

119 North Hersey Avenue  
P.O. Box 567  
Beloit, Kansas 67420  
Phone: 785-738-3551  
Fax: 785-738-2517  
www.beloitks.org

## 1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance

## 2. MAYOR AND COUNCIL REPORTS

## 3. STAFF REPORTS

- A. City Attorney Report
- B. City Manager Report
  - a. SRTS 2B, 2C, 2D
  - b. KDHE Construction Financing
  - c. USDA RD Permanent Financing
  - d. WTP/Pipeline Info Meeting
  - e. Signage Committee
  - f. Health Insurance Broker
  - g. Sales Tax
- C. Police Chief Report
- D. Community Development Report

## 4. PUBLIC COMMENT

## 5. CONSENT AGENDA

- A. 2/18/2020 City Council Meeting Minutes
- B. Appropriations 3A

## 6. ORDINANCES

- A. Ordinance 2268- Ordinance Amending the City of Beloit Zoning Code of Ordinances
- B. Ordinance 2269- Ordinance for Chamber Banquet at Municipal Building

## 7. RESOLUTIONS

- A. Resolution 2020-3 IRB Release of Real Estate for Porter House
- B. Resolution 2020-4 North Central Hazard Mitigation Plan

# CITY COUNCIL AGENDA

**Tuesday, March 3, 2020**  
**7:00 p.m.**

## 8. FORMAL ACTIONS

- A. Indemnification Agreement- Porter House Apartments Bond Payoff
- B. CDBG Housing Rehab Bid Awards
- C. Network/Computer Bid
- D. Airport Navigation Beacon Bid

## 9. CLOSED SESSION

- A. Executive session for a discussion of the acquisition of real property pursuant to K.S.A. 75-4319(b)(6). The open meeting will resume at a time designated by the Council.

## 10. ADJOURNMENT

### ***WORK SESSION AGENDA***

## 1. CORRESPONDENCE AND STAFF REPORTS

- A. City Attorney Report
- B. City Manager Report

## 2. DISCUSSION ITEMS

- A. 2020 CIP Review
- B. Crosswalk Options
- C. Aerial Applicator Agreement
- D. Meeting Change
- E. Administration Office Upgrade Quotes
- F. NC Admin Building Usage

## 3. ADJOURNMENT

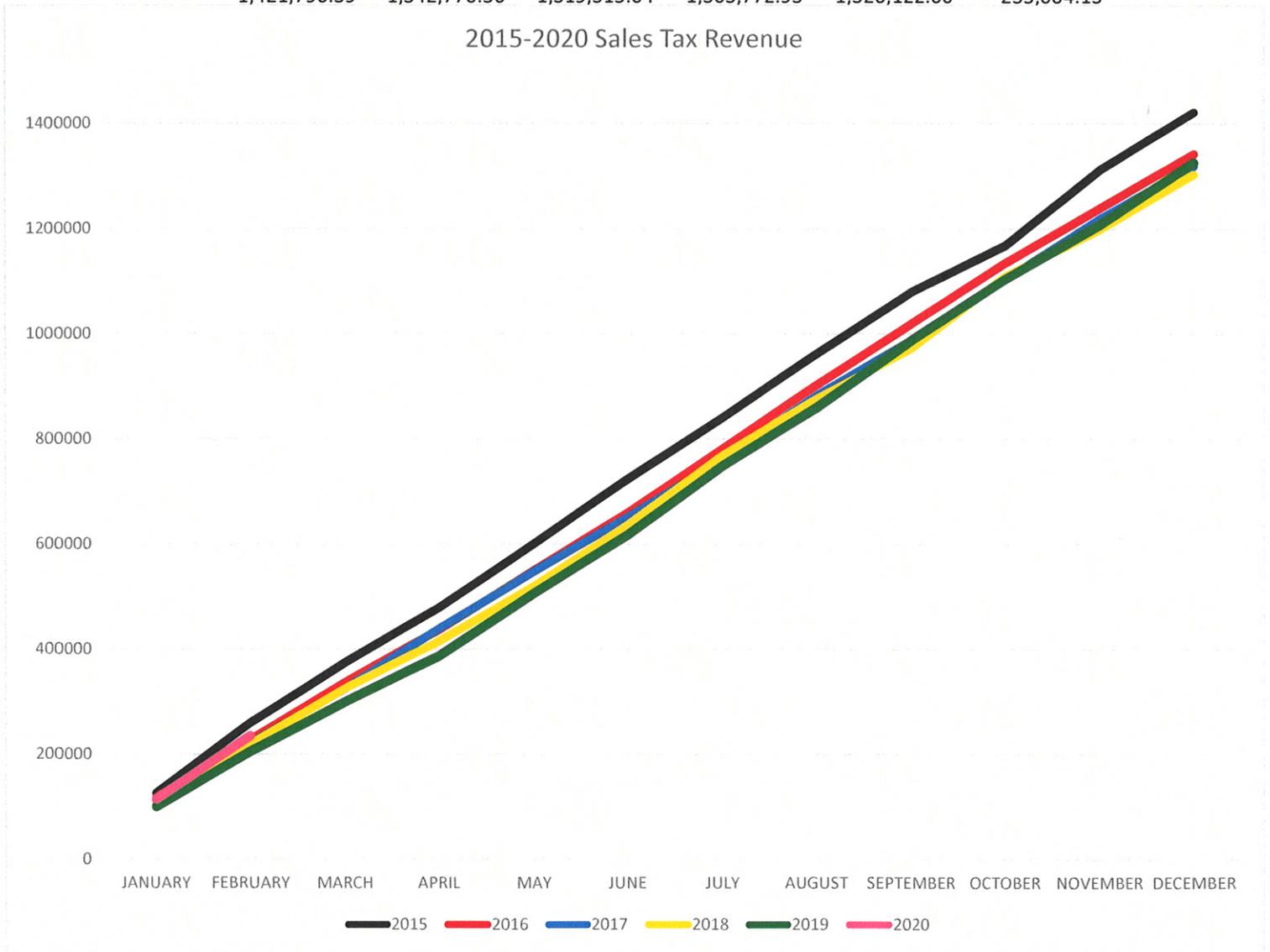
**NOTE: Background information is available for review in the office of the City Clerk prior to the meeting.**

**The Public Comment section is to allow members of the public to address the Council on matters pertaining to any business within the scope of Council authority and not appearing on the Agenda. Kansas Statutes prohibit the Council from taking action on any item not appearing on the Agenda, except where an emergency is determined to exist.**

CITY OF БЕЛОIT SALES TAX REVENUE

SALES TAX	2015	2016	2017	2018	2019	2020
JANUARY	125,983.23	117,774.02	102,747.05	109,162.19	100,234.82	114,533.69
FEBRUARY	134,134.78	109,648.83	118,085.61	109,501.08	104,748.92	120,470.44
MARCH	115,205.86	109,246.42	103,763.45	106,384.25	94,525.59	
APRIL	103,651.62	99,984.99	113,938.45	89,916.96	87,499.43	
MAY	121,941.32	113,426.40	109,437.07	104,627.60	119,176.31	
JUNE	122,286.55	109,101.67	102,372.18	115,972.71	111,186.28	
JULY	117,642.41	122,005.99	110,024.70	133,246.04	131,660.73	
AUGUST	120,715.96	120,558.69	121,068.11	106,519.70	110,232.51	
SEPTEMBER	118,541.72	117,954.54	107,033.90	97,207.55	128,919.86	
OCTOBER	88,173.61	114,790.42	114,683.22	136,175.60	115,689.81	
NOVEMBER	144,227.38	104,749.92	115,654.49	90,159.84	103,917.93	
DECEMBER	109,291.95	103,528.67	100,506.81	104,899.41	118,329.81	
	1,421,796.39	1,342,770.56	1,319,315.04	1,303,772.93	1,326,122.00	235,004.13

2015-2020 Sales Tax Revenue



BELOIT CITY COUNCIL MEETING MINUTES  
February 18, 2020

The Beloit City Council met in regular session on February 18, 2020 in the Council Chambers. Council President Andrew Grabon called the meeting to order at 7:00 p.m. Council Members in attendance were Andrew Grabon, Matt Otte, Todd Adolph. Tony Gengler by telephone conference. Also present was City Manager Jason Rabe, and Deputy City Clerk Jessica Rosebaugh. Absent from the meeting was Mayor Tom Naasz, City Attorney Katie Schroeder, City Clerk Amanda Lomax, and Councilors Jamie Meier, Lee McMillan.

Department heads in attendance was Steve Krier, Heather Hartman, and Mike Clark.

Council President Andrew Grabon gave the invocation and the Pledge of Allegiance was recited.

Councilor Otte thanked the city for the use of chairs.

City Manager Jason Rabe discussed the following:

1. Water Treatment Plant/Pipeline update – There will be an open meeting February 19<sup>th</sup> discussing the pipeline project.
2. Upcoming bids that will be on the next agenda is a navigational beacon for the airport and computer network bid.
3. Working on design for the office furniture for the front office.
4. Drainage study is progressing.
5. Facebook review.
6. The Porter House is being sold and next meeting there will be action items the to release them from their IRB for the sale.

A motion was made by Councilor Otte and seconded by Councilor Adolph to approve the February 4, 2020 Council Meeting Minutes, and Appropriations 2B in its entirety. Motion carried 4-0. Nays: None.

A motion was made by Councilor Adolph and seconded by Councilor Otte to approve Ordinance 2267 Amending the 12 Street Closure. Motion carried 4-0. Nays: None.

A motion was made by Councilor Otte and seconded by Councilor Adolph to approve the 8<sup>th</sup> Street CIR Bid from Coughlin Company for the amount of \$118,325.00. Motion carried 4-0. Nays: None.

A motion was made by Councilor Otte and seconded by Councilor Adolph to approve the Airport Bat Wing Mower Bid from Jewell Implement for the amount of \$14,500.00. KAIP will pay 50% through airport grant money. Motion carried 4-0. Nays: None.

A motion was made by Councilor Adolph and seconded by Councilor Otte to approve the JD Gator UTV with a JD V-Blade Bid from Carrico Implement for the amount of \$24,000.00. KAIP will pay 50% through airport grant money. Motion carried 4-0. Nays: None.

A motion was made by Councilor Gengler and seconded by Councilor Otte to approve the Olsson Engineering Agreement for the Moritz Memorial Airport grading and apron rehabilitation project for the amount of \$36,000.00. Motion carried 4-0. Nays: None.

A motion was made by Councilor Otte and seconded by Councilor Adolph to approve the Image Quest 60 month Lease for a Xerox AltaLink C8055 for the amount of \$401.23 per month. Motion carried 4-0. Nays: None.

A motion was made by Councilor Otte and seconded by Councilor Adolph to adjourn the meeting. Motion carried 4-0. The meeting ended at 7:24 p.m.

No Work Session.

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ANDREW GRABON, Council President

ATTEST:

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JESSICA ROSEBAUGH, Deputy City Clerk



# Accounts Payable Detail Listing

City of Beloit

**Vend# Vendor Name**

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
<b>236 FOUTS INSURANCE AGENCY INC. (continued)</b>								
79314	3/5/2020	3/5/2020	130.00					Posted
	10-13-5220			16253-REM 07 CHRYSLER/ADD 13 FORI			30.00 ✓	0.00
	10-12-5250			16252-PUBLIC OFFICIAL BOND-S. WRIG			100.00 ✓	0.00
							130.00 ✓	0.00
<b>3319 GWORKS</b>								
79315	3/5/2020	3/5/2020	6,300.00	2019-10168				Posted
	10-11-3000			ANNUAL SIMPLICITY SUBSCRIPTION &			1,050.00 ✓	0.00
	53-43-3000			ANNUAL SIMPLICITY SUBSCRIPTION &			1,050.00 ✓	0.00
	52-43-3000			ANNUAL SIMPLICITY SUBSCRIPTION &			1,050.00 ✓	0.00
	51-43-3000			ANNUAL SIMPLICITY SUBSCRIPTION &			1,050.00 ✓	0.00
	51-41-3000			ANNUAL SIMPLICITY SUBSCRIPTION &			1,050.00 ✓	0.00
	10-15-3000			ANNUAL SIMPLICITY SUBSCRIPTION &			1,050.00 ✓	0.00
							6,300.00 ✓	0.00
<b>3078 HISEROTE TRASH SERVICE</b>								
79337	3/5/2020	3/5/2020	17,678.12					Posted
	54-41-3000			TRASH COLLECTION			17,678.12 ✓	0.00
<b>3256 HUBER &amp; ASSOCIATES, INC.</b>								
79324	3/5/2020	3/5/2020	2,473.00	CW155311				Posted
	10-13-7460			ENTERPOL LICENSE & OPERATING SYE			2,473.00 ✓	0.00
<b>2554 ERIC INGRAM</b>								
79325	3/5/2020	3/5/2020	2,684.50	167				Posted
	10-13-7440			INSTALLATION OF LIGHTS, RADIOS, CA			2,684.50 ✓	0.00
<b>2220 INTERNET CORPORATION LISTING SERVICE</b>								
79316	3/5/2020	3/5/2020	65.00	EA093937				Posted
	10-11-3000			ANNUAL WEBSITE SEARCH ENGINE LIS			65.00 ✓	0.00
<b>3039 KACE</b>								
79326	3/5/2020	3/5/2020	219.00					Posted
	10-11-2400			SPRING CONFERENCE			219.00 ✓	0.00
<b>2305 KANSAS SAMPLER FOUNDATION</b>								
79319	3/5/2020	3/5/2020	75.00	19677				Posted
	26-00-2400			WEKAN CONFERENCE REGISTRATION			75.00 ✓	0.00
<b>1887 KMEA GRDA OPERATING FUND</b>								
79349	3/5/2020	3/5/2020	91,076.55	GRDA-BE-20-03				Posted
	53-41-6220			MARCH SERVICE			91,076.55 ✓	0.00
<b>556 KMEA WAPA OPERATING FUND</b>								
79348	3/5/2020	3/5/2020	10,768.56	WAPA-BL-20-02				Posted
	53-41-6220			FEBRUARY SERVICE			10,768.56 ✓	0.00
<b>366 KMEA/KMGA</b>								
79317	3/5/2020	3/5/2020	3,651.99	KMGA-BL-2020-01				Posted
	10-19-6210			JANUARY SERVICE			3,651.99 ✓	0.00
79318	3/5/2020	3/5/2020	198.08	KMGA-BE-2020-01				Posted
	53-41-6210			JANUARY SERVICE			198.08 ✓	0.00
<b>1037 LATTIN AVIATION-TRAVIS LATTIN</b>								
79306	3/5/2020	3/5/2020	1,200.00					Posted
	10-22-3000			SERVICE CONTRACT-MARCH			1,200.00 ✓	0.00
<b>188 LAWSON PRODUCTS INC</b>								
79350	3/5/2020	3/5/2020	290.80	9307265283				Posted
	53-41-6000			EAR PLUGS, SCREW, NUT, DRILL BITS			290.80 ✓	0.00
<b>409 LIGHT &amp; WATER UTILITIES</b>								

# Accounts Payable Detail Listing

City of Beloit

**Vend# Vendor Name**

Pay#	Post Date	Due Date	Amount	Invoice	Date	PO#	Description	Debit	Credit	Status
Account#	Work Order									
409	<b>LIGHT &amp; WATER UTILITIES (continued)</b>									
79370	3/5/2020	3/5/2020	31,153.55							Posted
	10-11-6220			ADMIN				3,209.39 ✓	0.00	
	10-11-6220			ADMIN SHARE				50.48 ✓	0.00	
	10-13-6220			PD SHARE				50.48 ✓	0.00	
	51-41-6220			WATER SHARE				50.47 ✓	0.00	
	10-14-6220			FIRE DEPT				246.34 ✓	0.00	
	10-15-6220			TRANSPORTATION				484.48 ✓	0.00	
	10-18-6220			PARKS & REC				399.88 ✓	0.00	
	10-20-6220			CEMETERY				218.37 ✓	0.00	
	10-22-6220			AIRPORT				388.58 ✓	0.00	
	51-41-6220			WATER PLANT				8,466.13 ✓	0.00	
	52-41-6220			SEWER PLANT				10,582.18 ✓	0.00	
	53-41-6220			POWER PLANT				493.93 ✓	0.00	
	51-43-6220			WATER SYSTEMS				205.11 ✓	0.00	
	52-43-6220			SEWER SYSTEMS				205.11 ✓	0.00	
	53-43-6220			SYSTEMS OP SHARE				205.11 ✓	0.00	
	51-43-6220			SYSTEMS OP SHARE				34.01 ✓	0.00	
	52-43-6220			SYSTEMS OP SHARE				34.01 ✓	0.00	
	53-43-6220			SYSTEMS OP SHARE				34.01 ✓	0.00	
	10-13-6220			PD SHARE				34.00 ✓	0.00	
	53-43-6220			ELECTRIC SYSTEMS				69.45 ✓	0.00	
	10-19-6220			NORTH CAMPUS				5,588.24 ✓	0.00	
	10-21-6220			POOL				83.29 ✓	0.00	
	10-13-6220			PD				20.50 ✓	0.00	
								<u>31,153.55 ✓</u>	<u>0.00</u>	
424	<b>MCHENRY ELECTRIC &amp; SUPPLY</b>									
79340	3/5/2020	3/5/2020	77.14							Posted
	10-15-4330			025362-OIL				12.00 ✓	0.00	
	10-15-4330			025342-CLAMP & HOUSING FOR POLE S				65.14 ✓	0.00	
								<u>77.14 ✓</u>	<u>0.00</u>	
2726	<b>MID-AMERICAN RESEARCH CHEMICAL</b>									
79362	3/5/2020	3/5/2020	288.37	0687549-IN						Posted
	52-41-6170			BUG & HORNET KILLER				288.37 ✓	0.00	
456	<b>MITCHELL COUNTY COMMUNICATIONS CENTER</b>									
79334	3/5/2020	3/5/2020	300.00	133						Posted
	10-14-3000			E-DISPATCH PROGRAM-ANNUAL PAYM				300.00 ✓	0.00	
470	<b>MITCHELL COUNTY SOLID WASTE</b>									
79332	3/5/2020	3/5/2020	15.60	015376A						Posted
	10-19-4300			LUMBER DISPOSAL				15.60 ✓	0.00	
3291	<b>NARTEC, INC</b>									
79327	3/5/2020	3/5/2020	192.84	13845						Posted
	10-13-7440			DRUG TEST AMPULES				192.84 ✓	0.00	
2832	<b>NEX-TECH INC</b>									
79363	3/5/2020	3/5/2020	1,633.00	406810						Posted
	10-11-3360			ADMIN-MARCH CHARGES				1,633.00 ✓	0.00	
2301	<b>NEX-TECH WIRELESS</b>									
79336	3/5/2020	3/5/2020	89.19	7299076						Posted
	25-00-7450			STREET DEPT.-PHONE BILL				89.19 ✓	0.00	
496	<b>NORTH CENTRAL REGIONAL PLANNING</b>									
79358	3/5/2020	3/5/2020	26,500.00							Posted
	30-00-3000			CDBG PROJ. 19-HR-001 HOUSING DEMO				13,250.00 ✓	0.00	
	30-00-3000			3036-REQUEST #2-CONSTRUCTION PH				6,250.00 ✓	0.00	
	30-00-3000			3038-INSPECTION & LEAD ASSESSMEN				7,000.00 ✓	0.00	
								<u>26,500.00 ✓</u>	<u>0.00</u>	
2897	<b>OFFICE DEPOT</b>									
79328	3/5/2020	3/5/2020	357.47							Posted
	10-13-6000			438411259001-TAPE, INK, FOLDERS				184.45 ✓	0.00	
	10-12-6110			438411259001-TAPE, INK, FOLDERS				148.03 ✓	0.00	
	10-12-6110			438412866001-INK STAMP				24.99 ✓	0.00	
								<u>357.47 ✓</u>	<u>0.00</u>	

## Accounts Payable Detail Listing

City of Beloit

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
		<u>Account#</u>	<u>Work Order</u>		<u>Description</u>				<u>Debit</u>	<u>Credit</u>
2645	<b>PRINT SOURCE (continued)</b>									
79366		10-13-6000		3/5/2020	130.18	23109			130.18 ✓	0.00
						UTV PERMIT DECALS				
1118	<b>PROTECTIVE EQUIPMENT TESTING LABORATORY</b>									
79351		53-43-7440		3/5/2020	3,560.54	70125			3,560.54 ✓	0.00
						GLOVES				
3020	<b>JASON RABE</b>									
79369		10-11-5310		3/5/2020	433.33					
		10-11-5800				JAN & FEB CELL PHONE REIMBURSEME			229.40 ✓	0.00
						JAN & FEB MILEAGE REIMBURSEMENT			203.93 ✓	0.00
									433.33 ✓	0.00
2979	<b>RAY'S APPLE MARKET</b>									
79311		10-11-6000		3/5/2020	26.18	6235			26.18 ✓	0.00
						COFFEE				
79330		10-11-6000		3/5/2020	79.26	3373			79.26 ✓	0.00
						KLEENEX, WATER, COFFEE, CREAMER				
79353		10-17-6800		3/5/2020	65.00	5971			65.00 ✓	0.00
						GIFT CARDS				
79357		53-41-6000		3/5/2020	208.32	5616			208.32 ✓	0.00
						WATER				
79359		52-41-6000		3/5/2020	55.92	1267			55.92 ✓	0.00
						WATER, BOUNTY, TP				
2282	<b>ROYAL PUBLISHING</b>									
79320		10-11-5400		3/5/2020	85.00	7989279			85.00 ✓	0.00
						2020 BELOIT WRESTLING AD				
575	<b>SAGE PRODUCTS</b>									
79321		10-11-6000		3/5/2020	63.30	0079726-IN			63.30 ✓	0.00
						TISSUE				
1547	<b>SALINA STEEL SUPPLY INC</b>									
79335		10-18-6130		3/5/2020	250.08	01347083			250.08 ✓	0.00
						TRASH CANS				
582	<b>SALINA SUPPLY COMPANY</b>									
79355		51-41-4360		3/5/2020	1,003.71					
		51-41-4360				S100162779.001-GASKETS, BOLTS, NUT			63.87 ✓	0.00
		51-41-4360				S100162779.003-GASKETS			115.92 ✓	0.00
						S100162779.005-DISC KIT, BODY SEAT			823.92 ✓	0.00
									1,003.71 ✓	0.00
3331	<b>SCOTT-MERRIMAN, INC</b>									
79368		10-13-7440		3/5/2020	615.60	064813			615.60 ✓	0.00
						KS-17-4 KANSAS TRAFFIC CITATIONS				
3301	<b>AMANDA SEYFERT</b>									
79367		10-12-3320		3/5/2020	100.00				100.00 ✓	0.00
						RESTITUTION FOR DOG BITE-20190033				
84	<b>ST JOHN'S SCHOOL - CROSSWALK GUARD</b>									
79305		10-13-3000		3/5/2020	80.00				80.00 ✓	0.00
						CROSSWALK-16 DAYS @ 5.00				
643	<b>STANION WHSE ELECTRIC COMPANY</b>									
79352		53-43-6000		3/5/2020	59.76	4883671-01			59.76 ✓	0.00
						SILICONE LUBRICANT				
697	<b>USD 273</b>									
79304		10-13-3000		3/5/2020	312.00				312.00 ✓	0.00
						CROSSWALK-16 DAYS @ 19.50				
2067	<b>VERIZON WIRELESS SERVICES, LLC</b>									
79322		53-41-5310		3/5/2020	43.24	9848565304			43.24 ✓	0.00
						POWER PLANT STAND-BY PHONE				

# Accounts Payable Detail Listing

City of Beloit

**Vend# Vendor Name**

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
2067	<b>VERIZON WIRELESS SERVICES, LLC (continued)</b>							
79323	3/5/2020	3/5/2020	210.57	9848556195				Posted
	10-11-5310			ADMIN			59.06✓	0.00
	53-43-5310			SYSTEMS			24.06✓	0.00
	52-43-5310			SYSTEMS			27.16✓	0.00
	51-43-5310			SYSTEMS			27.16✓	0.00
	51-43-5310			WATER PLANT STAND BY PHONE			22.08✓	0.00
	10-20-5310			CEMETERY			51.05✓	0.00
							210.57✓	0.00
1649	<b>WILLOW SPRINGS SERVICES INC</b>							
79344	3/5/2020	3/5/2020	685.82	20906				Posted
	10-22-3000			REPAIR FLOOR HEAT			685.82✓	0.00
753	<b>WORLD PEST CONTROL</b>							
79345	3/5/2020	3/5/2020	500.00	45357				Posted
	10-15-3000			TERMITE ANNUAL			500.00✓	0.00
758	<b>ZEP INC.</b>							
79356	3/5/2020	3/5/2020	356.28	9004892296				Posted
	51-41-6000			ZEP SHIELD-5 GAL			356.28✓	0.00

215,119.49 62 Non-voided payables listed.

Report Setup  
 AP - Accounts Payable Listing : Vendor Name  
 Filter Options  
 Starting: 3/5/2020  
 Ending: 3/5/2020  
 Banks: All  
 Payable Status: Posted, Printed, ACH, Recorded, Voided  
 All Vendors Selected

## REQUEST FOR COUNCIL ACTION

**DATE:** 3/3/2020

**TITLE:** Ordinance 2268 2020 Zoning Regulations of the City of Beloit

**ORIGINATING DEPARTMENT:**

Administration

**TYPE OF ACTION:**

ORDINANCE

RESOLUTION

FORMAL ACTION

OTHER

### RECOMMENDATION:

I recommend that Council approve Ordinance 2268 2020 Zoning Regulations of the City of Beloit.

### BACKGROUND:

The City of Beloit Planning Commission has been reviewing and updating the Zoning Code for the last year during their regular meetings. They recommended the final document for approval to the City Council at their February 3rd meeting. The highlights of the changes were reviewed with council over the course of two work sessions. The final version of the code can be viewed on our city website and by following the link supplied in your packet email.

### FINANCIAL IMPACT:

### OPTIONS:

### DISCUSSION:

Respectfully submitted,  
Jason Rabe  
City Administrator

## **ORDINANCE NO. 2268 SUMMARY**

On March 3, 2020 the City of Beloit, Kansas adopted Ordinance No. 2268, which adopts 2020 Zoning Regulations for the City of Beloit, replacing in its entirety the existing Zoning Regulations for the City of Beloit. A complete copy of this ordinance is available at [www.beloitks.org](http://www.beloitks.org) or at City Hall, 119 S. Hersey St. This summary certified by Katie J. Schroeder, Beloit City Attorney.

## ORDINANCE NO. 2268

AN ORDINANCE ADOPTING NEW ZONING REGULATIONS AND FOR THE CITY OF BELOIT, KANSAS, REPLACING IN ITS ENTIRETY THE EXISTING ZONING REGULATIONS FOR THE CITY OF BELOIT; INCORPORATING BY REFERENCE THE "**2020 ZONING REGULATIONS OF THE CITY OF BELOIT**"; AND REPEALING THOSE PORTIONS OF ORDINANCE NO. 2188 ADOPTING ZONING REGULATIONS.

WHEREAS, the Planning Commission has determined a need to adopt new zoning regulations.

WHEREAS, proper notice was published on January 8, 2020 in the official City newspaper once at least twenty (20) days prior to the public hearing on the proposed new regulations; and

WHEREAS, the Planning Commission held a public hearing on the proposed City of Beloit zoning regulations on February 3, 2020 at 5:30 p.m. at which public comments were encouraged; and

WHEREAS, on February 3, 2020, the Planning Commission adopted Resolution PC-20-01, titled "A Resolution Adopting New Zoning Regulations for the City of Beloit, Kansas, Replacing in its Entirety the Existing Zoning Regulations for the City of Beloit."

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

**Section 1:** The Governing Body of the City of Beloit, Kansas, hereby adopts the 2020 Zoning Regulations. Said Zoning Regulations shall be known as the "**2020 Zoning Regulations of the City of Beloit.**"

**Section 2:** There is hereby incorporated herein by reference the City of Beloit 2020 Zoning Regulations adopted by the Governing Body on March 3, 2020, in code form as that term is defined in K.S.A. 12-3301(c), such incorporation by reference being authorized by K.S.A. 12-3009 to and including 12-3012.

Not less than three (3) copies of this Ordinance No. 2268, to each of which shall be attached a copy of the **2020 Zoning Regulations of the City of Beloit**, marked or stamped as "**official copy as incorporated by Ordinance No. 2268,**" shall be filed with the City Clerk to be open to inspection and available to the public at all

reasonable business hours. All departments of the City charged with enforcement of the Zoning Regulations shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

**Section 3:** The 2020 Zoning Regulations of the City of Beloit replaces in its entirety the Zoning Regulations dated July 5, 2016 approved by Ordinance 2188, as amended. The portions of Ordinance 2188 adopting the Zoning Regulations is hereby repealed. The Zoning Map adopted in 2016 remains intact until revised by subsequent ordinance.

**Section 4:** This Ordinance shall take effect and be in full force from and after its passage and one publication in the official city newspaper.

PASSED and ADOPTED by the Governing Body and signed by the Mayor this 3<sup>rd</sup> day of March, 2020.

---

Tom Naasz, Mayor

Attest:

---

Amanda J. Lomax, City Clerk

## REQUEST FOR COUNCIL ACTION

**DATE:** 3/3/2020

**TITLE:** Ordinance 2269 Chamber Banquet Special Event Permit

**ORIGINATING DEPARTMENT:**

Administration

**TYPE OF ACTION:**

**ORDINANCE**

**RESOLUTION**

**FORMAL ACTION**

**OTHER**

**RECOMMENDATION:**

I recommend that the city council approve Ordinance 2268 Chamber Banquet Special Event Permit.

**BACKGROUND:**

The Chamber Banquet event will be held in the Municipal Gymnasium on April 4, 2020.

**FINANCIAL IMPACT:**

**OPTIONS:**

**DISCUSSION:**

Respectfully submitted,  
Jason Rabe  
City Manager

## **ORDINANCE NO. 2269**

AN ORDINANCE OF THE CITY OF BELOIT, KANSAS, DESIGNATING A SPECIAL EVENT AND GRANTING A SPECIAL EVENT PERMIT IN THE CITY OF BELOIT, KANSAS.

**WHEREAS**, Chamber of Commerce by and is planning a fundraising banquet on Saturday, April 4, 2020; and

**WHEREAS**, the Governing Body desires to allow this celebration in support of Chamber of Commerce; and

**WHEREAS**, K.S.A. 41-719 and 41-2645 allow for a city to designate a special event as a condition precedent to allowing the State of Kansas the discretion to issue temporary permits for the sale of alcohol or to allow the consumption of alcohol at a fundraising event; and

**WHEREAS**, the City of Beloit has been asked to make such designation as a prelude for business and individuals to request temporary permits from the State of Kansas for the sale and consumption of alcoholic liquor on public streets, alleys, sidewalks, roads or highways at special events as defined by K.S.A. 41-719(a)(2).

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

**SECTION 1:** The City of Beloit hereby designates the Chamber of Commerce fundraising banquet on April 4, 2020 as a special event in Beloit, Kansas. This special event will be for one day, April 4, 2020.

**SECTION 2:** This ordinance shall be in full force and effect from and after its passage and publication according to law.

**PASSED** and **ADOPTED** by the Governing Body and signed by the Mayor this 3rd day of March, 2020.

\_\_\_\_\_  
Tom Naasz, Mayor

ATTEST:

\_\_\_\_\_  
Amanda J. Lomax, City Clerk

## REQUEST FOR COUNCIL ACTION

**DATE:** 3/3/2020

**TITLE:** Resolution 2020-3 Authorizing to Execute a Release of Real Estate

**ORIGINATING DEPARTMENT:**

Administration

**TYPE OF ACTION:**

ORDINANCE

RESOLUTION

FORMAL ACTION

OTHER

**RECOMMENDATION:**

I recommend that Council approve the Resolution 2020-3 Authorizing to Execute a Release of Real Estate for the Porter House Apartments, LLC.

**BACKGROUND:**

The Porter House is in the process of being sold to a new ownership group. The former owners utilized an Industrial Revenue Bond (IRB) to finance the purchase of the property, of which in order to complete the sale the City of Beloit must release their lien on the real estate. An IRB is a popular way for new or growing businesses to finance the purchase of land, buildings, or capital equipment as the bond is issued by the participating governmental unit which allows it to be a tax exempt bond. This status makes it lucrative to investors and also provides a lower interest rate to the borrower. The City of Beloit's role in IRB's is passive, as we are just the mechanism for the lender and the borrower to utilize these types of financing tools. Other entities such as the Beloit Medical Center and Hilltop Retirement Home have utilized IRB's and have since been sold or paid off.

**FINANCIAL IMPACT:**

There is no financial impact approving this item.

**OPTIONS:**

**DISCUSSION:**

Respectfully submitted,  
Jason Rabe  
City Administrator

**RESOLUTION NO. 2020-3**

A RESOLUTION AUTHORIZING THE CITY OF BELOIT, KANSAS, TO EXECUTE A RELEASE OF REAL ESTATE AND OTHER RELEASE DOCUMENTS AND TO TAKE CERTAIN OTHER ACTIONS TO CONVEY THE PROJECT TO THE LESSEE PURSUANT TO THE LEASE IN CONNECTION WITH THE CITY'S \$2,790,000 FEDERALLY TAXABLE MULTIFAMILY HOUSING REVENUE BONDS, SERIES 2004 (PORTER HOUSE APARTMENTS, LLC PROJECT).

WHEREAS, the City of Beloit, Kansas (the "City") is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct and equip certain facilities (as defined in the Act), and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the City passed Ordinance No. 1993 on November 16, 2004 (the "Ordinance"), authorizing the issuance of its Federally Taxable Multifamily Housing Revenue Bonds, Series 2004 (Porter House Apartments, LLC Project) (the "Bonds"), in the aggregate principal amount of \$2,790,000, consisting of \$590,000 Series 2004A Bonds (the "Series A Bonds") and \$2,200,000 Subordinate Series 2004B Bonds (the "Series B Bonds"), pursuant to a Trust Indenture dated as of December 1, 2004 (the "Indenture"), by and between the City and First National Bank of Hutchinson, as trustee (the "Trustee"), for the purpose of providing funds to finance the acquisition, rehabilitation, renovation and construction of a multifamily residential rental housing facility, including 30 units of senior affordable housing, located at 209 E. Main, Beloit, Kansas (the "Project") for the benefit of Porter House Apartments, LLC (the "Lessee"); and

WHEREAS, the Lessee leased the Project to the City pursuant to a Base Lease Agreement dated as of December 1, 2004 (the "Base Lease"), by and between the Lessee and the City; and

WHEREAS, the City leased the Project to the Lessee pursuant to a Lease Agreement dated as of December 1, 2004 (the "Lease"), by and between the City and the Lessee; and

WHEREAS, in order to secure the payment of the principal of and interest on the Series A Bonds, by way of payments under the Lease or otherwise, the Lessee, as Mortgagor, granted to the Trustee, as Mortgagee, a Mortgage, Assignment of Rents and Security Agreement dated as of December 1, 2004; and

WHEREAS, the Lease Term described in the Lease ended on January 1, 2020, and the Trustee has or will certify that the Bonds have been paid in full; and

WHEREAS, pursuant to Article XI, Section 11.4 of the Lease, the Lessee has the obligation to purchase, and the City has agreed to sell, the City's interest in the Project for the sum of \$100 at the expiration of the Lease Term following full payment of the Bonds and satisfaction of the terms and conditions of the Lease; and

WHEREAS, pursuant to Article XI of the Lease, the City must sell and convey the City's interest in the Project to the Lessee free and clear of all liens and encumbrances whatsoever except those to which the title was subject on the date of the Lessee's conveyance to the City of a leasehold interest in the Project or to which title became subject with the Lessee's written consent, or which resulted from any failure of the Lessee to perform any of its covenants or obligations under the Lease and the rights and title of any condemning authority, if any, for a purchase price of the sum of an amount of money sufficient to pay the Bonds in full, plus an amount of money equal to the City's and Trustee's costs and expenses, including attorney fees, in connection with the redemption of the Bonds plus the sum of \$100; and

WHEREAS, pursuant to Article XI, Section 11.2 of the Lease, the City will deliver to the Lessee documents properly executed and conveying the Project to the Lessee free and clear of all liens and encumbrances whatsoever except as stated in Section 11.2 of the Lease upon the payment of the full purchase price for the Project, the execution by the Lessee of the Indemnification Agreement and the receipt by the City of the certificate of the Trustee that the Bonds have been paid in full; and

WHEREAS, the governing body of the City finds and determines that it is necessary and desirable for the City to enter into certain documents and take certain other actions and approve the execution of certain other documents as herein provided to convey the Project to the Lessee;

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

**Section 1. Conveyance.** The City hereby approves the sale and conveyance of the Project, as provided in the Lease; provided, however, that prior to such sale and conveyance, the City shall have received the Indemnification Agreement executed by the Lessee, the \$100 purchase price and the certificate of the Trustee that the Bonds have been paid in full or provision has been made therefore. It shall also be a requirement for the sale and conveyance of the Project that no event of default has occurred or continues under the Lease, including that the Lessee is current in the payment of all taxes and assessments.

**Section 2. Authorization and Execution of Documents.** The Mayor is hereby authorized and directed to execute and deliver the Release of Real Estate and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution (the "Release Documents") (copies of said documents shall be filed in the records of the City) for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized and directed to attest to and affix the seal of the City to the Release Documents.

**Section 3. Further Authority.** The City shall, and the officers and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the City with respect to the Release Documents.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

THIS RESOLUTION IS HEREBY ADOPTED by the governing body of the City of Beloit, Kansas, this \_\_\_\_ day of March, 2020.

CITY OF BELOIT, KANSAS

By: \_\_\_\_\_  
Tom Naasz  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Amanda Lomax  
City Clerk

**RELEASE OF REAL ESTATE**

FOR VALUE RECEIVED, THE CITY OF BELOIT, KANSAS (the “Issuer”) and PORTER HOUSE APARTMENTS, LLC, a Kansas limited liability company (the “Lessee”), hereby release and discharge the property attached hereto as Exhibit A from the following documents, including all liens described thereon, all recorded in the office of the Register of Deeds of Mitchell, Kansas:

1. Base Lease Agreement, as memorialized by a Memorandum of Base Lease dated as of December 1, 2004, by and between the Lessee and the Issuer, recorded December 30, 2004, in Book 110A of Misc. Page 151-157.
2. Lease Agreement, as memorialized by a Memorandum of Lease Agreement dated as of December 1, 2004, by and between the Issuer and the Lessee, recorded December 30, 2004, in Book 110A of Misc. Page 158-164.

This Release of Real Estate is dated as of this \_\_\_\_ day of March, 2020.

IN WITNESS WHEREOF, the City of Beloit, Kansas has hereunto caused this Release of Real Estate to be signed on its behalf as of the date first above written.

CITY OF BELOIT, KANSAS

By: \_\_\_\_\_  
Tom Naasz, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Amanda Lomax, City Clerk

IN WITNESS WHEREOF, Porter House Apartments, LLC has hereunto caused this Release of Real Estate to be signed on its behalf as of the date first above written.

PORTER HOUSE APARTMENTS, LLC,  
a Kansas limited liability company

By: MIDWEST HOUSING ASSISTANCE CORPORATION  
Its Managing Member

By: \_\_\_\_\_  
John J. Wiechmann  
President

**ACKNOWLEDGMENT**

STATE OF KANSAS                    )  
  ) SS:  
COUNTY OF MITCHELL            )

BE IT REMEMBERED that on March \_\_, 2020, before me, the undersigned, a Notary Public in and for said State, came Tom Naasz, as Mayor of the City of Beloit, Kansas, a municipal corporation duly organized and existing under the laws of the State of Kansas, and Amanda Lomax, as City Clerk, who are personally known to me to be the same persons who executed the foregoing instrument of writing as such officers, and said Tom Naasz, as Mayor, duly acknowledged the execution of the same to be the act of the City of Beloit, Kansas; and Amanda Lomax, as City Clerk, duly acknowledged the attestation of the same for and on behalf of the City of Beloit, Kansas, and affixed thereto the seal of the City of Beloit, Kansas.

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

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

My commission expires:

**ACKNOWLEDGMENT**

STATE OF NEBRASKA            )  
  ) SS:  
COUNTY OF DOUGLAS        )

BE IT REMEMBERED, that on March \_\_, 2020, before me, the undersigned, a Notary Public in and for said State, came John J. Wiechmann., President of Midwest Housing Assistance Corporation, Managing Member of Porter House Apartments, LLC, a Kansas limited liability company, who is personally known to me to be the same person who executed the foregoing document, and said John J. Wiechmann, as President, duly acknowledged the execution of the same to be the act of said limited liability company.

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

\_\_\_\_\_

Notary Public

My commission expires:

\_\_\_\_\_

**EXHIBIT A**

Tract 1: Lot 9 and the East 30 feet of Lot 10, Block 11, Original Town of Beloit, Mitchell County, Kansas.

Tract 2: Lot 4, Block 11, Original City of Beloit, Mitchell County, Kansas.

**RELEASE OF REAL ESTATE**

FOR VALUE RECEIVED, THE CITY OF BELOIT, KANSAS (the “Issuer”) and PORTER HOUSE APARTMENTS, LLC, a Kansas limited liability company (the “Lessee”), hereby release and discharge the property attached hereto as Exhibit A from the following documents, including all liens described thereon, all recorded in the office of the Register of Deeds of Mitchell, Kansas:

1. Base Lease Agreement, as memorialized by a Memorandum of Base Lease dated as of December 1, 2004, by and between the Lessee and the Issuer, recorded December 30, 2004, in Book 110A of Misc. Page 151-157.
2. Lease Agreement, as memorialized by a Memorandum of Lease Agreement dated as of December 1, 2004, by and between the Issuer and the Lessee, recorded December 30, 2004, in Book 110A of Misc. Page 158-164.

This Release of Real Estate is dated as of this \_\_\_\_ day of March, 2020.

IN WITNESS WHEREOF, the City of Beloit, Kansas has hereunto caused this Release of Real Estate to be signed on its behalf as of the date first above written.

CITY OF BELOIT, KANSAS

By: \_\_\_\_\_  
Tom Naasz, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Amanda Lomax, City Clerk

IN WITNESS WHEREOF, Porter House Apartments, LLC has hereunto caused this Release of Real Estate to be signed on its behalf as of the date first above written.

PORTER HOUSE APARTMENTS, LLC,  
a Kansas limited liability company

By: MIDWEST HOUSING ASSISTANCE CORPORATION  
Its Managing Member

By: \_\_\_\_\_  
John J. Wiechmann  
President

**ACKNOWLEDGMENT**

STATE OF KANSAS                    )  
  ) SS:  
COUNTY OF MITCHELL            )

BE IT REMEMBERED that on March \_\_, 2020, before me, the undersigned, a Notary Public in and for said State, came Tom Naasz, as Mayor of the City of Beloit, Kansas, a municipal corporation duly organized and existing under the laws of the State of Kansas, and Amanda Lomax, as City Clerk, who are personally known to me to be the same persons who executed the foregoing instrument of writing as such officers, and said Tom Naasz, as Mayor, duly acknowledged the execution of the same to be the act of the City of Beloit, Kansas; and Amanda Lomax, as City Clerk, duly acknowledged the attestation of the same for and on behalf of the City of Beloit, Kansas, and affixed thereto the seal of the City of Beloit, Kansas.

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

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

My commission expires:

**ACKNOWLEDGMENT**

STATE OF NEBRASKA            )  
  ) SS:  
COUNTY OF DOUGLAS        )

BE IT REMEMBERED, that on March \_\_, 2020, before me, the undersigned, a Notary Public in and for said State, came John J. Wiechmann., President of Midwest Housing Assistance Corporation, Managing Member of Porter House Apartments, LLC, a Kansas limited liability company, who is personally known to me to be the same person who executed the foregoing document, and said John J. Wiechmann, as President, duly acknowledged the execution of the same to be the act of said limited liability company.

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

\_\_\_\_\_

Notary Public

My commission expires:

\_\_\_\_\_

**EXHIBIT A**

Tract 1: Lot 9 and the East 30 feet of Lot 10, Block 11, Original Town of Beloit, Mitchell County, Kansas.

Tract 2: Lot 4, Block 11, Original City of Beloit, Mitchell County, Kansas.

## REQUEST FOR COUNCIL ACTION

**DATE:** 3/3/2020

**TITLE:** Resolution 2020-4 North Central Hazard Mitigation Plan

**ORIGINATING DEPARTMENT:**

Administration

**TYPE OF ACTION:**

ORDINANCE

RESOLUTION

FORMAL ACTION

OTHER

**RECOMMENDATION:**

I recommend that Council approve Resolution 2020-4 North Central Multi-Hazard, multi-Jurisdictional Hazard Mitigation Plan.

**BACKGROUND:**

This plan is developed by the Mitchell County Emergency Director and in conjunction with counterpart agencies across North Central Kansas. This plan gets reviewed and approved by the Kansas Division of Emergency Management and FEMA Region VII. This action will merely adopt the plan by our particular jurisdiction.

**FINANCIAL IMPACT:**

**OPTIONS:**

**DISCUSSION:**

Respectfully submitted,  
Jason Rabe  
City Administrator

FEMA rules require that the Kansas Mitigation Plan be updated every five years.

The North Central Kansas Region F Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan has been approved by the Kansas Division of Emergency Management through the year 2025.

This Hazard Mitigation Plan addresses a comprehensive list of hazards ranging from tornados to severe weather events such as drought and winter storms, and will assess the likely impacts of these hazards on the county.

By adopting this resolution, your jurisdiction supports this plan that sets goals and prioritizes projects to reduce the impacts of future disasters on people and property.

Please adopt the resolution at your earliest convenience and return by email or mail to:

[Jennifer.l.ellerman.nfg@mail.mil](mailto:Jennifer.l.ellerman.nfg@mail.mil)

[Jeanne.l.bunting.nfg@mail.mil](mailto:Jeanne.l.bunting.nfg@mail.mil)

Kansas Department of Emergency Management  
ATTN: Jennifer Ellerman, Mitigation Planner  
2800 SW Topeka Blvd.  
Topeka, KS 66611

For more information call  
Jennifer Ellerman, State Mitigation Planner, 785-646-2306  
Jeanne Bunting, State Mitigation Officer, 785-646-2307

RESOLUTION No. \_\_\_\_\_

**Adopting the North-Central-(Region F) Multi-Hazard, multi-Jurisdictional Hazard Mitigation Plan**

*Whereas, the City of Beloit* recognizes the threat that natural hazards pose to people and property within our community; and

*Whereas,* undertaking the hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

*Whereas,* the U.S. Congress passed the Disaster Mitigation Act of 2000 (“Disaster Mitigation Act”) emphasizing the need for pre-disaster mitigation of potential hazards; and

*Whereas,* the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

*Whereas,* an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency (FEMA) pre- and post-disaster mitigation grant programs; and

*Whereas, the City of Beloit* fully participated in the FEMA prescribed mitigation planning process to prepare this Multi-Hazard Mitigation Plan; and

*Whereas,* the Kansas Division of Emergency Management and FEMA Region VII officials have reviewed the North-Central (Region F) Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan, and approved it contingent upon this official adoption of the participating governing body; and

*Whereas, the City of Beloit* desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the North-Central (Region F) Multi-hazard, Multi-Jurisdictional Hazard Mitigation Plan; and

*Whereas,* adoption by the governing body for the **the City of Beloit** demonstrates the jurisdictions’ commitment to fulfilling the mitigation goals and objectives outlined in this plan, and

*Whereas,* adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

*Now, therefore, be it resolved,* that **the City of Beloit** adopts the North-Central (Region F) Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan as an official plan; and

*Be it further resolved,* the **City of Beloit** will submit this Adoption Resolution to the Kansas Division of Emergency Management and FEMA Region VII officials to enable the plan's final approval.

PASSED and ADOPTED BY THE Governing Body and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Mandy Lomax  
City Clerk

## REQUEST FOR COUNCIL ACTION

**DATE:** 3/3/2020

**TITLE:** Indemnification Agreement for Porter House Apartments

**ORIGINATING DEPARTMENT:**

Administration

**TYPE OF ACTION:**

ORDINANCE

RESOLUTION

FORMAL ACTION

OTHER

**RECOMMENDATION:**

I recommend that Council approve the Indemnification Agreement for Porter House Apartments.

**BACKGROUND:**

**FINANCIAL IMPACT:**

There is no financial impact approving this item.

**OPTIONS:**

**DISCUSSION:**

Respectfully submitted,  
Jason Rabe  
City Administrator

## INDEMNIFICATION AGREEMENT

THIS INDEMNIFICATION AGREEMENT, dated March \_\_\_\_, 2020 (the “Agreement”), is from PORTER HOUSE APARTMENTS, LLC, a Kansas limited liability company (the “Lessee”), to the CITY OF BELOIT, KANSAS (the “Issuer”) and FIRST NATIONAL BANK OF HUTCHINSON, as trustee (the “Trustee”).

WHEREAS, the Issuer issued its Federally Taxable Multifamily Housing Revenue Bonds, Series 2004 (Porter House Apartments, LLC Project) (the “Bonds”), in the aggregate principal amount of \$2,790,000, consisting of \$590,000 Series 2004A Bonds (the “Series A Bonds”) and \$2,200,000 Subordinate Series 2004B Bonds (the “Series B Bonds”), pursuant to a Trust Indenture dated as of December 1, 2004 (the “Indenture”), by and between the Issuer and the Trustee, for the purpose of providing funds to finance the acquisition, rehabilitation, renovation and construction of a multifamily residential rental housing facility, including 30 units of senior affordable housing, located at 209 E. Main, Beloit, Kansas (the “Project”) for the benefit of Porter House Apartments, LLC (the “Lessee”); and

WHEREAS, the Lessee leased the Project to the Issuer pursuant to a Base Lease Agreement dated as of December 1, 2004 (the “Base Lease”), by and between the Lessee and the Issuer; and

WHEREAS, the Issuer leased the Project to the Lessee pursuant to a Lease Agreement dated as of December 1, 2004 (the “Lease”), by and between the Issuer and the Lessee; and

WHEREAS, in order to secure the payment of the principal of and interest on the Series A Bonds, by way of payments under the Lease or otherwise, the Lessee as Mortgagor granted to the Trustee as Mortgagee a Mortgage, Assignment of Rents and Security Agreement dated as of December 1, 2004; and

WHEREAS, the Trustee has certified that the Lessee has fully paid and redeemed the Bonds in accordance with their terms; and

WHEREAS, the Lessee wishes to exercise its option to purchase the Project following the payment in full of the Bonds; and

WHEREAS, the execution by the Issuer of the Release of Real Estate and all other documents conveying the Issuer’s interest in the Project to the Lessee is conditioned upon the Lessee indemnifying the Issuer from and against any liability from the Issuer’s execution and delivery of the Release of Real Estate, and the execution by the Trustee of the Release of Mortgage and all other documents releasing the Trustee’s security interest in the Project conditioned upon the Lessee indemnifying the Issuer from and against any liability from the Trustee’s execution and delivery of the Release of Mortgage, the terms of such indemnification being set forth in this Agreement;

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein and in the agreements referenced herein contained, the Lessee hereby covenants and agrees as follows:

**Section 1. Indemnification of Issuer and Trustee.** The Lessee hereby and herein indemnifies and holds the Issuer free and harmless from and against any and all claims, actions,

damages, liabilities and/or expenses, including legal expenses, made by or on behalf of any person, firm or corporation arising from, either directly or indirectly, the execution and delivery of the Release of Real Estate and all other documents, certificates and instruments necessary to transfer the Issuer's interest in the Project to the Lessee, and arising from the purchase of the Issuer's interest in the Project by the Lessee from the Issuer and the transfer of the Issuer's interest in the Project by the Issuer to the Lessee in accordance with the terms of the Lease. The Lessee hereby and herein indemnifies and holds the Trustee free and harmless from and against any and all claims, actions, damages, liabilities and/or expenses, including legal expenses, made by or on behalf of any person, firm or corporation arising from, either directly or indirectly, the execution and delivery of the Release of Mortgage and all other documents, certificates and instruments necessary to release the Trustee's security interest in the Project in accordance with the terms of the Mortgage. The Lessee hereby and herein indemnifies and saves the Issuer and the Trustee harmless from and against all costs and expenses (except those which have arisen from the willful misconduct or gross negligence of the Issuer or the Trustee, as applicable) incurred in or in connection with any action or proceeding brought thereon, and upon notice from the Issuer, the Lessee agrees to defend the Issuer and the Trustee, as applicable, in any such action or proceeding.

**Section 2. Governing Law.** This Agreement shall be governed by, construed and interpreted in accordance with the laws of the State of Kansas.

**Section 3. Binding Effect.** This Agreement shall be binding upon and shall inure to the benefit of the Lessee, the Issuer and their successors and assigns.

THIS INDEMNIFICATION AGREEMENT is hereby entered into the day and year first written hereinabove.

PORTER HOUSE APARTMENTS, LLC  
a Kansas limited liability company

By: MIDWEST HOUSING ASSISTANCE CORPORATION  
Its Managing Member

By: \_\_\_\_\_  
John J. Wiechmann  
President

**ACKNOWLEDGMENT**

STATE OF NEBRASKA            )  
  ) SS:  
COUNTY OF DOUGLAS        )

BE IT REMEMBERED, that on this \_\_\_\_ day of March, 2020, before me, the undersigned, a Notary Public in and for said State, came John J. Wiechmann, President of Midwest Housing Assistance Corporation, Managing Member of Porter House Apartments, LLC, a Kansas limited liability company, who is personally known to me to be the same person who executed the foregoing document, and said John J. Wiechmann, as President, duly acknowledged the execution of the same to be the act of said limited liability company.

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

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

My commission expires:

\_\_\_\_\_

THIS INDEMNIFICATION AGREEMENT is hereby accepted as of the day and year first written hereinabove.

ISSUER:  
CITY OF BELOIT, KANSAS

By: \_\_\_\_\_  
Tom Naasz, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Amanda Lomax, City Clerk

THIS INDEMNIFICATION AGREEMENT is hereby accepted as of the day and year first written hereinabove.

TRUSTEE:  
FIRST NATIONAL BANK OF HUTCHINSON

By: \_\_\_\_\_  
Timothy G. Givan  
Vice President and Trust Officer

(SEAL)

ATTEST:

\_\_\_\_\_  
Amy Weippert  
Assistant Trust Administrator