

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Ordinance was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 1st day of November, 2022, and that said Ordinance has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 2nd day of November, 2022.



Brenda K. Wolf

Brenda K. Wolf, CMC, City Clerk

ORDINANCE NO. 7614

AN ORDINANCE CONTINUING THE ESTABLISHMENT OF AN AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT AND LEVYING BUSINESS IMPROVEMENT SERVICE FEES, FOR THE YEAR 2023 ON BUSINESSES LOCATED WITHIN THE AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, the City, by the adoption of Ordinance No. 7555, continued a previously established Aggieville Business Improvement District (“the District”), pursuant to the Business Improvement District Act (K.S.A. 12-1781 through 1793, as amended), hereinafter referred to as the "Act"; and,

WHEREAS, the Aggieville Business Improvement District Advisory Board (“Advisory Board”) has recommended continuation of the boundaries of the Aggieville Business Improvement District; and,

WHEREAS, the Governing Body does hereby continue the boundaries for the Aggieville Business Improvement District; and,

WHEREAS, the Advisory Board has recommended a program of services and activities to be provided within the District (the “Services”), and a proposed budget to fund those Services, to the Governing Body for 2023; and,

WHEREAS, the Governing Body does hereby adopt the Services, and budget, proposed by the Advisory Board; and,

WHEREAS, the Governing Body desires to levy Business Improvement Service Fees against businesses located within the District, in order to fund the proposed budget.

NOW THEREFORE, be it ordained by the Governing Body of the City of Manhattan, Kansas:

SECTION 1. DISTRICT BOUNDARIES AND NAME

A. District Boundaries.

A Business Improvement District, as provided for in the Act, shall be continued for the Aggieville Business District on tracts of land located in the City of Manhattan, Riley County, Kansas, described as follows, and illustrated on Exhibit A, attached hereto:

An area including tracts of land located in the City of Manhattan, Riley County, Kansas, being more particularly described as follows:

Beginning at the northeast corner of Lot 489 of Ward 4; Thence south 150 feet to the southeast corner of said Lot 489; thence east 160 feet to the southeast corner of Lot 343 of Ward 4, thence south 165 feet to the southeast corner of Lot 351 of Ward 4, thence west 160 feet to the southeast corner of Lot 481 of Ward 4, thence

south 375 feet to the southeast corner of Lot 465 of Ward 4; thence west 250 feet to the southeast corner of Lot 470 of Ward 4; Thence south 225 feet to the northeast corner of Lot 454 of Ward 4, thence west 310 feet to the northwest corner of lot 538 of Ward 4, thence north 165 feet to the northeast corner of Lot 531 of Ward 4, thence west 360 feet to a point on the east line of Lot 13, Kimball Place Addition, said point being on the west line of North Manhattan Avenue; Thence north along the west line of North Manhattan Avenue to the southeast corner of Lot 2, Kimball Place Addition; thence west, along the south lines of Lots 2, 3, 4 and 5 of Kimball Place Addition, 245 feet to the southwest corner of Lot 5 of Kimball Place Addition; Thence north along the west line of Lot 5 of Kimball Place Addition 111.5 feet to the south right-of-way line of West Laramie Street, thence west 200 feet to the northwest corner of Lot 8 of Kimball Place Addition, said point being the intersection of the east line of Fourteenth Street with the south line of West Laramie Street; thence north along the east line of Fourteenth Street, 348.58 feet to the intersection of said east line with south right-of-way line of Anderson Avenue, said point being the northwest corner of Lot 1 of the Varney-Levin Addition; Thence east along the south line of Anderson Avenue to the intersection of said south line with west line of North Manhattan Avenue; thence continuing east 60 feet to a point on the east line of North Manhattan Avenue; thence north along the east line of North Manhattan Avenue to the northwest corner of Lot 504 of Ward 4; thence east 860 feet to the northeast corner of Lot 489 of Ward 4, said point being the point of beginning; and in addition, Lot 1 of the Bluemont & N. Manhattan Hotel Addition.

B. District Name.

The name of the District shall continue to be the Aggieville Business Improvement District.

SECTION 2. DEFINITION OF “BUSINESS”

When used in this Ordinance, “business” means a fixed place of business where one or more persons are employed or engaged in the purchase, sale, provision or manufacturing of commodities, products or services. The definition of “business” shall also include the ownership of real estate which is unoccupied and which is held for investment purposes and which could be or is offered for sale or lease. All property owned or used exclusively for state, county, municipal, literary, educational, scientific, benevolent and charitable purposes shall be excluded from the provisions of this Ordinance.

SECTION 3. SERVICES TO BE PROVIDED

The District shall be continued to provide for the administration and financing of Services to the businesses in the District, as recommended by the Advisory Board and adopted by the Governing Body in the City Budget (Exhibit B). The City may contract with a not-for-profit corporation for the provision of any or all of the Services, and the City may use BID Fees to finance the same, as well as the City’s administrative costs related to the District.

SECTION 4. BUSINESS IMPROVEMENT DISTRICT FEES

A. Assessment of Business Improvement District Fee.

Effective January 3, 2023, the City hereby assesses to each business located within the District, a Business Improvement District fee (“BID fee”) that is based upon the basic benefit each business within the District receives from the Services, plus the increased benefit that each business receives based upon the total square footage it uses within the District for its business purposes, as described in subsection (B), as of January 3, 2023.

B. Calculation of BID Fee.

Each business within the District shall pay a total BID Fee that is based upon the status of the business as of January 3, 2023, and is calculated by adding the Base Amount to the Assessable Area Amount:

1. Base Amount: Each business shall pay the base amount of \$250; plus,
2. Assessable Area Amount: Each business shall pay \$0.13 ft² for its interior assessable area plus \$0.05 ft² for exterior assessable area. Interior assessable area and exterior assessable area shall be calculated as follows:
 - a. Interior assessable area: the total amount of interior ground floor area and any portion of any area above or below ground level that is leased or occupied by the business; or in the case of unleased and unoccupied area, the total amount of interior floor area and any portion of any area above or below ground level that is or could be offered for sale or lease by a tenant. If a business occupies a building along with another business, the interior assessable area shall not include interior ground floor area that is devoted to shared use by more than one business, including but not limited to shared hallways or stairways.
 - b. Exterior assessable area: the total amount of exterior floor area that is leased or occupied by the business for use by the business patrons, such as dining decks and patios. Exterior assessable area shall not include any private or public parking area, or public property that the business uses or occupies as part of its business pursuant to a City permit.

Provided that, a business shall pay a maximum BID fee of \$4,000, even if the calculation of the business’s BID Fee pursuant to this section exceeds \$4,000.

C. Payment of Fees.

The BID Fee is due upon assessment, and shall be considered past due if not paid on or before March 3, 2023. If the business files a timely appeal pursuant to Section 5, the BID Fee shall be considered past due if not paid by the deadlines set forth in Section 5.

- D. Assessment of Late Fee.
When a BID Fee is past due, a late fee of 25% of the BID fee shall be assessed in addition to the BID Fee.
- E. Refund.
Subsequent changes in the business that occur in 2023 shall not affect the BID fee due for the year. The BID Fee shall not be refunded, regardless of if the business vacates its premises or a new business subsequently assumes the premises for the remainder of 2023.
- F. Collection of Fees.
If the City uses a collection agency, attorney or court action to collect an outstanding BID fee, the costs associated therewith shall be added to the amount due to the City and shall become a legal obligation of the business.

SECTION 5. APPEAL

A business may appeal its assessment or the calculation of its BID fee by submitting a written appeal on or before February 3, 2023 to the Director of Finance and supplying a copy to the ABID Director. The written appeal must provide the basis of the appeal, the correction being requested, and contact information of the appellant. Appeals submitted after February 3, 2023, shall not be accepted. The Director of Finance shall issue a written determination within fourteen (14) days of receipt of the written appeal that specifies whether the BID fee shall be recalculated or upheld. Within fourteen (14) days of this decision, the appellant shall either pay the fee stated in the written determination or submit a written appeal to the City Manager, stating the basis of the appeal, the correction being requested, and contact information of the appellant. The City Manager shall hold a hearing within fourteen (14) days of receiving the written appeal, and shall issue a written decision, which shall be considered final. Appellant shall pay the fee provided in the City Manager's written decision within fourteen (14) days of the date of the written decision.

SECTION 6. BUDGET

Fees collected through the assessment of businesses in the District in accordance with this Ordinance shall be expended for the Services recommended by the Advisory Board and adopted by the Governing Body in the City Budget. Expenditures of revenues collected from the District shall be in accordance with the requirements of the Business Improvement District Act.

SECTION 7. AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

The Aggieville Business Improvement District Advisory Board is hereby continued in accordance with the provisions of the Business Improvement District Act. There shall be seven (7) members of the Aggieville Business Improvement District Advisory Board who shall be appointed by the Mayor with the advice and consent of the Governing Body, and shall serve at the pleasure of the Governing Body.

The purpose of the Advisory Board is to monitor and oversee the provision of services as established by the Ordinance. The Board shall, not later than May 15 of each year, submit to the Governing Body a recommended program of services to be performed or provided within the District during the coming calendar year and a proposed budget to accomplish these objectives. In addition, the Board shall submit a proposed schedule of fees for assessment on the businesses in the District and may recommend consideration of changes in the boundaries of the District.

SECTION 8. TERM OF OFFICE

Members appointed to the Board shall be representatives of the businesses located within the District and shall serve a three-year term. Any vacancy occurring in the membership of the Business Improvement District Advisory Board shall be filled by the appointment of the Mayor with the advice and consent of the Governing Body for the unexpired term.

SECTION 9. ENFORCEMENT

- A. The amount of any unpaid BID Fee, the payment of which is required hereunder, shall constitute a debt due to the City. The City Attorney shall, at the direction of the City Manager, institute civil suit in the name of the City to recover any such unpaid fee. No civil judgment shall bar or prevent prosecution for each and every violation of this ordinance.
- B. It shall be unlawful for any person who is the owner, manager, or person in control of a business required to pay a BID fee, including any late fees, pursuant to this Ordinance to continue to operate such business on any day after April 3, 2023, if such BID fee was not received by the City on or before April 3, 2023. Every day the business operates with outstanding BID fees, including late fees, shall constitute a separate offense.
- C. Any person convicted of a violation of this section shall be fined in a sum no less than \$100.00 per offense but no greater than \$250.00 per offense, and assessed court costs.

SECTION 10. APPLICABILITY

This Ordinance shall repeal and replace the provisions of Ordinance No. 7555 and all other ordinances in conflict herewith.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage and publication in *The Manhattan Mercury*.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF
MANHATTAN, KANSAS, THIS 1ST DAY OF NOVEMBER, 2022.



Linda Morse, Mayor

ATTEST:



Brenda K. Wolf, CMC, City Clerk

EXHIBIT A

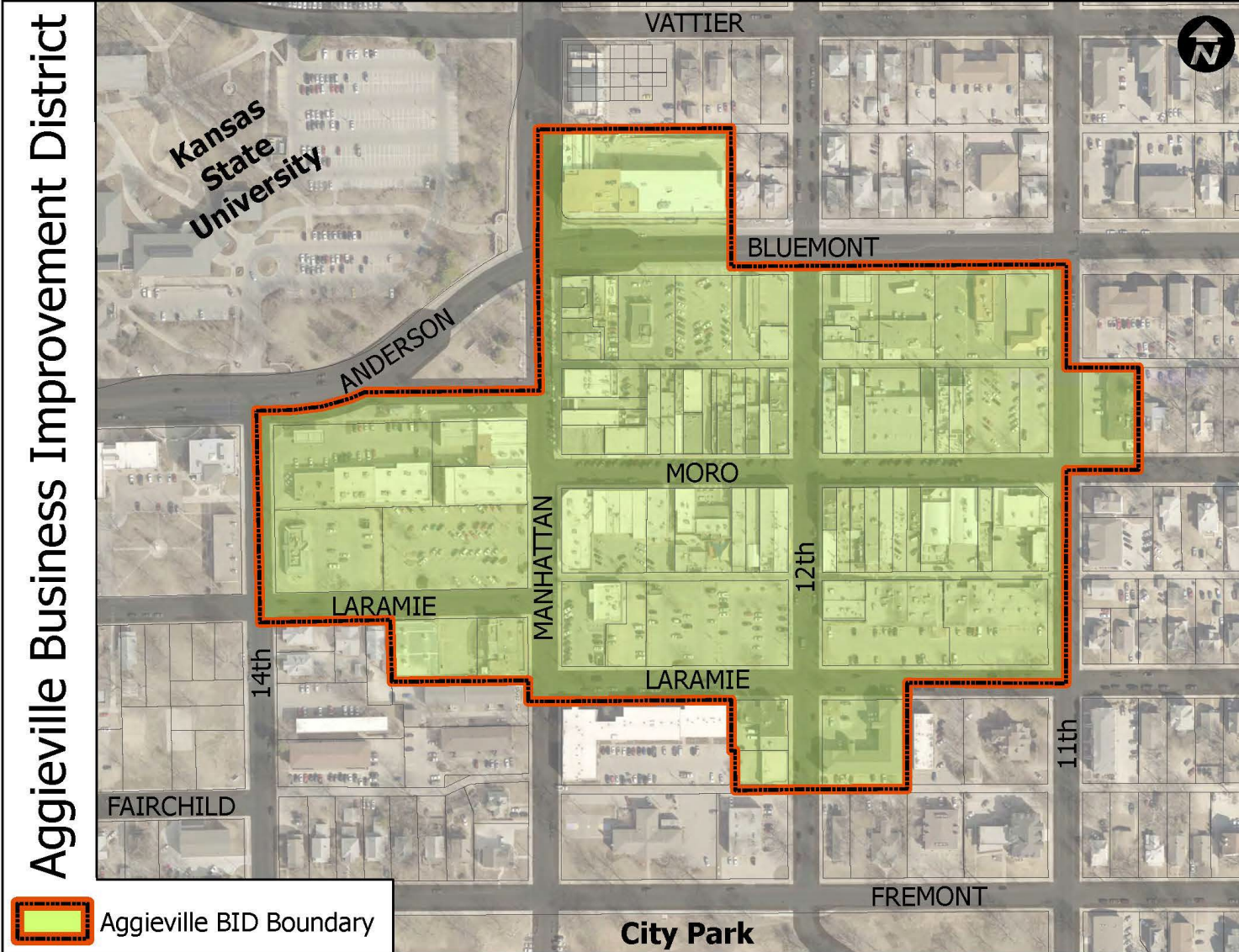


EXHIBIT B

Aggieville Business Improvement District

2023 Budget

<u>Revenue</u>	
2022 Fees	\$78,000
 <u>Expenditures</u>	
Operations	\$15,000
Personnel	21,500
Maintenance	35,000
Program/Events/Advertising	6,500
 Total	 \$78,000

2023 Fee Schedule

\$250 Base Fee
PLUS
\$0.13 per interior square foot
\$0.05 per exterior square foot

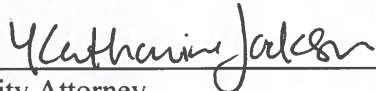
(PUBLISHED IN *THE MANHATTAN MERCURY* ON NOVEMBER 5, 2022)

ORDINANCE NO. 7614 SUMMARY

On November 1, 2022, the City of Manhattan, Kansas adopted the following ordinance:

AN ORDINANCE CONTINUING THE ESTABLISHMENT OF AN AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT AND LEVYING BUSINESS IMPROVEMENT SERVICE FEES, FOR THE YEAR 2023, ON BUSINESSES LOCATED WITHIN THE AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT.

The Ordinance continues the establishment of the Aggieville Business Improvement District and levies fees for 2023. This ordinance is subject to petition pursuant to state law. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Ave., Manhattan, KS 66502, Monday - Friday, 8 a.m. - 5 p.m., and is available for at least one week following the publication date of this summary at www.cityofmhc.com. This Summary certified to be legally accurate and sufficient by City Attorney Katharine Jackson.



City Attorney
Date Certified: 11/1/2022