

ORDINANCE NO. 5201-26

**A HOME RULE ORDINANCE OF THE CITY OF NEWTON, KANSAS,
AUTHORIZING AN ECONOMIC DEVELOPMENT GRANT TO BE USED
IN CONNECTION WITH A CERTAIN MANUFACTURING AND
PROCESSING FACILITY LOCATED IN THE CITY.**

WHEREAS, representatives of the City of Newton, Kansas (the “City”) have had discussions with Barkman Honey, LLC (the “Company”) regarding the Company’s recent expansion into an additional manufacturing and processing facility in the City;

WHEREAS, the governing body of the City has considered the needs of the City for the manufacturing facility to promote the stimulation and fostering of economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens; and

WHEREAS, the Company leases real property and the building located at 1700 SE 9th Street in the City (the “Facility”) for use in the Company’s manufacturing and processing of food products; and

WHEREAS, the City and the Company have reached an agreement to provide certain incentives associated with manufacturing activities at the Company’s manufacturing facility in Newton as contained in a certain Grant Agreement by and between the City and the Company dated May 26th, 2026, (hereinafter the “Grant Agreement”); and

WHEREAS, K.S.A. 12-1617h (the “Act”) authorizes the City to levy a tax and expend public funds for economic development purposes, but by its terms, the Act is not the exclusive means of providing such funds and recognizes and acknowledges that the City may, in its discretion, exercise any other lawful authority to provide funds for such purposes; and

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the “Home Rule Amendment”) empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government; and

WHEREAS, the City is a “city” within the meaning of the Home Rule Amendment; and

WHEREAS, there is no enactment of the Kansas legislature which prohibits a city from providing funds for economic development grants; and

WHEREAS, the Governing Body of the City has found and determined, and hereby finds and determines that it is necessary and advisable and in the interest of the public health, safety and welfare, including economic development of the City, to authorize by home rule ordinance the economic development grants to the Company.

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

SECTION 1. Economic Development. The Governing Body of the City hereby finds and determines that the Facility will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens.

SECTION 2. Grant Authorization. The economic development grant to be made by the City will be paid from the proceeds of taxes received by the City in an amount not to exceed \$15,500.

SECTION 3. Further Authority. The officials of the City, the City's attorney and other consultants are authorized to proceed with such planning and document preparation as necessary under the Grant Agreement and other legal documents necessary in order to comply with the intent of this Ordinance, subject to final approval of such documents by the governing body.

SECTION 4. Effective Date. This Home Rule Ordinance shall be effective from and after final passage by the governing body and its summary's publication in the City's official newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Newton, Kansas on May 26, 2026 and signed by the Mayor.



Rich Stinnett, Mayor

ATTEST:



Denise R. Duerksen, Clerk