



AGENDA

Call Regular Council Meeting to Order

Additions to the Agenda

Citizen Comments

A resident may address the Council on subjects that are not on the Agenda. All comments are limited to a maximum of three minutes for each speaker. In accordance with the Open Meeting Act, City Council members may not discuss or take action on any item that is not on the Agenda

Consent Agenda

These items are routine and enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests. Any consent agenda item can be removed and placed on the agenda as an item of business.

1. **Approve Minutes**
 - a. Regular Council Meeting – November 1, 2016.
2. **Appropriation Ordinance**
 - a. Ordinance #11-08-2016 for \$12,266.70
 - b. Ordinance #11-15-2016 for \$69,236.89.
3. **Approve Cindy Friesen's request to reserve the skating rink during 9:30 am to 11:30 am on January 3rd and 9th and 7:30 am – 3:30 pm on March 1st for Elementary Physical Education Class.**

Gregg Wright-EMG-Wind Energy

Solid Waste Contract/Proposals for upcoming year-Unruh Brothers and Nisley

Department Head & Committee Reports

1. **Grocery Store Task Force – Report**
2. **Grant Administrator –Report**
 - ❖ SF Co Economic Development-Grocery Grant
 - ❖ Safety for School Route
3. **Police – Report**
4. **Fire - Report**
5. **City Clerk – Report**
 - ❖ Sentext Solutions
 - ❖ Cities obligations under Fair Labor Standards Act
 - ❖ Christmas Holiday Days Off
 - ❖ Executive Session pursuant to nonelected personnel to discuss employee performance.
6. **Interim-City Superintendent**
 - ❖ Fund received by Purple Wave and Copper.
 - ❖ Replacement Over Head Door at the Power Plant.
 - ❖ Noxious Weed Department's water well.
7. **City Attorney- Report**

Old Business

- ❖ Axman's Land Donation and Sidewalk Project
- ❖ Annexation of Short Stop
- ❖ Dental and Advance Life Insurance.

New Business

November 1, 2016, 7:00 pm | Meeting called to order by Mayor Bobby Stimatz | Alex Robinson opened with prayer.

Attendance

Council members present;

- ⌘ Bobby Stimatz, Mayor
- ⌘ Kevin Davis
- ⌘ Shari Williamson, President
- ⌘ Mark Bryant
- ⌘ Marshal Sanders

Additions to the Agenda- No Additions

- ⌘ Under City Attorney- Five minute executive session under attorney client privilege to discuss health nuisance violation.

Davis moved to approve the additions to the agenda. Seconded by Marshal Sanders. Discussion. Motion carried 4-0.

Citizen Comments-No Comments

Appointment of New Council Member

- ⌘ Mayor Stimatz recommended the appointment of Ryan Christie to fill the vacant city council position.
- ⌘ Mark Bryant expressed his concerns and recommended Datoka Tucker for the position.
- ⌘ There was discussion between council.

Davis moved to approve Stimatz's appointment of Ryan Christie to fill the vacant city council position effective immediately. Seconded by Williamson. Discussion. Motion carried 3-1. Bryant opposed.

- ⌘ Garcia swore in Ryan Christie as the new city council member.

Consent Agenda

- ⌘ Approve Minutes of Regular Council Meeting on 10-18-2016.
- ⌘ Approve Appropriation Ordinance #11-01-2016 in the amount of \$26,237.97.
General-\$6,692.15; Solid Waste Collection-\$9,024.04; Sewer Utility-\$323.25; Water & Light-\$10,198.53

Bryant moved to approve these items included in the consent agenda. Seconded by Sanders. No discussion. Motion carried 5-0.

Committee & Department Head Reports

Grocery Store Task Force- Tonya Sanders, President-No Report

Grant Administrator- Lisa Cornwell-No Report

Police Department-Chief Adam Sayler-No Report

Fire Department-Chief Michael Sanders-No Report

Administration-

City Clerk-La Dona Garcia

- ⌘ Garcia presented the 2017 BCBS City Insurance plan for approval with the addition of dental coverage and increasing the accidental life insurance.
- ⌘ There was discussion between Garcia and Council.

Marshal Sanders moved to approve the 2017 BCBS Elite Insurance plan with the split in cost remaining the same with the city portion at 95% and the employee at 5%. Seconded by Mark Bryant. Discussion. Motion carried 5-0.

- ⌘ The addition of dental insurance and increasing accidental life insurance coverage was tabled until next meeting to allow council to investigate more options.

City Superintendent-

- ⌘ Garcia presented Williamson's report on the status of repairing the damaged city's roofs.
- ⌘ Since the prior contractor, Landwehr Roofing appears to be out of business, consensus of council is to move forward with a new contractor.
- ⌘ Garcia requested guidance on Williamson receiving an offer from Jerry Munden to purchase the old Ditch Witch locator for \$150.00.
- ⌘ Consensus of council is to offer the old Ditch Witch locator up for sealed bids, at that time, Munden can submit a bid.

City Attorney-John D Beverlin II.

Sanders moved for a five minute executive session to include Mayor, council, city attorney, and city clerk pursuant to attorney client privilege to discuss a health nuisance code violator with the open meeting to reconvene at 7:31 pm. Seconded by Bryant. No discussion. Motion carried 5-0.

Mayor Stimatze reconvened the regular council meeting at 7:31 pm

- ⌘ Council directed Beverlin to continue prosecuting the health nuisance violator at 406 W 1st Ave.

Old Business

- ⌘ Garcia reported on the progress of the survey involving both the land with the Axman's sidewalk project and annexation of the Kanza Short Stop.
- ⌘ There was discussion between Garcia, Beverlin, and council.
- ⌘ Garcia presented the corrections to the new Pay Plan for review.
- ⌘ There was discussion between Garcia and council.
- ⌘ With no corrections to be made, Garcia presented Ordinance #1042 adopting the new Pay Plan.

Sanders moved to approve Ordinance #1042 adopting a new reclassify personnel positions and Pay Plan. Seconded by Mark Bryant. No discussion. Motion carried 5-0.

- ⌘ Garcia requested to make the plan available to prior employees whose evaluations have not been completed.
- ⌘ Counsel was in agreement with Garcia's recommendation.
- ⌘ There was discussion about placing a sewer line on Hwy 281. This issue was tabled until November 15, 2016 to allow for more research to be done.

New Business

- ⌘ Bryant had received complaints about the increased population of stray cats.
- ⌘ Chief Saylor advised council on his solution to the problem.
- ⌘ Council directed Chief Saylor to purchase more traps for the public to use.

With no further business, Sanders moved to adjourn the meeting at 7:50 pm. Seconded by Bryant. No discussion. Motion Carried 5-0.

Next regular council meeting will be Tuesday, November 15, 2016, at 7:00 pm.

Bobby Stimatze, Mayor

LaDona S Garcia, City Clerk

APPROPRIATION ORD. #11-08-2016

My Report Subtitle

Tuesday, November 08, 2016

| Check | Vendor | Invoice ID | Invoice Date | Invoice Description | Invoice Amount |
|--------|--------------------------------|------------|--------------|---|----------------|
| 109541 | CITY OF ST JOHN | 11/2/2016 | 11/8/2016 | Reimbursement to City from CDBG - Re: Force Account | \$10,031.70 |
| 109542 | Great Plains Development, Inc. | 11/02/2016 | 11/8/2016 | CDBG #15-PF-070 Final drawdown of CDBG Constructio | \$2,235.00 |
| | | | | | \$12,266.70 |

APPROPRIATION ORD. #11-15-2016

My Report Subtitle

Wednesday, November 09, 2016

| Check | Vendor | Invoice ID | Invoice Date | Invoice Description | Invoice Amount |
|--------|--|-------------|--------------|--|----------------|
| -903 | DIR OF TAX-SALES TAX | 10/2016 | 11/9/2016 | October Sales Tax Return - filing pre-paid monthly (includ | \$2,616.81 |
| 109543 | Allen Aumiller | 884407 | 11/9/2016 | Weld Grate for Storm Drain | \$97.50 |
| 109544 | Assurant Employee Benefits | 11/2016 | 11/1/2016 | November Premium | \$90.10 |
| 109545 | CENTRAL KANSAS SURVEYING & MAP | 16-205 | 11/3/2016 | Boundry Surveying and Legal Description, Field Work, Dr | \$1,569.00 |
| 109546 | CITY OF ST JOHN | 1141 | 11/9/2016 | D. Heller Meter Deposit from old acct. to be applied to ne | \$268.12 |
| 109547 | Class C Solutions Group | 8802382001 | 10/25/2016 | Biodyne Cleaner/Degreaser; Flap disc | \$210.54 |
| 109547 | Class C Solutions Group | 8802382002 | 10/26/2016 | Tubing cutter ridge tools | \$77.98 |
| 109547 | Class C Solutions Group | 8817950001 | 10/18/2016 | Biodyne Cleaner/Degreaser, 55 Gal. - Degreaser for Sew | \$552.79 |
| 109548 | Dirt Road Designs | 200 | 11/6/2016 | 1 Color T-Shirt | \$50.00 |
| 109549 | EMG | 4470 | 11/3/2016 | Key Account & Energy Consulting Agreement | \$489.80 |
| 109550 | Foster & Associates, Planning Consultant | 10/27/2016 | 10/27/2016 | Planning Services: August 25th, 2016 - October 26, 2016 | \$872.15 |
| 109551 | GOLDEN BELT TELEPHONE ASSN. | 10534196 | 11/1/2016 | November internet service | \$127.95 |
| 109552 | Hampel Oil | 90833934 | 10/31/2016 | Police Dept. Fuel | \$455.10 |
| 109553 | HARTER AUTO | 10/31/2016 | 10/31/2016 | October Statement | \$574.16 |
| 109554 | IDA LONG GOODMAN LIBRARY | 11/2016 | 10/31/2016 | Payment to Libarary Board | \$634.94 |
| 109555 | KANSAS DEPT OF AGRICULTURE | 11/2016 | 11/1/2016 | 2017 Renewal - Commercial Pesticide Applicator - Reub | \$50.00 |
| 109556 | KANSAS ONE-CALL SYSTEM, INC., | 6100464 | 10/31/2016 | 9 Locates | \$9.00 |
| 109557 | KANZA CO-OPERATIVE ASSOCIATION | 10/2016 | 10/31/2016 | October Statement | \$1,038.12 |
| 109558 | KRIZ-DAVIS CO. | S101430247. | 10/27/2016 | High base extended range; prewire meter skt | \$1,251.88 |
| 109558 | KRIZ-DAVIS CO. | S101434657. | 10/27/2016 | Alumaform, fiberglass dead end arm | \$1,640.46 |
| 109559 | LEAGUE OF KS MUNICIPALITIES | 16-2329 | 9/6/2016 | 2014 Kansas Local Government Law (Heim) | \$202.04 |
| 109559 | LEAGUE OF KS MUNICIPALITIES | 16-2417 | 9/9/2016 | Labor Law Requirements Poster | \$31.00 |
| 109560 | MIDWEST ENERGY, INC. | 10/2016 | 10/26/2016 | 314,651 kWh | \$47,688.85 |
| 109561 | OFFICE PRODUCTS, INC. | 253497 | 10/30/2016 | Maintenance Agreement | \$129.83 |
| 109561 | OFFICE PRODUCTS, INC. | 705044 | 10/27/2016 | Flags, post it for Utility Clerk | \$10.89 |
| 109561 | OFFICE PRODUCTS, INC. | G05874 | 9/29/2016 | Copy Paper | \$47.50 |
| 109561 | OFFICE PRODUCTS, INC. | G08994 | 10/26/2016 | Binder for City Clerk | \$21.79 |
| 109561 | OFFICE PRODUCTS, INC. | G09468 | 10/28/2016 | White out correction tape | \$26.99 |
| 109562 | Ohio Township | 09/2016 | 11/9/2016 | Road Maintenance and Operator for 9/23/16, 9/26/16, & | \$280.00 |

My Application

This software is registered to My Report Subtitle

11/9/2016 3:57:07 PM

Page 1 of 2

| Check | Vendor | Invoice ID | Invoice Date | Invoice Description | Invoice Amount |
|--------|---------------------------------------|----------------|--------------|--|----------------|
| 109563 | Perkins Marketing Company | PMC00731 | 11/9/2016 | Grocery Store Feasability Study for 109 E. 4th - Dillons B | \$3,450.00 |
| 109564 | Protective Equip. Testing Lab. | 55352 | 10/31/2016 | Cls 1, 14" Yellow Black, Size 10, Chance | \$167.87 |
| 109565 | RC Computers LLC | 2016-234 | 10/24/2016 | Installed 2 new work stations, restored data and set up n | \$450.00 |
| 109566 | SCHULZ CLEANING SERVICE | 11/2016 | 11/15/2016 | City Hall and Witt Center Cleaning Agreements | \$500.00 |
| 109567 | Shred-it USA, LLC | 8121084242 | 10/22/2016 | Shredding Services | \$86.00 |
| 109568 | ST. JOHN LUMBER CO., INC. | 10/31/16 - Po | 10/31/2016 | October Statement - Power Plant | \$132.76 |
| 109568 | ST. JOHN LUMBER CO., INC. | 10/31/16 - Se | 10/31/2016 | October Statement - Pool Supplies | \$70.71 |
| 109568 | ST. JOHN LUMBER CO., INC. | 10/31/16 - Sh | 10/31/2016 | October Statement - Drain Cleaner for City Office sink | \$12.99 |
| 109568 | ST. JOHN LUMBER CO., INC. | 10/31/16 - Str | 10/31/2016 | October Statement - Streets | \$82.02 |
| 109568 | ST. JOHN LUMBER CO., INC. | 10/31/16 - W | 10/31/2016 | October Statement - Water | \$5.39 |
| 109568 | ST. JOHN LUMBER CO., INC. | 10/31/2016 - | 11/4/2016 | October Statement - Electrical | \$24.84 |
| 109569 | STANION WHOLESALE ELE CO | 4184873-00 | 10/26/2016 | Alum-Form - 8' fiberglass deadend | \$274.13 |
| 109569 | STANION WHOLESALE ELE CO | 4189443-00 | 10/21/2016 | Lights for the Fountain | \$66.65 |
| 109570 | Stull, Beverlin, Nicolay, & Haas, LLC | 13742 | 11/4/2016 | October Services | \$2,490.50 |
| 109571 | THE ST JOHN NEWS | 10/12/2016 | 10/30/2016 | Official notice of zoning, ordinance #1041 & 1040 publish | \$156.00 |
| 109572 | Unifirst Corporation | 240 0664872 | 10/27/2016 | Electric Dept. Uniforms | \$41.92 |
| 109572 | Unifirst Corporation | 240 0664880 | 10/27/2016 | Reuben, Chris, Champ, and David uniforms | \$34.12 |
| 109572 | Unifirst Corporation | 240 0666399 | 11/3/2016 | Electric Department Uniforms | \$41.58 |
| 109572 | Unifirst Corporation | 240 0666406 | 11/3/2016 | Reuben, Chris, Champ, David Uniforms | \$34.12 |
| | | | | | \$69,236.89 |

Council:

I would like to make arrangements to reserve the skating rink for the following dates and times.

January 3 - 6 - 9:30 - 11:30 - Elementary Physical Education Classes

January 9 - 13 - 9:30 - 11:30 - Elementary Physical Education Classes

I would also like to reserve the skating on **March 1st**. This is the Junior High Music Festival and I would need the skating rink for most of the day. Once a definite time schedule has been set I will get back to the city office.

Thank-You for your consideration in this matter.

Cindy Friesen
Physical Education Teacher

620-377-7072

Wind Energy Opportunity

Midwest Energy's Financial Consideration of the Offer

- ▶ All bi-lateral purchase offers are a challenge to evaluate in a regional market where all resources are sold into the market and all load purchased out of the market.
- ▶ Chose to evaluate this offer on the basis of:
 - ▶ Cost impact of buying wind energy and selling it into the market (price disparity risk)
 - ▶ Cost impact of curtailment risk
 - ▶ No regrets - small likelihood of an unfavorable outcome

First . . .

An Overview of Curtailment Risk

- ▶ Existing contracts don't fit well in today's regional energy market. Outdated terminology and definitions of curtailment that no longer apply.
- ▶ Proposed contract isn't time-sensitive or market evolution-sensitive.
- ▶ Energy will still be sold into the market at the market clearing price.
- ▶ Curtailment provisions are reduced in ten years as the PTC will expire resulting in a reduction in curtailment risk.

Other Considerations for Wholesale Customers

- ▶ The initial delivered energy price of \$20.88/MWh is attractive today.
- ▶ With the Clean Power Plan looming on the horizon and the reduction in the current PTC that will only increase over time.
- ▶ Ten years from now this wind will still cost \$24.60/MWh; by year 20 it will still be only \$29.61/MWh.
- ▶ The wind price isn't sensitive to natural gas costs. Provides a great hedge. Natural Gas will eventually go up, at least in part because of increased demand resulting from the CPP.
- ▶ While it is difficult to quantify there is little question this wind energy will only become more attractive over time.

SPP Market Impacts

- ▶ Midwest Energy recently purchased 57 MW of the 200 MW Kingman Wind project.
- ▶ Ability to acquire additional capacity up to 7 MW. (Time Sensitive)
- ▶ Project will have two registered market resources of 100 MW each.
- ▶ Midwest Energy will have final say on the offer structure of one of the resources as the majority buyer.
- ▶ Other municipal entities also purchased a portion of the project.
- ▶ Settle all energy via BSS.
- ▶ Will structure agreement as a percentage of output. Easy to allocate and administer contract.

Key Considerations in Selecting a PPA

1. Capacity Factor - More wind = Lower PPA price
2. Location - LMP Pricing and ARR/TCR feasibility
3. Firm Transmission - Z2 Credits and associated charges (if applicable)

Pricing Structure

| Power Purchase Agreement Pricing | | | |
|----------------------------------|----------|----|----------|
| \$/MWh by Year | | | |
| 1 | \$ 20.88 | 11 | \$ 25.07 |
| 2 | \$ 21.67 | 12 | \$ 25.53 |
| 3 | \$ 21.65 | 13 | \$ 26.01 |
| 4 | \$ 22.04 | 14 | \$ 26.49 |
| 5 | \$ 22.45 | 15 | \$ 26.98 |
| 6 | \$ 22.86 | 16 | \$ 27.49 |
| 7 | \$ 23.28 | 17 | \$ 28.00 |
| 8 | \$ 23.72 | 18 | \$ 28.52 |
| 9 | \$ 24.16 | 19 | \$ 29.06 |
| 10 | \$ 24.60 | 20 | \$ 29.61 |

Average price of \$25.00 for term of contract which is equivalent to a \$24 fixed price contract.

Offer structure - Operational Examples

▶ Example 1:

- ▶ LMP at Kingman is \$25
- ▶ Offer Price is \$(35)
- ▶ PTC is \$35
- ▶ PPA strike price \$21

Production share is 1 MW. Result is a payment to Kingman of \$21 and a payment from the SPP market of \$25 resulting in a \$4 gain.

▶ Example 2:

- ▶ LMP at Kingman is \$15
- ▶ Offer Price is \$(35)
- ▶ PTC is \$35
- ▶ PPA strike price \$21

Production share is 1 MW. Result is a payment to Kingman of \$21 and a payment from the SPP market of \$15 resulting in a \$6 loss.

Offer structure - Curtailment Examples

▶ Example 3:

- ▶ LMP at Kingman is \$ (25)
- ▶ Offer Price is \$(35)
- ▶ PTC is \$35
- ▶ PPA strike price \$21

Production is 1 MW as LMP is greater than offer. Result is a payment to Kingman of \$21 and a \$25 payment to SPP. Net loss of \$46.

▶ Example 4:

- ▶ LMP at Kingman is \$ (25)
- ▶ Offer Price is \$(0)
- ▶ PTC is \$0 (initial ten years only)
- ▶ PPA strike price \$25

Production is 0 MW as LMP is less than offer. Result is a payment to Kingman of \$25 and no payment from SPP. Net loss of \$25.

Offer structure - Curtailment Examples

▶ Example 5:

- ▶ LMP at Kingman is \$(50)
- ▶ Offer Price is \$(35)
- ▶ PTC is \$35
- ▶ PPA strike price \$21

Production is 0 MW as LMP is less than offer. Result is a payment to Kingman of \$21 and \$35 (lost opportunity) and no payment from SPP. Net loss of \$56.

▶ Example 6:

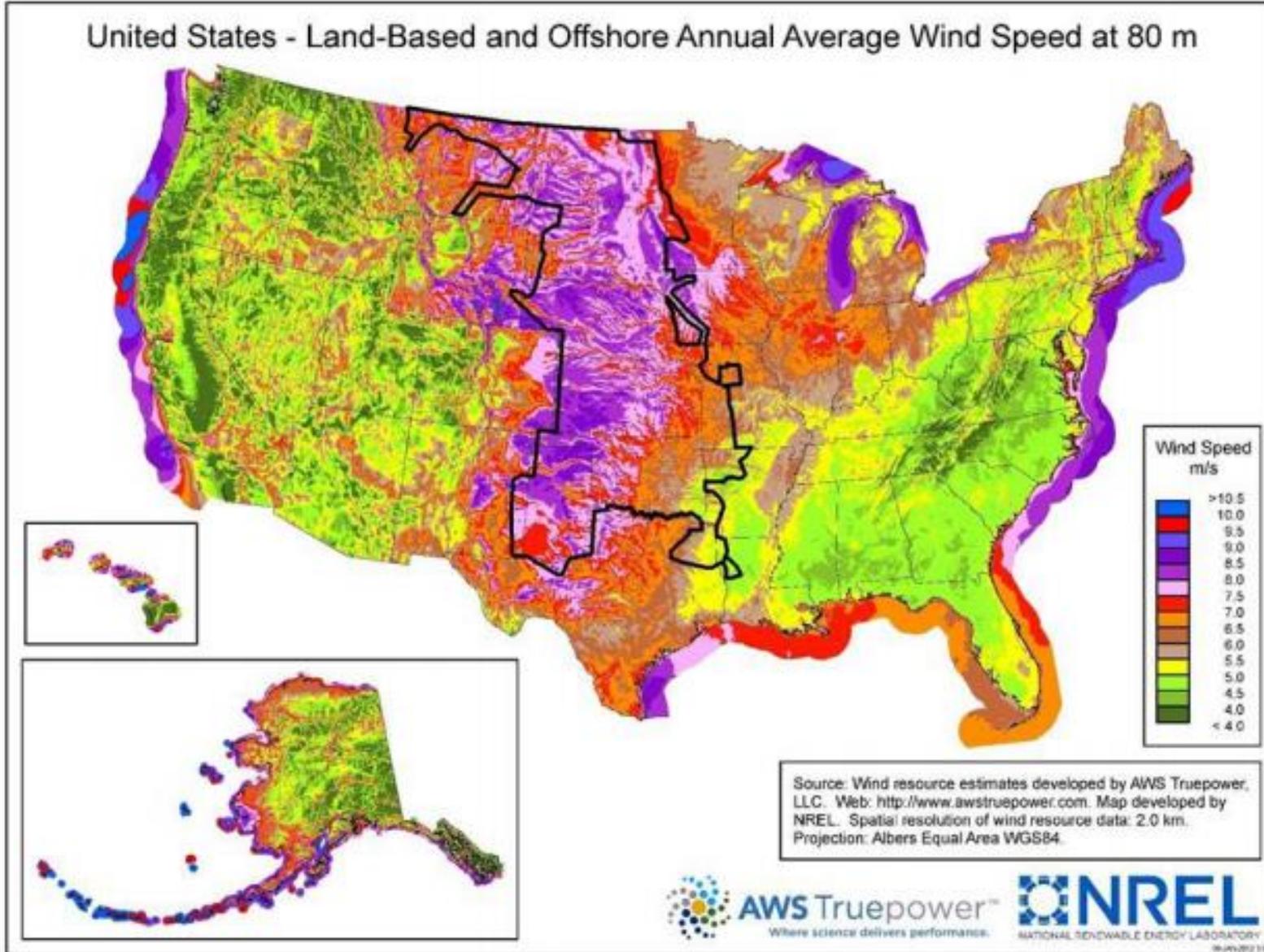
- ▶ LMP at Kingman is \$(50)
- ▶ Offer Price is \$(35)
- ▶ PTC is \$0 (initial ten years only)
- ▶ PPA strike price \$25

Production is 0 MW as LMP is less than offer. Result is a payment to Kingman of \$25 and no payment from SPP. Net loss of \$25.

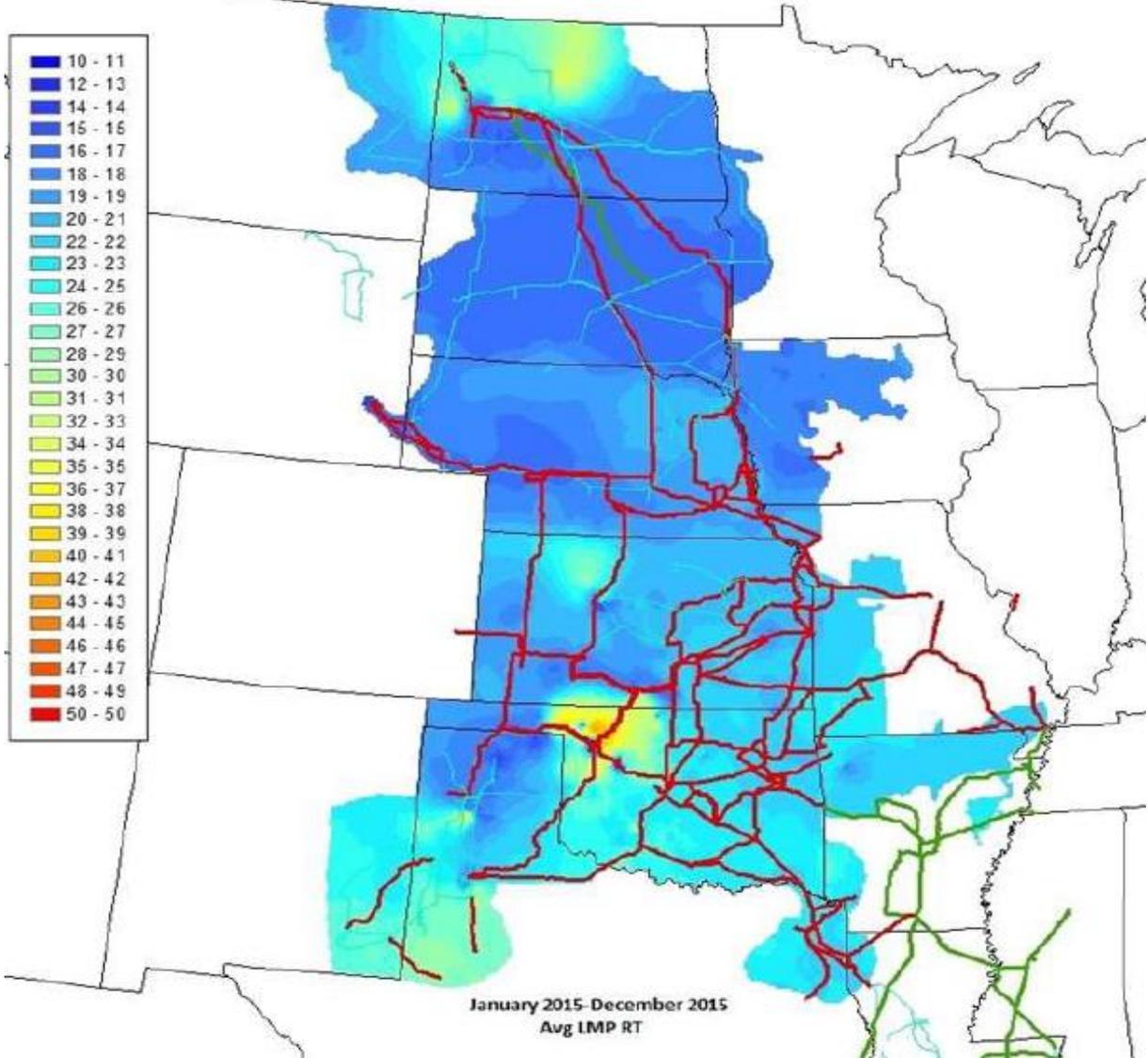
Contract Construction

- ▶ Midwest will receive a market statement for the Kingman Resource.
 - ▶ See Smoky Hill Wind example
- ▶ Determinants will be parsed by subscribed MW.
 - ▶ Example: If total contract with Kingman is 60 MW and a particular city has 1 MW then they would receive $1/60$ of the market credit on the settlement statement and $1/60$ of the production multiplied by the PPA price and any associated curtailment charges.
- ▶ Use existing Contract as a template to incorporate the items discussed today.

Figure 2–29 United States Wind Speed Map



RTBM LMP - 2015



May Off-Peak LMPs

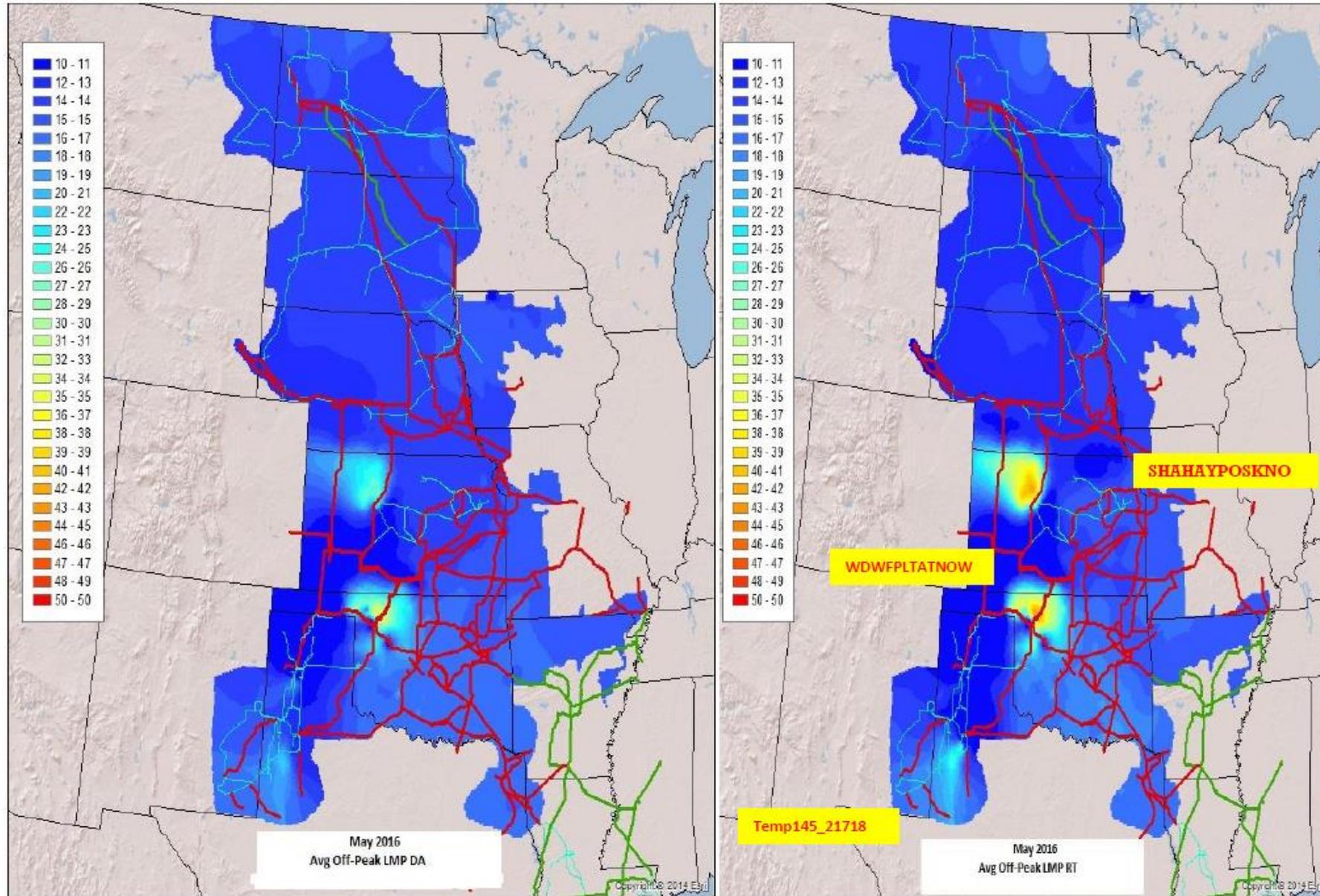
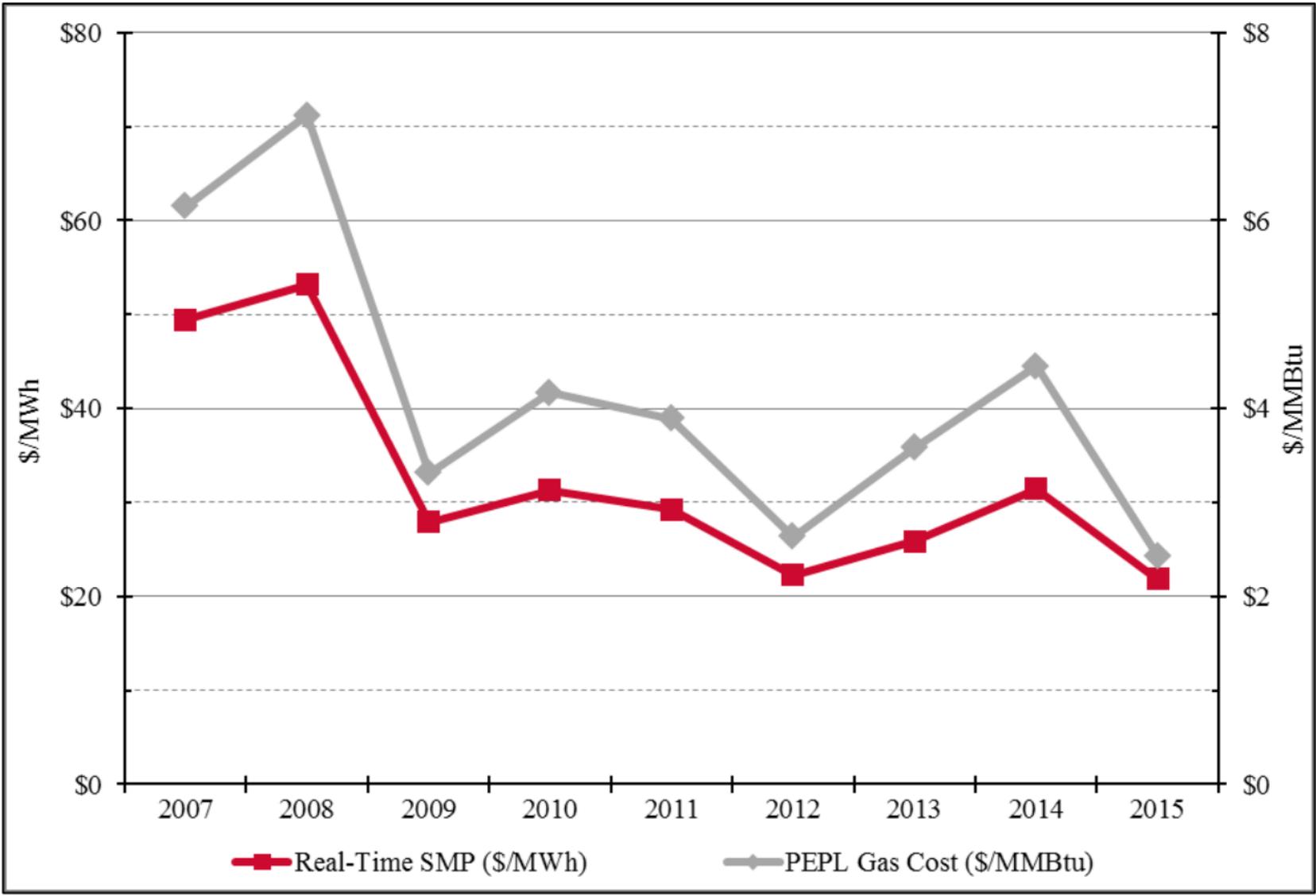


Figure 3–10 Real-Time Energy Price vs. Natural Gas Price, 2007–2015



Conclusions

- ▶ The energy price is quite attractive, and will remain so throughout the life of the contract.
- ▶ While there is added curtailment risk in the first ten years as a result of the PTC, we believe it to be minimal and manageable.
- ▶ The resource isn't in our zone, which is overloaded with wind. Not as likely to see the same volatility in resource pricing.
- ▶ The small amount of capacity attached to the resource carries a value.

Proposal

To: City of St. John

From: Unruh Brothers Waste LLC

Date: November 10, 2016

Subject: 2017 Contract Renewal

I would like to start by thanking the council. The last year has been challenging and very rewarding for UBW. Unruh Brothers Waste has grown at an unexpected rate since the contract signing with your city almost a year ago. We came to the table with nothing but a little knowledge and very strong work ethic. St. John took a chance on our new company and for that we are grateful. The last year has been very educational to say the least. Shawn and myself look forward to improving our service and moving forward with our relationship with St. John.

For the 2017 agreement we would like to work on a few things. UBW is not sure how to fix or exactly what steps to take to at least improve the waste situation in town. We first would like to start by enforcing the ordinance at a more strict level. The ladies in the office have been more than wonderful to work with always ready to send out notice or fix any issues we may have. A few citizens of St John refuse to listen or adapt to any notice given. This being said we would like to negotiate either a price increase or simply having the council stand behind us to nudge citizens into working with us better. No matter how many letters sent in regards to shutting lids or even having lids on containers Shawn and I continue to dump countless containers full of rainwater. This increases our landfill haul by roughly 2-3 tons per week. We are open for suggestions as St. John is a big part of our success and we want to continue to work with the city.

In closing the next year should bring great changes, we feel the rough road has smoothed and the next year UBW can get more involved with city functions. We are working on doing a Christmas giveaway of some sort and continuing to help maintain a clean environment for citizens to enjoy. Thank you again, we look forward to years of service to St John and our new friends.

Sincerely

Grant and Shawn Unruh

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Log in any time of day to see your database activity, get a message out to your customers, even set up a campaign to launch at a later date!

Unlimited message campaigns

Promotions, events, schedule updates – we know you have a lot of news to share, and our platform allows you to reach out to your customers without restrictions on frequency or recipients. You can even have multiple campaigns running at the same time to get customized messages to the lists most interested in hearing from you!

Unlimited customer database

There's no limit to the number of people you can add to your list.

As your customers opt in to join your program, your database will continue to grow without restriction.

Unlimited keywords

Customers join your program by texting in a unique keyword chosen by you.

Every keyword is assigned to a specific campaign and database, so you can customize your lists based on the information your audience wants to hear from you!

Unlimited custom signage designs

**GIFT NEW
SPECIAL
DEAL PUB
DISCOUNT SAVE
PIZZA LOYALTY**

Our in-house design team will use your ideas to create eye-catching signage to invite your customers to join your program.

If at any time you want to update your offer or change the style, we'll work with you to revise your materials.

Recent Posts

- Kids Send A Mind Boggling Number Of Texts Every Month
- Americans Send 69,000 Texts Every Second
- SMS MARKETING : STATISTICS
- Texting Statistics
- 10% of Mobile Time Devoted to Social Networking, 20% to Messaging

From Our Clients

"If you have something important to say to all of your customers, and fast, this is one of the absolute best ways to do so."

– Grace Lee
Salon Coordinator



Real-time reporting system



Real time reporting allows you to see just how the program is working for you! Our reports are easy to use and allow you to track every aspect of your account – all incoming and outgoing messages, your customer database and much more!
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MORE

The SenText Difference

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MORE



Low Cost Customer Text Marketing Service Keeps Customers Informed and Interested

Unlimited SMS Messages and Powerful Campaign Management Tools
New Products, Reminders, Boost Your Traffic in Slow Periods, New Locations, New Hours, New Services, Happy Hour Specials.

We turn existing customers into increased profit

Dedicated account executive

You know text. **We make it work.**

Build Successful Text-based promotional marketing strategies

Texts lead to repeat customers who drive revenue

Unlimited mobile coupons and event reminders

Connect instantly with opt-in customers nearby.

Bring your existing customers back more often!

Keep your customers informed.

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UNITED STATES DEPARTMENT OF LABOR

Overtime for White Collar Workers Overview and Summary of Final Rule

One of the most basic tenets of our economy is that a hard day's work should lead to a fair day's pay. For much of the past century, a cornerstone of that promise has been the idea that you're paid more if you work more than 40 hours in a week. Today, we are taking action that will make that promise a reality again for more of America's workers, too many of whom have been left working long hours for no additional pay, taking them away from their families and civic life without any extra compensation.

It wasn't always this way. The passage of the Fair Labor Standards Act gave most Americans the right to a minimum wage and time-and-a-half pay for more than 40 hours of work in a week. These rules apply to most hourly and salaried workers, but not to some white collar workers whose salaries and duties exempt them from the overtime pay requirement.

The white collar exemption was originally meant for highly-paid workers who had better benefits, job security and opportunities for advancement. Unfortunately, when left unchanged, the salary threshold is eroded by inflation every year. It has only been updated once since the 1970s—in 2004, when it was set too low. As a result, the threshold fails to help employers identify workers who are entitled to overtime pay, and it has left millions without overtime protections to which they should be entitled. This outdated salary threshold provides overtime protections to just 7 percent of full-time salaried workers today based on their pay, compared with 62 percent in 1975. In fact, the white collar exemption salary level set in 2004, \$455 per week or \$23,660 a year—means even workers earning less than the poverty line for a family of four may earn too much to automatically qualify for overtime.

In March 2014, President Obama directed the Secretary of Labor to update the overtime regulations to reflect

once again the intent of the Fair Labor Standards Act, and to simplify and modernize the rules so they're easier for workers and businesses to understand and apply. The Department of Labor conducted months of extensive consultations with employers, workers, unions, and other stakeholders to develop the proposed rule, and it carefully reviewed more than 270,000 comments from the public in order to develop the final rule.

Today, President Obama and Secretary Perez announced that the Department of Labor's final rule will automatically extend overtime pay eligibility to 4.2 million workers. The rule will entitle most salaried white collar workers earning less than \$913 a week (\$47,476 a year) to overtime pay. This long-awaited update will provide a meaningful boost to workers, and it will go a long way toward realizing President Obama's commitment to ensuring every worker is compensated fairly for their hard work.

The final rule will:

- **Put more money into the pockets of many middle class workers—or give them more free time.** By increasing the number of workers who are eligible for overtime when they work more than 40 hours in a week, employers will have a choice. They can either increase their employees' salaries to at least the new salary threshold, pay workers the overtime premium for extra hours, or limit their work to 40 hours in a week.
- **Prevent a future erosion of overtime protections and ensure greater predictability.** The rule will automatically update the salary threshold every three years based on wage growth over time. This means it will work better in the future by continuing to protect the workers it was meant to protect. Employers will be able to adapt more easily because they will

know when the salary updates will happen and how they will be calculated, and they will be able to estimate the amount of the salary update.

- **Strengthen overtime protections for salaried workers already entitled to overtime and provide greater clarity for workers and employers.** Establishing that white collar workers are not entitled to overtime pay involves clearing two hurdles: (1) assessing whether their salary is above the threshold and (2) applying a “duties test” to ensure that they have the kind of job that Congress meant to exclude from overtime protections. With the new, higher threshold, 8.9 million overtime-eligible salaried workers—and their employers—will be able to determine more easily that they should be receiving overtime pay. Because their salaries are below the new threshold, their employers will no longer have to figure out whether they pass the “duties test,” and they will no longer have to wonder if that test has been applied appropriately. This will simplify application of the rules and provide a bright line that protects the set of workers our workplace laws intended to protect.
- **Improve work-life balance.** Too many salaried, white collar workers today are overworked, and their employers have no incentive to limit hours because they aren’t required to provide additional pay when employees work more hours. Under this rule, employers will have a renewed monetary incentive to support work-life balance. Many workers will put in fewer hours without seeing a reduction in pay, giving them more time to spend with their families and in their personal pursuits.
- **Increase employment by spreading work.** The better work-life balance for workers who will now be eligible for overtime protection may create new opportunities for other workers. Some employers will hire additional workers—or give more hours to part-time workers—to cover work currently done during overtime hours.
- **Improve workers’ health.** Research indicates that working long hours is bad for many workers’ health and increases the risk of injury. Giving workers more downtime can help improve health and prevent injury.
- **Increase productivity.** The rule will promote improved productivity through workers’ improved morale and reduced turnover.

Summary of the final rule:

- **Salary threshold.** The final rule will raise the salary level for the first time since 2004. This increase will go into effect on December 1, 2016.
 - **Standard salary level.** The final rule will raise the standard salary threshold to equal the 40th percentile of weekly earnings for full-time salaried workers in the lowest-wage Census region, currently the South. This will raise it from \$455 a week to \$913 a week (\$47,476 for a full-year worker). This means that 35 percent of full-time salaried workers will be automatically entitled to overtime, based solely on their salary.
 - **Highly Compensated Employees (HCE) salary level.** The rule also updates the total annual compensation level above which most white collar workers will be ineligible for overtime. The final rule raises this level to the 90th percentile of full-time salaried workers nationally, or from the current \$100,000 to \$134,004 a year.
- **Automatic updates.** Every year that the threshold remains unchanged, it covers fewer and fewer workers as wages overall increase over time. The Department’s final rule will fix this by automatically updating the salary threshold every three years, beginning January 1, 2020. Each update will raise the standard threshold to the 40th percentile of full-time salaried workers in the lowest-wage Census region, estimated to be \$51,168 in 2020. The HCE threshold will increase to the 90th percentile of full-time salaried workers nationally, estimated to be \$147,524 in 2020. The Department will post new salary levels 150 days in advance of their effective date, beginning August 1, 2019.
- **Bonuses, incentive payments, and commissions.** The final rule will allow up to 10 percent of the salary threshold for non-HCE employees to be met by non-discretionary bonuses, incentive pay, or commissions, provided these payments are made on at least a quarterly basis. This recognizes the importance these forms of pay have in many companies’ compensation arrangements, particularly for managerial employees affected by the final rule. This is a new policy that responds to robust comments received from the business community on this matter.

- **Duties test.** The final rule does not make any changes to the “duties test” that determines whether white collar salaried workers earning more than the salary threshold are ineligible for overtime pay. But fewer employers and workers will have to worry about its application because the higher salary threshold means more workers’ entitlement to overtime pay will be clear just from their salaries. For workers with salaries above the updated salary level, employers will continue to use the same duties test to determine whether or not the worker is entitled to overtime pay.

Impacts of the rule:

- **Workers directly affected.** 4.2 million salaried workers will be affected by this rule based on their salaries. These workers are currently ineligible for overtime. The Department estimates that most of them (4.1 million) will become eligible for overtime when they work more than 40 hours (i.e., they will be converted to overtime-eligible status), while others (100,000) will receive a raise so that their salary is above the new threshold.
 - o Most of these workers will be affected by the standard salary level. However, 65,000 will be affected due to the HCE level alone; of those, 64,000 will become newly eligible for overtime while 1,000 will remain exempt because their employers are expected to raise their salaries above the new HCE threshold.
- **Workers indirectly affected.** 8.9 million salaried workers (3.2 million blue collar and 5.7 million white collar workers) are currently eligible for overtime because, although their salaries are above the current salary threshold, their duties do not meet the exemption for executive, administrative, or profession-

al workers. Under the final rule, their eligibility for overtime will become clearer because their salaries will fall below the new threshold—and no assessment of their duties will be necessary. Of the 5.7 million white collar workers, approximately 732,000 are overtime-eligible, but their employers don’t recognize them as such and so do not pay them the overtime they deserve when they work more than 40 hours. This update will give all of these workers the peace of mind in knowing they are properly classified as eligible for overtime.

- **More income for working Americans.** As a result of this rule, an extra \$1.2 billion a year will go into workers’ pockets (those earning between \$455 and \$913 a week). These benefits will flow to many middle class workers and their families.
 - o More than half (56 percent) of affected workers are women.
 - o 61 percent are age 35 or older.
 - o 82 percent have at least some college, and more than half (53 percent) have a college degree or more.
 - o In addition, 2.5 million children have at least one parent who will gain overtime protections or get a salary raise.
- **More appropriate salary threshold.** While the current threshold (\$455) is less than the poverty level for a family of four and just 1.6 times the federal minimum wage, the new standard salary is much more appropriately set. It will be 3.1 times the federal minimum wage for a full-time worker and twice the poverty level for a family of four.

For more information on the Overtime Final Rule, see www.dol.gov/overtime.