



**CITY COMMISSION
WEDNESDAY, DECEMBER 18, 2024 AT 11:00 AM
CITY COMMISSION CHAMBER**

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

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) Appoint Members to the Transient Guest Tax Advisory Board

Presented by: Mayor Erren Harter & Commissioner Jamie Sauder

Recommended Action: Approve the appointment of Lucas Moody, Diane Trofholz, Robert Thompson and Sara Isch to the Transient Guest Tax Advisory Board

2) Appoint Member to Golf Advisory Board

Presented by: Mayor Erren Harter and Commissioner Jamie Sauder

Recommended Action: Approve the Appointment of Jacob Torkelson to the Golf Advisory Board.

3) Ordinance No. 24-43 Rezoning Property Located at 1116 & 1120 Constitution from Multi-Family to Flex Use High

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Adopt Ordinance No. 24-43 Rezoning Property Located at 1116 & 1120 Constitution From Multi-Family to Flex Use High

4) Resolution No. 3751 Establishing a Public Hearing for the 502 Lofts RHID

Presented by: Tayler Wash, Assistant City Manager

Recommended Action: Adopt Resolution No. 3751 to schedule a public hearing on February 5, 2025, for the establishment of the 502 Lofts Reinvestment Housing Incentive District

5) Resolution No.3752 repealing Resolution No. 3746 of the City of Emporia, Kansas, which provided for the calling of a special question election regarding the imposition of a Citywide retailers' sales tax

Presented by: Trey Cocking, City Manager

Recommended Action: Approve Resolution 3752 repealing Resolution No. 3746, canceling the previously scheduled special question election

6) Lift Station No. 15 Equipment Purchase

Presented by: Dean Grant, Public Works Director

Recommended Action: Approve the Lift Station No. 15 equipment purchase from Haynes Equipment in the amount of \$106,500.00

7) Lease Agreement with Nex-Tech Wireless

Presented by: Dean Grant, Public Works Director

Recommended Action: Authorize the City Manager to sign the lease agreement and associated payment forms

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

- 1) Financials & Permits
- 2) November Budget

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes for December 4, 2024
- 2) Allocation to Crosswinds
- 3) Resolution No. 3750 to Adopt 2025 Pay Scales

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 25 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 this room at approximately __:____ a.m./p.m.
- 2) Executive Session for 15 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) Discuss Procedure for Filling City Commission Vacancies
- 2) Contractual Provisions Attachment Discussion
- 3) Public Building Commission Discussion
- 4) Discuss Ordinance for the Industrial User Rate Formula

ADJOURNMENT



Commission Action Report

Appoint Member(s) to the Transient Guest Tax Advisory Board

Title: Appoint Member(s) to the Transient Guest Tax Advisory Board

Agenda Date: December 18, 2024

Presented By: Mayor Harter and Commissioner Sauder

Background:

The Transient Guest Tax Advisory Board requests that the City Commission fill board openings with qualified candidates.

Discussion:

Applications were received, and interviews were conducted by Mayor Harter and Commissioner Sauder.

The interviewing commissioners recommend appointing Lucas Moody, Diane Trofholz, Robert Thompson, and Sara Isch to fill three vacant positions starting January 1, 2025, that will expire on December 31, 2028.

Recommended action:

Approve the appointment of Lucas Moody, Diane Trofholz, Robert Thompson, and Sara Isch to the Transient Guest Tax Advisory Board.

Online Form Submittal: Board Application Form

noreply@civicplus.com <noreply@civicplus.com>

Wed 8/7/2024 2:18 PM

To:Sue Bryson <sbryson@emporiaks.gov>;Emporia Info <emporiainfo@emporiaks.gov>

Board Application Form

Select the Board,
Commission, or Committee
applying for

[REDACTED]
[REDACTED]
[REDACTED] Transient Guest Tax Advisory
Board

Personal Information

First Name	Lucas
Last Name	Moody
Address1	1419 State Street
Address2	Field not completed.
City	Emporia
State	Ks
Zip	66801
Home Phone Number	620-988-0036
Business Address	1419 state Street
Business Phone Number	6209880036
Occupation	Development and Logistics Director for CrossWinds Counseling and Wellness
Email Address	lucasraymoody@gmail.com

Residency Information

Length of Residency in Emporia	24 years
Are you a registered voter	Yes

Education and Hobbies

High School	Field Kindley High- Coffeyville Ks
College	ESU- Bachelor 2005, Master (counseling) 2008, Master (MBA) 2024

Trade or Business School *Field not completed.*

Hobbies Golf, food, and travel

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees? No

If yes, which *Field not completed.*

Have you served on a Board, Commission, or Committee before? Yes

If yes, which *Field not completed.*

Please, list organization memberships and positions held. Child Advocacy Centers of Kansas- At Large representative
Community Action Program- At Large representative
Community Action Program Region 7- State elected representative

Please, list areas of special interest. Economic health and growth
Promotion, recruitment and general marketing of Emporia both external and internal
Improving opportunities for generational family stability in Emporia, I want to see Emporia become attractive for families to want to stay as they age or come back once they have the other experiences they left for.

Please, enter basic resume information below. CrossWinds Counseling and Wellness- 2019- Current
Development manager
Development Director
Development and Logistics Director

SOS Inc
2013-2019
Child Advocacy Center Manager
Child Advocacy Center and Development Manager

MidCap (Community Action Program)
Housing and support manager

Please, enter why you would like to be a member of this board or commission. I feel as we begin to develop our civic voices we look for opportunities that align with our passions and our skill sets. I know that these boards dont always have vaccancies but as those come open we have to have our list ready to go. I would be interested in these 4 borads/task forces set to establish direction for Emporia. We always use the word growth but sometimes growth is vision and mindest other times its population. I love that we are a mid size rural community that doesnt need to be Wichita or Kansas City. but being rural

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees?

No

If yes, which

Field not completed.

Have you served on a Board, Commission, or Committee before?

No

If yes, which

Field not completed.

Please, list organization memberships and positions held.

n/a

Please, list areas of special interest.

Public Transportation

Please, enter basic resume information below.

Director of Mobility Management for East Central Kansas

Please, enter why you would like to be a member of this board or commission.

As the Director of Mobility Management, I would like to assist any way I can to help evolve the community's needs.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Sue Bryson](#); [Emporia Info](#)
Subject: Online Form Submittal: Board Application Form
Date: Tuesday, March 5, 2024 9:15:33 AM

Board Application Form

Select the Board,
Commission, or
Committee applying for

Emporia-Lyon County Convention and Tourism Committee,
Emporia Main Street, Emporia Public Library Board, Emporia
Recreation Commission, Homelessness Advisory Board, William
Allen White Community Partnership

Personal Information

First Name	Sara
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Last Name	Isch
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Address1	234 Road 178
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Address2	<i>Field not completed.</i>
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City	Emporia
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State	KS
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Zip	66801
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Home Phone Number	6208752698
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Business Address	1525 Industrial Ave
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Business Phone Number	6208752698
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Occupation	Lead Instructor for Preventive Controls for Human Food, Document Specialist
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Email Address	sel7394@gmail.com
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Residency Information

Length of Residency in Emporia	10 years
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Are you a registered voter	Yes
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Education and Hobbies

High School	Lebo High School
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College	Emporia State University
Trade or Business School	Flint Hills Technical College
Hobbies	Travel, reading, music, pet owner
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Salvation Army Advisory Board
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	4 years Booster Club for EHS Cheer - President 1 year
Please, list organization memberships and positions held.	<i>Field not completed.</i>
Please, list areas of special interest.	Tourism, Community Support for Youth
Please, enter basic resume information below.	Sara Isch 234 Road 178, Emporia, KS 66801 Ph: 620-875-2698 Sel7394@gmail.com Employment Information: Hostess Brands, 1525 Industrial Road, Emporia, KS Position: Document Specialist; FSPCA Lead Instructor for Preventive Controls for Human Food Start of Employment: August 2, 2021 End of Employment: Currently employment Responsibility: Owner of the Document Controls and Information Control Programs for entire facility • Manages Document Control Program • Works with all Bakery Departments to ensure compliance with requirements of OSHA and Food Safety agencies • Document Specialist Training and program development for all Hostess Brand bakeries • Manages PCQI program for Bakery • As a Lead Instructor I am responsible for Hostess Brands PCQI training program to include traveling to bakeries and distribution

facilities for training classes.

Holman Logistics, 400 S Weaver St, Emporia, KS

Position: Safety Coordinator – OSHA, KDOT, Food Safety programs

Start of Employment: November 2010

End of Employment: July 2021

Responsibility: Owner of the Safety Program –

- Created and developed Training and Safety Program for OSHA Compliance
- Created and developed Food Safety Program to comply with Food Safety Modernization Act of 2011
- Created and managed DOT Compliance Program for Yard Drivers
- Wrote, developed all Safety Trainings, and managed training documentation records for all associates to include New Hire Orientation and Annual training for all associates
- Created and Managed Powered Industrial Vehicle Safety program.
- And much, much more

Training and Certification:

- FSPCA Lead Instructor for Preventive Controls for Human Food – 09/23/2023
- AIB International Food Defense Coordinator Online – 07/07/2022; 02/27/2015
- FSPCA Preventive Controls for Human Food course – 01/26/2022
- Kansas Corporation Commission – Procedures for Safety Compliance Seminar – 03/12/2021
- FSPCA Food Defense Awareness – 12/11/2018
- AIB International HACCP Online – 10/03/2014
- DOT/FMCSA Supervisor Training: Drug & Alcohol Regulations & Reasonable Suspicion – 09/25/2012
- OSHA Training Institute OSHA 30 Hour Training General Industry – 03/09/2012

Education:

Emporia State University – 1991-1994; 2014-2016

Communication - 22 hours

Flint Hills Technical College, Emporia, Ks 1994-1995 Computer Information Systems Certificate

Lebo High School, Lebo, Ks 1991 High School Diploma

Please, enter why you would like to be a member of this board or commission.

I have learned that when something needs to be done that affects many, it is generally only a handful of the same people time after time that do the actual work.

My youngest is graduating high school and going to college in the fall of 2024. So I now have the time to serve our community and raise my hand to help where help is needed.

It is our civic duty to support our community so it can continue to grow and thrive and be a vibrant city and continue being an ideal place to raise our families.

Email not displaying correctly? [View it in your browser.](#)

Online Form Submittal: Board Application Form

From noreply@civicplus.com <noreply@civicplus.com>

Date Tue 12/10/2024 2:32 PM

To Sue Bryson <sbryson@emporiaks.gov>; Emporia Info <emporiainfo@emporiaks.gov>

Board Application Form

Select Board, Commission, or Committee to apply. Transient Guest Tax Advisory Board

Personal Information

First Name	Diane
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Last Name	Trofholz
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Address1	2649 Garner Road
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Address2	<i>Field not completed.</i>
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City	Emporia
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State	KS
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Zip	66801
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Home Phone Number	6203437756
-------------------	------------

Business Address	2602 Candlewood Drive
------------------	-----------------------

Business Phone Number	6203437756
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Occupation	General Manager
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Email Address	dianetrofholz@gmail.com
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Residency Information

Length of Residency in Emporia	n/a
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Are you a registered voter	Yes
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Education and Hobbies

High School	Kearney Catholic High School
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College	University of Nebraska Kearney
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Trade or Business School	Main Stay Suites
Hobbies	Golfing, Traveling and spending time with family
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	CVB
Please, list organization memberships and positions held.	Chairman CVB Board
Please, list areas of special interest.	Hotel/Motel in Emporia, KS
Please, enter basic resume information below.	Mainstay Suites (Candlewood Suites) 2002 to current
Please, enter why you would like to be a member of this board or commission.	I have an interest in how out TGT is allocated being from a hotel that contributes to the TGT.

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Christine Torrens

From: noreply@civicplus.com
Sent: Monday, December 16, 2024 1:39 PM
To: Sue Bryson; Emporia Info
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select Board, Commission, or Committee to apply. Transient Guest Tax Advisory Board

Personal Information

First Name Robert

Last Name Thompson

Address1 30 Bodock Road

Address2 *Field not completed.*

City Emporia

State KS

Zip 66801

Home Phone Number 6204816813

Business Address 30 Bodock Road

Business Phone Number 6204816813

Occupation Realtor

Email Address discovergravel@gmail.com

Residency Information

Length of Residency in Emporia 20 years

Are you a registered voter Yes

Education and Hobbies

High School	Northern Heights High Scholl
-------------	------------------------------

College	Emporia State University
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Trade or Business School	<i>Field not completed.</i>
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Hobbies	Cycling and running Discover Gravel LLC
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Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees?	No
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If yes, which	<i>Field not completed.</i>
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Have you served on a Board, Commission, or Committee before?	Yes
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If yes, which	EFOZ, Emporia Mainstreet
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Please, list organization memberships and positions held.	President of both EFOZ and Emporia Mainstreet
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Please, list areas of special interest.	Emporia is my special interest. I live here. Lets continue to make it a great home. I am a cyclist and an enthusiast of our Flint Hills.
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Please, enter basic resume information below.	13 years at Coldwell Banker as a Realtor. Life long Lyon County resident. Active volunteer in the community including the First United Methodist Church and Flint Hills Optimist's.
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Please, enter why you would like to be a member of this board or commission.	Increase my knowledge of the workings of the City of Emporia. Provide help and insight where I can based on various Board experiences I've had and my cycling promotions company.
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Commission Action Report

Appoint Member to the Golf Advisory Board

Title: Appoint Member to the Golf Advisory Board

Agenda Date: December 18, 2024

Presented By: Mayor Erren Harter and Commissioner Jamie Sauder

Background:

The Golf Advisory Board requests that the City Commission fill board openings with qualified candidates.

Discussion:

Applications were received, and interviews were conducted by Mayor Harter & Commissioner Sauder

Interviewing Commissioners recommend the appointment of Jacob Torkelson to fill a vacant position beginning on January 1, 2025, and set to expire on December 31, 2029.

Recommended action:

Approve the appointment of Jacob Torkelson to the Golf Advisory Board.

From: noreply@civicplus.com
To: [Sue Bryson](#); [Emporia Info](#)
Subject: Online Form Submittal: Board Application Form
Date: Monday, December 11, 2023 10:39:15 AM

Board Application Form

Select the Board,
Commission, or
Committee applying for

Golf Advisory Board

Personal Information

First Name	Jacob
Last Name	Torkelson
Address1	1914 Casa Loma Dr
Address2	<i>Field not completed.</i>
City	Emporia
State	KS
Zip	66801
Home Phone Number	7852501598
Business Address	840 Overlander Rd
Business Phone Number	6202089233
Occupation	Creative Director
Email Address	jacob@dynamicdiscs.com

Residency Information

Length of Residency in Emporia	12 years
Are you a registered voter	Yes

Education and Hobbies

High School	<i>Field not completed.</i>
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College	Emporia State University
Trade or Business School	<i>Field not completed.</i>
Hobbies	Golf, Disc Golf, & Tech
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	No
If yes, which	<i>Field not completed.</i>
Please, list organization memberships and positions held.	<i>Field not completed.</i>
Please, list areas of special interest.	<i>Field not completed.</i>
Please, enter basic resume information below.	Education: Hutchinson CC ('10-'12) - Computer Hardware Technician Emporia State University ('12-'15) - Computer Information Systems - Business Admin Professional: Dynamic Discs ('14) - Graphic Design & Marketing
Please, enter why you would like to be a member of this board or commission.	Our golf course is my home away from home. It would be an honor to have a pulse on the decisions being made for the place I care about deeply.

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Commission Action Report

Ordinance No. 24-43 Rezoning Property Located at 1116 & 1120 Constitution
From Multi-Family (MF) to Flex Use High (FH)

Title: Ordinance No. 24-43 Rezoning Property Located at 1116 & 1120
Constitution from Multi-Family (MF) to Flex Use High (FH)

Agenda Date: December 18, 2024

Presented By: Justin Givens, Planning & Zoning Administrator

Background:

The owners of property located at 1116 & 1120 Constitution have requested that their property be rezoned to Flex-Use High as they intend to market the property for sale. The property was rezoned previously from the former zoning classification of High-Density Residential to Mixed Use as it was intended that the existing Kwik Shop location would expand its current building and occupy the subject property. That project is no longer moving forward and in the process to list the property it was discovered that it had been inadvertently returned to a Multi-Family parcel type when the new zoning map was approved.

The Planning Commission, at their November 19, 2024, meeting, conducted the required public hearing and made a unanimous recommendation for approval to the City Commission.

Discussion:

Flex-Use High will provide the widest range of uses, which could still include a full-scale multi-family development or a mixed-use development with commercial on the ground floor and residential on the upper floors. A Flex-Use designation is consistent with neighboring parcel types and staff recommends approval of the ordinance.

The Governing Body, when considering a recommendation from the Planning Commission on a Rezoning Application may; 1) Adopt the ordinance as presented or with conditions that the Governing Body sees fit; 2) Override the Planning Commission's recommendation by a 2/3 majority vote of the entire City Commission; 3) Table the request for further study; 4) Return the application to the Planning Commission, giving reasons for doing so.

Financial considerations:

The cost of publication of the ordinance is borne by the City.

Recommended action:

Adopt Ordinance No. 24-43 Rezoning Property Located at 1116 & 1120 Constitution from Multi-Family (MF) to Flex Use High (FH)

Attachments:

Rezoning Ordinance No. 24-43

Excerpt of Minutes from Planning Commission meeting including the Staff Report

Zoning Map

Aerial Map

ORDINANCE NO. 24-43

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM MULTI-FAMILY (MF) PARCEL TYPE TO FLEX-USE HIGH (FH) AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING

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

Section 1. The following described property is hereby rezoned from Multi-Family (MF) Parcel Type to that of Flex-Use High (FH) to wit:

Even Lots 166-172 on Constitution St. Emporia Original Township, Emporia, Lyon County, Kansas.

And generally located: 1116 & 1120 Constitution, Emporia, KS

Section 2. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 18th day of December, 2024.

ATTEST:

ERREN HARTER, Mayor

KERRY SULL, City Clerk

MINUTES- 11/19/2024
EMPORIA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, November 19, 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.

1. Consider the Minutes of the October 15, 2024, Planning Commission Meeting.

Givens presented the commission with the minutes from the October 15, 2024, regular meeting. Commissioner Barnes noted a correction that was necessary.

Commissioner Barnes made a motion to approve the minutes as revised. Commissioner Ogle seconded the motion. The motion carried 6-0.

2. Consider PC-2024-13 – A Request to Rezone Property Located at 1116 & 1120 Constitution from Multi-Family to Flex Use High.

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 2024-14

Applicants: Kwik Shop, INC.

Requested Action: Consider a request to rezone property from Multi-Family (MF) to Flex-Use High (FH)

Purpose: Rezoning to highest and best use to facilitate the marketing and sell of the property.

Address: 1116 & 1120 N. Constitution, Emporia, KS

Legal description: Even Lots 166-172 on Constitution St. Emporia Original Township,

Emporia, Lyon County, Kansas.

Lot Size: 50' x 170' 8,500 sq. ft.

Existing Zoning: Single-Family Detached

Future Zoning in ELC Comp. Plan: Single-Family Detached

Surrounding Zoning:

North – Single-Family Detached

East – Single-Family Detached

South – Single-Family Detached

West – Single-Family Detached

Surrounding Actual Uses:

North – Single-Family Detached Residential Units

East – Single-Family Detached Residential Units

South – Single-Family Detached Residential Units

West – Single-Family Detached Residential Units

Analysis: The applicant is exploring options to develop multiple units on his property at 612 E 7th St. The current house is situated that a second unit could be built to the east, but based on current zoning would require a lot split. The residual lot would not meet our requirements for approval and therefore that applicant has requested a change in zoning to Single-Family Attached (SF-A). SF-A zoning would allow the applicant to build a new dwelling unit to the east of the existing unit, or as an alternative, demo the existing dwelling and build a new single-family attached unit on the property.

Considerations: 9.8.3.a.8. Factors to be Considered for a Rezoning:

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations;
Staff feels that the change in zoning would be consistent with the regulations. The applicant would be eligible to build an accessory dwelling unit on the property except for the location of the existing dwelling unit being located closer to the alley and more lot space to the east. The change in zoning would allow the applicant to have either two separate dwelling units or one larger duplex on the property.

2. The character and condition of the neighborhood and its effect on the proposed change; **The property is located in an area that has older and mostly smaller single-family detached homes. Any new building, either a duplex or a smaller single-family unit would not have a detrimental effect on the neighborhood.**
3. The zoning and uses of properties nearby; **The surrounding zoning is Single-Family Detached, but with the lot size and the proposed change to Single-Family Attached, the applicant would be limited in types of residential units that could be built on this property that it would not have a negative impact.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property is currently a single-family dwelling unit, which makes it suitable to both the SF-D and SF-A parcel types.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff maintains that there would not be any detrimental impact on the neighboring properties if SF-A zoning was approved. There are still limitations in place that would restrict the size of any building to remain in scale with the existing neighborhood.**
6. The length of time the subject property has remained vacant as zoned; **The balance of this property has been vacant for a lengthy amount of time. The property was platted as part of the original township as one lot and has most likely only had one structure built on it.**
7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use; **Staff feels that by allowing the rezoning, the property could be used to its maximum value, with little to no detriment to existing services or the surrounding properties.**
8. The recommendations of a permanent or professional planning staff; **By the virtue of this property being located on a corner lot, staff feels that an additional unit or new duplex would not have a negative impact on the surrounding properties, and feels that the proposal is consistent with the Comprehensive Plan.**
9. The conformance of the requested change to Plan ELC; and **Plan ELC states that the demand for middle income one and two bedroom units is the highest demand in Emporia and this project would help to increase infill housing**
10. Such other factors as are deemed relevant by the Planning Commission or

Governing Body.

Neighborhood Communications: As of writing this report, Staff has had no inquiries about the proposed rezoning.

Recommendation: Staff recommends the Planning Commission make a motion of approval for the Rezoning to the Governing Body based on the following;

- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

Attachments: Aerial Map | Current Zoning Map |

Commissioner Bucklinger asked about how this property was reverted back to the original zoning. **Givens** stated that any property that was rezoned, between the creation of the Urban Collaborative map and the adoption of the map was inadvertently classified as it was previously.

The Public Hearing was opened.

Charlie Brown, PEC (owner's agent) spoke in favor of the application. **Mr. Brown** stated that as the Commission was advised, Kwik Shop is not moving forward with expanding the current store and is looking to sell the property. The rezoning would allow the property to be marketed at its highest value and was previously rezoned for commercial use.

No person spoke against the rezoning.

The Public Hearing was closed.

Commissioner Barnes asked about screening between the Multi-Family Parcel types and Flex-Use Parcel types. **Givens** stated that screening was only required between Single-Family Attached and Detached parcel types when they are adjacent to higher intensity parcel types. **Givens** stated that screening would not be required but suggested for any development on the property as the actual uses of the parcels are one and two family residential.

Commissioner Fowler asked about the property on Merchant that had been previously rezoned. **Givens** stated that the property was still zoned Flex-Use High as it sat on Merchant St.

Commissioner Ogle made a motion to recommend approval of the rezoning to the City Commission based on the proposed lot size and not fitting with the character

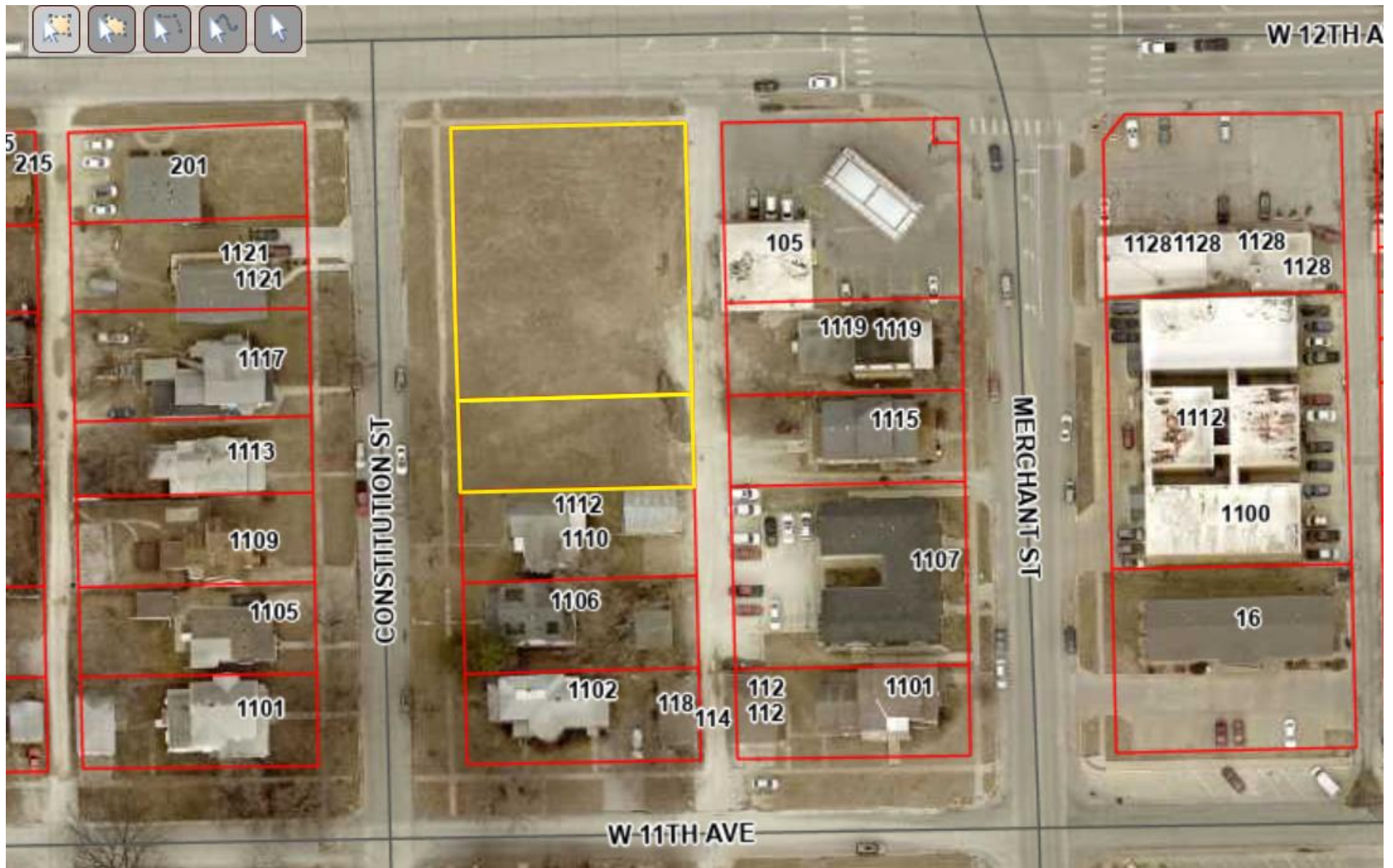
of the neighborhood. Commissioner Fowler seconded the motion. The motion carried 6-0.

Adjournment: With no further discussion, the meeting was adjourned.

Respectfully Submitted,

Justin Givens, Secretary

KWIK SHOP
Rezoning Request



1116 & 1120 Constitution
Rezoning Request
Zoning Map





Commission Action Report

Resolution No. 3751 Establishing a Public Hearing for the 502 Lofts RHID

Title: Resolution No. 3751 Establishing a Public Hearing for the 502 Lofts RHID

Agenda Date: December 18th, 2024

Presented By: Tayler Wash, Assistant City Manager

Background:

On February 8, 2016, the Kansas Department of Commerce certified the eligibility of this area as a potential RHID district. The public hearing is the next requirement of the RHID statutes. Notices of this public hearing will be published in the official newspaper and a copy of the resolution will be sent via certified mail to two additional taxing entities, Lyon County and USD 253, asking them to review and comment. This proposed development qualifies under the infill provisions of the revised RHID program.

Discussion:

The Governing Body of the City of Emporia is being asked to consider the establishment of a Reinvestment Housing Incentive District under the Kansas RHID Act (K.S.A. 12-5241 et seq.) for the 502 Lofts project. This involves declaring the intent to establish the district within specified boundaries (Exhibit A), adopting a development plan detailing legal descriptions, maps, assessed valuations, project descriptions, and feasibility assurances (Exhibits A-E), and scheduling a public hearing for February 5, 2025, at 11:00 a.m. in the City Commission Room.

The 502 Lofts Reinvestment Housing Incentive District involves renovating a building over 25 years old in Emporia's central business district into a multifamily residential complex with 7-10 units. The project addresses the City's housing shortage, identified as a barrier to economic growth, and supports its strategy to incentivize quality housing development..

Financial Considerations:

The present plan does not include any expenditure of city funds to serve the units. The development will be using IRB's and the RHID will not start generating funds until the expiration of the tax abatement related to the IRB.

Recommended Action:

Adopt Resolution No. 3751 to schedule a public hearing on February 5, 2025, for the establishment of the 502 Lofts Reinvestment Housing Incentive District.

Attachments:

Resolution No. 3751

Development Plan

Feasibility Study

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EMPORIA KANSAS
HELD ON DECEMBER 18, 2024**

The City Commission (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)

There was presented a Resolution entitled:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT)

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 vote of the governing body as follows:

Yea: _____

Nay: _____

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. _____ and was signed by the Mayor and attested by the Clerk. The Clerk was directed to arrange for the publication of the Resolution one time in the official newspaper of the City not less than one week or more than two weeks preceding the date fixed for the public hearing.

* * * * *

(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

RESOLUTION NO. 3751

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT)

WHEREAS, the Kansas Reinvestment Housing Incentive District Act, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes cities incorporated in accordance with the laws of the state of Kansas (the “State”) to designate reinvestment housing incentive districts within such city; and

WHEREAS, the governing body (the “Governing Body”) of the City of Emporia, Kansas (the “City”) has performed a Housing Needs Analysis dated August 2020 (the “Analysis”), a copy of which is on file in the office of the Community Development Coordinator; and

WHEREAS, Resolution No. 3658 adopted by the Governing Body made certain findings relating to the need for financial incentives for the construction of quality housing within the City, declared it advisable to establish a reinvestment housing incentive district pursuant to the Act and authorized the submission of such Resolution and the Analysis to the Kansas Department of Commerce in accordance with the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated January 4, 2022, authorized the City to proceed with the establishment of a reinvestment housing incentive district pursuant to the Act; and

WHEREAS, the City has caused to be prepared a plan (the “Plan”) for the development or redevelopment of housing and public facilities in the proposed 502 Lofts Reinvestment Housing Incentive District (the “District”) in accordance with the provisions of the Act; and

WHEREAS, the Plan includes:

1. The legal description and map required by K.S.A. 12-5244(a);
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;

7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows that the public benefits derived from such District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in the District.

WHEREAS, the Governing Body proposes to continue proceedings necessary to create a Reinvestment Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

THEREFORE BE IT RESOLVED by the Governing Body of the City of Emporia, Kansas as follows:

Section 1. Proposed Reinvestment Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a reinvestment housing incentive district. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as *Exhibit C*.

Section 2. Proposed Plan. The Governing Body hereby further declares its intent to adopt the Plan in substantially the form presented to the Governing Body on this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, and the location thereof are described in *Exhibit D* attached hereto. A summary of the contractual assurances by the developer and the comprehensive feasibility analysis is contained in *Exhibit E* attached hereto.

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on February 5, 2025 at the City Commission Room located at 518 Mechanic Street, Emporia, Kansas; the public hearing to commence at 11:00 a.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

Section 4. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions;

1. A certified copy of this resolution shall be delivered to:
 - A. The Board of County Commissioners of Lyon County, Kansas;
 - B. The Board of Education of Unified School District No. 253, Lyon County, Kansas (Emporia); and
 - C. The Planning Commission of the City of Emporia, Kansas.
2. This Resolution, specifically including *Exhibits A* through *E* attached hereto, shall be published at least once in the official newspaper of the City not less than one week or more than two weeks preceding the date of the public hearing.

3. This Resolution, including *Exhibits A* through *E* attached hereto, shall be available for inspection at the office of the clerk of the City at normal business hours. Members of the public are invited to review the plan and attend the public hearing on the date announced in this Resolution.

Section 5. Further Action. The Mayor, City Manager, City Clerk and the officials and employees of the City, including the City Attorney and Gilmore & Bell, P.C., are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

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ADOPTED by the Governing Body of the City of Emporia, Kansas on December 18, 2024.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 3751 adopted by the Governing Body of the City on December 18, 2024 as the same appear of record in my office.

DATED: December 18, 2024

City Clerk

EXHIBIT A

**LEGAL DESCRIPTION OF PROPOSED
502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT**

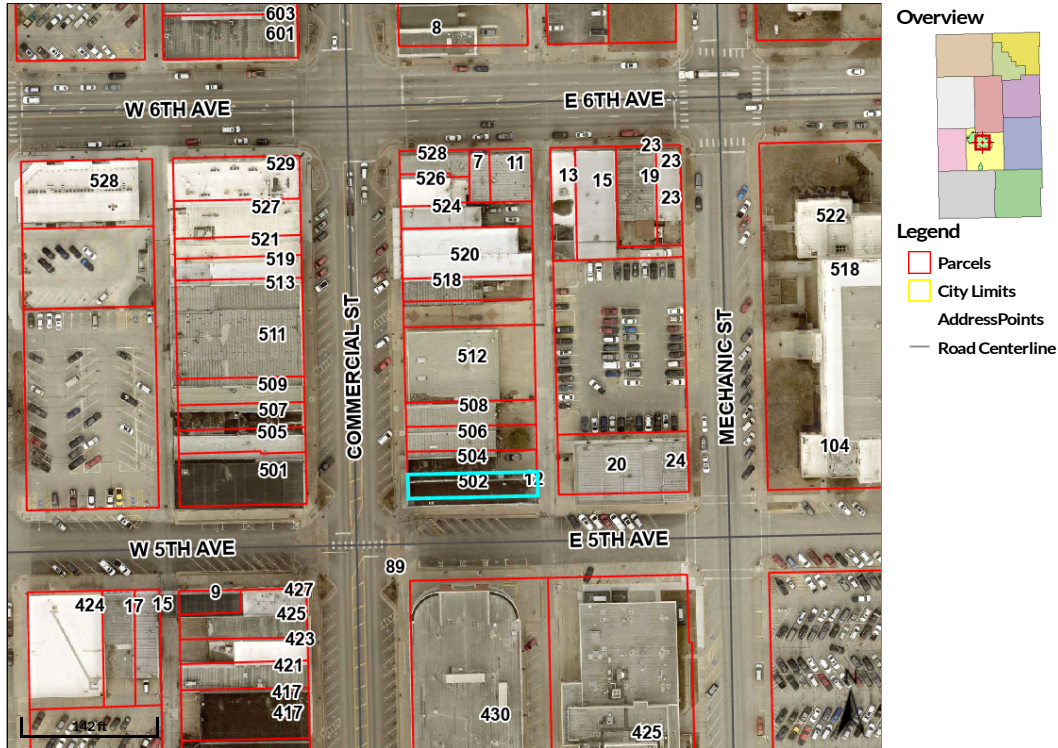
The following described real estate in the City of Emporia, Lyon County, Kansas, together with public rights-of-way adjacent thereto:

Lot 146 and part of Lot 148 of the Original Town, City of Emporia. Part of Lot 148 is described as follows: Beginning at the Southeast corner of said lot 148; Thence N. 01° 15' 58" W. PARALLEL WITH THE SOUTH LINE OF SAID LOT 148 FOR 39.23 FEET TO THE EAST FACE OF AN EXISTING BUILDING; THENCE S. 02°01'15" E. ALONG THE EAST FACE OF SAID EXISTING BUILDING FOR 9.00 FEET TO THE SOUTH LINE OF SAID LOT 148; THENCE N. 88°46'52" E. ON SIDE SOUTH LINE FOR 39.11 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.01 ACRES.

Together with public rights-of-way adjacent thereto

EXHIBIT B

MAP OF PROPOSED 502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT



Parcel ID	1951501007017000	Alternate ID	n/a	Owner Address	502 LOFTS LLC
Sec/Twp/Rng	15-19S-11E	Class	C - Commercial & Industrial		1501 H AVE
Property Address	502 COMMERCIAL Emporia	Acreage	n/a		COUNCIL GROVE, KS 66846-8532
District	005				
Brief Tax Description	EMPORIA (O.T.), S15, T19S, R11E, LT 146 COMMERCIAL ST (25.0 X 130.0) (Note: Not to be used on legal documents)				

Disclaimer: The data used to produce this map is not survey accurate. It is intended for tax purposes only.

Date created: 8/27/2024

Last Data Uploaded: 8/27/2024 12:26:28 AM

Developed by Schneider
GEOSPATIAL

EXHIBIT C

NAMES AND ADDRESSES OF THE OWNERS OF RECORD OF ALL REAL ESTATE PARCELS WITHIN THE PROPOSED 502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT AND THE EXISTING ASSESSED VALUATION OF SAID REAL ESTATE PARCELS AND NAMES AND ADDRESSES OF THE DEVELOPERS

Owner of Real Property:	502 Lofts, LLC 1501 H Avenue Council Grove, Kansas 66846
Developer:	502 Lofts, LLC 1501 H Avenue Council Grove, Kansas 66846
Existing Assessed Valuation of the District:	Land - \$5,156 Improvements - \$34,812

EXHIBIT D

**DESCRIPTION OF THE HOUSING AND PUBLIC FACILITIES PROJECT OR PROJECTS
THAT ARE PROPOSED TO BE CONSTRUCTED OR IMPROVED IN THE PROPOSED
502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT**

Housing Facilities

The housing facilities will consist of renovation of an existing building more than 25 years of age and located within a central business district into a 7-10 unit multifamily residential complex. No additional structures are expected to be constructed.

Public Facilities

The existing building is served by adequate existing infrastructure and therefore no additional public facilities are anticipated to be constructed.

EXHIBIT E

SUMMARY OF THE CONTRACTUAL ASSURANCES BY THE DEVELOPER AND OF THE COMPREHENSIVE FEASIBILITY ANALYSIS

Contractual Assurances

The Governing Body of the City of Emporia, Kansas expects to enter into a development agreement with 502 Lofts, LLC, the developer. This agreement is expected to include the project construction schedule, a description of projects to be constructed, financial obligations of the developer and financial and administrative support from the City of Abilene, Kansas.

Feasibility Study

The developer has conducted a study to determine whether the public benefits derived from the District will exceed the costs and that the income from the District, together with other sources of revenue provided by the developer, would be sufficient to pay for the public improvements to be undertaken in the District. The analysis estimates the property tax revenues that will be generated from the development, less existing property taxes, to determine the revenue stream available to support the costs of the public infrastructure. No public infrastructure costs are anticipated. The estimates indicate that the revenue realized from the project together with other sources of developer funds would be adequate to pay the eligible costs.

**DEVELOPMENT PLAN
OF THE CITY OF EMPORIA, KANSAS
502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT**

DECEMBER 2024

INTRODUCTION

The City Commission (the “Governing Body”) of the City Emporia, Kansas (the “City”) has previously adopted Resolution No. 3658 (the “Preliminary Resolution”), which found and determined that:

1. There is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.
2. The shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.
3. The shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.
4. The future economic wellbeing of the City depends on the Governing Body providing additional incentives for the construction of/or renovation of quality housing in the City.

Based on these findings and determinations, the Governing Body proposed the establishment of one or more Reinvestment Housing Incentive Districts within the City pursuant to K.S.A. 12-5241 *et seq.* (the “Act”). The Governing Body further found that certain buildings, including the building located within the proposed District, are more than 25 years of age, will be primarily used for residential purposes, and are located in a central business district.

Following the adoption of the Preliminary Resolution, a certified copy was submitted to the Secretary of Commerce for approval of the establishment of the Reinvestment Housing Incentive District in the City as required by K.S.A. 12-5244(c). On January 4, 2022, the Secretary of Commerce provided written confirmation approving the establishment of the Reinvestment Housing Incentive District within the City.

DEVELOPMENT PLAN ADOPTION

K.S.A. 12-5245 states that once a city receives approval from the Secretary of Commerce for the development of a reinvestment housing incentive district, the governing body must adopt a plan for the development of housing and public facilities within the proposed district.

DEVELOPMENT PLAN

As a result of the shortage of quality housing, the City proposes this development plan (the “Development Plan”) to assist in the development of quality housing within the City.

(1) ***Legal Description and Map of the District.*** The legal description of the 502 Lofts Reinvestment Housing Incentive District (the “District”) is as follows:

Lot 146 and part of Lot 148 of the Original Town, City of Emporia. Part of Lot 148 is described as follows: Beginning at the Southeast corner of said lot 148; Thence N. 01° 15' 58" W. PARALLEL WITH THE SOUTH LINE OF SAID LOT 148 FOR 39.23 FEET TO THE EAST FACE OF AN EXISTING BUILDING; THENCE S. 02°01'15" E. ALONG THE EAST FACE OF SAID EXISTING BUILDING FOR 9.00 FEET TO THE SOUTH LINE OF SAID LOT 148; THENCE N. 88°46'52" E. ON SIDE SOUTH LINE FOR 39.11 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.01 ACRES.

Together with public rights-of-way adjacent thereto

A map of the District is attached as *Exhibit A* to this Development Plan.

(2) **Existing Assessed Valuation of the District.** The assessed valuation of all real estate within the District for 2024 is:

Land	\$ 5,156
Improvements	<u>34,812</u>
Total	\$39,968

(3) **Owners of Record.** The name and address of the owner of record for the real estate within the District is:

502 Lofts, LLC
1501 H Avenue
Council Grove, Kansas 66846

(4) **Description of Housing and Public Facilities Projects.** The housing and public facilities projects that are proposed to be constructed include the following:

Housing Facilities

The housing facilities will consist of renovation of an existing building more than 25 years of age and located within a central business district into a 7-10 unit multifamily residential complex. No additional structures are expected to be constructed.

Public Facilities

The existing building is served by adequate existing infrastructure and therefore no additional public facilities are anticipated to be constructed.

(5) **Developer's Information.** The names, addresses and specific interests in the real estate in the District of the developers responsible for development of the housing and public facilities is:

Owner of Real Property:	502 Lofts, LLC 1501 H Avenue Council Grove, Kansas 66846
Developer:	502 Lofts, LLC 1501 H Avenue Council Grove, Kansas 66846

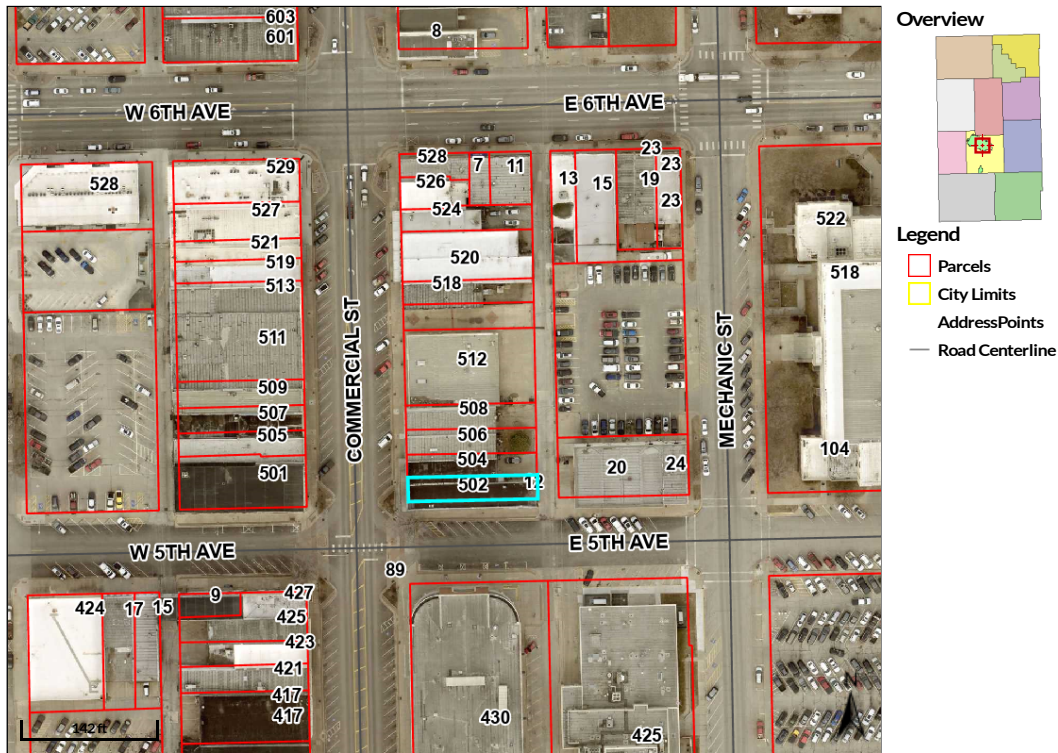
(6) **Contractual Assurances.** The Governing Body will consider a Development Agreement (as may be amended from time to time, the "Development Agreement"), with 502 Lofts, LLC, a Kansas limited liability company (the "Developer"). The Development Agreement, as supplemented and amended, is expected to include the project construction schedule, a description of projects to be constructed, financial obligations of the developer, and financial and administrative support from the City. The Development Agreement is not expected to include contractual assurances the Governing Body has received from the Developer guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district.

(7) **Comprehensive Analysis of Feasibility.** A comprehensive analysis was conducted to determine whether the public benefits derived from the District will exceed the costs and that the income from the District, together with other sources of revenue, would be sufficient to pay for the public

improvements to be undertaken in the District. A copy of the analysis is attached as ***Exhibit B*** to this Development Plan. The analysis estimates the property tax revenues that will be generated from the District, less existing property taxes, to determine the revenue stream available to support reimbursement to the Developer for all or a portion of the costs of financing the public infrastructure. No public infrastructure costs are anticipated. The estimates indicate that the revenue realized from the project together with other sources of Developer funds would be adequate to pay the eligible costs.

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EXHIBIT A
DEVELOPMENT PLAN
502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT
MAP OF THE DISTRICT



Parcel ID	1951501007017000	Alternate ID	n/a	Owner Address	502 LOFTS LLC
Sec/Twp/Rng	15-19S-11E	Class	C - Commercial & Industrial		1501 H AVE
Property Address	502 COMMERCIAL	Acreage	n/a		COUNCIL GROVE, KS 66846-8532
	Emporia				
District	005				
Brief Tax Description	EMPORIA (O.T.), S15, T19S, R11E, LT 146 COMMERCIAL ST (25.0 X 130.0)				
	(Note: Not to be used on legal documents)				

Disclaimer: The data used to produce this map is not survey accurate. It is intended for tax purposes only.

Date created: 8/27/2024

Last Data Uploaded: 8/27/2024 12:26:28 AM

Developed by Schneider
GEOSPATIAL

EXHIBIT B
DEVELOPMENT PLAN
502 LOFTS REINVESTMENT HOUSING INCENTIVE DISTRICT
COMPREHENSIVE FINANCIAL FEASIBILITY ANALYSIS

City of Emporia, Kansas
502 Lofts RHID

Estimated Eligible Expenses	\$1,731,568
Estimated RHID Increment	\$560,951
Estimated Unreimbursed Developer Funds	\$1,170,617

<u>Taxing Units:</u>	2023/2024	Aggregate	
	<u>Mill Levy</u>	Fiscal Impact	
		<u>25 years</u>	
City	44.604	\$	170,345
USD 253	55.489		135,535
State	1.500		-
Rec Commission	9.277		35,429
County	57.512		219,642
Total	168.382	\$	560,951

Total Current Assessed Valuation	\$39,968
Property Tax On Base Value	\$6,730

Estimated Completed	Property	Estimated Total	Less State	Less State levy for	Annual Eligible
<u>Appraised Value</u>	<u>Class</u>	<u>Property Tax Per Unit</u>	<u>1.5 Mills</u>	<u>USD 20 Mills</u>	<u>Tax Generated</u>
\$2,770,509	11.50%	\$53,648	\$478	\$6,372	\$46,798

Assumptions:
Project completed by December 2025 (appraised Jan 2026 for taxes collected in 2026/2027)
10 year IRB property tax abatement after completion (beginning Jan 2026)
Constant AV
11.5% property class for assessed value
Constant mill levy based on 2023/24 levy
District created 1Q2025
Valuation equals 80% of estimated construction costs

Year	Tax Collection Years	Estimated Annual Total Increment	Estimated Cumulative Total Increment
1	2025/26	\$0	\$0
2	2026/27	\$0	\$0
3	2027/28	\$0	\$0
4	2028/29	\$0	\$0
5	2029/30	\$0	\$0
6	2030/31	\$0	\$0
7	2031/32	\$0	\$0
8	2032/33	\$0	\$0
9	2033/34	\$0	\$0
10	2034/35	\$0	\$0
11	2035/36	\$0	\$0
12	2036/37	\$40,068	\$40,068
13	2037/38	\$40,068	\$80,136
14	2038/39	\$40,068	\$120,204
15	2039/40	\$40,068	\$160,272
16	2040/41	\$40,068	\$200,340
17	2041/42	\$40,068	\$240,408
18	2042/43	\$40,068	\$280,476
19	2043/44	\$40,068	\$320,544
20	2044/45	\$40,068	\$360,612
21	2045/46	\$40,068	\$400,680
22	2046/47	\$40,068	\$440,748
23	2047/48	\$40,068	\$480,816
24	2048/49	\$40,068	\$520,884
25	2049/50	\$40,068	\$560,951



Commission Action Report

Resolution No.3752 repealing Resolution No. 3746 of the City of Emporia, Kansas, which provided for the calling of a special question election regarding the imposition of a Citywide retailers' sales tax.

Title: Resolution No.3752 repealing Resolution No. 3746 of the City of Emporia, Kansas, which provided for the calling of a special question election regarding the imposition of a Citywide retailers' sales tax.

Agenda Date: December 18, 2024

Presented By: Trey Cocking, City Manager

Background:

On November 20, 2024, the City Commission adopted Resolution No. 3746, which called for a special question election on March 4, 2025. The purpose of that election was to present to voters a proposal for a one-half percent (0.5%) Citywide retailers' sales tax to finance a new recreation facility and related improvements.

Subsequently, on December 2, 2024, Tyson Foods announced the closure of its Emporia plant. This unexpected development introduces economic uncertainty for the community. In light of this significant change in circumstances, the Recreation Center Steering Committee believes it is prudent to pause and reassess the proposed project.

Discussion:

By repealing Resolution No. 3746, the City Commission will cancel the special question election and allow time to evaluate the community's needs and priorities, given the new economic challenges associated with the Tyson plant closure. This pause will enable further community engagement and review of the project scope, ensuring that any future proposals reflect the best interests of Emporia's residents.

When the situation stabilizes and the community's outlook becomes clearer, the Commission may consider reintroducing a similar question. For now, the goal is to remain responsive to the changing economic environment.

Financial Implications:

Repealing the resolution avoids the costs of conducting a special election (e.g., ballot printing, election staffing, and public notices). This will preserve Rec Commission funds until conditions are more favorable for proceeding with a public referendum.

Recommended Action:

Approve Resolution 3752 repealing Resolution No. 3746, canceling the previously scheduled special question election.

Attachments:

Resolution Repealing Resolution No. 3746

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EMPORIA, KANSAS
HELD ON DECEMBER 18, 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)

There was presented a Resolution entitled:

**A RESOLUTION REPEALING RESOLUTION NO. 3746 OF THE CITY OF
EMPORIA, KANSAS, WHICH PROVIDED FOR THE CALLING OF A SPECIAL
QUESTION ELECTION REGARDING THE IMPOSITION OF A CITYWIDE
RETAILERS' SALES TAX.**

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 said Resolution was carried by the vote of the governing body as follows:

Yea: _____.

Nay: _____.

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 3752; was signed by the Mayor and attested by the Clerk.

* * * * *

(Other Proceedings)

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

CERTIFICATE

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

(SEAL)

Clerk

RESOLUTION NO. 3752

A RESOLUTION REPEALING RESOLUTION NO. 3746 OF THE CITY OF EMPORIA, KANSAS, WHICH PROVIDED FOR THE CALLING OF A SPECIAL QUESTION ELECTION REGARDING THE IMPOSITION OF A CITYWIDE RETAILERS' SALES TAX.

WHEREAS, the governing body of the City of Emporia, Kansas (the "City"), adopted Resolution No. 3746 on November 20, 2024 (the "Prior Resolution"), which provided 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; and

WHEREAS, the governing body of the City hereby finds and determines that it is no longer advisable to call for the election and therefore desires to repeal the Prior Resolution.

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

Section 1. Repealer. The Prior Resolution is hereby repealed.

Section 2. Effective Date. This Resolution shall be effective upon adoption.

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ADOPTED by the governing body of the City on December 18, 2024.

(SEAL)

Erren Harter, Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 18, 2024, as the same appears of record in my office.

DATED: December 18, 2024.

Clerk

**EMPORIA, KANSAS
SALES TAX ELECTION 2025**

DISTRIBUTION LIST

ISSUER	BOND COUNSEL
CITY OF EMPORIA, KANSAS 111 East 6th Avenue P.O. Box 928 Emporia, Kansas 66801 Telephone: (620) 343-4250 Trey Cocking, City Manager E-mail: tcocking@emporiaks.gov Mark R. Detter, Deputy City Manager E-mail: mdetter@emporiaks.gov Taylor Wash, Assistant City Manager E-mail: twash@emporiaks.gov Janet Harrouff, Finance Director E-mail: jharrouff@emporiaks.gov Kerry Sull, City Clerk E-mail: ksull@emporiaks.gov Christina Montgomery, City Attorney E-mail: cmontgomery@emporiaks.gov	GILMORE & BELL, P.C. 100 N. Main, Suite 800 Wichita, Kansas 67202 Telephone: (316) 267-2091 Garth Herrmann, Esq. E-mail: gherrmann@gilmorebell.com Dominic Eck, Esq. E-mail: deck@gilmorebell.com Johnna K. Middleton, Legal Practice Assistant E-mail: jmiddleton@gilmorebell.com
MUNICIPAL ADVISOR	LYON COUNTY CLERK
RAYMOND JAMES & ASSOCIATES, INC. 11551 Ash Street, Suite 250 Leawood, Kansas 66211 Telephone: (800) 398-6101 Greg Vahrenberg, Managing Director Telephone: (816) 391-4120 E-mail: greg.vahrenberg@raymondjames.com Kelli Manson, Vice President Telephone: (913) 832-0919 E-mail: kelli.manson@raymondjames.com Marc Krasner, Director E-mail: marc.krasner@raymondjames.com	430 Commercial Stree Emporia, Kansas 66801 Telephone: (620) 341-3417 Tammy Vopat (retiring January 13, 2025) E-mail: tvopat@lyoncounty.org Amie Jackson Jones Deputy Clerk (incoming County Clerk January 13, 2025) E-mail: aljackson@lyoncounty.org



Commission Action Report

Lift Station 15 Equipment Purchase

Title: Lift Station 15 Equipment Purchase

Agenda Date: December 18, 2024

Presented By: Dean Grant, Director of Public Works

Background:

On October 4, 2024, the City of Emporia received six (6) Proposals from prospective suppliers for equipment to be installed at lift station 15. Proposals were to include equipment detail and cost for the provision of pumping equipment, including submersible pumps, controls, and above-ground valve-vault package. Additionally, suppliers were encouraged to provide proposals for equipment to address the issue of fats, oils, and grease (FOG) buildup at the station.

Discussion:

Staff would like to purchase the equipment for lift station 15 from Haynes Equipment, as they are the lowest proposal that meets the requirements in the RFP.

Financial Considerations:

The funds for rebuilding Lift Station 15 were authorized in the 2023 bond.

Recommended Action:

Approve the lift station 15 equipment purchase from Haynes Equipment in the amount of \$106,500.00.

Attachments:

BG Consultants Recommendation Letter



November 18, 2024

LIFT STATION NO. 15 EQUIPMENT PROPOSAL EVALUATION
CITY OF EMPORIA, KS
BG PROJECT NO. 22-1163E (19-1151E)

TO: DEAN GRANT
DIRECTOR OF PUBLIC WORKS
CITY OF EMPORIA, KS

BACKGROUND:

On October 4, 2024 the City of Emporia received six (6) Proposals from prospective suppliers for equipment to be installed at lift station 15. Proposals were to include equipment detail and cost for the provision of pumping equipment, including submersible pumps, controls, and above-ground valve-vault package. Additionally, suppliers were encouraged to provide proposals for equipment to address the issue of fats, oils, and grease (FOG) buildup at the station. The results of these proposals are as follows:

Supplier	Pump Package	FOG Package	Combined Package
Haynes	\$ 106,500.00	\$ 184,000.00	\$ 280,500.00
ESI	\$ 107,197.00	\$ -	\$ -
LVK	\$ 114,842.00	\$ -	\$ -
JCI	\$ 131,000.00	\$ 39,656.00	\$ 168,300.00
Ray Lindsey	\$ 139,840.00	\$ -	\$ -
Enviro-Line	Non-Responsive		

The proposal from Enviro-Line excluded control equipment required by the Request for Proposal (RFP) and was non-responsive to requests for additional information. The lowest price for pump equipment package meeting the requirements of the RFP was Haynes Equipment at \$106,500.

RECOMMENDATION:

To ensure lead times may be kept to a minimum to meet project completion deadlines, we recommend that the City execute a purchase agreement with Haynes Equipment Company for the ASVP Submersible Package Lift Station equipment.

For questions or comments, please contact:

Wesley Weishaar, P.E.

Project Manager

T: 785.712.2666

E: wesley.weishaar@bgcons.com



Commission Action Report

Lease Agreement with Nex-Tech Wireless

Title: Lease Agreement with Nex-Tech Wireless

Agenda Date: December 18, 2024

Presented By: Dean Grant, Director of Public Works

Background:

Nex-Tech Wireless approached the city about utilizing the water tower on Warren Way to install equipment to provide better service for their customers. When the tower and storage tank was constructed, provisions were constructed so that the city could allow internet and wireless service providers to lease space on the top of the tank. In accordance with the agreement, Nex-tech Wireless will utilize the existing conduits to bring wire into the structure and install the equipment on the tank, and they will have a panel mounted outside the structure on the facility. The lease agreement also makes Nex-tech Wireless responsible for removing their equipment at their expense, if the city needs to perform maintenance.

The lease agreement was drafted by Assistant City Attorney James Watson, and he reviewed the Land/Tower Payment Information from Nex-Tech Wireless.

Discussion:

Nex-Tech Wireless would like to enter into an agreement with the City of Emporia to lease the tower at Warren Way for \$1,000.00 per month for 5 years, with automatic 5-year renewals.

Financial Considerations:

The lease payments would be a new revenue stream to the water fund, \$12,000.00 per year.

Recommended Action:

Authorize the City Manager to sign the lease agreement and associated payment forms.

Attachments:

Warren Way Tower Lease Agreement, signed by Nex-tech

Land/Tower Owner Payment Information

LEASE FOR TOWER SPACE

THIS TOWER LEASE AGREEMENT (hereinafter referred to as the "Lease") is entered into this ____ day of _____, 2024 by and between the City of Emporia (hereinafter referred to as the "Lessor") and Nex-Tech Wireless, a Kansas corporation (hereinafter referred to as the Lessee").

WHEREAS, Lessor is the owner of a water tower (hereinafter referred to as the "Tower") located at the following approximate latitude/longitude coordinates:

38 degrees 23'49" N 96 degrees 09'36" W

and Lessee desires to use certain space on the Tower, and on land owned, leased, or otherwise held by the Lessor at the base of the Tower (hereinafter referred to as the Tower "Site"), and Lessor is willing to permit such use on the terms and conditions set forth herein.

NOW THEREFORE, for good and valuable consideration, receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. USE. Lessor hereby grants Lessee the right to install, maintain, operate and repair the equipment (hereinafter referred to as "Equipment") specified in Schedule A attached hereto on the Tower at the location on Lessor's property and the Tower (hereinafter referred to a "Premises") specified in Schedule A attached hereto, and the right of ingress to and egress from the Premises upon terms and conditions set forth herein.
2. TERM. The original term of this Lease is for five (5) years, commencing 1st day of January, 2025 and terminating at 11:59 p.m. five years later. This Lease shall automatically renew for five (5) year terms at the end of each term or renewal term unless either Lessor or Lessee notifies the other party in writing at least 90 days prior to the ending date of this Lease stating the desire to terminate this Lease.
3. RENT. As consideration for this Lease, during the term of this Lease, Lessee shall pay Lessor the sum of \$1,000.00 per month payable on the 1st day of the month. . Payments shall be made to City of Emporia – 104 East 5th Street, P.O. Box 928 – Emporia, KS. 66801, or to such other address as the Lessor may specify from time to time in writing to Lessee. Any payment not received by the Lessor within ten (10) days after the due date shall bear interest from the due date until the date received by the Lessor at a rate equal to the lesser of (a) the maximum nonusurious rate of interest permitted by applicable law or (b) 12% per annum (the "Past Due Rate").
4. USE OF PREMISES. Provided Lessee's use does not materially and adversely affect Lessor's use of Lessor's Property, Lessee may use the Premises for the sole purpose

of constructing, maintaining, securing and operating its Equipment in connection with Lessee's communications facility, and for any other uses which are incidental thereto. Modification of the Premises to meet Lessee's needs, including construction of any structures, shall be at Lessee's sole expense and may only be made with Lessor's prior written consent. Throughout the term of this Agreement, (a) Lessee shall maintain lessee's equipment and structures in reasonable condition, and (b) Lessor shall maintain the structural components of the Tower, and all portions of the Tower other than the Premises, in a reasonable condition.

5. COMPLIANCE WITH LAW. Lessee shall conform to applicable laws and regulations of any public authority affecting the Tower and Site and the use thereon and assume, at Lessee's sole expense, any costs of such compliance including any fines or penalties. Lessee shall obtain any federal, state, and local permits and licenses necessary to operate under this Lease. Lessee shall operate its Equipment in compliance with the rules and regulations of the Federal Communications Commission and any other applicable licensing authority. Lessee shall comply with the standards or requirements in effect for non-ionizing electromagnetic radiation levels as established by the Environmental Protection Agency or other governing agencies.
6. IMPROVEMENTS; USE OF EQUIPMENT. Lessee shall have the right, at its expense, to install, maintain, repair, replace and remove the Equipment, and such Equipment shall at all times remain the exclusive property of Lessee. Lessee will notify Lessor when access to the Tower and Site is needed and obtain Lessor's permission for such access, and Lessor agrees to allow Lessee reasonable access upon such request. Lessee shall not weld or drill on the Tower without prior written approval of Lessor. Lessee shall remove any or all of its equipment as directed by Lessor for Tower maintenance by Lessor. Upon expiration or termination of this Lease, Lessee shall remove its Equipment. After removal of its Equipment, Lessee shall restore the Tower and Site to its original condition at the time of leasing, normal wear and tear excepted. It is understood that Lessor also utilizes the Tower and Site and Lessee's use is restricted to locations available as reasonably determined by Lessor. Lessee shall submit plans and specifications for its Equipment to Lessor for its approval prior to undertaking any construction, and all construction must be in accordance with the approved plans. Lessee shall be responsible for all maintenance and repairs of its Equipment and shall hold Lessor harmless from any injuries, damages, liability, claims or causes of action which may arise from or be related in any way to its Equipment, the installation thereof, or from Lessee's operation and use of the Tower and Site. Lessor has no liability or responsibility for any damage caused to the Equipment during any maintenance or painting of the Tower. Lessee shall remove any and all equipment that conflicts with existing or

future use by Lessor of the Tower, that interfere with the operation of the tower or are contrary to the best interests of public health or safety.

7. TOXIC OR HARMFUL SUBSTANCES AND ACCESS TO WATER. Lessee shall not have access to the water supply contained in Tower or to any equipment or items related to the storage and distribution of the water supply. Lessee shall not keep on or about the Tower or Site any substances designated as or containing components now and hereinafter designated as hazardous, toxic, dangerous, or harmful, (and/or which are subject to regulation as hazardous, toxic, dangerous or harmful) by any federal, state or local law, regulation, statute or ordinance (hereinafter collectively referred to as "Hazardous Substances"). Lessee shall notify Lessor of (i) all failures to comply with any federal, state or local law, regulation or ordinance, as now enacted or as subsequently enacted or amended, (ii) all inspections of the Equipment by any regulatory entity concerning Hazardous Substances at the Site, (iii) all regulatory orders or fines or all response or interim cleanup actions taken by or proposed to be taken by any government entity or private party concerning the Equipment at the Site. Lessee shall indemnify, defend, and hold harmless Lessor and its employees, officers and agents with respect to any and all damages, costs, fees (including attorney's fees and costs), penalties (civil and criminal), and cleanup costs assessed against or imposed as a result of the Lessee's use, disposal, transportation, and/or generation of Hazardous Substances.
8. TAXES. Lessee shall pay any real or personal property taxes assessed on, or any portion of such taxes attributable to, the Equipment. Lessor shall pay any real or personal property taxes assessed on, or any portion of such taxes attributable to, the Tower and Site.
9. INSURANCE. During the term of this Lease, Lessee is responsible for insurance on the Equipment, and shall maintain general liability insurance coverage of not less than \$1,000,000.00 with Lessor named as an additional insured, and worker's compensation insurance for Lessee's employees. Upon request, Lessee shall furnish evidence of such insurance in the form of a Certificate of Insurance satisfactory to Lessor. Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard "All Risk" insurance policy, and in the event of such insured loss, neither party's insurance company shall have a subrogated claim against the other.
10. DESTRUCTION; CONDEMNATION. If the Tower or Site are destroyed or damaged so as, in Lessee's judgment, to hinder the effective use of the Equipment, or if the Tower or Site is condemned, then Lessee may elect to terminate this Lease as to such Tower or Site as of the date of the damage, destruction or condemnation by so notifying Lessor. Lessor is not

responsible for repair or replacement or any Equipment which may be damaged or destroyed or for any other damages, consequential or direct, which may result from damage or destruction to the Tower or Site or the Equipment.

11. INDEMNIFICATION. Lessee shall indemnify and hold Lessor harmless from any and all liability, damage, expense (including attorney's fees and costs), cause of action, suits, claims or judgments by any reason whatsoever to the extent caused or arising out of Lessee's occupancy or use of the Tower and Site, except to the extent caused by Lessor.
12. BREACH; REMEDY. In the event either party should breach any provision of this Lease, and fail to cure such breach within 15 days after receipt of written notice from the non-breaching party, then such party shall be in default and the non-breaching party shall have such remedies as are available at law or equity. The party substantially prevailing in litigation arising hereunder shall be entitled to its reasonable attorney's fees and court costs, including appeals, if any.
13. LIENS. Lessee shall not permit any lien to be filed against its leasehold interest in the Tower or Site by reason of work, labor, services or materials performed or supplied to Lessee, and if any such lien is filed against the leasehold interest or any improvements thereon, Lessee shall cause the same to be discharged within 30 days after the date of filing the same unless other arrangements are authorized in writing by Lessor. Lessee shall indemnify Lessor any costs, damages or expenses (including attorney's fees) incurred as a result of the filing of such liens or in obtaining their discharge whether such costs, damages or expenses were incurred prior or subsequent to Lease termination.
14. NOTICES. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipts requested, or sent by overnight carrier to the following addresses, or such other address as either party may designate at a later date:

If to Lessor, to:

City of Emporia, Kansas
Attn.: City Clerk
104 East 5th Street; P.O. Box 928
Emporia, Kansas 66801
Email: ksull@emporiaks.gov>
Phone: (620) 343-4243

If to Lessee, to:

Nex-Tech Wireless
Attn: Creighton Remus
3001 New Way
Hays, Kansas 67601
Phone: (785) 621-3600

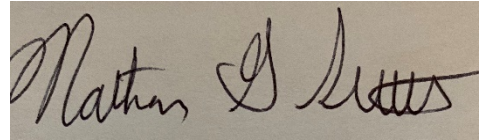
15. ASSIGNMENT. Lessee may not mortgage, assign or transfer this Lease without Lessor's prior written consent, Lessor may assign this Lease upon written notice to Lessee.
16. SUCCESSORS AND ASSIGNS. This Lease shall run with the Tower and Site described, and shall be binding upon and inure to the benefit of the parties, their respective successors, personal representatives and assigns.
17. MISCELLANEOUS.
 - a. Modification/Waiver. This lease may not be amended, altered or modified and not term or condition herein shall be deemed waived or released, except by written document signed by the parties, and no oral amendment, alteration, modification, waiver or release shall be effective or binding.
 - b. Choice of Law; Waiver of Jury. This Lease shall be governed by and construed in accordance with the laws of the State of Kansas, and the parties irrevocably consent to trial by a District Judge and waive any right to trial by a jury.
 - c. Interpretation. This Lease is the result of joint negotiations and efforts in drafting, and nothing herein shall be construed against any party simply as a result of such party being the draftsman of this Lease. Each party has consulted with, or had adequate opportunity to consult with, an attorney and is fully aware of and satisfied with all terms of this Lease.
 - d. Headings. Headings in this Lease are for convenience only and shall not be considered in interpreting this Lease.
 - e. Invalidity. If any terms or provisions of this Lease is held invalid or unenforceable, the remainder of the Lease shall not be affected thereby, and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

- f. Entire Agreement. This document sets forth the entire understanding and agreement of the parties on the matters described herein, and this Lease cancels, supersedes and replaces all prior letters of intent, Leases, arrangements and understandings relating to the subject matter of this Lease.

IN WITNESS WHEREOF, the undersigned authorized representatives of the parties have executed this Lease effective on the date first written above.

LESSOR (City of Emporia)

LESSEE (Nex-Tech)

A handwritten signature in dark ink on a light-colored background. The signature is written in a cursive style and appears to read "Nathan G. Little".

NEXTECH[®]
wireless
**Land/Tower Owner
Payment Information**

Lease Questions?
Creighton Remus
cremus@ntwls.com

Payment Questions?
Mandi Dreiling
mdreiling@ntwls.com

Dear Land/Tower Owner:

To begin issuing payments, we need to collect your information, a current W-9, and your preferred payment method. We can process your payments either by direct deposit or by check. If you select check payments, your checks will be sent by U.S. mail. Direct Deposit payments will be deposited directly into your savings or checking account.

Advantages of direct deposit:

- It's convenient. You don't have to go to the bank to cash your check.
- It's safe. No more lost, stolen, or misplaced checks.
- It's fast. Your money will be available the date of the check instead of waiting for the U.S. postal service to deliver your check.
- It's automatic. You can get your money even when you are out of town.
- This is environmentally friendly because we don't have to use paper and envelopes to print and mail your check.

To ensure prompt payment, please complete all fields on the first page of the form.

For direct deposits, please complete both sides of the form. To ensure proper payment to your account, EVERY FIELD IS REQUIRED to be filled out on the form. If any information is blank, missing, or incomplete, we will not be able to process your request for direct deposit.

Also, please send us a blank check and write VOID on the signature line. Do not send a deposit slip because it may have a different routing number. The voided check **MUST** be from the account you have selected for direct deposit. If you have selected a savings account and do not have checks from that account, then you need to contact your bank and ask them to provide you with written verification that the routing number and account number handwritten on your authorization form is correct. To ensure payments due you are deposited accurately, you must provide us either a voided check or written verification from your bank confirming your account number and routing number.

Please send the completed form and voided check (or written verification from your bank) to us. The information may be sent by fax, email, or U.S. mail. If sending by fax or email, please send the completed form and scan your voided check (or bank verification).

Fax to: 785-621-2599

Email to: ap@ntwls.com

U.S. Mail to:

Nex-Tech Wireless
3001 New Way
Hays, KS 67601

For any questions or concerns regarding your payments, please contact us by email at ap@ntwls.com or by calling Mandi at 785-621-3623. We are always happy to assist.

SEE FORM TO COMPLETE ON REVERSE SIDE

Nex-Tech Wireless

VENDOR PAYMENT SELECTION FORM

Please select one of the payment options listed below and provide the necessary information.

Owner Name(s): _____

Owner Contact: _____ E-Mail: _____

Address: _____

Phone: _____

(All Fields Are Required)

NTW Vendor #: _____

(For NTW use only)

Payment Option - Must Select One.

☐ Check

☐ **Direct Deposit, ACH** –The payment will be deposited into your bank. To process this payment, Nex-Tech Wireless needs your bank routing number and bank account number, which can be located on your checks. Please send us a blank check and write VOID on the signature line. Do not send a deposit slip because it may have a different routing number. The voided check **MUST** be from the account you have selected for direct deposit. If you have selected a savings account and do not have checks from that account, then you need to contact your bank and ask them to provide you with written verification that the routing number and account number handwritten on your authorization form is correct. To ensure payments are deposited accurately, you must provide us either a voided check or written verification from your bank confirming your account number and routing number.

Email for ACH/EPAY Notification: _____

(If different from Vendor Contact Email)

Signature of Authorized Individual

Date

Printed Name _____

Please return form to requester.

SEE FORM TO COMPLETE ON REVERSE SIDE

Nex-Tech Wireless
AUTHORIZATION AGREEMENT FOR DIRECT DEPOSITS (ACH CREDITS)

I (we) herby authorize Nex-Tech Wireless, hereinafter called COMPANY, to initiate credit entries to my (our) account at the depository financial institution named below, hereinafter called DEPOSITORY, and to credit the same to such account. If funds to which I (we) am not entitled are deposited to my (our) account, I (we) authorize COMPANY to direct DEPOSITORY to return such funds. I (we) acknowledge that the origination of ACH transactions to my (our) account must comply with the provisions of U. S. law.

Nex-Tech Wireless (Land/Tower owner information required):

Owner Name(s): _____

Telephone Number: _____

DEPOSITORY (BANK) INFORMATION (please print all information):

Type of account (**select only one**): ☐ Checking ☐ Savings Account

Account Holder Name(s) at bank _____

Bank Name _____

City _____ State _____

Routing Number _____ Account Number _____

This authorization is to remain in full force and effect until COMPANY has received written notification from me (or either of us) of its termination in such time and in such manner as to afford COMPANY and DEPOSITORY a reasonable opportunity to act on it.

CHECK DETAIL:

Send check detail ☐ Email

E-Mail address for check detail: _____

DATE: _____ SIGNED: _____

PLEASE ATTACHED A VOIDED CHECK OR A LETTER FROM YOUR BANK VERIFYING YOUR ACCOUNT NAME, ACCOUNT NUMBER, AND ROUTING NUMBER. * DEPOSIT SLIPS NOT ACCEPTED. *****

NOTE: ALL WRITTEN CREDIT AUTHORIZATIONS MUST PROVIDE THAT THE RECEIVER MAY REVOKE THE AUTHORIZATION ONLY BY NOTIFYING THE ORIGINATOR IN THE MANNER SPECIFIED IN THE AUTHORIZATION.

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to the
requester. Do not
send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific Instructions on page 3.	1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)	
	2 Business name/disregarded entity name, if different from above.	
	3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor ☐ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate ☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____ (Applies to accounts maintained outside the United States.)
	3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions ☐	
	5 Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
				-				-			
or											
Employer identification number											
					-						

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person	Date

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

must obtain your correct taxpayer identification number (TIN), which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid).
- Form 1099-DIV (dividends, including those from stocks or mutual funds).
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds).
- Form 1099-NEC (nonemployee compensation).
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers).
- Form 1099-S (proceeds from real estate transactions).
- Form 1099-K (merchant card and third-party network transactions).
- Form 1098 (home mortgage interest), 1098-E (student loan interest), and 1098-T (tuition).
- Form 1099-C (canceled debt).
- Form 1099-A (acquisition or abandonment of secured property).

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

Caution: If you don't return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued);
2. Certify that you are not subject to backup withholding; or
3. Claim exemption from backup withholding if you are a U.S. exempt payee; and
4. Certify to your non-foreign status for purposes of withholding under chapter 3 or 4 of the Code (if applicable); and
5. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting is correct. See *What Is FATCA Reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding. Payments made to foreign persons, including certain distributions, allocations of income, or transfers of sales proceeds, may be subject to withholding under chapter 3 or chapter 4 of the Code (sections 1441–1474). Under those rules, if a Form W-9 or other certification of non-foreign status has not been received, a withholding agent, transferee, or partnership (payor) generally applies presumption rules that may require the payor to withhold applicable tax from the recipient, owner, transferor, or partner (payee). See Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*.

The following persons must provide Form W-9 to the payor for purposes of establishing its non-foreign status.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the disregarded entity.
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the grantor trust.
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust and not the beneficiaries of the trust.

See Pub. 515 for more information on providing a Form W-9 or a certification of non-foreign status to avoid withholding.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person (under Regulations section 1.1441-1(b)(2)(iv) or other applicable section for chapter 3 or 4 purposes), do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515). If you are a qualified foreign pension fund under Regulations section 1.897(l)-1(d), or a partnership that is wholly owned by qualified foreign pension funds, that is treated as a non-foreign person for purposes of section 1445 withholding, do not use Form W-9. Instead, use Form W-8EXP (or other certification of non-foreign status).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a saving clause. Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.–China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if their stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.–China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first Protocol) and is relying on this exception to claim an exemption from tax on their scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called “backup withholding.” Payments that may be subject to backup withholding include, but are not limited to, interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third-party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester;
2. You do not certify your TIN when required (see the instructions for Part II for details);
3. The IRS tells the requester that you furnished an incorrect TIN;
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only); or
5. You do not certify to the requester that you are not subject to backup withholding, as described in item 4 under “*By signing the filled-out form*” above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

See also *Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding*, earlier.

What Is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all U.S. account holders that are specified U.S. persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you are no longer tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

• **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note for ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040 you filed with your application.

• **Sole proprietor.** Enter your individual name as shown on your Form 1040 on line 1. Enter your business, trade, or "doing business as" (DBA) name on line 2.

• **Partnership, C corporation, S corporation, or LLC, other than a disregarded entity.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

• **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. Enter any business, trade, or DBA name on line 2.

• **Disregarded entity.** In general, a business entity that has a single owner, including an LLC, and is not a corporation, is disregarded as an entity separate from its owner (a disregarded entity). See Regulations section 301.7701-2(c)(2). A disregarded entity should check the appropriate box for the tax classification of its owner. Enter the owner's name on line 1. The name of the owner entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For

example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2. If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, enter it on line 2.

Line 3a

Check the appropriate box on line 3a for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3a.

IF the entity/individual on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation.
• Individual or • Sole proprietorship	Individual/sole proprietor.
• LLC classified as a partnership for U.S. federal tax purposes or • LLC that has filed Form 8832 or 2553 electing to be taxed as a corporation	Limited liability company and enter the appropriate tax classification: P = Partnership, C = C corporation, or S = S corporation.
• Partnership	Partnership.
• Trust/estate	Trust/estate.

Line 3b

Check this box if you are a partnership (including an LLC classified as a partnership for U.S. federal tax purposes), trust, or estate that has any foreign partners, owners, or beneficiaries, and you are providing this form to a partnership, trust, or estate, in which you have an ownership interest. You must check the box on line 3b if you receive a Form W-8 (or documentary evidence) from any partner, owner, or beneficiary establishing foreign status or if you receive a Form W-9 from any partner, owner, or beneficiary that has checked the box on line 3b.

Note: A partnership that provides a Form W-9 and checks box 3b may be required to complete Schedules K-2 and K-3 (Form 1065). For more information, see the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

If you are required to complete line 3b but fail to do so, you may not receive the information necessary to file a correct information return with the IRS or furnish a correct payee statement to your partners or beneficiaries. See, for example, sections 6698, 6722, and 6724 for penalties that may apply.

Line 4 Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third-party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space on line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2).

- 2—The United States or any of its agencies or instrumentalities.
- 3—A state, the District of Columbia, a U.S. commonwealth or territory, or any of their political subdivisions or instrumentalities.
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities.
- 5—A corporation.
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or territory.
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission.
- 8—A real estate investment trust.
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940.
- 10—A common trust fund operated by a bank under section 584(a).
- 11—A financial institution as defined under section 581.
- 12—A middleman known in the investment community as a nominee or custodian.
- 13—A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
• Interest and dividend payments	All exempt payees except for 7.
• Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
• Barter exchange transactions and patronage dividends	Exempt payees 1 through 4.
• Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5. ²
• Payments made in settlement of payment card or third-party network transactions	Exempt payees 1 through 4.

¹ See Form 1099-MISC, Miscellaneous Information, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) entered on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37).

B—The United States or any of its agencies or instrumentalities.

C—A state, the District of Columbia, a U.S. commonwealth or territory, or any of their political subdivisions or instrumentalities.

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i).

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i).

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state.

G—A real estate investment trust.

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940.

I—A common trust fund as defined in section 584(a).

J—A bank as defined in section 581.

K—A broker.

L—A trust exempt from tax under section 664 or described in section 4947(a)(1).

M—A tax-exempt trust under a section 403(b) plan or section 457(g) plan.

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, enter "NEW" at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have, and are not eligible to get, an SSN, your TIN is your IRS ITIN. Enter it in the entry space for the Social security number. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/EIN. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or Form SS-4 mailed to you within 15 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and enter "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, you will generally have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon. See also *Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding*, earlier, for when you may instead be subject to withholding under chapter 3 or 4 of the Code.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third-party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))**	The grantor*

For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing Form 1041 or under the Optional Filing Method 2, requiring Form 1099 (see Regulations section 1.671-4(b)(2)(i)(B))**	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name on line 1, and enter your business or DBA name, if any, on line 2. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

* **Note:** The grantor must also provide a Form W-9 to the trustee of the trust.

** For more information on optional filing methods for grantor trusts, see the Instructions for Form 1041.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information, such as your name, SSN, or other identifying information, without your permission to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax return preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity, or a questionable credit report, contact the IRS Identity Theft Hotline at 800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 877-777-4778 or TTY/TDD 800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Go to www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and territories for use in administering their laws. The information may also be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payors must generally withhold a percentage of taxable interest, dividends, and certain other payments to a payee who does not give a TIN to the payor. Certain penalties may also apply for providing false or fraudulent information.



Commission Action Report

Financials and Permits

Title: Financials and Permits
Agenda Date: December 18, 2024
Presented By: Trey Cocking, City Manager

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 November 2024 for the community:

Monthly Local Retail Sales Tax Receipts Update

	2023	2024	
	\$ 537,054.66	\$ 554,782.63	Increase of \$17,727.97 for the month, and
YTD	\$ 5,908,977.36	\$5,949,396.02	Overall increase of 0.68% from year 2023.

City Share from County Tax

	2023	2024	
	\$ 288,181.35	\$ 278,655.73	Decrease of \$9,525.62 for the month, and
YTD	\$ 3,111,077.20	\$ 3,046,899.05	Overall decrease of 2.11% from year 2023.

Building Permits issued from 11/1/2024 to 11/30/2024 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	67
Total of valuations associated with those building permits:	\$ 1,712,120.21
Total number of dollars collected for Building Permit Fees:	\$ 12,504.00
Construct – Single-family dwellings	0
Demo – Single-family dwellings	1

Flint Hills Mall CID for November 2024	\$ 14,834.26
YTD	\$ 218,668.96

Pavilions CID for November 2024	\$ 12,545.73
CID #2	\$ 12,545.66
YTD	\$ 338,644.26

Fairview Hotel CID for November 2024	\$ 7,447.90
YTD	\$ 39,582.14



DATE: December 10, 2024
TO: City Commissioners
FROM: Janet Harrouff
SUBJECT: Budget Comparison

The **General Fund** Income Statement for the eleven-month period ending November 30, 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: \$537,108 lower than YTD Budget.

City Sales Tax: \$485,208 lower

County Wide Tax: \$51,900 lower

Franchise tax: \$325,173 lower than YTD Budget

Electric - \$135,916 lower

Gas - \$164,546 lower

Charges for Services: \$344,273 higher than YTD Budget

Golf - \$273,530 higher

Ambulance - \$48,995 higher

Airport Fuel - \$8,957 higher

Use of Property and Money: \$649,841 higher than YTD Budget

Interest - \$645,343 higher

Expense

Personnel Services: \$285,320 higher than YTD budget

Maintenance & Repair: \$240,148 lower than YTD budget

Building: \$122,241 lower

Equipment: \$93,669 lower

Software: \$41,272 lower

Commodities: \$283,754 lower than YTD budget
Office Supplies: \$14,775 lower
Other Commodities: \$50,268 lower
Clothing: \$17,478 lower
Ambulance supplies - \$45,738 lower
Airport Fuel - \$138,074 lower
Golf Pro Shop Merchandise - \$32,412 higher

Other Charges: \$106,961 lower than YTD budget
Insurance: \$28,290 higher
Inter Department charges: \$185,764 lower

Total revenues for the eleven-month period ending November 30, 2024, were \$216,828 over the YTD budget while expenses were \$1,291,771 under the YTD Budget. Therefore, the General Fund experienced operating results of \$1,508,599 more favorable than the YTD Budget.

I have reviewed the **Water Fund** Income Statement for the eleven-month period ending November 30, 2024. The significant budget variations have been explained below.

Revenue

Sale of Water: \$1,143,698 over YTD budget.

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

Expense

Maintenance & Repair: \$348,675 over YTD budget
Equipment - \$187,590 higher
Pumping Equipment - \$26,555 lower
Water Meters - \$127,763 lower
Water Main - \$107,666 higher
Streets - \$115,985 higher
Buildings - \$32,214 higher

Commodities: \$591,211 over YTD budget
Motor Fuels - \$12,092 higher
Chemicals - \$549,387 higher
Office Machines - \$8,415 higher
Tools - \$20,258 higher

Other charges: \$357,215 over YTD budget
Insurance - \$36,656 higher
Industrial discount - \$296,180 higher

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

Total revenues for the eleven-month period ending November 30, 2024, were \$6,322,666 over the YTD budget while expenses were \$6,288,508 over the YTD Budget. Therefore, the Water Fund experienced operating results of \$34,158 more favorable than the YTD Budget.

I have reviewed the **Wastewater Fund** Income Statement for the eleven-month period ending November 30, 2024. The significant budget variations have been explained below.

Revenue:

Sewer Charges: \$395,396 higher than YTD budget

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

Expenses

Commodities: \$185,248 higher than YTD Budget

Chemicals - \$164,077 higher

Motor Fuel - \$19,754 lower

Office Machines - \$8,415 higher

Laboratory equipment - \$29,702 higher

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

Contractual Services: \$116,413 higher than YTD Budget

Contractual Services -\$83,973 higher

Lease Agreements - \$44,815 higher

Total revenues for the eleven-month period ending November 30, 2024, were \$594,236 higher than the YTD budget while expenses were \$198,718 higher than the YTD Budget. Therefore, the Wastewater Fund experienced operating results of \$395,519 more favorably than the YTD Budget.

I have reviewed the **Solid Waste Fund** Income Statement for the eleven-month period ending November 30, 2024. The significant budget variations have been explained below.

Revenue

Collection fees: \$21,869 lower than YTD budget

Resale of Recyclables: \$78,602 higher than YTD budget

Rolloff: \$365,615 lower than YTD budget

Landfill fees: \$20,623 lower than YTD budget

Expenses

Maintenance & Repair: \$129,733 lower than YTD budget

Vehicles: \$98,008 lower

Building: \$22,752 lower

Other Charges: \$149,635 over YTD budget

Industrial Discount - \$127,676 higher

Shop Labor - \$51,205 higher

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

Total revenues for the eleven-month period ending November 30, 2024, were \$209,123 lower than YTD budget while expenses were \$575,975 lower than the YTD Budget. Therefore, the Solid Waste Fund experienced operating results of \$366,852 more favorable than the YTD Budget.

GENERAL FUND

as of November 30, 2024

GENERAL FUND

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	5,932,373	6,014,886	6,450,183	6,450,183	6,450,183
REVENUE					
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	9,533,403	8,996,295	537,108
Franchise Tax	2,838,191	3,215,568	2,947,593	2,622,420	325,173
Other Taxes	845,456	671,214	662,485	655,460	7,025
Intergovernmental Taxes	308,881	328,309	304,438	424,887	(120,449)
Licenses & Permits	270,454	277,250	256,515	268,898	(12,383)
Charges for Services	2,323,864	2,062,150	1,922,848	2,267,121	(344,273)
Fines & Fees	477,393	573,550	524,876	470,364	54,512
Use of Property and Money	532,715	288,196	265,674	915,515	(649,841)
Reimbursements	272,396	145,220	133,045	197,698	(64,653)
Misc. Rev. - Administrative Transfers	2,678,060	2,912,335	2,669,590	2,600,085	69,505
Transfer from Solid Waste Fund	0	0	0	0	0
Transfer from Health Insurance Fund	0	0	0	0	0
Operating Revenues	0	200	176	240	(64)
Nonoperating Revenues	2,144,431	0	0	100,000	(100,000)
TOTAL RECEIPTS	28,045,579	27,333,979	25,674,643	25,891,471	(216,828)
EXPENDITURES					
Personnel Services	15,778,882	17,040,652	16,030,385	16,315,705	(285,320)
Vacancy Rate	0	0	0	0	0
Maintenance & Repair	898,456	1,204,988	1,105,994	865,846	240,148
Commodities	1,595,973	1,901,120	1,745,602	1,461,848	283,754
Other Charges	619,960	816,893	425,162	318,201	106,961
Capital Outlay	191,016	398,476	396,801	109,255	287,546
Debt Reduction	0	0	0	0	0
Stock	364	0	0	0	0
Transfer to Industrial Development Sales Tax	926,188	925,000	847,917	847,916	1
Transfer to Multi Year Fund	3,349,517	3,380,515	3,098,805	3,088,672	10,133
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	545,226	518,807	26,419
Communications	113,473	134,750	123,266	98,844	24,422
Training and Travel	195,289	210,200	192,610	177,124	15,486
Jail Expenses	73,250	87,500	80,201	52,400	27,801
Other Contractual	886,115	5,350,145	955,528	822,682	132,846
Excess Carryover	0	0	0	0	0
Outstanding PO's	55,304	0	0	0	0
TOTAL EXPENDITURES	27,749,075	32,464,989	25,967,297	24,675,526	1,291,771
Revenue less expenses	296,504	(5,131,010)	(292,654)	1,215,945	1,508,599
Cash Basis Adjustments/Non-appropriated Balance	221,306	0	0	(232,057)	
Ending Cash Balance	6,450,183	883,876	6,157,528	7,434,071	
Base for Reserve calculation	20,762,330	27,341,198	21,203,974	20,631,457	
15% Reserve	3,114,349	4,101,180	3,180,596	3,094,719	
Amount over 15% Reserve	3,335,833	(3,217,304)	2,976,932	4,339,352	

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 November 30, 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				184,778.90	80,000.00
State Reimbursement				0.00	-
Outstanding PO's				470,697.56	
Accounts Receivable				2,400.00	
Total Revenue				3,467,893.14	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	0.00	115,381.30	115,381.30
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	12,317.00	12,317.00
	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	0.00	728,559.32	728,559.32
TS2302	102-0601-400.1516	2023 Street Rehab	88,143.80	1,691,466.64	1,779,610.44
	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
ZO2201	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	-
ZO2401	102-0806-400.0502	Hoof Stock Sheds			-
	102-0806-400.0502	Trumpeter Swan Exhibit - repairs			-
ZO2402	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		2,464.30	2,464.30
	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	-
	102-0901-400.0502	2nd floor restroom ceiling repairs			-
	102-0901-400.0502	Police department Lobby Remodel ADA	232,969.00	134,982.94	367,951.94
	102-0901-400.0502	Walk-in Cooler in Room 222			-
	102-0901-400.0502	Replace Windows in Auditorium			-
	102-0901-400.0502	Elevator Controls	4,042.50	100,761.28	104,803.78
	102-0902-400.0502	Electrical update - install panel and light switches			-
	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	-
	102-0902-400.0502	HVAC updates			-
					-
Ending Unencumbered Cash balance				1,883,063.68	31,934.19
2024 budgeted projects				1,883,063.68	-

Insurance Reserve

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Original Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$500,000	\$0	\$663,358	\$663,358	\$0
REVENUE					
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		\$34,158	(\$34,158)
TOTAL RECEIPTS	\$163,358	\$0	\$0	\$34,158	(\$34,158)
EXPENDITURES					
Maintenance & Repair		\$0			\$0
Misc Projects		\$0			
TOTAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0
Ending Cash Balance	\$663,358	\$0	\$663,358	\$697,516	(\$34,158)

Vacant Property Program

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Original Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$200,000	\$0	\$90,362	\$90,362	\$0
REVENUE					
Transfer from ARPA funds	\$0	\$0	\$0	\$0	\$0
Interest	\$6,026	\$0		\$2,367	(\$2,367)
TOTAL RECEIPTS	\$6,026	\$0	\$0	\$2,367	(\$2,367)
EXPENDITURES					
Maintenance & Repair	\$359	\$0		\$0	\$0
Other Contractual Services	\$115,305	\$0		\$79,075	
TOTAL EXPENDITURES	\$115,664	\$0	\$0	\$79,075	\$0
Ending Cash Balance	\$90,362	\$0	\$90,362	\$13,654	(\$2,367)

City of Emporia, Kansas

Library Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Original Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$0	\$0	\$1	\$1	\$0
REVENUE					
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
TOTAL RECEIPTS	\$1,089,390	\$1,201,743	\$1,197,975	\$1,185,335	\$12,640
EXPENDITURES					
Insurance Refund		\$0			\$0
Misc Projects		\$0			
Appropriation	\$1,089,389	\$1,201,743	\$1,201,743	\$1,185,335	\$16,408
TOTAL EXPENDITURES	\$1,089,389	\$1,201,743	\$1,201,743	\$1,185,335	\$16,408
Ending Cash Balance	\$1	\$0	(\$3,767)	\$1	(\$3,768)

Transient Guest Tax

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$810,801	\$598,301	\$999,063	\$999,063	\$0
REVENUE					
Transient Guest Tax	\$851,750	\$800,000	\$800,000	\$932,626	(\$132,626)
Interest on Investment	\$31,630	\$10,000	\$9,163	\$30,295	(\$21,132)
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)
TOTAL RECEIPTS	\$892,853	\$816,000	\$815,163	\$979,946	(\$164,783)
EXPENDITURES					
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 Staidum 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	
TOTAL EXPENDITURES	\$704,591	\$1,414,301	\$1,049,500	\$1,270,056	(\$220,556)
Ending Cash Balance	\$999,063	\$0	\$764,726	\$708,953	\$55,773
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
TOTAL	\$558,700.30	\$634,077.46	\$771,864.27	\$851,749.73	\$932,626.95

City of Emporia, Kansas

Industrial Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	21,252	21,880	23,447	23,447	0
REVENUE					
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	550	1,253	(703)
Miscellaneous					
TOTAL RECEIPTS	2,195	1,704	1,653	2,430	(777)
EXPENDITURES					
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
TOTAL EXPENDITURES	0	1,185	588	0	588
Ending Cash Balance	23,447	22,399	24,512	25,877	(1,365)

Economic Sales Tax

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$1,423,879	\$1,547,875	\$1,319,820	\$1,319,820	\$0
Revenue:					
Sales Tax Receipts	\$925,000	\$925,000	\$847,917	\$847,916	\$1
Interest Income	\$49,295	\$20,000	\$18,326	\$37,553	(\$19,227)
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					
Total Revenue	\$975,483	\$945,000	\$866,243	\$1,081,375	(\$215,132)
Expense:					
Appropriation to the RDA	\$350,000	\$400,000	\$400,000	\$358,184	\$41,816
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)
Total Expenses	\$1,079,542	\$916,000	\$916,000	\$1,443,396	(\$527,396)
Ending Cash Balance	\$1,319,820	\$1,576,875	\$1,270,063	\$957,800	\$312,263

Special Alcohol Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	103,198	107,998	120,433	120,433	0
REVENUE					
Private Club Liquor Tax	110,168	104,660	78,495	82,329	(3,834)
Interest on Investment	4,267	500	451	5,903	(5,452)
TOTAL RECEIPTS	114,435	105,160	78,946	88,232	(9,286)
EXPENDITURES					
Appropriations	97,200	112,200	84,150	85,950	(1,800)
Special Projects		0	0		0
TOTAL EXPENDITURES	97,200	112,200	84,150	85,950	(1,800)
Ending Cash Balance	120,433	100,958	115,229	122,715	(7,486)

	Receive in 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 USD #253	\$0.00	\$0.00			
Total	\$94,000.00	\$70,500.00	\$86,750.00	\$97,200.00	\$112,200.00

Receipts	2020	2021	2022	2023	2024
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
TOTAL	\$66,237.79	\$86,357.76	\$100,043.46	\$110,168.02	\$82,329.33

City of Emporia, Kansas

Special Park Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$83,362	\$75,362	\$115,908	\$115,908	\$0
REVENUE					
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	\$1,826	\$7,982	(\$6,156)
TOTAL RECEIPTS	\$115,405	\$106,660	\$80,321	\$90,311	(\$9,990)
EXPENDITURES					
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
TOTAL EXPENDITURES	\$82,859	\$110,000	\$182,022	\$108,423	\$73,599
Ending Cash Balance	\$115,908	\$72,022	\$14,207	\$97,796	(\$83,589)

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
TOTAL	\$67,237.76	\$86,357.57	\$100,043.47	\$110,167.98	\$82,329.32

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 November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	289,140	270,715	179,135	179,135	
REVENUE					
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	4,576	19,412	(14,836)
Interest on Investment	11,772	5,000	4,576	15,529	(10,953)
Transfer of Funds	111,664	100,000	100,000	100,000	0
Sale of Salvage	0			0	0
Miscellaneous	228	0		125	(125)
TOTAL RECEIPTS	880,245	929,037	908,769	868,910	39,859
EXPENDITURES					
Personnel Services	684,955	676,759	624,009	580,182	43,827
Vacancy		(12,988)			0
Maintenance & Repair	137,928	151,792	139,084	79,643	59,441
Commodities	108,252	145,450	133,276	88,764	44,512
Other Charges	(19,694)	46,590	44,059	19,677	24,382
Capital Outlay	0	0		0	0
Transfer of Funds	5,000	88,000	88,000	0	88,000
Utilities	22,712	31,450	28,809	8,550	20,259
Communications	1,695	2,700	2,453	2,099	354
Training & Travel	13,778	10,000	9,163	5,940	3,223
Contractual Services	39,963	45,800	41,965	21,555	20,410
Special Projects	0	0	0	0	0
Audit Adjustments	(4,339)			(23,396)	23,396
Outstanding PO's	0			0	0
TOTAL EXPENDITURES	990,250	1,185,553	1,110,818	783,015	327,803
Net Change in Cash	(110,005)	(256,516)	(202,049)	85,895	
Ending Cash Balance	179,135	14,199	(22,914)	265,030	
Receipts					
	2020	2021	2022	2023	2024
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
Total	\$642,215.39	\$712,574.60	\$655,837.00	\$648,358.00	\$653,076.80

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

City of Emporia, Kansas

Drug Forfeiture Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$83,820	\$85,821	\$35,885	\$35,885	
REVENUE					
Receipts from Drug Forfeitures	\$4,970	\$5,000	\$4,576	\$29,638	(25,062)
Interest on Investment	\$2,591	\$2,000	\$1,826	\$2,460	(634)
Miscellaneous					
TOTAL RECEIPTS	\$7,561	\$7,000	\$6,402	\$32,098	(25,696)
EXPENDITURES					
Commodities	\$3,921	\$5,000	\$4,576	\$11,268	(6,692)
Capital Outlay		\$0		\$0	-
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		
TOTAL EXPENDITURES	\$55,496	\$5,000	\$4,576	\$11,598	(7,022)
Ending Cash Balance	\$35,885	\$87,821	\$37,711	\$56,385	

City of Emporia, Kansas

Storm Water

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$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	\$13,248	(13,248)
Miscellaneous					
TOTAL RECEIPTS	\$110,491	\$0	\$0	\$113,248	(113,248)
EXPENDITURES					
Commodities	\$0	\$0	\$0	\$0	-
Capital Outlay	\$234	\$0		\$7,110	(7,110)
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		
TOTAL EXPENDITURES	\$126,224	\$0	\$0	\$217,813	(217,813)
Ending Cash Balance	\$243,446	\$0	\$243,446	\$138,880	

City of Emporia, Kansas

Land Bank

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$59,845	\$0	\$0	\$127,414	
REVENUE					
Transfer from Multi Year	\$50,000	\$0	\$0	\$0	-
Interest on Investment	\$4,009	\$0	\$0	\$6,547	(6,547)
Sale of Property	\$13,571			\$0	
TOTAL RECEIPTS	\$67,580	\$0	\$0	\$6,547	(6,547)
EXPENDITURES					
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		
TOTAL EXPENDITURES	\$11	\$0	\$0	\$418	(418)
Ending Cash Balance	\$127,414	\$0	\$0	\$133,542	

Bond & Interest Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$1,986,995	\$2,253,014	\$2,358,480	\$2,358,480	\$0
REVENUE					
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	\$82,500	\$190,315	(107,815)
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
TOTAL RECEIPTS	\$2,546,402	\$2,480,211	\$2,464,262	\$2,658,020	-\$193,758
EXPENDITURES					
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		
TOTAL EXPENDITURES	\$2,174,917	\$1,102,850	\$1,102,850	\$1,102,850	0
Ending Cash Balance	\$2,358,480	\$3,630,375	\$3,719,892	\$3,913,650	

Equipment Reserve Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$335,168	\$0	\$579,091	\$579,091	
REVENUE					
Transfer from other funds	\$1,105,126			\$0	-
Interest on Investment	\$43,339			\$23,931	(23,931)
Sale of Vehicles	\$113,130			\$101,915	
TOTAL RECEIPTS	\$1,261,595	\$0	\$0	\$125,846	(23,931)
EXPENDITURES					
Leasing Payment	\$663,233			\$495,954	(495,954)
Outstanding PO's	\$354,439			\$0	
Special Projects					
TOTAL EXPENDITURES	\$1,017,672	\$0	\$0	\$495,954	(495,954)
Ending Cash Balance	\$579,091	\$0	\$579,091	\$208,983	

Water Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
BEGINNING CASH	2,452,274	2,406,983	1,676,012	830,592	0
REVENUE					
Sale of Water	7,718,770	8,029,720	7,360,573	8,504,271	(1,143,698)
Service Charge	94,666	100,000	91,663	77,067	14,596
Penalties	89,725	95,000	87,076	91,612	(4,536)
Sale of Salvage		0		0	0
Reimbursed Expense	28,518	20,000	19,008	56,876	(37,868)
Interest on Investment	102,130	65,000	59,926	53,241	6,685
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	4,304	(3,474)
TOTAL RECEIPTS	11,728,507	8,747,820	8,055,076	14,377,742	(6,322,666)
EXPENDITURES					
Personnel Services	1,174,831	1,446,961	1,334,726	1,264,761	69,965
Vacancy		(27,810)	0		0
Maintenance & Repair	2,237,571	1,043,050	957,467	1,306,142	(348,675)
Commodities	1,757,586	1,426,850	1,307,845	1,899,056	(591,211)
Other Charges	375,064	247,390	213,279	570,494	(357,215)
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	4,576	72,657	(68,081)
Transfer to Project Account	3,444,286	25,000	25,000	5,240,370	(5,215,370)
Utilities	664,956	594,600	545,017	583,927	(38,910)
Communications	28,074	44,900	41,118	22,137	18,981
Travel & Training	25,027	15,200	13,915	18,437	(4,522)
Contractual Services	789,492	1,292,000	1,245,619	1,214,401	31,218
Administrative Fee 16%	1,086,178	1,315,955	1,206,293	1,105,842	100,451
Excess Carryover		0	0		0
Change in Liabilities	998	0		33,438	(33,438)
Outstanding PO's	0				
TOTAL EXPENDITURES	13,350,189	10,077,235	9,341,756	15,630,264	(6,288,508)
NET CHANGE IN CASH	(1,621,682)	(1,329,415)	(1,286,680)	(1,252,522)	(34,158)
ENDING CASH BALANCE	830,592	1,077,568	389,332	(421,930)	
Principal Bond Payments	(1,415,000)	(1,415,000)	(1,415,000)	(1,415,000)	
Depreciation	1,456,758	1,550,000	1,420,826	1,194,416	
Capitalized Assets	(3,879,788)	(995,000)	0	(31,747)	
Liabilities					
ADJUSTMENTS	(3,838,030)	(860,000)	5,826	(252,331)	
Base for reserve calculation	9,905,903	9,082,235	8,321,756	10,016,209	
20% reserve amount	1,981,181	1,816,447	1,664,351	2,003,242	
Amount over 20% reserve	(1,150,589)	(738,879)	(1,275,019)	(2,425,172)	

Wastewater Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
BEGINNING CASH	2,087,628	1,338,621	1,029,532	1,029,532	
REVENUE					
Sales/Charges	6,169,657	6,126,631	5,616,072	6,011,468	(395,396)
Extra Strength Surcharge	171,000	127,500	116,864	158,420	(41,556)
Interest on Investment	80,398	40,000	36,663	53,330	(16,667)
New System taps	4,600	1,000	913	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	913	6,438	(5,525)
TOTAL RECEIPTS	14,762,414	6,296,131	5,771,425	6,367,375	(594,236)
EXPENDITURES					
Personnel Services	1,287,455	1,310,671	1,209,120	1,300,352	(91,232)
Vacancy	0	(23,100)		0	0
Maintenance & Repair	624,540	489,100	450,642	383,472	67,170
Commodities	427,896	374,750	343,453	528,701	(185,248)
Other Charges	291,139	187,785	166,136	150,291	15,845
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	549,516	671,613	(122,097)
Communications	21,816	29,600	27,082	19,573	7,509
Travel & Training	15,084	11,500	10,516	8,818	1,698
Contractual Services	215,926	239,550	220,462	336,875	(116,413)
Administrative Fee flat	610,000	610,000	559,163	559,167	(4)
Excess Carryover		0	0		0
Change in Liabilities	(12,334)	0		(191,268)	191,268
Outstanding PO's	0				
TOTAL EXPENDITURES	15,820,510	7,113,940	6,820,674	7,019,392	(198,718)
NET CHANGE IN CASH	(1,058,096)	(817,809)	(1,049,249)	(652,017)	(395,519)
ENDING CASH BALANCE	1,029,532	520,812	(19,717)	377,515	
Depreciation	2,096,619	2,125,205	1,948,089	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			
ADJUSTMENTS	(3,358,607)	(491,074)	(263,190)	(421,794)	
Base for reserve calculation	6,895,309	6,708,940	6,336,574	6,765,949	
20% Cash Reserve amount	1,379,062	1,341,788	1,267,315	1,353,190	
Amount over 20% Cash Reserve	(349,530)	(820,976)	(1,287,032)	(975,674)	

Solid Waste Fund

as of November 30, 2024

	Preceding Year 2023 (Actual)	2024 Budget	2024 Jan -Nov Budget	2024 YTD Actual	Difference b/w YTD Budget & YTD Actual
BEGINNING CASH	3,549,209	2,658,924	3,388,241	3,388,241	
REVENUE					
Refuse Collection Fees	3,004,195	3,050,000	2,795,826	2,773,957	21,869
Loss on Sale of Assets		0		0	0
Interest on Investments	150,996	70,000	64,163	173,454	(109,291)
Trf from Health Ins - Premiums		0			0
Resale of Recyclables	84,117	60,000	55,000	133,602	(78,602)
Box Container Fees	1,868,989	2,270,000	2,080,826	1,715,211	365,615
Landfill Fees	611,254	608,000	557,326	536,703	20,623
Transfers	19,428	0		0	0
Miscellaneous	5,664	4,800	4,751	15,843	(11,092)
TOTAL RECEIPTS	5,744,643	6,062,800	5,557,892	5,348,769	209,123
EXPENDITURES					
Personnel Services	2,268,626	2,450,264	2,259,743	2,248,812	10,931
Vacancy		(47,329)			0
Maintenance & Repair	372,042	390,500	359,456	229,723	129,733
Commodities	408,039	428,000	392,602	353,409	39,193
Other Charges	278,567	220,735	188,993	338,628	(149,635)
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	65,967	45,468	20,499
Communications	37,201	49,900	45,683	31,863	13,820
Transfer to project	0	0			0
Travel & Training	10,752	8,750	7,997	5,766	2,231
Contractual Services	1,679,951	1,855,500	1,709,400	1,651,849	57,551
Administrative Fee 16%	877,017	948,480	869,440	804,139	65,301
Excess Carryover		0	0	0	0
Change in Liabilities	(116,312)	0		34,290	(34,290)
Outstanding PO's	0				
TOTAL EXPENDITURES	5,905,611	7,117,800	6,640,281	6,064,306	575,975
NET CHANGE IN CASH	(160,968)	(1,055,000)	(1,082,389)	(715,537)	(366,852)
ENDING CASH BALANCE	3,388,241	1,603,924	2,305,852	2,672,704	
Principal Payments	0	0	0	0	
Depreciation	394,298	455,000	407,902	335,633	
Capitalized Assets	(459,572)	(655,000)	0	(354,439)	
Change in Liabilities		0			
ADJUSTMENTS	(65,274)	(200,000)	407,902	(18,806)	
Base for reserve calculation	5,901,641	6,462,800	5,985,281	5,743,947	
20% cash reserve amount	1,180,328	1,292,560	1,197,056	1,148,789	
Amount over 20% Cash Reserv	2,207,913	311,364	1,108,796	1,523,914	

CITY OF EMPORIA
ACTUAL COMPARED TO BUDGET
as of November 30, 2024
EXPENSES FOR GENERAL FUND DEPARTMENTS

	2024 AMENDED BUDGET	2024 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED	General Fund Shared Revenue	Shared Budget	Actual Shared Budget	Department Net
						21,308,121	21,956,657	
COMMISSION/MANAGER/CLERK	5,589,888.00	1,493,456.37	4,096,432	27%	19.90%	4,240,811	4,369,885	2,876,429
FINANCE/HUMAN RESOURCES	506,098.00	409,634.22	96,464	81%	1.80%	383,955	395,641	(13,993)
INFORMATION SYSTEMS	422,110.00	373,960.15	48,150	89%	1.50%	320,237	329,984	(43,976)
POLICE PROTECTION	5,635,137.00	5,001,433.79	633,703	89%	20.06%	4,275,140	4,405,258	(596,176)
ANIMAL CONTROL	234,004.00	225,205.64	8,798	96%	0.83%	177,529	182,932	(42,273)
FIRE PROTECTION	3,358,848.00	2,996,999.81	361,848	89%	11.96%	2,548,216	2,625,773	(371,226)
AMBULANCE SERVICE	3,985,714.00	3,127,936.06	857,778	78%	14.19%	3,023,792	3,115,825	(12,111)
CODE SERVICES	975,690.00	808,879.18	166,811	83%	3.47%	740,215	762,744	(46,135)
COURT SERVICES	625,123.00	574,892.19	50,231	92%	2.23%	474,254	488,689	(86,203)
ENGINEERING	736,918.00	530,015.75	206,902	72%	2.62%	559,068	576,084	46,069
SNOW REMOVAL	73,000.00	21,386.57	51,613	29%	0.26%	55,382	57,068	35,681
GOLF COURSE MAINTENANCE	591,964.00	537,835.40	54,129	91%	2.11%	449,098	462,767	(75,069)
GOLF SHOP	419,803.00	466,722.22	(46,919)	111%	1.49%	318,487	328,180	(138,542)
PARK	1,258,943.00	1,106,983.77	151,959	88%	4.48%	955,107	984,176	(122,807)
DISC GOLF	0.00	119,188.97	(119,189)	#DIV/0!	0.00%	0	0	(119,189)
AQUATIC CENTER	243,475.00	183,105.35	124,286	49%	0.87%	184,714	190,336	71,147
ZOO	908,230.00	754,199.03	725,125	20%	3.23%	689,036	710,007	526,902
CIVIC BUILDING OPERATIONS	928,894.00	693,824.53	174,695	81%	3.31%	704,713	726,161	(28,038)
LIBRARY MAINTENANCE	79,846.00	135,125.32	(613,979)	869%	0.28%	60,576	62,419	(631,405)
GROUND MAINTENANCE	129,270.00	62,831.09	(5,855)	105%	0.46%	0	101,057	(34,069)
CONCESSION STAND	88,939.00	75,504.69	26,108	71%	0.32%	67,474	69,528	6,697
SHOP MAINTENANCE	143,299.00	-19,702.00	67,794	53%	0.51%	108,715	112,024	36,519
STREET LIGHTING	322,176.00	290,891.47	341,878	-6%	1.15%	244,421	251,861	271,563
MISC APPROPRIATIONS	88,000	77,648.04	(202,891)	331%	0.31%	66,762	68,794	(222,098)
AIRPORT	1,135,817.00	724,023.30	411,794	64%	4.04%	861,696	887,923	810,275
PARKING FACILITY	15,600.00	8,731.00	6,869	56%	0.06%	11,835	12,195	(711,828)
TRANSERS	4,305,515.00	3,539,076.62	766,438	82%	15.33%	3,266,412	3,365,829	3,357,098
CONTINGENCY	-337,313.00	0	(337,313)	0%	-1.20%	(255,905)	(263,694)	(3,802,770)
EXCESS CARRYOVER	0	0	0	#DIV/0!				
GENERAL FUND	32,464,988	24,319,789	8,103,659	75%	101.46%	24,531,739	25,379,446	
	28,086,610							

CITY OF EMPORIA
 ACTUAL COMPARED TO BUDGET
 as of November 30, 2024
 EXPENSES FOR WATER FUND DEPARTMENTS

	2024 AMENDED BUDGET	2024 ACTUAL WITH ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
DEBT	1,625,329	509,917	1,115,412	31%
ADMINISTRATION	2,739,739	1,862,596.36	877,143	68%
WATER MAINTENANCE	2,007,791	6,880,216.86	(4,872,426)	343%
WATER PLANT	5,159,943	6,019,108.64	(859,166)	117%
WATER STOCK	5,000	72,657.17	(67,657)	1453%
	<u>11,537,802</u>	<u>15,344,496</u>	<u>(3,806,694)</u>	<u>20</u>
Capital Outlay				
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		

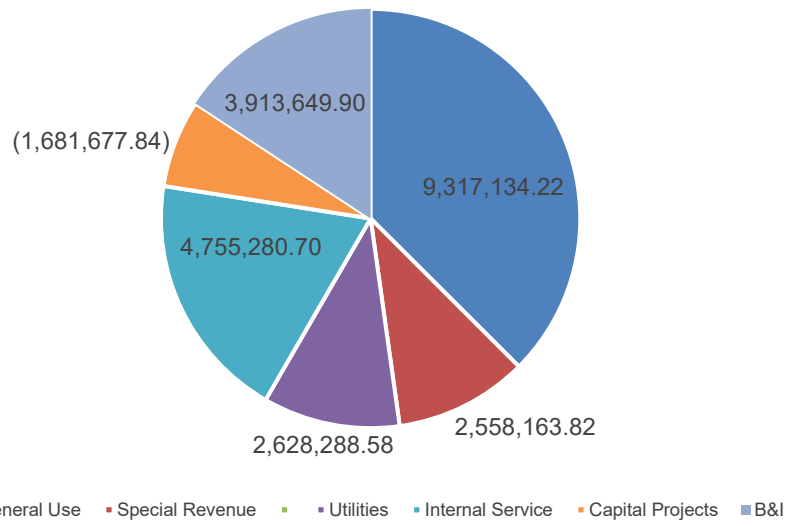
CITY OF EMPORIA
 ACTUAL COMPARED TO BUDGET
 as of November 30, 2024
 EXPENSES FOR WASTEWATER FUND DEPARTMENTS

	2024 AMENDED BUDGET	2024 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
DEBT	2,777,384	787,075	1,990,309	28%
ADMINISTRATION	1,496,386	925,786	570,600	62%
SEWER MAINTENANCE	1,783,635	1,744,401	39,234	98%
SEWER PLANT	3,297,554	3,331,604	(34,050)	101%
	<u>9,354,959</u>	<u>6,788,866</u>	<u>2,566,093</u>	<u>3</u>
Capital Outlay				
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>		

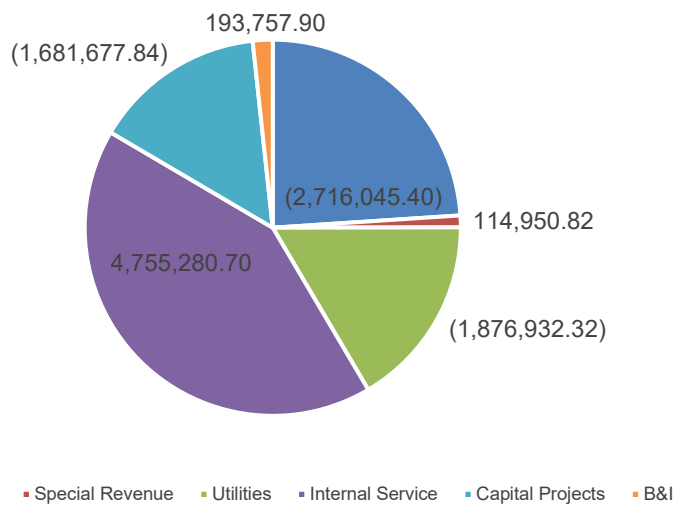
CITY OF EMPORIA
 ACTUAL COMPARED TO BUDGET
 as of November 30, 2024
 EXPENSES FOR SOLID WASTE FUND DEPARTMENTS

	2024 AMENDED BUDGET	2024 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
ADMINISTRATION	2,809,390	1,094,750.43	399,598	39%
COLLECTIONS	2,998,315	2,703,387.30	797,978	90%
TRANSFER STATION	2,020,116	1,524,268.17	535,461	75%
RECYCLING CENTER	683,901	688,804.54	221,275	101%
	<u>8,511,722</u>	<u>6,011,210</u>	<u>1,954,312</u>	<u>3</u>
Capital Outlay				
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 November 30, 2024

	Amount	YTD Budget	Difference	Unencumbered Cash		
101 General Fund	7,434,070.54	6,157,528.47	1,276,542.07	General Use	9,317,134.22	43.35%
102 Multi Year Fund	1,883,063.68	5,875,651.15	(3,992,587.47)	Special Revenue	2,558,163.82	11.90%
103 Insurance Reserve	697,515.88	663,358.00	34,157.88			
104 Vacant Property Program	13,653.96	-	13,653.96	Utilities	2,628,288.58	12.23%
201 Library Fund	1.00	(3,767.00)	3,768.00	Internal Service	4,755,280.70	22.13%
203 Transient Guest Tax Fund	708,953.18	764,726.00	(55,772.82)	Capital Projects	(1,681,677.84)	-7.83%
204 Industrial Fund	25,877.45	24,512.00	1,365.45	B&I	3,913,649.90	18.21%
205 Economic Sales Tax Fund	957,799.62	1,270,063.00	(312,263.38)		21,490,839.38	
206 Special Alcohol Fund	122,715.29	115,229.00	7,486.29			
207 Special Park & Recreation Fund	97,796.44	14,207.00	83,589.44	Budget		
208 Special Street Fund	265,030.31	(22,914.00)	287,944.31	General Use	(2,716,045.40)	
209 Drug Money Forfeitures Fund	56,384.95	37,711.00	18,673.95	Special Revenue	114,950.82	
210 Storm Water Fund	138,880.32	243,446.00	(104,565.68)	Utilities	(1,876,932.32)	
218 Emergency Shelter Grant Fund	-		-	Internal Service	4,755,280.70	
224 Fire Public Education	7,769.38		7,769.38	Capital Projects	(1,681,677.84)	
225 Police Grants Fund	(848.73)		(848.73)	B&I	193,757.90	
251 Emporia Homeowner Repair	6,276.16		6,276.16			
252 2014 Housing Rehab	27,379.58		27,379.58			
254 2020 CDBG Rehab Grant	3,994.00		3,994.00			
260 Land Bank	133,542.18		133,542.18			
301 Bond and Interest Fund	3,913,649.90	3,719,892.00	193,757.90			
305 Equipment Reserve Fund	208,982.72	579,091.00	(370,108.28)			
401 Coronavirus Recovery Grant	58,626.45		58,626.45			
406 Internal Improvement Fund	3,084,220.51		3,084,220.51			
407 Rec Center Projects	(275,377.60)		(275,377.60)			
409 Water Treatment Plant Improvement	404,979.63		404,979.63			
413 Water Main Improvements	(5,530,015.09)		(5,530,015.09)			
415 Civic Auditorium Project Fund	193,511.14		193,511.14			
423 Airport Improvements Fund	214,540.71		214,540.71			
428 Park Improvements Fund	(170,549.57)		(170,549.57)			
441 Paving Projects Fund	(3,087,052.29)		(3,087,052.29)			
442 Construction Projects Fund	(261,660.16)		(261,660.16)			
444 Waste water Improvement	3,687,098.43		3,687,098.43			
501 Water Utility Fund	(421,930.35)	389,332.00	(2,425,172.19)			
502 Sewer Fund	377,515.30	(19,717.00)	(975,674.43)			
503 Solid Waste Fund	2,672,703.63	2,305,852.00	1,523,914.30			
601 Worker's Comp Fund	2,334,177.50		2,334,177.50			
602 Health Care Fund	2,421,103.20		2,421,103.20			
708 Fire Insurance Proceeds	6,612.69		6,612.69			
	22,410,991.94					

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, December 4, 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.

**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.

No comments were made at this time.

**CITY COMMISSION
(Board Appointments)**

Multi Use Path Planning Board:

It was moved by Commissioner Curtis, seconded by Commissioner Brinkman that Misty Williams be appointed to the Multi Use Path Planning Board for a term that expires on January 1, 2027. The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**BUDGET
(2024 Budget Amendments)
(Public Hearing)
(Ordinance Number 24-41)**

AN ORDINANCE AMENDING THE 2024 BUDGET, to which the City Clerk assigned Ordinance Number 24-41, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Finance, was recognized and addressed the Governing Body. She stated a public hearing will need to be conducted to amend the 2024 Budget to increase spending authority and an ordinance authorizing the increase in the Water Fund. A notice was published in the Emporia Gazette 10 days prior to the public hearing as required by State Statute. The Water Fund expenditures have exceeded the 2024 approved amount due to:

Maintenance and repair increase of \$454,950 for water main repairs.

Commodities increase of \$573,150 for chemical costs.

Debt payment increase of \$271,861 for interest payment on state loan drawdowns.

Transfer increase of \$5,225,000 for pass-through draws for projects paid with the State loan.

Mayor Harter then declared the public hearing open.

As no one in attendance wished to address the Governing Body, Mayor Harter then declared the public hearing closed.

Commissioner Brinkman made a motion to approve Ordinance Number 24-41, an ordinance amending the 2024 Budget. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; Mayor Harter, aye.

CITY COMMISSION
(Utility Rate Increases)
(Water Rates, Wastewater Rates, and Solid Waste Rates)
(Ordinance Numbers 24-37, 24-38, 24-39, 24-40)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WATER RATES AMENDING SECTION 28-41, 28-42, AND 28-43 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-37, was presented to the Governing Body for their consideration.

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WASTEWATER RATES; AMENDING SECTION 28-144 SCHEDULE OF CHARGES, to which the City Clerk assigned Ordinance Number 24-38, was presented to the Governing Body for their consideration.

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO SOLID WASTE RATES; AMENDING SECTION 23-26 SCHEDULE OF CHARGES; AND

REPEALING SAID SECTION AS IT PREVIOUSLY EXISTED, to which the City Clerk assigned Ordinance Number 24-39, was presented to the Governing Body for their consideration.

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO SOLID WASTE RATES; AMENDING SECTION 23-74 SCHEDULE OF CHARGES; AND REPEALING SAID SECTION AS IT PREVIOUSLY EXISTED, to which the City Clerk assigned Ordinance Number 24-40, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Finance, was recognized and addressed the Governing Body. She stated during the 2025 budget process the need for rate increases in the water fund, wastewater fund and solid waste funds were discussed. Previous discussions presented several options to keep the monthly cost as manageable as possible for residents and provide revenue to maintain these vital services. She stated maintenance, treatment costs, personnel and debt payments have increased over the past years in all three utility funds. The reserves have substantially decrease in the Water and Wastewater Funds. Waste hauling contract costs have increased, which will cause reserves to decrease in the Solid Waste Fund. The proposed ordinances recommend amending the utility rates as follows:

January 1, 2025, a (10%) increase in the water fund to the consumption rate and monthly meter rate for 2025. January 1, 2026, the 5/8" inside city meter rate will decrease \$3.00 and meters larger than 3" will double in the monthly meter rate. The consumption charges for inside city rates will change to: first 2,000 gallons of water - \$6.00; 2,001 to 8,000 gallons of water - \$4.94; 8,001 to 190,000 gallons of water - \$4.16; 190,001 to 6,800,000 gallons of water - \$2.85. All charges are per 1,000 gallons used.

January 1, 2025, a 10% increase in the wastewater fund to the consumption rate and monthly meter rate. January 1, 2026, a 10% increase to the consumption rate and monthly meter rate.

January 1, 2025, a 10% increase to the polycart, dumpsters, roll offs and landfill charges. January 1, 2026, a 10% increase to the polycart, dumpsters and roll off charges; a 15% increase to the roll off rental charges and a 20% increase to landfill charges. She stated staff recommend approval of Ordinance Numbers 24-37, 24-38, 24-39 and 24-40 for utility rate increases.

Following further discussion, Mayor Harter made a motion to approve Ordinance Number 24-37, Ordinance Number 24-38, Ordinance Number 24-39, and Ordinance Number 24-40 for utility rate increases effective January 1, 2025, and January 1, 2026. Commissioner Sauder seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

**ECONOMIC DEVELOPMENT
(Camso Manufacturing USA Ltd.)
(Tax Rebate Agreement)**

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated in August of 2015, the City of Emporia issued Taxable Industrial Revenue Bonds for the development of a manufacturing facility located at 841 Overlander Street. The project received a ten-year, 100% property tax abatement from the City, which expires on December 31, 2024. She stated Camso Manufacturing USA Ltd is under contract to purchase the project from Overlander Street, LLC and as part of this transaction, the Tax Abatement will be terminated. The City of Emporia and Lyon County are now considering entering into a Tax Rebate Agreement with Camso Manufacturing USA Ltd to rebate a portion of the ad valorem property taxes for 2024 and 2025. She stated the proposed agreement outlines a rebate structure where both the City and the County will rebate to Camso Manufacturing USA, Ltd. the ad valorem real property taxes assessed on the project for 2024 and 2025. Each entity will pay the rebate within 30 days following receipt of taxes. The agreement will terminate once the entire rebate has been paid. There are no additional financial obligations beyond the rebate payments specified in the agreement. She stated staff recommend authorizing the Mayor to execute the Tax Rebate Agreement with Lyon County and Camso Manufacturing USA, Ltd.

Commissioner Smith made a motion authorizing the Mayor to execute the Tax Rebate Agreement with Lyon County and Camso Manufacturing USA, Ltd. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

ECONOMIC DEVELOPMENT
(Approving the Sale of a Certain Project Financed with Revenue Bonds)
(Resolution Number 3748)

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated the previously issued taxable IRB's, Series A, 2015 Overlander Street, LLC for the purpose of financing the development of a commercial project, has exercised its option to purchase the project and has requested that the City redeem the Bonds and complete the necessary documentation for the transfer of ownership. The proposed resolution authorizes the sale of the project, the early redemption of the Bonds, and the execution of various documents, including a Special Warranty Deed, Bill of Sale, Termination and Release of Lease, and a Satisfaction, Discharge and Release of Indenture. She stated the Sale of Project: The City will convey the project to the Tenant once the necessary funds are deposited with the Trustee to defease the Bonds and the \$1,000 payment required by the Lease is received. Redemption of the Bonds: the governing body consents of the early redemption of the Bonds, in accordance with instruction from the Tenant. Execution of Documents: The Mayor is authorized to execute the Special Warranty Deed, Bill of Sale, Termination and Release of Lease, and Satisfaction, Release, and Discharge of Indenture. Further Actions: The City's officers, agents, and employees are directed to take additional necessary actions to complete the transaction and comply with the terms outlined in the resolution. She stated staff recommend approval of Resolution Number 3748 approving the Sale of Certain Project Financed with Revenue Bonds of the City of Emporia and authorizing the Mayor to execute the necessary documents to complete the sale and redemption process.

Commissioner Smith made a motion to approve Resolution Number 3748 authorizing the Mayor to execute the necessary documents to complete the sale and redemption process. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Consent Agenda

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

- a. Minutes of Regular Commission Meetings Held on November 20, 2024.
- b. Approve 2025 Emporia Public Library Maintenance Agreement.
- c. Approve Resolution Number 3747 for Boundary of City Limits.
- d. Year End Charge Offs for 2024.
- e. Purchase of Monitor/Defibrillator.
- f. Purchase of Power Load System.

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

TENTATIVE AGENDA FOR DECEMBER 18, 2024, MEETING.

- Appoint TGT Members.
- Ordinance for Public Building Commission.
- 502 Commercial RHID Initiation.
- Award Bid for Lift Station #1.

STUDY SESSION

Discuss Updates to Charter Ordinance Number 38.
Discuss Legislative Policy Statement.

CITY COMMISSION (Governing Body Comment)

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

EXECUTIVE SESSION

Commissioner Brinkman made a motion to recess into Executive Session for 30 minutes inviting pertinent city staff to conduct an annual performance evaluation. The justification for the executive session is provided by K.S.A. 75-4319(b)(1) to protect the privacy of the employee's personnel record. The open meeting will resume in this room at approximately 11:50 a.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 11:50 a.m., this same date, in the City Commission Meeting Room, 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 at approximately 12:00 p.m. Mayor Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

Upon reconvening the meeting in Regular Session, at 12:00 p.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had discussed an annual performance evaluation with the following action.

Commissioner Smith made a motion to authorize the Mayor to sign an updated employment agreement with the City Manager. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

EXECUTIVE SESSION

Commissioner Smith 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 a third parties. The open meeting will resume in this room at approximately 12:21 p.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner

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

Upon reconvening the meeting in Regular Session, at 12:21 p.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had discussed confidential data of a third party relating to economic development and no action was taken.

Mayor Harter made a motion to recess the meeting until 12:30 p.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye and Commissioner Sauder, nay.

The following items were discussed at the Study Session:

Economic Development Committee

Discuss Brick Streets

Approve Resolution Number 3749 to increase Golf Course Rates.

Study Session Discussion:

**Emporia Municipal Golf Course
Increase in Golf Course Rates
Resolution Number 3749**

Marcus Erkel, Head Golf Professional, stated the golf course and the Golf Advisory Board are requesting an increase in daily and weekend tournament fees. He stated the Golf Advisory Board previously discussed the increase in user fees in order to pay for the operation and improvements to the municipal golf course. He stated the annual rate increase from last year is sufficient for 2025. The increase in the daily fees will put the Emporia Golf Course more in line with other golf courses in the state. He stated staff recommend approval of Resolution Number 3749 authorizing certain rate adjustments to the fee structure at the Emporia Municipal Golf Course.

Commissioner Sauder made a motion to approve Resolution Number 3749 for certain rate adjustments to the fee structure at the Emporia Municipal Golf Course. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

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

Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk

November 13, 2024
Corner House/CrossWinds merger

Dear Emporia City Commissioners

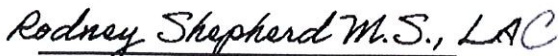
It is our pleasure to inform you that Corner House Inc. and CrossWinds Counseling and Wellness have entered into an agreement to merge our fine Behavioral Health and Substance Use Disorder (SUD) Treatment companies to provide improved services to our community.

Corner House will still be Corner House but we will now be the SUD treatment division of CrossWinds Counseling and Wellness which is now a Certified Community Behavioral Health Center (CCBHC). Corner House will still be located at its current location at 418 Market in Emporia, Kansas and as they have done for the past 50 years, they will continue to deliver quality evidence-based SUD treatment for our community and surrounding counties. We are excited about this merger as not only will this merger make Corner House part of a CCBHC but it will enable them to provide services like Medically Assisted Treatment (MAT), and mental health treatment for those with co-occurring disorders. This merger will allow us to treat SUDs in tandem with other mental health disorders resulting in more successful treatment for our families. As well as all of the other services CrossWinds provides i.e. Therapy (Individual, Family, Couples, Group), Medication Services, Case Management (have specialists as well: financial, housing, employment, SOAR/disability help), ACT team, Evergreen Residential home - high needs individuals that are working on transitional housing skills, Psychosocial Groups (kids and adults; work on ADLs, coping, behaviors, etc), Crisis/Emergency Services 24/7 - crisis house, emergency assessments, Mobile Crisis Response, Jail liaisons, Attendant care and peer support, Community Education, Community Debriefings, and more.

We would like to request that beginning January 1, 2025, any remaining Corner House 2024 allocation and Corner House's 2025 appropriation dollars be transferred to CrossWinds without impacting CrossWinds 2025 appropriation requests, in order for us to continue to meet the objectives we are committed to. CrossWinds 2026 request will be requested as one entity.

Corner House and CrossWinds are very excited about all the services this merger can provide for our communities. Together we will continue to use any public funding to provide the best behavioral health and SUD treatment available.

Sincerely


Rodney D. Shepherd M.S., LAC
Executive Director
Corner House Inc.


Amanda Cunningham M.S. LMLP
Chief Executive Officer
CrossWinds Counseling & Wellness



Commission Action Report

Resolution No. 3750 to Adopt 2025 Pay Scales

Title: Resolution No. 3750 to Adopt 2025 Pay Scales

Agenda Date: December 18, 2024

Presented By: Jo Lynne Herron, Director of Human Resources

Background:

The City of Emporia contracted with The Arnold Group to conduct a salary study which was completed and presented to the Commission during the April 19, 2023, study session.

Discussion:

As people are the most important piece of making any organization work, a classification and compensation system—which defines the types of jobs in an organization and how much those types of jobs will pay—is the framework in which organizations manage their job classifications and distribute pay to employees in a manner that is fair, strategic, and competitive within a given market. Based on the current market findings and with a commitment to remain competitive for labor and talent in the region, the City should make adjustments to our pay scales.

Financial considerations:

The annual impact of adopting the 2025 pay scales is estimated to be \$631,311 in base wages and has been approved within the 2025 budget.

Recommended action:

Approve Resolution No. 3750 to Adopt 2025 Pay Scales.

Attachments:

Resolution No. 3750
2025 Pay Scales

RESOLUTION NO. 3750

**A RESOLUTION OF THE GOVERNING BODY OF EMPORIA, KANSAS
ADOPTING A REVISED COMPENSATION PLAN**

WHEREAS, the Governing Body of the City of Emporia conducted a formal compensation study and subsequently adopted a compensation plan through Resolution 3695 on May 3, 2023, adjusting the Compensation Scales and resolving that the Compensation Scales will be reviewed annually to address changes in market conditions; and

WHEREAS, market trends indicate a robust and competitive environment with increased demands for labor in various fields, supporting an increase to the Compensation Scales; and

WHEREAS, the City Commission has determined that it is necessary and appropriate to increase the Compensation Scales in order to attract and retain a skilled and motivated workforce.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS that the Compensation Plan is hereby revised to include the Salary Scales attached hereto, increasing the Compensation Scales benchmark by two percent effective December 22, 2024.

BE IT FURTHER RESOLVED that the Compensation Scales will be reviewed annually to address changes in market conditions.

BE IT FURTHER RESOLVED employee pay will be adjusted 2% unless they are at the top of scale, then they will receive a bonus for any amount of the 2% that exceeds the maximum of the pay scale.

BE IT FURTHER RESOLVED that all city employees shall receive a one-time payment of \$500 that will be pro-rated for part-time hourly employees based on actual hours worked.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS this 18th day of December 2024.

Eren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk



City of Emporia: 2025 Pay Scales

Base Grade					F1 - Fire / EMS: 2,080 Schedule				F2 - Fire / EMS: 2,944.8 Schedule				F3 - Fire / EMS: 3,238.3 Schedule				F4 - Fire / EMS: 2,756 Schedule				Police - Sworn			
		Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max		
Annually	10	\$29,536	\$37,336	\$45,240																				
Bi Weekly		\$1,136	\$1,436	\$1,740																				
Hourly		\$14.20	\$17.95	\$21.75																				
Annually	11	\$32,136	\$40,560	\$49,088																				
Bi Weekly		\$1,236	\$1,560	\$1,888																				
Hourly		\$15.45	\$19.50	\$23.60																				
Annually	12	\$34,840	\$43,992	\$53,248																				
Bi Weekly		\$1,340	\$1,692	\$2,048																				
Hourly		\$16.75	\$21.15	\$25.60																				
Annually	13	\$37,752	\$47,736	\$57,824																				
Bi Weekly		\$1,452	\$1,836	\$2,224																				
Hourly		\$18.15	\$22.95	\$27.80																				
Annually	14	\$40,768	\$51,584	\$62,504																				
Bi Weekly		\$1,568	\$1,984	\$2,404																				
Hourly		\$19.60	\$24.80	\$30.05																				
Annually	15	\$44,096	\$55,744	\$67,496																				
Bi Weekly		\$1,696	\$2,144	\$2,596																				
Hourly		\$21.20	\$26.80	\$32.45																				

	Base Grade				F1 - Fire / EMS: 2,080 Schedule				F2 - Fire / EMS: 2,944.8 Schedule				F3 - Fire / EMS: 3,238.3 Schedule				F4 - Fire / EMS: 2,756 Schedule				Police - Sworn			
Annually	30	\$42,315	\$54,595	\$66,880	30F1	\$48,239	\$62,238	\$76,243	30F2	\$48,239	\$62,238	\$76,243								30S	\$48,239	\$62,238	\$76,243	
Bi Weekly		\$1,628	\$2,100	\$2,572		\$1,855	\$2,394	\$2,932		\$1,855	\$2,394	\$2,932									\$1,855	\$2,394	\$2,932	
Hourly		\$20.34	\$26.25	\$32.15		\$23.19	\$29.92	\$36.66		\$16.38	\$21.13	\$25.89									\$23.19	\$29.92	\$36.66	
Annually	31	\$48,635	\$62,750	\$76,870	31F1	\$55,444	\$71,535	\$87,632	31F2	\$55,444	\$71,535	\$87,632	31F3	\$55,444	\$71,535	\$87,632				31S	\$55,444	\$71,535	\$87,632	
Bi Weekly		\$1,871	\$2,413	\$2,957		\$2,132	\$2,751	\$3,370		\$2,132	\$2,751	\$3,370		\$2,132	\$2,751	\$3,370					\$2,132	\$2,751	\$3,370	
Hourly		\$23.38	\$30.17	\$36.96		\$26.66	\$34.39	\$42.13		\$18.83	\$24.29	\$29.76		\$17.12	\$22.09	\$27.06					\$26.66	\$34.39	\$42.13	
Annually	32	\$54,960	\$70,910	\$86,865	32F1	\$62,654	\$80,837	\$99,026	32F2	\$62,654	\$80,837	\$99,026								32S	\$62,654	\$80,837	\$99,026	
Bi Weekly		\$2,114	\$2,727	\$3,341		\$2,410	\$3,109	\$3,809		\$2,410	\$3,109	\$3,809									\$2,410	\$3,109	\$3,809	
Hourly		\$26.42	\$34.09	\$41.76		\$30.12	\$38.86	\$47.61		\$21.28	\$27.45	\$33.63									\$30.12	\$38.86	\$47.61	
Annually	33	\$62,105	\$80,130	\$98,160	33F1	\$70,800	\$91,348	\$111,902	33F2	\$70,800	\$91,348	\$111,902								33S	\$70,800	\$91,348	\$111,902	
Bi Weekly		\$2,389	\$3,082	\$3,775		\$2,723	\$3,513	\$4,304		\$2,723	\$3,513	\$4,304									\$2,723	\$3,513	\$4,304	
Hourly		\$29.86	\$38.52	\$47.19		\$34.04	\$43.92	\$53.80		\$24.04	\$31.02	\$38.00									\$34.04	\$43.92	\$53.80	
Annually	34	\$70,180	\$90,550	\$110,925	34F1	\$80,005	\$103,227	\$126,455	34F2	\$80,005	\$103,227	\$126,455								34S	\$80,005	\$103,227	\$126,455	
Bi Weekly		\$2,699	\$3,483	\$4,266		\$3,077	\$3,970	\$4,864		\$3,077	\$3,970	\$4,864									\$3,077	\$3,970	\$4,864	
Hourly		\$33.74	\$43.53	\$53.33		\$38.46	\$49.63	\$60.80		\$27.17	\$35.05	\$42.94									\$38.46	\$49.63	\$60.80	
Annually	35	\$79,305	\$102,325	\$125,350	35F1	\$90,408	\$116,651	\$142,899	35F2	\$90,408	\$116,651	\$142,899								35S	\$90,408	\$116,651	\$142,899	
Bi Weekly		\$3,050	\$3,936	\$4,821		\$3,477	\$4,487	\$5,496		\$3,477	\$4,487	\$5,496									\$3,477	\$4,487	\$5,496	
Hourly		\$38.13	\$49.19	\$60.26		\$43.47	\$56.08	\$68.70		\$30.70	\$39.61	\$48.53									\$43.47	\$56.08	\$68.70	

	Base Grade				F1 - Fire / EMS: 2,080 Schedule				F2 - Fire / EMS: 2,944.8 Schedule				F3 - Fire / EMS: 3,238.3 Schedule				F4 - Fire / EMS: 2,756 Schedule				Police - Sworn			
Annually	40	\$98,235	\$122,790	\$147,350	40F1	\$111,988	\$139,981	\$167,979												40S	\$111,988	\$139,981	\$167,979	
Bi Weekly		\$3,778	\$4,723	\$5,667		\$4,307	\$5,384	\$6,461													\$4,307	\$5,384	\$6,461	
Hourly		\$47.23	\$59.03	\$70.84		\$53.84	\$67.30	\$80.76													\$53.84	\$67.30	\$80.76	
Annually	41	\$112,970	\$141,210	\$169,455	41F1	\$128,786	\$160,979	\$193,179												41S	\$128,786	\$160,979	\$193,179	
Bi Weekly		\$4,345	\$5,431	\$6,518		\$4,953	\$6,192	\$7,430													\$4,953	\$6,192	\$7,430	
Hourly		\$54.31	\$67.89	\$81.47		\$61.92	\$77.39	\$92.87													\$61.92	\$77.39	\$92.87	
Annually	42	\$129,920	\$162,395	\$194,875	42F1	\$148,109	\$185,130	\$222,158												42S	\$148,109	\$185,130	\$222,158	
Bi Weekly		\$4,997	\$6,246	\$7,495		\$5,696	\$7,120	\$8,545													\$5,696	\$7,120	\$8,545	
Hourly		\$62.46	\$78.07	\$93.69		\$71.21	\$89.00	\$106.81													\$71.21	\$89.00	\$106.81	

Approved by:

Print Name / Title

Signature / Date



Commission Action Report

Informational Items

Title: Informational Items

Agenda Date: December 18, 2024

Presented By: Trey Cocking, City Manager

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, January 8, 2025.

Commission Meeting :

- Appoint Members to the BZA/Planning Commission
- Ordinance Creating the Public Building Commission
- Reject Lift Station #1 Bid.
- Ordinance to Amend Emporia Community Housing Board
- Resolution for Solid Waste Management Plan
- State of the City Speech
- Adjourn Sine Die
- Business Meeting
 - Elect Mayor and Vice Mayor
 - Approve Surety Bonds for the City Manager, Clerk, and Treasurer
 - Designate the Emporia Gazette as the Official City Paper.
 - Designate Financial Institutions.

Study Session:

- Discuss Tyler Technologies' Work Order Asset Management.
- Discuss Legislative Policy Statement.
- Annual Review of Surplus Property
- Appoint Commission Members to RDA, JEDAC, Recreation Commission, William Allen White Community Partnership, Emporia Enterprises, Transient Guest Tax Advisory Board, Emporia Public Library, Emporia Main Street, and Recreation Commission Steering Committee.
- Ribbon Cutting for Skate Park.



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: December 18, 2024

Recommended Action:

Recess into executive session for 25 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 this room at approximately __:____ a.m./p.m.



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: December 18, 2024

Recommended Action:

Recess into executive session for 15 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: Discuss Procedure for Filling City Commission Vacancies
Agenda Date: December 18, 2024
Presented By: Christina Montgomery, City Attorney

Background

The current procedure for filling vacancies is established in Charter Ordinance No. 38 which exempts the City of Emporia from certain state law provisions which do not apply uniformly to all cities and provides substitute provisions. The state law provision calls for appointment by remaining governing body members to fill the vacancy within a 60-day time limit, with a mandatory special election if the 60-day timeline is not met. Charter Ordinance No. 38 also calls for appointment by the Governing Body with various procedures specified.

Discussion

Staff recommends updating the procedure in the following manner:

- 1) Establish a new charter ordinance establishing that vacancies will be filled by appointment by the remaining members of the governing body, and
- 2) Establishing an ordinary ordinance specifying the procedure for application, evaluation, and voting.

This approach gives the governing body additional flexibility for changing the process while maintaining the appointment mechanism for filling vacancies in charter ordinance.

Staff has provided a sample charter ordinance and ordinary ordinance as a starting point for discussion. The process can be as broad or as detailed as the City Commission deems necessary and appropriate.

Attachments

K.S.A. 12-104a
Charter Ordinance No. 38
charter ordinance draft proposal
ordinance draft proposal

2023 Kansas Statutes

12-104a. Cities, consolidated cities and counties; procedure for filling prolonged vacancies.

(a) The purpose of this section is to provide an orderly and prompt means of filling vacancies in the governing body of a municipality. Prolonged vacancies in the governing body of a municipality deprive citizens of their right to representation and act as impediments to the orderly function of government of municipalities.

(b) As used in this section, the following terms are defined as follows:

(1) "Governing body" shall include the mayor and members of the council, the mayor and commissioners or the chairperson and members of the board of supervisors, depending on the form of government of the city or the consolidated city and county.

(2) "Municipality" means any city or any consolidated city and county.

(c) Except as provided in subsection (d), the governing body of any municipality where a vacancy exists shall appoint, by a majority vote of the remaining members, a person to fill the vacancy within 60 days of the vacancy. If the appointment is not made within the 60-day time frame, the governing body shall pass a resolution calling for a special election to fill such vacancy to be held within 45 days of the passage of such resolution. Candidates for the vacant office shall file for such office as provided in K.S.A. 25-2110a, and amendments thereto. The special election shall be conducted by the county election officer. The candidate receiving the highest number of votes for the vacant position shall assume such office upon certification of the election results.

(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy.

History: L. 2015, ch. 88, § 71; July 1.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF EMPORIA, KANSAS BY ENACTING A NEW SECTION _____ RELATING TO THE FILLING OF GOVERNING BODY VACANCIES IN THE CITY OF EMPORIA, KANSAS.

WHEREAS, the Governing Body of the City has exempted itself from the provisions of K.S.A. 12-104a relating filling vacancies on the City Commission through Charter Ordinance No. _____ and desires to provide substitute and additional provisions.

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

SECTION 1. That Section _____ of the Code of the City of Emporia, Kansas is hereby enacted to read as follows:

“Section ____. **Procedure for Filling Governing Body Vacancies.** Subject to the provisions of Charter Ordinance No. _____, the following process shall be followed when filling vacancies in the city commission.

- a) Any vacancy in the city commission shall be announced at the next regular city commission meeting or special meeting called for that purpose.
- b) Within one week of the announcement of a vacancy, the city clerk shall cause to be published in the official city newspaper a notice that applications are being sought for the filling the unexpired term of the vacant position.
- c) The deadline for applications shall be at 5:00 p.m. on a date specified in the notice, between 14 and 21 days from the date of publication. Applications shall be submitted to the office of the city clerk.
- d) Applications shall include the following:
 - 1) Identifying information sufficient to verify qualified elector status.
 - 2) A statement of qualifications and personal background.
 - 3) A statement addressing why the applicant wishes to serve in the office of city commissioner.
 - 4) A \$20 filing fee or nominating petition signed by twenty qualified electors in the City of Emporia.
- e) The city clerk will submit a list of qualified applicants to the city commission for consideration.
- f) The city commission shall interview each applicant at the next regular city commission meeting or at a special meeting called for that purpose.
- g) At least one day prior to the interview date, the city manager shall compile a list of questions to be asked of all candidates during the interviews.
- h) Interviews shall be conducted in alphabetical order by last name.
- i) Interviews shall consist of an opening statement by applicants and the asking and answering of the list of prepared questions.

- j) At the conclusion of the interviews, the city commission may vote to fill the vacant position, subject to the following provisions:
- 1) The vote shall be conducted in an open meeting of the city commission.
 - 2) The city commission may confer before or after any vote in any manner consistent with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.*
 - 3) The vote may be deferred or continued to a subsequent regular or special meeting. In no event shall the vote be deferred later than the next regular city commission meeting.
 - 4) Each remaining member of the city commission shall vote for one applicant.
 - 5) Any candidate receiving a majority of votes shall be the successful candidate appointed to fill the vacancy.
 - 6) If no applicant receives a majority vote, additional votes shall be taken until one of the applicants receives a majority vote or the matter is deferred until a date certain, which shall not be later than the next regular city commission meeting.
 - 7) If the City Commission is unable to reach a majority consensus, the Commission may take other appropriate action including accepting additional applications, conducting further evaluation, implementing tie-breaker procedures, or establishing a resolution calling for a special election.
- k) Any person appointed to fill an unexpired city commission term shall take the oath of office during the meeting in which they received a majority vote, or at the next regular city commission meeting.

SECTION 2. Effective Date. This ordinance shall take effect after its publication in the official City newspaper and upon the effective date of Charter Ordinance No. ____.

SECTION 3. Incorporation into the Code of the City of Emporia, Kansas. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, KS as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this ____ day of _____, 2025.

, Mayor

ATTEST:

Kerry Sull, City Clerk

CHARTER ORDINANCE NO. _____

A CHARTER ORDINANCE EXEMPTING THE CITY OF EMPORIA, KANSAS FROM THE PROVISIONS OF K.S.A. 12-104a, RELATING TO THE FILLING OF GOVERNING BODY VACANCIES; AND REPEALING CHARTER ORDINANCE NO. 38 CONCERNING THE SAME.

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the “Act”) empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government, including passing charter ordinances which exempt such cities from non-uniform statutes and acts of the Kansas Legislature; and

WHEREAS, the City of Emporia, Kansas (the “City”) is a Municipality, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-104a is part of an enactment of the Kansas Legislature relating to procedure for filling vacancies in the governing body of a municipality, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City has heretofore passed Charter Ordinance No. 38 which exempts the City from the provisions of K.S.A. 12-104a, and provides substitute and additional provisions therefor; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-104a, and to provide substitute and additional provisions therefor, and when effective, repeal the provisions of Charter Ordinance No. 38.

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

Section 1. The City of Emporia, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects and does exempt itself and make inapplicable to it K.S.A. 2015 Supp. 12-104a, relating to the filling of governing body vacancies, which enactment applies to this city, but does not apply uniformly to all cities, and does hereby provide the following substitute and additional provisions as hereinafter set forth.

Section 2. Filling of Governing Body Vacancies.

- (a) The office of city commissioner shall become vacant upon death, resignation, recall, removal from office in any manner authorized by law, or by forfeiture of office pursuant to K.S.A. 60-1205.
- (b) A vacancy in the office of the city commission shall be filled by an appointment of an elector qualified to fill the unexpired term of the vacant position by a majority vote of the remaining members of the governing body. Incumbent city commission officeholders shall not be eligible to fill a vacancy.

Section 3. Charter Ordinance No. 38 of the City of Emporia, Kansas relating to Filling Vacancies on the City Commission is hereby repealed.

Section 4. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 5. This charter ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors thereon.

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, this ____ day of _____, 2025

Attest: _____
Kerry Sull, City Clerk

,Mayor

Title: Contractual Provisions Attachment Discussion

Agenda Date: December 18, 2024

Presented By: Christina Montgomery, City Attorney

Background

Under state and federal law, governmental entities are bound by various legal provisions that may not apply to other businesses and organizations. Examples of such laws include the Kansas Tort Claims Act, Cash Basis and Budget Law, and the Kansas Act Against Discrimination. Confusion can arise when contracting with entities that are not familiar with these requirements.

State agencies, school districts, and community colleges are required by state law to use Contractual Provisions Attachment Form DA-146a. Cities are currently not required to use contractual provisions attachments, but various municipalities do utilize such forms, including the City of Wichita, Sedgwick County, City of Olathe, Unified Government of Wyandotte County, and others.

Discussion

Staff has prepared a draft proposal of a City of Emporia Mandatory Contractual Provisions Attachment for consideration. This document would be added as an attachment to appropriate contracts to clarify legal parameters and help protect the city from certain legal challenges.

Attachments

Draft Proposal – City of Emporia Mandatory Contractual Provisions Attachment
State of Kansas Department of Administration Form DA-146a

Exhibit _____
CITY OF EMPORIA, KANSAS,
MANDATORY CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions for the City of Emporia, Kansas (hereinafter "the City") and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The provisions found in City of Emporia, Kansas, Contractual Provisions Attachment which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which attached and made a part thereof, said contract being the ____ day of _____, 20 ____.

1. Controlling Provisions. It is expressly agreed that the terms of this Contractual Provisions Attachment prevail and control over the terms of any other conflicting provision in any other document relating to the Agreement in which this attachment is incorporated.
2. Representative's Authority to Contract. By signing this Agreement, the representative of the Contractor thereby represents that such person is duly authorized by the Contractor to execute this Agreement on behalf of the Contractor and that the Contractor agrees to be bound by the provisions thereof.
3. Governing Law and Venue. This Agreement is 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 contract shall reside only in courts located in the State of Kansas.
4. Arbitration, Damages, Jury Trial and Warranties. The Contractor and the City shall not be obligated to resolve any claim or dispute related to this Agreement by arbitration. Any reference to arbitration in bid or proposal documents is deemed void. The City never consents to the payment of damages or penalties upon the occurrence of a contingency, and expressly denies such acceptance for this Agreement. The City never consents to a jury trial to resolve any disputes that may arise hereunder, and expressly denies such consent for this Agreement. Contractor waives its right to a jury trial to resolve any disputes that may arise hereunder. No provisions of any document within the Agreement between the Parties will be given effect which attempts to exclude, modify, disclaim or otherwise attempt to limit implied warranties of merchantability and fitness for a particular purpose.
5. Cash Basis and Budget Law. This Agreement is subject to the Kansas Cash Basis Law, (K.S.A. 10-1101), the Budget Law (K.S.A. 79-2935), and all other laws of the State of Kansas. This Agreement shall be construed and interpreted so as to ensure that the City shall at all time stay in conformity with such laws, and as a condition of this Agreement, the City reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement may be deemed to violate the terms of such laws.
6. Termination Due to Lack of Funding Appropriation. If, in the judgement of the City's Director of Finance, sufficient funds are not appropriated to continue the function performed in this Agreement and for the payment of the charges hereunder, City may terminate this Agreement at the end of its current fiscal year. City agrees to give written notice of termination to Contractor at least thirty (30) days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided for in the Agreement, except that such notices shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right,

at the end of such fiscal year, to take possession of any equipment provided to City under the Agreement. City will pay to Contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any related equipment. Upon the effective termination of this Agreement by City, title to any such equipment shall revert to Contractor. The termination of the Agreement pursuant to this paragraph shall not cause any penalty to be charged to the City or the Contractor.

7. Anti-Discrimination Requirements. Contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.), the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.), the Discrimination Against Military Personnel Act, K.S.A. 44-1125, and the applicable provisions of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) (ADA); (b) to not engage in discrimination in employment against its contractors, subcontractors, or employees on the basis of their age, color, disability, familial status, gender identity, genetic information, national origin or ancestry, race, religion, sex, sexual orientation, veteran status or any other factor protected by law ("protected class"), subject to the qualifications found in Chapter 13, Article II of the Municipal Code of the City of Emporia; (c) to include in all solicitations or advertisements for employees the phrase "equal opportunity employer;" (d) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (e) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (f) that Contractor's failure to comply with the reporting requirements of (d) above, or if the Contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission or City of Emporia Human Rights Commission, such violation shall constitute a breach of contract and the Agreement may be cancelled, terminated or suspended, in whole or in part by City without incurring contractual damages or penalty; and (g) if it is determined that the Contractor has violated applicable provisions of the ADA, such violation shall constitute a breach of the Agreement and the Agreement may be cancelled, terminated or suspended, in whole or in part by City without incurring contractual damages or penalty.
8. No Limit of Liability. Nothing in this Agreement shall be construed to limit the Contractor's liability to the City as such liability may exist by or under operation of law.
9. Disclaimer of Liability. The City shall not hold harmless nor indemnify the Contractor for any liability whatsoever. The liability of the City is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).
10. Taxes. The City shall not be responsible for, nor indemnify the Contractor for any federal, state, or local taxes which may be imposed or levied upon the subject matter of this Agreement.
11. Insurance. City shall not be required to purchase any insurance against any liability loss or damage to which this Agreement relates, nor shall this Agreement require the City to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act, (K.S.A. 75-6101 *et seq.*), Contractor shall bear the risk of any loss or damage to any personal property to which Contractor holds title.
12. Compliance with Law. Contractor shall comply with all applicable local, state, and federal laws and regulations in carrying out this Agreement, regardless of whether said laws are specifically referenced in this Agreement.

(Rev. 12-2024)

CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the _____ day of _____, 20____.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract 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 contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to

comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if it is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

6. **Acceptance of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority to Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility for Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.*
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EMPORIA, KANSAS
HELD ON DECEMBER 18, 2024**

The governing body met in regular session at the usual meeting place in the City, 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)

There was presented an Ordinance entitled:

**AN ORDINANCE CREATING THE CITY OF EMPORIA, KANSAS PUBLIC
BUILDING COMMISSION AND ESTABLISHING THE PURPOSE,
COMPOSITION, POWERS, FUNCTIONS AND DUTIES THEREOF.**

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

Yea: _____.

Nay: _____.

The Ordinance having received a majority vote of the members-elect of the governing body, the Mayor declared the Ordinance duly adopted, and it was numbered Ordinance No. [_____] and signed by the Mayor and attested by the Clerk. The Clerk was further directed to cause the publication of the Ordinance or a summary thereof one time in the official City newspaper as required by law.

There was presented the matter of appointing the members to the City of Emporia, Kansas Public Building Commission as set forth in Ordinance No. [_____] of the City. The Mayor and each Commissioner presented the following persons and their prospective terms of office:

Mayor/Councilmember	PBC Member
Mayor Harter	Erren Harter
Vice-Mayor Brinkman	Susan Brinkman
Commissioner Smith	Becky Smith
Commissioner Sauder	Jamie Sauder
Commissioner Curtis	Tyler Curtis

Commissioner _____ moved that said appointments be approved. The motion was seconded by Commissioner _____. The motion was duly considered, and upon being put, the motion for approval was carried by the vote of the governing body as follows:

Yea: _____.

Nay: _____.

* * * * *

(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

(Published in *The Emporia Gazette* on December 24, 2024)

ORDINANCE NO. []

AN ORDINANCE CREATING THE CITY OF EMPORIA, KANSAS PUBLIC BUILDING COMMISSION AND ESTABLISHING THE PURPOSE, COMPOSITION, POWERS, FUNCTIONS AND DUTIES THEREOF.

WHEREAS, the City of Emporia, Kansas (the “City”), has heretofore adopted Charter Ordinance No. 45 on September 18, 2024 (the “Charter Ordinance”) pursuant to the provisions of Article 12, Section 5 of the Kansas Constitution, which Charter Ordinance exempted the City from the provisions of K.S.A. 12-1758 and K.S.A. 12-1767 and provided substitute and additional provisions therefore in order to provide an additional and alternative method for financing certain public buildings and facilities of governmental entities; and

WHEREAS, the City is a “city” within the meaning of K.S.A. 12-1757 *et seq.*, as modified by the provisions of the Charter Ordinance (collectively the “Act”); and

WHEREAS, the Act authorizes the City to create a public building commission under the conditions set forth in the Act; and

WHEREAS, the governing body of the City hereby finds it advisable and necessary to formally create a public building commission and to establish the purpose, composition, powers, functions and duties of such public building commission all pursuant to the Act, as modified herein.

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

Section 1. Creation. There is hereby created under the authority of the Act, a municipal corporation to be known as the City of Emporia, Kansas Public Building Commission (the “PBC”).

Section 2. Composition. The PBC shall be composed of 5 members (the “Members”). The Mayor and each Commissioner shall appoint one Member to the PBC; such Members shall serve at the pleasure of and only during the term of the person that appoints such Member. In the event that the PBC provides buildings or structures that are leased to governmental entities other than the City, the composition of the PBC shall be modified by subsequent ordinance of the City to conform to the requirements of the Act.

Section 3. Purpose, Powers and Functions. The PBC is created for the purposes of, and shall have the powers and shall perform the functions set forth in, the Act; provided that the PBC shall not enter into any leases for PBC property to entities other than the City without the prior approval of the governing body of the City. The City, by ordinance or charter ordinance hereafter taking effect, shall have the authority to further limit or expand the purposes, powers and/or functions of the PBC.

Section 4. Support Services. Unless otherwise approved by the governing body, the City Manager and City Clerk shall provide administrative services to the PBC and the City's bond counsel and City Attorney shall provide legal services to the PBC.

Section 5. Further Action. The PBC shall have the authority to adopt bylaws, resolutions or other official actions authorized by the Act and not inconsistent with the provisions of this Ordinance to govern its actions.

Section 6. Severability. If any provision of this Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidation shall not affect any other provision of this Ordinance. This Ordinance shall be enforced and construed as if such illegal or invalid provision had not been contained herein.

Section 7. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

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PASSED by the governing body of the City on December 18, 2024 and **SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on December 18, 2024; that the record of the final vote on its passage is found on page ____ of journal ____; and that it was published in *The Emporia Gazette* on December 24, 2024.

DATED: December 24, 2024.

Clerk

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**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EMPORIA, KANSAS
HELD ON DECEMBER 18, 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)

There was presented a Resolution entitled:

A RESOLUTION REQUESTING THE CITY OF EMPORIA, KANSAS PUBLIC BUILDING COMMISSION TO ISSUE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS TO ACQUIRE A SITE AND CONSTRUCT AND EQUIP THEREON A FIRE STATION FACILITY TO BE LEASED TO THE CITY OF EMPORIA, KANSAS.

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 vote of the governing body as follows:

Yea: _____.

Nay: _____.

The Mayor declared the Resolution duly adopted, the Resolution was then duly numbered Resolution No. [____], and was signed by the Mayor and attested by the Clerk and was directed to be forwarded by the Clerk to the City of Emporia, Kansas Public Building Commission.

* * * * *

(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

RESOLUTION NO. [____]

A RESOLUTION REQUESTING THE CITY OF EMPORIA, KANSAS PUBLIC BUILDING COMMISSION TO ISSUE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS TO ACQUIRE A SITE AND CONSTRUCT AND EQUIP THEREON A FIRE STATION FACILITY TO BE LEASED TO THE CITY OF EMPORIA, KANSAS.

WHEREAS, the governing body of the City of Emporia, Kansas (the “City”) hereby deems it advisable to acquire a site and construct and equip thereon a fire station facility (the “Project”); and

WHEREAS, the estimated costs to acquire, develop, construct, equip and finance the Project are \$16,000,000; and

WHEREAS, under the authority of K.S.A. 12-1757 *et seq.*, as amended by Charter Ordinance No. 45 of the City (collectively the “Act”), the City has heretofore created the City of Emporia, Kansas Public Building Commission, a municipal corporation of the State of Kansas (the “PBC”); and

WHEREAS, the PBC has the power and authority under the Act to issue revenue bonds to provide funds for the purpose of paying all or a portion of the costs of the Project; and

WHEREAS, the City deems it advisable to request that the PBC provide for the financing of the Project.

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

Section 1. Authorization of Project. It is hereby deemed and declared to be necessary to authorize the Project at an estimated acquisition, development, construction, equipping and financing cost of \$16,000,000.

Section 2. Financing of Project. In order to pay all or a portion of the costs of the Project and related reserves and financing costs, it is necessary and desirable for the PBC to issue revenue bonds in one or more series (the “Bonds”). It is hereby requested that the PBC issue the Bonds in an aggregate amount not to exceed \$16,000,000, in accordance with the provisions of the Act and all other laws of the State of Kansas supplemental thereto or amendatory thereof. The City hereby requests that the PBC proceed with the issuance of such revenue bonds without providing an opportunity for protest as authorized in Charter Ordinance No. 45 of the City. The City also hereby declares an intent to enter into a lease or lease-purchase agreement with the PBC pursuant to the Act to provide for the source of repayment of the debt service on the Bonds and other expenses, subject to final approval of such lease by the governing body of the City.

Section 3. Preliminary Official Statement. The governing body of the City hereby consents to the PBC’s use and distribution of the Preliminary Official Statement in connection with the sale of the Bonds. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Mayor and Director of

Finance, or other appropriate representatives of the City, are each hereby authorized: (a) to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as **Exhibit A**, as approval of the information relating to the City contained in the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the governing body's approval thereof; (b) covenant that the City will provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 4. Previous Actions. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the City or the officials of the City, directed toward the Project, or the leasing of the Project from the PBC, are hereby ratified, approved and confirmed.

Section 5. Reimbursement. The City hereby declares an official intent to reimburse expenditures for Project costs incurred on or after 60 days prior to this date pursuant to Treasury Regulation §1.150-2.

Section 6. Effective Date. This resolution shall be effective from and after its adoption.

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ADOPTED AND APPROVED by the governing body of the City of Emporia, Kansas, on December 18, 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 December 18, 2024, as the same appears of record in my office.

DATED: December 18, 2024.

Clerk

EXHIBIT A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

_____, 20__

Re: City of Emporia, Kansas Public Building Commission Revenue Bonds, Series 2025 (Fire Station Facility Project)

The undersigned are the duly acting Mayor and Director of Finance of the City of Emporia, Kansas (the “City”), and are authorized to deliver this Certificate to the addressee (the “Purchaser”) on behalf of the City.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the “Rule”), the City hereby deems the information regarding the City contained in the Preliminary Official Statement relating to the above-referenced bonds (the “Bonds”) to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Bonds depending on such matters.

CITY OF EMPORIA, KANSAS

By: _____
Title: Mayor

By: _____
Title: Director of Finance

**EXCERPT OF MINUTES OF A MEETING
OF THE CITY OF EMPORIA, KANSAS
PUBLIC BUILDING COMMISSION
HELD ON DECEMBER 18, 2024**

The City of Emporia, Kansas Public Building Commission (the “PBC”) met at the City of Emporia Commission Room, at _____ .m. The following members of the PBC were present:

The following members of the PBC were absent:

(Other Proceedings)

There was presented a Resolution entitled:

**A RESOLUTION OF THE CITY OF EMPORIA, KANSAS PUBLIC BUILDING
COMMISSION APPROVING AND ADOPTING BYLAWS.**

The Resolution was considered and discussed; and thereupon on motion of Member _____, seconded by Member _____, the Resolution was adopted by the following vote:

Yea: _____.

Nay: _____.

Thereupon, the Resolution having been adopted by vote of a majority of the members of the PBC it was given No. [_____] was ordered to be signed by the President and attested by the Secretary.

There was presented the matter of electing officers of the PBC as required by the Bylaws of the PBC. Member _____ presented the following slate of officers for a term commencing this date and ending on _____:

<i>Position</i>	<i>Name</i>
President	
Vice-President	
Secretary	

The motion was seconded by Member _____. Said motions were duly considered, and upon being put, the motion for approval were carried by the vote of the PBC, the vote being as follows:

Yea: _____.

Nay: _____.

(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 City of Emporia, Kansas Public Building Commission held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(Seal)

Secretary

RESOLUTION NO. [____]

**A RESOLUTION OF THE CITY OF EMPORIA, KANSAS PUBLIC BUILDING
COMMISSION APPROVING AND ADOPTING BYLAWS.**

WHEREAS, the City of Emporia, Kansas (the “City”), pursuant to its Ordinance No. [____], has heretofore created the City of Emporia, Kansas Public Building Commission (the “PBC”), a municipal corporation of the State of Kansas; and

WHEREAS, the PBC has been granted the authority to function as a public building commission pursuant to the authority of K.S.A. 12-1757 *et seq.*, as amended by Charter Ordinance No. 45 of the City (collectively the “Act”); and

WHEREAS, the PBC is authorized, and hereby finds it necessary and advisable, to approve and adopt bylaws to govern the internal affairs of the PBC.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF EMPORIA, KANSAS
PUBLIC BUILDING COMMISSION:**

Section 1. Approval and Adoption of Bylaws. The Bylaws presented with and attached to this Resolution as *Exhibit A* are approved and adopted by the PBC and shall govern the internal affairs of the PBC. The Bylaws may be amended as provided therein.

Section 2. Effective Date. This Resolution shall be effective from and after its adoption by the PBC.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the City of Emporia, Kansas Public Building Commission on December 18, 2024.

President

ATTEST:

Secretary

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 Public Building Commission adopted on December 18, 2024 as the same appears of record in my office.

DATED: December 18, 2024.

Secretary

EXHIBIT A
PBC BYLAWS

**BYLAWS
OF THE
CITY OF EMPORIA, KANSAS PUBLIC BUILDING COMMISSION**

ARTICLE I

AUTHORITY

The City of Emporia, Kansas Public Building Commission ("PBC") has been created pursuant to Ordinance No. [] (the "Ordinance") of the City of Emporia, Kansas (the "City"), and it is authorized to adopt these bylaws pursuant to law and the Ordinance.

ARTICLE II

ORGANIZATION AND OFFICERS

A. The officers of the PBC shall be a President, a Vice-President and a Secretary, and they shall have the following authority:

- 1.** The President shall preside at all meetings of the PBC and shall sign, execute, act and deliver for the PBC all contracts, warrants, deeds, conveyances, leases, bonds and documents of any kind required or authorized to be signed or delivered by the PBC.
- 2.** The Vice President shall in the absence or disqualification or disability of the President perform the duties of the President and shall act in his/her place with the full power and authority which he/she would have were he/she present. In case of the resignation or death of the President, the Vice President shall perform such duties as are imposed on the President until such time as the PBC shall elect a new President.
- 3.** The Secretary shall keep the records of the PBC and act as secretary at the meetings thereof. The Secretary shall record all votes and shall keep all records of the proceedings of the PBC in a written journal. The Secretary shall keep and protect the seal of the PBC and shall have the power to affix such seal and attest to all contracts and documents authorized to be executed by the PBC.

B. The PBC shall appoint such other officers as may be required by law or ordinance or as the business of the PBC demands.

C. The officers of the PBC shall perform such other duties and functions as may from time to time be required by the PBC or the Bylaws and regulations of the PBC.

D. The President, Vice President and Secretary shall be elected at the annual meeting of the PBC from among and by its number; and they shall hold office for one year or until their successors are elected and qualified.

E. Should an elective office become vacant, the Members of the PBC shall elect a successor from their membership at the next meeting or as soon as is reasonably possible; and such successor shall serve for the unexpired term of office.

F. The PBC may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by law, provided funds are available or made available by the City.

G. Members and officers of the PBC shall serve without compensation.

ARTICLE III

MEETINGS OF THE PBC

A. The annual regular meeting of the PBC shall be held in June of each year. The time and place of such meetings shall be determined by the President.

B. The Secretary, or other authorized officer, shall prepare a notice of the meeting and an agenda of all matters to come before the PBC and mail (either physically or electronically) same to the PBC Members no later than one week preceding the next regular meeting. A copy of the agenda shall also be furnished to the City Administrator and City Attorney for the City. Any Member of the PBC may cause matters to be placed on the agenda by advising the Secretary no later than 12:00 noon on the tenth day preceding the next scheduled meeting.

C. Special meetings of the PBC may be called by the President at any time by giving 48 hours' notice of the time and place of such meeting to all of the Members thereof, and such meetings may also be called upon the request of a majority of the qualified Members.

D. A majority of the qualified Members shall constitute a quorum.

E. All meetings of the PBC shall be conducted in accordance with Robert's Rules of Order, except as otherwise provided by these Bylaws or by procedures adopted by the PBC.

F. At the regular meeting of the PBC, the order of business shall be as follows:

1. Roll Call
2. Approval of Minutes of Previous Meeting
3. Communications
4. Reports
5. Unfinished Business
6. New Business
7. Adjournment

G. All matters of business shall be voted upon by voice vote. The yeas and nays shall be entered on the minutes of such meeting when the vote is other than unanimous. On motion and passage of a majority of the Members present, a roll call vote may be taken.

H. The PBC shall act by resolution in all formal matters. Resolutions may be adopted by a majority vote of qualified Members present and voting; provided that any resolution approving the

issuance of Bonds (as hereinafter defined) shall be adopted by vote of a majority of all qualified Members of the PBC.

ARTICLE IV

POWERS AND DUTIES OF THE PBC

The PBC shall have authority, and be subject to the limitations thereto, prescribed in the Ordinance, including the power to:

A. Acquire real estate for purposes of constructing, reconstructing, equipping and furnishing, or purchase or otherwise acquire, a building or buildings or other facilities ("Land and Facilities") of a revenue producing character, including a building or buildings or facilities maintained and operated for (i) City offices or such other purposes as are commonly carried on in connection with such facilities and general City buildings, (ii) for public, municipal, community or recreational purposes of the City, (iii) for educational, recreational or administrative purposes for school districts (iv) housing and accommodation of county offices or county businesses or such other purposes as are commonly carried on in connection with such facilities and general county buildings and (v) for housing, accommodations and parking facilities for offices of state and federal agencies; and

B. Enter into leases to lease all or any part of such Land and Facilities to any nonprofit corporation organized under the laws of the State of Kansas, or any federal, state, city or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service in the county seat or county in which the commission was organized and to rent any space as may not be needed by such governmental agencies for such service facilities as such public building commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities; and

C. Acquire fee simple title to real estate, including easements and reversionary interests in roads, highways, streets, alleys and other public places, and personal property required for PBC purposes by purchase, gift, or devise and to take title in the corporation name of the PBC; and

D. Borrow money and issue revenue bonds ("Bonds") in the manner provided by law for the purpose of paying the cost or a portion of the cost of acquiring, constructing, equipping and furnishing Land and Facilities; to pledge the net revenues received from such Land and Facilities to secure such Bonds; and to make covenants with respect to the maintenance, operation, repair and insuring of improvements thereon; and

E. Adopt a seal; and

F. Convey title to governmental entities for which the PBC has held title, after Bonds issued for the purpose of acquiring Land and Facilities for the benefit of any such governmental entity have been retired. Conveyance may be made of portions of the Land and Facilities as portions of the Bonds are paid or retired, if provision for such conveyance is provided for in bond documents and in the lease between the PBC and the lessee; and

G. Pledge the interest in Land and Facilities acquired by the PBC to the payment of Bonds; and

H. Do all other things and acts authorized and necessary or convenient to carry out the powers granted to the PBC under the Ordinance, K.S.A. 12-1757 *et seq.*, as amended, and any applicable Charter Ordinances of the City, specifically including Charter Ordinance No. 45 of the City; provided, however, that under no circumstance shall any income of the PBC inure to the benefit of any private person.

ARTICLE V

SUPPORT SERVICES

Unless otherwise approved by the PBC, the City, through the City Manager, City Clerk and the City's Bond Counsel shall provide support services to the PBC. The City Attorney may provide legal representation to the PBC.

ARTICLE VI

REQUIRED NOTICES BY PUBLICATION

All notices required by law to be published shall be given by publication in the official newspaper of the City.

ARTICLE VII

SEAL

The seal of the PBC shall have the words "City of Emporia, Kansas Public Building Commission" in the outer circle.

ARTICLE IX

AMENDMENTS TO BYLAWS

The PBC may, by a two-thirds majority vote thereof, amend these Bylaws or any provisions or sections thereof at any time when the same is not in conflict with or in contravention of any of the laws of the State of Kansas or ordinances and resolutions of the City applicable thereto; provided, however, that notice of the proposed amendments be furnished by the Secretary to the PBC Members not less than ten days prior to the meeting at which said amendments are to be considered.

ARTICLE X

VESTING OF PROPERTY UPON DISSOLUTION

Upon dissolution of the PBC, title to all property owned by the PBC shall vest in and become the property of the City.

ADOPTED by the City of Emporia, Kansas Public Building Commission on December 18, 2024.

(Seal)

Secretary

Subject: Public Building Commission Policy	Issued by: Resolution No.	Effective Date:
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2- Public Building Commission Policy

I. Background:

The City of Emporia has developed a policy for issuing Public Building Commission Revenue Bonds. The City of Emporia desires to demonstrate to the Governing Body and the public that PBC issues will follow a procedure detailed in the Public Building Commission Policy.

II. Scope:

This policy shall apply to all PBC Revenue Bond issuances. The Public Commission shall use the PBC Policy as a guideline for all issuances of PBC Revenue Bonds. Each PBC issue will be reviewed by the City Manager and relevant City staff to assure PBC Commissioners that the PBC Policy has been followed when the use of PBC Revenue Bonds is recommended by staff.

III. Purpose.

This policy provides guidance for the appropriate use of Public Building Commission Revenue Bonds, including revenue guidelines and adhering to KSA regulations.

IV. Policy

Section 1. General: The Public Building Commission shall adhere to the Public Building Commission Policy and the Bylaws of the Public Building Commission when conducting business.

Section 2. Revenues for PBC Revenue Bond issues: PBC Revenue Bonds debt service payments shall receive financing from designated increases in mill levy, voter-approved sales tax,, revenue from leases reviewed by Municipal Financial Advisor and City Bond Counsel for adequacy, and in limited cases replacement of existing bond payments which have reached full maturity.

Section 3. Buildings and structures eligible for PBC debt issuance: The issuance of Public Building Revenue Bonds by the Public Building Commission will be reserved for public buildings that are exempt from property taxes under Kansas State Law. In addition, the Public Building Commission may issue bonds for non-profit organizations which receive City budget allocations. The Public Building Commission shall not issue taxable bonds on behalf of a for-profit business. All Public Building Commission projects shall receive a preliminary opinion from the Board of Tax Appeals that the usage of the property will be deemed eligible for property exemption. Upon completion of the construction of a Public Building financed by the Public Building Commission, a request for tax exemption will be completed by an individual designated by the City Manager.

Section 4. Public Building Commission composition: The members of the Public Building Commission shall be composed of members of the City Commission. The Mayor shall serve as President of the Public Building Commission, the Vice-Mayor shall be Vice-President of the Public Building Commission and a Secretary of Public Building Commission shall be one of the three other City Commission members. The entire Public Building Commission shall duly elect all offices of Public Building Commission. Elections for offices of the Public Building Commission shall be on such occasions that changes occur with the role of the Mayor and Vice-Mayor or changes with the City Commissioner serving as Secretary for the Public Building Commission.

Section 5. Public Input: Meetings and business of the Public Building Commission comply with the Kansas Open Meeting Act. The public shall be entitled via public hearing or public comment on all Public Building Commission Revenue Bond issuances.

Section 6. Financial Reporting: Financial reporting for the Public Building Commission shall be part of the City Comprehensive Financial Report and shall be listed as a Component Unit of the City. All Public Building Commission bond issuances shall be on the EMMA website in compliance with MSRB and other regulatory requirements,

Section 7. Amendments: This policy may be amended by the action of the Public Building Commission.

Title: Discuss Industrial User Rate Formula
Agenda Date: December 18, 2024
Presented By: Dean Grant, Director of Public Works

Background:

The pretreatment program consists of 6 non-categorical industries and 4 categorical industries. All of the industries are required to pretreat their sewage waste stream prior to releasing it into the city's wastewater system. The 6 noncategorical industries are required to remove excess Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). However, extra strength surcharges are assessed to industrial users that discharge sewage with high concentrations of contaminants (BOD and TSS). The concentration is converted to pounds, through a formula in the city ordinance, however, it excludes contaminant concentrations less than 300 milligrams per liter. Currently, industries send lower concentrations, less than 300, with millions of gallons of wastewater, and they are not charged for the increased load on the wastewater plant. The increased pounds of contaminants that the wastewater plant receives cause expenses to increase so that we can meet the discharge permit limits.

Discussion:

Since the high pounds of contaminants that the wastewater plant receives from industrial users drive expenses, staff would like to change the formula for extra strength surcharges to an industrial user rate formula. The formula allows the city to charge the industrial user for the total load of contaminants that they discharge to the wastewater plant by eliminating the concentration floor of 300 milligrams per liter. Staff believes that charging for all of the pounds discharged to the wastewater plant would be the best option for recovering the increased treatment costs caused by industrial users.

In Section 28-66 Definitions, a definition for noncategorical was added.

In Section 28-149 Extra strength surcharge, the title would be changed to Industrial user rate formula, and the formula was changed by removing the 300 milligrams per liter concentration floor.

Financial considerations:

Staff is not expecting any increase in revenue. This is due to the industries being able to control the pounds of contaminants that they discharge.

Attachments:

Ordinance 24-42

ORDINANCE NO 24-42

AN ORDINANCE PERTAINING TO SEWER AND SEWAGE DISPOSAL; AMENDING SECTIONS 28-66 AND 28-149 OF THE CODE OF THE CITY OF EMPORIA, KANSAS AND REPEALING SAID SECTION AS THEY EXISTED PRIOR TO ADOPTION OF THIS ORDINANCE.

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

Section 1. That Section 28-66 of the Code of the City of Emporia, Kansas, is hereby amended to read as follows:

Sec. 28-66. Definitions:

Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

Act: The federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

Approval Authority: The EPA or, if the pretreatment program has been formally delegated to the Kansas department of health and environment (KDHE), it shall mean the director of the division of environment of KDHE (either director or state director).

Approved POTW Pretreatment Program Or Program Or POTW Pretreatment Program: A program administrated by a POTW that meets the criteria established by 40 CFR, part 403, and which has been approved by a regional administrator or state director.

Authorized or Duly Authorized Representative of the User:

If the user is a corporation: The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BOD (Denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

Bond Fund: The bond fund for sewer system refunding revenue bonds, series of 1978, created by section II of the 1978 ordinance.

Bond Reserve Account: The reserve account for sewer system refunding revenue bonds, series of 1978, created by section II of the 1978 ordinance.

Bonds: The 1978 bonds and any bonds standing on a parity with the 1978 bonds.

Building Drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building Sewer: The extension from the building drain to the public sewer or other place of disposal, beginning five feet (5') (1.5 m) outside the inner face of the building wall.

Capital Charge: That portion of the total wastewater service charge which is levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance and replacement costs.

Categorical Pretreatment Standard: A national pretreatment standard specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories established as separate regulations under the appropriate subpart of 40 CFR, Chapter I, Subchapter N, Parts 401-471. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in 40 CFR, Part 403.

City shall mean the City of Emporia, Kansas.

Public Works Director shall mean the superintendent of public works of the city, or his authorized deputy, agent, or representative.

City manager shall mean the city manager or his deputy, agent, or representative.

Compatible wastes shall mean wastes containing pollutants for which the POTW treatment plant was designed to treat and which are identified in the national pollutant discharge elimination system (NPDES) permit issued by the United States Environmental Protection Agency to the POTW treatment plant of the city.

Composite sample shall mean a timed sequential collection of equal volume or flow weighted grab samples combined in a single reservoir to minimize the effect of the variability of the individual samples.

Control authority means the public works director of the city.

Cooling water means the water discharged from any system of air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Depreciation and replacement account shall mean the sewer system depreciation and replacement account established by Section II of the 1978 Ordinance.

Dry industry shall mean an industrial user that discharges only non-process segregated domestic wastes from sanitary conveniences only and is not a significant user of the wastewater treatment works.

EPA shall mean the United States Environmental Protection Agency.

Federal securities means obligations of the United States constituting a part of the invested sinking fund account.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grab sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

ICR shall mean industrial cost recovery.

Incompatible wastes shall mean waste containing pollutants not included in the definition of compatible wastes.

Indirect discharge or discharge means the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.

Industrial user or user means a source of indirect discharge.

Industrial waste shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Interference means a discharge which, alone or in conjunction with the discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes operations, or its sludge processes, use or disposal; and

(2) Therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Invested sinking fund account means the account by that name established in the bond fund by Section II of the 1978 Ordinance.

National pretreatment standard, pretreatment standard or standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR, section 403.5. Pretreatment Standards shall include prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

National pollutant discharge elimination system or NPDES permit or permit means a discharge permit issued to a POTW pursuant to Section 402 of the Act (33 U.S.C. 1342).

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

New source means:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located;

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining

whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1) (b) or (1) (c) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin as a part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment;

2. Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncategorical: Industrial user not subject to Categorical Pretreatment Standards.

Operation and maintenance account shall mean the account established by this ordinance to provide for the operation, maintenance and replacement needs of the wastewater treatment system. This account shall receive all user charge revenues.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Planning and zoning coordinator shall mean the supervisor of the planning and zoning division of the city, or his authorized deputy, agent or representative.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained

by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR, Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or sludge floating that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR, Section 403.6(e), and this article.

Pretreatment requirements shall mean any substantive or procedural requirements (present or future) related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

Principal and interest account means the account by that name in the bond fund created by Section II of the 1978 Ordinance.

Properly shredded garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Publicly-owned treatment works or POTW means a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

POTW treatment plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Regional administrator means the appropriate EPA regional administrator.

Revenues shall mean:

- (i) All revenues, income, and rents accrued by the city from the ownership and operation of the sewer system and the proceeds of any insurance covering business interruption loss relating to the sewer system, and
- (ii) All interest received on any movies or securities held pursuant to the 1978 Ordinance including investment income received after November 15, 1992, and available for transfer into the

principal and interest account pursuant to Section 12(c) of the 1978 Ordinance, but excluding interest from the escrow account.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sanitary waste shall mean the wastes discharged from the average residential user in the service area.

Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwater as may be present.

Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage. (See also definition of POTW treatment plant.)

Sewage works shall mean all facilities for collecting, pumping, treating, and disposing of sewage. (See also definition of POTW.)

Sewer shall mean a pipe or conduit for carrying sewage.

Sewer fund shall mean the Sewer Fund established by Article IV of the 1978 Ordinance.

Significant noncompliance (SNC) means an industrial user violation which meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits defined as those in which sixty-six (66) percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC. (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which the control authority determines will adversely affect the operation of implementation of the local pretreatment program.

Significant industrial user means:

(1) All industrial users subject to categorical pretreatment standards; and

(2) Any other industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more, of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) to the POTW; contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that an industrial user meeting the criteria in paragraphs (1) and (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, upon its own initiative or in response to a petition received from an industrial user or POTW, and with the consent of the approval authority, determine that such industrial user is not a significant industrial user.

Slug Discharge includes any Discharge of a non routine, episodic nature, including but not limited to an accidental spill or a non customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Storm drain (sometimes termed "storm sewer") shall mean a sewer which carried storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Storm water shall mean any surface water resulting from any form of natural precipitation which may or may not be mixed with an accumulation of dirt, soil and other debris or substances collected from the surfaces on which such precipitation falls or flows.

Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provision of Section 307(a)(1) of the Act.

User charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment and collection system. The term is also referred to as treatment charge or service charge.

Wastewater is synonymous with sewage and the two (2) terms may be interchanged without altering the meaning of either.

Wastewater collection and treatment system shall mean a system including sanitary sewers, sewer mains, pump stations, processing and treatment facilities, holding ponds, etc., all used for the gathering, transporting and treating of wastewater prior to its re-entry into rivers, streams, or other bodies of water.

Watercourse shall mean a channel in which a flow of water occurs, whether continuously or intermittently.

1978 Bonds means the sewer system refunding revenue bond, series of 1978, dated May 15, 1978, authorized by Ordinance Number 892.

(Code 1962, § 19-101; Ord. No. 963, § 1, 8-1-79; Ord. No. 84-30, § 1, 8-1-84; Ord. No. 91-11, § 1, 6-5-91; Ord. 24-14 § 1, 5-1-2024; Ord. 24-42 § 1, 12-4-2024)

Section 2. That Section 28-149 of the Code of the City of Emporia, Kansas, is hereby amended to read as follows:

Sec. 28-149. Industrial user rate formula

An extra strength surcharge is hereby established for categorical and noncategorical industrial users who produce sewage. This section provides for the collection of rates and charges to pay the expenses of operation and maintenance of the City's sanitary sewer system and POTW. The applicable rates and charges shall be collected as provided in the Schedule of Rates and Charges established in this section.

S =	$V_s \times 8.34 [\$0.09093 \text{ (BOD)} + \$0.083980 \text{ (SS)}]$
Wherein the following definitions apply:	
S =	Surcharge in dollars monthly
V_s =	Sewage volume in million gallons per month

8.34 =	Pounds per gallon of water
\$0.09093 =	Unit charge for BOD in dollars per pound
BOD =	Biochemical oxygen demand five (5) day strength index in milligrams per liter by weight
\$0.083980 =	Unit charge for SS in dollars per pound
SS =	Suspended solids strength index in milligrams per liter by weight

Revenue received from the user charge portion of the extra strength surcharge shall be deposited in the sewer fund and utilized in the same manner as other operation and maintenance funds.

Revenue received from the capital charge portion of the extra strength surcharge shall be deposited in the sewer fund and administered in the same manner as other capital charge revenue.

(1962 Code, § 19-310; Ord. 963, § 1, 8-1-1979; Ord. 974, § 2, 10-3-1979; Ord. 1082, § 1, 2-3-1982; Ord. 99-2, § 1, 1-20-1999; Ord. 00-06, § 1, 1-5-2000; Ord. 01-04, § 1, 1-17-2001; Ord. 24-42 § 1, 12-4-2024)

Section 3. That Sections 28-66 and 28-149 of the Code of the City of Emporia, Kansas as it existed prior to the adoption of this ordinance is hereby repealed.

Section 4. This ordinance shall take effect on January 1, 2025 and after its publication in the official city newspaper.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, Kansas as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas,
this ____ day of _____ 2024.

Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk