

CITY COMMISSION MEETING

January 6, 2021 at 1:30 PM

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS

Agenda

Meeting Items

1. Members Present:
2. Consent Agenda
3. Public Comment
 - A. Proclamation Recognizing Catholic Schools Week from January 24-30.
4. Accept Petition for the Establishment of a CID District for the Flint Hills Crossing Development and Approve Resolution Setting Public Hearing Date.
5. Report from City Manager on Activities
6. City Commission Reports and Comments
7. State of the City Speech.
8. Adjourn Sine Die.
9. Business Meeting.
 - A. Elect Mayor and Vice Mayor.
 - B. Approve Surety Bonds for City Manager, City Clerk and City Treasurer.
 - C. Designate the Emporia Gazette as the Official City Newspaper.
 - D. Designate Financial Institutions.
Appoint Commission Members to RDA, JEDAC, Recreation Commission, Community Foundation Board, William Allen White Community Partnership, Emporia Enterprises, Emporia Convention and Visitors Advisory Board, Joint City/County Facilities and Services Community Board, and Emporia Main Street Board.
 - E.
 - F. Adjourn Meeting.



**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact City of Emporia Jeff Lynch, ADA Coordinator at least 48hours before the event at 620-343-4285 or jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: January 6, 2021

Consent Agenda

SUBJECT:

Consent agenda:

The items listed on the Consent Agenda are considered by the Governing Body to be routine business items.

Approval of the items may be made by a single motion, second and majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, at his/her request, it will be removed from the Consent Agenda and considered separately.

- a. Consider minutes of the Regular Meetings held on December 16 and December 30, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on December 18, 2020.

RECOMMENDATION:

- a. Approve Minutes
- b. Approve Payroll

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: January 6, 2021

ITEM NUMBER: 3

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

- Proclamation Recognizing Catholic Schools Week on January 24-30 in Emporia, Kansas.
To accept-Darby O'Neill, Principal Sacred Heart Catholic School.

Citizen Appearance Procedures

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinions shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____



PROCLAMATION

WHEREAS, each year the Archdiocese of Kansas City in Kansas designates one week during the year to highlight Catholic Schools and in 2021, the week of January 24th through January 30th; and

WHEREAS, since 1881, Sacred Heart has had a Catholic School and today Sacred Heart Catholic School is an example that religion-based school can withstand the test of time and change; and

WHEREAS, a Catholic school education is highly valued and has played a significant role in the lives of many families; and

WHEREAS, the presence of a Catholic school in our community has proven to be an additional amenity and incentive in the education of the youth of the City of Emporia; and

WHEREAS, Sacred Heart Catholic School is proud to be where students consistently work to their full potential; and

WHEREAS, the school has open enrollment and welcomes students from other communities and other religions; and the intimate environment at Sacred Heart School affords each child personal attention and promotes individual success, self-esteem and growth; and

WHEREAS, the legacy of Sacred Heart School will live on for many years thanks to dedicated administrators, teachers and students as well as a very supportive community.

NOW THEREFORE, I, Danny Giefer, Mayor for the City of Emporia, do hereby proclaim January 24th through January 30th, as

Celebrating Catholic Schools Week

In Emporia, Kansas.

On this 6th Day of January 2021

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: January 6, 2021

ITEM NUMBER: 4

SUBJECT: Accept Petition for the Establishment of a CID District for the Flint Hills Crossing Development and Approve Resolution Setting Public Hearing Date.

RECOMMENDATION: Approve Petition & Resolution

BACKGROUND SUMMARY:

The developers of the Flint Hills Crossing Development have submitted the statutory petition triggering the establishment of the Flint Hills Crossing Phase 1 CID District. Acceptance of the petition allows the City to move forward with calling for a public hearing on the project which is scheduled for February 3rd.

The state statute requires two publications of the hearing notice with additional publication requirements regarding timing between notices and before the hearing itself. The first publication is scheduled for January 19th and the second is scheduled for January 26th. The notice of hearing does not bind the City to any final action regarding the establishment of the district. We may request additional information at any time before final action.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

**PETITION FOR CREATION OF THE FLINT HILLS CROSSING COMMUNITY
IMPROVEMENT DISTRICT**

TO: The City of Emporia, Kansas (the "City")

We, as owner of record of 100% of the property for the proposed community improvement district ("CID1") for phase I described herein, do hereby request that a CID be created pursuant to K.S.A. 12-6a26 through K.S.A. 12-6a36, inclusive, as amended (the "Act"), in conformance with the following:

(A) The general nature of the proposed project, consists of the commercial development of approximately 11 acres of real property located at the northwest corner of the existing I-35/State Hwy 50 offramp and Graphic Arts Road, located within the City (the "Project"). The Project is anticipated to include the construction of an approximately 9,545 sq. ft. gas/convenience store and associated public infrastructure improvement.

(B) The Project is estimated to cost \$6,870,773.61, with the public infrastructure improvements (i.e. street and stormwater improvements) accounting for \$1,871,639.38 of such costs. The City, at its sole cost and expense, has agreed to construct the public infrastructure improvements associated with the Project; provided, however, \$935,819.69 of such costs shall be reimbursed to the City from the revenues generated by the CID1 sales tax. CID1 sales tax revenues may also be used to reimburse the developer or the City, as applicable, for additional City administrative fees and other City expenses.

(C) The proposed method of financing the Project is 100% from a sales tax imposed pursuant to the Act on a "pay as you go" basis and funds of the developer of the Project or the City. No special assessments are requested to be imposed pursuant to the Act.

(D) The proposed amount of CID1 sales tax is 1.00%.

(F) A map showing the boundaries of the CID1 attached hereto as **Exhibit A**.

(G) A legal description of the boundaries of the proposed CID1 is attached hereto as **Exhibit B**.

Petitioner acknowledges that (1) an authorization of the Project requested by this Petition by the governing body of the City shall be deemed an authorization of the Project solely for purposes of K.S.A. 12-6a26 *et seq.* and does not constitute an approval or authorization of the Project by the governing body of the City for purposes of zoning, planning or any other purpose, (2) the City is entitled to rely on the costs estimates provided in this Petition for the purpose of approving such estimates under K.S.A. 12-6a26 *et seq.* without making independent investigation and (3) the implementation of a CID created by the City pursuant to this Petition will be subject to the terms of a development agreement to be entered into between the City and the current owner of the property proposed to be included in the district or its successors or assigns.

[Remainder of page intentionally left blank; Signature page to follow]

Names may not be withdrawn from this Petition by the signers thereof after the governing body commences consideration of this Petition or later than seven (7) days after the filing hereof, whichever occurs first. The signers of this Petition specifically consent to the levy of assessments (if any) described in this Petition without regard to benefits conferred by the project on property owned by each signer.

Signatures of corporations, partnerships or other entities (non-individuals) owning property in the district:

Property owned in the proposed district: Approximately 11 acres at the northwest corner of the existing I-35/State Hwy 50 offramp and Graphic Arts Road in Emporia, Kansas
(Tax Parcel No: EA07659A1)

CSJD, LLC

(Name of entity)

By: [Signature] (signature)

Name: Thomas Krueger (type or print name)

Title: President

Date: 12/29/20

Verification

Subscribed and sworn to before me this 29th day of December 2020

[Signature]
Notary Public in and for said
County and State

[Seal]

My Commission Expires: _____



The Bailey Group, LP
(Name of entity)

By: Jeffrey P DeBorja (signature)

Name: Jeffrey P DeBorja (type or print name)

Title: Ms Mbr PFF LLC - Gen Partner

Date: 12/29/20

Verification

Subscribed and sworn to before me this 29th day of December 2020

Michele Cleary-Bright
Notary Public in and for said
County and State

[Seal]

My Commission Expires: _____



RECEIPT BY CITY

THIS PETITION filed in my office the ____ day of _____, 2021

Title: _____

EXHIBIT A

MAP OF COMMUNITY IMPROVEMENT DISTRICT (CID1)

TRACT A + RIGHT OF WAY

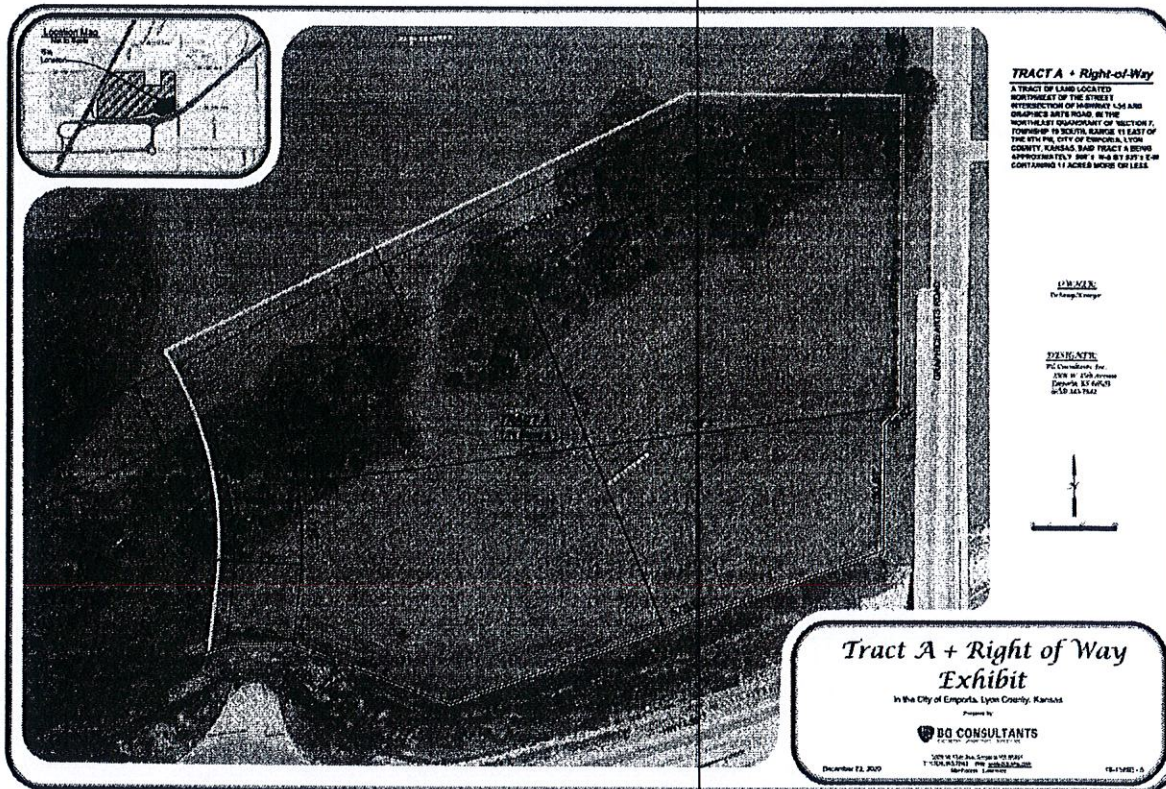


EXHIBIT B

LEGAL DESCRIPTION OF COMMUNITY IMPROVEMENT DISTRICT

CID1: TRACT A + RIGHT OF WAY

A TRACT OF LAND LOCATED NORTHWEST OF THE STREET INTERSECTION OF HIGHWAY I-35 AND GRAPHICS ARTS ROAD, IN THE NORTHEAST QUADRANT OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH PM, CITY OF EMPORIA, LYON COUNTY, KANSAS, SAID TRACT A BEING APPROXIMATELY 560' +/- N-S BY 835' +/- E-W CONTAINING 11 ACRES MORE OR LESS.

RESOLUTION NUMBER _____

**A RESOLUTION TO PROVIDE NOTICE OF A PUBLIC HEARING ON THE
ADVISABILITY OF CREATING THE FLINT HILLS CROSSING COMMUNITY
IMPROVEMENT DISTRICT**

WHEREAS, K.S.A. 12-6a26 through K.S.A. 12-6a36, inclusive, as amended (the “Act”), authorize the governing body of any municipality to adopt an ordinance establishing a community improvement district (“CID”) after receipt of a proper petition and holding a public hearing thereon;

WHEREAS, on December 29, 2020, the petition to establish the Flint Hills Crossing Community Improvement District was filed with the City Clerk (the “City Clerk”) of the City of Emporia, Kansas (the “City”);

WHEREAS, the petitioners request the formation of a CID for the purpose of financing project costs eligible for reimbursement pursuant to the Act (the “Project”) within the District; and

WHEREAS, the cost of the Project is estimated to be \$6,870,773.61, with \$935,819.69 financed through CID revenues over the life of the district; and

WHEREAS, the petitioners propose financing the eligible Project costs through pay-as-you-go financing; and

WHEREAS, the petitioners propose levying a one percent (1.0%) community improvement district sales tax on retail sales within the district; and

WHEREAS, a boundary map of the proposed District is attached hereto as Exhibit A; and

WHEREAS, the legal description of the proposed district is attached hereto as Exhibit B; and

WHEREAS, pursuant to the Act, on February 3, 2021, the Board of Commissioners will hold a public hearing on the advisability of creating or modifying the proposed Flint Hills Crossing Community Improvement District.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the City of Emporia, Kansas:

1. That the City Commission shall hold a public hearing on the advisability of creating the Flint Hills Crossing Community Improvement District in Emporia, Kansas on the 3rd day of February 2021 at 1:30 p.m., in the Municipal Court Room/City Commission Room located at 518 Mechanic Street, Emporia, Kansas.
2. That the City Clerk shall cause notice of the public hearing to be published at least once each week for two consecutive weeks, with the second publication occurring at least seven days prior to the hearing, in the newspaper.

3. That the City Clerk shall cause notice of the public hearing to be sent by certified mail to all owners within the proposed district at least ten days prior to the hearing.

4. That this resolution shall be in full force and effect from and after its adoption.

Adopted by the Board of Commissioners and signed by the Mayor this 6th day of January 2021.

Danny Giefer, Mayor

(SEAL)

ATTEST: _____
Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: January 6, 2021

ITEM NUMBER: 5

SUBJECT: Report from the City Manager on City Activities

RECOMMENDATION: This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public with information that may be of general interest.

BACKGROUND SUMMARY: This is an opportunity to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for January 13th Study Session

- Discuss Pickle Ball Court Agreement.
- Recycling Contract Discussion.
- Sewer System Connection Policy.
- Post Construction Stormwater Ordinance Discussion.
- Discuss CVAB Appropriations.

ACTION RECORD

Action: _____

Motion: _____ **Second:** _____

Abstained: _____ **Vote:** _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: January 6, 2021

ITEM NUMBER: 9

SUBJECT: Business Meeting

RECOMMENDATION:

BACKGROUND SUMMARY:

- a. Elect a Mayor for the coming year. Traditionally the person serving as the Vice Mayor has been elected Mayor. This is not a statutory requirement but has been a tradition of the City of Emporia similar to many cities in Kansas. Elect a Vice-Mayor for the coming year. In the past, this position has been filled based on results of the most recent local election. Once again, no statutory requirement exists for this process.
- b. Approve surety bonds for the City Manager, City Clerk and City Treasurer. The City has obtained the surety bonds from Cincinnati Insurance Co. for the 2020 fiscal year.
- c. Designate the Emporia Gazette as the official newspaper, per K.S.A. 12-1420. The City is required by State law to designate an official newspaper, which must have a general circulation in the City. All public hearing and meeting notices, emergency orders, and other official notices must be published in the official newspaper.
- d. Designate the following financial institutions to serve as depositories of funds of the City of Emporia, per K.S.A. Supp. 9-1401:
 - Citizens State Bank
 - Community National Bank & Trust
 - ESB Financial
 - Lyon County State Bank
- e. Appoint one member of the Governing Body to serve as a representative to the following Boards:
 - RDA – appoint one person to serve as the City Commission representative on the Regional Development Association of East-Central Kansas Board. Traditionally a City Commissioner is the annual appointment. The Board consists of one City appointee plus one City Commissioner, one County appointee plus one County Commissioner, one appointee by the Chamber of Commerce Board, one appointee by the Emporia Enterprises Board, and one at-large appointee selected by the RDA Board. Ex officio members include the City Manager, City Attorney, County Counselor, Emporia State University President, Flint Hills Technical College President, and one appointee by the Main Street Board. Comm. Geitz is the City Commission's current representative.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

- JEDAC – appoint one member to participate in the activities of the Joint Economic Development Advisory Council. The Council is made up of one City Commissioner, one County Commissioner, one School Board member, Emporia State University President, Flint Hills Technical College President, Newman Regional Health Board Chairman, Chamber of Commerce Chairman, and Emporia Enterprises Chairman. Ex officio members include the City Manager, Chamber President, RDA President, County Counselor, School Superintendent and Newman Regional Health CEO. Comm. Brinkman is the City Commission's current representative.
- Recreation Commission – appoint one member to serve as the City Commission representative. The Recreation Commission Board consists of two City appointees plus a City Commissioner, two School Board appointees plus a School Board member, and one at-large appointee selected by the Recreation Commission Board. Comm. Giefer is the City Commission's current representative.
- Emporia Community Foundation Board – appoint one member to serve as the City Commission representative. The City has accounts at the Foundation and is entitled to one appointee from the Commission. Commissioner Smith is the City Commission's current representative.
- WAW Community Partnership – appoint one member to participate in the William Allen White State Historic Site Community Partnership Board. The City is entitled to one seat on the Board, which has to date always been a City Commissioner, but is not required to be. Comm. Smith is the current City Commission representative.
- Emporia Enterprises-appoint one person to serve as the City Commission representative on the Emporia Enterprises Board. The City is entitled to one appointee from the Commission. Comm. Gilligan is the City Commission's current representative.
- Emporia Convention & Visitors Advisory Board-appoint one person to serve as the City Commission liaison to the Emporia Convention and Advisory Board. The City is entitled to one appointee from the Commission. Comm. Brinkman is the City Commission's current representative.
- Joint City/County Facilities and Services Community Board-appoint one person to serve as the City Commission representative on the Joint City/County Facilities and Services Community Board. The City is entitled to one appointee from the Commission. Comm. Gilligan is the City Commission's current representative.
- Emporia Main Street Board-appoint one person to serve as the City Commission representative on the Emporia Main Street Board. The City is entitled to one appointee from the Commission. Currently the City Commission has no appointee.

f. Adjourn Meeting

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____