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**MEETING OF THE CITY COMMISSION - AGENDA  
WEDNESDAY, OCTOBER 19, 2022 AT 11:00 AM  
CITY COMMISSION CHAMBER**

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**ORDER OF BUSINESS**

**CALL MEETING TO ORDER** Mayor Becky Smith

**MEMBERS PRESENT**

Vice Mayor Danny Giefer  
Commissioner Susan Brinkman  
Commissioner Erren Harter  
Commissioner Jaime Sauder

**PROCLAMATIONS**

Presentation of Best Tasting Water Award to City of Emporia Water Treatment Plant from Katie Miller, Director of Water Services for Kansas Municipal Utilities.

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**PUBLIC FORUM**

*The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.*

**NEW BUSINESS**

- 1) **Ordinance No. 22-45 Issuing a Conditional Use Permit for a Telecommunications Tower.**  
*Presented by: Justin Givens, Administrator of Planning & Zoning*  
**Recommended Action:** Approve Ordinance No. 22-45
- 2) **Ordinance No. 22-46 Vacating a Public Easement for Emporia Land Development LLC.**  
*Presented by: Justin Givens, Administrator of Planning & Zoning*  
**Recommended Action:** Approve Ordinance No. 22-46

**COMMUNICATIONS**

*Presented by Trey Cocking, City Manager.*

- 1) Financials & Permits
- 2) September Budget

**CONSENT AGENDA**

*Presented by Trey Cocking, City Manager.*

- 1) Consent Agenda List.
- 2) Minutes for the October 5, 2022, Commission Meeting.

- 3) Ratification and Approval of the Payroll Ordinances for the period ending October 7, 2022.
- 4) Resolution No. 3681 for Series A & Resolution No. 3682 for Series B for the Termination and Release of the Property Located at 1300 Whittier Place.
- 5) FHTC Major Economic Grant Program Reallocation.

### **INFORMATIONAL ITEMS**

*Presented by Trey Cocking, City Manager.*

- 1) Informational Items

### **GOVERNING BODY COMMENTS**

Mayor Becky Smith  
Vice Mayor Danny Giefer  
Commissioner Erren Harter  
Commissioner Susan Brinkman  
Commissioner Jamie Sauder

### **EXECUTIVE SESSION**

- 1) THE CITY COMMISSION REQUESTS AN EXECUTIVE SESSION TO DISCUSS DATA RELATING TO FINANCIAL AFFAIRS OR TRADE SECRETS OF CORPORATIONS, PARTNERSHIPS, TRUSTS, AND INDIVIDUAL PROPRIETORSHIPS FOR POTENTIAL ECONOMIC DEVELOPMENT PROJECTS. K.S.A. 75-4319(B)(4) IS THE AUTHORITY FOR THIS RECESS INTO EXECUTIVE SESSION.

Recess into Executive Session to discuss proprietary information of third parties for potential economic development projects for 20 minutes, inviting RDA President Chuck Scott, and stating at which time the open meeting will resume.

### **RECESS**

Recess to Conference Room 1AB for Study Session

### **STUDY SESSION AGENDA ITEMS**

- 1) Discuss Chickens within City Limits.
- 2) Discuss New City Logo.
- 3) Discuss Request for Proposal for Compensation Study.
- 4) Housing Policy Update & Review.
- 5) Vacant Property Improvement Program.

### **ADJOURNMENT**

## Commission Action Report

**Title:** Ordinance No. 22-45 Issuing a Conditional Use Permit for a Telecommunications Tower

**Proposed Agenda Date:** October 19, 2022

**Presented By:** Justin Givens, Planning & Zoning Administrator

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### **BACKGROUND:**

At their September 20th regular meeting, the Emporia Planning Commission did unanimously approve a recommendation for a Conditional Use Permit to be issued for the new Evergy Service Center located at 683 Road 180. The recommendation came following a public hearing, in which no opposition to the project was expressed.

### **DISCUSSION:**

Evergy is requesting to install a communication tower in the southwest corner of their property. The proposed tower will be 320 ft. tall and is similar to the tower built at the City of Emporia Public Works Facility. The tower will be located 197 ft. from the south property line, and 81 ft. from the west property line. The tower will be located more than 1300 ft. from the nearest residential structure and more than 600 ft. from the nearest commercial structure. The tower is necessary to assist the utility in communication throughout the district with workers and equipment, including grid monitoring.

Per the Zoning Regulations, the Conditional Use Permit is valid for five years, after which, Evergy or the tower occupants will be required to reapply for an extension of the permit. The process is designed to ensure that tower owners continue to meet all local, state, and federal regulations.

### **FINANCIAL CONSIDERATIONS:**

There are no financial considerations for this item.

### **OTHER CONSIDERATIONS:**

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

### **RECOMMENDED ACTION:**

Adopt Ordinance 22-45 issuing the Conditional Use Permit.

### **ATTACHMENTS:**

CUP Ordinance, Excerpt of Minutes from September 20, 2022 Planning Commission meeting (including staff report to the Planning Commission).

ORDINANCE NO. 22-45

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS.

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

Section 1. A Conditional Use Permit is hereby granted to allow the installation of a telecommunication tower in an I-1, Light Industrial District at the following described property:

Lot 1, Block 1, Westar Subdivision, Emporia, Lyon County, Kansas;

Commonly Known As: 679 Road 180, Emporia, KS

Section 2. The following additional conditions are imposed upon the Conditional Use Permit:

- 1) The Conditional Use Permit shall be granted for a period of five (5) years from the effective date of this ordinance.
- 2) The construction and maintenance of the tower shall be compliant with all local, state, and federal regulations and in accordance with the approved site plan submitted with the application for the conditional use.

Section 3. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 19th day of October 2022.

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BECKY SMITH, Mayor

ATTEST:

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KERRY SULL, City Clerk



**EXCERPT OF MINUTES- 9/20/2022**

**EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION**

The Planning Commission met in a regular session on Tuesday, September 20, 2022, with Chair Thomas presiding. Members Bucklinger, Weaver, Duncan, and Barnes were present.

Member Colson was absent.

City staff: Justin Givens and Moriah Keen were present.

Chair Thomas called the meeting to order, five members were present.

**1. Consider an Application PC 2022-06 CUP a Request for a Conditional Use Permit for a Communication Tower**

**Chair Thomas** asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and the property owners within 200ft of the property.

**Chair Thomas** asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No commissioners needed to recuse themselves due to a conflict of interest and no ex parte communications were reported.

**Givens** provided the staff report:

**Application #:** PC 2022-06 CUP

**Applicants:** Evergy Kansas Central, Inc.

**Requested Action:** Consider an Application for a Conditional Use Permit for a Communications Tower

**Purpose:** Applicant desires to erect a communications tower on their property.

**Address:** 683 Road 180

**Legal description:** Lot 1, Block 1, Westar Subdivision

**Lot Size:** 19.10 acres

**Existing Zoning:** I-1 Light Industrial

**Future Zoning in ELC Comp. Plan:** Industrial Flex

**Surrounding Zoning:**

**North** – I-1 Light Industrial, A-L Agricultural, R-1 Low Density Residential

**East** – C-3 General Commercial

**South** – C-2 Restricted Commercial, C-3 General Commercial, I-1 Light Industrial

**West** – A-L Agricultural

**Surrounding Actual Uses:**

**North** – Pasture – Field Crops – Large Lot Residential Homes

**East** – Agriculture and Heavy Equipment Sales – Heavy Commercial

**South** – Pasture – Field Crops – Meat Processing & Packaging – Heavy Commercial

**West** – Pasture - Homestead

**Analysis:**

Evergy is in the process of building a 13-million dollar operation facility at 683 Road 180. This new facility will consolidate their Emporia area operations, providing office, training, and operational space, warehousing for equipment and supplies, and a yard for outdoor storage.

They are requesting to install a communication tower in the southwest corner of their property. The proposed tower will be 320 ft. tall and is similar to the tower built at the City of Emporia Public Works Facility. The tower will be located 197 ft. from the south property line, and 81 ft. from the west property line. The tower will be located more than 1300 ft. from the nearest residential structure and more than 600 ft. from the nearest commercial structure.

The tower is necessary to assist the utility in communication throughout the district with workers and equipment including grid monitoring.

Additional analysis has been provided in the factors for consideration.

#### 20-808. Consideration of Conditional Use Permit.

a. Except as hereinafter otherwise provided, a Conditional Use Permit application for a telecommunications tower shall be subject to the same procedures for consideration and action as applies to any other Conditional Use Permit application pursuant to Article 26 of these regulations.

b. In lieu of the factors for consideration of a Conditional Use Permit application under 26-109 of these regulations, the Planning Commission may recommend approval of a Conditional Use Permit, and the Governing Body may approve such permit for a telecommunications tower, using the following factors as guidelines:

1. Whether approval of the conditional use would be consistent with the intent and purpose of, and meets the requirements of, these regulations; **The location of the tower on the applicant's property is situated in a manner to be the least intrusive to the neighboring property owners. It will create separation from existing structures, which would limit any potential hazards if the tower were to collapse. Granting the conditional use as proposed would be consistent with other towers of similar size within the city and of the regulations.**

2. The aesthetic impact of the proposed telecommunications tower on the surrounding neighborhood; **The applicant has stated that they are open to work with neighboring property owners on the lighting scheme provided it meets FAA approval. They would be allowed a daytime white strobe and a solid red nighttime light to help minimize any light intrusion onto neighboring properties. As this site sits mostly adjacent to industrial and heavy commercial uses, the aesthetic impact of the tower will be minimal on the surrounding neighborhood. Additionally, by locating the tower closer to the south property it provides the maximum distance possible away from any residential structure.**

3. Whether the positions of the applicant and/or the opponents are substantiated by substantial competent evidence or rather generalized concerns or unsubstantiated claims

are made to the Planning Commission and/or Governing Body; **The tower is necessary to improve communications in and around the City of Emporia, western Lyon County and into Chase County. It will provide additional redundancy with a tower located at the Evergy Energy Center several miles northeast of town. A new tower was also necessary so that direct connections could be made at the Service Center.**

4. Whether a Federal Communication Commission (FCC) license has been granted to the applicant authorizing provision of wireless services to the community and whether radio frequency emissions will comply with FCC regulations; **An FCC has been granted. Space has also been provided for co-location and any additional antennae placed on the tower will be required to be licensed from the FCC as well.**

5. Will the tower adversely impact adjoining property values, present a hazard to air space, negatively impact the environment, traffic or in any other manner create negative impacts upon the neighborhood or community; **The FAA has issued a letter of determination of No Hazard To Air Navigation for the proposed tower. The location of the tower is sited in an area that it will have minimal impact on traffic and should have minimal impact on the environment in the area that would create a negative impact.**

6. The recommendation of professional planning staff; **Based on information provided at the time of writing this report, staff is supportive of the request.**

7. The expert testimony presented on behalf of and in opposition to the application; **Any additional information shall be weight during consideration of the CUP.**

8. Such other factors as may be relevant to the facts and evidence presented in the application. **Any additional information shall be weight during consideration of the CUP.**

**Neighborhood Communications:** At the time of writing this report, staff has been in contact with one property owner within the notification area, who asked general questions about the location, style or type of tower, finish, and lighting scheme. No objection to, or support of the application was provided.

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

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

**Attachments:** Application / Supporting Documents / Aerial Map / Current Zoning Map

Commissioner **Bucklinger** asked what would be potential uses for the space. **Givens** said any other communication company could be used.

Commissioner **Bucklinger** verified if the city has no responsibility for the use of the tower. **Givens** said the city just license the location. FAA does a study to make sure there is no air traffic conflicts. FCC approves the communication equipment license that goes on the communication tower. The city requires an administrative permit or building permit anytime there are modifications or changes to the tower.

Commissioner **Bucklinger** asked if the telecommunication tower does fall, are there any issues the city would need to be concerned. **Givens** said in the past we have put communication towers in much tighter spaces. We rely on engineers to build them. We require plans, footings, and structural support to make sure these towers are safe. Commissioner **Bucklinger** verified if there were issues, it would be between the parties that were involved. **Givens** said the City would not take on any liability for issuing a permit for that location.

The Public Hearing was opened.

**J.J. Stutler**, Everygy Lead Radio Architect; **Stutler** stated that the communication tower will be lighted during the daytime with a light strobe. During the night time there will either be a low density light strobe or a red LD light, depending on what the neighbors prefer. **Stutler** also stated that the communication tower is a self-supported tower. If it does fall, it will not fall 300ft over, instead, it will cripple down. We are planning on building the tower strong enough to be able to put other tenants on the tower.

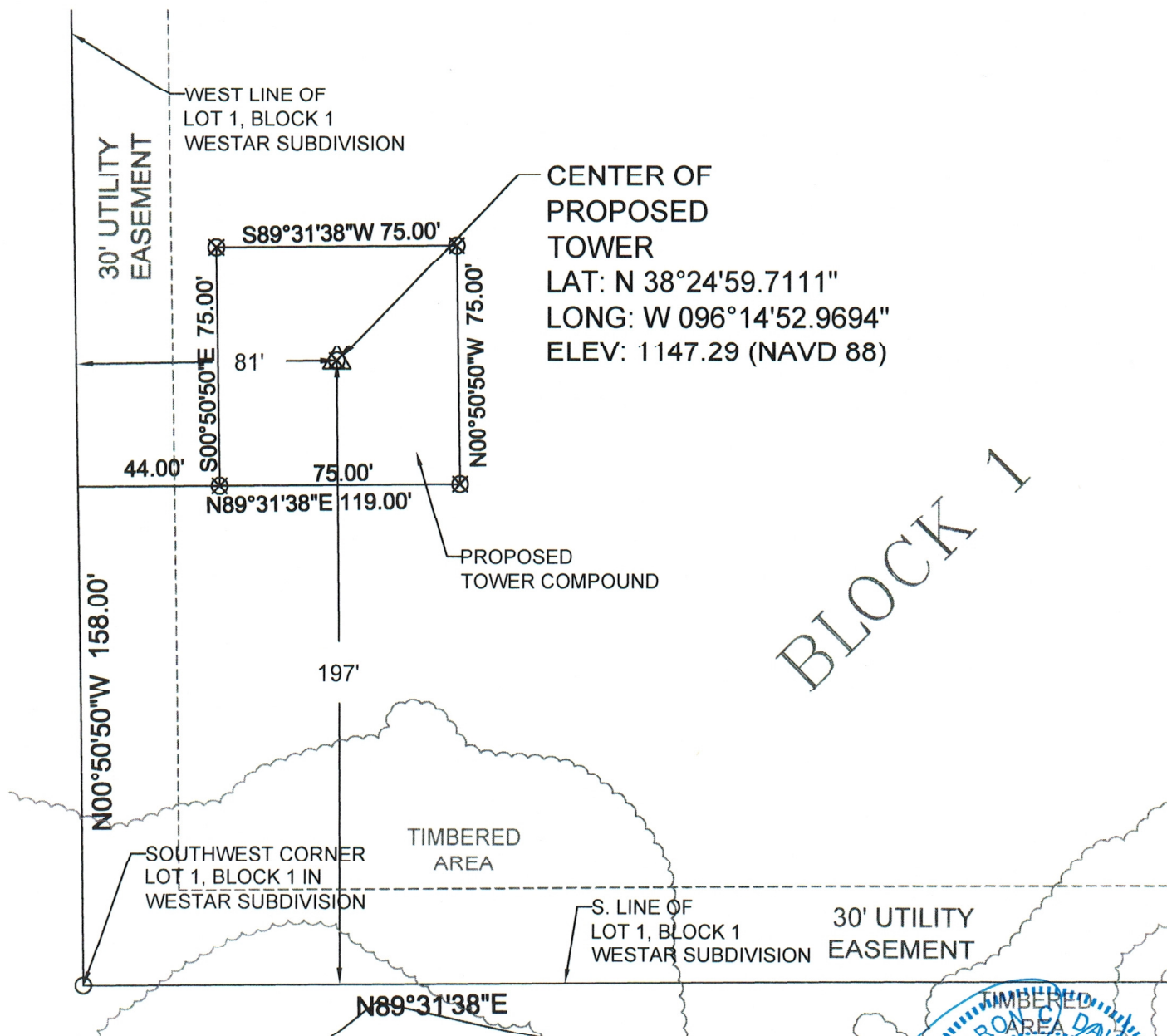
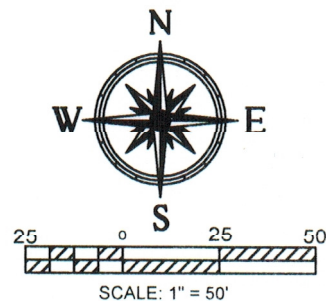
The Public Hearing was closed.

Commissioner **Barnes** made a motion to approve Application PC 2022-06 CUP. Commissioner **Bucklinger** seconded. No discussion. **Approved 5-0.**

**Givens** stated to the applicant that the application will go to the City Commission on October 19<sup>th</sup> for the final approval.

# EXHIBIT A

THIS SKETCH HAS BEEN PREPARED FOR EASEMENT EXHIBIT PURPOSES ONLY  
AND DOES NOT CONSTITUTE A BOUNDARY SURVEY. DISTANCES AND  
BEARINGS BASED ON GEODETICS AND ASSUMED DATUM.



## LEGEND:

- --SUBDIVISION CORNER FOUND  
(1/2" REBAR W/ PS 752 ID CAP)
- ⊗ --1/2"x24" SET W/ PS 1368 ID CAP

PROPOSED TOWER SITE IN NE¼ OF SEC. 12-T19S-R10E  
(LOT 1, BLOCK 1, WESTAR SUBDIVISION)

PROJECT #:

TRACT #:

LOT 1, BLOCK 1,  
WESTAR SUBDIVISION

FIELD DATE:

DRAWN BY:

SHEET(S)

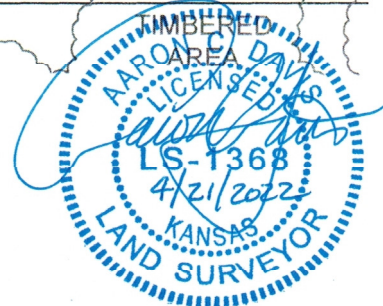
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4/13/2022

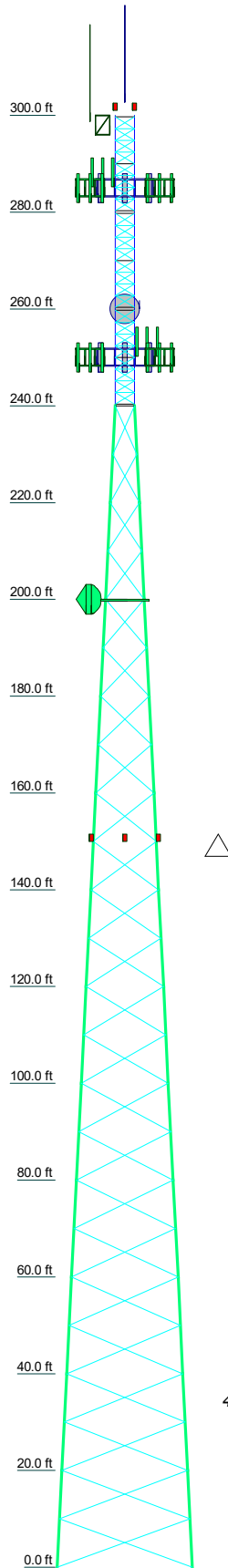
ACD

1 OF 1

**GeoTech, Inc.**  
115 W. 5th AVE., EMPORIA, KS 66801  
(820) 342-7491 [www.geotechinc.net](http://www.geotechinc.net)



| Section         | T15      | T14 | T13       | T12                                          | T11              | T10     | T9  | T8      | T7  | T6                | T5  | T4        | T3       | T2           | T1       |
|-----------------|----------|-----|-----------|----------------------------------------------|------------------|---------|-----|---------|-----|-------------------|-----|-----------|----------|--------------|----------|
| Legs            | C        | B   | A         | #12ZG-58 - 1.50" - 1.00" conn. (Prod 194651) |                  |         |     |         |     |                   |     |           | SR 1 3/4 | SR 1 1/2     | SR 1 1/4 |
| Leg Grade       |          |     |           |                                              |                  |         |     | A572-58 |     |                   |     |           |          |              |          |
| Diagonals       | L4x4x1/4 | D   | L3x3x5/16 | L3x3x3/16                                    | L2 1/2x2 1/2x1/4 |         |     |         |     | L2 1/2x2 1/2x3/16 |     |           |          | SR 3/4       |          |
| Diagonal Grade  |          |     |           |                                              |                  |         |     | A572-50 |     |                   |     |           |          |              |          |
| Top Girts       |          |     |           |                                              |                  | N.A.    |     |         |     |                   |     | L3x3x3/16 |          | SR 7/8       |          |
| Mid Girts       |          |     |           |                                              |                  | N.A.    |     |         |     |                   |     |           |          | SR 7/8       |          |
| Bottom Girts    |          |     |           |                                              |                  | N.A.    |     |         |     |                   |     |           |          | SR 7/8       |          |
| Horizontals     |          |     |           |                                              |                  | N.A.    |     |         |     |                   |     |           |          | SR 3/4       |          |
| Face Width (ft) | 26       | 24  | 22        | 20                                           | 18               | 16      | 14  | 12      | 10  | 8                 | 6   |           |          |              | 4        |
| # Panels @ (ft) |          |     |           |                                              |                  | 24 @ 10 |     |         |     |                   |     |           |          | 24 @ 2.42708 |          |
| Weight (K)      | 4.5      | 4.2 | 4.1       | 3.5                                          | 2.8              | 2.8     | 2.7 | 2.1     | 2.0 | 1.9               | 1.9 | 1.9       | 1.0      | 0.8          | 0.7      |



## DESIGNED APPURTENANCE LOADING

| TYPE                                           | ELEVATION | TYPE                            | ELEVATION |
|------------------------------------------------|-----------|---------------------------------|-----------|
| 21' LRE with 10' lightning rod<br>(arm=12.75') | 300       | 80010901                        | 250       |
| Beacon                                         | 300       | 80010901                        | 250       |
| Beacon                                         | 300       | 80010901                        | 250       |
| DS9A10P36U-D                                   | 298       | SP1 VFA12-HD                    | 250       |
| SP1 PSA6                                       | 298       | (4) 2-1/2" x 8' Sch. 40         | 250       |
| 80010901                                       | 285       | SP1 R5 (Includes 4.5"x72" Pipe) | 200       |
| 80010901                                       | 285       | 2-1/2" x 8' Sch. 40             | 200       |
| 80010901                                       | 285       | 2-1/2" x 8' Sch. 40             | 200       |
| SP1 VFA12-HD                                   | 285       | SB6-W100DB2                     | 200       |
| (4) 2-1/2" x 8' Sch. 40                        | 285       | OB light                        | 150       |
| SP1 R5 (Includes 4.5"x72" Pipe)                | 260       | OB light                        | 150       |
| SB6-W100DB2                                    | 260       | OB light                        | 150       |

## SYMBOL LIST

| MARK | SIZE                                              | MARK | SIZE                                              |
|------|---------------------------------------------------|------|---------------------------------------------------|
| A    | #12ZG-58 - 1.75" - 1.00" conn.-TR1-(Pirod 195213) | C    | #12ZG-58 BASE - 1.75" - 1.25" conn.(Pirod 281213) |
| B    | #12ZG-58 - 1.75" - 1.00" conn. (Pirod 195217)     | D    | L3 1/2x3 1/2x1/4                                  |

## MATERIAL STRENGTH

| GRADE   | Fy     | Fu     | GRADE   | Fy     | Fu     |
|---------|--------|--------|---------|--------|--------|
| A572-58 | 58 ksi | 75 ksi | A572-50 | 50 ksi | 65 ksi |

## TOWER DESIGN NOTES

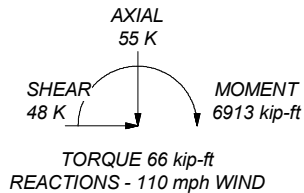
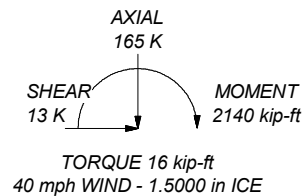
1. Tower is located in Lyon County, Kansas.
2. Tower designed for Exposure C to the TIA-222-H Standard.
3. Tower designed for a 110 mph basic wind in accordance with the TIA-222-H Standard.
4. Tower is also designed for a 40 mph basic wind with 1.50 in ice. Ice is considered to increase in thickness with height.
5. Deflections are based upon a 60 mph wind.
6. Tower Risk Category II.
7. Topographic Category 1 with Crest Height of 0.00 ft
8. TOWER RATING: 96.1%

ALL REACTIONS  
ARE FACTORED

MAX. CORNER REACTIONS AT BASE:

DOWN: 303 K  
SHEAR: 31 K

UPLIFT: -255 K  
SHEAR: 26 K



|                                                                                                                                                                           |                                  |                                                                |                                                                                                                                                                                                                                    |                          |                     |               |                        |                       |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------|---------------|------------------------|-----------------------|-------------------|
|  <p><b>valmont</b><br/>STRUCTURES</p> <p>Valmont Industries, Inc. - Global Telecom</p> | 1545 Pidco Drive<br>Plymouth, IN |                                                                | <b>Job:</b><br><b>Quote 559074-01</b>                                                                                                                                                                                              |                          |                     |               |                        |                       |                   |
|                                                                                                                                                                           | Phone: (574) 936-4221            |                                                                | <b>Project:</b><br><b>U-28 x 300' - Emporia SC. Lyon County, KS</b>                                                                                                                                                                |                          |                     |               |                        |                       |                   |
|                                                                                                                                                                           | FAX: (574) 936-6458              |                                                                | <table border="1"> <tr> <td><b>Client:</b><br/>Energy</td> <td><b>Drawn by:</b> TF</td> <td><b>App'd:</b></td> </tr> <tr> <td><b>Code:</b> TIA-222-H</td> <td><b>Date:</b> 07/20/22</td> <td><b>Scale:</b> NTS</td> </tr> </table> | <b>Client:</b><br>Energy | <b>Drawn by:</b> TF | <b>App'd:</b> | <b>Code:</b> TIA-222-H | <b>Date:</b> 07/20/22 | <b>Scale:</b> NTS |
|                                                                                                                                                                           | <b>Client:</b><br>Energy         | <b>Drawn by:</b> TF                                            | <b>App'd:</b>                                                                                                                                                                                                                      |                          |                     |               |                        |                       |                   |
|                                                                                                                                                                           | <b>Code:</b> TIA-222-H           | <b>Date:</b> 07/20/22                                          | <b>Scale:</b> NTS                                                                                                                                                                                                                  |                          |                     |               |                        |                       |                   |
|                                                                                                                                                                           |                                  | <b>Path:</b><br>CATEMP\TempRISATowerWork\4717006\559074-01.dwg |                                                                                                                                                                                                                                    |                          |                     |               |                        |                       |                   |
|                                                                                                                                                                           |                                  | <b>Dwg No.:</b> E-1                                            |                                                                                                                                                                                                                                    |                          |                     |               |                        |                       |                   |

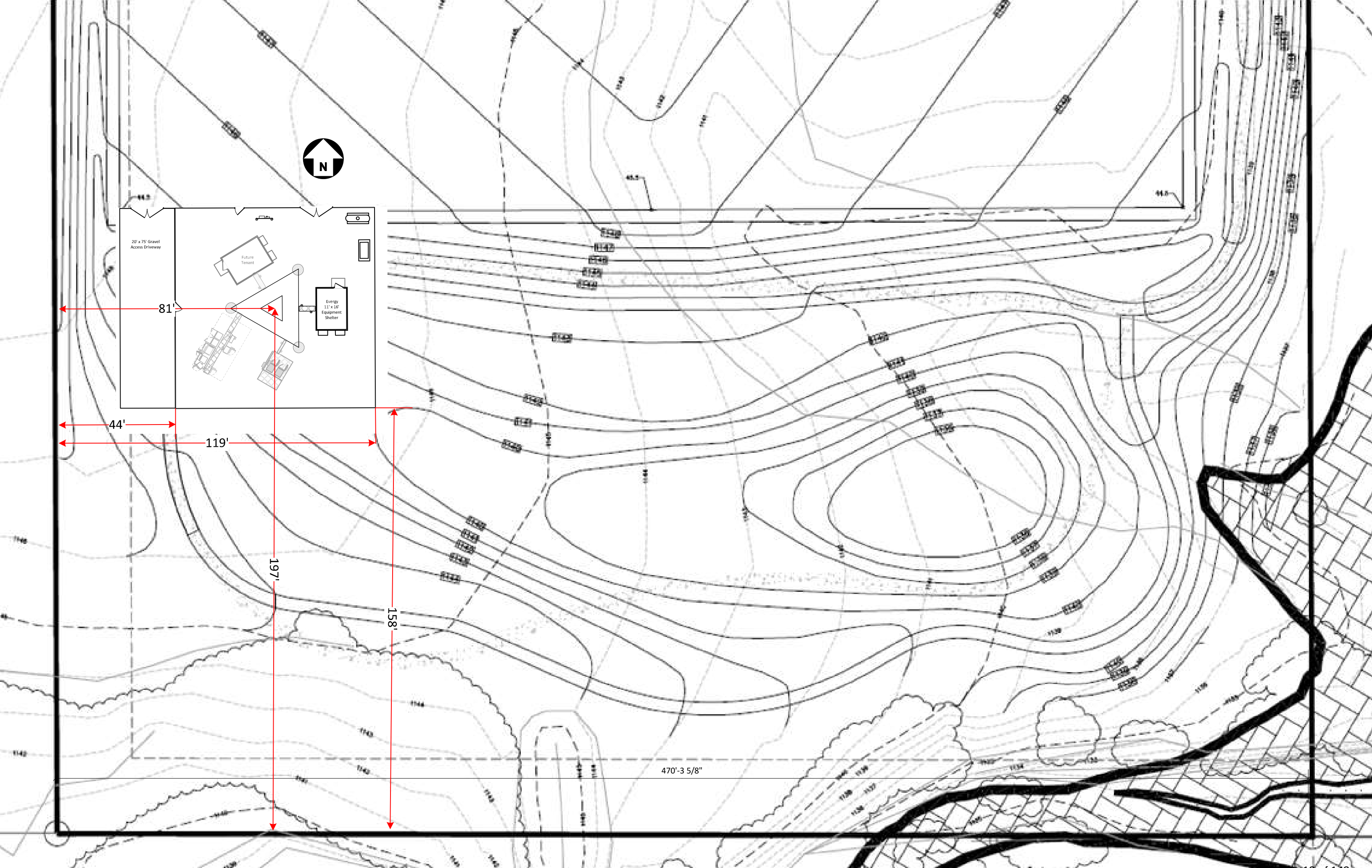
PRELIMINARY SELF SUPPORTING TOWER DESIGN- GENERAL NOTES

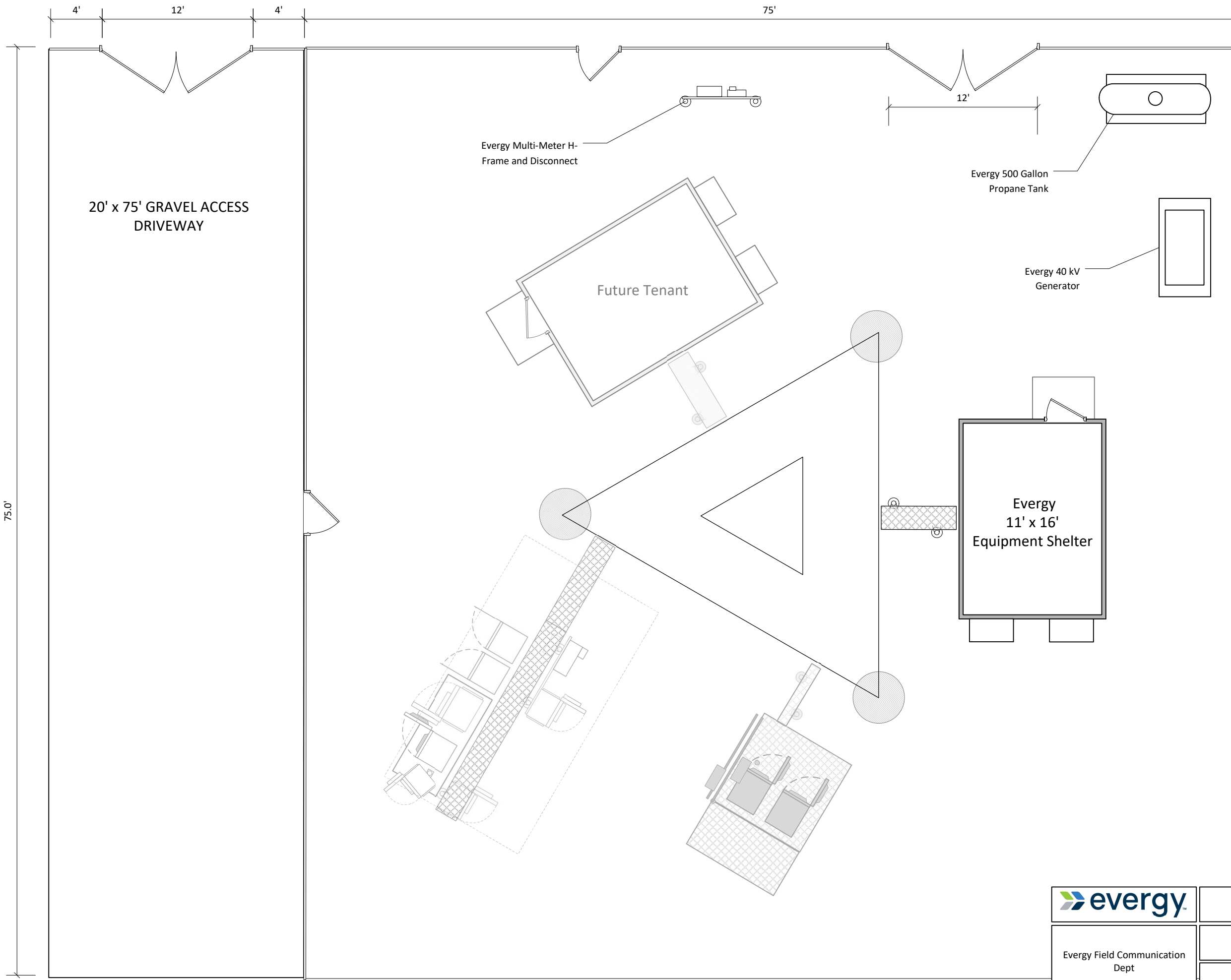
1. **Local jurisdiction requires to meet design criteria per TIA-222-G. However, the tower is designed per TIA-222-H (latest TIA standard) per customer request. Please notify Valmont for a redesign if criteria changes.**
2. Please confirm the loading, and Risk category shown on the Preliminary Tower Design sheet.
3. Valmont manufactures the antenna mounts used in the design.
4. Unless otherwise noted, the wind speed used is the ASCE 7-16 ultimate wind speed, based on the ASCE 7 hazards report at the provided tower coordinates.
5. If not provided, all dishes are assumed to have zero azimuth, installed on legs, A, B and C, with leg A apex facing true north.
6. Dishes checked to satisfy Twist & Sway for 11 GHz dish frequency with 10 dB degradation.
7. Wherever possible, all feedlines are assumed to be stacked on (2) rows on wave guide ladders (unless leg brackets are requested) to minimize wind effect.
8. Unless otherwise requested no additional climbing ladder considered in loading, if the tower already has built in climbing facility, to minimize wind effect. However, safety line considered in the loading.
9. Tower design includes single sectored mounts at Elevations 285' and 250', that means the design considers individual sector frames, not packages of three (3) V-Frames, at these elevations.
10. **Should any changes be required on above items, please contact Valmont for reevaluation, prior to ordering the PE stamped Permit Drawings/ Construction Drawings/ Tower Materials.**











**SITE NOTES:**

- 200 TO 300' THREE LEG SHELF-SUPPORT TOWER
- 75' X 75' COMPOUND WITH AN 8' CHAIN-LINK PERIMETER FENCE TOPPED WITH 3 ROWS OF BARBED WIRE.
  - ONE 12' VEHICLE GATE AND ONE 4' PERSONNEL GATE BETWEEN THE POLE YARD AND THE COMPOUND.
- 20' X 75' GRAVEL ACCESS ROAD ON THE EAST OR WEST SIDE OF THE COMPOUND FOR CRANE AND OR TENANT ACCESS.
  - ONE 12' VEHICLE GATE BETWEEN THE POLE YARD AND THE ACCESS DRIVEWAY.
  - ONE 4' PERSONNEL GATE BETWEEN THE GRAVEL ACCESS DRIVEWAY AND THE COMPOUND.
- **OPTION #2 – ENCLOSE THE ACCESS DRIVEWAY IN THE COMPOUND CREATING A 95' X 75' COMPOUND.**



Evergy Field Communication  
Dept

|                                 |                             |
|---------------------------------|-----------------------------|
| Site Drawing                    | Creation Date<br>10/11/2021 |
| Emporia Comms Enclosure Drawing | Last Edit<br>3/11/2022      |
| Author:<br>Bill Franzen         | Sheet<br>2 of 2             |



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2022-ACE-3724-OE

Issued Date: 07/12/2022

Rick Viermann  
Everygy  
4400 E. Front Street  
Radio Shop  
Kansas City, MO 64120

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                             |
|------------|-------------------------------------------------------------------------------------------------------------|
| Structure: | Antenna Tower Emporia SC                                                                                    |
| Location:  | Emporia, KS                                                                                                 |
| Latitude:  | 38-24-59.71N NAD 83                                                                                         |
| Longitude: | 96-14-52.96W                                                                                                |
| Heights:   | 1147 feet site elevation (SE)<br>320 feet above ground level (AGL)<br>1467 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, a med-dual system-Chapters 4,8(M-Dual),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

This determination expires on 01/12/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2508, or [vee.stewart@faa.gov](mailto:vee.stewart@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-ACE-3724-OE.

**Signature Control No: 526969011-542552062**

( DNE )

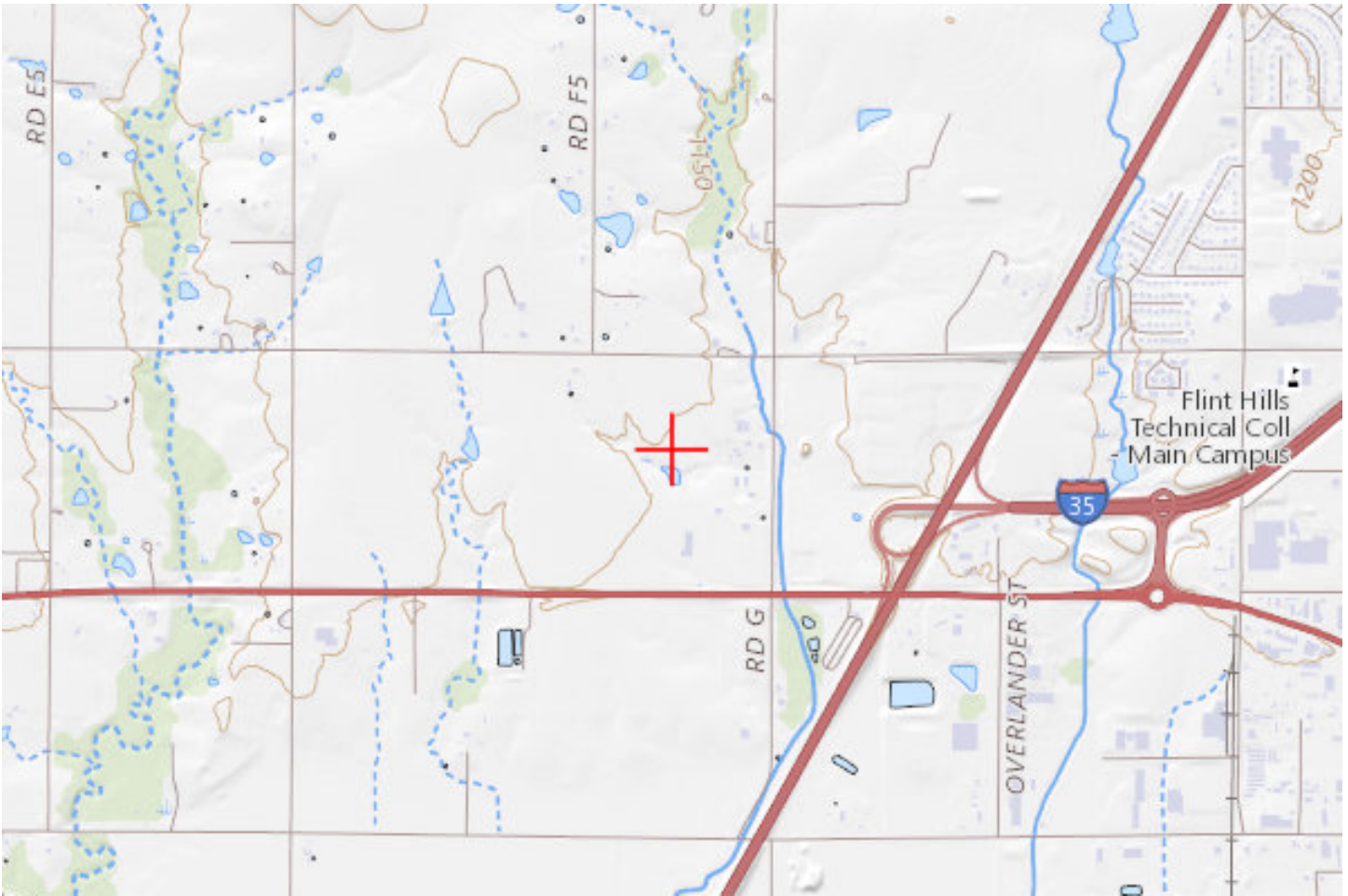
Vee Stewart  
Specialist

Attachment(s)  
Frequency Data  
Map(s)

cc: FCC

# Frequency Data for ASN 2022-ACE-3724-OE

| LOW<br>FREQUENCY | HIGH<br>FREQUENCY | FREQUENCY<br>UNIT | ERP  | ERP<br>UNIT |
|------------------|-------------------|-------------------|------|-------------|
| 6                | 7                 | GHz               | 42   | dBW         |
| 935              | 940               | MHz               | 1000 | W           |









PLANNING AND ZONING DEPARTMENT  
522 Mechanic Street  
Emporia, KS 66801  
Phone: 620-343-4268  
Fax: 620-343-4262

## Administrative Telecommunication Application

Date Submitted 7/22/2022

### Emporia Zoning Regulations 20-811. Administrative Permits.

**(C) Permit Required.** No person shall erect or modify any telecom structure upon any parcel of land, or upon any antenna support structure, within any zoning district until the City has issued an administrative permit, and if required, a conditional use permit, and any applicable building permits.

**\*Attach elevation site plan plans, before and after photographs/renderings of the location, engineered approved max capacity affidavit, fall zone map showing property lines, roads, driveways, existing and proposed structures, and other topographical features.**

***(NOTE) AN INCOMPLETE APPLICATION CANNOT BE PROCESSED***

|           | Name                       | Address                               | Phone        |
|-----------|----------------------------|---------------------------------------|--------------|
| Applicant |                            |                                       |              |
| Owner     | Evergy Kansas Central, Inc | 818 S. Kansas Ave<br>Topeka, KS 66612 | 785-575-1050 |

Other Owners and Officers (corporate applications only)

Are there any covenants of record which prohibit the proposed development? Yes: \_\_\_\_ No: \_\_\_\_ Unknown X

Legal Description and Address of the property for which this variance is being requested:

WESTAR SUBDIVISION (W38), S12, T19S, R10E, BLOCK 1, Lot 1, ACRES 19.1      679 Road 180, Emporia, KS 66801

Describe the Location: Open pasture with ongoing construction of Evergy's new service center on the north end of the property

Is the property within the City limits? Yes X No \_\_\_\_

Zoning District?

Type of Design/Improvement

(check one) X New \_\_\_\_ Modification to Pre-existing

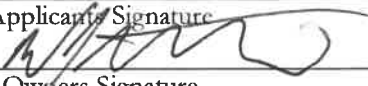
(check one) X Tower \_\_\_\_ Antenna Support Structure \_\_\_\_ Telecommunication Facilities \_\_\_\_ Monopole \_\_\_\_ Other



Other Reviews (if applicable):

\_\_\_\_Main Street Review \_\_\_\_SHPO Review \_\_\_\_Building Permit \_\_\_\_Engineering/Right-of-Way  
Permit

By signing this application, I certify that all of the information I have provided is true and correct. I understand that additional information may be needed, or additional fees may be incurred during the rezoning application process. I understand and agree that it will be my responsibility to provide any additional information requested and to pay any additional fees incurred.

|                                                                                                            |                   |
|------------------------------------------------------------------------------------------------------------|-------------------|
| Applicant's Signature<br> | Date<br>7/22/2022 |
| Owners Signature                                                                                           | Date              |

| FOR OFFICE USE ONLY |           |             |
|---------------------|-----------|-------------|
| Fee                 | Date Paid | Receipt no. |
| \$175               |           |             |

Application No. \_\_\_\_\_ Hearing Date: \_\_\_\_\_



PLANNING AND ZONING DEPARTMENT  
522 Mechanic Street  
Emporia, KS 66801  
Phone: 620-343-4268  
Fax: 620-343-4262

## Conditional Use Application

Date Submitted 7/22/2022

**\* Attach an ownership list, certified by a registered abstractor, listing the legal description, name, and mailing addresses of the owners of all property located within 200 feet of the boundaries of the property for which the rezoning is requested (1000 feet for county applications)**

**\*Attach a site plan map (2), drawn to scale, showing property lines, roads, driveways, existing and proposed structures, parking stalls, landscaping, fences, and other topographical features.**

**\*Communications Towers: Conditions of approval: Certify in writing that the tower is structurally sound every five (5) years. Provide a certificate of liability for not less than \$ 500,000.00 coverage for injury to persons or property located within 200' of the boundaries of the property for which the variance is requested.**

**(NOTE) AN INCOMPLETE APPLICATION CANNOT BE PROCESSED**

|           | Name                       | Address                               | Phone        |
|-----------|----------------------------|---------------------------------------|--------------|
| Applicant |                            |                                       |              |
| Owner     | Evergy Kansas Central, Inc | 818 S. Kansas Ave<br>Topeka, KS 66612 | 785-575-1050 |

Other Owners and Officers (corporate applications only)

Request for use as: Communications Tower

Conditional use authorized by section \_\_\_\_\_ Of the Zoning Regulations

Address of the property: 679 Road 180, Emporia, KS 66801

Describe the Location: SW corner of property owned by Evergy in the SW corner of Road 180 & Road G

Is the property within the City limits? Yes X No \_\_\_\_\_

Current Zoning District: Commercial & Industrial

Describe the Physical Characteristics of the property:

Currently open pasture with new construction of Evergy's new service center on the north end of the property.

Attach or provide legal description of the property:

**To grant a Conditional Use Permit the Commission must make the following findings. Explain how the proposed use would comply with each of the following items:**

1.) Complies with all applicable provisions of zoning, including intensity of use regulations, yard regulations, and use regulations: This tower would be installed in a commercial & industrial zoned area

2.) Use will contribute to and promote the welfare or convenience of the public: Yes. This tower will be used to enhance grid monitoring as well as improve communications for lineman during line maintenance and restoration efforts.

3.) Will not cause substantial injury to the value of other property: No

4.) Location and nature of the site will not dominate the neighborhood: No. This tower will sit in a commercial/industrial area.

5.) Parking and/or loading area meet requirements and are screened or located so as to protect adjoining residential use: Due to the nature of this tower, there will be no need for additional parking or loading.

6.) Adequate utility, drainage, and other facilities are provided: Yes

7.) Adequate roads and drives are provided so as to minimize traffic hazards and congestion: Yes.

**FOR RENEWAL ONLY:** Demonstrate how you have complied with granted Conditional Use Permit:

List any non-conformities which exist on the property:

By signing this application, I certify that all of the information I have provided is true and correct. I understand that additional information may be needed, or additional fees may be incurred during the rezoning application process. I understand and agree that it will be my responsibility to provide any additional information requested and to pay any additional fees incurred.

Applicants Signature

Date

7/22/2022

Owners Signature

Date

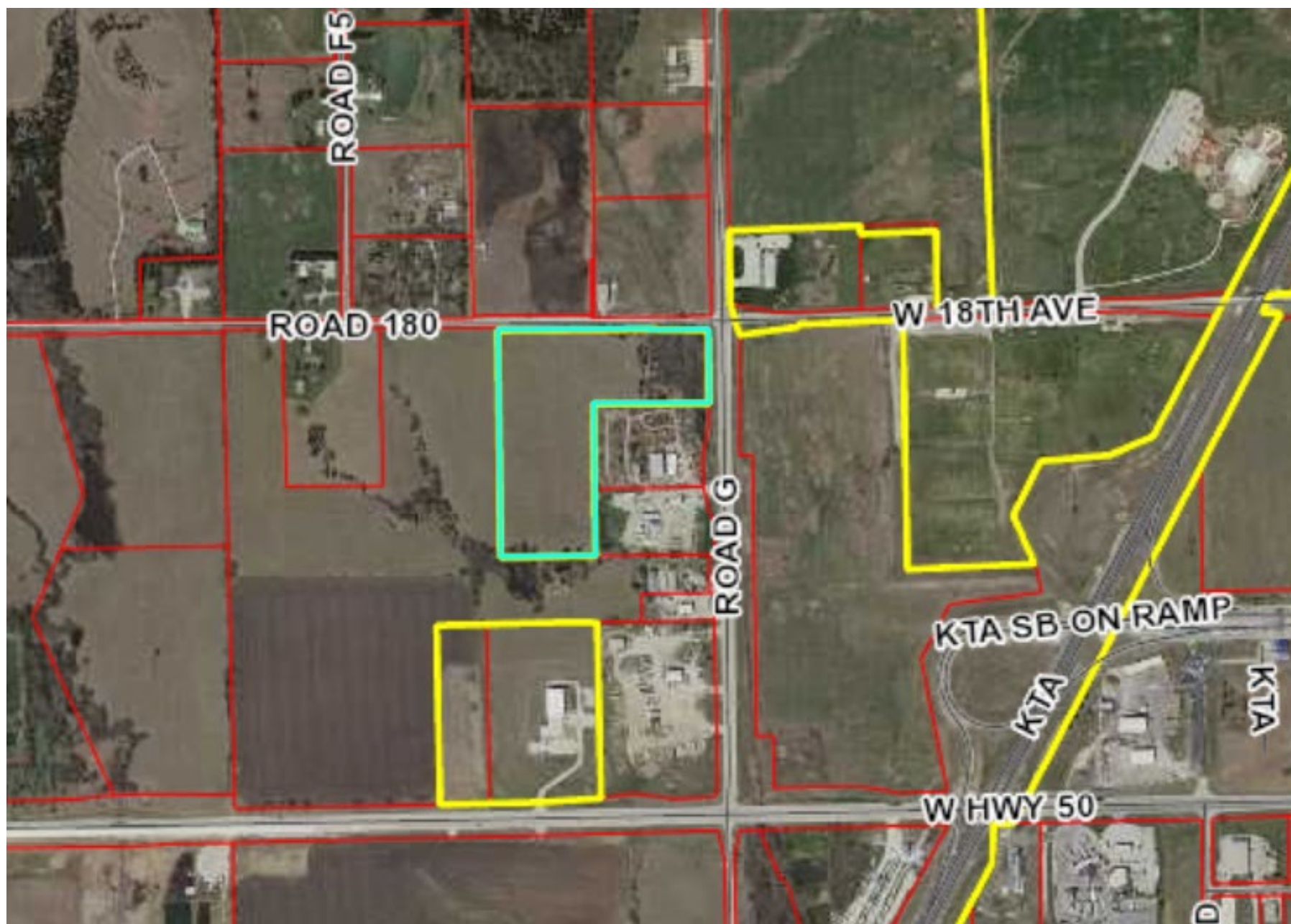
**FOR OFFICE USE ONLY**

| Fee   | Date Paid | Receipt no. |
|-------|-----------|-------------|
| \$250 |           |             |

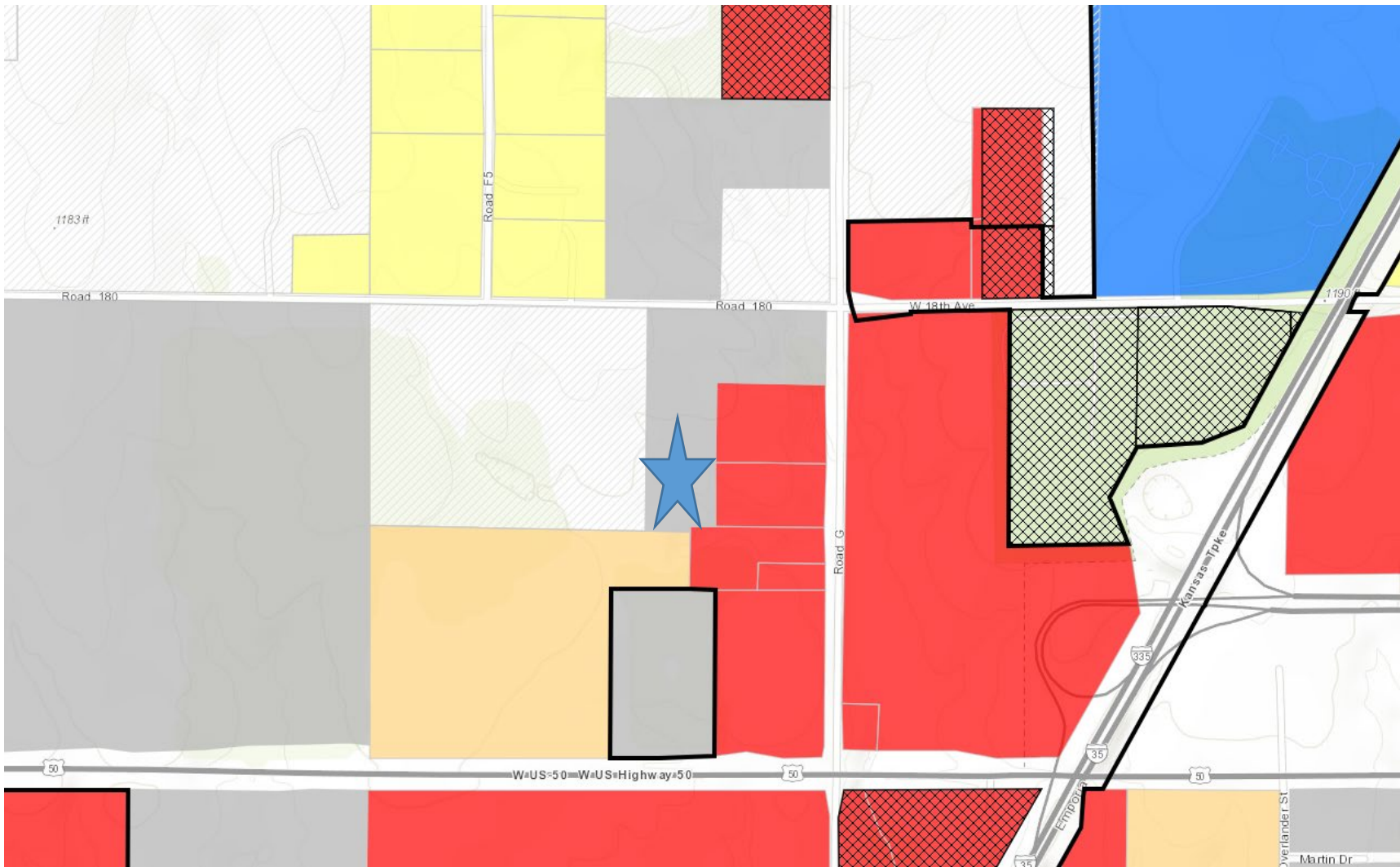
Application No.

Hearing Date:

Evergy Communication Tower  
Aerial Map



Evergy Communications Tower CUP  
Zoning Map





## Commission Action Report

**Title:** Ordinance No. 22-46 Vacating a Public Easement for Emporia Land Development LLC.

**Proposed Agenda Date:** October 19, 2022

**Presented By:** Justin Givens, Planning & Zoning Administrator

---

### **BACKGROUND:**

At their September 20, 2022 meeting, the Emporia Planning Commission did unanimously recommend the approval of vacating a public easement located at the Emporia Pavilions. The recommendation came after a public hearing, at which no person expressed an objection to the vacation. Additionally, all members of the Utility Advisory Board were provided notice of the vacation and no objections were presented to staff.

### **DISCUSSION:**

The easement was platted, but no utilities were ever placed within the easement. One of the several new stores currently under construction will be built over the easement. Once completed, the building will be sold to the occupants. In an effort to help facilitate a clean title to the property, the applicants have requested that the easement be vacated.

### **FINANCIAL CONSIDERATIONS:**

There are no financial considerations for the item.

### **OTHER CONSIDERATIONS:**

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

### **RECOMMENDED ACTION:**

Adopt Ordinance 22-46 Vacating the Easement.

### **ATTACHMENTS:**

Ordinance Vacating Easement, Excerpt of Minutes and Staff Report to Planning Commission.

ORDINANCE NO. 22-46

AN ORDINANCE VACATING A CERTAIN UTILITY EASEMENT IN THE CITY OF EMPORIA, KANSAS.

WHEREAS, A Petition was filed by the City of Emporia with the Emporia-Lyon County Metropolitan Area Planning Commission requesting vacation of a certain described utility easement; and

WHEREAS, A Public Hearing was conducted concerning the request for vacation; and

WHEREAS, no written objection was filed with the City Clerk at the time of or before the Public Hearing by an owner or adjoining owner who would be a proper party to the Petition, but has not joined therein;

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

SECTION 1. The following described public utility easement is hereby ordered vacated:

The 20-foot easement lying immediately east of Lot 2, Block A, Emporia Pavilions First Addition an Addition to the City of Emporia, Lyon County, Kansas.

SECTION 2. This ordinance shall take effect upon publication in the official city newspaper.

PASSED AND APPROVED this 19<sup>th</sup> day of October 2022.

\_\_\_\_\_  
BECKY SMITH, Mayor

ATTEST:

\_\_\_\_\_  
KERRY SULL, City Clerk



**EXCERPT OF MINUTES- 9/20/2022**

**EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION**

The Planning Commission met in a regular session on Tuesday, September 20, 2022, with Chair Thomas presiding. Members Bucklinger, Weaver, Duncan, and Barnes were present.

Member Colson was absent.

City staff: Justin Givens and Moriah Keen were present.

Chair Thomas called the meeting to order, five members were present.

**3. Consider an Application PC 2022-02 VAC a Request to Vacate a Platted Utility Easement.**

**Chair Thomas** asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and the property owners within 200ft of the property.

**Chair Thomas** asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No commissioners needed to recuse themselves due to a conflict of interest and no ex parte communications were reported.

Givens provided the staff report:

**Application #:** PC 2022-02 VAC

**Applicants:** Emporia Land Development, LLC

**Requested Action:** Consider an Application for Vacating a Platted Utility Easement

**Purpose:** Applicants desire to vacate a 20 ft. Platted Utility Easement

**Address:** 2730 W 24<sup>th</sup> Ave.

**Legal description:** 20 foot Utility Easement Located on the East Side of Lot 2, Block A, Emporia Pavilions First Addition

**Lot Size:** N/A

**Existing Zoning:** Planned Unit Development

**Future Zoning in ELC Comp. Plan:** N/A

**Analysis:** The applicants have requested the vacation of a utility easement located along the east side of a lot in the Pavilions Shopping Center. The easement was platted, but no utilities were ever placed within the easement. One of the several new stores currently under construction will be built over the easement.

Once completed, the building will be sold to the occupants, and to help facilitate a clean title to the property, the applicants have requested that the easement be vacated.

**Considerations:** There are no public or private utilities within the easement. The Utility Advisory Board members received notices of the vacation request. There were no objections to the request noted.

**Neighborhood Communications:** The only property owner affected by the vacation is the applicant.

**Recommendation:** Staff recommends the Planning Commission forward a recommendation to approve the vacation to the Governing Body based upon a finding that;

1. Due and Legal Notice has been given – notices were mailed to all abutting property owners of the requested vacation (the applicant) and owners within 200 ft. of the easement (the applicant). A notice was also provided in the official newspaper as prescribed by law.
2. No private rights will be injured or endangered – the vacation will actually facilitate transfer of ownership and provide clean title to the property.
3. The public will suffer no loss or inconvenience – there are no public or private utilities within this easement and none planned. The public will suffer no loss.

**Applicable Regulations: Section 12-4 Vacation of Streets, Alleys, Easements, and Plats**

## **SECTION 12-4 VACATION OF STREETS, ALLEYS, EASEMENTS AND PLATS**

12-401. a. The following procedures are provided to vacate streets, alleys or other public reservations such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, and including all or parts of recorded plats within the corporate limits of the City:

1. Petitions for vacations received from the Governing Body, the owner of platted land or the owner of land adjoining on both sides of any street, alley, easement or other public reservation may be filed with the Zoning Administrator.
2. The petition shall be reviewed by and comments submitted to the Planning Commission by the Utility Advisory Committee.
3. Following its receipt of the comments of the Utility Advisory Committee, the Planning Commission shall make a recommendation to the Governing Body as to whether the vacation should be approved or disapproved and with or without conditions attached. If the Planning Commission determines that:
  - (a) due and legal notice has been given;
  - (b) no private rights will be injured or endangered; and
  - (c) the public will suffer no loss or inconvenience;

then the Planning Commission shall recommend that such vacation be approved and entered at length in the minutes. Such recommendation may provide for the reservation to the City and/or the owners of any lesser property rights for public utilities, rights-of-way and easements for public service facilities originally located in such vacated land or planned for the future. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk by any owner of lands which adjoin the portion to be vacated. The recommendation of the Planning Commission to the Governing Body shall be made as provided by K.S.A. 12-752 for the submission and approval of a final plat, and the Governing Body may approve or disapprove the vacation or approve it with or without reservation of lesser easements than as recommended by the Planning Condition.

4. Following the approval of the vacation by the Governing Body, the City Clerk shall certify a copy of the order to the Lyon County Register of Deeds.

**Attachments:** Application & Exhibit - Aerial Map

The Public Hearing was opened.

**Steven Brosemer**, (Applicants Agent); **Brosemer** stated that the city staff from the Utility Advisory Board Meeting required that we put easements on every line. The developer did not want to, but complied with city staff. The developer wants to vacate the easement because it is in the way. The developers are planning on going along the line. They are not planning to go further north from the easement.

The Public Hearing was closed.

Commissioner **Duncan** made a motion to approve Application PC 2022-02 VAC based off staff recommendations. Commissioner **Barnes** seconded. No discussion. **Approved 5-0.**



PLANNING AND ZONING DEPARTMENT  
522 Mechanic Street  
Emporia, KS 66801  
Phone: 620-343-4268  
Fax: 620-343-4262

## Vacation of Street, Alley, Utility Easement, or Subdivision Application

Date Submitted \_\_\_\_\_

\* Attach an ownership list, certified by a registered abstractor, listing the legal description, name, and mailing addresses of the owners of all property abutting the area requested for vacation.

**(NOTE) AN INCOMPLETE APPLICATION CANNOT BE PROCESSED**

|                                                                          |
|--------------------------------------------------------------------------|
| Name of Applicant<br><u>Emporia Land Development LLC</u>                 |
| Address of Applicant<br><u>PO Box 480811 Kansas City, Missouri 64148</u> |
| Phone Number of applicant<br><u>Mike Neighbors 816 686-7449</u>          |

### Application to Vacate (select one)

Street \_\_\_\_\_ Alley \_\_\_\_\_ Utility Easement X Subdivision \_\_\_\_\_

Approximate location of area to be vacated: East Side of Lot 2 Block A Emporia  
Pavilions First Addition. 20 ft. easement

Describe the Location (nearest street, landmarks, etc.):

2730 W. 24<sup>th</sup> Ave.

Reason for vacation application: Construction Over Easement. No public  
Utilities in easement

List all non-conformities which exist on this property: None

By signing this application, I certify that all of the information I have provided is true and correct. I understand that additional information may be needed, or additional fees may be incurred during the rezoning application process. I understand and agree that it will be my responsibility to provide any additional information requested and to pay any additional fees incurred.

Emporia Land Development, LLC  
Spencer R. Flemons, Manager

Applicants Signature

8-10-22

Date

Spencer R. Flemons, Manager

Owners Signature

8-10-22

Date

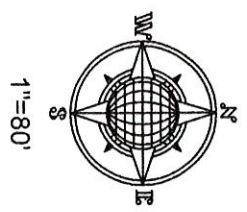
| FOR OFFICE USE ONLY |           |             |
|---------------------|-----------|-------------|
| Fee                 | Date Paid | Receipt no. |
| \$225               |           |             |

Application No. PC-2022-02 VAC

Hearing Date: 9-20-2022



PROPOSED VACATION OF A CERTAIN 20 FOOT UTILITY EASEMENT  
 ALONG THE EAST LINE OF LOT 2 IN BLOCK A OF  
 EMPORIA PAVILIONS FIRST ADDITION TO THE CITY OF EMPORIA, KANSAS.  
 OWNER/PETITIONER: EMPORIA LAND DEVELOPMENT LLC  
 SURVEYOR: STEVEN S. BROSEMER GEOTECH, INC.  
 DATE: AUGUST 15, 2022

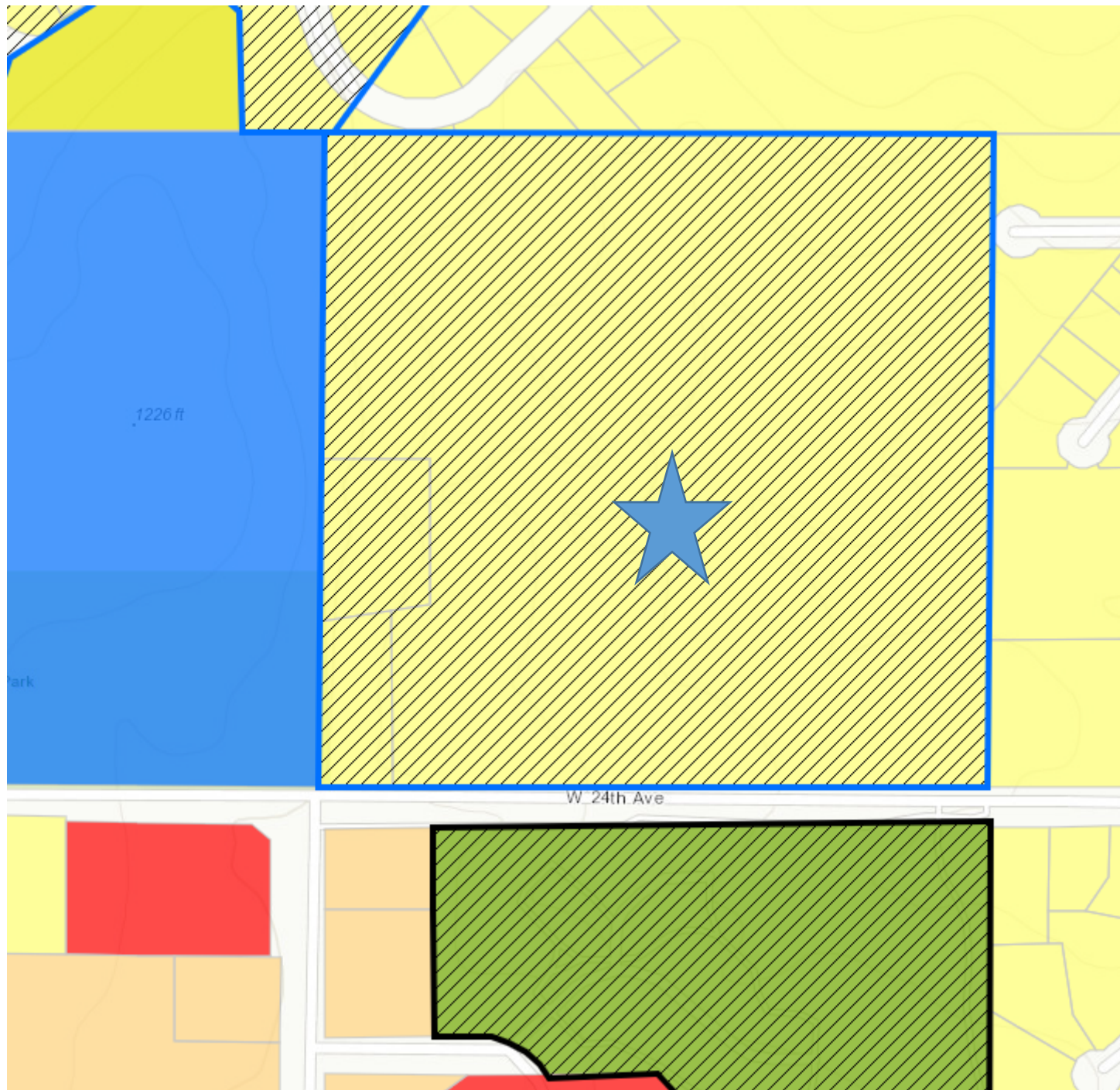




Pavilions Utility Easement Vacation  
Aerial Map



Pavilions Utility Easement Vacation  
Zoning Map







## Commission Action Report

**Title:** Financials & Building Permits  
**Proposed Agenda Date:** October 19, 2022  
**Presented By:** Trey Cocking, City Manager

---

### BACKGROUND:

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

The following is general information for the month of September 2022 for the community:

1) Monthly Local Retail Sales Tax Receipts Update

|            | 2021                   | 2022                   |                                                    |
|------------|------------------------|------------------------|----------------------------------------------------|
|            | \$475,861.42           | \$628,249.40           | <b>Increase of \$152,387.98</b> for the month, and |
|            |                        |                        | Overall increase of 12.99% from year 2021          |
| <b>YTD</b> | <b>\$ 4,063,224.94</b> | <b>\$ 4,590,905.38</b> |                                                    |

2) City Share from County Tax

|            | 2021                  | 2022                   |                                                   |
|------------|-----------------------|------------------------|---------------------------------------------------|
|            | \$246,867.24          | \$321,214.93           | <b>Increase of \$74,347.69</b> for the month, and |
|            |                       |                        | Overall increase of 13.29% from year 2021         |
| <b>YTD</b> | <b>\$2,063,718.32</b> | <b>\$ 2,337,901.92</b> |                                                   |

3) Building Permits issued from 9/1/2022 to 9/30/2022 for new construction, remodeling/repairs, and demolition.

|                                                                |                 |
|----------------------------------------------------------------|-----------------|
| Total number of building permits issued through Code Services: | 101             |
| Total of valuations associated with those building permits:    | \$ 1,759,305.00 |
| Total number of dollars collected for Building Permit Fees:    | \$ 14,103.50    |

|                                     |   |
|-------------------------------------|---|
| Construct - single family dwellings | 0 |
| Demo - single family dwellings      | 0 |

|                                                |                      |
|------------------------------------------------|----------------------|
| <b>Flint Hills Mall CID for September 2022</b> | <b>\$ 32,405.75</b>  |
| <b>Year to Date Total</b>                      | <b>\$ 176,136.03</b> |

**DISCUSSION:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**OTHER CONSIDERATIONS:**

N/A

**RECOMMENDED ACTION:**

N/A

**ATTACHMENTS:**

N/A



DATE: October 10, 2022  
TO: City Commissioners  
FROM: Janet Harrouff  
SUBJECT: Budget Comparison

The **General Fund** Income Statement for the nine-month period ended September 30, 2022, has been reviewed and the significant budget variations have been explained below.

Revenue:

Ad Valorem Tax: \$35,429 higher than YTD budget

Taxes: \$1,443,213 higher than YTD budget

Sales Tax - \$701,195 higher

County Wide sales tax - \$370,574 higher

Franchise tax - \$362,626 higher

Licenses & Permits: \$147,854 higher than YTD

Building Permits - \$151,337 higher

Charges for Services: \$473,166 lower than YTD budget

Ambulance - \$737,476 lower September charges not processed

Golf - \$90,793 higher

Airport Fuel - \$169,310 higher

Reimbursements: \$392,907 lower than YTD budget

Invoice sent to Hornet Point building for the demolition \$400,724.46 was certified to the county for tax collection.

Expense

Personnel Services: \$614,840 under YTD budget

Administration - \$132,346 under

Finance/HR - \$62,069 under

Fire - \$54,796 under

Police – \$213,703 under

Park - \$102,557 under

Maintenance & Repair: \$165,843 under YTD budget  
Equipment: \$83,864 under  
Vehicles: \$70,949 under

Commodities: \$108,388 over YTD budget  
Clothing - \$54,642 under  
Office Machines & Software - \$47,462 higher  
Ambulance Supplies - \$35,659 higher  
Airport Fuel - \$107,012 higher

Other Charges: \$273,373 under YTD budget  
Insurance - \$27,969 lower  
Medical Expense - \$23,431 lower  
Inter Department charge - \$131,503 lower  
Public Education - \$11,346 lower  
Shop Labor - \$41,777 lower  
Employee Appreciation - \$6,347 lower  
Testing Recruitment - \$16,788 higher  
Miscellaneous - \$9,238 lower

Total revenues for the nine-month period ended September 30, 2022, were \$1,231,726 over the YTD budget while expenses were \$891,041 under the YTD Budget. Therefore, the General Fund experienced operating results of \$2,122,767 more favorable than the YTD Budget.

I have reviewed the **Water Fund** Income Statement for the nine-month period ended September 30, 2022. The significant budget variations have been explained below.

#### Revenue

Sale of Water: \$178,943 over YTD budget.

#### Expense

Maintenance & Repair: \$350,567 higher than YTD Budget  
Equipment \$147,045 higher  
Pumping Equipment \$10,413 higher  
Water Main \$146,468 higher  
Main to Meter \$28,817 higher  
Water Meters \$22,189 higher

Commodities: \$306,471 higher than YTD Budget  
Chemicals \$278,127 higher  
Laboratory Equipment \$25,223 higher

Capital Outlay: \$435,877 lower than YTD budget due to not all items being purchased yet

Contractual Services: \$159,397 higher than YTD budget  
Contractual Services \$170,898 higher  
Professional Services \$15,170 higher  
New Services \$22,173 lower

Total revenues for the nine-month period ended September 30, 2022, were \$1,475,540 over the YTD budget while expenses were \$634,525 higher the YTD Budget. Therefore, the Water Fund experienced operating results of \$841,015 less favorable than the YTD Budget.

I have reviewed the **Wastewater Fund** Income Statement for the nine-month period ended September 30, 2022. The significant budget variations have been explained below.

Revenue:

Sewer Charges: \$428,201 higher than YTD budget

Extra Strength Surcharge: \$76,737 higher than YTD budget

Miscellaneous: \$147,578 CDBG draw downs for Lift Station #2

Expenses

Maintenance & Repair: \$575,554 higher than YTD budget

Sewer Mains \$296,735 higher

Equipment \$258,858 higher

Commodities: \$195,486 higher than YTD Budget

Materials \$26,155 higher

Software \$25,808 higher

Chemicals \$109,240 higher

Laboratory Equipment \$16,406 higher

Capital Outlay: \$427,994 lower due to not all capital has been purchased.

Contractual Services: \$145,729 higher than YTD Budget

Contractual Services \$160,129 higher

Lease Agreement \$19,381 lower

Total revenues for the nine-month period ended September 30, 2022, were \$656,933 higher the YTD budget while expenses were \$446,166 lower the YTD Budget. Therefore, the Wastewater Fund experienced operating results of \$210,768 more favorable than the YTD Budget.

I have reviewed the **Solid Waste Fund** Income Statement for the nine-month period ended September 30, 2022. The significant budget variations have been explained below.

Revenue

Collection fees: \$88,166 higher than YTD budget

Resale of Recyclables: \$119,781 higher than YTD budget

Rolloff: \$262,790 higher than YTD budget

Landfill fees: \$35,746 higher than YTD budget



Expenses

Commodities \$121,850 higher than YTD Budget

Motor Fuel \$50,851 higher

Other Commodities \$47,551 higher

Software \$11,996 higher

Tools \$6,508 higher

Capital Outlay \$164,934 lower than YTD budget due to items not purchased yet

Total revenues for the nine-month period ended September 30, 2022, were \$512,234 higher the YTD budget while expenses were \$40,695 lower than the YTD Budget. Therefore, the Solid Waste Fund experienced operating results of \$552,929 more favorable than the YTD Budget.

**GENERAL FUND**

as of September 30, 2022

**GENERAL FUND**

|                                                 | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget   | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------------------------|------------------------------------|------------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>                   | 4,300,640                          | 4,515,233        | 4,515,233                    | 4,535,364             | 4,535,364                                    |
| <b>REVENUE</b>                                  |                                    |                  |                              |                       |                                              |
| Ad Valorem Property Tax                         | 4,722,275                          | 5,054,844        | 5,054,844                    | 5,090,273             | (35,429)                                     |
| Taxes                                           | 11,692,294                         | 10,947,481       | 8,215,191                    | 9,658,404             | (1,443,213)                                  |
| Intergovernmental Taxes                         | 272,554                            | 244,660          | 171,937                      | 232,034               | (60,097)                                     |
| Licenses & Permits                              | 291,189                            | 215,900          | 161,928                      | 309,782               | (147,854)                                    |
| Charges for Services                            | 2,301,602                          | 2,627,418        | 2,037,170                    | 1,564,004             | 473,166                                      |
| Fines & Fees                                    | 508,360                            | 550,800          | 386,100                      | 325,295               | 60,805                                       |
| Use of Property and Money                       | 144,759                            | 154,024          | 115,506                      | 142,229               | (26,723)                                     |
| Reimbursements                                  | 218,280                            | 160,087          | 121,560                      | (271,347)             | 392,907                                      |
| Misc. Rev. - Administrative Transfers           | 2,825,664                          | 2,533,894        | 1,900,404                    | 2,299,070             | (398,666)                                    |
| Transfer from Solid Waste Fund                  | 0                                  | 0                | 0                            | 0                     | 0                                            |
| Transfer from Health Insurance Fund             |                                    | 0                |                              |                       | 0                                            |
| Operating Revenues                              | 45,240                             | 4,700            | 3,528                        | 150                   | 3,378                                        |
| Nonoperating Revenues                           | 27,597                             | 0                |                              | 50,000                | (50,000)                                     |
| <b>TOTAL RECEIPTS</b>                           | 23,049,814                         | 22,493,808       | 18,168,168                   | 19,399,894            | (1,231,726)                                  |
| <b>EXPENDITURES</b>                             |                                    |                  |                              |                       |                                              |
| Personnel Services                              | 12,866,777                         | 14,013,680       | 10,262,555                   | 9,647,715             | 614,840                                      |
| Vacancy Rate                                    |                                    | (258,532)        | 0                            |                       | 0                                            |
| Maintenance & Repair                            | 735,350                            | 935,804          | 701,865                      | 536,022               | 165,843                                      |
| Commodities                                     | 1,260,084                          | 1,500,190        | 1,135,933                    | 1,244,321             | (108,388)                                    |
| Other Charges                                   | 493,000                            | 882,718          | 444,160                      | 170,787               | 273,373                                      |
| Capital Outlay                                  | 334,083                            | 518,300          | 518,300                      | 153,963               | 364,337                                      |
| Debt Reduction                                  |                                    | 0                |                              |                       | 0                                            |
| Stock                                           | 0                                  | 0                | 0                            | 0                     | 0                                            |
| Transfer to Industrial Development Sales Tax    | 925,000                            | 925,000          | 693,747                      | 693,750               | (3)                                          |
| Transfer to Multi Year Fund                     | 2,953,164                          | 2,623,107        | 1,967,328                    | 2,339,969             | (372,641)                                    |
| Transfer to Project accounts                    | 1,640,729                          | 40,000           | 30,006                       | 67,936                | (37,930)                                     |
| Transfer to B&I for Hanger payment              | 0                                  | 0                | 0                            | 0                     | 0                                            |
| Utilities                                       | 561,222                            | 502,050          | 376,533                      | 403,276               | (26,743)                                     |
| Communications                                  | 96,294                             | 124,731          | 93,580                       | 81,836                | 11,744                                       |
| Training and Travel                             | 145,922                            | 219,250          | 164,439                      | 157,569               | 6,870                                        |
| Jail Expenses                                   | 34,520                             | 75,000           | 56,250                       | 53,480                | 2,770                                        |
| Other Contractual                               | 821,776                            | 925,939          | 696,699                      | 699,730               | (3,031)                                      |
| Excess Carryover                                |                                    | 0                | 0                            |                       | 0                                            |
| Outstanding PO's                                | (155,880)                          |                  |                              |                       |                                              |
| <b>TOTAL EXPENDITURES</b>                       | 22,712,040                         | 23,027,237       | 17,141,395                   | 16,250,354            | 891,041                                      |
| Revenue less expenses                           | 337,774                            | (533,429)        | 1,026,773                    | 3,149,539             | (2,122,767)                                  |
| Cash Basis Adjustments/Non-appropriated Balance | (103,049)                          | 0                | 0                            | 120,951               |                                              |
| <b>Ending Cash Balance</b>                      | <b>4,535,364</b>                   | <b>3,981,804</b> | <b>5,542,006</b>             | <b>7,805,855</b>      |                                              |
| Base for Reserve calculation                    | 16,859,064                         | 18,920,830       | 13,932,014                   | 12,994,737            |                                              |
| 15% Reserve                                     | 2,528,860                          | 2,838,125        | 2,089,802                    | 1,949,211             |                                              |
| Amount over 15% Reserve                         | 2,006,505                          | 1,143,680        | 3,452,203                    | 5,856,644             |                                              |

## General Fund Capital Items

|               | Budget Amount | Purchase Price |                                             |
|---------------|---------------|----------------|---------------------------------------------|
| City Wide     | \$30,000      | 30,000         | Communication Equipment                     |
| EMS           | \$43,000      | 42,487         | Monitor/Defibrillator                       |
| EMS           | \$30,000      |                | EMS Pickup (2006)                           |
| EMS           | \$46,000      |                | Replace Power Cots                          |
| Fire          | \$30,000      |                | Battery Powered Hydraulic Extrication Tools |
| Fire          | \$40,500      |                | Breathing Air Compressor - Station 2        |
| Code Services | \$35,000      |                | Pick up or Car (2000)                       |
| Park          | \$55,000      |                | 1 ton Dump Bed pickup (1994)                |
| Shop          | \$8,000       | \$6,579.20     | OBD 2 Scan Tool                             |
| Police        | \$25,000      |                | 2 Mobile data terminals & 2 Video Cameras   |
| Police        | \$14,000      |                | 8 Tasers                                    |
| Police        | \$25,000      | \$14,950.00    | 10 Body Cameras                             |
| Police        | \$16,800      |                | Firewall (Our Share)                        |
| Police        | \$120,000     |                | 2 Patrol Vehicles                           |
| Police        |               |                |                                             |

**Multi Year Fund**

as of September 30, 2022

|                                      |                   |                                                       | Purchase Order | Expenses     | Actual       | 2022<br>Budget/estimated | 2022 |
|--------------------------------------|-------------------|-------------------------------------------------------|----------------|--------------|--------------|--------------------------|------|
| Beginning unencumbered balance       |                   |                                                       |                |              | 3,582,386.79 | 1,015,631.00             |      |
| Sales Tax Proceeds from General Fund |                   |                                                       |                |              | 2,339,968.66 | 2,623,107.00             |      |
| Interest                             |                   |                                                       |                |              | 10,946.55    | 5,000.00                 |      |
| Tax Credits                          |                   |                                                       |                |              |              | -                        |      |
| Accounts Receivable                  |                   |                                                       |                |              | (3,646.35)   |                          |      |
| REVENUE                              |                   |                                                       |                |              | 2,347,268.86 | 2,628,107.00             |      |
|                                      | 102-0101-400.0505 | 2020, 21 & 22 Private/Public partnership              |                | -            | -            | 600,000.00               |      |
|                                      | 102-0101-400.0801 | Land Bank land purchase & PEP                         |                | 100,000.00   | 100,000.00   | 100,000.00               |      |
|                                      | 102-0101-400.0505 | ADA Sidewalks                                         | -              | -            | -            | 50,000.00                |      |
| Total Revenue                        | 102-0101-400.0265 | Miscellaneous storm water repairs                     |                |              | -            | 208,276.00               |      |
|                                      | 102-0101-400.0265 | Lakeridge Rd to Bayfront Dr                           | -              | 359.76       | 359.76       | 14,809.97                |      |
|                                      | 102 0101 400 0505 | Holiday Drive Storm Water                             |                | -            | -            | 165,500.00               |      |
|                                      | 102-0101-400.0265 | E 12th Ave & RR storm water                           |                |              | -            | 50,000.00                |      |
|                                      | 102-0301-400.0502 | Replace HVAC in Admin & Dorms St #2 & Jace Controller | 0.00           | 167,874.48   | 167,874.48   | 108,007.45               |      |
|                                      | 102-0301-400.0502 | Kithen Remodel at Fire Station 2                      |                |              | -            | 28,000.00                |      |
| SW1903                               | 102-0301-400.0502 | Overhead Door Replacement Station 2                   |                |              | -            | 12,000.00                |      |
| SW1303                               | 102 0601 400 0257 | 2022 Hazardous Sidewalk                               | 12,881.43      | 92,943.07    | 105,824.50   | 100,000.00               |      |
|                                      | 102 0601 400.1516 | Alley East of Lyon County State Bank 800 Block        | -              | 62,523.00    | 62,523.00    | 2,231.98                 |      |
| FS2101                               | 102-0601-400.1516 | Mechanic Parking lots 600-700 Block                   |                | 4,029.33     | 4,029.33     | 758,963.93               |      |
|                                      | 102-0601-400.1516 | Sidewalk Imp N side 24th Westridge to Industrial      | -              | -            | -            | 70,000.00                |      |
|                                      | 102-0601-400.1516 | 9th Ave Anderson to Burn to Fairgrounds               | -              | 22,097.16    | 22,097.16    | 28,307.22                |      |
|                                      | 102-0601-400.1516 | Sidewalk S side 15th Ave Graphic arts to Hatcher      |                |              | -            | 55,000.00                |      |
| AL2101                               | 102-0601-400.1516 | Sidewalk S side 15th Industrial to Stanton            |                |              | -            | 25,000.00                |      |
| PK2101                               |                   | Sidewalk 12th & Burlingame                            |                |              | -            | 40,500.00                |      |
|                                      |                   | Sidewalk 24th Ave along Jones Park                    |                |              | -            | 25,000.00                |      |
| SK2102                               | 102-0601-400.1516 | Handicap curb cuts                                    |                |              | -            | 50,000.00                |      |
|                                      | 102-0601-400.1516 | CCLIP 6th Ave Prairie to Neosho                       | 193,981.95     | 532,321.80   | 726,303.75   | 411,000.00               |      |
|                                      | 102-0601-400.1516 | 2022 Street Rehab                                     | 773,478.53     | 40,451.00    | 813,929.53   | 850,000.00               |      |
|                                      | 102-0601-400.1516 | Road 180 (W edge of Every to Road F5)                 |                |              | -            | 300,000.00               |      |
|                                      | 102-0601-400.1516 | Road F Utilities & Easements                          |                | -            | -            | -                        |      |
|                                      | 102-0601-400.1516 | Weaver Street Resurfacing (6th Ave to US-50 Hwy)      |                |              | -            | -                        |      |
| PV2201                               | 102-0601-400.1516 | 6th & Prairie intersection Improvments                |                | 215,000.00   | 215,000.00   | 230,000.00               |      |
| PV2203                               | 102-0601-400.1516 | Misc Street Repairs                                   |                |              | -            | 100,000.00               |      |
|                                      | 102-0601-400.1516 | 15th Ave Substation barrier wall                      | 15,327.00      | 481.07       | 15,808.07    | 36,000.00                |      |
|                                      | 102-0601-400.0505 | Slurry/chip Seal                                      | 60,465.00      | -            | 60,465.00    | 200,000.00               |      |
|                                      | 102-0601-400.0505 | Camera (loop projectors) 6th & Rural                  | 86,009.96      | 47,965.00    | 133,974.96   | 90,000.00                |      |
|                                      | 102-0701-400.0505 | Master plan design of golf course, range, bldg        | -              | -            | -            | 12,250.00                |      |
|                                      | 102-0803-400.0505 | JAC replace sand in filters                           |                |              | -            | 20,000.00                |      |
| PV2202                               | 102-0806-400.0502 | Hay Barn 30'40' 5" concrete floor                     | -              | -            | -            | 3,518.00                 |      |
| PV2206                               | 102-0806-400.0502 | Parking Lot at Zoo                                    | -              | 3,885.69     | 3,885.69     | 163,560.89               |      |
| TS2201                               | 102-0806-400.0505 | Bus parking at zoo                                    |                |              | -            | 20,000.00                |      |
| GC1701                               | 102-0806-400.0502 | Hoof Stock Sheds                                      |                |              | -            | 50,000.00                |      |
|                                      | 102-0806-400.0502 | Trumpeter Swan Exhibit - repairs                      |                |              | -            | 54,000.00                |      |
| ZO2101                               | 102-0806-400.0502 | Fire Alarm & Smoke Detection at Zoo                   | 25,629.10      |              | 25,629.10    | 26,000.00                |      |
| ZO2102                               | 102-0901-400.0502 | 618 Mechanic Roof                                     |                |              | -            | 60,000.00                |      |
|                                      | 102 0901 400 0505 | Elevator controls Roof Caps                           | 36,600.00      | -            | 36,600.00    | 36,600.00                |      |
|                                      | 102-0901-400.0502 | Replace Steam Lines & update HVAC                     |                |              | -            | 50,000.00                |      |
| CV2201                               | 102-0901-400.0502 | Civic Fire Alarm Card update 2nd half                 | 35,053.00      | 23,000.00    | 58,053.00    | 60,000.00                |      |
| ZO2201                               | 102-0901-400.0502 | 2022 Replace Steam Lines                              | -              | -            | -            | 85,000.00                |      |
|                                      | 102-0901-400.0502 | 2020 & 21 & 22 ADA Improvements                       |                |              | -            | 300,000.00               |      |
| CV2001                               | 102-0901-400.0502 | Replace Irrigation system                             | 10,280.13      |              | 10,280.13    | 30,000.00                |      |
|                                      | 102-0901-400.0502 | Walk-in Cooler in Room 222                            |                |              | -            | 25,000.00                |      |
|                                      | 102-0901-400.0502 | Replace Windows in Auditorium                         |                |              | -            | 26,000.00                |      |
| CV2202                               | 102-0901-400.0502 | Evelator Controls                                     | 53,050.00      | 53,050.00    | 106,100.00   | 175,000.00               |      |
| CV1901                               | 102-0901-400.0502 | ADA Improvements Police & Water Dept                  | 0.00           | 12,757.18    | 12,757.18    | 45,288.71                |      |
| CV2102                               | 102-0901-400.0505 | Carniage Library Study                                | 1,000.00       | 9,500.00     | 10,500.00    | 7,300.00                 |      |
| LB2201                               | 102-0902-400.0505 | ADA improvements Library doors & ADA openers          |                |              | -            | 120,000.00               |      |
| LB2202                               | 102-0902-400.0505 | Replace Irrigation system                             | 4,884.86       |              | 4,884.86     | 10,000.00                |      |
|                                      | 102-0902-400.0502 | HVAC updates                                          |                |              | -            | 15,000.00                |      |
|                                      | 102-1401-400.0505 | Runway Extension 51" Design (KDOT 90%)                |                |              | -            | 8,150.00                 |      |
|                                      | 102-1401-400.0505 | Wildlife Site Visit & Study (FAA 90%)                 |                |              | -            | 3,000.00                 |      |
| AR2101                               | 102-1401-400.0801 | Airport Edge litging & guidance signs                 |                |              | -            | 40,987.00                |      |
|                                      |                   |                                                       | 1,308,640.96   | 1,388,238.54 | 2,696,879.50 | 6,155,251.15             |      |
| Ending Unencumbered Cash balance     |                   |                                                       |                |              | 3,232,776.15 | 55,242.64                |      |
| 2022 budgeted projects               |                   |                                                       |                |              | 3,232,776.15 |                          |      |
| EXPENDITURES                         |                   |                                                       |                |              | -            |                          |      |

City of Emporia, Kansas

# Library Fund

as of September 30, 2022

|                               | Preceding Year<br>2021<br>(Actual) | 2022<br>Original<br>Budget | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$0                                | \$0                        | \$0                          | \$0                   | \$0                                          |
| <b>REVENUE</b>                |                                    |                            |                              |                       |                                              |
| Ad Valorem Property Tax       | \$832,333                          | \$892,992                  | \$892,992                    | \$894,095             | (\$1,103)                                    |
| Back Tax Collection           | \$14,757                           | \$15,000                   | \$15,000                     | \$18,993              | (\$3,993)                                    |
| Motor Vehicle Tax             | \$99,565                           | \$94,818                   | \$69,000                     | \$72,548              | (\$3,548)                                    |
| Recreational Vehicle Tax      | \$1,142                            | \$1,038                    | \$800                        | \$834                 | (\$34)                                       |
| AdValorem Tax Reduction       | (\$10,017)                         | (\$9,500)                  | (\$9,500)                    | (\$9,766)             | \$266                                        |
| General Fund Contribution     |                                    | \$0                        |                              |                       | \$0                                          |
| <b>TOTAL RECEIPTS</b>         | \$937,779                          | \$994,348                  | \$968,292                    | \$976,704             | (\$8,412)                                    |
| <b>EXPENDITURES</b>           |                                    |                            |                              |                       |                                              |
| Insurance Refund              |                                    | \$0                        |                              |                       | \$0                                          |
| Misc Projects                 |                                    | \$0                        |                              |                       |                                              |
| Appropriation                 | \$937,779                          | \$994,348                  | \$968,292                    | \$976,704             | (\$8,412)                                    |
| <b>TOTAL EXPENDITURES</b>     | \$937,779                          | \$994,348                  | \$968,292                    | \$976,704             | (\$8,412)                                    |
| <b>Ending Cash Balance</b>    | <b>\$0</b>                         | <b>\$0</b>                 | <b>\$0</b>                   | <b>\$0</b>            | <b>\$0</b>                                   |

**Convention & Tourism Fund**

as of September 30, 2022

|                                       | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget      | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|---------------------------------------|------------------------------------|---------------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>         | \$531,611                          | \$606,062           | \$606,062                    | \$649,122             | \$0                                          |
| <b>REVENUE</b>                        |                                    |                     |                              |                       |                                              |
| Transient Guest Tax                   | \$634,077                          | \$620,000           | \$530,000                    | \$552,576             | (\$22,576)                                   |
| Interest on Investment                | \$300                              | \$200               | \$153                        | \$1,488               | (\$1,335)                                    |
| Fence rental                          | \$8,128                            | \$7,000             | \$5,247                      | \$7,558               | (\$2,311)                                    |
| Return of amount over allowed reserve |                                    |                     |                              |                       | \$0                                          |
| Repayment of extra funds - Chamber    |                                    |                     |                              | \$50,630              | (\$50,630)                                   |
| Accounts Receivable - fence rental    | \$0                                |                     |                              | \$3,029               | (\$3,029)                                    |
| <b>TOTAL RECEIPTS</b>                 | \$642,506                          | \$627,200           | \$535,400                    | \$615,282             | (\$79,882)                                   |
| <b>EXPENDITURES</b>                   |                                    |                     |                              |                       |                                              |
| CVB Appropriation                     | \$273,750                          | \$365,000           | \$365,000                    | \$365,000             | \$0                                          |
| Trusler Sports Complex                |                                    | \$0                 |                              |                       | \$0                                          |
| City cost associated with events      | \$30,000                           | \$30,000            | \$0                          | \$0                   | \$0                                          |
| Civic Auditorium improvements         | \$50,000                           | \$50,000            | \$50,000                     | \$50,000              | \$0                                          |
| Red Rock's Appropriation              | \$5,625                            | \$7,500             | \$7,500                      | \$7,500               | \$0                                          |
| Main Street Historical District       |                                    | \$0                 |                              |                       | \$0                                          |
| Emporia Main Street                   | \$37,500                           | \$56,250            | \$56,250                     | \$56,250              | \$0                                          |
| Breckinridge Hotel                    |                                    | \$0                 |                              |                       | \$0                                          |
| Emporia Arts Council Support          | \$7,500                            | \$10,000            | \$10,000                     | \$10,000              | \$0                                          |
| Emporia Granda                        | \$15,000                           | \$20,000            | \$20,000                     | \$20,000              | \$0                                          |
| Symphony in the Flint Hills           |                                    | \$0                 |                              |                       | \$0                                          |
| Unbound Bike Event                    | \$25,000                           | \$25,000            | \$25,000                     | \$15,000              | \$10,000                                     |
| DDO                                   | \$25,000                           | \$25,000            | \$25,000                     | \$25,000              | \$0                                          |
| Junior World Event                    |                                    | \$0                 |                              |                       | \$0                                          |
| PDGA Professional Disc Golf World     | \$20,000                           | \$20,000            | \$20,000                     | \$20,000              | \$0                                          |
| Municipal Band Appropriation          |                                    | \$0                 |                              |                       | \$0                                          |
| ESU Foundation - Welch Stadium Imp    |                                    | \$0                 |                              |                       | \$0                                          |
| Free for Kansas - Music event         | \$10,000                           | \$20,000            | \$20,000                     | \$20,000              | \$0                                          |
| Dynamic Discs                         |                                    |                     |                              |                       | \$0                                          |
| Fence Purchase                        |                                    |                     |                              |                       | \$0                                          |
| Miscellaneous                         | \$12,750                           | \$0                 |                              | \$7,795               | (\$7,795)                                    |
| Special Projects                      |                                    | \$609,512           | \$0                          |                       | \$0                                          |
| Outstanding PO's                      | \$12,870                           |                     |                              | \$0                   |                                              |
| <b>TOTAL EXPENDITURES</b>             | \$524,995                          | \$1,238,262         | \$598,750                    | \$596,545             | \$2,205                                      |
| <b>Ending Cash Balance</b>            | <b>\$649,122</b>                   | <b>(\$5,000)</b>    | <b>\$542,712</b>             | <b>\$667,859</b>      | <b>(\$82,087)</b>                            |
| Transient Guest Tax Receipts          | 2018                               | 2019                | 2020                         | 2021                  | 2022                                         |
| 1ST QUARTER-JANUARY                   | \$149,499.38                       | \$172,538.00        | \$193,559.51                 | \$105,764.76          | \$184,682.75                                 |
| 2ND QUARTER-APRIL                     | \$127,440.51                       | \$125,683.39        | \$132,542.30                 | \$135,567.13          | \$143,987.80                                 |
| 3RD QUARTER-JULY                      | \$213,098.04                       | \$207,494.60        | \$80,649.41                  | \$192,642.58          | \$223,905.58                                 |
| 4TH QUARTER-OCTOBER                   | \$200,537.74                       | \$207,822.11        | \$151,949.08                 | \$200,102.99          |                                              |
| <b>TOTAL</b>                          | <b>\$690,575.67</b>                | <b>\$713,538.10</b> | <b>\$558,700.30</b>          | <b>\$634,077.46</b>   | <b>\$552,576.13</b>                          |



## City of Emporia, Kansas

**Industrial Fund**

as of September 30, 2022

|                                   | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-----------------------------------|------------------------------------|----------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>     | 18,767                             | 19,899         | 19,899                       | 19,923                | 0                                            |
| REVENUE                           |                                    |                |                              |                       |                                              |
| Ad Valorem Property Tax           | 999                                | 1,000          | 975                          | 1,075                 | (100)                                        |
| Back Tax Collections              | 19                                 | 21             | 16                           | 24                    | (8)                                          |
| Motor Vehicle Tax                 | 139                                | 114            | 106                          | 89                    | 17                                           |
| Ad Valorem Tax Reduction          | (12)                               | (16)           | (16)                         | (12)                  | (4)                                          |
| Interest on Investment            | 11                                 | 12             | 9                            | 50                    | (41)                                         |
| Miscellaneous                     |                                    |                |                              |                       |                                              |
| <b>TOTAL RECEIPTS</b>             | 1,156                              | 1,131          | 1,090                        | 1,226                 | (136)                                        |
| EXPENDITURES                      |                                    |                |                              |                       |                                              |
| Travel Expense & Miscellaneous    | 0                                  | 1,185          | 99                           |                       | 99                                           |
| Other charges                     | 0                                  |                |                              |                       | 0                                            |
| Contractual Services              | 0                                  | 0              |                              |                       | 0                                            |
| Special Projects and Reserve Fund | 0                                  | 19,845         |                              |                       | 0                                            |
| <b>TOTAL EXPENDITURES</b>         | 0                                  | 21,030         | 99                           | 0                     | 99                                           |
| <b>Ending Cash Balance</b>        | 19,923                             | 0              | 20,890                       | 21,149                | (235)                                        |

# Industrial Development Sales Tax

as of September 30, 2022

|                               | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | \$442,855                          | \$253,102      | \$253,102                    | \$247,080             | \$0                                          |
| <b>Revenue:</b>               |                                    |                |                              |                       |                                              |
| Sales Tax Receipts            | \$925,000                          | \$925,000      | \$693,747                    | \$693,750             | (\$3)                                        |
| Interest Income               | \$231                              | \$250          | \$189                        | \$423                 | (\$234)                                      |
| Money for Land Purchases      | \$1,000,000                        | \$0            |                              | \$0                   | \$0                                          |
| REG Repayment                 |                                    | \$0            |                              |                       | \$0                                          |
| Kansas Gas Rebate - REG       |                                    | \$0            |                              |                       | \$0                                          |
| RDA returned money            |                                    |                |                              |                       |                                              |
| <b>Total Revenue</b>          | \$1,925,231                        | \$925,250      | \$693,936                    | \$694,173             | (\$237)                                      |
| <b>Expense:</b>               |                                    |                |                              |                       |                                              |
| Appropriation to the RDA      | \$350,000                          | \$350,000      | \$262,500                    | \$262,500             | \$0                                          |
| Emporia Enterprises           | \$25,000                           | \$25,000       | \$25,000                     | \$25,000              | \$0                                          |
| Miscellaneous                 | \$99                               | \$0            |                              | \$0                   | \$0                                          |
| Land Purchase for Industr     | \$200,000                          | \$0            | \$0                          | \$0                   | \$0                                          |
| Land Purchase                 | \$1,000,000                        | \$0            | \$0                          | \$0                   | \$0                                          |
| Gas Line Bond Pmt             |                                    | \$0            |                              |                       | \$0                                          |
| Land Purchase Bond Pmt        |                                    | \$0            |                              |                       | \$0                                          |
| Transfer to B&I water proj    | \$350,000                          | \$350,000      | \$350,000                    | \$350,000             | \$0                                          |
| REG Demolition                | \$195,906                          | \$0            | \$0                          | \$0                   | \$0                                          |
| Water Valves                  |                                    |                |                              |                       | \$0                                          |
| Special Projects              |                                    | \$453,352      | \$0                          | \$120,941             | (\$120,941)                                  |
| <b>Total Expenses</b>         | \$2,121,005                        | \$1,178,352    | \$637,500                    | \$758,441             | (\$120,941)                                  |
| <b>Ending Cash Balance</b>    | <b>\$247,080</b>                   | <b>\$0</b>     | <b>\$309,538</b>             | <b>\$182,812</b>      | <b>\$120,704</b>                             |

**Special Alcohol Fund**

as of September 30, 2022

|                               | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|----------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | 73,443                             | 77,967         | 77,967                       | 89,340                | 0                                            |
| <b>REVENUE</b>                |                                    |                |                              |                       |                                              |
| Private Club Liquor Tax       | 86,358                             | 80,000         | 60,000                       | 74,650                | (14,650)                                     |
| Interest on Investment        | 40                                 | 25             | 18                           | 217                   | (199)                                        |
| <b>TOTAL RECEIPTS</b>         | 86,397                             | 80,025         | 60,018                       | <b>74,867</b>         | (14,849)                                     |
| <b>EXPENDITURES</b>           |                                    |                |                              |                       |                                              |
| Appropriations                | 70,500                             | 86,750         | 65,061                       | 66,750                | (1,689)                                      |
| Special Projects              |                                    | 71,242         | 0                            |                       | 0                                            |
| <b>TOTAL EXPENDITURES</b>     | 70,500                             | 157,992        | 65,061                       | 66,750                | (1,689)                                      |
| <b>Ending Cash Balance</b>    | <b>89,340</b>                      | <b>0</b>       | <b>72,924</b>                | <b>97,457</b>         | <b>(13,160)</b>                              |

|                                      | Receive in<br>2018 | Receive in 2019 | Receive in 2020 | Receive in<br>2021 | Receive in 2022 |
|--------------------------------------|--------------------|-----------------|-----------------|--------------------|-----------------|
| Appropriations                       |                    |                 |                 |                    |                 |
| Cross Winds                          | \$20,000.00        | \$20,000.00     | \$20,000.00     | \$15,000.00        | \$15,000.00     |
| Corner House                         | \$75,000.00        | \$55,000.00     | \$65,000.00     | \$48,750.00        | \$65,000.00     |
| Emporia State University             | \$5,400.00         | \$5,400.00      | \$9,000.00      | \$6,750.00         | \$6,750.00      |
| Emporia State University<br>USD #253 |                    | \$6,500.00      | \$0.00          | \$0.00             |                 |
| Total                                | \$100,400.00       | \$86,900.00     | \$94,000.00     | \$70,500.00        | \$86,750.00     |

| Receipts                | 2018        | 2019         | 2020        | 2021        | 2022        |
|-------------------------|-------------|--------------|-------------|-------------|-------------|
| 1ST QUARTER - MARCH     | \$20,419.16 | \$26,806.24  | \$22,675.47 | \$17,214.78 | \$23,976.09 |
| 2ND QUARTER - JUNE      | \$26,757.14 | \$22,937.76  | \$21,611.91 | \$18,634.04 | \$22,129.19 |
| 3RD QUARTER - SEPTEMBER | \$21,039.84 | \$26,000.31  | \$7,881.01  | \$25,844.73 |             |
| 4TH QUARTER - DECEMBER  | \$24,660.05 | \$26,705.52  | \$14,069.40 | \$24,664.21 |             |
| TOTAL                   | \$92,876.19 | \$102,449.83 | \$66,237.79 | \$86,357.76 | \$46,105.28 |

**Special Park Fund**

as of September 30, 2022

|                                   | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-----------------------------------|------------------------------------|----------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>     | \$117,929                          | \$132,234      | \$132,234                    | \$188,630             | \$0                                          |
| <b>REVENUE</b>                    |                                    |                |                              |                       |                                              |
| Private Club Liquor Tax           | \$86,358                           | \$80,000       | \$60,000                     | \$74,650              | (\$14,650)                                   |
| Donations& Grants                 |                                    | \$0            | \$0                          | \$0                   | \$0                                          |
| Lake Kahola Proceeds              |                                    | \$0            |                              |                       | \$0                                          |
| Trf of funds from project account | \$4,266                            | \$0            |                              | \$0                   | \$0                                          |
| Interest on Investment            | \$77                               | \$40           | \$27                         | \$360                 | (\$333)                                      |
| <b>TOTAL RECEIPTS</b>             | \$90,701                           | \$80,040       | \$60,027                     | \$75,010              | (\$14,983)                                   |
| <b>EXPENDITURES</b>               |                                    |                |                              |                       |                                              |
| Capital Outlay                    | \$60,513                           | \$82,500       | \$82,500                     | \$84,868              | (\$2,368)                                    |
| Municipal Band Allocation         |                                    | \$10,000       | \$10,000                     | \$10,000              | \$0                                          |
| Miscellaneous                     |                                    |                |                              |                       | \$0                                          |
| Commodities                       |                                    | \$0            |                              | \$14,330              | (\$14,330)                                   |
| Contractual Services              | \$20,000                           | \$0            |                              | \$0                   | \$0                                          |
| Other Charges                     |                                    |                |                              |                       | \$0                                          |
| Transfer to Project Account       |                                    |                |                              |                       | \$0                                          |
| Outstanding PO's                  | -\$60,513                          |                |                              | \$0                   |                                              |
| Special Projects                  |                                    | \$119,774      | \$0                          |                       | \$0                                          |
| <b>TOTAL EXPENDITURES</b>         | \$20,000                           | \$212,274      | \$92,500                     | \$109,198             | (\$16,698)                                   |
| <b>Ending Cash Balance</b>        | <b>\$188,630</b>                   | <b>\$0</b>     | <b>\$99,761</b>              | <b>\$154,442</b>      | <b>\$1,715</b>                               |

| Receipts                | 2018               | 2019                | 2020               | 2021               | 2022               |
|-------------------------|--------------------|---------------------|--------------------|--------------------|--------------------|
| 1ST QUARTER - MARCH     | \$20,419.16        | \$26,806.24         | \$22,675.47        | \$17,214.77        | \$23,976.10        |
| 2ND QUARTER - JUNE      | \$26,757.13        | \$22,937.76         | \$22,611.90        | \$18,634.04        | \$22,129.19        |
| 3RD QUARTER - SEPTEMBER | \$21,039.84        | \$26,000.31         | \$7,881.00         | \$25,844.73        |                    |
| 4TH QUARTER - DECEMBER  | \$24,660.05        | \$26,705.53         | \$14,069.39        | \$24,664.03        |                    |
| <b>TOTAL</b>            | <b>\$92,876.18</b> | <b>\$102,449.84</b> | <b>\$67,237.76</b> | <b>\$86,357.57</b> | <b>\$46,105.29</b> |

| Capital Items | Budget Amount | Purchase Price |
|---------------|---------------|----------------|
| Park          | \$70,000.00   | \$84,868.00    |
|               | 70,000.00     | 84,868.00      |

11 Foot Rotary Mower (2012)

**Special Street Fund**

as of September 30, 2022

|                               | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget      | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|-------------------------------|------------------------------------|---------------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b> | 546,748                            | 496,206             | 496,206                      | 517,459               |                                              |
| <b>REVENUE</b>                |                                    |                     |                              |                       |                                              |
| Gasoline Tax                  | 712,575                            | 632,540             | 490,000                      | 490,724               | (724)                                        |
| Special City-County Tax       | 85,230                             | 74,826              | 58,000                       | 57,816                | 184                                          |
| Damages                       | 9,118                              | 0                   |                              | 17,953                | (17,953)                                     |
| Interest on Investment        | 341                                | 200                 | 153                          | 1,092                 | (939)                                        |
| Transfer of Funds             |                                    | 0                   |                              |                       | 0                                            |
| Sale of Salvage               | 294                                |                     |                              | 33                    | (33)                                         |
| Miscellaneous                 | 8,072                              | 0                   |                              | 0                     | 0                                            |
| <b>TOTAL RECEIPTS</b>         | 815,630                            | 707,566             | 548,153                      | 567,618               | (19,465)                                     |
| <b>EXPENDITURES</b>           |                                    |                     |                              |                       |                                              |
| Personnel Services            | 571,835                            | 509,116             | 373,036                      | 456,295               | (83,259)                                     |
| Vacancy                       |                                    | (9,583)             |                              |                       | 0                                            |
| Maintenance & Repair          | 64,519                             | 86,240              | 64,683                       | 83,121                | (18,438)                                     |
| Commodities                   | 98,958                             | 120,250             | 90,180                       | 86,766                | 3,414                                        |
| Other Charges                 | 38,711                             | 45,600              | 39,450                       | 35,480                | 3,970                                        |
| Capital Outlay                |                                    | 0                   |                              | 14,875                | (14,875)                                     |
| Transfer of Funds             | 15,403                             | 0                   |                              | 0                     | 0                                            |
| Utilities                     | 22,042                             | 30,050              | 22,536                       | 21,328                | 1,208                                        |
| Communications                | 1,584                              | 2,200               | 1,647                        | 1,186                 | 461                                          |
| Training & Travel             | 2,567                              | 4,300               | 3,222                        | 7,590                 | (4,368)                                      |
| Contractual Services          | 29,585                             | 37,300              | 27,972                       | 27,613                | 359                                          |
| Special Projects              | 0                                  | 378,299             | 0                            | 0                     | 0                                            |
| Audit Adjustments             | 3,117                              |                     |                              | 2,339                 | (2,339)                                      |
| Outstanding PO's              | (3,403)                            |                     |                              | 0                     | 0                                            |
| <b>TOTAL EXPENDITURES</b>     | 844,918                            | 1,203,772           | 622,726                      | 736,592               | (113,866)                                    |
| <b>Net Change in Cash</b>     | (29,289)                           | (496,206)           | (74,573)                     | (168,974)             |                                              |
| <b>Ending Cash Balance</b>    | <b>517,459</b>                     | <b>0</b>            | <b>421,633</b>               | <b>348,485</b>        |                                              |
| <b>Receipts</b>               | <b>2018</b>                        | <b>2019</b>         | <b>2020</b>                  | <b>2021</b>           | <b>2022</b>                                  |
| 1st Quarter - Jan Payment     | \$169,274.62                       | \$168,525.42        | \$173,837.48                 | \$161,594.64          | \$167,557.74                                 |
| 2nd Quarter - April Payment   | \$156,526.16                       | \$161,370.99        | \$163,486.85                 | \$149,245.64          | \$157,106.42                                 |
| Extra Payment- June           |                                    |                     |                              | \$54,671.53           |                                              |
| 3rd Quarter - July Payment    | \$171,880.23                       | \$170,138.12        | \$140,178.69                 | \$172,643.49          | \$166,060.14                                 |
| 4th Quarter - Oct Payment     | \$176,248.57                       | \$177,741.69        | \$164,712.37                 | \$174,419.30          |                                              |
| <b>Total</b>                  | <b>\$673,929.58</b>                | <b>\$677,776.22</b> | <b>\$642,215.39</b>          | <b>\$712,574.60</b>   | <b>\$490,724.30</b>                          |

| Capital Item | Budget Amount | Purchase Price |
|--------------|---------------|----------------|
|--------------|---------------|----------------|

**Drug Forfeiture Fund**

as of September 30, 2022

|                                | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|--------------------------------|------------------------------------|----------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>  | \$68,301                           | \$72,327       | \$72,327                     | \$69,300              |                                              |
| <b>REVENUE</b>                 |                                    |                |                              |                       |                                              |
| Receipts from Drug Forfeitures | \$4,115                            | \$5,000        | \$3,753                      | \$52,650              | (48,897)                                     |
| Interest on Investment         | \$41                               | \$25           | \$18                         | \$195                 | (177)                                        |
| Miscellaneous                  |                                    |                |                              |                       |                                              |
| <b>TOTAL RECEIPTS</b>          | \$4,156                            | \$5,025        | \$3,771                      | \$52,844              | (49,073)                                     |
| <b>EXPENDITURES</b>            |                                    |                |                              |                       |                                              |
| Commodities                    | \$26,075                           | \$5,000        | \$3,753                      | \$46,527              | (42,774)                                     |
| Capital Outlay                 |                                    | \$0            |                              |                       | -                                            |
| Communications                 | \$345                              | \$0            |                              | \$0                   | -                                            |
| Other Charges                  |                                    |                |                              |                       | -                                            |
| Transfer of funds              |                                    |                |                              |                       |                                              |
| Other Contractual              |                                    | \$0            |                              | \$3,459               | (3,459)                                      |
| Travel & Training              |                                    |                |                              |                       | -                                            |
| Maintenance & Repair           | \$0                                | \$0            | \$0                          | \$11,895              | (11,895)                                     |
| Outstanding PO's               | -\$23,264                          |                |                              | \$0                   |                                              |
| Special Projects               |                                    | \$72,352       | \$0                          |                       |                                              |
| <b>TOTAL EXPENDITURES</b>      | \$3,157                            | \$77,352       | \$3,753                      | \$61,880              | (58,127)                                     |
| <b>Ending Cash Balance</b>     | <b>\$69,300</b>                    | <b>\$0</b>     | <b>\$72,345</b>              | <b>\$60,264</b>       |                                              |





**Bond & Interest Fund**

as of September 30, 2022

|                                             | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|---------------------------------------------|------------------------------------|----------------|------------------------------|-----------------------|----------------------------------------------|
| <b>Beginning Cash Balance</b>               | \$883,335                          | \$1,328,355    | \$1,328,355                  | \$1,340,015           | \$0                                          |
| <b>REVENUE</b>                              |                                    |                |                              |                       |                                              |
| Ad Valorem Property Tax                     | \$1,666,109                        | \$1,787,969    | \$1,735,000                  | \$1,789,983           | (54,983)                                     |
| Back Tax Collection                         | \$30,394                           | \$40,000       | \$31,000                     | \$38,466              | (7,466)                                      |
| Special Assessments                         | \$115,984                          | \$78,252       | \$78,252                     | \$82,354              | (4,102)                                      |
| Motor Vehicle Tax                           | \$207,641                          | \$191,884      | \$161,800                    | \$147,140             | 14,660                                       |
| Ad Valorem Tax Reduction                    | -\$20,142                          | -\$20,000      | -\$20,000                    | -\$19,552             | (448)                                        |
| Interest on Investment                      | \$951                              | \$700          | \$522                        | \$5,166               | (4,644)                                      |
| Recreation Center - Pool renovation         |                                    | \$0            |                              |                       | 0                                            |
| Recreation Center - Office/Locker Remodel   |                                    | \$0            |                              |                       | 0                                            |
| Recreation Center - Ball Diamond Improvemen | \$49,050                           | \$47,700       | \$47,700                     | \$47,700              | 0                                            |
| Recreation Center - Fitness Room            | \$50,220                           | \$50,960       | \$50,960                     | \$50,960              | 0                                            |
| Industrial Land Payment - Ind Sales Tax     |                                    | \$0            |                              |                       | 0                                            |
| Sale of Bonds                               |                                    | \$0            |                              |                       | 0                                            |
| Gas Line Payment - Ind Sales Tax            |                                    | \$0            |                              |                       | 0                                            |
| Hanger Payment - General Fund               |                                    | \$0            |                              |                       | 0                                            |
| Miscellaneous                               |                                    | \$0            |                              | \$31                  | (31)                                         |
| Transfer of Funds from Project Accounts     |                                    | \$0            |                              |                       | 0                                            |
| <b>TOTAL RECEIPTS</b>                       | \$2,100,206                        | \$2,177,465    | \$2,085,234                  | \$2,142,248           |                                              |
| <b>EXPENDITURES</b>                         |                                    |                |                              |                       |                                              |
| Principal                                   | \$1,410,000                        | \$1,758,506    | \$1,758,506                  | \$1,455,000           | 303,506                                      |
| Interest Coupons                            | \$233,526                          | \$204,500      | \$204,500                    | \$204,500             | 0                                            |
| Transfer of funds                           |                                    |                |                              |                       |                                              |
| Misc projects                               |                                    | \$1,542,814    | \$0                          |                       |                                              |
| <b>TOTAL EXPENDITURES</b>                   | \$1,643,526                        | \$3,505,820    | \$1,963,006                  | \$1,659,500           | 303,506                                      |
| <b>Ending Cash Balance</b>                  | <b>\$1,340,015</b>                 | <b>\$0</b>     | <b>\$1,450,583</b>           | <b>\$1,822,763</b>    |                                              |

## City of Emporia, Kansas

**Water Fund**

as of September 30, 2022

|                              | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget     | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|------------------------------|------------------------------------|--------------------|------------------------------|-----------------------|----------------------------------------------|
| <b>BEGINNING CASH</b>        | 2,620,859                          | 3,246,622          | 1,676,012                    | 3,246,907             | 0                                            |
| <b>REVENUE</b>               |                                    |                    |                              |                       |                                              |
| Sale of Water                | 7,009,923                          | 6,588,000          | 4,941,000                    | 5,119,943             | (178,943)                                    |
| Service Charge               | 113,879                            | 100,000            | 74,997                       | 79,344                | (4,347)                                      |
| Penalties                    | 90,357                             | 85,000             | 63,747                       | 69,423                | (5,676)                                      |
| Sale of Salvage              |                                    | 0                  |                              |                       | 0                                            |
| Reimbursed Expense           | 24,076                             | 2,000              | 1,503                        | 6,727                 | (5,224)                                      |
| Interest on Investment       | 2,176                              | 1,300              | 1,233                        | 9,207                 | (7,974)                                      |
| Sale of Bonds                |                                    | 0                  |                              |                       | 0                                            |
| Trf from Industrial Fund     | 350,000                            | 350,000            | 350,000                      | 350,000               | 0                                            |
| Trf from Project fund        | 911,242                            |                    |                              | 1,271,594             | (1,271,594)                                  |
| Non Operating Revenue        | 0                                  | 0                  |                              | 0                     | 0                                            |
| Miscellaneous                | 1,123                              | 1,350              | 747                          | 2,530                 | (1,783)                                      |
| <b>TOTAL RECEIPTS</b>        | <b>8,502,776</b>                   | <b>7,127,650</b>   | <b>5,433,227</b>             | <b>6,908,767</b>      | <b>(1,475,540)</b>                           |
| <b>EXPENDITURES</b>          |                                    |                    |                              |                       |                                              |
| Personnel Services           | 967,937                            | 935,665            | 683,205                      | 725,777               | (42,572)                                     |
| Vacancy                      |                                    | (20,384)           |                              |                       | 0                                            |
| Maintenance & Repair         | 832,844                            | 644,550            | 438,876                      | 789,443               | (350,567)                                    |
| Commodities                  | 1,176,555                          | 903,000            | 877,265                      | 1,183,736             | (306,471)                                    |
| Other Charges                | 179,576                            | 217,070            | 154,726                      | 189,871               | (35,145)                                     |
| Capital Outlay               | 107,207                            | 555,000            | 555,000                      | 119,123               | 435,877                                      |
| Debt Payment                 | 1,490,051                          | 2,464,403          | 2,534,152                    | 1,569,165             | 964,987                                      |
| Stock                        | 672                                | 5,000              | 3,753                        | 16,618                | (12,865)                                     |
| Transfer to Project Account  | 953,933                            | 0                  |                              | 1,275,394             | (1,275,394)                                  |
| Utilities                    | 530,136                            | 502,850            | 377,136                      | 527,218               | (150,082)                                    |
| Communications               | 28,434                             | 45,100             | 33,831                       | 22,378                | 11,453                                       |
| Travel & Training            | 6,287                              | 13,450             | 10,089                       | 11,615                | (1,526)                                      |
| Contractual Services         | 475,704                            | 585,700            | 441,719                      | 601,116               | (159,397)                                    |
| Administrative Fee 16%       | 1,155,328                          | 1,083,680          | 812,763                      | 943,971               | (131,208)                                    |
| Excess Carryover             |                                    | 0                  |                              |                       |                                              |
| Change in Liabilities        | (27,936)                           | 0                  |                              | (418,385)             | 418,385                                      |
| Outstanding PO's             | 0                                  |                    |                              |                       |                                              |
| <b>TOTAL EXPENDITURES</b>    | <b>7,876,728</b>                   | <b>7,935,084</b>   | <b>6,922,515</b>             | <b>7,557,040</b>      | <b>(634,525)</b>                             |
| <b>NET CHANGE IN CASH</b>    | <b>626,048</b>                     | <b>(807,434)</b>   | <b>(1,489,288)</b>           | <b>(648,273)</b>      | <b>(841,015)</b>                             |
| <b>ENDING CASH BALANCE</b>   | <b>3,246,907</b>                   | <b>2,439,188</b>   | <b>186,724</b>               | <b>2,598,634</b>      |                                              |
| Principal Bond Payments      | (1,155,000)                        | (2,005,283)        | (2,005,283)                  | (1,210,000)           |                                              |
| Depreciation                 | 1,399,907                          | 1,365,000          | 1,023,750                    | 958,274               |                                              |
| Capitalized Assets           | (4,498,277)                        | (555,000)          | 0                            | (104,150)             |                                              |
| Liabilities                  |                                    |                    |                              |                       |                                              |
| <b>ADJUSTMENTS</b>           | <b>(4,253,370)</b>                 | <b>(1,195,283)</b> | <b>(981,533)</b>             | <b>(355,875)</b>      |                                              |
| Base for reserve calculation | 6,815,589                          | 7,380,084          | 6,367,515                    | 6,162,523             |                                              |
| 20% reserve amount           | 1,363,118                          | 1,476,017          | 1,273,503                    | 1,232,505             |                                              |
| Amount over 20% reserve      | 1,883,789                          | 963,171            | (1,086,779)                  | 1,366,130             |                                              |

**Wastewater Fund**

as of September 30, 2022

|                              | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget   | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|------------------------------|------------------------------------|------------------|------------------------------|-----------------------|----------------------------------------------|
| <b>BEGINNING CASH</b>        | 2,616,764                          | 2,302,873        | 2,010,106                    | 2,351,302             |                                              |
| <b>REVENUE</b>               |                                    |                  |                              |                       |                                              |
| Sales/Charges                | 5,604,381                          | 5,530,808        | 4,148,100                    | 4,576,301             | (428,201)                                    |
| Extra Strength Surcharge     | 123,584                            | 75,900           | 56,916                       | 133,653               | (76,737)                                     |
| Interest on Investment       | 1,708                              | 1,000            | 747                          | 5,991                 | (5,244)                                      |
| New System taps              | 1,300                              | 1,000            | 747                          | 200                   | 827                                          |
| Loss on sales of assets      | 0                                  |                  |                              | 0                     |                                              |
| Trf to projects              | 349,769                            | 0                |                              | 0                     | 0                                            |
| Sale of Bonds                |                                    |                  |                              |                       | 0                                            |
| Miscellaneous                | 39,990                             | 1,000            | 747                          | 148,325               | (147,578)                                    |
| <b>TOTAL RECEIPTS</b>        | 6,120,732                          | 5,609,708        | 4,207,257                    | 4,864,470             | (656,933)                                    |
| <b>EXPENDITURES</b>          |                                    |                  |                              |                       |                                              |
| Personnel Services           | 841,257                            | 939,942          | 687,747                      | 750,047               | (62,300)                                     |
| Vacancy                      | 0                                  | (16,218)         |                              | 0                     | 0                                            |
| Maintenance & Repair         | 444,900                            | 298,250          | 223,695                      | 799,249               | (575,554)                                    |
| Commodities                  | 220,944                            | 156,000          | 141,994                      | 337,480               | (195,486)                                    |
| Other Charges                | 153,916                            | 185,100          | 157,340                      | 152,130               | 5,210                                        |
| Capital Outlay               | 56,245                             | 480,000          | 480,000                      | 52,006                | 427,994                                      |
| Debt Payment                 | 2,562,638                          | 2,830,993        | 2,844,814                    | 2,525,432             | 319,382                                      |
| Transfer to Project fund     | 617,004                            | 0                | 0                            | 138,935               | (138,935)                                    |
| Utilities                    | 549,126                            | 521,500          | 391,122                      | 454,385               | (63,263)                                     |
| Communications               | 22,222                             | 28,350           | 12,267                       | 17,161                | (4,894)                                      |
| Travel & Training            | 4,069                              | 6,600            | 4,950                        | 9,184                 | (4,234)                                      |
| Contractual Services         | 302,876                            | 267,450          | 202,768                      | 348,497               | (145,729)                                    |
| Administrative Fee flat      | 610,000                            | 610,000          | 457,497                      | 508,333               | (50,836)                                     |
| Excess Carryover             |                                    | 0                | 0                            |                       |                                              |
| Change in Liabilities        | 996                                | 0                |                              | (42,478)              | 42,478                                       |
| Outstanding PO's             | 0                                  |                  |                              |                       |                                              |
| <b>TOTAL EXPENDITURES</b>    | 6,386,194                          | 6,307,967        | 5,604,194                    | 6,050,360             | (446,166)                                    |
| <b>NET CHANGE IN CASH</b>    | (265,462)                          | (698,259)        | (1,396,937)                  | (1,185,890)           | (210,768)                                    |
| <b>ENDING CASH BALANCE</b>   | <b>2,351,302</b>                   | <b>1,604,614</b> | <b>613,169</b>               | <b>1,165,413</b>      |                                              |
|                              |                                    |                  |                              |                       |                                              |
| Depreciation                 | 2,014,563                          | 2,035,205        | 1,526,409                    | 1,390,162             |                                              |
| Principal Bond Payments      | (1,981,720)                        | (1,945,299)      | (1,945,299)                  | (1,945,299)           |                                              |
| Capitalized Assets           | (429,599)                          | (195,000)        | 0                            | 0                     |                                              |
| Change in Liabilities        |                                    | 0                |                              |                       |                                              |
| <b>ADJUSTMENTS</b>           | (396,756)                          | (105,094)        | (418,890)                    | (555,137)             |                                              |
| Base for reserve calculation | 5,712,944                          | 5,827,967        | 5,124,194                    | 5,859,419             |                                              |
| 20% Cash Reserve amount      | 1,142,589                          | 1,165,593        | 1,024,839                    | 1,171,884             |                                              |
| Amount over 20% Cash Reserve | 1,208,713                          | 439,021          | (411,670)                    | (6,471)               |                                              |

**Solid Waste Fund**

as of September 30, 2022

|                                | Preceding Year<br>2021<br>(Actual) | 2022<br>Budget   | 2022<br>Jan - Sept<br>Budget | 2022<br>YTD<br>Actual | Difference<br>b/w YTD Budget<br>& YTD Actual |
|--------------------------------|------------------------------------|------------------|------------------------------|-----------------------|----------------------------------------------|
| <b>BEGINNING CASH</b>          | 3,853,256                          | 3,428,906        | 2,441,855                    | 4,002,114             |                                              |
| <b>REVENUE</b>                 |                                    |                  |                              |                       |                                              |
| Refuse Collection Fees         | 2,964,876                          | 2,850,000        | 2,137,500                    | 2,225,666             | (88,166)                                     |
| Loss on Sale of Assets         |                                    | 0                |                              |                       | 0                                            |
| Interest on Investments        | 2,276                              | 1,500            | 1,125                        | 10,658                | (9,533)                                      |
| Trf from Health Ins - Premiums |                                    | 0                |                              |                       | 0                                            |
| Resale of Recyclables          | 181,252                            | 70,000           | 52,497                       | 172,278               | (119,781)                                    |
| Box Container Fees             | 1,936,847                          | 1,700,713        | 1,275,534                    | 1,538,324             | (262,790)                                    |
| Landfill Fees                  | 537,818                            | 515,000          | 386,253                      | 421,999               | (35,746)                                     |
| Transfers                      |                                    | 0                |                              |                       | 0                                            |
| Miscellaneous                  | 18,999                             | 4,768            | 4,646                        | 864                   | 3,783                                        |
| <b>TOTAL RECEIPTS</b>          | 5,642,068                          | 5,141,981        | 3,857,555                    | 4,369,789             | (512,234)                                    |
| <b>EXPENDITURES</b>            |                                    |                  |                              |                       |                                              |
| Personnel Services             | 1,856,088                          | 1,951,426        | 1,429,977                    | 1,430,120             | (143)                                        |
| Vacancy                        |                                    | (37,124)         |                              |                       | 0                                            |
| Maintenance & Repair           | 283,052                            | 268,500          | 201,366                      | 216,732               | (15,366)                                     |
| Commodities                    | 330,432                            | 279,500          | 209,655                      | 331,505               | (121,850)                                    |
| Other Charges                  | 59,078                             | 195,230          | 135,186                      | 83,397                | 51,789                                       |
| Capital Outlay                 | 481,908                            | 648,250          | 648,250                      | 483,316               | 164,934                                      |
| Utilities                      | 41,521                             | 49,850           | 37,377                       | 33,545                | 3,832                                        |
| Communications                 | 37,874                             | 41,500           | 31,122                       | 31,658                | (536)                                        |
| Transfer to project            |                                    | 0                |                              |                       | 0                                            |
| Travel & Training              | 1,607                              | 8,750            | 6,570                        | 3,156                 | 3,414                                        |
| Contractual Services           | 1,428,981                          | 1,743,600        | 1,309,903                    | 1,233,136             | 76,767                                       |
| Administrative Fee 16%         | 870,040                            | 810,514          | 607,887                      | 744,603               | (136,716)                                    |
| Excess Carryover               |                                    | 0                |                              |                       |                                              |
| Change in Liabilities          | 102,630                            | 0                |                              | (14,570)              | 14,570                                       |
| Outstanding PO's               | 0                                  |                  |                              |                       |                                              |
| <b>TOTAL EXPENDITURES</b>      | 5,493,210                          | 5,959,996        | 4,617,293                    | 4,576,598             | 40,695                                       |
| <b>NET CHANGE IN CASH</b>      | 148,859                            | (818,015)        | (759,738)                    | (206,809)             | (552,929)                                    |
| <b>ENDING CASH BALANCE</b>     | <b>4,002,114</b>                   | <b>2,610,891</b> | <b>1,682,117</b>             | <b>3,795,305</b>      |                                              |
|                                |                                    |                  |                              |                       |                                              |
| Principal Payments             | 0                                  | 0                | 0                            | 0                     |                                              |
| Depreciation                   | 392,526                            | 375,000          | 281,250                      | 289,771               |                                              |
| Capitalized Assets             | (467,157)                          | (618,250)        | 0                            | (6,433)               |                                              |
| Change in Liabilities          |                                    | 0                |                              |                       |                                              |
| <b>ADJUSTMENTS</b>             | (74,630)                           | (243,250)        | 281,250                      | 283,338               |                                              |
| Base for reserve calculation   | 5,011,302                          | 5,311,746        | 3,969,043                    | 4,093,282             |                                              |
| 20% cash reserve amount        | 1,002,260                          | 1,062,349        | 793,809                      | 818,656               |                                              |
| Amount over 20% Cash Reserve   | 2,999,854                          | 1,548,542        | 888,308                      | 2,976,649             |                                              |

CITY OF EMPORIA  
ACTUAL COMPARED TO BUDGET  
as of September 30, 2022  
EXPENSES FOR GENERAL FUND DEPARTMENTS

|                           | 2022<br>AMENDED<br>BUDGET | 2022<br>W ENCUMBRANCES | DIFFERENCE<br>B/W ACTUAL<br>& BUDGET | PERCENTAGE<br>RECEIVED/<br>USED | General Fund<br>Shared<br>Revenue | Shared<br>Budget | Actual<br>Shared<br>Budget | Department<br>Net |
|---------------------------|---------------------------|------------------------|--------------------------------------|---------------------------------|-----------------------------------|------------------|----------------------------|-------------------|
|                           |                           |                        |                                      |                                 |                                   | 15,477,087       | 16,298,239                 |                   |
| COMMISSION/MANAGER/CLERK  | 4,282,246                 | 908,405.34             | 3,373,841                            | 21%                             | 19.19%                            | 2,970,755        | 3,128,372                  | 2,219,966         |
| FINANCE/HUMAN RESOURCES   | 441,186                   | 250,090.09             | 191,096                              | 57%                             | 1.98%                             | 306,067          | 322,306                    | 72,216            |
| INFORMATION SYSTEMS       | 333,501                   | 249,025.57             | 84,475                               | 75%                             | 1.49%                             | 231,362          | 243,637                    | (5,388)           |
| POLICE PROTECTION         | 4,353,087                 | 2,842,064.44           | 1,511,023                            | 65%                             | 19.51%                            | 3,019,900        | 3,180,124                  | 338,060           |
| ANIMAL CONTROL            | 207,248                   | 120,688.83             | 86,559                               | 58%                             | 0.93%                             | 143,776          | 151,404                    | 30,715            |
| FIRE PROTECTION           | 2,923,943                 | 1,949,616.38           | 974,327                              | 67%                             | 13.11%                            | 2,028,449        | 2,136,071                  | 186,454           |
| AMBULANCE SERVICE         | 3,357,400                 | 2,123,303.98           | 1,234,096                            | 63%                             | 15.05%                            | 2,329,155        | 2,452,730                  | 329,427           |
| CODE SERVICES             | 465,806                   | 364,042.19             | 101,764                              | 78%                             | 2.09%                             | 323,147          | 340,292                    | (23,750)          |
| COMMUNITY DEVELOPMENT     | 362,938                   | 224,328.35             | 138,610                              | 62%                             | 1.63%                             | 251,784          | 265,142                    | 40,814            |
| COURT SERVICES            | 605,905                   | 389,571.90             | 216,333                              | 64%                             | 2.72%                             | 420,339          | 442,641                    | 53,069            |
| ENGINEERING               | 491,638                   | 305,844.63             | 185,793                              | 62%                             | 2.20%                             | 341,068          | 359,163                    | 53,319            |
| STREET MAINTENANCE        | 0                         | 0.00                   | 0                                    | #DIV/0!                         | 0.00%                             | 0                | 0                          | 0                 |
| SNOW REMOVAL              | 58,000                    | 34,291.50              | 23,709                               | 59%                             | 0.26%                             | 40,237           | 42,372                     | 8,080             |
| GOLF COURSE MAINTENANCE   | 452,827                   | 385,498.64             | 67,328                               | 85%                             | 2.03%                             | 314,143          | 330,810                    | (54,688)          |
| GOLF SHOP                 | 320,713                   | 268,839.49             | 51,874                               | 84%                             | 1.44%                             | 222,491          | 234,295                    | (34,544)          |
| PARK                      | 1,016,913                 | 631,416.09             | 385,497                              | 62%                             | 4.56%                             | 705,471          | 742,900                    | 111,484           |
| AQUATIC CENTER            | 159,700                   | 54,083.92              | 105,616                              | 34%                             | 0.72%                             | 110,790          | 116,668                    | 62,584            |
| ZOO                       | 594,866                   | 471,166.11             | 123,700                              | 79%                             | 2.67%                             | 412,681          | 434,576                    | (36,590)          |
| CIVIC BUILDING OPERATIONS | 852,311                   | 512,284.26             | 340,027                              | 60%                             | 3.82%                             | 591,280          | 622,651                    | 110,367           |
| LIBRARY MAINTENANCE       | 70,435                    | 73,773.22              | (3,338)                              | 105%                            | 0.32%                             | 48,863           | 51,456                     | (22,317)          |
| GROUNDS MAINTENANCE       | 101,381                   | 40,029.44              | 61,352                               | 39%                             | 0.45%                             | 0                | 74,063                     | 34,034            |
| CONCESSION STAND          | 78,201                    | 51,372.74              | 26,828                               | 66%                             | 0.35%                             | 54,251           | 57,129                     | 5,757             |
| SHOP MAINTENANCE          | 115,389                   | 30,413.89              | 84,975                               | 26%                             | 0.52%                             | 80,050           | 84,297                     | 53,883            |
| STREET LIGHTING           | 335,000                   | 230,052.77             | 104,947                              | 69%                             |                                   | 0                | 0                          |                   |
| MISC APPROPRIATIONS       | 92,950                    | 78,008.79              | 14,941                               | 84%                             |                                   | 0                | 0                          |                   |
| AIRPORT                   | 634,977                   | 623,719                | 11,258                               | 98%                             | 2.85%                             | 440,507          | 463,879                    | (159,840)         |
| PARKING FACILITY          | 29,100                    | 6,769                  | 22,331                               | 23%                             | 0.13%                             | 20,188           | 21,259                     | 14,490            |
| TRANSERS                  | 3,548,107                 | 3,031,652              | 516,455                              | 85%                             |                                   | 0                | 0                          |                   |
| CONTINGENCY               | -258,532                  |                        | (258,532)                            | 0%                              |                                   | 0                | 0                          | 0                 |
| GENERAL FUND              | 26,027,236                | 16,250,352             | 9,776,884                            | 62%                             | 100.00%                           | 15,406,755       | 16,298,239                 |                   |
|                           | 22,309,711                |                        |                                      |                                 |                                   |                  |                            |                   |

CITY OF EMPORIA  
 ACTUAL COMPARED TO BUDGET  
 as of September 30, 2022  
 EXPENSES FOR WATER FUND DEPARTMENTS

|                   | 2022<br>AMENDED<br>BUDGET | 2022<br>ACTUAL WITH<br>ENCUMBRANCES | DIFFERENCE<br>B/W ACTUAL<br>& BUDGET | PERCENTAGE<br>RECEIVED/<br>USED |
|-------------------|---------------------------|-------------------------------------|--------------------------------------|---------------------------------|
| DEBT              | 2,464,403                 | 359,165                             | 2,105,238                            | 15%                             |
| ADMINISTRATION    | 3,461,067                 | 1,141,394                           | 2,319,673                            | 33%                             |
| WATER MAINTENANCE | 1,379,672                 | 2,606,122                           | (1,226,450)                          | 189%                            |
| WATER PLANT       | 3,434,942                 | 3,496,251                           | (61,309)                             | 102%                            |
| WATER STOCK       | 5,000                     | 16,618                              | (11,618)                             | 332%                            |
|                   | <u>10,745,084</u>         | <u>7,619,549</u>                    | <u>3,125,535</u>                     | <u>7</u>                        |

**Capital Outlay**

|                    |                |               |                                                     |
|--------------------|----------------|---------------|-----------------------------------------------------|
| Water Distribution | \$50,000       |               | Replace 1 Ton truck w Auto Crane (split with Sewer) |
| Water Distribution | \$15,000       |               | 1/2 Ton Pickup (2001) Split with Sewer              |
| Water Distribution | \$60,000       |               | Replace a 2002 JD 310S Backhoe (Split with Sewer)   |
| Water Plant        | \$30,000       | 24,850        | 4 SCBA Units, Cylinders and face masks              |
| Water Plant        | \$400,000      |               | Clarifier Upgrade or Water Plant Evaluation         |
|                    | <u>555,000</u> | <u>24,850</u> |                                                     |



CITY OF EMPORIA  
 ACTUAL COMPARED TO BUDGET  
 as of September 30, 2022  
 EXPENSES FOR WASTEWATER FUND DEPARTMENTS

|                       | 2022<br>AMENDED<br>BUDGET | 2022<br>W ENCUMBRANCES | DIFFERENCE<br>B/W ACTUAL<br>& BUDGET                | PERCENTAGE<br>RECEIVED/<br>USED |
|-----------------------|---------------------------|------------------------|-----------------------------------------------------|---------------------------------|
| DEBT                  | 2,830,993                 | 580,133                | 2,250,860                                           | 20%                             |
| ADMINISTRATION        | 1,908,109                 | 721,598                | 1,186,511                                           | 38%                             |
| SEWER MAINTENANCE     | 1,295,037                 | 1,511,326              | (216,289)                                           | 117%                            |
| SEWER PLANT           | 2,849,033                 | 2,724,643              | 124,390                                             | 96%                             |
|                       | <u>8,883,172</u>          | <u>5,537,700</u>       | <u>3,345,472</u>                                    | <u>3</u>                        |
| <b>Capital Outlay</b> |                           |                        |                                                     |                                 |
| Sewer Maintenance     | \$50,000                  |                        | Replace 1 Ton truck w Auto Crane (split with Water) |                                 |
| Sewer Maintenance     | \$80,000                  | 32,612                 | Replace Lift Station #3                             |                                 |
| Sewer Maintenance     | \$60,000                  |                        | Replace a 2002 JD 310S Backhoe (Split with Water)   |                                 |
| Sewer Maintenance     | \$15,000                  |                        | 1/2 Ton Pickup (2001) Split with Water              |                                 |
| Waste Water Plant     | \$25,000                  |                        | Replace John Deere Gator (2013)                     |                                 |
| Waste Water Plant     | \$50,000                  |                        | Replace metal siding/roof on storage building       |                                 |
| Waste Water Plant     | \$20,000                  |                        | John Deere 725 Mower (2004)                         |                                 |
|                       | <u>300,000</u>            | <u>32,612</u>          |                                                     |                                 |

CITY OF EMPORIA  
 ACTUAL COMPARED TO BUDGET  
 as of September 30, 2022  
 EXPENSES FOR SOLID WASTE FUND DEPARTMENTS

|                       | 2022<br>AMENDED<br>BUDGET | 2022<br>W ENCUMBRANCES | DIFFERENCE<br>B/W ACTUAL<br>& BUDGET                      | PERCENTAGE<br>RECEIVED/<br>USED |
|-----------------------|---------------------------|------------------------|-----------------------------------------------------------|---------------------------------|
| ADMINISTRATION        | 3,013,208                 | 953,872                | 2,059,336                                                 | 32%                             |
| COLLECTIONS           | 2,375,745                 | 2,187,612              | 188,133                                                   | 92%                             |
| TRANSFER STATION      | 1,611,435                 | 1,371,254              | 240,181                                                   | 85%                             |
| RECYCLING CENTER      | 716,358                   | 361,769                | 354,589                                                   | 51%                             |
|                       | <u>7,716,746</u>          | <u>4,874,506</u>       | <u>2,842,240</u>                                          | <u>3</u>                        |
| <b>Capital Outlay</b> |                           |                        |                                                           |                                 |
| Collections           | \$200,000                 | 228,107                | Roll-Off Truck replacement (2011)                         |                                 |
| Collections           | \$165,000                 |                        | Grapple Truck with Dump Bed                               |                                 |
| Recycling Center      | \$24,250                  |                        | Skid Mounted Litter Vacuum                                |                                 |
| Recycling Center      | \$44,000                  |                        | 1 ton pickup, dual wheels, regular cab (2012)             |                                 |
| Transfer Station      | \$65,000                  |                        | Design & Preliminary Work for Revisions to tipping box ar |                                 |
| Transfer Station      | \$150,000                 |                        | Tandem Axle Dump truck (1992)                             |                                 |
|                       | <u>\$648,250</u>          | <u>228,107</u>         |                                                           |                                 |

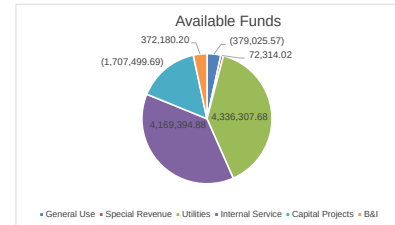
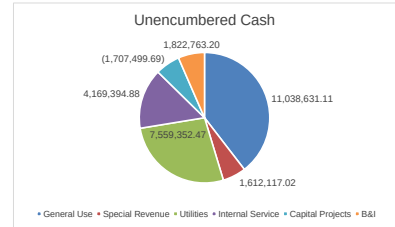






**City of Emporia**  
**Unencumbered Cash Report**  
as of **September 30, 2022**

|                                       | Amount         | YTD Budget   | Difference     | Unencumbered Cash |                |        |
|---------------------------------------|----------------|--------------|----------------|-------------------|----------------|--------|
| 101 General Fund                      | 7,805,854.96   | 5,542,005.53 | 2,263,849.43   | General Use       | 11,038,631.11  | 45.07% |
| 102 Multi Year Fund                   | 3,232,776.15   | 5,875,651.15 | (2,642,875.00) | Special Revenue   | 1,612,117.02   | 6.58%  |
| 201 Library Fund                      | -              | -            | -              | Utilities         | 7,559,352.47   | 30.86% |
| 203 Convention & Tourism Fund         | 667,858.80     | 542,712.00   | 125,146.80     | Internal Service  | 4,169,394.88   | 17.02% |
| 204 Industrial Fund                   | 21,149.34      | 20,890.00    | 259.34         | Capital Projects  | (1,707,499.69) | -6.97% |
| 205 Industrial Dev Sales Tax Fund     | 182,812.35     | 309,538.00   | (126,725.65)   | B&I               | 1,822,763.20   | 7.44%  |
| 206 Special Alcohol Fund              | 97,457.17      | 72,924.00    | 24,533.17      |                   | 24,494,758.99  |        |
| 207 Special Park & Recreation Fund    | 154,442.29     | 99,761.00    | 54,681.29      |                   |                |        |
| 208 Special Street Fund               | 348,485.01     | 421,633.00   | (73,147.99)    | <b>Budget</b>     |                |        |
| 209 Drug Money Forfeitures Fund       | 60,264.37      | 72,345.00    | (12,080.63)    | General Use       | (379,025.57)   |        |
| 214 911 Land/Wire Fees                | 4,240.80       |              | 4,240.80       | Special Revenue   | 72,314.02      |        |
| 216 RDA Housing Study                 | 1,693.77       |              | 1,693.77       | Utilities         | 4,336,307.68   |        |
| 218 Emergency Shelter Grant Fund      | (3,002.19)     |              | (3,002.19)     | Internal Service  | 4,169,394.88   |        |
| 224 Fire Public Education             | 3,075.10       |              | 3,075.10       | Capital Projects  | (1,707,499.69) |        |
| 225 Police Grants Fund                | 3,220.19       |              | 3,220.19       | B&I               | 372,180.20     |        |
| 227 Dare/Crime Prevention Fund        | 1,685.85       |              | 1,685.85       |                   |                |        |
| 240 Lake Kahola Fund                  | 21.10          |              | 21.10          |                   |                |        |
| 251 Emporia Homeowner Repair          | (25,281.91)    |              | (25,281.91)    |                   |                |        |
| 252 2014 Housing Rehab                | 22,323.13      |              | 22,323.13      |                   |                |        |
| 253 SHIP 2017 Housing Grant           | 27.11          |              | 27.11          |                   |                |        |
| 254 2020 CDBG Rehab Grant             | -              |              | -              |                   |                |        |
| 260 Land Bank                         | 67,632.59      |              | 67,632.59      |                   |                |        |
| 301 Bond and Interest Fund            | 1,822,763.20   | 1,450,583.00 | 372,180.20     |                   |                |        |
| 401 Coronavirus Recovery Grant        | 3,434,157.85   |              | 3,434,157.85   |                   |                |        |
| 406 Internal Improvement Fund         | 3,233,950.20   |              | 3,233,950.20   |                   |                |        |
| 409 Water Treatment Plant Improvement | (1,959,041.96) |              | (1,959,041.96) |                   |                |        |
| 413 Water Main Improvements           | (1,535,180.89) |              | (1,535,180.89) |                   |                |        |
| 415 Civic Auditorium Project Fund     | 116,344.15     |              | 116,344.15     |                   |                |        |
| 423 Airport Improvements Fund         | (241,531.05)   |              | (241,531.05)   |                   |                |        |
| 428 Park Improvements Fund            | 54,706.63      |              | 54,706.63      |                   |                |        |
| 441 Paving Projects Fund              | 633,396.33     |              | 633,396.33     |                   |                |        |
| 442 Construction Projects Fund        | (261,660.16)   |              | (261,660.16)   |                   |                |        |
| 444 Waste water improvement           | (5,182,640.79) |              | (5,182,640.79) |                   |                |        |
| 501 Water Utility Fund                | 2,598,634.45   | 186,724.00   | 1,366,129.86   |                   |                |        |
| 502 Sewer Fund                        | 1,165,412.60   | 613,169.00   | (6,471.26)     |                   |                |        |
| 503 Solid Waste Fund                  | 3,795,305.42   | 1,682,117.00 | 2,976,649.08   |                   |                |        |
| 601 Worker's Comp Fund                | 2,048,457.68   |              | 2,048,457.68   |                   |                |        |
| 602 Health Care Fund                  | 2,120,937.20   |              | 2,120,937.20   |                   |                |        |
| 708 Fire Insurance Proceeds           | 4,012.15       |              | 4,012.15       |                   |                |        |
|                                       | 24,494,758.99  |              |                |                   |                |        |



|                              | Actual<br>Revenue | Budget Revenue | Difference     |
|------------------------------|-------------------|----------------|----------------|
| 101 General Fund             | 19,399,893.83     | 18,168,168.00  | (1,231,725.83) |
| 102 Multi Year Fund          | 754,705.41        | 656,026.75     | (98,678.66)    |
| 201 Library Fund             | 976,703.78        | 968,292.00     | (8,411.78)     |
| 203 Convention & Tourism     | \$615,282         | \$535,400      | (79,881.74)    |
| 204 Industrial Fund          | 1,226.31          | 1,090.00       | (136.31)       |
| 205 Industrial Dev Sales Tax | 694,172.98        | 693,936.00     | (236.98)       |
| 206 Special Alcohol Fund     | 74,866.87         | 60,018.00      | (14,848.87)    |
| 207 Special Park &           | 75,010.00         | 60,027.00      | (14,983.00)    |
| 208 Special Street Fund      | 567,617.70        | 548,153.00     | (19,464.70)    |
| 209 Drug Money Forfeitures   | 52,844.36         | 3,771.00       | (49,073.36)    |
| 214 911 Land/Wire Fees       |                   |                | -              |
| 216 RDA Housing Study        |                   |                | -              |
| 218 Emergency Shelter        |                   |                | -              |
| 224 Fire Public Education    |                   |                | -              |
| 225 Police Grants Fund       |                   |                | -              |
| 227 Dare/Crime Prevention    |                   |                | -              |
| 240 Lake Kahola Fund         |                   |                | -              |
| 251 Emporia Homeowner        |                   |                | -              |
| 252 2014 Housing Rehab       |                   |                | -              |
| 253 SHIP 2017 Housing        |                   |                | -              |
| 254 2020 CDBG Rehab          |                   |                | -              |
| 260 Land Bank                |                   |                | -              |
| 301 Bond and Interest Fund   | 2,142,248.19      | 2,085,234.00   | (57,014.19)    |
| 401 Coronavirus Recovery     |                   |                | -              |
| 406 Internal Improvement     |                   |                | -              |
| 409 Water Treatment Plant    |                   |                | -              |
| 413 Water Main               |                   |                | -              |
| 415 Civic Auditorium         |                   |                | -              |
| 423 Airport Improvements     |                   |                | -              |
| 428 Park Improvements        |                   |                | -              |
| 441 Paving Projects Fund     |                   |                | -              |
| 442 Construction Projects    |                   |                | -              |
| 444 Waste water              |                   |                | -              |
| 501 Water Utility Fund       | 6,908,767.26      | 5,433,227.00   | (1,475,540.26) |

|                             |               |               |                |      |
|-----------------------------|---------------|---------------|----------------|------|
| 502 Sewer Fund              | 4,864,469.85  | 4,207,257.00  | (657,212.85)   |      |
| 503 Solid Waste Fund        | 4,369,789.04  | 3,857,555.00  | (512,234.04)   |      |
| 601 Worker's Comp Fund      |               |               | -              |      |
| 602 Health Care Fund        |               |               | -              |      |
| 708 Fire Insurance Proceeds |               |               | -              |      |
|                             | 41,497,597.32 | 37,278,154.75 | (4,219,442.57) | 1.11 |
| Total 2021                  | 16,678,421.73 |               |                |      |
| Total 2022                  | 17,340,589.79 | 662,168.06    |                |      |
|                             | 1.04          |               |                |      |



\_\_\_\_\_

|               |               |              |      |
|---------------|---------------|--------------|------|
| 6,050,359.53  | 5,604,194.00  | (446,165.53) |      |
| 4,576,598.11  | 4,617,293.00  | 40,694.89    |      |
|               |               | -            |      |
|               |               | -            |      |
|               |               | -            |      |
| 40,261,648.18 | 45,083,735.62 | 4,822,087.44 | 0.89 |



## Consent Agenda

**Proposed Agenda Date:** October 19, 2022

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

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### ITEMS:

- A. Approve the minutes of the October 5, 2022, City Commission Meeting.
- B. Ratification and Approval of the Payroll Ordinances for the periods ending October 7, 2022.
- C. Resolution No. 3681 for Series A & Resolution No. 3682 for Series B for the Termination and Release of the Property Located at 1300 Whittier Place.
- D. FHTC Major Economic Grant Program Reallocation.

### RECOMMENDED ACTION:

Approve the Consent Agenda as presented.

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 5, 2022, with Mayor Smith presiding and Commissioners Brinkman, and Harter present. Commissioner Giefer and Sauder were absent. Also present were City Manager Cocking, City Clerk Sull and City Attorney Montgomery.

Connie Cahoon and Adele Clark, representing S.O.S., were in attendance to accept a proclamation declaring the month of October, 2022, as "Domestic Violence Awareness Month" in Emporia. They stated domestic violence is a serious crime that affects people of all races, ages, gender, and income levels. Domestic violence is widespread and affects more than four million Americans each year and costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave absenteeism, and non-productivity. They stated Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims.

Mayor Smith then presented the proclamation.

**CITY COMMISSION  
(Public Comment)**

This is the time for the public to make comments.

***The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.***

No comments were made at this time.

**CITY COMMISSION**  
**(Public Hearing on the Creation of the CID District)**  
**(Emporia Land Development, LLC)**  
**(Resolution Number 3680)**

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated K.S.A. 12-6a26 through K.S.A. 12-6a36, authorizes the governing body of any municipality to adopt an ordinance establishing a community improvement district (CID) after receipt of a proper petition and holding a public hearing. The petition has been received and this is the next step. Emporia Land Development, LLC has requested an additional one (1) percent in addition to the one (1) percent approved in June of 2016 and in place today. If enacted the entire site will be subject to a 2% additional sales tax. In addition to the Hobby Lobby Store there are three new retail stores that will be opening soon. The hearing is the next step as provided for in Kansas statutes necessary to enact the additional 1%. He stated there are no impacts on city finances, but we do have a 2% administrative fee to cover internal costs related to the administration and distribution of the additional tax. He stated staff is recommending approval of the resolution.

Commissioner Harter made a motion to approve Resolution Number 3680 a resolution to establish public hearing date of November 2, 2022 for a CID for Emporia Land Development, LLC, Pavilions II project. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

**CITY COMMISSION**  
**(525 Merchant St.- White Memorial Park as Surplus Property)**

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated a letter was received from Rick Mitchell expressing interest in the purchase of White Memorial Park located at 525 Merchant Street. The City's policy states when the City receives a request to purchase real property not identified on the Surplus Property List, Commission may vote to add the property to the Surplus

Property List. If the property is added to the list, staff will advertise a Request for Bids or Proposals for a period of thirty (30) days. The building at 517 Merchant St. has been purchased and the property at 525 Merchant St., will allow the owner to renovate and expand into both spaces. He stated the owner and the City have an agreement for maintaining the north wall of 517 Merchant St., and this purchase would release the city of all liability of the Memorial Park. It will allow the owners to apply for grants that will aid in the restoration of that wall.

Commissioner Harter made a motion to declare the property at 525 Merchant as surplus property and request staff to establish a hearing date and assess options related to the sale of the property. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

**CITY COMMISSION  
(Banking Services)  
(Bids)**

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated since January 1, 2018, ESB Financial has provided banking services for the City. The Request for Proposal for Banking Services was sent to five local banks. One firm attended the pre-bid conference and three bids were received from local financial institutions as follows:

**BID TABULATION FOR BANKING SERVICES**

| Financial Institution  | Yearly<br>Maint. Fee | Interest<br>Rate       | Calculated<br>Rate | Yearly<br>Int.   | Net<br>Earnings    |
|------------------------|----------------------|------------------------|--------------------|------------------|--------------------|
| <b>Average Balance</b> |                      |                        |                    | 5,802,500.00     |                    |
| Capital Federal        | 14,736.00            | 0.50% of T-bill        | 0.50%              | 29,012.50        | \$14,276.50        |
| <b>ESB Financial</b>   | <b>10,200.00</b>     | <b>T-bill plus.25%</b> | <b>1.25%</b>       | <b>72,531.25</b> | <b>\$62,331.25</b> |
| Community National     | 3,000.00             | T-bill minus.50%       | 0.50%              | 29,012.50        | \$26,012.50        |

The yearly maintenance fee and the interest rate the financial institution will pay were compared to determine the best bid. She

stated the bid is for five (5) years due to the work involved in notifying all entities which directly deposit funds into the City's checking account, such as the State of Kansas for sales tax, liquor tax, bed tax, highway taxes, etc.; FAA, grant providers, credit card companies and others. The 2023 budget includes \$14,000.00 for banking service fees.

Commissioner Brinkman made a motion to award the banking services bid to ESB Financial for a period of January 1, 2023 through December 31, 2023, with four (4) one-year extensions. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

**CITY COMMISSION  
(2022 Uniform Public Offense Code)  
(Ordinance Number 22-44)**

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 38<sup>TH</sup> EDITION, WITH CERTAIN OMISSIONS; PROVIDING CERTAIN PENALTIES AND REPEALING CERTAIN SECTIONS OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 22-44, was presented to the Governing Body for their Consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the Uniform Public Offense Code for Kansas Cities is a publication of the Kansas League of Municipalities containing offense codes that can be prosecuted by Kansas municipal courts with annual updated based on Kansas state law changes. She stated the proposed ordinance would adopt the 38<sup>th</sup> Edition of the Uniform Public Offense Code and incorporate it into the Code of the City of Emporia, Kansas, excluding various provision that Emporia Municipal Court has not historically prosecuted, and modifying the "Smoking Prohibited" section by removing subsections allowing smoking rooms in hotels and smoking areas in adult care homes and long-term medical care facilities. She stated the City does not currently allow smoking in those locations and staff recommends maintaining the current

level of restrictions. The proposed ordinance also repeals all existing City Code sections addressing the same offenses included in the Uniform Public Offense Code for Kansas Cities as well as a small number of other outdated criminal provisions.

Commissioner Harter made a motion to approve Ordinance Number 22-44 an ordinance adopting the Uniform Public Offense Code for Kansas Cities as presented. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

#### **Consent Agenda**

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

- a. Approve minutes of the Regular Meeting held on September 21, 2022.
- b. Ratification and approval of Payroll Ordinances for the period ending on September 23, 2022.
- c. Approve Change Order No. 2 for 12<sup>th</sup> Avenue Waterline Improvements Project NO. WM2001.

The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, 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 October 19, 2022, 11:00 a.m.**

- Best Tasting Water Award.
- Approve RFQ for Elevated Tank Maintenance.
- Ordinance Granting Conditional Use Permit for Communication



- Tower.
- Ordinance Vacating a Platted Utility Easement.

Study Session:

- Discuss Ordinance Cross Connection/Online Backflow Management System.
- Vacant Property Program Discussion.
- Discuss Implementation of Rental Registrations and Revisions and Current Vacant Property Ordinance.
- Purchasing Policy Discussion.
- Discuss Chickens withing City limits.

**CITY COMMISSION  
(Public Comment)**

This is the time for Mayor and City Commissioners to make comments and reports to the public. No comments were made at this time.

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

The follows items were discussed at Study Session:

1. Lot & Ilk present New City Logo Design.
2. Discuss Contract for Software Consultant Client First.
3. Discuss City Survey.

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

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Becky Smith, Mayor

ATTEST:

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Kerry Sull, City Clerk



## Commission Action Report

**Title:** Resolution No. 3681 for Series A & Resolution No. 3682 for Series B for Termination and Release of the Property Located at 1300 Whittier Place.

**Proposed Agenda Date:** October 19, 2022

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

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### BACKGROUND:

**(Series A, 2022)** Consider the Approval of Resolution No. 3681 approving the exercise of an option to purchase under a lease agreement between the City and Whittier Place II, LP and in connection with the City's Industrial Revenue Bonds of the City, Series A, 2022 and Authorizing the execution and delivery of (1) A Bill of Sale; (2) A Termination and Release of Lease; and (3) a Satisfaction, Discharge and Release of Indenture This property is located at 1300 Whittier Place Lane in Emporia, Kansas.

**(Series B, 2022)** Consider the Approval of Resolution No. 3682 approving the exercise of an option to purchase under a lease agreement between the City and Whittier Place II MR, LLC and in connection with the City's Industrial Revenue Bonds of the City, Series B, 2022 and Authorizing the execution and delivery of (1) A Bill of Sale; (2) A Termination and Release of Lease; and (3) a Satisfaction, Discharge and Release of Indenture. This property is located at 1300 Whittier Place Lane in Emporia, Kansas.

### DISCUSSION:

### FINANCIAL CONSIDERATIONS:

### OTHER CONSIDERATIONS:

### RECOMMENDED ACTION:

Approve Resolution No. 3681  
Approve Resolution No. 3682

### ATTACHMENTS:

Resolution No. 3681; Resolution No. 3682

RESOLUTION NO. 3681

OF THE

CITY OF EMPORIA, KANSAS

RELATING TO  
AN OPTION TO PURCHASE  
IN CONNECTION WITH:

\$2,971,000  
TAXABLE INDUSTRIAL REVENUE BONDS  
SERIES A, 2022  
(WHITTIER PLACE II, LP)

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RESOLUTION NO. 3681

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 BILL OF SALE, (2) A TERMINATION AND RELEASE OF LEASE, AND (3) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE (WHITTIER PLACE II, LP).

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, 2022 (Whittier Place II, LP), in the original principal amount of \$2,971,000 (the “Bonds”) for the purpose of purchasing, acquiring, constructing, furnishing, and equipping a residential apartment building containing 24 apartments and located at 1300 Whittier Place Lane, in the City of Emporia (the “Project”) and paying certain costs of issuance in connection with the Bonds; and

WHEREAS, the Project is leased by the Issuer to Whittier Place II, LP, a Kansas limited partnership (the “Tenant”), pursuant to a certain Lease Agreement, dated as of April 15, 2022, (the “Lease”); and

WHEREAS, the Bonds are payable from the Trust Estate created pursuant to a certain Trust Indenture, dated as of April 15, 2022, (the “Indenture”), by and between the Issuer and Security Bank of Kansas City, Kansas City, Kansas, as trustee (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, 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 payment of the Bonds, plus the payment to the Issuer of \$500; and

WHEREAS, the Tenant has provided notice of its election to purchase the Project on or about November 1, 2022 (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, Whittier Place II, LP, as Owner of 100% of the Bonds, will surrender the Bonds to the Trustee in full satisfaction of payment of the principal of, interest on, and premium, if any, due and payable on the Bonds at redemption; and

WHEREAS, the Issuer finds it necessary to consent to the early redemption of the Bonds and authorize the execution and delivery of (1) Bill of Sale, (2) Termination and Release of Lease, and (3) 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 \$500 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 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 5. Authorization of Termination and Release of Lease and Site Lease. The Issuer is authorized to execute and deliver a Termination and Release of Lease and Site Lease (the "Lease Termination") by and between the Tenant, the Issuer and the Trustee, upon satisfaction of the conditions contained in the Lease and the Site 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 6. 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 7. Execution of Documents. The Mayor or Acting Mayor of the Issuer is authorized and directed to execute the 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 their 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 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 8. Delivery of Documents. The 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 9. 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 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 10. 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 19<sup>th</sup> day of October, 2022.

CITY OF EMPORIA, KANSAS

[seal]

By \_\_\_\_\_  
Becky Smith, 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 October 19, 2022, at 11:00 a.m., with Mayor Becky Smith 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 BILL OF SALE, (2) A TERMINATION AND RELEASE OF LEASE, AND (3) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE (WHITTER PLACE II, LP).

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. \_\_\_\_\_.

\*\*\*\*



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 October 19, 2022, meeting of the governing body of the City of Emporia, Kansas.

[seal]

---

Kerry Sull, City Clerk

### TERMINATION AND RELEASE OF LEASE AND SITE LEASE

THIS TERMINATION AND RELEASE OF LEASE AND SITE LEASE, dated as of the 1st day of November, 2022, by and between the City of Emporia, Kansas, a municipal corporation (hereinafter referred to as the “Issuer”); Whittier Place II, LP, a Kansas limited partnership, (the “Tenant”); and Security Bank of Kansas City, a state banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of the State of Kansas, with an office located in the City of Kansas City, Kansas (hereinafter referred to as the “Trustee”).

WITNESSETH:

WHEREAS, the Tenant previously leased to the Issuer certain real property, together with improvements located thereon, pursuant to a Site Lease Agreement, dated as of April 15, 2022 (the “Site Lease”), by and between the Issuer and the Tenant, notice of which Site Lease was duly recorded with the Register of Deeds of Lyon County, Kansas on April 25, 2022 in DOC# 2022-01418; and

WHEREAS, the Issuer previously leased to the Tenant certain real property, together with improvements located thereon, pursuant to a Lease Agreement, dated as of April 15, 2022, (the “Lease”) by and between the Issuer and the Tenant, notice of which Lease was duly recorded with the Register of Deeds of Lyon County, Kansas on April 25, 2022 in DOC# 2022-01420; and

WHEREAS, the Issuer assigned certain rights in connection with the Site Lease to the Trustee pursuant to an Assignment of Site Lease which was duly recorded with the Register of Deeds of Lyon County, Kansas on April 25, 2022 in DOC# 2022-01419; and

WHEREAS, the Issuer assigned certain rights in connection with the Lease to the Trustee pursuant to an Assignment of Lease which was duly recorded with the Register of Deeds of Lyon County, Kansas on April 25, 2022 in DOC# 2022-01421; and

After recording, return to:

TRIPLETT, WOOLF & GARRETSON, LLC  
Attn: Mary Carson  
2959 N. Rock Road, Suite 300  
Wichita, Kansas 67226  
Telephone: (316) 630-8100

WHEREAS, the property interests covered by the Lease and Site Lease consist of the property more specifically described in Schedule I attached hereto and incorporated hereby; and

WHEREAS, the Issuer previously had Outstanding its Taxable Industrial Revenue Bonds, Series A, 2022 (Whittier Place II, LP), in the original principal amount of not to exceed \$2,971,000 (the “Bonds”); and

WHEREAS, provision has been made for payment in full of the Bonds by deposit with the Trustee, irrevocably in trust, of sufficient monies to pay the principal of, interest, and applicable redemption premium, on the Bonds or by surrender of the Bonds for cancellation in lieu of payment; and

WHEREAS, in accordance with the terms of the Lease, the Tenant has exercised its option to purchase the Project; and

WHEREAS, in connection therewith, it is necessary to provide for the release and termination of the above-described Lease and Site Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and in consideration of other good and valuable consideration, the parties hereto agree that the Lease and Site Lease are hereby terminated and released.

*[Remainder of Page Intentionally Left Blank]*

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of the City of Emporia, Kansas for delivery as of the date set forth above.

CITY OF EMPORIA, KANSAS

[seal]

By \_\_\_\_\_  
Becky Smith, Mayor

ATTEST:

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

“ISSUER”

ACKNOWLEDGMENT

STATE OF KANSAS                    )  
                                                  )       ss:  
COUNTY OF LYON                 )

BE IT REMEMBERED that on this \_\_\_\_\_ day of October, 2022, before me, a notary public in and for said County and State, came Becky Smith and Kerry Sull, Mayor and City Clerk, respectively, of City of Emporia, Kansas, a municipal corporation of the State of Kansas, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

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

My Appointment Expires:

\_\_\_\_\_

WHITTIER PLACE II, LP  
a Kansas limited partnership

By: Whittier Place II GP, LLC  
a Kansas limited liability company,  
its General Partner

By \_\_\_\_\_  
Dolph K. Woodman, Manager

“TENANT”

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
ss:  
COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED that on this \_\_\_\_ day of March, 2022, before me, a notary public in and for said County and State, came Dolph K. Woodman, Manager of Whittier Place II GP, LLC a Kansas limited liability company, and the General Partner of Whittier Place II, LP, a Kansas limited partnership, who is personally known to me to be the same person who executed, as such officers, the within instrument on behalf of said company, and such persons duly acknowledged the execution of the same to be the act and deed of said partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

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

My Appointment Expires:

\_\_\_\_\_

SECURITY BANK OF KANSAS CITY  
Kansas City, Kansas

By \_\_\_\_\_  
Shawn T. Hoebener, Vice President

“TRUSTEE”

ACKNOWLEDGMENT

STATE OF KANSAS                    )  
                                              )  
COUNTY OF SEDGWICK            )       ss:

BE IT REMEMBERED, that on this \_\_\_\_ day of October, 2022, before me, a notary public in and for said county and state, came Shawn T. Hoebener, Vice President of Security Bank of Kansas City, Kansas City, Kansas, a state banking corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas (the “Bank”), who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said Bank, and such person duly acknowledged the execution of the same to be the act and deed of said Bank.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year least above written.

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

My Appointment Expires:

\_\_\_\_\_

## SCHEDULE I

### PROPERTY SUBJECT TO LEASE

(A) The following described real estate located in City of Emporia, Lyon County, Kansas, to wit:

Lot 2, Whittier Place II Addition to the City of Emporia, Lyon County, Kansas, as shown on the Final Plat thereof.

said real property constituting the “Project Site” as referred to in the Lease.

(B) The buildings, improvements, equipment, fixtures and personal property now or hereafter acquired, constructed, or installed with proceeds of the Series A, 2022 Bonds, including but not limited to the following:

purchasing, acquiring, constructing, furnishing and equipping a residential apartment building containing 24 apartments and located at 1300 Whittier Place Lane, Emporia, Kansas (the “Project”).

The property described in paragraphs (A) and (B) of this Schedule I, together with any alterations or additional improvements properly deemed a part of the Project pursuant to and in accordance with the provisions of Sections 11.1 and 12.1 of the Lease, constitute the “Project” as referred to in both the Lease and the Indenture, subject to Permitted Encumbrances as defined in the Lease.

## BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that, as of November 1, 2022, in consideration of Five Hundred Dollars (\$500.00) and other good and valuable past consideration, the receipt of which is hereby acknowledged, the undersigned, City of Emporia, Kansas, a municipal corporation (the “Grantor”), does grant, sell, transfer and deliver unto Whittier Place II, LP, a Kansas limited partnership (the “Grantee”), all of its interest in the following goods and chattels, viz:

All buildings, improvements, equipment, fixtures and personal property constructed, located or installed on the Land, as defined in the Lease Agreement, dated as of April 15, 2022, by and between the Grantor and Grantee, all or any portion of the costs of which were financed or refinanced from the proceeds of the City of Emporia, Kansas, Taxable Industrial Revenue Bonds, Series A, 2022 (Whittier Place II, LP) and which constitute Improvements, as defined in the Lease, together with any substitutions or replacements therefor, including but not limited to the “Project” as defined in Schedule I hereto.

To have and to hold, all and singular, the said goods and chattels forever. And the said Grantor hereby covenants with the said Grantee that the interest of Grantor conveyed hereby is free from all encumbrances except (i) those liens and encumbrances to which title to the described property was subject when conveyed to the Grantor, (ii) those liens and encumbrances created by the Grantee or to the creation or suffering of which the Grantee has consented; and (iii) those liens and encumbrances resulting from the failure of the Grantee to perform and observe any of the agreements on its part contained in the Lease under which it has heretofore leased such property; and that it will warrant and defend the same against the lawful claims and demands of all persons claiming through the Grantor.

*[Remainder of Page Intentionally Left Blank]*



IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of the City of Emporia, Kansas for delivery as of the date set forth above.

CITY OF EMPORIA, KANSAS

[seal]

By \_\_\_\_\_  
Becky Smith, Mayor

ATTEST:

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

“ISSUER”

ACKNOWLEDGMENT

STATE OF KANSAS                    )  
                                                  )       ss:  
COUNTY OF LYON                    )

BE IT REMEMBERED that on this \_\_\_\_\_ day of October, 2022, before me, a notary public in and for said County and State, came Becky Smith and Kerry Sull, Mayor and City Clerk, respectively, of City of Emporia, Kansas, a municipal corporation of the State of Kansas, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

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

My Appointment Expires:

\_\_\_\_\_

## SCHEDULE I

### PROPERTY SUBJECT TO LEASE

(A) The following described real estate located in the City of Emporia, Lyon County, Kansas, to wit:

Lot 2, Whittier Place II Addition to the City of Emporia, Lyon County, Kansas, as shown on the Final Plat thereof.

said real property constituting the “Project Site” as referred to in the Lease.

(B) The buildings, improvements, equipment, fixtures and personal property now or hereafter acquired, constructed, or installed with proceeds of the Series A, 2022 Bonds, including but not limited to the following:

purchasing, acquiring, constructing, furnishing and equipping a residential apartment building containing 24 apartments and located at 1300 Whittier Place Lane, Emporia, Kansas (the “Project”).

The property described in paragraphs (A) and (B) of this Schedule I, together with any alterations or additional improvements properly deemed a part of the Project pursuant to and in accordance with the provisions of Sections 11.1 and 12.1 of the Lease, constitute the “Project” as referred to in both the Lease and the Indenture, subject to Permitted Encumbrances as defined in the Lease.

## SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE

THIS SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE dated the 1<sup>st</sup> day of November, 2022, by and between the City of Emporia, Kansas, a municipal corporation (hereinafter referred to as the “Issuer”), and Security Bank of Kansas City, a state banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of the State of Kansas, with an office located in the City of Kansas City, Kansas, (hereinafter referred to as the “Trustee”).

WITNESSETH:

WHEREAS, the Issuer previously had Outstanding its Taxable Industrial Revenue Bonds, Series A, 2022 (Whittier Place II, LP), in the original principal amount of \$2,971,000 (the “Bonds”); and

WHEREAS, such Bonds were secured by the pledge of a certain Trust Estate, as established by, and in accordance with the terms and provisions of, a Trust Indenture, dated as of August 1, 2022, (the “Indenture”), by and between the Issuer and the Trustee; and

WHEREAS, provision has been made for payment in full of the Bonds by deposit with the Trustee, irrevocably in trust, of sufficient monies to pay the principal of, interest, and applicable redemption premium, on all the Bonds or by surrender of Bonds for cancelation in lieu of payment; and

WHEREAS, in connection therewith, it is necessary to provide for the release and discharge of the lien of the Indenture upon the Trust Estate (excepting its lien upon such monies as are deposited with Trustee for the purposes of paying the principal of, interest, and applicable redemption premium, on all the Bonds).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and in consideration of other good and valuable consideration, the parties hereto agree that the special obligations of the Issuer under the terms of the Indenture are hereby deemed satisfied and discharged and the lien of the Trustee upon the Trust Estate is hereby terminated and released. Accordingly, the covenants and agreements of the Issuer and the Trustee are hereby terminated and of no further force or effect.

*[Remainder of Page Intentionally Left Blank]*

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of the City of Emporia, Kansas for delivery as of the date set forth above.

CITY OF EMPORIA, KANSAS

[seal]

By \_\_\_\_\_  
Becky Smith, Mayor

ATTEST:

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

“ISSUER”

ACKNOWLEDGMENT

STATE OF KANSAS                     )  
                                                  )       ss:  
COUNTY OF LYON                    )

BE IT REMEMBERED that on this \_\_\_\_\_ day of October, 2022, before me, a notary public in and for said County and State, came Becky Smith and Kerry Sull, Mayor and City Clerk, respectively, of City of Emporia, Kansas, a municipal corporation of the State of Kansas, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

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

My Appointment Expires:

\_\_\_\_\_

SECURITY BANK OF KANSAS CITY  
Kansas City, Kansas

By \_\_\_\_\_  
Shawn T. Hoebener, Vice President

“TRUSTEE”

ACKNOWLEDGMENT

STATE OF KANSAS            )  
                                          )  
COUNTY OF SEDGWICK    )       ss:

BE IT REMEMBERED, that on this \_\_\_\_ day of October, 2022 before me, a notary public in and for said county and state, came Shawn T. Hoebener, Vice President of Security Bank of Kansas City, Kansas City, Kansas, a state banking corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas (the “Bank”), who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said Bank, and such person duly acknowledged the execution of the same to be the act and deed of said Bank.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year least above written.

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

My Appointment Expires:

\_\_\_\_\_

RESOLUTION NO. 3682

OF THE

CITY OF EMPORIA, KANSAS

RELATING TO  
AN OPTION TO PURCHASE  
IN CONNECTION WITH:

\$3,362,000  
TAXABLE INDUSTRIAL REVENUE BONDS  
SERIES B, 2022  
(WHITTIER PLACE II MR, LLC)

RESOLUTION NO. 3682

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 BILL OF SALE, (2) A TERMINATION AND RELEASE OF LEASE, AND (3) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE (WHITTIER PLACE II MR, LLC).

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 B, 2022 (Whittier Place II MR, LLC), in the original principal amount of \$3,362,000 (the “Bonds”) for the purpose of purchasing, acquiring, constructing, furnishing, and equipping a residential apartment building containing 24 apartments and located at 1300 Whittier Place Lane, in the City of Emporia (the “Project”) and paying certain costs of issuance in connection with the Bonds; and

WHEREAS, the Project is leased by the Issuer to Whittier Place II MR, LLC, a Kansas limited liability company (the “Tenant”), pursuant to a certain Lease Agreement, dated as of August 1, 2022 (the “Lease”); and

WHEREAS, the Bonds are payable from the Trust Estate created pursuant to a certain Trust Indenture, dated as of, August 1, 2022 (the “Indenture”), by and between the Issuer and Security Bank of Kansas City, Kansas City, Kansas, as trustee (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, 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 payment of the Bonds, plus the payment to the Issuer of \$500; and

WHEREAS, the Tenant has provided notice of its election to purchase the Project on or about November 1, 2022 (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, Whittier Place II MR, LLC, as Owner of 100% of the Bonds, will surrender the Bonds to the Trustee in full satisfaction of payment of the principal of, interest on, and premium, if any, due and payable on the Bonds at redemption; and

WHEREAS, the Issuer finds it necessary to consent to the early redemption of the Bonds and authorize the execution and delivery of (1) Bill of Sale, (2) Termination and Release of Lease, and (3) 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 \$500 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 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 5. Authorization of Termination and Release of Lease and Site Lease. The Issuer is authorized to execute and deliver a Termination and Release of Lease and Site Lease (the "Lease Termination") by and between the Tenant, the Issuer and the Trustee, upon satisfaction of the conditions contained in the Lease and the Site 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 6. 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 7. Execution of Documents. The Mayor or Acting Mayor of the Issuer is authorized and directed to execute the 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 their 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 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 8. Delivery of Documents. The 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 9. 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 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 10. 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 19th day of October, 2022.

CITY OF EMPORIA, KANSAS

[seal]

By \_\_\_\_\_  
Becky Smith, 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 October 19, 2022, at 11:00 a.m., with Mayor Becky Smith 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 BILL OF SALE, (2) A TERMINATION AND RELEASE OF LEASE, AND (3) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE (WHITTIER PLACE II MR, LLC).

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. \_\_\_\_\_.

\*\*\*\*\*

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 October 19, 2022 meeting of the governing body of the City of Emporia, Kansas.

[seal]

---

Kerry Sull, City Clerk

### TERMINATION AND RELEASE OF LEASE AND SITE LEASE

THIS TERMINATION AND RELEASE OF LEASE AND SITE LEASE, dated as of the 1st day of November, 2022, by and between the City of Emporia, Kansas, a municipal corporation (hereinafter referred to as the “Issuer”); Whittier Place II MR, LLC, a Kansas limited liability company, (the “Tenant”); and Security Bank of Kansas City, a state banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of the State of Kansas, with an office located in the City of Kansas City, Kansas (hereinafter referred to as the “Trustee”).

WITNESSETH:

WHEREAS, the Tenant previously leased to the Issuer certain real property, together with improvements located thereon, pursuant to a Site Lease Agreement, dated as of August 1, 2022 (the “Site Lease”), by and between the Issuer and the Tenant, notice of which Site Lease was duly recorded with the Register of Deeds of Lyon County, Kansas on August 4, 2022 in DOC# 2022-02736; and

WHEREAS, the Issuer previously leased to the Tenant certain real property, together with improvements located thereon, pursuant to a Lease Agreement, dated as of August 1, 2022, (the “Lease”) by and between the Issuer and the Tenant, notice of which Lease was duly recorded with the Register of Deeds of Lyon County, Kansas on August 4, 2022 in DOC# 2022-02738; and

WHEREAS, the Issuer assigned certain rights in connection with the Site Lease to the Trustee pursuant to an Assignment of Site Lease which was duly recorded with the Register of Deeds of Lyon County, Kansas on August 1, 2022 in DOC# 2022-02737; and

WHEREAS, the Issuer assigned certain rights in connection with the Lease to the Trustee pursuant to an Assignment of Lease which was duly recorded with the Register of Deeds of Lyon County, Kansas on August 1, 2022 in DOC# 2022-02739; and

After recording, return to:

TRIPLETT, WOOLF & GARRETSON, LLC  
Attn: Mary Carson  
2959 N. Rock Road, Suite 300  
Wichita, Kansas 67226  
Telephone: (316) 630-8100

WHEREAS, the property interests covered by the Lease and Site Lease consist of the property more specifically described in Schedule I attached hereto and incorporated hereby; and

WHEREAS, the Issuer previously had Outstanding its Taxable Industrial Revenue Bonds, Series B, 2022 (Whittier Place II MR, LLC), in the original principal amount of \$3,362,000 (the “Bonds”); and

WHEREAS, provision has been made for payment in full of the Bonds by deposit with the Trustee, irrevocably in trust, of sufficient monies to pay the principal of, interest, and applicable redemption premium, on the Bonds or by surrender of the Bonds for cancellation in lieu of payment; and

WHEREAS, in accordance with the terms of the Lease, the Tenant has exercised its option to purchase the Project; and

WHEREAS, in connection therewith, it is necessary to provide for the release and termination of the above-described Lease and Site Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and in consideration of other good and valuable consideration, the parties hereto agree that the Lease and Site Lease are hereby terminated and released.

*[Remainder of Page Intentionally Left Blank]*

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of the City of Emporia, Kansas for delivery as of the date set forth above.

CITY OF EMPORIA, KANSAS

[seal]

By \_\_\_\_\_  
Becky Smith, Mayor

ATTEST:

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

“ISSUER”

ACKNOWLEDGMENT

STATE OF KANSAS                    )  
                                                  )       ss:  
COUNTY OF LYON                    )

BE IT REMEMBERED that on this \_\_\_\_\_ day of October, 2022, before me, a notary public in and for said County and State, came Becky Smith and Kerry Sull, Mayor and City Clerk, respectively, of City of Emporia, Kansas, a municipal corporation of the State of Kansas, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

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

My Appointment Expires:

\_\_\_\_\_

By \_\_\_\_\_  
Dolph K. Woodman, Manager



SECURITY BANK OF KANSAS CITY  
Kansas City, Kansas

By \_\_\_\_\_  
Shawn T. Hoebener, Vice President

“TRUSTEE”

ACKNOWLEDGMENT

STATE OF KANSAS                    )  
                                              )  
COUNTY OF SEDGWICK            )       ss:

BE IT REMEMBERED, that on this \_\_\_\_ day of October, 2022, before me, a notary public in and for said county and state, came Shawn T. Hoebener, Vice President of Security Bank of Kansas City, Kansas City, Kansas, a state banking corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas (the “Bank”), who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said Bank, and such person duly acknowledged the execution of the same to be the act and deed of said Bank.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year least above written.

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

My Appointment Expires:

\_\_\_\_\_

SCHEDULE I

PROPERTY SUBJECT TO LEASE

(A) The following described real estate located in City of Emporia, Lyon County, Kansas, to wit:

Lot 1, Whittier Place II Addition to the City of Emporia, Lyon County, Kansas, as shown on the Final Plat thereof.

said real property constituting the “Project Site” as referred to in the Lease.

(B) The buildings, improvements, equipment, fixtures and personal property now or hereafter acquired, constructed, or installed with proceeds of the Series B, 2022 Bonds, including but not limited to the following:

purchasing, acquiring, constructing, furnishing and equipping a residential apartment building containing 24 apartments and located at 1300 Whittier Place Lane, Emporia, Kansas (the “Project”).

The property described in paragraphs (A) and (B) of this Schedule I, together with any alterations or additional improvements properly deemed a part of the Project pursuant to and in accordance with the provisions of Sections 11.1 and 12.1 of the Lease, constitute the “Project” as referred to in both the Lease and the Indenture, subject to Permitted encumbrances as defined in the Lease.

## BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that, as of November 1, 2022, in consideration of Five Hundred Dollars (\$500.00) and other good and valuable past consideration, the receipt of which is hereby acknowledged, the undersigned, City of Emporia, Kansas, a municipal corporation (the “Grantor”), does grant, sell, transfer and deliver unto Whittier Place II MR, LLC, a Kansas limited liability company (the “Grantee”), all of its interest in the following goods and chattels, viz:

All buildings, improvements, equipment, fixtures and personal property constructed, located or installed on the Land, as defined in the Lease Agreement, dated as of August 1, 2022, by and between the Grantor and Grantee, all or any portion of the costs of which were financed or refinanced from the proceeds of the City of Emporia, Kansas, Taxable Industrial Revenue Bonds, Series B, 2022 (Whittier Place II MR, LLC), and which constitute Improvements, as defined in the Lease, together with any substitutions or replacements therefor, including but not limited to the “Project” as defined in Schedule I hereto.

To have and to hold, all and singular, the said goods and chattels forever. And the said Grantor hereby covenants with the said Grantee that the interest of Grantor conveyed hereby is free from all encumbrances except (i) those liens and encumbrances to which title to the described property was subject when conveyed to the Grantor, (ii) those liens and encumbrances created by the Grantee or to the creation or suffering of which the Grantee has consented; and (iii) those liens and encumbrances resulting from the failure of the Grantee to perform and observe any of the agreements on its part contained in the Lease under which it has heretofore leased such property; and that it will warrant and defend the same against the lawful claims and demands of all persons claiming through the Grantor.

*[Remainder of Page Intentionally Left Blank]*

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of the City of Emporia, Kansas for delivery as of the date set forth above.

CITY OF EMPORIA, KANSAS

[seal]

By \_\_\_\_\_  
Becky Smith, Mayor

ATTEST:

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

“ISSUER”

ACKNOWLEDGMENT

STATE OF KANSAS                    )  
                                                  )       ss:  
COUNTY OF LYON                    )

BE IT REMEMBERED that on this \_\_\_\_\_ day of October, 2022, before me, a notary public in and for said County and State, came Becky Smith and Kerry Sull, Mayor and City Clerk, respectively, of City of Emporia, Kansas, a municipal corporation of the State of Kansas, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

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

My Appointment Expires:

\_\_\_\_\_

## SCHEDULE I

### PROPERTY SUBJECT TO LEASE

(A) The following described real estate located in the City of Emporia, Lyon County, Kansas, to wit:

Lot 1, Whittier Place II Addition to the City of Emporia, Lyon County, Kansas, as shown on the Final Plat thereof.

said real property constituting the “Project Site” as referred to in the Lease.

(B) The buildings, improvements, equipment, fixtures and personal property now or hereafter acquired, constructed, or installed with proceeds of the Series B, 2022 Bonds, including but not limited to the following:

purchasing, acquiring, constructing, furnishing and equipping a residential apartment building containing 24 apartments and located at 1300 Whittier Place Lane, Emporia, Kansas (the “Project”).

The property described in paragraphs (A) and (B) of this Schedule I, together with any alterations or additional improvements properly deemed a part of the Project pursuant to and in accordance with the provisions of Sections 11.1 and 12.1 of the Lease, constitute the “Project” as referred to in both the Lease and the Indenture, subject to Permitted Encumbrances as defined in the Lease.

## SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE

THIS SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE dated the 1st day of November, 2022, by and between the City of Emporia, Kansas, a municipal corporation (hereinafter referred to as the “Issuer”), and Security Bank of Kansas City, a state banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of the State of Kansas, with an office located in the City of Kansas City, Kansas, (hereinafter referred to as the “Trustee”).

WITNESSETH:

WHEREAS, the Issuer previously had Outstanding its Taxable Industrial Revenue Bonds, Series B, 2022 (Whittier Place II MR, LLC), in the original principal amount of \$3,362,000 (the “Bonds”); and

WHEREAS, such Bonds were secured by the pledge of a certain Trust Estate, as established by, and in accordance with the terms and provisions of, a Trust Indenture, dated as of August 1, 2022 (the “Indenture”), by and between the Issuer and the Trustee; and

WHEREAS, provision has been made for payment in full of the Bonds by deposit with the Trustee, irrevocably in trust, of sufficient monies to pay the principal of, interest, and applicable redemption premium, on all the Bonds or by surrender of Bonds for cancelation in lieu of payment; and

WHEREAS, in connection therewith, it is necessary to provide for the release and discharge of the lien of the Indenture upon the Trust Estate (excepting its lien upon such monies as are deposited with Trustee for the purposes of paying the principal of, interest, and applicable redemption premium, on all the Bonds).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and in consideration of other good and valuable consideration, the parties hereto agree that the special obligations of the Issuer under the terms of the Indenture are hereby deemed satisfied and discharged and the lien of the Trustee upon the Trust Estate is hereby terminated and released. Accordingly, the covenants and agreements of the Issuer and the Trustee are hereby terminated and of no further force or effect.

*[Remainder of Page Intentionally Left Blank]*

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of the City of Emporia, Kansas for delivery as of the date set forth above.

CITY OF EMPORIA, KANSAS

[seal]

By \_\_\_\_\_  
Becky Smith, Mayor

ATTEST:

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

“ISSUER”

ACKNOWLEDGMENT

STATE OF KANSAS                    )  
                                                  )       ss:  
COUNTY OF LYON                    )

BE IT REMEMBERED that on this \_\_\_\_\_ day of October, 2022, before me, a notary public in and for said County and State, came Becky Smith and Kerry Sull, Mayor and City Clerk, respectively, of City of Emporia, Kansas, a municipal corporation of the State of Kansas, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

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

My Appointment Expires:

\_\_\_\_\_

SECURITY BANK OF KANSAS CITY  
Kansas City, Kansas

By \_\_\_\_\_  
Shawn T. Hoebener, Vice President

“TRUSTEE”

ACKNOWLEDGMENT

STATE OF KANSAS            )  
                                          )  
COUNTY OF SEDGWICK    )       ss:

BE IT REMEMBERED, that on this \_\_\_\_ day of October, 2022 before me, a notary public in and for said county and state, came Shawn T. Hoebener, Vice President of Security Bank of Kansas City, Kansas City, Kansas, a state banking corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas (the “Bank”), who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said Bank, and such person duly acknowledged the execution of the same to be the act and deed of said Bank.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year least above written.

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

My Appointment Expires:

\_\_\_\_\_



14 October 2022

Trey Cocking, City Manager  
City of Emporia

In discussions with FHTC employees and recognizing the community's local workforce needs, Flint Hills Technical College is requesting the City to divert the remaining funds of \$100,000 (approximately \$70,000 remains) to a position that can facilitate and coordinate workforce-related training. Technical colleges have a unique opportunity in their communities to interface with industry and provide delivery of noncredit programming such as customized training, short-term bootcamps and certifications (six, eight, 10-week, etc.), CDL training, and other industry- and workforce-related needs. This position is executive director of business and industry, and it reports to the College president. This is my intent for the remainder of this funding. The goal for sustainability of this position is for the role to eventually sustain itself (consider a sales model of operation for this position in providing training to industry partners). I have oversight and management experience with these positions and with this model. My goal is to post the position within weeks of the City's approval, with an anticipated January 9 start date.

Calculated out, I would request this consideration to the adjustment of the \$70,000 remaining of the funding.

- January 1 - June 30, 2023 -- \$35,000
- July 1 - December 30, 2023 -- \$35,000
- The College will support the benefits and fringe costs for this position (\$15,400 for the calendar year: \$7,700 for January - June and \$7,700 July - December.).

I would welcome a conversation with the commissioners if there are questions. FHTC appreciates the City's support and entrusting us with these funds. We believe this direction is a better use of the funds and for our community in general as we all work to respond to community workforce needs.

FHTC's purpose statements include these notions:

- To provide business and industry with qualified personnel by utilizing emerging technology, a diverse curriculum, and a variety of education opportunities.
- To provide academic and applied instruction in a technical program of study leading to an Associate of Applied Science degree, Technical Certificate, or other credentials.

Our values include:

- Innovation accomplished through the vision and creativity of all partners in technical education;
- Accessibility of education by providing a variety of delivery methods; and
- Collaboration with internal and external stakeholders.

Thank you for the consideration of this request.  
Caron



Dr. Caron Daugherty, President

## Board of Trustees

Pat Wiederholt, Board Chair | Angie Gilpin, Board Vice-Chair | Amanda Dreasher | Dr. Shelly Gehrke | Brian Potter | Leslie Seeley | Amanda Steffes



## Commission Action Report

**Title:** Informational Items

**Proposed Agenda Date:** October 19, 2022

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

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

**DISCUSSION:** At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the November 2, 2022 meetings.

**Commission Meeting:**

- Proclamation Naming Small Business Saturday.
- Approve RFQ for Elevated Tank Maintenance.
- KDOT Connection Link.

**Study Session:**

- Review Fireline Policy.
- Discuss Implementation of Rental Registration and Revisions-Current Vacant Property Ordinance.
- Discuss the Revision of the Human Relations Commission Ordinance.
- Discuss Rates.
- Discuss Ord. Cross Connection/Online Backflow Management System.

**FINANCIAL CONSIDERATIONS:**

N/A

**OTHER CONSIDERATIONS:**

N/A

**RECOMMENDED ACTION:**

N/A

**ATTACHMENTS:**

N/A



## Commission Action Report

**Title:** Executive Session

**Proposed Agenda Date:** October 19, 2022

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**BACKGROUND:**

THE CITY COMMISSION REQUESTS AN EXECUTIVE SESSION TO DISCUSS DATA RELATING TO FINANCIAL AFFAIRS OR TRADE SECRETS OF CORPORATIONS, PARTNERSHIPS, TRUSTS, AND INDIVIDUAL PROPRIETORSHIPS FOR POTENTIAL ECONOMIC DEVELOPMENT PROJECTS. K.S.A. 75-4319(B)(4) IS THE AUTHORITY FOR THIS RECESS INTO EXECUTIVE SESSION.

**DISCUSSION:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**OTHER CONSIDERATIONS:**

N/A

**RECOMMENDED ACTION:**

Recess into Executive Session to discuss proprietary information of third parties for potential economic development projects for 20 minutes, inviting RDA President Chuck Scott, and stating at which time the open meeting will resume.

**ATTACHMENTS:**

N/A

## Study Session Report

**Title:** Discuss Chickens within City Limits

**Proposed Agenda Date:** October 19, 2022

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

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### BACKGROUND:

The City of Emporia has not allowed keeping chickens outside of agricultural zoned areas within City limits since 2012. Citizens have expressed interest in keeping chickens in residential districts.

### DISCUSSION:

Staff has prepared a comparison chart of chicken regulations from the largest 10 cities in Kansas and the prior chicken regulations in Emporia for Commission review and discussion.

Should the Commission be interested in authorizing the keeping of chickens in residential districts within the City, staff recommends the following requirements:

- \$50 permit fee
- Inspection required
- Landlord letter required for rental property
- Maximum 4 chickens per lot or parcel
- No roosters
- Chickens must be limited to fully enclosed chicken coop or run at all times
- Coops must have 12 square feet per chicken, not to exceed 50 square feet in total
- Must be located only in backyard, not in side yard, front yard, or inside residence
- 10 feet setback from property line and 50 feet from any dwelling, church, school, or business structure other than owner's
- Coops and runs must be kept clean and in good repair, must not become a nuisance or hazard
- Commercial chicken operations prohibited
- Slaughtering prohibited
- Violations: \$100 first offense, \$150 second offense, \$200 third offense

### ATTACHMENTS:

Chicken Regulation Comparison Chart

## Chicken Regulation Comparison Chart

|                              | Permit Requirement                                                                                                     | Permit Fee                                 | Number Allowed                                                            | Layout/Spacing                                                                                                                                                                                                                                                | Other                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Wichita</b>               | -No permit required up to 3 chickens<br>-Permit required 4-12 chickens                                                 | \$25                                       | 3 without permit<br><br>12 with permit                                    | Enclosures must be 10 feet from the property line if located within fifty feet of an adjacent dwelling                                                                                                                                                        | -shelter and fences to be maintained in good repair and painted<br>-solid wastes accumulated from cleaning to be disposed of at least once a week                                                                                                                                                                                                                                                               |
| <b>Overland Park</b>         | (pilot program)<br>-Permit required for property under 3 acres<br>-No permit required for property larger than 3 acres | \$100 first year<br><br>\$50 renewal years | .24-.49 acres: 3<br>.5-.99 acres: 6<br>1-3 acres: 12<br><br>(no roosters) | site plan showing<br>-total square footage and location of enclosure and run<br>-Backyard and perimeter fencing (fully enclosed)<br>-distance of enclosure and run from rear and side property lines (25 feet setback required)<br>-must be kept in back yard | -coop to be approved by animal control<br>-coop adequately lighted and ventilated<br>-chickens must be kept in coop when owners not present<br>-coop and attached pen must equal min. 10 sq ft of area per chicken<br>-no more than 3 cubic feet of manure shall be stored                                                                                                                                      |
| <b>WyCoKCK Unified Govt.</b> | Permit required in any area not zoned agricultural                                                                     | \$10                                       | 6                                                                         | -coop must be 10 feet from property line and 25 feet from occupied building other than owner's                                                                                                                                                                | -no permit will be granted to applicant with outstanding code violations<br>-earthen yards or runways with 5 or more fowl must be spaded and limed once every 3 months<br>-pens and coops shall be sprayed to eliminate insects<br>-vermin control plan required<br>-inspections allowed at any time<br>-1 laying box at least 1 sq ft required for every 3 chickens<br>-chickens must be enclosed on all sides |

## Chicken Regulation Comparison Chart

|                 | Permit Requirement                | Permit Fee               | Number Allowed                                                              | Layout/Spacing                                                                   | Other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------|-----------------------------------|--------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Olathe</b>   | Permit required less than 3 acres | \$25 new<br>\$15 renewal | -under 3 acres: 10 (no roosters)<br>-no max over 3 acres (roosters allowed) | -6 ft setback<br>-must be in rear yard<br>-coop not to exceed 84 sq ft           | -fully enclosed structure or area<br>-enclosure minimum of 2 sq ft per animal<br>-must include a run<br>-inspections                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Topeka</b>   | No                                | N/A                      |                                                                             | -coop 50 ft from dwelling unit other than owners'                                | -chickens must be kept fully enclosed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Lawrence</b> | No                                | N/A                      | 1 fowl per 500 ft of lot size, not to exceed 20 fowl                        | -5 ft setback from property line                                                 | -coop requires 3 sq ft per chicken with fenced run, or 10 sq ft per chicken without run<br>-1 sq ft laying box per 3 chickens<br>-8" or larger roost per chicken                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Shawnee</b>  | Yes                               | \$90 new<br>\$45 renewal | 10<br>(no roosters)                                                         | -10 ft setback<br>-40 ft from any dwelling, church, school, or place of business | -applicants may not have more than 3 valid complaints or animal violations in the last 24 months<br>-inspection required<br>-must be kept in coop or run at all times<br>-min 2 sq ft per chicken, maximum 100 sq ft<br>-coop construction requirements<br>-no more than 3 cubic ft of waste may be kept<br>-all necessary actions must be taken to reduce attraction to predators, rodents, and infestation of insects and parasites<br>-neighbors within 200' of property notified by mail of application, input considered in granting or denying |

## Chicken Regulation Comparison Chart

|                         | Permit Requirement                                                                                                                                                 | Permit Fee | Number Allowed                                                                                                       | Layout/Spacing                                                                                                                                                             | Other                                                                                         |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Lenexa</b>           | Yes, if outside allowed numeric, lot size, or setback requirements.<br><br>Only allowed in areas zoned Agricultural or Residential Estate on lots 1 acre or larger | \$100      | 1-3 Acres: 5 chickens per acre with no permit (may exceed with permit)<br><br>3+ Acres: no limit, no permit required | -25 ft setback rear and side, 100 ft setback front lot line or front building line<br>-100 ft from adjacent dwelling                                                       | -coop or pen required 4 sq ft per bird<br>-permit requires notice to neighbors and inspection |
| <b>Manhattan</b>        | No                                                                                                                                                                 | N/A        | No limit                                                                                                             | -enclosure closer than 25 ft to another dwelling may not become unclean or an annoyance                                                                                    | -unlawful to allow running at large                                                           |
| <b>Salina</b>           | No                                                                                                                                                                 | N/A        | 15                                                                                                                   | -50 feet from occupied building other than owners'<br>-earthen yards or runways must be spaded and limed every 3 months<br>-structures shall be sprayed to control insects | -subject to inspection<br>-no fowl within owner's residence                                   |
| <b>Emporia pre-2012</b> | Yes, outside of areas zoned Agricultural                                                                                                                           | \$50       | No limit                                                                                                             | -layout proposal submitted with application                                                                                                                                | -inspection required<br>-secure fencing<br>-clean and sanitary coop                           |

## Study Session Report

**Title:** Discuss RFP for Compensation Study

**Proposed Agenda Date:** October 19, 2022

**Presented By:** Jo Lynne Herron, Director of Human Resources

---

### **BACKGROUND:**

The current system was developed in 2008, when the last comprehensive compensation analysis, conducted by The Waters Consulting Group was completed. Since the implementation of that study the City made a 2% adjustment to the salary scales in 2014. In 2021 the City Commission was informed that our pay scales were woefully behind CPI by 24%. In response the Commission approved a 12% adjustment in January 2022, and an additional 4% adjustment in August 2022.

### **DISCUSSION:**

A comprehensive compensation analysis is needed at this time to competitively position the organization within the current labor market.

### **FINANCIAL CONSIDERATIONS:**

A comp study is expected to cost approximately \$50,000.

### **OTHER CONSIDERATIONS:**

n/a

### **RECOMMENDED ACTION:**

Approve this RFP for immediate publication.

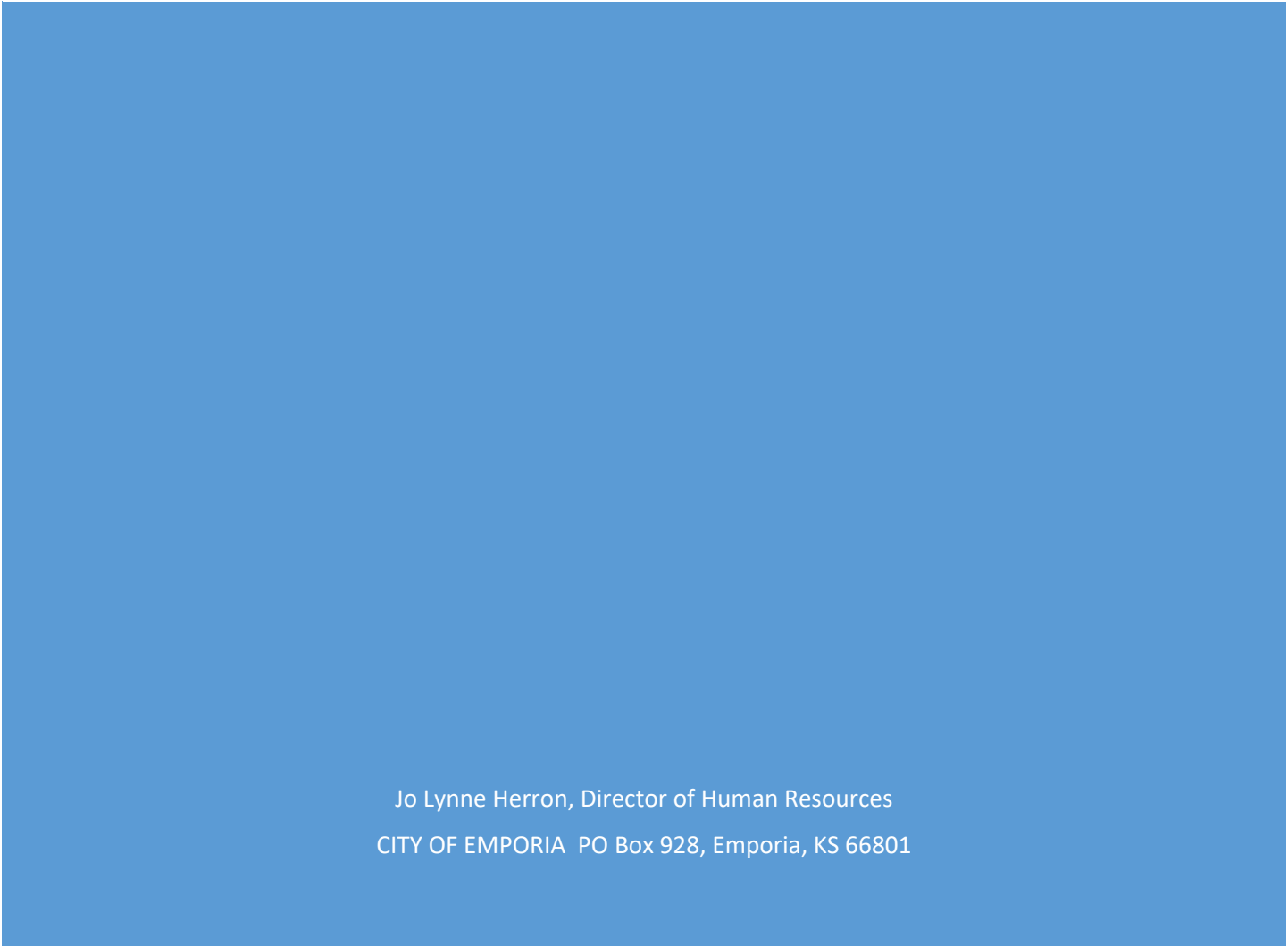
### **ATTACHMENTS:**

Emporia RFP Comp Study, Attachment A Org Chart; Potential vendor list





# REQUEST FOR PROPOSAL (RFP) FOR COMPENSATION STUDY



Jo Lynne Herron, Director of Human Resources  
CITY OF EMPORIA PO Box 928, Emporia, KS 66801

## OVERVIEW

The City of Emporia, Kansas, hereinafter referred to as the “City”, is seeking proposals from qualified Consultant/Firms to conduct a compensation study. The Consultant/Firm will work with human resources and City leadership to review our compensation structure and recommend comparable public/private survey markets. Consultant/Firms shall consider the compensation and benefits package received by employees with the City as it relates to both the external and internal markets.

## CITY OF EMPORIA PROFILE

The City of Emporia, Kansas is located in Lyon County in the East Central Region of the State, and is the largest city in Lyon county. It has a population of approximately 24,139 (2020 Census), gross median family income is \$43,481, and median home cost is \$98,200. The City operates under the City Commission-City Manager form of government. The five-member City Commission makes up the Governing Body and is responsible for the appointment of the City Manager.

## CLASSIFICATION AND COMPENSATION SYSTEM

Emporia has ten functional departments, which are: Administration, Finance, Human Resources, Information Technology, Police, Fire, Neighborhood Development, Engineering, Public Lands & Facilities, and Public Works. We provide, benefits support for the Emporia Public Library and Emporia Recreation Commission, but they are governed by a separate Boards. The City Manager serves as the Chief Executive Officer. Each department is led by a Department Head who reports to the City Manager. The City has 261 full-time budgeted employees of which 32 are exempt and 229 are non-exempt. The FY2023 budget is \$68 million (\$14.3 million is for wages and \$19.2 million for total personnel services). The City does not recognize any unions for the purpose of collective bargaining. Our organizational chart is attached in **Attachment A**.

Currently 24 employees are eligible to retire. Between 2018 and 2022, 31 retired from the City. It is critically important to review department structures, industry standards and certifications, talent development, and succession planning, to ensure that our workforce is prepared to step into those roles, and that we can offer competitive wages to attract and retain talent needed. The current annual turnover rate is 21.2%.

The City has 144 unique jobs currently organized within a salary structure with 30 pay ranges. The current system was developed in 2008, when the last comprehensive compensation analysis, conducted by The Waters Consulting Group was completed. Since the implementation of that study the City made a 2% adjustment to the salary scales in 2014. In 2021 the City Commission was informed that our pay scales were woefully behind CPI by 24%. In response the Commission approved a 12% adjustment in January 2022, and an additional 4% adjustment in August 2022.

## GOALS & OBJECTIVES

The City’s goals include attracting and retaining qualified employees, to incentivize existing talent for promotional opportunities, and to lead or align with the comparable marketplace in terms of competitive wages, incentives, and benefits for all jobs.

- Ensure positions performing similar work with essentially the same level of complexity, responsibility, knowledge, skills, and abilities are classified together;
- Provide pay/salaries and incentives commensurate with assigned duties, competencies, education, and industry specific qualifications/certifications;

- Clearly outline career paths/promotional opportunities and provide recognizable compensation growth;
- Establish justifiable pay differential between job classes;
- Maintain a competitive position with other comparable government entities and private employers within the same geographic areas; and
- Identify position and skills gaps in departments, or overlapping areas in departments and create a comprehensive succession plan.

## SCOPE OF WORK

The Scope of Work is intended to be a general guide to the work. The successful Proposer will provide, at minimum, the following scope of work deliverables:

### A. Compensation System:

1. Analyze results and develop appropriate pay structures for City taking into account compression and internal equity;
2. conduct a comprehensive compensation analysis of the City as compared to the external labor market and make recommendations for changes to the current classification system;
3. recommend a pay increase system (with COLA and merit) which considers high performing employee retention separate from longevity;
4. provide pay scale/interval analysis, other compensation such as longevity pay, differentials, allowances, and bonuses;
5. recommend policies to compensate for hard-to-fill/critical positions, such as engineers or skilled trades jobs, where competition is strong for talent. Recommendations should include criteria for designating positions as hard-to- fill/critical (e.g., not being able to fill after repeated advertising [number of months], competent talent not applying, gaps in talent as compared to position needs, internal talent not available);
6. recommend policy to recognize external experience candidates bring to the organization as part of the initial hire offer;
7. analysis of other public entities on the level of administrative support department salaries that are funded by special revenue or enterprise funds; and
8. provide the City with the appropriate program and files in Microsoft Office to maintain the recommended pay structure.

It is our goal to question broad job classes and job families whenever sufficient overlap in responsibilities and decision-making authority does not exist and realign appropriately. A determination should be made as to the rationale behind broad banding, how ranges are structured, e.g., by FLSA status, type of job (administrative support; labor, trades, and field supervision; management; technical and professional; and uniformed fire positions, etc.), and the philosophy behind the band widths.

### B. External Market Analysis:

1. Maintain a competitive position with other comparable government entities and private employers within the same geographic areas;
2. identify benchmark classifications, representative of occupational groups, families, or professions, to be used for market survey and analysis;

1. identify external comparable organizations to survey for both wages and total compensation;
2. survey comparable organizations for both wages and total compensation;
3. recommend policy/procedure and timeline for conducting a market analysis, to include when an ad-hoc study should be conducted if a position classification is challenged internally; and
4. train City HR staff on methodology used to conduct a salary survey to retain our competitive position with the market for all job classifications.

**C. Additional Pay Policy Review: (See Employee Handbook)**

1. Create/review and make recommendations to the policies for: promotions, rehires, reductions in classification (demotion), interim position pay, deferred compensation, variable pay (call back, stand-by), pay allowances (clothing, vehicle, cell phone), additional pay for certain education levels, bilingual, and certifications, employees at max of pay range, and seasonal employee compensation;
2. survey comparable organizations for additional pay; and
3. recommend a method for tracking which positions are impacted by these different policies.

**D. Work/Life Balance: (See Employee Handbook)**

1. Survey employees about work/life balance alternatives, paid time off policies, and other programs in comparable organizations;
2. create/review and make recommendations to the policies for: paid time off vs. sick and vacation for new employees, holiday, personal holiday, paid family leave, remote work policy and employee assistance program; and
3. provide the systems to implement and update the recommended programs.

**E. Performance Management System:**

1. Survey comparable organizations performance management systems and rewards for high performing employees;
2. survey comparable organization on employee celebrations, service awards, department retreats, employee recognition, discount programs, and other non-monetary rewards;
3. review the current performance evaluation forms to determine if enhancements should be made, a new method should be introduced, or supervisory training needs to occur to utilize the current system more effectively (If a new method is recommended, the consultant will develop the forms in concert with the City); and
4. develop a system for recognizing and rewarding high performing employees.

**F. Career Development: (Do not have a formal program at this time)**

1. Survey comparable organizations to identify different career path strategies;
2. survey comparable organizations professional development, membership/dues for professional associations, and tuition reimbursement policies or practices.

*Additionally: based on the number of employees eligible for retirement in the next five (5) years, recommend best practices for succession planning: identify any position and/or skill gaps in*

*departments, identify any overlapping areas in departments, and recommend a comprehensive succession strategy.*

### **CITY PROVIDED SUPPORT**

The City will provide organizational charts, payroll information needed for analysis, salary data, incentive plans, employee handbooks, job descriptions, access to staff as needed, and other information necessary for the Consultant/Firm to complete the survey.

### **TENTATIVE TIMELINE** (variances must be mutually agreed upon by City and Consultant/Firm)

Request for Proposal Issued October 19, 2022

Proposals Due November 15, 2022

Review of Proposals begins November 16, 2022

Interviews Scheduled November 28-December 2, 2022

Project Award December 7, 2022

Project Deadline February 24, 2023

Presentation to City Leadership & Commissioners March 15, 2023

### **QUALIFICATIONS**

To be considered, a Consultant/Firm must be a full-service consulting firm in the field of compensation analysis and valuation techniques. The Consultant/Firm shall demonstrate that its job classification, compensation system and recommendations have been successfully implemented and maintained in at least five municipalities and/or private sector companies of comparable size and scope.

### **INSTRUCTIONS FOR RESPONDING TO THIS RFP**

**Proposals shall be typed and signed in ink with full signature by an authorized agent of the company/firm.** If submitted by a corporation, the proposal must be signed by the President, Secretary, or by other authorized agents and proof of authorization shall accompany the proposal. The Consultant/Firm shall indicate whether they are an individual, partnership, joint venture, corporation, or a foreign corporation, and enter the correct legal name of the Consultant/Firm. The business address of the Consultant/Firm shall be typed or printed on the proposal.

Proposals may include any additional information a Consultant/Firm may deem pertinent to add value to the proposal. A comprehensive table of contents shall be at the front of the proposal for ease of reference. Identification of additional attachments is recommended. Complete proposal packets must be sent in paper or electronic format to:

City of Emporia  
Re: Compensation Study  
Attn: Kerry Sull, City Clerk  
PO Box 928  
104 E. 5<sup>th</sup> Ave.  
Emporia, KS 66801  
[ksull@emporiaks.gov](mailto:ksull@emporiaks.gov)

Submissions are due no later than 4:00 pm Central Time on Wednesday, November 15, 2022.

## PROPOSAL FORMAT

The following sections prescribe the format of proposals and describe the approach for the development and presentation of proposal data. These sections are designed to ensure the submission of information essential to the understanding and comprehensive evaluation of proposals.

1. Title Page
2. Table of Contents
3. Consultant/Firm Profile: Include information on the Lead Firm(s), Joint Venture Partners, an overview of your firm, history, organizational structure, number of years in existence, length of time in the HR consulting business, staff size, number and location of offices, areas of expertise, number and type of employees in the local office, description of corporate philosophy/culture and the number and type of clients which you serve.
4. Outside Consultants or Sub Consultants expected to be used for this project: Name/address/contact information, specialty or role with this project, years of experience providing compensation studies for municipalities.
5. Experience and References: Projects your firm has completed within the past five (5) years that are similar to those requested by this RFP. Special attention shall be given to projects your firm has completed for other City entities. Include company name, address, persons to contact, telephone number, a brief description of the project completed by your firm, and date completed.
6. Key personnel who will be assigned to the City project: List the person's name, title, project assignments, years of experience, brief summary of their work experience, areas of expertise, length of service with your firm, reporting relationships, location, clients, and any other qualifications relevant to the City's project.
7. Describe your company's approach to the project, including a general overview of the services to be performed, personnel to be assigned and their qualifications, timeframes, deliverables that will be provided to the City.
8. Identify all costs related directly or indirectly to this project, including, but not limited to employee classification, hourly rate, travel time, out-of-pocket expenses, etc. No add on costs will be accepted, unless mutually agreed upon by Consultant/Firm and City.
9. Describe what sets your firm apart from your competitors and if there is a particular area of expertise for which your firm is known.
10. Provide a description and listing of data that would be needed from the City.
11. Describe the schedule you would propose to review our current job descriptions, meet with employees, review the City's current compensation structure, and assess alternatives and enhancements.
12. Describe your firm's benchmarking capabilities, access to industry specific and other surveys, date of surveys, process for aging data, if applicable, and web-based tools available to clients.

## GENERAL PROPOSAL REQUIREMENTS

1. The Consultant/Firm must respond to this RFP by submitting all data required in order for its proposal to be evaluated and considered for award. Failure to submit such data shall be deemed sufficient cause for disqualification of the proposal from further consideration for award.

2. Consultant/Firm is required to state what they intend to furnish the City in response to this solicitation and must indicate in writing any variances to the terms, conditions, and specifications of this proposal.
3. The City shall issue a written addendum to this RFP if substantial changes are made which impact the submission of proposals. All addendums must be signed by a duly authorized employee of the City. A copy of the addendum will be e-mailed to each Consultant/Firm receiving the solicitation and posted on the City website. In the event of conflict between the original RFP and an addendum, the addendum shall prevail. Subsequent addenda shall govern over prior addenda.
4. The Consultant/Firm is advised that the ONLY official position of the City is that position which is stated in writing and issued by the Director of Human Resources as an RFP and any amendments or addenda thereto. No other means of communication, whether oral or written, shall be construed as a formal or official response or statement.
5. The Proposal must contain a manual signature, in ink, of the Consultant or an authorized agent of the Firm in the space provided on the Signature Page. Failure to provide the signature page will disqualify the proposal from consideration.
6. The Consultant/Firm, by affixing its signature to its Proposal, certifies that the proposal is made without previous understanding, agreement, or connection, either with any persons, firms or corporations offering the same items, or with the City. The Consultant/Firm also certifies that its proposal is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action.

#### **SPECIAL CONDITIONS**

1. During the evaluation process, the City reserves the right to request additional information or clarifications from those submitting proposals, and to allow corrections of errors and/or omissions.
2. Submission of a proposal indicates acceptance by the company submitting the proposal of the terms, conditions and specifications contained in this RFP.
3. The City will not pay for any information herein requested, nor is it liable for any costs incurred by those submitting proposals. The City reserves the right to select the Consultant/Firm that will best meets the needs of the City. Consultant/Firms and/or proposals that do not meet the stated requirements will be considered in non-compliance and will be disqualified.
4. No Consultant/Firm may withdraw their proposal for a period of sixty (60) days from the date set for the opening thereof.
5. By submission of a proposal, each Consultant/Firm certifies that:
  - A. The Consultant/Firm has not paid nor agreed to pay any person, other than a bona-fide employee, a fee or a brokerage commission resulting from the award of the contract.
  - B. The City may, by written notice to a Consultant/Firm, cancel any award under this RFP if it is found by the City that gratuities, in the form of entertainment, gifts or otherwise were offered or given to any representative of the City with intent to influence securing the award of a contract or other favorable treatment with respect to this RFP.

- C. The contents of the proposal and any clarifications distributed by the City shall become part of the contractual obligation and incorporated by reference into the ensuing contracts. All proposals become the property of the City and will not be returned to the Consultant/Firm.
6. The responding Consultant/Firm assumes sole responsibility for submitting complete proposals and ensuring that all requirements are met. No special consideration shall be given once proposals are opened because of the Consultant/Firm's failure to be knowledgeable about all requirements of the RFP. By submitting this proposal in response to the RFP, the Consultant/Firm represents that it has satisfied itself, from its own investigation, that it has fully met the requirements of this RFP.
7. Each proposal and any clarifications to that proposal shall be signed by an officer of the Consultant/Firm's company or a designated agent empowered to bind the firm in a contract.

#### **GENERAL TERMS AND CONDITIONS**

1. Modifications to a proposal may only be made by written notice on company letterhead and must be received prior to the time and date set for the deadline. Each modification must be submitted electronically to the City Clerk for submission as with the original RFP. Modifications must be signed in ink by the Consultant or an authorized agent of the Firm.
2. If more than one modification is submitted, the modification bearing the latest date of receipt by the City will be considered valid.
3. Proposals may be withdrawn prior to the time and date set for the deadline. Any such request must be made in writing on company letterhead and signed by the Consultant or authorized agent of the Firm.
4. The City reserves the right, before making an award, to investigate whether the qualifications or services offered by the Consultant/Firm meet the requirements set forth in the RFP. The City reserves the right to waive any defects and informalities in any proposal, to reject any and all proposals, take any or all proposals under advisement, or to accept any proposal as may be deemed in the best interest of the City.
5. The City reserves the right to consider historic information and fact, whether gained from Consultant/Firm's submission in response to the RFP, question and answer conference, references, or any other source, in the evaluation process of this RFP.
6. Consultant/Firm shall not include federal, state or local excise or sales taxes in their proposal prices, as the City is exempt from payment of such taxes.

#### **FELONY CONVICTION NOTIFICATION**

By submitting this proposal, and if awarded the project, the Consultant/Firm certifies that their employees or sub-contractors working on this project have not been convicted of a felony or a misdemeanor involving theft, fraud or embezzlement. It shall be the duty of the Consultant/Firm to conduct the appropriate background checks on its employees and/or sub-contractors, and to share this information with the City upon request.

The City may terminate the agreement if the City determines that the Consultant/Firm failed to give notice of a felony conviction, or misrepresented the conduct resulting in the conviction.



## INDEMNIFICATION

Consultants/Firms submitting proposals in response to the RFP, agree to indemnify and hold harmless the City, its officers, employees, and agents from and against all claims, damages, losses and expenses arising out of the submission of any proposal or possible subsequent limitation on the amount or type of damages, compensation or benefits payable for or by the Consultant/Firm or their designated agent under the Workers Compensation Act, Americans With Disabilities Act, or other federal and state laws.

The City of Emporia has certain insurance requirements that must be met. The Consultant/Firm will be responsible to purchase and maintain at its sole expense the following insurance coverage, and provide proof of coverage to the City:

- Professional liability insurance covering negligent acts, errors or omissions of FIRM, its agents, officers, and employees. Total aggregate policies of insurance shall be in an amount of not less than One Million Dollars and 00/100 Cents (\$1,000,000.00).
- A comprehensive general liability policy of insurance shall be purchased and maintained that lists the City as an additional insured. Such policy of insurance shall be in an amount of not less than One Million Dollars and 00/100 Cents (\$1,000,000.00).

## WORKERS' COMPENSATION

A Workers' Compensation and Employer's Liability Policy shall be procured and maintained by the Consultant/Firm. This policy shall include an "all states" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees which, for any reason does not fall within the provisions of the Workers' Compensation Law. Liability Limits shall not be less than:

☐ Workers' Compensation – Statutory

☐ Employer's Liability - \$500,000.00 Each Occurrence.

Consultant/Firm shall furnish the City with copies of all insurance policies or certificates of insurance policies that must be maintained hereunder. In addition, insurance policies applicable hereto shall contain a provision that the City shall be given thirty (30) days written notice by the insurance company before each policy is substantially changed or cancelled.

## AWARD OF SERVICE

The City will award services to the Consultant/Firm who is determined to have submitted the best overall proposal in accordance with the specifications and all required documents. The City reserves the right to reject any and all proposals based upon its sole discretion. Respondents that fail to provide information requested by the City will not be considered for the award.

## NEGOTIATIONS

The City may conduct negotiations of technical aspects of the proposals and/or prices after reviewing all proposals submitted. These negotiations will only be with the Consultant/Firm whom the City is considering for award of services. Post-proposal negotiations may be conducted jointly with representatives of the City and Consultant's/Firm's representative. Said representative shall be certified, in writing, by the company/firm, as qualified and empowered with the authority for answering and giving administrative and technical/price clarifications relative to the proposal.

## SELECTION PROCESS

The proposals will be evaluated by a committee comprised of selected City personnel. The overall process will consist of three steps: 1. review and evaluation of all proposals, 2. the interview and 3. award notification.

### Equal Opportunity

The City of Emporia does not discriminate on the basis of race, color, creed, national origin, sex, religion, age, sexual orientation, gender identity, marital status, status with regard to public assistance, membership on a local human rights commission, disability, or any other basis protected by law in the admission or access to or treatment of employment, program, activities or services. The consultant/firm selected must provide a copy of its nondiscrimination policy, and shall not discriminate under the contract against any person in accordance with federal, state, and local regulations and with City policy.

### Evaluation Criteria

Members of the selection committee will review and rate each responsive proposal based on the following criteria:

- The firm's experience in providing similar services to municipalities during the past five (5) years.
- Detailed project plan, identification of unique issues related to project, and the process proposed for communications with City staff.
- Cost of project submitted with proposal.
- Key personnel who will be assigned to the City's project, and their experience with similar projects.
- Applicable resources offering quality assurances/quality control procedures; as well as adequacy of team/resources to complete the project within the proposed timeframe.
- References for similar projects with comparable municipalities and industries.

### Finalist Interviews

Proposal evaluations will produce a list of the top-rated firms that will be selected for interviews. Finalists will be notified, in writing, by the City. Telephone or remote interviews may be conducted in order to make a final decision. The City will check references once a short list is determined.

## ATTACHMENTS TO THIS RFP

A – City Organizational Chart

B – Authorized Agent Signature Page

**Questions:** Please place **Compensation Study** in the **subject line** of all emails and/or written correspondence. Address questions regarding this RFP to:

Jo Lynne Herron, Director of Human Resources

[jherron@emporiaks.gov](mailto:jherron@emporiaks.gov)

## ATTACHMENT B – Authorized Agent Signature Page

### City of Emporia Compensation Study Request for Proposals Authorized Agent Signature Page

The undersigned certifies that he/she has the authority to bind this company in an agreement to supply the service or commodity in accordance with all terms and conditions specified herein. Please type or print the information below.

Consultant or Firm Authorized Agent is REQUIRED to complete, sign and return this form with their proposal submittal.

|                                        |                                  |
|----------------------------------------|----------------------------------|
| _____<br>Company Name                  | _____<br>Entity Type             |
| _____<br>Tax ID #                      | _____<br>Email                   |
| _____<br>Address                       | _____<br>City/State/Zip          |
| _____<br>Telephone                     | _____<br>Fax (include area code) |
| _____<br>Authorized Agent (Print Name) | _____<br>Signature               |

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

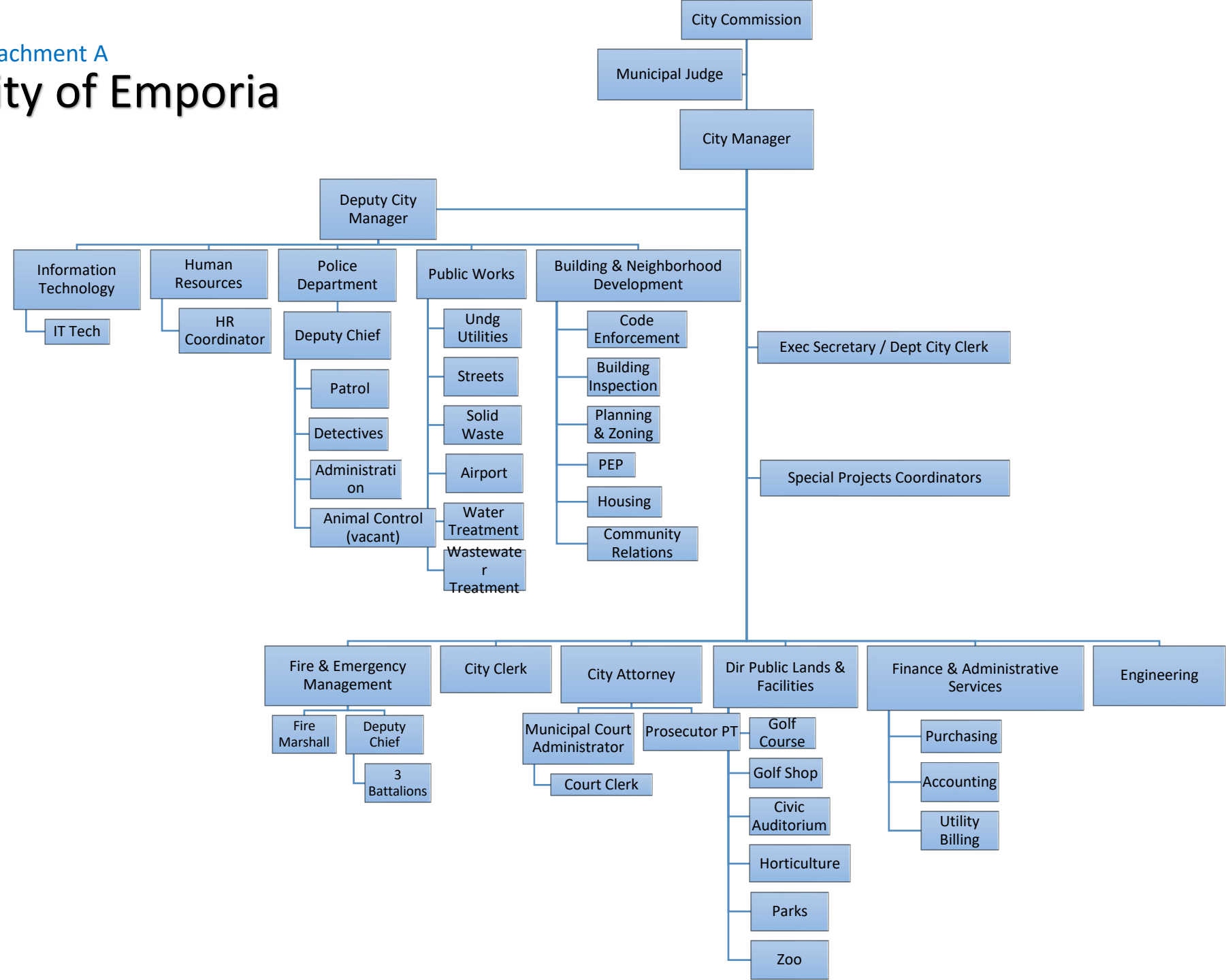
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2022 by \_\_\_\_\_ on behalf of the corporation/firm. They are  
personally known to me or have produced \_\_\_\_\_ as identification.

(SEAL)

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

Attachment A

# City of Emporia



Comp Study RFP Vendor Listing

Bidnet.com

| Respc Org | Main                          | email           | phone                                                                                    | Ph2             | website                                                                          | address                                      | Notes                   |
|-----------|-------------------------------|-----------------|------------------------------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------|----------------------------------------------|-------------------------|
|           | Adecco                        | Tim Martin      | <a href="mailto:tim.martin@adeccona.com">tim.martin@adeccona.com</a>                     | 3162673737      | <a href="http://www.adeccousa.com">www.adeccousa.com</a>                         |                                              |                         |
| x         | Arthur J Gallagher & Co.      | Mike Keller     | <a href="mailto:michael_keller@ajg.com">michael_keller@ajg.com</a>                       | 3169779790      | <a href="http://www.ajg.com/compensation">www.ajg.com/compensation</a>           | 10333 E 21st N, Suite 104, Wichita, KS 67206 | Trey's contact          |
| x         | Brown & Brown                 | Jamie McDonald  | <a href="mailto:jmcdonald@bbrown.com">jmcdonald@bbrown.com</a>                           | 3164485108      |                                                                                  |                                              | Current Benefits Broker |
| x         | CBIZ                          | Ed Rataj        | <a href="mailto:erataj@cbiz.com">erataj@cbiz.com</a>                                     | 3146925884      | <a href="http://www.cbiz.com">www.cbiz.com</a>                                   |                                              | ESU                     |
|           | Comp Data                     | Greg Wolf       | <a href="mailto:gwolf@compdataconsulting.com">gwolf@compdataconsulting.com</a>           | 8003009570      | <a href="http://www.salary.com">www.salary.com</a>                               |                                              |                         |
| x         | Logic Comp Group              | Annette Hoef    | <a href="mailto:annette.hoefer@logiccompgroup.com">annette.hoefer@logiccompgroup.com</a> | 3193773771      | <a href="http://www.logiccompgroup.com">www.logiccompgroup.com</a>               | 4395 Flagstick Dr, Marion, IA 52302          | Mini-study              |
| x         | McGrath Human Resources       | Victoria McGr   | <a href="mailto:victoriaphd@mcgrathconsulting.com">victoriaphd@mcgrathconsulting.com</a> | 8157289111      | <a href="http://www.mcgrathhumanresources.com">www.mcgrathhumanresources.com</a> | PO Box 865, Jamestown, TN 38556              |                         |
|           | Mercer                        | Gary Suiter     | <a href="mailto:garysuiter@comcast.net">garysuiter@comcast.net</a>                       | 9709630752      | <a href="http://www.mercergroupinc.com">www.mercergroupinc.com</a>               |                                              |                         |
|           | Slavin Management Consultants | Robert E Slavin | <a href="mailto:slavin@bellsouth.net">slavin@bellsouth.net</a>                           | 7704494656      | <a href="http://www.slavinweb.com">www.slavinweb.com</a>                         |                                              |                         |
|           | Springsted                    | TL Cox          | <a href="mailto:tlcox@springsted.com">tlcox@springsted.com</a>                           | 4695150646      | <a href="http://www.springsted.com">www.springsted.com</a>                       |                                              |                         |
| x         | The Arnold Group              | Phillip Hayes   | <a href="mailto:phayes@the-arnold-group.com">phayes@the-arnold-group.com</a>             | 3162639283 x223 | <a href="http://www.the-arnold-group.com">www.the-arnold-group.com</a>           | 530 S Topeka, Wichita, KS 67202              |                         |
|           | The Austin Peters Group       | Peter Tatarko   | <a href="mailto:ptatarko@austinpeters.com">ptatarko@austinpeters.com</a>                 | 9138517530      | <a href="http://www.austinpeters.com">www.austinpeters.com</a>                   |                                              |                         |



## Study Session Report

**Title:** Housing Policy Update and Review

**Agenda Date:** October 19, 2022

**Presented By:** Jim Witt, Special Projects Manager

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### **BACKGROUND:**

On April 15<sup>th</sup>, 2021, the Commission adopted by Resolution, #3642, the Housing Development and Rural Housing Incentive District Policy. See Attached. The policy based on present housing costs and financing should be amended.

### **DISCUSSION:**

The City Commission is considering alternative options to boost housing opportunities in the community which are not included in the present policies. There are additional items which also may need to be tweaked. THIS ITEM WILL BE AN OVERVIEW NOT A FINAL REVIEW.

### **FINANCIAL CONSIDERATIONS:**

None defined at this time.

### **OTHER CONSIDERATIONS:**

See above

### **RECOMMENDED ACTION:**

Attentive Staff and Commissioners

### **ATTACHMENTS**

Housing Development and Rural Housing Incentive District Policy.

|                                                                                |                                                      |                                  |
|--------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------|
| Subject:<br>Housing Development and Rural<br>Housing Incentive District Policy | Issued by:<br>City Commission<br>Resolution No. 3642 | Effective Date:<br><br>4/21/2021 |
|--------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------|

## 1-12 HOUSING DEVELOPMENT AND RURAL HOUSING INCENTIVE DISTRICT POLICY

### A. BACKGROUND

The Emporia City Commission regularly receives requests for City assistance in promoting and developing additional housing units through utilization of Rural Housing Incentive District (RHID) tools, infrastructure funding, and other incentives. The City Commission from time to time sets goals and incentives based on recent studies, such as the Lyon County Housing Study of 2020, that identify specific needs and shortages in community housing supply.

### B. PURPOSE

It is the purpose of this policy to set forth certain criteria for application and utilization of RHID and other incentives as provided for in Kansas Statutes based on identified community housing needs.

### C. POLICY

#### **I. Priority Housing Types**

##### Section 1: Allowable Housing Types

The following owner-occupied housing types shall be allowed to utilize the RHID incentive as provide for in Kansas Statutes:

1. Single family detached residential structures,
2. Single family attached residential structures,
3. Duplex residential structures,
4. Townhouses,
5. Condominiums,
6. Garden/patio homes, and
7. Any residential structure comparable in density to those outlined above and consistent with adopted building and zoning regulations.

The housing types shall be defined by the adopted building and zoning regulations of the City of Emporia in effect at the time an application for the RHID program is received by the City Manager's office.

##### Section 2: Exceptions

The City shall consider investor owned multifamily and multistory residential structures as part of a planned integrated development for a strategic purpose meeting Commission goals. This may include, but is not limited to, senior living complexes, targeted income markets, special needs housing, and upper story residential as permitted under the Rural Housing Incentive District.

## **II. Proposals and Pre-Qualifying Assessment**

Proposals for City assistance in the creation of residential subdivisions/buildings shall submit a proposal to the City Manager's office. Proposals shall be based on an identified community need at the time of application, such as those defined in the August 2020 housing study or other adopted City Commission goals or policies. Proposals shall include the following information:

1. The names of the business entity and its primary owners/partners seeking city assistance.
2. The location of the development on a map which clearly outlines the parcel to be developed.
3. The number of building lots to be created.
4. The type of housing units or mixture thereof to be included in the development.
5. The estimated market cost of housing units to be constructed.
6. A third-party analysis including the financial feasibility of the project in retiring the RHID debt and the projected construction pace of development. All housing types noted under Section I (1): Allowable Housing Types shall include a lot absorption schedule as part of the third-party analysis. For developments with a target market price below \$250,000 per home, the minimum lot absorption schedule shall be the completion of fifty percent (50%) in the first three (3) years of the project. For developments with a target market price over \$250,000 per home, the minimum lot absorption schedule shall be the completion of fifty percent (50%) in the first five (5) years of the project.
7. A covenant guaranteeing no additional lot splits must be submitted prior to the passage of the ordinance granting RHID status.
8. All proposals shall be accompanied by a \$1,000 non-refundable evaluation fee. If the proposal is approved by the City Commission and a development agreement is executed that involves periodic payments or reimbursements from the City, there shall be a 3% administrative fee attached to all transactions.
9. All City assistance regarding infrastructure shall utilize the City's public bidding process. Plans and specs for infrastructure improvements must be consistent with adopted City policies and ordinances.

## **III. Phasing and Development Agreements**

The City and the developer shall enter into a negotiated Development Agreement which shall contain, but not be limited to, the following elements:

1. Projected target prices for the residential units to be constructed.
2. Phasing of development in terms of the number of units to be completed each year and a projected buildout year.
3. A claw-back provision related to any City assistance, if provided, based on agreed upon goals regarding unit completions that are not met. Claw-back provisions are to be negotiated on a project-by-project basis.
4. The City reserves the right to decline the establishment of a district if the target pricing does not meet a recognized need in the community as identified and adopted by the City Commission.



5. The financing method shall be clearly defined in accordance with approved City alternatives as outlined in Section V.
6. If RHID bonds, as authorized by Kansas Statutes, are to be utilized, the applicant shall work with a bond attorney selected by the City of Emporia for the issuance of said bonds.
7. A development guaranty of twenty five percent (25%) of the total public infrastructure costs shall be required of the applicant before the city proceeds to issue public financing under the 6A special assessment/RHID alternative. This amount shall be refunded to the developer once thirty-five percent (35%) of the lots contain a completed residential structure and a Certificate of Occupancy is issued by the City Building Inspection Department.
8. The City shall require three (3) years of special assessment obligations to be accumulated before reimbursing a developer and/or builder for eligible expenses incurred under the 6A special assessment alternative/ RHID alternative.
9. Special assessment utilizing the 6A/RHID alternative shall be calculated and assigned to each lot in an approved subdivision. It shall be the developer's responsibility to inform the buyer of a lot of this assessment and the method they will be administered.

#### **IV. Land/Location**

The developer/builder shall be solely responsible for the purchase of the land to be designated as an RHID district. Proposed districts shall be located adjacent or within 200 feet of an existing city street or paved street for consideration. For land outside of the existing City limits a petition for annexation consistent with Kansas Statutes shall be made concurrent with the request for the establishment of an RHID.

Reclamation of floodplain zones as designated by federal programs is not allowed as a RHID eligible expense.

##### **Section 1: Location**

All area included within the incorporated city limits as defined by ordinance are eligible for RHID designation after being approved by the Kansas Department of Commerce (KDOC). Existing RHID eligible areas, as approved by KDOC, are attached as Exhibit A.

Designation of an area presently not within the corporate boundaries of the community cannot be declared an RHID district by the city until annexation is completed. Applicants should set aside an additional 3-6 months in their planning timeline to accommodate this situation.

#### **V. FINANCIAL ALTERNATIVES**

The following is a nonexclusive listing of some financial alternative available to the City regarding RHID developments and related scenarios to assist in addressing the need for new housing units.

1. Utilize existing policy requiring private financing for all RHID development requests.
2. Issue RHID bonds as permitted under the Kansas Rural Housing Incentive District Statutes in conjunction with local financial institutions.
3. Utilize Kansas Statute 12-6a01-17 to establish a special assessment district and create a Rural Housing Incentive District (RHID). The incremental tax revenue received via the RHID would then be utilized for debt retirement for bonds issued in conjunction with a development, reimburse the city account used to fund the initial construction and reimburse developer/builder eligible expenses.

4. The City may buy a tract of land and finance the acquisition and construction of infrastructure via an RHID district. The City can then plan and develop the tract and enter into any private development agreements necessary to meet the housing goals established by the Commission.
5. Provide financial assistance in an amount to be determined to buyers within an RHID with a target price not to exceed \$250,000. Access to state/federal funding may be used to provide this incentive or a portion thereof.

## Study Session Report

**Title:** Review of Proposed Vacant Property Improvement Program

**Proposed Agenda Date:** October 19, 2022

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

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### BACKGROUND:

A property survey conducted last spring identified 130 vacant residential structures throughout the city. The conditions of these homes vary, but most detract from the desirability of neighboring properties.

### DISCUSSION:

According to recent housing studies and from people who work in the housing industry there is a great need for more housing units in our city. The proposed program offers not only a viable means to return housing units back to productive use, it will also add to the tax base, help eliminate blight and encourage further improvements in disinvested neighborhoods. The proposed activities include renovation of approximately eight vacant homes, and possible demolition of one or two homes. A total of \$200,000 of funding is proposed. A majority of the funding (\$175,000) will be used to match costs 50% on homes owned by the private sector, while \$25,000 of the funding will be allocated to the Emporia Land Bank to perform similar projects.

### FINANCIAL CONSIDERATIONS:

The funding would be utilized from the City's American Rescue Plan Act (ARPA) funds. One city staff person will administer the program, and it is proposed that all building permit fees and any applicable landfill fees be waived. Local leverage from property owners will be \$175,000.

### OTHER CONSIDERATIONS:

This project, if successful, could be continued or expanded in the future if deemed effective and funding is available

### RECOMMENDED ACTION:

Approve the program.

### ATTACHMENTS:

Program Description

## PROPOSED VACANT PROPERTY IMPROVEMENT PROGRAM

Rev. 9/27/22

City would offer this program to assist with the costs of renovating vacant residential properties (single family, houses converted to apts and duplexes.) The goal is to transform vacant, blighted residential structures into desirable housing.

Total Funding: \$200,000

Total Renovated Units: Approx. 8

Duration: Approx. 24 months

Program Contact: Jeff Lynch

### **Property Requirements Prior to Renovation:**

Vacant & Unlivable- determined by City program staff to be not fit for habitability.

Blighting effect on neighboring properties and/or threat to public safety.

Current on property taxes.

Deeded in the name of applicant(s): no contract for deeds, out of date names, etc.

### **Renovation of Privately Owned Houses (Estimated Allocation: \$175,000)**

Inspection by building officials to develop a scope of work required to meet city codes, and determine initial feasibility;

Buildings to be renovated to standard condition with no deficiencies with major systems or structural components. Interior and exterior surfaces and components to be in or brought to good condition including doors, windows, walls, floors, etc.

Projects providing significant and noticeable exterior improvement will be given priority.

Removal of all property maintenance and nuisance violations. Nuisances include inoperable vehicles, junk, trash, outside storage items, campers, etc.

The project shall include any needed yard maintenance and improvements such as trimming or removal of unsightly foliage, reseeding of grass, etc. City staff will evaluate and approve all work scopes prior to selection of projects.

50% of costs paid up to \$25,000 paid by City; Owner pays remainder.

Example: \$70,000 renovation: 25k by City, 35k by owner.

Owner share: cash paid up front to City fund, or letter of credit AND Mortgage/Note, owner pays minimum of 50% of all progress payments and final payment to contractor/suppliers. Mortgage released after all required owner payments are made.

Insured or insurable post-project; letter of insurability from insurance company.

Owner work on project (self-help) is allowed if meets code. Program will not pay labor costs of owner or owner's business. However, program will pay 100% of materials after installation, if pre-approved by program staff, with same 25k City limit.

No income limits apply.

### **Renovation or Demolition of Emporia Land Bank Owned Houses (Estimated Allocation: \$25,000)**

Similar requirements as privately owned projects, except no matching funds or cost share requirements, and includes demolition to promote housing infill. Funds may be

reallocated to privately owned renovation or demolition projects if unused in a timely manner and at the discretion of city staff.

### **Program Rollout**

Contact property owners who pre-applied for MIH grant, and send a program application to them.

Conduct introductory inspections of properties.

Create a list of properties ranked in order for feasibility and impact.

Evaluate applications. Document owner ability to pay.

Award one (1) project maximum per owner to start (some owners had listed multiple properties for consideration). May award additional projects if feasible after completing first project successfully.

Develop detailed scope of work, owner may give input and signs to approve.

Solicit bids/estimates, owner may assist.

Award bid, in agreement with owner.

City, owner and contractor sign construction contract.

Collect owner share of funding or owner signs mortgage and promissory note.

Verify proof of insurance on renovated home.

Sign completion documents after all work is finished.

Release mortgage if applicable.