

## **A Motion to Adopt Ordinance 2023-15 Annexation**

Moved: The Governing Body of the City of Benton adopt Ordinance 2023-15, Annexation (attached).

ORDINANCE NO. 2023-15

AN ORDINANCE ANNEXING LAND TO THE CITY OF BENTON, KANSAS.

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

WHEREAS, the following described land adjoins the City of Benton, Kansas, and is generally located to the East of current City Limits in Butler County;

WHEREAS, a written petition for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Benton, Kansas pursuant to K.S.A. 12-520, as amended; and

WHEREAS, the governing body of the City of Benton, Kansas, finds it advisable to annex such land.

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

SECTION 1. That the following described land is hereby annexed and made part of the City of Benton, Kansas:

All of that part of the West Half (W1/2) of the Northwest Quarter (NW/4), lying North of the right-of-way of the Missouri Pacific Railroad in Section Fifteen (15), in Township Twenty-six (26) South, in Range Three (3) East of the 6th P.M., Butler County, Kansas; EXCEPT HOWEVER:

TRACT I: Beginning at the Northeast Corner of said Northwest Quarter, thence South along the East line of said Northwest Quarter for a distance of 74.8 feet to a point; thence West for a distance of 422, more or less, to a point which is 85 feet South and 421.7 feet West of the Northeast Corner of said Northwest Quarter; thence West for a distance of 1648 feet, more or less, to a point which is 35 feet South and 579.3 feet East of the Northwest Corner of said Section 15; thence West and parallel to the North line of said Section 15 for a distance of 579.3 feet to a point on the West line of said Section 15; thence North along said West line for a distance of 35 feet to the Northwest Corner of said Section 15; thence East along the North line of said Section 15 for a distance of 2649 feet, more or less, to the point of beginning of said excepted tract; AND

TRACT II: Beginning at the Northwest Corner of said Section 15; thence South 769 feet; thence East a distance of 639.79 feet; thence North a distance of 759.6 feet to the North line of said Section 15; thence West along the North line of said Section 15 a distance of 639.84 feet to the point of beginning of said excepted tract; AND

TRACT III: Commencing at the Northwest corner of the Northwest Quarter (NW/4), Section 15, Township 26 South, Range 3 East of the 6 P.M., thence bearing S 0°53'59" E, along the west line of said northwest quarter a distance of 769.00 feet; thence bearing N 89°06'01" E a distance of 639.76 feet to the Point of Beginning; thence bearing N 0°53'59" W, parallel with the west line of said northwest quarter, a distance of 722.09 feet to the south right of way line of old K-254 highway; thence bearing S 88° 15'44"E, along the right of way line of old K-254 highway, a distance of 845.81 feet; thence bearing S 0° 53'59" E, parallel with the west line of said northwest quarter, a distance of 913.31 feet; to the north right of way of the Union Pacific Railroad; thence along the north right of way of said railroad, along a curve to the left with a chord bearing of S 74°31'08" W and radius of 5705.04 feet, through a central angle of 8°46'35", an arc distance of 873.89 feet; thence bearing N 0° 53'59" W, a distance of 399.94 feet to the point of the beginning.



SECTION 2. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Benton, Kansas, this 20th day of November, 2023.

(seal)

/s/ \_\_\_\_\_  
Tyler Gottschalk, Mayor

ATTESTED:

/s/ \_\_\_\_\_  
Joyce Casady, City Clerk



## **A Motion to Adopt Ordinance 2023-16 City Sales Tax**

Moved: The Governing Body of the City of Benton adopt Ordinance 2023-17, City Sales Tax (attached).



## CERTIFICATE

STATE OF KANSAS, BUTLER COUNTY, ss.

I, Tatum Stafford, Butler County Elections, do hereby certify the following is a true copy of the total abstract of the votes cast at the elections held on the 7<sup>th</sup> day of November, 2023, for the City of Benton, KS.

		<u>TOTAL VOTES</u>
City Sales Tax Question	<b>YES</b>	<b>132</b>
	<b>NO</b>	<b>44</b>

In WITNESS WHEREOF, I have hereunto set my hand, at El Dorado, Kansas this 14<sup>th</sup> day of November 2023.

  
Tatum Stafford  
Butler County Clerk



Tatum Stafford, County Clerk

ORDINANCE NO. 2023-16

AN ORDINANCE LEVYING A CITY RETAILERS' SALES TAX IN THE AMOUNT OF TWO PERCENT (2%) WITHIN THE CITY OF BENTON, KANSAS, EFFECTIVE JULY 1, 2024

NOW, THEREFORE, be it ordained by the governing body of the City of Benton, Kansas:

SECTION 1. A majority of electors voting thereon having approved the same at an election held on the 7<sup>th</sup> day of November, 2023, the levying of a retailers' sales tax in the City of Benton for the purpose of supplementing the cost of property tax relief and city park and quality of life improvements, as authorized by K.S.A 12-187 *et seq.*, and amendments thereto, there is hereby levied a city retailers' sales tax in the amount of two percent (2%) to take effect on the 1<sup>st</sup> day of July, 2024.

SECTION 2. Except as may be otherwise provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such City retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Department of Revenue shall be utilized to administer, enforce, and collect such tax.

SECTION 3. This ordinance shall be published in the official city newspaper, and a copy duly certified shall be submitted to the State Director of Taxation.

Passed by the Governing Body of the City of Benton, Kansas, this 20th day of November, 2023.

THE GOVERNING BODY FOR  
CITY OF BENTON, KANSAS

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TYLER GOTTSCHALK, MAYOR

ATTEST:

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JOYCE CASADY, CITY CLERK

## **A Motion to Adopt Resolution 23-05 City Charitable Giving**

Moved: The Governing Body of the City of Benton adopt Resolution 23-05, City Charitable Giving (attached).



## **Resolution 23-05**

A RESOLUTION OF THE CITY OF BENTON FORMALLY ESTABLISHING REQUIREMENTS FOR CITY CHARITABLE GIVING.

### **WHEREAS:**

- The City of Benton Kansas desires to continue making appropriate charitable donations and;
- The City of Benton Kansas transparency efforts are a high priority and;
- The Governing Body of the City is directly responsible for oversight and approval of expenses and;
- A policy to request public funds, readily available to the public, is appropriate and desirable.

### **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BENTON:**

SECTION 1. Requests for charitable donations from the city, in either cash or in-kind services and/or items, must be made in person during regularly scheduled city council meetings.

SECTION 2. Approval of all charitable donations requires a majority vote of the quorum present.

SECTION 3. Within 90 days following the use of the donated funds a full accounting shall be presented to the governing body for review. This accounting requires appropriate documentation.

**ADOPTED AND PASSED** by the governing body of the City of Benton, Kansas on November 20, 2023 and;

**APPROVED AND SIGNED** by the Mayor.

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TYLER GOTTSCHALK, Mayor

ATTEST:

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JOYCE CASADY, City Clerk



## PROJECT SUMMARY

REPORT DATE	MEETING DATE	PREPARED BY
11/15/2023	11/20/2023	M. Engels

## STATUS SUMMARY

## CONCENTRATED PROJECT UPDATE

TASK	% DONE	DUE DATE	NOTES
Annexation	Ongoing	Ongoing	Legal Descriptions acquired – one returned for correction
			Consolidation Ordinance of Wellbrock properties requested by Butler County – deadline of 2024. Working on consent for three properties to the West.
			2023 Town size increase: 10.24%
Comprehensive Plan	100	Complete	To be used for delapidated housing compliance

TASK	% DONE	DUE DATE	NOTES
Cottonwood Pond	100	2024	Works as engineered – grass and trees to grow
Dog Park/Bike Track	75		Trees trimmed, donated materials are in place

## NOTES:

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### Admin:

October was heavily occupied by sales tax vote preparation. The official vote count is yet to come, and we will be preparing that Ordinance for the December meeting to then be published and delivered to the Kansas Department of Revenue in preparation for its inception in July.

Met with District Director of Senator Marshall's office about local concerns.

Coordinated two small street projects.

TV interviews on 10/31 and 11/8.

Trunk or Treat was a hit – The Benton Church made this bigger than ever.

Awaiting traffic study update.

Multiple K-254 meetings.

Maranda gone to year two Clerk institute.

### Maintenance:

Prepared for snow season – mixed brine and made sure the plows are ready to go.

Multiple meter installations.

New water service at 612 Main Street.

Planted trees and built driveway as negotiated for Durley Street improvement.

Scheduled emergency generator servicing for 2023/2024.

Water fountain install – it is winterized for 2023.

First Aid kit installed in the Community Building.

AED installed in the Community Building.

Fridge and freezer installed in the Community Building.

Put a plan together for South Main drainage cleaning.

Pavilion interior remodel.

Continued crack sealing until weather disallows.

Hauled rock for our portion of dirt roads.

Hung flags for Veterans Day.

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November 20<sup>th</sup> Council Meeting

**Passing of 2% Sales Tax**

- Election certified by the Butler County Clerk on 11/14/2023. Resolution passed 132-44.
- City Council Ordinance Motioned at November 20<sup>th</sup> council meeting.
- Tax to be implemented effective July 1<sup>st</sup>, 2024.

**Notes for 2024 Budget**

- This does not change the budget for 2024. Budget was set in September, prior to the vote.
- 2024 Budget was set at a 56.25 Mill Levy rate, with the assumption that a higher valuation would make the actual rate closer to 53-54.
- With the final valuations in, the effective rate for 2024 will be 51.89.
- On a home with a \$300K valuation, this means a reduction of \$240 in 2024 versus 2023.
- Since the new sales tax funds were not budgeted to be spent in 2024, approximately 5 months-worth of sales tax (or \$150K) will be a part of our beginning year cash balance in 2025.

**Notes for 2025 Budget**

- Will begin preparing budget in April of 2024
- Targeting a mill levy of 48 for 2025.
- This equates to at minimum an 11.25 rate reduction in the mill levy over a 2-year period.
- On a home with a \$300K valuation, this now adds up to a reduction of \$350 in 2025 versus 2023.
- Considerations will continue to be made for inflation, potential cost cutting, as well as CIP projects and transfers.
- We will not have the luxury of knowing the results of the 2024 Presidential election prior to setting our 2025 budget.

## Executive Session motion

Moved:

That the governing body recess into executive session IAW K.S.A. 75-4319(b) to discuss non-elected personnel matters/attorney client privilege. Further, required to attend this session is the Mayor, City Attorney, City Administrator and the City Council. Further, that the governing body return to open session at \_\_\_\_\_PM