                                         | Amount of Funds: \$ <u>-</u>                        |
| Contact Name: _____                                                                            | Phone: _____                                        |
| Email: _____                                                                                   |                                                     |
| <b><i>For applicants requesting resources for existing MIH and/or KHITC projects ONLY.</i></b> |                                                     |
| Source of Funds: <u>Moderate Income Housing Grant</u>                                          | Amount of Funds: \$ <u>-</u>                        |
| Contact Name: <u>Kansas Housing Resources Corporation</u>                                      | Project Number: _____                               |
| Email: <u>MIH@kshousingcorp.org</u>                                                            | Phone: <u>785-217-2001</u>                          |
| Source of Funds: <u>Kansas Housing Investor Tax Credit</u>                                     | Tax Credit Equity: \$ <u>-</u>                      |
| Contact Name: <u>Kansas Housing Resources Corporation</u>                                      | Project Number: _____                               |
| Email: <u>MIH@kshousingcorp.org</u>                                                            | Phone: <u>785-217-2001</u>                          |
| <b>Total Construction Financing:</b>                                                           | \$ <u>1,985,000.00</u> <i>Prefilled from above.</i> |

*In the box below, detail other items used to leverage the proposal. This could include sources such as in-kind labor and services, reduced fees and taxes, and city contributed work. KHRC recognizes that calculating leveraged funds is complicated and nuanced. KHRC will consider the sources listed below, but outside of the leveraged funds calculation.*

**Permanent Financing: List total source of funds for the development at closing. Do not include construction finance.**

*Please attach proof of funding source with the application.*

| Name of Lender or Source of Funds | Amount of Funds | Annual Debt Service | Interest Rate of Loan Period | Amortization Period | Term of Loan |
|-----------------------------------|-----------------|---------------------|------------------------------|---------------------|--------------|
| MIH Grant                         | \$ 500,000.00   | \$ -                |                              |                     |              |
| RLF                               | \$ -            | \$ -                | 0.00%                        |                     |              |
| KHITC Equity                      | \$ -            | \$ -                |                              |                     |              |
| Emporia Land Bank                 | \$ 70,000.00    | \$ -                |                              |                     |              |
| Lenders                           | \$ 1,100,000.00 | \$ 77,070.00        | 7.50%                        | 30 yrs              | 30 yrs.      |
| Property Owners                   | \$ 315,000.00   | \$ -                |                              |                     |              |
|                                   | \$ -            | \$ -                |                              |                     |              |

|                                   |                        |                                                                    |
|-----------------------------------|------------------------|--------------------------------------------------------------------|
| <b>Total Permanent Funds:</b>     | <b>\$ 1,985,000.00</b> | <i>Permanent Funds must Equal Total Development Costs (below).</i> |
| <b>Total Development Costs:</b>   | <b>\$ 1,985,000.00</b> | <i>Prefilled from Section X.</i>                                   |
| <b>Total Annual Debt Service:</b> | <b>\$ 77,070.00</b>    | <i>Prefilled from above.</i>                                       |

## V. Other Grants and Resources:

### Reinvestment Housing Incentive District (RHID)

Total Award: \$ -

Frequency of Payments:

Amount per Payment: \$ -

Use of Funds

### Historic Preservation Credit

Total Award: \$ -

Frequency of Payments:

Amount per Payment: \$ -

Use of Funds

### Resource (describe)

Total Award: \_\_\_\_\_

Frequency of Payments:

Amount per Payment: \$ -

Use of Funds

### Resource (describe)

Total Award: \$ -

Frequency of Payments:

Amount per Payment: \$ -

Use of Funds

**Resource (describe)**

Total Award: \$ -  
Frequency of Payments:  
Amount per Payment: \$ -

Use of Funds

## VI. Partnership Information

Name: not applicable Federal EIN Number:

**General Partner/Managing Member/or Principal(s) Involved:**

*Identify the ownership structure, as applicable, for both homeownership and rental projects.*

|       |        |                       |
|-------|--------|-----------------------|
| Name: | Phone: | Ownership Percentage: |
| Name: | Phone: | Ownership Percentage: |
| Name: | Phone: | Ownership Percentage: |

## VII. Development Team Information

**Development Team**

*Provide the following information if applicable and attach a resume for each team member listed.*

|                            |                        |                     |
|----------------------------|------------------------|---------------------|
| <b>Developer:</b>          | City staff- Jeff Lynch |                     |
| Email:                     | jlynch@emporiaks.gov   | Phone: 620-343-4285 |
| <b>Principal/Owner:</b>    |                        |                     |
| Email:                     |                        | Phone:              |
| <b>Builder/Contractor:</b> |                        |                     |
| Email:                     |                        | Phone:              |
| <b>Mgmt. Company:</b>      |                        |                     |
| Email:                     |                        | Phone:              |
| <b>Consultant:</b>         |                        |                     |
| Email:                     |                        | Phone:              |
| <b>Architect:</b>          |                        |                     |
| Email:                     |                        | Phone:              |
| <b>Site Planner:</b>       |                        |                     |
| Email:                     |                        | Phone:              |
| <b>Property Manager:</b>   |                        |                     |
| Email:                     |                        | Phone:              |
| <b>Engineer:</b>           |                        |                     |
| Email:                     |                        | Phone:              |

**Financial History**

Is any related entity or member of the development team subject to any litigation, legal action, lawsuit, foreclosure or bankruptcy? No

If yes, provide an explanation:

### Funding History

Applicants should report award history on the following KHRC programs:

- Housing Trust Fund (HTF)
- Moderate Income Housing (MIH)
- Low Income Housing Tax Credit (LIHTC)
- HOME Investment Partnerships (HOME)☐
- Kansas Housing Investor Tax Credit (KHITC)
- Moderate Income Housing-American Rescue Plan Act (MIH-ARPA)

Have any members of the development team previously received any of the resources listed above?

No

Name of Recipient: City of Emporia  
Resources Received: MIH-\$179,000

Year(s) Received: 2016  
Community Funded: Emporia, KS

Name of Recipient: City of Emporia/Capital Holdings  
Resources Received: MIH- \$650,000; KHITC-\$720,000

Year(s) Received: 2022  
Community Funded: Emporia, KS

Name of Recipient: \_\_\_\_\_  
Resources Received: \_\_\_\_\_

Year(s) Received: \_\_\_\_\_  
Community Funded: \_\_\_\_\_

### Disclosure of Relationship

Applicants must disclose any current or former (within 2 years of this application) KHRC employees acting as a consultant or interested party. Current KHRC employees cannot receive a financial gain from the funding of a project received through KHRC for a period of two years after his/her employment ends.

By completing this application, the applicant is agreeing to KHRC's Disclosure of Relationship clause and must comply by verifying the project does not create financial gain for the current KHRC employee. The applicant should submit the proper information when requesting disbursement of funds to show compliance.

Are any members of the development team or additional interested parties a current or former employee of KHRC? No

If yes, who? \_\_\_\_\_

Describe their involvement in the project:

## VIII. Additional Development Information:

### Project Type

Please select all that apply and indicate number of units where appropriate.

Detached Single Family: 8  
Rowhouse/Townhouse: \_\_\_\_\_

Detached Multi-Family: 6  
Partial Basement: \_\_\_\_\_

Apartments: \_\_\_\_\_  
Stories: \_\_\_\_\_

Slab on Grade: 14  
Full Basement: \_\_\_\_\_

Crawl Space: \_\_\_\_\_  
If other, please describe: \_\_\_\_\_

Elevator: \_\_\_\_\_

Total Development Costs: \$ 1,985,000.00 *Prefilled from Section XI.*

## IX. Annual Rental Operating Income and Expense:

*If you do not plan to incorporate rental units in your project, please skip this section.*

### Operating Income

| Unit Type     | # Units  | Monthly Rent Per Unit | Total Tenant Paid  | Square Feet Per Unit |
|---------------|----------|-----------------------|--------------------|----------------------|
| 2 BR          | 6        | \$ 1,000.00           | \$ 6,000.00        | 1,020                |
| BR            | 0        | \$ -                  | \$ -               |                      |
| BR            | 0        | \$ -                  | \$ -               |                      |
| BR            | 0        | \$ -                  | \$ -               |                      |
| <b>Total:</b> | <b>6</b> |                       | <b>\$ 6,000.00</b> |                      |

|                        |   |
|------------------------|---|
| Total Number of Units: | 6 |
| Other Income Type:     |   |
| Vacancy Allowance:     |   |

|                                        |                    |
|----------------------------------------|--------------------|
| Total Monthly Rental Income:           | \$ 6,000.00        |
| Plus Other Monthly Income Amount:      | \$ -               |
| Less Monthly Vacancy Allowance:        | \$ -               |
| <b>Total Monthly Operating Income:</b> | <b>\$ 6,000.00</b> |

|                                           |                     |
|-------------------------------------------|---------------------|
| <b>Total Annualized Operating Income:</b> | <b>\$ 72,000.00</b> |
|-------------------------------------------|---------------------|

### Operating Expense

| Administrative                    |                 | Maintenance                    |                 |
|-----------------------------------|-----------------|--------------------------------|-----------------|
| Advertising                       | \$ -            | Decorating                     | \$ -            |
| Management                        | \$ 1,500        | Repairs                        | \$ 1,110        |
| Legal/Partnership                 | \$ -            | Exterminating                  | \$ -            |
| Accounting/Audit                  | \$ -            | Ground Expense                 | \$ 3,500        |
| Other                             | \$ -            | Other                          |                 |
| Other                             | \$ -            | Other                          | \$ -            |
| Other                             | \$ -            | Other                          | \$ -            |
| <b>Total Administrative Cost:</b> | <b>\$ 1,500</b> | <b>Total Maintenance Cost:</b> | <b>\$ 4,610</b> |

| Operating                    |                 |
|------------------------------|-----------------|
| Elevator                     | \$ -            |
| Fuel (Heating & Water)       |                 |
| Lighting & Misc. Power       | \$ -            |
| Gas                          | \$ -            |
| Trash Removal                |                 |
| Payroll (include taxes)      | \$ -            |
| Insurance                    | \$ 4,500        |
| <b>Total Operating Cost:</b> | <b>\$ 4,500</b> |



|                                        |                     |
|----------------------------------------|---------------------|
| Total Real Estate Taxes:               | \$ 15,006.00        |
| Annual Replacement Reserve for Units:  | \$ 3,600.00         |
| <b>Total Annual Operating Expense:</b> | <b>\$ 29,216.00</b> |

**IMPORTANT:** All applicants proposing a rental project must also complete the Rental Operating Proforma tab of this application. Failing to complete the Rental Operating Proforma for rental projects may result in an application being evaluated as substantially incomplete.

## X. Homeownership:

If you do not plan to incorporate homeownership units in your project, please skip this section.

|                       |            |
|-----------------------|------------|
| Down Payment Cost:    | \$ 10,000  |
| Estimated Sale Price: | \$ 200,000 |

|                                    |                 |
|------------------------------------|-----------------|
| Mortgage Principal & Interest:     | \$ 1,020        |
| Estimated Taxes & Insurance:       | \$ 450          |
| <b>Total Monthly Housing Cost:</b> | <b>\$ 1,470</b> |

## XI. Development Budget:

List Total Development Costs.

| Itemized Cost                                     | Development Cost       |
|---------------------------------------------------|------------------------|
| <b>To Purchase Land and Buildings:</b>            |                        |
| Land                                              | \$ -                   |
| Existing Structures                               | \$ -                   |
| Demolition                                        | \$ 30,000.00           |
| Other                                             | \$ -                   |
| <b>Subtotal</b>                                   | <b>\$ 30,000.00</b>    |
| <b>For Site Work:</b>                             |                        |
| Eligible Building-Specific Site Costs             | \$ -                   |
| Offsite Infrastructure                            | \$ -                   |
| Onsite Infrastructure                             | \$ -                   |
| Other                                             | \$ -                   |
| <b>Subtotal</b>                                   | <b>\$ -</b>            |
| <b>For Rehabilitation &amp; New Construction:</b> |                        |
| New Building                                      | \$ 1,955,000.00        |
| Rehabilitation                                    | \$ -                   |
| Accessory Building                                | \$ -                   |
| General Requirements                              | \$ -                   |
| Contractor Overhead                               | \$ -                   |
| Contractor Profit                                 | \$ -                   |
| Building Permit Fee                               | \$ -                   |
| Other                                             | \$ -                   |
| <b>Subtotal</b>                                   | <b>\$ 1,955,000.00</b> |
| <b>For Contingency:</b>                           |                        |
| Construction Contingency                          | \$ -                   |
| Other                                             | \$ -                   |
| <b>Subtotal</b>                                   | <b>\$ -</b>            |
| <b>For Architectural &amp; Engineering Fees:</b>  |                        |
| Architect Fee - Design                            | \$ -                   |

|                                               |           |                     |
|-----------------------------------------------|-----------|---------------------|
| Architect Fee - Supervision                   | \$        | -                   |
| Real Estate Attorney                          | \$        | -                   |
| Consultant or Processing Agent                | \$        | -                   |
| Property/Survey Fee                           | \$        | -                   |
| Engineering Fees                              | \$        | -                   |
| Other                                         | \$        | -                   |
| <b>Subtotal</b>                               | <b>\$</b> | <b>-</b>            |
| <b>For Interim Costs:</b>                     |           |                     |
| Construction Insurance                        | \$        | -                   |
| Construction Interest                         | \$        | -                   |
| Construction Loan Origination Fee             | \$        | -                   |
| Construction Loan Credit Enhancement          | \$        | -                   |
| Taxes                                         | \$        | -                   |
| Other                                         | \$        | -                   |
| <b>Subtotal</b>                               | <b>\$</b> | <b>-</b>            |
| <b>For Financing Fees and Expenses:</b>       |           |                     |
| Bond Premium                                  | \$        | -                   |
| Credit Report                                 | \$        | -                   |
| Permanent Loan Origination Fee                | \$        | -                   |
| Permanent Loan Credit Enhancement             | \$        | -                   |
| Cost of Issuance/Underwriter Discount         | \$        | -                   |
| Title and Recording                           | \$        | -                   |
| Counsel's Fee                                 | \$        | -                   |
| Cost Certification Fee                        | \$        | -                   |
| Other                                         | \$        | -                   |
| <b>Subtotal</b>                               | <b>\$</b> | <b>-</b>            |
| <b>For Soft Costs:</b>                        |           |                     |
| Property Appraisal (Feasibility) Market Study | \$        | -                   |
| Environmental Report                          | \$        | -                   |
| Rent-Up Consultants Other                     | \$        | -                   |
| Other                                         | \$        | -                   |
| <b>Subtotal</b>                               | <b>\$</b> | <b>-</b>            |
| <b>For Developer's Fees:</b>                  |           |                     |
| Developer's Overhead                          | \$        | -                   |
| Developer's Fees                              | \$        | -                   |
| Other                                         | \$        | -                   |
| <b>Subtotal</b>                               | <b>\$</b> | <b>-</b>            |
| <b>For Development Reserves:</b>              |           |                     |
| Rent-Up Reserve Operating Reserve Other       | \$        | -                   |
| Other                                         | \$        | -                   |
| <b>Subtotal</b>                               | <b>\$</b> | <b>-</b>            |
| <b>Total</b>                                  | <b>\$</b> | <b>1,985,000.00</b> |

## XII. Job Creation and Economic Development

Please provide a narrative explaining job creation and economic development in your community, including major employers with the number of their employees, open positions, and unemployment rate. This narrative should include relevant job and economic development numbers from the applicant's housing study. Submit documentation to support each answer (i.e.

### Major Employers in the Area

Employer Name: USD 253 # of employees: 947 # of open positions: 81

|                |                                 |                 |              |                      |           |
|----------------|---------------------------------|-----------------|--------------|----------------------|-----------|
| Employer Name: | <u>Simmons Pet Food</u>         | # of employees: | <u>1,588</u> | # of open positions: | <u>56</u> |
| Employer Name: | <u>Emporia State University</u> | # of employees: | <u>753</u>   | # of open positions: | <u>29</u> |
| Employer Name: | <u>Newman Regional Health</u>   | # of employees: | <u>450</u>   | # of open positions: | <u>28</u> |
| Employer Name: | <u>City of Emporia</u>          | # of employees: | <u>312</u>   | # of open positions: | <u>24</u> |
| Employer Name: | <u>Hostess Brands</u>           | # of employees: | <u>625</u>   | # of open positions: | <u>5</u>  |
| Employer Name: | <u>Tyson Fresh Meats</u>        | # of employees: | <u>845</u>   | # of open positions: | <u>7</u>  |

Please provide a brief narrative on open positions and projected employment opportunities.

Employment opportunities are still plentiful and are expected to be for the foreseeable future. With an unemployment rate of 3.2% there remains 1,170 advertised open positions in Lyon County. According to the local Regional Development Association, they know of many employers wanting to expand, but do not have the workforce to fill positions.

Current Unemployment Rate: 3%

Date collected and community definition: 10/2025; Lyon Co.

Please provide a brief narrative on how the proposal provides a solution to the immediate workforce needs in the community.

More housing helps bring more workforce to Emporia as feedback from employers indicates inadequate supply of quality housing deters potential workers from moving to Emporia.

### XIII. Application Next Steps

**THIS APPLICATION IS NOT COMPLETE.** Completing only the Project Information tab of this application DOES NOT qualify as a complete application for the MIH, KHITC, or RLF Programs. Completing only this tab of the spreadsheet may result in an application being evaluated as substantially incomplete. After completing the Project Information tab, complete the corresponding tabs for each program for which the applicant intends to apply. **Each program has a separate application tab in this spreadsheet.** If the applicant intends to apply for each program, they will need to complete the corresponding application for each program.





## Commission Action Report

Ordinance No. 24-36 Granting Franchise to Zayo Group, LLC.

**Title:** Ordinance No. 24-36 Granting Franchise to Zayo Group, LLC.

**Agenda Date:** November 20, 2024

**Presented By:** Christina Montgomery, City Attorney

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### Background:

A franchise is a non-exclusive right granted by the City to a corporation to use public right of way. The City has franchise ordinances with the telephone, gas, electric and cable utilities. Under K.S.A. 12-2001, franchise rights are granted by ordinance setting forth the terms of the use and must include a franchise fee to be paid by the corporation for the use of public property. Franchise fees help to off-set the expenses incurred by the City in administering the use of the public's right of way.

### Discussion:

Zayo Group, LLC ("Zayo"), a telecommunications service provider, acquired Ideatek Communications, LLC and took over an existing franchise which was in effect from 2014 to 2024. Ordinance 24-36 grants a 10-year franchise to Zayo.

### Financial considerations:

Zayo will pay a franchise fee is a sum equal to five percent (5%) of gross receipts collected by from within the corporate boundaries of the city for telecommunications services provided.

### Recommended action:

Approve Ordinance No. 24-36 Granting Franchise to Zayo Group, LLC.

### Attachments:

Ordinance No. 24-36 Granting Franchise to Zayo Group, LLC.

## ORDINANCE NO. 24-36

A CONTRACT FRANCHISE ORDINANCE GRANTED TO ZAYO GROUP, LLC, A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF EMPORIA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

**SECTION 1.** Pursuant to K.S.A. 12-2001, a contract franchise ordinance is hereby granted to Zayo Group, LLC (hereinafter “Zayo”), a telecommunications local exchange service provider providing local exchange service within the City of Emporia, Kansas (“City”), subject to the provisions contained hereafter. The term of this ordinance shall be for a period beginning December 1, 2024, and ending November 30, 2034. Compensation for said contract franchise ordinance shall be established pursuant to Section 3 of this ordinance.

**SECTION 2.** For the purpose of this contract franchise ordinance, the following words and phrases and their derivations shall have the following meaning:

“**Access line**” shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office based switching arrangement where all stations serviced by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer’s premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple communications paths derived from a billed and collected access line. Access line shall not include the following: Wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, lines providing only data services without voice services processed by a telecommunications local exchange service provider or private line service arrangements.

“**Access line count**” means the number of access lines servicing consumers within the corporate boundaries of the city on the last day of each month.

“**Access line fee**” means a fee determined by a city, up to a maximum as set out in K.S.A. 12-2001 and amendments thereto, to be used by a telecommunications local exchange service provider in calculating the amount of access line remittance.

“**Access line remittance**” means the amount to be paid by a telecommunications local exchange provider to a city, the total of which is calculated by multiplying the access line fee, as determined in the city, by the number of access lines served by that telecommunications local exchange service provider within that city for each month in that calendar quarter.

“**Gross receipts**” means only those receipts collected from within the corporate boundaries of the city enacting the franchise and which are derived from the following: (A) Recurring local exchange

service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (B) recurring local exchange access line services for pay phone lines provided by a telecommunications local exchange service provider to all pay phone service providers; (C) local directory assistance revenue; (D) line status verification/busy interrupt revenue; (E) local operator assistance revenue; (F) nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills. All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from gross receipts. Gross receipts shall be reduced by bad debt expenses. Uncollectable and late charges shall not be included within gross receipts. If a telecommunications local exchange provider offers additional services of a wholly local nature which if in existence on or before July 1, 2002, would have been included with the definition of gross receipts, such services shall be included from the date of the offering of such services to the city.

**“Local exchange service”** means local switched telecommunications service within any local exchange service area approved by the state corporation commission, regardless of the medium by which the local telecommunications service is provided. The term local exchange service shall not include wireless communication services.

**“Provider”** shall mean a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187, and amendments thereto, or a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1187, and amendments thereto.

**“Public right-of-way”** means only the area of real property in which the city has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

**“Telecommunications local exchange service provider”** means a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187, and amendments thereto, and a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1,187, and amendments thereto, which does, or in good faith intends to provide local exchange service. The term telecommunications local exchange provider does not include an interexchange carrier that does not provide local exchange service, competitive access provider that does not provide local exchange service or any wireless telecommunications local exchange service provider.

**“Telecommunications services”** means providing the means of transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

**SECTION 3.** Compensation made pursuant to this contract franchise ordinance shall be paid on a quarterly basis without invoice or reminder from the City and paid not later than forty-five (45) days after the end of the remittal period. Compensation for each calendar year of the term of the contract franchise ordinance shall be based on a sum equal to five percent (5%) of gross receipts; unless the City notifies Zayo prior to ninety (90) days before the end of the calendar year that it intends to increase or decrease the percentage of gross receipts for the following year or that it intends to switch to an access line fee for the following calendar year. In the event City elects compensation based on an access line fee, nothing herein precludes City from switching back to a gross receipts fee provided City notifies Zayo prior to ninety (90) days before the end of the calendar year that it intends to elect a gross receipts fee for the following calendar year. Any increased access line fee or gross receipt fee shall be in compliance with the public notification procedures set forth in subsections (l) and (m) of K.S.A. 12-2001.

**SECTION 4.** The City shall have the right to examine, upon written notice to the telecommunications local exchange provider, no more than once per calendar year, those records necessary to verify correctness of the compensation paid pursuant to this contract franchise ordinance. If Zayo provides any books, records, and/or information to City that Zayo reasonably believes to be confidential or proprietary, and Zayo clearly and specifically identifies such books, records and/or information as confidential or proprietary upon initial submission to City, City will take reasonable steps to protect the confidentiality of such books, records, and/or information subject to City's obligations under applicable public records laws. In the event that City receives a request to disclose any books, records, and/or information that Zayo has identified as confidential or proprietary then City shall notify Zayo of Zayo's opportunity to seek a protective order from a court with competent jurisdiction. In the event that Zayo does not commence such action within ten business days, City may disclose said books, records, and/or information.

**SECTION 5.** As a condition of this contract franchise ordinance, Zayo is required to obtain and is responsible for any necessary permit, license, certification, grant, registration or any other authorization required by any appropriate governmental entity, including, but not limited to, the City, the Federal Communications Commission (FCC) or the Kansas Corporation Commission (KCC), subject to Zayo's right to challenge in good faith requirements as established by the FCC, KCC or other City ordinance. Zayo shall also comply with all applicable laws, statutes and/or ordinances, subject to Zayo's right to challenge in good faith such laws, statutes and/or ordinances.

**SECTION 6.** This contract franchise ordinance does not provide Zayo the right to provide cable service as a cable operator (as defined by 47 U.S.C. section 522(5)) within the City. Upon Zayo's request for a franchise to provide cable service as a cable operator (as defined by 47 U.S.C. section 522(5)) within the City, Zayo will obtain a state wide franchise for video services from the Kansas Corporation Commission and including payment of the local fee component for video services.

**SECTION 7.** If requested by City, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety and welfare of the public, Zayo shall remove its facilities from the public right of way or shall relocate or adjust its facilities within the public right



of way at no cost to the City. Such relocation or adjustment shall be completed as soon as reasonably possible within the time set forth in any request by the City for such relocation or adjustment. Any damages suffered by the City of its contractors as a result of Zayo's failure to timely relocate or adjust its facilities shall be borne by Zayo.

**SECTION 8.** Permission is hereby granted to Zayo to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming into contact with Zayo facilities, all the said trimming shall comply with all applicable laws, statutes and/or ordinances.

**SECTION 9.** Nothing herein contained shall be construed as giving Zayo any exclusive privileges, nor shall it affect any prior or existing rights of others to maintain a telecommunications system within the City.

**SECTION 10.** Zayo shall collect and remit compensation as described in Section 3 on those access lines that have been resold to another telecommunications local exchange service provider.

**SECTION 11.** Any required or permitted notice under this contract franchise ordinance shall be in writing. Notice upon the City shall be delivered to the city clerk by first class United States mail or by personal delivery. Notice upon Zayo shall be delivered by first class United States mail.

Zayo Group, LLC  
Attn: Legal – Underlying Rights  
1401 Wynkoop Street, Suite 500  
Denver, CO 80202

Zayo Group, LLC  
Attn: Legal – General Counsel  
1821 30<sup>th</sup> Street, Unit A  
Boulder, CO 80301

Billing Contact  
Zayo Group, LLC  
Attn: Accounts Payable  
1821 30<sup>th</sup> Street, Unit A  
Boulder, CO 80301  
[askap@zayo.com](mailto:askap@zayo.com)

For Emergencies  
Network Operations Center & Repair  
Phone: 888-404-9296  
[zayoncc@zayo.com](mailto:zayoncc@zayo.com)

**SECTION 12. Failure to Enforce.** The failure of either party to enforce and remedy any noncompliance of the terms and conditions of this contract franchise ordinance shall not constitute a waiver of rights nor a waiver of the other party's obligations as provided herein.

**SECTION 13. Force Majeure.** Each and every provision hereof shall be subject to acts of God, fires, strikes, riots, floods, war and other disasters beyond Zayo's or the City's control.

**SECTION 14.** Zayo has entered into this Contract franchise as required by the City and K.S.A. 12-2001. If any clause, sentence, section, or provision of K.S.A. 12-2001, and amendments thereto, shall be held to be invalid by a court of competent jurisdiction, either the City or Zayo may elect to terminate the entire Contract franchise. In the event of a court of competent jurisdiction invalidates K.S.A. 12-2001, and amendments thereto, if Zayo is required by law to enter into a Contract franchise with the City, the parties agree to act in good faith in promptly negotiating a new Contract franchise.

**SECTION 15.** This contract franchise ordinance is made under and in conformity with the laws of the State of Kansas. No such contract franchise shall be effective until the ordinance granting the same has been adopted as provided by law.

**PASSED AND APPROVED** by the Governing Body of the City of Emporia, Kansas, this 20<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
Erren Harter, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kerry Sull, City Clerk

\_\_\_\_\_  
Christina Montgomery, City Attorney



## Commission Action Report

### Financials and Permits

**Title:** Financials and Permits  
**Agenda Date:** November 20, 2024  
**Presented By:** Trey Cocking, City Manager

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#### Background:

This is a time for the City Manager to make comments and reports to the Public.

#### The following is general information for the month of October 2024 for the community:

##### Monthly Local Retail Sales Tax Receipts Update

|            | 2023                   | 2024                  |                                                  |
|------------|------------------------|-----------------------|--------------------------------------------------|
|            | \$ 577,241.03          | \$ 573,850.13         | <b>Decrease of \$3,390.90</b> for the month, and |
| <b>YTD</b> | <b>\$ 5,371,922.70</b> | <b>\$5,394,613.39</b> | Overall increase of 0.42% from year 2023.        |

##### City Share from County Tax

|            | 2023                   | 2024                   |                                                  |
|------------|------------------------|------------------------|--------------------------------------------------|
|            | \$ 297,427.19          | \$ 296,127.53          | <b>Decrease of \$1,299.66</b> for the month, and |
| <b>YTD</b> | <b>\$ 2,822,895.85</b> | <b>\$ 2,768,243.52</b> | Overall decrease of 1.97% from year 2023.        |

#### Building Permits issued from 10/1/2024 to 10/31/2024 for new construction, remodeling/repairs and demolition.

|                                                                |                 |
|----------------------------------------------------------------|-----------------|
| Total number of building permits issued through Code Services: | 78              |
| Total of valuations associated with those building permits:    | \$ 1,840,873.27 |
| Total number of dollars collected for Building Permit Fees:    | \$ 14,371.00    |
| Construct – Single-family dwellings                            | 0               |
| Demo – Single-family dwellings                                 | 1               |

|                                              |                      |
|----------------------------------------------|----------------------|
| <b>Flint Hills Mall CID for October 2024</b> | <b>\$ 19,667.96</b>  |
| <b>YTD</b>                                   | <b>\$ 203,834.70</b> |

|                                       |                      |
|---------------------------------------|----------------------|
| <b>Pavilions CID for October 2024</b> | <b>\$ 15,648.10</b>  |
| <b>CID #2</b>                         | <b>\$ 15,648.10</b>  |
| <b>YTD</b>                            | <b>\$ 313,552.87</b> |

|                                            |                     |
|--------------------------------------------|---------------------|
| <b>Fairview Hotel CID for October 2024</b> | <b>\$ 5,463.63</b>  |
| <b>YTD</b>                                 | <b>\$ 32,134.24</b> |



DATE: November 12, 2024  
TO: City Commissioners  
FROM: Janet Harrouff  
SUBJECT: Budget Comparison

The **General Fund** Income Statement for the ten-month period ending October 31, 2024, has been reviewed and the significant budget variations have been explained below.

Revenue:

Ad Valorem Tax: \$81,512 lower than YTD budget

Sales Tax: \$503,873 lower than YTD Budget.

City Sales Tax: \$445,027 lower

County Wide Tax: \$48,846 lower

Franchise tax: \$294,629 lower than YTD Budget

Electric - \$123,147 lower

Gas - \$134,875 lower

Charges for Services: \$353,426 higher than YTD Budget

Golf - \$266,063 higher

Ambulance - \$60,380 higher

Airport Fuel - \$22,217 higher

Use of Property and Money: \$646,493 higher than YTD Budget

Interest - \$642,287 higher

Expense

Personnel Services: \$226,437 higher than YTD budget

Maintenance & Repair: \$225,153 lower than YTD budget

Building: \$128,380 lower

Equipment: \$72,395 lower

Software: \$13,047 lower

Commodities: \$186,414 lower than YTD budget  
Office Supplies: \$12,427 lower  
Other Commodities: \$39,346 lower  
Clothing: \$25,932 lower  
Ambulance supplies - \$39,459 lower  
Airport Fuel - \$119,558 lower  
Golf Pro Shop Merchandise - \$36,261 higher

Other Charges: \$148,049 lower than YTD budget  
Insurance: \$29,956 higher  
Inter Department charges: \$170,813 lower

Total revenues for the ten-month period ended October 31, 2024, were \$396,610 over the YTD budget while expenses were \$1,208,807 under the YTD Budget. Therefore, the General Fund experienced operating results of \$1,605,417 more favorable than the YTD Budget.

I have reviewed the **Water Fund** Income Statement for the ten-month period ended October 31, 2024. The significant budget variations have been explained below.

#### Revenue

Sale of Water: \$972,538 over YTD budget.

Non-Operating Revenue: \$5,240,370 was received from a State Loan drawn down for water main projects.

#### Expense

Maintenance & Repair: \$385,027 over YTD budget  
Equipment - \$197,586 higher  
Pumping Equipment - \$44,543 lower  
Water Meters - \$110,900 lower  
Water Main - \$115,272 higher  
Streets - \$124,327 higher  
Buildings - \$34,559 higher

Commodities: \$524,361 over YTD budget  
Motor Fuels - \$11,146 higher  
Chemicals - \$485,610 higher  
Office Machines - \$8,415 higher  
Tools - \$18,463 higher

Other charges: \$326,467 over YTD budget  
Insurance - \$36,656 higher  
Industrial discount - \$265,272 higher

Capital Outlay: \$621,315 lower than YTD budget due to not purchasing items.

Total revenues for the ten-month period ending October 31, 2024, were \$6,146,974 over the YTD budget while expenses were \$6,452,247 over the YTD Budget. Therefore, the Water Fund experienced operating results of \$305,274 less favorable than the YTD Budget.

I have reviewed the **Wastewater Fund** Income Statement for the ten-month period ended October 31, 2024. The significant budget variations have been explained below.

Revenue:

Sewer Charges: \$331,400 higher than YTD budget

Non-Operating revenue: \$135,920 for a state loan drawdown

Expenses

Commodities: \$204,343 higher than YTD Budget

Chemicals - \$182,276 higher

Motor Fuel - \$26,912 higher

Office Machines - \$8,415 higher

Laboratory equipment - \$21,646 higher

Capital Outlay: \$287,477 lower than YTD budget due to not purchasing items yet.

Contractual Services: \$124,945 higher than YTD Budget

Contractual Services - \$89,751 higher

Lease Agreements - \$41,015 higher

Total revenues for the ten-month period ending October 31, 2024, were \$535,128 higher than the YTD budget while expenses were \$257,687 higher than the YTD Budget. Therefore, the Wastewater Fund experienced operating results of \$277,441 more favorably than the YTD Budget.

I have reviewed the **Solid Waste Fund** Income Statement for the ten-month period ended October 31, 2024. The significant budget variations have been explained below.

Revenue

Collection fees: \$21,293 lower than YTD budget

Resale of Recyclables: \$73,661 higher than YTD budget

Rolloff: \$326,626 lower than YTD budget

Landfill fees: \$14,781 lower than YTD budget

## Expenses

Maintenance & Repair: \$104,536 lower than YTD budget

Vehicles: \$81,791 lower

Building: \$17,686 lower

Other Charges: \$135,964 over YTD budget

Industrial Discount - \$115,392 higher

Shop Labor - \$46,934 higher

Capital Outlay \$334,641 lower than YTD budget due to items not purchased yet.

Total revenues for the ten-month period ended October 31, 2024, were \$166,467 lower than YTD budget while expenses were \$521,911 lower than the YTD Budget. Therefore, the Solid Waste Fund experienced operating results of \$355,443 more favorable than the YTD Budget.

**GENERAL FUND**

as of October 31, 2024

**GENERAL FUND**

|                                                 | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------------------------|------------------------------------|----------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>                   | 5,932,373                          | 6,014,886      | 6,450,183                  | 6,450,183             | 6,450,183                                    |
| <b>REVENUE</b>                                  |                                    |                |                            |                       |                                              |
| Ad Valorem Property Tax                         | 5,588,068                          | 6,459,892      | 6,454,000                  | 6,372,488             | 81,512                                       |
| Sales Tax                                       | 9,765,670                          | 10,400,095     | 8,666,730                  | 8,162,857             | 503,873                                      |
| Franchise Tax                                   | 2,838,191                          | 3,215,568      | 2,679,630                  | 2,385,001             | 294,629                                      |
| Other Taxes                                     | 845,456                            | 671,214        | 647,210                    | 655,460               | (8,250)                                      |
| Intergovernmental Taxes                         | 308,881                            | 328,309        | 280,580                    | 350,639               | (70,059)                                     |
| Licenses & Permits                              | 270,454                            | 277,250        | 206,650                    | 249,387               | (42,737)                                     |
| Charges for Services                            | 2,323,864                          | 2,062,150      | 1,787,220                  | 2,140,646             | (353,426)                                    |
| Fines & Fees                                    | 477,393                            | 573,550        | 477,160                    | 424,786               | 52,374                                       |
| Use of Property and Money                       | 532,715                            | 288,196        | 243,176                    | 889,669               | (646,493)                                    |
| Reimbursements                                  | 272,396                            | 145,220        | 120,950                    | 185,771               | (64,821)                                     |
| Misc. Rev. - Administrative Transfers           | 2,678,060                          | 2,912,335      | 2,426,900                  | 2,470,061             | (43,161)                                     |
| Transfer from Solid Waste Fund                  | 0                                  | 0              | 0                          | 0                     | 0                                            |
| Transfer from Health Insurance Fund             | 0                                  | 0              | 0                          | 0                     | 0                                            |
| Operating Revenues                              | 0                                  | 200            | 160                        | 210                   | (50)                                         |
| Nonoperating Revenues                           | 2,144,431                          | 0              | 0                          | 100,000               | (100,000)                                    |
| <b>TOTAL RECEIPTS</b>                           | 28,045,579                         | 27,333,979     | 23,990,366                 | 24,386,976            | (396,610)                                    |
| <b>EXPENDITURES</b>                             |                                    |                |                            |                       |                                              |
| Personnel Services                              | 15,778,882                         | 17,040,652     | 14,078,560                 | 14,304,997            | (226,437)                                    |
| Vacancy Rate                                    | 0                                  | 0              | 0                          | 0                     | 0                                            |
| Maintenance & Repair                            | 898,456                            | 1,204,988      | 1,007,264                  | 782,111               | 225,153                                      |
| Commodities                                     | 1,595,973                          | 1,901,120      | 1,549,320                  | 1,362,906             | 186,414                                      |
| Other Charges                                   | 619,960                            | 816,893        | 408,995                    | 260,946               | 148,049                                      |
| Capital Outlay                                  | 191,016                            | 398,476        | 395,135                    | 109,255               | 285,880                                      |
| Debt Reduction                                  | 0                                  | 0              | 0                          | 0                     | 0                                            |
| Stock                                           | 364                                | 0              | 0                          | 0                     | 0                                            |
| Transfer to Industrial Development Sales Tax    | 926,188                            | 925,000        | 770,833                    | 770,833               | (0)                                          |
| Transfer to Multi Year Fund                     | 3,349,517                          | 3,380,515      | 2,817,096                  | 2,810,017             | 7,079                                        |
| Transfer to Project accounts                    | 2,128,068                          | 40,000         | 40,000                     | (1,774)               | 41,774                                       |
| Transfer to Equipment Reserve                   | 391,957                            | 379,800        | 379,800                    | 0                     | 379,800                                      |
| Utilities                                       | 545,264                            | 594,950        | 495,660                    | 482,032               | 13,628                                       |
| Communications                                  | 113,473                            | 134,750        | 112,060                    | 91,096                | 20,964                                       |
| Training and Travel                             | 195,289                            | 210,200        | 175,100                    | 166,221               | 8,879                                        |
| Jail Expenses                                   | 73,250                             | 87,500         | 72,910                     | 52,400                | 20,510                                       |
| Other Contractual                               | 886,115                            | 5,350,145      | 861,480                    | 764,366               | 97,114                                       |
| Excess Carryover                                | 0                                  | 0              | 0                          | 0                     | 0                                            |
| Outstanding PO's                                | 55,304                             | 0              | 0                          | 0                     | 0                                            |
| <b>TOTAL EXPENDITURES</b>                       | 27,749,075                         | 32,464,989     | 23,164,213                 | 21,955,406            | 1,208,807                                    |
| Revenue less expenses                           | 296,504                            | (5,131,010)    | 826,153                    | 2,431,571             | 1,605,417                                    |
| Cash Basis Adjustments/Non-appropriated Balance | 221,306                            | 0              | 0                          | (147,154)             |                                              |
| <b>Ending Cash Balance</b>                      | <b>6,450,183</b>                   | <b>883,876</b> | <b>7,276,336</b>           | <b>8,734,600</b>      |                                              |
| Base for Reserve calculation                    | 20,762,330                         | 27,341,198     | 18,761,349                 | 18,267,074            |                                              |
| 15% Reserve                                     | 3,114,349                          | 4,101,180      | 2,814,202                  | 2,740,061             |                                              |
| Amount over 15% Reserve                         | 3,335,833                          | (3,217,304)    | 4,462,134                  | 5,994,538             |                                              |



## General Fund Capital Items

|                | Budget Amount | Purchase Price |                                                         |
|----------------|---------------|----------------|---------------------------------------------------------|
| Airport        | \$60,000      |                | Replace MITL System (FAA 90%)                           |
| Airport        | \$75,000      |                | Replace Mogas Fuel tank and 24 hour fuel pumps          |
| Administration | \$30,000      | 30,000         | Communication Equipment                                 |
| EMS            | \$41,800      |                | Monitor/Defibrillator                                   |
| EMS            | \$60,000      |                | Power Load Cot System                                   |
| EMS            | \$21,675      |                | Patient Simulator Training Device                       |
| Fire           | \$13,000      |                | Hose Rollers                                            |
| Fire           | \$22,000      |                | Drone and Accessories                                   |
| Golf           | \$20,000      |                | Master Plan for the Golf Course                         |
| Park           | \$55,000      |                | Drag box tractor & box Replace #623-1 (1984) 1455 hours |
|                | \$398,475.00  | \$30,000.00    |                                                         |

**Multi Year Fund**  
**as of October 31, 2024**

|                                      |                   |                                                                        |              | 2024           | 2024             |
|--------------------------------------|-------------------|------------------------------------------------------------------------|--------------|----------------|------------------|
|                                      |                   |                                                                        |              | Purchase Order | Budget/estimated |
|                                      |                   |                                                                        |              | Expenses       |                  |
|                                      |                   |                                                                        |              | Actual         |                  |
| Beginning unencumbered balance       |                   |                                                                        |              | 2,995,997.41   | 3,060,010.61     |
| REVENUE                              |                   |                                                                        |              |                |                  |
| Sales Tax Proceeds from General Fund |                   |                                                                        |              | 2,810,016.68   | 3,380,515.00     |
| Interest                             |                   |                                                                        |              | 181,771.75     | 80,000.00        |
| State Reimbursement                  |                   |                                                                        |              | 0.00           | -                |
| Outstanding PO's                     |                   |                                                                        |              | 470,697.56     |                  |
| Accounts Receivable                  |                   |                                                                        |              | 2,400.00       |                  |
| Total Revenue                        |                   |                                                                        |              | 3,464,885.99   | 3,460,515.00     |
| SK2302                               | 102-0101-400.0505 | 2020, 21 & 22 Private/Public partnership                               | 10,621.00    | 35,514.27      | 46,135.27        |
|                                      | 102-0101-400.0505 | ADA Sidewalks                                                          | 0.00         | 0.00           | -                |
| SW1903                               | 102-0101-400.0505 | PW Bldg Remodel Old bathroom for a women's locker room                 |              |                | -                |
|                                      | 102-0101-400.0265 | Miscellaneous storm water repairs                                      |              | 100,000.00     | 100,000.00       |
| FS2201                               | 102-0101-400.0265 | Lakeridge Rd to Bayfront Dr                                            | 0.00         | 0.00           | -                |
|                                      | 102-0201-400.0502 | Firing Range House Split with county                                   |              |                | -                |
| PK2101                               | 102-0301-400.0502 | Overhead Door Replacement Station 2                                    | 0.00         | 0.00           | -                |
|                                      | 102-0601-400.0257 | 2022 Hazardous Sidewalk                                                | 34,590.00    | 82,191.30      | 116,781.30       |
| SK2201                               | 102-0601-400.0801 | Close out paving projects                                              |              | 0.00           | -                |
|                                      | 102-0601-400.1516 | Mechanic Parking lots 600-700 Block                                    | 0.00         | 453,295.20     | 453,295.20       |
| SK2301                               | 102-0601-400.1516 | Sidewalk S side 15th Ave Graphic Arts to Hatcher                       |              |                | -                |
|                                      | 102-0601-400.1516 | Sidewalk S side 15th Industrial to Stanton                             |              |                | -                |
| PV2401                               | 102-0601-400.1516 | Sidewalk 12th & Burlingame & 24th Prairie to Lincoln                   | 0.00         | 11,103.41      | 11,103.41        |
|                                      | 102-0601-400.1516 | Sidewalk 24th Ave Graphic Arts to Westridge Dr                         |              | 3,594.27       | 3,594.27         |
| PV2402                               | 102-0601-400.1516 | Sidewalk 9th ave from Fairgrounds to Elm                               |              |                | -                |
|                                      | 102-0601-400.1516 | Sidewalk Imp N side 24th Westridge to Industrial                       | 0.00         | 0.00           | -                |
| PV2305                               | 102-0601-400.1516 | Sidewalk Improv. (12th Ave. from Graphic Arts to Industrial Rd.)       |              | 0.00           | -                |
|                                      | 102-0601-400.1516 | CCLIP K99 KS Ave to 3rd & 12th to I35                                  | 791,070.22   | 19,130.15      | 810,200.37       |
| TS2302                               | 102-0601-400.1516 | 2023 Street Rehab                                                      | 138,302.24   | 1,467,264.38   | 1,605,566.62     |
|                                      | 102-0601-400.1516 | CCLIP US 50 Graphic Arts to Prairie Street                             | 0.00         | 367,011.39     | 367,011.39       |
| ZO2101                               | 102-0601-400.1516 | Misc Street Repairs                                                    |              | 100,000.00     | 100,000.00       |
|                                      | 102-0601-400.1516 | Replace School flashing lights - 13 lights 50% match with USD 25       | 0.00         | 25,476.06      | 25,476.06        |
| ZO2402                               | 102-0601-400.0505 | Street Preservation                                                    | 230,881.40   | 0.00           | 230,881.40       |
|                                      | 102-0806-400.0502 | Hay Barn 30'40' 5" concrete floor                                      | 0.00         | 0.00           | -                |
| ZO2201                               | 102-0806-400.0502 | Hoof Stock Sheds                                                       |              |                | -                |
|                                      | 102-0806-400.0502 | Trumpeter Swan Exhibit - repairs                                       |              |                | -                |
| ZO2401                               | 102-0806-400.0505 | Fire Alarm & Smoke Detection at Zoo                                    | 18,803.60    | 0.00           | 18,803.60        |
|                                      | 102-0806-400.0505 | Eagle pond renovation                                                  | 0.00         | 112,549.10     | 112,549.10       |
| CV2206                               | 102-0806-400.0505 | Bird enclosure sheds, enclosures & ventilation USDA                    |              | 2,129.04       | 2,129.04         |
|                                      | 102-0806-400.0505 | King Vulture Remodel USDA                                              |              |                | -                |
| CV2302                               | 102-0806-400.0505 | Fencing in Zoo replaced/repared                                        |              |                | -                |
|                                      | 102-0901-400.0502 | ADA Improvements                                                       |              |                | -                |
| CV2204                               | 102-0901-400.0502 | HVAC updates                                                           |              |                | -                |
|                                      | 102-0901-400.0502 | 618 Mechanic Roof                                                      |              |                | -                |
| CV2202                               | 102-0901-400.0502 | Civic Roof area A,B & D Metal Roof Coating                             |              |                | -                |
|                                      | 102-0901-400.0502 | Civic Roof areas K,M & N (Cover asphalt roof with TPO Rubber Material) |              |                | -                |
| LB2201                               | 102-0901-400.0502 | Replace Steam Lines & update HVAC                                      | 0.00         | 0.00           | -                |
|                                      | 102-0901-400.0502 | Remodel East Foyer & Vestibule door ways                               |              |                | -                |
| EXPENDITURES                         | 102-0901-400.0502 | Sewer Lift Station - Police dept basement                              |              |                | -                |
|                                      | 102-0901-400.0502 | 2022 Replace Steam Lines                                               | 0.00         | 0.00           | -                |
| CV2302                               | 102-0901-400.0502 | 2nd floor restroom ceiling repairs                                     |              |                | -                |
|                                      | 102-0901-400.0502 | Police department Lobby Remodel ADA                                    | 234,469.00   | 131,544.00     | 366,013.00       |
| CV2204                               | 102-0901-400.0502 | Walk-in Cooler in Room 222                                             |              |                | -                |
|                                      | 102-0901-400.0502 | Replace Windows in Auditorium                                          |              |                | -                |
| CV2202                               | 102-0901-400.0502 | Elevator Controls                                                      | 57,092.50    | 33,555.74      | 90,648.24        |
|                                      | 102-0902-400.0502 | Electrical update - install panel and light switches                   |              |                | -                |
| LB2201                               | 102-0902-400.0505 | ADA improvements Library doors & ADA openers                           | 0.00         | 11,992.50      | 11,992.50        |
|                                      | 102-0902-400.0502 | Remodel Library Public Bathrooms                                       | 0.00         | 0.00           | -                |
| EXPENDITURES                         | 102-0902-400.0502 | HVAC updates                                                           |              |                | -                |
|                                      |                   |                                                                        | 1,515,829.96 | 2,956,350.81   | 4,472,180.77     |
| Ending Unencumbered Cash balance     |                   |                                                                        |              | 1,988,702.63   | 31,934.19        |
| 2024 budgeted projects               |                   |                                                                        |              | 1,988,702.63   | -                |

# Insurance Reserve

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Original<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$500,000                          | \$0                        | \$663,358                  | \$663,358             | \$0                                          |
| <b>REVENUE</b>                |                                    |                            |                            |                       |                                              |
| Transfer from General         | \$0                                | \$0                        | \$0                        | \$0                   | \$0                                          |
| Transfer from Int Improvem    | \$131,012                          |                            |                            | \$0                   | \$0                                          |
| Insurance payment             | \$10,850                           |                            |                            | \$0                   | \$0                                          |
| Interest                      | \$21,496                           | \$0                        |                            | \$33,359              | (\$33,359)                                   |
| <b>TOTAL RECEIPTS</b>         | \$163,358                          | \$0                        | \$0                        | \$33,359              | (\$33,359)                                   |
| <b>EXPENDITURES</b>           |                                    |                            |                            |                       |                                              |
| Maintenance & Repair          |                                    | \$0                        |                            |                       | \$0                                          |
| Misc Projects                 |                                    | \$0                        |                            |                       |                                              |
| <b>TOTAL EXPENDITURES</b>     | \$0                                | \$0                        | \$0                        | \$0                   | \$0                                          |
| <b>Ending Cash Balance</b>    | <b>\$663,358</b>                   | <b>\$0</b>                 | <b>\$663,358</b>           | <b>\$696,717</b>      | <b>(\$33,359)</b>                            |

# Vacant Property Program

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Original<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$200,000                          | \$0                        | \$90,362                   | \$90,362              | \$0                                          |
| REVENUE                       |                                    |                            |                            |                       |                                              |
| Transfer from ARPA funds      | \$0                                | \$0                        | \$0                        | \$0                   | \$0                                          |
| Interest                      | \$6,026                            | \$0                        |                            | \$2,322               | (\$2,322)                                    |
| <b>TOTAL RECEIPTS</b>         | \$6,026                            | \$0                        | \$0                        | \$2,322               | (\$2,322)                                    |
| EXPENDITURES                  |                                    |                            |                            |                       |                                              |
| Maintenance & Repair          | \$359                              | \$0                        |                            | \$0                   | \$0                                          |
| Other Contractual Services    | \$115,305                          | \$0                        |                            | \$79,075              |                                              |
| <b>TOTAL EXPENDITURES</b>     | \$115,664                          | \$0                        | \$0                        | \$79,075              | \$0                                          |
| <b>Ending Cash Balance</b>    | <b>\$90,362</b>                    | <b>\$0</b>                 | <b>\$90,362</b>            | <b>\$13,609</b>       | <b>(\$2,322)</b>                             |

City of Emporia, Kansas

# Library Fund

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Original<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$0                                | \$0                        | \$1                        | \$1                   | \$0                                          |
| <b>REVENUE</b>                |                                    |                            |                            |                       |                                              |
| Ad Valorem Property Tax       | \$969,414                          | \$1,100,165                | \$1,100,000                | \$1,086,215           | \$13,785                                     |
| Back Tax Collection           | \$27,910                           | \$15,000                   | \$15,000                   | \$12,952              | \$2,048                                      |
| Motor Vehicle Tax             | \$101,488                          | \$96,398                   | \$93,000                   | \$97,693              | (\$4,693)                                    |
| Recreational Vehicle Tax      | \$1,119                            | \$1,180                    | \$975                      | \$968                 | \$7                                          |
| AdValorem Tax Reduction       | (\$10,541)                         | (\$11,000)                 | (\$11,000)                 | (\$12,492)            | \$1,492                                      |
| General Fund Contribution     |                                    | \$0                        |                            |                       | \$0                                          |
| <b>TOTAL RECEIPTS</b>         | \$1,089,390                        | \$1,201,743                | \$1,197,975                | \$1,185,335           | \$12,640                                     |
| <b>EXPENDITURES</b>           |                                    |                            |                            |                       |                                              |
| Insurance Refund              |                                    | \$0                        |                            |                       | \$0                                          |
| Misc Projects                 |                                    | \$0                        |                            |                       |                                              |
| Appropriation                 | \$1,089,389                        | \$1,201,743                | \$1,201,743                | \$1,185,335           | \$16,408                                     |
| <b>TOTAL EXPENDITURES</b>     | \$1,089,389                        | \$1,201,743                | \$1,201,743                | \$1,185,335           | \$16,408                                     |
| <b>Ending Cash Balance</b>    | <b>\$1</b>                         | <b>\$0</b>                 | <b>(\$3,767)</b>           | <b>\$1</b>            | <b>(\$3,768)</b>                             |

**Transient Guest Tax**

as of October 31, 2024

|                                          | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget      | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|------------------------------------------|------------------------------------|---------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>            | \$810,801                          | \$598,301           | \$999,063                  | \$999,063             | \$0                                          |
| <b>REVENUE</b>                           |                                    |                     |                            |                       |                                              |
| Transient Guest Tax                      | \$851,750                          | \$800,000           | \$800,000                  | \$932,626             | (\$132,626)                                  |
| Interest on Investment                   | \$31,630                           | \$10,000            | \$8,330                    | \$29,482              | (\$21,152)                                   |
| Fence rental                             | \$9,194                            | \$6,000             | \$6,000                    | \$2,369               | \$3,631                                      |
| Miscellaneous                            | \$0                                |                     |                            | \$14,432              | (\$14,432)                                   |
| Repayment of extra funds - Chamber       |                                    |                     |                            | \$0                   | \$0                                          |
| Accounts Receivable - fence rental       | \$279                              |                     |                            | \$224                 | (\$224)                                      |
| <b>TOTAL RECEIPTS</b>                    | \$892,853                          | \$816,000           | \$814,330                  | \$979,133             | (\$164,803)                                  |
| <b>EXPENDITURES</b>                      |                                    |                     |                            |                       |                                              |
| CVB Appropriation                        | \$385,000                          | \$462,000           | \$462,000                  | \$462,000             | \$0                                          |
| Trusler Sports Complex                   |                                    | \$0                 |                            |                       | \$0                                          |
| City cost associated with events         | \$40,000                           | \$40,000            | \$0                        | \$0                   | \$0                                          |
| Civic Auditorium improvements            | \$50,000                           | \$50,000            | \$50,000                   | \$50,000              | \$0                                          |
| Red Rock's Appropriation                 | \$7,500                            | \$7,500             | \$7,500                    | \$7,500               | \$0                                          |
| ESU Welch Stadium                        |                                    | \$200,000           | \$200,000                  | \$400,000             | (\$200,000)                                  |
| Disc Golf Course Maintenance & Employee  |                                    | \$100,000           | \$100,000                  | \$100,000             | \$0                                          |
| Emporia Main Street                      | \$100,000                          | \$95,000            | \$95,000                   | \$95,000              | \$0                                          |
| Emporia Arts Council Support             | \$10,000                           | \$30,000            | \$30,000                   | \$30,000              | \$0                                          |
| Emporia Granda                           | \$30,000                           | \$30,000            | \$30,000                   | \$30,000              | \$0                                          |
| Symphony in the Flint Hills              |                                    | \$0                 |                            |                       | \$0                                          |
| Unbound Bike Event                       | \$15,000                           | \$15,000            | \$15,000                   | \$15,000              | \$0                                          |
| DDO                                      | \$25,000                           | \$20,000            | \$20,000                   | \$20,000              | \$0                                          |
| Junior World Event                       |                                    | \$0                 |                            |                       | \$0                                          |
| PDGA Professional Disc Golf World        | \$0                                | \$20,000            | \$20,000                   | \$20,000              | \$0                                          |
| Municipal Band Appropriation             |                                    | \$0                 |                            |                       | \$0                                          |
| ESU Foundation - Welch Stadium Imp       |                                    | \$0                 |                            |                       | \$0                                          |
| Free for Kansas - Music event            | \$20,000                           | \$20,000            | \$20,000                   | \$20,000              | \$0                                          |
| Dynamic Discs - Jones course improvement | \$0                                |                     |                            | \$17,900              | (\$17,900)                                   |
| Hammond Park Crossings                   | \$21,528                           |                     |                            | \$0                   | \$0                                          |
| Miscellaneous                            | \$563                              | \$0                 |                            | \$2,656               | (\$2,656)                                    |
| Special Projects                         |                                    | \$324,801           | \$0                        |                       | \$0                                          |
| Outstanding PO's                         | \$0                                |                     |                            | \$0                   |                                              |
| <b>TOTAL EXPENDITURES</b>                | \$704,591                          | \$1,414,301         | \$1,049,500                | \$1,270,056           | (\$220,556)                                  |
| <b>Ending Cash Balance</b>               | <b>\$999,063</b>                   | <b>\$0</b>          | <b>\$763,893</b>           | <b>\$708,140</b>      | <b>\$55,753</b>                              |
| Transient Guest Tax Receipts             | 2020                               | 2021                | 2022                       | 2023                  | 2024                                         |
| 1ST QUARTER-JANUARY                      | \$193,559.51                       | \$105,764.76        | \$184,682.75               | \$217,964.96          | \$208,253.00                                 |
| 2ND QUARTER-APRIL                        | \$132,542.30                       | \$135,567.13        | \$143,987.80               | \$170,824.51          | \$163,048.74                                 |
| 3RD QUARTER-JULY                         | \$80,649.41                        | \$192,642.58        | \$223,905.58               | \$232,566.63          | \$298,395.94                                 |
| 4TH QUARTER-OCTOBER                      | \$151,949.08                       | \$200,102.99        | \$219,288.14               | \$230,393.63          | \$262,929.27                                 |
| <b>TOTAL</b>                             | <b>\$558,700.30</b>                | <b>\$634,077.46</b> | <b>\$771,864.27</b>        | <b>\$851,749.73</b>   | <b>\$932,626.95</b>                          |

City of Emporia, Kansas

# Industrial Fund

as of October 31, 2024

|                                   | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-----------------------------------|------------------------------------|----------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>     | 21,252                             | 21,880         | 23,447                     | 23,447                | 0                                            |
| <b>REVENUE</b>                    |                                    |                |                            |                       |                                              |
| Ad Valorem Property Tax           | 1,148                              | 1,000          | 1,000                      | 1,060                 | (60)                                         |
| Back Tax Collections              | 34                                 | 21             | 21                         | 15                    | 6                                            |
| Motor Vehicle Tax                 | 123                                | 99             | 98                         | 115                   | (17)                                         |
| Ad Valorem Tax Reduction          | (13)                               | (16)           | (16)                       | (12)                  | (4)                                          |
| Interest on Investment            | 903                                | 600            | 500                        | 1,223                 | (723)                                        |
| Miscellaneous                     |                                    |                |                            |                       |                                              |
| <b>TOTAL RECEIPTS</b>             | 2,195                              | 1,704          | 1,603                      | 2,401                 | (798)                                        |
| <b>EXPENDITURES</b>               |                                    |                |                            |                       |                                              |
| Travel Expense & Miscellaneous    | 0                                  | 1,185          | 588                        |                       | 588                                          |
| Other charges                     | 0                                  |                |                            |                       | 0                                            |
| Contractual Services              | 0                                  | 0              |                            |                       | 0                                            |
| Special Projects and Reserve Fund | 0                                  | 0              |                            |                       | 0                                            |
| <b>TOTAL EXPENDITURES</b>         | 0                                  | 1,185          | 588                        | 0                     | 588                                          |
| <b>Ending Cash Balance</b>        | <b>23,447</b>                      | <b>22,399</b>  | <b>24,462</b>              | <b>25,848</b>         | <b>(1,386)</b>                               |

# Economic Sales Tax

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget     | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|--------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$1,423,879                        | \$1,547,875        | \$1,319,820                | \$1,319,820           | \$0                                          |
| <b>Revenue:</b>               |                                    |                    |                            |                       |                                              |
| Sales Tax Receipts            | \$925,000                          | \$925,000          | \$770,833                  | \$770,833             | (\$0)                                        |
| Interest Income               | \$49,295                           | \$20,000           | \$16,660                   | \$36,543              | (\$19,883)                                   |
| Money for Land Purchases      | \$0                                | \$0                |                            | \$195,906             | (\$195,906)                                  |
| Bond Proceeds                 | \$0                                | \$0                | \$0                        | \$0                   | \$0                                          |
| Return unused money WM        | \$1,188                            | \$0                |                            | \$0                   | \$0                                          |
| RDA returned money            |                                    |                    |                            |                       |                                              |
| <b>Total Revenue</b>          | \$975,483                          | \$945,000          | \$787,493                  | \$1,003,283           | (\$215,790)                                  |
| <b>Expense:</b>               |                                    |                    |                            |                       |                                              |
| Appropriation to the RDA      | \$350,000                          | \$400,000          | \$380,000                  | \$274,764             | \$105,236                                    |
| Emporia Enterprises           | \$35,000                           | \$35,000           | \$35,000                   | \$35,000              | \$0                                          |
| Main Street                   | \$0                                | \$45,000           | \$45,000                   | \$45,000              | \$0                                          |
| Land Purchase for Industr     | \$0                                | \$0                | \$0                        | \$0                   | \$0                                          |
| Land Purchase                 | \$0                                | \$0                | \$0                        | \$0                   | \$0                                          |
| Simmons Discount              | \$189,579                          | \$0                |                            | \$0                   | \$0                                          |
| Land Purchase Bond Pmt        | \$85,963                           | \$86,000           | \$86,000                   | \$85,963              | \$37                                         |
| Transfer to B&I water proj    | \$350,000                          | \$350,000          | \$350,000                  | \$350,000             | \$0                                          |
| Soden Rd water main ext       | \$60,000                           | \$0                | \$0                        |                       | \$0                                          |
| Water Valves                  | \$9,000                            |                    |                            |                       | \$0                                          |
| Dynamic Brewing Company       |                                    |                    |                            | \$500,000             | (\$500,000)                                  |
| VisionFirst Advisors          |                                    |                    |                            | \$59,826              | (\$59,826)                                   |
| Special Projects              | \$0                                | \$0                | \$0                        | \$9,423               | (\$9,423)                                    |
| <b>Total Expenses</b>         | \$1,079,542                        | \$916,000          | \$896,000                  | \$1,359,976           | (\$463,976)                                  |
| <b>Ending Cash Balance</b>    | <b>\$1,319,820</b>                 | <b>\$1,576,875</b> | <b>\$1,211,313</b>         | <b>\$963,127</b>      | <b>\$248,186</b>                             |



# Special Alcohol Fund

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | 103,198                            | 107,998        | 120,433                    | 120,433               | 0                                            |
| <b>REVENUE</b>                |                                    |                |                            |                       |                                              |
| Private Club Liquor Tax       | 110,168                            | 104,660        | 78,495                     | 82,329                | (3,834)                                      |
| Interest on Investment        | 4,267                              | 500            | 410                        | 5,762                 | (5,352)                                      |
| <b>TOTAL RECEIPTS</b>         | 114,435                            | 105,160        | 78,905                     | <b>88,092</b>         | (9,187)                                      |
| <b>EXPENDITURES</b>           |                                    |                |                            |                       |                                              |
| Appropriations                | 97,200                             | 112,200        | 84,150                     | 85,950                | (1,800)                                      |
| Special Projects              |                                    | 0              | 0                          |                       | 0                                            |
| <b>TOTAL EXPENDITURES</b>     | 97,200                             | 112,200        | 84,150                     | 85,950                | (1,800)                                      |
| <b>Ending Cash Balance</b>    | <b>120,433</b>                     | <b>100,958</b> | <b>115,188</b>             | <b>122,575</b>        | <b>(7,387)</b>                               |

|                                      | Receive in<br>2020 | Receive in 2021    | Receive in 2022    | Receive in 2023    | Receive in 2024     |
|--------------------------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| Appropriations                       |                    |                    |                    |                    |                     |
| Cross Winds                          | \$20,000.00        | \$15,000.00        | \$15,000.00        | \$15,000.00        | \$20,000.00         |
| Corner House                         | \$65,000.00        | \$48,750.00        | \$65,000.00        | \$75,000.00        | \$85,000.00         |
| Emporia State University             | \$9,000.00         | \$6,750.00         | \$6,750.00         | \$7,200.00         | \$7,200.00          |
| Emporia State University<br>USD #253 | \$0.00             | \$0.00             |                    |                    |                     |
| <b>Total</b>                         | <b>\$94,000.00</b> | <b>\$70,500.00</b> | <b>\$86,750.00</b> | <b>\$97,200.00</b> | <b>\$112,200.00</b> |

|                         | 2020               | 2021               | 2022                | 2023                | 2024               |
|-------------------------|--------------------|--------------------|---------------------|---------------------|--------------------|
| Receipts                |                    |                    |                     |                     |                    |
| 1ST QUARTER - MARCH     | \$22,675.47        | \$17,214.78        | \$23,976.09         | \$25,545.76         | \$26,804.33        |
| 2ND QUARTER - JUNE      | \$21,611.91        | \$18,634.04        | \$22,129.19         | \$26,129.12         | \$26,489.58        |
| 3RD QUARTER - SEPTEMBER | \$7,881.01         | \$25,844.73        | \$28,544.72         | \$31,037.27         | \$29,035.42        |
| 4TH QUARTER - DECEMBER  | \$14,069.40        | \$24,664.21        | \$25,393.46         | \$27,455.87         | \$0.00             |
| <b>TOTAL</b>            | <b>\$66,237.79</b> | <b>\$86,357.76</b> | <b>\$100,043.46</b> | <b>\$110,168.02</b> | <b>\$82,329.33</b> |

City of Emporia, Kansas

# Special Park Fund

as of October 31, 2024

|                                   | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget  | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-----------------------------------|------------------------------------|-----------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>     | \$83,362                           | \$75,362        | \$115,908                  | \$115,908             | \$0                                          |
| <b>REVENUE</b>                    |                                    |                 |                            |                       |                                              |
| Private Club Liquor Tax           | \$110,168                          | \$104,660       | \$78,495                   | \$82,329              | (\$3,834)                                    |
| Donations& Grants                 |                                    | \$0             | \$0                        | \$0                   | \$0                                          |
| Lake Kahola Proceeds              |                                    | \$0             |                            |                       | \$0                                          |
| Trf of funds from project account | \$0                                | \$0             |                            | \$0                   | \$0                                          |
| Interest on Investment            | \$5,237                            | \$2,000         | \$1,660                    | \$7,762               | (\$6,102)                                    |
| <b>TOTAL RECEIPTS</b>             | \$115,405                          | \$106,660       | \$80,155                   | \$90,092              | (\$9,937)                                    |
| <b>EXPENDITURES</b>               |                                    |                 |                            |                       |                                              |
| Capital Outlay                    | \$67,859                           | \$95,000        | \$95,000                   | \$93,423              | \$1,577                                      |
| Municipal Band Allocation         | \$15,000                           | \$15,000        | \$15,000                   | \$15,000              | \$0                                          |
| Miscellaneous                     |                                    |                 |                            |                       | \$0                                          |
| Commodities                       | \$0                                | \$0             |                            | \$0                   | \$0                                          |
| Contractual Services              | \$0                                | \$0             | \$72,022                   | \$0                   | \$72,022                                     |
| Other Charges                     |                                    |                 |                            |                       | \$0                                          |
| Transfer to Project Account       | \$0                                |                 |                            | \$0                   | \$0                                          |
| Outstanding PO's                  | \$0                                |                 |                            | \$0                   |                                              |
| Special Projects                  | \$0                                | \$0             | \$0                        |                       | \$0                                          |
| <b>TOTAL EXPENDITURES</b>         | \$82,859                           | \$110,000       | \$182,022                  | \$108,423             | \$73,599                                     |
| <b>Ending Cash Balance</b>        | <b>\$115,908</b>                   | <b>\$72,022</b> | <b>\$14,041</b>            | <b>\$97,577</b>       | <b>(\$83,536)</b>                            |

| Receipts                | 2020               | 2021               | 2022                | 2023                | 2024               |
|-------------------------|--------------------|--------------------|---------------------|---------------------|--------------------|
| 1ST QUARTER - MARCH     | \$22,675.47        | \$17,214.77        | \$23,976.10         | \$25,545.75         | \$26,804.32        |
| 2ND QUARTER - JUNE      | \$22,611.90        | \$18,634.04        | \$22,129.19         | \$26,129.11         | \$26,489.57        |
| 3RD QUARTER - SEPTEMBER | \$7,881.00         | \$25,844.73        | \$28,544.72         | \$31,037.26         | \$29,035.43        |
| 4TH QUARTER - DECEMBER  | \$14,069.39        | \$24,664.03        | \$25,393.46         | \$27,455.86         | \$0.00             |
| <b>TOTAL</b>            | <b>\$67,237.76</b> | <b>\$86,357.57</b> | <b>\$100,043.47</b> | <b>\$110,167.98</b> | <b>\$82,329.32</b> |

| Capital Items | Budget Amount    | Purchase Price                 |
|---------------|------------------|--------------------------------|
| Golf Course   | \$43,000.00      | Tees & Banks Reel Mower (2003) |
| Golf Course   | \$52,500.00      | Tees & Banks Reel Mower (2004) |
|               | <u>95,500.00</u> |                                |

City of Emporia, Kansas

# Special Street Fund

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget      | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|---------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | 289,140                            | 270,715             | 179,135                    | 179,135               |                                              |
| <b>REVENUE</b>                |                                    |                     |                            |                       |                                              |
| Gasoline Tax                  | 648,358                            | 741,360             | 741,360                    | 653,077               | 88,283                                       |
| Special City-County Tax       | 79,800                             | 77,677              | 58,257                     | 80,767                | (22,510)                                     |
| Damages                       | 28,423                             | 5,000               | 4,160                      | 19,412                | (15,252)                                     |
| Interest on Investment        | 11,772                             | 5,000               | 4,160                      | 15,210                | (11,050)                                     |
| Transfer of Funds             | 111,664                            | 100,000             | 100,000                    | 100,000               | 0                                            |
| Sale of Salvage               | 0                                  |                     |                            | 0                     | 0                                            |
| Miscellaneous                 | 228                                | 0                   |                            | 125                   | (125)                                        |
| <b>TOTAL RECEIPTS</b>         | 880,245                            | 929,037             | 907,937                    | 868,591               | 39,346                                       |
| <b>EXPENDITURES</b>           |                                    |                     |                            |                       |                                              |
| Personnel Services            | 684,955                            | 676,759             | 549,296                    | 514,034               | 35,262                                       |
| Vacancy                       |                                    | (12,988)            |                            |                       | 0                                            |
| Maintenance & Repair          | 137,928                            | 151,792             | 126,440                    | 78,885                | 47,555                                       |
| Commodities                   | 108,252                            | 145,450             | 121,160                    | 84,437                | 36,723                                       |
| Other Charges                 | (19,694)                           | 46,590              | 41,580                     | 19,330                | 22,250                                       |
| Capital Outlay                | 0                                  | 0                   |                            | 0                     | 0                                            |
| Transfer of Funds             | 5,000                              | 88,000              | 88,000                     | 0                     | 88,000                                       |
| Utilities                     | 22,712                             | 31,450              | 26,190                     | 8,439                 | 17,751                                       |
| Communications                | 1,695                              | 2,700               | 2,230                      | 1,879                 | 351                                          |
| Training & Travel             | 13,778                             | 10,000              | 8,330                      | 5,893                 | 2,437                                        |
| Contractual Services          | 39,963                             | 45,800              | 38,150                     | 21,170                | 16,980                                       |
| Special Projects              | 0                                  | 0                   | 0                          | 0                     | 0                                            |
| Audit Adjustments             | (4,339)                            |                     |                            | (23,178)              | 23,178                                       |
| Outstanding PO's              | 0                                  |                     |                            | 0                     | 0                                            |
| <b>TOTAL EXPENDITURES</b>     | 990,250                            | 1,185,553           | 1,001,376                  | 710,891               | 290,485                                      |
| <b>Net Change in Cash</b>     | (110,005)                          | (256,516)           | (93,439)                   | 157,699               |                                              |
| <b>Ending Cash Balance</b>    | <b>179,135</b>                     | <b>14,199</b>       | <b>85,696</b>              | <b>336,834</b>        |                                              |
| <b>Receipts</b>               | <b>2020</b>                        | <b>2021</b>         | <b>2022</b>                | <b>2023</b>           | <b>2024</b>                                  |
| 1st Quarter - Jan Payment     | \$173,837.48                       | \$161,594.64        | \$167,557.74               | \$167,412.68          | \$159,680.00                                 |
| 2nd Quarter - April Payment   | \$163,486.85                       | \$149,245.64        | \$157,106.42               | \$149,529.56          | \$151,744.49                                 |
| Extra Payment- June           |                                    | \$54,671.53         |                            |                       |                                              |
| 3rd Quarter - July Payment    | \$140,178.69                       | \$172,643.49        | \$166,060.14               | \$166,505.96          | \$174,865.61                                 |
| 4th Quarter - Oct Payment     | \$164,712.37                       | \$174,419.30        | \$165,112.70               | \$164,909.80          | \$166,786.70                                 |
| <b>Total</b>                  | <b>\$642,215.39</b>                | <b>\$712,574.60</b> | <b>\$655,837.00</b>        | <b>\$648,358.00</b>   | <b>\$653,076.80</b>                          |

**Capital Item**                      **Budget Amount**      **Purchase Price**

City of Emporia, Kansas

# Drug Forfeiture Fund

as of October 31, 2024

|                                | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget  | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|--------------------------------|------------------------------------|-----------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>  | \$83,820                           | \$85,821        | \$35,885                   | \$35,885              |                                              |
| <b>REVENUE</b>                 |                                    |                 |                            |                       |                                              |
| Receipts from Drug Forfeitures | \$4,970                            | \$5,000         | \$3,744                    | \$29,638              | (25,894)                                     |
| Interest on Investment         | \$2,591                            | \$2,000         | \$1,660                    | \$2,395               | (735)                                        |
| Miscellaneous                  |                                    |                 |                            |                       |                                              |
| <b>TOTAL RECEIPTS</b>          | \$7,561                            | \$7,000         | \$5,404                    | \$32,034              | (26,630)                                     |
| <b>EXPENDITURES</b>            |                                    |                 |                            |                       |                                              |
| Commodities                    | \$3,921                            | \$5,000         | \$3,328                    | \$11,268              | (7,940)                                      |
| Capital Outlay                 |                                    | \$0             |                            | \$10,380              | (10,380)                                     |
| Communications                 | \$101                              | \$0             |                            | \$330                 | (330)                                        |
| Other Charges                  | \$51,324                           |                 | \$0                        | \$0                   | -                                            |
| Transfer of funds              |                                    |                 |                            |                       |                                              |
| Other Contractual              | \$150                              | \$0             |                            | \$0                   | -                                            |
| Travel & Training              |                                    |                 |                            |                       | -                                            |
| Maintenance & Repair           | \$0                                | \$0             | \$0                        | \$0                   | -                                            |
| Outstanding PO's               | \$0                                |                 |                            | \$0                   |                                              |
| Special Projects               |                                    | \$0             | \$0                        |                       |                                              |
| <b>TOTAL EXPENDITURES</b>      | \$55,496                           | \$5,000         | \$3,328                    | \$21,978              | (18,650)                                     |
| <b>Ending Cash Balance</b>     | <b>\$35,885</b>                    | <b>\$87,821</b> | <b>\$37,961</b>            | <b>\$45,940</b>       |                                              |

**Storm Water**

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$259,179                          | \$0            | \$243,446                  | \$243,446             |                                              |
| REVENUE                       |                                    |                |                            |                       |                                              |
| Transfer from Multi Year      | \$100,000                          | \$0            | \$0                        | \$100,000             | (100,000)                                    |
| Interest on Investment        | \$10,491                           | \$0            | \$0                        | \$13,088              | (13,088)                                     |
| Miscellaneous                 |                                    |                |                            |                       |                                              |
| <b>TOTAL RECEIPTS</b>         | \$110,491                          | \$0            | \$0                        | \$113,088             | (113,088)                                    |
| EXPENDITURES                  |                                    |                |                            |                       |                                              |
| Commodities                   | \$0                                | \$0            | \$0                        | \$0                   | -                                            |
| Capital Outlay                | \$234                              | \$0            |                            | \$5,837               | (5,837)                                      |
| Communications                | \$0                                | \$0            |                            | \$702                 | (702)                                        |
| Other Charges                 | \$256                              |                |                            | \$0                   | -                                            |
| Transfer of funds             | \$125,734                          |                |                            | \$0                   | -                                            |
| Other Contractual             |                                    | \$0            |                            | \$72,258              | (72,258)                                     |
| Travel & Training             |                                    |                |                            |                       | -                                            |
| Maintenance & Repair          | \$0                                | \$0            | \$0                        | \$137,743             | (137,743)                                    |
| Outstanding PO's              | \$0                                |                |                            | \$0                   |                                              |
| Special Projects              |                                    | \$0            | \$0                        |                       |                                              |
| <b>TOTAL EXPENDITURES</b>     | \$126,224                          | \$0            | \$0                        | \$216,540             | (216,540)                                    |
| <b>Ending Cash Balance</b>    | <b>\$243,446</b>                   | <b>\$0</b>     | <b>\$243,446</b>           | <b>\$139,995</b>      |                                              |

City of Emporia, Kansas

# Land Bank

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$59,845                           | \$0            | \$0                        | \$127,414             |                                              |
| <b>REVENUE</b>                |                                    |                |                            |                       |                                              |
| Transfer from Multi Year      | \$50,000                           | \$0            | \$0                        | \$0                   | -                                            |
| Interest on Investment        | \$4,009                            | \$0            | \$0                        | \$6,394               | (6,394)                                      |
| Sale of Property              | \$13,571                           |                |                            | \$0                   |                                              |
| <b>TOTAL RECEIPTS</b>         | \$67,580                           | \$0            | \$0                        | \$6,394               | (6,394)                                      |
| <b>EXPENDITURES</b>           |                                    |                |                            |                       |                                              |
| Commodities                   | \$0                                | \$0            | \$0                        | \$0                   | -                                            |
| Capital Outlay                |                                    | \$0            |                            |                       | -                                            |
| Communications                | \$0                                | \$0            |                            | \$0                   | -                                            |
| Other Charges                 | \$0                                | \$0            | \$0                        | \$418                 | (418)                                        |
| Purchase of Property          | \$0                                | \$0            | \$0                        |                       |                                              |
| Communications                | \$11                               | \$0            | \$0                        | \$0                   | -                                            |
| Other Contractual Services    |                                    | \$0            | \$0                        |                       | -                                            |
| Maintenance & Repair          | \$0                                | \$0            | \$0                        | \$0                   | -                                            |
| Outstanding PO's              | \$0                                |                |                            | \$0                   |                                              |
| Special Projects              |                                    | \$0            | \$0                        |                       |                                              |
| <b>TOTAL EXPENDITURES</b>     | \$11                               | \$0            | \$0                        | \$418                 | (418)                                        |
| <b>Ending Cash Balance</b>    | <b>\$127,414</b>                   | <b>\$0</b>     | <b>\$0</b>                 | <b>\$133,389</b>      |                                              |

City of Emporia, Kansas

# Bond & Interest Fund

as of October 31, 2024

|                                           | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget     | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------------------|------------------------------------|--------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>             | \$1,986,995                        | \$2,253,014        | \$2,358,480                | \$2,358,480           | \$0                                          |
| <b>REVENUE</b>                            |                                    |                    |                            |                       |                                              |
| Ad Valorem Property Tax                   | \$1,954,979                        | \$2,090,214        | \$2,085,000                | \$2,064,131           | 20,869                                       |
| Back Tax Collection                       | \$56,415                           | \$40,000           | \$40,000                   | \$25,838              | 14,162                                       |
| Special Assessments                       | \$68,913                           | \$35,300           | \$35,302                   | \$67,861              | (32,559)                                     |
| Motor Vehicle Tax                         | \$190,994                          | \$195,337          | \$192,100                  | \$196,286             | (4,186)                                      |
| Ad Valorem Tax Reduction                  | -\$21,102                          | -\$22,000          | -\$22,000                  | -\$23,734             | 1,734                                        |
| Interest on Investment                    | \$112,690                          | \$90,000           | \$75,000                   | \$185,828             | (110,828)                                    |
| Recreation Center - Pool renovation       |                                    | \$0                |                            |                       | 0                                            |
| Recreation Center - Office/Locker Remodel |                                    | \$0                |                            |                       | 0                                            |
| Recreation Center - Ball Diamond Improvem | \$46,350                           | \$0                | \$0                        | \$0                   | 0                                            |
| Recreation Center - Fitness Room          | \$51,200                           | \$51,360           | \$51,360                   | \$51,360              | 0                                            |
| Industrial Land Payment - Ind Sales Tax   | \$85,963                           | \$0                |                            | \$85,963              | (85,963)                                     |
| Sale of Bonds                             | \$0                                | \$0                | \$0                        | \$0                   | 0                                            |
| Gas Line Payment - Ind Sales Tax          |                                    | \$0                |                            |                       | 0                                            |
| Hanger Payment - General Fund             |                                    | \$0                |                            |                       | 0                                            |
| Miscellaneous                             | \$0                                | \$0                |                            | \$0                   | 0                                            |
| Transfer of Funds from Project Accounts   | \$0                                | \$0                | \$0                        | \$0                   | 0                                            |
| <b>TOTAL RECEIPTS</b>                     | \$2,546,402                        | \$2,480,211        | \$2,456,762                | \$2,653,533           | -\$196,771                                   |
| <b>EXPENDITURES</b>                       |                                    |                    |                            |                       |                                              |
| Principal                                 | \$1,895,000                        | \$875,000          | \$875,000                  | \$875,000             | 0                                            |
| Interest Coupons                          | \$279,917                          | \$227,850          | \$227,850                  | \$227,850             | 0                                            |
| Transfer of funds                         | \$0                                |                    |                            | \$0                   |                                              |
| Misc projects                             |                                    | \$0                | \$0                        |                       |                                              |
| <b>TOTAL EXPENDITURES</b>                 | \$2,174,917                        | \$1,102,850        | \$1,102,850                | \$1,102,850           | 0                                            |
| <b>Ending Cash Balance</b>                | <b>\$2,358,480</b>                 | <b>\$3,630,375</b> | <b>\$3,712,392</b>         | <b>\$3,909,163</b>    |                                              |

# Equipment Reserve Fund

as of October 31, 2024

|                               | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------|----------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$335,168                          | \$0            | \$579,091                  | \$579,091             |                                              |
| <b>REVENUE</b>                |                                    |                |                            |                       |                                              |
| Transfer from other funds     | \$1,105,126                        |                |                            | \$0                   | -                                            |
| Interest on Investment        | \$43,339                           |                |                            | \$23,691              | (23,691)                                     |
| Sale of Vehicles              | \$113,130                          |                |                            | \$101,915             |                                              |
| <b>TOTAL RECEIPTS</b>         | \$1,261,595                        | \$0            | \$0                        | \$125,606             | (23,691)                                     |
| <b>EXPENDITURES</b>           |                                    |                |                            |                       |                                              |
| Leasing Payment               | \$663,233                          |                |                            | \$438,049             | (438,049)                                    |
| Outstanding PO's              | \$354,439                          |                |                            | \$0                   |                                              |
| Special Projects              |                                    |                |                            |                       |                                              |
| <b>TOTAL EXPENDITURES</b>     | \$1,017,672                        | \$0            | \$0                        | \$438,049             | (438,049)                                    |
| <b>Ending Cash Balance</b>    | <b>\$579,091</b>                   | <b>\$0</b>     | <b>\$579,091</b>           | <b>\$266,649</b>      |                                              |



**Water Fund**

as of October 31, 2024

|                              | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget   | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|------------------------------|------------------------------------|------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>BEGINNING CASH</b>        | 2,452,274                          | 2,406,983        | 1,676,012                  | 830,592               | 0                                            |
| <b>REVENUE</b>               |                                    |                  |                            |                       |                                              |
| Sale of Water                | 7,718,770                          | 8,029,720        | 6,691,430                  | 7,663,968             | (972,538)                                    |
| Service Charge               | 94,666                             | 100,000          | 83,330                     | 68,700                | 14,630                                       |
| Penalties                    | 89,725                             | 95,000           | 79,160                     | 81,564                | (2,404)                                      |
| Sale of Salvage              |                                    | 0                |                            | 0                     | 0                                            |
| Reimbursed Expense           | 28,518                             | 20,000           | 17,280                     | 56,876                | (39,596)                                     |
| Interest on Investment       | 102,130                            | 65,000           | 54,510                     | 52,186                | 2,324                                        |
| Sale of Bonds                | 3,337,786                          | 0                | 0                          | 0                     | 0                                            |
| Trf from Industrial Fund     | 350,000                            | 436,000          | 436,000                    | 350,000               | 86,000                                       |
| Trf from Project fund        | 0                                  | 0                | 0                          | 0                     | 0                                            |
| Non Operating Revenue        | 0                                  | 0                |                            | 5,240,370             | (5,240,370)                                  |
| Miscellaneous                | 6,912                              | 2,100            | 830                        | (4,150)               | 4,980                                        |
| <b>TOTAL RECEIPTS</b>        | 11,728,507                         | 8,747,820        | 7,362,540                  | 13,509,514            | (6,146,974)                                  |
| <b>EXPENDITURES</b>          |                                    |                  |                            |                       |                                              |
| Personnel Services           | 1,174,831                          | 1,446,961        | 1,172,328                  | 1,107,073             | 65,255                                       |
| Vacancy                      |                                    | (27,810)         | 0                          |                       | 0                                            |
| Maintenance & Repair         | 2,237,571                          | 1,043,050        | 871,970                    | 1,256,997             | (385,027)                                    |
| Commodities                  | 1,757,586                          | 1,426,850        | 1,188,950                  | 1,713,311             | (524,361)                                    |
| Other Charges                | 375,064                            | 247,390          | 199,260                    | 525,727               | (326,467)                                    |
| Capital Outlay               | 0                                  | 995,000          | 995,000                    | 373,685               | 621,315                                      |
| Debt Payment                 | 1,733,972                          | 1,653,139        | 1,451,901                  | 1,924,917             | (473,016)                                    |
| Stock                        | 32,154                             | 5,000            | 4,160                      | 72,657                | (68,497)                                     |
| Transfer to Project Account  | 3,444,286                          | 25,000           | 25,000                     | 5,240,370             | (5,215,370)                                  |
| Utilities                    | 664,956                            | 594,600          | 495,470                    | 533,162               | (37,692)                                     |
| Communications               | 28,074                             | 44,900           | 37,380                     | 20,372                | 17,008                                       |
| Travel & Training            | 25,027                             | 15,200           | 12,650                     | 18,157                | (5,507)                                      |
| Contractual Services         | 789,492                            | 1,292,000        | 1,099,290                  | 1,139,577             | (40,287)                                     |
| Administrative Fee 16%       | 1,086,178                          | 1,315,955        | 1,096,630                  | 1,105,842             | (9,212)                                      |
| Excess Carryover             |                                    | 0                | 0                          |                       | 0                                            |
| Change in Liabilities        | 998                                | 0                |                            | 70,390                | (70,390)                                     |
| Outstanding PO's             | 0                                  |                  |                            |                       |                                              |
| <b>TOTAL EXPENDITURES</b>    | 13,350,189                         | 10,077,235       | 8,649,989                  | 15,102,236            | (6,452,247)                                  |
| <b>NET CHANGE IN CASH</b>    | (1,621,682)                        | (1,329,415)      | (1,287,449)                | (1,592,723)           | 305,274                                      |
| <b>ENDING CASH BALANCE</b>   | <b>830,592</b>                     | <b>1,077,568</b> | <b>388,563</b>             | <b>(762,131)</b>      |                                              |
| Principal Bond Payments      | (1,415,000)                        | (1,415,000)      | (1,415,000)                | (1,415,000)           |                                              |
| Depreciation                 | 1,456,758                          | 1,550,000        | 1,291,660                  | 1,194,416             |                                              |
| Capitalized Assets           | (3,879,788)                        | (995,000)        | 0                          | (31,747)              |                                              |
| Liabilities                  |                                    |                  |                            |                       |                                              |
| <b>ADJUSTMENTS</b>           | (3,838,030)                        | (860,000)        | (123,340)                  | (252,331)             |                                              |
| Base for reserve calculation | 9,905,903                          | 9,082,235        | 7,629,989                  | 9,488,181             |                                              |
| 20% reserve amount           | 1,981,181                          | 1,816,447        | 1,525,998                  | 1,897,636             |                                              |
| Amount over 20% reserve      | (1,150,589)                        | (738,879)        | (1,137,435)                | (2,659,767)           |                                              |

**Wastewater Fund**

as of October 31, 2024

|                              | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget   | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|------------------------------|------------------------------------|------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>BEGINNING CASH</b>        | 2,087,628                          | 1,338,621        | 1,029,532                  | 1,029,532             |                                              |
| <b>REVENUE</b>               |                                    |                  |                            |                       |                                              |
| Sales/Charges                | 6,169,657                          | 6,126,631        | 5,105,520                  | 5,436,920             | (331,400)                                    |
| Extra Strength Surcharge     | 171,000                            | 127,500          | 106,240                    | 151,028               | (44,788)                                     |
| Interest on Investment       | 80,398                             | 40,000           | 33,330                     | 52,312                | (18,982)                                     |
| New System taps              | 4,600                              | 1,000            | 830                        | 1,800                 | 827                                          |
| Loss on sales of assets      | 0                                  |                  |                            | 0                     |                                              |
| Grant money                  | 1,225,409                          | 0                | 0                          | 0                     | 0                                            |
| Sale of Bonds                | 6,533,733                          | 0                | 0                          | 0                     | 0                                            |
| Non Operating Revenue        | 562,302                            |                  | 0                          | 135,920               | (135,920)                                    |
| Miscellaneous                | 15,315                             | 1,000            | 830                        | 5,695                 | (4,865)                                      |
| <b>TOTAL RECEIPTS</b>        | 14,762,414                         | 6,296,131        | 5,246,750                  | 5,783,675             | (535,128)                                    |
| <b>EXPENDITURES</b>          |                                    |                  |                            |                       |                                              |
| Personnel Services           | 1,287,455                          | 1,310,671        | 1,061,528                  | 1,135,938             | (74,410)                                     |
| Vacancy                      | 0                                  | (23,100)         |                            | 0                     | 0                                            |
| Maintenance & Repair         | 624,540                            | 489,100          | 412,220                    | 380,434               | 31,786                                       |
| Commodities                  | 427,896                            | 374,750          | 312,230                    | 516,573               | (204,343)                                    |
| Other Charges                | 291,139                            | 187,785          | 159,595                    | 143,561               | 16,034                                       |
| Capital Outlay               | 604,993                            | 405,000          | 405,000                    | 117,523               | 287,477                                      |
| Debt Payment                 | 2,843,772                          | 2,800,484        | 2,800,484                  | 2,998,354             | (197,870)                                    |
| Transfer to Project fund     | 8,320,208                          | 79,100           | 79,100                     | 135,920               | (56,820)                                     |
| Utilities                    | 570,015                            | 599,500          | 499,560                    | 600,146               | (100,586)                                    |
| Communications               | 21,816                             | 29,600           | 24,620                     | 17,936                | 6,684                                        |
| Travel & Training            | 15,084                             | 11,500           | 9,560                      | 8,879                 | 681                                          |
| Contractual Services         | 215,926                            | 239,550          | 201,420                    | 326,365               | (124,945)                                    |
| Administrative Fee flat      | 610,000                            | 610,000          | 508,330                    | 508,333               | (3)                                          |
| Excess Carryover             |                                    | 0                | 0                          |                       | 0                                            |
| Change in Liabilities        | (12,334)                           | 0                |                            | (158,626)             | 158,626                                      |
| Outstanding PO's             | 0                                  |                  |                            |                       |                                              |
| <b>TOTAL EXPENDITURES</b>    | 15,820,510                         | 7,113,940        | 6,473,647                  | 6,731,334             | (257,687)                                    |
| <b>NET CHANGE IN CASH</b>    | (1,058,096)                        | (817,809)        | (1,226,897)                | (947,660)             | (277,441)                                    |
| <b>ENDING CASH BALANCE</b>   | <b>1,029,532</b>                   | <b>520,812</b>   | <b>(197,365)</b>           | <b>81,872</b>         |                                              |
|                              |                                    |                  |                            |                       |                                              |
| Depreciation                 | 2,096,619                          | 2,125,205        | 1,770,990                  | 1,789,485             |                                              |
| Principal Bond Payments      | (2,285,730)                        | (2,211,279)      | (2,211,279)                | (2,211,279)           |                                              |
| Capitalized Assets           | (3,169,496)                        | (405,000)        | 0                          | 0                     |                                              |
| Change in Liabilities        |                                    | 0                |                            |                       |                                              |
| <b>ADJUSTMENTS</b>           | <b>(3,358,607)</b>                 | <b>(491,074)</b> | <b>(440,289)</b>           | <b>(421,794)</b>      |                                              |
| Base for reserve calculation | 6,895,309                          | 6,708,940        | 5,989,547                  | 6,477,891             |                                              |
| 20% Cash Reserve amount      | 1,379,062                          | 1,341,788        | 1,197,909                  | 1,295,578             |                                              |
| Amount over 20% Cash Reserve | (349,530)                          | (820,976)        | (1,395,274)                | (1,213,706)           |                                              |

**Solid Waste Fund**

as of October 31, 2024

|                                | Preceding Year<br>2023<br>(Actual) | 2024<br>Budget   | 2024<br>Jan -Oct<br>Budget | 2024<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|--------------------------------|------------------------------------|------------------|----------------------------|-----------------------|----------------------------------------------|
| <b>BEGINNING CASH</b>          | 3,549,209                          | 2,658,924        | 3,388,241                  | 3,388,241             |                                              |
| <b>REVENUE</b>                 |                                    |                  |                            |                       |                                              |
| Refuse Collection Fees         | 3,004,195                          | 3,050,000        | 2,541,660                  | 2,520,367             | 21,293                                       |
| Loss on Sale of Assets         |                                    | 0                |                            | 0                     | 0                                            |
| Interest on Investments        | 150,996                            | 70,000           | 58,330                     | 169,769               | (111,439)                                    |
| Trf from Health Ins - Premiums |                                    | 0                |                            |                       | 0                                            |
| Resale of Recyclables          | 84,117                             | 60,000           | 50,000                     | 123,661               | (73,661)                                     |
| Box Container Fees             | 1,868,989                          | 2,270,000        | 1,891,660                  | 1,565,034             | 326,626                                      |
| Landfill Fees                  | 611,254                            | 608,000          | 506,660                    | 491,879               | 14,781                                       |
| Transfers                      | 19,428                             | 0                |                            | 0                     | 0                                            |
| Miscellaneous                  | 5,664                              | 4,800            | 4,710                      | 15,843                | (11,133)                                     |
| <b>TOTAL RECEIPTS</b>          | 5,744,643                          | 6,062,800        | 5,053,020                  | 4,886,553             | 166,467                                      |
| <b>EXPENDITURES</b>            |                                    |                  |                            |                       |                                              |
| Personnel Services             | 2,268,626                          | 2,450,264        | 1,987,078                  | 1,959,039             | 28,039                                       |
| Vacancy                        |                                    | (47,329)         |                            |                       | 0                                            |
| Maintenance & Repair           | 372,042                            | 390,500          | 328,460                    | 223,924               | 104,536                                      |
| Commodities                    | 408,039                            | 428,000          | 357,320                    | 331,898               | 25,422                                       |
| Other Charges                  | 278,567                            | 220,735          | 174,415                    | 310,379               | (135,964)                                    |
| Capital Outlay                 | 3,970                              | 655,000          | 655,000                    | 320,359               | 334,641                                      |
| Transfer to Equipment Reserve  | 25,000                             | 86,000           | 86,000                     | 0                     | 86,000                                       |
| Utilities                      | 60,758                             | 72,000           | 59,970                     | 40,623                | 19,347                                       |
| Communications                 | 37,201                             | 49,900           | 41,530                     | 28,285                | 13,245                                       |
| Transfer to project            | 0                                  | 0                |                            |                       | 0                                            |
| Travel & Training              | 10,752                             | 8,750            | 7,270                      | 273                   | 6,997                                        |
| Contractual Services           | 1,679,951                          | 1,855,500        | 1,555,000                  | 1,505,779             | 49,221                                       |
| Administrative Fee 16%         | 877,017                            | 948,480          | 790,400                    | 732,365               | 58,035                                       |
| Excess Carryover               |                                    | 0                | 0                          | 0                     | 0                                            |
| Change in Liabilities          | (116,312)                          | 0                |                            | 67,608                | (67,608)                                     |
| Outstanding PO's               | 0                                  |                  |                            |                       |                                              |
| <b>TOTAL EXPENDITURES</b>      | 5,905,611                          | 7,117,800        | 6,042,443                  | 5,520,533             | 521,911                                      |
| <b>NET CHANGE IN CASH</b>      | (160,968)                          | (1,055,000)      | (989,423)                  | (633,980)             | (355,443)                                    |
| <b>ENDING CASH BALANCE</b>     | <b>3,388,241</b>                   | <b>1,603,924</b> | <b>2,398,818</b>           | <b>2,754,261</b>      |                                              |
|                                |                                    |                  |                            |                       |                                              |
| Principal Payments             | 0                                  | 0                | 0                          | 0                     |                                              |
| Depreciation                   | 394,298                            | 455,000          | 370,820                    | 335,633               |                                              |
| Capitalized Assets             | (459,572)                          | (655,000)        | 0                          | (354,439)             |                                              |
| Change in Liabilities          |                                    | 0                |                            |                       |                                              |
| <b>ADJUSTMENTS</b>             | (65,274)                           | (200,000)        | 370,820                    | (18,806)              |                                              |
| Base for reserve calculation   | 5,901,641                          | 6,462,800        | 5,387,443                  | 5,200,173             |                                              |
| 20% cash reserve amount        | 1,180,328                          | 1,292,560        | 1,077,489                  | 1,040,035             |                                              |
| Amount over 20% Cash Reserv    | 2,207,913                          | 311,364          | 1,321,329                  | 1,714,226             |                                              |

CITY OF EMPORIA  
ACTUAL COMPARED TO BUDGET  
as of October 31, 2024  
EXPENSES FOR GENERAL FUND DEPARTMENTS

|                           | 2024<br>AMENDED<br>BUDGET | 2024<br>W ENCUMBRANCES | DIFFERENCE<br>B/W ACTUAL<br>& BUDGET | PERCENTAGE<br>RECEIVED/<br>USED | General Fund<br>Shared<br>Revenue | Shared<br>Budget | Actual<br>Shared<br>Budget | Department<br>Net |
|---------------------------|---------------------------|------------------------|--------------------------------------|---------------------------------|-----------------------------------|------------------|----------------------------|-------------------|
|                           |                           |                        |                                      |                                 |                                   | 19,982,637       | 20,807,900                 |                   |
| COMMISSION/MANAGER/CLERK  | 5,589,888.00              | 1,333,537.62           | 4,256,350                            | 24%                             | 19.90%                            | 3,977,009        | 4,141,256                  | 2,807,718         |
| FINANCE/HUMAN RESOURCES   | 506,098.00                | 361,695.04             | 144,403                              | 71%                             | 1.80%                             | 360,071          | 374,942                    | 13,246            |
| INFORMATION SYSTEMS       | 422,110.00                | 343,388.63             | 78,721                               | 81%                             | 1.50%                             | 300,316          | 312,719                    | (30,669)          |
| POLICE PROTECTION         | 5,635,137.00              | 4,391,173.55           | 1,243,963                            | 78%                             | 20.06%                            | 4,009,202        | 4,174,778                  | (216,395)         |
| ANIMAL CONTROL            | 234,004.00                | 198,395.91             | 35,608                               | 85%                             | 0.83%                             | 166,486          | 173,361                    | (25,035)          |
| FIRE PROTECTION           | 3,358,848.00              | 2,600,347.70           | 758,500                              | 77%                             | 11.96%                            | 2,389,702        | 2,488,395                  | (111,953)         |
| AMBULANCE SERVICE         | 3,985,714.00              | 2,762,942.77           | 1,222,771                            | 69%                             | 14.19%                            | 2,835,696        | 2,952,807                  | 189,864           |
| CODE SERVICES             | 975,690.00                | 715,975.56             | 259,714                              | 73%                             | 3.47%                             | 694,169          | 722,838                    | 6,862             |
| COURT SERVICES            | 625,123.00                | 504,125.78             | 120,997                              | 81%                             | 2.23%                             | 444,753          | 463,121                    | (41,005)          |
| ENGINEERING               | 736,918.00                | 464,878.41             | 272,040                              | 63%                             | 2.62%                             | 524,291          | 545,944                    | 81,066            |
| SNOW REMOVAL              | 73,000.00                 | 21,386.57              | 51,613                               | 29%                             | 0.26%                             | 51,937           | 54,082                     | 32,695            |
| GOLF COURSE MAINTENANCE   | 591,964.00                | 495,418.69             | 96,545                               | 84%                             | 2.11%                             | 421,162          | 438,555                    | (56,864)          |
| GOLF SHOP                 | 419,803.00                | 436,369.30             | (16,566)                             | 104%                            | 1.49%                             | 298,675          | 311,010                    | (125,359)         |
| PARK                      | 1,258,943.00              | 992,904.36             | 266,039                              | 79%                             | 4.48%                             | 895,694          | 932,685                    | (60,219)          |
| DISC GOLF                 | 0.00                      | 116,323.85             | (116,324)                            | #DIV/0!                         | 0.00%                             | 0                | 0                          | (116,324)         |
| AQUATIC CENTER            | 243,475.00                | 182,318.45             | 127,151                              | 48%                             | 0.87%                             | 173,224          | 180,378                    | 64,054            |
| ZOO                       | 908,230.00                | 671,202.02             | 725,912                              | 20%                             | 3.23%                             | 646,174          | 672,860                    | 490,542           |
| CIVIC BUILDING OPERATIONS | 928,894.00                | 606,037.69             | 257,692                              | 72%                             | 3.31%                             | 660,875          | 688,169                    | 16,967            |
| LIBRARY MAINTENANCE       | 79,846.00                 | 118,909.73             | (526,192)                            | 759%                            | 0.28%                             | 56,808           | 59,154                     | (546,884)         |
| GROUND MAINTENANCE        | 129,270.00                | 55,519.72              | 10,360                               | 92%                             | 0.46%                             | 0                | 95,769                     | (23,140)          |
| CONCESSION STAND          | 88,939.00                 | 65,950.00              | 33,419                               | 62%                             | 0.32%                             | 63,277           | 65,890                     | 10,371            |
| SHOP MAINTENANCE          | 143,299.00                | -13,902.17             | 77,349                               | 46%                             | 0.51%                             | 101,952          | 106,163                    | 40,213            |
| STREET LIGHTING           | 322,176.00                | 263,841.79             | 336,078                              | -4%                             | 1.15%                             | 229,217          | 238,683                    | 252,586           |
| MISC APPROPRIATIONS       | 88,000                    | 71,420.60              | (175,842)                            | 300%                            | 0.31%                             | 62,609           | 65,195                     | (198,647)         |
| AIRPORT                   | 1,135,817.00              | 648,302.37             | 487,515                              | 57%                             | 4.04%                             | 808,094          | 841,467                    | 770,047           |
| PARKING FACILITY          | 15,600.00                 | 7,865.61               | 7,734                                | 50%                             | 0.06%                             | 11,099           | 11,557                     | (636,745)         |
| TRANSERS                  | 4,305,515.00              | 3,539,076.62           | 766,438                              | 82%                             | 15.33%                            | 3,063,223        | 3,189,731                  | 3,181,865         |
| CONTINGENCY               | -337,313.00               | 0                      | (337,313)                            | 0%                              | -1.20%                            | (239,986)        | (249,898)                  | (3,788,974)       |
| EXCESS CARRYOVER          | 0                         | 0                      | 0                                    | #DIV/0!                         |                                   |                  |                            |                   |
| GENERAL FUND              | 32,464,988                | 21,955,406             | 10,464,679                           | 68%                             | 101.46%                           | 23,005,728       | 24,051,611                 |                   |
|                           | 28,086,610                |                        |                                      |                                 |                                   |                  |                            |                   |

CITY OF EMPORIA  
 ACTUAL COMPARED TO BUDGET  
 as of October 31, 2024  
 EXPENSES FOR WATER FUND DEPARTMENTS

|                       | 2024<br>AMENDED<br>BUDGET | 2024<br>ACTUAL WITH<br>ENCUMBRANCES | DIFFERENCE<br>B/W ACTUAL<br>& BUDGET      | PERCENTAGE<br>RECEIVED/<br>USED |
|-----------------------|---------------------------|-------------------------------------|-------------------------------------------|---------------------------------|
| DEBT                  | 1,625,329                 | 509,917                             | 1,115,412                                 | 31%                             |
| ADMINISTRATION        | 2,739,739                 | 1,744,514.16                        | 995,225                                   | 64%                             |
| WATER MAINTENANCE     | 2,007,791                 | 6,808,533.81                        | (4,800,743)                               | 339%                            |
| WATER PLANT           | 5,159,943                 | 5,643,894.01                        | (483,951)                                 | 109%                            |
| WATER STOCK           | 5,000                     | 72,657.17                           | (67,657)                                  | 1453%                           |
|                       | <u>11,537,802</u>         | <u>14,779,516</u>                   | <u>(3,241,714)</u>                        | <u>20</u>                       |
| <b>Capital Outlay</b> |                           |                                     |                                           |                                 |
| Water Plant           | \$360,000                 |                                     | Water Plant Evaluation                    |                                 |
| Water Plant           | \$240,000                 |                                     | Container for Polymer                     |                                 |
| Water Plant           | \$140,000                 |                                     | Aqua Ammonia Tank Replacement             |                                 |
| Water Plant           | <u>\$255,000</u>          |                                     | S Cottonwood to East St from KS to Potwin |                                 |
|                       | 995,000                   | 0                                   |                                           |                                 |

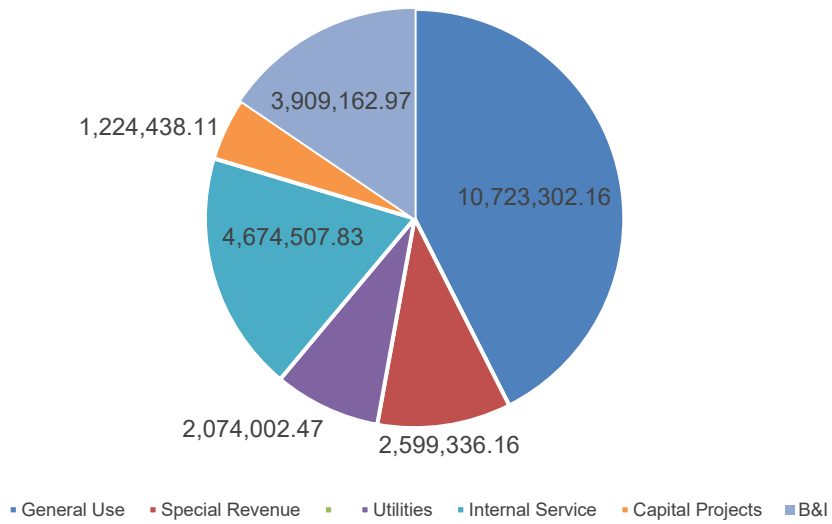
CITY OF EMPORIA  
 ACTUAL COMPARED TO BUDGET  
 as of October 31, 2024  
 EXPENSES FOR WASTEWATER FUND DEPARTMENTS

|                       | 2024<br>AMENDED<br>BUDGET | 2024<br>W ENCUMBRANCES | DIFFERENCE<br>B/W ACTUAL<br>& BUDGET       | PERCENTAGE<br>RECEIVED/<br>USED |
|-----------------------|---------------------------|------------------------|--------------------------------------------|---------------------------------|
| DEBT                  | 2,777,384                 | 787,075                | 1,990,309                                  | 28%                             |
| ADMINISTRATION        | 1,496,386                 | 843,703                | 652,683                                    | 56%                             |
| SEWER MAINTENANCE     | 1,783,635                 | 1,683,114              | 100,521                                    | 94%                             |
| SEWER PLANT           | 3,297,554                 | 3,154,276              | 143,278                                    | 96%                             |
|                       | <u>9,354,959</u>          | <u>6,468,167</u>       | <u>2,886,792</u>                           | <u>3</u>                        |
| <b>Capital Outlay</b> |                           |                        |                                            |                                 |
| Sewer Maintenance     | \$175,000                 |                        | Sewer Main Relining                        |                                 |
| Waste Water Plant     | \$30,000                  |                        | Gator                                      |                                 |
| Waste Water Plant     | \$200,000                 |                        | Replace UV Bulbs, Sleeve, End and Ballasts |                                 |
|                       | <u>405,000</u>            | <u>0</u>               |                                            |                                 |

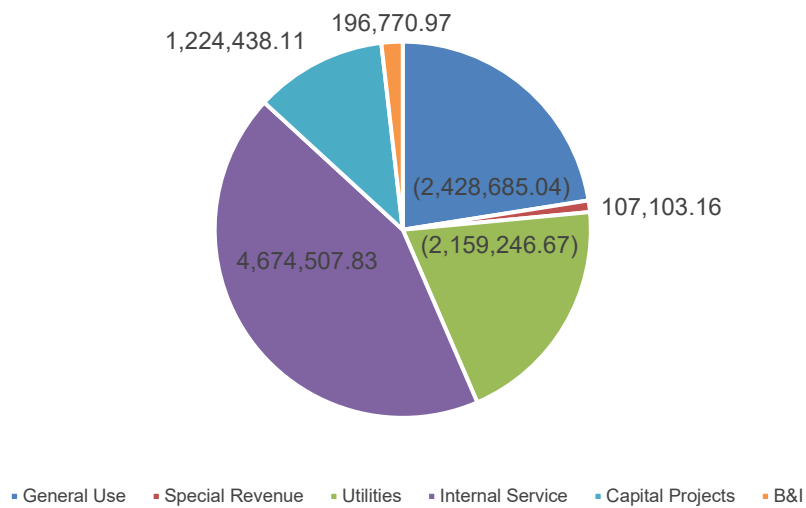
CITY OF EMPORIA  
 ACTUAL COMPARED TO BUDGET  
 as of October 31, 2024  
 EXPENSES FOR SOLID WASTE FUND DEPARTMENTS

|                       | 2024<br>AMENDED<br>BUDGET | 2024<br>W ENCUMBRANCES | DIFFERENCE<br>B/W ACTUAL<br>& BUDGET | PERCENTAGE<br>RECEIVED/<br>USED |
|-----------------------|---------------------------|------------------------|--------------------------------------|---------------------------------|
| ADMINISTRATION        | 2,809,390                 | 999,988.40             | 399,598                              | 36%                             |
| COLLECTIONS           | 2,998,315                 | 2,435,516.33           | 797,978                              | 81%                             |
| TRANSFER STATION      | 2,020,116                 | 1,395,723.32           | 535,461                              | 69%                             |
| RECYCLING CENTER      | 683,901                   | 608,320.91             | 221,275                              | 89%                             |
|                       | <u>8,511,722</u>          | <u>5,439,549</u>       | <u>1,954,312</u>                     | <u>3</u>                        |
| <b>Capital Outlay</b> |                           |                        |                                      |                                 |
| Administration        | 100,000                   |                        | Solid Waste Master Plan              |                                 |
| Collections           | 270,000                   |                        | Roll Off Truck (2011)                |                                 |
| Collections           | 285,000                   | 320,359                | Rear Load Trash Truck (2010)         |                                 |
|                       | <u>\$655,000</u>          | <u>320,359</u>         |                                      |                                 |

## Unencumbered Cash



## Available Funds





**City of Emporia**  
**Unencumbered Cash Report**  
**as of October 31, 2024**

|                                       | Amount         | YTD Budget   | Difference     | Unencumbered Cash |                |        |
|---------------------------------------|----------------|--------------|----------------|-------------------|----------------|--------|
| 101 General Fund                      | 8,734,599.53   | 7,276,336.05 | 1,458,263.48   | General Use       | 10,723,302.16  | 42.54% |
| 102 Multi Year Fund                   | 1,988,702.63   | 5,875,651.15 | (3,886,948.52) | Special Revenue   | 2,599,336.16   | 10.31% |
| 103 Insurance Reserve                 | 696,716.58     | 663,358.00   | 33,358.58      |                   |                |        |
| 104 Vacant Property Program           | 13,609.36      | -            | 13,609.36      | Utilities         | 2,074,002.47   | 8.23%  |
| 201 Library Fund                      | 1.00           | (3,767.00)   | 3,768.00       | Internal Service  | 4,674,507.83   | 18.55% |
| 203 Transient Guest Tax Fund          | 708,140.38     | 763,893.00   | (55,752.62)    | Capital Projects  | 1,224,438.11   | 4.86%  |
| 204 Industrial Fund                   | 25,847.78      | 24,462.00    | 1,385.78       | B&I               | 3,909,162.97   | 15.51% |
| 205 Economic Sales Tax Fund           | 963,127.16     | 1,211,313.00 | (248,185.84)   |                   | 25,204,749.70  |        |
| 206 Special Alcohol Fund              | 122,574.60     | 115,188.00   | 7,386.60       |                   |                |        |
| 207 Special Park & Recreation Fund    | 97,577.21      | 14,041.00    | 83,536.21      | <b>Budget</b>     |                |        |
| 208 Special Street Fund               | 336,834.48     | 85,696.00    | 251,138.48     | General Use       | (2,428,685.04) |        |
| 209 Drug Money Forfeitures Fund       | 45,940.27      | 37,961.00    | 7,979.27       | Special Revenue   | 107,103.16     |        |
| 210 Storm Water Fund                  | 139,994.60     | 243,446.00   | (103,451.40)   | Utilities         | (2,159,246.67) |        |
| 218 Emergency Shelter Grant Fund      | (3,500.00)     |              | (3,500.00)     | Internal Service  | 4,674,507.83   |        |
| 224 Fire Public Education             | 7,760.47       |              | 7,760.47       | Capital Projects  | 1,224,438.11   |        |
| 225 Police Grants Fund                | 1,410.27       |              | 1,410.27       | B&I               | 196,770.97     |        |
| 251 Emporia Homeowner Repair          | (21,202.84)    |              | (21,202.84)    |                   |                |        |
| 252 2014 Housing Rehab                | 30,879.58      |              | 30,879.58      |                   |                |        |
| 254 2020 CDBG Rehab Grant             | 3,994.00       |              | 3,994.00       |                   |                |        |
| 260 Land Bank                         | 133,389.08     |              | 133,389.08     |                   |                |        |
| 301 Bond and Interest Fund            | 3,909,162.97   | 3,712,392.00 | 196,770.97     |                   |                |        |
| 305 Equipment Reserve Fund            | 266,648.57     | 579,091.00   | (312,442.43)   |                   |                |        |
| 401 Coronavirus Recovery Grant        | 58,559.24      |              | 58,559.24      |                   |                |        |
| 406 Internal Improvement Fund         | 3,252,801.41   |              | 3,252,801.41   |                   |                |        |
| 407 Rec Center Projects               | (271,788.00)   |              | (271,788.00)   |                   |                |        |
| 409 Water Treatment Plant Improvement | 403,293.31     |              | 403,293.31     |                   |                |        |
| 413 Water Main Improvements           | (5,515,996.17) |              | (5,515,996.17) |                   |                |        |
| 415 Civic Auditorium Project Fund     | 193,273.39     |              | 193,273.39     |                   |                |        |
| 423 Airport Improvements Fund         | 214,151.66     |              | 214,151.66     |                   |                |        |
| 428 Park Improvements Fund            | (162,415.49)   |              | (162,415.49)   |                   |                |        |
| 441 Paving Projects Fund              | (368,618.28)   |              | (368,618.28)   |                   |                |        |
| 442 Construction Projects Fund        | (261,660.16)   |              | (261,660.16)   |                   |                |        |
| 444 Waste water Improvement           | 3,682,837.20   |              | 3,682,837.20   |                   |                |        |
| 501 Water Utility Fund                | (762,130.82)   | 388,563.00   | (2,659,767.05) |                   |                |        |
| 502 Sewer Fund                        | 81,872.26      | (197,365.00) | (1,213,706.03) |                   |                |        |
| 503 Solid Waste Fund                  | 2,754,261.03   | 2,398,818.00 | 1,714,226.41   |                   |                |        |
| 601 Worker's Comp Fund                | 2,304,467.44   |              | 2,304,467.44   |                   |                |        |
| 602 Health Care Fund                  | 2,370,040.39   |              | 2,370,040.39   |                   |                |        |
| 708 Fire Insurance Proceeds           | 6,568.12       |              | 6,568.12       |                   |                |        |
|                                       | 26,181,724.21  |              |                |                   |                |        |

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 6, 2024, with Mayor Harter presiding and Commissioners Brinkman, Curtis, and Smith present. Commissioner Sauder was present via phone. Also present were City Manager Cocking, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery. Deputy City Manager Detter was absent.

Jess Buchholz, Community Development Coordinator for Emporia Main Street, was in attendance to accept a proclamation declaring November 30, 2024, as “Small Business Saturday” in Emporia. She stated Emporia celebrates small local business and the contribution they make to our economy and community. Locally owned businesses contribute to our unique and vibrant community character. She stated the for every \$100 spent at a small local retailer, \$67 will be returned to the community through taxes, payroll and donations to local schools and charities. She stated we join American Express, Main Street American, Kansas Main Street and Emporia Main Street in supporting America’s locally owned Small Businesses. She urged all residents of Emporia to join the rest of America in shopping at the small locally owned businesses on this day and throughout the year.

Mayor Harter then presented the proclamation.

Vanessa Cowie, Director of Prairie Paw Animal Shelter, and Bailey Estes, Director of Emporia Animal Shelter, were in attendance to accept a proclamation declaring November 3 through 9, 2024, as “Animal Shelter Appreciation Week” in Emporia. She stated dogs and cats are an integral part of the quality of life in our community. Animal shelters help both animals and people in many ways by returning lost pets to their owners, educating the public, and matching homeless animals with loving new families. She stated they receive important donations of money, goods, and volunteer time to assist in their important missions. Prairie Paws Animal Shelter reflects the best shelter practices, with veterinary care, enrichment, and socializations programs to provide the best possible outcome for each animal in its care. She urged all citizens to recommit to the animals in

our community with responsible pet ownership and support of local efforts to help homeless animals.

Mayor Harter then presented the proclamation.

**CITY COMMISSION  
(Public Comment)**

This is the time for the public to make comments.

***The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.***

Alana Longwell, 1405 Lincoln St., Emporia, Ks  
Don Hill, 2805 Twin Lakes Dr., Emporia, Ks  
Jerald Campbell, 1201 Presby Dr., Emporia Ks  
Ester Knobloch, 2378 Ks 58 Hwy, Madison, Ks  
Christina Faulkner, 3641 Windsor Cir, Emporia, Ks  
Cathy Pimple, 502 Charles St., Olpe, Ks  
Larry Finley, 3601 Windsor Cir, Emporia, Ks  
Viola Heskett, 2211 Birch Rd., Emporia Ks  
Will Spencer, 1511 W. 6<sup>th</sup> Ave., Emporia, Ks  
Nancy Wells, 868 Road 290, Americus, Ks  
Chris Batel 1465 Road 20, Madison, Ks  
Holly French, 2578 Burlingame Rd., Admire, Ks  
Raymond Rogers, 1704 Berkeley Rd., Emporia, Ks  
Steven Bazan, 2833 Rio Vista Dr., Emporia, Ks

All spoke concerning the annexation of property East of Road G and South of W. 18<sup>th</sup> Avenue into City limits.

**CITY COMMISSION  
(Board Appointments)**

**Emporia Human Relations Commission:**

It was moved by Commissioner Smith seconded by Commissioner Brinkman that Donnia Hinrichs be appointed to the Emporia Human Relations Commission to fill an unexpired term that ends on June 1, 2025, and appoint Misty Williams to the Emporia Human Relations Commissioner to fill an unexpired term that ends on June 1, 2026. The

vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**PLANNING AND DEVELOPMENT**  
**(Annex Property East of Road G and South of W. 18<sup>th</sup> Avenue)**  
**(Ordinance Number 24-35)**

AN ORDINANCE ANNEXING LAND TO THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-35, was presented to the Governing Body for their consideration.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the City of Emporia received consent to annexation from the owner of the property located at the southeast corner of Road G and south of W. 18<sup>th</sup> Avenue. The property adjoins the City and is eligible for annexation under K.S.A. 12-520. The annexation request is in anticipation of future commercial development, which could include a medical facility on the property. He stated K.S.A. 12-520, permits a city to annex land if the land adjoins the city, and the owner of subject property has consented to the annexation. Kansas Annexation Law specifically allows that when a property that adjoins the city, and the owner has consented to annexation, no review from either a city or county Planning Commission, or the Board of County Commissioners is required. Prior to any development on the property, the property owner or developer is required to plat the property, have approved site plan, building plans as well as probably a developer's agreement that would cover infrastructure improvements, land use, or other issues that would need attention, through the developer's agreement. The only required action is for the City Commission to adopt an ordinance annexing property. The property is currently zoned Commercial, which was attested to by the County Counselor, and County Zoning Administrator. Upon annexation, the property retains its zoning designation of Commercial Parcel Type. He stated staff recommend the approval of Ordinance Number 24-35 annexing land east of Road G and south of W. 18<sup>th</sup> Avenue into city limits.

Following further discussion, Commissioner Brinkman made a motion to approve Ordinance Number 24-35 annexing land East of Road G and South of W. 18<sup>th</sup> Avenue pursuant to K.S.A. 12-520. Commissioner Smith seconded the motion. The vote follows:

Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, nay.

**FIRE DEPARTMENT  
(Fire Station #1 Construction)  
(Bid Package #1 to Crossland Construction)**

Brandon Beck, Fire Chief, was recognized and addressed the Governing Body. He stated city staff have been working with architect, Tessere and construction manager at risk, Crossland Construction, to complete construction documents for the new fire station. Requests for bid went out to 7,959 companies. Crossland Construction initiated the process of collecting bids for Bid Package #1. Crossland reviewed and confirmed the scope of work on the bid packages received from over 120 bids. He stated some of the largest scopes, mechanical, electrical, and plumbing were all won by local contractors. The contract sum guaranteed by the Construction Manager not to exceed is \$10,084,115.00, subject to additions and deductions by change order. Allowances for fixtures, furniture and equipment are not to exceed \$500,000.00 . The new fire station will be paid out of the City's bond and interest fund. He stated staff recommend awarding bid package #1 to Crossland Construction for \$10,084,115.00 with an allowance of \$500,000.00 for fixtures, furniture and equipment for a total amount not to exceed \$10,584,115.00.

Commissioner Smith made a motion to award bid package #1 to Crossland Construction for \$10,084,115.00 with an allowance of \$500,000.00 for fixtures, furniture, and equipment for a total of \$10,584,115.00. Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**ENGINEERING  
(Amend Hazardous Sidewalk Program Costs)  
(Resolution Number 3744)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City implemented the Hazardous Sidewalk Program with City cost sharing in 1991. In 2006, the City increased the property owner's share to \$400 maximum for a

residential lot along one street and \$700 maximum for a residential lot along two streets. Since that time, the unit bid costs have increased 80%, which has been about 3.3% annually for the past 18 years, with no cost share increase to property owner participants. He stated this proposed resolution would raise the residential property cost share to 25% of actual costs with the City paying 75% of the cost. This cost share will create some equity for residential lots varying frontage widths while still being a generally affordable way for property owners to participate in the Hazardous Sidewalk maintenance and repair program. He stated Commercial property participation would remain at the 50% property owner and 50% City share. Staff recommend approval of Resolution Number 3744 amending Hazardous Sidewalk Program costs.

Mayor Harter made a motion to approve Resolution Number 3744 to amend the hazardous Sidewalk cost-share program. Commissioner Smith seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

**CITY COMMISSION**  
**(Amend Removal of Snow and Ice from Sidewalks)**  
**(Ordinance Number 24-33)**

AN ORDINANCE AMENDING SECTION 24-8 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 24-33, was presented to the Governing Body for their consideration.

James Watson, Assistant City Attorney, was recognized and addressed the Governing Body. He stated the current city code section 24-8 requires snow and ice to be removed from sidewalks within five (5) hours from the end of a snow event or in the case of accumulation ending during the night, within five (5) hours of sunrise. He stated this proposed ordinance would better clarify the requirements of property owners or tenants for snow and ice removal on public sidewalks by lengthening the time to comply with the code. He stated property owners or tenants would have 24 hours after the end of a snow or ice event to have snow or ice removed or alternative measures performed. The changes will allow property owners or tenants more time to comply with the code and

still address safety concerns. He stated staff recommend approval of Ordinance Number 24-33 amending City Code Section 24-8 for the removal of snow and ice from sidewalks.

Commissioner Smith made a motion to approve Ordinance Number 24-33 amending City Code Section 24-8 removal of snow, ice from sidewalks. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**PLANNING AND DEVELOPMENT**  
**(MAPC Excerpts of Regular Meeting Held 10-15-24)**  
**(Application No. 2024-12 – Request of Mike & Shelley Wise)**  
**(Conditional Use Permit at 928 Neosho St.)**

The Planning Commission met in a regular session on Tuesday, October 15, 2024, with Chair Rogers presiding. Members Ogle, Bucklinger, Barnes, Fowler, and Lingenfelter were present.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

**Chair Rogers** called the meeting to order.

**3. Consider PC-2024-12 – A Request for an Accessory Dwelling Unit for 928 Neosho.**

**Chair Rogers** asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper.

**Chair Rogers** asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

**Givens** provided the staff report.

**STAFF REPORT**

**Application #:** PC 2024-12

**Applicants:** Mike & Shelley Wise

**Requested Action:** Approval of a Conditional Use Permit for an Accessory Dwelling Unit

**Purpose:** Applicant desires to remove an existing garage and replace with an accessory dwelling unit.

**Address:** 928 Neosho

**Legal description:** Lot 144 Neosho St, Emporia Original Township, Emporia, Lyon County, Kansas

**Lot Size:** 50 ft. x 130 ft.

**Existing Zoning:** Single-Family Detached (SF-D)

**Future Zoning in ELC Comp. Plan:** Single-Family Detached (SF-D)

**Surrounding Zoning:**

**North –** Single-Family Detached (SF-D) | Multi-Family (MF)

**East –** Multi-Family (MF)

**South –** Single-Family Detached (SF-D) | Multi-Family (MF)

**West –** Single-Family Detached (SF-D)

**Surrounding Actual Uses:**

**North:** Single-Family Detached Homes | Single-Family Attached Homes

**East:** Single-Family Detached Homes

**South:** Single-Family Detached Homes

**West:** Single Family Detached Homes

**Analysis:**

The applicants desire to remove an existing detached accessory structure and erect a new Accessory Dwelling Unit in the rear of the property. The applicants are requesting the CUP for an ADU in order to provide better living accommodations for an elderly parent. The removal of the existing garage and planned expansion will still keep the property below the maximum lot coverage and meet our required setbacks. A single off-street parking space will remain for the occupant of the ADU to use.

**Considerations: 26-109. Factors to be Considered for a Conditional Use Permit:**

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as conditional uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a conditional use, the minimum requirements set out in these regulations for the underlying district must be met unless otherwise reduced by specific reference in the approval of the Governing Body. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property or the neighborhood or which may be contrary to public health, safety or welfare.

The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **Staff**

**Commentary in Bold**



1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **When the zoning regulations were adopted, properties such as this one were contemplated to allow ADUs outright because of the alley access and location to amenities. Had the regulations not changed to require all properties needing conditional uses for ADUs the applicants could have installed one without approval from the Planning or City Commission. Staff feels that this request is consistent with the regulations.**
2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **Based on the location the proposed ADU is compatible to other land uses in the area. There are multi-family units in the area and the ADU would be adjacent to the alley so as not to intrude on other homes.**
3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **there would be no undue burden placed on any existing service.**
4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **as identified in PLAN ELC, there is a housing shortage within Emporia and units such as this were encouraged to be built. Until housing demands are met, ADUs should continue to be encouraged.**
5. The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped); **N/A**
6. Whether the applicant's property is suitable for the proposed conditional use; **as previously stated properties such as this are encouraged by the comprehensive plan and as it can meet all setback requirements the property is suitable for the proposed ADU**
7. The recommendations of professional staff; **staff is supportive of the proposed ADU.**
8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **the proposed project would be considered infill development as it does not require the extension of services, which is an objective of Plan ELC. Additionally, the proposed development of the ADU is encouraged in PLAN ELC.**
9. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **ADUs as contemplated by the comprehensive plan provide a measurable gain to the community as it creates housing options and units that are lacking in Emporia.**

10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **staff does not for see an adverse impact on the neighboring property owners. The ADU unit will have a dedicated parking spot and since it is on the corner limited traffic would be generated by the ADU.**

11. For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; **N/A**

12. Such other factors as may be relevant from the facts and evidence presented in the application. **N/A**

**Neighborhood Communications:** Staff received one call about the proposed ADU and its relationship to a historical structure across the alley. The necessity for review of projects adjacent to a historic structure has been eliminated and this project does not require a review as other projects previously did.

**Recommendation:** If the Planning Commission finds that the project is advisable, it may forward a recommendation to approve the Conditional Use Permit to the Governing Body based on the findings that the project is consistent with the intent and purpose of the zoning regulations, will not have an adverse impact on the surrounding area and the use is consistent with neighboring uses subject to the following conditons;

- 1) The project meets all applicable zoning, building, fire, and other applicable code regulations.
- 2) Any additional conditions the Planning Commission or City Commission deem necessary to protect the public health, safety, and general welfare.

**Attachments:** Aerial Map | Current Zoning Map

**Commissioner Fowler** asked about additional parking in the future if the applicant would want to expand their parking. **Givens** stated that yes, the applicant could add additional parking if they wanted.

**The Public Hearing was opened.**

**Mike Wise, 928 Neosho (applicant)** stated that the reason for the accessory dwelling unit was for an aging parent, who wanted to maintain some independence, but they wanted to move them closer. He stated that he was aware of the discussions of accessory dwelling units when Urban Collaborative was proposing them in the zoning regulations.

**Commissioner Fowler** asked about utilities for the property. **Wise** stated that all utilities would be run from the house and billed to their existing accounts.

No Person spoke against the accessory dwelling unit.

**The Public Hearing was closed.**

**Chair Rogers** asked about the setbacks. **Givens** stated that based on city code, the applicant is allowed to build back on the rear property line as long as the do not extend or increase an existing variance.

**Commissioner Barnes made a motion to recommend approval of the Conditional Use Permit for an Accessory Dwelling Unit. Commissioner Ogle seconded the motion. The motion carried 6-0.**

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owners of 928 Neosho Street are proposing to remove an existing garage and replace the garage with an accessory dwelling unit. The unit is being built with the intention of housing an aging relative but could be used as a rental in the future. He stated under the new Zoning Regulations, Accessory Dwelling Units (ADU) are allowed through the Conditional Use Permitting process. The proposed accessory dwelling unit meets all of the required building standards for the development of an ADU. It is located on the site of the former garage and expanded slightly. The ADU will provide for one off-street parking space as required by the zoning regulations and the applicant have proposed a structure that will have a similar look in building materials and colors as the main structure so that it blends with the existing home. He stated this property is in close proximity to a registered historic site. Previously projects in proximity to historic sites were required for review from the State Historic Preservation Office. However, as of 2013, review of projects on adjacent properties are no longer required. At their October 15, 2024, regular meeting, the Planning Commissioner voted unanimously to recommend approval of the Conditional Use Permit for an accessory dwelling unit at 928 Neosho Street.

**PLANNING AND DEVELOPMENT  
(Application No. 2024-12 – Request of Mike & Shelley Wise)  
(Conditional Use Permit at 928 Neosho St.)  
(Ordinance Number 24-34)**

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-34, was presented to the Governing Body for their consideration.

Commissioner Curtis made a motion to approve Ordinance Number 24-34 for a conditional use permit for an accessory dwelling unit at 928 Neosho Street. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye;

Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, and Mayor Harter, aye.

**SEWER MAINTENANCE  
(Engineer Services Agreement – BG Consultants, Inc.)  
(Supplement Agreement No. 5)  
(Construction Services for Lift Station No. 1)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated Lift Station No. 1, located at 1836 Merchant Street, which is on the north side of ESU property and right up against the on ramp to I35 and next to the power substation. This lift station has had no significant rehabilitation since being placed into service over 40 years ago. This lift station currently operates with only one pump. The planned project will replace the wet well, convert the lift station to a two-pump submersible style and the ability to add a third pump, add a screen to remove solids from the collection system and replace the antiquated odor control system. The cost of construction engineering services with BG Consultants is not to exceed \$260,514.00. Staff recommend approval of the Supplement Agreement No. 5 with BG Consultants for construction engineering services for Lift Station No. 1 project.

Commissioner Brinkman made a motion to approve the agreement with BG Consultants, Inc. for the construction services on the Lift Station No. 1 project. Commissioner Curtis seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**Consent Agenda**

Mayor Harter and Commissioner Sauder abstained from discussion and voting on the Consent Agenda due to conflict of interest pertaining to item d.

City Manager Cocking stated the Lockwood Heights RHID Reimbursement Agreement is an agreement with a Commissioner and wanted it noted for transparency.

It was moved by Vice Mayor Brinkman, seconded by Commissioner Smith that the Consent Agenda listed below be ratified as a whole:

- a. Minutes of Regular Commission Meetings Held on October 16, 2024.
- b. Approve Memorandum of Understanding Corridor Planning Study with BNSF.
- c. KDOT TA Supplemental Agreement No. 1, Project No. SK2201, KDOT 056 TE-0516-01.
- d. Lockwood Heights RHID Reimbursement Agreement.

The vote follows: Vice Mayor Brinkman, aye; Commissioner Smith, aye; and Commissioner Curtis, aye.

### **CITY COMMISSION (City Manager's Report)**

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

#### **STUDY SESSION AGENDA AT A SPECIAL MEETING DATE OF NOVEMBER 15, 2024, AT 12:00 P.M.**

Discuss Utility Rates Increases

#### **TENTATIVE AGENDA FOR NOVEMBER 20, 2024, MEETING.**

- Ordinance for Rate Increase for Utilities.
- Franchise Agreement with Zayo.
- Easement for Kretsinger Development.
- 2024 Emergency Shelter Grant

#### **STUDY SESSION**

Groundbreaking for New Fire Station @ 1:00 p.m.

Discuss Rules and Regulations for Water/Wastewater.

Discuss Tyler Technologies' Work Order Asset Management.

Discuss Common Consumption in Downtown Area Sponsored by City of Emporia.

### **CITY COMMISSION (Governing Body Comment)**

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

Commissioner Curtis stated that at the JADEC meeting the City Manager was commended for his communication concerning the water issues by the school board, Flint Hills Tech, Emporia State, and the hospital were all saying they were appreciative of the communication on the issue.

### **EXECUTIVE SESSION**

Mayor Harter made a motion to recess into Executive Session for 60 minutes inviting pertinent city staff to discuss confidential data of a third party relating to economic development. The justification for the executive session is provided by K.S.A. 75-4319(b)(4) to protect financial affairs and trade secrets of third parties. The open meeting will resume in City Conference Room 1AB, at approximately 1:22 p.m. Commissioner Brinkman seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Commissioner Smith, aye.

Upon reconvening the meeting in Regular Session, at 1:22 p.m., this same date, in the City Conference Meeting Room 1AB, Mayor Harter stated they had discussed confidential data of a third party relating to economic development and no action was taken.

### **No Study Session**

Mayor Harter then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

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Erren Harter, Mayor

ATTEST:

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Kerry Sull, City Clerk

**Study Session Meeting****12:00 p.m.****November 15, 2024**

The Governing Body of the City of Emporia, Kansas, met in Study Session, Friday, November 15, 2024, with Mayor Harter presiding and Commissioners Brinkman, Curtis, Sauder and Smith present. Also present were City Manager Cocking, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery. Deputy City Manager Detter was absent.

The following items were discussed at Study Session:

Discuss Utility Rates Increase

**EXECUTIVE SESSION**

Commissioner Sauder made a motion to recess into Executive Session for 20 minutes inviting pertinent city staff to discuss confidential data of a third party relating to economic development. The justification for the executive session is provided by K.S.A. 75-4319(b)(4) to protect financial affairs and trade secrets of third parties. The open meeting will resume in City Conference Room 1AB, at approximately 1:50 p.m. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Study Session, at 1:50 p.m., this same date, in the City Conference Meeting Room 1AB, Commissioner Sauder made a motion to continue the executive session discussion for the reason stated previously with all the same pertinent city staff and resuming the open meeting in the City Conference Meeting Room 1AB at approximately 2:00 p.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Study Session, at 2:00 p.m., this same date, in the City Conference Meeting Room 1AB, Mayor Harter stated they had discussed confidential data of a third party relating to economic development and no action was taken.



Study Session:

Discuss New Environmental Protection Agency Lead and Copper Rule Revisions.

Commissioner Curtis then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; Mayor Harter, aye.

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Erren Harter, Mayor

ATTEST:

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Kerry Sull, City Clerk



## Commission Action Report

### 2024 Emergency Solutions Grant

**Title:** Approve 2024 Emergency Solutions Grant Agreement

**Agenda Date:** November 20, 2024

**Presented By:** Jeff Lynch, Community Development Coordinator

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#### **Background:**

Two local agencies, Bloom House Youth Services, Inc. and S.O.S., Inc., provide assistance locally to people who are homeless or at risk of being homeless and have applied for this funding to assist them with their efforts. The grant has been awarded. This funding will provide emergency shelter, food and need essential services such as case management, life skills training, counseling, and assistance in obtaining permanent housing.

#### **Discussion:**

The City has administered this type of assistance for many years, which provides financial assistance to our local homeless service agencies. The City fulfills the role of a pass-thru recipient. The funding source is HUD, and funds are allocated statewide by the Kansas Housing Resources Corporation.

#### **Financial considerations:**

No city funds are required. The grant request was approved for \$25,402, with administrative funding for the City in the amount of \$668.00. Allocations were in the amount of \$13,802 for Bloom House Youth Services, Inc., and \$10,932 for S.O.S., Inc.

#### **Recommended action:**

Recommend approval, and authorizing the Mayor to execute all related documents for Grant No. E24-EMPORIA.

#### **Attachments:**

Grant Agreement

# KANSAS HOUSING

## NOTICE OF FINANCIAL AWARD & GRANT AGREEMENT Kansas Emergency Solutions Grant

Subrecipient City of Emporia

Subrecipient  
DBA \_\_\_\_\_

Mailing Address 104 E. 5<sup>th</sup> Ave City/State/Zip Emporia, Ks 66801

Subrecipient EIN 48-6026579 Subrecipient Unique Entity  
Identifier (UEI) EBG1VMGJFDJ3

Recipient (Pass-Through  
Entity) Kansas Housing Resources Corporation

Mailing Address 611 S Kansas Ave., Ste. 300 City/State/Zip Topeka, KS 66603-3803

Contact Person ESG Program Manager Phone 785-217-2019

Date 11/6/2024 Grant Number E24-EMPORIA

Funds Obligated – This Action \$25,402 Total Funds Obligated \$25,402

Performance Period July 1, 2024 through September 30, 2025

Research and Development? No

### Federal Identifying Information

Federal Awarding Agency U. S. Department of Housing and Urban Development

CFDA No. 14.231 CFDA Title Emergency Solutions Grant (ESG)

Document No./FAIN E-24-DC-20-0001 Federal Fiscal Year FFY2024

Federal Award Date 10/28/2024



## GRANT AGREEMENT

### I. Parties & Project Description

Kansas Housing Resources Corporation ("KHRC") administers the Emergency Solutions Grant ("ESG") program for the State of Kansas. Pursuant to the terms of this Agreement, KHRC hereby awards an ESG grant to **City of Emporia** (the "Subrecipient") in the amount stated above, which shall be used in accordance with the following budget:

|                                       |          |
|---------------------------------------|----------|
| Administrative.....                   | \$668    |
| Subrecipient Indirect Cost Rate. .... |          |
| Street Outreach.....                  | \$       |
| Emergency Shelter.....                | \$15,371 |
| Homeless Prevention.....              | \$       |
| Rapid Rehousing.....                  | \$9,363  |
| HMIS.....                             | \$       |

In exchange for the subject grant, and in accordance with the purposes of the ESG Act and the terms and conditions set forth herein, the Subrecipient agrees to complete and perform its ESG eligible activities in **Lyon, Chase, Coffey, Greenwood, Osage, Morris, and Wabunsee Counties**, in accordance with its application and all supporting documentation, which are incorporated herein by this reference and made a part of this Agreement (collectively, the "Application").

[IF APPLICABLE: In order to complete the ESG eligible activities provided under this Agreement, the parties agree and acknowledge that the Subrecipient intends to provide a subgrant(s) to the subawardee(s) listed below:

| Agency Name                       | Amount          |
|-----------------------------------|-----------------|
| <b>SoS, Inc</b>                   | <b>\$10,932</b> |
| <b>Bloom House Youth Services</b> | <b>\$13,802</b> |

The Subrecipient understands and agrees that it will be Subrecipient's responsibility to monitor the activities of any subawardee identified above and ensure that subawardee complies with all applicable Federal statutes and regulations, as well as all terms and conditions of this Agreement. Additionally, the Subrecipient shall ensure that each subawardee identified above follows the Budget Itemization(s) submitted to KHRC prior to the execution of this Agreement, which are incorporated herein by this reference.]

### II. Grant Period

The term of this grant agreement is July 1, 2024 through September 30, 2025.

### III. Responsibilities and Representations of Subrecipient

- A. The Subrecipient certifies that it is eligible to receive ESG funds as a subrecipient as provided under 24 CFR 576.2.



- B. The Subrecipient shall perform the activities provided under this Agreement in accordance with the Application, and in the area in the state of Kansas specified in the Application, all in a satisfactory manner as determined by KHRC.
- C. The grant amount stated in the Agreement shall be 100 percent of the ESG funds committed by KHRC to the Subrecipient. At all times, the Subrecipient shall perform all activities and incur all expenditures in accordance with the Application and the budget stated above, and in accordance with all federal statutes and regulations applicable to ESG funding. Further, the Subrecipient agrees as follows:
1. The Subrecipient shall make matching contributions to the ESG eligible activities detailed in the Application, in an amount that equals the amount of the ESG funds awarded under this Agreement. The match contributions may be cash or noncash, and may be obtained from any source, including federal, state, local, and private sources, all as set forth in 24 CFR 576.201.
  2. During the term of this Agreement, the Subrecipient shall provide to KHRC a ESG Recipient Request for Reimbursement and Financial Status Report (FSR) on or before the 20<sup>th</sup> day of each month for the prior month as detailed further in KHRC's ESG Handbook, as may be amended by KHRC from time to time (the "ESG Handbook"). Additionally, the Subrecipient may submit a request for an advanced payment of up to ten (10) percent of the total funds awarded in accordance with the process and parameters set out in the ESG Handbook.
  3. KHRC may, in its sole discretion, require additional information from the Subrecipient before processing any payment.
  4. Upon termination of this Agreement, either due to expiration of the term or due to termination pursuant to Section VII below, the Subrecipient shall submit a final FSR and payment request no later than 15 days following the termination or expiration date. KHRC will not reimburse any costs or expenses incurred after the termination or expiration of the Agreement. To the extent the Subrecipient has any unearned ESG funds on hand at the time of expiration or termination of this Agreement, the Subrecipient shall promptly return said funds to KHRC.
  5. At least 90 days prior to the expiration of this Agreement, the Subrecipient shall notify KHRC if Subrecipient anticipates having unearned ESG funds on hand at the time of expiration, and Subrecipient shall include an estimate of the amount of said funds in its notice to KHRC. Additionally, if KHRC determines at any time, in its sole discretion, that Subrecipient's use of the grant funds is not sufficient to ensure use of all funds during the term of this Agreement, then KHRC may take further action, including but not limited to, requesting additional documentation or information from Subrecipient, or recapturing any unused funds from Subrecipient.



6. The Subrecipient agrees and acknowledges that payments to the Subrecipient are subject to the actual receipt by KHRC of ESG funds.
  7. Subrecipient agrees that all expenditures under this Agreement must be Federally allowable and specifically for activities allowed under the ESG program as provided in 42 U.S.C. 11371, *et seq.* Additionally, the Subrecipient must ensure that the activities provided under this Agreement do not result in a duplication of benefits, and that costs funded through other Federal or State funds are not duplicated by funds received through this Agreement.
- D. The Subrecipient must obtain KHRC's approval prior to making any adjustments or amendments to the budget stated above or, as applicable, to any Budget Itemization submitted for a subawardee. All requests to amend any budget must be submitted by the Subrecipient on KHRC's Budget Revision Form, and in accordance with the process set out in the ESG Handbook.
  - E. The Subrecipient agrees and acknowledges that KHRC materially relied on the information submitted by the Subrecipient in the Application when entering into this Agreement. The Subrecipient certifies that all information in the Application is true and correct. The Subrecipient agrees to immediately notify KHRC should any information provided in the Application change or should the Subrecipient determine that any incorrect information was provided. The Subrecipient further agrees and acknowledges that KHRC materially relied on the certifications and representations made by the Subrecipient herein when entering into this Agreement. If any certification, representation, or statement made or furnished to KHRC by Subrecipient under this Agreement is false or misleading in any material respect, either now or at the time made or furnished, or if it becomes false or misleading at any time thereafter, then, in addition to any other remedies available, KHRC may terminate this Agreement as provided in Section VII.
  - F. The Subrecipient certifies that Subrecipient had the full legal right, power, and authority to submit the Application, and that the Subrecipient has the full legal right, power, and authority to execute and deliver this Agreement to KHRC.

#### **IV. Subrecipient Compliance and Reporting Requirements**

- A. The Subrecipient, pursuant to Federal regulations, shall maintain books, records, files, documents, and other evidence of all costs, expenditures, and activities related to the ESG funds provided under this Agreement. All documentation shall be maintained by Subrecipient in such a manner to clearly identify all costs directly with the delivery of the services and activities provided under this Agreement. The Subrecipient shall maintain all documentation, whether written or electronic, for a minimum of five (5) years and up to ten (10) years, as required under 24 CFR 576.500(y), and shall make all information available for audit by KHRC and the appropriate Federal auditors for said period. The Subrecipient shall immediately notify KHRC of any circumstances which impair the integrity or security of such documentation during the retention period.



- B. Subrecipient shall maintain records and submit reports containing such information and at such times as may be required by KHRC, and Subrecipient shall timely respond to all of KHRC's requests and inquiries. Further, the Subrecipient agrees as follows:
1. The Subrecipient shall submit a Progress and Final Performance Report to KHRC within 30 days of the end of the grant performance period describing all activities and services provided with the ESG funds, including the number of participants, any comments or feedback from the participants, the Subrecipient's progress toward the activities' objectives, any challenges and successes, and all other information and documentation that demonstrates the successful completion of the activities outlined in the Application.
  2. To the extent any grant funds are used to purchase any real or personal property, then Subrecipient shall submit an inventory of said property to KHRC with the final performance report required under Section IV(B)(1) of this Agreement. Said inventory shall be consistent with the requirements of the applicable OMB Circular.
- C. To the extent the Subrecipient is expending Federal awards in an amount that meets or exceeds the applicable OMB threshold during the Subrecipient's fiscal year, then the Subrecipient shall have a Single Audit conducted in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements. If a Single Audit is not required pursuant to this paragraph, then KHRC may require Subrecipient, in KHRC's sole discretion, to have an independent audit conducted in accordance with the provisions set forth below.
1. The Subrecipient shall permit KHRC and auditors to have access to records and financial statements as necessary to comply with the applicable OMB Circular.
  2. The Subrecipient shall insure that KHRC is made aware of the completion of any audit for all of Subrecipient's fiscal years that include activity supported by the award under this Agreement.
  3. If applicable, the Subrecipient shall adequately perform in accordance with its audit corrective action plan or management response.
  4. In the event that the Subrecipient fails to adequately perform its audit corrective action plan or management response, KHRC may apply sanctions and take steps to terminate funding under this Agreement, in KHRC's sole discretion.
  5. The Subrecipient shall reimburse KHRC for any questioned costs identified within any audit report, subject to negotiation.
- D. The obligations provided under this Section IV shall survive termination of this Agreement.



**V. General Requirements of Subrecipient**

- A. The Subrecipient shall perform and use all funds under this Agreement in a satisfactory manner as determined by KHRC, in KHRC's sole discretion, and in accordance with the Application and all applicable governing documents and law, including but not limited to, the following:
1. 42 U.S.C. 11371, *et seq.*, 24 CFR 576, and any guidance or notices issued by the U.S. Department of Housing and Urban Development regarding the same, as may be revised from time to time.
  2. Federal regulations governing the administration of grants under 24 CFR 85, as applicable, and all other Federal and State statutes, regulations, and policies regarding the administration of grants.
  3. U. S. Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (24 CFR 85), as applicable.
  4. The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 CFR 180.
  5. Governmentwide Requirements for Drug-Free Workplace, 24 CFR 2429.
  6. KHRC's ESG Handbook, as may be amended from time to time.
  7. The governing documents and law referenced in this paragraph are not meant to be exhaustive. Upon request from KHRC, the Subrecipient shall provide any and all documentation requested by KHRC, in KHRC's sole discretion, to demonstrate the Subrecipient's compliance with any applicable governing documents, or any Federal, state or local law that may impact this agreement or the Subrecipient.
- B. The Subrecipient shall be responsible for staying up to date on any changes, guidance, or other information released related to the operation of ESG funded programs. Additionally, Subrecipient shall attend all required training sessions, as designated by KHRC.
- C. Subrecipient shall abide by all Federal and State statutes and regulations prohibiting discrimination, including, but not limited to:
1. The Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and K.S.A. 1078 Supp. 44-1031 and Title VI of the Civil Rights Act of 1964, which prohibit discrimination against any employee, applicant for employment or client for services or other benefits because of race, religion, color, sex, age, handicap, national origin or ancestry;



2. The Fair Housing Act, Title VIII-IX of the Civil Rights Act of 1968 (42 U.S.C. § 3601, *et seq.*), which prohibits discrimination in housing on the basis of race, color, national origin, sex, familial status, or disability;
  3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicap under any program or activity receiving or benefitting from Federal assistance;
  4. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 *et seq.*) and Treasury's implementing regulations at 31 CFR 23, which prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance; and
  5. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 *et seq.*), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
  6. 24 CFR 5.106, which ensures equal access to ESG funded activities in accordance with an individual's gender identity.
  7. The Subrecipient shall take reasonable steps to ensure that services provided under this Agreement provide meaningful access to persons with limited English proficiency.
- D. The Subrecipient is subject to and shall abide by the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104).
- E. The Subrecipient agrees to comply with the provisions of the Violence Against Women Act (VAWA) as applied by 24 CFR 576.409 and, as applicable, 24 CFR 5, Subpart L. The Subrecipient further acknowledges that, despite its name, VAWA provisions apply without regard to an individual's sex, gender identity, or sexual orientation.
- F. As provided in 24 CFR 576.406 and 24 CFR 5.109, the Subrecipient agrees and acknowledges that ESG funds shall not be used to support inherently religious activities, that the Subrecipient shall not discriminate against any program participant on the basis of religion or religious belief, and that ESG funds shall not be used for the rehabilitation of sanctuaries, chapels, or other rooms that are used as a principal place of worship.
- G. The Subrecipient hereby certifies that the Subrecipient, its principals, employees, and affiliates, are not, and have not been, debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs. The Subrecipient agrees to comply with 2 CFR 180, as well as 31 CFR 19, and must include a requirement to comply with these regulations in any lower tier covered



transaction it enters into. This certification is a material representation of fact relied upon by KHRC. If it is later determined that the Subrecipient did not comply with 2 CFR 180, in addition to remedies available to KHRC, the federal government may pursue available remedies, including but not limited to, suspension and/or debarment. The Subrecipient agrees to comply with the requirements of 2 CFR 180 throughout the period of this Agreement and to provide proof of registration in the System for Award Management at sam.gov to KHRC.

- H. Any purchase by the Subrecipient shall be subject to the requirements set forth in 2 CFR 200. To the greatest extent practicable, all equipment and products purchased with funds made available by this Agreement should be made in the United States.
- I. The Subrecipient certifies that its services do not use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system as described in Public Law 115-232, section 889, subsection (f), paragraph (1).
- I. The Subrecipient shall acknowledge support provided by the ESG and the Kansas Housing Resources Corporation in all publicity releases and materials published in connection with the award provided under this Agreement. The Subrecipient shall obtain KHRC's approval before using KHRC's logo.
- K. The Subrecipient certifies it is in compliance with Part C of Public Law 103-227, the "Pro-Children Act of 1994," 20 U.S.C. 7183, which prohibits smoking in any portion of any indoor facility owned or regularly used for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments. The Subrecipient shall require that the language of this certification be included in any subcontract related to this Agreement.
- L. The Subrecipient shall comply with 2 CFR 170, and the Subaward and Executive compensation reporting requirement of "the Transparency Act."
- M. The Subrecipient shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).
- N. The Subrecipient agrees and acknowledges that all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR 5).
- O. If the Federal award meets the definition of "funding agreement" under 37 CFR 401.2(a) and the Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the Subrecipient must comply with the requirements of 37 CFR 401.2(a) and any implementing regulations issued by the awarding agency.



- P. The Subrecipient shall not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. The Subrecipient shall require that the language of this certification be included in any subcontract related to this Agreement (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements). The Subrecipient, and any subcontractors, shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. The Subrecipient agrees and acknowledges that this certification is a material representation of fact relied upon by KHRC.
- Q. The Subrecipient agrees that ESG program funds, the provision of services under this Agreement, or the employment or assignment of personnel shall not be carried out in a manner supporting or resulting in the identification of such programs with any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or any voter registration activity.
- R. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. (24 CFR 576.407)
- S. The Subrecipient shall notify KHRC as soon as possible if this Agreement or any aspect related to the services provided under this Agreement raises an actual or potential conflict of interest. The Subrecipient shall explain the actual or potential conflict in writing in sufficient detail so that KHRC is able to assess such actual or potential conflict. The Subrecipient shall provide KHRC any additional information necessary for KHRC to fully assess and address such actual or potential conflict of interest. The Subrecipient shall accept any reasonable conflict mitigation strategy employed by KHRC.
- T. The Subrecipient shall comply with all other applicable provisions in effect for Federal awards.



**VI. Responsibilities of KHRC**

- A. KHRC shall be responsive to its role in the successful execution of ESG funded activities and shall provide the Subrecipient with a designated contact person at KHRC to assist with the implementation of this Agreement.
- B. KHRC may make monitoring visits to the Subrecipient, which may be conducted on-site, remotely, or both, in KHRC's discretion, and KHRC has the right to make inspections and evaluations of the Subrecipient at any time. KHRC, its representatives and/or representatives of the Federal government, will have the right to examine and photocopy all pertinent records, files, books, or other materials relating to this award and Agreement at any time. KHRC may exercise the rights under this paragraph in its discretion, and the Subrecipient agrees to cooperate as necessary with KHRC.
- C. KHRC will close-out the award when it determines that all applicable administrative actions and all required work of the award has been completed. The obligations and rights provided under this Section VI shall survive termination of this Agreement.

**VII. Termination**

- A. Either party may terminate this Agreement at any time without cause by providing 30-day written notice to the other party, which shall be effective at the end of said notice period.
- B. KHRC may immediately terminate this Agreement for cause by providing written notice to the Subrecipient. In such event, the termination shall be effective as of the date the notice is received by the Subrecipient. Cause shall include, but not be limited to, the following:
  - 1. The Subrecipient fails to fulfill any obligation or representation made under this Agreement, or any other agreement the Subrecipient has with KHRC;
  - 2. The Subrecipient fails to comply with any applicable Federal requirements, or any applicable state or local law, regulation, ordinance or requirement related to the ESG funds;
  - 3. The Subrecipient improperly uses any ESG funds;
  - 4. The dissolution or insolvency of the Subrecipient; or
  - 5. The suspension or termination of ESG funds.
- C. If by reason of force majeure it becomes inadvisable, commercially impracticable, illegal, or impossible for either party to carry out its obligations under this agreement, then said party shall not be deemed in breach of this Agreement, and the agreement shall not be subject to termination as provided in this Section, so long as the force majeure remains. The term "force majeure" as used herein shall



mean without limitation the following: acts of God, strikes, lockouts, or other industrial disturbances; acts of public enemies, order of restraints of any kind by the government of the United States of America or by the state wherein a party is located or by any of that state's departments, agencies, or officials, or any civil or military authority; insurrections; riots; landslide; earthquakes; fires; storms; droughts; floods; explosions; breakage or accident to machinery, transmission pipes or canals; or any other cause or event not reasonably within the control of the Subrecipient.

- D. In the event of termination, contract provisions apply until the final audit is completed by KHRC, except as provided otherwise in the Agreement. However, KHRC is not obligated to render payment for any costs incurred or services provided by Subrecipient after the date of termination.
- E. Should KHRC terminate this Agreement, the Subrecipient shall retain those rights as provided for in 42 U.S.C. 11371, *et seq.*

#### **VIII. Miscellaneous Provisions**

- A. The parties agree that the Subrecipient is acting only as an independent contractor. Nothing contained in the Agreement shall be construed as creating a partnership, joint venture, employment, or agency relationship between the parties as provided under Kansas law. Neither party shall have the power or right to bind or obligate the other party, nor shall it hold itself out as having such authority. Any provision in this Agreement that allows KHRC to direct the Subrecipient in its performance under this Agreement is solely for the purposes of compliance with local, state, and federal regulations.
- B. The Subrecipient agrees to hold KHRC and its employees, agents, and insurers, harmless from any claim, loss, or cause of action of any kind, and the Subrecipient agrees to indemnify KHRC, and its successors or assigns, against all claims, losses, liabilities, penalties, or causes of action of any kind resulting from the Subrecipient's actions or omissions, including any attorneys' fees and expenses incurred in the defense or investigation of any such claims. In no event shall KHRC be liable to the Subrecipient except as specifically provided in this Agreement. KHRC assumes no liability for damages caused to persons or property by reason of Subrecipient's performance under this Agreement. The provisions of this paragraph shall survive and shall not expire with the expiration or termination of this Agreement but will continue indefinitely.
- C. This Agreement contains the entire agreement between the parties and supersedes all prior written and/or oral agreements, discussions or negotiations. This Agreement may be altered or modified as follows:
  - 1. Any alterations, additions, or deletions from the terms of this Agreement that are required by Federal law or regulation are automatically incorporated into this Agreement and become effective on the date designated by the enabling legislation. KHRC shall notify the Subrecipient, in writing, of these changes as soon as they become known to KHRC.



2. Any other addition or alteration to this Agreement shall be made by amendment in writing and signed by both parties.
- D. This Agreement shall be binding on KHRC and the Subrecipient, and their respective successors and assigns. The Subrecipient shall not transfer or assign this Agreement without the prior written approval of KHRC, which may be withheld for any reason.
- E. Written notice to either party as required under this Agreement shall be given to the address listed on the first page of this Agreement, and shall be personally delivered or mailed, by prepaid, certified mail or overnight courier, or transmitted by facsimile or electronic mail. Any notice sent by a party will be deemed received by the other party on the day such notice is personally delivered, three (3) days after such notice is mailed by prepaid certified or registered mail, one (1) business day after such notice is sent by overnight courier, or the day such notice is faxed or sent electronically.
- F. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
- G. This Agreement shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this Agreement shall reside only in courts located in Shawnee County, Kansas.
- H. The Subrecipient and KHRC agree that each party shall be entitled to respectively exercise all administrative, contractual, or other remedies permitted by law to enforce compliance with the terms of this Agreement, except to the extent expressly prohibited by this Agreement.
- I. KHRC shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by KHRC. No delay or omission on the part of KHRC in exercising any right shall operate as a waiver of such right or any other right. A waiver by KHRC of a provision of this Agreement shall not constitute a waiver of KHRC's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by KHRC, nor any course of dealing between KHRC and the Subrecipient, shall constitute a waiver of any of KHRC's rights or of any of Subrecipient's obligations in the future. Whenever the consent of KHRC is required under this Agreement, KHRC's grant of such consent shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of KHRC.

- J. Pursuant to Executive Order 13043, 62 FR 19217, and Executive Order 13513, KHRC encourages Subrecipient to adopt and enforce on-the-job seat belt policies and programs, as well as policies that ban text messaging while driving and workplace safety policies to decrease accidents caused by distracted drivers.
- K. In the case of ambiguity or conflict, the following order of precedence shall govern: (1) ESG Enabling Legislation codified at 42 U.S.C. 11371, *et seq.*; (2) OMB Circulars, as applicable; (3) This Notice of Financial Award and Grant Agreement; and (4) the Kansas ESG Handbook.

The signatures herein are of officials authorized to sign documents for the Subrecipient and signifies the Subrecipient's intent to comply with conditions of this Agreement.

IN WITNESS WHEREOF, the parties hereto affix their signatures to this Agreement.

**SUBRECIPIENT:**

|                                             |             |
|---------------------------------------------|-------------|
|                                             | 11-20-2024  |
| <b>Name:</b> <u>Erren Harter</u>            | <b>Date</b> |
| <b>Title:</b> <u>Mayor, City of Emporia</u> |             |

**KANSAS HOUSING RESOURCES CORPORATION:**

|                                         |             |
|-----------------------------------------|-------------|
|                                         |             |
| <b>Ryan Vincent, Executive Director</b> | <b>Date</b> |





## Commission Action Report

### Informational Items

**Title:** Informational Items

**Agenda Date:** November 20, 2024

**Presented By:** Trey Cocking, City Manager

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#### **Background:**

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight the organization's accomplishments.

#### **Discussion:**

At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the upcoming meetings on Wednesday, December 4, 2024.

#### **Commission Meeting :**

- Ordinance for Increase in Utilities Fees.
- Ordinance for Budget Amendment.
- Ordinance for Public Building Committee.
- Lift Station #15 Equipment Purchase.
- Lift Station #1 Award Bid.
- Annual Charge Offs.
- Annual Boundary Resolution.
- Resolution for Solid Waste Management Plan.
- Easement for Kretsinger Development.

#### **Study Session:**

- Discuss Brick Streets.





## Commission Action Report

### Executive Session

**Title:** Executive Session

**Agenda Date:** November 20, 2024

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#### **Recommended Action:**

Recess into executive session for 10 minutes inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in K.S.A. 75-4319(b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume in this room at approximately \_\_:\_\_\_\_ a.m./p.m.

**Title:** Tyler Technologies Work Order, Asset Management, and Notification System Discussion

**Agenda Date:** November 6, 2024

**Presented By:** Mark Detter, Dean Grant, Janet Harrouff

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**Background:**

City staff currently use Brightly software as an asset management and work order system across several departments, including Public Works, Parks, and the Zoo. While this software was initially purchased with a front-end reporting tool, that functionality is no longer operational. The lack of a reporting tool has hindered staff's ability to effectively monitor and analyze work order data reported by residents.

In light of the persistent challenges with Brightly software, city staff have proactively researched alternative solutions that could integrate both work order and asset management functionalities along with a reliable reporting tool. These potential solutions aim to enhance data accessibility, streamline workflows, and improve overall departmental efficiency.

**Discussion:**

City staff have identified Tyler Technologies as a potential alternative to the current Brightly software for asset management and work order processes. This platform offers several advantages that align with the city's operational needs, particularly in the following areas:

1. **Integrated System Capabilities:**  
Tyler Technologies provides a comprehensive work order and asset management system that streamlines processes across departments. The platform allows for efficient tracking and management of assets and work orders, ensuring that city staff can respond promptly to community needs.
2. **Robust Reporting Tools:**  
One of the standout features of Tyler Technologies is its advanced reporting capabilities. The system enables staff to generate real-time reports and data analytics, empowering decision-makers with the insights necessary for effective resource allocation and operational planning.
3. **Branded Mobile Application:**  
Tyler Technologies offers a branded mobile app that serves as a centralized hub for city services. This app can house essential tools and information for residents, including:
  - Reporting concerns (e.g., potholes, maintenance issues)
  - Receiving alerts and notifications about city events or emergencies
  - Accessing a community calendar for local activities
  - Facilitating utility payments and other transactions



4. Scalability and Future Growth:

As the city continues to grow and evolve, Tyler Technologies offers scalability that can accommodate future needs. The platform can integrate additional functionalities and tools as required, ensuring that the city remains equipped to handle emerging challenges and opportunities.

**Financial Considerations:**

Attachment: Quote provided by Tyler Technologies

**Other Considerations:**

City staff believe that transitioning to Tyler Technologies could address the limitations currently experienced with Brightly and significantly improve the efficiency and effectiveness of city operations. The City Commission is encouraged to discuss the potential benefits of this integrated system and consider the next steps toward implementation.

**Attachments:**

[My Civic Informational Video](#)



Quoted By: Alban Michaud  
Quote Expiration: 02/02/25  
Quote Name: City of Emporia-ERP-EAM  
Quote Description: EAM Pricing  
Saas Term 4.50

**Sales Quotation For:**

**Shipping Address:**

City of Emporia  
104 East 5th Avenue  
Emporia KS 66801-3950

**Tyler SaaS and Related Services**

| Description                                         | Qty | Imp. Hours | Annual Fee          |
|-----------------------------------------------------|-----|------------|---------------------|
| Financial Management                                |     |            |                     |
| Inventory                                           | 1   | 52         | \$ 5,611.00         |
| Civic Services                                      |     |            |                     |
| Enterprise Service Requests                         | 1   | 64         | \$ 4,235.00         |
| My Civic                                            | 1   | 56         | \$ 9,000.00         |
| Enterprise Asset Management                         |     |            |                     |
| Asset Maintenance & Performance - Per User          | 15  | 176        | \$ 19,755.00        |
| Asset Performance Implementation                    | 1   | 104        | \$ 0.00             |
| Internal Requests License                           | 1   | 0          | \$ 1,723.00         |
| Additional                                          |     |            |                     |
| GIS                                                 | 15  | 8          | \$ 4,440.00         |
| Notify includes 50,000 Msgs and 1,650 Mins per year | 1   | 16         | \$ 10,000.00        |
| <b>TOTAL</b>                                        |     | <b>476</b> | <b>\$ 54,764.00</b> |

Professional Services

| Description                                | Quantity | Unit Price | Ext Discount | Extended Price | Maintenance |
|--------------------------------------------|----------|------------|--------------|----------------|-------------|
| Conversions – See Detailed Breakdown Below |          |            |              | \$ 15,000.00   | \$ 0.00     |
| Project Management                         | 120      | \$ 163.00  | \$ 0.00      | \$ 19,560.00   | \$ 0.00     |
| Onsite Implementation                      | 128      | \$ 195.00  | \$ 0.00      | \$ 24,960.00   | \$ 0.00     |
| Remote Implementation                      | 348      | \$ 163.00  | \$ 0.00      | \$ 56,724.00   | \$ 0.00     |
| TOTAL                                      |          |            |              | \$ 116,244.00  | \$ 0.00     |

| Summary                                        | One Time Fees | Recurring Fees |
|------------------------------------------------|---------------|----------------|
| Total Tyler License Fees                       | \$ 0.00       | \$ 0.00        |
| Total SaaS                                     | \$ 0.00       | \$ 54,764.00   |
| Total Tyler Services                           | \$ 116,244.00 | \$ 0.00        |
| Total Third-Party Hardware, Software, Services | \$ 0.00       | \$ 0.00        |
| Summary Total                                  | \$ 116,244.00 | \$ 54,764.00   |
| Estimated Travel Expenses excl in Contract     |               |                |
| Total                                          | \$ 6,850.00   |                |

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held For six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ P.O.#: \_\_\_\_\_

All Primary values quoted in US Dollars

Detailed Breakdown of Conversions (Included in Summary Total)

| Description                 | Qty | Unit Price   | Unit Discount | Extended Price      |
|-----------------------------|-----|--------------|---------------|---------------------|
| Enterprise Asset Management |     |              |               |                     |
| Asset Maintenance           | 1   | \$ 15,000.00 | \$ 0.00       | \$ 15,000.00        |
| <b>TOTAL</b>                |     |              |               | <b>\$ 15,000.00</b> |

#### Optional Tyler SaaS and Related Services

| Description                                         | Qty | Imp. Hours | Annual Fee         |
|-----------------------------------------------------|-----|------------|--------------------|
| Financial Management                                |     |            |                    |
| Inventory Mobile                                    | 1   | 16         | \$ 4,205.00        |
| Data Insights                                       |     |            |                    |
| Citizen Connect                                     | 1   | 32         | \$ 5,120.00        |
| Additional                                          |     |            |                    |
| Notify Additional Block of 12,000 Messages Per Year | 1   | 0          | \$ 300.00          |
| Notify Additional Block of 5,000 Minutes Per Year   | 1   | 0          | \$ 300.00          |
| <b>TOTAL:</b>                                       |     | <b>48</b>  | <b>\$ 9,925.00</b> |

#### Optional Professional Services

| Description           | Quantity | Unit Price | Ext. Discount | Extended Price     | Maintenance    |
|-----------------------|----------|------------|---------------|--------------------|----------------|
| Onsite Implementation | 12       | \$ 195.00  | \$ 0.00       | \$ 2,340.00        | \$ 0.00        |
| Remote Implementation | 36       | \$ 163.00  | \$ 0.00       | \$ 5,868.00        | \$ 0.00        |
| <b>TOTAL</b>          |          |            |               | <b>\$ 8,208.00</b> | <b>\$ 0.00</b> |

#### Optional 3rd Party Hardware, Software and Services

| Description | Qty | Unit Price | Unit Discount | Total Price | Unit Maint/SaaS | Unit Maint/SaaS Discount | Total Maint/SaaS |
|-------------|-----|------------|---------------|-------------|-----------------|--------------------------|------------------|
|-------------|-----|------------|---------------|-------------|-----------------|--------------------------|------------------|

|                                                     |   |             |         |                    |           |         |                  |
|-----------------------------------------------------|---|-------------|---------|--------------------|-----------|---------|------------------|
| Barcode Printer Kit                                 | 1 | \$ 1,445.00 | \$ 0.00 | \$ 1,445.00        | \$ 145.00 | \$ 0.00 | \$ 145.00        |
| Barcode Scanner - NX6 Rugged Mobile Scanning Device | 1 | \$ 1,695.00 | \$ 0.00 | \$ 1,695.00        | \$ 170.00 | \$ 0.00 | \$ 170.00        |
| <b>TOTAL</b>                                        |   |             |         | <b>\$ 3,140.00</b> |           |         | <b>\$ 315.00</b> |

### Comments

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms:

- License fees for Tyler and third party software are invoiced upon the earlier of (i) deliver of the license key or (ii) when Tyler makes such software available for download by the Client;
- Fees for hardware are invoiced upon delivery;
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware;
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software available for download by the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the Agreement, with renewals invoiced annually thereafter in accord with the Agreement.
- Fees for services included in this sales quotation shall be invoiced as indicated below.
  - Implementation and other professional services fees shall be invoiced as delivered.
  - Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
  - Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion module, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion module.
  - Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
  - If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
  - Notwithstanding anything to the contrary stated above, the following payment terms shall apply to services fees specifically for migrations: Tyler will invoice Client 50% of any Migration Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Unless otherwise indicated on this Sales quotation,

annual services will be invoiced in advance, for annual terms commencing on the date this sales quotation is signed by the Client. If listed annual service(s) is an addition to the same service presently existing under the Agreement, the first term of the added annual service will be prorated to expire coterminous with the existing annual term for the service, with renewals to occur as indicated in the Agreement.

- Expenses associated with onsite services are invoiced as incurred.

Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the scope, level of engagement, and timeline as defined in the Statement of Work (SOW) for your project. The actual amount of services required may vary, based on these factors.

Tyler's pricing is based on the scope of proposed products and services contracted from Tyler. Should portions of the scope of products or services be altered by the Client, Tyler reserves the right to adjust prices for the remaining scope accordingly.

Unless otherwise noted, prices submitted in the quote do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy.

Tyler's prices do not include applicable local, city or federal sales, use excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting. Installations are completed remotely but can be done onsite upon request at an additional cost.

In the event Client cancels services less than four (4) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client's behalf; and (ii) daily fees associated with the cancelled services if Tyler is unable to re-assign its personnel.

The Implementation Hours included in this quote assume a work split effort of 70% Client and 30% Tyler.

Implementation Hours are scheduled and delivered in four (4) or eight (8) hour increments.

Tyler provides onsite training for a maximum of 12 people per class. In the event that more than 12 users wish to participate in a training class or more than one occurrence of a class is needed, Tyler will either provide additional days at then-current rates for training or Tyler will utilize a Train-the-Trainer approach whereby the client designated attendees of the initial training can thereafter train the remaining users.

Your payment of the annual subscription or SaaS fee for Tyler Notify will include an identified amount of messages and/or minutes annually. Additional messages and/or minutes may be purchased from Tyler in defined packages at our then-current rates. Tyler Notify will not restrict use of messages and/or minutes that exceed the allotted messages but reserves the right to invoice you for documented overages occurring during the annual term. Any unused messages or minutes remaining at the end of your annual subscription term expire.

Asset Maintenance conversion includes: Work Order Asset, Closed Work Order History- No Cost Data, Work Order History with Cost Data



All hardware related to Assets Mobile and Inventory Mobile will be under a standard maintenance plan which starts when they are shipped. This includes replacement of your current hardware if it cannot be fixed through the standard helpdesk process.

Standard Project Management responsibilities include project plan creation, initial stakeholder presentation, bi-weekly status calls, updating of project plan task statuses, and go-live planning activities.

Your rights, and the rights of any of your end users, to use Tyler's Data & Insights SaaS Services, or certain Tyler solutions which include Tyler's Data & Insights data platform, are subject to the Terms of Services, available at <https://www.tylertech.com/terms/data-insights-saas-services-terms-of-service>. By signing this sales quotation, or accessing, installing, or using any of the Tyler solutions listed at the linked terms, you certify that you have reviewed, understand, and agree to said terms.

Annual SaaS fees will be prorated to align with the city's current SaaS fee payment schedule.