CITY COMMISSION MEETING
AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
January 5, 2022 at 1:30 pm

1. Members present: Mayor Gilligan

Vice Mayor Smith	Commissioner Giefer
Commissioner Sauder	Commissioner Brinkman
City Manager Cocking	City Clerk Sull
Asst. City Mgr. Massey	City Attorney Montgomery

2. Consent Agenda.
3. Public Comment.
    a. Proclamation Recognizing Celebrate Catholic Schools Week in Emporia.
4. Consider Public Hearing on a Proposed Kansas Public Water Supply Loan Fund in an Amount Not to Exceed $15,000,000.00.
5. Consider a Resolution to Authorize the Completion of the Loan Application and the Execution of the Loan Documents from the Kansas Public Water Supply Loan Fund.
6. Consider Ordinance Authorizing Issuance of General Obligation Bonds for the Purchase of Acquiring Equipment City Street Department.
7. Consider Resolution Approving Option to Purchase 2015 Industrial Revenue Bonds for Smoots Enterprises II, LLC.
8. Consider Ordinance Authorizing the Issuance of Taxable Industrial Revenue Bonds Series 2022 S&S Quality Meats, LLC.
9. City of Emporia 2022 Legislative Policy Statement.
10. 2022 Joint Legislative Statement for the Emporia & Lyon County Area.
11. Report from City Manager on City Activities.
12. City Commission Reports and Comments.
13. State of the City Speech.
14. Adjourn Sine Die.

15. Business Meeting.

a. Administer Oath of Office.
b. Elect Mayor and Vice Mayor.
c. Approve Surety Bonds for City Manager, City Clerk and City Treasurer.
d. Designate the Emporia Gazette as the Official City Newspaper.
e. Designate Financial Institutions.
f. Appoint Commission Members to RDA, JEDAC, Recreation Commission, Community Foundation Board, William Allen White Community Partnership, Emporia Enterprises, Emporia Convention and Visitors Advisory Board, Joint City/County Facilities and Services Community Board.
g. Adjourn Meeting.

EMPORIA
City of Emporia

**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact City of Emporia Jeff Lynch, ADA Coordinator at least 48hours before the event at 620-343-4285 or jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **Consent Agenda**

SUBJECT:

Consent agenda:

The items listed on the Consent Agenda are considered by the Governing Body to be routine business items. Approval of the items may be made by a single motion, second and majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, at his/her request, it will be removed from the Consent Agenda and considered separately.

a. Consider Minutes of the Regular Meetings held on December 15, 2021, and the Adjourned Meeting on December 22, 2021.
b. Consider ratification of Payroll Ordinance for the period ending on December 17, 2021.

RECOMMENDATION:

a. Approve Minutes.
b. Approve Payroll.

BACKGROUND SUMMARY:

ACTION RECORD

Action: ____

____

Motion: ______________________ Second: ______________________

Abstained: ____________ Vote: ________________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 3**

SUBJECT: Public Comment.

RECOMMENDATION:

BACKGROUND SUMMARY:

- Proclamation Recognizing Celebrate Catholic Schools Week as January 30th through February 5th .
  -To accept Jennifer Danler, Catholic School Week Chair, Sacred Heart School 5th Grade Students and their Parents.

Citizen Appearance Procedures

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinions shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

ACTION RECORD

Action:____

Motion: ____________________ Second: ____________________

Abstained: __________ Vote: ______________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

EMPORIA
City of Emporia

PROCLAMATION

WHEREAS, each year the Archdiocese of Kansas City in Kansas designates one week during the year to highlight Catholic Schools and in 2022, the week of January 30th through February 5th; and

WHEREAS, since 1881, Sacred Heart has had a Catholic School and today Sacred Heart Catholic School is an example that religion-based school can withstand the test of time and change; and

WHEREAS, a Catholic school education is highly valued and has played a significant role in the lives of many families; and

WHEREAS, the presence of a Catholic school in our community has proven to be an additional amenity and incentive in the education of the youth of the City of Emporia; and

WHEREAS, Sacred Heart Catholic School is proud to be where students consistently work to their full potential; and

WHEREAS, the school has open enrollment and welcomes students from other communities and other religions; and the intimate environment at Sacred Heart School affords each child personal attention and promotes individual success, self-esteem and growth; and

WHEREAS, the legacy of Sacred Heart School will live on for many years thanks to dedicated administrators, teachers and students as well as a very supportive community.

NOW THEREFORE, I, Robert F. Gilligan, Mayor for the City of Emporia, do hereby proclaim January 30th through February 5th, as

Celebrate Catholic Schools Week

In Emporia, Kansas.

On this 5th Day of January 2022

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 4**

SUBJECT: Consider Public Hearing on a proposed Kansas Public Water Supply Loan Fund in an amount not to exceed $15,000,000.00.

RECOMMENDATION: Conduct Public Hearing.

BACKGROUND SUMMARY:

A public hearing must be conducted prior adopting a resolution to authorize the completion of the loan application and the execution of the loan documents for a loan, not to exceed $15,000,000.00, from the Kansas Public Water Supply Loan Fund. The projects are to replace, upgrade, or add waterlines in the water distribution system.

Attachments: List of Associated Projects and Estimated Costs
Project Map
Memo from City Finance Director

ACTION RECORD

Action: ____

____

Motion: ____________________ Second: ____________________

Abstained: ____________ Vote: ____________

SAUDER______ GIEFER______ GILLIGAN_____ SMITH______ BRINKMAN_____

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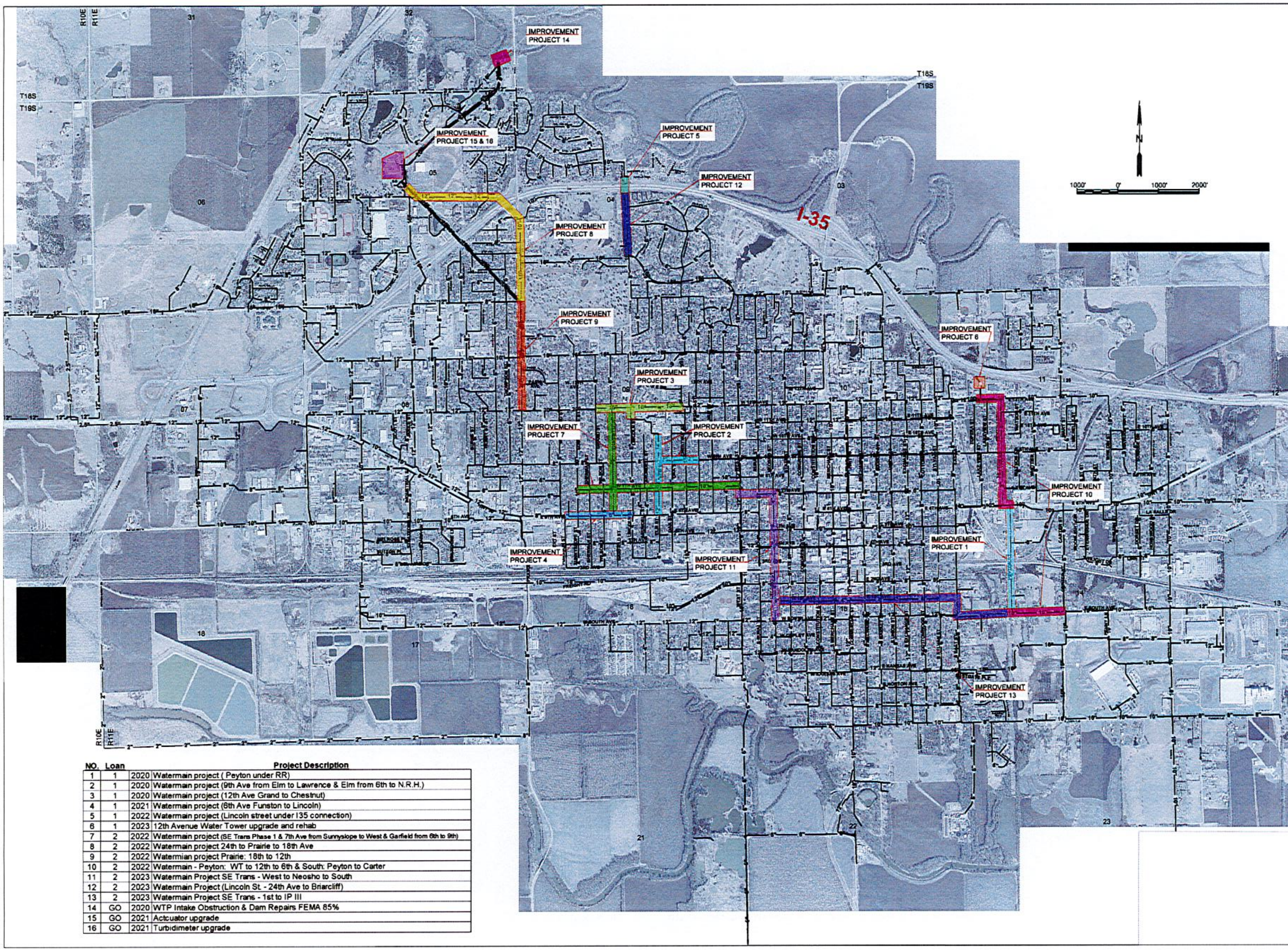
City of Emporia - KDHE-SRF Loan 2: Funding Breakdown

Year	Item	Project	Project Description	EOPC Updated
2022	7	SE Transmission Main	Phase 1 -7th Ave from Sunnyslope to West & Garfield from 6th to 12th	$ 2,905,799
-	11		Phase 2 - West to Neosho to South Ave	$ 2,094,493
-	13		Phase 3 - 1st to IP III	$ 2,918,408
-	8	NW Transmission Main	Phase 1 - 24th to Prairie to 18th Ave	$ 2,745,198
-	9		Phase 2 - Prairie: 18th to 12th	$ 1,380,348
-	10	Eastside Main	Phase 2 - WT to 12th to 6th & South: Peyton to Carter	$ 1,883,601
2025	12	I-35 Crossing	Phase 2 Lincoln St. - 24th Ave to Briarcliff	$ 619,375
			Loan 2 Total =	**$ 14,547,222**



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EMPORIA
City of Emporia
Water Mains

PRELIMINARY FOR REVIEW ONLY

CITY OF EMPORIA, KANSAS

WATER SYSTEM
FUTURE PROJECT PRIORITIES

Engineer:	BAB
Drafter:	DJG
Date:	10-11-21
Project No.	20-1106E
Sht. No.	Total Shts.
X	XX

NO.	Loan		Project Description
1	1	2020	Watermain project (Peyton under RR)
2	1	2020	Watermain project (9th Ave from Elm to Lawrence & Elm from 6th to N.R.H.)
3	1	2020	Watermain project (12th Ave Grand to Chestnut)
4	1	2021	Watermain project (6th Ave Funston to Lincoln)
5	1	2022	Watermain project (Lincoln street under I35 connection)
6	1	2023	12th Avenue Water Tower upgrade and rehab
7	2	2022	Watermain project (SE Trans Phase 1 & 7th Ave from Sunnyslope to West & Garfield from 6th to 9th)
8	2	2022	Watermain project 24th to Prairie to 18th Ave
9	2	2022	Watermian project Prairie: 18th to 12th
10	2	2022	Watermain - Peyton: WT to 12th to 6th & South: Peyton to Carter
11	2	2023	Watermain Project SE Trans - West to Neosho to South
12	2	2023	Watermain Project (Lincoln St. - 24th Ave to Briarcliff)
13	2	2023	Watermain Project SE Trans - 1st to IP III
14	GO	2020	WTP Intake Obstruction & Dam Repairs FEMA 85%
15	GO	2021	Actcuator upgrade
16	GO	2021	Turbidimeter upgrade

EMPORIA
City of Emporia

TO: City Commissioners

FROM: Janet Harrouff

DATE: December 30, 2021

RE: State revolving water loan #2

Financial reports for a 20-year loan have been developed. The assumptions are;

1) Personnel expenses increase 4% each year; 2 1/2 merit, KPERS, and health insurance increases
2) Expenses increase 1 ½ percent per year
3) Capital is set at $300,000 per year
4) $350,000 from Industrial Development sales tax fund for the South east water tower and mains ends in 2029
5) Debt payments begin in 2024 for the full loan amount
6) Administration fee is kept at $1,100,000

The estimated debt payment for a 20-year loan is $863,337 at 1.41%.

Reserve % 2034	20-year
Base	-25.33%

In order to maintain a 20% reserve level, an increase in base and consumption of 5% in 2029 and an 8% in 2030 would be needed for the 20 year debt. Another option is a 2% increase in 2024, 2025 and 2026.

Staff recommends the 20-year loan and stating a potential rate increases up to 15% may be needed in the future to make the payments associated with this loan.

City of Emporia, Kansas 01/05/2022

2022 Rate Increase

12/23/21 4:27 PM 20 year loan Base

Revenue Detail and Expenditure Summary
Cash Basis

WATERWORKS FUND

	2020 (Actual)	Estimated 2021	Budget 2022	Budget 2023	Budget 2024	Budget 2025	Budget 2026	Budget 2027	Budget 2028	Budget 2029	Budget 2030	Budget 2031	Budget 2032	Budget 2033	Budget 2034
BEGINNING CASH	$2,036,236	$2,620,859	$3,679,998	$4,053,808	$4,526,825	$4,010,955	$3,447,032	$2,796,281	$2,244,575	$1,608,559	$1,191,037	$327,808	($311,963)	($1,046,401)	($1,537,844)
REVENUE															
Sale of Water	$6,266,137	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900
Service Charge	$93,954	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
Penalties	$89,198	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000
Sale of Salvage	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Reimbursed Expense	$2,641	$8,200	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000
Interest on Investment	$17,213	$2,000	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300
Sale of Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Trf from Industrial Development S	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$0	$0	$0	$0	$0
B&I to make bond payment	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Non Operating Revenue	$1,274,758	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Miscellaneous	$11,302	$1,360	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350
TOTAL RECEIPTS	$8,105,202	$7,585,460	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,228,550	$7,228,550	$7,228,550	$7,228,550	$7,228,550
EXPENDITURES															
Personnel Services	$838,409	$872,262	$935,665	$972,150	$1,010,095	$1,049,557	$1,090,598	$1,133,280	$1,177,670	$1,223,836	$1,271,848	$1,321,780	$1,373,710	$1,427,717	$1,483,884
Vacancy	$0	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)
Maintenance & Repair	$605,406	$586,650	$644,550	$647,621	$652,696	$657,771	$667,637	$677,652	$687,817	$698,134	$708,606	$719,235	$730,024	$740,974	$752,088
Commodities	$888,377	$897,200	$903,000	$912,181	$912,181	$912,181	$925,863	$939,751	$953,847	$968,155	$982,677	$997,418	$1,012,379	$1,027,565	$1,042,978
Other Charges	$173,046	$220,970	$217,070	$218,804	$220,326	$221,849	$225,176	$228,554	$231,982	$235,462	$238,994	$242,579	$246,217	$249,911	$253,659
Capital Outlay	$539,043	$160,000	$555,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000
Debt Payment	$1,224,728	$1,451,698	$1,717,739	$1,794,589	$2,728,276	$2,712,476	$2,713,326	$2,525,987	$2,519,612	$2,207,962	$2,207,962	$1,886,162	$1,879,762	$1,532,887	$1,225,737
Stock	($37,161)	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000
Transfer to Project Account	$1,274,758	$43,000	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Utilities	$446,426	$507,350	$502,850	$521,050	$531,200	$539,168	$547,256	$555,465	$563,797	$572,254	$580,837	$589,550	$598,393	$607,369	$616,480
Communications	$26,222	$45,100	$45,100	$45,777	$45,777	$46,463	$47,160	$47,867	$48,586	$49,314	$50,054	$50,805	$51,567	$52,340	$53,125
Travel & Training	$2,668	$13,750	$13,450	$13,652	$13,652	$13,857	$14,064	$14,275	$14,489	$14,707	$14,927	$15,151	$15,379	$15,609	$15,843
Contractual Services	$655,414	$587,900	$585,700	$595,095	$595,602	$604,536	$613,604	$622,808	$632,150	$641,633	$651,257	$661,026	$670,941	$681,005	$691,220
Administrative Fee 17%, 16%	$1,064,487	$1,155,824	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000
Outstanding PO's															
Change in Liabilities	($181,240)		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL EXPENDITURES	$7,520,580	$6,526,320	$7,204,740	$7,105,533	$8,094,420	$8,142,473	$8,229,301	$8,130,256	$8,214,566	$7,996,072	$8,091,779	$7,868,322	$7,962,988	$7,719,993	$7,519,632
NET CHANGE IN CASH	$584,622	$1,059,140	$373,810	$473,017	($515,870)	($563,923)	($650,751)	($551,706)	($636,016)	($417,522)	($863,229)	($639,772)	($734,438)	($491,443)	($291,082)
ENDING CASH	$2,620,859	$3,679,998	$4,053,808	$4,526,825	$4,010,955	$3,447,032	$2,796,281	$2,244,575	$1,608,559	$1,191,037	$327,808	($311,963)	($1,046,401)	($1,537,844)	($1,828,927)
Base for reserve calculation	$6,981,537	$6,366,320	$6,649,740	$6,805,533	$7,794,420	$7,842,473	$7,929,301	$7,830,256	$7,914,566	$7,696,072	$7,791,779	$7,568,322	$7,662,988	$7,419,993	$7,219,632
20% reserve amount	$1,396,307	$1,273,264	$1,329,948	$1,361,107	$1,558,884	$1,568,495	($2,713,326)	($2,525,987)	($2,519,612)	($2,207,962)	($2,207,962)	($1,886,162)	($1,879,762)	($1,532,887)	($1,225,737)
Amount over 20% reserve	$1,224,551	$2,406,734	$2,723,860	$3,165,718	$2,452,071	$1,878,537	$5,509,607	$4,770,562	$4,128,171	$3,398,999	$2,535,770	$1,574,199	$833,361	($4,957)	($603,190)
Percent	37.54%	57.80%	60.96%	66.52%	51.46%	43.95%	35.27%	28.67%	20.32%	15.48%	4.21%	-4.12%	-13.66%	-20.73%	-25.33%

Set admin fee at $1,100,000
1.5% increase each year in expenses
4% increase in personnel expenses

City of Emporia, Kansas 01/05/2022

2022 Rate Increase

12/23/21 4:37 PM

20 year loan 5% increase in 2029 & 8% increase in 2030

Revenue Detail and Expenditure Summary
Cash Basis

WATERWORKS FUND

	2020 (Actual)	Estimated 2021	Budget 2022	Budget 2023	Budget 2024	Budget 2025	Budget 2026	Budget 2027	Budget 2028	5% Budget 2029	8% Budget 2030	Budget 2031	Budget 2032	Budget 2033	Budget 2034
BEGINNING CASH	$2,036,236	$2,620,859	$3,679,998	$4,053,808	$4,526,825	$4,010,955	$3,447,032	$2,796,281	$2,244,575	$1,608,559	$1,542,982	$1,622,966	$1,926,407	$2,135,182	$2,586,951
REVENUE															
Sale of Water	$6,266,137	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,038,900	$7,390,845	$7,982,113	$7,982,113	$7,982,113	$7,982,113	$7,982,113
Service Charge	$93,954	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
Penalties	$89,198	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000
Sale of Salvage	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Reimbursed Expense	$2,641	$8,200	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000
Interest on Investment	$17,213	$2,000	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300
Sale of Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Trf from Industrial Development S	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$0	$0	$0	$0	$0
B&I to make bond payment	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Non Operating Revenue	$1,274,758	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Miscellaneous	$11,302	$1,360	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350
TOTAL RECEIPTS	$8,105,202	$7,585,460	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,578,550	$7,930,495	$8,171,763	$8,171,763	$8,171,763	$8,171,763	$8,171,763
EXPENDITURES															
Personnel Services	$838,409	$872,262	$935,665	$972,150	$1,010,095	$1,049,557	$1,090,598	$1,133,280	$1,177,670	$1,223,836	$1,271,848	$1,321,780	$1,373,710	$1,427,717	$1,483,884
Vacancy	$0	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)
Maintenance & Repair	$605,406	$586,650	$644,550	$647,621	$652,696	$657,771	$667,637	$677,652	$687,817	$698,134	$708,606	$719,235	$730,024	$740,974	$752,088
Commodities	$888,377	$897,200	$903,000	$912,181	$912,181	$912,181	$925,863	$939,751	$953,847	$968,155	$982,677	$997,418	$1,012,379	$1,027,565	$1,042,978
Other Charges	$173,046	$220,970	$217,070	$218,804	$220,326	$221,849	$225,176	$228,554	$231,982	$235,462	$238,994	$242,579	$246,217	$249,911	$253,659
Capital Outlay	$539,043	$160,000	$555,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000
Debt Payment	$1,224,728	$1,451,698	$1,717,739	$1,794,589	$2,728,276	$2,712,476	$2,713,326	$2,525,987	$2,519,612	$2,207,962	$2,207,962	$1,886,162	$1,879,762	$1,532,887	$1,225,737
Stock	($37,161)	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000
Transfer to Project Account	$1,274,758	$43,000	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Utilities	$446,426	$507,350	$502,850	$521,050	$531,200	$539,168	$547,256	$555,465	$563,797	$572,254	$580,837	$589,550	$598,393	$607,369	$616,480
Communications	$26,222	$45,100	$45,100	$45,777	$45,777	$46,463	$47,160	$47,867	$48,586	$49,314	$50,054	$50,805	$51,567	$52,340	$53,125
Travel & Training	$2,668	$13,750	$13,450	$13,652	$13,652	$13,857	$14,064	$14,275	$14,489	$14,707	$14,927	$15,151	$15,379	$15,609	$15,843
Contractual Services	$655,414	$587,900	$585,700	$595,095	$595,602	$604,536	$613,604	$622,808	$632,150	$641,633	$651,257	$661,026	$670,941	$681,005	$691,220
Administrative Fee 17%, 16%	$1,064,487	$1,155,824	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000
Outstanding PO's															
Change in Liabilities	($181,240)		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL EXPENDITURES	$7,520,580	$6,526,320	$7,204,740	$7,105,533	$8,094,420	$8,142,473	$8,229,301	$8,130,256	$8,214,566	$7,996,072	$8,091,779	$7,868,322	$7,962,988	$7,719,993	$7,519,632
NET CHANGE IN CASH	$584,622	$1,059,140	$373,810	$473,017	($515,870)	($563,923)	($650,751)	($551,706)	($636,016)	($65,577)	$79,984	$303,441	$208,775	$451,769	$652,130
ENDING CASH	$2,620,859	$3,679,998	$4,053,808	$4,526,825	$4,010,955	$3,447,032	$2,796,281	$2,244,575	$1,608,559	$1,542,982	$1,622,966	$1,926,407	$2,135,182	$2,586,951	$3,239,081
Base for reserve calculation	$6,981,537	$6,366,320	$6,649,740	$6,805,533	$7,794,420	$7,842,473	$7,929,301	$7,830,256	$7,914,566	$7,696,072	$7,791,779	$7,568,322	$7,662,988	$7,419,993	$7,219,632
20% reserve amount	$1,396,307	$1,273,264	$1,329,948	$1,361,107	$1,558,884	$1,568,495	($2,713,326)	($2,525,987)	($2,519,612)	($2,207,962)	($2,207,962)	($1,886,162)	($1,879,762)	($1,532,887)	($1,225,737)
Amount over 20% reserve	$1,224,551	$2,406,734	$2,723,860	$3,165,718	$2,452,071	$1,878,537	$5,509,607	$4,770,562	$4,128,171	$3,750,944	$3,830,928	$3,812,569	$4,014,944	$4,119,838	$4,464,818
Percent	37.54%	57.80%	60.96%	66.52%	51.46%	43.95%	35.27%	28.67%	20.32%	20.05%	20.83%	25.45%	27.86%	34.86%	44.86%

Set admin fee at $1,100,000
1.5% increase each year in expenses
4% increase in personnel expenses

City of Emporia, Kansas 01/05/2022

2022 Rate Increase

12/27/21 1:14 PM

20 year loan 2% in 2024, 2025 & 2026

Revenue Detail and Expenditure Summary

Cash Basis

WATERWORKS FUND

	2020 (Actual)	Estimated 2021	Budget 2022	Budget 2023	Budget 2024	Budget 2025	Budget 2026	Budget 2027	Budget 2028	5% Budget 2029	8% Budget 2030	Budget 2031	Budget 2032	Budget 2033	Budget 2034
BEGINNING CASH	$2,036,236	$2,620,859	$3,679,998	$4,053,808	$4,526,825	$4,151,733	$3,872,181	$3,652,268	$3,531,399	$3,326,219	$3,339,535	$2,907,143	$2,698,208	$2,394,608	$2,334,001
REVENUE															
Sale of Water	$6,266,137	$7,038,900	$7,038,900	$7,038,900	$7,179,678	$7,323,272	$7,469,737	$7,469,737	$7,469,737	$7,469,737	$7,469,737	$7,469,737	$7,469,737	$7,469,737	$7,469,737
Service Charge	$93,954	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
Penalties	$89,198	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000	$85,000
Sale of Salvage	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Reimbursed Expense	$2,641	$8,200	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000
Interest on Investment	$17,213	$2,000	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300
Sale of Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Trf from Industrial Development S	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$350,000	$0	$0	$0	$0	$0
B&I to make bond payment	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Non Operating Revenue	$1,274,758	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Miscellaneous	$11,302	$1,360	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350	$1,350
TOTAL RECEIPTS	$8,105,202	$7,585,460	$7,578,550	$7,578,550	$7,719,328	$7,862,922	$8,009,387	$8,009,387	$8,009,387	$8,009,387	$7,659,387	$7,659,387	$7,659,387	$7,659,387	$7,659,387
EXPENDITURES															
Personnel Services	$838,409	$872,262	$935,665	$972,150	$1,010,095	$1,049,557	$1,090,598	$1,133,280	$1,177,670	$1,223,836	$1,271,848	$1,321,780	$1,373,710	$1,427,717	$1,483,884
Vacancy	$0	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)	($20,384)
Maintenance & Repair	$605,406	$586,650	$644,550	$647,621	$652,696	$657,771	$667,637	$677,652	$687,817	$698,134	$708,606	$719,235	$730,024	$740,974	$752,088
Commodities	$888,377	$897,200	$903,000	$912,181	$912,181	$912,181	$925,863	$939,751	$953,847	$968,155	$982,677	$997,418	$1,012,379	$1,027,565	$1,042,978
Other Charges	$173,046	$220,970	$217,070	$218,804	$220,326	$221,849	$225,176	$228,554	$231,982	$235,462	$238,994	$242,579	$246,217	$249,911	$253,659
Capital Outlay	$539,043	$160,000	$555,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000	$300,000
Debt Payment	$1,224,728	$1,451,698	$1,717,739	$1,794,589	$2,728,276	$2,712,476	$2,713,326	$2,525,987	$2,519,612	$2,207,962	$2,207,962	$1,886,162	$1,879,762	$1,532,887	$1,225,737
Stock	($37,161)	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000
Transfer to Project Account	$1,274,758	$43,000	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Utilities	$446,426	$507,350	$502,850	$521,050	$531,200	$539,168	$547,256	$555,465	$563,797	$572,254	$580,837	$589,550	$598,393	$607,369	$616,480
Communications	$26,222	$45,100	$45,100	$45,777	$45,777	$46,463	$47,160	$47,867	$48,586	$49,314	$50,054	$50,805	$51,567	$52,340	$53,125
Travel & Training	$2,668	$13,750	$13,450	$13,652	$13,652	$13,857	$14,064	$14,275	$14,489	$14,707	$14,927	$15,151	$15,379	$15,609	$15,843
Contractual Services	$655,414	$587,900	$585,700	$595,095	$595,602	$604,536	$613,604	$622,808	$632,150	$641,633	$651,257	$661,026	$670,941	$681,005	$691,220
Administrative Fee 17%, 16%	$1,064,487	$1,155,824	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$1,100,000
Outstanding PO's															
Change in Liabilities	($181,240)		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL EXPENDITURES	$7,520,580	$6,526,320	$7,204,740	$7,105,533	$8,094,420	$8,142,473	$8,229,301	$8,130,256	$8,214,566	$7,996,072	$8,091,779	$7,868,322	$7,962,988	$7,719,993	$7,519,632
NET CHANGE IN CASH	$584,622	$1,059,140	$373,810	$473,017	($375,092)	($279,552)	($219,914)	($120,869)	($205,179)	$13,315	($432,392)	($208,935)	($303,601)	($60,606)	$139,755
ENDING CASH	$2,620,859	$3,679,998	$4,053,808	$4,526,825	$4,151,733	$3,872,181	$3,652,268	$3,531,399	$3,326,219	$3,339,535	$2,907,143	$2,698,208	$2,394,608	$2,334,001	$2,473,756
Base for reserve calculation	$6,981,537	$6,366,320	$6,649,740	$6,805,533	$7,794,420	$7,842,473	$7,929,301	$7,830,256	$7,914,566	$7,696,072	$7,791,779	$7,568,322	$7,662,988	$7,419,993	$7,219,632
20% reserve amount	$1,396,307	$1,273,264	$1,329,948	$1,361,107	$1,558,884	$1,568,495	($2,713,326)	($2,525,987)	($2,519,612)	($2,207,962)	($2,207,962)	($1,886,162)	($1,879,762)	($1,532,887)	($1,225,737)
Amount over 20% reserve	$1,224,551	$2,406,734	$2,723,860	$3,165,718	$2,592,849	$2,303,687	$6,365,594	$6,057,386	$5,845,831	$5,547,497	$5,115,105	$4,584,370	$4,274,370	$3,866,888	$3,699,493
Percent	37.54%	57.80%	60.96%	66.52%	53.27%	49.37%	46.06%	45.10%	42.03%	43.39%	37.31%	35.65%	31.25%	31.46%	34.26%

Set admin fee at $1,100,000
1.5% increase each year in expenses
4% increase in personnel expenses

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 5**

SUBJECT: Consider a Resolution to Authorize the Completion of the Loan Application and the Execution of the Loan Documents from the Kansas Public Water Supply Loan Fund.

RECOMMENDATION: Approve Resolution and authorize Mayor to sign necessary loan application documents.

BACKGROUND SUMMARY:

This resolution will authorize staff, with the help of BG Consultants, to complete the loan application and execute the necessary loan documents for a loan, not to exceed $15,000,000.00, from the Kansas Public Water Supply Loan Fund.

Attachments: Resolution for Authorization
Certification Regarding Lobbying

ACTION RECORD

Action:____

Motion: ______________________________ Second: ______________________________

Abstained: ______________ Vote: ____________________

SAUDER______ GIEFER______ GILLIGAN_____ SMITH______ BRINKMAN_____

RESOLUTION NO. ______________________

RESOLUTION AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND

WHEREAS, the City of Emporia, Kansas (the "City") is a duly incorporated city of the 1st Class organized under the laws of the state of Kansas (the "State") which operates a public water supply and distribution system (the "System"); and

WHEREAS, the City Commission (the "Governing Body") of the City has heretofore determined in to be in the best needs of the customers of the System to undertake certain modifications and improvement (the "Project") to the System; and

WHEREAS, that pursuant to K.S.A. 65-1636c *et seq. (the "Act"),* the Kansas Department of Health and Environment ("KDHE") administers the Kansas Public Water Supply Loan Fund (the "Fund") from which loans are made to certain qualified Municipalities (as said term is defined in the Act) to finance modification and improvements to public water supply systems; and

WHEREAS, the City has heretofore made an application to KDHE for a loan in an amount not to exceed $15,000,000.00 (the "Loan") to finance the Project; and

WHEREAS, the Governing Body has conducted a public hearing this date on the advisability of proceeding with the completion of the application for the Loan and desires to authorize the appropriate officials of the City to accomplish the completion process.

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

Section 1. Loan Application. The Mayor and City Clerk of the City are hereby authorized to cause to be prepared and to execute a Loan Application, including all attachments thereto (jointly, the "Application"); in substantially the form presented to the Governing Body this date, in order to provide financing for the Project. The Application shall be forwarded to KDHE as soon as possible.

Section 2. Further Proceedings. The Mayor and City Clerk and the other officers and representatives of the city are hereby authorized and directed to take such other action as may be necessary to complete the Application and to coordinate processing of a loan agreement for the Loan (the "Loan Agreement"); provided that the authorization to execute the Loan Agreement shall be subject to further resolution of the Governing Body.

Section 3. Further Authority. This Resolution shall be in full force and effect from and after its adoption.

Adopted by the Governing Body of the City of Emporia, Kansas on January 5, 2022.

Robert F. Gilligan, Mayor

(SEAL)

ATTEST:

Kerry Sull, City Clerk

United States
Environmental Protection Agency

KDHE PROJECT #

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Typed Name & Title of Authorized Representative

Signature and Date of Authorized Representative

EPA Form 6600-06 (Rev. 06/2008) Previous editions are obsolete.

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 6**

SUBJECT: Consider Ordinance Authorizing Issuance of General Obligation Bonds for the Purchase of Acquiring Equipment for City Street Department.

RECOMMENDATION: Approve Ordinance Authorizing Issuance of General Obligation Bonds for the Purchase of Acquiring Equipment for City Street Department.

BACKGROUND SUMMARY:

The Commission approved purchasing three items for the City Street Department on December 15, 2021.

- A Bucket Truck for $162,481.00.
- 2021 Elgin Whirlwind Street Sweeper for $284,902.42.
- 2021 John Deere Backhoe for $112,407.00.

The approval of the ordinance will allow bonds to be issued in the amount of $570,000.00.

Ordinance Attached.

ACTION RECORD

Action:____

Motion: ______________________ Second: ______________________

Abstained: ____________ Vote: ______________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

(Published in the *Emporia Gazette* on January __, 2022)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF EMPORIA, KANSAS TO PAY THE COSTS OF ACQUIRING EQUIPMENT FOR CITY SERVICES PURSUANT TO ARTICLE 12, SECTION 5, OF THE CONSTITUTION OF THE STATE OF KANSAS.

WHEREAS, the City of Emporia, Kansas (the "City"), is a duly organized city of the first class created and existing under the laws of the state of Kansas; and

WHEREAS, the governing body of the City finds it necessary to acquire certain equipment to assist in providing City services as follows:

(a) A backhoe loader and related equipment to be used by the City's street department, at an estimated cost of $115,000;

(b) A bucket truck and related equipment to be used by the City's street department, at an estimated cost of $165,000; and

(c) A street sweeper and related equipment to be used by the City's street department, at an estimated cost of $290,000 (collectively, the "Equipment"); and

WHEREAS, pursuant to Article 12, § 5 of the Constitution of the state of Kansas (the "Home Rule Amendment"), the City has authority to determine its local affairs and government except when limited or prohibited by an enactment of the state legislature applicable uniformly to all cities of the same class; and

WHEREAS, no statutory authority exists to limit or prohibit the exercise of the City's authority under the Home Rule Amendment to authorize the acquisition of the Equipment and the issuance of general obligation bonds to fund the Project.

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

Section 1. Authorization of Project. In accordance with the Home Rule Amendment, the governing body authorizes the acquisition of the Equipment (as defined above) at a total estimated cost of $570,000.

Section 2. Payment of Equipment Costs; Bonds. The estimated cost of the Equipment to be paid by the City is $570,000, and such cost, plus interest costs on temporary financing and costs of issuing bonds or notes, and estimated engineering and contingency costs, is authorized to be paid city-at-large through issuance of general obligation bonds of the City as authorized by the Home Rule Amendment, or from other available funds of the City. Temporary notes of the

City may be issued to pay costs of the Equipment until general obligation bonds authorized by this Ordinance are issued.

Section 3. Reimbursement. The obligations authorized by this Ordinance are authorized to reimburse expenditures made by the City 60 days before the date of this Ordinance and thereafter, as provided in United States Treasury Regulation § 1.150-2.

Section 4. Additional Actions Authorized. The Mayor and City Clerk are authorized and directed to take such other action, including the execution of documents, as may be necessary to proceed with the intent of this Ordinance.

Section 5. Effective Date. This ordinance shall be in full force and effect after its passage by the governing body of the City and publication one time in the official City newspaper.

[Remainder of Page Intentionally Left Blank]

PASSED, APPROVED AND ADOPTED by the governing body of the City of Emporia, Kansas on January 5, 2022.

CITY OF EMPORIA, KANSAS

[seal]

By______________________________________
Robert F. Gilligan, Mayor

ATTEST:

By________________________________
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Emporia, Kansas, met in regular session at the usual meeting place in the City on January 5, 2022, at 1:30 p.m., with the Mayor Robert F. Gilligan presiding and the following members of the governing body present:

The following members of the governing body were absent:

Among other business, there was presented to the governing body, an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF EMPORIA, KANSAS TO PAY THE COSTS OF ACQUIRING EQUIPMENT FOR CITY SERVICES PURSUANT TO ARTICLE 12, SECTION 5, OF THE CONSTITUTION OF THE STATE OF KANSAS

The Ordinance was considered and discussed; and on motion of ____________, seconded by __________________, the Ordinance was adopted by a majority vote of all members present.

The Ordinance was assigned No. _______.

****

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the January 5, 2022, meeting of the governing body of the City of Emporia, Kansas.

[seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 7**

SUBJECT: Consider Resolution Approving Option to Purchase 2015 Industrial Revenue Bonds for Smoots Enterprises II, LLC.

RECOMMENDATION: Approve Resolution.

BACKGROUND SUMMARY:

This resolution approves a request by Smoots Enterprises II, LLC to exercise the option to purchase the 2015 Series A and B Industrial Revenue Bonds. These industrial revenue bonds were issue to finance development of the Fanestil refrigerated warehouse and fresh market. This will allow Smoots Enterprises II, LLC to proceed with refinancing the industrial revenue bonds as S&S Quality Meats, LLC and will repeal a similar resolution relating to an option to purchase in connection with the 2015 Bonds, which was anticipated in the fall of 2020, but not finalized.

ACTION RECORD

Action:____

Motion: __________________________ Second: __________________________

Abstained: ____________ Vote: _________________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

TRIPLETT WOOLF GARRETSON, LLC

ORDINANCE NO. 22-__

OF THE

CITY OF EMPORIA, KANSAS

AUTHORIZING THE ISSUANCE OF

$1,495,000
CITY OF EMPORIA, KANSAS
TAXABLE INDUSTRIAL REFUNDING REVENUE BONDS
SERIES 2022
(S&S QUALITY MEATS, LLC)

(Published in the *Emporia Gazette*, January 8, 2022)

ORDINANCE NO. 22-__

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REFUNDING REVENUE BONDS, SERIES 2022 (S&S QUALITY MEATS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF $1,495,000 FOR THE PURPOSES OF REFUNDING, REDEEMING AND RETIRING THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2015 AND SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2015 ORIGINALLY ISSUED TO FINANCE CERTAIN COMMERCIAL IMPROVEMENTS IN THE CITY ON BEHALF OF SMOOTS ENTERPRISES II, LLC; AUTHORIZING THE EXECUTION OF A TRUST INDENTURE BY AND BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, AS TRUSTEE; AUTHORIZING EXECUTION OF A LEASE BETWEEN THE CITY AND S&S QUALITY MEATS, LLC; APPROVING THE FORM OF GUARANTY AGREEMENTS; AUTHORIZING THE EXECUTION OF A BOND PLACEMENT AGREEMENT BY AND BETWEEN THE CITY, S&S QUALITY MEATS, LLC, AND RCB BANK, AS PURCHASER OF THE SERIES 2022 BONDS AND AUTHORIZING OTHER NECESSARY DOCUMENTS AND REPEALING ORDINANCE NO. 20-26 OF THE CITY.

WHEREAS, the City of Emporia, Kansas (the "Issuer") is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, and K.S.A. 10-116a, all as amended and supplemented (the "Act"), to issue revenue bonds to pay the cost of certain facilities, as such term is defined in the Act, for the purposes set forth in the Act, and to lease and otherwise dispose of such facilities to any person, firm or corporation and to issue revenue bonds for the purpose of paying the cost of any facilities, as well as to refund any such revenue bonds previously issued; and

WHEREAS, pursuant to the Act, the City has previously issued its Taxable Industrial Revenue Bonds, Series A, 2015 (Smoots Enterprises II, LLC), in the original principal amount of not to exceed $2,975,000 (the "Series A, 2015 Bonds") and Subordinated Taxable Industrial Revenue Bonds, Series B, 2015 (Smoots Enterprises II, LLC), in the original principal amount of not to exceed $525,000 (the "Series B, 2015 Bonds"), for the purpose of purchasing, acquiring, constructing, furnishing and equipping a 20,000 square foot building to contain a refrigerated warehouse and related space to house a prepared meats business and related uses in Emporia, Kansas (the "Project") and (ii) paying certain costs of issuance; and

WHEREAS, the Issuer has found and here confirms that that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Refunding Revenue Bonds, Series 2022 (S&S Quality Meats, LLC), in the aggregate principal amount of $1,495,000 (the "2022 Bonds") for the purpose of (i) refunding, redeeming and retiring the outstanding Series A, 2015 Bonds and Series B, 2015 Bonds (collectively, the "Refunded Bonds") originally issued to pay the costs of the Project; and

WHEREAS, the 2022 Bonds and the interest thereon shall not constitute an indebtedness of the Issuer, within the meaning of any constitutional provision or statutory limitation, shall not constitute nor give rise to a pecuniary liability by the Issuer, nor shall any of the 2022 Bonds or the interest thereon be a charge against the general credit or taxing powers of the Issuer. The 2022 Bonds are not general obligations of the Issuer and are payable solely and only from certain fees, rentals, revenues and other amounts derived by the Issuer pursuant to the Lease (hereinafter defined) and, under certain circumstances, from the proceeds of the 2022 Bonds and insurance and condemnation awards; and

WHEREAS, it is necessary to repeal Ordinance No. 20-26 of the City, adopted and approved on September 2, 2020, as the refunding bond issue authorized therein was abandoned and replaced with the transactions described in and authorized by this Ordinance; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance, execution and delivery of the 2022 Bonds (i) to execute and deliver a Trust Indenture, dated January 15, 2022 (the "Indenture"), by and between the Issuer and Security Bank of Kansas City, Kansas City, Kansas, as Trustee (the "Trustee"), for the purpose of issuing and securing the 2022 Bonds, as provided therein; (ii) execute and deliver a Lease Agreement, dated January 15, 2022 (the "Lease"), by and between the Issuer, as Landlord, and S&S Quality Meats, LLC, as Tenant (the "Tenant") for the purpose of leasing the Project to the Tenant in consideration for payments of Basic Rent, Additional Rent and other charges provided for therein; (iii) execute and deliver a Site Lease, dated January 15, 2022 (the "Site Lease), by and between the Tenant, as lessor and the Issuer, as lessee, leasing the Tenant's interest in Project to the Issuer; and (iv) to execute such other documents and agreements in connection with the issuance of the 2022 Bonds as hereinafter provided.

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

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings given them in the Indenture and Lease authorized and defined by this Ordinance.

Section 2. Authority to Refund the Refunded Bonds. Pursuant to the Act, the Issuer is authorized to provide for the refunding, redeeming and retirement of the Refunded Bonds (as defined above), and as hereinafter authorized.

Section 3. Authorization of and Security for the 2022 Bonds. The following revenue bonds of the City are authorized and directed to be issued the "City of Emporia, Kansas, Taxable Industrial Refunding Revenue Bonds, Series 2022 (S&S Quality Meats, LLC)," in the aggregate principal amount of $1,495,000 (the "2022 Bonds"). The 2022 Bonds are issued for the purpose of paying (i) the costs of refunding, redeeming and retiring the Refunded Bonds and (ii) certain costs of issuance associated with the 2022 Bonds.

The 2022 Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The 2022 Bonds and any Additional Bonds thereafter authorized by the Issuer and the

Trustee in their sole and absolute discretion (herein the "Bonds") may be on a parity with, and equal in priority to, one another and with any Additional Bonds which may be issued on a like parity within the meaning and pursuant to the terms and provision of the Indenture herein defined. The 2022 Bonds shall be special limited obligations of the Issuer payable solely from the revenues derived by the Issuer pursuant to the Lease, or otherwise in connection with the Project. The 2022 Bonds shall not be general obligations of or constitute a pledge of the faith and credit of the Issuer within the meaning of any constitutional or statutory provision and shall not be payable in any manner from tax revenues.

Section 4. Authorization of Indenture. The Issuer is authorized to enter into the Indenture under which the Issuer shall pledge and assign to the Trustee, for the benefit of the holders of the 2022 Bonds, the Trust Estate created thereby, all upon the terms and conditions set forth in the Indenture.

Section 5. Lease of Project. The Issuer is authorized to and shall acquire an interest in the Project pursuant to and in accordance with the Site Lease and, in turn, shall lease the Project to the Tenant, pursuant to and in accordance with the terms and provisions of the Lease.

Section 6. Approval of the Form of Guaranty Agreement and Additional Guaranty Agreement. The form of Guaranty Agreement and the Additional Guaranty Agreement, dated January 15, 2022 (collectively, the "Guaranty Agreement"), pursuant to which the Tenant, the Affiliate Guarantor and Additional Guarantor guarantee to the Trustee, for the benefit of the Owners of the 2022 Bonds, the full and prompt payment of the principal of, redemption premium, if any, and interest on the 2022 Bonds, is approved.

Section 7. Approval of the Form of Individual Guaranty Agreement. The form of Individual Guaranty Agreement dated January 15, 2022, pursuant to which Daniel J. Smoots, Janeice E. Smoots, 2020 Daniel J. Smoots, Irrevocable Trust, Daniel J. Smoots Revocable Trust and the Janeice E. Smoots Revocable Trust, as Individual Guarantors, guarantee to the Trustee, for the benefit of the owners of the 2022 Bonds, the full and prompt payment of the principal of, redemption premium, if any, and interest on the 2022 Bonds, is approved.

Section 8. Authorization of Bond Placement Agreement. The 2022 Bonds shall be sold and delivered pursuant to and in accordance with the terms and provisions of a Bond Placement Agreement, dated January 15, 2022 (the "Bond Placement Agreement"), by and between the Issuer, the Tenant, the Additional Guarantor, the Affiliate Guarantor, and RCB Bank, as the Purchaser of the 2022 Bonds.

Section 9. Execution of 2022 Bonds and Related Agreements and Documents. The Mayor or acting Mayor of the governing body of the Issuer is authorized and directed to execute the 2022 Bonds and deliver same to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor or Acting Mayor is authorized and directed to execute and deliver the Indenture, the Site Lease, the Lease and the Bond Placement Agreement for and on behalf of and as the act and deed of the Issuer in substantially the forms as they are presented today with such corrections or amendments thereto as the Mayor or Acting Mayor shall approve (after consultation and upon direction of Bond Counsel), which approval shall be evidenced by his or her execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk or any Deputy City Clerk of the Issuer are authorized and directed to attest the execution of the 2022 Bonds, the Indenture, the Site Lease, the Lease and the Bond Placement Agreements and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 10. Pledge of the Project. The Issuer pledges the Project to the payment of the 2022 Bonds in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all the 2022 Bonds and any Additional Bonds issued under the Indenture are deemed to have been paid within the meaning of the Indenture.

Section 11. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer are authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the 2022 Bonds, the Indenture, the Site Lease, the Lease and the Bond Placement Agreement, all as necessary to carry out and give effect to the transactions contemplated by this ordinance and the documents authorized herein.

Section 12. Repeal. Ordinance No. 20-26, approved and adopted by the governing body on September 2, 2020 is repealed in its entirety and replaced by this Ordinance.

Section 13. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the Issuer and publication once in the official newspaper of the Issuer.

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas on January 5, 2022.

CITY OF EMPORIA, KANSAS

[seal]

By______________________________________

Robert F. Gilligan, Mayor

ATTEST:

By______________________________

Kerry Sull, City Clerk

<u>EXCERPT OF MINUTES</u>

The governing body of the City of Emporia, Kansas met in regular session, at the usual meeting place in said City on January 5, 2022 at 1:30 p.m., with Mayor Robert F. Gilligan presiding, and the following members of the governing body present:

The following members were absent:

Among other business, there came on for consideration and discussion the following:

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REFUNDING REVENUE BONDS, SERIES 2022 (S&S QUALITY MEATS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF $1,495,000 FOR THE PURPOSES OF REFUNDING, REDEEMING AND RETIRING THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2015 AND SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2015 ORIGINALLY ISSUED TO FINANCE CERTAIN COMMERCIAL IMPROVEMENTS IN THE CITY ON BEHALF OF SMOOTS ENTERPRISES II, LLC; AUTHORIZING THE EXECUTION OF A TRUST INDENTURE BY AND BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, AS TRUSTEE; AUTHORIZING EXECUTION OF A LEASE BETWEEN THE CITY AND S&S QUALITY MEATS, LLC; APPROVING THE FORM OF GUARANTY AGREEMENTS; AUTHORIZING THE EXECUTION OF A BOND PLACEMENT AGREEMENT BY AND BETWEEN THE CITY, S&S QUALITY MEATS, LLC, AND RCB BANK, AS PURCHASER OF THE SERIES 2022 BONDS AND AUTHORIZING OTHER NECESSARY DOCUMENTS AND REPEALING ORDINANCE NO. 20-26 OF THE CITY.

After discussion, upon motion by ______________, seconded by ______________, the Ordinance was passed by a majority of the members of the governing body.

A majority of the members elect having voted in favor of the passage of the Ordinance, it was designated Ordinance No. 22-__.

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CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the January 5, 2022 meeting of the governing body of the City of Emporia, Kansas.

[seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 8**

SUBJECT: Consider Ordinance Authorizing the Issuance of Taxable Industrial Revenue Bonds Series 2022 S&S Quality Meats, LLC.

RECOMMENDATION: Approve Ordinance.

BACKGROUND SUMMARY:

This ordinance authorizes the City of Emporia to issues taxable industrial revenue bonds, series 2022 on behalf of S&S Quality Meats, LLC to refinance the 2015 Bonds which were issued to finance the existing refrigerated warehouse and fresh market operated by Fanestil. The issuance of the 2022 Bonds is in anticipation of the construction of a new production facility adjacent to the project financed by the 2015 Bonds. RCB Bank, the owner of the Series A, 2015 Bonds has restructured its loan and will purchase the Series 2022 Bonds. The ordinance repeals a similar ordinance for a refinancing of the 2015 Bonds, which was anticipated in the fall of 2020, but not finalized.

ACTION RECORD

Action:____

Motion: ____________________ Second: ____________________

Abstained: __________ Vote: __________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

RESOLUTION NO. _______

OF THE

CITY OF EMPORIA, KANSAS

RELATING TO
AN OPTION TO PURCHASE
IN CONNECTION WITH:

NOT TO EXCEED
$2,975,000
TAXABLE INDUSTRIAL REVENUE BONDS
SERIES A, 2015
(SMOOTS ENTERPRISES II, LLC)

AND

$525,000
SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS
SERIES B, 2015
(SMOOTS ENTERPRISES II, LLC)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF EMPORIA, KANSAS APPROVING THE SALE OF A CERTAIN PROJECT FINANCED WITH THE PROCEEDS OF REVENUE BONDS OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A SPECIAL WARRANTY DEED, (2) A BILL OF SALE, (3) A TERMINATION AND RELEASE OF LEASE, AND (4) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE; REPEALING RESOLUTION NO. 3632.

WHEREAS, the City of Emporia, Kansas (the "Issuer") is a municipal corporation organized under the laws of the State of Kansas; and

WHEREAS, the Issuer is authorized pursuant to K.S.A. 12-1740 *et seq.* to issue its revenue bonds for the purpose of paying all or any portion of the cost of purchasing, acquiring, constructing and equipping facilities for commercial, hospital and recreational purposes and to enter into leases with any person, firm or corporation for such facilities; and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series A, 2015 (Smoots Enterprises II, LLC), in the original principal amount of not to exceed $2,975,000 (the "Series A, 2015 Bonds") and Subordinated Taxable Industrial Revenue Bonds, Series B, 2015 (Smoots Enterprises II, LLC), in the original principal amount of not to exceed $525,000 (the "Series B, 2015 Bonds") (the Series A, 2015 Bonds and the Series B, 2015 Bonds are referred to collectively hereafter as the "Bonds") for the purpose of purchasing, acquiring, constructing, furnishing and equipping a 20,000 square foot building to contain a refrigerated warehouse and related space to house a prepared meats business and related use in Emporia, Kansas (the "Project") and paying certain costs of issuance in connection with the Bonds; and

WHEREAS, the Project is leased by the Issuer to Smoots Enterprises II, LLC, a Kansas limited liability company (the "Tenant"), pursuant to a certain Lease Agreement, dated as of December 17, 2015, as amended by a First Supplemental Lease Agreement, dated as of December 17, 2016 (collectively, the "Lease"); and

WHEREAS, the Bonds are payable from the Trust Estate created pursuant to a certain Trust Indenture, dated as of December 17, 2015, as amended by a First Supplemental Trust Indenture, dated as of December 17, 2016 (collectively the "Indenture"), each by and between the Issuer and Security Bank of Kansas City, as successor trustee to CornerBank, Winfield, Kansas (the "Trustee"), which Trust Estate includes a pledge of the Project and revenue received from the fees charged and Basic Rent received pursuant to the Lease; and

WHEREAS, the payment of the principal of and interest on the Bonds is guaranteed by the Tenant pursuant to the terms of a certain Guaranty Agreement, dated as of December 17, 2015; and

WHEREAS, payment of the principal of and interest on the Bonds were jointly, severally and unconditionally guaranteed by Daniel J. Smoots, Daniel J. Smoots Revocable Trust Dated June 1, 2000, as amended, Janeice E. Smoots, and Janeice E. Smoots Revocable Trust Dated June 1, 2000, as amended (collectively, the "Individual Guarantors") pursuant to the terms of an Individual Guaranty Agreement, dated as of December 17, 2015; and

WHEREAS, the payment of the principal of and interest on the Bonds is guaranteed by S&S Quality Meats, LLC and Fanestil Meats Fresh Local Market, LLC pursuant to the terms of a certain Additional Guaranty Agreement, dated as of December 17, 2015 and amended by a First Supplemental Additional Guaranty Agreement, dated as of December 17, 2016; and

WHEREAS, Section 15.1 of the Lease provides for the purchase of the Project by the Tenant upon the proper exercise of the Tenant's option to purchase and the payment (pursuant to Section 15.2) to the Trustee of the full amount necessary and incidental to the retirement and defeasance of the Bonds, plus the payment to the Issuer of $1,000; and

WHEREAS, the Tenant has provided notice of its election to purchase the Project on or about January 18, 2021 (the "Closing Date") and has previously requested the Issuer to redeem the Bonds on or about the Closing Date; and

WHEREAS, on the Closing Date, Smoots Enterprises, L.L.C., as Owner of 100% of the Series B, 2015 Bonds, will surrender the Series B, 2015 Bonds to the Trustee in full satisfaction of payment of the principal of, interest on, and premium, if any, due and payable on the Series B, 2015 Bonds at redemption; and

WHEREAS, it is necessary to repeal Resolution No. 3632 of the City, adopted and approved on September 2, 2020, as the option to purchase authorized therein was abandoned and replaced with the transactions described in and authorized by this Resolution; and

WHEREAS, the Issuer finds it necessary to consent to the early redemption of the Bonds and authorize the execution and delivery of (1) a Special Warranty Deed, (2) Bill of Sale, (3) Termination and Release of Lease, and (4) Satisfaction, Release and Discharge of Indenture in connection with the exercise by the Tenant of its option to purchase the Project.

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

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Lease and Indenture.

Section 2. Sale of the Project. The Issuer is authorized to convey the Project to the Tenant upon (1) sufficient moneys having been deposited with the Trustee so as to completely redeem and pay the Bonds in accordance with the terms of the Indenture, the sufficiency of which amount is to be acknowledged by the Trustee in writing, and/or surrender of the Bonds in satisfaction of the payment of all principal of, interest on, and premium, if any, due and payable at redemption, and (2) receipt by the Issuer of the $1,000 to which it is entitled pursuant to Section 15.2 of the Lease.

Section 3. Authorization and Consent to Redemption. The governing body of the Issuer declares its desire and consent to the early redemption of the Bonds on the Closing Date, or as soon thereafter as practicable, in accordance with the instructions from the Tenant (which shall also be deemed the Issuer's instructions to the Trustee). Issuer acknowledges proper notice of the Tenant's instructions to redeem the Bonds or otherwise waives any additional notice requirements under the Indenture.

Section 4. Authorization of Special Warranty Deed. The Issuer is authorized to execute and deliver its Special Warranty Deed (the "Special Warranty Deed") for the real property portions of the Project to the Tenant, upon satisfaction of the conditions contained in the Lease and set forth in Section 2 hereof, and in substantially the same form as the deed before the governing body on this date.

Section 5. Authorization of Bill of Sale. The Issuer is authorized to execute and deliver its Bill of Sale (the "Bill of Sale") for the personal property portions of the Project to the Tenant, upon satisfaction of the conditions contained in the Lease and set forth in Section 2 hereof, and in substantially the same form as the Bill of Sale before the governing body on this date.

Section 6. Authorization of Termination and Release of Lease. The Issuer is authorized to execute and deliver a Termination and Release of Lease (the "Lease Termination") by and between the Tenant, the Issuer and the Trustee, upon satisfaction of the conditions contained in the Lease and set forth in Section 2 hereof, and in substantially the same form as the Lease Termination before the governing body on this date.

Section 7. Authorization of Satisfaction, Release and Discharge of Indenture. The Issuer is authorized to execute and deliver a Satisfaction, Release and Discharge of Indenture (the "Indenture Release") by and between the Issuer and the Trustee, upon satisfaction of the conditions contained in the Lease and set forth in Section 2 hereof, and in substantially the same form as the Indenture Release before the governing body on this date.

Section 8. Execution of Documents. The Mayor or Acting Mayor of the Issuer is authorized and directed to execute the Special Warranty Deed, Bill of Sale, Lease Termination and Indenture Release for and on behalf of and as the act and deed of the Issuer in substantially the forms as they are presented today with such minor corrections or amendments thereto as the Mayor of the governing body of the Issuer shall approve, which approval shall be evidenced by his execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Resolution, including specifically any applicable UCC Termination Statements. The City Clerk or any Deputy City Clerk of the Issuer are authorized and directed to attest the execution of the Special Warranty Deed, Bill of Sale, Lease Termination and Indenture Release, on behalf of the Issuer and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 9. Delivery of Documents. The Special Warranty Deed, Bill of Sale, Lease Termination and Indenture Release shall be delivered by the Mayor, City Clerk or other appropriate officer or staff member of the Issuer concurrently upon the satisfaction of the requirements set forth in the Lease and in Section 2 of this Resolution. Prior escrow delivery of such documents may be made to Bond Counsel.

Section 10. Repeal. Resolution No. 3632, approved and adopted by the governing body on September 2, 2020, is repealed in its entirety and replaced by this Resolution.

Section 11. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer are authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Resolution and to carry out, comply with and perform the duties of the Issuer with respect to the Special Warranty Deed, Bill of Sale, Lease Termination and Indenture Release and the early redemption, satisfaction and discharge of the Bonds, all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 12. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[Remainder of Page Intentionally Left Blank]

ADOPTED AND APPROVED by the governing body of the City of Emporia, Kansas this 5th day of January, 2022.

CITY OF EMPORIA, KANSAS

[seal]

By_______________________________________
Robert F. Gilligan, Mayor

ATTEST:

By________________________________
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Emporia, Kansas met at the normal meeting place in the City on January 5, 2022 at 1:30 p.m., with Mayor Robert F. Gilligan presiding, and the following members of the governing body present:

and the following members absent:

Among other business, there was presented to the governing body a Resolution entitled:

A RESOLUTION OF THE CITY OF EMPORIA, KANSAS APPROVING THE SALE OF A CERTAIN PROJECT FINANCED WITH THE PROCEEDS OF REVENUE BONDS OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A SPECIAL WARRANTY DEED, (2) A BILL OF SALE, (3) A TERMINATION AND RELEASE OF LEASE, AND (4) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE; REPEALING RESOLUTION NO. 3632.

The Resolution was considered and discussed; and on motion of ___________________, seconded by ___________________, the Resolution was adopted by a majority vote of all members present.

The Resolution was given No. _____.

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CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the January 5, 2021meeting of the governing body of the City of Emporia, Kansas.

[seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 9**

SUBJECT: City of Emporia 2022 Legislative Policy Statement.

RECOMMENDATION: Adopt City of Emporia 2022 Legislative Policy Statement.

BACKGROUND SUMMARY:

The Emporia City Commission annually adopts its legislative position paper detailing the City's goals from the State Legislature during the upcoming legislative session. The 2022 draft proposal is similar to the 2021 Legislative Policy Statement with additional sections in support of continuing the current revenue sharing formula for countywide sales and use taxes and in opposition to industry specific property tax exemptions.

Staff recommends adopting the City of Emporia 2022 Legislative Policy Statement.

ACTION RECORD

Action: ____

____

Motion: ____________________ Second: ____________________

Abstained: ____________ Vote: ____________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

CITY OF EMPORIA
2022 LEGISLATIVE POLICY STATEMENT

HOME RULE - We believe the governing of public affairs should be as close to the people as possible and that Home Rule is essential to vigorous, effective and responsible local government under our representative system. Home Rule is crucial to the continued ability of locally elected officials to solve problems in ways most appropriate to local needs and conditions. Legislation which affirms the ability to pass local laws on the same subject is strongly supported.

FUNDING LOCAL GOVERNMENT - Revenue streams designated for specific state aid programs should be directed to those programs without reallocating revenues to the state. Legislative action reducing local revenues must be matched with action to replace the reduced funds.

KDOT - The City supports full restoration of KDOT funding. State highway funds should be used for highway improvements only. The City-County Highway Fund is essential to maintaining local roads and should be fully funded. The City also supports increasing the amount of State funding which supports maintenance of State highways within city limits.

STATE - LOCAL SPENDING LID - Controlling growth of governmental spending is of vital interest to everyone. Arbitrary spending limits that restrict the authority of <u>locally elected</u> officials to make decisions in the best interest of the community should be opposed.

PUBLIC EDUCATION - We believe the state legislature should provide balanced education funding with continued support for K-12, job training, technical colleges and our state universities. Coordination of higher education programs should be encouraged. To support a strong economic future, we need a prepared workforce.

HIGHER EDUCATION - The City supports both ESU and the Flint Hills Technical College on their legislative issues and agendas. The City supports increased state funding for higher education in Kansas. Investment in higher education is investment in Kansas cities.

SALES TAX FAIRNESS - We support requiring out of state sellers of goods to pay local sales tax on internet sales. We further generally oppose any further exemptions to the base of state and local sales taxes, including sales of food. Any change in the method of taxing food should be accomplished by a system of income tax credits or direct rebates, rather than complete exemption.

BUDGETING - The statutory timetable for budget preparation, publication, hearing, adoption and certification should be extended by at least one month. The increasingly efficient methods of communication and data transmission should allow such an extension without an undue impact upon county offices and would help ensure the municipality's receipt of accurate assessed valuation information.

EMS/HOSPITAL FUNDING - Emergency medical services and public hospitals must provide medical services without regard to ability of patients to pay. The expansion of Medicaid in Kansas would allow medical providers to be at least partially compensated for some medical services to economically disadvantaged citizens. We support the expansion of Medicaid in Kansas.

ECONOMIC DEVELOPMENT – We support the Department of Commerce economic development and workforce development incentives including Rural Housing Incentive Districts, the PEAK program and the HPIP program.

KPERS – The City supports the continued commitment to stabilize and fully fund the Kansas Public Employees Retirement System (KPERS).

COUNTYWIDE SALES AND USE TAXES – We support maintaining the existing city-county revenue sharing formula which benefits both city and county taxpayers and ensures there is a fair method to distribute funds that are generated primarily in cities.

PROPERTY TAX EXEMPTIONS – We support a broad tax base and believe existing property tax base should be protected. We encourage the legislature to resist any proposal for industry specific exemptions.

APPROVED by the Emporia City Commission, this 5th day of January 2022.

____
Robert F. Gilligan, Mayor

____
Becky Smith, Vice-Mayor

____
Susan Brinkman, City Commissioner

____
Danny Giefer, City Commissioner

____
Jamie Sauder, City Commissioner

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 10**

SUBJECT: 2022 Joint Legislative Statement for the Emporia & Lyon County Area.

RECOMMENDATION: Approve Participation in 2022 Joint Legislative Statement for the Emporia & Lyon County Area.

BACKGROUND SUMMARY:

City staff has met with the local Legislative Policy Committee whose members represent the Chamber of Commerce, Lyon County, City of Emporia, and input from numerous community organizations. This statement was prepared by the Emporia Chamber of Commerce and addresses local priorities in areas of Safety, Tax Policy, Education, Health Care, Economic Development, and Transportation. The final document will be prepared after each organization has had an opportunity to review the draft document and make a participation decision.

Staff recommends approval of participation in the 2022 Joint Legislative Statement for Emporia and Lyon County.

ACTION RECORD

Action:____

Motion: ____________________ Second: ____________________

Abstained: __________ Vote: __________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

DRAFT

"Moving Forward Together!"
2022 Joint Legislative Statement for the Emporia & Lyon County Area
List of partners and area map

Safe, Diverse, and Inclusive Communities
Emporia and Lyon County support safety and inclusion for all. The population of our communities is diverse, and we celebrate those differences.

Tax Policy
Emporia and Lyon County residents recognize the importance of a balanced and fair tax policy for our State. Tax policy can drive job growth and recruit new businesses by building excellent infrastructure, providing high quality education, and enhancing the health and quality of life for our citizens.

Education
Education is essential to the vitality and dynamism of the Emporia – Lyon County community. From public and private pre-K through 12th grade to a continuum of educational opportunities for post-secondary students, Lyon County citizens invest in education because we understand the critical role education plays in attracting and retaining meaningful employment opportunities across our region and the State of Kansas. To ensure equity, every public-school student in Kansas deserves an opportunity to a high-quality education preparing them to be college and career ready. We support the requests of the Kansas Board of Regents to restore funding for public universities, community colleges, and technical colleges to pre-pandemic levels

Health Care
High quality, affordable health care is essential for a thriving and healthy community. We support primary care, behavioral health, dental care, and various wellness initiatives that ensure sufficient funding for providers. We support taking advantage of federal funding by expanding Medicaid.

Economic Development
The most pressing issue facing our business and industry is the difficulty recruiting and retaining employees. The state must become a partner in assisting our communities in to address issues such as affordable housing and childcare. Both are critical for the growth of our business and industry. We support the preservation and funding of incentive programs such as PEAK, HPIP, STAR and JCF. In addition, having tools such as TIF, TDD, and CID available to use locally are important.

DRAFT

Transportation

We support fully funding the Eisenhower Legacy Transportation program and will work as a partner in our regional projects. Lyon County has 301 bridges, ranking 2nd in the state. Current major transportation projects include major improvements at the Emporia Regional airport and construction of transcontinental double tracks by BNSF. The expansion of broadband into our rural areas is also vital to the growth and prosperity of our citizens.

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 11**

SUBJECT: Report from the City Manager on City Activities.

RECOMMENDATION: This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public with information that may be of general interest.

BACKGROUND SUMMARY: This is an opportunity 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 January 12th Study Session at 10:00 a.m.

- Discuss Changes to City of Emporia Flag.
- Discuss Flashing light at the Intersection of 6th Avenue and Congress Street.
- Discuss 12th Avenue Elevated Storage Tank Logo.
- Discuss Ordinance Cross Connection/Online Backflow Management System.
- Discuss Sewer System Connection Policy.
- Continued Discussion for City of Emporia Stormwater Management Plan.

ACTION RECORD

Action:____

Motion: __________________ Second: __________________

Abstained: ________ Vote: ________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 12**

SUBJECT: City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY:

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

ACTION RECORD

Action:____

Motion: ________________________ Second: ________________________

Abstained: ____________ Vote: ________________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 13**

SUBJECT: State of the City Speech

RECOMMENDATION:

BACKGROUND SUMMARY:

A long-standing tradition for the City of Emporia has been for the outgoing Mayor to provide their comments on the State of the City before passing the baton to the incoming Mayor. Mayor Gilligan will provide his comments reading his assessment of the City of Emporia as part of the total community during this agenda item.

ACTION RECORD

Action:____

Motion: ________________________ Second: ________________________

Abstained: ____________ Vote: ____________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 14**

SUBJECT: Adjourn Sine Die.

RECOMMENDATION:

BACKGROUND SUMMARY:

In order to conduct the annual business meeting, the Commission must adjourn sine die, which is to close that portion of the City Commission meeting. The current Mayor convenes the business meeting, the first action of which is to administer the oath of office to any new elected officials, then to elect the Mayor for the coming year. Unless the current Mayor is re-elected, the new Mayor will conduct the rest of the business meeting. The Commission may adjourn the business meeting at the end, which effectively adjourns the entire City Commission meeting.

ACTION RECORD

Action:____

Motion: ________________________ Second: ________________________

Abstained: ____________ Vote: ________________

SAUDER______ GIEFER______ GILLIGAN_____ SMITH______ BRINKMAN_____

AGENDA ITEM SUMMARY

MEETING DATE: January 5, 2022 **ITEM NUMBER: 15**

SUBJECT: Business Meeting.

RECOMMENDATION:

BACKGROUND SUMMARY:

a. Administer Oath of Office.

b. Elect a Mayor for the coming year. Traditionally the person serving as the Vice Mayor has been elected Mayor. This is not a statutory requirement but has been a tradition of the City of Emporia similar to many cities in Kansas. Elect a Vice-Mayor for the coming year. In the past, this position has been filled based on results of the most recent local election. Once again, no statutory requirement exits for this process.

c. Approve surety bonds for the City Manager, City Clerk and City Treasurer. The City has obtained the surety bonds from Cincinnati Insurance Co. for the 2021 fiscal year.

d. Designate the Emporia Gazette as the official newspaper, per K.S.A. 12-1420. The City is required by State law to designate an official newspaper, which must have a general circulation in the City. All public hearing and meeting notices, emergency orders, and other official notices must be published in the official newspaper.

e. Designate the following financial institutions to serve as depositories of funds of the City of Emporia, per K.S.A. Supp. 9-1401:

- Citizens State Bank
- Community National Bank & Trust
- ESB Financial
- Lyon County State Bank
- Capital Federal

f. Appoint one member of the Governing Body to serve as a representative to the following Boards:

- RDA – appoint one person to serve as the City Commission representative on the Regional Development Association of East-Central Kansas Board. Traditionally a City Commissioner is the annual appointment. The Board consists of one City appointee plus one City Commissioner, one County appointee plus one County Commissioner, one appointee by the Chamber of Commerce Board, one appointee by the Emporia Enterprises Board, and one at-

ACTION RECORD

Action:____

Motion: ____________________ Second: ____________________

Abstained: __________ Vote: __________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

large appointee selected by the RDA Board. Ex officio members include the City Manager, City Attorney, County Counselor, Emporia State University President, Flint Hills Technical College President, and one appointee by the Main Street Board. Currently the City Commission has no appointee.

- JEDAC – appoint one member to participate in the activities of the Joint Economic Development Advisory Council. The Council is made up of one City Commissioner, one County Commissioner, one School Board member, Emporia State University President, Flint Hills Technical College President, Newman Regional Health Board Chairman, Chamber of Commerce Chairman, and Emporia Enterprises Chairman. Ex officio members include the City Manager, Chamber President, RDA President, County Counselor, School Superintendent and Newman Regional Health CEO. Comm. Brinkman is the City Commission's current representative.

- Recreation Commission – appoint one member to serve as the City Commission representative. The Recreation Commission Board consists of two City appointees plus a City Commissioner, two School Board appointees plus a School Board member, and one at-large appointee selected by the Recreation Commission Board. Comm. Giefer is the City Commission's current representative.

- Emporia Community Foundation Board – appoint one member to serve as the City Commission representative. The City has accounts at the Foundation and is entitled to one appointee from the Commission. Commissioner Smith is the City Commission's current representative.

- WAW Community Partnership – appoint one member to participate in the William Allen White State Historic Site Community Partnership Board. The City is entitled to one seat on the Board, which has to date always been a City Commissioner, but is not required to be. Comm. Smith is the current City Commission representative.

- Emporia Enterprises-appoint one person to serve as the City Commission representative on the Emporia Enterprises Board. The City is entitled to one appointee from the Commission. Comm. Gilligan is the City Commission's current representative.

- Emporia Convention & Visitors Advisory Board-appoint one person to serve as the City Commission liaison to the Emporia Convention and Advisory Board. The City is entitled to one appointee from the Commission. Comm. Brinkman is the City Commission's current representative.

ACTION RECORD

Action:____

____

Motion: ____________________ Second: ____________________

Abstained: __________ Vote: ____________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

- Joint City/County Facilities and Services Community Board-appoint one person to serve as the City Commission representative on the Joint City/County Facilities and Services Community Board. The City is entitled to one appointee from the Commission. Comm. Gilligan is the City Commission's current representative.

g. Adjourn Meeting.

ACTION RECORD

Action: ____

____

Motion: ______________________ Second: ______________________

Abstained: ____________ Vote: ______________

SAUDER_____ GIEFER_____ GILLIGAN_____ SMITH_____ BRINKMAN_____

COMMISSION MEETING **7:00 P.M.** **DECEMBER 15, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, December 15, 2021, with Mayor Gilligan presiding and Commissioners Brinkman, Giefer, Sauder and Smith present. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of November for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2020	2021	
	$397,750.57	$371,392.98	**Decrease** of $26,357.59 for the month, and Overall **increase** of 6.15% from year 2020
YTD	**$ 4,573,844.15**	**$4,855,072.45**	

2. City Share from County Tax

	2020	2021	
	$ 199,550.21	$ 249,520.62	**Increase** of $49,970.41 for month, and Overall **increase** of 8.73% from year 2020
YTD	**$2,326,864.78**	**$2,529,977.24**	

3. **Building Permits issued from 11/1/2021 to 11/30/2021 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	62
Total of valuations associated with those building permits:	$11,632,852.00
Total number of dollars collected for Building Permit Fees:	$ 27,616.39
Construct - single family dwellings	0
Demo - single family dwellings	0
Flint Hills Mall CID for November	$ 17,109,62
Year to Date Total	$ 192,651.79

Consent Agenda

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

a. Consider minutes of the Meetings held on December 1, 2021.

b. Consider ratification of Payroll Ordinance for the period ending on December 3, 2021.

c. Consider the Approval of November Budget.

d. Consider Change Order No. 1 (final) for the CCLIP FY2002 Paving Improvements Project (PV2101).

The vote follows: Commissioner Giefer aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Public Comment)

This is the time for the public to make comments. No comments were made at this time.

CITY COMMISSION
(Board Appointment)

Emporia Public Library Board:

It was moved by Commissioner Brinkman seconded by Commissioner Sauder that Caron L. Daugherty be appointed to the Emporia Public Library Board to fill an unexpired term that expires April 30, 2022. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

BOUNDARY
(Resolution Number 3659)

City Manager Cocking stated every year the City is required to pass a resolution declaring the entire boundary of the City. He stated there were 114.9 acres annexed into City Limits for 2021. The total acres in the entire boundary of the City is 7886.25 acres or 12.32 square miles.

Commissioner Smith made a motion to approve Resolution Number 3659, a resolution establishing the city boundary lines. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Gilligan, aye.

ENGINEERING
(6th Avenue (US-HWY) Waterline Replacement)
(Woodland Street to Lincoln Street - Project No. WM2101)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the construction of 6th Avenue waterline replacement US-Hwy 50 from Woodland Street to Lincoln Street. There were two bids submitted out of four plan holders. The bids are as follows:

Contractor	Bid Amount
Middlecreek Corporation	***$886,529.00***
Nowak Construction	$987,585.40
BG Consultants Engineer's Estimate	$862,365.00

He stated staff is recommending awarding the bid to Middlecreek Corporation in the amount of $886,529.00. This project will be funded from the KDHE SRF loan fund.

Following further discussion, Commissioner Giefer made a motion to award the bid for the Construction of 6th Avenue Waterline Replacement US-Hwy 50 - Woodland Street to Lincoln Street to Middlecreek Corporation in the amount of $886,529.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

PAVING
(Funston St. & 5th Avenue Paving Improvements - Project No. PV2008)
(5th Avenue to 6th Avenue & Funston Street to Sunnyslope Street)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for Funston Street and 5th Avenue Paving Improvements from 5th Avenue to 6th Avenue and Funston Street to Sunnyslope Street. He stated contractors had the option of bidding asphalt, concrete or both. There were three bids submitted out of two plan holders. The bids are as follows:

Contractor	Asphalt bid	Concrete Bid
APAC Kansas Shears	$553,760.84	$ N/A
Burlington Construction	***$ N/A***	***$524,089.10***
Vogts-Parga Construction	$ N/A	$573,814.35
Engineer's Estimate	$525,868.00	$545,338.00

He stated staff is recommending awarding the bid to Burlingame Construction for the concrete in the amount of $524,089.10. This project will be paid for with a bond issue.

Following further discussion, Commissioner Smith made a motion to award the Funston Street and 5th Avenue Paving Improvements (5th Avenue to 6th Avenue and Funston Street to Sunnyslope Street), Project No. PV2008 to Burlington Construction for the concrete bid amount of $524,089.10. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Gilligan, aye.

WATER MAINTENANCE
(Consider Design & Construction Services Contract w/KLM Engineering)
(12TH Avenue Elevated Storage Tank Rehabilitation)

Dean Grant, Public Work Director, was recognized and addressed the Governing Body. He stated as discussed at a previous study session, staff would like to contract with KLM Engineering to design the plans and specifications for the rehabilitation for the 12th Avenue elevated storage tank and manage and inspect the work during construction. KLM Engineering performed the inspection on the storage tank to understand what is needed for the rehabilitation. He stated the cost of design is $15,000.00, construction management is not to exceed $6,570.00, construction observation is not to exceed $60,290.00 and one-year warranty inspection is $3,750.00. Total cost for the KLM

Engineering's services is $18,750.00, and total not to exceed cost is $66,860.00. The rehabilitation project is estimated to cost approximately $1,100,000.00. He stated staff is recommending approval of the design and construction services on the 12th Avenue elevated storage tank with KLM Engineering in the amount of $85,610.00. The rehabilitation work on the 12th Avenue elevated storage tank will be started in 2023. This project will be funded from the KDHE SRF loan fund.

Commissioner Brinkman made a motion to approve the proposal for design and construction services on the 12th Avenue Elevated storage tank with KLM Engineering in the amount of $85,610.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

STREET DEPARTMENT
(Consider Equipment Purchases)
(Aerial Bucket Truck, Vacuum Street Sweeper and Backhoe)

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated the Street Department of Public Works is requesting to purchase equipment an aerial bucket truck from Altec, Inc., in the amount of $162,481.00;, budgeted amount is $150,000.00; a Vacuum Street Sweeper from Key Equipment & Supply Co., in the amount of $284,902.42, budgeted amount $305,000.00; and a Backhoe from Murphy Tractor & Equipment Co., in the amount of $112,407.00, budgeted amount is $130,000.00. Total cost of all equipment in the amount of $559,790.42. He stated staff is recommending the purchase of the equipment in the total amount of $559,790.42. Funding for the purchase of this equipment will come from a bond issue.

Commissioner Smith made a motion to purchase an Aerial Bucket Truck from Altec, Inc. in the amount of $162,481.00. A Vacuum Street Sweeper from Key Equipment & Supply Co., in the amount of $284,902.42, and a Backhoe from Murphy Tractor & Equipment Co., in the amount of

$112,407.00 for a total cost of equipment in the amount of $559,790.42. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(United States Department of Homeland Security FEMA)
(Kansas Division of Emergency Management)
(Acceptance of Grant Under Pre-Disaster Mitigation Grant Program)
(Fanestil Meats on South Highway 99)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Kent Heermann with the Regional Development Association, has been working on a grant application for pre-disaster natural hazard mitigation to reduce overall risk to population and structures, while reducing reliance on funding from major disaster declarations. This process started back in January 2020 with a Memorandum of Understanding and then later incorporated into the August 2020 Incentive Compliance Agreement. Property acquisition will occur after the new facility is constructed and an escrow fund will be established. PDM grant funds may be used for specific expenses including, acquisition, closing costs, demolition, re-seeding, asbestos inspection and removal and administrative expenses. After the transfer of the real estate, demolition must be completed within 90 days. PDM grant funds will be drawn down and distributed by the city on a reimbursement basis for eligible expenses and any remaining expenses not covered by grant funds will be the responsibility of the owner. The proceeds of this grant will be utilized by Fanestil Meats to remove their structure on South Highway 99 upon the completion of the new facility on West Highway 50 in Emporia, Kansas. The grant proceeds will pay for 75% of the estimated projects expenses and the owner will match it with the remaining 25%. Accepting this action will be at no cost to the City. She stated staff recommends retaining Garrett Nordstrom with Western Consultants d/b/a Governmental Assistance Services to administer the FEMA PDM grant and recommends the Commission accepts the grant from the United States Department of Homeland Security FEMA and the Kansas Division of Emergency Management and authorize the Mayor to sign all necessary documents.

Following further discussion, Commissioner Giefer made a motion to accept the grant from the United States Department of Homeland Security FEMA under the Pre-Disaster Mitigation Grant Program and the Kansas Division of Emergency Management and authorize the Mayor to sign all necessary documents. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

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

Tentative Agenda for December 22nd Study Session at 10:00 a.m.

Discuss Establishing Storm Water Utility Fee.
Discuss Increase in Sewer Rates.
Discuss Increase in Golf Rates.
Discuss 2022 Legislative Policy.
Discuss Partnership with ESU.

Commissioner Smith then made a motion to adjourn to December 22, 2021 at 11:30 a.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Gilligan, aye.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

ADJOURNED
COMMISSION MEETING **11:30 A.M.** **DECEMBER 22, 2021**

The Governing Body of the City of Emporia, Kansas, met in Adjourned Session, Wednesday, December 22, 2021 in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Giefer, Sauder and Smith present. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

SANITARY SEWER
(Consider Increase in Sanitary Sewer Rates)
(Ordinance Number 21-41)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO SEWER RATES; AMENDING SECTION 28-144 SCHEDULE OF CHARGES, to which the City Clerk assigned Ordinance Number 21-41, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated the proposed ordinances address rate increases necessary to cover the increase in bond payments for wastewater treatment plant improvements and other wastewater infrastructure projects. She stated to maintain the required reserve level of 20%, a 6% increase to the base and consumption rate increase is recommended. She stated additional rates will also be required for the next four years. There is a choice of two ordinances for the rate increase. One is to approve a 6% rate increase for 2022 effective January 1, 2022; the other has been included to approve a 6% rate increase for 2022, 6% increase for 2023, 5% rate increase for 2024, 3% rate increase for 2025 and a 3% rate increase for 2026. If the ordinance is approved for multiple years, the rates will be reviewed annually.

Following further discussion, Commissioner Giefer made a motion to approve Ordinance Number 21-41, an ordinance to approve a 6% rate increase for 2022 effective January 1, 2022. Commissioner Brinkman seconded the motion.

Mayor Gilligan stated he felt an effective date of April 1, 2022 was sufficient.

Commissioner Giefer made a motion to amend his motion to approve Ordinance 21-41 with an effective date of February 1, 2022. Commissioner Brinkman seconded the amended motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Gilligan.

SANITARY SEWER
(Consider Increase in Extra Strength Surcharge)
(Ordinance Number 21-42)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO SEWER RATES; AMENDING SECTION 28-149 EXTRA STRENGTH SURCHARGE, to which the City Clerk assigned Ordinance Number 21-42, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated the proposed ordinance is for an increase in the extra strength sewer rate at the same percentage (6%) as the sanitary sewer increase. An extra strength surcharge was established for those nonresidential users who produce sewage with a BOD index above 300 or an SS index above 300 following a formula. She stated the proposed ordinances were following the same recommendations as the previous increase in sanitary sewer rates. One is to approve a 6% rate increase for 2022 effective January 1, 2022; the other has been included to approve a 6% rate increase for 2022, 6% increase for 2023, 5% rate increase for 2024, 3% rate increase for 2025 and a 3% rate increase for 2026. If the ordinance is approved for multiple years, the rates will be reviewed annually.

Following further discussion, Commissioner Brinkman made a motion to table this item to a future meeting in order to have more information to determine a rate increase. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Gilligan, aye.

EMPORIA MUNICIPAL GOLF COURSE
(Approve 2022 Rate Increase Schedule)
(Resolution Number 3660)

Marcus Erkel, Golf Course Manager, was recognized and addressed the Governing Body. He stated at a previous study session, the City Commission discussed an increase in golf course rates for 2022. Rates have not been increase since 2019. He stated he was recommending a rate increase on the daily fees would put the golf course in line with similar courses around the state. The slight increase would help offset some increased costs in expenditures. The golf course would also like to introduce a military discount at the same price as the senior discount. The golf course rates are as proposed:

Green Fees

Monday/Thursday Regular	$20.00
Monday/Thursday - Senior/Military	$18.00
Junior (after 2:00 p.m. on Weekends/Holidays)	$ 9.50
Monday/Thursday Twilight	$14.00
Friday/Saturday/Sunday/Holiday	$24.00
Friday/Saturday/Sunday/Holiday Twilight	$16.00
Monday/Thursday 9 hole	$14.00
Friday/Saturday/Sunday/Holiday 9 hole	$16.00

Annual Fees

Individual	$675.00
Additional	$390.00
Senior/Military	$600.00
Junior	$150.00

*After 2:00 p.m. on Saturday/Sunday/Holidays/Discretion of Golf Shop staff.

Trail Fees

Per Nine Holes	$ 6.50
Per Eighteen Holes	$ 9.50

Storage

Space and Trail Fee (Maximum two individual per space)	$525.00

Golf Cart Rental

9 Holes	$ 8.00/person
18 Holes	$14.00/person

Use of City Owned Golf Cart (May be limited due to number City owned golf carts)	$650.00
Annual Driving Range	$210.00
Annual Trail Fee	$260.00
Pull Cart Rental	$ 3.50
Driving Range	$3.50/$5.00
Club Rental	$ 10.50

Commissioner Sauder made a motion to approve Resolution Number 3660, a resolution authorizing rate adjustments to the fee structure at the Emporia Municipal Golf Course. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session to discuss proprietary information of private businesses within the City limits of Emporia and to invite Special Projects Manager Jim Witt, from 11:45 a.m. to 12:10 9.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Adjourned Session at 12:10 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed proprietary information of private businesses within the City limits of Emporia and no action was taken.

EXECUTIVE SESSION

Commissioner Giefer made a motion to adjourn into Executive Session to discuss consultation with the City Attorney from 12:12 p.m. to 12:17 p.m., in the City Commission Meeting Room. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Adjourned Session at 12:17 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed consultation with the City Attorney and action would need to take place.

Commissioner Brinkman made a motion to approve the Waiver of Conflict with Triplett Wolff Garretson, LLC and for the Mayor to sign the document. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk