

BOARD OF DIRECTORS MEETING AGENDA
SALINA AREA CHAMBER OF COMMERCE – VISIT SALINA ANNEX
FEBRUARY 16, 2023 AT 9:30 AM

- 1. CALL TO ORDER AND ROLL CALL @ 9:30 AM**
 - (1.1) Confirmation of Meeting Notice/ Visitor Introductions
 - (1.2) Welcome New Board Members
 - (1.3) Public Comments

- 2. APPROVAL OF MINUTES**
 - (2.1) January 19, 2023 Minutes
 - (2.2) January 26, 2023 Minutes

- 3. APPROVAL OF FINANCIAL STATEMENT & ACCOUNTS PAYABLE**
 - (3.1) January Financial Reports

- 4. DIRECTOR’S REPORT**
 - (4.1) Beck Hybrids Update
 - (4.2) Warehouse Project Update
 - (4.3) Industrial Revenue Bond City Presentation
 - (4.4) City of Salina Housing RFP
 - (4.5) Prospect Updates – See Attached Chart
 - (4.6) Kansas Open Meetings Overview – Tim Rogers/Greg Bengtson

- 5. BOARD MEMBER DISCUSSION/QUESTIONS**

- 6. EXECUTIVE SESSION**
 - (6.1) Executive Session (____ minutes)

I move that the Salina Community Economic Development Organization board of directors recess into an executive session for (____) minutes to discuss the subject of specific economic development projects based upon the need to discuss data relating to the financial affairs or traded secrets of corporations, partnerships, trusts and individual proprietorships pursuant to K.S.A. 75-4319(b)(4). The open meeting will resume in this room at _____ AM.

- 7. ADJOURNMENT**



**CITY OF SALINA, KANSAS
REGULAR MEETING OF THE SALINA COMMUNITY ECONOMIC DEVELOPMENT
ORGANIZATION, INC.**

January 19, 2023 --Via in person and Zoom Link

CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Salina Community Economic Development Organization, Inc. was called to order at 9:30 AM by Paula Fried, Board President.

(1.1) Confirmation of Meeting Notice

Robinson confirmed that the meeting notice was made public via email, news release, and social media.

Those present and comprising a quorum:

In person:

Daran Neuschafer
Brian Richardson
Paula Fried
Lloyd Davidson
Pete Brungardt
Max Wellbrock-Talley

Zoom (Z):

Also present:

Mitch Robinson, Salina Community Economic Dev. Organization, Executive Director
Robin VanAtta, Salina Community Economic Dev. Organization Administrative Assistant
Bill Longbine, City Commissioner, City of Salina (*out at 10:00 AM*)
Mike Schrage, City Manager, City of Salina
Hannah Bett, Deputy County Administrator, Saline County
Robert Vidricksen, County Commission Chair, Saline County
Richie Humphrey, Salina Citizen
Tim Rogers, Executive Director, Salina Airport Authority

Absent:

Rob Exline, Frank Hampton, Jim Maes

(1.2) Public Comment

No Public Comment

APPROVAL OF MINUTES

(2.1) Moved by Richardson, seconded by Neuschafer to approve the December 15, 2022 minutes. Aye: (6).
Nay: (0). Motion carried.

APPROVAL OF FINANCIAL STATEMENT AND ACCOUNTS PAYABLE

(3.1) December Financial Reports

Moved by Davidson, seconded by Brungardt to approve the December 2022 financial reports.
Aye: (6). Nay: (0). Motion carried.

DIRECTOR'S REPORT

(4.1) Beck's Hybrid Update

The business owner met with the 2nd property owner and is still working out the purchasing agreements.

(4.2) Warehouse Project – January 26th, 2023

This is a project collaboration with the Salina Airport Authority. A local contracting and manufacturing company is working with a Wichita developer for a 250,000 SF warehouse project south of the business's current facility. Salina is limited in warehousing space and the owners may have the building leased out before construction ends. The warehouse would be built to industry standards and would be a crucial component of interstate commerce. A special-called business meeting will be held on Thursday, January 26th at Building 600 at the Salina Regional Airport to discuss the project. Lunch will be provided.

(4.3) Industrial Revenue Bond Revisions/Updates

The EDO is scheduled to present the recommended Abatement Guidelines Chart to the Commissioners during a study session on Monday, February 6th, 2023. Board members are invited to attend and comment.

(4.4) City Housing RFP

The RFP went out in late December 2022. The City Manger's office has fielded quite a few interest calls. February 3rd, 2023 is the RFP submission deadline.

(4.5) Board Positions

Outgoing Board members are Pete Brungardt and Lloyd Davidson

- President Brian Richardson
- Vice President Jim Maes
- Secretary Max Wellbrock-Talley
- Treasurer Rob Exline

(4.6) Prospect Updates – See Chart

Robinson reviewed the prospect table.

(4.7) Legislative Agenda

Eric Sexton has been retained as the Salina area lobbyist. Duxler, Interim President/CEO of the Chamber, put the 2023 Legislative Agenda document together.

BOARD MEMBER DISCUSSION/QUESTIONS

N/A

ADJOURNMENT

Fried adjourned the meeting at 10:30 AM

Paula Fried, Board President

ATTEST:

Max Wellbrock – Talley, Treasurer



**CITY OF SALINA, KANSAS
SPECIAL CALLED MEETING OF THE SALINA COMMUNITY ECONOMIC
DEVELOPMENT ORGANIZATION, INC.**

January 26, 2023 --Via in person and GoToMeeting

CALL TO ORDER AND ROLL CALL

The Special Called Meeting of the Salina Community Economic Development Organization, Inc. was called to order at 12:00 PM by Paula Fried, EDO Board President.

(1.1) Confirmation of Meeting Notice

Robinson confirmed that the meeting notice was made public via email, news release, and social media.

Those present and comprising a quorum:

In person:

Rob Exline

Frank Hampton

Daran Neuschafer

Jim Maes

Lloyd Davidson

Max Wellbrock-Talley

Pete Brungardt

Paula Fried

Zoom (Z):

Also present:

Mitch Robinson, Salina Community Economic Dev. Organization, Executive Director

Robin VanAtta, Salina Community Economic Dev. Organization Administrative Assistant

Tim Rogers, Executive Director, Salina Airport Authority

Mike Schrage, City Manager, City of Salina

Cody Heiman, Vice President/Loan Officer, First Bank Kansas

Brian Schwarz, Senior Vice President/Loan Officer, First Bank Kansas

Stephanie Carlin, Founding Member, C5 Business Advisors

Mark Millard, CFO, Superior Contracting & Manufacturing Services Co

Tylan Dyer, Chief Development Officer, Petra

Robert Vidricksen, Chair, Saline County Commission (GtoM)

Chris Harapat, President, Superior Contracting & Manufacturing Services Co (GtoM)

Trevor Franzen, Chief Development Officer, Superior Contracting & Manufacturing Services Co (GtoM)

Renee Duxler, Interim President/CEO, Salina Area Chamber of Commerce

Absent:

Brian Richardson

(1.2) Public Comment

No Public Comment

INDUSTRIAL REVENUE BONDS FOR LOCAL COMPANY

(2.1) Presentation by company officials

EXECUTIVE SESSION

(3.1) Discussion of Prospective Industry (15 minutes)

Moved by Maes, seconded by Brungardt that the Salina Community Economic Development Organization board of directors recess into an executive session for 15 minutes to discuss the subject of specific economic development projects based upon the need to discuss data relating to the financial affairs or traded secrets of corporations, partnerships, trusts and individual proprietorships pursuant to K.S.A. 75-4319(b)(4). The open meeting will resume in this room at 12:52 PM.

The board recessed into executive session at 12:37 p.m. and reconvened at 12:52 p.m.

Also present in executive session: Mike Schrage, Mitch Robinson, Tim Rogers, and Robin VanAtta.

Moved by Neuschafer, seconded by Exline that the Salina Community Economic Development Organization board of directors recess into an executive session for 8 minutes to discuss the subject of specific economic development projects based upon the need to discuss data relating to the financial affairs or traded secrets of corporations, partnerships, trusts and individual proprietorships pursuant to K.S.A. 75-4319(b)(4). The open meeting will resume in this room at 1:00 PM.

The board recessed into executive session at 12:52 p.m. and reconvened at 1:00 p.m.

Also present in executive session: Mike Schrage, Mitch Robinson, and Robin VanAtta.

Fried reconvened the business meeting at 1:00 PM. Moved by Exline, seconded by Brungardt to recommend to the City of Salina City Commission that Superior Contracting & Manufacturing Services Co receive 100% abatement for 10 years on property tax and sales tax related to the construction materials. The 100% abatement will be less the partial property tax abatement already provided to the company in 2021. Aye: (8). Nay: (0). Motion carried.

**4. ASSISTANCE FOR SALINA AIRPORT AUTHORITY AVIATION PROJECT
(4.1)**

Moved by Neuschafer, seconded by Wellbrock-Talley to recommend to the Salina City Commission that the City contribute \$400,000 to fund a proposed \$900,000 economic development incentive and agreement with SkyWest Airlines/SkyWest Charter contingent upon the City's funding would be matched by \$400,000 from Saline County and \$100,000 from the Salina Airport Authority. Aye: (8). Nay: (0). Motion carried.

ADJOURNMENT

Fried adjourned the board meeting at 1:40 PM

Paula Fried, Board President

ATTEST:

Jim Maes, Board Secretary

SALINA COMMUNITY ECONOMIC DEVELOPMENT ORGANIZATION
Salina, Kansas

COMPILED FINANCIAL STATEMENTS
January 31, 2023

WOODS & DURHAM, CHARTERED
Certified Public Accountants
Salina, Kansas

SALINA COMMUNITY ECONOMIC DEVELOPMENT ORGANIZATION
Salina, Kansas

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ACCOUNTANT'S COMPILATION REPORT

To the Members of
Salina Community Economic Development Organization
Salina, Kansas

Management is responsible for the accompanying financial statements of Salina Community Economic Development Organization (a nonprofit organization), which comprise the statement of assets, liabilities, and changes in net assets - tax basis as of January 31, 2023, and the related statement of revenues, expenses, and changes in net assets - tax basis for the one month then ended and determining that the tax basis of accounting is an acceptable financial reporting framework. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. We do not express an opinion, a conclusion, nor provide any assurance on these financial statements

The financial statements are prepared in accordance with the tax basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Management has elected to omit substantially all the disclosures ordinarily included in the financial statements prepared in accordance with the tax basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Organization's assets, liabilities, net assets, revenues, and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.

The supplementary information is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management. The supplementary information was not subject to our compilation engagement. We have not audited or reviewed the supplementary information and do not express an opinion, a conclusion, nor provide any assurance on such information.

We are not independent with respect to the Salina Community Economic Development Organization.

Woods & Durham, Chartered
Certified Public Accountants

February 6, 2023

SALINA COMMUNITY ECONOMIC DEVELOPMENT ORGANIZATION
Salina, Kansas

STATEMENT OF ASSETS, LIABILITIES, AND CHANGES IN NET ASSETS - TAX BASIS
January 31, 2023

ASSETS

Current Assets

Cash	\$ 355,798
Unconditional promises to give:	
Member contributions receivable - current	351,211
Payroll tax receivable	264
Health insurance receivable	<u>1,518</u>
Total Current Assets	<u>708,791</u>

Long-term Unconditional Promises to Give

Member contribution receivable - non-current	<u>259,516</u>
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Property and Equipment

Furniture and equipment	7,413
Less: accumulated depreciation	<u>(6,308)</u>

Net Property and Equipment

	<u>1,105</u>
Total Assets	<u><u>\$ 969,412</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities

Accounts payable	<u>\$ 8,569</u>
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Net Assets

Without donor restrictions	701,327
With donor restrictions	<u>259,516</u>

Total Net Assets	<u>960,843</u>
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Total Liabilities and Net Assets	<u><u>\$ 969,412</u></u>
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SALINA COMMUNITY ECONOMIC DEVELOPMENT ORGANIZATION
Salina, Kansas

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET ASSETS - TAX BASIS
For the One Month Ended January 31, 2023

	Period Ended	Year to Date
	Jan. 31, 2023	Jan. 31, 2023
Changes in Net Assets Without Donor Restrictions		
Revenues		
Start Up Salina income	\$ 8,000	\$ 8,000
Member contributions	1,765	1,765
Gifts in kind	1,667	1,667
Interest income	300	300
	<hr/>	<hr/>
Total Revenues Without Donor Restrictions	11,732	11,732
Net Assets Released From Restrictions		
Restrictions satisfied by payments	352,941	352,941
	<hr/>	<hr/>
Total Revenue and Other Support Without Donor Restrictions	364,673	364,673
	<hr/>	<hr/>
Expenses		
Business expenses	8,180	8,180
Facilities and equipment	1,667	1,667
Operations	1,072	1,072
Other expenses	88	88
Payroll expenses	16,616	16,616
Travel and meetings	511	511
	<hr/>	<hr/>
Total Expenses Without Donor Restrictions	28,134	28,134
	<hr/>	<hr/>
Change in Net Assets Without Donor Restrictions	336,539	336,539
Change in Net Assets With Donor Restrictions		
Unconditional promises to give - restrictions satisfied by payments	(352,941)	(352,941)
Net Assets - Beginning of Year	977,245	977,245
	<hr/>	<hr/>
Net Assets - End of Year	\$ 960,843	\$ 960,843
	<hr/> <hr/>	<hr/> <hr/>

SUPPLEMENTARY INFORMATION

SALINA COMMUNITY ECONOMIC DEVELOPMENT ORGANIZATION
Salina, Kansas

STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN NET ASSETS - PRIOR YEAR AND BUDGET COMPARISON - TAX BASIS
For the One Month Ended January 31, 2023 and January 31, 2022

	Period Ended Jan. 31, 2023	Period Ended Jan. 31, 2022	Year to Date Jan. 31, 2023	Year to Date Jan. 31, 2022	Budget YTD Jan. 31, 2023	Budget 2023 Approved
Revenues						
Start up Salina Income	\$ 8,000.00	\$ -	\$ 8,000.00	\$ -	\$ 333.33	\$ 4,000.00
Member Contributions	1,764.75	-	1,764.75	-	90,000.00	360,000.00
Investments - Interest	300.32	36.77	300.32	36.77	125.00	1,500.00
Gifts in Kind	1,666.63	-	1,666.63	-	-	-
Total Revenues	<u>11,731.70</u>	<u>36.77</u>	<u>11,731.70</u>	<u>36.77</u>	<u>90,458.33</u>	<u>365,500.00</u>
Expenses						
Business Expenses						
Memberships	455.00	300.00	455.00	300.00	93.75	1,125.00
Marketing Events	7,225.00	549.77	7,225.00	549.77	500.00	6,000.00
Miscellaneous Expense	-	-	-	-	41.67	500.00
Business Registration Fees	500.00	-	500.00	-	3.33	40.00
Total Business Expenses	<u>8,180.00</u>	<u>849.77</u>	<u>8,180.00</u>	<u>849.77</u>	<u>638.75</u>	<u>7,665.00</u>
Contract Services						
Accounting fees	-	568.03	-	568.03	1,000.00	12,000.00
Outside Contract Services	-	7,475.11	-	7,475.11	1,108.33	13,300.00
Total Contract Services	<u>-</u>	<u>8,043.14</u>	<u>-</u>	<u>8,043.14</u>	<u>2,108.33</u>	<u>25,300.00</u>
Facilities & Equipment						
Computer Replacement	-	-	-	-	125.00	1,500.00
Donated Facilities	1,666.63	-	1,666.63	-	-	-
Office Equipment	-	-	-	-	66.67	800.00
Total Facilities & Equipment	<u>1,666.63</u>	<u>-</u>	<u>1,666.63</u>	<u>-</u>	<u>191.67</u>	<u>2,300.00</u>
Operations						
StartUp Salina Expenses	-	84.05	-	84.05	333.33	4,000.00
Donations (Outgoing Board Recognition)	-	-	-	-	8.33	100.00
Dues & Subscriptions	25.90	195.00	25.90	195.00	83.33	1,000.00
Training Fees	-	-	-	-	125.00	1,500.00
Advertising/Promotion	515.00	1,580.00	515.00	1,580.00	2,500.00	30,000.00
Repairs & Maintenance	-	-	-	-	41.67	500.00
Books, Subscriptions, Reference	-	3,278.18	-	3,278.18	458.33	5,500.00
Postage, Mailing Service	-	-	-	-	11.25	135.00
Printing and Copying	66.20	-	66.20	-	29.17	350.00
Supplies	277.86	499.22	277.86	499.22	208.33	2,500.00
Telephone, Telecommunications	185.40	329.74	185.40	329.74	266.67	3,200.00
Total Operations	<u>1,070.36</u>	<u>5,966.19</u>	<u>1,070.36</u>	<u>5,966.19</u>	<u>3,798.75</u>	<u>48,785.00</u>
Other Expenses						
Depreciation	88.41	34.08	88.41	34.08	83.33	1,000.00
Other Costs	-	-	-	-	20.83	250.00
Insurance - Liability, D and O	-	343.50	-	343.50	500.00	6,000.00
Total Other Expenses	<u>88.41</u>	<u>377.58</u>	<u>88.41</u>	<u>377.58</u>	<u>604.17</u>	<u>7,250.00</u>
Payroll Expenses						
Retirement Contribution	-	-	-	-	958.33	11,500.00
Employee Health Ins	622.32	2,140.21	622.32	2,140.21	641.67	7,700.00
Director Health & List Ins	622.31	3,463.91	622.31	3,463.91	916.67	11,000.00
Car Allowance	250.00	500.00	250.00	500.00	500.00	6,000.00
Payroll Taxes	1,301.70	1,060.74	1,301.70	1,060.74	1,250.00	15,000.00
Wages & Salaries	13,819.79	13,365.88	13,819.79	13,365.88	15,416.67	185,000.00
Total Payroll Expenses	<u>16,616.12</u>	<u>20,530.74</u>	<u>16,616.12</u>	<u>20,530.74</u>	<u>19,683.33</u>	<u>236,200.00</u>
Travel and Meetings						
Meals	181.48	134.49	181.48	134.49	166.67	2,000.00
Conference, Convention, Meetings	330.00	-	330.00	-	83.33	1,000.00
Travel	-	131.27	-	131.27	333.33	4,000.00
Travel and Meetings - Other	-	-	-	-	83.33	1,000.00
Total Travel and Meetings	<u>511.48</u>	<u>265.76</u>	<u>511.48</u>	<u>265.76</u>	<u>666.67</u>	<u>8,000.00</u>
Total Expenses	<u>28,133.00</u>	<u>36,033.18</u>	<u>28,133.00</u>	<u>36,033.18</u>	<u>27,691.67</u>	<u>335,500.00</u>
Changes in Net Assets without Donor Restriction	<u>(16,401.30)</u>	<u>(35,996.41)</u>	<u>(16,401.30)</u>	<u>(35,996.41)</u>	<u>62,766.67</u>	<u>30,000.00</u>
Board Designation - Reserve Funds	<u>(30,000.00)</u>	<u>(30,000.00)</u>	<u>(30,000.00)</u>	<u>(30,000.00)</u>	<u>(30,000.00)</u>	<u>(30,000.00)</u>
Changes in Net Assets	<u>\$ (46,401.30)</u>	<u>\$ (65,996.41)</u>	<u>\$ (46,401.30)</u>	<u>\$ (65,996.41)</u>	<u>\$ 32,766.67</u>	<u>\$ -</u>

February 2023 REPORT

MARKETING / LEGISLATIVE

KEDA held their annual Legislative Day in Topeka at the Capital Building. The Executive Director was able to meet with Lt Governor/Secretary of Commerce David Toland and with Deputy Secretary Paul Hughes giving them both updates on current activities here in Salina concerning housing, childcare, and active projects. Have been following several bills including SB 91 that would provide assistance for Project Imagination. Community lobbyist Eric Sexton has been providing updates on local projects and has been meeting with senior legislative leaders updating them on several projects including Project Imagination.

The Chamber's Annual Salina in the Statehouse is set for March 8th in Topeka. The visitors will be meeting with Lt Governor David Toland and other staff members as well as our legislative delegation.

WORKFORCE TALENT / HOUSING / CHILDCARE

Have provided additional job numbers to several real estate developers prior to the February 3rd deadline for the City's housing grant. Thirteen proposals were submitted to the city. The review process has started for each of these proposals.

The United Way has approved taking the lead on child care and will be hiring a person to lead the effort in the next 60-90 days. The Chamber and the SCEDO will be coordinating a meeting between all the interested agencies, city and county government and area industries to discuss the current status of childcare. Looking at the first week of March to hold this meeting.

ENTREPRENEURSHIP / SMALL BUSINESS DEVELOPMENT

The February 1st meeting of the Startup Salina meeting focused on the 2023 Charlie Walker Pitch Challenge. This year's event will be on Friday, March 24th at KWU. A training session for those interested in the event will be on February 28th at the Kansas State Salina campus. The planning committee met on February 1st prior to the Startup Salina event.

Attended the bi-monthly meeting of the Chamber's Project Open committee. We discussed current projects and funding availability from Network Kansas which sponsors the loan project. Also discussed the Youth Entrepreneurial Challenge to be held in mid-March.

PROSPECT MANAGEMENT

Beck's Hybrids is still working with the property owner John Ward to get a deal made on acreage adjacent to Interstate 70. A final decision should be made the week of February 13th. We have been working with Department of Commerce for other forms of assistance to the project for the company. We will need to submit a request to the City of Salina in a follow up to SCEDO's support of their IRB request.

Great Plains continues to work on several project options concerning their railroad access.

We are working with Project Dori's efforts to building a 243,000 square foot warehouse/distribution center. Following the special called SCEDO Board of Directors meeting that is recommending support for use of IRB's for the project, the company presented their project to the Salina City Commission on

Monday, February 6th. The Commission voted to hold the formal public hearing and first step in the IRB process on February 27th.

Also at the City Commission's February 6th meeting, the SCEDO presented their support of the Airport request for \$400,000 in funds for an incentive to SkyWest Airlines. These funds would be used to incent a new maintenance hub at the Salina Airport. The city's funds would be joined with \$400,000 in county funds and \$100,000 in SAA funds for a total of \$900,000.

SITES / BUILDINGS / TOOLS:

Continue to monitor sites and available buildings within the community.

MONTHLY WEB/SOCIAL MEDIA STATISTICS

Website – (reported January 2023)

152 users	148 New Users	160 Sessions	3.08 Pgs/Session	0:54 Avg Session
493 Pageviews				

Website –12/8/2022 – 1/15/2023

125 users	121 New Users	146Sessions	3.64 Pgs/Session	1:09 Avg Session
532 Pageviews				

Facebook – (reported January 2023)

262 Page Reach	21 Post Reach	62 Page Visits	802 Followers
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Facebook – 1/16/2023 – 2/10/2023

441 Page Reach	65 Post Engagement	87 Page Visits	803 Followers
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Start Up Salina Facebook Group

4/15/2022 – 322 members (+5)
 5/13/2022 – 326 members (+4)
 6/9/2022 – 330 members (+4)
 7/18/2022 – 334 members (+4)
 8/11/2022 – 334 members (--)
 9/13/2022 – 338 members (+4)
 10/11/2022 – 339 members (+1)
 11/11/2022 – 347 members (+8)
 12/12/2022 – 352 members (+5)
 1/16/2023 – 352 members (--)
 1/10/2023 – 356 members (+4)



Prospect Table

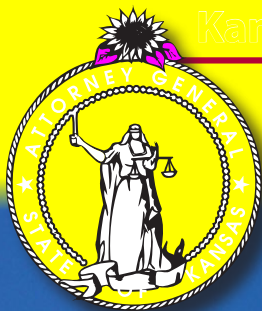
This information is strictly CONFIDENTIAL. Discussion of this information outside of this meeting could jeopardize the progress of these pending projects.

Color Key: ACTIVE INACTIVE NEW OUT SUCCESS DELAYED DEFUNCT

Code #	Project Name	Client Source	Project Status	Contact Date	Milestone / Decision Date	Project Objective	Business Description	Jobs (New)	Average Salary	Investment	Niche	Acreage Required	Square Footage
21-7	Project Heavy	SAA Direct Contact	Active	4/15/2021	2022	MRO/Fabrication	Need Building	?	Above Co Avg Wage	?	?	North End of Airport	500,000 to 1 M SF
21-10	Project Storage	Direct Contact	Active	7/29/2021	Next Phase 11/2022	Visited August 23rd	Energy Storage 3-4 years for approval	0	0	\$330M	Energy	20-40 acres under option	
21-18	Project JR	KC Realtor	Active	11/19/2021	Zoom Call set price and target property	Warehouse for existing company from outside the region.	Warehouse seeking rural location on Interstate	5 Warehouse Positions + 15 Sales	?	\$20 Million	Warehouse & Regional Office 60,000 SF Rural Location	150 acres on Interstate interchange for warhouse and test plots	60,000 SF
22-01	Project Big Rig	Direct Call	Active	1/19/2022	Reviewing Sites	Seeking site for Travel Plaza	High quality C Store with lots of services	150-200	?	\$35-\$50 M	C Store w/hotel	20 acres on Interstate	Undisclosed
22-07	Project Slat	KDOC - RJ	Active	7/5/2022	Submitted 7/8/2022	Plastics	Plastics	200-300 per shift - 3 shift goal	\$18-\$20/hour	TBD	Mfg Distribution	50-80 acres	150,000-250,000 SF
22-11	Project Imagination	KSU Salina	Active	7/5/2022	Ongoing	CA based company provide services to KS Salina	High Tech Imaging	100 estimated	\$100K+	\$50 M	High Tech Image	KSU Salina/SAA Property	KS Salina Hanger
22-13	Project Tanker	SAA- Tim Rogers	Active	10/10/2022	Beginning	Building Submitted	Aviation MRO	?	?	?	MRO	Existing Hanger	\$3.5 M estimate refurbish
22-14	Project DORI	Direct / SAA	Active	12/1/2022	Numerous Meetings	Warehouse Project	Warehouse Space for Local Companies	?	?	\$19M	Local Co.	13 acres	250,000 SF
22-15	Project Celebrate	KDOC - JF	Active	12/8/2022	Submitted 12/12/2022	Metal Fabrication	Nashville, TN Based	100	?	?	Need rail	50 acres	200,000 SF Build
23-01	Project Houston	SAA- Tim Rogers	New	1/26/2022	Reviewed 1/26/2022	Maintanence Hub	New Hub	6	\$25+/hr	?	MRO	Use Local Company	Use Existing Building
23-02	Project Nita	KDOC - BJ	New	2/10/2023		Ag-related project conducting a search in Wichita and KC metro areas for a rail-served greenfield	Rail is required , anticipate 80-85 inbound & 25-30 outbound cars/month; Outside storage of raw materials must be allowed	150	\$20/hour, but will change based on local wages		Ag-related	Greenfield site 35-60 acres rail required	200,000-300,000 SF Build

*Kansas Open Meetings Act
Kansas Open Records Act*

*Provided by
Kansas Attorney General
Derek Schmidt*



Dear Fellow Kansans:

Our state has a long and rich history of ensuring that all of our citizens can participate in our democracy.

That's why our two principal open-government laws – the Kansas Open Records Act and the Kansas Open Meetings Act – are so important. They establish the legal requirement that the decision making of our public bodies remains open and subject to scrutiny and participation by our citizens.

As your attorney general, I share responsibility to enforce these laws and to help Kansans understand what they do, and do not, require.

This brochure is intended to help you and other Kansans understand the basic requirements of the Open Records Act and the Open Meetings Act. It answers common questions about the two and helps you understand what rights you, as a Kansan, have to obtain the records of your government and to view its activities.

In partnership with others who have a keen interest in open government – including the Kansas Sunshine Coalition – our office provides training for local and state officials about their duties and obligations under these laws. We work to resolve open government disputes and bring enforcement actions when necessary.

But I believe strongly that the best outcome is when everyone knows and respects our open government laws and we prevent violations from occurring in the first place. That's the point of this and similar publications.

For more information, you can check our website at www.ag.ks.gov or call my office at (785) 296-2215.

Thank you for your interest in open government!

Best wishes,

A handwritten signature in black ink that reads "Derek". The signature is written in a cursive, slightly stylized font.

Derek Schmidt
Kansas Attorney General



Understanding the Kansas Open Meetings Act (KOMA)

The Purpose and Scope of the KOMA

What is the KOMA about?

The KOMA is a law that guarantees anyone the right to observe governmental policy makers, such as your local school board, city council, county commissioners or most functions of the state legislature, that make the decisions affecting your life.

What types of groups are subject to the KOMA?

The KOMA applies to all of the political and taxing subdivisions in Kansas. There are approximately 4,000 public bodies and agencies that fall into this category. The KOMA may also apply to other organizations if they were created or controlled by a public body or agency or act on behalf of a public body or agency. This includes committees or sub-groups created by a public body or agency.

How do you know if a group is going to be subject to the KOMA?

That is determined by looking at all of the facts surrounding the creation and operation of the group. We also look at what services are provided by a group. If a group is providing a governmental service, it is more likely it will be subject to the KOMA.

The KOMA does not apply to the meetings of private groups such church groups, private clubs, private corporations or businesses or any other private associations.

Does the KOMA apply to every meeting related to the government?

No, the KOMA only applies to a public body or agency. It does not include the staff meetings for a public agency. It does not apply to elected officials who are not part of a public body, such as the governor.

Does the KOMA apply to Kansas courts or judges?

No, courts and judges are excluded from the KOMA.

Meeting Matters Not Covered by the KOMA

Does the KOMA include a requirement for an agenda?

No, although the creation of an agenda before the meeting will help provide focus for both the public body or agency and the public, there is no requirement in the KOMA to create an agenda. This also means that the content of the meeting may be changed at any time by amending the agenda.

Does the KOMA require detailed minutes of all of the items discussed at a meeting?

No, the KOMA does not speak to minutes or agendas, except to require that motions to go into executive session be completely recorded in the minutes. Meeting minutes are the responsibility of the public body or agency and the public body or agency determines what is recorded in the minutes.

Is the KOMA the same thing as Roberts Rules of Order?

No, the KOMA does not address the conduct of meetings or other procedural matters, such as the order of business, content of reports or length of time that may be spent on a topic of discussion.

KOMA Requirements for Public Bodies and Agencies

What does the KOMA require a public body or agency to do?

There are two main requirements. First, any meetings must be open to all members of the public. Second, notice of meetings must be provided to anyone who has requested it.

What does “open” mean in the KOMA?

It means that the meeting must be conducted in a way that the public may observe or listen to the proceedings.

Does that mean a meeting must be moved to another location if members of the public cannot get into the meeting room?

No, the KOMA does not require that public meetings be moved to larger or better locations. Meeting locations are left up to the public body or agency. Unless there is evidence that the public body or agency deliberately moved a meeting to a location with limited access to avoid public observation, there is no conflict with the requirements of the KOMA.

Does a public body or agency have to let members of the audience speak at a meeting?

No, the KOMA does not require that the public be allowed to speak. Some other law may require a public hearing with the opportunity to speak on that issue, but the KOMA does not.

Can I use a camera or other recording device to record a meeting?

Yes, the KOMA allows recording, but subject to reasonable rules to prevent disruption of

the meeting, safety hazards, or other legitimate concerns. You may want to contact the public body or agency in advance to learn about any rules that may apply to recordings.

May one or more members of a public body or agency participate in a meeting by telephone?

Yes, as long as the meeting is open to the public so they might listen to the discussion.

KOMA Meetings

What is a meeting, as defined by the KOMA?

Three conditions must be met in order for a meeting to occur. All three must be satisfied. They are:

1. A gathering or assembly in person or by telephone or any other medium for interactive communication.
2. By a majority of the members of the public body or agency.
3. Discussion of the business or affairs of that public body or agency.

How is “interactive communication” applied?

The best way to determine if “interactive communication” has taken place is to think of it as two-way communication. For example, an email from one member of a public body to the rest of the body members is only one-way until there is a reply to all, and then it becomes a two-way communication that may violate the KOMA.

The two-way communication can be by any means, including using individuals as “go-betweens.”

What is a majority of the public body or agency?

Majority is one more than one-half of the membership. When counting the number of

members, vacant positions must be counted as well. For example, if a school board has seven members, but there are two vacancies, a majority remains four.

Are there any topics that may be discussed by a majority outside of a meeting?

The only topic that may be discussed by a majority outside of a meeting is to determine a mutually acceptable meeting time so notice of that meeting may be provided.

Discussion alone triggers the KOMA requirements, regardless of whether an agreement is reached or a survey of how members are going to vote takes place. None of those actions are permitted.

Can members avoid the KOMA requirements by discussing public body or agency business with less than a majority of the other members?

Not really, as interactive communications in a series are forbidden by the KOMA. A violation will occur if all of the following conditions are met:

- Interactive communications collectively involve a majority of the public body or agency,
- A common topic is discussed concerning the business or affairs of the public body or agency, and
- There is intent by any or all of the participants to reach agreement upon a topic that requires binding action in an open meeting by the public body or agency.

Can a majority of the members attend a meeting of another group?

Yes, as long as they refrain from any discussions about the business of their public body or agency.

This limitation applies to all formal and informal gatherings, such as conferences, ribbon cuttings or social clubs.

KOMA Notice Requirements

When does a public body or agency have to provide notice?

Notice is required only when someone requests to receive notice of meetings. There is nothing in the KOMA that requires general notice, such as publishing the agenda in the newspaper or posting it on the agency website.

How do I request notice?

All you need to do is make a request to the appropriate public body or agency. Although not required, it is a good idea to make your request in writing and keep a copy.

What kind of notice should I expect?

The KOMA does not specify the method of notice; it could be verbal or written. The notice must provide you with the time, place and date of the proposed meeting.

You may receive a single notice for all regular meetings of the public agency or body. You should still receive notice for any special meetings or changes in the time, place or date of regular meetings.

How long is my request effective?

Your request is good for the fiscal year of the public body or agency. But, the public body or agency must contact you and ask if you wish to continue to receive notice before they discontinue providing it to you.

Is there a minimum time required to give notice?

No, the KOMA only requires “reasonable” notice. In some situations, that could be very short. If you believe a public body or agency did not provide reasonable notice, discuss the situation with the public body or agency to learn when others, including the members, received notice of a meeting. If this does not resolve the matter, please see the Enforcement section of this guide.

Executive Sessions: Closing an Open Meeting

What is an executive session?

An executive session is when the public body is permitted to discuss certain subjects in private.

What are the procedures to enter into an executive session?

An executive session may only take place once an open meeting is convened. A motion must be made to enter into executive session. That complete motion and the resulting vote must be entered into the minutes.

What must a motion to enter into an executive session say?

There are three parts:

1. A statement describing the subject(s) to be discussed in executive session, without revealing confidential information.
2. The justification: a reference to one of the permitted topics for executive session contained in the KOMA.
3. The time and place at which the open meeting will resume.

If a public body does not include all three portions, is the executive session illegal?

Probably not, as the courts have determined a technical violation occurs if there is an error in the motion, but the public body maintained the spirit of the KOMA.

Who may attend an executive session?

Only the members of the public body holding the executive session have a right to attend. The public body may include others, if they believe their information is important.

Can the public body make a binding decision in executive session?

No. Binding decisions must be made in an open meeting. The public body may reach a consensus during an executive session; however, binding action must occur during an open meeting.

What topics may be discussed in executive session?

The KOMA permits several topics including these most common topics:

- To discuss personnel matters relating to non-elected personnel
- Consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship
- To discuss employee-employer negotiations
- To discuss data relating to the financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships

- To discuss matters relating to action affecting a person as a student, patient or resident of a public institution
- For preliminary discussion of acquisition of real property
- To discuss matters relating to security measures that protect specific systems, facilities or equipment including persons and private property if related to the agency.

What is permitted under the nonelected personnel matters subject?

The public body may only discuss its own individual employees and applicants for employment.

They are not permitted to discuss elected officials, independent contractors, candidates for appointment to other boards or commissions or general concerns affecting all employees, such as a proposed pay plan.

What is permitted under the attorney consultation subject?

The public body's attorney must attend the executive session, even by speaker phone, to provide legal advice to the body.

Non public body or agency personnel may only attend if they are considered part of the client organization, such as consulting engineers.

What is permitted under the employee and employer negotiation subject?

Only discussion about negotiations with recognized bargaining units, not general employee matters.

What is permitted under the financial and trade secret subject?

Financial information of a private business or any trade secrets they may need to disclose to a public body or agency. General discussion of tax incentives is not permitted.

What is permitted under the student, patient or resident of a state institution subject?

The public body may discuss any matter that may have an impact on the individual's status as a student, patient or resident of a state institution, either in a positive or negative way. The individual may request that any hearing be conducted in an open meeting.

What is permitted under the property acquisition subject?

The public body may only discuss purchasing, not selling, real property. Real property is land with or without structures. A discussion of purchasing equipment or software is not permitted here.

What is permitted under the security subject?

The public body may review security measures for all of the facilities and operations under their control.

Enforcement of the KOMA

What should I do if I think there has been a KOMA violation?

The KOMA can be enforced by anyone – private citizens, the county or district attorney, or the Attorney General. You have three options if you think there has been a KOMA violation.

1. You may file your own case in district court against the members of the public body or agency.
2. You may file a complaint with the county or district attorney.
3. You may file a complaint with the Office of the Attorney General. If you decide to file a complaint with the attorney general's office, you must use the complaint form available online at www.ag.ks.gov.

What if I disagree with the findings of the county or district attorney?

You may file your own case in district court against the members of the public body or agency. The Attorney General will not review the findings of a county or district attorney. That is the role of the courts.

What happens if a violation is found?

That depends upon the situation. If we find that a violation has occurred, depending upon the severity, the typical resolution is to enter into a settlement agreement such as a consent order. We are seeking compliance with the KOMA and assuring that future violations do not occur.

If the circumstances show a pattern of willful disregard of the KOMA rules, we may impose a finding of violation on the public body or agency, or take the individuals responsible to court.

What can the Attorney General do to a violator?

The Attorney General may fine individual members of the public body or agency up to \$500 for each violation, require completion of Attorney General approved training, order the public body or agency to cease and desist from violating the KOMA, require future compliance with the KOMA, and

require submission of proof of compliance. A violation of the KOMA may subject the individual to removal from office by ouster or recall.

What can a court do to a violator?

A court may fine individual members of the public body or agency up to \$500, require completion of Attorney General approved training, order the public body or agency to cease and desist from violating the KOMA, reverse any actions that were taken illegally, and potentially subject the individual to removal from office by recall or ouster.

The court shall award attorney fees and costs to private parties if they bring the action, and the public agency did not act in good faith and with a reasonable basis in law.

The KOMA is a civil statute, not criminal, so the violator will not be sent to jail under the KOMA.

NOTES

Understanding the Kansas Open Records Act (KORA)

The Purpose and Scope of the KORA

What is the purpose of the KORA?

The KORA is a law that permits the public to review or get copies of public records. There are two parts of the law. One part governs the procedure that public agencies must follow when someone requests a public record. The other part categorizes public records and, under certain circumstances, permits an agency to withhold public records.

What are public records?

Public records are records made, maintained, kept by or possessed by a public agency, or any officer or employee of a public agency pursuant to the officer's or employee's official duties, regardless of location, which are related to the functions, activities, programs or operations of any public agency. They may be in any form, including electronic storage and emails. The content of records varies widely; some track the routine activities of government while others contain personal information about citizens and businesses.

Why would a public agency have personal information about citizens and businesses?

Public agencies have regulatory responsibilities that require gathering personal information. Common examples include tax returns, driver's licenses and automobile registration. Many professions are licensed, such as doctors, dentists, cosmetologists, attorneys and accountants to name a few. Personal information is collected as a part of the initial

licensing, but also in case of complaints and investigations.

What types of groups are subject to the KORA?

The KORA applies to State of Kansas agencies and all of the political and taxing subdivisions in Kansas. There are approximately 4,000 groups and organizations that fall into this category. The KORA may also apply to other organizations if they were created or controlled by a public agency or act on behalf of a public agency.

How do you know if a group is going to be subject to the KORA?

That is determined by looking at all of the facts surrounding the creation and operation of the group. We also look at what services are provided by a group. If a group is providing a governmental service, it is more likely they will be subject to the KORA.

The KORA does not apply to the records of private citizens or groups such as church groups, private clubs, private corporations or businesses or any other associations.

Does the KORA apply to court records?

Generally, yes, however the KORA permits the judicial branch to make its own rules for reviewing or obtaining records. Those rules are posted on the Kansas Supreme Court website and at the district courts throughout the state. The KORA does not apply to records made, maintained or kept by individual judges.

Is the KORA the same as the Freedom of Information Act (FOIA)?

No, the FOIA is the federal law that applies to records of the federal government. The FOIA and

the KORA are different laws that have similar provisions, but are not exactly the same.

Procedures for Obtaining Copies of Public Records

How do I request a record?

The best place to begin is with either the public agency's designated record custodian or Freedom of Information Officer. One staff member may fill both roles. In either case, they will assist you with your request.

Do I have to put my request in writing?

A public agency may require you to do that, but not on any particular form. The reason for this requirement is so both you and the public agency are clear on what records you are seeking.

Who can request a record?

Anyone. There is no requirement that the person making the request have any special relationship to the record. There is no special status for any person making a record request, even if the record is about them.

What may the public agency ask of me when I request records?

The public agency may ask you for your name and address. It is optional, but the agency may ask you for some form of proof of your identity.

Do I have to go in person to the place where the records are kept to make my request?

No, you may make your request from anywhere. Many record transactions are handled through the mail or even online.

What do I do if the public agency that has the records doesn't have any full-time staff or regular business offices?

The KORA permits very small public agencies that do not have regular office hours to establish reasonable hours when you can inspect or copy records, but the agency may require 24 hour notice. All of the other requirements for access remain the same.

May I take a public record and have it copied elsewhere?

Not without the record custodian's written permission. If copies cannot be made where the records are kept, the custodian will make arrangements to have a copy made. Public record custodians are required to keep original documents safe, so they will be available for any person who might request that record.

Responding to Record Requests

When can I expect to receive the records?

It depends upon the availability of the records. Some records may be provided at the time they are requested, others may have to be gathered and reviewed before releasing them.

What is the "three day" requirement?

A public agency must act upon your request as soon as possible, but not more than three business days later, beginning the day after the request was received.

Does this mean I will get the records in three days?

No, the public agency must communicate with you within those three days. The public agency may provide the records, or explain that they do not have the records you want, or may inform you that the search or review is underway and will be completed as soon as possible.

Is there a deadline when the records must be given to me?

No, each request and record is unique, although if there is a delay, the record custodian should provide a time estimate to you. Some records may need to be gathered from remote locations. Other records that contain closed portions must be reviewed and appropriately redacted or blacked out.

Does the KORA require that a public agency answer my questions?

No, the KORA only applies to records as they exist at the time you ask for them. If you are asking for information, analysis or an explanation about a policy, you might get them, but not under the rules of the KORA. The KORA does not require an agency to do research for you or provide written answers to your questions.

May I request records that will be created in the future?

No, records not yet in existence are not subject to the KORA. Even though many records are routinely created, such as meeting minutes and monthly financial reports, your request must be made after the records are created and available.

KORA and Fees

May a public agency charge fees for accessing or copying records?

Yes, the KORA permits public agencies to recover their actual costs for gathering and copying records.

What kinds of fees are allowed?

The agency may only charge the direct cost for staff time to gather, review, photocopy and send the records to you. The agency may not charge for overhead or indirect costs.

Is there a standard fee schedule that all public agencies must use?

No, the KORA permits each public agency to establish their fees. However, they must represent their best estimate for actual costs.

May a public agency collect fees in advance?

Yes, the KORA allows public agencies to collect estimated fees in advance. If the actual cost is less, you will be refunded the difference. If it is more, the agency may bill you for the additional costs.

What can I do if I believe the fees are unreasonable?

If the records are from an executive branch state agency under the jurisdiction of the governor, there is an appeal process through the Secretary of Administration. If the records are from another public agency, you may complain to the county or district attorney or the attorney general. If the public agency can justify the fees and the fees are based upon actual costs, then the fees are reasonable.

Prohibited Uses of Public Records

May I use a public record that contains names and/or addresses on it, so I can contact the people on the list to offer goods or services for sale?

No, the KORA prohibits using lists of names and addresses as a marketing tool except in very limited cases, such as professional organizations that offer educational opportunities for licensed individuals.

If I request a public record that contains names and addresses on it, do I have to sign a special form?

Yes, the KORA permits the public agency to require that you certify that you will not use the names and addresses for any prohibited purposes. If you do not sign the form, the public agency does not have to provide you the records.

Record Content and Accessibility

Is there a general rule about public records being open?

Yes, unless a record is specifically closed by law, all public records are open for inspection and any person may view them to make their own notes or ask for copies from the public agency.

How will I know if a record is closed by law?

Ask for a copy of the record you would like to see. If it is closed, the record custodian will tell you and provide you the appropriate source of the law that closes the record.

Who decides that records are closed?

The legislature reviews and approves all the laws that close records. They have adopted general policies for closing public records. They are:

- The public record is of a sensitive or personal nature concerning individuals.
- The confidentiality of the public record is necessary for the effective and efficient administration of a governmental program.
- The public record affects confidential information.

How many records are closed?

There are more than 300 specific records closed by Kansas law. Many other records are closed by federal law. Many of the records that may be closed contain information that individuals and businesses are required to provide to the government, such as tax returns, reports of infectious diseases or private financial information. Federal laws close individual medical records and driver's license information.

Does the record custodian have any authority to release these records?

In some limited cases, yes. The law that closes a record may contain conditions that temporarily close a record or grant the record custodian the discretion to release a record.

For example, sealed bids are closed, but only until the bid contract is awarded, then the records are open. Another example is when the record custodian must use his or her judgment about whether a record contains information of a personal nature and disclosing the information would be an unwarranted invasion of personal privacy.

Enforcement of the KORA

What should I do if I think there has been a KORA violation?

The KORA can be enforced by anyone -- private citizens, the county or district attorney, or the Attorney General. You have three options if you think there has been a KORA violation.

1. You may file your own case in district court against the public agency.
2. You may file a complaint with the county or district attorney.
3. You may file a complaint with the Office of the Attorney General. If you decide to file a complaint with the attorney general's office, you must use the complaint form available online at *www.ag.ks.gov*.

What if I disagree with the county or district attorney's conclusions?

You may file your own case in district court against the public agency. The Attorney General will not review the decisions of a county or district attorney. That is the role of the courts.

What happens if a violation is found?

That depends upon the situation. If we find that a violation has occurred, depending upon the severity, the typical resolution is to enter into a settlement agreement such as a consent order. We are seeking compliance with the KORA and assuring that future violations do not occur.

If the circumstances show a pattern of willful disregard of the KORA rules, we may impose a finding of violation on the public body or agency, or take the individuals responsible to court.

What can the Attorney General do to a public agency if they violate the KORA?

The Attorney General may fine the public agency up to \$500 for each violation, require completion of Attorney General approved training, order the public agency to cease and desist from violating the KORA, require future compliance with the KORA, and require submission of proof of compliance.

What can a court do to a public agency if they violated the KORA?

The KORA provides that a district court in the county where the record is kept may look at disputed records in private and make a decision about what may be released.

The court may order that the documents be produced for you. If the public agency did not have a good faith reason to withhold the records, the court may fine the agency up to \$500 if the action is brought by the county or district attorney or Attorney General.

The court shall award attorney fees and costs to private parties if they bring the action, and the public agency did not act in good faith and with a reasonable basis in law.

KORA is not a criminal statute, so there is no possibility of anyone going to jail for violating KORA.

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Charlie Walker Pitch Challenge



Compete for a chance to win cash prizes up to \$7500!

Learn more and apply at goventuredash.com/competitions/416.

Deadline to enter is **March 10th** at 11:59pm.

The top 10 winners of online competition will compete on **Friday, March 24th** at Kansas Wesleyan University!

THE BENNINGTON
STATE BANK



In partnership with VentureDash, Network Kansas, and StartUp Salina

Charlie Walker Pitch Challenge



'How To Pitch Your Business' Workshop
Tuesday, Feb. 28th | 5:30-7pm

Learn more about the components of a good business pitch, and gain confidence in talking to others about your business!

Join us for this short workshop at KSU-Salina.

Registration is free to the public.



In partnership with VentureDash, Network Kansas, and StartUp Salina



Wednesday, March 1st
5:30 PM – Networking & Refreshments
6:00 PM – Program

The Temple Co-Working; 336 South Santa Fe; Salina

“Startup Salina” is for individuals seeking to start or grow their businesses, entrepreneurs, and services that offer small business resources and support. We meet monthly to make connections, brainstorm ideas, troubleshoot problems, and provide feedback to Salina’s entrepreneur community. Join us on Facebook!

